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42.91 (a)(14(ii)(d) revised 37574
61.3 (c) revised 30114
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102 Technical correction 34743
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DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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*The Defense and Transportation Departments have submitted magnetic tapes containing the text of the agency's Systems of Records. The full printed text will appear in the *Privacy Act Issuances, 1976 Compilation*, that is being published by the Office of the Federal Register under § 3 of the Privacy Act.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 327..... Pub. Law 94–422

To amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes (Sept. 28, 1976; 90 Stat. 1313)

Table of Effective Dates and Time Periods—October 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month. All January dates are in 1977.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 18	November 1	November 15	November 30	December 30
October 4	October 19	November 3	November 18	December 3	January 3
October 5	October 20	November 4	November 19	December 6	January 3
October 6	October 21	November 5	November 22	December 6	January 4
October 7	October 22	November 8	November 22	December 6	January 5
October 8	October 26	November 8	November 22	December 7	January 6
October 12	October 27	November 11	November 26	December 13	January 10
October 13	October 28	November 12	November 29	December 13	January 11
October 14	October 29	November 15	November 29	December 13	January 12
October 15	November 1	November 15	November 29	December 14	January 13
October 18	November 2	November 17	December 2	December 17	January 17
October 19	November 3	November 18	December 3	December 20	January 17
October 20	November 4	November 19	December 6	December 20	January 18
October 21	November 5	November 22	December 6	December 20	January 19
October 22	November 8	November 22	December 6	December 21	January 20
October 26	November 10	November 26	December 10	December 27	January 24
October 27	November 11	November 26	December 13	December 27	January 25
October 28	November 12	November 29	December 13	December 27	January 26
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AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

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DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
HMOO—Hazardous Materials Operations Office
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Materials Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

presidential documents

Title 3—The President

PROCLAMATION 4465

Country Music Month, 1976

By the President of the United States of America

A Proclamation

Country music is a descriptive and entertaining chronicle of American life. The melodies and lyrics of a country song are drawn from the very heart of America and its people.

The music reflects the joys and sorrows of daily life and it reminds us that truth, compassion and moral character should guide our actions and shape our beliefs.

Country music is the spirit of America in song. It has grown in popularity among a wide range of people in all walks of life. It is a uniquely American art form which will flourish as long as the story of our Nation is the story of common people. It is fitting that we pay tribute to the music, to the hundreds of talented people who perform it and to the millions more who enjoy it.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, designate October 1976 as Country Music Month, and encourage all Americans to commemorate this designation with suitable observances.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-29068 Filed 9-29-76;4:36 pm]

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Executive Order 11938 • September 29, 1976

Relating to Adjustment of Cost of Living Allowances and Post Differentials

By virtue of the authority vested in me by Section 5941 of Title 5 of the United States Code, and as President of the United States, in order to authorize the gradual reduction of allowances and differentials payable in nonforeign areas if the reduction is based on program or methodology revisions, Executive Order No. 10000 of September 16, 1948, as amended, is further amended by revising Section 210 to read as follows:

"Sec. 210. Periodic review. The Civil Service Commission shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to this Part, with a view to making such changes therein as will insure that payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified: *Provided,* That if program or methodology revisions would substantially reduce an established differential or allowance rate, then the rate of such additional compensation may be reduced gradually.".

Gerald R. Ford

THE WHITE HOUSE,
September 29, 1976.

[FR Doc.76-29069 Filed 9-29-76;4:38 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500–end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–1199	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	5.80

CFR Unit (Rev. as of April 1, 1976):

17	$6.00
18 Parts:	
1–149	4.85
150–end	4.10
19	$5.65
20 Parts:	
1–399	2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
23	4.55
24 Parts:	
0–499	6.65
500–end	6.90
25	5.25
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2–29	4.05
30–39	3.45
40–299	5.40
300–499	3.60
600–end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

28	$3.10
29 Parts:	
1920–end	4.05
30	4.80
31	5.65
32 Parts:	
1–39 (V.I)	5.80
(V.II)	7.40
(V.III)	5.10
400–589	5.20
590–699	3.10
1000–1399	2.20
1400–1599	3.65
1600–end	1.95
32A	2.90
35	3.50
36	3.40
37	2.20
40 Parts:	
0–49	3.15
60–99	5.70
41 Chapters:	
7	1.85
8	1.80
10–17	4.15
19–100	3.55
500–end	$4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
100–199	6.80
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1975):

42	$5.15
43 Parts:	
1–999	2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary is excepted under Schedule C.

Effeffctive on October 1, 1976, § 213.-3313(c)(13) is added as set out below:

§ 213.3313 **Department of Agriculture.**

* * * * * * *

(c) *Office of the Under Secretary.* * * *

(13) One Confidential Assistant to the Deputy Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 216.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–28749 Filed 9–30–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Hash Brown Potatoes

A notice of proposed rulemaking to issue new United States Standards for

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Grades of Frozen Hash Brown Potatoes (7 CFR 52.6401–52.6411) was published in the FEDERAL REGISTER of January 22, 1976 (41 FR 3309). Interested persons were allowed until March 31, 1976 to submit written comments in connection with the proposal.

This new grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

Statement of Considerations.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

There are, at present, no United States Standards for Grades of Frozen Hash Brown Potatoes.

A member of the potato processing industry requested that the Department develop U.S. standards for this type of product. Other government agencies have also made similar requests.

The USDA inspection service is frequently called upon to inspect this product. Since there are no standards for this product the certificate must be issued on a descriptive basis, where no grade is assigned, or optionally as meeting or failing a specification provided by the applicant. Development of U.S. standards would not only provide a more meaningful statement of quality level but may help control the proliferation of nonuniform specifications.

The USDA has had administrative guides, to aid in issuing uniform descriptive certificates, for this product in effect for several years. These standards draw heavily on the knowledge gained from application of these administrative guides.

Production of frozen hash brown potatoes has increased rapidly, almost doubling since 1968 to approximately two hundred million pounds annually. This dramatic increase points up the need for U.S. standards to facilitate orderly marketing of frozen hash brown potatoes.

Five comments were received on the proposal.

Two of the comments were from consumers, one supported the proposal as an aid to consumers and one opposed it because "we have enough Federal Regulations."

Two comments were received from other government agencies requesting changes of an editorial nature. Where feasible the changes have been adopted in these standards.

One comment was received from a food processor requesting the definition of shredded style be changed to allow loose frozen shredded hash browns to meet the style requirements since it is "possible to 'loose freeze' hash brown potatoes." The Department has no objection to including loose frozen shredded hash brown potatoes as a style in these standards. However, we are not aware that such a product is on the market in sufficient quantities to justify including it in these standards at this time. In addition it would appear that loose frozen hash brown potatoes would be a somewhat more fragile product and may well require some maximum tolerance for allowable mechanical damage.

During the comment period on the proposal it was pointed out that a standard sample unit size of 340 grams (12 ounces) for shredded style frozen hash brown potatoes would be more appropriate, as this product is usually packed in 85 gram (3 ounce) and 170 gram (6 ounce) portions.

This change and other minor changes of an editorial nature have been incorporated in these standards.

The Department after consideration of the above comments and all other relevant material hereby adopts the U.S. Standards for Grades of Frozen Hash Brown Potatoes as proposed with minor changes as noted above. The standards shall become effective November 15, 1976.

Subpart—U.S. Standards for Grades of Frozen Hash Brown Potatoes

Sec.

52.6401 Product description.
52.6402 Styles.
52.6403 Grades.
52.6404 Determining the grade.
52.6405 Determining the rating for the factors which are scored.
52.6406 Color.
52.6407 Defects.
52.6408 Texture.
52.6409 Methods of analyses.
52.6410 Determining the grade of a lot.
52.6411 Score sheet.

AUTHORITY: Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

Subpart—U.S. Standards for Grades of Frozen Hash Brown Potatoes

§ 52.6401 Product description.

Frozen hash brown potatoes are prepared from mature, sound, white or Irish potatoes (*Solanum tuberosum*) that are washed, peeled, sorted and trimmed to assure a clean and wholesome product. The potatoes so prepared are blanched, may or may not be fried and are shredded or diced or chopped and frozen and stored at temperatures necessary for their preservation.

§ 52.6402 Styles.

(a) *Shredded.* "Shredded" means potatoes cut into thin strips with cross-sectional dimensions from 1 mm by 2 mm to 4 mm by 8 mm and formed into a solid mass before freezing.

(b) *Diced.* "Diced" means potatoes cut into approximate cube shaped units from 6 mm to 15 mm on an edge and loose frozen and which contain not more than 90 grams, per sample unit, of units smaller than one-half the volume of the predominant size unit.

(c) *Chopped.* "Chopped" means potatoes random cut into pieces predominantly less than 32 mm in their greatest dimension and loose frozen.

§ 52.6403 Grades.

(a) "U.S. Grade A" is the quality of frozen hash brown potatoes which has the following attributes:
(1) Normal flavor and odor;
(2) Good color;
(3) Practically free from defects;
(4) Good texture; and scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of frozen hash brown potatoes which has at least the following attributes:
(1) Normal flavor and odor;
(2) Reasonably good color;
(3) Reasonably free from defects;
(4) Reasonably good texture; and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen hash brown potatoes that fails to meet the requirements of Grade B.

§ 52.6404 Determining the grade.

In addition to considering the other requirements outlined in this subpart, the following quality factors are evaluated:

(a) *Factor not rated by score points.* Flavor and odor.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum points that may be given such factors are:

Factor:	Score points
Color	30
Defects	40
Texture	30
Total score	100

(c) *Sample unit size.* Sample unit size for evaluation of quality factors shall be 450 grams (15.9 ounces) for diced and chopped styles, and 340 grams (12 ounces) for shredded style.

(d) *Factor evaluation.*—(1) The factors of flavor and odor and color are determined before and after heating.

(2) The factor of defects is determined before heating.

(3) The factor of texture is determined after heating.

(e) *"Normal flavor and odor"* means the characteristic flavor and odor of properly prepared potatoes. Such flavor is free from bitterness, from pronounced scorched or caramelized flavors, and from off-flavors and off-odors of any kind.

§ 52.6405 Determining the rating for the factors which are scored.

The essential variations within each factor, which is scored, are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor, which is scored, is inclusive (for example "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.6406 Color.

(a)(*A*) *classification.* Frozen hash brown potatoes that have a good color may be given a score of 27 to 30 points.

"Good color" means the product, as a mass before heating, has a bright, uniform white to light cream color, which may include light brown units if processing included frying of any portion of the product. Such color is not more than slightly affected by yellowish units, greenish units, grayish units, or units which are otherwise discolored. After heating, the product surface shall have a fairly uniform brown color at least as dark as USDA No. 1 but not as dark as USDA No. 4 of the USDA Color Standards for Frozen French Fried Potatoes.

(b)(*B*) *classification.* Frozen hash brown potatoes that have a reasonably good color may be given a score of 24 to 26 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means the product, as a mass before heating, has a reasonably bright, uniform white to cream color, which may include brown units if processing included frying of any portion of the product. Such color is not seriously affected by yellowish units, greenish units, grayish units, or units which are otherwise discolored. After heating, the product surface may brown only slightly or unevenly, but is not charred.

(c) (*SStd.*) *classification.* Frozen hash brown potatoes that fail to meet the requirements of (B) classification may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6407 Defects.

(a) *General.* This factor is concerned with imperfections in the product, such as necrosis, crushed units, discolored eyes, and discolorations which affect its appearance or edibility.

(b) *Minor defects.* Minor defects are imperfections which detract only slightly from the appearance or edibility of the product. Among such minor defects are:
(1) Very light surface or internal discolorations of any size;
(2) Light brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 4 mm diameter;
(3) Dark brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 2 mm diameter; and
(4) In chopped and diced styles only, individual clusters of units which are not readily broken or separated manually, which weigh 5 grams or more but less than 10 grams.

(c) *Major defects.* Major defects are imperfections which materially detract from the appearance or edibility of the product. Among such major defects are:
(1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 4 mm diameter but smaller in size than the area of a circle, or the volume of a sphere, of 8 mm diameter;
(2) Dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 2 mm diameter but smaller in size than the area of a circle, or the volume of a sphere, of 4 mm diameter; and
(3) In chopped and diced styles only, individual clusters of units which are not readily broken or separated manually, which weigh 10 grams or more.

(d) *Severe defects.* Severe defects are imperfections which seriously detract from the appearance or edibility of the product. Among such severe defects are:
(1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 8 mm diameter;
(2) Dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 4 mm diameter; and
(3) Any condition of a potato unit which is offensive because of color, odor, character, or for any other reason.

(e) (*A*) *classification.* Frozen hash brown potatoes that are practically free from defects may be given a score of 36 to 40 points.

"Practically free from defects" means that:
(1) Any combination of defects present may no more than slightly detract from the appearance or edibility of the product; and
(2) The minor, major and severe defects, that may be present in the sample unit, do not exceed the allowances set forth in Table I.

(f)(*B*) *classification.* Frozen hash brown potatoes that are reasonably free from defects may be given a score of 32 to 35 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:
(1) Any combination of defects present does not seriously detract from the appearance or edibility of the product; and
(2) The minor, major and severe defects, that may be present in the sample unit, do not exceed the allowances set forth in Table I.

(g) (*SStd*) *classification.* Frozen hash brown potatoes that fail to meet the requirements of (B) classification, may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Defects—Maximum defect allowance per sample unit*

[Chopped and diced styles—450 g; shredded style 340 g]

Defect	Grade A	Grade B
Chopped and diced styles:		
Total minor, major and severe	18	36
Total major and severe	9	18
Severe	2	4
Clusters[1]		
Total minor and major	6	18
Major	2	6
Shredded style:		
Total minor, major and severe	14	27
Total major and severe	7	14
Severe	2	3

[1] The allowance for clusters in chopped and diced styles is in addition to the allowances for other defects that may be present.

§ 52.6408 Texture.

(a) The factor of texture is evaluated within 3 minutes after heating as specified in § 52.6409 and while the product is well above room temperature.

(b) (*A*) *classification.* Prepared hash brown potatoes that have a good texture may be given a score of 27 to 30 points. "Good texture" means the potato units are firm and tender and the product is not more than slightly affected by units which are hard, mushy, pasty, soggy, dry or oil soaked.

(c) (*B*) *classification.* Prepared hash brown potatoes that have a reasonably good texture may be given a score of 24 to 26 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means the potato units are reasonably firm and tender and the product is not seriously affected by units which are hard, mushy, pasty, soggy, dry, or oil soaked.

(d) (*SStd*) *classification.* Frozen hash brown potatoes that fail to meet the requirements of (B) classification may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6409 Methods of analyses.

Heating. The sample unit or a representative portion should be heated according to the manufacturers' directions, or in a manner which will give equivalent results.

In the absence of such directions the following method may be used: Place approximately three tablespoons of cooking oil or fat in a frying pan—enough to properly fry the sample without excessive sticking—and preheat to 175 degrees C (347 degrees F). Add 170 to 225 grams (6 to 8 ounces) of the product and cook for 10 to 12 minutes; turning the product once or twice during cooking. A frying pan approximately 25 centimeters (10 inches) in diameter is appropriate for this method, however any suitable frying appliance may be used which will properly cook the desired amount of product.

§ 52.6410 Determining the grade of a lot.

The grade of a lot of frozen hash brown potatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.6411 Score sheet.

Size and kind of container	------
Container mark or identification	------
Label	------
Net contents	------
Style	------
Color designation	------

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Factor		Score points
Color	30	(A) 27 to 30. (B) 24 to 26.[1] (SStd) 0 to 23.[1]
Defects	40	(A) 36 to 40. (B) 32 to 35.[1] (SStd) 0 to 31.[1]
Texture	30	(A) 27 to 30. (B) 24 to 26.[1] (SStd) 0 to 23.[1]
Total score	100	
Grade		
Flavor and odor		

[1] Indicates limiting rule.

Dated: September 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-28753 Filed 9-30-76;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 230—NONFOOD ASSISTANCE PROGRAM

Appendix—Initial Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, for the Transition Quarter July 1–September 30, 1976

Pursuant to section 5 of the Child Nutrition Act of 1966, as amended, Public Law 89–642, 80 Stat. 887, $7,000,000 nonfood assistance funds contained in the Second Supplemental Appropriation Act, 1976, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$119,262	$108,500	$10,762
Alaska	9,001	9,001	
Arizona	66,954	66,954	
Arkansas	63,655	60,612	3,043
California	664,141	664,141	
Colorado	72,842	62,165	10,677
Connecticut	105,611	105,611	
Delaware	18,704	18,704	
District of Columbia	21,092	21,092	
Florida	257,789	257,789	
Georgia	173,400	173,400	
Guam	3,920	3,920	
Hawaii	33,082	26,644	6,438
Idaho	24,872	24,872	
Illinois	428,690	428,690	
Indiana	166,324	166,324	
Iowa	95,184	95,184	
Kansas	69,559	69,559	
Kentucky	111,687	111,687	
Louisiana	166,713	166,713	
Maine	38,063	32,925	5,138
Maryland	105,319	105,319	
Massachusetts	194,747	194,747	
Michigan	304,993	304,993	
Minnesota	135,334	135,334	
Mississippi	91,085	91,085	
Missouri	133,265	133,265	
Montana	28,711	26,278	2,433
Nebraska	54,624	45,561	9,063
Nevada	13,304	13,304	
New Hampshire	30,054	30,054	
New Jersey	374,306	374,306	
New Mexico	36,665	36,665	
New York	479,105	479,105	
North Carolina	186,588	186,588	
North Dakota	21,608	19,285	2,323
Ohio	306,164	239,335	66,829
Oklahoma	69,241	69,241	
Oregon	62,405	62,405	
Pennsylvania	422,315	422,315	
Puerto Rico	100,902	100,902	
Rhode Island	22,474	22,474	
Samoa, American	1,664	1,664	
South Carolina	96,218	91,807	4,411
South Dakota	23,166	23,166	
Tennessee	115,983	113,039	2,944
Texas	318,881	289,700	29,181
Trust Territory	14,367	14,367	
Utah	39,893	39,893	
Vermont	16,294	16,294	
Virginia	142,844	132,220	10,624
Virgin Islands	5,138	5,138	
Washington	99,065	73,610	25,575
West Virginia	53,004	53,004	
Wisconsin	155,108	155,108	
Wyoming	12,601	12,601	
Total	7,000,000	6,810,559	189,441

Pursuant to Sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Public Law 89–642, 80 Stat. 887, $7,000,000 nonfood assistance funds contained in the Second Supplemental Appropriation Act, 1976, for the transition quarter June 1–September 30, 1976 are apportioned among the States as follows:

Section 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$110,328	$108,456	$1,872
Alaska	6,263	6,263	
Arizona	42,716	42,716	
Arkansas	61,454	60,380	1,074
California	267,727	267,727	
Colorado	52,511	51,020	1,491
Connecticut	40,904	40,904	
Delaware	14,520	14,520	
District of Columbia	13,131	13,131	
Florida	181,315	181,315	
Georgia	172,982	172,982	
Guam	3,512	3,512	
Hawaii	28,166	26,644	1,522
Idaho	18,662	18,662	
Illinois	190,158	190,158	
Indiana	127,752	127,752	
Iowa	86,972	86,972	
Kansas	58,691	58,691	
Kentucky	107,756	107,756	
Louisiana	141,585	141,585	
Maine	24,010	22,730	1,280
Maryland	67,704	67,704	
Massachusetts	134,000	134,000	
Michigan	134,689	134,689	
Minnesota	112,488	112,488	
Mississippi	82,275	82,275	
Missouri	115,005	115,005	
Montana	14,894	14,429	465
Nebraska	36,842	33,269	3,573
Nevada	7,615	7,615	
New Hampshire	14,624	14,624	
New Jersey	101,556	101,556	
New Mexico	32,799	32,799	
New York	298,440	298,440	
North Carolina	173,696	173,696	
North Dakota	18,049	16,471	1,578
Ohio	214,217	201,897	12,320
Oklahoma	68,216	68,216	
Oregon	45,646	45,646	
Pennsylvania	228,116	228,116	
Puerto Rico	79,583	79,583	
Rhode Island	14,215	14,215	
Samoa, American	1,598	1,598	
South Carolina	92,571	91,807	76
South Dakota	19,628	19,628	
Tennessee	114,028	112,523	1,505
Texas	288,482	283,086	5,396
Trust Territory	12,065	12,065	
Utah	37,933	37,933	
Vermont	10,511	10,511	
Virginia	133,538	132,220	1,318
Virgin Islands	4,236	4,236	
Washington	80,421	59,453	968
West Virginia	46,083	46,083	
Wisconsin	91,944	91,944	
Wyoming	7,845	7,845	
Total	4,666,667	4,631,541	35,126

Section 5(e)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$8,934	$44	$8,890
Alaska	2,738	2,738	
Arizona	24,238	24,238	
Arkansas	2,201	232	1,969
California	416,414	416,414	
Colorado	20,331	11,145	9,186
Connecticut	64,707	64,707	
Delaware	4,184	4,184	
District of Columbia	7,961	7,961	
Florida	76,474	76,474	
Georgia	418	418	
Guam	408	408	
Hawaii	4,916		4,916
Idaho	6,210	6,210	
Illinois	238,532	238,532	
Indiana	38,572	38,572	
Iowa	8,212	8,212	
Kansas	10,868	10,868	
Kentucky	3,931	3,931	
Louisiana	27,128	27,128	
Maine	14,053	10,195	3,858
Maryland	37,615	37,615	
Massachusetts	60,747	60,747	
Michigan	170,304	170,304	
Minnesota	22,846	22,846	
Mississippi	8,810	8,810	
Missouri	18,260	18,260	
Montana	12,817	11,849	1,968
Nebraska	17,782	12,292	5,490
Nevada	5,689	5,689	
New Hampshire	15,430	15,430	
New Jersey	272,750	272,750	
New Mexico	3,866	3,866	
New York	180,665	180,665	
North Carolina	12,892	12,892	
North Dakota	3,559	2,814	745
Ohio	91,947	37,438	54,509
Oklahoma	1,025	1,025	
Oregon	16,759	16,759	
Pennsylvania	194,199	194,199	
Puerto Rico	21,319	21,319	
Rhode Island	8,259	8,259	
Samoa, American	66	66	
South Carolina	3,647		3,647
South Dakota	3,538	3,538	
Tennessee	1,955	516	1,439
Texas	30,399	6,614	23,785
Trust territory	2,302	2,302	
Utah	1,960	1,960	
Vermont	5,783	5,783	
Virginia	9,306		9,306
Virgin Islands	902	902	
Washington	38,664	14,057	24,607
West Virginia	6,921	6,921	
Wisconsin	63,164	63,164	
Wyoming	4,756	4,756	
Total	2,333,333	2,179,018	154,315

Data on schools without the facilities to prepare or receive hot meals will not be available until fiscal year 1977 for inclusion in the formula as mandated by Pub. L. 94–105.

(Secs. 2, 5, 6 and 9 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1774, 1775, 1778–1785.)

In a message to Congress dated July 28, 1976, the $7,000,000 apportioned above has been proposed for rescission. This apportionment, therefore, is informational only unless Congress denies the proposed rescission, in which event the apportionment will become effective.

Dated: September 23, 1976.

P. ROYAL SHIPP,
Acting Administrator.

[FR Doc.76-28497 Filed 9-30-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 60]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 3–9, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.360 Lemon Regulation 60.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to improve. Average f.o.b. price was $6.16 per carton the week ended September 25, 1976, compared to $6.05 per carton the previous week. Track and rolling supplies at 80 cars were down 20 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 28, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 3, 1976, through October 9, 1976, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: September 30, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29169 Filed 9-30-76;12:17 pm]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes $103,947 of Control Committee expenses, under Marketing Order No. 927, for the 1976–77 fiscal period and the assessment rate of $0.005 per standard western pear box of winter pears, handled during the period, to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1975–76 and prior years.

On September 13, 1976, notice of rulemaking was published in the FEDERAL REGISTER (41 FR 38776) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1976, through June 30, 1977, and the carryover of unexpended 1975–76 assessment income, pursuant to the amended marketing agreement and Order No. 927 (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed until September 24, 1976, during which interested persons could submit written data, views, or arguments in connection with said proposal. No such material was submitted.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.216 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1976, through June 30, 1977, will amount to $103,947.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 927.41, is fixed at $0.005 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1976, and prior years shall be carried over as a reserve in accordance with the applicable provisions of §§ 927.42 and 927.202 of said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1976, and the rate of assessment will automatically apply to all such pears beginning with such date.

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(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: September 27, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-28725 Filed 9-30-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 40156) concerning a proposed decrease in the supply plant shipping percentages for the month of October 1976. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of October 1976 the supply plant shipping percentage of 35 percent set forth in § 1030.7(b)(4) should be decreased to 30 percent. Pursuant to the provisions of § 1030.7(b)(6) the supply plant shipping percentages set forth in § 1030.7(b)(4) may be increased or decreased by up to 10 percentage points during the months of August–March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Seventeen cooperative associations, which represent most of the producers supplying the Chicago Regional market, and two proprietary handlers state that the supply plant shipping percentage should be decreased for October 1976 to prevent uneconomic shipments of milk. These cooperatives and plant operators urge that the amount of such decrease should be 5 percentage points from the present 35 percent shipping requirement to 30 percent.

In support of this temporary change, these cooperatives state that producer milk receipts are up and Class I sales are down, so that a smaller than normal percentage of the market's milk supply is needed at distributing plants to fulfill fluid milk requirements.

One proprietary handler filed a view in opposition to the proposed reduction in shipping percentages. This handler states that a reduction in shipping percentages would increase receipts from producers for use in Class III and thus decrease the market blend price to producers.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. For the months of May–August, sales were down more than 32 million pounds compared to the same period a year ago. Moreover, receipts of producer milk on the market increased by 325 million pounds for the months of May–August compared to the same months of 1975. This development of lower Class I sales and higher receipts of producer milk indicates that a significantly lower proportion of supply plant milk will need to be shipped to distributing plants this October compared to October 1975.

A reduction in the required shipments of supply plant milk during the month of October will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentage as specified above for the month of October 1976 to prevent uneconomic shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during October 1976 it will prevent uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of October 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for October 1976.

(Secs. 1–9, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Effective date: October 1, 1976.

Signed at Washington, D.C., on September 28, 1976.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.76-28946 Filed 9-30-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-E]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Program

MISCELLANEOUS AMENDMENTS

On August 10, 1976, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 33561) proposing to amend §§ 1980.419; 1980.451; 1980.471; 1980.476 and Appendix C of Subpart E of Part 1980, Title 7, Code of Federal Regulations (40 FR 57643; 41 FR 11807; 41 FR 20886 and 41 FR 39005) as follows:

1. Section 1980.419 is amended to allow certain foreign owned lenders with 10 years' experience in the community to be considered for eligibility.

2. Section 1980.451 and the Administrative provisions at the end of this section are amended to provide notices to applicants in compliance with the Privacy Act of 1974.

3. Section 1980.471 is amended to allow lenders the option to liquidate a prior loan made under provisions of this subpart, or under previous regulations.

4. Section 1980.476 and the Administrative provisions at the end of this section are amended to allow cash downpayments to be made to transferors in the event of a Transfer and Assumption.

5. Appendix C, Lender's Agreement, is amended in paragraph XI G and in the first sentences of the third and fourth paragraphs of paragraph XII to eliminate automatic repurchase of the guaranteed portion of the loan since the regulation was amended earlier to allow the Lender the option to repurchase in event of default.

Interested persons were given the opportunity to submit, not later than September 9, 1976, comments, suggestions or objections regarding the proposed regulations. Several comments submitted with respect to the proposed amendments were given due consideration. However, only editorial changes have been made to the amendments as originally proposed.

Accordingly, amendments are adopted as set forth below.

Effective date. This regulation shall become effective October 1, 1976.

Date: September 27, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator, Farmers Home Administration.

1. In § 1980.419, paragraph (g) is revised to read as follows:

§ 1980.419 Eligible lenders.

• • • • • •

(g) All lenders will be owned and controlled as provided in paragraph V of Form FmHA 449–35, "Lender's Agreement." However, when a lender has had foreign ownership for at least ten years and has been in operation in the community where the project is or will be located for a similar period of time, such lender may be considered for eligibility under the provisions of paragraph (b)(2) of this section. If such a lender is determined to be eligible by FmHA, paragraph V of the Lender's Agreement will be deleted and initiated by both the lender and FmHA.

• • • • • •

2. Section 1980.451(i) is amended by adding subparagraph (19) as follows:

§ 1980.451 Filing and processing applications.

• • • • • •

(i) • • •

(19) Notices of compliance with the Privacy Act of 1974:

(i) If the applicant is acting in a personal capacity and not as an enterpreneur for such entities as proprietorships, partnerships, or corporations, and FmHA solicits personal information from him, the individual will be provided Form FmHA 410–9, "Statement Required by the Privacy Act."

(ii) If FmHA desires to obtain information concerning an individual from any source, FmHA will provide such source with Form FmHA 410–10, "Privacy Act Statement to References."

• • • • • •

3. The Administrative text following § 1980.451 is revised by adding paragraphs A. 3. and 4. as follows:

ADMINISTRATIVE

A. *The County Supervisor and District Director.* • • •

3. The County Supervisor will furnish all individuals acting in a personal capacity at the time of filing a preapplication or application, two copies of Form FmHA 410–9. The individual will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file

4. The County Supervisor will provide any source from whom FmHA obtains information concerning an individual with two copies of Form FmHA 410–10. The source will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file.

• • • • • •

Section 1980.471 is revised to add paragraphs (a) and (b). The Administrative portion following this section remains unchanged. Accordingly, § 1980.471 as revised, reads as follows:

§ 1980.471 Liquidation.

(a) For liquidation provisions under this subpart, refer to paragraphs XII, of Form FmHA 449–35.

(b) If a lender has made a B&I loan guaranteed by FmHA under previous regulations, and the lender concludes that liquidation of the guaranteed loan is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure, the lender has the option to liquidate the loan under the provisions of this subpart, or under the provisions of previous regulations. The lender will notify the State Director in writing within 10 days after its decision to liquidate if it desires to proceed under this subpart.

• • • • • •

4. In § 1980.476 paragraphs (f), (g), (h), and (i) are revised; paragraphs (j) through (o) are added, and read as follows:

§ 1980.476 Transfer and assumptions.

• • • • • •

(f) Any proceeds received from the sale of secured property before a transfer and assumption will be credited on the transferor's guaranteed loan debt in inverse order of maturity before the transfer and assumption transaction is closed.

(g) When the transferee makes any cash downpayment in connection with the transfer and assumption:

(1) The lender will employ an independent appraiser, subject to concurrence of both the transferor and transferee, to make an appraisal to determine the fair market value of all the collateral securing the loan. Such appraisal report fee and any other costs related thereto will be paid by the transferor and the transferee as they mutually agree.

(2) The market value of the secured property being acquired by the transferee, plus any additional security the transferee proposes to give to secure the debt must be adequate to secure the balance of the total guaranteed loan owed, plus any prior liens. If any cash downpayment is made it may be paid directly to the transferor as payment for his equity in the project, provided:

(i) The lender recommends and FmHA approves the cash downpayment be released to the transferor. The lender and FmHA may require that an amount be retained for an established period of time in escrow as a reserve account as security for use against any future default on the loan. Any interest accruing on such an escrow account may be paid periodically to the transferor.

(ii) Any payments that are to be made by the transferee to the transferor in respect to the downpayment do not suspend the transferee's obligation to continue to meet the guaranteed loan payments as they come due under the terms of the assumption.

(iii) The transferor must agree not to take any actions against the transferee in connection with such transfer in the future without first obtaining the approval of FmHA and the lender.

(iv) The lender determines that there is repayment ability for the guaranteed debt assumed and any other indebtedness of the transferee.

(h) The lender will make, in all cases, a complete credit analysis to determine viability of the project, subject to FmHA review and approval, including any requirements for deposits in an escrow account as security to meet its determined equity requirements for the project.

(i) The lender will issue a statement to FmHA that the transaction can be properly transferred and the conveyance instruments will be filed, registered or recorded, as appropriate, and legally permissible.

(j) FmHA will not guarantee any additional loans to provide equity funds for a transfer and assumption.

(k) The assumption will be made on the lender's form of assumption agreement.

(l) The assumption agreement must contain the FmHA case number of the transferor and transferee.

(m) Loan terms cannot be changed by the Assumption Agreement unless previously approved in writing by FmHA, with the concurrence of any holder(s) and concurrence of the transferor (including guarantors) if they have not been released from personal liability. Any new loan terms cannot exceed those authorized in this subpart. The lender's request will be supported by:

(1) An explanation of the reasons for the proposed change in the loan terms.

(2) Certification that the lien position securing the guaranteed loan be maintained or improved, proper hazard insurance will be continued in effect, and all applicable Truth in Lending requirements will be met.

(n) In the case of a transfer and assumption, it is the lender's responsibility to see that all such transfer and assumptions will be noted on all originals of the Loan Note Guarantee(s). The lender will provide FmHA a copy of the transfer and assumption agreement. Notice must be given by the lender to FmHA before any borrower or guarantor is released from liability.

(o) The holder(s), if any, need not be consulted on a transfer and assumption case unless there is a change in loan terms.

4a. In the Administrative text following § 1980.476 paragraphs A, A.1. and 2. are revised; paragraphs C. and D. are added and read as follows:

ADMINISTRATIVE

A. The State Director may approve all transfer and assumption provisions if the guaranteed loan debt balance is within his individual loan approval authority including:

1. Concurrence in writing with the decision concerning release of the transferor and guarantors from liability.

2. Any changes in loan terms.

• • • • • •

C. The District Director and County Supervisor will submit recommendations to the State Director.

D. If the guaranteed loan debt balance is in excess of the State Director's loan approval authority, the State Director will forward the file, together with his recommendations and those of the District Director and County Supervisor, to the National Office for approval.

5. In Appendix C, paragraph XI.G. and the first sentences of the third and fourth paragraphs of paragraph XII. are amended as follows:

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APPENDIX C—FORM FmHA 449-35

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
LENDER'S AGREEMENT

* * * * *

XI. *Defaults by borrower.* * * *

G. Lender will also repurchase the guaranteed portion of the loan consistent with paragraph 10 of the Loan Note Guarantee.

XII. *Liquidation.* * * *

When the decision to liquidate is made, the lender may proceed to purchase from Holder(s) the guaranteed portion of the loan. * * *

If the lender does not purchase the guaranteed portion of the loan, FmHA will be notified immediately in writing. * * *

* * * * *

(7 U.S.C. 1989 delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

[FR Doc.76-28724 Filed 9-30-76;8:45 am]

CHAPTER XXV—OFFICE OF THE GENERAL SALES MANAGER, DEPARTMENT OF AGRICULTURE

PART 2507—AVAILABILITY OF INFORMATION TO THE PUBLIC

Freedom of Information

Chapter XXV of Title 7, which now covers the Export Marketing Service (35 FR 10496, June 27, 1970), is revised to cover the newly created Office of the General Sales Manager (41 FR 14170, April 2, 1976) of the Department of Agriculture. The Export Marketing Service was abolished in 1974 and its functions transferred to the Foreign Agricultural Service (39 FR 12981, April 10, 1974). In 1975, part of such functions were transferred from the Foreign Agricultural Service to the Sales Manager Office (40 FR 12798, March 21, 1975). On April 2, 1976, the portion of such functions in the Foreign Agricultural Service and the Sales Manager Office were transferred to the Office of the General Sales Manager. Accordingly, Part 2507 of Chapter XXV is revised to provide for the procedures for obtaining records of the Office of the General Sales Manager under the Freedom of Information Act (5 U.S.C. 552). These regulations are promulgated in accordance with the Department's Regulations, 7 CFR Subpart A, Part 1, Subtitle A (40 FR 7341), issued pursuant to the Freedom of Information Act. The regulations delineate the procedures to be followed by members of the public in requesting documents under the Freedom of Information Act and by the Office of the General Sales Manager in searching for and providing documents and for other purposes.

Since a delay in implementing these regulations would be contrary to the public interest, notice, public rulemaking procedures and effective date requirements of 5 U.S.C. 553 are omitted as unnecessary.

The heading of 7 CFR Chapter XXV is revised to read as set forth above and Part 2507 is revised to read as follows:

Subpart A—General

Sec.
2507.1 General statement.
2507.2 Organizational description.

Subpart B—Availability of Program Information, Staff Manuals, and Related Material

2507.3 Public inspection and copying.
2507.4 Indexes.

Subpart C—Availability of Identifiable Records

2507.5 Request for records.
2507.6 Appeals.

AUTHORITY: 5 U.S.C. 301, 552; 7 CFR 1.1–1.16.

Subpart A—General

§ 2507.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture, Subpart A, Part 1, Subtitle A, of this title (7 CFR 1.1–1.16 and Appendix A thereto), implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Office of the General Sales Manager (OGSM) to the public.

§ 2507.2 Organizational description.

The description of the organization of OGSM will be published as a notice in the FEDERAL REGISTER and may be revised from time to time in like manner. Such description will contain a listing of OGSM organizational units and their functions.

Subpart B—Availability of Program Information, Staff Manuals, and Related Material

§ 2507.3 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Members of the public may request access to such materials maintained by the Director of Information, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250. The office will be open from 8:15 a.m. to 4:45 p.m. Monday through Friday, except legal holidays.

§ 2507.4 Indexes.

5 U.S.C. 552(a)(2) requires that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. Copies of the Office of the General Sales Manager Index may be obtained free of charge by telephoning (202) 447-2612, or by writing to the Director of Information, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Subpart C—Availability of Identifiable Records

§ 2507.5 Request for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3 (a) and addressed to the appropriate program area official. They are:

Assistant Sales Manager, Commercial Export Programs
Assistant Sales Manager, PL-480 Programs
Assistant to the General Sales Manager, Leader, Operational and Technical Support Staff
Administrative Officer

The mailing address for all the above persons is:

Office of the General Sales Manager, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

(b) Under Secretary's Memorandum No. 1893, Supplement 1 which established the Office of the General Sales Manager, management support activities are furnished by the Agricultural Stabilization and Conservation Service (ASCS). These activities include fiscal, accounting, budget, personnel, travel, transportation, storage, correspondence files, procurement and property management. On these activities the determination of availability of records and information will be coordinated with ASCS.

(c) The officials listed in paragraph (a) of this section are delegated authority to make determinations regarding such requests in accordance with 7 CFR 1.4(c). It will facilitate processing of a request for information if "FOIA REQUEST" is placed in capital letters on the front of the envelope and on the top of the letter.

(d) In the event a requester does not know the appropriate program area official to whom he should address his request, he may telephone the Director of Information, (202) 447-2612, to obtain this information or write to the Director of Information, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

§ 2507.6 Appeals.

(a) Any person whose request under § 2507.5 is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 1.3(e) and addressed to the General Sales Manager, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

(b) In the event the request is denied and the requester wishes to appeal such decision, it will facilitate processing such appeal by placing the words "FOIA APPEAL" in capital letters on the front of the envelope and at the top of the appeal letter.

Effective date: October 1, 1976.

Signed at Washington, D.C., on September 22, 1976.

JAMES L. HUTCHINSON,
General Sales Manager.

[FR Doc.76-28751 Filed 9-30-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 341—CERTIFICATES OF CITIZENSHIP

Suspension for an Additional Period of Special Procedure Authorizing Certain Naturalization Applicants To File, Prior to Naturalization, Application for Certificate of Citizenship for Derivative Child

Reference is made to the notices published in the FEDERAL REGISTER of October 21, 1974 (39 FR 37355), September 15, 1975 (40 FR 42532) and March 17, 1976 (41 FR 11172) temporarily suspending until October 1, 1975, April 1, 1976 and October 1, 1976, respectively, the provisions of 8 CFR 341.1(b).

Due to the continuing manpower considerations which resulted in the temporary suspension of the special procedures provided by 8 CFR 341.1(b), the provisions of § 341.1(b) are being suspended for an additional period, until April 1, 1977, unless manpower considerations render feasible or practicable their reinstitution at an earlier date.

In the light of the foregoing, the provisions of 8 CFR 341.1(b) are hereby suspended until April 1, 1977, unless the suspension is revoked prior thereto by notice published in the FEDERAL REGISTER.

Dated: September 28, 1976.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-28757 Filed 9-30-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Technical Amendments to the Crude Oil Producer Certification Requirements

I. INTRODUCTION

On August 20, 1976, the Federal Energy Administration ("FEA") amended the certification requirements of 10 CFR 212.131 applicable to sales of domestic crude oil (41 FR 36172, August 26, 1976). Further amendments to § 212.131 were issued on an emergency basis on August 31, 1976, principally to insure that stripper well crude oil would be separately certified by crude oil resellers beginning September 1, 1976, so that the exemption of first sales of such crude oil pursuant to the Energy Conservation and Production Act could be adequately accounted for under the domestic crude oil allocation program (41 FR 37309, September 3, 1976).

Since issuance of the amended certification provisions, the need has become apparent for certain technical corrections to those provisions, including a revision in the October 1, 1976 date set forth in § 212.131(a) for certain "one-time" certifications by crude oil producers.

Accordingly, the certification requirements of § 212.131(a) are being revised to make the technical changes set forth below.

II. REVISED DATES

The August 20, 1976 amendments to § 212.131(a) were intended

to resolve any confusion with respect to (the former certification requirements) and to eliminate any unnecessary certification burden on producers by requiring (wherever possible) only a one-time certification, containing the minimum amount of information needed to ensure the efficient monitoring of crude oil prices and to maintain the necessary lower and upper tier distinction with respect to a fungible commodity (41 FR at 36183).

The dates specified in the amended § 212.131(a) with respect to compliance with the new one-time certification requirements provided generally that such certifications be made on or before October 1, 1976. However, specification of this date was inadvertently inconsistent with the generally applicable time limitations on producer certifications of Subpart D (e.g., the § 212.72 requirement that new crude oil be certified as such "within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold * * *."). Particularly in light of the fact that the amendments to the definition of the term "property," effective September 1, 1976, permit certain changes (which require extensive recomputations) to be implemented, it does not appear that the one-time producer certifications provided for by § 212.131(a) can be made by October 1, 1976. Moreover, there is no apparent basis for any departure to have been made from the formerly applicable two-month time limitation on producer certifications.

Accordingly, § 212.131(a) is hereby amended to incorporate the general two-month time limitation of Subpart D with respect to producer certifications. Since the certification requirements adopted on August 20, 1976, became effective September 1, 1976, certifications for crude oil produced and sold in September must, under the technical amendment adopted today, be made "within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold" (i.e., by November 30, 1976).

Crude oil produced and sold on or before August 31, 1976 is subject to the producer certification requirments in effect to that date, which included the same two-month limitation. Thus, for example, crude oil produced and sold during August, 1975, must be certified, pursuant to the former § 212.131(a), on or before October 31, 1976.

It should be noted that neither the August 20 amendment to the producer certification requirements nor the technical revisions to that amendment being made today relieve any producer of the general obligation of § 212.131(a) to provide an appropriate certification with respect to each sale of domestic crude oil. To facilitate the transition from the certification requirements as in effect on August 31, 1976 to the certification requirements specified herein, and consistent with the general two-month limitation on certifications, sales of crude oil by producers in September and October, 1976, may continue to be made pursuant to certifications made pursuant to § 212.131 as it existed prior to the amendments effective September 1, 1976. Such sales, however, are subject to the further requirement that any additional information required by the amended certification requirements of § 212.131 be certified to within the consecutive two-month period immediately succeeding the month in which the crude oil is sold.

Also in this regard, it should be noted that, as was stated in the August 20 Notice, the September 1, 1976 amendment to the definition of the term property permits, but does not require, each reservoir underlying a tract to be treated as a separate property, to the extent that the reservoir is recognized by the appropriate state regulatory body, and production has been consistently and historically reported as such. Implicit in the permissive nature of this amendment is that producers may elect to convert to this method of accounting for production in any month beginning with September 1976 and need not do so beginning in September 1976. Of course, once an election has been made to account for production on a reservoir-by-reservoir basis pursuant to the September 1, 1976 amendment to the definition of property a producer may not subsequently revert to a method of accounting for production which aggregates production from several reservoirs.

III. OTHER CHANGES

Two other technical amendments to correct inadvertent omissions in § 212.131(a) are also being made.

First, § 212.131(a) is amended with respect to stripper well properties to change in § 212.131(a)(1)(ii) an erroneous reference to "average daily production for the 12 month period during which the property qualified * * *." to the correct reference to "the average daily production per well for the 12 month period during which the property qualified * * *." The "per well" daily production figure is, of course, the relevant number for purposes of determining whether a property qualifies as a stripper well property.

Second, § 212.131(a) is also amended with respect to non-stripper well properties, to make clear that where a property's base production control level ("BPCL") is adjusted pursuant to § 212.76, the one-time certification permitted by § 212.131(a)(2) shall include either the adjusted BPLC or the information necessary to compute the adjusted BPCL pursuant to § 212.76.

All of the technical amendments to § 212.131 adopted today are effective as of September 1, 1976.

This amendment is to correct inadvertent omissions or technical errors in the regulations. The Federal Energy Administration finds that good cause ex-

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ists to issue this amendment, effective as of September 1, 1976 without notice, opportunity for comment, or delay in the effective date of the amendment. This amendment is a mere extension and refinement of the amendment issued August 20, 1976, and it is consistent with and does not change the substance of the original amendment. Before the August 20, 1976 amendment was promulgated, public hearings were held and written comments were received. The many oral and written comments which were received have been taken into account in the promulgation of this amendment. The notice and hearing requirements of subsections 7(f)(1) (B) and (C) of the Federal Energy Administration Act of 1974 (Pub. L. 93–295 as amended by Pub. L. 94–385) have therefore been satisfied, and a further opportunity for the presentation of oral and written views is unnecessary.

This amendment has no impact on the quality of the environment and is therefore not required by section 7(c)(2) of the Federal Energy Administration Act of 1974 to be submitted to the Administrator of the Environmental Protection Agency for his comments.

The inflationary impact of the proposal pursuant to which the August 20, 1976 amendments to the crude oil price regulations were adopted was considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974, and the technical amendments to the certification procedures adopted today do not alter in any respect such previous consideration as they do not change the substantive regulations governing the first sale prices of domestic crude oil.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II Title 10 of the Code of Federal Regulations is amended as set forth below, effective September 1, 1976.

Issued in Washington, D.C., September 28, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.131 is amended in paragraph (a) to read as follows:

§ 212.131 Certification of domestic crude oil sales.

(a)(1) *Stripper well properties.* With respect to each stripper well property, the producer shall certify in writing to each purchaser of crude oil produced from that property:

(i) That the property concerned has qualified as a stripper well property; and

(ii) The average daily production per well for the 12 month period during which the property qualified as a stripper well property.

The certification required under this paragraph (a)(1) of this section shall be made (i) within the consecutive two-month period immediately succeeding the month of September 1976, with respect to any property which qualified as a stripper well property during or before the month of September 1976; and (ii) with respect to any property which qualifies as a stripper well property during or after the month of October 1976, within the two month period immediately succeeding the first month that such property qualifies as a stripper well property.

(2) *Non-stripper well properties.* (i) With respect to each sale of crude oil from a property which has not qualified as a stripper well property, the producer shall certify in writing to the purchaser the number of barrels of new crude oil and the number of barrels of old crude oil. With respect to any property which has not qualified as a stripper well property, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(2)(i) of this section may be complied with by a one-time certification to the purchaser of the property's monthly base production control level determined pursuant to 10 CFR 212.72, whether based upon production and sale of crude oil in 1972 or upon production and sale of old crude oil in 1975, and, if applicable, either the property's adjusted base production control level determined pursuant to 10 CFR 212.76 or the information necessary to compute such adjusted base production control level pursuant to 10 CFR 212.76.

(ii) With respect to each property which has not qualified as a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property:

(A) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) The highest posted price on September 30, 1975 for transactions in the particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The certification required under this paragraph (a)(2) of this section shall be made within the consecutive two-month period immediately following the month of September 1976 or, with respect to any property from which crude oil has not been produced and sold prior to September 30, 1976, the certification required under this paragraph (a)(2) of this section shall be made within the two-month period immediately following the first month in which crude oil is produced and sold.

(3) *Unitized properties.* (i) With respect to each sale of crude oil from a unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing to the purchaser the number of barrels of new crude oil (if any, and whether "actual new crude oil" or "imputed new crude oil" determined pursuant to 10 CFR 212.75(b)), the number of barrels of old crude oil, and the number of barrels of imputed stripper well crude oil (if any) determined pursuant to 10 CFR 212.75(b). With respect to any unitized property for which the producer has determined a unit base production control level, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(3)(i) of this section may be complied with by a one-time written certification to the purchaser of (A) the monthly unit base production control level determined pursuant to 10 CFR 212.75(b); (B) the amount of imputed new crude oil (if any, determined pursuant to 10 CFR 212.75(b)); and (C) the amount of imputed stripper well crude oil (if any, determined pursuant to 10 CFR 212.75(b)).

(ii) With respect to each unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing once to each purchaser of crude oil produced from the property:

(A) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) The highest posted price on September 30, 1975, for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The certification required under this paragraph (a)(3) of this section shall be made within the consecutive two-month period immediately following the month of September 1976, or, with respect to any unitized property for which a unit base production control level has not been established prior to September 30, 1976, the certification required under this paragraph (a)(3) of this section shall be made within the consecutive two-month period immediately following the first month in which such unit base production control level is established.

(4) *Other domestic crude oils the first sale of which is exempt from this part.* (i) With respect to each sale of crude oil exempt from the provisions of this part, other than crude oil produced from a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property that the first sale of crude oil produced and sold from that property is exempt from the provisions of this part.

(ii) For purposes of this paragraph (a)(4), domestic crude oil the first sale of which is exempt from the provisions of this part includes U.S.-owned petroleum sold by the Secretary of the Navy under the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258).

(5) *New purchasers.* With respect to any purchaser which has not purchased crude oil from the property (or the unitized property) concerned prior to September 30, 1976, the certifications required under paragraphs (a)(1), (a)(2), and (a)(3) of this section shall be made within the consecutive two-month period immediately following the first month in which such purchaser purchases crude oil from that property or unitized property.

[FR Doc.76–28960 Filed 9–29–76;12:57 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 76–731]

MEMBERS OF BANKS; SAVINGS AND LOAN OPERATIONS; INSURANCE OF ACCOUNTS

Flood Disaster Protection Amendments

SEPTEMBER 23, 1976.

Summary. Conforms flood disaster protection regulations to recent statutory amendments by allowing loans to be made on certain previously-occupied structures and farm properties in flood-hazard areas.

On August 3, 1976, the Housing Authorization Act of 1976 (P.L. 94–375) became effective. This Act in part amends section 202(b) of the Flood Disaster Protection Act of 1973 by exempting certain loans from the 1973 Act's lending prohibitions. The Federal Home Loan Bank Board deems it desirable to revise its flood disaster protection regulations at § 523.29 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.29) to conform with said amendments. The Board also takes this opportunity to rescind as redundant its flood disaster protection regulations at § 545.8–4 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.8–4) and § 563.9–6 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9–6).

Section 202(b) of the 1973 Act requires Federal instrumentalities which regulate banks, savings and loan associations, or similar institutions to prohibit such institutions from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified as having special flood hazards, if the community within which such area is located is not participating in the National Flood Insurance Program and has passed its statutory deadline for participation (the later of July 1, 1975 or one year following notification of formal identification of the area as having special flood hazards).

The 1976 Act amends section 202(b) to exempt from the above prohibition (1) any loan made to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as a special flood hazard area; (2) any loan, which does not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance the acquisition of a building or structure completed and occupied by a small business concern (as defined by the Secretary) prior to January 1, 1976; (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976; or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance non-residential additions or improvements to be used solely for agricultural purposes on a farm.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11, since the amendments relieve restriction and conform the regulations to present statutory provisions, and (2) publication of said amendments for the 30-day period specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to effective date is unnecessary for the same reasons.

Accordingly, the Board hereby revises paragraphs (a), (c), and (e) of § 523.29, to read as set forth below, and rescinds §§ 545.8–4 and 563.9–6, effective October 4, 1976.

PART 523—MEMBERS OF BANK

§ 523.29 Flood disaster production.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), subsection (a) of section 816 of the Housing and Community Development Act of 1974 (P.L. 93–383), section 303 of the Emergency Housing Act of 1975 (P.L. 94–50) and section 14(a) of the Housing Authorization Act of 1976 (P.L. 94–375). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

* * * * *

(c) *Community participation in insurance program.* (1) Except as provided in subparagraph (2) of this paragraph (c), on and after the end of one year from the time that a community is notified pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973 that it is formally identified as a flood-prone community, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

(2) The prohibition contained in subparagraph (1) of this paragraph (c) shall not apply to (i) any loan made to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (ii) any loan, which does not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance the acquisition of a building or structure completed and occupied by a small business concern (defined by the Secretary) prior to January 1, 1976, (iii) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (iv) any loan or loans, which in the aggregate do not exceed an amount to be prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

* * * * *

(e) *Purchase of loans.* The provisions of this section do not prohibit the purchase after the applicable date in paragraphs (b) and (c) of this section of a loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, without compliance with the flood insurance requirements in said paragraphs (b) and (c), if:

(1) As to a loan closed before such date, such loan has not been increased, extended, or renewed after such date;

(2) As to a loan closed on or after such date, such loan was closed pursuant to a loan commitment outstanding at the close of such date and such loan has not thereafter been increased, extended, or renewed; or

(3) Such loan qualifies for exemption pursuant to paragraph (c)(2) of this section.

PART 545—OPERATIONS

§ 545.8–4 [Deleted eff. 10–4–76]

PART 563—OPERATIONS

§ 563.9–6 [Deleted eff. 10–4–76]

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. § 1437); sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. §§ 1725, 1726, 1730); Sec. 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 982, as amended (42 U.S.C. 4105); Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943–48 Comp. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76–28820 Filed 9–30–76;8:45 am]

V41N192 OCT 1 76 UMI

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-110, Enactment of Part]

PART 371—ADVANCE BOOKING CHARTERS

Correction

In FR Doc. 76-26245, appearing at page 37763, in the issue for Wednesday, September 8, 1976, the following change should be made:

On page 37770, in the first column, the seventeenth line of the second paragraph, now reading "(e)(1) and (2), 371-26-.33, and 371.50,", should read "(a)(1) and (2), 371.26-.33, and 371.50,".

Title 15—Commerce and Foreign Trade

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

SUBCHAPTER G—INVENTION EVALUATION PROCEDURES

PART 270—PROCEDURES FOR THE EVALUATION OF ENERGY-RELATED INVENTIONS

By publication of this notice, the National Bureau of Standards (NBS) promulgates procedures for the evaluation of energy-related inventions. The procedures are set out in their entirety below and are issued pursuant to section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, dated December 31, 1974 (42 U.S.C. 5901, et seq.)), hereinafter referred to as the Act.

On June 16, 1976, NBS published in the FEDERAL REGISTER (41 FR 24391) proposed procedures under which energy-related inventions would be evaluated under section 14 of the Act. The notice invited interested persons to submit to the Director of NBS written comments or suggestions for consideration in connection with the proposed procedures.

Following publication of the June 16 notice, two letters were received one from an individual and the other from a professional association. The revisions to the procedures suggested in the letters have been carefully evaluated and a document has been prepared which sets forth their disposition. This document and the letters are part of the public record and are available for inspection and copying at the Department's Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

A number of substantive changes in the proposed procedures have been made as a result of the revisions suggested in the letters and the experience gained by NBS since the June 16 notice in the evaluation of energy-related inventions. These changes will be discussed in turn below.

In the definition of the term "invention" set out in § 270.1(b), the phrase "or improve or protect the environment in the process of the foregoing" has been deleted because it describes a category of inventions which is included in the broad terminology of the definition and it is unnecessary to specify any category in the definition.

A new subparagraph (a)(5) has been added to § 270.3 which would require the person who submits an invention disclosure for evaluation to state on the Energy-Related Invention Evaluation Request form described in § 270.3 whether the legend specified in paragraph (a)(5) or one similar to it, is appropriate for the invention disclosure or that no legend is required. This statement will assist the Government in determining whether any proprietary rights exist in the invention disclosure.

Paragraph (a)(6) (formerly paragraph (a)(v)) of § 270.3 has been revised to provide that the provisions of § 270.5 shall be included, directly or by reference, in the Memorandum of Understanding which is signed by the person who submits an invention disclosure for evaluation. This revision will assure that the submitter understands and agrees to the safeguards that will be used to protect proprietary rights in the submitted invention disclosure if a contract is awarded by the Department of Commerce or by NBS for evaluation of the invention described in the disclosure.

Paragraph (a)(2) of § 270.5 in the proposed procedures required a contractor, who is to evaluate invention disclosures, to obtain from each person to whom an invention disclosure will be shown in the evaluation process a signed statement that such disclosure was received in confidence and shall be kept in confidence by such person. In certain cases, this requirement would have imposed on the person a higher standard of nondisclosure than required by the contract. Therefore, this paragraph (a)(2) has been revised to require that such person shall sign a statement that any information received in confidence shall be kept in confidence by the person only "to the extent of the nondisclosure provisions contained in such contract." The signed statement shall be subject to the approval of the contracting officer.

Paragraph (a) in § 270.7 has been revised to provide that when an invention disclosure is not accompanied by a Memorandum of Understanding the disclosure shall be handled for processing only, such as recording, classifying, and safekeeping. In accordance with this revision, the disclosure will not be examined to determine whether it is complete and complies with other NBS requirements concerning the preparation of invention disclosures, as previously provided in this paragraph (a). This revision will assure that technical aspects of the invention disclosure will not be reviewed prior to the time a signed Memorandum of Understanding is received. Further, this paragraph (a) has been revised to provide that when a signed Memorandum is not received with the invention disclosure, the disclosure may be returned to the submitter when it does not describe an invention as defined in § 270.1(b). This revision will enable NBS to return to the submitter an invention disclosure when it obviously does not describe an invention covered by section 14 of the Act.

Paragraph (c) of § 270.7 has been revised to provide that the Chief of the Office of Energy-Related Inventions may authorize the release of an invention disclosure to any person when "(1) the invention described in such disclosure has been set forth in a written publication available to the public, or (2) the submitter has stated in writing that a proprietary legend on the invention disclosure is not required." This revision will enable the Chief of that Office to release an invention disclosure to third parties when it is obvious that the disclosure does not contain proprietary information or when the submitter has stated in writing that it does not contain such information.

Effective date: The procedures set out below shall become effective on November 1, 1976.

Dated: September 24, 1976.

ERNEST AMBLER,
Acting Director.

Part 270 is added to Title 15 CFR to read as follows:

Sec.
270.0 Purpose.
270.1 Definitions.
270.2 Submission of invention disclosures.
270.3 Energy-related invention evaluation request form.
270.4 Statement of nondisclosure forms.
270.5 Nondisclosure provisions for evaluation contracts.
270.6 Conflict of interest.
270.7 Restricted access to invention disclosures.
270.8 Review and evaluation.
270.9 Recommendations on invention disclosures.

AUTHORITY: Sec. 14, Pub. L. 93-577, dated December 31, 1974, 88 Stat. 1894 (42 U.S.C. 5913).

§ 270.0 Purpose.

(a) The Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, dated December 31, 1974 (42 U.S.C. 5901, et seq.)), hereinafter referred to as the Act, establishes a comprehensive, national program for research and development of all potentially beneficial energy sources and utilization technologies. This program is to be carried out by the Administrator of the Energy Research and Development Administration (ERDA).

(b) Section 14 of the Act directs the National Bureau of Standards (NBS) to "give particular attention to the evaluation of all promising energy-related inventions, particularly those submitted by individual inventors and small companies for the purpose of obtaining direct grants from the Administrator" of ERDA. The purpose of this part is to promulgate regulations in the implementation of section 14 of the Act.

§ 270.1 Definitions.

As used in this part:

(a) "Office" means the Office of Energy-Related Inventions.

(b) "Invention" means any invention which may be used to conserve energy, provide a new source of energy or improve a method of harnessing known or discovered energy supplies, except nuclear energy.

(c) "Invention disclosure" means a written description of an invention.

(d) "Department" means the United States Department of Commerce.

§ 270.2 Submission of invention disclosures.

(a) Any person may submit an invention disclosure to the Office for evaluation of the invention described therein for the ultimate purpose of obtaining support from ERDA. The invention disclosure shall be accompanied by a completed Energy-Related Invention Evaluation Request form, which is specified in § 270.3.

(b) All correspondence related to an invention disclosure or inquiries related to section 14 of the Act should be addressed to:

Office of Energy-Related Inventions, National Bureau of Standards, Washington, D.C. 20234

§ 270.3 Energy-related invention evaluation request form.

(a) The Office shall furnish an Energy-Related Invention Evaluation Request form to any person who desires to submit an invention disclosure for the purpose set out in § 270.2. The form shall include, either directly or by reference:

(1) A statement of policy;

(2) A description of the invention evaluation program of the Office;

(3) An outline of the information required of the submitter, which shall include an invention disclosure in the English language, with drawings where appropriate, sufficiently complete in technical detail to convey a clear understanding of the purpose, construction, and operation of the invention described in such disclosure;

(4) A brief description of the safeguards to be taken in handling invention disclosures to protect the proprietary rights of persons submitting such disclosures;

(5) A requirement that the submitter indicate either that the following or similar legend has been applied to the invention disclosure, or that the following legend should be applied to the invention disclosure by the Office, or that such legend in the judgment of the submitter is not required: "This invention disclosure contains information which is (i) a trade secret or (ii) commercial or financial information that is privileged or confidential.";

(6) A Memorandum of Understanding setting forth the conditions under which NBS shall accept an invention disclosure for evaluation of the invention described therein, and including, directly or by reference, the provisions of § 270.5; such Memorandum shall be signed by the person who submits the invention disclosure as a prerequisite to the evaluation of the invention described in such disclosure; and

(7) Other information deemed relevant.

(b) Where the Government is entitled to the entire right, title, and interest in an invention and such invention is described in an invention disclosure to be submitted for the purpose set out in § 270.2 of this part, the Office shall furnish to the submitter an Energy-Related Invention Evaluation Request form which shall include subparagraphs (a)(1), (2), and (3) of this section and which may omit subparagraphs (a)(4), (5), and (6) thereof.

§ 270.4 Statement of nondisclosure forms.

The Office shall require that those Government employees, who administer or perform the evaluations of inventions described in invention disclosures, sign Statement of Nondisclosure forms. The form shall include, either directly or by reference:

(a) A brief description of the safeguards to be taken in handling the invention disclosures to protect the proprietary rights of persons submitting such disclosures;

(b) When the person, who is to sign the Statement of Nondisclosure form, is a Department employee, a statement indicating that such person has read and understood 15 CFR 0.735-15(b), which prohibits the use of inside information by a Department employee, and 15 CFR 0.735-15(d), which prohibits the disclosure of restricted information; and

(c) When the person, who is to sign the Statement of Nondisclosure form, is a Government officer or employee, a statement indicating that such person has read and understood 18 U.S.C. 1905, which provides for criminal penalties which may be imposed on a Government officer or employee for the unauthorized disclosure of confidential information, including trade secrets, which comes to such person in the course of his employment or official duties.

§ 270.5 Nondisclosure provisions for evaluation contracts.

(a) In any contract awarded by the Department or NBS for the evaluation of an invention described in an invention disclosure or for any other task for which a contractor receives an invention disclosure in confidence, the contractor shall agree in writing to comply with the following safeguards:

(1) To establish and maintain procedures for holding such invention disclosure in confidence;

(2) To provide the contracting officer with a signed statement from each person to whom an invention disclosure will be shown that any information which is received in confidence shall be kept in confidence by such person to the extent of the nondisclosure provisions contained in such contract; such statement shall be subject to the approval of the contracting officer.

(3) To furnish the contracting officer a description of the procedures specified in subparagraph (a)(1) of this section so that their effectiveness may be determined and evaluated, and to make any reasonable changes in such procedures as may be requested by the contracting officer to increase their effectiveness;

(4) To use the information in the invention disclosure only in the performance of the work called for in the contract;

(5) Not to disclose information in the invention disclosure to anyone except as provided in the contract, without the prior written authorization of the contracting officer;

(6) Not to make, have made, or permit to be made any copies of the invention disclosure, or any portion thereof, except those copies necessary for the performance of the work called for in the contract; any proprietary legend appearing on the invention disclosure shall be reproduced on each such copy or portion thereof; and

(7) To mark each report called for in the contract with a legend, provided by the Office, which shall specify the restrictions on distribution of the report and, when appropriate, the property rights in the information in the report.

(b) In the event the contract contemplates engaging the services of an outside consultant to perform the work called for in the contract, the contractor shall prior to disclosing the invention disclosure to the consultant, bind the consultant to a written agreement which shall contain all the nondisclosure provisions in the contract. The contractor shall provide the contracting officer, or a person designated in the contract, with a copy of such agreement.

(c) When a contract for the evaluation of an invention described in an invention disclosure requires the performance of commercial feasibility studies, the contract shall provide that the contractor, notwithstanding the provisions of paragraph (a) of this section, may, in performing an analysis of the market potential of the invention, disclose to a third party the class of systems, devices or methods to which the invention belongs, and may disclose to such party in general terms the results achieved by, and the characteristics of, the system, device or method comprising the invention.

§ 270.6 Conflict of interest.

Each contract, requiring access to invention disclosures, shall provide that if, upon examination of an invention disclosure, the contractor is aware that it has any financial interest in or any relation with a third party which might affect the integrity and impartiality of its performance of the work specified in the contract, the contractor shall provide the contracting officer with a complete written report of such interest or relation prior to undertaking the work and shall not proceed with the work without the prior written authorization of the contracting officer. The authorization of the

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contracting officer is required to assure that the integrity and impartiality of the contractor's performance of the work specified in the contract shall not be affected by such financial interest or relation.

§ 270.7 Restricted access to invention disclosures.

(a) When an invention disclosure is not accompanied by a signed Memorandum of Understanding, specified in § 270.3(a)(6) of this part, such disclosure (1) shall be handled for processing only, such as recording, classifying, and safekeeping, or (2) may be returned to the submitter without evaluation when the disclosure does not describe an invention as defined in § 270.1(b). During the processing, the distribution of the invention disclosure shall be restricted to the personnel in the Office who have been designated by the Chief of the Office to carry out the processing functions called for in this paragraph. Moreover, the invention disclosure shall not be processed beyond the Office for any purpose prior to receipt of a signed Memorandum of Understanding.

(b) When an invention disclosure is accompanied by a signed Memorandum of Understanding, such disclosure may be released to any person, who needs the information in the disclosure for administrative purposes or for evaluation of the invention described in such disclosure, and who has signed a Statement of Nondisclosure form specified in § 270.4, or who is authorized to receive the invention disclosure pursuant to a contract with the Department or NBS.

(c) In no event shall an invention disclosure be released to any person not specified in paragraph (a) or (b) of this section without the prior written authorization of the NBS Legal Advisor, provided, however, that the Chief of the Office may authorize the release of an invention disclosure to any person when (1) the invention described in such disclosure has been set forth in a written publication available to the public, or (2) the submitter has stated in writing that a proprietary legend on the invention disclosure is not required.

(d) Notwithstanding the provisions of paragraphs (b) and (c) of this section and § 270.8, an invention described in an invention disclosure, in which the Government is entitled to the entire right, title, and interest, may be reviewed and evaluated without receiving a signed Memorandum of Understanding specified in § 270.3(a)(6) or the signed statement specified in § 270.5(a)(2).

(e) After the Office has completed its review and evaluation of an invention disclosure pursuant to § 270.8, the Office, with the prior written permission of the person who submitted such disclosure, may forward the disclosure to ERDA:

(1) Without regard to the provisions of pargaraphs (b) and (c) of this section; and

(2) With the understanding between the Office and ERDA that such disclosure shall be handled in accordance with the procedures established by ERDA for the protection of proprietary information. When such permission is not obtained by the Office, the Office may nevertheless forward such invention disclosure to ERDA subject to the provisions of paragraphs (b) and (c) of this section.

(f) Notwithstanding the provisions of any section of this part, the disclosure of any information in or related to an invention disclosure shall be subject to:

(1) The provisions of the Freedom of Information Act 5 U.S.C. 552, and the Department's regulations published in the implementation thereof;

(2) The provisions of any statute which requires the submission of information to a standing committee of the Congress, including each subcommittee thereof; and

(3) Release to a third party pursuant to an order of a court of competent jurisdiction.

§ 270.8 Review and evaluation.

(a) When an invention disclosure is accompanied by the signed Memorandum of Understanding specified in § 270.3(a)(6), such disclosure shall receive a preliminary review to determine whether it is complete and sufficient and describes an invention which may be a potentially beneficial source of energy subject to utilization technologies.

(b) After completion of a preliminary review, the Office may undertake or have undertaken an evaluation of the invention in an invention disclosure which shall include:

(1) An assessment of the validity of the technical assumptions and statements which are made in the invention disclosure concerning the invention;

(2) An assessment of the potential of the invention for energy conservation, utilization, and production;

(3) An assessment of the potential of the commercial utilization of the invention; and

(4) A recommendation on whether ERDA should support the invention.

(c) Invention disclosures submitted to the Office normally shall be evaluated in the order in which they are received except in those cases where the Chief of the Office determines that the advancement of an invention disclosure would improve the effectiveness of the program established by section 14 of the Act.

(d) When a preliminary review and/or evaluation of an invention requires a capability which is not available at NBS, the Office may enter into a contract for the performance of such review and/or evaluation with a qualified individual or firm in the private sector or into an agreement with another Federal Government department or agency for the same purpose.

§ 270.9 Recommendations on invention disclosures.

(a) Based on the review or evaluation of an invention pursuant to § 270.8, the Office shall decide whether or not to recommend the invention to ERDA for support and shall inform ERDA and the person who submitted the invention disclosure of such decision.

(b) Subject to the provisions of § 270.7(e):

(1) Where the Office recommends an invention to ERDA for support, the Office shall furnish a report to ERDA which documents the basis for the recommendation; and

(2) Where the Office decides not to recommend an invention to ERDA, a report which documents the basis of its decision shall be forwarded to ERDA upon its request.

[FR Doc.76-28726 Filed 9-30-76;8:45 am]

Title 17—Commodity and Securities Exchanges

[Release Nos. 33-5745, 34-12632]

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guide for Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships

The Commission today approved the addition of Section 21(C), "Undertaking to Provide Financial Information" to Guide 60, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Section 21(C) was published for comment in identical form on March 17, 1976 (Securities Act Release No. 5692 and Securities Exchange Act Release No. 12224) (41 FR 17403, 4-26-76). During the comment period, which expired on May 14, 1976, no adverse comments were received.

Guide 60 contains comments and suggestions by the Division of Corporation Finance in its processing of registration statements relating to real estate limited partnerships. It is not a Commission rule, nor was it published as bearing the Commission's official approval. As indicated in Securities Act Release No. 5692 (March 17, 1976) announcing the publication of the Guide, its purpose is to minimize delays in the review of registration statements relating to real estate limited partnerships and to assist issuers, accountants, attorneys, and others in the preparation of such filings.

Section 21(C) requests that registrants undertake to furnish to investors the financial statements required by Form 10-K (17 CFR 249.310) for one full year of operations after the effective date of a registration statement relating to a real estate limited partnership. The purpose of this undertaking is to try to assure that investors receive financial information for at least the first year of actual operations. In many instances, the issuer's obligation to file reports under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) terminates before the proceeds of the offering are fully invested so that the investor never receives financial information of the type required by Form 10-K relating to partnership operations.

The text of Section 21(C) reads as follows:

* * * * *

21. UNDERTAKINGS

(C) The following undertaking should be included in every registration statement:

The registrant undertakes to provide to the limited partners the financial statements required by Form 10-K for the first full fiscal year of operations of the partnership.

(Secs. 7, 10, 48 Stat. 78, 81, Sec. 205, 48 Stat. 906; Sec. 8, 68 Stat. 685; (15 U.S.C. 77g, 77j).)

The Commission hereby authorizes the publication of section 21(C) pursuant to sections 7 and 10 of the Securities Act of 1933.

By the Commission.

Dated: September 27, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28891 Filed 9-30-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

GOOD CAUSE FOR EXTENSION OF TIME TO REQUEST AN APPEAL

Pursuant to the Administrative Procedure Act (5 U.S.C. 553), the amendments to the regulations set forth below by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare are being promulgated without notice of proposed rulemaking. These amendments expand Regulations No. 16 by specifically delineating the procedure for requesting an extension of the time period for requesting reconsideration, by making the "good cause" provisions applicable to untimely filed requests for reconsideration, and by increasing from five to nine the sets of circumstances which could justify a finding of "good cause" for failing to timely appeal a supplemental security income initial determination. These amendments conform the title XVI regulations to those issued under title II. These amendments will place no additional burden upon claimants for or recipients of supplemental security income benefits since, under these rules, they will have a significantly greater opportunity to demonstrate that they had "good cause" for not appealing a title XVI initial determination within the prescribed time period.

The Social Security Administration requires, by regulation (see § 416.1410), that an appeal of any initial determination be filed within a certain prescribed time limit. Recognizing that individuals will occasionally fail to appeal within the time limitation, the Social Security Administration has provided, also by regulation (see § 416.1474), certain sets of circumstances in which "good cause" could be found for failure to timely appeal an initial determination. If "good cause" for late filing of an appeal is found, the time limit for filing such an appeal would be extended so that the request is accepted.

These amendments set out in § 416.1410 the specific procedure for requesting an extension of the time for requesting reconsideration of an initial determination. This procedure was previously furnished by referring the reader to § 404.954a, a regulation covering title II matters. This change will make it easier for an individual to determine what his rights and responsibilities are with respect to filing a reconsideration request.

The regulations now in effect for the title XVI program describe five sets of circumstances which would permit a finding of "good cause" to be made, and directly apply these circumstances to requests for hearings, review of a hearing decision or for commencing a civil action but do not apply them to requests for reconsideration. The "good cause" provisions covering late filing of a reconsideration request in title XVI were made applicable by cross-reference through the above mentioned § 416.1410 to a title II regulation. So as not to disadvantage those persons who requested an extension of the time period within which to request an appeal of a title XVI initial determination, and to conform the title XVI regulations regarding "good cause" to those under title II, these amendments also expand to nine the sets of circumstances permitting a finding of "good cause" by conforming the provisions of § 416.1474 to those in § 404.954a which relates to title II. This action would increase the protection afforded all claimants for or recipients of supplemental security income, and provide uniformity in the Social Security Administration's "good cause" provisions. Since the proposed amendments would (1) set out the actual procedure a claimant for or recipient of supplemental security income benefits must follow to request an extension of the time period for requesting reconsideration, (2) increase from five to nine the sets of circumstances which could justify a finding of "good cause" for failing to timely appeal a supplemental security income initial determination, and (3) would have no adverse effect on any individual's rights or responsibilities but would further relieve the restriction on extending the time limit for requesting an appeal, the Secretary finds that publication with notice of proposed rulemaking, as well as publication at least 45 days prior to the effective date, are unnecessary. However, consideration will be given in any future revisions of these regulations to any comments, pertaining to these amendments, which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, PO Box 1585, Baltimore, Maryland 21203, on or before November 15, 1976.

Comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1631(c)(1) of the Social Security Act; 49 Stat. 647, 86 Stat. 1475; (42 U.S.C. 1302, 1383(c)(1)).)

Effective date. These regulations shall be effective on October 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: July 19, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 22, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1410 is revised to read as follows:

§ 416.1410 Time and place of filing request.

(a) *Time and place of filing.* The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration within 60 days from the date of receipt of notice of the initial determination, unless such time is extended as specified in paragraph (b) of this section. (See § 416.1336(c) for the time period within which the request must be made for a right to continuation or reinstatement of payment pending the reconsidered decision.) For purposes of this section, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

(b) *Extension of time for filing.* If a party to an initial determination desires to file a request for reconsideration after the time for filing such request has passed (see paragraph (a) of this section), such party may file a petition with the Social Security Administration for an extension of time for the filing of such a request. Such petition shall be in writing and shall state the reason why the request for reconsideration was not filed within the required time. For good cause shown (see § 416.1474) the Social Security Administration may extend the time for filing the request for reconsideration.

§ 416.1411 [Amended]

2. Section 416.1411 is amended by changing the cross-reference in line 6 from "§ 404.953 of this chapter" to "§ 416.1410(b)".

V41 I192 O0CT 1 76 UMI

§ 416.1462 [Amended]

3. Section 416.1462(b) is amended by changing the cross-reference in lines 8 and 9 from "§ 404.954 and § 416.1473 of this chapter" to "§§ 416.1473 and 416.1474".

4. Section 416.1474 is revised to read as follows:

§ 416.1474 Good cause for extension of time.

"Good cause" for failure to file a timely request for reconsideration, hearing, or review, or to begin civil action may be granted if the individual establishes to the satisfaction of the presiding officer, the Appeals Council, or other component of the Social Security Administration, that his failure to file a timely request was due to good cause. In determining whether "good cause" for failure to file a timely request has been established by the individual, consideration is given to whether the failure to file the request within the proper time limit was the result of circumstances which impeded the individual's efforts to pursue his claim, misleading action of the Social Security Administration, or misunderstanding as to the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions. Good cause for failure to file a timely request may be found where such failure resulted from the following circumstances:

(a) The individual was seriously ill or had a physical or mental impairment and such illness or impairment prevented him from contacting the Social Security Administration in person, or in writing, or through a friend, relative, or other person;

(b) There was a death or serious illness in the individual's immediate family;

(c) Pertinent records were destroyed or damaged by fire or other accidental cause;

(d) The individual was actively seeking evidence to perfect his claim and his search, though diligent, was not completed before the time period expired;

(e) The individual requested additional explanation concerning the Social Security Administration's decision within the time limit, provided that, within 60 days after receipt of such explanation, he requested reconsideration or hearing, or within 30 days after receipt of such explanation, he requested review or began a civil action;

(f) The individual was furnished incorrect or incomplete information by the Social Security Administration or was otherwise misled by a representative of the Social Security Administration about his right to request reconsideration, hearing, or review, or to begin a civil action;

(g) The individual failed to receive the notice of initial determination, reconsideration, decision of a presiding officer or a decision of the Appeals Council;

(h) The individual transmitted the request to another Government agency in good faith within the time limit and the request did not reach the Social Security Administration until after the time period had expired; or

(i) Unusual or unavoidable circumstances exist, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

[FR Doc.76-28742 Filed 9-30-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Disophenol Sodium Injection

The Food and Drug Administration approves a supplemental new animal drug application (12-598V) filed by the American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, providing for safe and effective use of disophenol sodium injection for treating hookworm infections in dogs and cats. The supplement proposes to revise the chemical name of the drug to the preferred form reflecting its structure and to revise the treatment regimen so that in lieu of a second treatment at from 14 to 21 days, the re-treatment interval is restricted to 21 days to decrease the potential for adverse reaction. The approval is effective October 1, 1976.

The Commissioner of Food and Drugs is amending § 522.740 (21 CFR 522.740) to reflect this approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended in § 522.740 by revising the section heading and paragraphs (a), (b), and (d) (2) and (3) to read as follows:

§ 522.740 Disophenol sodium injection.

(a) *Chemical name.* Sodium 2,6-diiodo-4-nitrophenoxide.

(b) *Specifications.* The drug is sterile and contains the equivalent of 4.5 percent disophenol in polyethylene glycol 400 and distilled water.

• • • • • •

(d) • • •

(2) It is administered subcutaneously at a dosage level equivalent to 4.5 milligrams of disophenol per pound of body weight. A second treatment may be indicated 21 days after the initial treatment.

(3) Do not repeat treatment in less than 21 days.

• • • • • •

Effective date. This amendment shall be effective October 1, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 24, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-28735 Filed 9-30-76;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 76N-0089]

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Erythrocebus Patas Monkey Kidney Tissue Culture Preparations; Safety Testing of Certain Virus Vaccines

The Commissioner of Food and Drugs is amending the biologics regulations to permit the use of kidney tissues from *Erythrocebus patas* monkeys as an alternative to kidney tissues from *Cercopithecus* monkeys in the safety testing of Measles Virus Vaccine, Live, Attenuated; Mumps Virus Vaccine, Live; and Rubella Virus Vaccine, Live; effective October 1, 1976.

In the notice of proposed rule making published in the FEDERAL REGISTER of April 29, 1976 (41 FR 17930), interested persons were given until June 28, 1976 to submit written comments regarding the proposal. No written comments were received. Accordingly, the Commissioner concludes that the proposal should be adopted as published.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 630 is amended in § 630.35 by revising paragraph (a) (3) to read as follows:

§ 630.35 Test for safety.

(a) • • •

(3) *Inoculation of monkey tissue cell cultures.* A volume of virus suspension of each undiluted virus pool, equivalent to at least 500 human doses or 50 milliliters, whichever represents a greater volume, shall be tested for adventitious agents in *Cercopithecus* monkey kidney tissue culture preparations or *Erythrocebus patas* monkey kidney tissue culture preparations, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian and nonchicken origin. The immunizing antigen used for the preparation of the measles antiserum shall be grown in tissue culture cells that shall be free of extraneous viruses which might elicit antibodies that could inhibit growth of extraneous viruses present in the measles virus pool. The tissue culture of the virus pool shall be observed for no less than 14 days. The virus pool is satisfactory for measles virus vaccine only if all the tissue culture tests fail to show evidence of any extraneous transmissible agent other than measles virus attributable to the vaccine.

• • • • • •

Effective date. This regulation shall be effective October 1, 1976.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262).)

Dated: September 23, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28736 Filed 9-30-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Dextrorphan and Nalbuphine; Removal From Schedules

On April 19, 1976, a notice was published in the FEDERAL REGISTER (41 FR 16487) proposing to remove dextrorphan from Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(c) Schedule I (a) (13); § 1308.11(b) (13), Title 21 of the Code of Federal Regulations (CFR)).

On May 11, 1976, a notice was published in the FEDERAL REGISTER (41 FR 19227) proposing to remove nalbuphine from Schedule II of the Act (21 U.S.C. 812(c) Schedule II (a)(1); 21 CFR 1308.12(b)(1)).

Each notice give all interested persons an opportunity to submit comments, objections, or requests for a hearing on the respective matters proposed therein. All such submissions were to be received by the Drug Enforcement Administration on or before May 25, 1976 regarding dextrorphan, and on or before June 14, 1976 regarding nalbuphine.

No comments were received in response to either proposal.

In view thereof, and based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to Section 201(b) of the Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that neither dextrorphan nor nalbuphine have sufficient potential for abuse or abuse liability to justify the continued control of either substance in any schedule under the Act.

Therefore, under the authority vested in the Attorney General by Section 201 (a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby orders that dextrorphan and its salts be removed from Schedule I, that nalbuphine and its salts be removed from Schedule II, and that 21 CFR 1308.11(b) and 1308.12(b)(1) be amended consistent therewith as hereinafter appears.

Schedules I through V are contained in Title 21, Code of Federal Regulations, Part 1308 (21 CFR 1308.11–1308.15). Section 202(a) of the Act (21 U.S.C. § 812 (a)) states that the Schedules shall be updated and republished on an annual basis. This mandate is carried out when the Office of the Federal Register, National Archives and Records Service, General Services Administration, annually publishes Title 21, Code of Federal Regulations, Part 1300 To End, revised as of April 1 of the year of publication and includes in that volume Schedules I through V as amended during the twelve months preceding the annual date of revision.

The Drug Enforcement Administration has reviewed the most recent annual update and republication of Schedules I through V in Title 21, Code of Federal Regulations, Part 1300 To End (Revised as of April 1, 1976), and has recognized several instances where there is a need to make certain non-substantive changes in several Schedules in order to clarify or correct controlled substances nomenclature, spelling, and numerical sequence, and to assign drug control numbers.

In view of this, the Administrator has determined the need to amend Schedules I through V so as to reflect the removal of dextrorphan and nalbuphine therefrom and to include therein the above-referred non-substantive clarifying and corrective changes.

Therefore, under the authority vested in the Attorney General by Section 501 (b) of the Act (21 U.S.C. S871(b)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby orders that §§ 1308.11–1308.15, Title 21 of the Code of Federal Regulations (Revised as of April 1, 1976), and the updated and republished list of Schedules I through V set out therein, be amended to conform to the following:

SCHEDULES

§ 1308.11 Schedule I.

• • • • • •

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, salts is possible within the specific chemical designation:

1. Acetylmethadol	9601
• • • • •	
15. Difenoxin	9618
16. Dimenoxadol	9617
17. Dimepheptanol	9616
18. Dimethylthiambutene	9619
19. Dioxaphetyl butyrate	9621
20. Dipipanone	9622
21. Ethylmethylthiambutene	9623
22. Etonitazene	9624
23. Etoxeridine	9625
24. Furethidine	9626
25. Hydroxpethidine	9627
26. Ketobemidone	9628
27. Levomoramide	9629
28. Levophenacylmorphan	9631
29. Morpheridine	9632
30. Noracymethadol	9633
31. Norleyorphanol	9634
32. Normethadone	9635
33. Norpipanone	9636
34. Phenadoxone	9637
35. Phenampromide	9638
36. Phenomorphan	9647
37. Phenoperidine	9641
38. Piritramide	9642
39. Proheptazine	9643
40. Properidine	9644
41. Propiram	9649
42. Racemoramide	9645
43. Trimeperidine	9646

• • • • • •

(d) *Hallucinogenic substances.* • • •

(3) 4-methoxyamphetamine Some trade or other names: 4-methoxy-a- methyliphenethylamine; paramethoxyampheta mine, PMA.	7411
• • • • •	
(11) Ibogaine Some trade and other names: 7-Ethyl-6,6β,7,8,9,10,12,13 - octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; tabernanthe iboga.	7260
• • • • •	
(15) Peyote Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii Lemaire*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts.	7415
• • • • •	
(21) Thiophene Analog of Phencyclidine Some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.	7470

• • • • • •

§ 1308.12 Schedule II.

• • • • • •

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium and opiate, excluding apomorphine, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

• • • • • •

(7) Codeine	9050
(8) Ethylmorphine	9190
(9) Etorphine hydrochloride	9059
(10) Hydrocodone	9193
(11) Hydromorphine	9150
(12) Metopon	9260
(13) Morphine	9300
(14) Oxycodone	9143
(15) Oxymorphone	9652
(16) Thebaine	9333

• • • • • •

(c) *Opiates.* • • •

(14) Pethidine (meperidine)	9230

• • • • • •

§ 1308.13 Schedule III.

(c) *Depressants.* • • •

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(4) Chlorhexadol 2510

• • • • • •

§ 1308.14 Schedule IV.

• • • • • •

(b) *Depressants.* • • •

(14) Methylphenobarbital (mephobarbital) 2250

• • • • • •

This order is effective on October 1, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

SEPTEMBER 24, 1976.

[FR Doc.76-28758 Filed 9-30-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2325]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (P.L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Idaho	Bonneville	Irwin, city of	Sept. 20, 1976, emergency	Aug. 29, 1975	160143
Illinois	Bureau	Cherry, village of	do	July 11, 1975	170011
Michigan	Lenawee	Deerfield, village of	do	Sept. 12, 1975	260438
Do	Oceana	Newfield, township of	do		260697
Missouri	Jefferson	Pevely, city of	do		290677
New Mexico	Lea	Hobbs, city of	do	Apr. 2, 1976	350029
New York	Chenango	Coventry, town of	do	Jan. 17, 1975	361375
•	•	•	•	•	•
Colorado	Arapahoe	Sheridan, city of	Sept. 8, 1976, suspension withdrawn	May 3, 1974 Jan. 23, 1976	080018A
Oklahoma	Kingfisher	Kingfisher, city of	do	Apr. 12, 1974	400082
Texas	Galveston	Crystal Beach, town of	do	Sept. 30, 1976	480243
•	•	•	•	•	•
Colorado	Weld	Gilcrest, city of	Sept. 21, 1976, emergency	Aug. 22, 1975	080213
Do	do	Keenesburg, town of	do	Sept. 19, 1975	080251
Iowa	Buchanan, and Fayette	Fairbank, city of	do	July 25, 1975	190329
Do	Calhoun	Kalerim, city of	do		190339
Kansas	Osage	Scranton, city of	do	Sept. 19, 1975	200527
Michigan	Eaton	Dimondale, village of	do	Oct. 17, 1975	260333
Minnesota	Blue Earth	Lake Crystal, city of	do	July 30, 1976	270030
Missouri	Scott	Blodgett, village of	do	Apr. 25, 1975	290771
Nebraska	Gage	Barneston, village of	do	Sept. 6, 1974 Nov. 21, 1975	310090A
New York	Seneca	Lodi, town of	do	July 26, 1974 May 28, 1976	360753A
Pennsylvania	Clearfield	Brisbin, borough of	do	Sept. 20, 1974 June 4, 1976	420297A
Do	Fayette	Henry Clay, township of	do	Dec. 6, 1974	421628
Do	Cumberland	Newville, borough of	do	Jan. 31, 1975	421579
•	•	•	•	•	•
Indiana	Fulton	Unincorporated areas	Sept. 22, 1976, emergency	Dec. 20, 1974	180076
Iowa	Sac	Odebolt, city of	do	Aug. 29, 1975	190633
New York	Chautauqua	Villenova, town of	do	Oct. 18, 1974	361102
Oklahoma	Sequoyah	Marble City, town of	do	Sept. 26, 1975	400804
Texas	Burnet	Granite Shoals, city of	do	July 18, 1975	481149
Vermont	Franklin	Richford, town of	do	Aug. 2, 1974	500215
•	•	•	•	•	•
Georgia	Habersham	Unincorporated areas	Sept. 23, 1976, emergency	Aug. 1, 1975	130378
Indiana	Jackson	Crothersville, town of	do	Sept. 19, 1975	180712
Iowa	O'Brien	Calumet, city of	do	Sept. 26, 1975	190510
Do	Sioux	Hospers, city of	do	Sept. 19, 1975	190448
Do	Lyon	Little Rock, city of	do	July 18, 1975	260467
Michigan	Newaygo	Brooks, township of	do	July 28, 1975	260512
Do	St. Joseph	Constantine, village of	do	May 2, 1975	290701
Missouri	Pettis	La Monte, city of	do	July 11, 1975	310264
Nebraska	Gage	Cortland, village of	do	Mar. 28, 1975	340559
New Jersey	Sussex	Montague, township of	do		•
•	•	•	•	•	•
Colorado	Teller	Unincorporated areas	Sept. 24, 1976, emergency		080173
Georgia	Madison	Colbert, city of	do	Apr. 18, 1975	130355
Iowa	Monroe	Albia, city of	do	Sept. 19, 1975	190541
Do	Sioux	Rock Valley, city of	do		190253
Do	Henry	Winfield, city of	do	Sept. 19, 1975	190688
North Dakota	Renville	Mohall, city of	do		380241
Do	Pierce	Rugby, city of	do	Mar. 22, 1974 Oct. 3, 1975 May 21, 1976	380088B

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 16, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28683 Filed 9-30-76;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 701—NEWLY COVERED EMPLOYMENT IN PUERTO RICO OTHER THAN GOVERNMENT SERVICE

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 644 (41 FR 15085), amended by Administrative Order No. 645 (41 FR 21381), the Secretary of Labor appointed and convened Industry Committee No. 134-B for Domestic Service and Motion Picture Theaters, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 134-B are hereby published, revising §§ 701.2, 701.2(a), 701.2(d), and 701.2(d)(3) of Part 701, Title 29, Code of Federal Regulations. The other wage rates have heretofore reached the mainland rates and are continued. To simplify and to update the rates, § 701.2 is accordingly amended. As revised, § 701.2 (a)(1), (c)(1), (d), (e), (f)(1), and (g)(1) reads as follows:

§ 701.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each employee who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1974. Future rates shown herein include increases of $.15 an hour on the 1st day of May, of each year until the mainland rate is reached (as required by section 6(c)(2) of the Act) and the increases for January 1, 1977 and January 1, 1978 (as required by sections 6(a)(5) and 6(b)).

(a) *Domestic service workers.* (1) The minimum wage for this classification is $2.20 an hour through December 31, 1976 and $2.30 an hour thereafter.

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(b) *Small retail and service establishments.* (1) The minimum wage for this classification is $2.20 an hour through December 31, 1976 and $2.30 an hour thereafter.

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(c) *Small telegraph agencies.* (1) The minimum wage for this classification is $2.20 an hour through December 31, 1976 and $2.30 an hour thereafter.

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(d) *Motion picture theaters.* This activity comprises every theater where motion pictures are exhibited (Drive-in-theaters are included in this class).

(1) *Motion picture projectionists and managers.* (i) The minimum wage for this classification is $2.20 an hour through December 31, 1976 and $2.30 an hour thereafter.

(2) *Electricians, plumbers, drivers, painters, and other arts and crafts employees.* (i) The minimum wage for this classification is $2.20 an hour through December 31, 1976 and $2.30 an hour thereafter.

(3) *All other employees.* (i) The minimum wage for this classification is $2.20 an hour through December 31, 1976 and $2.30 an hour thereafter.

(e) *Processing of shade-grown tobacco.* (1) The minimum wage for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour effective January 1, 1977; through December 31, 1977; and $2.30 an hour thereafter.

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(f) *Small logging operations.* (1) The minimum wage for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour January 1, 1977 through December 31, 1977; and $2.30 an hour thereafter.

• • • • • •

(g) *Agricultural employees of large conglomerates.* (1) The minimum wage for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour January 1, 1977 through December 31, 1977 and $2.30 an hour thereafter.

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(Secs. 5, 6, 8, 52 Stat. 1062 and 1064 as amended; (29 U.S.C. 205, 206, 208).

Effective date. The effective date for the revisions of paragraphs (a) and (d) of § 701.2 is October 17, 1976.

Signed at Washington, D.C., 27th day of September 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 76—28870 Filed 9-30-76; 8:45 am]

PART 727—THE AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and by means of Administrative Order No. 644 (41 FR 15085), the Secretary of Labor appointed and convened Industry Committee No. 133 for the Agriculture Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 133 are hereby published, revising § 727.2, Part 727, Title 29, Code of Federal Regulations.

As revised, § 727.2 reads as follows:

§ 727.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in any of the following classifications of the agriculture industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Drivers, tractor operators and machinery operators on farms other than sugarcane farms classification.* (1) The minimum rate for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour, effective January 1, 1977; and $2.30 an hour, effective January 1, 1978; by reason of section 6(a)(5).

(2) This classification is defined as all activities on farms, other than sugarcane farms, performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in

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Puerto Rico as MOSQUITO to haul light agricultural machinery used on farms or to pull dump wagons, mow grass, sink poles, etc.

(b) *Milkers classification.* (1) The minimum rate for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978; by reason of section 6(a)(5).

(2) This classification is defined as the activities of milkers in dairy farms who milk cows by machine or by hand, and tend machines which separate milk from cream.

(c) *Craftsmen on farms other than sugarcane farms classification.* (1) The minimum rate for this classification is $2.00 an hour, through December 31, 1976; $2.20 an hour, effective January 1, 1977; and $2.30 an hour effective January 1, 1978; by reason of section 6(a)(5).

(2) This classification is defined as all activities on farms, other than sugarcane farms, performed by craftsmen who practice, carry out or accomplish any work which requires mechanical or manual skill, including but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(d) *Other workers on livestock and dairy farms classification.* (1) The minimum rate for this classification is $1.70 an hour through October 31, 1976, and $1.75 and hour, effective November 1, 1976. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(2) This classification is defined as all activities on livestock and dairy farms, except those included in the drivers, etc. classification, or the milkers classification, or the craftsmen classification.

(e) *Other workers on tobacco and coffee farms classification.* (1) The minimum rate for this classification is $1.55 an hour through April 30, 1977. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(2) This classification is defined as all activities on tobacco and coffee farms, except those included in the drivers etc. classification or the craftsmen classification.

(f) *Other workers on ornamental plant farms classification.* (1) The minimum rate for this classification is $1.80 an hour through April 30, 1977; $1.95 effective May 1, 1977, pursuant to section 6(c)(2) of the Act; and $2.10 effective January 1, 1978. Unless otherwise provided, this wage rate is increased by $.15 a hour on May 1, 1978 and by $.15 an hour on May 1, 1979 pursuant to section 6(c)(2) of the Act.

(2) This classification is defined as all activities on ornamental plant farms; including the sowing, cultivation and production of flowers and plants, trees, and grass used for ornamental purposes; except those activities included in the drivers, etc. clasification or the craftsmen classification.

(g) *Other workers on pineapple farms classification.* (1) The minimum rate for this classification is $1.80 an hour through April 30, 1977. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(2) This classification is defined as all activities on pineapple farms, except those included in the drivers, etc., classification or the craftsmen classification.

(h) *Other workers on other farms (except sugarcane farms) classification.* (1) The minimum rate for this classification is $1.55 an hour through October 31, 1976 and $1.60 an hour effective November 1, 1976. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(2) This classification is defined as all activities on other farms (except sugarcane farms) except those included in the drivers, etc., classification or the craftsmen classification.

(i) *Principal operators of mechanical loaders, harvesters, and sowers on sugarcane farms classification.* (1) The minimum rate for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour, effective January 1, 1977; and $2.30 an hour, effective January 1, 1978; by reason of section 6(a)(5).

(2) This classification is defined as all activities on sugarcane farms performed by principal operators of mechanical loaders, harvesters, and sowers.

(j) *Operators of mechanical equipment and craftsmen (except operators of mechanical loaders, harvesters, and sowers) on sugarcane farms classification.* (1) The minimum rate for this classification is $2.00 an hour through December 31, 1976; $2.20 an hour, effective January 1, 1977; and $2.30 an hour, effective January 1, 1978; by reason of section 6(a)(5).

(2) This classification is defined as all activities on sugarcane farms performed by all operators of mechanical equipment such as tractors, tractor plows, fertilizing machines, herbicide spraying machines, and trucks including also heavy mechanical equipment; and the activities performed by craftsmen.

(k) *Other workers on sugarcane farms classification.* (1) The minimum rate for this classification is $1.83 an hour through April 30, 1977. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1977; and on May 1 of each subsequent year until the mainland rate is reached.

(2) This classification is defined as all activities on sugarcane farms except those included in the two other sugarcane classifications.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064 as amended; (29 U.S.C. 205, 206, 208).)

Effective date: The effective date of these revisions of paragraphs (f), (g) and (k) of § 702.2 is October 17, 1976.

Signed at Washington, D.C., this 27th day of September 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.76-28869 Filed 9-30-76;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

California Plan; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 containing the decision of approval. On June 17, 1975, September 5, 1975, October 1, 1975, October 9, 1975, and November 3, 1975, the State of California submitted supplements to its plan involving developmental and State-initiated changes (see Subparts B and E of 29 CFR Part 1953 respectively). Notices of the receipt of these supplements were published in the FEDERAL REGISTER on August 13, 1975 (40 FR 33995) for the June 17, 1975 supplement, and on April 27, 1976 (41 FR 17579) for all the other supplements.

2. *Description of the supplements*—(a) *Enforcement regulations.* On June 17, 1975, the State submitted supplements concerning the promulgation of regulations related to enforcement activities under the California plan. These regulations concern advance notice of inspections, citation procedures, proposed penalty procedures and employee rights regarding monitoring and measuring of their exposure to hazards. In addition, the regulations concern the procedures and requirements for the issuance of permits for excavations, trenches, construction and demolition activities and requirements for reporting work-connected injuries.

(b) *Recordkeeping and reporting requirements.* On September 5, 1975, the State submitted supplements concerning the recordkeeping and reporting requirements for private employers. An amendment to section 6410 of the California Labor Code authorizes the Division of Labor Statistics and Research, within the Department of Industrial Relations, to prescribe and provide the necessary forms for the maintenance of required records in the same manner and to the same extent that would be required if no State plan were in effect.

(c) *Inspections Scheduling System.* On October 1, 1975, the State submitted a supplement concerning the Inspection Scheduling System (ISS), one of the developmental goals in the State plan. The purpose of the System is to generate and distribute computer-generated employer lists to Regional Offices of the Division of Industrial Safety as part of a system for scheduling routine inspections. Size of firm and lost-workday incidence rate of the industry in which the firm is classified are the basis for selection from the data base. Firms have been included on the listing if they employ 20 or more persons and if the 3- or 4-digit SIC subgroup in which they are classified has a lost-workday incidence rate in excess of 4.0, the average for California's private nonfarm section of the economy in 1972.

(d) *Operations Manual.* On October 9, 1975, the State submitted a supplement concerning the Operations Manual for use by California compliance safety engineers. New procedures for such topics as the handling of discrimination complaints, field training, security and advance notice remain to be written for subsequent incorporation.

(e) *Deletion of State Fire Marshal's Participation.* On November 3, 1975, the State submitted a supplement concerning the termination of the Office of State Fire Marshal's participation in the State plan as a State-initiated change. In the original California plan, it was envisioned that the Office of the State Fire Marshal would provide technical assistance and support to the Division of Industrial Safety in fire safety problems of an unusual or complex nature. Program experience has shown that the Division has had little need for the kind of technical assistance originally envisioned, and that the fire safety standards pertaining to occupational safety and health can and are being enforced by the compliance safety engineers of the Division of Industrial Safety with appropriate training. By terminating the Fire Marshal program, funds can be redirected to the Division for fire safety enforcement and for other areas of the overall program in need of additional funding.

3. *Location of the plan supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; California Occupational Safety and Health Administration, 1006 4th Street, Third Floor, Sacramento, California 95814; California Occupational Safety and Health Administration, 455 Golden Gate Avenue, Room 2152, San Francisco, California 94102; and, Division of Industrial Safety, 3460 Wilshire Boulevard, Los Angeles, California 90010.

4. *Public participation.* Interested persons were given 30 days to submit written data, views and arguments concerning all of the above supplements. No written comments were submitted.

5. *Decision.* After careful consideration of the California plan supplements in relation to the requirements of the Act and 29 CFR Part 1902, they are hereby approved. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart K of 29 CFR Part 1952 is amended as set forth below, effective October 1, 1976.

Section 1952.174 is amended by adding paragraphs (j) through (m) as follows:

§ 1952.174 Completed developmental steps.

* * * * *

(j) In accordance with § 1952.173(a), enforcement rules and regulations were promulgated by January 1974, and were approved by the Assistant Secretary on September 28, 1976.

(k) Recordkeeping and reporting requirements for private employers were promulgated by November 1974, and were approved by the Assistant Secretary on September 28, 1976.

(l) In accordance with § 1952.173(h), the Inspection Scheduling System was fully implemented and in operation by June 1975.

(m) In accordance with § 1952.173(a), an operations manual was published, and was approved by the Assistant Secretary on September 28, 1976.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-28848 Filed 9-30-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Alaska State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 8-76, 41 FR 24059, June 22, 1976) will review changes in a State plan which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On August 10, 1973, a notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision. On March 16, 1976, Alaska submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the Alaska Safety and Health Poster for private and public employees which is to be posted at all covered workplaces in the State.

2. *Description of the poster.* The Alaska Safety and Health Poster for private and public (State and local government) employees contains, among other things, provisions notifying employees of their obligations and protections under the Alaska law (No. AS18.60.010 to 105): their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State law (public employees are covered only by State law); and, their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The Alaska poster meets all the requirements of 29 CFR 1952.10. However, the State poster does not distinguish between the rights of private and public employees in making discrimination complaints (private employees may appeal to both Federal and State agencies, while public employees may appeal only to the State). Although inclusion of this distinction was not required under 29 CFR 1952.10, it has been determined to be necessary. The State has given assurances that it will make such a distinction upon subsequent revision of its poster. To assure proper handling of public employee complaints, provisions have been made for the Federal government to refer any complaints received from public employees to the Alaska Department of Labor.

Further, the caption size of the print is not in conformity with the requirements of 29 CFR 1903.2(a)(3) regarding the minimum size of prints on State posters. The State has provided assurances that the caption size will be increased upon reprinting of the poster.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801.

4. *Public participation.* Under § 1953.2(c) of this Chapter the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Alaska Safety and Health Poster incorporates

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all of the provisions required under 29 CFR 1952.10. Accordingly, it is felt that further opportunity for public comment is unnecessary.

5. *Decision.* After consideration, the Alaska Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the Alaska poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition, § 1952.244 of 29 CFR Part 1952 is hereby amended to reflect completion of a developmental step by adding a new paragraph to § 1952.244, as follows:

§ 1952.244 Completed developmental steps.

* * * * *

(c) In accordance with the requirements of § 1952.10 the Alaska Safety and Health Poster for private and public employees was approved by the Assistant Secretary of Labor on September 28, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-28850 Filed 9-30-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Virgin Islands State Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C 667) (hereinafter referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands Plan and adoption of Subpart S of Part 1952 containing the decision and describing the plan. On March 8, 1976, the Virgin Islands submitted supplements to the plan involving developmental changes. (See Subpart B, 29 CFR Part 1953).

The supplements contain a description of the Virgin Islands Management Information System (MIS); a program of basic and continuing training for compliance and consultant personnel; and the Virgin Islands safety and health posters for both public and private sectors which are to be posted at all covered workplaces in the State.

2. *Description of supplements*—(a) *Management Information System.* The Virgin Islands Management Information System is a manual system. The system provides, among other things, data on inspection type, employee participation, employee discrimination complaints, number and type of violations, proposed penalties and collection of penalties, employee complaints, safety and health complaints, serious and nonserious penalties and violations, training time utilization, and contested cases.

(b) *Staff training.* The State has submitted a statement certifying the completion of the training objectives as set forth in the State Plan. The training included all compliance and consultant personnel completing basic training courses at the OSHA Institute in Chicago and subsequent in-house and on-the-job training conducted by the State, the Area Office in San Juan, and the Region.

(c) *Posters.* The Virgin Islands safety and health poster for private employees contains, among other things, provisions notifying employees of their obligations and protections under the Virgin Islands occupational safety and health legislation; their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State laws; and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

The poster for the public sector does not contain provisions for monetary sanctions or for submission of discharge or discrimination complaints to the Occupational Safety and Health Administration. Since the definition of "employer" under the Federal Act excludes public employers, section 11(c) rights are not available to public employees.

3. *Location of the plan and its supplements for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Occupational Safety and Health Division, Building No. 1, Second floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virginia Island 00840.

4. *Public participation.* Under § 1953.2(c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Virgin Islands plan supplements described above are consistent with commitments contained in the approved plan, which were previously made available for public comment. Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Virgin Islands plan supplements described in 2 (a), (b) and (c) above are hereby approved under Subpart B of Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart S of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly, § 1952.254 of Subpart S is hereby amended as follows:

§ 1952.254 Completed developmental steps.

* * * * *

(c) In accordance with § 1952.253(a) the Virgin Islands has completed the training as described therein.

(d) The Virgin Islands has developed and implemented a manual Management Information System.

(e) In accordance with the requirements of § 1952.10 the Virgin Islands safety and health posters for private and public employees were approved by the Assistant Secretary on September 28, 1976.

This decision is effective October 1, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-28849 Filed 9-30-76;8:45 am]

Title 40—Protection of Environment

[FRL 616-1]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Iowa Plan Revisions and Clarifying Amendments

On May 31, 1972 (37 FR 10865), pursuant to section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved, with specific exceptions, the State of Iowa plan for the implementation of the National Ambient Air Quality Standards. On February 24, 1976 (41 FR 8071), the Agency announced that the State proposed to revise its implementation plan by making a number of amendments to the Iowa Rules and Regulations Relating to Air Pollution Control.

The proposed amendments were publicly advertised, and hearings were held on September 11, 1974, and October 9, 1974, in accordance with 40 CFR 51.4. The Iowa Air Quality Commission (IAQC) adopted these amendments on November 14, 1974.

The State proposal contains several amendemnts to the Iowa regulation, some of which are minor (clarifications, deletions of delayed effective dates, etc.), and some of which constitute significant changes to the control strategy which is presently in the approved Iowa plan. The significant changes are discussed in detail below.

The State has amended Regulation 4.1 to adopt, by reference, the Environmental Protection Agency (EPA) regulations for the following categories of new sources which are specified in 40 CFR Part 60: asphalt concrete plants, petroleum refineries, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. These standards are adopted in addition to those previously adopted by the State which were approved by EPA on April 8, 1975 (40 FR 15879).

The State has adopted these standards for the categories of new sources specified to enable it to assume enforcement and implementation activities that are conducted by the EPA. The State requested the delegation of EPA authority to implement and enforce the standards of performance for new sources for the source categories listed above on February 27, 1975, and EPA granted the requested delegation on June 6, 1975, subject to certain conditions. One of the conditions is that EPA retains concurrent authority to implement and enforce these standards. In addition, EPA will continue to be the agency solely responsible for the implementation of New Source Performance Standards (NSPS) for categories which the State has not adopted.

The IAQC has adopted Regulation 3.1(3)e., which exempts incinerators with a rated refuse-burning capacity of less than 25-pounds per hour from the new source permit requirements (Regulation 3.1(1)). This means that such proposed incinerators would no longer be reviewed prior to construction to determine whether their emissions would interfere with the attainment or maintenance of a National Ambient Air Quality Standard. However, these incinerators must still comply with the applicable emissions standards as defined in Regulation 4.4. The Iowa Department of Environmental Quality (IDEQ) has submitted an analysis of this exemption which indicates that small incinerators operating in compliance with applicable emission standards have an insignificant impact on air quality.

The State had also amended Regulations 4.3(3)a. and 4.3(3)b., which set sulfur dioxide emission standards for fuel-burning sources. However, on June 9, 1976, EPA was advised that the State had again revised these regulations. Therefore, Regulations 4.3(3)a. and 4.3(3)b., as adopted by the IAQC on November 14, 1975, are not approved as parts of the Iowa State Implementation Plan (SIP).

The amended fugitive dust regulation 4.3(2)c., was withdrawn from consideration as a revision to the SIP by the State. Therefore, Regulation 4.3(2)c., as adopted by the IAQC on November 14, 1975, is not approved as a part of the Iowa SIP.

In the notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1976 (41 FR 8071), public comment was solicited with regard to Iowa's amended regulations which were adopted on November 14, 1974. Copies of the materials submitted by the State were made available for public inspection at the Agency's Region VII office in Kansas City, Missouri; at EPA headquarters in Washington, D.C.; and at the office of the IDEQ. No comments were received in response to the Agency's notice of proposed rulemaking.

The amendments to the Iowa Rules and Regulations Relating to Air Pollution Control which were adopted on November 14, 1974, by the IAQC, with the exception of Regulation 4.3(2)c., which was withdrawn and Regulations 4.3(3)a. and 4.3(3)b., on which we take no action, constitute a proposed revision to the State of Iowa implementation plan pursuant to § 51.6 of this chapter. The Administrator's decision to approve or disapprove revisions to a plan is based on whether they meet the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51, "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After careful review of all the changes contained in the proposed revision, the Administrator has determined that this revision meets the requirements mentioned above. Accordingly, this plan revision is hereby approved and made a part of the State of Iowa implementation plan.

The amendments to Part 52.820c., which are being published today, also reflect additions to the amendments which were published on March 2, 1976 (41 FR 8956). These additions are merely clarifying the existing list and impose no additional requirements. Therefore, the Administrator finds for good cause that it is unnecessary and impractical to subject these clarifications to notice and public comment procedures.

The Agency finds that good cause exists for making these amendments effective immediately on (date of publication) for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of state and federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable;

2. Immediate effectiveness of the amendments enables the sources involved to proceed with certainty in conducting their affairs and persons wishing to seek judicial review of the amendments may do so without delay;

3. The new source standards adopted by the State consist of previously existing EPA regulations and, therefore, impose no new requirements on affected facilities; and

4. The clarifying amendments are merely for record keeping concerning existing lists and impose no requirements.

(Secs. 110 and 301, Clean Air Act as amended (42 U.S.C. 1857c-5, 1857g))

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. In 52.820, paragraph (c) is revised to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

(1) Request for a two-year extension to meet the National Primary and Secondary Ambient Air Quality Standards for nitrogen dioxide in the Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region was submitted by the Governor on January 27, 1972. (Non-regulatory)

(2) Revisions of Appendices D and G of the plan were submitted on February 2, 1972, by the State Department of Health. (Non-regulatory)

(3) Source surveillance and record maintenance statements were submitted on April 14, 1972, by the State Department of Health. (Non-regulatory)

(4) Revised statement regarding public availability of emission data was submitted on May 2, 1972, by the State Department of Health. (Non-regulatory)

(5) State submitted Senate File 85 which created the Department of Environmental Quality and replaced the Iowa air pollution control statute which appeared as Chapter 136B of the Code of Iowa, on May 4, 1972. (Regulatory)

(6) A letter describing the issuance of a Certificate of Acceptance for the local air pollution control programs conducted by the Linn County Board of Health for the jurisdictions of the City of Cedar Rapids and Linn County, and the Des Moines-Polk County Health Department for the jurisdictions of the City of Des Moines and Polk County was submitted by the State Department of Health on December 14, 1972. (Non-regulatory)

(7) Compliance schedules were submitted by the State in February 1973. (Regulatory)

(8) Compliance schedules were submitted by the State in May 1973. (Regulatory)

(9) The State of Iowa High Air Pollution Episode Contingency Plan was submitted on June 20, 1973, by the Governor.

(10) The letter which requested the inclusion of the Linn County Health Department Rules and Regulations, the City of Cedar Rapids Air Pollution Control Ordinance, the Polk County Rules and Regulations—Air Pollution Control, and the City of Des Moines Air Pollution Control Regulations in the State of Iowa implementation plan was submitted by

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the State Department of Environmental Quality on June 25, 1974. (No approval action was taken on the request because it did not meet the procedural requirements specified in 40 CFR Part 51.)

(11) Revisions of Rules 2.1, 3.1, 3.4, 4.1, 4.3(3)' and 4.3(4) of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on April 24, 1974 (by the Governor's office). (No approval or disapproval action was taken on amended Subrule 4.3(3)a., which restricts emissions of sulfur oxides from fuel-burning sources.) (Regulatory)

(12) Compliance schedules were submitted by the State in May 1974.

(13) Compliance schedules were submitted by the State in May 1974.

(14) Compliance schedules were submitted by the State in July 1974.

(15) Compliance schedules were submitted by the State in August 1974.

(16) A letter from the Director of the Department of Environmental Quality, dated August 29, 1974, which requested that no further action be taken on Subrule 4.3(3) a. as submitted on April 24, 1974. (Regulatory)

(17) Compliance schedules were submitted by the State in September 1974.

(18) Compliance schedules were submitted by the State in November 1974.

(19) Compliance schedules were submitted by the State in February 1975.

(20) Compliance schedules were submitted by the State in April 1975.

(21) Compliance schedules were submitted by the State in June 1975.

(22) Revisions of Rules 1.2, 2.1, 3.1, 3.4, 4.1, 4.2, 4.3, 5.1, 7.1, 8.3 and 8.4 of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on July 17, 1975, by the Governor's office. (Regulatory) (No approval or disapproval action was taken on Subrules 4.3(2)c. or 4.3(3)b.)

(23) Summary of the public hearing which was held on the revised rules which were submitted on July 17, 1975, by the Governor's office was submitted by the Iowa Department of Environmental Quality on September 3, 1975. (non-regulatory)

(24) Letter which withdrew amended Subrule 4.3(2)c. from the proposed Iowa plan revision submitted on July 17, 1975, was submitted by the Governor's office on January 20, 1976.

[FR Doc.76-28712 Filed 9-30-76;8:45 am]

[FRL 622-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to New Jersey State Implementation Plan

This notice announces approval by the Environmental Protection Agency (EPA) of a revision to the New Jersey State Implementation Plan.

As proposed by the State to EPA on June 15, 1976, this revision permits the temporary use of fuel oil with a sulfur content of 2.5% by weight in boilers number 1, 2, 3 and 4 at the Hunt-Wesson Foods, Inc. facility located in Bridgeton, Cumberland County, New Jersey. A full description of this revision was published by EPA in the July 29, 1976, FEDERAL REGISTER at 41 FR 31574.

In its July 29 notice EPA also established a 30-day period for receipt of comments from the public on whether or not this revision to the New Jersey Implementation Plan should be approved. No comments were received.

EPA has found no reason to change its preliminary determination that this revision affecting the Hunt-Wesson Foods facility will not cause contravention of national ambient air quality standards in its area of impact. The proposed revision has been found to be consistent with current EPA policies and goals set forth in the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51 and, therefore, is hereby approved.

EPA approval is granted for a period of six months from the effective date of this action. This is consistent with the New Jersey administrative order initiating this revision request, which also only is effective for six months from the date of EPA approval.

Effective date: This revision will become effective October 1, 1976 since it does not result in the imposition of additional substantive burdens on the affected source and can be implemented without delay if the source desires.

(42 U.S.C. 1857c-5 and 1857g)

Dated: September 24, 1976.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. In § 52.1570, paragraph (c) is amended by adding a new subparagraph (13) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

* * * * *

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridgeton, Cumberland County and issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27-9.5(a), dated June 15, 1976, and technical support for this order received by EPA on April 27, 1976, both from the New Jersey Department of Environmental Protection.

[FR Doc.76-28713 Filed 9-30-76;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 625-8; PP6F1703/R114]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Difenzoquat

On February 9, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 5655) that American Cyanamid Co., PO Box 400, Princeton, NJ 08540, had filed a pesticide petition (PP6F1703). This petition proposed that 40 CFR 180 be amended by the establishment of tolerances for residues of the herbicide difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) in or on the raw agricultural commodities barley straw and wheat straw at 20 parts per million (ppm), barley grain at 0.2 ppm, wheat grain at 0.05 ppm, and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

American Cyanamid has subsequently amended the petition to express the proposed tolerances in terms of residues of difenzoquat (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium) derived from application of the methyl sulfate salt and calculated as the cation. It has been determined administratively that the tolerances should be expressed in terms of difenzoquat (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium ion).

The data submitted in the petition and all other relevant material have been evaluated, and the herbicide is considered to be useful for the purposes for which the tolerances are sought. The tolerances established by amending 40 CFR 180 will be adequate to cover residues that would result in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and there is no reasonable expectation of residues in eggs and milk as delineated in 40 CFR 180.6(a)(3). It has been determined that these tolerances will protect the public health, and it is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before November 1, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Rm. 1019, 401 M St. SW. Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 1, 1976, 40 CFR 180 is amended by adding the new § 180.369 as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)

Dated: September 27, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Title 40, Part 180, Subpart C, is amended by adding the new § 180.369 containing tolerances for residues of the herbicide difenzoquat in or on raw agricultural commodities to read as follows:

§ 180.369 Difenzoquat; tolerances for residues.

Tolerances are established for residues of difenzoquat (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium ion), derived from application of the methyl sulfate salt and calculated as the cation, in or on the following raw agricultural commodities:

Commodity:	p/m
Barley, grain	0.2
Barley, straw	20
Cattle, fat	0.05
Cattle, mbyp	0.05
Cattle, meat	0.05
Goats, fat	0.05
Goats, mbyp	0.05
Goats, meat	0.05
Hogs, fat	0.05
Hogs, mbyp	0.05
Hogs, meat	0.05
Horses, fat	0.05
Horses, mbyp	0.05
Horses, meat	0.05
Poultry, fat	0.05
Poultry, mbyp	0.05
Poultry, meat	0.05
Sheep, fat	0.05
Sheep, mbyp	0.05
Sheep, meat	0.05
Wheat, grain	20
Wheat, straw	

[FR Doc.76-28878 Filed 9-30-76;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 625-4]

PART 459—PHOTOGRAPHIC POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On July 14, 1976 the Agency published a notice of interim final rulemaking (41 FR 29078) establishing effluent limitations and guidelines for the photographic point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was September 13, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Photographic Processing Subcategory of the Photographic Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to October 31, 1976.

Dated: September 20, 1976.

ECKARDT C. BECK,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.76-28877 Filed 9-30-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 4]

PART 115—SURETY BOND GUARANTEE

Policy and Application Procedures

On September 8, 1976, there was published in the FEDERAL REGISTER (41 FR 37817 and 37818) a notice of a proposal to amend the Small Business Administration's Surety Bond Guarantee Regulations, to achieve a more equitable sharing of losses on those contracts whose values are in the $250,000–$1,000,000 range, to reflect a correction in a regulatory reference published in the FEDERAL REGISTER on April 20, 1976, and to permit appropriate SBA field office authorities to have declination authority concerning bond guarantee submissions involving contracts and/or projects whose face values exceed $500,000 (up to $1,000,000).

Interested parties were given until September 22, 1976, to either submit written arguments, opinions, comments, etc., on said proposals and/or appear in person at a Public Hearing to be conducted on September 22, 1976, starting at 9:00 a.m., at the Small Business Administration's Central Office (1441 L St., NW., Washington, D.C.) The Public Hearing was held as scheduled, with witnesses either submitting written statements or offering oral testimony. All witnesses recognized the need for the Surety Bond Guarantee Program to operate within a limited and strict budget, as to contract values. Furthermore, all witnesses recognized the need for the Surety Bond Guarantee Program to achieve a more equitable sharing of losses on larger contracts with the participating sureties, though not all agreed upon the mechanism(s) by which this end could be achieved. There were some expressions of apprehension as to what the effect of these proposed regulatory changes might be upon future surety participation in the Surety Bond Guarantee Program and upon the minority contractors of America. There also was an expression of full support for the proposed regulatory changes; in fact, there was a request that SBA consider reducing our guarantee for contracts of $500,000 or more (up to $1,000,000) to 70 percent. There was a unanimous expression by the witnesses that whatever regulatory actions are taken by the SBA should be monitored very closely to make certain that the overall effectiveness of the Surety Bond Guarantee Program is not compromised.

SBA has carefully considered all comments submitted on the aforementioned proposals. The Agency recognizes the concerns expressed by the witnesses and will continue to monitor the Surety Bond Guarantee Program's effectiveness quite closely. Thus, SBA has decided to amend § 115.2 Policy, to reduce the SBA's guarantee to sureties from up to 90 percent of loss to up to 80 percent of loss on those contracts whose face value is $250,000 or greater (up to $1,000,000). Section 115.3(d) Definitions, is amended to reflect the correct regulatory citation for what constitutes a "small business concern" for Surety Bond Guarantee purposes. Section 115.8(b)(4) and § 115.8(c) and (c)(2) Approval or decline of applications, is amended to permit appropriate SBA field office authorities to take decline actions on bond guarantee submissions involving either contracts whose face values exceed $500,000 (up to $1,000,000) or multiple requests for one small business concern, involving one project, when the face value of these multiple requests exceeds $500,000 (up to $1,000,000).

The primary purposes of the amendments are to reduce SBA's loss exposure on larger contracts ($250,000 and greater), encourage "graduation" from the Surety Bond Guarantee Program by larger contractors, provide assurance to participating sureties as to what their SBA guarantee percentage shall be on any particular case, to discourage excessive funneling of previously bondable (by the standard surety market) contractor accounts into the Surety Bond Guarantee Program, and, to provide greater assurance that the Surety Bond Guarantee Program will be administered effectively and prudently within its budgetary authority, thereby assuring its continued availability to small business concerns, without interruption due to budgetary limitations.

Accordingly, Part 115, Chapter I, Title 13 of the Code of Federal Regulations is amended to read as follows:

1. Section 115.2 is revised to read:

§ 115.2 Policy.

It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain certain bid, payment or performance bonds that are otherwise not obtainable, by authorizing SBA to guarantee surety companies up to 90 percent of their losses incurred by reasons of the breach of the terms of such bonds executed on behalf of such concerns, on contracts not exceeding a contract amount of $1,000,000. The SBA guarantee shall be up to 90 percent of those contracts of less than $250,000 in face value, and the guarantee shall be up to 80 percent for those contracts between $250,000 and $1,000,000 in amount. Payments to the surety by SBA of such losses shall be subject to a deductible amount of $500, or the amount of the gross bond premium (less SBA's guarantee fee from

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the surety) charged such small concern by the surety, whichever is less. Surety may credit itself with the deductible amount from salvage proceeds before having to start sharing their salvage proceeds on a pro rata basis with SBA, in the same percentage as SBA shares the loss with the surety.

2. Section 115.3(d) is revised to read:

§ 115.3 Definitions.

• • • • • •

(d) "Small business concern" means a concern which would qualify as a small business under § 121.3–15 of this Chapter.

3. Sections 115.8(b)(4), (c) and (c)(2) are revised to read:

§ 115.8 Approval or decline of applications.

• • • • • •

(b) • • •

(4) The application pertains to a publicly-financed project, e.g., Federal, State, local or special district public bodies, which shall provide the financing for the project and which shall be the owner of the finished project, such as a Federal building, State highway, City hall, public library, school, sewage treatment plant, water lines, etc. The guarantee of the interim or permanent financing for a project by a public sector body does not fall within the terms and conditions of this section.

(c) *General.* Except as stated below in Paragraph (1) of this subsection, Regional Directors, Assistant Regional Directors for Finance and Investment, or District Directors and/or Assistant District Directors for Finance and Investment, as appropriate, according to their delegated authority as published from time to time in the FEDERAL REGISTER, will take final action on all applications under subsection (b) of this section on contracts not exceeding $500,000 in face value. Applications for contracts exceeding $500,000 but not $1,000,000 in face value must be forwarded to the SBA Central Office, with the recommendation of approval by the Regional and/or District Director, as appropriate, for final action. The Regional and/or District Director, as appropriate, need not refer applications exceeding $500,000 but not $1,000,000 in face value to the SBA Central Office if the Regional and/or District Director's decision is to decline such application. An appeal by a small business concern for reconsideration of such decline shall be directed to the Regional and/or District Director who made the decision. If the appeal should not be acted upon in the small business concern's favor, and the small business concern wishes to pursue its appeal, this action will be referred to the SBA Central Office for final decision.

(1) • • •

(2) Multiple requests for the guarantee of contract bonds involving one small business concern on one project require the approval of the SBA Central Office, when the aggregate amount of these contracts exceeds $500,000 up to $1,000,000 in face value. Central Office can take final action only upon receipt of the recommendation of approval from the Regional or District Director, as appropriate. However, as explained above, the Regional or District Director, as appropriate, may take final action in such situations if their decision is to decline the application(s). The appellate policies and procedures remain the same as explained above.

(Catalog of Federal Domestic Assistance Programs No. 59.016 Surety Bond Guarantee.)

Dated: September 30, 1976.

Effective date: October 1, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-29113 Filed 9-30-76;10:14 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2370]

PUBLIC DOMAIN

Conditions for Returning Lands

This proposed rulemaking amends and revises Part 2370 of 43 CFR which deals with restorations and revocations of lands. It adds as an authority, E.O. 10355, which provides for the revocation of withdrawals. It adds a provision specifying who must sign the "Notice of Intention to Relinquish." The proposed amendment establishes that upon promulgation of the public land order revoking the withdrawal of the lands the Department will assume accountability for the formerly withdrawn lands.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with Department's policy of public participation in rulemaking, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C. on or before October 28, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m. to 4:15 p.m.).

It is, therefore, proposed to revise 43 CFR Part 2370 in the manner set forth below:

1. Section 2370.0–3 is revised as follows:

§ 2370.0–3 Authority.

(a) Executive Order 10355 provides the authority for the Secretary of the Interior to modify or revoke withdrawals and reservations of lands.

(b) The Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 472) generally governs the disposal of surplus Federal lands or interest in lands. However it does not apply to lands or interests in lands withdrawn or reserved from the public domain unless the Secretary of the Interior with the concurrence of the Administrator of the General Services Administration determines that the lands or portions of lands so withdrawn or reserved are not suitable for return to the public domain because such lands are substantially changed in character by improvmeent or otherwise.

2. Section 2372.1(b) is amended by adding a new subparagraph (14) as follows:

§ 2372.1 Notice of intention to relinquish action by holding agency.

• • • • • •

(b) • • •

(14) The signature of the proper agency official as prescribed by E. O. 10355, i.e., the head of a department or agency, or his designee, provided that such officer is required to be appointed by the President with advice and consent of the Senate.

3. Section 2372.3 is revised as follows:

§ 2372.3 Return of lands to the public domain; conditions.

When the authorized officer of the Bureau of Land Management determines the holding agency has complied with the regulations of this part, including the conditions specified in § 2374.2, and that the lands or interests in lands are suitable for return to the public domain, he will notify the holding agency that the Department of the Interior will accept accountability and responsibility for the property upon promulgation by the Secretary of the Interior of the public land order revoking the withdrawal of the lands.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 22, 1976.

[FR Doc.76-28829 Filed 9-30-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

VIRGIN ISLANDS

Proposed Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) will review changes and progress in development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands plan and the adoption of Subpart S of Part 1952 containing the decision. On March 8, 1976, the Virgin Islands submitted a supplement containing the Occupational Safety and Health Division Administrative Rules and Regulations.

2. *Description of the supplement.* The Occupational Safety and Health Division Rules and Regulations contain the Virgin Islands rules that will be used to implement the basic provision of the Virgin Islands Occupational Safety and Health Act. The Virgin Islands rules and regulations include the following subject areas: Promulgation, Modifying or Revoking OSHA Standards, Advisory Committees; Variances; Inspections, Citations, Proposed Penalties; Recordkeeping; and Reporting Discrimination; and Proceedings for Hearing Examiner.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Occupational Safety and Health Division, Building No. 2, Second floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virgin Islands 00840.

4. *Public participation.* Interested persons are given until November 1, 1976 to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allotted for comments specified above. If in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate

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amendments to Subpart S of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-28851 Filed 9-30-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1010]

[Docket No. 75N-0259]

PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS

Exemptions From Performance Standards for Products Intended for United States Government Use

The Food and Drug Administration (FDA) is withdrawing an earlier proposal and is reproposing regulations to provide for exemptions from standards for electronic products intended for use by departments or agencies of the United States. Interested persons have until November 30, 1976 to comment.

In the FEDERAL REGISTER of September 30, 1975 (40 FR 44846), the Commissioner of Food and Drugs proposed to amend Part 1010 of the Code of Federal Regulations (21 CFR Part 1010) by adding new § 1010.5 to provide for exemptions from radiation safety performance standards for electronic products if the products are intended for use by departments or agencies of the United States. (In the September 30, 1975 proposal, the docket number was incorrectly listed as "Docket No. 70N-0259." The number should have read "Docket No. 75N-0259." The corrected docket number is carried on this document.) Sixty days were provided for public comment. Comments were received from two industrial associations, one professional association, one manufacturer of electronic products, the Department of the Army, and the Environmental Protection Agency.

On January 29, 1976, a meeting was held at the Bureau of Radiological Health with representatives of U.S. Government departments and agencies to discuss the question of exemptions, especially with regard to means of facilitating the evaluation and processing of necessary exemptions to avoid unnecessary delay in the procurement process. Notice of the meeting was published in the FEDERAL REGISTER of December 19, 1975 (40 FR 58883). A transcript of the meeting is available for public review in the office of the Hearing Clerk, Food and Drug Administration.

In response to comments received concerning the proposal and those provided at the meeting with Federal agencies, and to provide further clarification, the Commissioner has determined that the necessary changes are sufficiently substantive to warrant republication as a proposed rule to provide an opportunity for public comment on these changes. Comments on this proposal must be submitted on or before November 30, 1976.

The comments received regarding the September 30, 1975 proposal and the Commission's analyses and proposed actions are summarized as follows:

1. In reference to proposed § 1010.5(a), several comments stated that the procuring U.S. Government agency should either be allowed or required to obtain the exemptions necessary for products that it intends to purchase and that could not be manufactured to comply with an applicable standard. In the previous proposal, the manufacturer would have been responsible for applying for a needed exemption after the procurement specifications had been finalized by the Federal agency.

The Commissioner agrees that the proposed rule should allow for the product itself to be exempted, regardless of who applies for the exemption. If only the manufacturer could apply for exemptions, delays in the procurement process could result after a contract had been awarded because manufacture could not commence until the exemption was approved. Accordingly, the new proposal provides for either the procuring agency or the manufacturer to apply for the exemption. The decision as to who would apply normally would be made by the procuring agency. In addition, the proposal has been revised to provide guidance to those Federal agencies planning to procure electronic products subject to the standards under the Radiation Control for Health and Safety Act of 1968 to encourage their early consultation with FDA when it is expected that an exemption will be needed, even if it is the manufacturer who will ultimately apply for the exemption. This will allow FDA a chance to review information on the product at an early stage in the procurement process so that the application will contain sufficient information for subsequent processing of a needed exemption.

If the manufacturer is the U.S. Government agency itself, then it would be that agency that applies for any needed exemptions. Federal agencies that manufacture radiation emitting electronic products are subject to the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602) and regulations issued under that act, unless specifically exempted pursuant to sections 358(a)(5) or 360B(b) (42 U.S.C. 263f(a)(5), 263j(b)).

2. Several comments stated that proposed § 1010.5(c)(2) (reproposed as § 1010.5(e)(2)), which would authorize the Director, Bureau of Radiological Health, to amend or withdraw an exemption under certain circumstances, could leave the manufacturer in the untenable position of not being able to manufacture the product because of FDA action while still having a commitment to fulfill a contract with another Federal agency. Problems could also arise from increased costs incurred by manufacturers because of provisions in an approved exemption that were not considered in the original purchase contract.

The Commissioner agrees that withdrawal or significant amendment of a needed exemption may result in the need for modification of the terms of the purchase contract. This potential problem could be dealt with by appropriate contingency clauses written into the contract or by mutual agreement between the procuring agency and the manufacturer on an amended contract. The Food and Drug Administration must retain the right to amend or withdraw an exemption when necessary to protect the public health or when otherwise justified under the provisions of the act.

An exemption granted to a U.S. Government agency (for a product to be manufactured by a private manufacturer) would normally be withdrawn only if the provisions of the exemption are found not to protect adequately the public health, i.e., where it is found that the exemption is deficient regarding radiation safety. If it is found that the provisions of the exemption are adequate to protect the public health but the manufacturer is not meeting the terms of the exemption or the radiation safety aspects of the procurement specifications, the agency granted the exemption must take corrective action against the manufacturer and, if necessary, terminate the contract. The agency could continue to use the exemption to procure the remaining products from a different manufacturer. If the procuring agency fails to take appropriate corrective action, the exemption could be withdrawn by FDA.

An exemption granted to a manufacturer may be amended or withdrawn by FDA if the exemption does not adequately assure radiation protection, and may be withdrawn if the terms of the exemption, including the procurement specifications related to radiation safety, have not been met. Furthermore, the manufacturer at all times would be subject to the defect provisions of the regulations in 21 CFR Parts 1003 and 1004.

3. One comment objected in general to the granting of exemptions for products acquired by U.S. Government departments or agencies. The comment urged that FDA treat such products in the same manner as products manufactured for sale to the general public.

The act (section 358(a)(5)) specifically authorizes the granting of exemptions for products intended for use by departments or agencies of the United States. The Commissioner recognizes that there are circumstances when products needed by U.S. departments or agencies cannot meet provisions of applicable performance standards. The proposed application procedures will allow the Bureau of Radiological Health to adequately determine the need for an exemption and the appropriate means of radiation protection that are to be provided. Because the act provides for the granting of such exemptions, the Commissioner concludes that regulations should be promulgated to allow for the orderly processing of exemption requests.

4. Several suggestions were made for special labeling on exempted products to distinguish them from electronic products that meet applicable performance standards.

The Commissioner agrees that such labeling would be appropriate for all products exempted under authority of section 358(a)(5) or section 360B(b). Because these products may eventually be released as surplus property, such labels are necessary to protect the public health. This requirement is included in the new proposal as § 1010.5(f).

5. One comment suggested that the procuring agency and the manufacturer should be required to issue a statement of assumption of liability for exempted products.

The Commissioner disagrees that such a statement is necessary. The procuring agency, as a matter of course, would be responsible for assuring that acquired products are used pursuant to appropriate radiation safety procedures and that the products meet the contract procurement speifications. If the procuring agency did not take corrective action against the manufacturer in cases of nonadherence to radiation safety procurement specifications, FDA could withdraw the exemption from the agency. Similarly if the manufacturer has obtained the exemption and does not adhere to its provisions, FDA could withdraw the exemption.

6. One comment urged that FDA take no further action to implement the proposed regulation but instead enter into inter-agency agreements, coordinated by the Office of Federal Procurement Policy, whereby procuring agencies would assume the responsibility for obtaining a needed exemption. This comment also suggested that Federal agencies be encouraged to state in any contract for electronic products that an exemption from FDA may or will be needed and that the procuring agency will be responsible for obtaining such exemption.

The Commissioner concludes that it is necessary to promulgate a regulation for the orderly processing of exemption requests pursuant to provisions of the act. However, this notice, in reproposed § 1010.5(b), includes guidance to procuring agencies to consult with FDA at an early stage of procurement specification development when it is anticipated that an exemption will be required. Further, the reproposal in new § 1010.5(a) would allow the procuring agency as well as the manufacturer to apply for an exemption. Any appropriate wording in contracts regarding the possible need for an exemption, amendment, or withdrawal thereof should be arranged between the procuring agency and the manufacturer during proposal or contract negotiations.

7. Two comments noted that proposed §§ 1010.5(b)(1)(vii) and (2)(iv) (§§ 1010.5(c)(8) and (d)(3) in this notice) refer to the provision of "alternate means of radiation protection," while the similar sections in the regulation regarding variances, i.e., §§ 1010.4(b)(1)(v) and (2)(iv) (21 CFR 1010.4(b)(1)(v) and (2)(iv)), refer to "alternate or suitable means of radiation protection." One comment concluded that failure to use the phrase "or suitable" implies that equivalent radiation protection features on exempted products would not be necessary while the other comment interpreted the deletion to imply that exempted products must provide radiation safety equivalent to that provided by products meeting the applicable standard.

The Commissioner did not intend the phrase "alternate means of radiation protection" to imply that exempted products must have radiation protection equal to products that meet the standard. The Commissioner recognizes that it might be impossible for some exempted products to have radiation protection features equivalent to products that meet the standard and still accomplish their intended function, and that the procuring agency may often impose appropriate user controls to assure equivalent radiation safety. To avoid confusion by use of the words "alternate" and "suitable," proposed §§ 1010.5(b)(1)(vii) and (2)(iv) have been suitably revised and redesignated as §§ 1010.5(c)(8) and (d)(3).

8. One comment suggested that the regulation provide for public notification and a comment period for approval exemptions similar to those features of the variance regulation in §§ 1010.4(c)(2) and (c)(3) (21 CFR 1010.4(c)(2) and (c)(3)).

The Commissioner concludes that because exemptions granted under the proposed regulations would be limited to products used by the U.S. Government, there is no need for public notification of approval of individual exemptions. Such a procedure would unnecessarily delay the issuance of exemptions. On the other hand, variances may be granted pursuant to § 1010.4 for products that are more likely to be subsequently introduced into commerce, that may affect the general public, and that may not be under the user controls of a Federal agency.

9. Two comments requested that a blanket exemption be issued for all or some of the product types manufactured by the National Aeronautics and Space Administration (NASA) and/or the Department of Defense (DOD). One comment argued that increased burdens and expense could arise because of conditions imposed by FDA in granting an exemption and that some Federal agencies, such as DOD, have expertise in radiation safety and routinely adopt appropriate controls.

The Commissioner believes that the intent of sections 358(a)(5) and 360B(b) of the act is that determinations of the need for and conditions of exemptions for applicable products intended for use by Federal agencies should be made by the Food and Drug Administration to assure protection of the public health and safety. There may be limited circumstances under which an exemption might be given to a class of electronic products, provided the procuring agency assures FDA that adequate safety will be achieved and that such a class exemption is necessary. Such circumstances could include an alternative radiation safety control program for the use of the class of products within a Federal agency. The Food and Drug Administration therefore will consider applications from Federal agencies for class exemptions and provision for such exemptions has been included in this proposal.

This second proposal has been expanded to include administrative procedures for exemptions authorized under section 360B(b) of the act for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security. While section 360B(b) authorizes exemptions for products intended for any purchaser, including Federal agencies, the present proposed regulation is limited to procedures for processing exemptions for products or classes of products intended for use by U.S. Government departments and agencies. The procedures for applying for exemptions under section 360B(b) are essentially the same as for those under section 358(a)(5) except that procurement specifications in newly proposed § 1010.5(c)(1) and the evidence in newly proposed § 1010.5(c)(2) are not required for exemptions granted under section 360B(b). Instead, procurement of the product must be for the purpose of research, investigation, or training, or for reasons of national security.

This proposal is also revised, in newly proposed § 1010.5(d), to explicitly indicate the circumstances under which an amendment or extension to an exemption must be sought. Also, the regulation on rulings on applications, in newly proposed § 1010.5(e)(1), has been changed to indicate that the Director, Bureau of Radiological Health, may impose conditions or terms on an exemption that may include specifications related to the manufacture, use, control, or disposition of exempted products. This may include restrictions or controls on the transfer, sale, or donation of the exempted property when such products are declared to be excess or surplus property.

No environmental impact statement or environmental impact analysis report is required pursuant to 21 CFR 6.1(b) because this proposed amendment will not significantly affect the quality of the environment.

Pertinent information supporting the Commissioner's conclusions with respect to this proposal is available for public review in the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. The Commissioner proposed to make this amendment effective 30 days after publication of the final order.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 360B, 82 Stat. 1177-1179 (42 U.S.C. 263f, 263j)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner withdraws the proposed amendment of Part 1010 published in the FEDERAL REGISTER of September 30, 1975 and proposes to amend Part 1010 by adding a new § 1010.5 to read as follows:

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§ 1010.5 Exemptions for products intended for United States Government use.

(a) *Criteria for exemptions.* Upon application by a manufacturer (including assembler) or by a United States department or agency, the Director, Bureau of Radiological Health, Food and Drug Administration, may grant an exemption from any performance standard under Subchapter J of this chapter for an electronic product, or class of products, otherwise subject to such standard when he determines that such electronic product or class is intended for use by departments or agencies of the United States and meets the criteria set forth in paragraphs (a) (1) or (2) of this section.

(1) The procuring agency shall prescribe procurement specifications for the product or class of products governing emisisons of electronic product radiation, and the product or class shall be of a type used solely or predominantly by a department or agency of the United States.

(2) The product or class of products is intended for research, investigations, studies, demonstration, or training, or for reasons of national security.

(b) *Consultation between the procuring agency and the Food and Drug Administration.* The United States department or agency that intends to procure or manufacture a product or class of products subject to electronic product radiation safety standards contained in this part should consult with the Bureau of Radiological Health, Food and Drug Administration, whenever it is anticipated that the specifications for the product or class must deviate from, or be in conflict with, such applicable standards. Such consultation should occur as early as possible during development of such specifications. The department or agency should include in the specifications all requirements of such standards that are not in conflict with, or are not inappropriate for, the special or unique uses for which the products are intended.

(c) *Applications for exemptions.* An application for exemption, or for amendment or extension thereof, shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. For exemptions pursuant to the criteria prescribed in paragraph (a) (1) of this section, the application shall include the information prescribed in paragraph (c) (1) through (12) of this section. For exemptions pursuant to the criteria prescribed in paragraph (a) (2) of this section, the application shall include the information prescribed in paragraph (c) (3) through (12) of this section. An application for exemption, or for amendment or extension thereof, and correspondence relating to such application shall be made available for public disclosure in the office of the Hearing Clerk, except for confidential or proprietary information submitted in accordance with Part 4 of this chapter. Information classified for reasons of national security shall not be included in the application. Except as indicated above, the application for exemption shall include the following:

(1) The procurement specifications for the product or class of products that govern emissions of electronic product radiation.

(2) Evidence that the product or class of products is of a type used solely or predominantly by departments or agencies of the United States.

(3) Evidence that such product or class of products is intended for use by a department or agency of the United States.

(4) A description of the product or class of products and its intended use.

(5) An explanation of how compliance with the applicable standard would restrict or be inappropriate for this intended use.

(6) A description of the manner in which it is proposed that the product or class of products shall deviate from the requirements of the applicable standard.

(7) An explanation of the advantages to be derived from such deviation.

(8) An explanation of how means of radiation protection will be provided where the product or class of products deviates from the requirements of the applicable standard.

(9) The period of time it is desired that the exemption be in effect, and, if appropriate, the number of units to be manufactured under the exemption.

(10) The name, address, and telephone number of the manufacturer or his agent.

(11) The name, address, and telephone number of the appropriate office of the United States department or agency purchasing the product or class of products.

(12) Such other information required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

(d) *Amendment or extension of exemptions.* An exemption is issued on the basis of the information contained in the original application. Therefore, if changes are needed in the radiation safety specifications for the product, or its use, or related radiation control procedures such that the information in the original application would no longer be correct with respect to radiation safety, the applicant shall submit in advance of such changes a request for an amendment to the exemption. He also shall submit a request for extension of the exemption, if needed, at least 60 days before the expiration date. The application for amendment or extension of an exemption shall include the following information:

(1) The exemption number and expiration date.

(2) The amendment or extension requested and basis for the amendment or extension.

(3) If the radiation safety specifications for the product or class of products or the product's or class of products' use or related radiation control procedures differ from the description provided in the original application, a description of such changes.

(e) *Ruling on applications.* (1) The Director, Bureau of Radiological Health, may approve an exemption containing such conditions or terms as may be necessary to protect the public health and safety and shall inform the applicant in writing of his action. The conditions or terms of the exemption may include specifications concerning the manufacture, use, control, and disposal of the excess or surplus exempted product or class of products as provided in the Code of Federal Regulations, Title 41, Subtitle C. Each exemption will be assigned an identifying number.

(2) The Director, Bureau of Radiological Health, shall amend or withdraw an exemption whenever he determines that such action is necessary to protect the public health or otherwise is justified by provisions of the act or this subchapter. Such action shall become effective on the date specified in the written notice of the action sent to the applicant, except that it shall become effective immediately when the Director determines that it is necessary to prevent an imminent health hazard.

(f) *Identification of equipment covered by exemption.* The manufacturer of any product for which an exemption is granted shall provide the following identification in the form of a tag or label permanently affixed or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use or in such other manner as may be prescribed in the exemption:

CAUTION

This electronic product has been exempted from Food and Drug Administration radiation safety performance standards prescribed in the Code of Federal Regulations, Title 21, Chapter I, Subchapter J, pursuant to Exemption No. ------, issued on ----------

Interested persons may, on or before November 30, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 23, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28737 Filed 9-30-76;8:45 am]

Office of Child Support Enforcement

[45 CFR Parts 302, 303, 305]

STATE CHILD SUPPORT PROGRAMS

Proposed Annual Audit Requirement

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Director, Office of Child Support Enforcement (OCSE), with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement several sections of the Social Security Act added by Pub. L. 93–647 relating to the requirement for an annual audit of each State's child support program and a possible penalty of 5 percent of a State's title IV–A reimbursement. The Child Support Enforcement program under Title IV–D of the Social Security Act, and the State agency administering the program, will be referred to in this preamble as "IV–D."

SUMMARY

Under the proposal, OCSE would audit each State's child support program annually to determine its effectiveness. If a State's program is found to be ineffective, the State's title IV–A reimbursement would be reduced by 5 percent for the period audited. The initial audits would examine the procedures which the State has developed to meet the various requirements of the Child Support Enforcement program and determine if the State is utilizing those procedures. Future audits would be based on more stringent standards of program effectiveness based upon empirical data gathered through audit experiences.

STATUTORY BASIS

Section 452(a)(4) of the Act requires that, not less often than annually, the Office of Child Support Enforcement must "* * * conduct a complete audit of the program established under such plan in each State and determine for the purposes of the penalty provision of Section 403(h) whether the actual operation of such programs in each State conforms to the requirements of this part, * * *"

Section 403(h) of the Act provides as follows:

(h) Notwithstanding any other provision of this Act, the amount payable to any State under this part for quarters in a fiscal year shall with respect to quarters beginning after December 31, 1976, be reduced by 5 per centum of such amount if such State is found by the Secretary as the result of the annual audit to have failed to have an effective program meeting the requirements of Section 402(a)(27) in any fiscal year beginning after September 30, 1976 (but, in the case of the fiscal year beginning October 1, 1976, only considering the second, third, and fourth quarters thereof).

Finally, Section 404(d) of the Act provides as follows:

(d) After December 31, 1976, in the case of any State which is found to have failed substantially to comply with the requirements of Section 402(a)(27), the reduction in any amount payable to such State required to be imposed under Section 403(h) shall be imposed in lieu of any reduction, with respect to such failure, which would otherwise be required to be imposed under this section.

The proposed regulations would provide a legal basis for carrying out these statutory provisions and would provide notice to the States, prior to the audit, of the standards and criteria to be used in auditing the State programs and if necessary, imposing the mandated penalty.

PUBLIC PARTICIPATION

On July 9, 1976, a Notice of Intent to Propose Regulations (NOI) was published in the FEDERAL REGISTER (41 FR 28344) presenting the statutory requirements, discussing possible approaches to implementing the provisions and inviting comments and suggestions from interested States, organizations, and individuals. OCSE received 23 comments; 20 from State and county IV–D agencies, one from the Family Law Section of the American Bar Association, one from a private organization advocating equal rights for fathers, and one from a private citizen who is in the process of attempting to obtain enforcement of a support obligation using a IV–D agency.

On August 13, 1976, OCSE published a Notice in the FEDERAL REGISTER (41 FR 34346) announcing the availability to the public of a preliminary draft proposed regulations.

On August 16, 1976, the Office met with the Work Group on Child Support Enforcement of the National Council of State Public Welfare Administrators, American Public Welfare Association, at their request, to discuss the audit and penalty requirements and the draft proposed regulations.

The comments received as a result of the NOI assisted the Department in the development of the proposed regulation and will be referred to as appropriate below.

AUDIT

OCSE proposes to conduct a thorough review of each State's IV–D program and make a determination as to the effectiveness of the program. The audit would be conducted by OCSE staff, using a standardized audit program to insure uniformity in all regions. The audit will generally adhere to the appropriate General Standards and Standards of Fieldwork promulgated by the American Institute of Certified Public Accountants in "Statement on Auditing Procedure No. 33." These standards include:

GENERAL STANDARDS

1. The examination is to be performed by a person or persons having adequate technical training and proficiency as an auditor.

2. In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.

3. Due professional care is to be exercised in the performance of the examination and the preparation of the report.

STANDARDS OF FIELDWORK

1. The work is to be adequately planned and assistants, if any, are to be properly supervised.

2. Sufficient competent evidential matter is to be obtained through inspection, observation, inquiries, and confirmations to afford a reasonable basis for an opinion regarding effectiveness of the IV–D program.

The proposal requires the States to cooperate in the audit by making available all records and documentation necessary, as well as by providing answers to questions which arise during the course of the audit. At the conclusion of the audit fieldwork, an interim report will be submitted to the State and the State will be afforded an opportunity to respond. The State's response will be incorporated into the final report and OCSE will take the response into consideration in deciding whether to recommend to the Secretary that a penalty be taken. The first annual audit will be an examination of the operation of each State's IV–D program for the period January 1, 1977 through September 30, 1977. Subsequent audits will review program operation for the entire fiscal year.

EFFECTIVE PROGRAM

One of the major issues raised by the NOI, and one that generated much comment, was the definition of "effective program" for the purposes of the penalty. The definition must balance several interests. Title IV–D has been in effect for slightly over one year and in a number of States is still in the initiation phase. A very stringent definition of "effective program" could result in the majority of States being penalized, particularly those that did not have child support enforcement programs in operation prior to the enactment of title IV–D. This result would be counterproductive. On the other hand, Congress's intent is clearly that the States be held accountable for any failure to implement and conduct effective child support programs. The NOI proposed that a definition of "effective program" could change with time, being less demanding at the beginning of the program and becoming more stringent as the program progresses. This approach was recommended by the majority of the NOI responses and concurred in by the APWA Work Group. No comments objected to this approach, and it has been adopted in the proposal.

In § 305.20 of the proposal, "effective program" is defined as a program that is in compliance with the various statutory State plan requirements of title IV–D and two of title IV–A. The audit will test whether the State has established the necessary systems and procedures to conduct a child support enforcement program that meets the statutory requirements and whether the State is actually carrying out the required child support activities using the procedures and systems it has established. No test of the State's success in carrying out child support functions, cost effectiveness, or number of people provided service is to be imposed for the first audit.

For subsequent audit periods the Department intends to impose increasingly stringent standards for an effective program. Later standards may measure program effectiveness in terms of the State's success in obtaining child support, cost effectiveness, and the ability of a State to meet the child support enforcement needs of its population. Data and experience gained by the Department in conducting early audits will provide a sound empirical basis for establishing more demanding criteria for an effective program at a later date.

AUDIT SCOPE

The NOI raised the issue of which IV–D statutory provisions should be reviewed by the audit. We believe the law

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requires that the State plan requirements of Section 454 of the Act be included. The requirements of Section 456 (Support Obligations) and Section 457 (Distribution of Proceeds) are incorporated by reference into Section 454 and would therefore also be audited. Provisions in section 458 regarding the payment of incentives to States and political subdivisions are also included within the proposed audit criteria. Including this requirement in the audit is necessary because it involves the transfer from one jurisdiction to another of payments which are financed entirely from Federal funds. Sections 305.21 through 305.35 of the proposal establish specific audit criteria for determining whether a State is complying with the statutory requirements of Sections 454, 456, 457, and 458 of the Act.

The proposal also establishes criteria to audit two IV–D State plan requirements that are not based on specific statutory requirements: Safeguarding of information (§ 305.37) and Fiscal policies and Accountability (§ 305.36). The Department believes that the importance of protecting the confidentiality of title IV–D case records from unauthorized disclosure justifies inclusion of the safeguarding requirement in the audit. A review of compliance with the fiscal policies and accountability requirement is justified by the necessity of insuring that adequate records will be available if needed at some later date to substantiate a State's claims for Federal financial participation.

The proposal also includes criteria for auditing whether the IV–D agency receives notice from the IV–A agency as required by 45 CFR 235.70 and whether the State obtains assignments of rights to support as required by 45 CFR 232.11. These two IV–A plan requirements were added by P.L. 93–647 and are essential to the Child Support Enforcement program. If the IV–D agency does not receive notice from the IV–A agency whenever AFDC is furnished with respect to a child who has been abandoned or deserted by a parent (45 CFR 235.70) it would have no AFDC cases upon which to act. All IV–D services for AFDC recipients are based on the existence of an assignment of child support rights to the State. If the IV–A agency fails to obtain assignments as required by the IV–A State plan. (45 CFR 232.11) the IV–D agency would have no support rights to enforce in AFDC cases. While three NOI comments requested that the audit not include requirements that are outside the direct control of the State's IV–D agency, the importance of these two requirements to the effectiveness of the Child Support Enforcement program and the statutory mandate to audit State program effectiveness dictate that the audit determine whether the IV–D agency is receiving notice from the IV–A agency and whether assignments are being taken.

AUDIT CRITERIA

For each State plan requirement to be audited, the regulation contains a section that prescribes the criteria which a State must meet to be found in compliance with that particular requirement. In summary, they require that the State have established the procedures or systems necessary to perform the particular child support enforcement function; that the State be using the system or procedures it has established; and, for many of the requirements, that personnel, or attorneys or prosecutors, are assigned or are available to perform the function. "Personnel" and "Attorney or Prosecutor" are defined to include those who are performing IV–D functions under a cooperative agreement with IV–D agency or under a purchase of service agreement as well as actual IV–D agency employees.

Using accepted audit principles, the Department, when determining if a State's program meets the requirements of a particular criteria, will weight its decision on the most recent period. Thus, a State will be found to be in compliance with a particular State plan requirement if the audit discovered the State was in compliance with that requirement in the latter portion of FY 1977 even if on the basis of the audit the State was not in full compliance with that requirement for the earlier part of the fiscal year. This approach will give the States as much time as possible to bring these programs into compliance with the audit requirements and thus avoid the penalty. The Department believes that emphasizing State performance at the end of the year is entirely appropriate for the first audit, due to the relatively short time the States have had to carry out the program, the delay in Federal activity as a result of the lack of an appropriation from the Congress, and the fact that the final audit and penalty regulations will not be published until shortly before the beginning of the first audit period.

A NOI comment from a private group suggested that the Department should define an effective program to require the enforcement of visitation rights as well as support rights. The Act neither provides nor authorizes Federal involvement in the reconciliation of disputes over visitation rights, and therefore the proposal does not respond to this comment. The Family Law Section of the American Bar Association suggested that the Department not propose regulations for the imposition of penalties for failure to have effective child support programs until Federal financial participation (FFP) is made available for the salaries of judges and other court personnel. The fact the FFP is not provided for the salaries of judges does not remove the statutory requirement that an audit be conducted. Even if it could de demonstrated that the absence of FFP for judges' salaries resulted in lower child support collections, the level of collections will not be considered by the first audit. Further, the statutory mandates contained in sections 452(a)(4) and 403(h) are not discretionary, and HEW is required to comply with them.

CORRECTIVE ACTION

Four NOI responses suggested that a State that had been determined not to have an effective program should not be penalized if it adopted and carried out a corrective action plan. The Department believes this approach is not permitted by the statutory language. The audit is a retrospective examination of a State's operation of the IV–D program for an entire year. The fiscal year for which an audit is conducted and the penalty applied is already over and for that period the State either was or was not operating an effective program. If not, the penalty must apply for that entire fiscal year. This regulation will provide notice to the States of the requirements to be audited and the criteria to be used to test compliance. Any corrective action that is necessary to ensure that a State's program will meet the minimum requirements of an effective program and thus avoid any penalty can be undertaken prior to the actual audit. With the Department placing compliance emphasis on the last quarter of the audit year, the States should have adequate time to take any corrective action necessary. Further, OCSE, through its regional offices, intends to conduct program reviews of each State's IV–D program as early as possible. These reviews should point up any deficiencies that could lead to the State's failing the audit. As many of these reviews as possible will be completed prior to January 1, 1977, the beginning of the first audit period. The results of these reviews will be used by OCSE to focus its technical assistance effort on those States and those aspects of State programs which are most in need of assistance.

PENALTY

Should a State be found, as a result of the audit, not to have an effective program, § 305.50 of the proposal provides that the State's reimbursement under Title IV–A will be reduced by 5 percent. An amendment to § 205.146 of Chapter II, Title 45 of the Code of Federal Regulations (NPRM published as FR Doc. 76–28744 in the Rules section of this issue) provides the mechanism for this reduction. Administrative reconsideration of the decision to impose any reduction required by this proposal would be allowed in the same manner as for other penalty reductions of title IV–A reimbursement. (See 45 CFR 205.146.)

Several comments in response to the NOI made recommendations that were not compatible with the statutory provisions. For example, three comments suggested that the five percent penalty was too high and recommended lower figures. One comment suggested that the Department should impose no penalty. Another suggested that the penalty should be applied against IV–D and not IV–A reimbursement. Section 403(h) of the Act requires that the penalty be imposed on states that fail to have an effective program, and that it be 5 percent of the reimbursement under title IV–A.

STANDARDS FOR PROGRAM OPERATION

Part 303, formerly entitled "Standards for an Effective Program," is being renamed "Standards for Program Operation." This is being done to more clearly reflect the Part's content and to avoid possible confusion between the standards contained in Part 303 and the standard for determining whether the State has an effective program contained in the new Part 305. Further, the schedule for compliance with the Part 303 standards contained in § 303.0(b)(1) through (7) is being eliminated. The phase-in periods allowed by that section have now passed.

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before November 1, 1976.

Although the Department's policy is to allow at least a 45 day comment period, because of the prior extensive public participation discussed above under the heading Public Participation and the workshops to be held on this NPRM as discussed below, the Department has determined that 30 days will provide an adequate period for public comment on this NPRM.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of the notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–245–0950).

The Office of Child Support intends to hold at least 3 regional workshops to explain and discuss the proposed regulation and obtain recommendations from representatives of States, countries, interested groups and the general public. A notice will be published in the FEDERAL REGISTER detailing dates and locations.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Answers to specific questions may be obtained by calling Steve Henigson at (202) 472–4510.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated: August 25, 1976.

ROBERT FULTON,
Director, Office of Child Support Enforcement.

Approved: September 24, 1976.

MARJORIE LYNCH,
Acting Secretary.

1. Part 302, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 302.39 to read as follows:

PART 302—STATE PLAN REQUIREMENTS

§ 302.39 Standards for program operation.

The State plan shall provide that the IV–D agency will comply with the standards for program operation and the organizational and staffing requirements prescribed by Part 303 of this Chapter.

PART 303—STANDARDS FOR PROGRAM OPERATION

2. Part 303, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising the heading to read as set forth above and § 303.0 to read as follows:

§ 303.0 Scope and applicability of this part.

This part prescribes:

(a) The minimum organizational and staffing requirements the State IV–D agency must meet in carrying out the IV–D program effective July 1, 1975; and

(b) The standards for program operation which the IV–D agency must meet.

PART 305—AUDIT AND PENALTY

3. Chapter III, Title 45 of Code of Federal Regulations is amended by adding a new Part 305, reading as follows:

Sec.
305.0 Scope.
305.1 Definitions.
305.10 Audit.
305.11 Audit period.
305.12 State comments.
305.13 State cooperation in annual audit.
305.20 Audit criteria.
305.21 Statewide operation.
305.22 State financial participation.
305.23 Single and separate organizational unit.
305.24 Establishing paternity.
305.25 Support obligations.
305.26 Enforcement of support obligation.
305.27 Child support payments to the IV–D agency.
305.28 Distribution of child support payagency.
305.29 Payments to the family.
305.30 Incentive payments.
305.31 Individuals not otherwise eligible.
305.32 Cooperation with other States.
305.33 State parent locator service.
305.34 Cooperative agreements.
305.35 Reports and maintenance of records.
305.36 Fiscal policies and accountability.
305.37 Safeguarding information.
305.38 Prompt notice to child support agency.
305.39 Assignment of rights to support.
305.50 Penalty for failure to have an effective child support enforcement program.

AUTHORITY: Section 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 305.0 Scope.

This part implements the requirements in sections 452(a)(4) and 403(h) of the Social Security Act for an annual audit of the effectiveness of the State Child Support Enforcement Programs under title IV–D and for a possible reduction in Federal reimbursement for the States' title IV–A program pursuant to sections 403(h) and 404(d) of the Act. Sections 305.10 through 305.13 describe the annual audit. Sections 305.20 through 305.39 define an effective program for the purposes of this part, and establish audit criteria for determining program effectiveness. Section 305.50 provides for imposition of the penalty if a State is found by the Secretary not to have had an effective program.

§ 305.1 Definitions.

(a) The definitions found in § 301.1 of this chapter also are applicable to this part.

(b) As used in this part:

(1) "Personnel" means, unless otherwise indicated, employees of the IV–D agency; court employees or law enforcement officials performing IV–D functions under a cooperative agreement with the IV–D agency, or persons performing IV–D functions under a purchase of service agreement.

(2) "Attorney or Prosecutor" includes those employed by the IV–D agency, employed by a court or law enforcement official under cooperative agreement with the IV–D agency, or those performing IV–D functions under a purchase of service agreement.

§ 305.10 Audit.

The Office of Child Support Enforcement will conduct an annual audit of each State as required by Sections 452(a)(4) and 403(h) of the Act for the purpose of determining whether the State has an effective IV–D program meeting the requirements of Section 402(a)(27) of the Act. The audit of each State's program will be a comprehensive review to determine that the State's program meets the criteria specified in §§ 305.20 through 305.39 of this part. During the course of the audit, the Office will:

(a) Make a critical investigation of the State's IV–D program through inspection, inquiries, observation, and confirmation; and

(b) Use the appropriate General Standards and Standards of Field Work promulgated by the American Institute of Certified Public Accountants in the "Statement of Auditing Procedures No. 33."

§ 305.11 Audit period.

The first period to be audited will be from January 1, 1977, through September 30, 1977. The second and following audits will be for the period October 1 through September 30 of each fiscal year.

§ 305.12 State comments.

(a) Prior to concluding the audit fieldwork, the Office will afford the State IV–D agency an opportunity for an audit exit conference at which time preliminary audit findings will be discussed and the State may present any additional competent evidential matter it believes should be considered in the audit findings.

(b) At the conclusion of the audit fieldwork, the Office will prepare and send to the State a copy of its interim report on the results of the audit. Within 45 days from the date the report was sent by certified mail, the State may submit written comments on any part of the report which the State believes to be in error. The Office will incorporate such comments, if any, into the final audit report.

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§ 305.13 State cooperation in annual audit.

(a) Each State shall make available to the Office such records or other supporting documentation as the Office's audit staff may request. The State shall also make available personnel associated with the State's IV–D program to answer such questions as the audit staff may find necessary in order to conduct or complete the audit.

(b) Failure to comply with the requirements of this section may necessitate a finding that the State has failed to comply with the particular criteria being audited.

§ 305.20 Audit criteria.

For the purposes of this part and Section 403(h) of the Act, in order to be found to have an effective program meeting the requirements of section 402 (a)(27) of the Act;

(a) A State must be in compliance with each of the following title IV–D State plan requirements:

Statewide operation. (45 CFR 302.10)
State financial participation. (45 CFR 302.11)
Single and separate organizational unit. (45 CFR 302.12)
Establishing paternity. (45 CFR 302.31(a))
Support obligations. (45 CFR 302.50)
Enforcement of support obligation. (45 CFR 302.31(b))
Child support payments to the IV–D agency. (45 CFR 302.32)
Distribution of child support payments. (45 CFR 302.51)
Payments to the family. (45 CFR 302.38)
Incentive payments. (45 CFR 302.52)
Individuals not otherwise eligible. (45 CFR 302.33)
Cooperation with other States. (45 CFR 302.36)
State parent locator service. (45 CFR 302.35)
Cooperative arrangements. (45 CFR 302.34)
Reports and maintenance of records. (45 CFR 302.15)
Fiscal policies and accountability. (45 CFR 302.14)
Safeguarding information (45 CFR 302.18); and

(b) The IV–D agency must be receiving notice from the IV–A agency whenever AFDC is furnished with respect to a child who has been abandoned or deserted by a parent (45 CFR 235.70), and the State must be obtaining assignments of rights to support (45 CFR 232.11).

§ 305.21 Statewide operation.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement of Statewide operation (45 CFR 302.10), a State must:

(a) Administer the plan uniformly throughout the State, or supervise the administration of the plan by its political subdivisions;

(b) Have established and be utilizing methods of informing staff of State policies, standards, procedures, and instructions;

(c) Have assigned State staff to conduct regular, planned examination and evaluation of operations in local offices; and

(d) Make available the services and functions as required by the approved State plan throughout the State.

§ 305.22 State financial participation.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for State financial participation (45 CFR 302.11), a State must:

(a) Participate financially by incurring 25 percent of the cost of the program; and

(b) Make actual payments from funds appropriated to the IV–D Agency or transferred to the IV–D Agency, or have certified expenditure statements from the contributing public agency representing expenditures under the State's IV–D plan.

§ 305.23 Single and separate organizational unit.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for a single and separate organizational unit to administer the IV–D plan (45 CFR 302.12), a State must have such a unit which:

(a) Is responsible and accountable for the operation of the IV–D plan and for no other program or activity;

(b) Is responsible for securing compliance with requirements of the IV–D plan delegated to any other State or local agency or official, performed under cooperative agreement or purchase of service agreement; and

(c) Has staff assigned to perform all of the required State level functions listed in § 303.20(b) of this chapter.

§ 305.24 Establishing paternity.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement that the State undertake the establishment of paternity (45 CFR 302.31(a) and 302.33), a State must:

(a) Have established and be utilizing procedures for obtaining the identity of the putative father from the applicant or recipient;

(b) Have written procedures for establishing paternity:

(1) By court order or other legal process established by State law; or

(2) By acknowledgment, if under State law such acknowledgment has the same legal effect as court ordered paternity, including the rights to benefits other than child support;

(c) Be utilizing such procedures to establish the paternity of any child born out of wedlock whose paternity has not previously been established and with respect to whom there is an assignment in effect pursuant to Section 232.11 of this title or with respect to whom there is an application for child support services pursuant to Section 302.33 of this chapter;

(d) Have identified and made a list of all laboratories within the State which, in the opinion of the IV–D agency, perform legally and medically acceptable tests, including blood tests, which tend to confirm or refute the alleged paternity, and have made such list available to appropriate court and law enforcement officials, and to the public upon request;

(e) Have identified all State statutes and regulations that provide procedures to be used in determining the paternity of a child born out of wedlock as required by § 302.17 of this chapter;

(f) Have available attorneys or prosecutors to represent the agency in court or administrative proceedings when necessary with respect to the establishment of paternity; and

(g) Provide personnel, such as interviewrs, investigators, clerical and other support staff to perform paternity establishment functions.

§ 305.25 Support obligations.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement to establish support obligations (45 CFR 302.50 and 302.53), a State must:

(a) Have established and be utilizing procedures for the establishment of a child support obligation for any child;

(1) With respect to whom there is an assignment in effect pursuant to § 232.11 of this title or with respect to whom there is an application for child support services pursuant to § 302.33 of this chapter; and

(2) Who has not previously had a child support obligation established by court order or by other legal process established under State law;

(b) If the support obligation is established by means other than a court order, utilize the State's formula, pursuant to Section 302.53 of this chapter, for determining the amount of the support obligation;

(c) Provide personnel to perform the establishment of support obligation function; and

(d) Have available attorneys or prosecutors to represent the State in court or administrative proceedings when necessary to establish the support obligation.

§ 305.26 Enforcement of support obligation.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement to enforce support obligations (45 CFR 302.31(b)), a State must:

(a) Have established and be utilizing a procedure for identifying as delinquent those cases in which there is a failure to comply with the support obligation;

(b) Have established and be utilizing procedures for contacting delinquent obligors for the purpose of collecting the support obligation;

(c) Have identified and established the appropriate procedures, including but not limited to those specified in Section 303.6 of this chapter, to enforce child support obligations under the State's statutes or regulations;

(d) Have established procedures for using reciprocal support enforcement arrangements that have been adopted with other States;

(e) Take appropriate action, using the procedures the State has established, to enforce support obligations;

(f) Have available attorneys or prosecutors to represent the agency in court or administrative proceedings when necessary to enforce delinquent support obligations; and

(g) Provide personnel, such as interviewers, investigators, clerks and other support staff to perform support obligation enforcement functions.

§ 305.27 Child support payments to the IV–D agency.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement of child support payments to the IV–D Agency (45 CFR 302.32) a State must:

(a) Have established and be utilizing procedures for the receipt of child support payments by the IV–D agency with respect to cases in which there is an assignment of support rights pursuant to § 232.11 of this title and cases in which there is an application for child support services pursuant to § 302.33 of this chapter.

(b) Have established and be utilizing procedures to identify child support payments that are not being received by the IV–D agency and to take corrective action;

(c) Have established and be utilizing procedures that meet the requirements of § 302.32(b) of this chapter for informing the State's IV–A agency of the amount of collection so that the family's continued eligibility for assistance payments can be determined;

(d) Have staff performing the activities described in this section.

§ 305.28 Distribution of child support payment.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for distribution of child support collections (45 CFR 302.51 and 302.32), a State must:

(a) Have written procedures which, if properly applied, would result in a distribution of child support collections which is in accordance with §§ 302.51 and 302.32 of this chapter;

(b) Be making the distribution of child support collections pursuant to the procedures it has established; and

(c) Have personnel distributing child support collections.

§ 305.29 Payments to the family.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for payment to the family (45 CFR 302.38), a State must distribute any payments required to be made to the family under §§ 302.32 and 302.51 of this chapter to the resident parent, legal guardian, or caretaker relative having custody of, or responsibility for, the child or children.

§ 305.30 Incentive payments.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement to make incentive payments (45 CFR 302.52), a State must:

(a) Have established and be utilizing written procedures for making incentive payments in the proper amounts to other States and, if appropriate, to political subdivisions within the State;

(b) Have established and be utilizing methods to account for monies received so the "amount retained by the State to reduce or repay assistance payments" can be properly determined;

(c) Have established and be utilizing methods for determining that the collection was made by a State or political subdivision operating pursuant to an approved IV–D plan and was made on behalf of an individual with respect to whom there is an assignment in effect pursuant to § 232.11 of this title;

(d) Have established and be utilizing methods for determining which collections represent payments on the first 12 months of support obligations;

(e) Have established and be utilizing methods for ensuring that the incentive payments are made as soon as administratively feasible;

(f) Have established and be utilizing procedures (in accordance with instruction issued by the Office) for allocating the incentive payment among jurisdictions when more than one jurisdiction is involved in the enforcement or collection; and

(g) Have personnel performing the functions specified in this section.

§ 305.31 Individuals not otherwise eligible.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for providing child support enforcement services to individuals not otherwise eligible (45 CFR 302.33), a State must:

(a) Have established and be utilizing a procedure for accepting signed, written applications on a Statewide basis for child support services from individuals not otherwise eligible under § 302.31 of this chapter.

(b) Have established and be utilizing procedures for providing to applicants on a Statewide basis, all appropriate child support services available under the State's plan, including locating absent parents, establishing paternity and securing child support;

(c) Have established and be utilizing a procedure for collection of any fees and recovery of any costs authorized by the State's plan; and

(d) Provide personnel to perform child support enforcement services for applicants.

§ 305.32 Cooperation with other States.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for interstate cooperation (45 CFR 302.36), a State must:

(a) Have established and be utilizing a method of accepting and processing requests for assistance from other States;

(b) Have established and be utilizing a procedure for using the State's PLS (both State and local locate sources) in an attempt to locate an absent parent upon request of another State;

(c) Have established and be utilizing a procedure for establishing paternity or assisting in establishing paternity when requested by another State;

(d) Have established and be utilizing a procedure for establishing court orders for support upon request by another State, including procedures for responding to a complaint under the Uniform Reciprocal Enforcement of Support Act;

(e) Have established and be utilizing procedures for collecting support payments from an absent parent and forwarding such payments to the State where the obligation is owed;

(f) Have established and be utilizing procedures for monitoring the status of cases upon which the State is taking action on behalf of another State;

(g) Have established and be utilizing procedures that comply with the requirements for providing sufficient information to other States as specified in § 303.7 of this chapter;

(h) Have personnel at the State level to coordinate activities pursuant to, and to assure compliance with, the requirements of the State's URESA; and

(i) Have personnel to perform the functions specified in this section.

§ 305.33 State parent locator service.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for a parent locator service (45 CFR 302.35), a State must:

(a) Have established and be utilizing a central State PLS office as required by § 302.35(h) of this chapter;

(b) Have identified and be utilizing major local locate data sources within the State such as those listed in § 303.3 (a) of this chapter;

(c) Have identified and be utilizing major State locate data sources such as those listed in § 303.3(c) of this chapter;

(d) Have developed and be utilizing lines of communications with the locate data sources identified by the State;

(e) Be utilizing the Federal PLS when necessary pursuant to § 302.35(a)(2) and (d) of this chapter;

(f) Have established procedures for accepting from a person authorized under § 302.35(c) of this chapter, an application to use the PLS;

(g) Have established and be utilizing procedures for collecting any fees required by § 302.35(e) of this chapter and the State's plan;

(h) Be using the names and other identifying information of absent parents, the State and local locate data sources and the Federal PLS, in an attempt to determine the actual whereabouts of the absent parent, or determine that the whereabouts of the absent parent cannot be ascertained;

(i) Have developed and be using the protective measures to safeguard information transmitted and received through use of the Federal PLS as required by § 302.70(e)(2) and (3) of this chapter and instructions issued by the Office; and

(j) Provide personnel, such as interviewers, investigators, clerks and other support staff to perform the functions described in this section.

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§ 305.34 Cooperative arrangements.

(a) For the purposes of this part, in order to be found to be in compliance with the State plan requirement for cooperative arrangements (45 CFR 302.34), a State must utilize written cooperative agreements with appropriate courts and law enforcement officials to the extent necessary to establish paternity, establish and enforce child support obligations, collect child support, and cooperate with other States in these functions.

(b) This requirement will not be audited separately. However, cooperative agreements may be necessary in order for a State to meet the requirements of §§ 305.24, 305.25, 305.27, 305.30 and 305.37 of this part, if the IV–D agency does not have sufficient personnel and administrative procedures to accomplish these functions.

§ 305.35 Reports and maintenance of records.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for reports and maintenance of records (45 CFR 302.15), a State must:

(a) Have established and be utilizing a method of maintaining the records necessary for proper and efficient operation of the plan including those listed in § 302.15(a)(1) (i) through (vii) of this chapter;

(b) Have established and be utilizing a system for insuring that reports required by the Secretary are provided when due, and are accurate and complete; and

(c) Have personnel performing the functions specified in this section.

§ 305.36 Fiscal policies and accountability.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for fiscal policies and accountability (45 CFR 302.14), a State must:

(a) have established and be maintaining and utilizing an accounting system and supporting fiscal records that assure that claims for Federal funds are in accord with applicable Federal regulations and instructions issued by the Office; and

(b) have personnel performing the functions specified in this section.

§ 305.37 Safeguarding information.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for safeguarding information (45 CFR 302.18), a State must have established and be utilizing procedures that restrict the use or disclosure of information concerning applicants or recipients of child support enforcement services to purposes listed in § 302.18(a) of this chapter.

§ 305.38 Notice to child support agency.

For the purposes of this part, the IV–D agency must be receiving notice from the IV–A agency (45 CFR 235.70) whenever AFDC is furnished with respect to a child who has been deserted or abandoned by a parent.

§ 305.39 Assignment of rights to support.

For the purposes of this part, a State must obtain assignments of support rights for each AFDC applicant and have an assignment in effect for each AFDC case as required by 45 CFR 232.11, except where there has been a refusal to assign and the appropriate action under § 232.11 of this title was taken.

§ 305.50 Penalty for failure to have an effective child support enforcement program.

(a) Pursuant to sections 403(h) and 404(d) of the Act, if a State is found by the Secretary, on the basis of the results of the audit described in this part, to have failed to have an effective child support enforcement program meeting the requirements of Section 402(a)(27) of the Act, as implemented by Part 302 of this chapter and this part, total payment to the State under title IV–A of the Act shall be reduced by 5 percent of such payments.

(b) Any reduction required to be made under this section shall be made pursuant to § 205.146(d) of this title.

(c) The reconsideration of penalty imposition provided for by § 205.146(e) of this title shall be applicable to any reduction made pursuant to this section.

[FR Doc.76-28745 Filed 9-30-76;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 205]

PENALTY FOR FAILURE TO HAVE AN EFFECTIVE CHILD SUPPORT ENFORCEMENT PROGRAM

Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of the proposed regulation is to alert States to the statutorily required penalty imposed, beginning January 1, 1977, pursuant to sections 403(h) and 404(d) of the Social Security Act. The basis for the proposal is the requirement in those sections which require a reduction of 5 percent in the amount payable under the title IV–A to any State found to have failed to have an effective child support enforcement program meeting the requirements of Section 402(a)(27) of the Act.

Part 305 published as NPRM today (41 FR 4317) describes the audit to be conducted to determine program effectiveness, defines an effective program for purposes of this penalty and establishes audit criteria for determining program effectiveness.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto, addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before November 1, 1976.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

NOTE: It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Answers to specific questions may be obtained by calling Steve Henigson at (202) 472–4510.

(Sec. 1102, 46 Stat. 647 (42 U.S.C. 1302))
(Catalog of Federal Domestic Assistance Program No. 13.761 Public Assistance—Maintenance Assistance (State Aid))

Dated August 25, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: September 24, 1976.

MARJORIE LYNCH,
Acting Secretary.

Section 205.146 of Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by recodifying paragraph (d) to (e), and adding a new paragraph (d) to read as follows:

§ 205.146 Specific limitations on Federal financial participation under title IV–A.

* * * * *

(d) *Penalty for failure to have an effective child support enforcement program.*—(1) *General.* Pursuant to section 403(h) of the Act, notwithstanding any other provision of this chapter, total payments to a State under title IV–A of the Act for any quarter beginning after December 31, 1976, shall be reduced by 5 percent of such payments (calculated without regard to any other reduction under this section), if a State is found by the Secretary to have failed to have an effective child support enforcement program meeting the requirements of section 402(a)(27), as implemented by Parts 302 and 305 of this title.

(2) *Application of penalty.* (i) The penalty will be imposed for each fiscal year, beginning with F.Y. 77 (but in the case of F.Y. 77, only considering the second, third and fourth quarters thereof).

(ii) The penalty will be imposed on the basis of the results of the audit conducted pursuant to Part 305 of this title.

(iii) Any penalty imposed under this paragraph will be imposed for the entire fiscal year for which the State was found not to have an effective child support enforcement program.

[FR Doc.76-28744 Filed 9-30-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 625–3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Virgin Islands Implementation Plan

The purpose of this FEDERAL REGISTER notice is to announce receipt of a request from the Virgin Islands that the Environmental Protection Agency (EPA) reconsider in part its recent disapproval of a proposed revision to the Virgin Islands Implementation Plan. This proposed revision, which contained a revised regulation, 12 V.I.R. & R. 9:204–26 entitled, "Sulfur Compounds Emission Control," was approved on July 12, 1976 (41 FR 28492) as it applies to the islands of St. Thomas and St. John, but disapproved as it applies to the island of St. Croix. This disapproval was based specifically on subsection (a)(2) of revised 204–26; the other subsections of the regulation were not considered for separate approval.

On August 16, 1976 the Virgin Islands Department of Conservation and Cultural Affairs requested that EPA's disapproval for St. Croix be limited to subsection (a)(2) of the revised 204–26. As discussed in EPA's July 12 notice, the provision of subsection (a)(2) permitting the use on St. Croix of residual fuel oil with a 1.5% sulfur content would not be consistent with the protection of ambient air quality standards.

Subsections (a)(1), (a)(3), (b), (c) and (d) of revised 204–26 provide for the following:

(1) *Subsection 204–26(a)(1)*—Emission of sulfur oxides which result in any violation of the concentration value associated with the national 3-hour or 24-hour ambient air quality standard are not permitted.

(2) *Subsection 204–26(a)(3)*—Fuel oil cannot be burned which causes a contravention of any national ambient air quality standard for sulfur oxides or which violates a control strategy for sulfur oxides as contained in the Virgin Islands Implementation Plan.

(3) *Subsection 204–26(b)*—The emissions of hydrogen sulfide are limited on the basis of an ambient air quality standard set by the Virgin Islands.

(4) *Subsection 204–26(c)*—The Virgin Islands may require that stack tests be performed or that certain data be maintained by a source of air pollution.

(5) *Subsection 204–26(d)*—If a source of sulfur oxides applies control equipment or uses a process which removes sulfur compounds from its gas stream and if it can be demonstrated that ambient air quality standards will not be contravened, then a fuel sulfur content higher than that required by the applicable limitation may be authorized. Such authorization must be approved by EPA before becoming effective.

EPA's subsequent evaluation of subsections (a)(1), (a)(3), (b), (c) and (d) of revised 204–26 as they apply to the island of St. Croix concludes that the approval of these subsections will not result in the contravention of any applicable ambient air quality standard. This notice is issued, as required by section 110 of the Clean Air Act to advise the public that comments may be submitted for the next 30 days as to whether this proposed revision to the Virgin Islands Implementation Plan, applicable only to the island of St. Croix, should be approved or disapproved. Only comments received during the 30-day public comment period hereby established will be considered. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of section 110 (a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR, Part 51.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the Virgin Islands Department of Conservation and Cultural Affairs, Charlotte Amalie, St. Thomas 00801. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: September 23, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-28878 Filed 9-30-76;8:45 am]

[40 CFR Part 180]

[FRL 625–7; PP0F0997/P35]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

5-Ethoxy-3-Trichloromethyl-1,2,4-Thiadiazole

On August 12, 1970, the Food and Drug Administration gave notice (35 FR 12794) that Olin Chemicals, 120 Long Ridge Rd., Stanford CT 06904, had filed a pesticide petition (PP 0F0997). This petition proposed that 21 CFR 120 (since recodified to 40 CFR 180) be amended by the establishment of a tolerance for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole in or on the raw agricultural commodity cottonseed at 0.3 part per million (ppm).

Olin Chemicals subsequently amended the petition by lowering the requested tolerance level from 0.3 ppm to 0.2 ppm and by expressing the tolerance in terms of both the parent compound and its mono-acid metabolite, 3-carboxy-5-ethoxy-1,2,4-thiadiazole.

The data submitted in the petition and all other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, milk, meat, or poultry, as delineated in 40 CFR 180.6(a)(3), and it has been determined that the tolerance established by amending 40 CFR 180 will protect the public health. Because of the length of time that has elapsed since the original filing of the petition for tolerance, the Agency has found it to be in the public interest to propose this tolerance, thereby allowing a period for public comment, rather than to promulgate it at once. It is, therefore, proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before November 1, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 N St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before November 1, 1976 and should bear a notation indicating the subject/document control number "PP0F0997/P35." All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 24, 1976.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

JOHN B. RITCH, Jr.,
Director,
Registration Division.

It is proposed that Part 180, Subpart C, be amended by adding the new § 180.370 to read as follows:

* * * * *

§ 180.370 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole; tolerances for residues.

Tolerances are established for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Cottonseed	0.2

[FR Doc.76-28875 Filed 9-30-76;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20735; RM-1974; 2655]

NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

Adopted: September 23, 1976.
Released: September 27, 1976.

In the matter of changes in the rules relating to Noncommercial Educational FM Broadcast Stations,

1. On March 17, 1976, the Commission issued a notice of proposed rulemaking in this proceeding, 41 FR 16973. The comment and reply dates originally specified, July 1, 1976, and August 16, 1976, were extended to October 1, 1976, and November 16, 1976, respectively, by Order adopted June 22, 1976. See 41 FR 27389, Friday, July 2, 1976. The Commission has before it two requests for further extension filed by the Corporation for Public Broadcasting ("CPB") and the Intercollegiate Broadcasting System, Inc., ("IBS").

2. IBS has requested an extension of the comment and reply dates to November 15 and December 31. We do not need to discuss the merits of this request in light of our decision to grant the extension request of CPB for a greater period of time. CPB asks for an extension until December 31, 1976, for the filing of comments. No suggestion is offered as to a revised date for the filing of reply comments. The CPB extension requested is predicated on the need to offer the Commission the results of engineering studies now being conducted for CPB. According to CPB, it was not until the recent rendering of an interim report by its engineers that it became clear that the studies would be likely to produce important data for consideration in this proceeding. The studies deal with receiver characteristics, Class D station allocations, and a Table of Noncommercial FM assignments.

3. We agree that the issues being considered by CPB are important ones in this proceeding and that a delay of the sort requested by CPB can be justified. In the context of this proceeding the Commission is examining a wide range of issues basic to educational noncommercial FM allocation and usage. A resolution of the issues raised requires consideration of data from various sources, and it would serve no purpose to rush the proceeding to a conclusion without adequate data. For that reason we believe that an extension of the sort requested can be justified, but we do not contemplate a further extension. At some point the proceeding must be brought to a close.

4. *Accordingly, It is ordered*, That the time for filing comments is extended through January 3, 1977, and for filing reply comments is extended through February 14, 1977. This action is taken pursuant to sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.76-28812 Filed 9-30-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/104]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Meeting

The International Industrial Property Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on November 4, 1976 at the Department of State in Conference Room 1105 from 9:30 a.m. to 1 p.m. Arrangements can be made to continue the meeting after lunch if the Panel so desires.

The purpose of this open meeting will be to discuss the following topics:

1. the proposed revision of the Paris Industrial Property Convention;
2. the triennial administrative meetings of the World Intellectual Property Organization;
3. the Canadian "Working Paper on Patent Law Revision";
4. the proposed UNCTAD Code of Conduct on the Transfer of Technology.

The public attending may, as time permits and subject to the instructions of the Chairman, participate in the discussions or may submit their views in writing to the Chairman prior to or at the meeting for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation and address to Mr. Steven R. Pruett, Office of Business Practices, Department of State; telephone (202) 632-0307 prior to October 28, 1976. All non-government attendees at the meeting should use the C Street Entrance to the building.

Dated: September 23, 1976.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc.76-28830 Filed 9-30-76;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Cir. 570, 1976 Rev. Supp. No. 1]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Compass Insurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $378,000 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

COMPASS INSURANCE COMPANY
MIDDLETOWN, OHIO
NEW YORK

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 20, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-28803 Filed 9-30-76;8:45 am]

[Dept. Circ. 570, 1976 Rev., Supp. No. 3]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Munich American Reinsurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $2,192,000 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

MUNICH AMERICAN REINSURANCE COMPANY
NEW YORK, NEW YORK
NEW YORK

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 20, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-28805 Filed 9-30-76;8:45 am]

[Dept. Circ. 570, 1976 Rev., Supp. No. 2]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

National American Insurance Company of New York; Change of Name

Mohawk Insurance Company, a New York corporation, has formally changed its name to National American Insurance Company of New York, effective July 6, 1976. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated July 6, 1976, has been issued by the Secretary of the Treasury to National American Insurance Company of New York, Allentown, Pennsylvania, under Sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1976 (41 FR 28246, July 8, 1976) to the company under its former name, Mohawk Insurance Company. The underwriting limitation of $251,000 previously established for the company remains unchanged.

The change in name of Mohawk Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

DAVID MOSSO,
Fiscal Assistant Secretary.

DATED: September 20, 1976.

[FR Doc.76-28804 Filed 9-30-76;8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-6]

LYNNFIELD DRUG, INC., LYNNFIELD, MASS.

Hearing

Notice is hereby given that on February 5, 1976, the Drug Enforcement Administration, Department of Justice issued to Mr. Stanley J. Sokolowski, President, Lynnfield Drug, Inc., Lynnfield, Massachusetts, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AL5912111 issued to the Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, September 28, 1976, in Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: September 24, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76-28755 Filed 9-30-76;8:45 am]

Parole Commission

PUBLIC READING ROOM

Index to Decisions in Public Reading Room

A Public Reading Room is maintained by the United States Parole Commission at its Headquarters at 320 First Street, Northwest, Washington, D.C. 20537, pursuant to 5 U.S.C. 552(a)(2) and 28 CFR 16.2. The Index to the Parole and Revocation decisions posted in the room is published herewith. Printed materials and Labor and Pension Materials are also maintained in the Reading Room and are described in the paragraph entitled "Other Information".

Explanation of File Layout: Each type of decision is filed in separate folders or series of folders chronologically. Parole grants in each region in early 1975 are filed separately from parole denials. In later 1975 grants and denials from the same region are in the same series of folders. After April 1, 1976, grants and denials by hearing examiners are filed separately in folders indicating the institution in which the hearing was held. National Appeals Board and National Directors' decisions are not filed regionally since they are made at headquarters.

Coding of File Folders. Each folder contains decisional material for the time period indicated on the label coded as to Type and Location.

TYPES OF DECISIONS:

HE = Hearing Examiners
A = Regional Commissioners' Appeals
NAB = National Appeals Board (includes entire Commission "en banc")
ND = National Directors (References from Regions)
REO = Decisions to reopen cases

LOCATION:

P = Philadelphia Region (Northeast)
A = Atlanta Region (Southeast)
K = Kansas City Region (North Central)
D = Dallas Region (South Central)
S = San Francisco Region (Western)

Other Information. For names of institutions in each region and regional boundaries, see map of Federal Correctional System and booklet "Federal Prison System Facilities".

Printed material includes Commission's statute, regulations, research studies, annual reports, information pamphlets, and other items.

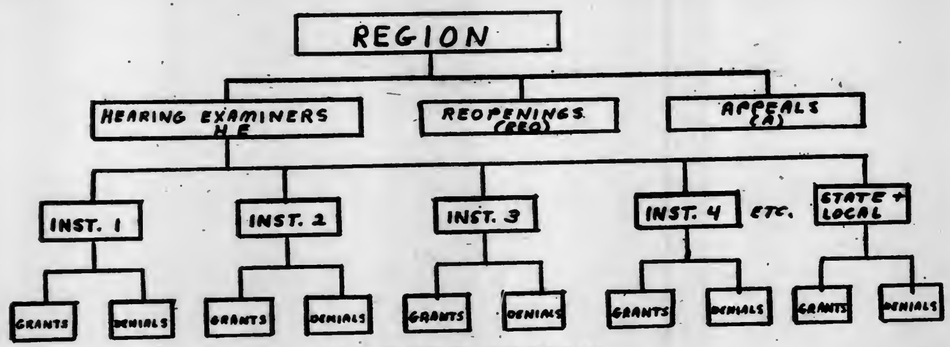
Labor and pension material includes all final opinions on applications for exemption from certain provisions of the Labor-Management Reporting and Disclosure Act [29 USC 504] and the Employee Retirement Income Security Act [29 U.S.C. 1111].

Schematic diagram of decisions made in each region is separately attached.

Dated: September 24, 1976.

MAURICE H. SIGLER,
Chairman, United States Parole Commission.

SCHEMATIC DIAGRAM — DECISIONS MADE IN EACH REGION



[FR Doc.76-28555 Filed 9-30-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT-FES-76-50]

DALLAS CREEK PROJECT, COLORADO

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on a proposed water resource project that would develop water for municipal and industrial uses and irrigation in western Colorado. It would also benefit fisheries, recreation, and flood control.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Bureau of Reclamation, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.
Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84147, Telephone (801) 524-5404.
Western Colorado Projects Office, Bureau of Reclamation, Building 8, ERDA Compound, Grand Junction, Colorado 81501, Telephone (303) 242-8621.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: SEPTEMBER 28, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-28843 Filed 9-30-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-258]

B AND E COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B and E Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner operates a mine in the No. 2 Elkhorn seam. The seam of coal is 29 to 38 inches in height.

2. The equipment in this mine consists of an S & S scoop, an Acme pin machine and a Paul Elswick pin machine.

3. When the cabs and canopies are installed on the equipment, the operator of the equipment has only 2 to 3 inches of vision. The employees are afraid to operate the machines with this little vision. Canopies also interfere with the roof support and cause hazardous conditions to the employees.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 23, 1976.

[FR Doc.76-28823 Filed 9-30-76;8:45 am]

[Docket No. M 76-235]

B. AND Z. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B. and Z. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Grethel, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one S & S UNA-TRAC 74 scoop. The scoop is 30 inches high.

3. The No. 1 Mine is in the Fireclay seam which ranges from 36 to 38 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of a canopy on the scoop would limit the vision of the operator of the machine, creating a hazard to him as well as to the other employees in the mine.

4. Petitioner feels that since the scoop operator's vision is limited and since his position in the deck is cramped with the canopy installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The employees at the mine have refused to operate equipment with canopies installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 23, 1976.

[FR Doc.76-28824 Filed 9-30-76;8:45 am]

[Docket No. M 76-188]

KAY BOB COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kay Bob Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric

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face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of three 6 SC shuttle cars, one 14–7 Joy loading machine, one 15 RBU cutting machine, one TDF 24 Mobile Face drilling machine, one Acme pinup machine, and one AR 95 Elkhorn scoop.

3. The No. 2 Mine is in the Thacker seam which ranges from 39 to 42 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 23, 1976.

[FR Doc.76–28825 Filed 9–30–76;8:45 am]

[Docket No. M 76–223]

LITTLE AND MULLINS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Little & Mullins Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having minin gheoghtsof7 2 inches mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of three lizards and one scoop. Unlike equipment made today, this equipment was not designed to have canopies installed. Petitioner also has three roof bolting machines and one Joy loader.

3. The No. 1 Underground Mine is in the No. 1 Elkhorn seam which ranges from 38 to 42 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the tractors limits the visions of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The employees at the mine have refused to operate equipment with canopies installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 23, 1976.

[FR Doc.76–28826 Filed 9–30–76;8:45 am]

[Docket No. M 76–169]

PREECE COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Preece Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs

(1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one Jeffrey loading machine, one 1410 loading machine, one 86 S & S scoop, one 16 RB cutting machine, three 6 SC shuttle cars, and one TDF 24 Mobile Face drilling machine.

3. The No. 1 Mine is in the Thacker seam which ranges from 37 to 40 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operator's vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 23, 1976.

[FR Doc.76–28827 Filed 9–30–76;8:45 am]

[Docket No. M 76–272]

SKYVIEW MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Skyview Mining, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 106 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner operates a mine in the No. 2 Elkhorn seam which varies from 40 to 44 inches in height.

2. The equipment used in this mine consists of a 14–7 Joy loading machine, a Long Airdox roof bolter, a Paul's bolting machine, and three Porter End-Dump shuttle cars.

3. The maximum height of canopies which can be used on this equipment would be 36 inches. Canopies set at this height strike the roof of the mine. Having these canopies installed also results in reduced vision for the equipment operators resulting in a hazardous situation.

4. The employees have refused to work under the conditions created by the use of canopies because they feel the cramped positions and poor vision will cause their reflexes to be slowed which may result in injuries to themselves or fellow employees.

5. Due to the height of the coal seam and the type of equipment it uses, Petitioner requests that it be exempt from § 75.1710.

Request for Hearing or Comments

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 23, 1976.

[FR Doc.76–28828 Filed 9–30–76;8:45 am]

Office of the Secretary

FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, established under section 7(a) of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 726(a)) will meet on Monday, October 25, 1976, through Thursday, October 28, 1976, commencing at 9:00 a.m. each day until the Advisory Committee concludes its business. The meeting will be held at the Edgewater Inn, 2411 Alaskan Way, Seattle, Washington 98121—Telephone: Area Code 206–624–7000.

The matters to be discussed at this public meeting are ratification of report of actions and suggested new and revised health and safety standards and revocation of certain standards which remained on the agenda for previous public meetings of the Advisory Committee. The matters which remain to be discussed concern fire prevention and control; drilling; loading, hauling, and dumping; use of equipment; safety programs; man hoisting; and suggested mandatory health standards 55/56/57.5–1 relating to airborne contaminants; 55/56/57.5–H1 relating to exposure limits for mineral fibers, arsenic, beryllium, and lead; and 55/56/57.5–H4 relating to smoking restrictions when exposure to fibers exists. Copies of the agenda and the suggested new and revised standards are available for the public and may be obtained from or may be examined in the office of the Executive Secretary to the Advisory Committee.

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The meeting of the Advisory Committee is open to the public. Persons who expect to attend are requested to notify the Executive Secretary in writing by Tuesday, October 19, 1976, as public attendance will be limited to seating available in the meeting room.

Any member of the public may file a written statement with the Advisory Committee before, during or within 30 days after the meeting.

The Committee Chairman, if he deems it approprate, may permit members of the public to present oral statements at the meeting.

All written statements, notices, and requests should be addressed to the Executive Secretary as follows: Mr. Herbert P. Levan, Executive Secretary, Metal and Nonmetal Mine Safety Advisory Committee, Room 704, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203. Telephone: Area Code 703–235–8685.

Dated: September 28, 1976.

RAYMOND A. PECK, JR.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76–29029 Filed 9–30–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DEER ISLAND UNIT MANAGEMENT PLAN, ALASKA

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Deer Island Unit Management Plan, USDA–FS–DES (Adm) 76–08.

The environmental statement concerns a proposed land use plan for the management under principles of multiple use of approximately 9,100 acres of National Forest Land located on Deer Island in Ernest Sound near Wrangell, Alaska.

This draft environmental statement was transmitted to CEQ on September 21, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3231, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to E. Allen Crozer, Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833. Comments must be received by November 21, 1976 in order to be considered in the preparation of the final environmental statement.

CARL W. SWANSON,
Environmental Coordinator, Alaska Region.

SEPTEMBER 21, 1976.

[FR Doc.76–28821 Filed 9–30–76;8:45 am]

HEADWATERS RESERVOIRS, MISSISSIPPI RIVER AND REMER ADMINISTRATIVE SITE, CHIPPEWA NATIONAL FOREST, MINNESOTA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document transferring from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, lands within the Chippewa National Forest, Minnesota, see FR Doc. 76–28752 in the Notices Section of this issue.

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC., BENSON, ARIZ.

Environmental Statement, Availability

Notice is hereby given that the Rural Electrification Administration has prepared a draft environmental impact statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee for Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602, which will provide financing for the initial operation and development of strip mining of approximately 8,000 acres of Gamerco properties located near Gallup, New Mexico in McKinley County.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C., 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona, 85602.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before November 30, 1976 to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 24th day of September 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76–28750 Filed 9–30–76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CARIBBEAN REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Carribean Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the second organizational meeting of the Council. The meeting will be held Thursday and Friday, October 21 and 22, 1976 in the Department of Agriculture Conference Room, 2nd Floor, Stop 19, Fernandez Juncos, Santurce (San Juan), Puerto Rico. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m. each day.

Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures including Fishery Management Plan Development.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discusison are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about October 15, 1976:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–28911 Filed 9–30–76;8:45 am]

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday and Thursday, October 20–21, 1976. The meeting will commence at 9:00 a.m. on each day in Room 6802, Department of Commerce, 14th Street, NW., between E Street and Constitution Avenue, NW., Washington, D.C.

The meeting will be open to public observation and approximately 75 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12:00 p.m. on October 20 and 21, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements may be limited to three, the length of oral statements may be limited to no more than ten minutes, and preference may be given based upon relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on October 20 and 21 with the Executive Secretary between 8:45 a.m. and 9:00 a.m. in the meeting room and must provide their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (Attn: Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to Richard Keating at 634–4245.

The items for Committee discussion at the meeting will include the following:

WEDNESDAY, OCTOBER 20

9:00 a.m.	Call to order—approval of minutes.
9:15 a.m.	Report on resolutions passed during Alaska meeting.
9:30 a.m.	Committee discussion of any further action to be taken on the resolutions.
10:00 a.m.	Review of committee findings resulting from Alaska meeting.
10:15 a.m.	Brief recess.
10:30 a.m.	Review continued.
11:00 a.m.	Oral statements (if any) by interested persons.
12:00 noon	Lunch.
1:30 p.m.	Progress report on implementation of rules and regulations for Coastal Zone Management Act amendments.
2:15 p.m.	Committee's discussion of above.
3:00 p.m.	Brief recess.
3:15 p.m.	Results of GAO report.
4:00 p.m.	Adjourn.

THURSDAY, OCTOBER 21

9:00 a.m.	Call to order.
9:15 a.m.	Further discussion and committee recommendations on evaluation effort for CZM.
10:15 a.m.	Report on task force on State assistance activities.
11:30 a.m.	Oral statements (if any) by interested persons.
12:00 noon	Lunch.
1:30 p.m.	Role of advisory committee as perceived by members.
2:30 p.m.	Discussion of agenda, time, and place of next meeting.
3:00 p.m.	Adjourn.

Dated: September 28, 1976.

THEODORE P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.76–28741 Filed 9–30–76;8:45 am]

KINGS PRODUCTIONS, TAFT BROADCASTING CO.

Withdrawal of Permit Application for Taking Marine Mammals

On August 30, 1976, notice was published in the FEDERAL REGISTER (41 FR 36529), that an application had been filed with the National Marine Fisheries Service by Kings Productions, Taft Broadcasting Company, 8050 Hosbrook Court, Cincinnati, Ohio 45236, for a public display permit to take eight (8) Atlantic bottlenosed dolphins (*Tursiops truncatus*).

Notice is hereby given that Kings Productions has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National Marine Fisheries Service on September 23, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

SEPTEMBER 27, 1976.

[FR Doc.76–28728 Filed 9–30–76;8:45 am]

MID-ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting Place Changed

Notice is hereby given of a change in the meeting October 19 through 21, 1976, 9:00 a.m. to 5:00 p.m. at the Holiday Inn, 6500 Elkridge Landing Road, Linthicum, Maryland, of the Mid-Atlantic Regional Fishery Management Council which was published in the FEDERAL REGISTER, September 22, 1976, Volume 41, No. 185 (41 FR 41445).

The meeting is now scheduled for October 19, 20, 21 from 10:00 a.m.–5:00 p.m.; 9:00 a.m.–5:00 p.m.; and 9:00 a.m.–3:00 p.m. respectively at the Sheraton Airport Inn, Philadelphia, Pennsylvania.

Dated: September 29, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–28912 Filed 9–30–76;8:45 am]

OKLAHOMA CITY ZOO

Issuance of Permit To Take Marine Mammals

On July 27, 1976, notice was published in the FEDERAL REGISTER (41 FR 31248), that an application had been filed with the National Marine Fisheries Service by Oklahoma City Zoo, Route 1, Box 1, Oklahoma City, Oklahoma 73111, for a permit to take three (3) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on September 20, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Oklahoma City Zoo subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

SEPTEMBER 20, 1976.

[FR Doc.76–28729 Filed 9–30–76;8:45 am]

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Patent and Trademark Office

PATENT AND TRADEMARK ADVISORY COMMITTEE

Meeting

The Patent and Trademark Advisory Committee will meet from 10 a.m. to 5 p.m. on October 25, 1976, in the Jamestown Room, Stouffer's National Center Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia. This committee was established on December 15, 1975 to advise the Patent and Trademark Office on matters concerning the patent system and the administration of the Office. The agenda for the October 25 meeting is:

(1) A system of reexamination of issued patents.

(2) The improvement of documentation used in the examination of patent applications.

(3) The total role of patent documentation.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first-come first-served basis. A period will be set aside for oral comments or questions by public observers of 3 minutes per individual on each of the agenda items. More extensive comments or questions should be submitted in writing before October 21. Other public statements may be submitted at any time before or after the meeting.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Herbert C. Wamsley, Office of the Commissioner of Patents and Trademarks, Washington, D.C. 20231, telephone: 703–557–3071; or to the Executive Secretary, David B. Allen, Office of Legislation and International Affairs, Patent and Trademark Office, Washington, D.C. 20231, telephone: 703–557–3065.

SEPTEMBER 22, 1976.

LUTRELLE F. PARKER,
Acting Commissioner of Patents and Trademarks.

Approved:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-28806 Filed 9-30-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0268]

MEDICAL DEVICES

Performance Standards Activities

Correction

In FR Doc. 76-23470, appearing at page 34099, in the issue for Thursday, August 12, 1976, the following changes should be made:

On page 34100, in the third column, the fifteenth and sixteenth lines of the paragraph designated "1. Cardiac defibrillators.", should read "draft of the standard was available in December 1973 and was discussed in an".

PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

Meeting Place Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 16, 1976 (41 FR 39818), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products scheduled to meet in Conference Rm. K of the Parklawn Bldg., Rockville, Md., on October 17 and 18 at 9 a.m., has been changed to meet at the Center for Continuing Education, University of Chicago, 1307 E. 60th St., Chicago, Ill.

Dated: September 29, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28965 Filed 9-30-76;8:45 am]

Health Services Administration

PSRO AREA DESIGNATION

Advisory Poll of Physicians in the State of Texas

Notice is hereby given that the Department of Health, Education, and Welfare will conduct an advisory poll of all the doctors of medicine and osteopathy, who are engaged in active practice in the State of Texas, to determine whether such physicians prefer local Professional Standards Review Organization (PSRO) area designations or a single statewide PSRO area designation.

This advisory poll is undertaken as a result of the order of the United States District Court in the case of *Texas Medical Association, et. al. v. Weinberger*, (U.S.D.C., W.D. of Texas, No. A-74-CA-102, January 9, 1976), which set aside the designation of PSRO areas adopted by the Department and directed the Department to undertake, anew, procedures to designate PSRO areas in the State of Texas.

The results of the advisory poll will be included with other relevant information obtained by the Department in the administrative record which will form the basis for the proposed designation of PSRO areas in Texas, in accord with Section 1152(a) of the Social Security Act (the Act) and (42 CFR 101.1 et seq.).

Each physician engaged in active practice in the State of Texas will receive a ballot on which he may indicate whether he supports local PSRO area designations or a single PSRO area designation for the entire State of Texas. Any licensed doctor of medicine or osteopathy engaged in active practice in Texas who has not received a ballot within five days after this notice appears in the FEDERAL REGISTER, may request in writing a ballot prior to the expiration of the polling period from the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. Only those completed ballots postmarked no later than 30 days after publication of this notice in the FEDERAL REGISTER and returned in the postage paid addressed envelope provided with the ballot to each doctor will be considered valid. The tabulation procedures will assure that the vote of each individual physician responding to the poll will not be disclosed.

This advisory poll should not be confused with the poll required under section 1152(g) of the Social Security Act, as amended (Section 105 of Public Law 94-182). Under Section 1152(g) of the Act, the Secretary is required to poll all physicians in a State which has two or more PSRO area designations and where there was no conditional or operational PSRO agreement prior to December 31, 1975 to determine whether more than 50 percent of the physicians responding to the poll in each designated area prefer a statewide PSRO area designation or the present local area designations. The Secretary is required to designate the State as a statewide PSRO area if, in each PSRO area, more than 50 percent of the physicians responding to the poll indicate their preference for a statewide area designation. However, Section 1152 (g) does not presently apply to the State of Texas because the action of the United States District Court set aside PSRO area designations in Texas. If, after conducting this advisory poll and other appropriate procedures the Secretary should designate local Professional Standards Review Organization areas in Texas, it will be necessary to formally poll the physicians of Texas in accordance with Section 1152(g) of the Social Security Act, as amended.

Dated: September 27, 1976.

LOUIS M. HELLMAN, M.D.,
Administrator, Health Services Administration.

[FR Doc.76-28835 Filed 9-30-76;8:45 am]

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-634, that the next meeting of the Community Education Advisory Council will be held October 19 and 20, 1976. The meeting will be held in Liberty A Room at the Sheraton-Boston Hotel located at 39 Dalton Street (Prudential Center), in Boston, Massachusetts.

The Tuesday meeting will begin at 9:00 a.m. and end at 4:30 p.m. The Wednesday meeting will begin at 9:00 a.m. and end at 4:30 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Discussion on future legislation.
(2) Hearings on community education in the northeast area.
(3) Reports from Community Schools Act grantees in the northeast area.
(4) Reports from the National Recreation and Park Association.
(5) Reports from the Northeast Center for Community Education Development.
(6) Special reports.
(7) Other administrative matters and related business.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on September 24, 1976.

JULIE ENGLUND,
Director, Community Education Program.

[FR Doc.76-28758 Filed 9-30-76;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-76-0188]

RESEARCH ON DISABILITY INSURANCE APPLICATIONS

Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93-644), 42 U.S.C. 2946, this agency announces the award of Contract #HEW-100-76-0188 to Syracuse University, Office of Sponsored Programs, Syracuse, New York 13210. The purpose of this project is to conduct an econometric analysis of the determinants of disability insurance applications. Existing cross-sectional data will be analyzed to explain the causes of the recent rapid rate of growth in applications, and to predict their future behavior. The estimated cost of this contract is $122,099.00 and the intended completion date is December 31, 1977.

Dated: September 27, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-28818 Filed 9-30-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—FHA Commissioner

[Docket No. N-76-653]

HOME MORTGAGES IN DEFAULT

Acceptance of Assignment

On May 17, 1976, the Department issued the following HM Mortgagee Letter 76-9 to all approved mortgagees and Notice HM 76-43 to HUD field office personnel. The letter and notice set forth HUD's policy in connection with the assignment to HUD of home mortgages in default in order to avoid foreclosure. Notice HM 76-43 includes an amendment to paragraph 10c and 10c(2) issued September 22, 1976.

They are published here in their entirety as notification to the general public of the Department's policy and practice in the area.

Issued at Washington, D.C., September 27, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—Federal Housing Commissioner.

ACCEPTANCE OF ASSIGNMENT OF HOME MORTGAGES IN DEFAULT

1. *Purpose.* The purpose of this letter is to announce the Department's policy in connection with the acceptance of home mortgages in default in order to avoid foreclosure and to promulgate procedures for the implementation of that policy. The following instructions are effective immediately and, pending revision of Handbook 4191.1, Administration of Insured Home Mortgages, supersede the instructions in paragraph 126 of that Handbook.

2. *General.* Effective immediately, HUD will accept assignment of any fully insured mortgage if all the criteria in paragraph 3 below are met. Any mortgagor owning a home subject to a fully insured mortgage, regardless of the section of the National Housing Act under which the mortgage is insured, is entitled to a conference with a responsible representative of HUD before the mortgage is foreclosed, unless the Department agrees to accept assignment of the mortgage without such a conference. This Mortgagee Letter applies to all HUD-insured single family mortgages, except single family mortgages coinsured by HUD pursuant to Section 244 of the National Housing Act.

In any case where the mortgagor has voluntarily abandoned the mortgaged property, the mortgagee may initiate foreclosure without adhering to the procedures for assignment set forth in this Mortgagee Letter.

The requirements of this Letter shall be applicable to each mortgagee's HUD-insured portfolio. If servicing functions are performed by a contract servicer, it is the responsibility of the mortgagee to insure that the servicer meets these requirements.

3. *Eligibility criteria.* All of the following criteria must be met in order for the mortgage to be eligible for assignment. If the criteria are met, the mortgagee shall request that the Secretary accept assignment of the mortgage.

a. The mortgagee must have indicated to the mortgagor its intention to foreclose the mortgage.

4. *Mortgagee Decisions.*—In every case in which the mortgagee decides to foreclose, it must decide prior to initiating foreclosure whether or not to request that HUD accept assignment of the mortgage to avoid the foreclosure. If all of the criteria listed in paragraph 3 above are met, HUD must be requested to accept assignment and, if such a request is made, must have rejected it, before foreclosure is started.

5. *Notice to mortgagors.*—a. *When the Mortgagee is Considering Foreclosure.*

(1) *Time of Notice.* No sooner than five days after the date three full monthly installments are due and unpaid under the mortgage, but in any event prior to instituting foreclosure or acquisition of the mortgaged premises, the mortgagee shall send to the mortgagor a notice as below prescribed.

(2) *Content of Notice.* The notice shall advise the mortgagor of the following:

(a) He is now in default, and the mortgagee intends to foreclose unless he cures the default or alternative relief is afforded.

(b) If the default is due to circumstances beyond his control, he may be eligible for relief in lieu of foreclosure by assignment of the mortgage to HUD.

(c) The mortgagee is currently considering whether or not to apply to HUD for assignment of the mortgage.

(d) He will be advised shortly of the mortgagee's decision in writing.

(e) If he wishes to contact the mortgagee concerning his eligibility for assignment, he may write, call, or visit the mortgagee.

(f) If he does not understand his rights, he is admonished to secure assistance from an attorney or HUD-approved counseling agency.

An acceptable form of notice is attached hereto as Exhibit 1, and its use is suggested, although it may be modified to suit the mortgagee if it still includes the items above designated.

b. *When the mortgagee decides to request that HUD accept assignment.* The mortgagor shall be notified of the request by a letter including the substance of Exhibit 2. The letter must include a statement that HUD has been requested to accept assignment of the mortgage and it must enclose Form 2068F with item 14 completed. Instead of asking the mortgagor to mail the completed Form 2068F to it, the mortgagee may give the mortgagor the option of visiting its office for the purpose of completing the form.

c. *When the mortgagee decides not to request that HUD accept assignment.* The mortgagor shall be notified of the decision by a letter including the substance of Exhibit 3. The letter must include a statement that the mortgagee has decided to foreclose and has decided not to request that HUD accept the assignment, and it must identify the specific criteria for assignment identified in paragraph 3, above, which were not met. The letter must describe the mortgagor's right to request that HUD accept the assignment, with a brief explanation of the effect of assignment, specify the fifteen day time limit within which the mortgagor must act, and admonish him to seek legal or professional assistance if he does not understand his rights and obligations.

d. *Spanish language warning.* The letter required by paragraph 5b and the notice of decision required by paragraph 5c shall contain at the bottom thereof a warning to Spanish-speaking mortgagors to have the notice translated, as follows:

"ESTES ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HABALO TRADUCIR IMMEDIATAMENTE. A MEMOS QUE RESPONDA DENTRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN FUTURO."

e. *Time limits.* All time limits for the sending of notices required by this Mortgagee Letter, and for mortgagors required responses shall be deemed to be calendar days, unless otherwise expressly stated. If the last day for sending any notice, performing any act or making any response falls on a Saturday, Sunday or legal holiday, the last day for sending such notice, doing such act or making such response shall be the next following regular working day.

6. *Notice to HUD*—a. *Negative decisions.* If the mortgagee decides not to request that HUD accept assignment of the mortgage, HUD need not be notified of that decision, although the mortgagor must be notified as prescribed in paragraph 5c, above.

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b. *Position decisions.* When the mortgagee decides to request that HUD accept assignment of the mortgage, it must notify the mortgagor and HUD simultaneously. The notification to HUD shall be in the form of a letter requesting that assignment be accepted and accompanied by the following:

(1) A copy of the notice to the mortgagor required by paragraph 5b, above.

(2) A copy of the related ledger record or payment record card reflecting the payment history on the account since inception of the loan or, if the indebtedness was assumed by the present mortgagor, since the assumption.

(3) Copies of all related collection records documenting the efforts of the mortgagee's staff to collect the debt and the mortgagor's reactions to those efforts.

(4) Copies of FNMA Forms 145 or similar reports to the investor recommending any action requiring approval of the investor. If no such formal reports or recommendations were made, substitute a brief narrative description of the reasons for the default, as seen by the mortgagee, and the basis on which the decision to foreclose was made.

(5) A brief statement of mortgagee's opinion as to the probability of restoring the mortgage to good standing and the reasons for that opinion.

(6) A completed Form 2068F. Pending revision of this form, item 14 shall be completed by the mortgagee before it is given to the mortgagor.

7. *Providing material to HUD.* When a mortgagee has notified a mortgagor that it intends to foreclose the mortgage and does not intend to request that HUD accept assignment of the mortgage, the mortgagor has fifteen days in which to request that HUD accept assignment of the mortgage during which the mortgagee must withhold foreclosure. If the mortgagor responds within this time period, HUD will direct the mortgagee to delay the initiation of foreclosure. HUD also will ask that the mortgagee provide the documentary information described in paragraph 6, above, except the completed Form 2068F. Mortgagees shall respond promptly to such requests and should remember that delays in responding will only serve to delay the date on which the mortgage can either be foreclosed or assigned to HUD.

8. *Mortgagee actions—a. General.* Mortgagees must take, or refrain from taking, actions as indicated below. Deviations from these requirements shall cause HUD to consider suspending or withdrawing the mortgagee's approval to participate in the Department's programs of mortgage insurance.

b. *Mortgagee actions.* Mortgagees shall not initiate any action leading to foreclosure of the mortgage, acquisition of the mortgaged property without the consent of the mortgagor, or dispossession of the mortgagor until HUD's consideration of whether or not to accept an assignment is completed. Mortgagees must also honor, immediately, directions from HUD that mortgages be assigned. Whenever any mortgagee refuses to honor HUD's direction to assign, or refuses to refrain from foreclosure, acquisition, or dispossession as above described pending HUD's determination on accepting assignments, the circumstances will be reported to the Director, Single Family Housing Division, Office of Loan Management, who shall take appropriate action, including, if warranted, recommending suspension or withdrawal of the mortgagee's approval to the Mortgagee Review Board. HUD field office Directors are instructed to process requests that assignment be considered as rapidly as possible, and the mortgagee will be notified, by telephone and by mail, as soon as any decision has been reached.

c. *Granting additional relief.* When the mortgagee is advised by HUD that assignment of a mortgage will not be accepted because the criterion described in paragraph 8g above has not been met, specific additional relief measures deemed reasonable by the Director will be prescribed. Mortgagees are expected to grant such relief.

9. *Mortgages now in foreclosure.* With regard to all fully insured single family mortgages in the process of foreclosure or acquisition on the effective date of this Mortgagee Letter, where no final court judgment has been entered pursuant to judicial foreclosure, or where no sale of the mortgaged property has taken place under a power of sale, mortgagees shall stay any foreclosure suit, seeking leave of court where necessary, or shall defer any sale until after such mortgagees have considered whether mortgagors are eligible for assignment and have afforded mortgagors an opportunity for review and final determination by HUD in accordance with the provisions of this Mortgagee Letter. Field office Directors are to give priority to processing requests involving cases already in foreclosure.

10. *Effect of assignment.* Mortgagees are reminded that assignment of a mortgage to the Secretary has advantages over completion of foreclosure to all parties. The mortgagor is provided an added opportunity to prevent foreclosure permanently, and HUD gains the potential for recovering all or a significant part of the amount paid in the mortgage insurance claim to the mortgagee. The mortgagee, however, benefits most. If the mortgage is foreclosed and a claim for mortgage insurance benefits is paid, the mortgagee loses two months' interest completely and is paid interest at the lower debenture rate from the date of default to the date of settlement of the claim. Further, it is reimbursed for only two thirds of the cost of completing the foreclosure. If, on the other hand, the mortgage is assigned, the claim includes all unpaid mortgage interest to the date of assignment, as well as all costs of completing the assignment. Mortgagees should consider these facts carefully in determining whether to request that HUD accept assignments of mortgages.

EXHIBIT 1

[LETTERHEAD OF MORTGAGEE]

Dear _____:

Your mortgage is in default in the amount of $_____ covering the months of _____ and late charges. Unless you are able to cure this default by promptly remitting the above amount to this office, we intend to commence foreclosure of your mortgage.

However, if the default was caused by circumstances beyond your control, you may be eligible for an assignment of your mortgage to the Department of Housing and Urban Development (HUD) to avoid foreclosure. If HUD were to accept assignment of your mortgage, it would become your lender and might be able to work out a more favorable payment plan whereby your mortgage payments might be reduced or suspended for a period of time or you might be allowed to cure the default by making only small additional payments with your monthly mortgage payments.

We are currently considering whether you meet the criteria for assignment specified in the HUD regulations. If we find that you do, we will request HUD to accept an assignment of your mortgage. If we decide that you do not, we will proceed with foreclosure, unless you seek further review of that decision by HUD. In either case, you will be advised shortly of our decision.

If you have any questions or wish to give us information concerning your eligibility for an assignment, please call _____ at (____) _____ or visit him/her at our office. If you do not understand what this means to you, you might want to contact one of the agencies listed in the HUD booklet we sent you recently or seek legal advice.

Sincerely,

EXHIBIT 2

[LETTERHEAD OF MORTGAGEE]

Dear _____:

Your mortgage is in serious default and we have decided that we are unable to provide any additional assistance to you in your attempts to save your home. We have, however, decided to ask that the Department of Housing and Urban Development (HUD) accept assignment of your mortgage to avoid foreclosure.

If HUD agrees to our request, HUD will become your lender and your future payments will be made directly to HUD. You may be able to work out some arrangement which will make it possible for you to bring your mortgage account current and save your home.

We are including a copy of Form 2068F. This asks several questions about your financial situation and your plans for the future. Answers to those questions are needed if HUD is to make a decision in your case. You must complete the form as fully as possible and return it to us WITHIN 15 DAYS OF THE DATE OF THIS LETTER. If you do not do this, we must assume that you are not interested in saving your home, and we will proceed with foreclosure. If you need help completing the form, please call _____ at (____) _____ or visit him/her at our office.

If HUD decides for any reason that it will not accept assignment of your mortgage, unless you seek further review, we plan to start foreclosure as soon as we have been advised of that decision.

Spanish Language Warning: ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTIDUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRANDUCIR INMEDIATATMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN EL FUTURO.

Sincerely,

EXHIBIT 3

[LETTERHEAD OF MORTGAGEE]

Dear _____:

Your mortgage is in serious default, and we have decided that we are unable to provide any additional assistance to you in your attempts to save your home. Under certain circumstances, the Department of Housing and Urban Development (HUD) might be able to accept assignment of your mortgage from us and offer additional help. This would mean that HUD would become your lender and you would make future payments to HUD. We have decided that you are not eligible for an assignment and we will not ask HUD to do this because: HERE LIST THE SPECIFIC ELIGIBILITY CRITERION OR CRITERIA FROM PARAGRAPH 3 WHICH MAKE THE CASE INELIGIBLE FOR ASSIGNMENT.

You have the right to go directly to HUD to ask that they consider your case, and we will not start foreclosure of your mortgage until you have had an opportunity to do so. If you wish to be sure that foreclosure will be delayed while HUD is considering acceptance of assignment of your mortgage, you must contact HUD WITHIN 15 DAYS OF THE DATE OF THIS LETTER. We intend to proceed automatically with foreclosure of your mortgage unless we have heard from HUD within that time.

If you want to ask HUD to consider accepting assignment of your mortgage, you should call or write them at ADDRESS OF LOCAL HUD OFFICE, (____) _____, immediately. If you do not understand what this means to you, you might want to seek help. You may call the HUD office identified above or you might want to contact one of the agencies listed in the HUD booklet we sent you recently or seek legal advice.

Spanish Language Warning: ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HEGALO TRANDUCIR IMMEDIATAMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN EL FUTURO.

Sincerely,

[Notice HM 76-43 (HUD)]

APPENDIX 1

FIELD OFFICE LETTERHEAD

DEAR _____: This is in response to your request that HUD consider accepting assignment of your mortgage, which your lender has indicated it has decided to foreclose. We have directed your lender to delay starting any foreclosure action until after we have had time to consider your request, but you will be required to do several things promptly if we are to help you.

Please complete and return the enclosed Form 2068F within fifteen days of the date of this letter. When we receive it, we will review it, along with other material which we will get from your lender and other sources, and will decide whether it appears, from the record that we should accept assignment of your mortgage. If we decide that we should, we will notify you immediately to arrange a meeting at which we can make appropriate arrangements for the payments on your account. HUD will then become your lender. You will make your payments to us, in amounts which we will have agreed on to help you over your present temporary difficulty. After you are able to make larger payments, you will be permitted to make up your missed payments spread out over a period of time.

If, after reviewing the records, we decide that we cannot accept assignment of your mortgage without additional information, we will notify you and you will have the right to a conference with the HUD employee handling your case and to present information which you think will help that person decide in your favor. If you decide that you do not want such a conference, or after conference we find your mortgage is not eligible for assignment, we will not accept assignment of your mortgage and we will inform your lender that it is free to proceed with foreclosure if it still sees fit.

Spanish Language Warning:

"Este es un aviso muy importante que afectora su derecho a continuar vivendo en su casa. Si no puede leerlo, hagalo traducir immediatatmente. A menos que responda dentro de quince (15) dias a partir de la fecha que tenga el aviso, ud. Puede perdir su casa en el futuro."

If you have any question about this procedure or about the completion of the Form 2068F, please call _____ on (_____) _____, immediately. If you have not returned the completed form within fifteen days, we will assume that you no longer want our help and will advise the lender that it may proceed with foreclosure. You must remember that your position is serious, and our ability to help you will depend largely on your willingness to help yourself. We will not contact you again until after you have returned the completed Form 2068F or have been in touch with the HUD employee identified above.

Sincerely,

Director.

Notice HM 76-43 (HUD)

APPENDIX 2

FIELD OFFICE LETTERHEAD

Dear _____: This is to confirm the telephone conversation of _____ concerning FHA Case Number _____ (Last name of mortgagor).

The mortgagor has advised us that you have notified him(her) of your intention to foreclose this mortgage and that you have decided not to request that HUD accept assignment of the mortgage for specific reasons stated in your notice. We have been asked by the mortgagor to consider acceptance of the assignment. Accordingly, please forward the following immediately and withhold initiation of any foreclosure action until we have completed that consideration:

a. A copy of your notice to the mortgagor refusing to request assignment.

b. A copy of the related ledger record or payment record card reflecting the payment history on the account since inception of the loan or, if the indebtedness was assumed by the present mortgagor, since the assumption.

c. Copies of all related collection records documenting the efforts of your staff to collect the debt and the mortgagors' reactions to those efforts.

d. Copies of FNMA Forms 145 or similar reports to the investor recommending any action requiring the approval of the investor. If no such formal reports or recommendations were made, substitute a brief narrative description of the reasons for default, as you see them, and the basis on which your decision to foreclose was made.

e. A brief statement of your reasons for not requesting that HUD accept assignment of the mortgage, including your opinion as to the probability of restoring the mortgage to good standing and your reasons for that opinion.

Time is of the essence, and we do not wish to ask that your foreclosure be delayed more than is absolutely necessary. The mortgagor has been asked to provide us with certain information within fifteen days of this date, and we would hope that the material requested above will also be received within that time so that it can be considered promptly, along with the mortgagor's material. In any event, we are sure you realize that we cannot make any decision, one way or the other, until you have responded to this request.

Sincerely,

Director.

[Notice HM 76-43 (HUD)]

APPENDIX 3

FIELD OFFICE LETTERHEAD

DEAR _____: We have completed a preliminary review of the background of your case and have determined that we are unable to accept assignment of your mortgage for the following reasons:

Here list any basic eligibility criteria which are not met, or any other reason for deciding to reject assignment. If the reason for rejection is a failure to meet one of the subjective criteria (e or f), include a brief explanation for the decision that the criterion is not met.

You are entitled to a conference to discuss these matters, but you must request that conference within fifteen days of the date of this letter, and such conference must be held within twenty five days of the date of this letter, unless we have agreed to a further delay. You may elect to conduct the conference by telephone or you may present your arguments by mail, but your decision to do so will remove any right you might have to a later conference in person.

You may examine any records in our possession having a bearing on our preliminary decision at our offices at any time during normal working hours before your conference. If you decide to demand a conference in person, it will normally be held in our office at a date and time of your choosing (subject to the twenty five day time limit discussed above). However, if your home is more than 200 miles from our office, we will arrange, if you desire, a more convenient place for the conference. You may be represented by one attorney or other representative of your choice, and you may present information of any sort, including witnesses, to show that the reasons above are not valid. The conference will be informal, and there will be no rules of evidence or procedure. Whenever the HUD representative believes that all of the available evidence has been considered or that the presentation of additional evidence would be repetitive, or whenever the HUD representative is prepared to concede the point under discussion, further discussion of that point will be discontinued, and the conference will be terminated when the HUD representative concludes that it has served its purpose.

Spanish Language Warning:

"Este es un aviso muy importante que afectora su derecho a continuar vivendo en su casa. Si no puede leerlo, hagalo traducir immediatatmente. A menos que responda dentro de quince (15) dias a partir de la fecha que tenga el aviso, ud. Puede perdir su casa en el futuro."

If you wish to have a conference and reconsideration of our initial position, you should either call or write _____, at _____. His/her telephone number is (_____) _____. If we have not heard from you within fifteen days of the date of this letter, we shall assume that you do not intend to request a conference, and our decision will become final. We will then advise your lender that it is free to foreclose your mortgage.

Sincerely,

_____,
Director.

[Notice HM 76-43 (HUD)]

APPENDIX 4

CALCULATION OF RECAST PRINCIPAL AMOUNT AND NEW MONTHLY PAYMENT

Example Mortgage Term Extended 10 Years.—Case No. 421-019614-203-Garth; Original Term: 30 years; Date of this Computation: 10-17-73; Date of First Payment: 10-1-63; Original Amount of Mortgage: $15,200, Original Maturity Date: 9-1-93; Interest Rate: 5¼%.

Monthly Installments Due 5-1-73 through 10-1-73 unpaid.

Present Monthly Payment:	
MIP	$5.26
Taxes	14.58
Insurance	5.83
Interest and Principal	84.06
	$109.73

Computation of "New Original Principal Balance" to be Amortized:

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Item	Per month	Number of payments missed	
Unpaid principal balance			$12,583.43
Unpaid interest (5¼ pct.) Apr. 1, 1973 to Oct 1, 1973	55.05	X6	333.30
MIP (½ pct.) Sept. 1, 1973	5.26	X6	31.56
Escrow items due but unpaid:			
Taxes	14.58	X6	87.48
Hazard insurance	5.83	X6	34.98
Total new original principal balance			13,070.75

The first monthly installment based on the above figure will be due November 1, 1973, and the final payment to principal and interest will be due March 1, 2003 (Original Maturity Date plus 10 years).

New Monthly Payment Based on New Maturity Date and "New Original Principal Balance"

To amortize $13,070.75, the number of monthly payments in the new term must first be computed. To the original term of 360 months is added 120 months (the extension period of 10 years) for a total of 480 months. From the total of 480 months, subtract 121 months (the total number of payments due prior to 11–1–73) for a remaining term of 359 months or 29 years and 11 months.

The new payment to principal and interest is reached by multiplying the new balance by the monthly installment per $1,000 for 29 years and 11 months ($13,070.75 × $5.53 — $1,000 = $72.30). The monthly installment per $1,000 may be found under "Amortization Tables" in FHA Form 2025.

The new monthly installment will be: [1]

Principal and Interest	$72.30
MIP	5.26
Taxes	14.58
Insurance	5.83
	$97.97

[1] Based on original amortization schedule.

[Notice HM 76-43 (HUD)]

APPENDIX 5

FIELD OFFICE LETTERHEAD

FORBEARANCE AGREEMENT

Date

Mortgagor's Name and Address

FHA Case No. _____

DEAR Mr. and Mrs. _____: In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

All payments required by your note and mortgage are suspended until _____, 19____ (This may be any date, 18 months or less from the date of the agreement). Before that date, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force. At the time of review, you may be required to resume payments in an amount to be determined by the Secretary. If the agreement expires without renewal, the payments required by your mortgage will resume on the date specified above.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require either that you conclude a new agreement or return to the terms of the note and mortgage, without modification.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By _____

Director

We accept the above proposal.

_____

Mortgagor

_____

Mortgagor

[Notice HM 76-43(HUD)]

APPENDIX 6

FIELD OFFICE LETTERHEAD

FORBEARANCE AGREEMENT

Date _____

Mortgagor's Name and Address:

FHA Case No. _____

Dear Mr. and Mrs. _____:

In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

Beginning on the first day of _____, 19____, you will remit monthly the amount of $_____. The final payment of the entire mortgage balance shall become due and payable on the due date of the last installment as set forth in the mortgage.

If the account has not been brought current earlier, this agreement will automatically expire after _____ (this may be any number less than 19) monthly payments have come due in accordance with its terms. Before the due date of the _____ (the same number as is used above) payment, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force.

Payments under this agreement will be mailed to reach the Office of Finance and Accounting, Department of HUD, 451–7th Street, SW., Washington, D.C. 20410, on or before the first day of the month when due.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require that you conclude a new agreement or return to the terms of the note and mortgage, without modification.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By _____

Director

We accept the above proposal.

_____

Mortgagor

_____

Mortgagor

[Notice HM 76-43(HUD)]

APPENDIX 7

[FIELD OFFICE LETTERHEAD]

FORBEARANCE AGREEMENT

Date _____

Mortgagor's Name and Address

FHA Case No. _____

Dear Mr. and Mrs. _____:

In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

Beginning on the first day of _____, 19____, you will remit monthly the amount required by your mortgage, plus an additional $_____, until your mortgage is brought current. When the account is current, the monthly mortgage payments as set forth in the mortgage will resume. The final payment of the entire mortgage balance will become due and payable on the due date of the last installment as set forth in the mortgage.

If the account has not been brought current earlier, this agreement will automatically expire after _____ monthly payments have come due in accordance with its terms. Before the due date of the _____ payment, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force.

Payments under this agreement will be mailed to reach the Office of Finance and Accounting, Department of HUD, 451–7th Street, SW., Washington, D.C. 20410, on or before the first day of the month when due.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require that you conclude a new agreement or return to the terms of the note and mortgage, without modification.

On the date of this agreement, the regular monthly payment required by your mortgage is $_____. If, because of a change in escrow requirements, the regular monthly payment required by the mortgage is increased, the payment required by this agreement will be increased automatically by the same amount. If, because of a decrease in escrow requirements, the regular monthly payment required by the mortgage is decreased, the amount required by this agreement will remain unchanged, and if the resulting payment is more than the payment required by the mortgage, the additional funds will be applied to reduce the delinquency existing under the mortgage at that time, until the account is brought current and your mortgage is reinstated. When the account is current, the monthly mortgage payments as set forth in the mortgage will resume.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND URBAN DEVELOPMENT,

By _____

Director

We accept the above proposal.

_____

Mortgagor

_____

Mortgagor

ment and require that you conclude a new aggreement.

On the date of this agreement, the regular monthly payment required by your mortgage is $_____, and the total payment required by this agreement is $_____. If, because of an increase in escrow requirements, the regular monthly payment required by the mortgage is increased, the total amount required by this agreement will be increased automatically by the same amount. If, because of a decrease in escrow requirements, the regular monthly payment required by the mortgage is decreased, the total amount required by this agreement will remain unchanged, and the additional funds will be applied to reduce the delinquency existing under the mortgage at that time.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By _____

Director

We accept the above proposal.

_____

Mortgagor

_____

Mortgagor

agreement.

[Notice HM 76-43(HUD)]

APPENDIX 8

SAMPLE RECASTING AGREEMENT

FHA Case No. _____

This Agreement, made this ____ day of _____, 19____, between _____, hereinafter referred to as the Secretary, and _____, hereinafter referred to as the Borrowers, and _____, as Trustee (if applicable);

Witnesseth:

Whereas the Borrowers are now indebted to the Secretary in the sum of _____ Dollars ($_____) (hereinafter called "new principal amount"), consisting of _____ Dollars ($_____) unpaid principal, and _____ Dollars ($_____) unpaid installments of ground rents, hazard insurance premiums, taxes, assessments, and mortgage insurance premiums, the payment of which is secured by a note and security instrument owned and held by the Secretary, dated _____, 19____, and recorded in the office for the recording of deeds in _____ County and State of _____, in book _____ of mortgages, page ____, and _____.

Whereas the parties mutually desire to modify the terms of payment of said indebtedness by changing the amount of monthly payments required on said note and security instrument;

Now, therefore, in consideration of the covenants hereinafter contained, it is mutually agreed as follows:

The Borrowers agree to pay the "new principal amount" with interest at the rate specified in said note on the unpaid balance in monthly installments of _____ Dollars ($_____) commencing on the first day of _____, 19____, and on the first day of each month thereafter until the "new principal amount" and interest thereon are fully paid, except that the final payment of the "new principal amount" and interest, if not sooner paid, shall be due and payable on the first day of _____, 19____.

It is mutually agreed that said security instrument shall continue a first lien upon the premises and that neither the obligation evidencing the aforesaid indebtedness nor the security instrument securing the same shall in any way be prejudiced by this agreement, but said obligation and security instrument and all the covenants and agreements thereof and the rights of the parties thereunder shall remain in full force and effect except as herein expressly modified.

In witness whereof the parties have signed, sealed, and delivered this agreement on the date above written.

_____ [SEAL] _____ [SEAL]

Secretary of HUD — Borrower

_____ _____

By Director — Borrower

DEEDS OF TRUST

(If the security instrument is a deed of trust and it is necessary that the Trustee execute recasting agreements, the following acknowledgment shall be signed by the Trustee.)

The Trustee has executed this instrument to acknowledge his (its) assent thereto and agrees to continue to act in such capacity under the terms as modified herein.

Trustee:

_____

_____

ACCEPTANCE OF ASSIGNMENT OF HOME MORTGAGES IN DEFAULT

1. *Purpose.* The purpose of this Notice is to announce the Department's policy in connection with the acceptance of home mortgages in default and to promulgate procedures for the implementation of the policy. Effective immediately, mortgagees shall request an assignment and HUD shall accept an assignment of those mortgages in default in order to avoid foreclosure where the mortgagor meets the criteria set forth in paragraph 3 below.

In any case where the mortgagor has voluntarily abandoned the mortgaged property, the mortgagee may initiate foreclosure without adhering to the procedures for assignment set forth in this Notice and in HM Mortgagee Letter 76–9.

Outstanding instructions in paragraph 126 of Handbook 4191.1, Administration of Insured Home Mortgages, are being revised by HM Mortgagee Letter Number 76–9, issued concurrently with this Notice. The following instructions are effective immediately and, pending revision of Handbook 4015.8, Mortgage Servicing Handbook, Secretary-Held Home Mortgages, supersede the instructions in paragraph 14 of that Handbook.

2. *Effective date and application.* The requirements imposed by this Notice and HM Mortgagee Letter 76–9 are effective immediately with respect to all home mortgages fully insured under any section of the National Housing Act. In addition, with regard to all such single-family mortgages in the process of foreclosure or acquisition on the effective date of this Notice, where no final court judgment has been entered pursuant to judicial foreclosure, or where no sale of the mortgaged property has taken place under a power of sale, mortgagees shall stay any foreclosure suit, seeking leave of court where necessary, or shall defer any sale until after such mortgagees have considered whether the mortgages are eligible for assignment and have afforded the mortgagors an opportunity for review and final determination by HUD in accordance with the provisions of this Notice and HM Mortgagee Letter 76–9. Field office Directors are to give priority to processing requests involving cases already in foreclosure.

[Notice HM 76-43(HUD)]

The requirements of this Notice and HM Mortgagee Letter 76–9 shall be applicable to each mortgagee's HUD-insured portfolio. If servicing functions are performed by a contract servicer, it is the responsibility of the mortgage to insure that the servicer meets these requirements.

This Notice and HM Mortgagee Letter 76–9 apply to all HUD-insured single family home mortgages, except single family home mortgages co-insured by HUD pursuant to Section 244 of the National Housing Act.

3. *Eligibility criteria.* All of the following criteria must be met in order for the mortgage to be eligible for assignment. If all of the criteria are met, the mortgagee shall request an assignment and the Director shall accept the assignment.

a. The mortgagee must have indicated to the mortgagor its intention to foreclose the mortgage.

b. At least three full monthly installments must be due and unpaid under the mortgage.

c. The mortgaged property must be the principal residence of the mortgagor, except when the Regional Administrator grants a waiver of this criterion.

d. The mortgagor must not own other property subject to a mortgage insured or held by HUD, except when the Regional Administrator grants a waiver of this criterion.

e. The default must have been caused by a circumstance or set of circumstances beyond the mortgagor's control which temporarily renders the family financially unable to cure the delinquency within a reasonable time or make full mortgage payments. Examples of qualifying reasons for default include, but are not limited to:

(1) Curtailment of family income, such as unemployment or underemployment; loss, reduction or delay in receipt of federal, state, municipal benefits (e.g., Social Security, Supplemental Security Income, Public Assistance, government pensions) or of private benefit payments (e.g., pensions, annuities, retirement plans); loss of support payments; or other loss of income due to divorce or separation.

(2) Uninsured damage to the mortgaged property, affecting its livability, of a type which is commonly insured against but which was not covered or not fully covered by insurance because adequate insurance coverage was not available.

(3) Death or illness in the mortgagor's household or expenses attributable thereto.

(4) Unanticipated increase of payments to mortgage escrow account to compensate for past underestimates of requirements.

f. There must be a reasonable prospect that the mortgagor will be able to resume full mortgage payments after a temporary period of reduced or suspended payments not exceeding 36 months (discussed in detail in paragraph 10 below), and will be able to pay the mortgage in full by its original maturity date extended, if necessary, by up to ten years if, on the date of assignment, ten years or more have elapsed since the due date of the first payment under the mortgage.

g. The mortgagee must have done everything it might reasonably be expected to do to avoid foreclosure. If the only reason for rejection of an assignment would be failure to meet this criterion, however, and the mortgagee refuses to take additional steps deemed reasonable by the Director, the assignment shall be accepted and the circumstances reported, in detail, to the Director, Single Family Housing Division, Office of Loan Management.

[1] This date cannot exceed by more than 10 years the maturity date of the original note.

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4. *Responsibility.* On behalf of the Area or Insuring Office Director, the Director of Housing Management will have general oversight responsibility for reviewing requests that assignments be accepted and conducting assignment conferences. To the extent possible, the entire processing of any single request that HUD accept assignment should be handled by one qualified professional staff member. While this will normally be the function of a single family mortgage servicer, it may also be assigned to an occupancy specialist, chief property officer, or other staff member. The staff member should be identified in the Department's first communication with both the mortgagor and the mortgagee, and both parties should be made aware of any changes in personnel while the case is being considered. All decisions to accept or reject assignment are made in the name of the Area or Insuring Office Director, whose decisions are final and not subject to review, except in his sole discretion. If a Director wishes to delegate decisions making authority to the Director of Housing Management or some other subordinate, establishing a review or appeal process within the office with himself as the final authority, he may do so, although such a procedure is not required.

5. *Notification to mortgagors.—Mortgagee Responsibilities.* Specific requirements that mortgagees notify their mortgagors and the timing and content of those notices are included in HM Mortgagee Letter 76–9, paragraph 5. In summary, the mortgagee is required to notify the mortgagor when it is considering the eligibility for assignment of his mortgage, when it asks that HUD accept assignment, or when it has decided not to ask that HUD accept assignment. Samples of notices to mortgagors which may be used by mortgagees are included as attachments to HM Mortgagee Letter 76–9. While mortgagees may develop their own forms, any such forms must communicate clearly and concisely to mortgagors all information set forth in the samples.

b. *HUD responsibility*—(1) *General.* The Area/Insuring Office shall facilitate communication with mortgagors during the entire assignment process. While field office Directors are not authorized to accept collect, long-distance telephone calls, each office, depending on the extent of its jurisdiction, shall establish a means for mortgagor concerns to be expressed at the least possible cost to the mortgagor. Where the jurisdiction is extensive and other than local or metropolitan area telephone calls are required, personnel most likely to respond to incoming calls from mortgagors (those in the Director's Office and in the Housing Management Division, at a minimum) should be instructed to ask each caller the area from which he is calling and the general subject of his call. If the call is a toll call, the caller should be asked to provide a number at which the call can be returned, and the call should be referred to the appropriate professional staff member who should return the call immediately.

(2) *Mortgagee requests that HUD accept assignment.* In this situation, the mortgagee will have forwarded the documents identified in HM Mortgagee Letter 76–9, paragraph 6, to HUD.

(3) *Mortgagee refuses to request that HUD accept assignment.* In this situation, the mortgagee will have advised the mortgagor that it intends to foreclose the mortgage and that it does not intend to request that HUD accept assignment of the mortgage, stating the reason or reasons for this decision. The mortgagor will have been advised that he has fifteen days from the date of the mortgagee's notice to contact HUD and ask that HUD consider accepting assignment of the mortgage.

Immediately upon receiving any communication from the mortgagor requesting consideration by HUD, the letter in Appendix 1 to this Notice shall be forwarded to the mortgagor, with a copy to the mortgagee, and the mortgagee shall be requested by telephone to provide the copies of records and statements of opinion listed in Appendix 2, followed immediately by confirmation in writing in the form of Appendix 2. Pending revision of Form 2068F, Item 14 shall be crossed out before the form is sent to the mortgagor. During the telephone conversation, the HUD employee shall secure sufficient information to serve as the basis for the completion of a request for a current credit report on the mortgagors, and the request shall be submitted to the HUD contract reporting source simultaneously with dispatch of the notices to the mortgagor and mortgagee.

(4) *Spanish language warning.* The letter required by paragraph 5b(3) and the notice of preliminary negative decision required by paragraph 6b(3) to be sent to the mortgagor by field offices shall contain at the bottom thereof a warning to Spanish-speaking mortgagors to have the notice translated; as follows:

"Este es un aviso muy importante que afectora su derecho a continuar vivendo en su casa. Si no puede leerlo, hagalo tranducir immediatatmente. A menos que responda detro de quince (15) dias a partir de la fecha que tenga el aviso, ud. Puede perdir su casa en el futuro."

(5) *Time limits.* All time limits for the sending of notices required by this Notice and by HM Mortgagee Letter 76–9, and for mortgagee's required responses shall be deemed to be calendar days, unless otherwise expressly stated. If the last day for sending any notices, performing any act or making any response falls on a Saturday, Sunday or legal holiday, the last day for sending such notice, doing such act or making such response shall be the next following regular working day.

6. *Preliminary review.*—a. *Mortgagor does not respond within stated time limits.* If the mortgagor does not respond to the HUD notification within the time limits stated in the notice, the mortgagee shall be notified of this fact and advised that it may proceed with foreclosure or with further attempts to salvage the account without acquiring title to the property. A copy of such letter shall be sent to the mortgagor. There will be no additional communications between the mortgagor and HUD, except as may be initiated by the mortgagor. The mortgagor's failure to respond within the stated time limits, without a significant cogent reason, abrogates his or her right to further consideration by HUD, although it does not preclude such further consideration and acceptance of assignment if the Director deems it appropriate. Once the initial time limits have expired, however, the mortgagee is under no obligation to delay foreclosure further, and the Director is free to process the case and reach his decision following any procedure he finds appropriate.

b. *Review of documents.*—(1) *General.* As soon as the documents requested from the mortgagee, the completed Form 2068F, and the current credit report have been received, they shall be reviewed and a preliminary decision reached.

(2) *Preliminary positive decisions.* If it appears from these materials that all of the eligibility criteria have been met, the mortgagee shall be directed to assign the mortgage to HUD, and no further review of eligibility is necessary. An appropriate repayment plan shall be promptly arranged, in accordance with paragraph 10 below.

(3) *Preliminary negative decisions.* If it cannot be established from a review of the documentary materials that assignment should be accepted (it appears that one or more of the eligibility criteria have not been met), the mortgagor shall be notified immediately, by telephone, if possible, but in all cases a written notification must be sent. A suggested form for this notification is attached as Appendix 3, and all of the elements of that Appendix must be included in both the telephonic and written notification. If it is possible to make contact with the mortgagor by telephone before the written notification is dispatched, the fifteen day period for response and twenty-five day period in which the conference must be held, begin on the date of the telephone notification, and the letter should be amended accordingly, to establish that it confirms the telephone conversation and to establish specific deadline dates for the mortgagor's response. The mortgagee should be provided with a copy of the letter to the mortgagor.

7. *Conferences.*—a. *General.* Effective immediately, any mortgagor owning a home subject to an insured mortgage, regardless of the section of the National Housing Act under which the mortgage is insured, is entitled to a personal conference with a responsible representative of HUD before the mortgage is foreclosed, unless the Department agrees to accept assignment of the mortgage without such a conference. The consideration process shall terminate at the earliest point at which a decision to accept the assignment can be made, and it shall continue to and through the entire conference process only if the decision is to reject assignment.

b. *Mortgagor does not respond within stated time limits.* If the mortgagor has not requested a conference within the time limits specified in the notice of his right to a conference, the procedure described in paragraph 6a above shall be followed.

c. *Conference by letter or telephone.* Where the mortgagor responds to the notice of preliminary negative decision by indicating that he wishes to present his arguments by telephone or in writing, the HUD representative shall inform him that he thereby loses his right to a face-to-face conference and thereupon arrange for a telephone conference at government expense or the receipt of the mortgagor's written submissions within the above-specified limits.

d. *Mortgagor requests a personal conference.*—(1) *Scheduling.* The conference shall be scheduled as quickly as possible. If the mortgagor's wishes have been expressed in a telephone call, the HUD representative should attempt to reach agreement on a time and place for the conference during that conversation. If the mortgagor has written, and no time and date are stated in the letter, the HUD representative will attempt to contact the mortgagor by telephone or letter to arrange a mutually agreeable time and place. The conference must be held at the HUD office if the mortgagor resides within 200 miles of the field office. However, where the mortgagor resides more than 200 miles from the field office, the conference shall be held at a mutually agreed upon place, within the above specified time limits, including, for example, the mortgagor's home, a closer field office in another state, an area management broker's office, or a mortgagee's office. The mortgagor may set the time of the conference, subject only to the requirement that the HUD representative may insist that it be held during normal business hours. Here, too, flexibility is permitted, at the discretion of the HUD representative. The requirement that the conference be held within twenty-five days after notification to the mortgagor that a preliminary negative decision has been reached will be strictly adhered to unless there are good reasons for additional delay. As soon as an agreement is reached on the scheduling of the conference, the time and place will be confirmed in a letter to the mortgagor, with a copy to the mortgagee.

(2) *Pre-conference responsibilities.* When the mortgagor telephonically contacts HUD to arrange for the conference, the HUD representative shall inform the mortgagor of his right to examine, prior to conference, the material on which HUD's preliminary negative decision was based, and if he so requests, make arrangements for the mortgagor to examine such material. The HUD representative shall also inform the mortgagor upon what findings HUD's preliminary negative decision was based and indicate what information is needed to rebut those findings.

e. *Conduct of Conference.*—(1) *Participation.* The mortgagor may be represented by one attorney or other representative and, if the HUD representative agrees, may be accompanied by other additional representatives. If there is more than one mortgagor, of course, both or all may be present. The HUD official shall permit the participation of additional persons who may speak from personal knowledge as to the character, financial situation of the mortgagor, the circumstances of his default, and his prospects for completing payment of the mortgage. At his discretion, the HUD official may exclude such persons from the conference room until their presence is necessary. If the mortgagor is represented by an attorney, the HUD representative may also request the presence of the Area Counsel or, in the case of an Insuring Office without assigned counsel, may request legal assistance from the Regional Counsel.

(2) *Procedures.* The HUD representative shall conduct the conference, which shall be informal. There shall be no formal rules of procedure or evidence. Generally, the mortgagor should be asked to state his position, identifying the specific bases for the negative decision with which he disagrees and the grounds on which he bases his disagreement. This should be followed by a presentation of any documentary materials which the mortgagor chooses to produce, which the HUD representative should consider carefully. Any witnesses which the mortgagor wishes to present should then be heard.

If, at any point, the HUD representative decides that the material presented by the mortgagor is convincing and is prepared to change his position on that point, he may prohibit the presentation of any additional information on the subject. Similarly, he may exclude repetition. Finally, he may insist that material presented by the mortgagor be restricted to material bearing directly on his reasons for having made the preliminary decision that assignment should not be accepted and may exclude material not related directly to those issues. Whenever the HUD representative is prepared to agree to accept assignment, regardless of how much material the mortgagor has presented or plans to present, the conference may be terminated.

8. *Decisions after conference.*—a. *Positive decisions.* As soon as the decision is made to accept the assignment, the mortgagee shall be advised by telephone, with immediate written confirmation. Confirmation shall consist of an executed Form 2784 consenting to the assignment and a set of Group C mortgage insurance claim forms. In addition, if the mortgagee did not request that HUD accept the assignment, these forms shall be accompanied by a letter specifically directing that the mortgage be assigned to the Secretary as soon as possible. The mortgagor shall be advised by telephone, if possible, but in any event, a brief notification letter shall be sent to him. An appropriate payment plan shall be promptly arranged, in accordance with paragraph 10 below.

b. *Negative decisions.* If the decision is negative, HUD shall send to the mortgagor a written notice of decision containing the following: (1) A statement setting forth the findings of the HUD official as to the mortgagor's default, financial status, and situation; and (ii) a statement setting forth the specific criteria not met by the mortgagor. Promptly thereafter, the mortgagee shall also be advised by telephone, with written confirmation. The mortgagee may begin foreclosure as soon as it has received telephonic notification of the HUD decision to reject the assignment. This decision is final and not subject to appeal or reconsideration.

9. *Prompt processing; mortgagee actions.* The Area/Insuring Office shall promptly process all requests by mortgagees or mortgagors for assignment and make an expeditious, formal determination as to whether to accept assignment of the mortgage, and, upon reaching its decision, immediately notify both the mortgagor and mortgagee in writing of its decision.

Mortgagees shall not initiate any action leading to foreclosure of the mortgage, acquisition of the mortgaged property without the consent of the mortgagor, or dispossession of the mortgagor until HUD's consideration of whether or not to accept an assignment is completed. Mortgagees must also honor, immediately, directions from HUD that mortgages be assigned. Whenever any mortgagee refuses to honor HUD's direction to assign, or refuses to refrain from foreclosure, acquisition or dispossession as above described pending HUD's determination on accepting assignments, the circumstances shall be reported to the Director, Single Family Housing Division, Office of Loan Management, who shall take appropriate action including, if warranted, recommending suspension or withdrawal of the mortgagee's approval to the Mortgagee Review Board.

10. *Payment Programs.*—a. *General.* Before assignment of a mortgage is accepted, the Director should have determined a servicing program aimed at bringing the account current. At least an outline of such a program must, by definition, be a part of determining that the eligibility criterion in paragraph 3f above has been met. Failure to determine the basics of such a program can only be the result of not having fully evaluated the account in determining whether to accept assignment. A formal forbearance agreement should be concluded immediately, preferably before assignment is completed, but in no case later than the due date of the second payment coming due under the mortgage after the assignment is completed. Agreements must bear an effective date on or after the date of the assignment, and no payments may be accepted from the mortgagor before the assignment has been completed. Payments received before assignment is completed should be forwarded to the mortgagee for application to the account.

b. *Period of reduced or suspended payments.* After consultation with the mortgagor, HUD shall structure a payment plan calling for the highest monthly payment within the financial means of the mortgagor. There is no standard minimum monthly payment which must be demanded of mortgagors, but only under unusual circumstances should any agreement provide for payments of less than the amount required for the service charge, taxes and other escrows. Under no circumstances should the mortgagor's total monthly housing expense during this period exceed 35% of his monthly net effective income. (See Handbook 4155.1, Mortgage Credit Analysis Handbook, paragraphs 2–25.)

Initially, reduced or suspended payments may be agreed to for no more than 18 months from the date of the agreement. This period may be extended at the expiration of any agreement for periods not to exceed 18 months each up to a total of no more than 36 months. Extensions beyond 18 months may be granted only under unusual circumstances.

During the period of forbearance (not to exceed 36 months), the servicer shall periodically review and, where warranted by a change in the mortgagor's circumstances, either increase or decrease the payments required by the agreement.

c. *Reinstatement.* After the period of reduced or suspended payments or in order to cure an existing default, mortgages may be reinstated either by extended forbearance or by following the procedures for recasting insured mortgages in default, except that the term of the mortgage may not be extended, and the maturity date after recasting may not be later than the original maturity date unless more than ten years have elapsed since the due date of the first payment under the mortgage. In any case, however, the mortgage payments during the reinstatement period, including all escrows, must be no more than the highest payment obtainable under any one of the following three alternatives:

(1) The amount of the monthly mortgage payments due on the date of default plus any increase in escrow requirements; or

(2) The amount obtained by adding all outstanding arrearages to the unpaid principal balance and recasting the mortgage to allow for completion of its payment as amortized over its remaining term plus current escrow requirements. The term may be extended by up to 10 years if, on the date of assignment, 10 years or more had elapsed since the due date of the first payment under the mortgage, plus current escrow requirements (see Appendix 4); or

(3) An amount equal to 25 percent of the mortgagor's monthly net effective income. (See Handbook 4155.1, Mortgage Credit Analysis Handbook, paragraph 4.)

Recasting should be avoided if possible, and every effort should be made to reinstate before the original maturity date. If more than ten years have elapsed since the due date of the first payment under the mortgage, and payment in full by the original maturity date would result in monthly payments in excess of the greater of the above alternatives, maturity may be extended by up to ten years.

d. *Form of payment plans.* All forbearance and recasting plans shall be in writing and executed by the mortgagor and the Area/Insuring Office Director on behalf of the Secretary, and substantially in the form of the forbearance and recasting agreements set forth in Appendixes 5 through 8.

11. *Cautions and controls.* The field office Director must make every effort to insure that the mortgagee has extended reasonable relief to a deserving mortgagor (or has demonstrated that relief which might be reasonable is obviously inadequate) before accepting assignment. Care must be taken to make certain that the assignment of mortgages does not become a vehicle which permits mortgagees to assign basically sound but low interest rate mortgages, or mortgages which are chronically in default because of a disregard for or permanent or chronic inability to meet the mortgage obligation on the part of the mortgagor. If it develops that assignments are being accepted from a mortgagee in relatively high or low numbers, the field office Director will investigate the circumstances and, if it appears sanctions are warranted, the Director or the Assistant Secretary for Housing Management will bring the matter, well documented, before the Mortgagee Review Board. The volume of assignments accepted from a lender is not, in

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itself, a basis for criticism of that lender. Either relatively high or unusually low numbers of requests, however, should cause the Director to determine the reasons for the anomaly. This is especially true, of course, if the mortgagee also has a relatively high rate of foreclosures. It is recognized that within the above parameters, certain flexibility exists in each field office to administer the assignment program. To insure continuity within any one Region, however, each Regional Office may, at its option, develop explanatory but no more restrictive issuances to reflect the application of the criteria to local economic conditions for use by those field offices under its jurisdiction. A copy of these issuances should be furnished to the Director, Single Family Housing Division, OLM.

JAMES L. YOUNG,
Assistant Secretary for Housing Management.

[FR Doc.76-28754 Filed 9-30-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 76-13]

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

Public Hearings; Correction

In FR Doc. 76-26131 appearing at page 37389 in the FEDERAL REGISTER of September 3, 1976, the following changes should be made:

1. On page 37389, the telephone number at which Robert E. Johnson may be reached before the October 12 hearing is corrected to read (502-227-7321).

2. On page 37389, the telephone number at which Francis J. Locke may be reached before the October 15 hearing is corrected to read (301-962-2482).

Issued on: September 27, 1976.

DOWELL H. ANDERS,
Acting Chief Counsel.

[FR Doc.76-28808 Filed 9-30-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:00 p.m., October 18, 1976 in the 6th floor Conference Room of Covington and Burling, 888 16th Street, N.W., Washington, D.C. 20006.

The Committee will meet to consider, for the second time, proposed recommendations stemming from Professor David P. Currie's draft report, "Judicial Review Under the Federal Pollution Laws."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 29, 1976.

[FR Doc.76-29114 Filed 9-30-76;10:25 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29223]

AMERICAN AIRLINES, INC., ET AL.

Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28831 Filed 9-30-76;8:45 am]

[Docket No. 28760]

AMERICAN AIRLINES, INC.

Assignment of Proceeding; Complaint of American Association of Zoological Parks and Aquariums

This proceeding is hereby assigned to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Adminstrative Law Jduge.

[FR Doc.76-28832 Filed 9-30-76;8:45 am]

[Docket No. 27793]

SOCIETE ANONYME BELGE D' EXPLOITATION DE LA NAVIGATION AERIENNE (SABENA)

Assignment of Proceeding; Complaint of Pan American World Airways, Inc.

This proceeding is hereby assigned to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28833 Filed 9-30-76;8:30 am]

[Docket No. 24971; Agreement CAB 23416-A1 and A2; Order 76-9-124]

SOLE SOURCE SUPPLIER JOINT NEGOTIATING AND PURCHASING COMMITTEE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of September 1976.

By Order 75-7-137, the Board deferred action on an agreement among various air carriers and foreign air carriers,[1] the primary purpose of which would be to permit the parties to the agreement to act collectively with respect to the procurement of spare parts from so-called "sole source suppliers."[2][3]

The preamble to the agreement states, inter alia, that this proposed scheme is necessary because "sole source suppliers of spares utilized by the airlines are in the unique position of selling their products in a noncompetitive market and therefore may price their products without regard to costs," and because of the desire of the parties "to insure that the prices paid to sole source suppliers for spares bear a reasonable relationship to costs."[4] In their pleadings, the applicants have also alleged that "sole source suppliers can and * * * frequently * * * [do] * * * impose unreasonably high prices and other unfavorable terms and conditions upon sales of spare parts to the airlines";[5] that "sole source spare parts suppliers * * * enjoy a monopoly bargaining position vis-a-vis the air carriers who must purchase their products without choice";[6] and that, by definition, "sole source suppliers" are in a monopoly position. (Id. at p. 18).

[1] Currently, the parties to the proposed agreement are: American Airlines, Air Canada, Allegheny Airlines, Alaska Airlines, Braniff International, Continental Air Lines, Eastern Air Lines, Frontier Airlines, Hughes Airwest, National Airlines, Southern Airways, Trans World Airlines, United Air Lines, Western Air Lines, North Central Airlines, Overseas National, and Canadian Pacific.

[2] The agreement defines a "sole source supplier" as the only source from which a spare is available. A spare, in turn, is defined as spare engines, spare parts, components, instruments, avionics, accessories, assemblies, special tools, and items of equipment and materials for any part of an aircraft and its support equipment.

[3] More specifically, the proposed agreement would establish a "Sole Source Supplier Committee" which would have a representative from each party and authority to:

(a) Consult with others to study and recommend actions relating to pricing, design, production, quality, and standardization;

(b) Examine the books and records of sole source suppliers with the acquiescence of such suppliers to ascertain the reasonableness of the price for spares in relation to the supplier's costs;

(c) Inspect the plant and manufacturing procedures of sole source suppliers with the acquiescence of such suppliers to determine the efficiency of the supplier's production techniques;

(d) Pool and compile air carrier spares usage and technical data and provide such data as may be appropriate to suppliers as a guide for inventory planning;

(e) Negotiate with sole source suppliers for the purchase of spares, including the price therefor;

(f) Purchase from sole source suppliers as an agent for the parties to the agreement; and

(g) Investigate, develop, and report on alternative sources of supply.

[4] See p. 1 of the proposed agreement.

[5] See comments of United Air Lines on behalf of the signatory parties to the agreement, dated May 1, 1973, at p. 10.

[6] See reply comments of United Air Lines on behalf of the signatory parties to the agreement, dated June 11, 1973, at p. 4.

Numerous pleadings have been filed in this proceeding either by or on behalf of the various firms in the aircraft spare parts industry. In brief, these pleadings have asserted that the proponents of the instant agreement have failed in any demonstration (a) that the aircraft spare parts industry is anticompetitive either in its structure or behavior, (b) that the instant agreement is necessary to meet "a serious transportation need" or to secure other "important public benefits," or (c) that the objectives of the agreement cannot be achieved through alternative, less anticompetitive means.[7] The U.S. Department of Justice (DOJ) stated, in reply comments filed on June 15, 1973, that although joint purchasing arrangements in themselves do not constitute a per se violation of the antitrust laws, the instant agreement could result in two activities—price fixing by buyers and collective group boycotts—which would be per se violations of the antitrust laws. DOJ also believed that the agreement was vague and insufficiently justified and should not be approved without first conducting a hearing.[8]

By Order 75-7-137, the Board deferred action on this matter pending an investigation by DOJ and possibly the Federal Trade Commission into the allegations of the parties of alleged monopolistic pricing practices in the aircraft spare parts industry. By letter dated February 18, 1976, and by comments filed March 12, 1976, DOJ advised the Board that it had found no evidence of anticompetitive conduct in that industry. Although the Federal Trade Commission has not reported, DOJ indicated that the FTC had uncovered nothing inconsistent with its conclusions.

Thereafter, an additional pleading was filed on behalf of the signatory parties in which it was argued that the findings of DOJ should in no way diminish the clear necessity for the instant agreement since the agreement is essential, in their view, "to remedy the imbalance in bargaining power between airlines and sole source suppliers."[9]

Upon consideration of the full record in this proceeding, and in particular the findings of DOJ, the Board has tentatively concluded that the instant agreement has not been adequately justified in accordance with the governing principles set forth on anticompetitive agreements in the *Local Cartage Agreement* Case, 15 C.A.B. 850, 853 (1952), and should be disapproved under section 412 of the Act.[10]

In support of our conclusion, we tentatively find that the proponents of this agreement have failed to sufficiently demonstrate either (a) that the firms in the aircraft spare parts industry have been engaged in monopolistic pricing practices or other anticompetitive behavior, either collectively or on an individual basis, or (b) that this industry is even structurally anticompetitive. In other words, we have not been persuaded, on the basis of the record in this proceeding as it presently stands, that an imbalance in relative economic bargaining power exists between the airlines, on one side, and the firms in the aircraft spare parts industry, on the other, in the airlines' procurement of aircraft spare parts, or that the firms in the aircraft spare parts industry do in fact, or are in a position to, charge unreasonable prices or impose unreasonable terms in the airlines' procurement of these spare parts. Thus, we tentatively conclude that the applicants have fallen short of proving that the problem they seek to remedy by anticompetitive agreement exists at all. Without proof on this threshold issue of fact, we need not examine the question of where this agreement might fall as a matter of law under the standard of *Local Cartage*.

Accordingly, interested persons will be given ninety (90) days following the date of service of this order to show cause why the tentative findings and conclusions we have set forth should not be made final.[11] We shall expect such persons to support their objections, if any, with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported pleadings will not be entertained.

Accordingly, it is ordered, that: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and, thereby, disapproving Agreement CAB 23416-A1 and A2;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings or conclusions set forth herein shall, within 90 days after the date of service of this order, file with the Board and serve upon all the parties noted in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; answers to these objections will be due 45 days after the time for objections has expired;[12]

3. If timely and properly supported objections and answers thereto are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served on all parties of record.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28834 Filed 9-30-76;8:45 am]

CIVIL SERVICE COMMISSION

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Title Change in Noncareer Executive Assignment

By notice of January 23, 1974, FR Doc. 74-1817, the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Commissioner, Community Services Administration, Social and Rehabilitation Service. This is notice that the title of this position is now being changed to Commissioner, Public Services Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-28748 Filed 9-30-76;8:45 am]

JUSTICE DEPARTMENT

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Serv-

[7] See, for instance, the comments of the Aerospace Industries Association of America, Inc., dated May 1, 1973; also see their reply comments dated June 12, 1973.

[8] A brief summary of the pleadings of the applicants and of the opposing parties can be found in Order 75-7-137.

[9] See Signatory Parties' comments concerning DOJ inquiry, dated March 11, 1976. Further comments were also filed by the Aerospace Industries Association. In their pleading of March 15, 1976, they urge that, in view of the findings of DOJ, the Board should disapprove the instant agreement or, alternatively, set it for a full evidentiary hearing.

[10] Under the Local Cartage standard, the proponents of a proposed agreement which "has among its significant aspects elements which are plainly repugnant to established antitrust principles" are required to make a clear showing that the agreement "is required by a serious transportation need, or to secure important public benefits" before the Board will approve the agreement. Although DOJ correctly pointed out that the instant agreement has the potential for two activities—price fixing by buyers and collective group boycotts—which would otherwise be in restraint of trade and per se illegal under the antitrust laws, as we note herein, we do not believe it is necessary to consider the severity of these possible anticompetitive consequences with respect to this particular agreement because the applicants have not shown that "a serious transportation need" exists.

[11] Answers to the objections will be due 45 days after the time for objections has expired.

[12] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

V 41 192 OCT 1 76 UM

ice Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–28747 Filed 9–30–76;8:45 am]

JUSTICE DEPARTMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General, Office of the Deputy Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–28746 Filed 9–30–76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS FROM MALAYSIA

Adjustment of Import Levels

Correction

In FR Doc. 76–28061, in the issue for Friday, September 24, 1976, the letter contained in the above document should have read as follows; note the footnote referenes:

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

SEPTEMBER 21, 1976.

DEAR MR. COMMISSIONER: On December 22, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 5 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 24, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to amend the levels of restraint established for Categories 22/23 and 26 to the following amounts:

Category:	*Amended 12-mo. level of restraint* [1]
22/23	2,824,800 yd [2]
26	6,474,600 yd [2]

[1] The levels of restraint have not been adjusted to reflect any entries made after Dec. 31, 1975.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1976, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

ESTABLISHING IMPORT LEVELS FOR CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILES

Products from the Republic of Korea, Effective October 1, 1976

On June 26, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, concluded a comprehensive Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of the Republic of Korea concerning exports of cotton, wool and man-made fiber textiles over a three-year period beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the agreement are those establishing an aggregate limit for cotton textiles and cotton textile products in Categories 1–64, wool textile products in Categories 101–132, and man-made fiber textile products in Categories 200–243. Within the aggregate limit, the following group limits have been established: Group I (Categories 1-38, shoe uppers in Category 63, 64, 200–213, and 241–243); Group II (Categories 39–62, Category 63, except shoe uppers, and 214–240); and Group III (Categories 101–132). Within the aggregate and applicable group limits, specific limits have been established for Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, 222, part of 224 (men's and boys' suits), 228, 234, 235, 237, and 238. The agreement was amended by an exchange of notes dated March 24 and April 1, 1976 to establish additional specific levels of restraint for Categories 116/117, 121, 124, and 229.

The agreement contains provisions for consultations to be held between the Governments of the United States and the Republic of Korea to establish levels of restraint for those categories not having specific export limitations for the agreement year beginning on October 1, 1976. During consultations held September 21–24, 1976, the levels set forth below were established for Categories 39, 42/43/62 pt. (shirts and blouses), part of 62 (other than shirts and blouses), 63, 104, 208, 210, 218, and 224 (other than men's and boys' suits).

Accordingy, there is published below a letter of September 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that for the twelve-month period beginning on October 1, 1976 and extending thorugh September 30, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 9/10, 18/19/26 (printcloth, 22/23, 26 (duck) 39, 42/43/62 pt., 45/46/47, 48, 49, 50/51, 52, 62 pt. 63, 104, 116/117, 120, 121, 124, 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 be limited to the designated levels. This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

SEPTEMBER 29, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on October 1, 1976 and for the twelve-month period extending through September 30, 1977, entry into the United States for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26, 22/23, part of 26, 39, 42/43/62 pt., 45/46/47, 48, 49, 50/51, 52, 62 pt., and 63; wool textile products in Categories 104, 116/117, 120, 121 and 124; and man-made fiber textile products in Categories 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 in excess of the following levels of restraint:

Category	*12-month level of restraint*
9/10	6,563,024 yd [2].
18/19/26 (printcloth) [3]	5,235,626 yd [2].
22/23	3,604,345 yd [2].
26 (duck) [4]	21,943,401 yd [2].
39	311,880 doz. pairs.
42/43 and part of 62 [5]	3,200,000 yd [2] equivalent.
45/46/47	3,186,797 yd [2] equivalent.
48	22,453 doz.
49	51,039 doz.
50/51	192,817 doz. (of which not more than 102,184 doz. shall be in category 50 and not more than 138,309 doz. shall be in category 51).
52	70,727 doz.
Pt. 62 [6]	195,652 lb.
Pt. 63 (T.S.U.S.A. Nos. 380.3980 and 382.3380)	1,086,957 lb.
Pt. 63 [8]	1,086,957 lb.
104	2,200,000 yd.[2]
116/117	470,815 lb.
120	320,448 numbers.
121	193,920 numbers.
124	1,010,000 numbers.
208	18,000,000 yd.[2] of which not more than 8,000,000 yd.[2] shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036).
210	1,750,000 yd.[2]
218	897,790 doz.
219	4,082,036 doz.
221	2,801,092 doz.
222	1,025,100 doz.
Pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8103)	41,333 doz.
Pt. 224 [9]	48,485 doz.
228	4,356,974 lb.
229	881,517 doz.
234	752,455 doz.
235	3,845,407 doz.
237	1,422,840 doz.
238	155,555 numbers.
	218,013 doz.

[1] In Category 26 the T.S.U.S.A. Numbers for printcloth are: 320.--34, 321.--34, 322.--34, 326.--34, 327.--34, 328.--34.

[2] In Category 26 the T.S.U.S.A. Numbers for duck fabric are: 320.--01 through 04,06,08, 321.--01 through 04,06,08, 322.--01 through 04,06,08, 326.--01 through 04,06,08, 327.--01 through 04,06,08, 328.--01,06,08.

[3] In Category 62, only T.S.U.S.A. Nos.: 380.0024, 380.0027, 382.0002, 382.0605, 382.0610, 382.3904, 382.6904.

[4] In Category 62, all T.S.U.S.A. Numbers not listed in Footnote [3].

[5] In Category 63, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.3980 and 382.3380.

[6] In Category 224, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.0402, 380.0420, 380.8103 and 380.8143.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced in the Republic of Korea and exported to the United States prior to October 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1975 through September 30, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint within Group I may be exceeded by 10 percent; within Group II, by 7 percent; and within Group III, by 5 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76–29089 Filed 9–30–76;9:59 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 7510

Binder, Looseleaf
7510–00–582–5398,
7510–00–582–5399,
7510–00–582–5400,
(approximately ½ of the total Government requirements).

If the Committee approves the proposed additions, all entities of the Government will be required to procure the indicated portion of the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–28801 Filed 9–30–76;8:45 am]

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the services and commodities listed below were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29473), April 2, 1976 (41 FR 14211), July 23, 1976 (41 FR 30380), August 6, 1976 (41 FR 32943).

After consideration of all the relevant data presented, the Committee has determined that the services and commodities listed below are suitable for

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procurement by the Government under Public Law 92–28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Food Service Attendant Services (SH), Seneca Army Depot, Romulus, New York.

SIC 0782

Grounds Maintenance Services (SH), Federal Aviation Administration, Leesburg, Virginia.

Class 7530

Folder, File (IB), 7530–00–286–6924 (for GSA Regions 1, 2, 4, 5, 6, 7, & 8).
Folder Set, File (IB), 7530–00–286–6923 (for GSA Regions 1, 2 & 3).

Class 8465

Carrier, Intrenching Tool, Plastic, LC–1 (IB), 8465–00–001–6474.

Class 1560

Wire Bundle Assemblies (SH), 1560–00–222–3876 BF, 1560–00–883–4487 BF.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–28802 Filed 9–30–76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

HOUSING

Public Hearings

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Pittsburgh, Pennsylvania. The hearings will be held on October 14 and 15, 1976, at the William Penn Hotel, 530 William Penn Way, Fort Duquesne Room, Pittsburgh, Pennsylvania.

The hearings will commence each day at 9:00 a.m. and end at 1:00 p.m. On the first day, the Commission will receive comments about the impact of Federal paperwork upon housing and receive comments concerning the Commission's Report on the Occupational Safety and Health Act. On the second day, the Commission will receive comments about the impact of Federal paperwork upon State and local governments and receive comments about the Commission's preliminary Report on the Employee Retirement Income Security Act.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street NW., Suite 200, Washington, D.C. 20582, telephone (202) 653–5400.

FRANK HORTON,
Chairman.

[FR Doc.76–29067 Filed 9–30–76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 20 through September 24, 1976. The date of receipt for each statement is noted in the statment summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 15, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the orginating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

North Irish Creek Timber Sale, Tongass National Forest, Alaska, Sept. 21: The proposed action is the harvest of approximately 50 million board feet of timber from the Tongass National Forest in Alaska. Old-growth timber would be harvested in clear-cut patches varying in size from 7.5 acres to 160 acres and then transported to a site at Hamilton Bay. The project would require the construction of about 38 miles of road through an undeveloped area. The major adverse impact will result from the conversion of old-growth stands to second-growth stands, which will modify the character of wildlife habitat. After completion of the proposed action, the area will no longer be suitable for Wilderness classification. (220 pages.) (ELR Order No. 61384.)

Willow Springs Unit, Mark Twain National Forest, Douglas, Howell, and Ozark Counties, Mo., Sept. 22: Proposed is a Unit Plan for the Willow Springs Unit in Douglas, Howell, and Ozark Counties, Missouri. The proposal would establish 4 broad management zones and cover the time period from October 1, 1977 to September 30, 1989. The various areas will be managed for recreational or timber harvesting purposes, depending on the character of the area. The plan calls for construction of 86 miles of trail, new picnicking, boating, and camping areas, and 49 miles of new road. Adverse effects include soil erosion, increased noise levels, and reduced timber capability. (36 pages.) (ELR Order No. 61395.)

Buck Creek and Yellow Mules Permit, Gallatin National Forest, Gallatin and Madison Counties, Mont., Sept. 21: The proposed action is the granting of a special use permit to Burlington Northern Railroad to construct a road through sections of the Gallatin National Forest, Montana. The purpose of the 3.4 miles of road is to allow Yellowstone Pine Lumber Company to gain access to Burlington Northern lands for timber harvest. The timber site is intermingled with 27.1 acres in the Buck Creek and Yellow Mule drainages of Gallatin National Forest. The project will affect water quality and quantity, wildlife habitat, esthetics, and increase wildfire hazards. (80 pages.) (ELR Order No. 61385.)

DEPARTMENT OF DEFENSE

AIR FORCE

Supplement

B–1 Aircraft Development and Procurement (S–1), Sept. 24: This statement proposes an administrative action involving continued design, development, test and evaluation of four aircraft, associate subsystems and equipment, and proposed procurement and production of 240 aircraft between 1977 and 1986. This action would also entail the deployment of the fourth DT&E B–1 aircraft. The primary areas affected by this action are test facilities at Edwards AFB, Calif. and Eglin AFB, Fla.; and Evendale, Ohio, Seattle, Wash. and Deer Park, N.Y., and operational facilities throughout the U.S. Impacts of B–1 operations include an increase in the frequency of location—specific sonic booms. (60 pages.) (ELR Order No. 61404.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attention: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Ave. SW., Washington, D.C. 20314, 202–693–6795.

Draft

Eight Mile Creek Paragould, Greene County, Ark., Sept. 23: Proposed is a plan for flood control and recreation in the Eight Mile Creek Basin, Arkansas, near Paragould. Features of the project consist of enlarging 11.4 miles of Eight Mile Creek and establishing a greenway along the entire length to be enlarged with incorporation of mini-parks and hiking and biking trails into the greenway. Adverse effects include the permanent loss of some 15 acres of woodlands and the temporary loss of some 22.8 miles of streambank vegetation. (Memphis District.) (60 pages.) (ELR Order No. 61401.)

Draft

Indian River Power Station, Unit 4, Sussex County, Del., Sept. 21: Proposed is the construction of Unit 4 of the Indian River Power Station in Sussex County, Delaware. The Delmarva Power and Light Company has proposed the addition to the station of a 400-megawatt bituminous coal-fired electric generating unit and associated structures. The project would utilize an additional 217 acres along the Indian River and a tributary, Island Creek. Adverse effects include changes in the temperature and salinity of the water, increased salt deposition on adjacent land, decreased visibility due to smoke from the cooling tower, and the loss of 175 acres of woodland due to dry-ash disposal. (Philadelphia District.) (225 pages.) (ELR Order No. 61387.)

Final

Charles River, Mass., Sept. 21: The statement proposes a "non-structural solution" to the problem of flood water control on the Charles River watershed. Approximately 8,422 acres would be acquired by the Corps and

maintained in their natural state in perpetuity. During periods of high water level the lands will be utilized as natural flood control reservoirs, eliminating the future need to construct dikes and levees. The areas will be operated as wildlife refuges during normal periods. No adverse impact is anticipated. (35 pages.) Comments made by: USDA, DOC, EPA, DOT, DOI, HUD, State and local agencies, concerned citizens. (ELR Order No. 61391.)

Fairport Small Boat Harbor (2), Lake County, Ohio, Sept. 23: The statement concerns the establishment of harbor facilities for small craft on southern Lake Erie at the Village of Fairport Harbor. The proposed development would consist of dredging an approach channel, an L-shaped dock channel, and construction of three stone breakwaters and a stone revetment. In addition, local interests propose the construction of a marina. Adverse impacts include the increased vehicular traffic in the area, and the alteration of bottom habitat by dredging and placement of dredge. (Buffalo District.) (143 pages.) Comments made by: DOC, HEW, HUD, DOI, DOT, EPA, State and local agencies, concerned citizens. (ELR Order No. 61400.)

Supplement

Red River Waterway, Mississippi River to Shreveport (S–1), Sept. 22: Proposed is the construction and maintenance of the Red River Waterway project in the states of Louisiana, Texas, Arkansas, and Oklahoma. The project consists of a 9- by 200-foot navigation channel, with 5 locks and dams and related bank stabilization, from the Mississippi River to Shreveport, Louisiana. The navigation feature will be a realigned channel 236 miles in length, and the locks will have dimensions of 84 feet by 685 feet usable chamber length. Project implementation will result in the loss or alteration of 43,100 acres of land, 5,500 acres of natural river channel, and 686,000 pounds of fish per year. (New Orleans District.) (200 pages.) (ELR Order No. 61394.)

ENVIRONMENT PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, (202) 755–0780 (Stop 460).

Final

Granby Wastewater Treatment Facility, Grand County, Colo., September 20: Proposed is the construction of a new expanded wastewater treatment facility to replace the existing plant. The proposal was prompted by population growth projections associated with a large proposed second home/resort complex adjacent to Granby named Val Moritz. The construction would cause secondary impacts due to the induced growth in the general area. Implementation of the new wastewater treatment plant will have an effect upon the local tax structure with probable increases in property tax for Granby residents. This effect will be particularly severe if Val Moritz fails to develop to the extent and at the rates projected. (Region VIII) (335 pages). Comments made by: USDA, FEA, DOI, HEW, State and local agencies, concerned citizens. (ELR Order No. 61380.)

Utah Lake-Jordan R. Water Quality Management, several counties, Utah, September 24: This statement sets forth the Utah Lake-Jordan River Water Quality Management Planning Study. The study consists of a series of proposed wastewater treatment alternatives to resolve water pollution problems in all or parts of Davis, Salt Lake, Utah, Wasatch, and Juab Counties in the state of Utah. This Plan contains a recommendation to expand wastewater treatment facilities through regionalization along with upgrading treatment efficiencies to meet Utah's level III effluent requirements. Environmental impacts are presented in terms of impacts on water quality, land resources, and air quality, as well as economic, financial, and social impacts. (Region VIII) (435 pages). Comments made by: HEW, USDA, FEA, DOI, COE, DOT, State and local agencies, concerned citizens. (ELR Order No. 61405.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410. (202) 755–6308.

Draft

Mei Lun Yuen Development, San Francisco, San Francisco County, Cal., September 24: Proposed is a project for the Mei Lun Yuen Redevelopment of the Chinatown Redevelopment area in San Francisco, California. The action calls for parcel redevelopment into an elderly highrise apartment building containing 140 units with 10,000 square feet retail commercial space at ground level; 35 family flats in four buildings; and a five-story commercial parking lot. The project is to be constructed in the Chinatown Urban Renewal Area portion of the block bounded by California, Powell, Sacramento, and Stockton Streets. No adverse effects are anticipated. (100 pages). (ELR Order No. 61397.)

Devon-Air Estates, Coral Gables, Dade County, Fla., September 21: Proposed is the construction of Devon-Air Estates, a Planned Unit Development (P.U.D.) in Coral Gables, Florida. The 392-acre project consists of 378 single family detached units, 788 townhouse units, 1084 apartment rental units, a 20-acre park and school site, and a 20-acre lake. The first phase of construction will be 101 single family detached units on 32 acres in the northern central section of the P.U.D. Adverse impacts include increases in noise and dust levels, and loss of agricultural lands. (142 pages). (ELR Order No. 61390.)

Project Agnes Urban Renewal, Corning, N.Y., Steuben County, N.Y., September 21: The proposed action is continuation of Project Agnes, an Urban Renewal Program designed to assist the City of Corning, N.Y. to recover from damage caused by Tropical Storm Agnes in June 1972. The project has been in execution since 1973 and this statement is an evaluation of the activities yet to be undertaken, including the completion of land acquisition, relocation activity, demolition and site clearance, and new construction. Adverse impacts include continued increases in air, noise, and water pollution. (165 pages). (ELR Order No. 61392.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

SECTION 104(h)

Draft

Pensacola Senior Citizens Center, Escambia County, Fla., September 21: Proposed is the construction of a Senior Citizens Center in the City of Pensacola, Florida. The 12–15,000 sq. ft. facility, located in the western watershed of Bayou Texar, will house a social hall/theater with seating for approximately 200 persons; 2 club rooms; a solarium; a game room and snack area; kitchen, arts and crafts rooms; restrooms; and administrative offices. The construction of the Center will result in off site erosion and sedimentation, incerase in noise and air pollution, and loss of .35 acres of ground cover. (13 pages). (ELR Order No. 61393.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

San Francisco Bay Nat'l Wildlife Refuge, Alameda, San Mateo, Santa Clara Counties, Cal., September 21: Proposed is the acquisition of 23,000 acres of land for a national wildlife refuge in Alameda, San Mateo, and Santa Clara Counties, California. The project is designed to protect fish and wildlife in the south San Francisco Bay Region and to provide opportunities for wildlife oriented recreation and nature study. As part of the proposal, the Leslie Salt Co. would be permitted to continue using certain salt ponds to produce salt through the solar evaporation process. Impacts on the environment are expected to be favorable. (190 pages). (ELR Order No. 61386.)

GEOLOGICAL SURVEY

Draft

Eagle Butte Mine, Amax Coal Co., Lease, Campbell County, Wyo., September 22: Proposed is approval of the surface mining and reclamation plan for Amax Coal Company's Eagle Butte mine in Campbell County, Wyoming. The project calls for mining of 566.2 million tons of coal over a 39-year period, at a rate of 16 million tons per year, on a total of 8,520 acres of Federal coal land and 640 acres of State coal land. The mining will result in the destruction of a total of 3,446 acres of land, degradation of water and open space quality, loss of wildlife habitat, and increased burden on social and economic institutions. (340 pages). (ELR Order No. 61396.)

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Contact: Mr. T. R. Martin, Special Asst. U.S. Section IBWC, ARA/MEX, Room 3906 A, Washington, D.C. 20520, (202) 632–1317.

Draft

Amistad Hydroelectric Plant, Rio Grande, Val Verde County, Tex., September 24: Proposed is the construction and operation of a conventional hydroelectric facility at Amistad Dam and Reservoir on the Rio Grande in Val Verde County, Texas. The plant will provide fast-response energy to a total electric power system covering a large part of southern Texas. Construction activities would cause minor degradation of water quality in the immediate vicinity of the project; produce some beneficial and adverse effects to the economy and way of life within the local community; and consume both renewable and nonrenewable resources. (100 pages). (ELR Order No. 61402.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Draft

Solid Rocket Motor DDT&E Program, September 24: The proposed action is to process, test, and deliver Solid Rocket Motors (SRMs) in support of the National Aeronautics and Space Administration (NASA) Space Shuttle Program. Accomplishment of the proposed action involves the processing of nineteen (19) and static testing of seven (7) SRMs at Thiokol/Wasatch Division, Promontory, Utah; the delivery of twelve (12) SRMs to NASA/Kennedy Space Center, Florida; and the delivery of two (2) inert and three (3) empty SRMs to NASA/Marshall Space Flight Center,

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Alabama. Occasional test firings will result in the release of air pollutants, causing a temporary, localized degradation of air. (215 pages). (ELR Order No. 61406.)

DEPARTMENT OF STATE

AGENCY FOR INTERNATIONAL DEVELOPMENT

Draft

AID Pest Management Program, Sept. 24: This EIS addresses all activities of the Agency for International Development (AID) which are intended to control or eliminate pests. Conceptually, the AID program is organized according to (a) program area (food production and preservation, public health, and all other pest management programs); (b) program element (pesticide activity, research, training and technical assistance, other pest management activities); and geographical region (The United States, less developed countries, and extraterritorial global areas). AID Activities will include development assistance through loan and grant programs of technical assistance, research and training, and commodity support. (640 pages.) (ELR Order No. 61403.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Highway 82 (Carbondale), State Highway 133 to Aspen, Garfield, Eagle, and Pitkin Counties, Colo., Sept. 20: Proposed is the reconstruction of a segment of State Highway 82 in Garfield, Eagle, and Pitkin Counties, Colorado. The project will begin 1.9 miles south of the S.H. 133 intersection near Carbondale in Garfield County and terminate at the Aspen City limits, a total length of approximately 27 miles. The improved facility would be a two-lane or four-lane highway with limited controlled access, four 12 foot driving lanes, 4-foot inside shoulders and 10-foot outside shoulders. Adverse impacts include destruction of vegetation, relocation of homes and businesses, acquisition of new rights of way, and possible loss of some open space lands owned by Aspen City. (Region 8.) (257 pages.) (ELR Order No. 61381.)

U.S. 81, U.S. 81 and K-93 Junction to U.S. 36, Ottawa, Cloud, and Republic Counties, Kans., Sept. 21: Proposed is the improvement of U.S. 81 in Ottawa, Cloud, and Republic Counties, Kansas. The improved corridor will extend north from the junction of U.S. 81 and K-93 east of Minneapolis, in Ottawa County, north through Cloud County, to its intersection with U.S. 36 at Belleville in Republic County. Six alternative combinations are presented, with an average project length of 50.4 miles. Adverse effects include loss of cultivated land and residences, as well as construction impacts. (Region 7.) (320 pages.) (ELR Order No. 61383.)

Seattle Business District Bus Lanes, King County, Wash., Sept. 21: Proposed is the installation of an exclusive bus lane in the Seattle Central Business District. The project consists of a one lane "with-flow" peak hour operation bus lane on 2nd and 4th Avenues between Jackson and Virginia Streets. When the number of buses in the district increases by 60 buses per hour during the peak hour on the north/south avenues, a 2-lane "contra-flow" system would be installed. Also included in the project are improved information systems, bus shelters, wheelchair ramps, landscaping, and pedestrian facilities. Adverse impacts include changes in curb space and relocation of loading zones. (Region 10.) (155 pages.) (ELR Order No. 61388.)

Final

Sacramento River Crossing, IR-5 to SR-273, Shasta County, Calif., September 23: The proposed project is for the construction of a two-lane bridge across the Sacramento River and 1.25 miles of roadway section, providing a new traffic corridor in Shasta County from State Route 273 across the river to Interstate Route 5. The proposed alignment will pass through undeveloped grazing land and skirt the south perimeter of an existing residential subdivision at the west approach and a single family residence at the east approach. The relocation of one family residence along the west approach will be required. (Region 9.) (211 pages.) Comments made by: DOT, DOI, EPA, HEW, USCG, state and local agencies, concerned persons. (ELR Order No. 61398.)

561 North-South Facility and U.S. 61-Bypass, Daven, Scott County, Iowa, Sept. 23: Proposed is the addition of traffic facilities in the 5.5 mile north-south corridor and the 4.5 mile east-west corridors of Davenport, Iowa, which are now served by U.S. 61 and other local streets. The major environmental impacts are displacement of families and businesses, possible acquisition of publicly-owned parks, and possible displacement of historical sites, depending upon the alternative selected. A 4(f) statement is included. (Region 7.) (194 pages.) Comments made by: USDA, DOI, EPA, DOT, state and local agencies, concerned individuals. (ELR Order No. 61399.)

U.S. Highway 51, Merrill to C.T. Highway "K", Lincoln and Oneida Counties, Wis., Sept. 21: Proposed is the construction of a 32-mile alignment for U.S. Highway 51 between Merrill in Lincoln County Wisconsin, and C.T. Highway "K" in Oneida County, Wisconsin. The 4-lane freeway will require approximately 2,550 acres of land, 75 percent of which is forest. Adverse impacts include increases in air and noise pollution as well as loss of agricultural and forestlands. A 4(f) statement is included concerning the use of land from the Heafford Junction to Minocqua State Park Trail Development. (Region 5.) (148 pages.), Comments made by: EPA, DOI, COE, state agencies, concerned persons. (ELR Order No. 61389.)

Supplement

Abbot Drive, Union Pacific RR. to Omaha Central Business District, Douglas County, Nebr., Sept. 20: This supplement advises the public that studies are under way to determine the most feasible method of connecting the southern terminus of Project No. M-50007(003) to the street system of the Omaha Central Business District. The roadway section extends from a point on Abbot Drive 1,000 feet northerly of the north abutement of the viaduct over the Union Pacific Railroad yards, to a connection with the street system of the Omaha Central Business District. Impacts will vary according to the alternative selected. (Region 7.) (17 pages.) (ELR Order No. 61382.)

GARY L. WIDMAN,
General Counsel.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 625-1; OPP-180093]

STATE OF LOUISIANA

Issuance of a Specific Exemption To Use 2,4-D To Control Sesbania

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the State of Louisiana (hereafter referred to as the "Applicant" to use a dimethylamine salt of 2,4-D for the control of sesbania on 60,000 acres of soybean plants. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the weed sesbania (*Sesbania exaltata* or *Sesbania macrocarpa*) is posing a threat to the soybean crop on 60,000 acres in 32 parishes in southwestern, central, and northeastern Louisiana. In most previous years, satisfactory weed control has been obtained by using preplant incorporated, preemergence and overtop herbicides. However, the Applicant stated that the infestation of sesbania has been particularly severe this year. Overtop sprays (2, 4-DB and Basagran formulations, which are registered for use on soybeans up to the bloom stage) are presently being used to control sesbania in soybean fields; however, research conducted by the Louisiana State University Cooperative Extension Service indicates that these products will not control sesbania in Louisiana which has emerged through the soybean canopy. No alternative pesticides are registered for this particular use.

The Applicant proposed to use the dimethylamine salt of 2,4-D in an aerial application as an overtop spray on 30,000 acres of soybeans planted in a solid seeded culture in southwestern Louisiana. The herbicide will be applied at the rate of four (4) to eight (8) ounces of a four pound per gallon active ingredient per acre applied in three to five gallons of water per acre. This is equivalent to one-eight (⅛) to one-quarter (¼) pound of 2,4-D acid equivalent per acre applied as the amine salt. It should be applied after the soybean plants are in the reproductive stage (past full bloom) and prior to the time sesbania plants are beginning to form pods. Sesbania is more sensitive to the herbicide at this time.

In addition, the Applicant proposed to treat with 2,4-D 30,000 acres of soybeans planted in conventional rows which are seriously infested with sesbania. The Applicant indicated that the pest weed has escaped control measures currently being employed. The acreage will be treated by ground application using a 2,4-D saturated bar connected to the rear of a tractor. The bar, covered with absorbent material, is impregnated with a solution of 2,4-D diluted at a ratio of equal parts of 2,4-D and water. The saturated bar is fastened to the tractor after

any excess 2,4-D has been allowed to drip off. The bar is suspended above the soybeans at a height such that sesbania plants will rub against the bar as the tractor travels down the row. Either one or two applications will be made as needed.

All aerial applications of 2,4-D will be made by certified applicators licensed by the Louisiana Department of Agriculture. Ground application using a 2,4-D saturated bar may be made by experienced farmers. To prevent damage to other susceptible crops in the areas of application, special permission will be obtained from the Commissioner of the Louisiana Department of Agriculture for the use of 2,4-D, except in the southwestern part of the State where cotton is not grown.

It appears that income derived from soybeans is very important to Louisiana farmers. The Applicant stated that, because of the low prices farmers are receiving for rice, many of them are more dependent than usual on their soybean crops. According to the Applicant, unless 2,4-D could be applied, the average yield on the 60,000 acres of soybeans plants infested with sesbania may be reduced by approximately 10 bushels per acre. At $6.00 per bushel, the Applicant estimates a dollar loss of $3,600,000.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of sesbania has occurred; (b) there is no pesticide presently registered and available for use to control sesbania in soybean fields in Louisiana; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the sesbania is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for the use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A dimethylamine salt of 2,4-D will be applied at the rate of from one-eighth to one-quarter pound 2,4-D acid equivalent per acre for aerial applications and equal ratios of 2,4-D and water for ground applications;

2. Overtop foliage, aerial applications will be limited to 30,000 acres in southwestern Louisiana;

3. Aerial applications will be made by certified applicators licensed by the Louisiana Department of Agriculture;

4. Ground applications on 30,000 acres of soybeans in central and northeastern Louisiana will be made using the 2,4-D saturated bar method of application;

5. The total quantity of 2,4-D to be applied will not exceed 7,500 pounds of active ingredient;

6. Applications will be limited to the following 32 parishes: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Caldwell, Cameron, Catahoula, Concordia, East Baton Rouge, East Carroll, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson Davis, Lafayette, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Landry, St. Martin, St. Tammany, Tensas, Vermilion, and West Carroll;

7. Special permission will be obtained from the Louisiana Department of Agriculture for all applications in restricted areas;

8. Soybeans with residue levels not exceeding 0.5 ppm (part per million) of 2,4-D may be offered in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

9. There will be a thirty (30) day interval for grazing cattle on treated soybean fields; and

10. Since formal tolerances for 2,4-D on soybean plants have not been established, and soybeans from the 1976 treatment areas may contain residues on the order of 0.5 ppm, the State of Louisiana is advised to submit a petition for such a tolerance before the 1977 harvest.

Dated September 27, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-28714 Filed 9-30-76;8:45 am]

[FRL 625-6; OPP-180094]

U.S. ARMY

Crisis Exemption To Use Carbaryl To Control Flea Vectors of Plague in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the U.S. Department of the Army (hereafter referred to as the "Army") has availed itself of a crisis exemption for the use of a ten (10) percent carbaryl dust to control flea vectors of plague identified at Fort Hunter Liggett, California. This exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Army has submitted in writing the following certified information.

The presence of bubonic plague at Fort Hunter Liggett was confirmed by the Letterman Army Institute of Research, San Francisco, California, in tests of vertebrate blood. There was concern that troops training in the area could be exposed to plague infection. On August 11, 1976, three hundred (300) pounds of a registered 10% carbaryl dust product was applied in the Fort Hunter Liggett area to burrows of ground squirrels (*Spermophilus beecheyi*); however, this product is not registered for plague vector control. The 10% carbaryl dust product registered for this use was not readily available. The time element was so critical that there was no time to request a specific exemption.

A 20-acre area, which contained approximately 120 burrows per acre, was treated with 2 ounces of carbaryl applied to each ground squirrel burrow. This one-time treatment was carried out using hand-operated rotary dusters.

The entire treatment was made by U.S. Army trained medical personnel under the supervision of a medical entomologist from the United States Army Environmental Hygiene Agency, Regional Division-West, Denver, Colorado, These applications were made following consultation with U.S. Public Health Service officials, Fort Collins, Colorado. The dust was introduced into the burrows in such a manner that external environmental contamination was minimized. Participating personnel utilized appropriate safety equipment and precautions during the conduct of the treatment.

The average flea index per ground squirrel was 32.4 pre-treatment and 0.629 post-treatment. The average flea index per ground squirrel burrow was 0.9 pre-treatment and 0.01 post-treatment.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: September 24, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-28879 Filed 9-30-76;8:45 am]

[FRL 625-6; OPP-180095]

U.S. DEPARTMENT OF AGRICULTURE

Crisis Exemption To Use Naled To Control the Oriental Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 (a) et seq.), the Environmental Protection Agency (EPA) gives notice that the U.S. Department of Agriculture (hereafter referred to as "U.S.D.A.") has availed itself of a crisis exemption for the use of a naled formulation to control an oriental fruit fly infestation in Los Angeles County, California. This exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the U.S.D.A. has submitted in writing the following certified information.

According to the U.S.D.A., this is a new infestation of the oriental fruit fly (*Dacus dorsalis* H.) to the continental United States; this insect is a serious pest of fruits and vegetables in Hawaii and the Orient. Its presence in California poses a potential serious economic loss for the California fruit and vegetable industry, the U.S.D.A. stated. No pesticide registered for this particular use to erad-

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icate or control the oriental fruit fly was available; the time element was so critical that there was no time to request a specific exemption.

The present infestation is located in the Beverly Hills area of Los Angeles County, and covers approximately 9 square miles; identification of the pest was confirmed on August 2, 1976. Treatment and eradication efforts began on August 23. The material being applied to the 9 square mile area is a bait lure consisting of 88 percent methyl eugenol, 7 percent thixcin-E, and 5 percent naled. Each bait spot or station requires approximately 0.25 gram of naled. The bait lure will be applied to trunks of host trees, telephone poles, and other inanimate objects in the infested area. Applications will be made at least four times, 2 weeks apart, to 600 stations per square mile (6 to 8 stations per city block); all applications are being made by hand equipment, and out of the normal reach of children. Approximately 5,400 grams of naled will be required.

Applications will be made by trained personnel of the Plant Protection and Quarantine Programs, the Animal and Plant Health Inspection Service, U.S.D.A., and the California Department of Food and Agriculture.

In accordance with section 166.8 of the controlling regulations, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, an application for a specific exemption shall accompany the required certified information. The U.S.D.A. has submitted such an application; however, this notice does not constitute a decision on the application. The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: September 24, 1976.

JOHN B. RITCH, Jr.,
Registration Division.

[FR Doc.76-28880 Filed 9-30-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

MANAGEMENT OF COMMERCIALLY-GENERATED RADIOACTIVE WASTES

Preparation of Environmental Impact Statement

Notice is hereby given that in accordance with the National Environmental Policy Act, the Energy Research and Development Administration (ERDA) has commenced the preparation of a generic programmatic environmental impact statement concerning the management of commercially-generated radioactive wastes. This statement will replace the draft environmental statement (WASH-1539) which was issued in September 1974 by ERDA's predecessor, the Atomic Energy Commission (AEC), concerning its program for developing radioactive waste repositories. WASH-1539 was withdrawn by ERDA in April 1975 before it was finalized. The comments received and the record of public hearings relative to WASH-1539 will be considered in the preparation of the new statement. These are available for public inspection at the ERDA public document rooms listed in appendix II of this notice.

The purpose of this notice is to present pertinent background information regarding the proposed scope and content of the statement and to solicit comments and suggestions for consideration in its preparation. All interested agencies, organization or persons desiring to submit comments or suggestions should submit them to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, Energy Research and Development Administration, Washington, D.C. 20545, telephone (301) 353-4241, on or before November 15, 1976. Those desiring a copy of the draft environmental impact statement when it is issued should notify Mr. Pennington.

The technical alternatives for managing these wastes are covered in report number ERDA-76-43, "Alternatives for Managing Wastes from Reactors and Post-Fission Operations in the LWR Fuel Cycle," which was issued in May 1976. This report characterizes the technologies and classifies the state of their availability. It does not address environmental issues. It will be used as a technical base and a primary reference for the environmental impact statement. This technical report and other documents used in the preparation of this statement will be available for inspection at Richland, Washington, by contacting the ERDA public document room at the Richland Operations Office. A bibliography will be available at ERDA's public document rooms listed in Appendix II.

The new environmental statement will have an expanded scope and will discuss the treatment, storage, transportation and final disposition of "post-fission" radioactive wastes from the commercial nuclear fuel cycle. The statement will be generic in nature, analyzing the overall effects of management of these wastes. Descriptions of environmental impacts will be related to typical, hypothetical sites related to a projected nuclear economy. Wastes resulting from the U.S. defense program will not be considered in this statement since they are being treated in separate ERDA-prepared environmental impact statements.

The scope of the statement encompasses the environmental impact of disposal of radioactive wastes: (a) In continental geologic formations; (b) in the seabed; (c) in ice sheets; (d) extraterrestrially; and (e) by transmutation. Wastes to be disposed of include gaseous and solid wastes generated from the handling and reprocessing of spent reactor fuels, the decommissioning of reactors, spent fuel storage basins, reprocessing plants and mixed oxide fuel manufacturing facilities.

An abbreviated outline of the proposed contents of the draft statement is appended as Appendix I to this notice. This outline further elaborates the scope and content of the statement. A summary of the impact statement comprises the first section of this appendix. The purpose and scope of the statement and a description of the approach used in the assessment of social and environmental impacts will be presented in section II.

Section III will provide background information on ERDA's waste management programs. Historical background, as well as plans for programs in the areas of waste treatment, interim storage, transportation and waste isolation will be included. Existing regulations and related regulatory questions pertinent to commercial radioactive waste management will also be identified and discussed.

The technical bases for the statement will be presented in section IV. In this section, the fuel cycle modes considered (i.e., uranium and plutonium recycle, uranium recycle and no recycle) will be described. Additionally, waste sources and classifications will be defined and projected wastes quantities tabulated.

Social and environmental impacts associated with reference facilities for the waste management operations including various waste treatments, interim storage, and transportation in the plutonium and uranium recycle and uranium-only recycle modes of fuel cycle operation will be presented in sections V, VI and VII respectively. Impacts associated with reference facilities for waste isolation and disposal alternatives will be presented in section VIII. These sections will generally emphasize those alternatives clasified as "available" in ERDA-76-43. If more than one processing option is available for a specific alternative, a single process will be selected as a reference for purposes of comparison. Cost/benefit comparisons will be made among available alternatives for each waste management step.

Section IX will address the social and environmental impacts of the various options available for decommissioning and decontamination of retired nuclear facilities used in the fuel cycle.

In section X, a single alternative will be selected for each waste management operation. These will be combined in a model integrated system in order to develop cumulative impacts of the entire post-fission waste management system. The integrated system summations will consider the requirements for reactors projected to be built by the year 2000 operating over a 40-year expected life through the year 2040. Integrated systems analyses will be developed and compared for each of the three fuel cycle modes delineated in section IV.

Dated at Germantown, Md., this 27th day of September 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

APPENDIX I

PROPOSED CONTENTS

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT, MANAGEMENT OF COMMERCIALLY-GENERATED RADIOACTIVE WASTES

Foreword
I. Summary
II. Introduction
  1. Purpose and scope.
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III. Background
  1. Objective and anticipated benefits of ERDA Waste Management Program.
  2. Waste treatment, interim storage, transportation, waste isolation and disposal and safeguards program.
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IV. Technical Basis for Statement
  1. Technology (reference ERDA-76-43, Alternatives for Managing Wastes from Reactors and Post Fission Operations in the LWR Fuel Cycle, May 1976).
  2. LWR Nuclear Capacity Projections (reactors built to year 2000 and operating through 2030).
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  4. Waste sources and classifications.
V. Environmental Assessment of Waste Treatments
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    Calcination, vitrification, ceramic, metal matrix, supercalcine, sintering, glass ceramics, coated pellets, ion exchange processes, and no treatment (liquid storage).
  2. Chop-leach fuel bundle residue treatment.
    Compaction melting, conversion to nonmetal, matrix forming and recovery processes and packaging without treatment.
  3. Noncombustible solid waste treatment.
    Compaction, fixation in a solid matrix, mechanical disassembly, melting, and chemical reduction processes and packaging without treatment.
  4. Combustible solid waste treatment.
    Compaction, incineration followed by immobilization and acid digestion processes and packaging without treatment.
  5. Intermediate-level liquid waste treatment.
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  7. Miscellaneous non-high-level waste immobilization.
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    8.2 Iodine-129.
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    8.3 Tritium.
      Release without treatment, voloxidation, pyrochemical processing, isotopic enrichment, recycle, chemical storage, organic compounds, and hydrides.
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      Release without treatment, caustic scrubbing, molecular sieve adsorption, fluorocarbon absorption.
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    Tank storage.
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    Vault storage, near-surface storage, and implications of no interim storage.
  3. Solid non-high level waste.
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    4.1 Alternatives for storage at generating site (water basin, air-cooled vault, and sealed storage cask).
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This section describes the cumulative impacts of an integrated waste management plan based on a combination of selected individual component alternatives for each of the following fuel cycle modes:
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2. Reprocess for uranium recycle only (Power reactor and reprocessing wastes).
3. No fuel reprocessing (throwaway cycle).
(The only primary wastes are reactor wastes and spent fuel).
a. Waste generation projections.
(Quantities of waste by source for LWR capacity projected through year 2000 and operating through 2030).
b. Waste treatment facilities description.
c. Interim storage facilities.
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f. Cumulative environmental impact of facility construction.
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h. Societal and institutional implications of integrated waste management plan.
i. Unavoidable adverse environmental impacts
j. Relationship between short-term uses and long-term productivity.
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l. Cost/benefit analyses of integrated waste management plan.
(Cumulative waste management costs and environmental effect comparisons for LWR operations through 2030).
XI. Appendices of Supportive Material

APPENDIX II

ERDA PUBLIC DOCUMENT ROOMS

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C. 20545.
Albuquerque Operations Office, Kirkland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

[FR Doc.76-28982 Filed 9-30-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10923; FCC 76-882]

INTERNATIONAL RECORD CARRIERS

Memorandum Opinion and Order Continuing Stay

In the matter of International Record Carriers' Scope of Operations in the Continental United States Including Possible Revisions to the Formula Prescribed Pursuant to Section 222 of the Communications Act, Docket No. 19660, RM-690.

Adopted: September 23, 1976.

Released: September 27, 1976.

1. On January 7, 1976, we issued a Report and Order and Notice of Proposed Rulemaking in the above-captioned matter, 57 FCC 2d 190. In that Report and Order we found that the formula governing distribution by the Western Union Telegraph Co. (WU) among the international record carriers (IRCs) of outbound unrouted international message telegraph traffic (international formula) which we had prescribed in 1943 pursuant to 47 U.S.C. 222(e)(1) (1971), is unjust, unreasonable, inequitable and not in the public interest. We also instituted an inquiry into the legal, economic and operational implications of placing distribution of such traffic on the basis of required customer-routings. Pending the outcome of the above inquiry, we prescribed an interim distribution of outbound traffic (interim formula) to become effective upon repeal of the original international formula on March 1, 1976. The effetive date was subsequently stayed by the Commission pending resolution of the petitions discussed below. International Record Carriers, 58 FCC 2d 266 (1976).

2. The Commission now has before it for consideration the following petitions and motions, pertaining to the January Report and Order:

(a) A Petition for Stay filed by RCA Global Communications, Inc., (RCA) on February 11, 1976 seeking a stay pending review of our Report and Order in the Court of Appeals;

(b) A Petition for Reconsideration filed by Western Union International, Inc. (WUI) on February 11, 1976, seeking, inter alia, postponement of the effective date of the interim formula until January 1, 1977;

(c) A Motion for Extension filed by WU on February 19, 1976 seeking extension until March 21, 1976 of the date for implementing the interim formula in which WU states that it needs the extra time to complete modifications of its facilities and the augmenting and training of its personnel necessary to implement the interim formula;[1] and

(d) A Contingent Motion for Clarification filed by WU on March 5, 1976 requesting clarification of our March 5, 1976 Stay Order to make explicit that WU is to be reimbursed by the IRCs for any increased expense it incurs during the pendency of the stay in preparing for implementation of the interim formula.

I. RCA PETITION FOR STAY

3. RCA generally challenges the lawfulness of the January Report and Order and attempts to demonstrate that a stay of that order is justified under the standards set forth in *Virginia Petroleum Jobbers Association* v. *Federal Power Commission*, 259 F.2d 921 (D.C. Cir. 1958). We do not believe that RCA has sustained its burden in this regard.

4. RCA contends that the procedures followed by the Commission were defective in that they did not provide it a "full hearing" as required by Section 222(e)(3) of the Communications Act. It argues that the Commission was required under the statute to conduct an oral evidentiary hearing (commonly referred to as a "trial-type" hearing) as a condition precedent to any alteration of the formula. Alternatively, RCA suggests that, even if not absolutely required by the statutory language, an oral hearing was required by the circumstances of the present case and that our failure to convene a hearing was therefore an abuse of discretion. We do not agree with either of RCA's arguments and conclude that our procedures both meet the requirements of the statute and adequately protect RCA's procedural rights.

5. The characteristics of the international formula, general applicability and future effect, demonstrate that it is in

[1] In view of our action herein, this request has become moot. Accordingly, we will dismiss the WU petition.

form and fact a "rule," within the meaning of the Administrative Procedure Act (APA), 5 U.S.C. section 551(4) (1970). Accordingly, any proceeding to amend or alter it is a "rulemaking" (as contrasted to an adjudication) within the meaning of section 551(5) of the APA. Section 553 of the APA, setting forth the standards for rulemaking, does not absolutely require a trial-type hearing. Instead it provides for a notice and comment procedure of the form employed in this proceeding. Section 553 requires trial-type proceedings only where the operative statute requires rules to be made "on the record after opportunity for an agency hearing." 5 U.S.C. 553 (c). The "full hearing" requirement of section 222(a)(3) is not the equivalent of the APA requirement regarding a decision "on the record." *See United States* v. *Allegheny Ludlum Steel Co.*, 406 U.S. 742 (1972). RCA relies on *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1956), for the proposition that a "full hearing" under the Communications Act has been judicially defined to mean trial-type hearing. However, that case dealt specifically with applications under Section 309 of the Act for broadcast licenses, contests of which Congress has defined to be "adjudication." See 5 U.S.C. 558(c). Moreover, even in Storer the Supreme Court upheld the FCC's reliance on rulemaking proceedings rather than individual adjudicatory hearings. *See also, Bell Telephone Company of Pennsylvania* v. *FCC*, 503 F.2d 1250, (3rd Cir. 1974), cert. denied, 422 U.S. 1026 (1975). The new rule was adopted after soliciting the views of all interested parties and after all parties had full opportunity to present their own arguments, counter-arguments and recommendations. The procedures followed were, thus, in full compliance with the requirements of Section 222 and the APA.

6. RCA also alleges that we have placed a simplistic reliance on competition as the benchmark of the public interest and that this runs afoul of the principle announced in *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86 (1953) and reiterated in *Hawaiian Telephone Company* v. *FCC*, 498 F.2d 771 (D.C. Cir. 1974). While we realized that increased competition would likely result, our action was not based solely on the hope of increasing competition; nor did we simply equate increased competition with benefit to the public interest. We note that, quit apart from any action on our part, competition is a fact of the history of the international record industry and predates the organization of this Commission. Our Report and Order, therefore, merely recognizes, as it reasonably must, that such competition exists. Our decision did not increase the facilities or service points of any carrier; but merely removed the arbitrary penalty placed upon the carriers by which their efforts to obtain traffic are nullified by an equivalent loss of unrouted traffic.

7. The error identified in the RCA and Hawaiian Telephone cases is increasing competition on the basis of an undifferentiated national policy in favor of competition, without considering the desirability or feasibility of such increased competition in a particular case. See *Pocket Phone Broadcast Service, Inc.* v. *FCC*, D.C. Cir. No. 74-2041 (decided July 16, 1976). The public's interest in the formula matter is its general interest in having available to it a rapid, efficient communications service with adequate facilities at reasonable charges. See 47 U.S.C. 151. Our Report and Order merely observed that in our experience competition has been an effective way to achieve those ends and that, absent compelling circumstances such as those in 1943, we see no reason to penalize competition which already exists. We did not, nor were we required to, find that service is presently inadequate. *FCC* v. *RCA*, 346 U.S. at 96-7. We do not agree, however, that the original formula has aided in achieving that result. Our experience convinces us that maintenance of the present service quality and its improvement is more likely where the carriers are required to earn the traffic they receive than where they receive it arbitrarily under a fixed quota. RCA has not shown anything which suggests that this view is incorrect under the present circumstances.

8. We do not agree, as RCA implies, that the original formula was designed to eliminate competition among the IRCs. As we view the legislative history, the section 222(e) requirement for a formula was enacted to protect the competitive positions of the IRCs in the face of WU's post-merger dual capacity as domestic monopolist and international competitor. This fact is also evident from the text of the formula as well as our order prescribing it. See 10 FCC 184 (1943). Were the intent of the original formula to eliminate competition, it would have been much simpler to ignore customer routings altogether and to prescribed a fixed quota share for each carrier. The complicated structure of the formula, particularly the provision assuring carriers of all traffic specifically routed via their facilities, can only be explained as an attempt to allow the carriers to develop, while eliminating WU's discretion in choosing who was to receive traffic. In this respect, the original formula was definitely a pro-competition tool. The features of the formula we found objectionably anti-competitive (the fixed quotas and the balancing provisions) were necessary in 1943 as the most reasonable way to protect the IRC's against WU abuses.[2] Our January Report and Order found that WU's divestment of its international operations had removed the need for those features and that traffic distribution could be made on a more dynamic basis. Our interim formula retains those aspects of the original formula which we believe remain sound and desirable under present conditions.

9. The interim formula also preserves elements of the 1943 formula in the use of routed traffic shares to determine the distribution of unrouted traffic. Reduced to its essentials, the original formula is a system of proportionate distribution. The concept of proportionate distribution is sound and equitable and one that will best assure the public a strong and dynamic international telegraph industry.[3] We recognize that proportionate distribution is not the only way to distribute unrouted traffic, but it appears to us the most reasonable basis for distributing traffic because it relies on the experience in the market place rather than the arbitrary judgment of this Commission. Proportionate distribution, coupled with the interim formula's requirement for frequent updating of the carriers' quotas, allows the distribution to reflect, relatively immediately, changes in the market place and rewards carriers with additional unrouted traffic when they succeed in persuading more customers to route messages via a specific carrier.

10. Moreover, we find little merit to RCA's allegations that the Order is deficient because it fails to state how it benefits the public interest to relate a carrier's share of unrouted traffic to its share of routed traffic. To the contrary, we explicitly stated that the purpose of revising the distribution formula was to minimize any disincentives to carrier-initiated improvements in quality of service and to maximize the possibility of future benefits in this regard. 57 FCC 2d at 202. Having found that the original formula provided no incentives for the IRC's to improve service or increase efficiency, our obligations under the mandate of 47 U.S.C. 151 dictated that we adopt a formula which does provide such stimuli. 57 FCC 2d at 208.

11. We disagree with RCA's argument that our Report and Order is deficient because we failed to consider the effect on RCA of a change in the original formula. While we designated as issues in the present inquiry the effect on the carriers and the public of the original formula and of party recommendations for formula revision, we do not believe that our Report and Order or the interim formula is unlawful because we did not include a detailed quantitative analysis. We do not believe that section 222(e)(3) requires a precise and comprehensive quantitative analysis of potential revenue effects—if in fact such an analysis is possible—or that it would be any more helpful than the information we had available to us and considered in prescribing the interim formula. As is apparent from the statutory language, the thrust of section 222(e)(1) is a requirement to devise a means of distributing traffic which does not favor or prejudice any carrier. The same holds true for a proceeding under section 222(e)(3) to review and amend the existing distribution. The primary question

[2] Our Order prescribing the original formula also adverts to the possibility of revision of the formula to reflect changes in operations. *See* 10 FCC at 192, 196.

[3] RCA apparently agrees that proportionate distribution is an acceptable basis for distribution of traffic under the 1943 formula since it was a party to its creation and supported its adoption when presented to the Commission for review.

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here, in addition to whether it serves the public interest, is to assure that the distribution of unrouted traffic be just, reasonable and equitable, and that if it appears to us that it is not, our obligation is to replace it with one that is equitable. No carrier has an absolute claim to unrouted traffic under the 1943 formula. The only claim a carrier has is that created by the formula. Therefore, once we determine that a method of distribution is unjust and devise a new method which meets the statutory standards, the possibility that a carrier will thereafter lose traffic it formerly received is inherent to the statutory command that unrouted traffic be equitably distributed. It must be remembered that any claim of diversion of traffic under a new distribution is a two-edged sword. It is not only a measure of the cost to one set of interests of a change, it also is a measure of the damage to other interests occasioned by the prior pattern of distribution. Thus, RCA's claim of harm from the interim formula equally catalogues the impact on ITT, TRT and FTC from the original formula.

12. We are not saying by this that the potential effect of a change in distribution is not an important consideration, or that we ignored it in devising the interim formula. This consideration is inherent in our overall duty to regulate in the public interest. The public's interest in the formula matter is its general interest in a rapid, efficient communications service with adequate facilities and reasonable charges. See 47 U.S.C. 151. Therefore, the impact of the interim formula must be examined in the context of its effect on that interest. In considering this impact, we must balance the benefits which we see from the new distribution against possible harm to the public. See, e.g., "F.P.C./v. Hope Natural Gas Company," 320 U.S., 591 (1944). In the present matter, this translates to a consideration of whether the redistribution of traffic will unreasonably endanger the financial integrity of the carriers to the point that they are unable to adequately serve the public. We do not see such an impact resulting from the interim formula. With respect to ITT, TRT and FTC, the interim formula will likely result initially in their receiving increased unrouted traffic and increased revenues. We would expect this to improve their financial position and would therefore be unlikely to harm their ability to provide service to the public.[4] With respect to RCA and WUI, the interim formula does appear likely initially to reduce their message volumes and revenues. Even here, though, we do not see any possible public harm.

[4] We do not expect that increased demand will render these carriers' facilities inadequate. Message service requires relatively few transmission facilities, primarily telegraph-grade circuits which are readily available and low in cost. We therefore expect that these carriers would be able to supplement their present facilities easily and at little cost should that become necessary.

13. RCA argues that it will suffer a reduction in gross operating revenues of $2,028,000 annually if the interim formula is implemented.[5] Although we believe that any measure of potential revenue shift is speculative, for present purposes we will accept RCA's estimate. In 1975, RCA reported total operating revenues from all services of $129,831,489 and a net income of $32,071,720. The diversion of revenues projected by RCA is roughly 1.5 percent of its operating revenues and 6.3 percent of its net income. Although the loss of these revenues would obviously reduce its profitability for the year, it would not so reduce RCA's revenues as to put it into a loss situation or otherwise damage its ability to serve the public even in the short run. It should also be emphasized that this is a worst-case assumption and is predicated upon RCA's not making efforts to acquire lost traffic through increasing its routed traffic. It also assumes that 100 percent of RCA's costs involving the diverted traffic are fixed. However, we have no basis on which to so assume.

14. We find no merit to RCA's arguments that the interim formula is unduly complex, making it excesively expensive or difficult to administer, or that it will lead to a degradation in service quality. First, the interim formula is certainly less complex than the original formula, which RCA does not find objectionably complicated. While we sought to continue in the interim formula the original formula's concept of proportionate distribution, we eliminated as many of its ancillary complexities as possible. For example, we eliminated the separate quotas for each class of message and for the gateways and hinterlands. What RCA appears to object to is the fact that we replaced the original formula's area quota system with a quota for each destination. The use of individual destination quotas, however, relates distribution of unrouted traffic to the realities of the market. Second, we disagree that the interim formula will be unduly expensive to administer. The interim formula will require WU, at least initially, to handle more unrouted messages manually than it now does, and could, therefore, increase its costs per message. However, this is merely a question of degree, since WU presently handles many messages manually. The minimal economies that may be lost initially are outweighed by the deleterious effects on the carriers and the public of denying carriers incentive to seek more routed traffic. However, in fulfilling our public interest responsibilities, we will monitor WU's performance and will investigate any complaint that WU is not exercising prudent judgment in this area.

15. We are similarly unpersuaded by RCA's arguments that the interim formula will lead to an unreasonable degradation of service quality. RCA again bases its arguments on the fact that the interim formula will require manual handling for more unrouted messages. WU estimates that manual handling of messages will require an average of 20 minutes per message. Because many of these messages are presently switched directly from the WU computer to the IRCs, RCA argues that this represents a severe degradation in service quality. We note that substantial numbers of messages are already processed manually at the Minneapolis facility—i.e., the messages for those destinations where the existing formula still calls for proportionate distribution. RCA does not object to the time required to process those messages. WU has asserted that the procedures it has proposed are designed to maintain existing service standards at Minneapolis despite the increased load and we see no reason presently to challenge WU's projections. When viewed in the overall context of the overseas message service, we are not persuaded that manual processing is unreasonable or that a 20-minute processing time for unrouted messages is inefficient. We note, however, that WU is proceeding with its efforts to automate the entire message-handling procedure and that it anticipates it will be ready to operate in this mode by the end of 1976. However, we see no reason to delay further the benefits to the public we see in the interim formula merely because WU initially must use manual procedures.

16. RCA alleges that the interim formula will result in disastrously expensive solicitation efforts to increase IRC shares of routed traffic—"leading to millions (of dollars) in new costs." Nothing in our Report and Order indicates our desire for such a result; we merely indicated there that we expected the carriers to strive, as they have not in the past, to reach a substantial segment of the public and persuade them to route their messages.[6] We do not construe this as a directive to engage in wasteful orgies of spending. Irrespective of the interim formula, it is a fact of business life in a competitive environment that the carriers must advertise if they are to make the public aware of its alternatives. The IRCs presently engage in a continuing program of advertising all their services. Therefore, any increase in carrier solicitation efforts resulting from our action will fit within the context of their present practices and is unlikely to create a problem. RCA is unrealistic in suggesting that the IRCs will engage in suicidal advertising campaigns. Rather, we expect that the IRCs will apply the same type of business judgment in this matter as they do in other aspects of their business. In any event, we are required to grant the IRCs a certain latitude in their business judgments, including the amounts they choose to spend. RCA has failed to demonstrate any reason for us to conclude that the IRCs will act imprudently.

[5] $428,000 from outbound traffic and $1,600,000 from inbound traffic.

[6] Report and Order, paragraph 47.

17. We also disagree with RCA's allegations that uncertainty as to the time the interim formula will be in effect will lead to inefficiencies on the part of the carriers. What RCA must be arguing is that our designation of the formula as an interim solution will make the carriers uncertain as to the planning of new facilities. We note that RCA itself has argued that message service is relatively static; therefore, the carriers' facility needs for the service will not change rapidly or frequently. Further, the carriers do not generally produce or lease telegraph-grade circuits such as used in the message service. Rather, they usually derive those channels by multiplexing voice-grade channels into 22 (cable) or 24 (satellite) telegraph-grade channels. For most service points, one such channel is all that is needed to provide message service. The fact is that a decision to augment facilities is made on the basis of the carriers' needs for circuits in connection with telex and leased-channel services which are more dynamic. In any event, the redistribution of traffic under the interim formula does not appear to us likely to result in major changes in the carriers' facility requirements. A change to the all-routed approach should not result in any great shift either, since the pattern of distribution should closely resemble that under the interim formula. The changes in carrier handling of traffic under either method of distribution will occur in response to the normal forces in a competitive market which historically have been evolutionary arther than precipitate.

18. RCA has failed to make a strong showing that it will be irreparably injured if we deny it the requested stay. RCA alleges in this connection that if the interim formula becomes effective it will lose unrouted traffic it presently receives under the existing formula. We do not find this to be the kind of injury which would justify issuance of a stay. The diversion of traffic likely under the interim formula does not appear likely to threaten the viability of RCA's message operations. It will continue to operate under the interim formula and to receive traffic. It will be in the same position as the other carriers to seek to increase its share of routed and, derivatively, unrouted traffic. If, after completion of its review and the appellate court should reverse our decision, RCA will be able to reacquire the traffic it lost. We are not faced with a situation where RCA would lose customers to another IRC who might develop business relations with that other carrier and not desire to change back to RCA. RCA will receive at all times all traffic routed via it. Customers filing unrouted traffic are not aware which IRC handles their traffic and so will not be aware of any change. In the event of a reversal, RCA will thus be in a position to resume operations under the present formula without any substantial change in its position. The mere fact that it will not receive an unspecifiable amount of revenues during the intervening period is not sufficient to establish irreparable harm. RCA's unsubstantial claims of harm must be weighed against the harm to other carriers and the public if the interim formula does not become effective. In view of RCA's failure to make a strong showing that it is likely to prevail on the merits, its showing is insufficient to delay the benefits to the public that we see emanating from the interim formula.

19. RCA has also failed to show that issuance of a stay will not result in substantial harm to other parties or the public. The only argument RCA offered on the question of the effect of a stay on the other parties is to assert that a stay will merely continue in effect a pattern of distribution under which the carriers have operated, generally profitably, for more than 30 years. We are not persuaded by its reasoning. RCA appears to be arguing that the other carriers will not be harmed by a stay since it will maintain the status quo and will not cause them to change their position. However, in the present matter it is precisely the present pattern of distribution we have found to be unreasonable and inequitable. Therefore, a stay would continue for an indefinite period the inequities of the original formula. Delay will deny the carriers traffic to which we have found them to be entitled under the interim formula.[7] While we cannot quantify the extent this will harm those carriers, we note that RCA's arguments of the effects on it caused by a loss of traffic also apply to the harm caused the others who do not receive that traffic. In these circumstances, to save RCA from the traffic diversion, while causing a similar adverse effect on ITT and TRT, is not in our judgment equitable and is not an appropriate grounds for the relief requested.[8]

20. Most importantly, RCA has failed to show that a grant of its request would advance the public interest. In this regard, the most RCA offers is an assertion that a stay of the interim formula will not cause any short-term detriment to the public. We believe, however, that the public will benefit from the new method of distribution through the incentives it provides the carriers to increase their efficiency and to maintain or improve service quality. Further, we find substantial disincentives to such goals in the original formula. In the absence of any substantial showing that our decision is deficient or that our conclusions are erroneous, we see no reason to delay the benefits of the interim formula. The interim formula resulted from a careful analysis of all the relevant matters and RCA has shown nothing which suggests that it will be likely to obtain reversal of that formula. No grounds exist, therefore, for further denying the other carriers the equitable distribution embodied in the interim formula. Accordingly, for all the above reasons, we will deny RCA's Petition For Stay.

[7] We also dispute RCA's characterization of the redistribution of traffic to other carriers under the interim formula as an "unanticipated and unjustified revenue windfall." As we have noted, no carrier has any claim to unrouted traffic except that conferred by the formula. So long as a formula meets the statutory criteria, a carrier has a valid claim to that traffic. As the interim formula qualifies under that standard, the carriers are legally entitled to all traffic received under its provisions and its receipt can hardly constitute a "windfall."

[8] Virginia Petroleum Jobber's Association v. F.P.C., 259 F.2d 921 (D.C. Cir. 1958).

II. WUI Petition for Reconsideration

21. Turning now to the WUI Petition for Reconsideration, we are similarly unpersuaded by anything contained therein either that our Report and Order was erroneous, or that the effectiveness of the interim formula should be further postponed. In its Petition, WUI also challenged, without elaboration, our decision to base distribution of unrouted traffic on the carriers' respective shares of routed traffic. What we said above in connection with the RCA Petition for Stay applies equally to WUI's argument on this point and for that reason we will deny this request of WUI. Alternatively, WUI requested us to redefine "routed" traffic for purposes of the interim formula to exclude self-generated traffic in calculating the carrier respective routed-traffic shares. Self-generated traffic refers to traffic originated over a particular IRC's own facilities, as contrasted with traffic originating with WU and transferred to the IRC. Such traffic includes messages filed over the counter at an IRC public office, by telephone, over an IRC-supplied (telex) teleprinter. See Interim Formula, Section IV (a)–(c). After considering WUI's arguments, we adhere to our conclusion that self-generated traffic should be considered in calculating the carrier quotas. Self-generated traffic has a central role in the distribution of traffic under the original formula and the interim formula merely continues that practice.[9] Therefore, we are unpersuaded by WUI's argument that it had no notice that self-generated traffic might be included in quota calculation.[10] WUI could hardly be unaware that some features of the original formula might be retained in an amended formula. More importantly, however, WUI was on notice of the self-generated traffic question because that question was specifically placed in issue by the pleadings of the parties.[11] Moreover, WUI

[9] In fact, as our Report and Order recognized, at paragraph 20, the unanticipated growth in the relative proportion of self-generated traffic was the chief reason for the accumulation of large deficiencies and overages under the original formula.

[10] WUI, in fact, noted that self-generated traffic was included in calculating quotas under the original formula. See WUI supplemental commenta at p. 14.

[11] TRT, by letter dated June 26, 1973, advocated proportionate distribution of traffic, but argued against inclusion of self-generated traffic in calculating quotas. ITT, in its Statement, at p. 33, agreed with TRT with respect to proportionate distribution but advocated inclusion of self-generated traffic.

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itself advocated inclusion of self-generated traffic in connection with its third counterproposal. WUI Supplemental Comments at pp. 7–11. See also 57 FCC 2d at 196–7. WUI advocated a simplified version of the original formula which would place all carriers on an equal footing and base each carrier's quota of unrouted traffic on all its routed traffic—including self-generated traffic. Even though WUI chose to oppose, with the exception of its own counterproposal, proportionate distribution, and chose not to address the merits of including self-generated traffic, it clearly had notice of the issue and cannot now argue that it was denied the opportunity to comment. Accordingly, we find without merit WUI's contention that it was denied "due notice and hearing" on this issue as provided for in section 222(e)(1) or a "full hearing" under Section 222(e)(3). Similarly, we find without merit WUI's contention that our inclusion of self-generated traffic in calculating carrier quotas denied it the notice required by section 553(b) of the APA.

22. Nor are we persuaded by WUI's arguments that inclusion of self-generated traffic will unfairly prejudice WUI due to its lack of public offices in the gateways. The amount of traffic affected by this provision is so small that it would not have a significant effect on WUI's operating results.[13] WUI has shown nothing which would justify excluding self-generated traffic in calculating unrouted traffic quotas under the interim formula. The fact that the formula concept is aimed at, and only applicable to, unrouted traffic (which is by definition traffic handled by WU) does not argue that only routed WU transfer traffic should be used to determine distribution of unrouted traffic. Self-generated traffic is an integral and important part of routed traffic which it would be illogical to ignore.

23. We also disagree with WUI that the IRCs compete in conceptually different markets which require different methods of distribution. All IRCs are more or less equally situated with respect to traffic originating in the hinterland; no one carrier has better access than another. As TRT noted in opposing WUI's arguments, the carriers compete on a nationwide basis both in gateways and hinterland, since both gateway and hinterland customers may file their messages with WU and both have the option to route their messages or to file them unrouted. Thus, the important criterion for decision in the formula question is not, as WUI suggests, the relationship of WU to the filing public, but that of the IRCs and the public—since it is the IRCs, not WU, who will carry the messages overseas. Further, it is not the relation of WU to the public which creates unrouted traffic, but whether the IRCs are able to persuade customers to insert routings. WU does not carry traffic internationally; in this connection it is a conduit to the various IRCs. In addition to conceptual weaknesses, WUI's arguments are internally inconsistent. While arguing that only WU transfer traffic is relevant to the formula, WUI inexplicably would include direct access traffic with which WU has no connection. Further, WUI would include gateway-originated traffic filed with WU even though it comes from a market which WUI asserts is irrelevant since the IRCs compete directly there.[13] We note that WUI's proportion of routed WU transfers is higher than its proportion of self-generated traffic or its share overall. Therefore, it would be to WUI's advantage to exclude self-generated traffic, since that would yield it more unrouted traffic under the interim formula. We believe that WUI has not shown that self-generated traffic should be excluded in calculating carrier quotas under the interim formula.[14]

24. *Phasing-in of the Interim Formula.* WUI has shown no reason why the interim formula should be phased in rather than becoming effective immediately. Section 222(e)(3) requires us, once we have found the present method of distribution to be unjust, to prescribe a new distribution which will meet the statutory standards. A phased implementation would not be consistent with this requirement, although we believe that such an approach would be within our discretion under the Act if we found strong public interest reasons for it. In the present matter, we see no public benefits from such an approach and, further, strongly question whether it would be feasible. The philosophy underlying the interim formula, that unrouted traffic be distributed according to customer wishes expressed through specific routings, would be frustrated by a phased implementation. Beyond this, we can see no reasonable basis for implementing the approach.

25. *Gateway Direct Access.* WUI also seeks clarification of Paragraph IV(b) of the interim formula which defines specifically routed messages to include those "filed with an international carrier at its gateway office by means of domestic communications networks • • • *so long as the customer pays all charges incurred in connection with the use of such means* • • • (direct access)." (emphasis added). In All America Cables & Radio, Inc., 15 FCC 293 (1950), we permitted customers to file overseas messages directly with the IRCs so long as the customers pay the charges associated with the use of domestic communications networks. For customers located within the gateway cities, we permitted the IRCs to absorb the usage charges so as to bring direct access into conformity with the IRCs general practice of free pickup and delivery in the gateway cities. We included the cited lanuage to make clear that direct access traffic is included in routed traffic for purposes of calculating carrier quotas under the interim formula. As such, we did not intend to alter past Commission policy in this respect. Inasmuch as present Commission policy permits the IRCs to absorb usage charges in connection with gateway direct access, the language in paragraph IV(d) should not be taken as an intention now to require such customers to pay those charges. Further, traffic filed over the affected domestic networks by gateway-city customers will be considered as specifically-routed traffic, since it was filed with a specific IRC. Since the purpose of including the direct access provision in the formula was only to list the classes of traffic which would be considered specifically routed, it was not intended as a definition of direct access or a rule setting forth the criteria for its use; and we therefore believe it unnecessary formally to amend the language.[15]

III. WU Motion for Clarification

26. On March 5, 1976, WU filed a contingent motion for clarification in which it noted that in accordance with our January 7 Report and Order it had invested in the new facilities and hired additional personnel necessary for implementing the interim formula. WU had undertaken these matters in the belief that the interim formula would become effective on March 21, 1976.[16] WU now seeks clarification of our February 26 stay order to make explicit that it will be reimbursed for all increased expense resulting from the stay. Comments on WU's Motion were filed by ITT, RCA and TRT. We believe that since WU is a disinterested party in the present dispute it would be unreasonable to burden it with the start-up costs it incurred in good faith in anticipation that the interim formula would become effective on March 21, 1976. It was beneficial for all concerned to allow us time to consider RCA's and WUI's arguments and to resolve any doubt as to the interim formula. Inasmuch as all the IRC parties have benefitted from our review, we believe that all should bear a portion of the WU costs. We believe the most equitable basis for apportioning the costs is in proportion to the amount of traffic each carrier will receive under the initial quotas. This is the way costs were to be apportioned at the time WU began its preparations for implementing the interim formula and the way costs will be apportioned during the operation of the formula. This will thus obviate the necessity of segregating costs incurred before March 21, 1976 from those arising thereafter and avoid disputes as to the allocation made.[17]

27. *Accordingly, it is ordered,* That the Petition for Stay in the above-captioned matter filed by RCA Global Communications, Inc. is hereby denied.

28. *It is further ordered,* That the Petition for Reconsideration in this matter filed by Western Union International, Inc. is to the extent provided for herein, GRANTED but, otherwise, is denied in all respects;

29. *It is further ordered,* That the Petition for Extension filed in this matter by the Western Union Telegraph Co. is dismissed;

30. *It is further ordered,* That the Stay issued in this matter shall continue until RCA Global Communications shall have had an opportunity to obtain a ruling from the Court of Appeals, on condition that RCA renews its pending Petition for Stay filed in that court within five days of the release of this Order.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-28814 Filed 9-30-76;8:45 am]

[13] During the WU study period, 8,098 messages were filed unrouted at designated WU offices, while WUI reported 276,554 direct pickups of its own. Thus, the designated-office traffic amounts only to about 3 percent of its total self-generated traffic.

[13] WUI's argument is thus factually incorrect since WU has an "operating preserve" in the gateways squal to that of the IRCs. WUI is also inaccurate with respect to the hirterland; the IRCs have a direct operating presence there, albeit to a lesser extent than WU, through the merchanism of direct access.

[14] See Report and Order, 57 FCC 2d 190, at paragraph 18, Table 2.

[15] We do believe, however, that the provision should be part of the interim formula for the purpose of listing categories of specifically-routed traffic to which it applies. We express no opinion by this inclusion as to the propriety of present direct access policy. If in the future we have occasion to re-examine the policy, we will face the question of amending the formula in connection with any action we may then take.

[16] WU had sought extension of the effective date from the original March 1, 1976 date to permit its preparations. This request was mooted by our order of February 26, 1976, 58 FCC 2d 266, staying the effective date indefinitely.

[17] RCA is also seeking a stay from the Court of Appeals. As we indicated in our prior stay order, we would continue the stay until RCA has had a reasonable opportunity to get a determination from the reviewing court.

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of August 20 Through August 27, 1976

Notice is hereby given that during the week of August 20 through August 27, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

SEPTEMBER 27, 1976.

APPENDIX.—*List of cases received by the Office of Exception and Appeals, Aug. 20, to Aug. 27, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Aug. 20, 1976...	Exchange Oil & Gas Corp., New Orleans, La. (If granted: Exchange Oil & Gas Corp. would receive an extension of the price relief granted on Apri. 9., 1976, to permit it to sell a portion of the crude oil produced from the Alma Thomas et al. leases located in Lafourche Parish, La., at upper tier ceiling prices.)	FEE-2947	Extension of exception relief in Exchange Oil & Gas Corp., 3 FEA par. 83,162 (Apr. 9, 1976).
Do.....	Murphy Oil Corp., El Dorado, Ark. (If granted: The FEA's July 16, 1976, decision and order would be rescinded and Murphy Oil Corp. would be permitted to use its 1973 calendar year as the base period for purposes o the mandatory Canadian crude oil allocation progrom (pt. 214).)	FEA-0934	Appeal of FEA's exception decision and order in Murphy Oil Corp., 4 FEA par. 83,009 (July 16, 1976).
Do.....	Petroleum International Associates Inc., Washington, D.C. (If granted: The FEA region II's July 19, 1976, interpretation would be rescinded and certain transactions between Petroleum International Associates, Inc., and the Supreme Petroleum Co. of New Jersey, Inc., would not be subject to the provisions of the mandatory petroleum price regulations (pt. 212).)	FEA-0932	Appeal of FEA region II's interpretation dated July 19, 1976.
Do.....	Sun Gas Co., Dallas, Tex. (If granted: Sun Gas Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Hailey, Jameson, and Spivey.)	FEE-2949—FEE-2951	Price exception (sec. 212.165).
Do.....	Supreme Petroleum Co. of New Jersey, Inc., Washington, D.C. (If granted: The FEA region II's July 19, 1976, interpretation would be rescinded and certain transactions between Supreme Petroleum Co. and Petroleum International Associates, Inc., would not be subject to the provisions of the mandatory petroleum price regulations (pt. 212).)	FEA-0933	Appeal of FEA region II's interpretation dated July 19, 1976.
Do.....	Texas Asphalt & Refining Co., Houston, Tex. (If granted: The FEA's July 15, 1976, decision and order would be rescinded and TARCO would be permitted to increase the handling fee which it is permitted to charge under sec. 212.94(b)(1) on sales of crude oil mode pursuant to the mandatory crude oil allocation program.)	FEA-0931	Appeal of the FEA's decision and order in Texas Asphalt & Refining Co., 4 FEA par. 83,011 (July 15, 1976).
Do.....	United Refining Co., American Texas Oil Corp. (If granted: American Texas Oil Corp. would receive various types of administrative relief from the mandatory petroleum allocation and price regulations in connection with its acquisition of the Osceola refinery and the Osceola Division from the United Refining Co.)	FEE-2948	Exception to mandatory petroleum allocation and price regulations (pt. 211 and pt. 212).
Do.....	Whitco, Inc., Dallas, Tex. (If granted: Whitco, Inc., would receive an extention of the exception relief granted on June 25, 1976.)	FEX-0065	Extension of exception relief in Whitco, Inc. 3 FEA par. 87,065 (June 25, 1976).
Aug. 23, 1976...	Belridge Oil Co., Los Angeles, Calif. (If granted: Belridge Oil Co. would receive an extension of the price relief granted on July 30, 1976, to permit it to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2855	Extension of exception relief in Belridge Oil Co., 4 FEA par. 83,021 (July 30, 1976).
Do.....	Dixie Gas, Inc., Marks, Miss. (If granted: Dixie Gas, Inc., would be permitted to retroactively and prospectively increase its prices for propane to reflect nonproduct cost increases.)	FEE-2953	Price exception (sec. 212.165).
Do.....	Exxon Co., U.S.A., Houston, Tex. (If granted: Exxon's entitlement purchase obligations for May 1976 would be adjusted to correct for FEA's alleged error in computing old oil receipts.)	FEA-0938	Appeal of the FEA's entitlement notice for May 1976 issued July 23, 1976.
Do.....	Ginsburg, Feidman & Bress, Washington, D.C. (If granted: The FEA's July 21, 1976, information request denial would be modified and copies of portions of documents relating to FEA ruling 1975-12 (stripper well lease exemption) would be released.)	FEA-0935	Appeal of FEA's information request denial.
Do.....	Independent Refining Corp., Washington, D.C. (If granted: Independent Refining Corp. would receive various types of administrative relief from the mandatory petroleum allocation regulations in connection with its proposed acquisition of the Allied Chemical refinery, Union Texas Petroleum Division, in Winnie, Tex.)	FEE-2952	Exception to mandatory petroleum allocation regulations (pt. 211).
Do.....	Kamur Industries, Inc., Oakland, Calif. (If granted: Kamur Industries, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Mobil Oil Corp.)	FEE-2956	Exception to change supplier (sec. 211.9).
Do.....	Litchfield Oil Co., Inc., Dracut, Mass. (If granted: The FEA's remedial order would be rescinded and Litchfield Oil Co., Inc., would not be required to refund alleged overcharges in its sales of motor gasoline to Gas Merchants, Inc.)	FEA-0937	Appeal of FEA region I's romedial order.
Do.....	Santa Fuel, Inc., Bridgeport, Conn. (If granted: The FEA's Aug. 4, 1976, remedial order would be rescinded and Santa Fuel, Inc., would not be required to refund alleged overcharges in its sales of No. 2 fuel oil to the State of Connecticut.)	FEA-0936 FES-0936	Appeal of the FEA region I's remedial order dated Aug. 4, 1976. Stay requested.
Do.....	Superior Oil Co., (West Seminole), Houston, Tex. (If granted: Superior Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its West Seminole plant.)	FEE-2954	Price exception (sec. 212.165).
Aug. 24, 1976	Clark Equipment Co., Buchanan, Mich. (If granted: Clark Equipment Co. would receive an increase in its base-period use of propane for its Melroe Division plant.)	FEE-2959	Exception to increase, base period use (sec. 211.12).
Do.....	Go-Tane Service Stations, Inc., Chicago, Ill. (If granted: Go-Tane Service Stations, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base-period suppliers, Clark Oil & Refining Co. and Martin Oil Service.)	FEE-2958	Exception to change supplier (sec. 211.9).

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Date	Name and location of applicant	Case No.	Type of submission
Do	Great Southern Oil & Gas Co., Inc., Lafayette, La. (If granted: Crude oil produced from the Castille No. 1 well, located in St. Martin Parish, La., would be sold at upper tier ceiling prices.)	FEE-2957	Price exception (sec 212.74).
Do	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.05/gal for natural gas liquid products produced at the following natural gas plants: Bryans Mill, Cameron, Chitwood, Dewey, Levelland, Old Ocean, Pegasus, Spivey, and Wilcox.)	FEE-2960—FEE-2968	Price exception (sec. 212.165).
Do	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would receive an extension of the price relief granted on July 20 and July 30, 1976, to permit it to increase its prices to reflect nonproduct cost increases for natural gas liquid products produced at the following natural gas plants: Burnell, Chevron, Cow Island, Desdemona, Dollarhide, Electra Greeley, Hickok, Kettleman, Lisbon, Nueces River, Phillips, Putnam Oswego, Rio Bravo, Sholem Alefiem, Vanderbilt, and West Seminole.)	FEE-2994—FEE-3002; FEE-3004—FEE-3011	Extension of price relief in Mobil Oil Corp., 4 FEA par. 83,015 (July 20, 1976); Mobil Oil Corp., 4 FEA par. 83,028 (July 30, 1976).
Do	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases for natural gas liquid products produced at the La Gloria plant.)	FEE-3003	Price exception (sec. 212.165).
Do	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted on July 1, July 9, and Aug. 19, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Bayou Golna, Black Bayou, Camargo, Conley, Elk City, Hailey, Iowa, KNDU, Lake Washington, Lirette, Mermentau, Molino, Norco, O'Keene, Prentice, Sea Robin, Selling, Tallahala, TXL, Van, and Ventura.)	FEE-2972—FEE-2986; FEE-2988—FEE-2993	Extension of price relief in Shell Oil Co., 3 FEA par. 83,260 (July 1, 1976); Shell Oil Co., 3 FEA par. 83,268 (July 9, 1976); Shell Oil Co., 4 FEA par. ——— (Aug. 19, 1976).
Do	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Red Fish Bay plant.)	FEE-2987	Price exception (sec. 212.165).
Do	Sun Oil Co., Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted on July 22, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Belle Isle, Sun, and Wakita.)	FEE-2969—FEE-2971	Extension of price relief in Sun Oil Co., 4 FEA par. 83,017 (July 22, 1976).
Do	Vinalhaven Fuel & Marine Corp., Vinalhaven, Maine. (If granted: The FEA's remedial order would be rescinded and Vinalhaven Fuel & Marine Corp. would not be required to refund overcharges related to its sales of motos gasoline.)	FEA-0939 9	Appeal of FEA region I's remedial order.
Aug. 25, 1976	Blees Oil Co., Bouman, N. Dak. (If granted: Blees Oil Co. would not be required to file form FEA P112-M-1 for middle distillates.)	FEE-3015	Exception to reporting requirement (sec. 211.127).
Do	Doss, Inc., Eupora, Miss. (If granted: Doss, Inc., would be permitted to sell propane at price levels in excess of its maximum allowable price under sec. 212.164.)	FEE-3014	Price exception (sec. 212.164).
Do	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the price relief granted on July 30, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid peoducts produced at the following natural gas plants: Breckenridge, Chesterville, Como, Encinal, Eunice, Fannett, Gladewater, Krontz Springs, Lake Washington, Maysville, McLean, Mermentau, Mocane, Monahans, Monument, Moores Orchard, Shackelford, and Spear.)	FEE-3024—FEE-3041	Extension of price relief in Gulf Oil Corp., 4 FEA par. 83,025 (July 30, 1976).
Do	McCulloch Gas Processing Corp., Washington, D.C. (If granted: McCulloch Gas Processing Corp., would receive an extension of the price relief granted on June 29, 1976, to permit it to increase its prices to reflect nonproduct cost increases for natural gas products produced at the following natural gas plants: Belle, Fairview, Gillette, Hilight, Jamison, Oedekoven, Tule Creek, and Well Draw.)	FEE-3016—FEE-3023	Extension of relief in McCulloch Gas Processing Corp., 3 FEA par. 83,258 (June 29, 1976).
Do	Pioneer Operations Co., Inc., Russell, Kans. (If granted: Crude oil produced from the Flegler, Doran "A," Tittel "B," Krug "E," and Dolechek leases located in Rice, Barton, and Russell Counties, Kans., would be sold at upper tier ceiling prices.)	FEE-3012	Price exception (sec. 212.74).
Do	Ruthven, Inc., Russell, Kans. (If granted: Crude oil produced from the Ben Rein lease located in Russell County, Kans., would be sold at upper tier ceiling prices.)	FEE-3013	Do.
Aug. 26, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The FEA's July 13, 1976, information request denial would be rescinded and Atlantic Richfield Co. would receive access to documents concerning FEA region X's reassignment order dated Oct. 23, 1975, and a notice of probable violation issued to Arco on Dec. 9, 1975.)	FEA-0941	Appeal of FEA's information request denial.

Date	Name and location of applicant	Case No.	Type of submission
Do	Austral Oil Co., Inc., Houston, Tex. (If granted: The FEA's July 15, 1976, decision and order would be revised and Austral would receive additional price relief in connection with the crude oil produced from the Ackerly (Dean) Sand Unit located in Dawson and Martin Counties, Tex.)	FEA-0940	Appeal of exception relief in Austral Oil Co., Inc., (4 FEA par. 83,004 July 15, 1976).
Do	Louisiana Land & Exploration Co., New Orleans, La. (If granted: Louisiana Land & Exploration Co. would receive a stay from the provisions of sec. 211.63 pending a final determination of its exception request.)	FES-2845	Stay request.
Do	Saber Petroleum Corp., Inc., Washington, D.C. (If granted: The FEA's July 6, 1976, interpretation would be rescinded and Saber Petroleum Corp., Inc., would be permitted to establish new classes of purchaser for customers obtained May 15, 1973.)	FEA-0942	Appeal of FEA's interpretation dated July 6, 1976.
Do	Small's LP Gas Co., Wyatt, Mo. (If granted: Small's LP Gas Co. would be assigned a new, lower priced supplier of propane to replace its base-period supplier, Signal LP Gas Co.)	FEE-3042	Exception to change supplier (sec. 211.9).

[FR Doc.76-28615 Filed 9-27-76;1:52 am]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of August 27 Through September 3, 1976

Notice is hereby given that during the week of August 27 through September 3, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

SEPTEMBER 27, 1976.

Appendix

List of cases received by the Office of Exceptions and Appeals

[Week of Aug. 27 through Sept. 3, 1976]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 27, 1976	Glacier Park Co., Washington, D.C. (If granted: Glacier Park Co. would receive a temporary stay which would relieve the firm of the requirement that it purchase entitlements valued at $238,003.99 by Sept. 1, as indicated on the FEA's entitlement notice for June 1976.)	FST-0013	Request for temporary stay.
Do	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Altamont, Calument, Fashing, Grand Chenier, and West Lake Verret.)	FEE-3044—FEE-3048	Price exception (sec. 212.165).
Aug. 30, 1976	Hilderbrand, Harold G. Schenectady, N.Y. (If granted: The FEA's Aug. 17, 1976, information request denail would be rescinded and Harold G. Hilderbrand would receive access to certain compliance case file materials.)	FEA-0944	Appeal of information request denial dated Aug. 17, 1976.
Do	Kinder, Harold H., Beckley, W. Va. (If granted: Harold H. Kinder would be permitted to increase his prices for motor gasoline above his maximum allowable price determined pursuant to the mandatory petroleum price regulations.)	FEE-3050	Price exception (sec. 212.93).
Do	Laketon Asphalt Refining, Inc., Evansville, Ind. (If granted: The FEA's Aug. 13, 1976, decision and order would be rescinded in part and Laketon Asphalt Refining, Inc., would be granted relief from its entitlement obligations for the months of April and May 1976.)	FEA-0943	Appeal of exception relief in Laketon Asphalt Refining, Inc., 4 FEA par. —— (Aug. 13, 1976).
Do	Laketon Asphalt Refining, Inc., Evansville, Ind. (If granted: Laketon Asphalt Refining, Inc., would be relieved of its purchase obligations under the notice of special correction dated July 22, 1976, issued pursuant to sec. 211.67(j)(2).)	FEE-3043	Exception to notice of special correction (sec. 211.67(j)(2)).
Do	Saveway Gas & Applicance, Inc., Dexter, Mo., (If granted: Saveway Gas & Applicance, Inc., would receive an extension of the relief granted on Mar. 31, 1976, and would be assigned a new, lower priced supplier of propane to replace its base period suppliers, NGL Supply, Inc.)	FEE-3049	Extension of exception relief in Saveway Gas & Appliance, Inc., 3 FEA par. 83,150 (Mar. 31, 1976).
Do	Various small refiners (If granted: Certain small refiners would be required to purchase entitlements in order to offset the excessive benefits which they received as a result of exception relief which was granted to them in 1975. See FEDERAL REGISTER notice of Aug. 30, 1976, 41 F.R. 36540.)	FEX-0059—FEX-0076	Supplemental order.
Do	Various small refiners (If granted: Certain small refiners would be authorized to sell entitlements on the basis that they did not receive a sufficient measure of exception relief in 1975. See FEDERAL REGISTER notice of Aug. 30, 1976. 41 F.R. 36540.)	FEX-0077—FEX-0084	Do.

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Date	Name and location of applicant	Case No.	Type of submission
Do	Western Oil Lands, Inc., Washington, D.C. (If granted: Crude oil produced from the Eagle Springs Field wells located in Nye County, Nev., would be classified as "new oil" for purposes of 10 CFR, pt. 211.)	FEE-3051	Allocation exception (pt. 211).
Aug. 31, 1976	Consumers Fuel Co., Inc., Martinsburg, W. Va., (If granted: The FEA's June 23, 1976, remedial order would be rescinded and Consumers would not be required to refund overcharges in its sales of heating oil.)	FEA-0946	Appeal of FEA remedial order dated June 23, 1976.
Do	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Co would receive an extension of the relief granted on July 30, 1976, and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Acadia, Burnell, Elk Basin, Elk City, Hamlin, Kettleman Hills, Maljamar, Medford, North Cowden, North Okarcho, Okeene, Ramsey, Rincon, South Hampton, Sussex, West Seminole, West World, and Ward.)	FEE-3057—FEE-3074	Extension of exception relief in Continental Oil Co., 4 FEA par. 83,023 (July 30, 1976).
Do	Superior Oil Co., Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the relief granted on June 22 and June 29, 1976, and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Cymric, Elk City, Kettleman Hills, Levelland, and Portilla.)	FEE-3052—FEE-3056	Extension of relief granted in Superior Oil Co., 3 FEA par. 83,362 (June 29, 1976); Superior Oil Co., 3 FEA par. 80,656 (June 22, 1976).
Sept. 1, 1976	ECO Petroleum Corp., Houston, Tex. (If granted: ECO Petroleum Corp. would be assigned a new, lower priced supplier of motor gasoline to replace its base period suppliers, Foremost Petroleum Corp., and Ada Resources, Inc.)	FEE-3075	Exception to change supplier (sec. 211.9).
Sept. 2, 1976	Cathey, John J., Colorado Springs, Colo. (If granted: The FEA's July 30, 1976, decision and order would be rescinded and Cathey would be permitted to retain $19,285.93 in revenues which he realized by charging prices in excess of the lower tier ceiling price for crude oil produced from the Peterson lease located in Kimball, Nebr.)	FEA-0945	Appeal of FEA's decision and order in John J. Cathey, 4 FEA par. 83,022 (July 30, 1976).
Do	Dumont 66 Service, Dumont, Iowa (If granted: Dumont 66 Service would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Ritchie Oil Co.)	FEE-3076	Exception to change supplier (sec. 211.9).
Do	Kathol Petroleum Inc.: Tomlinson Oil Co., Inc., Wichita, Kans. (If granted: Kathol Petroleum, Inc., and Tomlinson Oil Co., Inc., would be permitted to pass through nonproduct costs in excess of $0.005 per gallon in computing its prices for natural gas products.)	FEE-3079	Price exception (sec. 212.165).
Do	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Phillips Petroleum Co. would be granted an exception from 10 CFR 212.83(h) and be allowed to exclude its sales of butanes and natural gasoline to Lion Oil Co. from its cost recovery calculations.)	FEE-3078	Price exception (sec. 212.83(h)).
Do	Sav-Mor Oil Co., Los Angeles, Calif. (If granted: Sav-Mor Oil Co. would be assigned a new, l wer priced supplier of motor gasoline to replace its base period supplier, Time Oil Co.)	FEE-3080	Exception to change supplier (sec. 211.9).
Do	Sun Gas Co., Dallas, Tex. (If granted: Sun Gas Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Fordoche, Pledger, Slaughter, and Victoria.)	FEE-3081—FEE-3084	Price exception (sec. 212.165).
Do	Western Slope Fuel Co. Denver, Colo. (If granted: The FEA's notice of probable violation would be rescinded and Western Slope Fuel Co. would not be required to refund alleged overcharges on its sales of butane and would be permitted to increase its prices for butane by $0.005 per gallon to reflect nonproduct cost increases.)	FEE-3077	Price exception (sec. 212.93(b)(4) and 212.165)
Do	Kerr-McGee Corp.; Southwestern Refining Co., Washington, D.C. (If granted: Kerr-McGee would be permitted to continue to treat its subsidiary, Southwestern Refining, as a separate firm for purposes of 10 CFR, pt. 212.)	FEE-3086	Price exception (sec. 212.111(c)(1)).
Sept. 3, 1976	Koch Refining Co., Wichita, Kans. (If granted: Koch Refining Co.'s allocation of Canadian crude oil would be adjusted to reflect expansion of its Pine Bend refinery capacity during the base period pursuant to sec. 214.31.	FEE-3085	Exception to mandatory Canadian crude oil allocation regulations (sec. 214.31).

[FR Doc.76-28616 Filed 9-27-76;1:52 am]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 3 Through September 10, 1976

Notice is hereby given that during the week of September 3 through September 10, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

SEPTEMBER 27, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Sept. 3, through Sept. 10, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Sept. 3, 1976	Porter, W. H., Midwest City, Okla. (If granted: The Kirchmeir Lease well located in Lincoln County, Okla., would be classified as a stripper well.)	FEE-3087	Price exception (sec. 212.74)
Sept. 7, 1976	Oil Development Co. of Texas, Washington, D.C. (If granted: The Oil Development Co. of Texas would receive an extension of the price relief granted in FEA's Aug. 19, 1976, decision and order.)	FEE-3088	Extension of the price relief granted in Oil Development Co. of Texas, 4 FEA par. ..... (Aug. 19 1976).
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: FEA's Aug. 6, 1976, decision and order would be rescinded and Union Oil Co. would be permitted to determine the price of crude oil produced from the Trading Bay Unit in MacArthur River Field without regard to the current cumulative deficiency which has accrued since Apr. 8, 1976.)	FEA-0947	Appeal of FEA's decision and order in Union Oil Co. of California, 4 FEA par. 83,039 (Aug. 6, 1976).
Sept. 8, 1976	W. L. Arthur d.b.a. Arthur's, Marshfield, Mo. (If granted: Arthur's would be assigned a new supplier of motor gasoline to replace its base-period supplier, Springfield Oil Co.	FEE-3089	Exception to change suppliers.
Do	Blees Oil Co., Bowman, Mont. (If granted: Blees Oil Co. would receive an exception from there quirements of 10 CFR 212.93.)	FEE-3106	Price exception (sec. 212.93).
Do	Energy Corp. of Louisiana Ltd., New Orleans, La. (If granted: ECOL would be permitted to establish its prices for motor gasoline in a manner different from that prescribed under sec. 212.111(b)(ii), the new item rule.)	FEE-3105	Price exception (sec. 212.111).
Do	Inexco Oil Co., Houston, Tex. (If granted: Inexco Oil Co. would receive an exception from the certification requirements of 10 CFR 212.131(a)(3).)	FEE-3104 FES-3104	Price exception (sec. 212.131).
Do	Sauder, E. W., Emporia, Kans. (If granted: Retroactive exception relief would be granted to permit the sale of the crude oil produced from the Babinger-Perrier and Rossillon leases at upper tier ceiling prices.)	FEE-3090	Price exception (sec. 212.73).
Do	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Buckeye, Coalinga Nose, Garvin County, Handy, Kettleman Hills, Lignite, Luby, Maurice, New Hope, Shiells Canyon, South Kermit, Wilson Creek, and Van.)	FEE-3091—FEE-3103	Price exception (sec. 212.165).
Sept. 9, 1976	Hudson Oil Co., Inc., Washington, D.C. (If granted: Hudson Oil Co., Inc., would receive exceptions from various FEA regulations to enable it to acquire a refinery from Midland Cooperatives, Inc.)	FEE-3107	Exceptions regarding the proposed acquisition of a refinery.
Do	Midland Cooperatives, Inc., Minneapolis, Minn. (If granted: Midland Cooperatives, Inc., would receive exceptions from various FEA regulations to enable it to sell its Cushing, Okla., refinery.)	FEE-3108	Exceptions regarding the proposed sale of its refinery.

[FR Doc.76-28617 Filed 9-27-76;1:52 am]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 13 Through September 17, 1976

Notice is hereby given that during the week of September 13 through September 17, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

SEPTEMBER 27, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Sept. 10 to Sept. 17, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Sept. 13, 1976	A & N Producing Services, Inc., Jackson, Miss. (If granted: Crude oil produced from the USA Well No. 2 located in Franklin County, Miss., would be sold at upper tier ceiling prices.)	FEE-3110	Price exception (sec. 212.74).
Do	Capitol Oil Co., Baltimore, Md. (If granted: Region III's decision and order denying exception relief would be rescinded and Capitol Oil Co. would be permitted to retroactively increase its prices on sales of No. 2 heating oil.)	FEA-0951	Appeal of region III's decision and order.
Do	Confederated Tribes of the Warm Springs Reservation, Warm Springs, Oreg., (If granted: The Confederated Tribes of the Warm Springs Reservation would be assigned a new supplier of gasoline to replace their base-period supplier, Pugh Oil Co.)	FEE-3111	Exception to change suppliers

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Date	Name and location of applicant	Case No.	Type of submission
Do	H. L. Mills Petroleum Products, Hagerstown, Md. (If granted: H. L. Mills Petroleum Products would receive an extension of the relief granted in FEA's July 1, 1976, decision and order assigning to the firm a lower priced supplier of motor gasoline.)	FEX-0086	Extension of exception relief granted in H. L. Mills Petroleum Products, 3 FEA par. 83,255 (July 1, 1976).
Sept. 14, 1976	Amoco Production Co., Chicago, Ill. (If granted: Amoco Production Co. would receive an extension of the exception relief granted on Aug. 27, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Luby, North Cowden, and Old Ocean Plants.)	FEE-3130—FEE-3132	Extension of price relief granted in Amoco Production Co., 4 FEA par. ------ (Aug. 27, 1976).
Do	Barnes Petroleum Corp., Mountain View, Okla. (If granted: Crude oil produced from the Southwest Carnegie Field would be sold at upper tier ceiling prices.)	FEE-3112	Price exception (sec. 212.74).
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Adena, Bakke, Cotton Valley, Dollarhide, Dominquez, Gillette, Houma, Kettleman Hills, Lisbon, Paloma, Putnam, Oswego, Rio Bravo, Santa Maria Valley, South Coles Levee, Stearns, Van, and Worland.)	FEE-3113—FEE-3129	Price exception (sec. 212.165).
Sept. 15, 1976	Frank H. McGehee, Natchez, Miss. (If granted: FEA's Aug. 27, 1976, decision and order would be rescinded and Crude oil produced from the USA-26-6 well would be sold at upper tier ceiling prices.)	FEA-0952	Appeal of FEA's decision and order in Frank H. McGehee, 4 FEA par. ------ (Aug. 27, 1976).
Do	Northern Gas Products Co., Omaha, Nebr. (If granted: Northern Gas Products Co. would receive an extension of the relief granted on Aug. 27, 1976, and would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products.)	FEE-3134	Extension of exception relief in Northern Gas Products Co., 4 FEA par. ------ (Aug. 27, 1976).
Do	Northwest Propane, Inc., Farmington, Mich. (If granted: Northwest Propane, Inc., would receive an extension of the exception relief granted on Apr. 2, 1976, assigning to the firm a lower priced supplier of propane to replace its base-period supplier, Petrolane Gas Co.)	FEE-3136	Extension of exception relief granted in Northwest Propane, Inc., 3 FEA par. 83,147 (Apr. 2, 1976).
Do	Oil Properties Co., Inc., Augusta, Kans. (If granted: The Lang Lease located in Ellis County, Kans., would retroactively be classified as a stripper well.)	FEE-3133	Price exception (sec. 212.74).
Do	Tresler Oil Co., Cincinnati, Ohio. (If granted: Tresler Oil Co. would receive an increase in its base-period use of motor gasoline for the stations which it purchased from Omega Oil.)	FEE-3135	Allocation relief.
Sept. 16, 1976	Bear Oil Co., Clearfield Pa. (If granted: Beard Oil Co.'s total base-period use would be supplied by Exxon rather than Exxon and Amoco.)	FEE-3137	Exception to change suppliers.
Do	Eagle Oil Co., Columbus, Ohio. (If granted: Eagle Oil Co. would receive an extension of the exception relief which resulted in the assignment of a lower priced supplier.)	FEE-3138	Extension of exception relief granted in Eagle Oil Co., 3 FEA par. 80,523 (June 24, 1976).
Do	Skelly Oil Co., Tulsa, Okla. (If granted: FEA's Sept. 2, 1976, remedial order concerning the allocation of increased product costs to volumes of catalyst coke would be rescinded.)	FEA-0953	Appeal of FEA's Sept. 2, 1976, remedial order.

[FR Doc.76-28618 Filed 9-27-76;1:52 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-659]

ALABAMA POWER CO.

Compliance Filing

SEPTEMBER 24, 1976.

Take notice that on August 25, 1976, Alabama Power Company (Company) tendered for filing revised exhibits BMG-5 and BMG-6 to its original filing in this docket on April 30, 1976. The Company states that the filing is in compliance with the Commission's order of July 27, 1976, and eliminates that portion of the original filing which attempted to revise the reserve requirements under Section 5.04 and to eliminate Section 5.06 of the Interconnection Agreement between the Company and Alabama Electric Cooperative, Inc.

The Company further states that a copy of the revised exhibits has been served on each person designated on the official service list.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28763 Filed 9-30-76;8:45 am]

[Rate Schedule Nos. 375, et al.]

ATLANTIC RICHFIELD CO., ET AL.

Notice of Rate Change Filings

SEPTEMBER 23, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 25, 1976	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	375	Trunkline Gas Co	Texas Gulf Coast.
Sept. 2, 1976	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	52	do	Do.
Sept. 7, 1976	CRA, Inc., P.O. Box 7305, Kansas City, Mo. 64116.	48	Northern Natural Gas Co	Permian Basin.
Sept. 9, 1976	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	101	Texas Eastern Transmission Corp.	Other southwest.
Do	do	113	do	Do.
Do	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	23	United Gas Pipe Line Co	Texas Gulf Coast.
Sept. 13, 1976 [1]	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	47	Trunkline Gas Co	Do.
Do	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	89	Tennessee Gas Pipeline Co	South Louisiana.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	111	Cities Service Gas Co	Hugoton-Anadarko.
Sept. 15, 1976	Texaco Inc., P.O. Box 3109, Midland, Tex. 79701.	216	Natural Gas Pipeline Co. of America.	Do.
Do	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	254	United Gas Pipe Line Co	Southern Louisiana.
Sept. 14, 1976	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	115	do	Other southwest.

[1] Previously filed Apr. 26, 1976. Filings were lost and resubmitted.

[FR Doc.76-28611 Filed 9-27-76;8:45 am]

[Docket No. RP76-153]

BACA GAS GATHERING SYSTEM, INC.

Rate Increase

SEPTEMBER 24, 1976.

Take notice that on September 13, 1976, Baca Gas Gathering System, Inc. (Baca) tendered for filing Third Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 3.

Baca states that the purpose of the filing is to track increased purchased gas costs occasioned by the Commission's Opinion No. 770, issued July 27, 1976. The proposed changes, according to Baca, will increase its revenues by $559,000, with its expenses increasing by $517,000.

Baca requests that Third Revised Sheet No. 3-A become effective on the date of tender because the size of the increase in purchased gas cost is so large as to require immediate tracking. Baca requests that Fourth Revised Sheet No. 3-A become effective October 1, 1976, so that no lag will exist between the 1¢/Mcf escalation under Opinion No. 770 and Baca's tracking of the escalation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28773 Filed 9-30-76;8:45 am]

[Docket No. ER76-893]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Interconnection Agreement

SEPTEMBER 23, 1976.

Take notice that on September 7, 1976, Central Illinois Public Service Company (CIPS) tendered for filing an Interconnection Agreement dated August 31, 1976, between Central Illinois Light Company and CIPS. The primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties, and to expand their coordinated interconnection operation, states CIPS.

Services to be provided under the following five Service Schedules are:

1. Service Schedule A—Emergency Service.

2. Service Schedule B—Maintenance Power.

3. Service Schedule C—Economy Energy.

4. Service Schedule D—Short Term Firm Power.

5. Service Schedule E—Short Term Non-Firm Power.

An effective date of August 31, 1976 for the Interconnection Agreement and September 30, 1976 for Service Schedules under this Agreement is requested. The Agreement shall continue until terminated by either party who must give at least 36 months prior written notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28793 Filed 9-30-76;8:45 am]

[Docket No. RI76-155]

CHARLES B. WILSON, JR., LTD.

Petition for Special Relief

SEPTEMBER 24, 1976.

Take notice that on September 15, 1976, Charles B. Wilson, Jr., Ltd., Westhall Building, 1616 West Loop South, Houston, Texas 77027, filed a petition for special relief in Docket No. RI76-155 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge 65 cents per Mcf for the sale of gas to Colorado Interstate Gas Company from the Rosa B. Neff Gas Unit No. 1, Keyes Field, Cimarron County, Oklahoma. The subject gas is currently being sold at the rate of 40 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28785 Filed 9-30-76;8:45 am]

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[Docket No. RP76-13]

CITIES SERVICE GAS CO.

Conference on Rates and Charges

SEPTEMBER 24, 1976.

Take notice that on October 13, 1976, a conference of all parties to intervene in this proceeding, the Cities Service Gas Company, any interested customers, and the Commission Staff will be held in Conference Room No. 5200 at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., at 10 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested State Commissions.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28761 Filed 9-30-76;8:45 am]

[Docket No. RP75-106]

COLUMBIA GAS TRANSMISSION CORP.

Revised Tariff Sheets

SEPTEMBER 24, 1976.

Take notice that on September 16, 1976 Columbia Gas Transmission Corporation (Columbia) tendered for filing these revised tariffs, each proposed to be effective on the date indicated:

(a) Substitute Twenty-Fifth Revised Sheet No. 16—December 15, 1975;

(b) Second Substitute Twenty-Sixth Revised Sheet No. 16—January 15, 1976;

(c) Second Substitute Twenty-Seventh Revised Sheet No. 16—March 2, 1976;

(d) Second Substitute Twenty-Eighth Revised Sheet No. 16—July 2, 1976;

(e) Substitute Twenty-Ninth Revised Sheet No. 16—September 2, 1976.

All these are changes to Columbia's FPC Gas Tariff, Original Volume No. 1.

Columbia states that these revised sheets present the settlement rates for the captioned docket, and are filed in accordance with ordering Paragraph (C) of the Commission's Order issued September 13, 1976 in this proceeding.

Columbia states further that copies of this filing were served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28780 Filed 9-30-76;8:45 am]

[Docket No. RP75-106 (AP76-1)]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 24, 1976.

Take notice that on September 16, 1976 Columbia Gas Transmission Corporation (Columbia) tendered for filing Thirtieth Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1, Columbia states the purpose of the filing is to track advance payments in accordance with Article VII of the Settlement Agreement in the referenced dockets; accepted by the Commission by order issued September 13, 1976.

Columbia indicates that the revised tariff sheet reflects a tracking increase of 0.78¢ per Mcf as the result of inclusion in rate base of $53,512,447 which represents the net increase in advance payment amounts not reflected previously in Columbia's rates.

Columbia proposes an effective date of October 16, 1976 for the tendered sheet. Columbia states copies of this tender were served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28781 Filed 9-30-76;8:45 am]

[Docket Nos. RP69-19 and RP72-157 (Refund)]

CONSOLIDATED NATURAL GAS CO.

(Refund.)

SEPTEMBER 24, 1976.

Take notice that on February 9, 1976 Consolidated Gas Supply Corporation (Consolidated) filed a document in which it stated it received a refund in the amount of $101,616.85 from Texas Eastern Transmission Corporation. Of this amount, Consolidated stated $97,172.53 is applicable to its jurisdictional sales.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28762 Filed 9-30-76;8:45 am]

[Docket No. RP76-102]

DISTRIGAS CORP.

Revised Tariff Sheet

SEPTEMBER 23, 1976.

Take notice that on August 19, 1976 Distrigas Corporation (Distrigas) tendered for filing Second Substitute Original Sheet No. 2 to its Special Rate Schedule No. 7. Distrigas states that this Substitute Sheet is intended to pay through to Distrigas of Massachusetts Corporation the charge that Distrigas has been authorized by the Commission to pay to its supplier of imported LNG. Distrigas states that the current price of LNG for the twelve-month period ending March 31, 1977 is 74¢ per MMBtu.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR, Doc.76-28787 Filed 9-30-76;8:45 am]

[Docket No. E-9453]

DUKE POWER CO.

Revised Rate Schedule Supplements

SEPTEMBER 23, 1976.

Take notice that Duke Power Company on September 13, 1976, tendered for filing revised rate schedule supplements in purported compliance with the Commission's order in Docket No. E-9453, dated August 17, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 12, 1976. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene-Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28777 Filed 9-30-76;8:45 am]

[Docket No. RP72-134 (PGA76-18A)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 13, 1976, tendered for filing Second Substitute Thirty-Second Revised Sheet No. 3A Superseding Substitute Thirty-Second Revised Sheet No. 3A and Second Substitute Thirty-Second Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective September 1, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by $.005 per Mcf. These decreases reflect corresponding decreases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 30, 1976, in FPC Docket Nos. RP75-3 and RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of September 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28788 Filed 9-30-76;8:45 am]

[Docket No. RP72-134 (PGA76-19)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 13, 1976, tendered for filing Third Substitute Thirty-First Revised Sheet No. 3A Superceding Second Substitute Thirty-First Revised Sheet No. 3A and Third Substitute Thirty-First Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective August 1, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by $.005 per Mcf. These decreases reflect corresponding decreases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 30, 1976, in FPC Docket Nos. RP75-3 and RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of August 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28789 Filed 9-30-76;8:45 am]

[Docket No. RP72-134 (PGA 76-20)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 13, 1976, tendered for filing Thirty-Third Revised Sheet No. 3A Superceding Substitute Thirty-Second Revised Sheet No. 3A and Thirty-Third Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective October 1, 1976, will increase the commodity or delivery charges of Eastern Shore's. These increases reflect corresponding increases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 13, 1976, in FPC Docket No. RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of October 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 13, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8. 1.10). All such petitions or protests should be filed on or before October 13. 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28790 Filed 9-30-76;8:45 am]

[Docket No. RP72-134 (PGA76-20A)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore)

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on September 13, 1976, tendered for filing Substitute Thirty-Third Revised Sheet No. 3A Superceding Thirty-Third Sheet No. 3A and Substitute Thirty-Third Revised PGA–1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective October 1, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD–1, CD–E, E–1, I–1 and PS–1 by $.005 per Mcf. These decreases reflect corresponding decreases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 30, 1976, in FPC Docket Nos. RP75–3 and RP75–75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of October 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28791 Filed 9–30–76;8:45 am]

[Docket Nos. RP75–1, RP75–53, and RP76–24]

FLORIDA GAS TRANSMISSION CO.

Filing of Stipulation and Agreement

SEPTEMBER 24, 1976.

Take notice that on September 14, 1976, Presiding Administrative Law Judge Samuel Z. Gordon certified to the Commission a proposed Stipulation and Agreement which had been tendered into evidence by Florida Gas Transmission Company (Florida Gas) at a joint hearing held September 10, 1976 in the three proceedings captioned above. The proposed Stipulation and Agreement, if approved, will effectively resolve all issues in the rate proceedings at Docket No. RP76–24 as well as the rate of return issues in Docket Nos. RP75–1 and RP75–53 which were reserved for hearing and decision by prior Commission orders.

Any person wishing to do so may submit written comments concerning the proposed Stipulation and Agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before October 8, 1976. Reply comments, if any, should be submitted by October 18, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28775 Filed 9–30–76;8:45 am]

[Docket No. ES76–76]

GULF STATES UTILITIES CO.

Application

SEPTEMBER 24, 1976.

Take notice that on September 17, 1976, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $160,000,000 principal amount of unsecured short-term promissory Notes.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Louisiana and vicinity.

Applicant proposes to issue the Notes to commercial banks, insurance companies and similar institutions and to commercial paper dealers. Notes will be issued on various dates and for varying periods of time, but no note issued to a commercial bank, insurance companies or similar institutions will have a maturity of more than one year from the date of its issuance and no note issued to commercial paper dealers will have a maturity of more than nine months from the date of its issuance. In no event shall any such notes have a maturity after December 31, 1979.

The proceeds from the Notes will be added to the general funds of the Applicant and will be used, among other things, to provide part of the interim funds for current construction expenditures made and to be made.

Applicant has requested that the issuance of the commercial paper be exempted from competitive bidding requirements.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 15, 1976, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28770 Filed 9–30–76;8:45 am]

[Docket No. ID–1551]

JAMES EDWIN HOBBS

Application

SEPTEMBER 24, 1976.

Take notice that on September 15, 1976, James Edwin Hobbs (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Vice President, Delmarva Power & Light Company, Public Utility.
President, Delmarva Power & Light Company of Maryland, Public Utility.
President, Delmarva Power & Light Company of Virginia, Public Utility.

Delmarva Power & Light Company is principally engaged in the generation, transmission and distribution of electrical energy throughout the State of Delaware. Owns and operates transmission lines, interconnecting with similar facilities of Delmarva Power & Light Company of Maryland, Philadelphia Electric Company, Atlantic City Electric Company and Conowingo Power Company. Also owns and operates plants and properties for the manufacture and distribution of gas within New Castle County, Delaware.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28767 Filed 9–30–76;8:45 am]

[Docket No. RP76–87]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Conference

SEPTEMBER 23, 1976.

Take notice that on October 5, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 8402, at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. at 10:00 A.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, the jurisdictional customers and interested state commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28779 Filed 9–30–76;8:45 am]

[Docket No. ES76–77]

IOWA ELECTRIC LIGHT AND POWER CO.

Application

SEPTEMBER 24, 1976.

Take notice that on September 20, 1976, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell $7,000,000 principal amount of Series P First Mortgage Bonds and $2,200,000 principal amount of Series O First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Series P and Series O First Mortgage Bonds which will have a maturity not to exceed thirty years will be issued on approximately December 1, 1976 under the Applicant's Indenture of Mortgage and Deed of Trust, dated August 1, 1940, as heretofore amended and supplemented by forty-four supplemental indentures and as to be further supplemented by a forty-fifth supplemental indenture to be dated as of December 1, 1976 between the Company and The First National Bank of Chicago, as Trustee. The First Mortgage Bonds will not be sold but upon issuance will be delivered to a Trustee, or Trustees, designated as Assignee by the Cities of Marshalltown and Boone, Iowa, to be held as security for the obligation of the Company to pay principal, premium, if any, and interest on tax exempt Pollution Control Bonds to be issued and sold by Marshalltown, Iowa in the principal amount of $7,000,000 and by Boone, Iowa in the principal amount of $2,200,000.

The purpose for which the proceeds from the sale of the Pollution Control Bonds are to be used is to finance the construction of pollution control facilities at the Company's generating stations in Marshalltown and Boone, Iowa.

Any person desiring to be heard or to make protest with reference to this Application should on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28786 Filde 9–30–76;8:45 am]

[Docket No. RP73–91, PGA76–3]

MCCULLOCH INTERSTATE GAS CORP.

Purchased Gas Adjustment Clause

SEPTEMBER 24, 1976.

Take notice that on August 31, 1976, McCulloch Interstate Gas Corporation ("McCulloch Interstate") tendered for filing copies of Eighth Revised Sheet No. 32 to its FPC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

McCulloch Interstate's Eighth Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate increase of 17.42¢ per MMBtu, effective October 1, 1976. McCulloch Interstate's filing is made in order to: (1) recover the balance in McCulloch Interstate's Unrecovered Purchased Gas Cost Account as of June 30, 1975 and June 30, 1976 and (2) to provide for a current Gas Cost Adjustment in order to permit McCulloch Interstate to recover the higher cost of gas purchases which it is currently incurring.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28774 Filed 9–30–76;8:45 am]

[Docket No. RP75–96]

MICHIGAN WISCONSIN PIPE LINE CO.

Tender of Stipulation and Agreement

SEPTEMBER 23, 1976.

Take notice that on September 3, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), tendered for filing a Stipulation and Agreement together with a Motion for approval thereof to resolve the issues pending in the above-captioned docket.

Michigan Wisconsin states that it has pending before the Commission a general rate increase proceeding resulting from a filing made on April 30, 1975, the effectiveness of which was suspended until November 1, 1975, by the Commission's order of May 19, 1975. Michigan Wisconsin states that the Stipulation and Agreement provides for a reduction in the cost of service of $23,637,187 below the cost of service filed on April 30, 1975, exclusive of changes in the cost of purchased gas. Under the Stipulation and Agreement, issues relating to the proposed rate base treatment of certain advance payments and costs associated with the Gas Arctic and Northern Border projects are reserved for Commission decision.

Copies of the Stipulation and Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 7, 1976. Any reply comments should be filed on or before October 28, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28765 Filed 9–30–76;8:45 am]

[Docket No. RM75–14]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS

Order Permitting Intervention and Allowing Time for Oral Argument

SEPTEMBER 17, 1976.

The Commission received on September 16, 1976, a petition for leave to intervene and request for time for oral argument from Mr. George B. Kaiser, President of Kaiser-Francis Oil Company (Kaiser Oil). The petition alleges that Kaiser Oil is a small independent gas producer and the interest of such producers are not adequately repre-

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sented by any other parties to the proceeding.

On September 16, 1976, the Commission received a letter from Mr. James F. Flug, counsel for the "Energy Action Committee." The letter complains of not having received notice of the present oral argument, and requests time to reply to what is alleged to be "• • • a direct personal attack on us by Tom Johnson of Shell Oil in his opening remarks • • •."

Proper notice of this proceeding was given to all parties in accordance with the Commission's regulations, and was widely publicized in both the general and trade news media. In addition, the Commission heard no specific attacks on Mr. Flug and his Committee during the aforementioned presentation. There were remarks critical of unspecified groups of people, among whom Mr. Flug may consider himself. We will allow this group to appear.

The Commission finds: (1) That it may be in the public interest to allow the intervention of Kaiser-Francis Oil Company.

(2) That it may be in the public interest to allow the presentation of oral argument on September 17, 1976, for not more than ten minutes by Kaiser-Francis Oil Company, and by Energy Action Committee.

The Commission orders: (A) That Kaiser-Francis Oil Company be permitted to intervene and to present oral argument for not more than ten minutes on September 17, 1976.

(B) That Energy Action Committee be permitted to present oral argument for not more than ten minutes on September 17, 1976.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28784 Filed 9-30-76;8:45 am]

[Docket No. CP76-517]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

SEPTEMBER 22, 1976.

Take notice that on September 9, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-517 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission and storage facilities to enable Applicant to provide an additional storage service to its customers under a proposed new Rate Schedule LS-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in order to provide its customers with additional flexibility in the operation of their systems and to enhance reliability of service to the ultimate consumer, Applicant proposes to expand its storage fields in Iowa and Illinois to increase daily withdrawal capacity by 124,000 Mcf in order to provide the proposed new LS-2 service to its customers. It is said that the Iowa and Illinois storage fields are sufficiently large to permit the proposed expansion.

It is indicated that in order to provide flexibility to the customers in their utilization of the proposed storage service, a total of 100 days top storage withdrawal would be available over a period beginning December 1 of each year and continuing through March 31, of the next year, with the maximum available to each customer being 100 times its contracted daily withdrawal quantity. To enable Applicant to provide this leased storage service, Applicant proposes to allocate from the existing entitlements of participating customers (1) 12,400,000 Mcf of top storage gas each year; (2) 310,000 Mcf of fuel gas each year, and (3) 24,800,000 Mcf of cushion gas for the first year of LS-2 service only.

The application shows that service agreements covering LS-2 service would be for a period of ten years commencing April 1, 1977, but would be cancellable on one year's notice by Applicant if, in Applicant's judgment, the severity of curtailment on its system requires. It is asserted that upon termination of the LS-2 service, cushion gas would be returned to Applicant's customers.

Applicant proposes that this service would be billed under a monthly demand charge applied uniformly throughout the year. It is indicated that the demand charge would be based on Applicant's average cost of providing 100-day storage, excluding cushion gas and fuel gas cost in recognition that customers are furnishing the cushion and fuel gas for the service, plus a component attributable to the allocated portion of the cost of Applicant's North End pipeline loopings between its market storage fields and the terminus of its system.

Applicant states that it would offer the LS-2 storage service to all its customers, allocating the 124,000 Mcf per day among them pro rata to their existing daily contract quantities under Rate Schedules DMQ-1 and G-1 and that the volumes not accepted would then be re-offered to those customers which did elect to participate in the LS-2 storage service, until the total volume is contracted for.

In order to effectuate the proposal herein while at the same time continuing to provide the storage services and make the withdrawals for storage services for Applicant's own account previously certificated by the Commission, Applicant requests that the inventory limitations of the storage field proposed to be expanded, imposed as conditions to certificate authorization heretofore issued, be increased to levels as follows:

Storage field:	*1,000 cubic feet*
Columbus City—St. Peter	9,000,000
Columbus City—St. Simon Reservoir	35,000,000
Cairo Galesville	15,000,000
Cairo St. Peter	27,000,000
Carlo—Mt. Simon Reservoir	45,000,000
Loudon—Devonian	72,000,000

Applicant also proposes to construct and operate the following:

1. Approximately 1.6 miles of 6-inch, 8-inch, and 20-inch gathering pipeline, drill and connect four injection-withdrawal wells and other miscellaneous facilities at Applicant's Columbus City—Mt. Simon Storage Field in Louisa County, Iowa;

2. Approximately 2.8 miles, of 6-inch, 8-inch, 10-inch, and 12-inch gathering pipeline, drill and connect four injection-withdrawal wells and other miscellaneous facilities at Applicant's Columbus City—Mt. Simon Storage Field in Louisa County, Iowa;

3. Approximately 2.1 miles of 6-inch, 10-inch, 12-inch, and 16-inch gathering pipeline, drill and connect seven injection-withdrawal wells and other miscellaneous facilities at Applicant's Carlo—Mt. Simon Storage Field in Louisa County, Iowa;

4. Approximately 2.1 miles of 6-inch and 8-inch gathering pipeline, drill and connect five injection-withdrawal wells, recomplete one well for injection and withdrawal use and other miscellaneous facilities at Applicant's Cairo Galesville Storage Field in Louisa County, Iowa;

5. Approximately 5.7 miles of 6-inch, 10-inch, 12-inch and 16-inch gathering pipeline, drill and connect five injection-withdrawal wells, recomplete two wells for injection-withdrawal use and other miscellaneous facilities at Applicant's Carlo—St. Peters Storage Field in Louisa County, Iowa;

6. Approximately 1.8 miles of 6-inch and 8-inch gathering pipeline, drill and connect two injection-withdrawal wells, recomplete four wells for injection-withdrawal use and other miscellaneous facilities at Applicant's Loudon—Devonian Storage Field in Fayette County, Illinois;

7. 6,000 brake horsepower of compression at Applicant's Columbus City—Cairo Storage Field's Compressor Station No. 204 in Louisa County, Iowa; and

8. Approximately 30.0 miles of 30-inch loop pipeline partially looping Applicant's existing pipeline between its Compressor Station No. 110 and the terminus of its main transmission system at Volo, Illinois.

The application shows the estimated cost of the above facilities, excluding cushion gas which would be provided by the participating customers, to be $23,575,000. Applicant also proposes to construct and operate pursuant to Section 2.55(a) of the Commission's General Policy and Interpretations, 6 observation wells, dehydration, and other miscellaneous facilities at a cost of $1,609,000. It is indicated that these costs would be financed with funds obtained through interim and permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriation action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28796 Filed 9-30-76;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Revised Cost of Service Study and Amended Rate Schedules

SEPTEMBER 23, 1976.

Take notice that by letter dated September 2, 1976, Nevada Power Company submitted pursuant to Ordering Paragraph (C) of Commission Opinion No. 768, issued July 7, 1976, a revised cost of service study with amended rate schedules for its service to California-Pacific Utilities Company of Henderson, Nevada, and Needles, California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28776 Filed 9-30-76;8:45 am]

[Docket No. RP71-107 (PGA76-3)]

NORTHERN NATURAL GAS CO.

Purchased Gas Cost Adjustment Rate Change

SEPTEMBER 23, 1976.

Take notice that on August 27, 1976, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.P.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Third Revised Volume No. 1, Substitute Eleventh Revised Sheet No. 4a
Original Volume No. 2, Substitute Twelfth Revised Sheet No. 1c

Northern states that these tariff sheets provide for a PGA increase of 4.12¢ per Mcf in the commodity portion of all jurisdictional rates to be effective October 27, 1976. Northern states that this will result in an increase in annual jurisdictional market area gas sales revenues of approximately $4,270,215 for the last two months of 1976 and $142,634 for field area sales. Northern states that these additional revenues will permit Northern to recover its increased gas purchased costs for the last five months of 1976 over the last two months of 1976.

Northern states that this rate increase is being filed pursuant to Section 154.38 (d)(4) of the Regulations Under the Natural Gas Act and Opinion Nos. 770 and 742-A issued July 27, 1976. Northern states that Ordering Paragraph (D) of Opinion No. 770 permits jurisdictional pipeline companies having a purchase gas adjustment clause in effect on July 27, 1976 to make a special rate increase filing to track their increases in gas purchase costs occasioned by rate increases filed by natural gas producers reflecting the nationwide rates prescribed by Opinion Nos. 770 and 742-A. Northern states that Section 2.56a(j) permits the producer to make a single filing on or before August 26, 1976, for increased rates to become effective on July 27 and a one cent escalation on October 1, 1976. Northern states that the rate increase which Northern is here filing reflects such producer rate increases.

Northern states that Ordering Paragraph (D) of Opinion No. 770 further permits pipeline companies to file a surcharge to become effective on October 27, 1976 which will permit recovery of producer increases attributable to this opinion incurred prior to October 27, 1976. Northern states that it has included in this filing such a surcharge to recover over the months of November and December the unrecovered purchased gas costs for the months of August, September and October attributable to Opinion Nos. 770 and 742-A.

Northern states that further, Northern's Stipulation and Agreement at Docket No. RP74-75, approved by the Commission on July 27, 1976, requires Northern to refund as a credit through its next PGA rate increase, the excess of the total amount collected in revenues with interest for its Exploration Program over the Modified Cost of Service approved by the Commission in that proceeding. Northern states that it is complying with the approved Stipulation and Agreement at Docket No. RP74-75 by including the refund obligation with interest as a credit in this rate increase filing. Northern states that this credit for the Docket ? ? ?

No. RP74-75 refund obligation more than offsets the surcharge for the unrecovered purchased gas costs attributable to Opinion Nos. 770 and 742-A and thus reduces the magnitude of this special rate increase filing. Northern states that the enclosed tariff sheets include Docket No. RP76-89 rates accepted for filing by the Commission on May 26, 1976 and suspended until October 27, 1976.

Northern states that copies of the filing have been mailed to each of the Gas Utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28778 Filed 9-30-76;8:45 am]

[Docket No. ER76-898]

PACIFIC POWER & LIGHT CO.

Rate Schedule

SEPTEMBER 23, 1976.

Take notice that Pacific Power & Light Company (Pacific) on September 7, 1976, tendered for filing a rate schedule for service to Montana-Dakota Utilities Co. (MDU). Pacific states that the rate schedule provides for changes to the facilities serving MDU and for certain new services. Pacific states that presently serves MDU under Rate Schedule FPC No. 89.

Pacific states that the proposed rate schedule provides for Pacific to supply MDU with replacement power for the MDU Acme Steam Generating Plant which was retired on August 23, 1976, and to continue the existing rate schedule for power and energy service. Pacific states that the power factor provisions

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have been changed to require MDU to operate between 95% lagging and 95% leading. Pacific states that charges for maintenance and use of facilities have also been modified or added.

Pacific respectfully requests waiver of the Commission's notice requirements so that the rate schedule may be made effective August 23, 1976 which it claims is the date of commencement of service. Pacific states that a copy of the filing was supplied to Montana-Dakota Utilities Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28792 Filed 9-30-76;8:45 am]

[Docket No. ES76-78]

PACIFIC POWER & LIGHT CO.

Application

SEPTEMBER 24, 1976.

Take notice that on September 20, 1976, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue additional shares, not to exceed 2,000,000, of its Common Stock of the par value of $3.25 per share (Additional Common Stock).

Applicant proposes to sell the Additional Common Stock at competitive bidding in accordance with the applicable requirements of Section 34.1a of the Commission's Regulations.

Net proceeds from the issuance and sale of shares of the Additional Common Stock will be used to repay short-term notes prior to or as they mature and to finance, in part, Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28760 Filed 9-30-76;8:45 am]

[Docket No. CP76-519]

ROCKY MOUNTAIN NATURAL GAS CO., INC.

Application

SEPTEMBER 23, 1976.

Take notice that on September 14, 1976, Rocky Mountain Natural Gas Company, Inc. (Applicant), 1600 Sherman Street, Denver, Colorado 80202, filed in Docket No. CP76-519 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Colorado Interstate Gas Company (CIG) to sell and deliver or cause to be delivered on a best efforts basis to Applicant natural gas which may be used by Applicant during the period from November 1, 1976, through March 31, 1977, to supplement gas service to sixteen communities situated in the State of Colorado, said delivery to be effectuated through a three party exchange between CIG, Mountain Fuel Supply Company (Mountain Fuel), and Mountain Fuel Resources, Inc. (Resources), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes that since CIG's system does not interconnect with Applicant's pipeline Resources would make natural gas deliveries to Applicant for CIG's account from an existing interconnection in the Divide Creek Field located in Mesa County, Colorado. The proposal requires that Resources reduce deliveries to Mountain Fuel at Bonanza, Utah, under its FPC Rate Schedule by a volume equal to the volumes delivered to Rocky Mountain, and that CIG deliver to Mountain Fuel for Resources' account, volumes equal to those which Resources delivers to Applicant, such deliveries to be made at an existing interconnection in Sweetwater County, Wyoming. Applicant indicates that should the exchange account between CIG and Mountain Fuel not be in balance on March 31, 1977, the account will be balanced within thirty days thereafter. Also it is stated that no new facilities would be required to effectuate that proposal.

It is proposed that Resources would collect a transportation charge from Applicant pursuant to Resources' existing FPC Rate Schedule T-1 for authorized overrun gas, that CIG would propose a rate based on existing rate schedules modified to reflect actual deliveries, and further that Mountain Fuel would not realize revenues from this exchange.

Applicant asserts that it presently supplies gas service to the sixteen communities from company-owned wells, gas storage, and through gas purchase contracts and transportation agreements, all production originating in the State of Colorado, and that because of declines in local gas production and limited development in the area, Applicant has received emergency gas during the winter months through a tripartite exchange arrangement between CIG, Mountain Fuel, and Cascade Natural Gas Corporation (Cascade) for the past several years, but that Cascade is no longer involved. Applicant asserts that the estimated volume of natural gas necessary to meet Applicant's maximum daily requirements during the period from November 1, 1976, through March 31, 1977, for these communities would not exceed 6,000 Mcf on any day and that without the requested supply from CIG, Applicant may be forced to curtail partially its firm requirements during the 1976–1977 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28766 Filed 9-30-76;8:45 am]

[Docket Nos. R-393 and RM76-5]

SMALL PRODUCER REGULATION

Order Granting Rehearing for the Purpose of Further Consideration

SEPTEMBER 17, 1976.

On August 23, 25, 26, and 27, 1976, the Four Corners Gas Association, Inexco Oil Company, Columbia Gas Transmission Corporation,[1] Jerome P. McHugh & Associates, and Texaco, Inc. filed applications for rehearing, reconsideration, and clarification of Opinion No. 742-A, issued July 27, 1976.

The Commission finds. In order to afford the Commission the opportunity to consider fully the issues raised by the above-referenced applications, it is appropriate and proper in the administration of the Natural Gas Act to grant rehearing of Opinion No. 742-A and Order No. 553 for the purpose of further consideration.

The Commission orders. The applications for rehearing, reconsideration, and clarification filed by Four Corners Gas Association, Columbia Gas Transmission Corporation, Jerome P. McHugh & Associates, and Texaco, Inc., are granted for the purpose of further consideration.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28752 Filed 9-30-76;8:45 am]

[1] Columbia, in the same document, filed for rehearing of Order No. 553 which implemented Opinion No. 742-A.

[Docket Nos. RP72-91, et al. (Phase I)]

SOUTHERN NATURAL GAS CO.

Order Granting Rehearing for Purposes of Further Consideration

SEPTEMBER 24, 1976.

On July 29, 1976, the Commission issued an order in this docket modifying initial decision. An application for rehearing thereof was filed by Southern Natural Gas Company (Southern) on August 27, 1976. In order to give full consideration to the issues raised we shall grant rehearing of the July 29, 1976, order.

The Commission further finds. In order to afford further time for consideration of this matter it is appropriate and proper in the administration of the Natural Gas Act that rehearing be granted for the purpose specified herein.

The Commission orders. The rehearing sought is granted for the limited purpose of further consideration of the issue raised herein.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28772 Filed 9-30-76;8:45 am]

[Docket Nos. RP76-53 and RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Approving Settlement Agreement

SEPTEMBER 24, 1976.

On July 16, 1976, South Texas Natural Gas Gathering Company (South Texas) filed a proposed Stipulation and Agreement (Agreement) intended to settle all issues in this proceeding. The Commission herein approves the Agreement, directs South Texas to file revised tariff sheets and orders refunds.

On January 12, 1976, South Texas tendered for filing in Docket No. RP76-53 proposed increases in rates for the sale of gas to Natural Gas Pipeline Company of America (Natural) under South Texas' FPC Rate Schedule No. 1 and to Transcontinental Gas Pipeline Corporation (Transco) under South Texas' FPC Rate Schedule No. 2. The proposed increase in rates charged to Natural was from 21.55¢ to 22.58¢ per Mcf. South Texas stated in its filing that the 22.58¢ per Mcf rate would not permit it to earn a reasonable rate of return on sales to Natural but that there were contractual limitations on the increase which could be requested. For service to Transco, South Texas proposed a new base purchased gas rate of 33.55¢ per Mcf and an increase in the gathering and transportation component of the total rate from 6.22¢ to 15.82¢ per Mcf.

South Texas requested that the rates proposed in Docket No. RP76-53 be permitted to become effective on February 12, 1976. By order issued on February 10, 1976, the Commission accepted the proposed rates for filing and suspended their effectiveness for five months until July 12, 1976.

On January 30, 1976, South Texas tendered for filing in Docket No. RP76-60 a request for a further increase in rates charged to Natural under South Texas' FPC Rate Schedule No. 1. The proposed increase was from the 22.58¢ per Mcf requested in Docket No. RP76-53 to 33.67¢ per Mcf. South Texas requested that its January 30, 1976, filing be treated as a unilateral filing under Section 4(d) of the Natural Gas Act and that the proposed rates be made effective as of March 1, 1976. By order issued on February 27, 1976, the Commission denied South Texas' request that its filing be treated as a unilateral filing under Section 4(d) and instituted a proceeding under Section 5 of the Natural Gas Act to determine the just and reasonable rate to be charged to Natural. The Commission's order also consolidated the proceeding in Docket No. RP76-60 with that in Docket No. RP76-53.

Petitions to intervene were filed by Transco, Natural, Brooklyn Union Gas Company and Public Service Electric and Gas Company. Intervention was granted to those petitioners by Commission order issued on March 19, 1976.

A settlement conference was convened on June 23, 1976, which resulted in the filing of a proposed Stipulation and Agreement on July 16, 1976. Public notice of the filing was issued on July 27, 1976, with comments due on or before August 9, 1976. Comments in support of the Agreement were filed by the Commission's Staff on July 30, 1976.

The Commission's review of the proposed Agreement indicates that it constitutes a just and reasonable resolution of the issues involved in this proceeding. The Commission will, therefore, accept and approve the settlement agreement without modification. Rates reflecting that portion of the Agreement relating to Transco will, in accordance with the terms of the Agreement, be permitted to become effective on July 12, 1976, the dates on which the rates filed in Docket No. RP76-53 become effective subject to refund. A 1.03¢ per Mcf increase in the rates charged to Natural will also be permitted to become effective on July 12, 1976. The balance of the rate which, by terms of the Agreement, may be charged to Natural will be permitted to become effective on the date on which this order becomes final and nonreviewable.

The Commission finds. The proposed Agreement filed on July 16, 1976, in Docket Nos. RP76-53 and RP76-60 is reasonable, proper, and in the public interest in carrying out the provisions of the Natural Gas Act. Accordingly, the proposed Agreement should be approved as herein ordered and conditioned.

The Commission orders. (A) The proposed Agreement filed on July 16, 1976, as a settlement of the issues in this proceeding is incorporated herein by reference and hereby approved and adopted to become effective in accordance with its terms and this order.

(B) South Texas shall file within fifteen (15) days of the issuance of this order revised rate schedules which reflect the terms of the Agreement accepted herein.

(C) Within fifteen (15) days after the rate schedules to be filed in compliance with Paragraph (B) above are accepted for filing, South Texas shall refund all amounts collected in excess of the rates set forth in those rate schedules together with interest calculated at 9% per annum.

(D) South Texas shall file a report within fifteen (15) days after refunds have been made in compliance with Paragraph (C) above. Such report shall show monthly billing determinants and revenues under rates in effect prior to July 12, 1976, the rates which became effective on July 12, 1976, subject to refund, and the settlement rates. The report should also show the monthly settlement rate increase, the monthly rate refund and the monthly interest computation, together with summaries of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against South Texas or any person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28797 Filed 9-30-76;8:45 am]

[Docket No. ER76-905]

SOUTHWESTERN PUBLIC SERVICE CO.

Rate Filing

SEPTEMBER 24, 1976.

Take notice that on September 13, 1976, the Southwestern Public Service Company (Southwestern) of Amarillo, Texas, tendered for filing a new contract and rate schedule for electric power service to the Lea County Cooperative, Inc. of Lovington, New Mexico. The service would be rendered through Lea County's 115 kV transmission line which now connects to Southwestern's generating facilities known as the Denver City, Texas plant. The new rate would supersede Southwestern's existing FPC Rate Schedule No. 55.

Southwestern states that the proposed rate is a departure from the existing FPC Rate Schedule No. 55 because of basic changes in plant costs, the procurement of fuel and related costs. It has previously used only natural gas as fuel

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for electric generation. It further states that a coal-fined plant would be placed in service on August 31, 1976, with additional coal-fined plants planned for service in 1978 and 1980.

Southwestern adds that since Lea County is a partial-requirements customer, the new contract for firm power requires Lea County to negotiate firm power requirements one year in advance for better planning of high cost plant additions by Southwestern. Emergency and non-firm power rate schedules are also included in the contract.

Southwestern states that the base cost of fuel adjustment is set at 9 mills per kwh and provides for a 4.4% loss adjustment to the point of the sale.

Southwestern requests the Commission to waive the 30-day notice requirement and make the proposed new rate effective on September 16, 1976.

Any person desiring to be heard or to protest said filing shall file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice (18 CFR 1.8 or 1.10). All protests or petitions to intervene must be filed on or before October 29, 1976. All protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Rules of Practice. This filing is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28768 Filed 9-30-76;8:45 am]

[Docket Nos. CP75-372 and CP75-373]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC.

Initiating Review of Initial Decision

SEPTEMBER 24, 1976.

On August 16, 1976, Presiding Administrative Law Judge Wagner issued an initial decision in the above-designated matter. Briefs on exceptions to the initial decision were due to be filed on September 15, 1976. On September 16, 1976, Counsel for the Commission Staff filed a brief on exceptions.

Inasmuch as no exceptions to the initial decision were timely filed, absent this order the initial decision would become final on September 25, 1976, i.e., within ten days from the time for filing exceptions. Accordingly, pursuant to Section 1.30(d)(2) of the Commission's Rules of Practice and Procedure, the Commission herein initiates review of the initial decision of August 16, 1976, provides for the filing of briefs opposing exceptions on or before October 5, 1976, and further orders that said initial decision is stayed pending a final decision by the Commission in this proceeding.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28771 Filed 9-30-76;8:45 am]

[Docket No. CP76-180]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC. AND CONSOLIDATED GAS SUPPLY CORP.

Petition To Amend

SEPTEMBER 24, 1976.

Take notice that on September 14, 1976,[1] Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Consolidated Gas Supply Corporation (Consolidated), 445 W. Main Street, Clarksburg, West Virginia 26301 (also referred to as Petitioners), filed in Docket No. CP76-180 a petition to amend the order of June 11, 1976, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioners request authorization for additional points of receipt of natural gas to be delivered by Tennessee to Consolidated and the additional transportation by Tennessee of volumes of gas for Consolidated, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that by the order of June 11, 1976, Petitioners were authorized to transport and exchange natural gas under an agreement whereby it is provided for the delivery of up to 15,000 Mcf per day of Tennessee's share of production from the Ship Shoal Block 246 "B" (SS 246-B) platform into Consolidated's existing facilities and for the delivery to Tennessee into the existing 30-inch Eugene Island Block 349 to Ship Shoal Block 198 (SS 198) pipeline (Project 349) jointly owned by Tennessee, Texas Eastern Transmission Corporation, and Texas Gas Transmission Corporation, and Texas Gas Transmission Company of up to 20,000 Mcf per day of Consolidated's share of production from the Ship Shoal Block 271 "A" (SS 271-A) platform. The application indicates that the agreement provides that in the event monthly volumes received by Consolidated are in excess of the monthly volumes delivered to Tennessee, Consolidated would deliver to Tennessee, from existing sources of supply delivering gas into the BWP, additional volumes equal to such excess. Further, it is stated that monthly volumes received by Tennessee which are in excess of deliveries by Tennessee to Consolidated would be transported by Tennessee through Project 349 and redelivered to Consolidated, or for the account of Consolidated, into the BWP in SS 198 where Project 349 terminates.

It is indicated that the agreement provided for a point of receipt by Tennessee for gas delivered to it by Consolidated at the point of interconnection of Consolidated's SS 271-A lateral line and Tennessee's Project 349 facilities. Petitioners propose to amend the agreement to provide for points of receipt for gas received by Tennessee from Consolidated in addition to the aforementioned location, at (1) SS 198 and/or other existing points of delivery for the account of Consolidated on the BWP and (2) at Crowley, Acadia Parish, Louisiana (Crowley).

It is noted that in the amendment, Tennessee would transport for delivery onshore such daily volumes of gas as requested by Consolidated and as Tennessee in its sole judgement has sufficient capacity to so transport. The petition provides that gas which Consolidated causes to be delivered to Tennessee in the BWP at SS 198 would be transported by Tennessee, to the extent Tennessee should determine that it has available capacity, for delivery onshore at Crowley. Similarly, it is noted that should Tennessee determine that it has available capacity in its onshore transmission system, then gas which Consolidated causes to be delivered to Tennessee at Crowley would be transported by Tennessee for redelivery to Consolidated at mutually agreeable existing points of delivery to Consolidated located on Tennessee's system. It is stated that the amendment further provides that for transportation of such gas during any month Consolidated would pay to Tennessee a total transportation charge which would be the sum of (a) 4.0 cents times each Mcf transported via Project 349;[3] plus (b) Tennessee's then in effect BWP average transportation cost per Mcf/mile times each Mcf transported via the BWP times the mileage from the point in the BWP where gas is received, or caused to be received, for the account of Consolidated to Crowley (currently 6.0 cents per Mcf from SS 198;[3] plus (c) Tennessee's then in effect system average transportation cost per Mcf/mile (currently .038 cents[4]) times each Mcf transported by Tennessee to each delivery point located on Tennessee's system times the mileage from Crowley to each such delivery point. Such rates would be in effect until superseded by another legally effective rate applicable to the transportation service rendered by Tennessee, it is said.

[1] The application was tendered for filing September 14, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 15, 1976. Thus, filing was not completed until the latter date.

[2] Such rate was previously authorized by the Commission in its June 11, 1976, order.

[3] Such rate was authorized by the Commission in its order issued April 20, 1976, in Docket No. CP76-222.

[4] As reflected in Tennessee's current rate filing in Docket No. RP76-137.

The petition indicates that Consolidated has gas supplies available which are now connected to the BWP and also anticipates that new supplies of natural gas would be available to it in the vicinity of the BWP. Although it is shown that Consolidated presently has agreements with Columbia Gulf Transmission Company (Columbia) and Transcontinental Gas Pipe Line Corporation (Transco) providing for the transportation of Consolidated's South Louisiana gas supplies, it is expected that the volumes in this area which would become available to Consolidated in the future would exceed the capacity presently contracted to be provided by Columbia and Transco for such transportation service. It is stated that the service proposed herein would allow Consolidated to attach such volumes to its system without the duplication of gathering facilities. Further, the petition states that the proposed establishment of additional receipt points on the BWP, as well as the proposed additional transportation service to be rendered by Tennessee, would not require the construction of additional facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28769 Filed 9-30-76;8:45 am]

[Docket No. E-9565]

TOWN OF MASSENA, NEW YORK AND CITY OF SHERRILL, NEW YORK V. NIAGARA MOHAWK POWER CORPORATION AND POWER AUTHORITY OF THE STATE OF NEW YORK

Clarification of Dates

SEPTEMBER 17, 1976.

By notice dated August 31, 1976, the Commission set September 24, 1976 as the due date for protests and petitions to intervene in the above-designated docket. September 24, 1976 is also the due date for answers by the defendants.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28783 Filed 9-30-76;8:45 am]

[Docket No. CP76-512]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

SEPTEMBER 24, 1976.

Take notice that on September 2, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-512 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the construction and operation of a tap and the transportation of natural gas for Cherokee Finishing Company, Division of Southern Powell Corporation (Cherokee), an industrial customer of United Cities Gas Company, North and South Carolina Division (United Cities), one of Applicant's resale customers, from a point mutually agreeable to Applicant and Cherokee on Applicant's main line in Jones County, Mississippi to existing delivery points to United Cities for Cherokee's account for transportation to Cherokee's Gafney, South Carolina plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct a tap and flange connecting the gathering facilities of Robert Mosbacher (Mosbacher) to Applicant's line in Jones County, Mississippi, for which Cherokee would reimburse Applicant for Cherokee's prorata share of the cost of the facilities, which cost is estimated to be $7,800. Applicant further proposes to transport for two years on an interruptible basis up to 500 Mcf of gas per day purchased by Cherokee from Mosbacher. It is stated that Mosbacher has agreed to sell an average daily volume of 250 Mcf per day from production in the Calhoun Field, Jones County, Mississippi, and that Cherokee would purchase the gas for $1.40 per Mcf at 15.025 psia until January 1, 1977, $1.50 per Mcf until January 1, 1978, and $1.60 per Mcf through the termination of the contract.

Applicant proposes to charge 22 cents per Mcf at 14.7 psia for transportation of gas. Applicant would retain for compressor fuel and line loss 3.8 percent of the gas received for transportation.

It is stated that natural gas is used at Cherokee Finishing Company's plant to direct fire drying and finishing equipment utilized in textile screen printing processes and that direct firing of gas is required to eliminate contract of heated surfaces to the dyed product.

The application asserts that since the volumes to be transported under this and any similar transportation arrangements with customers of the distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, shall not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis.

Applicant maintains that it did not consider the subject natural gas supply to be available for purchase by it and did not attempt to purchase said gas because, at the time this transaction was consummated, the Commission had given no indication that it would authorize a sale to interstate pipelines at the price level reflected herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 14 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28759 Filed 9-30-76;8:45 am]

[Docket No. CP74-177]

WASHINGTON NATURAL GAS CO.

Petition To Amend

SEPTEMBER 24, 1976.

Take notice that on September 3, 1976, Washington Natural Gas Company (Petitioner) as Project Operator, 815 Mercer Street, Seattle, Washington, 98111, filed in Docket No. CP74-177 a petition to amend the order of July 29, 1974, issuing

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a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to continue for an additional year through calendar 1977 the testing program for a new zone in the Jackson Prairie Storage Project (Storage Project) located in Lewis County, Washington, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by order issued December 12, 1972, in Docket No. CP71-6 the Commission authorized Petitioner as Project Operator to construct and operate facilities to commence development of a new Zone 9 in the Storage Project, which project provides an underground natural gas storage facility to support the rendition by Northwest Pipeline Corporation (Northwest) of winter gas service under Northwest's Rate Schedule SGS-1 contained in its FPC Gas Tariff, Original Volume No. 1. It is further shown that by order issued July 29, 1974, in this proceeding, Petitioner was granted a three-year budget-type authorization for further developmental work and that the authority granted by the certificate expires December 31, 1976.

Petitioner requests that the Commission amend the certificate to allow the testing program to be continued through calendar 1977. The Petitioner requests no change in the authorized maximum capital expenditure of $3,000,000, the maximum annual expenditure of $1,000,000 or the total volume of gas of 2,000,000 Mcf to be injected into the proposed storage area.

It is asserted that the results to date have been positive. The petition states that a total of eight gas injection/withdrawal, observation, or water withdrawal wells have been drilled and one existing well was reworked for additional observation, and that a water pump test program was begun in early 1973 and has been continued throughout the developmental period. Further, the petition states that during the summer of 1975 a total of 198,000 Mcf was injected into the Zone 9 structure marked with an ethylene tracer and the pressure reflections resulting from this test gas were observed, and that during the summer of 1976 additional natural gas has been placed in the reservoir and it is anticipated that by the fall of this year an aggregate volume of 1,100,000 Mcf will be in the reservoir marked with the ethylene tracer.

Petitioner indicates that in 1974 the entire testing program was anticipated to be carried out over the three-year period authorized in the certificate, but allowing for the restabilization of reservoir pressures following this year's gas injection program, an additional developmental year would be required for completion of a storage cycle, including sustained gas withdrawals during the load period and the subsequent replacement of that gas. It is maintained the activities cannot be scheduled more than six to eight months in advance because the results of one act determine the next set of actions to be taken, and each phase must be fully evaluated prior to beginning the next developmental task. Petitioner asserts that the original time schedule is simply not sufficient to allow full evaluation of the Zone 9 structure as a storage reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28764 Filed 9-30-76;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BAN-CORP.

Formation of Bank Holding Company

Citizens Ban-Corporation, Rock Port, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95 percent or more of the voting shares of The Citizens Bank of Atchison County, Rock Port, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1976.

Board of Governors of the Federal Reserve System, September 24, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28836 Filed 9-30-76;8:45 am]

[Reg. C; Docket No. R-0057]

EXEMPTION APPLICATION UNDER THE HOME MORTGAGE DISCLOSURE ACT OF 1975

California

The California Savings and Loan League, on behalf of its California-chartered members, has applied to the Board for an exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR 203). The League's application was filed pursuant to section 306(b) of the Act (12 U.S.C. 2805(b)), and § 203.3(a)(3) and the Supplement to Regulation C (12 CFR 203.3(a)(3)) and is based upon the requirements of the California Administrative Code (Subchapter 20) and the implementing directives of the California Department of Savings and Loan. In its application, the League claims that the applicable State disclosure regulations contain requirements that are substantially similar to those imposed under the Federal Act and Regulation C and that there are adequate provisions for the enforcement of the State law.

If the Board grants an exemption in this case, the exemption would apply, as provided in Regulation C (12 CFR 203.3(a)(3) and Supplement (d)), to all California-chartered savings and loan associations that are subject to the regulations of the California Department of Savings and Loan. In addition, while the exemption application of the League is pending before the Board, all California-chartered savings and loan associations that are subject to those regulations need not comply with the September 30 reporting requirement of Regulation C (12 CFR 203.3(a)(2)).

Copies of the League's exemption application are available for public inspection and copying during regular business hours in Room B 1118 at the Board's Offices, Twentieth Street and Constitution Avenue, N.W., Washington, D.C., and at the Federal Reserve Bank of San Francisco, 420 Sansome Street, San Francisco, California.

To aid in the Board's consideration of this matter, interested persons are invited to submit relevant data, views, and arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than November 1, 1976. All submitted materials should include a reference to docket number R-0057. The comments that are received will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding the availability of information (12 CFR 261.6(a)).

By order of the Board of Governors, September 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-29083 Filed 9-30-76;8:45 am]

[Reg. C; Docket No. R-0058]

EXEMPTION APPLICATIONS UNDER THE HOME MORTGAGE DISCLOSURE ACT OF 1975

Illinois

The State of Illinois, through the Savings and Loan Commissioner, and the Illinois Savings and Loan League, on behalf of its Illinois-chartered members, have applied to the Board for an exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR 203).

The applications of the Commissioner and the League were filed pursuant to § 306(b) of the Act (12 U.S.C. 2805(b)), and § 203.3(a)(3) and the Supplement to Regulation C (12 CFR 203.3(a)(3)) and are based upon the requirements of the Illinois Financial Institutions Disclosure Act (95 Ill. Rev. Stat. sections 201-208) and the implementing directives of the Illinois Department of Financial Institutions. In their applications, the Commissioner and the League claim that the provisions of the Illinois Act and departmental directives contain requirements that are substantially similar to those imposed under the Federal Act and Regulation C and that there are adequate provisions for the enforcement of the State law.

If the Board grants an exemption in this case, the exemption would apply, as provided in Regulation C (12 CFR 203.3(a)(3) and Supplement (d)), to all Illinois-chartered depository institutions that are subject to the Illinois Act. In addition, while the exemption applications of the Commissioner and the League are pending before the Board, all Illinois-chartered depository institutions that are subject to the Illinois Act need not comply with the September 30 reporting requirement of Regulation C (12 CFR 203.3(a)(2)).

Copies of the Commissioner's and the League's exemption applications are available for public inspection and copying during regular business hours in Room B 1118 at the Board's Offices, Twentieth Street and Constitution Avenue, N.W., Washington, D.C., and at the Federal Reserve Bank of Chicago, 230 South LaSalle Street, Chicago, Illinois.

To aid in the Board's consideration of this matter, interested persons are invited to submit relevant data, views, and arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than November 1, 1976. All submitted materials should include a reference to docket number R-0058. The comments that are received will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding the availability of information (12 CFR 261.6(a)).

By order of the Board of Governors, September 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-29084 Filed 9-30-76;8:45 am]

HAMPTON BANKSHARES CORP., ET AL.

Order Approving Retention of Clayton Trust Company

Hampton Bankshares Corporation, Clayton Bancshares Corporation, and Crestwood Bank Shares Corporation, all of St. Louis, Missouri, bank holding companies within the meaning of the Bank Holding Company Act, have each applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to retain indirectly 32.8 percent[1] of the voting shares of Clayton Trust Company, Clayton, Missouri ("Company"), a company that engages in activities that may be carried on by a trust company including providing services of a trust, fiduciary, agency, or custodian nature. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(4)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 27133). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Each Applicant is a separate one-bank holding company and each controls a different bank; Applicants are affiliated with each other through common ownership. Their three subsidiary banks have aggregate deposits of approximately $272.4 million.[2] Company, which commenced operations in 1973, was organized by the individual who serves as chief executive officer and is principal shareholder of each of Applicants. In 1974, the shares of Company were placed in a voting trust and voting trust certificates were issued to Applicants' three subsidiary banks. As a result, each Applicant controls approximately 32.8 per cent of the voting shares of Company.[3] Company had total trust assets of approximately $12.5 million as of April 30, 1976.

[1] Applicants have applied to retain in the aggregate 98.32 percent of Company's outstanding voting shares.

[2] All banking data are as of December 31, 1975.

[3] Section 2(g)(2) of the Act provides in pertinent part that for purposes of the Act "shares held or controlled directly or indirectly by trustees for the benefit of * * * a company * * * shall be deemed to be controlled by such company." The shares of Company that are subject to the voting trust are held for the benefit of Applicants' subsidiary banks and thus are deemed to be controlled indirectly by Applicants.

It is the Board's judgment that Applicants, by acquiring control of Company without prior Board approval, violated the Act. It appears, however, from the facts of record that such violations resulted from a misunderstanding of the statutes applicable to nonbanking activities of bank holding companies and were inadvertent. Applicants mistakenly believed that control of shares of Company was permissible without Board approval under section 4(c)(5) and 4(c)(1)(C) of the Act. The Board has scrutinized the underlying facts surrounding the acquisition of shares of Company without prior Board approval. In particular, the Board notes that Company's activities are in every respect permissible under section 4(c)(8) of the Act and that Applicants took prompt action in bringing their activities into compliance with the Act of applying for Board approval upon being advised by the Federal Reserve Bank of Kansas City of the violations. Upon an examination of all the facts of record, the Board believes that the facts are such that they do not warrant denial of the application to retain shares of Company.

In acting on applications submitted pursuant to section 4(c)(8) of the Act, the Board analyzes an application to retain a company engaged in section 4(c)(8) activities by the same standards that it analyzes an application to acquire a company engaged in such activities. In addition, the Board analyzes the competitive effects of a proposal both at the time of the acquisition and at the time of the application for retention. Applicants acquired their interests in Company from Company's organizer through the above-described voting trust arrangement. That transaction was essentially a reorganization in which control of voting shares of Company was transferred from an individual to companies, not then engaged directly or indirectly in providing trust services, but controlled by the same individual and the transaction does not appear to have had any significant adverse effects on competition at that time. At present, Company competes with several other companies offering similar services in the St. Louis market.[4]

The retention of Company by Applicants should provide benefits to the public by assuring a convenient and continued source of trust and related services. There is no evidence in the record indicating that retention of Company would lead to any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that, in accordance with the provisions of section 4(c)(8), retention of shares of Company by Applicants can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[5] effective September 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28837 Filed 9-30-76;8:45 am]

[4] The St. Louis market is approximated by the City and County of St. Louis, portions of St. Charles and Jefferson Countries, Missouri, and portions of Madison and St. Clair Counties in Illinois.

[5] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee, and Lilly. Absent and not voting: Governor Coldwell.

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NATIONAL DETROIT CORP.

Order Approving Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares, less directors' qualifying shares, of National Bank of Port Huron, Port Huron, Michigan ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of The Commercial and Savings Bank of St. Clair County, St. Clair, Michigan ("Commercial Bank") and the Peoples Bank of Port Huron, Port Huron, Michigan ("Peoples Bank"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks in Michigan with aggregate deposits of $4.9 billion, representing approximately 16.7 percent of the total commercial bank deposits in Michigan, and is the largest banking organization in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in the State.

Applicant is seeking to make its initial entry into the Port Huron banking market (the relevant market),[2] and Bank will be located in the city of Port Huron. Applicant has no offices within the relevant market and the nearest office of any of Applicant's subsidiary banks to Bank's proposed location is 40 miles southwest of Bank in the Detroit banking market.

In its consideration of the subject application, the Board has also considered the comments submitted by the two Protestants. Generally speaking, Protestants contend that the proposal would have anticompetitive effects and would adversely affect the viability of existing banks in the market. The Board has analyzed the information submitted by each of the Protestants and, for the reasons set forth below, it is the Board's judgment that the issues raised by Protestants are not sufficient to warrant denial of the subject application.[3]

The first Protestant Commercial Bank, principally argues that consummation of the proposal would (1) increase market concentration, (2) hinder market deconcentration and (3) adversely affect Peoples Bank. Commercial Bank contends that the relevant market for analyzing the competitive effects of this proposal encompasses the six-county area of Wayne, Oakland, Macomb, Washtenaw, Livingston and St. Clair counties. It is the Board's opinion, however, that Protestant Commercial Bank's definition of the relevant market is too broad as it includes the Detroit banking market and portions of several other banking markets[4] and that the correct market for purposes of analyzing the competitive effects of this proposal is the Port Huron market as defined above (see footnote two). It is the Board's view that consummation of this proposal, would add an additional full service banking competitor to this highly concentrated market in which the three largest banking organizations hold approximately 86 per cent of the total commercial bank deposits and would increase the likelihood of eventual market deconcentration. Finally, the Board disagrees with Commercial Bank's assessment of the adverse effect that consummation of the proposal would have on Peoples Bank. The Board notes that Peoples Bank increased its deposits 13.6 per cent between year-end 1974 and 1975, that its return on assets for 1975 was far in excess of the Statewide average for like-sized banks, and that it was better capitalized during 1975 than the average like-sized banks in Michigan.

The second Protestant, Peoples Bank, contends that the Port Huron area has experienced significant economic deterioration since the hearings held by the Comptroller of the Currency in connection with chartering of Bank, and therefore, the Port Huron area could not now support an additional bank. The record shows that the population of St. Clair County increased 7.4 per cent from 1970–1975. At the same time, the banking organizations with their head offices in St. Clair County increased their deposits at almost twice the average rate for all banks in the State for the period June 1974 to December 1975. Similarly, the record does not support Peoples Bank's assessment of the effect this acquisition would have on the existing banks in the market. With the exception of a small branch of a bank whose main office is located outside of the relevant market, the banking organizations in the market are well established institutions, and as noted above, those banking organizations with their head offices in the St. Clair County have experienced significant deposit growth. As already noted, Peoples Bank itself has experienced above average growth of deposits and an above average return on its assets. On the basis of the above and other facts of record, the Board is of the view that the Port Huron banking market will continue to support the existing banks in the market and that Bank will not have a serious adverse effect upon those institutions.

Having considered the comments of the Protestants and all of the facts of record, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on future competition and that Applicant's acquisition of Bank can be reasonably expected to stimulate competition in this highly concentrated market by introducing an additional banking alternative without significantly adversely affecting any of the existing banks in the market. Therefore, for the reasons summarized above, the Board concludes that competitive considerations are consistent with, and lend some weight toward, approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. As a proposed new bank, Bank has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application.

Bank will serve as an additional full service banking alternative to the residents of Port Huron, increasing the number of banks in that city from two to three. Bank will offer all services normally considered to be full service banking including trust services, selected week-day evening hours, and Saturday hours. Accordingly, these considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) National Bank of Port Huron, Port Huron, Michigan, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[5] effective September 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28838 Filed 9-30-76;8:45 am]

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

[2] The Port Huron market is approximated by St. Clair County, excluding a small western portion that includes the town of Capac. All market data are as of June 30, 1975.

[3] Protestant Peoples Bank, in its original submission, requested that the Board hold a hearing on the application. Under section 3(b) of the Act, the Board is required to hold a hearing only when the primary supervisor of the bank to be acquired recommends disapproval of the application (12 U.S.C. 1842(b)). In this case, the Comptroller of the Currency issued a preliminary charter approval on October 21, 1975 and has not subsequently recommended that the application be denied. Thus, there was no statutory requirement that a hearing be held. Protestant Peoples Bank submitted written material in support of its protest and by letter of May 27, 1976, withdrew its request for a formal hearing.

[4] In conjunction with its consideration of a recent application by Michigan National Corporation, Bloomfield Hills, Michigan, to acquire Peoples Bank and Trust, N.A., Trenton, Michigan, (Board Order of August 24, 1976), the Board had occasion to consider the proper definition of the Detroit banking market and found that it was approximated by the counties of Macomb, Oakland and Wayne.

OLD CANAL BANKSHARES, INC.

Formation of Bank Holding Company

Old Canal Bankshares, Inc., Lockport, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Heritage First National Bank of Lockport, Lockport, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 28, 1976.

Board of Governors of the Federal Reserve System, September 24, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28839 Filed 9-30-76;8:45 am]

PHILADELPHIA NATIONAL CORP.

Order Approving Acquisitions of Liberal Finance Company and Liberal Consumer Discount Company

Philadelphia National Corporation, Philadelphia, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 18434(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to purchase, through Signal Finance Corporation, Pittsburgh, Pennsylvania ("Signal"), a wholly-owned indirect subsidiary of Applicant engaged in the consumer finance business, all the outstanding shares of Liberal Finance Company and Liberal Consumer Discount Company ("Liberal Companies"), both of Edwardsville, Pennsylvania, both of which engage in the activities of making installment loans for personal, family or household purposes; purchasing sales finance contracts in connection with the sale of personal, family or household goods or services; selling credit life insurance, credit disability insurance and casualty insurance (that will be reinsured by existing subsidiaries of Applicant) in connection with personal installment loans made and sales contracts purchased, and generally engaging in the business of a consumer finance company. Upon approval of these applications, the name of the Liberal Companies will be changed to "Signal Consumer Discount Company." All of the above activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 141). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the third largest banking organization in Pennsylvania, controls The Philadelphia National Bank ("Bank") with total domestic deposits of $2.4 billion.[1] Signal Financial Corporation, Pittsburgh, Pennsylvania ("Financial"), is a holding company and direct parent of Signal, the corporation through which Applicant will acquire the Liberal Companies, and is a wholly-owned subsidiary of Applicant.[2] Financial's subsidiaries are engaged in consumer lending and, to a lesser extent, the sale of credit related life, disability, and property insurance to its customers through 73 consumer loan offices in twelve states, two insurance companies, and a thrift and loan association in California.

The Liberal Companies with total assets of $1.6 million together are engaged at a common location in Edwardsville, Pennsylvania, in the general consumer finance business including the extension of direct personal loans, the purchase of retail installment paper and the sale of credit-related insurance. Applicant's direct subsidiary, Financial, conducts through its subsidiaries including Signal, substantially the same activities as the Liberal Companies. Bank is also active in consumer lending and credit insurance sales. The Liberal Companies' only office is located in the Wilkes-Barre market;[3] within that market, 25 consumer finance companies operate 36 offices. In addition, 16 commercial banks operate 46 offices and there are at least 7 large credit unions active in consumer lending.

Financial operates offices in northeastern Pennsylvania, its office nearest to that of the Liberal Companies is 21 miles distant. However, they operate in separate geographic markets and service area overlap is minimal. Bank does not maintain an office in the Wilkes-Barre market and has not originated or purchased a significant amount of consumer loans in the market. Accordingly, the proposal would not eliminate significant existing competition.

Applicant, through Financial, is a potential entrant into the Wilkes-Barre market. However, there are also numerous other entrants. Of the more than 200 consumer finance organizations in Pennsylvania alone, only 25 are currently represented in the Wilkes-Barre market. The Wilkes-Barre market is considered competitive with no significant barriers to entry known to exist. Hence, no adverse effects on potential competition in the Wilkes-Barre market are expected. The current owners of the Liberal Companies have committed themselves to the sale of their business and subsequent retirement. Since the Liberal Companies appear to be so small and nonaggressive, the probability of their branching is minimal. Hence, the Liberal Companies are not considered likely entrants to other markets and their disappearance is not likely to affect potential competition.

The proposed acquisition of the Liberal Companies through Signal is expected to yield public benefits. Applicant intends to market aggressively the larger and longer term loans permissible under the Pennsylvania Consumer Discount Act. Applicant also plans the introduction of reduced rate loans to select customers within a year. Upon consummation of this proposal, credit insurance rates at the Edwardsville office of Signal Consumer Discount Company would be reduced from the maximums permitted by Pennsylvania law.[4] Furthermore, it is expected that customers will be afforded greater expedience in insurance claims handling because Applicant owns the reinsurer of insurance that would be sold at that office. Moreover, there is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of the proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y

[5] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee, and Lilly. Absent and not voting: Governor Coldwell.

[1] All banking data are as of December 31, 1975, unless otherwise indicated.

[2] Applicant acquired Financial with Board authorization by Board Order of June 18, 1973 (38 FR 16679 (1973)). At that time, Financial was known as Signet Corporation.

[3] The Wilkes-Barre market encompasses the northern half of Luzerne County, the southwestern half of Wyoming County below the Susquehanna River, and the southern tip of Lackawanna County.

[4] Board Order of June 18, 1973, approving the acquisition of Financial by Applicant was conditioned on Financial's commitment to sell credit-related insurance at rates below those that would otherwise apply to such insurance sold by the underwriter. Premiums on credit life insurance will be reduced by 3.3 percent and premiums on credit disability insurance by 5 percent.

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(12 CFR § 225.4(c)) and to the authority of the Board to require such modification or termination of the activities of a holding comapny or any of its subsidiaries as the Board may find necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations or orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia, pursuant to authority hereby delegated.

By order of the Board of Governors,[1] effective September 24, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-28840 Filed 9-30-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

CHICORY ROOT—CRUDE AND PREPARED

Order

PROCEDURAL BACKGROUND

On August 23, 1976, the presiding officer certified to the Commisison a motion (M 27-17) filed on August 11, 1976, by respondent Rolimpex that the hearing on temporary relief set to begin on August 11, 1976, be adjourned. The presiding officer recommended that this motion be denied. On August 5, 1976, the Commission issued an order denying a similar motion to postpone filed by other parties in this investigation. Notice of that order was published in the FEDERAL REGISTER of August 11, 1976 (41 F.R. 33949). The temporary relief hearing was held August 11 through August 14, 1976.

ORDER

The motion of respondent Rolimpex that the hearing be adjourned is denied.

OPINION

This motion was certified to the Commission after the hearing at issue had been held. The Commission denied this motion for the same reason that it denied the earlier, similar motion in this matter referred to above, namely that requests for temporary relief should be acted upon expeditiously. Respondent Rolimpex, in our judgment, failed to show good cause why the hearing should have been adjourned.

By order of the Commission.

Issued: September 28, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-28873 Filed 9-30-76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Wallich, Jackson, Partee, and Lilly. Present and abstaining: Governor Gardner. Absent and not voting: Governor Coldwell.

[TA-201-16]

SUGAR

Investigation and Hearing

Investigation instituted. Following receipt on September 17, 1976, of a resolution of the Committee on Finance of the Senate, the United States International Trade Commission, on September 21, 1976, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether sugar beets and sugar cane; sugars, sirups, and molasses, derived from sugar cane or sugar beets; and sugars, sirups, and molasses, described in subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States (TSUS), flavored; and sirups, flavored or unflavored, consisting of blends of any of the products described in aforementioned subpart A; all the foregoing provided for in items 155.10 through 155.31, inclusive, and item 155.75 of the TSUS, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Investigation to be expedited. On September 22, 1976, the Commission received a letter from the President urging the Commission to promptly make such an investigation and requesting that the Commission expedite its investigation and submit its report as quickly as possible. The Commission will expedite its investigation and will submit its report as soon as possible.

Public hearings ordered. Public hearings in connection with the investigation will be held in Washington, D.C., beginning at 10 a.m., e.s.t., on November 4, 1976, in the Hearing Room of the United States International Trade Commission Building, 701 E Street NW.; in New Orleans, La., beginning on November 11, 1976, at a time and place to be announced; and in San Francisco, Calif., beginning on November 30, 1976, at a time and place to be announced. Requests for appearances at any of the hearings should be received in writing by the Secretary of the Commission at his office in Washington not later than noon of the sixth calendar day preceding the hearing.

By order of the Commission.

Issued: September 28, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-28874 Filed 9-30-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-85)]

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Availability

Notice is hereby given of the public availability of the draft Environmental Impact Statement (EIS) for the Space Shuttle Solid Rocket Motor Design, Development, Test and Evaluation (DDT&E) Program at Thiokol/Wasatch Division, Promontory, Utah.

The subject draft Environmental Impact Statement addresses the Space Shuttle Solid Rocket Motor (SRM) Processing, Static Test Firing, and Delivery activities. These are the major activities of the Space Shuttle DDT&E Program at Thiokol/Wasatch Division. The other activities in the SRM DDT&E program which are considered environmentally insignificant include facilities activation support, flight test and ground operation support, logistics support and sustaining engineering for demonstrating operational capability.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by state and local agencies and members of the public. Such comments should be submitted to the Associate Deputy Administrator, National Aeronautics and Space Administration, Washington, DC 20546. All comments must be received by November 15, 1976, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory, Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, DC, this 24th day of September 1976.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.76-28815 Filed 9-30-76;8:45 am]

[Notice (76-84)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS

Meeting

The NASA Research and Technology Advisory Council Panel on Aviation Safety and Operating Systems will meet on October 20-21, 1976, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Room 225 of the Administration Building N-1219. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 60 persons. All visitors must report to the Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council's Panel on Aviation Safety and Operating Systems serves in an advisory capacity only. There are 20 members. The following list sets forth the approved agenda and schedule for the October 20-21, 1976 meeting of the Panel. For further information, please contact the Executive Secretary, Mr. Kenneth E. Hodge, area code 202/755-2375.

OCTOBER 20, 1976

Time	*Topic*
12:30 p.m.	Registration of Members and Visitors
1:00 p.m.	Chairman's Opening Remarks and Report (Purpose: To report on the July 1976 meeting of the Research and Technology Advisory Council (RTAC) and relay the Council's response to this Panel's activity. The Chairman will also hear the critique of the NASA Aviation Safety and Operating Problems Conference held at Langley Research Center October 18-20, 1976.)
2:00 p.m.	Report of the Executive Secretary (Purpose: To advise the Panel of recent NASA organizational changes and report on action taken to date on past recommendations of the Panel.)
2:30 p.m.	Report on the NASA Aviation Meteorological Program (Purpose: To brief the Panel on Program Plans, including the meteorological workshop planned to define the atmospheric behavior and models required by the aircraft manufacturers.)
3:00 p.m.	Status of Research in Lightning Effects on Aircraft (Purpose: To brief the Panel on the status of research into lightning effects on aircraft and recommendations for future R. & D. efforts.)
3:45 p.m.	Status Report on the Aerospace Safety Research and Data Institute (ASRDI) (Purpose: To provide the Panel a status report on the transfer of ASRDI from the Lewis Research Center to Headquarters.)
4:00 p.m.	Report of the NASA Aviation Safety Reporting System (ASRS) Advisory Committee. (Purpose: To provide a status report on the first months of operation, by the Chairman of the ASRS advisory committee.)

OCTOBER 21, 1976

Time	*Topic*
8:00 a.m.	Status of the Supersonic Cruise Aircraft Research (SCAR) Noise Program (Purpose: To brief the Panel on the status of research in the area of SCAR noise reduction.)
8:30 a.m.	Report of the Ad Hoc Panel on Terminal Configured Vehicles (TVC) (Purpose: To report the results of the Ad Hoc Panel meeting held at Langley Research Center in July 1976.)
9:00 a.m.	Report on the NASA Global Atmospheric Sampling Program (GASP) (Purpose: To report the results of atmospheric constituents measurements and analysis made to serve as a basis to judge the realities of potential problems.)
9:30 a.m.	Status on the Application of Active Control Technology on New or Derivative Transport Aircraft (Purpose: To inform the Panel on the status of active control technology directed to achieve: better fuel efficiency through lower aircraft structural weight and reduced area horizontal-tail surfaces, and gust load suppression.)
10:30 a.m.	Status Reports from NASA Research Centers on Research of Interest to the Panel (Purpose: Research Centers Staff will augment their written presentations on various research projects related to aircraft safety and operating systems.)
1:00 p.m.	Member's Reports and Development of Panel Recommendations (Purpose: To report on non-NASA safety and operating systems research of interest to the Panel and formalize recommendations and resolutions to be reported to the Council.)
4:00 p.m.	Adjournment.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

SEPTEMBER 27, 1976.

[FR Doc.76-28730 Filed 9-30-76;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

MEETINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a formal meeting on October 22 and October 23, 1976. The meeting will be held in the Mount Vernon Room of the Sheraton Carlton Hotel located on the corner of 16th and K Streets NW., Washington, D.C. The meeting will commerce at 9:00 a.m. and conclude at 6:30 p.m. on October 22, and will reconvene at 8:30 a.m. on October 23, concluding at 3:30 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (P.L. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda for the Commission's meeting will cover a wide range of manpower issues and strategies involved in developing a national manpower policy framework, such as employment and antirecessionary strategies, strengthening the training base, youth and jobs, income transfers to work, improving the delivery of manpower services, as well as other selected manpower issues in structuring an employment strategy.

Members of the general publis or other interested individuals may attend Commission meetings. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to

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make an oral statement must be submitted to the Director of the Commission three days before the meeting. The application shall identify the following: The applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commission's headquarters located at 1522 K Street NW., Room 300, Washington, D.C.

Signed at Washington, D.C., this 27th day of September 1976.

ROBERT T. HALL,
Director, National Commission for Manpower Policy.

[FR Doc.76-28872 Filed 9-30-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.
Date and time: October 20 and 21, 1976; 9:00 a.m.—5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street N.W., Washington, D.C., Room 321.
Type of Meeting: Closed.
Contact Person: Dr. Fred Stollnitz, Program Director for Psychobiology, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 632-4264.
Purpose of Panel: To provide advice and recommendations concerning support for research in psychobiology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b). Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-28842 Filed 9-30-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

INFLATION IMPACT STATEMENTS

Revision of Publication Guidelines

The Office of the Federal Register (OFR) announces revised guidelines for the publication in the FEDERAL REGISTER of documents that implement the Inflation Impact Program. This revision is in response to an Office of Management and Budget (OMB) memorandum of June 11, 1976.

Under Executive Order 11821 (39 FR 41501, November 29, 1974), every Federal agency that proposes a "major" rule or legislation must evaluate its potential inflation impact and prepare an Inflation Impact Statement (IIS).

Under the authority given by E.O. 11821, OMB issued Circular A-107 which contained initial guidelines for the development of criteria and procedures agencies were to follow. Each agency then developed its own criteria on cost impacts, effects on productivity, competition, supplies of important materials, employment and energy. These criteria are used to determine when a proposed rule, regulation, or legislation is major and, thus, requires further analysis and preparation of an IIS.

At the rejuest of OMB, the OFR issued guidelines on June 23, 1975 (40 FR 26312) and October 20, 1975 (40 FR 48979). Under those guidelines, an agency certifies in its FEDERAL REGISTER document that it has evaluated the inflation impact only for "major" proposals.

The OMB memorandum of June 11, 1976, adds to the requirements in Circular A-107 by requiring an agency to state in the FEDERAL REGISTER that minor rules (that is, those whose impacts do not exceed the agency's IIS criteria) have been reviewed and do not require an IIS.

The OFR and OMB have determined that each Federal agency shall use the following language for proposed and final rules which the agency determines to be minor:

The (insert agency name) has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

The OFR and OMB have determined that each Federal agency shall use the following language for proposed and final rules which the agency determines to be major:

The (insert agency name) has determined that this document contains a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Inflation Impact Statement has been prepared.

To facilitate the finding of the required language within a document, the language shall be placed immediately above the signature of the authorizing official. Sample excerpts of typed documents which show the proper placement of the required language follow:

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 418]

EFFLUENT GUIDELINES

Fertilizer Manufacturing

The purpose of this document • • • Authority • • •

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

RUSSELL TRAIN,
Administrator.

[40 CFR Part 418]

EFFLUENT GUIDELINES

Fertilizer Manufacturing

The purpose of this document • • • Authority • • •

The Environmental Protection Agency has determined that this document contains a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Inflation Impact Statement has been prepared.

RUSSELL TRAIN,
Administrator.

Persons with comments or questions concerning this notice may direct them to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: September 28, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76-28807 Filed 9-30-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the California Advisory Committee (SAC) to this Commission will convene at 9:00 am. and end at 6:00 pm. on October 21, 1976, and will reconvene at 9:00 am. and end at 6:00 pm. on October 22, 1976, at the Ambassador Hotel, 3400 Wilshire Boulevard, Los Angeles, California 90005.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this factfinding meeting is to collect information on equal employment opportunities for minorities and women in the motion picture and television industry.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 28, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-28739 Filed 9-30-76;8:45 am]

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning and briefing session of the California Advisory Committee (SAC) to this Commission will convene at 7:00 pm. and end at 10:00 pm. on October 20, 1976, at the Ambassador Hotel, 3400 Wilshire Boulevard, Los Angeles, California 90005.

Persons wishing to attend this open meeting and briefing session should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Rm. 1015, Los Angeles, California 90012.

The purpose of this meeting is review of agenda witnesses and hearing book for the two-day open meeting on equal employment opportunities for minorities and women in the motion picture and television industry.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-28740 Filed 9-30-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Reports

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on Sept. 23, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Pre-College Science Education Needs Assessment, single-time, principals, teachers, superintendents, science supervisors, Kathy Wallman, 395-6140.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration, information storage and retrieval recreation developmenta, on occasion, recreation developments or parks, Warren Topelius, 395-5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research:
Rehabilitation audit instrument, single-time homestead properties in HUD program, housing, veterans and labor division, C. Louis Kincannon, 395-3532.
Administrative Agency and Institutional Participant Survey, semi-annually, urban homestead agencies, financial institutions, housing, veterans and labor division, C. Louis Kincannon, 395-3532.

DEPARTMENT OF TRANSPORTATION

Coast Guard, U.S. Coast Guard Port Security Card Questionnarie, on occasion, civilian workers requiring access to vessels, Warren Topelius, 395-5872.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service Regulations—cash in lieu of commodities (school feeding program), on occasion, state agencies, Warren Topelius, 395-5872.
Forest Service, application for summer employment—Forest Service, 6100-23, annually, individuals desiring seasonal employment with the Forest Service, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Bureau of Census, annual survey of manufacturers, MA 100, MA 100S, annually, sample of manufacturing establishments, Cynthia Wiggins, 395-5631.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, LRPH tenant ~~data~~ survey, single-time, public housing agencies, housing, veterans and labor division, Sunderhauf, M.B., 395-3532.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Dance Company Information Questionnaire, NEA-D-1, annually, professional dance companies, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Bureau of Census:
Atomic Energy Products and Services, MA-38Q, annually, manufacturers, Hulett, D. T., 395-4730.
Steel Mill Products (commodity survey)—Annual Report for 1971, MA-33B, annually, manufacturers, Cynthia Wiggins, 395-5631.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Reinsurance transactions with insurance companies resident abroad, BE-48, annually, insurance companies, Hulett, D. T., 395-4730.
Foreign contract operations of U.S. construction, engineering, consulting, and other technical service firms, BE-47, annually, technical service firms, Hulett, D. T., 395-4730.
Institutional remittances to foreign countries, BE-40, quarterly, non-profit institutions, Hulett, D. T., 395-4730.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, housing assistance supply experiment survey of tenants and homeowners, wave 2, single-time, households in 2 SMSA's, housing, veterans and labor division, Sunderhauf, M. B., 395-3532.
Administration (Office of Assistant Secretary) mortgagees certification and application for interest reduction, etc., FHA 3111, on occasion, mortgagees, housing, veterans and labor division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-28944 Filed 9-30-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Report on Closed Meeting

Notice is hereby given that the report on the May 1975 closed meeting of the Electromagnetic Radiation Management Advisory Council is available for inspection and copying at the Library of Congress, Exchange and Gift Division, Federal Documents Section, Washington, D.C. 20540 and in the Publications Room, Office of Telecommunications Policy, 1800 G Street, NW., Washington, D.C. 20504. This report is made available pursuant to Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463 (1972).

This Office is aware that the report is overdue and regrets the delay.

Dated: September 27, 1976.

L. DANIEL O'NEILL,
Advisory Committee Management Officer.

[FR Doc.76-28743 Filed 9-30-76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

MEETING

The Privacy Protection Study Commission will hold closed meetings for the purpose of internal deliberations and discussion with staff on Wednesday, October 20, 1976, Thursday, October 21, 1976 and Friday, October 22, 1976 from 9:00 a.m. to 5:30 p.m. in Room 3105, 26 Federal Plaza, New York, New York 10007.

The Commission will discuss the progress of projects being undertaken by the staff of the Commission. Topics of discussion may include the following Com-

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misssion projects: Credit Cards, Credit Reporting, Insurance, Depository and Lending Institutions, Medical Records, Research and Statistical Information and Social Services and Public Assistance.

It has been determined in writing by the Director of the Office of Management and Budget, James T. Lynn, that these meetings may be closed under Section 10(d) of the Federal Advisory Committee Act and under exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5).

For further information contact John Barker, Public Affairs Director, at (202) 634-1477.

CAROLE W. PARSONS,
Executive Director,
Protection Study Commission.

[FR Doc.76-28816 Filed 9-30-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12819; File No. SR-Amex-76-21]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. (Amex) pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the Act) hereby proposes to amend Rules 915 and 916 relating to the approval and withdrawal of approval of underlying stocks in respect of which option contracts are approved for listing and trading on the Exchange.

The Board of Governors of the Amex approved the amendment to Rules 915 and 916 on September 9, 1976.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

Rule 915 and the policies adopted by the Board of Governors thereunder set forth guidelines to be considered by the Exchange in evaluating potential underlying stocks for Exchange option transactions. These standards relate to such matters as the number of shares outstanding and held by persons other than affiliates of the issuer, number of shareholders, trading volume of the underlying stock, market price of the underlying stock, compliance by the issuer with SEC reporting requirements, past earnings history of the issuer and the absence of defaults by such issuer in meeting certain of its obligations. The Amex now proposes to amend certain of these criteria in order, basically, to strengthen them.

Presently, an issuer and its consolidated subsidiaries must report net profit (after taxes but before extraordinary items net of tax effect) of at least $250,000 for each of its last three fiscal years and trading volume (on the principal securities exchange on which the stock is listed) of 1,000,000 shares per year in each of the two previous calendar years. Under the proposed changes, an issuer would need to show a net profit of at least $1,000,000 in each of three of the last four fiscal years with a profit of at least $1,000,000 for the fiscal year immediately prior to selection, and trading volume (in all markets) of 2,000,000 shares in each of the last two calendar years. Also, under existing guidelines the market price per share of an underlying stock must be $10 at the time of selection. This requirement would be strengthened so that an underlying stock would have to close not lower than $10 each business day during the six calendar months preceding the date of selection.

The amendments would delete the requirement that the underlying stock have a minimum of 10,000,000 outstanding shares. The Amex believes that a guideline regarding outstanding stock is superfluous in view of the Exchange's continuing requirement that an underlying stock have a public float of at least 8,000,000 shares. In addition, the Exchange's guideline concerning the absence of defaults by an issuer would be revised so that an issuer would not fail to meet the guideline solely on account of a default by an insignificant subsidiary.

The result of these proposed amendments to the Exchange's selection criteria will be to limit the trading of options to those underlying stocks which have extensive public ownership and amounts of corporate information disseminated to the public and a substantial degree of financial stability.

The Amex, as previously noted, is proposing to strengthen substantially its guidelines for the selection of underlying stocks. At the same time, the Exchange believes that underlying stocks which fall slightly below certain of these high initial approval guidelines that do not adversely affect the continuity, depth and liquidity of the Exchange's option market and the interest of public investors should continue to be listed. Accordingly, the Amex is proposing to amend Rule 916 to incorporate criteria to be used by the Exchange in determining whether to continue an underlying stock's approval for Exchange option transactions.

Thus, ordinarily the Exchange's withdrawal of approval procedures will be initiated, in accordance with the terms of proposed Rule 916, whenever an underlying stock's public float declines below 7,200,000; the number of holders of the underlying stock falls below 9,000; trading volume in the underlying stock is less than 1,800,000 shares in the preceding calendar year and 1,000,000 shares during the preceding six calendar months; the underlying stock closes below $10 on a majority of the business days during the preceding twelve calendar months; the issuer fails to correct its non-compliance with SEC reporting requirements within 30 days; the issuer and its significant subsidiaries fail to cure a default in certain of their obligations within six months of its occurrence; or the issuer and its consolidated subsidiaries report net profit (after taxes but before extraordinary items net of tax effect) of less than $250,000 in more than one of the preceding four fiscal years.

In adopting these numerical maintenance criteria, the Amex is cognizant of the need to retain a measure of flexibility in their application, to avoid the circumstance where invoking or continuing the Exchange's withdrawal of approval procedures may not be consistent with the maintenance of a fair and orderly market or may not serve to protect investors. Accordingly, where exceptional circumstances have caused an underlying stock not to be in compliance with the above requirements regarding number of publicly held shares, number of shareholders, trading volume or market price, the Exchange may determine not to initiate its withdrawal of approval procedures if, but only if, the Exchange deterest of maintaining a fair and orderly market or for the protection of investors. ket or for the protection of investors. Also, if such withdrawal or approval procedures have been initiated and shortly thereafter the underlying stock again fully complies with all maintenance criteria the Exchange, under the proposed revision to Rule 916, will have the necessary flexibility to stop its withdrawal of approval procedures.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires that the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that it is consistent with this section of the Act to set forth specific, objective criteria to be considered in connection with the selection of underlying stocks for Exchange options transactions and the continuance of such approval.

The amendments to Rules 915 and 916 were considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No additional comments were solicited or received.

The Exchange does not believe any burden on competition will be imposed by these proposed rules changes.

On or before November 8, 1976, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 1, 1976.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: September 21, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28885 Filed 9-30-76;8:45 am]

[70-5904]

ARKANSAS POWER & LIGHT CO.

Proposed Issuance and Sale of Notes to Banks and/or a Dealer in Commercial Paper and Exception From Competitive Bidding

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 7, 1975 (HCAR No. 18912), the Commission authorized Arkansas to issue and sell, from time to time through December 31, 1976, up to $95,000,000 aggregate principal amount outstanding at any one time of unsecured short-term promissory notes to a group of banks and/or a commercial paper dealer.

Arkansas now proposes to revise the foregoing program and to issue and sell, from time to time through September 30, 1978, unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper in an aggregate principal amount outstanding at any one time not to exceed $110,000,000.

The notes proposed to be issued and sold to commercial banks will be in the form of unsecured promissory notes payable not more than nine months from the date of issuance with right of renewal, will bear interest at the prime commercial bank rate in effect at the lending bank on the date of issuance or from time to time depending upon the requirements of the lending bank, and will, at the option of Arkansas, be prepayable, in whole or in part, at any time without premium or penalty. While no formal commitments for future borrowings have been made with any bank, it is expected that the banks to whom such notes will be issued and sold and the maximum amount to be issued and outstanding at any one time to each such bank will be substantially as follows:

	Maximum amount to be borrowed
First National Bank of Eastern Ark., Forrest City, Ark.	$300,000
Arkansas Bank & Trust Co., Hot Springs, Ark.	800,000
First National Bank of Hot Springs, Ark.	500,000
The Commercial National Bank, Little Rock, Ark.	1,000,000
First National Bank in Little Rock, Ark.	4,000,000
Union National Bank, Little Rock, Ark.	1,500,000
Worthen Bank & Trust Co., Little Rock, Ark.	3,000,000
Irving Trust Co., New York, N.Y.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	45,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	8,000,000
National Bank of Commerce, Pine Bluff, Ark.	1,500,000
Simmons First National Bank, Pine Bluff, Ark.	14,000,000
Peoples Bank & Trust Co., Russellville, Ark.	300,000
Chemical Bank, New York, N.Y.	2,500,000
Marine Midland Trust Co., New York, N.Y.	2,500,000
Total	89,900,000

Except as indicated above, Arkansas will not effect borrowings from banks pursuant to this declaration until it shall have filed an amendment setting forth the name or names of the banks from which such other borrowings are to be effected and the amounts thereof and such other borrowings shall have been authorized by order of this Commission.

Arkansas maintains daily operating balances with the above Arkansas banks. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement at a rate of 15% and assuming a 7% prime rate, the effective interest cost would be 8.24%. The above non-Arkansas banks may require compensating balances of 10% of the amount of the commitment for loans plus 10% of the average annual amount of the loans outstanding from those banks. Assuming a 7% prime rate and a 20% compensating balance, the effective interest cost on loans from the non-Arkansas banks would be 8.75%.

The proposed commercial paper will be in the form of unsecured promissory notes with varying maturities not to exceed 270 days, the actual maturities to be determined by market conditions, effective cost of money to the company, and Arkansas' anticipated cash requirements at the time of issuance. In accordance with the established custom and practices in the market, the proposed commercial paper will not be payable prior to maturity. Arkansas proposes to issue, reissue, and sell commercial paper in denominations of not less than $100,000 directly to Salomon Brothers, a dealer in commercial paper, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity sold by public-utility issuers to commercial paper dealers. No commission or fee will be payable by Arkansas in connection with the issuance and sale of the commercial paper. The dealer, as principal, will reoffer and sell the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing discount rate to Arkansas in such a manner as not to constitute a public offering. The dealer in reoffering the commercial paper will limit the reoffer and sale to a non-public customer list of not more than 200 buyers of commercial paper. Such list will be furnished to the Commission, and no change will be made therein without advising the Commission of such change. It is anticipated that the commercial paper will be held by the buyers to maturity; however, the dealer may, if desired by a buyer, repurchase the commercial paper for resale to others on the list of customers.

Arkansas asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Arkansas are published daily in financial publications, and it is not practical to invite bids for commercial paper. Arkansas further requests that it be granted authority to file on a quarterly basis its certificates under Rule 24 with respect to the issuance and sale, from time to time, of the proposed bank notes and commercial paper.

As of July 31, 1976, Arkansas' construction program is expected to result in expenditures of approximately $205,300,000 in 1977 and $156,200,000 in 1978. The net proceeds to be received by Arkansas from the issuance and sale of the proposed bank notes and commercial paper, together with other funds available from time to time from operations or derived from the issuance and sale of long-term debt and/or equity securities, will be applied to the company's construction program. As such notes mature, they will be renewed (but to mature not later than June 30, 1979) or repaid out of funds then available to Arkansas from its operations or derived from the issuance and sale of similar securities or long-term debt and/or equity securities.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $5,000 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 21, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for

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such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28881 Filed 9-30-76;8:45 am]

[70-5388]

EASTERN UTILITIES ASSOCIATES ET AL.

Supplemental Notice Correcting Error

In the Matter of EASTERN UTILITIES ASSOCIATES, P.O. Box 2333, Boston, Massachusetts 02107; BLACKSTONE VALLEY ELECTRIC CO., P.O. Box 1111, Lincoln, Rhode Island 02865; BROCKTON EDISON CO., 36 Main Street, Brockton, Massachusetts 02403; FALL RIVER ELECTRIC LIGHT CO., 85 North Main Street, Fall River Massachusetts 02722; and MONTAUP ELECTRIC CO., P.O. Box 391, Fall River, Massachusetts 02722.

On September 5, 1976 (HCAR No. 19682) a notice was issued in this proceeding relating in part to a proposed sale of Montaup Electric Company ("Montaup") securities by Blackstone Valley Electric Company ("Blackstone") to Brockton Edison Company ("Brockton"). As part of the consideration to be paid for the securities, it should have been stated that Brockton will pay Blackstone's cost for those securities ($23,100,000) plus Blackstone's equity in the unappropriated retained earnings of Montaup and Montaup's equity in the undistributed unappropriated earnings of certain electric generating companies in which Montaup owns stock.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28882 Filed 9-30-76;8:45 am]

[70-5906]

LOUISIANA POWER & LIGHT CO.

Proposal To Operate and Subsequently Acquire Municipal Electric Facilities

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Louisiana is enagaged in the business of generating, transmitting, distributing, and selling electric power and energy. It operates in 46 of the 64 parishes (counties) in the State of Louisiana, including the Parish of Lafourche. Its operating revenues for the twelve months ended June 30, 1976, aggregated $302,336,000.

The City of Thibodaux ("City") is a municipal corporation of the State of Louisiana, located in the Parish of Lafourche, in the southeasterly part of the state. Its estimated population is approximately 15,000 people. The City owns, operates, and maintains a system for the generation, distribution, and sale of electric power and energy to customers within the corporate limits of the City, as well as to some customers outside of such corporate limits ("Electric System"). As of December 31, 1975, the City had 5,333 electric customers. As of December 31, 1975, the Electric System had a depreciated book value of $13,646,507 against an original cost of $19,010,146. For the year ended December 31, 1975, the Electric System had operating revenues of $3,857,774, operating expenses (including depreciation) of $3,805,650, or a net income of $52,124. The Electric System immediately adjoins the electric system and facilities of Louisiana. The City presently has outstanding bonds in the aggregate principal amount of $13,985,000 which are payable from the income and revenues of its waterworks and electric systems and plants ("Bonds"), consisting of the principal amounts presently outstanding of nine different series, maturing on August first of the years 1977 through 2002, and bearing interest at rates from 3½% to 6% per annum. Louisiana states that it is its understanding that, at least in part for financial reasons, the City has been encountering increasing difficulty in the operation and maintenance of the Electric System.

Pursuant to an invitation of the City and on the basis of subsequent negotiations, Louisiana, under date of June 1, 1976, submitted to the City a proposition and offer ("Offer"), which provides for the operation and possible ultimate ownership by the company of the Electric System as set forth in an Operating Agreement. A special election was called by the City, held on August 14, 1976, and resulted in a vote by the electorate in favor of the acceptance of the Offer.

Under the terms of the Operating Agreement, Louisiana, among other things, will be obligated, at its own expense, to operate and maintain the entirety of the Electric System exclusive of the generating facilities ("Distribution System"), providing for the entirety of the electric power supply requirements of the Distribution System and its customers. The company may (but will not be obligated to) operate and/or maintain the Electric System's generating facilities or any part thereof. Louisiana will make payments to a designated fiscal agent of amounts necessary to pay the principal of and interest on the Bonds as such principal and interest become due. Within 10 days after Louisiana commences to operate the Electric System, the company must pay the City the sum of $625,000. Through August 1, 2002, the company is also obligated to pay the City 2% of the revenues from residential and commercial customers within the corporate limits of the City. (This is standard in all municipalities wherein the company is franchised.)

The Operating Agreement will further provide that at such time as no Bonds or refunding bonds are outstanding (pre-refunded Bonds and/or pre-refunded refunding bonds being considered as no longer outstanding), Louisiana will have the right and option, for the considerations resulting from the terms of the Operating Agreement (or the terms of any lease-purchase agreement in connection with any refunding bonds), to acquire from the City the entirety of the Electric System.

In order to integrate the service to the City into Louisiana's operations, it will be necessary to convert approximately 1 mile of 13.8 KV feeder line to 34.5 KV and construct approximately .5 miles of 34.5 KV feeder line, tying the company's 34.5 KV system on the northerly side of the City to the City's existing 34.5 KV system. The cost of such work is estimated at $42,400.

The application states that the proposed transaction will relieve the City of financial burdens and will provide the City with a reliable and adequate supply of electricity with consequent improvement in electric service and that such improved electric service will be provided at substantially lower rates. It is further stated that Louisiana's service to the City is expected to be operated on an increasingly profitable basis and that the ultimate acquisition by the company of the Electric System on a desirable basis is provided for and appears likely.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction except that the Louisiana Public Service Commission ("LPSC") has asserted jurisdiction with respect to certain transactions, which assertion of jurisdiction is applicable to the transaction proposed herein, to the extent of requiring prior disclosure of the

intendment and plan with regard thereto and "official action" of non-opposition (or approval) by the LPSC before the proposed action may be taken. Fees and expenses to be incurred in connection with the proposal are estimated at $14,500, including legal fees of $12,500.

Notice is further given that any interested person may, not later than October 21, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28883 Filed 9-30-76;8:45 am]

[Release No. 34-12809; File No. SR-MSE-76-17]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 13, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE DELETIONS BRACKETED—ADDITIONS ITALICIZED

Article XVII of the Midwest Stock Exchange Rules

Rule 22: Responsibility for Acts of Others

It is the responsibility of members and general partners and officers of member organizations to effect consistent compliance by their respective organizations with the Constitution and Rules of the Exchange in areas where they have or should have direct or supervisory responsibility. Members and general partners and officers of member organizations are liable to the same discipline and penalties for acts or omissions of their member organizations relating to these areas of responsibility as though such act or omission were their own personal act or omission.

EXCHANGE STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to impute personal responsibility for members, general partners, or officers for acts of member organizations over which they had or should have had supervision.

The proposed rule change improves the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act, the rules and regulations thereunder.

Comments were neither solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before November 8, 1976, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 25, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 16, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28886 Filed 9-30-76;8:45 am]

[Release 34-12830; File No. SR-NASD-76-8]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Rule Change

Pursuant to Section 10(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on September 20, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD's STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

TEXT OF PROPOSED RULE CHANGES

The following is the full text of proposed new rule Section 33 of Article III of the Rules of Fair Practice:

ARTICLE III, SECTION 33

(a) A member or a person associated with a member shall not effect any transaction in an option contract, including an option displayed on the NASDAQ System, except in accordance with the provisions of rules, regulations and procedures adopted by the Board of Governors pursuant to the authorization granted in subsection (b) hereof.

(b) The Board of Governors is authorized, for the purpose of preventing fraudulent and manipulative acts and practices, promoting just and equitable principles of trade, proving safeguards against unreasonable profits or unreasonable rates of commission or other charges, and for the protection of investors and the public interest, to adopt rules, regulations and procedures for transactions in options relating to:

(1) transactions in option contracts, including options displayed on the NASDAQ System by members for their own account or the accounts of public customers;

(2) the comparison—clearance and settlement of transactions in options;

(3) the reporting of transactions in options;

(4) the qualifications and standards for registered market makers in options;

(5) the standards for authorization of underlying securities eligible to be subject to options displayed on the NASDAQ System;

(6) the endorsement and guarantee of performance of options; and

(7) such other areas of options activity and trading as may be required to achieve the above-stated purposes.

(c) The rules, regulations and procedures authorized by subsection (b) hereof shall be incorporated into Appendix E to be attached to and made a part of these Rules of Fair Practice. The Board of Governors shall have the power to adopt, alter, amend, supplement or modify the provisions of Appendix E from time to time without recourse to the membership for approval, as would otherwise be required by Article VII of the By-Laws, and Appendix E shall become effective as the Board of Governors may prescribe unless disapproved by the Securities and Exchange Commission.

(d) For the purposes of this section, the term "option" shall mean any put, call, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so, but shall not include any tender offer, registered warrant, right, convertible security or any other option in respect to which the writer

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is the issuer of the security which may be purchased or sold upon the exercise of the option.

NASD's STATEMENT OF PURPOSE OF PROPOSED RULES

The purpose of proposed Section 33 is to provide the necessary regulatory framework for the display of quotations in standardized options on the NASDAQ System and members trading in connection thereto. The Association's plan would permit the display of quotations in standardized options on the NASDAQ System. These options will be issued, or subject to issuance, by the Options Clearing Corporation (the "Clearing Corporation"). Accordingly, the options to be displayed on the NASDAQ System, to which quotations may be entered by registered NASDAQ options market makers, will be limited to options authorized by the Association in underlying securities selected in accordance with the Securities and Exchange Commission's S-7 criteria and guidelines of the Association and the Clearing Corporation.

The terms of the options to be listed on the NASDAQ System will be standardized as to exercise price and expiration date in accordance with the rules of the Association and the by-laws and rules of the Clearing Corporation. Comparison of trade information will be accomplished by a processor under contract to the Association. Matched trades will be forwarded on a daily basis to the Clearing Corporation for clearance and settlement in accordance with its by-laws and rules.

The proposed rules would provide the following:

Section 33 would be a new rule of fair practice of the Association. Subsection (a) of the rule would prohibit a member or a person associated with a member from effecting transactions in options if such were inconsistent with the rules, regulations and procedures adopted by the Board of Governors pursuant to authority granted to it by subsection (b) of the rule.

Subsection (b) would delegate to the Board authority to adopt such rules, regulations and procedures for the governance of options trading as may, from time to time, be deemed by the Board to be necessary for the protection of investors and in the public interest. The areas in which the Board would be authorized to promulgate rules are set forth in subsection (b). The authority thereby granted to the Board would enable it to develop a regulatory program consistent with existing standardized options trading plans and SEC requirements. Further, it would authorize the Board to adopt rules concerning traditional over-the-counter options and rules in respect to non-exchange NASD member firms doing business in exchange listed options on an "access basis."

Subsection (c) would provide for the adoption by the Board of an Appendix E to the Rules of Fair Practice. Appendix E would contain the rules, regulations and procedures authorized by subsection (b). Further, subsection (c) would authorize the Board to adopt and amend the provisions of Appendix E without recourse to the membership for approval.

Subsection (d) would define the term "option" for purposes of subsections (a), (b) and (c) of Section 33. The definition would encompass conventional or traditional over-the-counter options, as well as options issued by or subject to issuance by the Options Clearing Corporation.

The purpose and explanations of the specialized rules and regulations authorized above are set forth in Exhibit 1.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Sections 15A(b)(2) of the Securities Exchange Act of 1934 provide that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that its rules provide it with the capacity to carry out the purposes of the Act, to enforce compliance with the Act by its members and persons associated with its members, and the rules and regulations thereunder, and to protect investors and the public interest. The provisions of Article III, Section 33 would prohibit a member or a person associated with a member from effecting transactions in options if such were inconsistent with the rules, regulations and procedures adopted by the Board of Governors. Further, the authority thereby granted to the Board would enable it to develop a regulatory program consistent with existing standardized options trading plans and SEC requirements. Also, it would authorize the Board to adopt rules concerning traditional over-the-counter options and rules in respect to non-exchange NASD member firms doing business in exchange listed options on an "access basis."

COMMENTS RECEIVED FROM THE MEMBERS, PARTICIPANTS OF OTHERS ON THE PROPOSED RULES AND AMENDMENTS

Comments on proposed Article III, Section 36 (now renumbered Section 33) were solicited in Notice to Members No. 76-8. This Notice to Members contained other proposed rules and no comments received referred specifically to the new Section 36 (now renumbered Section 33). Copies of those comment letters are appended hereto as Exhibit 2.

BURDEN ON COMPETITION

It is the position of the National Association of Securities Dealers, Inc. that the proposed rule imposes no burden on competition that is not necessary and in furtherance of the purposes of the Securities Exchange Act of 1934, as amended.

On or before November 8, 1976, or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 24, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28887 Filed 9-30-76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting and Cancellation of Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on October 18 and 19, 1976 in New York City, beginning at 9:30 A.M. on October 18 and 8:30 A.M. on October 19. Initial notice of this meeting was published in the FEDERAL REGISTER on August 26, 1976.

The Board will also conduct open meetings on November 15 and 16 and December 13 and 14, 1976 in Room 776, 500 North Capitol Street, Washington, D.C. The summarized agenda for these meetings will be published in the FEDERAL REGISTER at a later date.

The meeting of the Board scheduled for October 6, 7, and 8, 1976, notice of which was published in the FEDERAL REGISTER on August 26, 1976, has been cancelled.

The summarized agenda for the meeting on October 18 and 19 is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book;
2. Discussion of the Board's report to the Congress pursuant to Section 11A(d)(3)(B) of the Securities Exchange Act of 1934; and
3. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: September 27, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28889 Filed 9-30-76;8:45 am]

[Release No. 34-12825]

NATIONAL BANK OF NORTH AMERICA

Application for Registration as a Clearing Agency

National Bank of North America has made application for registration as a clearing agency under Section 17A of the Securities Exchange Act of 1934 (the "Act") and pursuant to subsection (c)(1) of Rule 17Ab2-1 under the Act.

Pursuant to subsection (c)(1) of § 240.17Ab2-1 under the Act, if requested by an applicant, the Commission may grant the applicant registration as a clearing agency but exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act. Registration pursuant to subsection (c)(1) of § 240.17Ab2-1 shall not be effective for more than eighteen (18) months from the date on which registration is made effective by the Commission.

Subsection (c)(2) of § 240.17Ab2-1 requires that, in the case of any clearing agency registered in accordance with subsection (c)(1) of § 240.17Ab2-1, the Commission, not later than nine months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) or will institute proceedings to determine whether registration should be denied at the expiration of 18 months.

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications on or before November 12, 1976. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with subsection (c)(2) of § 240.17Ab2-1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 600-17.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

For the Commission, by the Division of Market Regulation, pursuant to delegate authority.

Dated: September 23, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28890 Filed 9-30-76;8:45 am]

[70-5734]

NORTHEAST UTILITIES ET AL.

Post-Effective Amendment on Financing of Nuclear Fuel Cores, Etc.

Notice is hereby given that Northeast Utilities ("Northeast"), P.O. Box 270, Hartford, Conecticut 06101, a registered holding company; The Conecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, public-utility subsidiary companies of Northeast; and Northeast Nuclear Energy Company ("NNEC"), a subsidiary company of Northeast formerly known as The Millstone Point Company, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the post-effective amendment to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated October 21, 1975, and January 16, 1976 (HCAR Nos. 19218 and 19346), the Commission authorized NNEC to engage in certain financing of its nuclear fuel cores and related transactions, including the issuance and sale through March 31, 1977 of up to $22,500,000 of short-term notes outstanding at any one time to a group of four banks.

NNEC now proposes to issue and sell up to an additional $7,000,000 of short-term notes outstanding at any one time to The First National Bank of Boston, Massachusetts. In all other respects, the transactions remain unchanged.

Notice is further given that any interested person may, not later than October 21, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28884 Filed 9-30-76;8:45 am]

[Release No. 34-12822; File No. SR-TAD-76-2]

TAD DEPOSITORY CORP.

Self-Regulatory Organizations; Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 10, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is an addition to existing services presently performed by the TAD Depository Corporation (TAD). In that, TAD desires to commence a pilot system that will provide TAD participants with a means for pledging of collateral (shares on deposit in TAD) to a pledgee bank(s) in accordance with the New York State Uniform Commercial Code Section (UCC) 8-320.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. To provide TAD participants with a service whereby shares on deposit in TAD may be pledged as collateral for loans.

4.a. Not applicable.

4.b.(1)(A) The TAD system will provide an additional service to its participants that will translate into a reduction of physical movements of securities by offering a complementary depository service.

(B) The system provides for safekeeping of the pledged shares by transferring designated shares from the pledgor's account to the pledgee's account. Furthermore the total shares pledged are identified daily to each pledgor in his daily activity statement. Release of the pledged shares will only be effected when signed instructions are received by TAD from the pledgee.

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(C) This service and the TAD system complies with all provisions of the ACT and the rules and regulations thereunder.

(D) Not applicable.

(E) The system is to be implemented on a pilot basis and will be limited to one pledgee bank and multiple participants. More pledgee banks and participants will be added to the service as experience is gained.

(ii) As mentioned in section 4.b.(1)E, once the pilot period is over and the system has been made fully operational, any participant pledgor or pledgee may become a user of the system.

(iii) Not applicable.

(iv) Standard fees of .35¢ per line item will be charged to both the pledgor and pledgee and a pledgee participant fee of $150.00 per month.

(v)(A) The system will provide same day availability of the released shares to the pledgor.

(B) The TAD system provides an automatic control of all pledged shares and reports daily these pledged positions to both the pledgor and the pledgee.

(C) This service is being implemented in cooperation with and the support of TAD's participants.

(D) The proposed system removes a present impediment in the TAD system by providing a vehicle for TAD participants to use their shares on deposit with TAD for collateral loan purposes once released by the pledgee. The system eliminates manual handling of certificates by the TAD pledgor and pledgee.

(E) By providing a bookkeeping system that eliminates the risk of losses or stolen certificates found in manual collateral loan systems.

(vi) Not applicable.

(vii) Not applicable.

(c) Not applicable.

5. TAD's participants have encouraged the depository to provide this service. They have informed us through conversations that this type of service improvement should be made to the system so as to provide them with maximum flexibility for cost effective processing. No written comments were solicited.

6. Presently in New York, two other clearing agencies offer collateral loan service's (Depository Trust Company and the National Clearing Corporation). TAD's introduction of such a service should have no burden on competition. Participants presently have securities on deposit at TAD which will now be available for such a program and should not result in a wholesale migration of securities from one or the other clearing agencies to TAD.

On or before November 6, 1976 or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 25, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 21, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28888 Filed 9-30-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

SBIC NATIONAL ADVISORY COUNCIL

Meeting

The Small Business Administration SBIC National Advisory Council will hold a public meeting at 8:30 a.m. and conclude at 3:30 p.m., Wednesday, October 13, 1976, at the Executive Tower Inn in Denver, Colorado, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call John T. Wettach, U.S. Small Business Administration, 1441 L St. NW., Washington, D.C. 20416, (202) 653-6848.

Dated: September 27, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-28809 Filed 9-30-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

CERTAIN ALLOY TOOL STEEL QUANTITATIVE LIMITATIONS

Modification

SEPTEMBER 30, 1976.

By Proclamation 4445 of June 11, 1976 (41 F.R. 24101, June 15, 1976), temporary quantitative limitations were placed on the importation into the United States of certain articles of stainless or alloy tool steel. The Proclamation, inter alia, implements an agreement entered into on June 11, 1976 between the Government of the United States and the Government of Japan concerning the importation into the United States of such steel articles.

Under paragraph (5) of the Proclamation, the Special Representative is directed to perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment or termination of the agreement with the Government of Japan. The Special Representative is also authorized to make any changes in the Tariff Schedules of the United States (TSUS) as may be necessary to carry out the agreement.

Pursuant to Proclamation 4445, of June 11, 1976, the Special Representative modified paragraph (f) of headnote 2, Subpart A, part 2, of the TSUS, to change the maximum increase allowable in the base limit for alloy tool steel provided for in item 923.24 for the restrain period June 14, 1976–June 13, 1977, to 100%. (See FEDERAL REGISTER notice, 41 FR 43261, September 30, 1976.)

Pursuant to paragraph 3 and Annex C of the agreement between the Government of Japan and the Government of the United States, as amended, the Government of Japan has notified the United States Government that the base limit for alloy tool steel may be exceeded by 3,500 short tons. Consistent with the agreement and pursuant to paragraph (f) of Subpart A, part 2 of the Appendix to the TSUS, there must be an equal tonnage reduction in the quota quantity from Japan for one or more other items during the same restraint period. This reduction is being made in the quota quantity for imports of stainless steel sheet and strip from Japan.

Accordingly, pursuant to paragraph (5) of Proclamation 4445, of June 11, 1976, and paragraph (f) of headnote 2, Subpart A, part 2 of the Appendix to the TSUS, Subpart A, part 2 of the Appendix to the TSUS is modified with respect to the quota quantities which may be entered from Japan for items 923.20 and 923.24 for the quota period June 14, 1976–June 13, 1977, as follows:

(1) With respect to item 923.20, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "38,600" to "35,100"; and

(2) With respect to item 923.24, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "3,500" to "7,000".

This modification will be effective on October 1, 1976.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

[FR Doc.76-29130 Filed 9-30-76;10:43 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to empoly the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 27th day of September 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Sept. 24, 1976

Name of applicant	Location of enterprise	Principal product or activity
BABCO, Inc.	Westover, W. Va.	Manufacturing of concrete and concrete products.
Fairfield Communities Land Co.	Fairfield Glade, Tenn.	Hotel.
Electrical Constructors of America, Inc.	Henderson County, N.C.	Electrical work.
T. E. Mixon Lumber Co., Inc.	New Iberia, La.	Sales of lumber and building materials.
Hycaloader Co., Inc.	Lake Providence, La.	Manufacturing of coal-processing and electrical-distribution equipment.
Mott's Food Locker	Rockville, Mo.	Meatpacking plant.
Milan Nursing Home	Milan, Mo.	Nursing home.
TRACT Handcraft Industries Cooperative	Veblen, Langford, and Eden, S. Dak.	Manufacturing of decorative applique pillows and bedspreads.

[FR Doc.76-28715 Filed 9-30-76;8:45 am]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Sections 1952.105–109 of Subpart D set forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 2, 1975, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR Part 1910, Subpart J. These standards are contained in OAR Chapter 437, Part 22, and Part 28, of the Occupational Health Standards, and were adopted on October 31, 1974, December 11, 1974, April 18, 1975, and April 2, 1976, and public hearings were not requested.

By letter dated August 5, 1975, from James W. Lake, Regional Administrator, to M. Keith Wilson, Chairman, Workmen's Compensation Board, the proposed State standard was rejected for technical defects, referenced documents not included, and failure to meet the "at least as effective" test in several standards. By letter of August 25, 1975, the State standard was resubmitted. The equivalent standard to § 1910.142 (a) (2) has a reduced distance of 200 feet between livestock and sleeping quarters, but requires additional measures to control health hazards as well as mosquitoes and flies. The equivalent standard to § 1910.142 (b) (4) and (5) was amended on April 2, 1976, to require floors in tents provided as sleeping places to be constructed of wood, asphalt or concrete, and to be smooth and of tight construction. The equivalent standard to § 1910.142 (b) (2), (b) (7), and (d) (3) are similar to the requirements of the Manpower Administration housing rule for agricultural workers (20 CFR Part 620).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the revised State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N–3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 24th day of June, 1976.

WESLEY M. NOBLE,
Acting Regional Administrator—OSHA.

[FR Doc.76-28844 Filed 9-30-76;8:45 am]

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OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the Federal Register (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

By a notice published in the FEDERAL REGISTER on October 30, 1975 (40 FR 50583) the Regional Administrator approved State standards comparable to Subpart G of Part 1910, Title 29, Code of Federal Regulations. The State standards were contained in Oregon Administrative Rules, Chapter 333, Section 22–002 through –142 (now designated OAR Chapter 437, Part 22).

By letter dated May 20, 1976, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State has submitted revisions to the vinyl chloride standard (OAR Chapter 437, 22–017(E), corresponding to 29 CFR 1910.1017), which correct typographical errors and omissions in accordance with corrections to § 1910.1017 that appeared in the FEDERAL REGISTER on December 3, 1974 (39 FR 41848).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the revised State standards are identical to the comparable Federal standards and are accordingly hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center Room N–3620, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

(Sec. 18. Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 24th day of June, 1976.

WESLEY M. NOBLE,
Acting Regional Administrator—OSHA.

[FR Doc.76–28845 Filed 9–30–76;8:45 am]

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Sections 1952.105–109 of Subpart D set forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 18, 1976, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR Part 1918, Longshoring. These standards are contained in Oregon Administrative Rules, Chapter 437, Division 74, and were adopted on April 2, 1976, following a public hearing on February 7, 1976.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. The State standard differs from the Federal standard in that it does not contain provisions on gear certification or shipboard activity and equipment. The State standard is more stringent in: (1) requiring the marking of all controls on derricks and cranes; (2) grounding circuit requirements; and, (3) requirements regarding the use of unsafe tools. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center Room N–3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

(Sec. 18. Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 24th day of June, 1976.

WESLEY M. NOBLE,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76–28846 Filed 9–30–76;8:45 am]

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Sections 1952.105–109 of Subpart D set forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 2, 1975, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR 1928.21. These standards are contained in OAR Chapter 437, Parts 16, 22, 28 and 33, of the Occupational Safety and Health Standards, and were adopted on November 5, 1969, April 18, 1975 (as amended April 2, 1976), October 31, 1974, and January 24, 1975, and public hearings were not requested.

Approval of this State standard was delayed pending approval of the State submission of the equivalent standard to 29 CFR Part 1910, Subpart J.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. State standards differ from Federal Occupational Safety and Health standards in that: (1) The State standard equivalent to § 1910.142(a) (2) has a reduced distance of 200 feet between livestock and sleeping quarters, but requires additional measures to control health hazards as well as mosquitos and flies; (2) The equivalent standard to § 1910.142(b) (2), (b) (7), and (d) (3) are similar to the requirements of the Manpower Administration housing rule for agricultural workers (20 CFR Part 620); and, (3) State standards, Pulpwood Logging, Part 16, have been adopted to be more appropriate for the size of logs generally handled within the State as opposed to the smaller logs normally handled in other parts of the country. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N–3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

(Sec. 18. Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Wash., this 25th day of June 1976.

WESLEY M. NOBLE,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76–28847 Filed 9–30–76;8:45 am]

Office of Federal Contract Compliance Programs

HONEYWELL, INC.

Proposed Sanctions; Intent to Debar and Cancel From Federal Government Contract Activity

The following notice of intent to debar and cancel Honeywell, Inc., from all further Federal government contract activity pursuant to sections 209(a) (5) and (6) of Executive Order 11246, as amended, and the Secretary of Labor's regulations issued pursuant thereto, is published in accordance with 41 Code of Federal Regulations 60–1.26(b) and 41 Code of Federal Regulations 60–30.6 which require that notice of such proposed sanctions must be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this the 27th day of September 1976.

LAWRENCE Z. LORBER,
Deputy Assistant Secretary Director, Office of Federal Contract Compliance Programs.

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Federal Contract Compliance Programs
Washington, D.C. 20210

MR. EDWARD SPENCER, President,
Honeywell, Incorporated,
Honeywell Plaza,
Minneapolis, Minnesota.

SEPTEMBER 23, 1976.

DEAR MR. SPENCER: Honeywell, Incorporated (hereinafter Honeywell) is hereby notified pursuant to Title 41, Code of Federal Regulations, Part 60–1 and Part 60–30, that I, as Director of the Office of Federal Contract Compliance Programs, propose to request that the Secretary of Labor cause the termination of any and all existing Government contracts and subcontracts between Honeywell and any agency of the United States and to declare Honeywell ineligible for further Government contracts and subcontracts pursuant to section 209(a) (5) and (6) of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303) (hereinafter Executive Order 11246 or the Executive Order) until such time as Honeywell's Residential Division, GAP Division and General Offices, located in and around Minneapolis, Minnesota are brought into full compliance with Executive Order 11246 and the Secretary of Labor's regulations issued pursuant thereto which are published at Title 41, Code of Federal Regulations, Chapter 60 (hereinafter 41 CFR 60–1.1, et seq.).

Jurisdiction for the hearing, which will be conducted by the Chief Administrative Law Judge of the United States Department of Labor or his designee is provided by sections 208 (a) and (b) of Executive Order 11246 and 41 CFR 60–1.26(b) and 41 CFR Part 60–30. Honeywell is a Government contractor within the meaning of Executive Order 11246 and is now, and at all material times has been, subject to the contractual obligations imposed upon Government contractors and subcontractors by Executive Order 11246 and the Executive Orders which preceded it, including Executive Order 10925, and the implementing regulations issued thereunder. Cancellation and termination of Honeywell's Government contracts and subcontracts and debarment from further contracts and subcontracts will apply to all of Honeywell's Government contracts and subcontracts and is not limited to the facilities identified in paragraph 1, above.

Under the provisions of 41 CFR 60–2.2(c) (1) and 41 CFR 60–1.26(b), Honeywell has fourteen (14) days from receipt of this Notice in which to file an answer and to request a hearing respecting this Office's proposed actions. Such a hearing request should be directed to the Chief Administrative Law Judge, United States Department of Labor, 1111–20th Street, N.W., Suite 700, Washington, D.C. 20036. Service should also be made upon the Department of Labor by mailing a copy to James D. Henry, Associate Solicitor, United States Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210.

If a request for a hearing is not made within the fourteen (14) day period, Honeywell will be declared ineligible for future Government contracts and subcontracts, and its current contracts and subcontracts will be terminated for default.

The following is a general summation of the events which necessitate this Notice.

In October, 1974, the Energy Research and Development Administration conducted a compliance review of Honeywell's Residential Division in Minneapolis, Minnesota. The compliance review revealed a substantial concentration of females in certain departments or seniority groups. Moreover, the compliance review indicated a substantial disparity between the average hourly wage rate of males and females. Further, it was determined that female employees in the GAP Division and General Offices, who are members of the same bargaining unit as those in the Residential Division, were also adversely affected by Honeywell's discriminatory employment practices.

Representatives of the Government and Honeywell attempted to negotiate a settlement of the outstanding issues concerning the existence of an affected class of female employees and the appropriate back pay relief necessary to eliminate the present

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effects of past discriminatory employment practices. In a September 10, 1976 meeting, Honeywell was presented a back pay proposal from the Government which covered female employees at the Minneapolis facility. Honeywell responded by stating that it would not negotiate with the Government on any back pay recovery inasmuch as it disputes the existence of an affected class as defined by 41 CFR 60–2.1. Honeywell was informed that its refusal necessitated the issuance of a Notice of Intent to Debar and Cancel Honeywell from Government contract activity. Thereafter, I assumed jurisdiction over Honeywell pursuant to 41 CFR 60–1.25.

In this enforcement proceeding, the Department of Labor is seeking back pay relief on behalf of employees at Honeywell's Minneapolis facilities. In addition, this Department will seek such other relief as justice may require. Please be advised that in the event that Honeywell requests a hearing in response to this Notice, Federal contracting agencies will continue to determine Honeywell's eligibility for any new or additional Government contracts as provided by 41 CFR 60–2.2(d).

I would also like to advise Honeywell that the Department of Labor is willing to continue to attempt to reach a negotiated settlement regarding the issues involved in this matter. Arrangements for such negotiations may be made with Mr. Louis G. Ferrand, Jr., Acting Counsel for Civil Rights, Office of the Solicitor, Room N 2414, United States Department of Labor, Washington, D.C. 20210.

Sincerely,

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76–28871 Filed 9–30–76;8:45 am]

Office of the Secretary

[TA–W–1,086]

ALCAN WESTERN PRODUCTS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 11, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Alcan Western Products, Riverside, California, division of Alcan Aluminum Corp., Cleveland, Ohio (TA–W–1,086). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with aluminum bearing alloy and coated coils produced by Alcan Western Products or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–28852 Filed 9–30–76;8:45 am]

[TA–W–885]

BETHLEHEM STEEL CORP.; SEATTLE, WASH.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–885: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 19, 1976 in response to a worker petition dated April 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing industrial fasteners at the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23820). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met for standard industrial fasteners and that criterion number three (3) has not been met for railroad spikes.

SIGNIFICANT PARTIAL OR TOTAL SEPARATIONS

The average number of production workers in the Industrial Fastener Division of the Seattle plant increased 34.9 percent from 1973 to 1974 and then declined 45.3 percent from 1974 to 1975. From the second quarter of 1975 through the first quarter of 1976, the average number of production workers declined in each quarter when compared to the same quarter of the previous year. In the first quarter of 1976, average employment declined 60.7 percent compared to the first quarter of 1975.

Average weekly hours worked declined 4.5 percent from 1973 to 1974 and declined 0.8 percent from 1974 to 1975. In the first quarter of 1976, average weekly hours worked increased 0.5 percent compared to the first quarter of 1975.

The average number of salaried workers in the Industrial Fastener Division of the Seattle plant increased 30.0 percent from 1973 to 1974 and then remained stable from 1974 to 1975. In the first quarter of 1976, the average number of salaried workers declined 31.0 percent compared to the first quarter of 1975.

Labor turnover data shows that layoffs in the Industrial Fastener Division of the Seattle plant began in the second quarter of 1975. In 1975, total layoffs were equal to 71.0 percent of average employment at the Seattle plant's Industrial Fastener Division.

Employees are used interchangeably in the production of standard fasteners and specialty fasteners.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

The quantity of industrial fastener sales by the Seattle plant increased 8.7 percent from 1973 to 1974 and then declined 44.5 percent from 1974 to 1975. From the first quarter of 1975 through the first quarter of 1976, the quantity of sales declined in each quarter when compared to the same quarter of the previous year.

Sixty-five percent of industrial fasteners produced at the Seattle plant are standard fasteners. Thirty-five percent are special fasteners. These proportions have remained constant in recent years.

Production data was not available for the first quarter of 1973. Unit production of industrial fasteners at the Seattle plant increased 10.0 percent in the last three quarters of 1974 compared to the same period of 1973. Unit production of industrial fasteners declined 55.0 percent from 1974 to 1975. From the first quarter of 1975 through the first quarter of 1976, unit production declined in each quarter when compared to the same quarter of the previous year.

Production of railroad spikes at the Seattle plant remained stable from 1973 to 1974 and from 1974 to 1975.

INCREASED IMPORTS

Imports of iron or steel bolts increased absolutely in each year from 1971 through 1974 and then declined absolutely from 1974 to 1975. Imports increased relatively from 1971 to 1972, and then declined relatively from 1972 to 1973. Imports increased relatively from 1973 to 1974. Although the ratio of imports to domestic production remained stable, at 19.3 percent, from 1974 to 1975, the 1975 ratio was above the 1971 through 1974 average of 16.2 percent. The ratio of imports to domestic consumption increased from 17.1 percent in 1974 to 17.9 percent in 1975.

Imports of iron or steel nuts increased absolutely and relatively in each year from 1971 through 1974. Imports declined absolutely from 1974 to 1975. Although the ratio of imports to domestic production declined from 96.6 percent in 1974 to 91.0 percent in 1975, the 1975 ratio was well above the 1971 through 1974 average of 73.2 percent. The ratio of imports to domestic consumption increased from 51.8 percent in 1974 to 53.0 percent in 1975.

Imports of iron or steel screws increased absolutely and relatively in each year from 1971 through 1974. Imports declined absolutely by 34.5 percent from 1974 to 1975. Domestic production fell by 37.8 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 36.3 percent and 28.1 percent, respectively, in 1974 to 38.2 percent and 29.9 percent in 1975.

Imports of specialty fasteners are negligible because of time lags and quality control problems involved in the purchase of imports.

There are no imports of railroad spikes according to information provided by analysts at the International Trade Commission.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers reduced purchases of standard industrial fasteners from the Seattle plant and substituted lower priced imported standard industrial fasteners. The price differential is so great (import prices are 40 percent below domestic prices, according to customers' estimates) that importing is necessary to remain competitive in the market.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with standard industrial fasteners produced at the Seattle, Washington plant of Bethlehem Steel Corporation contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of standard industrial fasteners in the Industrial Fastener Division of the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania who became totally or partially separated from employment on or after April 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with railroad spikes produced in the Industrial Fastener Division of the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76–28524 Filed 9–30–76;8:45 am]

[TA–W–920]

CENTRAL SCREW CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–920: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition received on June 7, 1976 which was filed by the International Association of Machinists on behalf of workers and former workers producing standard steel screws at the Sonoma, California plant of Central Screw Company, Des Plaines, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24794). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Central Screw Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 2.9 percent from 1973 to 1974 and declined 61.8 percent from 1974 to 1975. All production workers were terminated on May 1, 1976, the date of the plant closure.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ARSOLUTELY

Production increased 3.6 percent from 1973 to 1974 and then declined 70.5 percent from 1974 to 1975. Production declined in each quarter of 1975 when compared to the same quarter in 1974.

INCREASED IMPORTS

Imports of iron or steel screws increased both in absolute terms and relative to domestic production and consumption in each year from 1971 through 1974. While imports decreased in absolute terms from 1974 to 1975, the ratios of imports to domestic production and consumption increased from 36.3 percent and 28.1 percent, respectively, in 1974 to 38.2 percent and 29.9 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that a representative sample of all customers of Central Screw Company reduced purchases of standard steel screws from Central Screw Co. from 1974 to 1975 and increased purchases of lower-priced imported screws.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with standard steel screws produced at the Sonoma, California plant of Central Screw Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Sonoma, California plant of Central Screw Company who became totally or partially separated from employment on or after May 13, 1975, are eligible to apply for adjust-

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ment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 22nd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28853 Filed 9-30-76;8:45 am]

[TA-W-946]

C. M. GRAY-PREMIER MARBLE CORP.; LONG ISLAND CITY, N.Y.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-946: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 21, 1976 in response to a worker petition received on that date which was filed by Local No. 1 of the International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Terrazzo Workers' Helpers on behalf of workers and former workers fabricating marble at the C. M. Gray-Premier Marble Corporation, Long Island City, New York.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the C. M. Gray-Premier Marble Corporation, other marble contractors, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The intvestigation has revealed that all four of the above criteria have been met in regard to the cutting and polishing of marble, but that the third and fourth criteria have not been met in regard to the setting of marble.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average employment of polishers declined 25 percent in the last half of 1975 compared to the like period of 1974 and declined 50 percent in the first half of 1976 compared to the like period of 1975.

The average employment of cutters and setters declined 50 percent in the last half of 1975 compared to the like period of 1974 and declined 67 percent in the first half of 1976 compared to the like period of 1975.

The average employment of helpers declined 60 percent in the last half of 1975 compared to the like period of 1974 and declined 50 percent in the first half of 1976 compared to the like period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 8 percent from 1974 to 1975. Labor costs of production declined 7 percent in the last half of 1975 compared to the like period of 1974 and declined 30 percent in the first half of 1976 compared to the like period of 1975.

INCREASED IMPORTS

Imports of marble, breccia, onyx, and travertine in terms of value increased from 1971 through 1974, declined 16.1 percent from 1974 to 1975, and increased 1.4 percent in the first quarter of 1976 compared to the like period of 1975. The ratio of imports to domestic production declined from 111.6 percent in 1974 to 103.7 percent in 1975 and increased from 107.1 percent in the first quarter of 1975 to 144.7 percent in the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

C. M. Gray-Premier employs workers who polish and cut marble slab in the company's shop and set marble in building interiors on a contract basis.

Contractors awarded projects in lieu of C. M. Gray-Premier indicated that imported marble was used on these jobs. The use of prefabricated imported marble led to the separation of the cutters and polishers who fabricated marble in C. M. Gray-Premier's shop. However, the use of imports could not have led to the separation of any workers solely or primarily engaged in setting marble; nor could it have led to the separation of any helpers since all helpers employed at C. M. Gray-Premier have been almost exclusively engaged over the past year in helping the setters to set marble. Evidence from past adjustment assistance cases involving marble firms in the New York City area indicates that since June 1975 marble installers have been allowed under a new union rule to install imported marble. Given this new situation, setters and their helpers would remain employed regardless of whether imported or domestic marble were being set.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the marble fabricated at the C. M. Gray-Premier Marble Corporation, Long Island City, New York, contributed importantly to the total or partial separation of the cutters and polishers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the cutting or polishing of marble at the C. M. Gray-Premier Marble Corporation, located in Long Island City, New York, who became totally or partially separated from employment on or after June 16, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with the marble fabricated at the C. M. Gray-Premier Marble Corporation did not contribute importantly to the total or partial separation of those workers solely or primarily engaged in that firm in employment related to the setting of marble. Therefore, such workers are not eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28525 Filed 9-30-76;8:45 am]

[TA-W-886]

CONTINENTAL SCREW CO., INC.; NEW BEDFORD, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-886 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 18, 1976 in response to a worker petition received on June 18, 1976 which was filed on behalf of workers and former workers producing screws and threading screws at the New Bedford, Massachusetts plant of the Continental Screw Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27465). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Continental Screw Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The Continental Screw Co., Inc. manufactures specialty, proprietary fasteners exclusively. U.S. imports of specialty fasteners are negligible. These fasteners do not pose an import problem because the low volume markets characteristic of such fasteners are of little interest to off-shore producers.

The Department's investigation indicated that the layoffs experienced by the Continental Screw Co., Inc. in 1975 were attributed to a decline in jobs due to a loss of accounts to other domestic manufacturers during a labor strike which started on May 5, 1975 and continued to September 22, 1975. Continental's inability to meet deliveries during this period caused a reduction in purchases by Continental's customers. This reduction in purchases continued after the strike ended, causing Continental to reduce their work force at that time.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of screws have not contributed importantly to the total or partial separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28526 Filed 9-30-76;8:45 am]

[TA-W-1,071]

DOLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated September 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Longshoremen's and Warehousemen's Union on behalf of the workers and former workers of Maunoloa, Hawaii plant of Dole Company, Honolulu, Hawaii, a subsidiary of Castle & Cooke, Inc., Honolulu, Hawaii (TA-W-1,071). Accordingly, the Director, Officer of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with pineapple—fresh and canned (all sizes and bites) produced by Dole Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28854 Filed 9-30-76;8:45 am]

ENZEL-ARTHUR RICHARDS MANUFACTURING CORP., NEW YORK, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-903: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on May 27, 1976 which was filed by the Amalgamated Clothing Workers of American on behalf of workers and former workers producing men's tailored clothing at Enzel-Arthur Richards Mfg. Corp. The petition was expanded to include E.A.R. Pants Mfg. Corp., formerly Enzel-Arthur Richards' pants division.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24800). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Enzel-Arthur Richards Mfg. Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such a workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all the above criteria have been met for the suit coat and suit pants divisions, but that the first and second criteria have not been met for the vest division.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers in the suit coat division of Enzel-Arthur Richards Mfg. Corp. declined 1 percent from 1973 to 1974, and declined 11 percent from 1974 to 1975. Employment increased 25 percent in the first half of 1976 from the first half of 1975. The average number of hours worked remained the same from 1974 to 1975, and increased 6 percent in the first half of 1976 from the first half of 1975.

The average number of production workers in the pants division increased 20 percent from 1973 to 1974, and then declined 14 percent from 1974 to 1975. Employment increased 53 percent in the first half of 1976 from the first half of 1975. The average number of hours worked declined 3 percent from 1974 to 1975, and declined 3 percent in the first half of 1976 from the first half of 1975.

The average number of production workers in the suit vest division increased 44 percent in the last nine months of 1974 compared to the same period in 1973, and increased 46 percent from 1974 to 1975. Employment increased 45 percent in the first half of 1976 from the same period in 1975. The average number of hours worked increased 3 percent

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from 1974 to 1975 and remained the same in the first half of 1976 compared to the first half of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production are equivalent, since the clothing is produced to order. Production of men's suit coats increased 4 percent in quantity from 1973 to 1974, and increased 7 percent in quantity from 1974 to 1975. Production of suit coats declined in the second and third quarters of 1975 and in the first quarter of 1976 compared to the same quarters of the previous year.

Production of men's suit pants increased 22 percent in quantity from 1973 to 1974 and then declined 15 percent in quantity from 1974 to 1975. Production of pants increased 15 percent in quantity in the first quarter of 1976 compared to the same quarter of 1975.

Production of men's suit vests commenced in March 1973. Production of vests increased 62 percent in quantity in the last three quarters of 1974 compared to the same period in 1973. Production of vests increased 55 percent in quantity from 1974 to 1975, and increased 12 percent in the first quarter of 1976 compared to the same quarter of 1975.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased absolutely and relatively in each year from 1971 through 1973, and increased relatively from 1973 to 1974. Imports increased both absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

Imports of men's and boys' dress and sport trousers and shorts increased absolutely and relatively from 1971 to 1972, declined absolutely and relatively in each year from 1972 to 1974, and then increased both absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

Imports of men's and boys' tailored suit vests increased absolutely and relatively in each year from 1972 to 1975. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 16.3 percent and 14.6 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicated that Enzel-Arthur Richards produced for one manufacturer. Retail customers of this manufacturer increased import purchases of men's suit coats and pants from 1974 to 1975. These customers shifted from domestic to imported suits because of the lower price of the imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and suit pants produced by the coat and pants divisions of Enzel-Arthur Richards Mfg. Corp. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of men's suit coats at Enzel-Arthur Richards Mfg. Corp. and suit pants at E.A.R. Pants Mfg. Corp. (formerly Enzel-Arthur Richards Mfg. Corp. pants division) located in New York City, New York who became totally or partially separated from employment on or after May 24, 1975 and before January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All employees separated on or after January 1, 1976 are denied certification.

I further conclude that increases of imports like or directly competitive with men's suit vests produced by the vest division of Enzel-Arthur Richards Mfg. Corp. did not contribute importantly to the total or partial separation of the workers of that division of the firm.

Signed at Washington, D.C. this 22nd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28527 Filed 9-30-76;8:45 am]

[TA-W-976]

EVANS-ARISTOCRAT INDUSTRIES, INC.; GURABO, PUERTO RICO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-976: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of workers formerly producing wallets and clutch purses at the Billfold Corporation of America, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, Newark, New Jersey. The investigation was expanded to include workers formerly producing wallets and clutch purses at Cardinal Leather Products, Incorporated, and E. A. Products, Incorporated, also Gurabo, Puerto Rico subsidiaries of Evans-Aristocrat Industries, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29506). No public hearing was requested and none was held. The information upon which the determination was made was obtained principally from officials of Evans-Aristocrat Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and industry analysts.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The annual average number of workers employed at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., declined 18 percent, 43 percent and 36 percent, respectively, from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of wallets and clutch purses at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., decreased 44 percent, 52 percent and 5 percent, respectively, from 1974 to 1975. Production at all three plants was terminated in December 1975.

INCREASED IMPORTS

U.S. imports of personal flat goods, including wallets and clutch purses, rose in value every year from 1971 to 1975, increasing from $13.1 million in 1971 to $25.9 million in 1975. The ratios of imports to domestic production and consumption increased from 8.7 percent and 8.0 percent, respectively, in 1971 to 13.0 percent and 11.5 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

From 1974 to 1975 most of Evans-Aristocrat Industries' largest customers reduced purchases of wallets and clutch purses from the company and substituted primarily imported goods which provided a significant price advantage. During the same period, Evans-Aristocrat Industries increased its purchases of imported wallets and clutch purses from outside foreign sources. In order to successfully compete with increased imports in the market for low-price wallets and clutch purses, the company decided in 1975 to phase out production at its three Puerto Rico subsidiaries, to increase production at its plant in Yallahs, Jamaica and to expand its importing operation. All production at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., ceased in December 1975, and all employees were terminated shortly thereafter.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with wallets and clutch purses produced at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., Gurabo, Puerto Rico subsidiaries of Evans-Aristocrat Industries, Inc., contributed importantly to the total or partial separation of the workers at such subdivisions of the firm. In accordance with the provisions of the Trade Act of 1974, I make the following certifications:

All workers of the Billfold Corporation of America, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, who became totally or partially separated from employment on or after August 18, 1975 and before January 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who became or will become separated from employment on or after January 11, 1976 are denied certification; "All workers of Cardinal Leather Products, Incorporated, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, who became totally or partially separated from employment on or after August 18, 1975 and before January 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who became or will become separated from employment on or after January 11, 1976 are denied certification;

All workers of E. A. Products, Incorporated, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, who became totally or partially separated from employment on or after August 18, 1975 and before January 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became or will become separated from employment on or after January 11, 1976 are denied certification.

Signed at Washington, D.C., this 22nd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28528 Filed 9-30-76;8:45 am]

[TA-W-1,075]

F. MEZZEO & CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On Septemhber 15, 1976 the Department of Labor received a petition dated September 10, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of F. Mezzeo & Company, Inc., New York, New York (TA-W-1,075). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tuxedos produced by F. Mezzeo & Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28860 Filed 9-30-76;8:45 am]

[TA-W-1,084]

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 5, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of General Electric Company, Evendale, Ohio a division of General Electric Corporation, Fairfield, Conn. (TA-W-1,084). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with jet engines produced by General Electric Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28855 Filed 9-30-76;8:45 am]

[TA-W-1,068]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated August 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of the Russellville, Arkansas plant of International Shoe Co., St. Louis, Missouri a division of

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Interco, Inc., St. Louis, Missouri (TA-W-1,068). Accordingly, the Director, Officer of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's shoes produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determined of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28856 Filed 9-30-76;8:45 am]

[TA-W-1,078]

KRASNO BROTHERS GLOVES & MITTEN CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Krasno Brothers Gloves & Mitten Co., Inc., Milwaukee, Wisconsin (TA-W-1,078). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with work gloves produced by Krasno Brothers Gloves & Mitten Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28857 Filed 9-30-76;8:45 am]

[TA-W-1,067]

LEVERENZ SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated September 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The New Holstein, Wisconsin plant of Levernz Shoe Company, Sheboygan, Wisconsin (TA-W-1,067). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress and casual shoes produced by Leverenz Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28858 Filed 9-30-76;8:45 am]

[TA-W-1,076]

MAREMONT CORPORATION

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 25, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of New England Operations, Saco, Maine of Maremont Corporation, Chicago, Illinois (TA-W-1,076).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with machine guns produced by Maremont Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976,

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28859 Filed 9-30-76;8:45 am]

[TA-W-1,077]

MILWAUKEE GLOVE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of the Herkimer, New York plant of Mohawk Data Sciences, Parsippany, New Jersey (TA-W-1083). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather coats and gloves for men produced by Milwaukee Glove Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28861 Filed 9-30-76;8:45 am]

[TA-W-1083]

MOHAWK DATA SCIENCES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Morehouse Garment Corporation, Bastrop, Louisiana, a subsidiary of Master Trouser, New York, New York (TA-W-1,082). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with high speed printers produced by Mohawk Data Sciences or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assitance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28862 Filed 9-30-76;8:45 am]

[TA-W-1,082]

MOREHOUSE GARMENT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Paperworkers International Union on behalf of the workers and former workers of Morehouse Garment Corporation, Bastrop, Louisiana, a subsidiary of Master Trouser, New York, New York (TA-W-1,082). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' slacks produced by Morehouse Garment Corporation or an appropriate subdivision thereof have contributed importantly

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tantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28863 Filed 9-30-76;8:45 am]

[TA-W-1,072]

NUNN BUSCH SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated September 2, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Nunn Busch Shoe Company, Edgerton, Wisconsin, a division of Weyenberg, Milwaukee, Wisconsin (TA-W-1,072). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's welt shoes produced by Nunn Busch Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28864 Filed 9-30-76;8:45 am]

[TA-W-958 and TA-W-970]

OOMPHIES, INCORPORATED

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-958 and TA-W-970: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

Investigation TA-W-958 was initiated on June 29, 1976 in response to a worker petition received on that date on behalf of workers and former workers producing women's casual shoes and slippers at Ludington Division of Oomphies, Incorporated, Lawrence, Massachusetts.

Investigation TA-W-970 was initiated on June 30, 1976 in response to a worker petition received on that date which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's casual shoes and slippers at Casual Footwear Division of Oomphies, Incorporated, Lowell, Massachusetts.

The notices of investigation were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29518). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Oomphies, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average company employment at Oomphies declined 10 percent in the second quarter of 1976 from the previous quarter and declined 9 percent compared to the same quarter in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total company sales at Oomphies, excluding imports, declined 17 percent in the second quarter of 1976 compared to the same quarter in 1975.

In the second quarter of 1976 production at Oomphies declined 1 percent compared to the same quarter in 1975.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased relative to domestic production from 1971 through 1973 and declined from 1973 through 1975. Imports increased absolutely from 1971 through 1973, declined in 1974 and then increased in 1975. Imports increased from 53.3 million pair in the first quarter of 1975 to 62.2 million pair in the first quarter of 1976, an increase of 17 percent.

Oomphies imports a single article—a Spanish kidskin slipper. Imports of this slipper increased 20 percent in the first six months of 1976 compared to the like period of 1975.

CONTRIBUTED IMPORTANTLY

Customers of Omphies indicated that purchases of imported shoes of the type produced by Oomphies have been increasing in recent years. Customers commented that purchases of imported espadrille style shoes have increased and that an increasing percentage of their inventories of women's shoes are imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's casual shoes and slippers produced at Oomphies, Incorporated contributed importantly to the total or partial separation of the workers at Casual Footwear Division, Lowell, Massachusetts and Ludington Division, Lawrence, Massachusetts. In accordance with the provisions of the Act, I make the following certification:

All workers at Ludington Division, Lawrence, Massachusetts, and Casual Footwear Division, Lowell, Massachusetts, of Oomphies, Incorporated who became totally or partially separated from employment on or after March 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28865 Filed 9-30-76;8:45 am]

[TA-W-994]

PARIS SHOE COMPANY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-994: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 20, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's footwear at Paris Shoe Company, Incorporated, Lowell, Massachusetts, a division of Laconia Shoe Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on August 6, 1976 (41 FR 32926). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paris Shoe Company, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (1) and (2) have not been met.

The evidence developed in the Department's investigation reveals that employment of production workers at Paris Shoe Company, Incorporated increased 14 percent in 1975 from 1974 and increased 23 percent in the first six months of 1976 compared to the first six months of 1975. An average work week of 40 hours per worker has been maintained at Paris Shoe Company, Incorporated since January 1975.

Production and sales by Paris Shoe Company, Incorporated increased 22 percent and 55 percent, respectively, from 1974 to 1975. Production and sales increased 9 percent and 35 percent, respectively, in the first six months of 1976 compared to the first six months of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production have not declined and a significant number or proportion of workers producing men's footwear at Paris Shoe Company, Incorporated, Lowell, Massachusetts have not become totally or partially separated as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28866 Filed 9-30-76;8:45 am]

[TA-W-1,069]

PHELPS COOPERATIVE SOCIETY

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated August 27, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Phelps Cooperative Society, Phelps, Wisconsin (TA-W-1,069).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the selling of groceries, hardware, clothing, farm supplies and gasoline provided by The Phelps Cooperative Society or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28867 Filed 9-30-76;8:45 am]

[TA-W-942]

STAR METAL PRODUCTS CO., INC.; CLEVELAND, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-942: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 18, 1976 in response to a worker petition received on June 18, 1976 which was filed on behalf of workers and former workers producing replaceable parts for metal fastener machinery at the Cleveland, Ohio plant of the Star Metal Products Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27804). No public hearing was requested and none was held.

The information upon which the determination was made was obtained prin-

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cipally from officials of Star Metal Products Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Star Metal Products Company declined 2.5 percent in 1975 from 1974 and decreased 28.0 percent in the first six months of 1976 compared to the same period in 1975. Average weekly hours declined 4.1 percent from 1974 to 1975 and decreased 1.3 percent in the first six months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Dollar value of sales by Star Metal Products Company, Incorporated decreased 13.9 percent from 1974 to 1975. Sales in the first six months of 1976 were 2.6 percent below sales in the same period of 1975.

INCREASED IMPORTS

Imports of transfer fingers, cutters and quills are not separately identifiable under the TSUSA classification system. Industry analysts indicate that these replaceable parts do not pose an import problem because of their fast rate of replacement. Major competition comes from tool shops of the company's customers.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that in recent years the metal fastened industry has been adversely affected by the general domestic economic recession. Customers of Star Metal had reduced their purchases of replaceable parts for metal fastener machines, but did not import such parts. Customers indicated that it was impractical to import such parts because these parts wear out quickly and thus require prompt delivery.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increase of imports like or directly competitive with the replacement parts for metal fastener machinery which are produced at the Cleveland, Ohio plant of the Star Metal Products Company, Incorporated, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-28529 Filed 9-30-76;8:45 am]

[TA-W-1,073]

WILBAR'S, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated July 19, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the _____ on behalf of the workers and former workers of Wilbar's, Incorporated, Boston, Massachusetts (TA-W-1,073).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the selling of shoes, handbags and jewelry provided by Wilbar's, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-28868 Filed 9-30-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-17]

CIVIC FEDERAL SAVINGS AND LOAN ASSOCIATION, SAN FRANCISCO, CALIF.

Approval of Conversion; Final Action

SEPTEMER 23, 1976.

Notice is hereby given that on September 23, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation by Resolution No. 76-732, approved the application of Civic Federal Savings and Loan Association, San Francisco, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-28819 Filed 9-30-76;8:45 am]

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE AIR FORCE

Public Hearing and Availability of Draft Environmental Impact Statement

Informal public hearings will be held for the purpose of soliciting comments from the public on the proposed closure of Craig Air Force Base, Alabama and Webb AFB, Texas. Alternative base closure sites include Columbus AFB, Mississippi, Laughlin AFB, Texas, Reese AFB, Texas, and Vance AFB, Oklahoma. The Draft Environmental Impact Statement for these proposed actions was filed with the Council on Environmental Quality (CEQ) on September 15, 1976. Limited copies of the DEIS are available from:

Information Office, Columbus AFB, MS 39701.
Information Office, Craig AFB, AL 36701.
Information Office, Laughlin AFB, TX 78840.
Information Office, Reese AFB, TX 79489.

Information Office, Vance AFB, OK 73701.
Information Office, Webb AFB, TX 79720.
Information Office, Williams AFB, AZ 85224.

In addition, copies of the DEIS and Background Studies have been placed in the following locations for public reference:

Lowndes County Library, 314 7th St. N., Columbus AFB, MS 39701.
Fant Memorial Library, Mississippi University for Women, Columbus, MS 39701.
14 FTW/SSL, Base Library, Columbus AFB, MS 39701.
Selma Public Library, Selma, AL 36701.
George C. Wallace State Community College Library, Highway 22, Selma, AL 36701.
Selma University Library, 1501 Lapsley Street, Selma, AL 36701.
Alabama Lutheran Academy and College Library, 1804 Green Street, Selma, AL 36701.
Val Verde Library, 300 Spring Street, Del Rio, TX 78840.
Base Library, Laughlin AFB, TX 78840.
Lubbock City/County Library, Slaton Branch, 164 W. Garza, Slaton, TX 79364.
Lubbock City/County Library, Idalou Branch, 122 Main Street, Idalou, TX 79329.
Lubbock City/County Library, 1306 9th Street, Lubbock, TX 79401.
Hockley County Memorial Library, Levelland Branch Library, Austin and Ave. H, Levelland, TX 79366.
Reese AFB Library, Reese AFB, X 79489.
Miss Jean Harrington, Librarian, Enid Public Library, 120 W. Maine, Enid, OK 73701.
Mr. Tom Kirk, Librarian, (NW-CL), Vance AFB, OK 73701.
Howard County Library, 310 Scurry, Big Spring, TX 79720.
Howard College Library, 1001 Birdwell, Big Spring, TX 79720.
78 FTW/SSL, Base Library, Webb AFB, TX 79720.
City Library, 12 E. McDowell Road, Phoenix, AZ 85001.
City Library, 59 E. 1st Street, Mesa, AZ 85201.
City Library, 3839 Civic Center Plaza, Scottsdale, AZ 85251.
Mesa Community College Library, 1833 W. Southern, Mesa, AZ 85201.
City Library, 3500 S. Rural Road, Tempe, AZ 85281.
Arizona State University Library, Tempe, AZ, 85282.
City Library, 132 W. Bruce Avenue, Gilbert, AZ 85234.
City Library, P.O. Box 252, Apache Junction, AZ 85220.
Base Library, Williams AFB, AZ 85224.
Scottsdale Community College Library, 9000 E. Chaparral Road, Scottsdale, AZ 85251.
City Library, 178 E. Commonwealth, Chandler, AZ 85224.
Phoenix College Library, 1202 W. Thomas Road, Phoenix, AZ 85203.

The informal public hearings will be held at the dates, times and places listed below:

Date: October 18, 1976.
Time: 7 PM.
Place: Joe Cook Jr. H.S. Auditorium, North 7th St., Columbus, MS 39701.
Date: October 21, 1976.
Time: 7 PM.
Place: Convention Hall, Cherokee and Indepence, Enid, OK 73701.
Date: October 27, 1976.
Tibe: 7 PM.
Place: Civic Center, Avenue F, Del Rio, TX 78840.
Date: November 3, 1976.
Time: 7 p.m.
Place: Big Spring High School Auditorium, 11 Place, Big Spring, TX 79720.
Date: November 8, 1976.
Time: 7 p.m.
Place: City Hall, Council Chamber, 10th Street & Texas Avenue, Lubbock, TX 79408.
Date: November 15, 1976.
Time: 7 p.m.
Place: Convention Center, Municipal Complex, Broad Street, Selma, AL 36701.

Arrangements have been made at each location to continue the public hearings on the following day in the event the presiding officer determines that an extension is necessary.

The presiding officer at these hearings will be Colonel Howard K. Smith, Chief Judge, 2nd Circuit, USAF Trial Judiciary, Maxwell Air Force Base, Alabama 36112.

The increasing disparity between pilot training capacity and requirements has dictated that the United States Air Force take management actions to more closely align these two factors. The degree of excess capacity projected for the next several years provides an opportunity to achieve economies by reducing fixed base cost. The USAF requirements for fixed wing pilot production has declined from a total of approximately 4,300 pilots in FY 1972 to approximately 1,550 pilots in FY 1978. Currently within Air Training Command, the Air Force has a capability to train approximately 2,760 fixed wing pilots at seven Undergraduate Pilot Training (UPT) bases. This excess pilot production capacity projected ahead, which is expected to increase further with the introduction of instrument flight simulators, cannot be economically continued or operationally justified. Closure of two UPT bases would produce optimum savings while retaining an adequate pilot training expansion capability. Thus the Air Force proposes two actions: to close Craig AFB, Selma, Alabama and Webb AFB, Big Spring, Texas. The Flying Training Wing (FTW) at each base would be inactivated and the pilot training mission would be redistributed among the five remaining UPT bases (Williams, AFB, AZ, Laughlin AFB, TX, Vance AFB, OK, Reese AFB, TX, and Columbus AFB, MS) during FY 1977. The associated tenant organizations which provide weather, communication, manpower, and other support activities would also be inactivated. The resources necessary to support the increased training mission activity at the five remaining UPT bases would be provided from the inactivated organizations at Craig and Webb AFBs. These proposed actions would ultimatel, involve the reduction of approximately 900 civilian and 1,550 military positions at Craig AFB and approximately 850 civilian and 1,700 military positions at Webb AFB. The redistribution of Craig AFB's pilot training mission during FY 1977 to the five remaining UPT bases would require that approximately 50 civilian and 370 military positions be transferred from Craig AFB to the gaining UPT bases. There would be a similar transfer of approximately 50 civilian and 440 military positions from Webb AFB to the gaining UPT bases. Concurrent with the termination of the flying training mission, a caretaker force of approximately 320 military and civilian positions would be established at Craig and Webb AFBs. Facilities at these bases would be screened and those declared excess to Defense reqiurements would be made available for other use. The caretaker manpower positions would be eliminated upon final disposition of facilities. The proposed actions to close Craig AFB, Dallas County, Selma, Alabama, and Webb AFB, Howard County, Big Spring, Texas, would achieve approximately $47 million in annual recurring savings to the Department of Defense through reductions in personnel and base operating costs.

The following procedures will be followed during the informal public hearings. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing record is five days after date of public hearing. Submit written communications to the presiding officer or as directed at the public hearing.

The deadline for forwarding comments to the Special Assistant for Environmental Quality (SAF/ILE), Washington, DC 20330, has been extended from November 8, 1976, as announced in the FEDERAL REGISTER, 41 FR 41944, dated September 24, 1976, to November 23, 1976.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-29102 Filed 9-30-76;8:45 am]

Department of the Air Force

DRAFT ENVIRONMENTAL STATEMENT

Public Hearing

SEPTEMBER 29, 1976.

Informal public hearings will be held for the purpose of soliciting comments from the public on the draft environmental impact statements for the proposed closure of Kincheloe Air Force Base (AFB), Michigan, and the proposed reduction of Loring AFB, Maine. The closure of Blytheville AFB, Arkansas, is an alternative to both of the proposed candidate actions. In the event that the Blytheville AFB closure is selected in lieu of either of the proposed candidate actions, the natural environment should improve due to the decrease in aircraft operations. The socio-economic impacts, however, could be severe in the areas of unemployment, housing vacancy, school enrollments, and funding. Hearings are scheduled to be held in the Blytheville AFB vicinity on October 18 and 19, 1976. Draft Environmental Impact Statements (DEIS) for these proposed actions were filed with the Council on Environmental Quality (CEQ) on September 3, 1976. Copies are available from:

Special Assistant for Environmental Quality, (SAF/ILE), The Pentagon, Room 4C885, Washington, D.C. 20330.

In addition, copies of the DEIS have been placed in the following locations for public reference:

Blytheville Public Library, Blytheville, Arkansas.

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Chamber of Commerce, Blytheville, Arkansas.
97BMW Office of Information, Blytheville AFB, Arkansas.
Base Library, Blytheville AFB, Arkansas.

The Presiding Officer will be Col. Allan C. Smith, Chief Judge, 5th Circuit, USAF Trial Judiciary, Travis AFB, California 94535, telephone (707) 438–6321).

The following procedures will be followed during the informal public hearings. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. Written statements will be given the same consideration as oral statements. The closing date for including written communications in the hearing record is five days after date of public hearing. Submit written communications to the 97BMW/01, Blytheville AFB, Arkansas 72315.

The informal public hearing for the Blytheville AFB vicinity will be held at the following specific times and place:

9:00 a.m.–4:00 p.m., 18 October 1976, Blytheville City Hall, Blytheville, Arkansas.
7:00 p.m.–10:30 p.m., 19 October 1976, Blytheville City Hall, Blytheville, Arkansas.

Any changes to this notice will be publicized in the local news media.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76–28983 Filed 9–30–76;8:45 am]

Department of the Army

HEADWATERS RESERVOIRS, MISSISSIPPI RIVER AND REMER ADMINISTRATIVE SITE, CHIPPEWA NATIONAL FOREST, MINNESOTA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached below and made a part hereof, which lands are within the Chippewa National Forest, Minnesota, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record.

(2) The Forest Service acquired administrative site described in Exhibit B below, which is administered by the Forest Supervisor, Chippewa National Forest, is hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to outstanding rights or interests of record.

Pursuant to Section 2 of the aforesaid Act of July 26, 1956, the Forest Service administrative site transferred to the Secretary of the Army by this order is hereafter subject only to laws applicable to Department of the Army lands comprising the Headwaters Reservoirs, Mississippi River. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date: This order will be effective as of October 1, 1976.

Dated: July 22, 1976.

MARTIN R. HOFFMANN,
Secretary of the Army.

Dated: August 10, 1976.

EARL L. BUTZ,
Secretary of Agriculture.

EXHIBIT A

LAND TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Fifth Principal Meridian

T. 143 N., R. 28 W.,
Sec. 14, That portion of the SE¼NW¼, south of a line beginning at a point on the east line of said tract, 225 feet north of the southeast corner; thence north 75° west, 920 feet; thence in a northwesterly direction, 490 feet, more or less, to a point on the west line of said tract, 670 feet north of the southwest corner containing 12.7 acres, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 103). That portion of the NW¼-SE¼, south and west of a line beginning at a point on the east line of said tract, 600 feet south of the northeast corner, to a point on the north line of said tract, 500 feet west of the northeast corner, containing 36.5 acres, more or less. (Corps tract 103).
Sec. 23, That portion of the SE¼NE¼, north and west of a line beginning at a point on the north line of said tract, 100 feet east of the northwest corner, to a point on the west line of said tract, 320 feet north of the southwest corner, containing 1.0 acre, more or less. (Corps tract 104). That portion of the NE¼-SE¼, south and west of a line beginning at a point on the south line of said tract, 430 feet east of the southwest corner, to a point on the west line of said tract, 890 feet north of the southwest corner, containing 4.4 acres, more or less. (Corps tract 104). That portion of the SE¼SE¼, west of a line beginning at a point on the south line of said tract, 450 feet east of the southwest corner; thence north 13°30' west, 540 feet; thence north 11° east, 240 feet; thence north 83°30' east, 550 feet; thence north 14° east, 150 feet; thence in a northwesterly direction, 630 feet, more or less, to a point on the north line of said tract, 430 feet east of the northwest corner, containing 17.0 acres, more or less. The west line of said tracts is used as a meridian in this description. (Corps tract 104).
Sec. 25, That portion of the SW¼NW¼, south and west of a line beginning at the northwest corner of said tract; thence south 26°30' east, 430 feet; thence in a southeasterly direction, 930 feet, more or less, to a point on the south line of said tract, 390 feet east of the southwest corner, containing 7.8 acres, more or less. The west line of said tract is used as a meridian in this description. (Corps tract 57). That portion of the NW¼SW¼, south and east of a line beginning at a point on the east line of said tract, 100 feet north of the southeast corner; thence south 64° west, 225 feet; thence north 84° west, 475 feet; thence in a southwesterly direction, 170 feet, more or less, to a point on the south line of said tract, 835 feet west of the southeast corner, containing 1.4 acre, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 57).
Sec. 26, That portion of the NE¼NE¼, south and west of a line beginning at a point on the north line of said tract, 890 feet west of the northeast corner; thence south 24° east, 910 feet; thence in a southeasterly direction, to a point on the east line of said tract, 120 feet north of the southeast corner, containing 25.00 acres, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 57). That portion of the NE¼SE¼, west of a line beginning at a point on the south line of said tract, 120 feet of the southeast corner; thence north 19° west, 970 feet; thence north 27° east, 260 feet; thence in a northeasterly direction, 360 feet, more or less, to the northeast corner of said tract, containing 31.0 acres, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 57).

The tracts described, contain in all 136.8 acres, more or less.

EXHIBIT B

LAND TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Fifth Principal Meridian

T. 141 N., R. 26 W.,
Sec. 1, Part of the NW corner of NW¼SE¼, beginning at a point 50 feet south of the established center of Sec. 1, T. 141 N., R. 26 W., this point being on the north and south quarter line, 2,737.5 feet south 0°40' east (va. 6°45') from the north quarter corner of Sec. 1 and the south right-of-way line of Highway #34, 50 feet south of centerline of said highway. From this point as the place of beginning run south 89°15' east along said south right-of-way line a distance of 511.2 feet; thence south 0°40' east a distance of 511.2 feet; thence north 89°15' west, a distance of 511.2 feet to the north and south quarter line; thence north 0°40' west along said quarter line a distance of 511.2 feet to the place of beginning; conveying hereby 6.00 acres, more or less.

Including the following fixtures and standard plan number for improvements:

Ranger dwelling	B–38
Office	B–42
Dwelling	B–196
Warehouse	B–27
Oil shed	----
Garage	B–16
Dwelling	B–199

[FR Doc.76–28752 Filed 9–30–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 27, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protests must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 50TA), filed September 20, 1976. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts and automobile show equipment*, in initial movements, in truckaway service; (1) from the plantsites of General Motors Corporation, located at Linden, N.J., and at or near Wilmington, Del., to points in Alabama, Florida and Georgia; and (2) from the plantsites of General Motors Corporation, located at Atlanta, Ga., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 5470 (Sub-No. 111TA), filed September 15, 1976. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: R. W. Sanguigni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Coatesville, Pa., to Buffalo, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lukens Steel Co., Strode Ave., Coatesville, Pa. 19320. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 36556 (Sub-No. 33TA), filed September 15, 1976. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts*, from the plantsite and warehouse facilities of the Carnation Company, at or near Oconomowoc, Wis., to the plantsite and warehouse facilities of the Carnation Company, at or near Sebring, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carnation Company, 39526 Marks Road, Oconomowoc, Wis. 53066. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 49368 (Sub-No. 95TA), filed September 17, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., P.O. Box 5216, Detroit, Mich. 48235. Applicant's representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service; (1) from the plant site of General Motors Corporation, located at Atlanta, Ga., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia; and (2) from the plant sites of General Motors Corporation, located at Linden, N.J., and at or near Wilmington, Del., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, E. R. Wiseman, Director Transportation Economics, GM Logistics Operations, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 52460 (Sub-No. 184TA), filed September 20, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, Okla. 74107. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 61396 (Sub-No. 316TA), filed September 14, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid oxygen, and liquid nitrogen*, in bulk, in cryogenic tank vehicles, from the plantsite of Burdox, Inc., at or near Portage, Mich., to points in Indiana and Ohio and from the plantsite of Chemetron Corporation, at or near Toledo, Ohio, to Decatur and Ft. Wayne, Ind., and Adrian, Bay City, Belding, Chelsea, Detroit, Grand Rapids, Highland Park, Jackson, Kalamazoo, Marshall, Montague, Muskegon, Quincy and South Haven, Mich. Restriction: All service hereunder restricted to traffic originating at the above-named facilities and moving in trailers owned by Burdox, Inc., for 180 days. Supporting shipper: Kurt R. Rose, Vice-President, Burdox, Inc., 3300 Lakeside Ave., Cleveland, Ohio 44144. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 113908 (Sub-No. 284TA), filed September 15, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 68504. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh "pasteurized" grape juice*, in bulk, from Madera, Calif., and the commercial zone thereof, to United States Ports of Entry at or near Buffalo, N.Y.; Detroit, Mich.; and Champlain, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Big "M" Distributors, 1100 W. Shaw Ave., Fresno, Calif. 93705. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 385TA), filed September 15, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *In-*

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edible animal fats and grease, in bulk, from points in Arkansas, to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. Pfau's Sons Co., Inc., P.O. Box 7, Jeffersonville, Ind. 47130. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114897 (Sub-No. 122TA), filed September 15, 1976. Applicant: WHITFIELD TANK LINES, INC., 821 E. Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the facilities of Farmland Industries Inc., at or near Farnsworth, Tex., to points in Oklahoma, Kansas, Colorado and New Mexico, for 180 days. Supporting shipper: Farmland Industries Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Andrew V. Baylor, District Supervisor, Room 3427 Federal Bldg., 230 North 1st Ave., Phoenix, Ariz. 85025.

No. MC 119493 (Sub-No. 143TA), filed September 20, 1976. Applicant: MONKEM COMPANY, INC., West 20th St., Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119641 (Sub-No. 136TA), filed September 20, 1976. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Doran, Suite 1, P.O. Box 335, Moline, Ill. 61265. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wooden boxes,* from Kings, N.C., to Princeton, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cox Wood Preserving Co., Cannon Bridge Road, Orange Burg, S.C. 29115. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 345 W. Wayne, St., Room 204, Fort Wayne, Ind. 46802.

No. MC 119988 (Sub-No. 101TA), filed September 20, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Highway 103 East, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper, paper products and wood pulp,* from points in Washington and West Feliciana Parishes, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Brown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 124078 (Sub-No. 703TA), filed September 15, 1976. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soybean products,* in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125433 (Sub-No. 84TA), filed September 14, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Kenneth W. Barber (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Baled waste paper (old cardboard boxes),* from the plantsite of Beehive Mill Supply, at Salt Lake City, Utah, to Crown Zellerbach Corporation, in Antioch, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: eBehive Mill Supply Inc., 381 West Paxton Ave., Salt Lake City, Utah 84101. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 126102 (Sub-No. 20TA), filed September 15, 1976. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington St., P.O. Box 1808, Plainville, Mass. 02762. Applicant's representative: Robert G. Parks, 189 Nehoiden St., Needham, Mass. 02192. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail rental centers and related supplies, from warehouse facilities of Taylor Rental Corporation, at Springfield, Mass., to points in the United States (except Alaska and Hawaii), under a continuing contract with Taylor Rental Corporation, for 180 days. Supporting shipper: Taylor Rental Corporation, 570 Cottage St., Springfield, Mass. 01101. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Providence, R.I. 02903.

No. MC 126276 (Sub-No. 156TA), filed September 17, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic products and products produced or distributed by manufacturers and converters of paper products* (except paper and paper products); and (2) *paper and paper products produced or distributed by manufacturers and converters of paper products,* from Louisville, Ky., to Shelbyville, Ill., Detroit, Mich., and Altoona and Pittsburgh, Pa., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., Daniel Dorney, Manager of Distribution-Sales Service, 200 E. Northwest Highway, Palatine, Ill. 60067. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126545 (Sub-No. 10TA), filed September 15, 1976. Applicant: GLENERY, INC., 173 Hickory St., Kearny, N.J. 07032. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Equipment, materials, supplies, inter-office correspondence, sales, accounting and computer data* used in the manufacture, sale and/or distribution of sanitary paper products, between Milltown and Edison, N.J., on the one hand, and, Holyoke, Mass., on the other, under a continuing contract with Cel-Fibe and its Division, Graham Manufacturing Co., for 180 days. Supporting shipper: Cel-Fibe and its Division, Graham Manufacturing Co., Milltown, N.J. 08850. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 127135 (Sub-No. 5TA), filed September 20, 1976. Applicant: HERBERT O. KINDRICK, doing business as KINDRICK TRUCKING CO., Route 1, Box 432, Herriman, Tenn. 37748. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over

irregular routes, transporting: *Ferro alloys,* in bulk, between the plantsite and shipping facilities of Roane Electric Furnace, Inc., at or near Rockwood, Tenn., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, West Virginia, Pennsylvania, New York, Michigan, Alabama, and Georgia, for 180 days. Supporting shipper: Roane Eelctric Furnace, Inc., Rockwood, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 128841 (Sub-No. 14TA), filed September 14, 1976. Applicant: MURGAIL, INC., 301 North Fifth St., Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by premium trading stamp companies, in shipper owned or leased trailers, having had immediate prior transportation by rail, from Minneapolis and St. Paul, Minn., to Grand Rapids, Minn., and returned merchandise, from Grand Rapids, Minn., to Minneapolis and St. Paul, Minn., under a continuing contract with The Sperry & Hutchinson Company, for 180 days. Supporting shipper: The Sperry & Hutchinson Company, 330 Madison Ave., New York, N.Y. 10017. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 129613 (Sub-No. 22TA), filed September 20, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles,* from Winchester, Va., and its commercial zone, to points in Michigan, Illinois, Indiana, Ohio and Georgia, under a continuing contract with Rubbermaid Commercial Products, Inc., for 180 days. Supporting shipper: Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, Va. 22601. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 134477 (Sub-No. 118TA), filed September 20, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Spencer Foods, Inc., located at or near Schuyler, Nebr., and Spencer and Hartley, Iowa, to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138104 (Sub-No. 37TA), filed September 17, 1976. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Radioactive liquid waste,* from Russellville, Ark., to Galveston, Tex., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fredrick P. Beierle, President, Southwest Nuclear Company, 3001 LBJ Freeway, Suite 227, Dallas, Tex. 75234. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 138878 (Sub-No. 5TA), filed September 17, 1976. Applicant: JOHN S. WATSON, doing business as JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, W. Va. 26452. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wood residuals,* from Curry Bros. Lumber Co., at or near Elizabeth, W. Va., to Coshocton, Chilicothe and Philo, Ohio; (2) *Wooden pallets, wood pallet parts and wood chips,* from the plantsite of James Bros., Inc., Jane Lew, W. Va., to points in Ohio, Pennsylvania, North Carolina, South Carolina, Virginia, and Tennessee; and (3) *Common brick,* from points in North Carolina, to points in Maryland, Pennsylvania, New Jersey, West Virginia, Ohio, Delaware, and New York, for 180 days. Supporting shippers: L. J. Curry, Treasurer, Curry Bros. Lumber Co., Box 337, Elizabeth, W. Va. 26143. Hoyt B. James, President, James Bros., Inc., P.O. Box J, Jane Lew, W. Va. 26378. Harold King, Manager, Weston Brick Co., P.O. Box 629, Weston, W. Va. 26452. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 139468 (Sub-No. 20TA), filed September 17, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down and in sections; building sections and panels and parts and accessories,* used in the manufacture, installation, and completion of the commodities indicated above, from La Grange, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Tennessee, Massachusetts, and Rhode Island, restricted (1) to traffic originating at the plantsites and storage facilities of National Steel Products Company, Inc., and (2) to traffic under a continuing contract with National Steel Products Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Steel Products Company, Inc., P.O. Box 40490, Houston, Tex. 77040. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 7702.

No. MC 140061 (Sub-No. 3TA), filed September 13, 1976. Applicant: DON MULDER TRUCKING, 1735 North 50th St., Lincoln, Nebr. 69504. Applicant's representative: Don Mulder (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the production and marketing of fresh vegetables, from Indianapolis, Ind., and Cincinnati, Ohio and their commercial zones, to Grand Island, Nebr., and Pine Bluffs, Wyo., under a continuing contract with D. H. Buckner, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Don Buckner, Vice-President, D. H. Buckner, Inc., 4309 Saddle Horse Court, Grand Island, Nebr. 68801. Send protests to: Mac H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 141500 (Sub-No. 1TA), filed August 5, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 35, Kewaskum, Wis. 53040. Applicant's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Quick lime,* in bulk, in dump vehicles, from Superior and Green Bay, Wis., and points in their respective Commercial Zones, to the port of entry on the International Boundary line between the United States and Canada, at or near Sault Ste. Marie, Mich., under a continuing contract with Reiss Lime Company of Canada, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reiss Lime Company of Canada, Ltd., P.O. Box 688, Sheboygan, Wis. 53081. Send protests to: Gail Daugherty, Transportation Assist-

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ant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141519 (Sub-No. 3TA), filed September 16, 1976. Applicant: TEJAS LINES, INC., Route 2, Box 174A, Canyon, Tex. 79015. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., at or near Farnsworth, Tex., to points in Oklahoma, Kansas, Colorado and New Mexico, for 180 days. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 141804 (Sub-No. 23TA), filed September 17, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Foodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knockdown reels and pallet stock*, from Lodi and Lindsay, Calif., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, and Tennessee, for 180 days. Supporting shipper: The Wickes Corporation, 515 N. Washington Ave., Saginaw, Mich. 48607. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142207 (Sub-No. 2TA), filed September 20, 1976. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 142457 (Sub-No. 1TA) filed September 14, 1976. Applicant: EUGENE STENNETT, doing business as GENE'S TRUCKING, 903 York Ave., St. Paul, Minn. 55106. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide, solidified (dry ice)*, in containers, from Chicago and Morris, Ill., to St. Paul, Lake City, Red Wing and Winona, Minn., and Eau Claire and LaCrosse, Wis., under a continuing contract with Jasons Dry Ice, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jasons Dry Ice, Inc., 2103 Charles Ave., St. Paul, Minn. 55114. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142460TA, filed September 16, 1976. Applicant: CEMCO HEAVY HAULERS, INC., P.O. Box 101, Riverton, Ill. 62561. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and underground cable laying equipment*, for the account of Roland Machinery Company, between Springfield, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee and Wisconsin, under a continuing contract with Roland Machinery Company, for 180 days. Supporting shipper: Robert Roland, Assistant Sales Manager, Roland Machinery Company, 816 North Dirksen Parkway, Springfield, Ill. 62702. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142461TA, filed September 16, 1976. Applicant: H. & W. TRUCKING CO., INC., 237 Starlite Road, Mount Airy, N.C. 27030. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new furniture parts*, from the plantsites and facilities used by Bassett Furniture Industries, Inc., located at or near Mt. Airy, Newton, N.C.; Henry County, Va.; Dublin and Macon, Ga.; to points in Washington, Oregon, New Mexico, Utah, Idaho, Nebraska, California and Arizona, under a continuing contract with Bassett Furniture Industries, Inc., for 180 days. Supporting shipper: Bassett Furniture Industries, Inc., Box 626, Bassett, Va. 24055. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205 .

By the Commission.

GORDON H. HOMME, JR.,
Acting Secretary.

[FR Doc.76–28841 Filed 9–30–76;8:45 am]
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federal register

FRIDAY, OCTOBER 1, 1976

PART II:

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

UNDERGROUND COAL MINES

Illumination Requirements

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Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Illumination in Underground Coal Mines

Background. Section 317(e) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 788; 30 U.S.C. 877(e)) directed the Secretary of the Interior within nine months after March 30, 1970, to propose standards under which all working places in a mine shall be illuminated by permissible lighting while persons are working in such places. Section 317(e) further provides that such working places shall be illuminated within eighteen months after such standards are promulgated.

Pursuant to authority under section 101 of the Act (30 U.S.C. 811) and in accordance with section 317(e), there was published in the FEDERAL REGISTER for December 31, 1970 (35 FR 20009) a notice of proposed rulemaking which prescribed the illumination to be provided in the working places of underground coal mines, and in addition, the reflection efficiency of the surfaces on permissible electric face equipment and restrictions on visual impedance and pulsation frequencies of lighting devices installed on such equipment.

In light of written comments, suggestions, and objections submitted to the Director, Bureau of Mines, concerning this notice of proposed standards, and in view of numerous consultation meetings held, in accordance with section 101(c) of the Act, subsequent to the publication of the proposed standards, it was deemed advisable to withdraw the proposed rulemaking of December 31, 1970, and to propose revised illumination standards.

Therefore, pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, and in accordance with section 317(e), there was published in the FEDERAL REGISTER for Wednesday, October 27, 1971, (36 FR 20607) proposed standards contained in § 75.1719 and §§ 75.1719–1 through 75.1719–4 of Part 75, Title 30, Code of Federal Regulations, setting forth proposed mandatory standards which would: (1) Prescribe the illumination to be provided in the working places of underground coal mines; (2) specify requirements for lighting fixtures; (3) provide for methods of measuring light; and (4) specify requirements for mining machines, hard hats, and cap lamps. Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the Director, Bureau of Mines.

Written comments, suggestions, and objections stating the grounds for objection and requesting a public hearing on the proposed standards were timely filed with the Director. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for Tuesday, February 19, 1974 (39 FR 6118).

Subsequently there was published in the FEDERAL REGISTER for Wednesday, March 6, 1974 (39 FR 8618) a notice of public hearing to be held for the purpose of receiving relevant evidence on the issues raised by the written objections and the grounds for such objections which had been filed in response to the proposed standards published on October 27, 1971 (36 FR 20607). The public hearing was held on April 4, 1974, in the Main Auditorium of the Department of the Interior. The record was held open for twenty-one days to permit submission of additional data and information. A verbatim transcript of the hearing, together with the comments, suggestions, information and data submitted, is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Room 818, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Based on the evidence in written comments, suggestions, data, and information submitted in response to the proposed rulemaking and at the public hearing, findings of fact were made public on June 25, 1974, and were published in the FEDERAL REGISTER for Friday, June 28, 1974 (39 FR 24021).

All comments, suggestions, statements, data, information, and objections submitted in response to the notice of proposed rulemaking of October 27, 1971 (36 FR 20607) and the public hearing have been fully and carefully considered. Modifications of the proposed standards have been made which are described below and in the findings of fact.

1. *Section 75.1719:* As proposed, § 75.1719 merely restated the provisions of section 317(e) of the Act. § 75.1719 has been revised to specifically state the date upon which the standards contained in §§ 75.1719–1 through 75.1719–4 were promulgated in the FEDERAL REGISTER and, without the necessity of referring to other sources when published in the Code of Federal Regulations, to provide and specifically state the date 18 months after promulgation by which mine operators shall provide the required lighting.

2. *Section 75.1719–1:* The proposed § 75.1719–1 has been revised and modified to reflect certain findings of fact and comments and suggestions received in response to the notice of proposed rule making. The major revisions concern the requirement for lighting only while self-propelled mining equipment is operated in a working place; a definition of "self-propelled mining equipment" for the purposes of these standards; a clearer description of the illumination required according to specific types of equipment; and rearrangement and redesignation of proposed provisions for clarity. The revisions, modifications and new provisions are further described below.

Section 75.1719–1(a): As proposed, paragraph (a) required each working place to be illuminated at all times while miners were working in such places. Paragraph (a) has been modified to require illumination of working places only while self-propelled mining equipment is operated in the working place. As stated in the June 25, 1974 findings of fact, this change is made because portable task luminaires or area lighting systems for various nonmachine underground operations (for example, timbering, electrical, pipe, or machine repair) would require frequent repositioning which in many cases increases the miner's exposure to electrical shock, ignition, and other hazards present in working places. Additionally, MESA reports show that almost all serious and fatal accidents in working places occur while self-propelled equipment is operated in such working places. Therefore, illumination of working places while self-propelled mining equipment is not operated in working places will not be required, and such requirements are deleted, pending further study and until further notice is given pursuant to section 101 of the Act. As a result of the modification, the majority of light fixtures can be installed on machines, thereby eliminating the need for the presence of additional miners in working places.

Section 75.1719–1(b): A new paragraph (b) has been added defining "self-propelled mining equipment" for the purpose of clarifying the kinds of equipment which would require that illumination be provided in specified areas of the working place while such equipment is operated in the working place.

Section 75.1719–1 (c) and (d): Proposed paragraphs (b) and (c) have been redesignated paragraphs (c) and (d) respectively.

Section 75.1719–1(e): Proposed paragraphs (d), (e), (f) and (g) of § 75.1719–1 have been revised, modified, rearranged or deleted to more clearly define the areas to be illuminated for specific types of equipment or to conform to findings of fact and have been combined into a new paragraph (e).

Proposed paragraph (e) of § 75.1719–1 required the gob-side of the longwall roof support system to be illuminated. Such a requirement would necessitate installation of light fixtures under unsupported roof which would be extremely hazardous to miners. Proposed paragraph (e) has been redesignated paragraph (e)(4), and since miners do not work or travel on the gob-side of the roof support system, the area required to be illuminated has been changed to include only the area in which miners travel and work, which is the area between the gob-side of the travelway and the side of the block of coal from which coal is being extracted.

In addition the control station, the head and tail piece, and the roof and floor for a distance of 5 feet horizontally from the control station, head piece, and tail piece shall be illuminated. Because of the similarity in the methods of mining, the areas to be illuminated in a shortwall working place have been included.

Paragraph (e)(2) has been added to cover the use of self-loading haulage equipment, such as scoops, when used to load materials in the working place. Such equipment is often used to load coal, rock, and other materials into shuttle cars and other types of haulage cars, and onto conveyors and belts. When operated in a working place for purposes other than loading, such equipment will be required to comply with § 75.1719–1(e)(6).

A new paragraph (e)(5) has been added which covers roof-bolting machines separately from other types of equipment. The distance to which a miner is subjected to rib rolls increases as the distance from the floor to the roof increases. It is, therefore, important that illumination be provided on the ribs so that a miner can see a rib roll developing and take evasive action. Illumination will be required of coal surfaces and exposed surfaces of mining equipment which are within a distance of 5 feet from the roof bolting machine or within a distance equal to the distance from the floor to the roof, whichever is greater. It is the intent of the standards that in working places where the distance from the floor to the roof is 5 feet or less, that when the face or a rib is within 5 feet of the machine that such face and ribs shall be illuminated. It is also intended that the roof over the machine and the roof and floor for a distance of 5 feet surrounding the machine shall be illuminated. A distance of 5 feet will be measured, parallel to the floor, from the rear of the machine, from the sides of the machine, and from the sides and front of the drilling boom. The perimeter of the area on the roof and floor which shall be illuminated will be determined by projecting the 5 foot distance to the floor and roof. In addition, any rib surface, face surface, and exposed surface of mining equipment which is within the 5-foot distance shall be illuminated. Where the distance from the floor to the roof is more than 5 feet, the distance from the sides of the machine and the sides and front of the drilling boom will be increased to a distance equal to the distance from the floor to the roof, but the distance from the rear of the machine shall be 5 feet. A roof bolting machine is operated throughout the working place at greater distances from the face and ribs than other self-propelled mining equipment. Further, unlike other self-propelled mining equipment, the roof bolting machine has operating controls located at an operator station at the front of the machine. In view of its unique function, the location of operating controls, and movement throughout the working place, the requirement for illumination only within a distance of 5 feet from the machine or a distance equal to the distance from the floor to the roof, whichever is greater, is provided in order to minimize discomfort glare, the presence of which could result in diminution of safety.

Paragraph (e)(6) will require illumination in working places in which other self-propelled equipment is operated, unless the entire working place is illuminated by stationary lighting. Luminaires shall be installed on each machine which shall illuminate a face or rib coal surface which is within 10 feet from the front and rear of the machine; the area of the surface to be illuminated shall equal the height and width of the machine; and the luminaires in the direction of travel shall be in operation at all times the machine is being trammed in the working place.

Proposed paragraph (f) has been deleted in view of the finding of fact that portable task luminaires or area lighting systems for various nonmachine underground operations require frequent repositioning which in many cases increases the miner's exposure to electrical shock and ignition hazards.

Proposed paragraph (g) required that in anthracite mines the area between the face and the full box, and the battery area at and in by the last open crosscut be illuminated. This requirement has been deleted because in anthracite mines self-propelled mining equipment is not normally used between the face and the full box or in the battery area. However, the provisions of § 75.1719–1 requiring illumination of working places while self-propelled mining equipment is operated in such places will be applied to anthracite mines.

Section 75.1719–1(f): As proposed, paragraph (h) provided that an authorized representative of the Secretary may specify other areas in working places to be illuminated. Proposed paragraph (h) has been redesignated paragraph (f) and has been revised to conform to the findings of fact and to provide that the Assistant Administrator, Coal Mine Health and Safety, MESA, may specify other areas in a working place to be illuminated while self-propelled mining equipment is operated in the working place.

Section 75.1719–1(g): Proposed paragraph (f) of § 75.1719–2 has been redesignated paragraph (g) of § 75.1719–1 and has been modified to clarify those surfaces to be illuminated and the surface brightness of such surfaces.

3. *Section 75.1719–2:* The provisions of § 75.1719–2 have been rearranged for clarity, content of subject matter, and ease of use. Revisions have been made and several new provisions have been added. The rearrangement, revisions and new provisions are described below.

Section 75.1719–2(a): The second sentence of paragraph (a) is redesignated paragraph (c)(1).

Section 75.1719–2(b): A new paragraph (b) has been added to specifically provide for the use of either machine-mounted or stationary lighting fixtures.

Section 75.1719–2(c): The provisions of § 75.1719–2(c) have been rearranged and contain the provisions of the second sentence of proposed § 75.1719–2(a) and revisions of proposed § 75.1719–2(b).

Paragraph (c)(2) contains revisions of the first sentence of proposed paragraph (b) providing more specific approved methods of grounding of stationary light fixtures and a maximum allowable fault current is specified to prevent electrical burns to miners handling energized stationary light fixtures.

Paragraph (c)(3) contains revisions of the second sentence of proposed paragraph (b) which has been modified to require that the frames of machine-mounted light fixtures be grounded to the machine only by a separate grounding conductor in compliance with §75.701–4. This method of grounding is necessary in order to assure an adequate grounding circuit, because light fixtures installed on a machine are occasionally broken loose from the frame of the machine which allows an internal ground fault inside the enclosure to become a shock and/or an ignition hazard.

Section 75.1719–2(d): A new paragraph (d) has been added limiting to 300 volts the amount of voltage that can be used to supply power to stationary light fixtures which can be carried by hand while energized. Extremely dangerous shock hazard exist in handling portable equipment energized at a voltage greater than 300 volts. This hazard is also recognized in 30 CFR Part 18 which limits the voltage of hand-held tools to 300 volts.

Section 75.1719–2(e): Paragraph (e) contains the provisions of proposed paragraph (c) which has been modified to specify a maximum allowable amount of fault current setting which may be used to deenergize the circuit.

Section 75.1719–2(f): Paragraph (f) contains the provisions of proposed paragraph (d). Modifications have been made for clarity and to allow light fixtures to be protected by means other than removal for a specified distance from the blasting operation. This change was made to provide flexibility in the protection of light fixtures without diminution of safety, particularly for longwall operations. For example, the standard as proposed required light fixtures to be removed from the entire longwall face during blasting operations.

Section 75.1719–2(g): Paragraph (g) contains the provisions of the first sentence of proposed paragraph (e). The second sentence of proposed paragraph (e) has been deleted because experiments have shown that a light spread exceeding 170° does not cause glare if the light fixtures are properly oriented. However, paragraph (g) continues the requirement that lighting fixture systems shall be designed and installed to minimize discomfort glare.

4. *Section 75.1719–3:* Proposed § 75.1719–3 has been rearranged, revised and modified as explained below.

Section 75.1719–3(a): Proposed paragraph (a) provided that illumination levels could be determined by measuring surface brightness or incident light. Paragraph (a) has been modified to limit measurement of only luminous intensity (surface brightness). Incident light measurements have been deleted because at the present time technical problems exist in determining the reflectance value of rough and irregular surfaces under actual mining conditions. Paragraph (a) has been further modified to state clearly that the method of

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measurement in § 75.1719–3 is intended as prescribing the manner in which luminous intensity measurements will be made by MESA. The requirement that telescopic photosensors or visual photometers be used as instruments to measure light has also been deleted in order to allow for the use of a variety of existing instruments or others which may be developed in the future.

Section 75.1719–3(b): A new paragraph (b) has been added providing for standardization of light measuring procedures from mine to mine depending upon the areas of working places required to be illuminated. Paragraph (b) also combines provisions of proposed paragraphs (c) and (d) with revisions and modifications. The modifications provide for a more practical and enforceable method of light measurement. In addition, for the purpose of clarity, methods of measuring luminous intensity are depicted by figures in paragraphs (b)(5) and (b)(7).

Section 75.1719–3(c): A new paragraph (c) has been added to permit measurements to be made without hazard to an authorized representative of the Secretary under conditions which reflect as near as practicable the conditions surrounding the actual use of a machine. Temporary support may be required but at other times it may be more expedient to move a machine to a similar working place in which permanent roof supports have been installed.

Section 75.1719–3(d): Proposed paragraph (b) has been redesignated paragraph (d). The reference to Figure 4–5 in the "Illuminating Engineering Society Handbook, 4th Ed.," has been changed to the Commission Internationale de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is set forth for convenience and ready availability to assist in color correction of the instruments.

5. *Section 75.1719–4:* Paragraph (a) has been modified to provide that the paint on exterior surfaces of mining machines shall have a minimum reflectance of 30 percent, instead of 50 percent, in order to permit the use of common types of readily available protective paints and materials.

Paragraphs (b) and (d) have been modified to specify minimum sizes for reflectors or reflecting tape on mining machines, and reflecting tape, or equivalent paint, or material on hard hats or hard caps.

TEST AND EVALUATION OF ILLUMINATION SYSTEMS

The Mining Enforcement and Safety Administration (MESA) recognizes the complexity of making underground illumination measurements and evaluating illumination systems. Illumination of working places in underground mines is a relatively new and innovative safety measure, although practical lighting fixtures (stationary and machine-mounted) have been developed which will illuminate the working places to 0.06 footlamberts. Such lighting fixtures have been tried under actual mining conditions and at various coal-bed heights and have been found acceptable to both operators and miners. It is also recognized that a scarcity of illumination engineering expertise exists in the coal industry and in the mining equipment and mine lighting fixture industries. Therefore, in order to facilitate design and installation of illumination systems and to expedite compliance with §§ 75.1719 through 75.1719–4 of Part 75, 30 CFR, MESA will provide technical assistance to coal mine operators, mining equipment manufacturers, and lighting fixture manufacturers in their efforts to design and install illumination systems.

The attention of mine operators and equipment manufacturers is directed to a Notice published in Part II of the FEDERAL REGISTER for Thursday, April 1, 1976 (41 FR 14108) which states where and how technical assistance may be obtained from MESA and the test and evaluation of illumination systems. Requests should be made in writing to the Assistant Administrator—Technical Support, MESA, Ballston Towers No. 3, Room 917, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Mine operators, and equipment and lighting fixture manufacturers, are not required to submit lighting systems for test and evaluation. An approval plate or label will not be issued by MESA, nor will such a plate or label be required on lighting systems which have been tested and evaluated. MESA will, however, issue a Statement of Test and Evaluation which will define the parameters within which the illumination system can be operated to provide the required light. For example, the Statement of Test and Evaluation will state the maximum height of the working place, the maximum width of the working place, the type and model of machine (if machine mounted), and location and orientation of light fixtures, and other conditions under which the equipment may be operated to provide the required light.

It is intended that if lighting systems are installed and a machine is operated within the conditions and parameters set forth in the Statement of Test and Evaluation the operator will be considered by MESA as being in compliance with the requirements of the standards. However, if the lighting system is not installed or the machine is not operated within the conditions and parameters stated, light measurements shall be made in accordance with the procedures specified in the regulations to determine whether the required light is provided and whether a violation exists.

Upon written application and payment of fees MESA will test and evaluate lighting systems in a mine or in a simulated working place. Tests may be made on a machine or on a mockup of a machine upon which it is intended to install the lighting system.

In Part II of the FEDERAL REGISTER for Thursday, April 1, 1976, at page 14102 (41 FR 14102) there was published a Notice that on October 1, 1976, the Secretary of the Interior would promulgate by publication in the FEDERAL REGISTER the final standards for the illumination of working places in a coal mine. The form and substance of the standards were set forth, together with the reasons for revisions, modifications, or changes which have been made in the proposed standards. The mandatory standards which are set forth below are those which were published on April 1, 1976, and no further changes or revisions have been made.

Part 75, Title 30, Code of Federal Regulations is amended and revised as set forth below.

Effective Date: These revisions and amendments shall be effective on October 1, 1976.

It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with OMB Circular A–107.

Dated: September 23, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Part 75 of Title 30, Code of Federal Regulation, is amended by revising § 75.1719 and by adding new §§ 75.1719–1 through 75.1719–4 as follows:

Sec.

75.1719 Illumination; purpose and scope of §§ 75.1719 through 75.1719–4; time for compliance.
75.1719–1 Illumination in working places.
75.1719–2 Lighting fixtures; requirements.
75.1719–3 Methods of measurement; light measuring instruments.
75.1719–4 Mining machines, cap lamps; requirements.

§ 75.1719 Illumination; purpose and scope of §§ 75.1719 through 75.1719–4; time for compliance.

(a) Section 317(e) of the Act (30 U.S.C. 877(e)) directs and authorizes the Secretary to propose and promulgate standards under which all working places in a mine shall be illuminated by permissible lighting while persons are working in such places. §§ 75.1719 through 75.1719–4 prescribe the requirements for illumination of working places in underground coal mines while persons are working in such places and while self-propelled mining equipment is operated in the working place.

(b) Section 317(e) further provides that all working places in a mine shall be illuminated within eighteen months after the promulgation of the standards. §§ 75.1719 through 75.1719–4 were published and promulgated in the FEDERAL REGISTER on October 1, 1976 (41 FR 43534). Mine operators shall comply with §§ 75.1719 through 75.1719–4 not later than April 1, 1978.

§ 75.1719–1 Illumination in working places.

(a) Each operator of an underground coal mine shall provide each working place in the mine with lighting as prescribed in §§ 75.1179–1 and 75.1719–2 while self-propelled mining equipment is operated in the working place.

(b) *Self-propelled mining equipment; definition.* For the purposes of §§ 75.1719 through 75.1719–4, "self-propelled mining equipment" means equipment which possesses the capability of moving itself or its associated components from one location to another by electric, hydraulic, pneumatic, or mechanical power supplied by a source located on the machine or transmitted to the machine by cables, ropes, or chains.

(c) The lighting prescribed in this section shall be in addition to that provided by personal cap lamps.

(d) The luminous intensity (surface brightness) of surfaces that are in a miner's normal field of vision of areas in working places that are required to be lighted shall be not less than 0.06 footlamberts when measured in accordance with § 75.1719–3.

(e) When self-propelled mining equipment specified in paragraphs (e)(1) through (e)(6) of this section is operated in a working place, the areas within a miner's normal field of vision which shall be illuminated in the working place shall be as prescribed in paragraphs (e)(1) through (e)(6) of this section.

(1) *Continuous miners and coal-loading equipment.* In working places in which continuous miners and coal-loading equipment are operated, the areas which shall be illuminated shall be as follows:

(i) The face, and

(ii) The ribs, roof, floor, and exposed surface of mining equipment, which are between the face and the inby end of the shuttle car or other conveying equipment while in position to receive material.

(2) *Self-loading haulage equipment used as a loading machine.* In working places in which self-loading haulage equipment is operated to load material, the areas which shall be illuminated shall be as follows:

(i) The face, and

(ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and a point 5 feet outby the machine.

(3) *Cutting and drilling equipment.* In working places in which cutting or drilling equipment is operated, the areas which shall be illuminated shall be as follows:

(i) The face, and

(ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and a point 5 feet outby the machine.

(4) *Shortwall and longwall mining equipment.* In working places in which shortwall or longwall mining equipment is operated, the areas which shall be illuminated shall be as follows:

(i) The area for the length of the self-advancing roof support system and which is between the gob-side of the travelway and the side of the block of coal from which coal is being extracted, and

(ii) The control station, and the head piece and tail piece of the face conveyor, and

(iii) The roof and floor for a distance of 5 feet horizontally from the control station, head piece and tail piece.

(5) *Roof bolting equipment.* In working places in which roof bolting equipment is operated, the areas which shall be illuminated shall be as follows:

(i) *Where the distance from the floor, to the roof is 5 feet, or less:* the face, ribs, roof, floor, and exposed surfaces of mining equipment, which are within an area the perimeter of which is a distance of 5 feet from the machine, when measured parallel to the floor.

(ii) *Where the distance from the floor to the roof is more than 5 feet:* the face, ribs, roof, floor, and exposed surfaces of mining equipment, which are within an area the perimeter of which from the front and sides of the machine is a distance equal to the distance from the floor to the roof and from the rear of the machine a distance of 5 feet, when measured parallel to the floor.

(6) *Other self-propelled equipment.* Unless the entire working place is illuminated by stationary lighting equipment, in working places in which self-propelled equipment is operated, other than equipment specified in paragraphs (e)(1) through (e)(5) of this section, illumination shall be provided as follows:

(i) Luminaires shall be installed on each machine operated in the working place which shall illuminate a face or rib coal surface which is within 10 feet of the front and the rear of the machine to a luminous intensity of not less than 0.06 footlamberts; and

(ii) The height and width of the area of the coal surface which shall be illuminated shall equal the height and width, respectively, of the machine on which the luminaires are installed, and

(iii) The luminaires in the direction of travel shall be operated at all times the equipment is being trammed in the working place.

(f) The Assistant Administrator, Coal Mine Health and Safety, MESA, may specify other areas in a working place to be illuminated for the protection of miners while self-propelled mining equipment is being operated in the working place.

(g) Surface brightness of floor, roof, coal and machine surfaces in the normal visual field of a miner shall not vary more than 50 percent between adjacent fields of similar surface reflectance, and the maximum surface brightness of such surface shall not exceed 120 footlamberts, when measured in accordance with § 75.1719–3.

§ 75.1719–2 Lighting fixtures; requirements.

(a) Lighting fixtures shall be permissible.

(b) Lighting fixtures may be installed on self-propelled machines or may be stationary lighting fixtures.

(c)(1) Electrically operated lighting fixtures shall be energized by direct current, or by sinusoidal full wave alternating current not less than 50 cycles per second (100 pulses per second), or by an equivalent power source that causes no greater flicker.

(2) Alternating current circuits supplying power to stationary lighting fixtures shall contain conductors energized at voltages not greater than 70 volts to ground. Alternating current circuits, energized at 100 volts or more and used to supply power to stationary lighting fixtures, shall originate at a transformer having a center or neutral tap grounded to earth through a proper resistor, which shall be designed to limit fault current to not more than 5 amperes. A grounding circuit in accordance with § 75.701–4 shall originate at the grounded terminal of the grounding resistor and extend along with the power conductors and serve as a grounding conductor for the frames of all equipment receiving power from the circuit. The ground fault current rating of grounding resistors shall meet the "extended time rating" set forth in the Institute of Electrical and Electronics Engineers, Inc. Standard No. 32 (IEEE Std. 32–1972) which is hereby incorporated by reference and made a part hereof. The incorporated publication is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA, and may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

(3) Machine-mounted lighting fixtures shall be electrically grounded to the machine by a separate grounding conductor in compliance with § 75.701–4.

(d) Direct current circuits in excess of a nominal voltage of 300 volts shall not be used to supply power to stationary light fixtures.

(e) Cables conducting power to stationary lighting fixtures from both alternating and direct current power sources, other than intrinsically safe devices, shall be considered trailing cables, and shall meet the requirements of Subpart G of this part. In addition, such cables shall be protected against overloads and short circuits by a suitable circuit breaker or other device approved by the Secretary. Circuit breakers or other device approved by the Secretary protecting trailing cables receiving power from resistance grounded circuits shall be equipped with a ground trip arrangement which shall be designed to deenergize the circuit at not more than 50% of the available fault current.

(f) Before shunts are removed from blasting caps, lighting fixtures and associated cables located in the same working place shall be deenergized. Furthermore, lighting fixtures shall be removed out of the line of blast and not less than 50 feet from the blasting operation unless otherwise protected against flying debris.

(g) Lighting fixtures shall be designed and installed to minimize discomfort glare.

§ 75.1719–3 Methods of measurement; light measuring instruments.

(a) Compliance with § 75.1719–1(d) shall be determined by MESA by measuring luminous intensity (surface brightness).

(b) In measuring luminous intensity the following procedures shall be used:

(1) In areas of working places specified in §§ 75.1719.1(e)(1) through 75.1719–1(e)(3) luminous intensity measurements of the face, ribs, roof, floor, and exposed surfaces of mining equipment, shall be made with the machine idle and located in the approximate center of the working place with the cutting,

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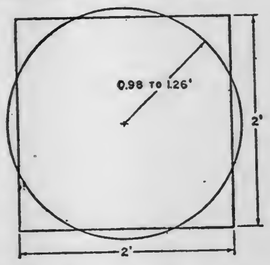
loading, or drilling head toward the face and not more than 3 feet from the face.

(2) In areas of working places specified in § 75.1719–1(e)(4) luminous intensity measurements may be made at any time longwall or shortwall mining equipment is operated except that when measurements are made in the vicinity of shearers, plows, or continuous miners, the equipment shall be idle while measurements are being made.

(3) In areas of working places specified in § 75.1719–1(e)(5) luminous intensity measurements of the face, ribs, roof, floor, and exposed surfaces of mining equipment, shall be made with the machine idle and located in the approximate center of the working place with the drilling head toward the face and a distance from the face of 5 feet, or the distance from the floor to the roof, whichever is applicable. When the machine is located in the center of the working place and the surfaces of the ribs to be illuminated are not within the perimeter of the area determined in accordance with § 75.1719–1(e)(5), the machine shall be positioned the applicable distance from the face and each rib and luminous intensity measurements made for each rib, provided, however, that luminous intensity measurements may be made of the face, roof, floor, and exposed surfaces of mining equipment with the machine so located without locating the machine in the center of the working place.

(4) In areas of working places specified in § 75.1719–1(e)(6), luminous intensity measurements of a coal surface shall be made with the machine idle and located in the approximate center of the working place with the appropriate end toward the face and not less than 9 feet nor more than 10 feet from the face.

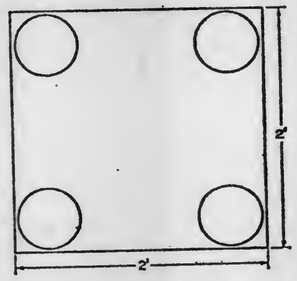
(5) The area of surfaces to be measured shall be divided into round or square fields having an area of not less than 3 nor more than 5 square feet as illustrated by the following figure:



DIRECT MEASUREMENT OF LUMINOUS INTENSITY

(6) Measurements shall be taken with the photometer held approximately perpendicular to the surface being measured and a sufficient distance from the surface to allow the light sensing element in the instrument to receive reflected light from a field of not less than 3 nor more than 5 square feet. The luminous intensity of each such field shall be not less than 0.06 footlambert.

(7) In areas of working places where clearances are restricted to the extent that the photometer cannot be held a sufficient distance from the surface to allow the light sensing element in the instrument to receive reflected light from a field having an area of at least 3 square feet, luminous intensity shall be considered as the average of four uniformly spaced readings taken at the corners and within a square field having an area of approximately 4 square feet. In such instances, the area of each of the individual readings shall not exceed 100 square inches. The average of the four readings shall be not less than 0.06 footlambert. The method of measurement is illustrated by the following figure:



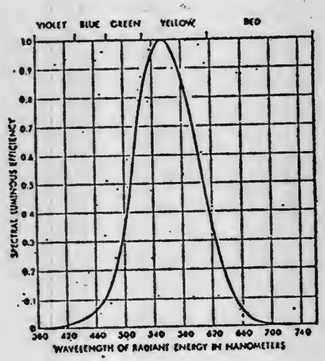
DETERMINATION OF LUMINOUS INTENSITY BY AVERAGING METHOD

(8) Measurements shall not be made where shadows are cast by roof control posts, ventilation equipment, or other obstructions necessary to insure safe mining conditions.

(9) Where machine-mounted light fixtures are used on equipment, except self advancing roof support systems, measurements shall not be made of surfaces on or within 1 foot of a self-propelled machine.

(c) For the purpose of making illumination measurements, an authorized representative of the Secretary may require the installation of temporary roof supports or the removal of the equipment to a similar working place in which permanent roof supports have been installed.

(d) Light measuring instruments shall be properly calibrated and maintained. Instruments shall be calibrated against standards traceable to the National Bureau of Standards and color corrected to the Commission Internationale de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is as follows:



§ 75.1719–4 Mining machines, cap lamps; requirements.

(a) Paint used on exterior surfaces of mining machines shall have a minimum reflectance of 30 percent, except cab interiors and other surfaces which might adversely affect visibility.

(b) When stationary light fixtures are used, red reflectors mounted in protective frames or reflecting tape shall be installed on each end of mining machines, except that continuous mining machines, loaders, and cutters need only have such reflectors or tape on the outby end. Reflectors or reflecting tape shall have an area of not less than 10 square inches.

(c) Each person who goes underground shall be required to wear an approved personal cap lamp or an equivalent portable light.

(d) Each person who goes underground shall be required to wear a hard hat or hard cap which shall have a minimum of 6 square inches of reflecting tape or equivalent paint or material on each side and back.

(Secs. 101, 317(e) Pub. L. 91–173, 83 Stat. 745, 788 (30 U.S.C. 811, 877(e)))

[FR Doc.76–28382 Filed 9–30–76;8:45 am]

federal register

FRIDAY, OCTOBER 1, 1976

PART III:

GENERAL SERVICES ADMINISTRATION

FEDERAL PROCUREMENT REGULATIONS

Government-Wide Automated Data Processing Management

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Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 170]

Government-Wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

This amendment adds a new Subpart 1–4.11 to the Federal Procurement Regulations pertaining to procurement and contracting for Government-wide Automated Data Management Services. It replaces similar coverage appearing in Subpart 101–32.4 of the Federal Property Management Regulations (FPMR) (41 CFR 101–32). The subpart sets forth policies and procedures governing the procurement of all automatic data processing equipment (ADPE), software, maintenance services, and supplies by Federal agencies, including the Department of Defense. The amendment also adds § 1–1.009–3 in Subpart 1–1.0, Regulation System, which makes the deviation procedure set forth therein inapplicable to the provisions of the new Subpart 1–4.11. This reflects the provisions in 40 U.S.C. 759 which states that the Administrator of General Services has authority to coordinate and provide for the economic and efficient purchase, lease, and maintenance of automatic data processing equipment by Federal agencies. Subpart 1–7.1 is amended to reference standard clauses to be used pursuant to new Subpart 1–4.11.

The new Subpart 1–4.11 is to be used by Federal agencies in conjunction with Part 101–32, Government-wide Automated Data Management Services, of the Federal Property Management Regulations (FPMR), which provides policies, procedures, and guidelines pertaining to Government-wide management of automated data services. Many provisions of Subpart 1–4.11 formerly appeared as Subpart 101–32.4 of the FPMR. Proposed changes to Subpart 101–32.4 appeared in 39 F.R. 36605, October 11, 1974, for comment. This amendment has been approved by the Office of Management and Budget pursuant to 40 U.S.C. 759(g). FPMR 101–32.4 is being revised to provide Government-wide management responsibilities related to ADP procurement.

PART 1–1—GENERAL

The table of contents is amended to add a new caption, as follows:

Sec.
1–1.009–3 Limitation on deviations.

Subpart 1–1.0—Regulation System

Section 1–1.009–3 is added, as follows:

§ 1–1.009–3 Limitation on deviations.

Section 1–1.009–2, above, does not apply to the provisions of Subpart 1–4.11, Procurement and Contracting for Government-wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies. Pursuant to 40 U.S.C. 759 (Section 111 of the Federal Property and Administrative Services Act of 1949, as amended; Public Law 89–306) the Administrator of General Services has authority to coordinate and provide for purchase, lease, and maintenance of equipment by Federal agencies as well as other matters relating to automated data management services. The exercise of procurement authority, including deviations, shall be accomplished as specified in Subpart 1–4.11 of the Federal Procurement Regulations (FPR). Procurement shall be accomplished as provided in Subpart 1–4.11.

Subpart 1–1.10—Publicizing Procurement Actions

1. Section 1–1.103–2 is amended to revise paragraph (a)(5), as follows:

§ 1–1.1003–2 General requirements.

(a) • • •

(5) Procurements which are made by an order placed under an existing contract except as provided in § 1–4.1107–6(a) with respect to non-mandatory schedule contracts for Automatic Data Processing Equipment;

• • • • • •

2. Section 1–1.1005–1 is amended to update the codes by inserting Codes H, O, and X in proper alphabetical sequence and by revising Codes R, Y, and Z, as follows:

§ 1–1.1005–1 Codes for services.

• • • • • •

H Expert and Consultant Services.

• • • • • •

O Funeral and Chaplain Services.

• • • • • •

R Architect—Engineer Services.

• • • • • •

X Miscellaneous (Includes services which do not fall within code letters—A, H, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, Y, or Z).

Y Construction; i.e., new construction and major additions to existing buildings or facilities.

Z Maintenance, Repair, and Alteration of Real Property; i.e., painting, building maintenance, alteration and repair, grounds maintenance and repair, roads maintenance and repair.

3. Section 1–1.1005–2 is amended to update the codes by inserting the number 77 in place of the number 76 in the fourth line of text to reflect the revised number of assigned commodity groups, by inserting code 70 in proper numerical sequence in the list of codes, and by revising codes 83 and 84, as follows:

§ 1–1.1005–2 Codes for supplies.

• • • • • •

70 General Purpose ADP Equipment, Software, Supplies, and Support Equipment.

• • • • • •

83 Textiles, Leather, Furs, Apparel and Shoe Findings, Tents, and Flags.

84 Clothing, Individual Equipment, and Insignia.

• • • • • •

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

The table of contents is amended to provide that Subpart 1–4.1 is reserved, and to add a new Subpart 1–4.11 as follows:

• • • • • •

Subpart 1–4.1 [Reserved]

• • • • • •

Subpart 1–4.11—Procurement and Contracting for Government-wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

Sec.
1–4.1100 Scope of subpart.
1–4.1100–1 Relationship to the Federal Property Management Regulations.
1–4.1101 Applicability.
1–4.1101–1 Relationship to other procurement regulations.
1–4.1102 Definitions.
1–4.1102–1 Automatic data processing equipment.
1–4.1102–2 Software.
1–4.1102–3 Maintenance services.
1–4.1102–4 Supplies.
1–4.1102–5 Procurement.
1–4.1102–6 Agency procurement request.
1–4.1102–7 Data systems specifications.
1–4.1102–8 Equipment performance requirements.
1–4.1102–9 Federal agency.
1–4.1102–10 Selection plan.
1–4.1102–11 Systems or items life.
1–4.1102–12 Mandatory requirements.
1–4.1102–13 Desirable features.
1–4.1102–14 Lowest overall cost.
1–4.1102–15 [Reserved]
1–4.1102–16 Competitive procurement.
1–4.1102–17 [Reserved]
1–4.1102–18 Noncompetitive (sole source) procurement.
1–4.1103 Procurement authority.
1–4.1103–1 Automatic data processing equipment.
1–4.1103–2 Software.
1–4.1103–3 Maintenance services.
1–4.1103–4 Automatic Data Processing Fund.
1–4.1103–5 [Reserved]
1–4.1104 Request for procurement action.
1–4.1105 GSA action on procurement requests.
1–4.1105–1 Agency responsibilities when GSA procures ADPE or related items for that agency.
1–4.1105–2 GSA responsibilities when GSA procures ADPE or related items for another agency.
1–4.1106 Federal agency responsibilities when procurement authority is delegated by GSA.
1–4.1107 Procurement guidance.
1–4.1107–1 Procurement related directives.
1–4.1107–2 Competition.
1–4.1107–3 Publicizing procurement actions.
1–4.1107–4 [Reserved]
1–4.1107–5 Restrictions on the use of simulation in the ADPE procurement process.
1–4.1107–6 Use of schedule contracts.
1–4.1107–7 Use of requirements contracts.
1–4.1107–8 Industry review of ADP specifications.
1–4.1107–9 Handling of late bids, proposals, modifications, and withdrawals.
1–4.1107–10 Use of data systems specifications.
1–4.1107–11 Use of other types of specifications or purchase descriptions.

Sec.
1–4.1107–12 [Reserved]
1–4.1107–13 Evaluation factors.
1–4.1107–14 Use of standard clauses.
1–4.1107–15 Conversion rental credits.
1–4.1107–16 Software procurements.
1–4.1107–17 Procurement of supplies.
1–4.1107–18 Contractor leased ADPE.
1–4.1107–19 Assistance by GSA.
1–4.1107–20 Sole source procurement documentation.
1–4.1108 Standard clauses.
1–4.1108–1 Late bids, proposals, modifications, and withdrawals.
1–4.1108–2 Limitation of Liability.
1–4.1108–3 Contractor representation.
1–4.1108–4 Fixed price options.
1–4.1108–5 Standard clauses for implementation of FIPS PUBS.
1–4.1108–6 [Reserved]
1–4.1109 [Reserved]

Subpart 1–4.11—Procurement and Contracting for Government-Wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

§ 1–4.1100 Scope of subpart.

This subpart sets forth policies and procedures governing the procurement of all automatic data processing equipment (ADPE), software, maintenance services, and supplies by Federal agencies. (See also § 1–4.1107–1.)

§ 1–4.1100–1 Relationship to the Federal Property Management Regulations.

(a) Part 101–32 of the FPMR (41 CFR 101) provides policies, procedures, and guidelines pertaining to Government-wide automated data management services. These services involve such matters as (1) the revolving fund, (2) utilization of automatic data processing resources, (3) reutilization of equipment and supplies, (4) assistance to Federal agencies, (5) Federal data processing centers, (6) the ADP collocation and consolidation program, (7) ADP records management, (8) implementation of Federal Information Processing Standards Publications (FIPS PUBS) in solicitation documents, and (9) plans for ADP systems. When an agency submits matters to the Office of Management and Budget for resolution as set forth in § 101–32.001 of the FPMR and such matters relate to procurement and contracting for automated data management services, copies shall be furnished as provided in § 101–32.001 of the FPMR.

(b) The provisions of Part 101–35 of the Federal Property Management Regulations (FPMR) (41 CFR 101) are applicable to telecommunications associated with ADPE.

(c) When telecommunications are involved, regardless of the authority to procure ADPE as indicated in § 1–4.1103–1, agencies shall submit the documentation prescribed in Part 101–35 of the FPMR.

(d) Part 101–17 of the FPMR concerns the information which must be submitted to GSA relative to space requirements for ADPE.

§ 1–4.1101 Applicability.

The provisions of this subpart apply to all Federal agencies. These provisions are not applicable (however, see § 1–4.1107–18) to Government contractors when the items governed by the provisions of this Subpart 1–4.11 are to be acquired by those contractors unless the equipment or system is: (1) Leased and full lease costs are paid by the Government under one or more ADP service contracts, or (2) purchased by an ADP service contractor for the account of the Government or title will pass to the Government (See also § 1–4.1103 and § 1–4.1108–5(b).)

§ 1–4.1101–1 Relationship to other procurement regulations.

(b) Pursuant to 40 U.S.C. 759 (Section 111 of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306) the Administrator of General Services has authority to coordinate and provide for purchase, lease, and maintenance of equipment by Federal agencies as well as other matters relating to automated data management services. The exercise of this procurement authority shall be accomplished as specified in this subpart (see § 1–4.1103). Procurement shall be accomplished in conformance with the procurement related policies, guidance, and provisions set forth in § 1–4.1107–1. Section 111(g) of the Property Act (40 U.S.C. 759, Pub. L. 89–309) provides that the Administrator's authority is subject to fiscal and policy control of the Office of Management and Budget. Federal Management Circular 74–5, management acquisition, and utilization of automated data processing (ADP), contains procurement related fiscal and policy guidance.

§ 1–4.1102 Definitions.

As used in this Subpart 1–4.11, the following terms shall have the meaning set forth in this § 1–4.1102.

§ 1–4.1102–1 Automatic data processing equipment.

"Automatic data processing equipment" (ADPE) means general purpose commercially available, mass produced automatic data processing components and the equipment systems created from them, regardless of use, size, capacity, or price, that are designed to be applied to the solution or processing of a variety of problems or applications and are not specially designed (not configured) for any specific application. It includes: (a) Digital, analog, or hybrid computer equipment; and/or

(b) Auxiliary or accessorial equipment such as plotters, communications terminals, tape cleaners, tape testers, data conversion equipment, source data automation recording equipment (optical character recognition devices, paper tape typewriters, magnetic tape cartridge typewriters, and other data acquisition devices), etc., to be used in support of digital, analog, or hybrid computer equipment, either cable connected, wire connected, or self-standing and whether selected or acquired with a computer, or separately; and/or

(c) Punched card accounting machines (PCAM) used in conjunction with or independently of digital, analog, or hybrid computers.

§ 1–4.1102–2 Software.

"Software" means commercially available proprietary computer programs and routines, used to extend the capabilities of ADPE. This catagory of software includes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

§ 1–4.1102–3 Maintenance services.

"Maintenance services" means those examination, testing, repair, or part replacement functions performed to: (a) reduce the probability of ADPE malfunction (commonly referred to as "Preventive Maintenance"), (b) restore a component of ADPE which is not functioning properly to its proper operating status (commonly referred to as "Remedial Maintenance"), and (c) modify the ADPE in a minor way (commonly referred to as "Field Engineering Change," or "Field Modification").

§ 1–4.1102–4 Supplies.

"Supplies" means consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

§ 1–4.1102–5 Procurement.

"Procurement" means the acquisition of ADPE, software, maintenance service, or supplies by purchase or lease.

§ 1–4.1102–6 Agency procurement request.

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE, software, or maintenance services or for GSA to delegate the authority to procure these items. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto, and any other pertinent information regarding the proposed procurement. When the APR for ADPE is submitted before preparation of the solicitation document, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided in lieu of the RFP, IFB, or RFQ. In such instances, the software requirements shall include the software as defined in § 1–4.1102–2 above, software in the public domain, and any additional software. However, applications programs to be developed either in-house or by contract shall not be included in the APR.

§ 1–4.1102–7 Data systems specifications.

"Data systems specifications" means: (a) the delineation of the objectives that the system is intended to accomplish, and (b) the data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files and record content, the volumes of data, the process-

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ing frequencies, timing, and such other facts as may be necessary to provide for a full description of the system.

§ 1–4.1102–8 Equipment performance requirements.

"Equipment performance requirements" means a statement of those hardware factors such as cycle time, computing speed, tape read or write speed, printer speed, size of memory, expandability (modularity) etc., and the related software which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications involved on that equipment.

§ 1–4.1102–9 Federal agency.

"Federal agency" means any executive agency (executive department or independent establishment in the executive branch including any wholly owned Government corporation) or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

§ 1–4.1102–10 Selection plan.

"Selection plan" means criteria and systematic procedures established to enable the Government to measure the proposal of an offeror/bidder against the requirements of the Government as set forth in the solicitation document. These criteria shall be based on the Government's requirements and shall not be equipment or vendor oriented.

§ 1–4.1102–11 Systems or items life.

"Systems or items life" means a forecast or projection of the period of time which begins with the installation of the systems or items and ends when the need for those systems or items has terminated. Systems or items life is established by the Government on the basis of its requirements and is usually set forth in the RFP. Systems or items life is not synonymous with actual life of the equipment.

§ 1–4.1102–12 Mandatory requirements.

"Mandatory requirements" means those contractual conditions and technical specifications which are established by the Government as being essential to meet the Government's needs. When set forth in a solicitation, the mandatory requirements must be met by an offer (or bid) in order for such offer (or bid) to be considered responsive to the solicitation.

§ 1–4.1102–13 Desirable features.

"Desirable features" means those contractual conditions and technical specifications which are established by the Government but which do not have to be offered (or bid) in order to be responsive to the specific solicitation. When set forth in a solicitation, the desirable features, individually or collectively, may be offered (or bid) at the discretion of the offeror (or bidder).

§ 1–4.1102–14 Lowest overall cost.

"Lowest overall cost" means the least expenditure of funds over the systems or items life, price and other factors considered. Lowest overall costs shall include, but shall not be limited to such elements as personnel, purchase price or rentals, maintenance, site preparation and installation, programming, training, and telecommunications as applicable.

§ 1–4.1102–15 [Reserved]

§ 1–4.1102–16 Competitive procurement.

A "competitive procurement" means that the Government's requirements are set forth in the form of data systems specifications or equipment performance requirements, a combination thereof, or other unrestrictive specifications which allow full competition and are devoid of bias toward either a specific product or a specific offeror.

§ 1–4.1102–17 [Reserved]

§ 1–4.1102–18 Noncompetitive (sole source) procurement.

A "noncompetitive procurement" ("sole source procurement") means that the Government's requirements are set forth in the form of necessary specifications which are so restrictive that there is only one known supplier capable of satisfying the Government's requirement. Procurements based on specific make and model specifications/purchase descriptions fall in this category, notwithstanding the existence of adequate price competition as defined in 1–3.807–1(b)(1).

§ 1–4.1103 Procurement authority.

To allow for the orderly implementation of a program for the economic and efficient procurement of ADPE, software, and maintenance services, agencies are authorized to procure these items in accordance with the provisions of this § 1–4.1103 or when a specific delegation of procurement authority has been provided in accordance with the provisions of 1–4.1104 and 1–4.1105. However, the applicable provisions of FPMR 101–32 shall be complied with prior to initiating procurement action.

(a) The exercise of procurement authority shall be accomplished as specified in § 1–4.1107.

(b) Two copies of the solicitation document (RFP, IFB, or RFQ, as applicable) and any subsequent amendment thereto that changes the specifications, evaluation criteria, or installation date shall be forwarded to the General Services Administration (CDP), Washington, DC 20405, as soon as available, but in no event shall the documents arrive later than 8 workdays before the proposed date of issuance to industry. GSA will notify the agency of the date of receipt of the solicitation document as soon as it is received. However, if timely issuance of the solicitation is critical to agency mission accomplishment, copies of the solicitation document may be forwarded to GSA concurrently with issuance to industry, provided the GSA Soliciation Document for ADP Systems is used or the specifications have been reviewed by industry in accordance with § 1–4.1107–8.

(c) Amendments to all solicitations which are clearly administrative in nature, or are for clarification purposes, need not be forwarded to GSA until the dates the amendments are sent to industry. In addition, one copy of all contracts and subsequent amendments thereto shall be forwarded to GSA when they are issued. Also, a list of commercial prices shall be forwarded for each separately identified and priced component, special feature, and software package included in the contract that is not listed on an ADP Schedule contract of the vendor selected.

§ 1–4.1103–1 Automatic data processing equipment.

Except as indicated in § 1–4.1103–4 regarding potential use of the ADP Fund and in Subparts 101–32.3 of the FPMR with respect to the use of excess ADPE and 101–32.14 of the FPMR regarding acquisition of hardware monitors for measuring computer system performance, agencies may procure ADPE without prior approval of GSA provided:

(a) The ADPE is specially designed, as opposed to configured, for a specific application. However, commercially available general purpose ADPE shall not be acquired under this authority unless the ADPE is modified to the extent that precludes future use of the equipment for the solution of a variety of problems or the processing of other applications; or

(b) The procurement will occur by placing a purchase/delivery order against an applicable GSA requirements-type contract; or

(c) The value of the procurement does not exceed $50,000. (However, notwithstanding the foregoing, if ADP Schedule contracts are used in consummating these procurements, the additional limitations set forth in § 1–4.1107–6 pertaining to the use of ADP Schedules also shall apply.) (The dollar limitation set forth above shall exclude attendant maintenance costs if purchase is the method of acquisition. If equipment is leased, the monthly basic rental costs multiplied by 12 shall be used to determine whether the procurement falls within the dollar limitation set forth above.)

§ 1–4.1103–2 Software.

Except for software performance monitoring packages covered by Subpart 101–32.14 of the FPMR, agencies may procure software for use with ADPE without prior approval of GSA when:

(a) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under the terms of the contract, provided such action meets the requirements for competition set forth in § 1–4.1107–2; or

(b) The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost; or

(c) The software is provided by the original equipment manufacturer and is not separately priced from the ADPE.

§ 1–4.1103–3 Maintenance services.

When approved by GSA, the ADP Fund may be used by agencies to obtain maintenance services for ADPE leased from GSA through the ADP Fund. In addition, agencies may procure maintenance services without prior approval of GSA when:

(a) Such services are available from an ADP Schedule contract under the terms and conditions of that contract, provided the procurement meets the requirement for competition set forth in 1–4.1107–2; or

(b) The procurement does not exceed $50,000 annually.

§ 1–4.1103–4 Automatic data processing fund.

When a lease/purchase evaluation indicates that it would be to the best interest of the Government to purchase rather than lease APDE or software and funds are not readily available within the agency; e.g., when there is insufficient time to secure the necessary funds to reprogram for the required funds, the matter shall be forwarded to GSA in the manner prescribed in FPMR 101–32.407.

§ 1–4.1103–5 [Reserved]

§ 1–4.1104 Request for procurement action.

If agencies determine that the conditions of the contemplated procurement are not covered by the provisions of § 1–4.1103, or if the conditions of the contemplated procurement change during the procurement cycle in such a manner as to remove it from these provisions, four copies of the agency procurement request (APR) and such other applicable documents shall be forwarded to the General Services Administration (CPS), Washington, DC 20405. The APR shall contain the name and telephone number of an individual within the agency who shall act as the point of contact with GSA. The APR shall include:

(a) Copies of the proposed solicitation document, if available. If the solicitation document is not available, the specifications of the ADPE configuration that is to be acquired shall be included (see 1–4.1102–6). The description should reflect the estimated number of central processing units, storage devices and controllers, terminals, other peripheral devices and communications devices.

(b) Estimated dollar value of the procurement.

(c) Estimated system or item life (see § 1–4.1102–11).

(d) Location (city and state) of the data processing facilities involved.

(e) Fiscal quarter during which the solicitation is expected to be released to industry for procurement action.

(f) Unique software, maintenance, and support requirements, if any.

(g) A statement or other evidence which indicates that a performance evaluation has been made of currently installed ADP system(s), when applicable, to ensure that the proposed procurement represents the lowest overall cost alternative for meeting the agency's data processing need;

(h) Evidence that site construction/modification is, or is not, required (see FPMR 101–17.101–5). One of the following statements shall be used for this purpose:

(1) The acquisition of this equipment will not require site construction or modification by GSA, or

(2) The acquisition of this equipment will require site (construction) (modification) by GSA which must be completed by (date); and

(i) The APR shall contain a statement that the need to acquire ADPE or ADP systems has been documented as required by Federal Management Circular 74–5.

(j) The APR shall include a statement that in accordance with the requirements of Subpart 101–32.2 and Subpart 101–32.3 of the Federal Property Management Regulations, available ADP resources have been screened and no ADP resources are available to satisfy the user's requirements.

(k) A justification, if applicable, to support either a contemplated noncompetitive (sole source) procurement or use of a specific make and model purchase description. Specifically, this justification must address:

(1) The intended use or application of the equipment;

(2) The critical installation schedule(s) or unique features and/or mandatory requirements, dictated by the intended use, that limit the acquisition to a single source of supply or a specific make and model. (The overriding necessity of these competition-limiting requirements shall be clearly identified.);

(3) The fact that no other know or probable source of supply exists for the required equipment, if a sole source procurement is contemplated. (The justification also shall elaborate on the steps taken which led to this conclusion.);

(4) The existence of patent, copyright, or other limitations; and

(5) The practical factors which preclude the development of specifications and/or the requirement for competition (see 1–4.1102–16).

(l) When telecommunications are involved, see § 1–4.1100–1(c).

§ 1–4.1105 GSA action on procurement requests.

(a) After review of an APR and the documentation submitted pursuant to § 1–4.1104, and subject to the right of the agency to determine its individual software, maintenance, and ADPE requirements, including the development of specifications for and the selection of the types and configurations of equipment needed, the Commissioner, Automated Data and Telecommunications Service, will:

(1) Delegate to the agency the authority to conduct the procurement; or

(2) Delegate to the agency the authority to conduct the procurement and provide for participation in the procurement with the agency to the extent deemed necessary under the circumstances; or

(3) Provide for the procurement by GSA, or otherwise obtain the requirement on behalf of the agency.

(b) Action shall be taken by GSA within 20 workdays after receipt of full information from an agency involving a request for procurement as provided in § 1–4.1104. Upon expiration of this 20 workday period, plus 5 calendar days for mail lag, the agency concerned may proceed with the procurement as if a delegation of authority had, in fact, been granted. In order to establish a common understanding of the 20 workday period, GSA will provide written verification to the agency concerned which identifies the date of receipt of an APR. This 20 workday period is subject to written modification by GSA in the event that, after review, it is found that the APR does not contain the full information required, or in the event that unusual circumstances surrounding the procurement dictate that a longer period of time is required for GSA to complete its appraisal.

§ 1–4.1105–1 Agency responsibilities when GSA procures ADPE or related items for that agency.

When GSA procures ADPE or related items for another agency, the procurement is a joint endeavor of both the requiring agency and GSA. To preclude an overlap of functions, the responsibilities of each participant in the procurement are clearly delineated with the requiring agency's functions listed in this § 1–4.1105–1 and the functions of GSA listed in § 1–4.1105–2. The requiring agency shall:

(a) Submit the documentation required by § 1–4.1104 to GSA. Such documentation shall include the agency's requirements, systems or items life, the technical specification, and justification to support negotiated procurement;

(b) Prepare the technical portion of the solicitation document and define any unique requirements;

(c) Provide necessary technical personnel (and contracting personnel if the agency desires) as members of the contract negotiating team;

(d) Prepare the selection plan and submit it to the GSA contracting officer prior to issuance of the solicitation document;

(e) Evaluate proposals from a technical point of view and arrange for offerors' oral presentations, when appropriate;

(f) Provide copies of correspondence to the GSA contracting officer when the agency is authorized to communicate directly with offerors under the provisions of § 1–4.1105–2;

(g) Determine the technical capability of the items offered to meet the requiring agency's requirements, technical specifications, and systems or items life. This responsibility shall include determining those proposals that are technically acceptable and those proposals that are not technically acceptable. The

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results of these determinations shall be transmitted to the GSA contracting officer to enable the contracting officer to take appropriate action with the offerors;

(h) Select the lowest overall cost item(s) and transmit this information with the necessary supporting documentation to the GSA contracting officer. In the event that a conclusive judgment cannot be made on the basis of lowest overall cost, a findings and determination to this effect shall be prepared before any other factor is used as a basis for selection;

(i) Provide the following administrative information to the GSA contracting officer with the data required in § 1–4.1105–1(h):

(1) Finance data (e.g., paying office, and fund citation);

(2) Contract distribution list and addresses; and

(3) Identity of assigned contracting officer within the requiring agency;

(j) Assist the GSA contracting officer in debriefing offerors, when debriefings are requested by offerors;

(k) Place the delivery order;

(l) Accomplish any other task not included above which will further the joint procurement objective or expedite completion of the procurement action at the agency's discretion and with GSA concurrence; and

(m) Administer the contract in accordance with the terms and conditions thereof.

§ 1–4.1105–2 GSA responsibilities when GSA procures ADPE or related items for another agency.

When conducting the procurement of ADPE or related items for another agency in conjunction with the requiring agency's responsibilities in § 1–4.1105–1 above, GSA shall:

(a) Appoint the GSA contracting officer;

(b) Form the negotiating team which will be headed by the GSA contracting officer;

(c) Prepare and issue the solicitation document and all amendments thereto after concurrence of the requiring agency (The technical material shall be supplied in final form by the requiring agency.);

(d) Prepare the procurement plan (which will be coordinated with the requiring agency), the findings and determination, and any contractual material needed for the selection plan;

(e) Act as the point of contact between offerors and the Government. In this respect, the GSA contracting officer will provide the requiring agency with a copy of all correspondence between the offerors and the Government. Correspondence going to offerors will be coordinated with the requiring agency. When appropriate, the GSA contracting officer may authorize direct communication between the offerors and the requiring agency on purely technical matters. In such instances, the requiring agency shall provide copies of the correspondence to the GSA contracting officer;

(f) Receive proposals from the offerors;

(g) Provide copies of all proposals received from the offerors to the requiring agency;

(h) Review all offers from a contractual point of view;

(i) Provide personnel to be present at demonstrations, when held, to determine the technical capability of the items offered;

(j) Notify the offeror(s) concerned when a proposal is determined to be unacceptable;

(k) Conduct negotiations with all offerors whose proposals are acceptable and are within or are capable of being brought within the competitive range, price and other factors considered;

(l) Notify the offerors of the date and time that negotiations are to be terminated;

(m) Provide the requiring agency both with a report which summarizes the results of negotiations and with copies of the proposed contract negotiated with each vendor for consideration in the agency evaluation and analysis;

(n) Brief the appropriate requiring agency personnel on the results of contract negotiations when requested;

(o) Award the contract after receiving notification of the requiring agency's selection;

(p) Debrief offerors, with the assistance of requiring agency representatives when debriefings are requested by offerors; and

(q) Distribute the contract and forward all pertinent documents to the successor contracting officer appointed by the requiring agency.

§ 1–4.1106 Federal agency responsibility when procurement authority is delegated by GSA.

When acting under a delegation of procurement authority from GSA, the agency conducting the procurement is responsible for compliance with applicable procurement policies, regulations, and, in particular, the specific terms of the delegation.

§ 1–4.1107 Procurement guidance.

The procurement of ADPE, software, maintenance services, and supplies shall be accomplished in accordance with the policies set forth in this § 1–4.1107.

§ 1–4.1107–1 Procurement related directives.

Procurement shall occur in conformance with the policies, guidance, and provisions set forth in:

(a) The Federal Property Management Regulations (FPMR) (41 CFR 101);

(b) Applicable directives issued by OMB and GSA;

(c) Federal Information Processing Standards Publications (FIPS PUBS) issued by the National Bureau of Standards (see § 1–4.1108–5); and

(d) Applicable procurement regulations, except as otherwise provided by this Subpart 1–4.11 of the Federal Procurement Regulations (FPR).

§ 1–4.1107–2 Competition.

All purchases and contracts, whether by formal advertising or by negotiation, shall be made on a competitive basis to the maximum practicable extent. If at any time during a competitive procurement only one vendor remains in the competition, or despite efforts to obtain competition only one offeror is in competition, the procurement files shall be documented to reflect this condition and the reasons therefor prior to contract award.

§ 1–4.1107–3 Publicizing procurement actions.

To ensure that appropriate competition is obtained on all ADP procurements, agencies shall publicize solicitations as set forth below:

(a) Synopses of proposed procurements for ADPE, software, and maintenance services shall be publicized in the "Commerce Business Daily" in accordance with the provisions of Subpart 1–1.10 of the Federal Procurement Regulations (FPR) or Section I, Part 10 of the Armed Services Procurement Regulation (ASPR).

(b) The GSA centralized Bidders Mailing List (BML) for Federal Supply Classification (FSC) Group 70 shall be used for all competitive ADPE and software procurements over $50,000. Each addressee on the BML must be informed that he must request, in writing, copies of the solicitation if he desires to compete. Agencies shall obtain the GSA BML by a written request to the General Services Administration (8BL), Building 41, Denver Federal Center, Denver, Colorado 80225. The request shall include the applicable class and BML code number(s).

7010–0001	ADPE Configuration.
7020–0001	ADP Central Processing Unit (CPU, Computer), Analog.
7021–0001	ADP Central Processing Unit (CPU, Computer), Digital.
7022–0001	ADP Central Processing Unit (CPU, Computer), Hybrid.
7025–0001	Memory—Magnetic Storage.
7025–0002	Magnetic Tape Subsystems.
7025–0003	Magnetic Disk Subsystems.
7025–0004	Printers, High Speed (ADP).
7025–0005	Paper Tape Devices.
7025–0007	Interactive Display.
7025–0008	Interactive Graphics.
7025–0009	Interactive Hard Copy.
7025–0010	Other ADP Input/Output and Storage Devices.
7030–0001	Operating System.
7030–0002	Application Programs.
7030–0003	Data Base Management Programs.
7030–0004	Other Software.
7035–0001	ADP Accessorial Equipment.
7040–0001	Punched Card Equipment.
7045–0002	ADP Support Equipment.
7050–0001	ADP Components.

The GSA BML may be used for subsequent procurements for items in the class(es) and BML code(s), provided the solicitation is released to industry within 90 days following receipt of the BML in question.

(c) Section 1–4.1107–3(b) shall be cited as the authority for the request. For further information concerning the above classes, agencies should contact General Services Administration (CDP), Washington, D.C. 20405.

(d) To procure ADP maintenance services, agencies shall use the BML for Standard Industrial Group 0739, BML Code 4. Procedures for obtaining and using this BML are the same as those outlined in (b) of this § 1–4.1107–3. Section 1–4.1107–3(d) shall be cited as the authority for requesting this BML.

(e) Copies of the complete solicitation shall be forwarded to all known active bidders and those who respond affirmatively as a result of paragraph (a), (b), and (d) of this section.

§ 1–4.1107–4 [Reserved]

§ 1–4.1107–5 Restrictions on the use of simulation in the ADPE procurement process.

This section sets forth restrictions on the use of computer system simulation for ADPE procurement.

(a) A simulation input definition format shall not be used as the only means of describing data processing requirements in solicitation documents. Any such format shall be accompanied by a narrative description of the ADP objectives and workload and any available application logic diagrams.

(b) Solicitation documents shall not be structured in such a way as to require offerors/bidders to use a specific computer system simulator in order to offer/bid, but where offerors/bidders submit computer simulation as part of the bid, they shall be required to describe clearly the simulation used and the make and model of the computer on which the simulation was run.

(c) Offers shall not be considered to be nonresponsive or unacceptable solely on the basis of simulation results.

(d) Information concerning procedures for ADP simulation and computer performance evaluation services is in Subpart 101–32.14 of the FPMR.

§ 1–4.1107–6 Use of schedule contracts.

(a) *Mandatory FSS Schedule Contracts.* A limited number of ADPE items are available under mandatory FSS Schedule contracts. These items shall be procured in accordance with the applicable policies and procedures for the FSS Schedule contract in question.

(b) *Nonmandatory ADP Schedule Contracts.* (1) The existence of a nonmandatory ADP Schedule contract shall not preclude or waive the requirement for full and complete competition in obtaining ADPE, software, or maintenance services. In addition, the availability of these items under an existing nonmandatory ADP Schedule shall not preclude or otherwise detract from procuring components, including peripheral equipment of a system or augmenting an existing system from a number of different sources if this action will be in the best interests of the Government. Suitable equipment must be considered whether or not such equipment is on an ADP Schedule contract.

(2) Use of nonmandatory ADP Schedule contracts for the initial acquisition of ADPE is subject to the following:

(i) A purchase/delivery order may be placed against the ADP Schedule contract under terms of the contract provided that:

(A) the ordering agency has the necessary procurement authority (see 1–4.1103 and 1–4.1105),

(B) the order is within the maximum order limitation of the applicable ADP Schedule contract, and

(C) the procurement file is documented with the results of the synopsis action required in paragraph (b)(5) of this § 1–4.1107–6 and evidence that indicates use of the ADP Schedule contract including the method of acquisition (e.g., lease, purchase) is the lowest overall cost alternative available to the ordering agency, price and other factors considered.

(ii) Requirements shall be synopsized in accordance with paragraph (b)(5) of the § 1–4.1107–6.

(3) Use of nonmandatory ADP Schedule contracts for the continued lease or rental of an installed central processing unit (CPU) is subject to the following:

(i) Requirements shall be synopsized in accordance with paragraph (b)(5) of this § 1–4.1107–6, and

(ii) A specific delegation of procurement authority pursuant to § 1–4.1105 is obtained before issuing an order to renew the lease of any CPU where the schedule purchase price exceeds $50,000 when such CPU is available from a source other than the schedule contract.

(4) Use of nonmandatory ADP Schedule contracts for the conversion from lease to purchase of installed ADPE is subject to the following:

(i) Requirements shall be synopsized in accordance with paragraph (b)(5) of this § 1–4.1107–6.

(ii) A specific delegation of procurement authority pursuant to § 1–4.1105 is obtained before issuing an order to purchase such ADPE when identical, i.e., specific make and model, or similar, i.e., plug-to-plug compatible equipment, is available from a source other than the schedule contract.

(5) ADPE requirements referred to in paragraphs (b)(2), (b)(3) and (b)(4) of this § 1–4.1107–6 shall be synopsized in the "Commerce Business Daily" (CBD) in accordance with Subpart 1–1.10, prior to placing an order(s) under an ADP Schedule contract. This requirement shall be followed notwithstanding the exemption in § 1–1.1003–2(a)(5).

(i) Synopsis shall be published sufficiently in advance of placing the order to permit potential suppliers to demonstrate their ability to satisfy the Government's requirement (See § 1–1.1003–6). When alternate sources of supply are not expected to be available, the synopsis may be in the form of a notice of intention to procure, without establishment of a solicitation package and due date. If no affirmative responses are received from potential offerors by the due date for responses to the notice, the procurement file shall be so documented and no further use of the CBD is required. If affirmative responses (other than sources available under the ADP Schedule contract) are received, or if the availability of competition is known, synopsizing of the procurement is required (see also § 1.4.1107–2).

(ii) Publication of contract award information in the CBD is not required when an order is placed against an ADP Schedule contract, whether or not after a competitive solicitation, since the scheduled contract was publicized in accordance with § 1–1.1004.

(6) If ADPE, software, or maintenance services are procured under an ADP Schedule at other than the lowest delivered price available under any ADP Schedule contract, agencies shall justify the action in conformance with §§ 101–26.408–2 and 101–26.408–3 of the FPMR and shall retain the justification and supporting data or submit it to GSA if a specific delegation of procurement authority is required.

§ 1–4.1107–7 Use of requirements contracts.

GSA makes selected ADPE available to agencies through requirements-type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE which will satisfy the user's requirements is available from GSA requirements-type contracts, this source shall be used by all agencies as the primary source of supply in accordance with the provisions of the contracts. Copies of the contracts (not contractor's price lists) are distributed to recipients of the schedule FSC Group 70, Part I. Additional copies are available from the General Services Administration (8BR), Building 41, Denver Federal Center, Denver, Colorado 80225. Some of these requirements contracts specify that GSA is responsible for the allocation of the ADPE. In these cases authorization shall be obtained from General Services Administration (CDP), Washington, D.C. 20405 before placing an order against the requirements contract. Prior to acquiring from another source ADPE that is functionally similar to the ADPE on a requirements contract, the agency shall (1) document the procurement case file as to why the requirements-type contract could not be used, and (2) obtain a delegation of procurement authority from GSA if the procurement falls outside the scope of § 1–4.1103–1.

§ 1–4.1107–8 Industry review of ADP specifications.

Maximum advantage shall be taken of the latest technological advances in the ADP field to ensure that the Government's data processing requirements are met at the lowest possible overall cost. The ADP industry can perform a useful service during the early stages of the procurement process by ensuring that the specifications are clearly stated and readily understandable and that they will permit the Government to take full advantage of current ADP technology. Accordingly, an agency, at its discretion,

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may provide offerors/bidders a copy of the proposed specifications prior to release of the formal solicitation. Only those offerors/bidders who are scheduled to receive a copy of the solicitation under the provisions of § 1–4.1107–3 should be furnished a copy of the proposed specifications. These offerors/bidders should be given a minimum of 30 days in which to submit their written comments. The agency should evaluate the comments received and shall take such action as they determine to be appropriate. The Government's action on these comments shall be final.

§ 1–4.1107–9 Handling of late bids, proposals, modifications, and withdrawals.

(a) Late bids, modifications of bids, or withdrawals of bids shall be handled in accordance with the procedures set forth in Subpart 1–2.3 of the FPR or Section II, Part 3 of the ASPR.

(b) Late proposals and modifications shall be handled in accordance with the provisions of §§ 1–3.802–1 or 1–3.802–2 of the FPR or paragraph 3–506 of the ASPR when applicable.

(c) The records set forth in § 1–2.303–8 of the FPR or paragraph 2–303.4 of the ASPR, if available, shall be included in the purchasing office files with respect to each late bid, modification of bid, or withdrawal of bid. Similar records, if available, shall be included in the purchasing office files with respect to late proposals, modifications of proposals, or withdrawals of proposals.

§ 1–4.1107–10 Use of data systems specifications.

Data systems specifications are the preferred method for expressing the user's requirements in solicitation documents. The data systems specification may be augmented with equipment characteristics and elements of performance when necessary to reflect the user's needs.

§ 1–4.1107–11 Use of other types of specifications or purchase descriptions.

If data systems specifications cannot be used to describe the user's complete requirement, other types set forth below may be used. However, to minimize limitations on competition, other types of specifications or purchase descriptions shall be used in the order of precedence as listed:

(a) Equipment performance requirements. (Also see 1–4.1107–8.);

(b) Plug-to-plug compatible purchase descriptions;

(c) Brand name or equal purchase descriptions. (Also see 1–1.307–4 and 1–1.307–5.); or

(d) Specific make and model purchase description. (This type of purchase description limits competition to the extent that its use shall be deemed a noncompetitive procurement and must be justified.)

§ 1–4.1107–12 [Reserved]

§ 1–4.1107–13 Evaluation factors.

To enable an offeror/bidder to prepare a proposal or quotation, the solicitation shall identify all the evaluation factors that are to be considered. In addition to the mandatory requirements, desirable features shall be included where applicable. When desirable features are included in a solicitation, relative weights (expressed in dollar values, or points, or any other reasonable indicators which describe the relative importance) shall be assigned to the features.

§ 1–4.1107–14 Use of standard clauses.

The standard clauses in § 1–4.1108 shall be inserted in solicitation documents in accordance with the instructions set forth for each clause listed.

§ 1–4.1107–15 Conversion rental credits.

Conversion rental credits applicable to installed ADPE during the period of conversion to new equipment shall not be considered as an evaluation factor in the procurement of ADPE. Conversion rental credits are not the same as, and should not be confused with, purchase option credits. The latter, when applicable, are to be considered in the evaluation.

§ 1–4.1107–16 Software procurements.

Agencies shall strive to obtain the following objectives:

(a) Avoid restrictive clauses that limit the use of the software to a specific computer system, installation, or organization;

(b) Incorporate a clause that will permit other Government agencies to obtain the software under the contract being negotiated;

(c) Obtain additional quantity discounts, should any other Government agency acquire the same software under the contract in question; and

(d) Ensure that the vendor is contractually obligated to support and maintain the software in subsequent years.

§ 1–4.1107–17 Procurement of supplies.

Specific purchase programs established by GSA include electronic data processing (EDP) tape, instrumentation tape (wide and intermediate band), tabulating machine cards, and marginally punched continuous forms. Instructions for ordering EDP and instrumentation tapes are in § 101–26.508 of the FPMR; for tabulating machine cards, in § 101–26.509 of the FPMR; and for marginally punched continuous forms, in § 101–26.703 of the FPMR.

§ 1–4.1107–18 Contractor leased ADPE.

(a) Notwithstanding the provisions of § 1–4.1101, when leased ADPE is used on Government contract work and the total cost of leased ADPE is absorbed by the Government under a cost-reimbursement type contract, the contracting officer shall require the contractor to include a provision in the rental contract stating that the Government will have the initial option to utilize any purchase or other benefits earned through rental payments.

(b) When leased ADPE is used on Government contract work under a cost-reimbursement type contract and less than 100 percent of the cost of the equipment is absorbed by the Government, the contracting officer should obtain for the Government, where possible, the right to accrued purchase credits, if the contractor elects not to exercise his purchase option. Accordingly, negotiation objectives for cost-reimbursement type contracts shall include the following when less than 100 percent of the cost of the equipment is absorbed by the Government.

(1) The contractor should be encouraged to incorporate in his ADP equipment lease the right to assign accrued purchase credits to the Government;

(2) The contracting officer should obtain for the Government, if possible, the right of first refusal on accrued purchase credits, if the contractor elects not to exercise his purchase option; and

(3) A 60-day advance notice should be provided to the Government when the contractor proposes to terminate his ADP equipment lease if the Government has been granted rights to accrued purchase credits.

(c) If the Government has been granted rights to purchase credits in accordance with (b) above and the contractor elects not to exercise his purchase option, the ADPE shall be reported through agency or GSA reutilization channels as set forth in Subpart 101–32.3 of the FPMR.

(d) If in accordance with (a) and (b) of this § 1–4.1107–18, the Government elects to exercise an option to purchase the leased ADPE, it is in the nature of a procurement. Accordingly, the applicable provisions of this subpart relating to the acquisition of ADPE would apply.

§ 1–4.1107–19 Assistance by GSA.

Assistance in any phase of the procurement process covered by this Subpart 1–4.11 shall be obtained by contacting the General Services Administration (CDP), Washington, D.C. 20405.

§ 1–4.1107–20 Sole source procurement documentation.

The following procurement documents, clearly marked "sole source procurement," shall be forwarded to the General Services Administration (CDPD), Washington, D.C. 20405, for each sole source acquisition of ADPE if the dollar value involved is between $10,000 and $50,000:

(a) A copy of the contract; or

(b) A copy of the purchase/delivery order issued against a GSA ADP Schedule contract.

§ 1–4.1108 Standard clauses.

The following clauses shall be used as specified in solicitations and contracts for ADP.

§ 1–4.1108–1 Late bids, proposals, modifications, and withdrawals.

(a) The late bids, modifications of bids, or withdrawal of bids clause set forth in § 1–2.201(a) (31) of the FPR or paragraph 7–2002.2 of the ASPR shall be inserted in all invitations for bids on ADPE, software, maintenance services, or supplies.

(b) The late proposals, modifications or proposals, and withdrawals of proposals clause set forth in § 1–3.802–1(a) of the FPR or paragraph 7–2002.4 of the ASPR shall be inserted in all solicitation documents for negotiated procurements for ADPE software, maintenance services, or supplies except that the alternate clause set forth in § 1–3.802–2(b) of the FPR may be used in those instances in which overriding mitigating circumstances clearly make use of the alternate clause in the best interest of the Government; and

(1) The head of any agency or his designated representative authorizes use of the alternate clause for the individual procurement in question; and

(2) Prior specific approval is obtained from the Commissioner, Automated Data and Telecommunications Service, Washington, D.C. 20405.

§ 1–4.1108–2 Limitation of liability.

The following clause shall be used in all solicitations and contracts for ADPE, software, maintenance, and related supplies and services unless the contracting officer determines that a higher degree of protection is in the best interest of the Government.

WARRANTY EXCLUSION AND LIMITATION OF DAMAGES

Except as expressly set forth in writing in this agreement, or except as provided in the clause entitled, "Commitments, Warranties, and Representations," if applicable, and except for the implied warranty of merchantability, there are no warranties expressed or implied. In no event will the Contractor be liable to the Government for consequential damages as defined in the Uniform Commercial Code, Section 2–715, in effect in the District of Columbia as of January 1, 1973; i.e.:

Consequential damages resulting from the seller's breach include:

(a) Any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) Injury to person or property proximately resulting from any breach of warranty.

(End of Clause)

§ 1–4.1108–3 Contractor representation.

The following clause shall be used in all solicitations and contracts for ADPE when the Government's requirement is set forth in the form of a data system specification and the value of the contract is expected to exceed $100,000:

CONTRACTOR REPRESENTATION

Unless the Contractor expressly states otherwise in his proposal, where functional requirements are expressly stated as part of the requirements of this solicitation, the Contractor, by responding, represents that in its opinion the system proposed is capable of meeting those requirements. However, once the functions have been demonstrated or put to use on the delivered system, Contractor responsibility under this clause ceases. In the event of any inconsistency between the detailed specifications and the functional specification contained in the solicitation, the former will control.

(End of Clause)

§ 1–4.1108–4 Fixed price options.

When the Government has firm requirements for ADPE, software, or maintenance services which exceed the basic contract period (and/or quantity) to be awarded, but due to the unavailability of funds the option(s) cannot be exercised at the time of award of the basic contract (although there is a reasonable certainty that funds will be available thereafter to permit exercise of the options); realistic competition for the option periods (and quantity) may be impracticable once the initial contract is awarded; and it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in," the following clause shall be inserted in solicitation documents with the data required for the clause "fill-ins" suitably highlighted:

FIXED PRICE OPTIONS

(a) This solicitation is being conducted on the basis that the known requirements exceed the basic contract period (and/or quantity) to be awarded, but due to the unavailability of funds the option(s) cannot be exercised at the time of award of the basic contract (although there is a reasonable certainty that funds will be available thereafter to permit exercise of the options); realistic competition for the option periods (and/or quantity) is impracticable once the initial contract is awarded; and it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in." Therefore, to safeguard the integrity of the Government's evaluation and because the Government is required to procure ADPE and related items on the basis of fulfilling system specifications at the lowest overall cost, subsequent (or additional) as well as initial requirements must be satisfied on a fixed price basis. Since the systems or items to be procured under this solicitation have an expected life of ____ months (hereafter referred to as "systems life," or "items life," as appropriate), and since lowest systems (items) life costs are synonymous with lowest overall costs, the contract resulting from this solicitation must contain options for renewals for subsequent fiscal years throughout the projected systems (items) life at fixed prices, and, if applicable, at fixed prices for all stated optional quantities of supplies or services not included in the initial requirement. Despite the foregoing, offerors are reminded that although the evaluation which will lead to contract award will be based on systems (items) life costs, the exercise of the option(s) is dependent not only on the continued existence of the requirement and the availability of funds, but also on an affirmative determination that such exercise is in the best interest of the Government. Should the offeror desire, separate charges, if any, which will incur to the Government should the latter fail to exercise the option(s) may be stated separately. Options included in offers submitted in response to this solicitation will be evaluated as follows:

(1) To be considered responsive to this solicitation, vendors must offer fixed prices for the initial contract period for the initial systems or items being procured. Fixed prices, or prices which can be finitely determined, must be quoted for each separate option renewal period and must remain in effect throughout that period. Where optional quantities are offered, prices must be fixed or finitely determinable.

(2) Offers will be evaluated for purposes of award by adding the total price of all optional periods and, if applicable, all stated optional quantities to the total price for the initial contract period, covering the initial systems or items. These prices will be adjusted by the appropriate discount factors. Separate charges, if any, which will incur to the Government should the latter fail to exercise the options, will not be considered in the evaluation, except as stated in (3) below.

(3) An offer which is unbalanced as to prices for the basic and optional quantities may be rejected. An unbalanced offer is one which is based on prices significantly less than cost for some systems and/or items and prices which are significantly overstated for the other systems and/or items. In determining whether an offer is unbalanced as to prices, the Government will evaluate separate charges, if any, which the Government will incur for failure to exercise the options.

(b) Evaluation of options will not obligate the Government to exercise the options. Offers which do not include fixed or determinable systems (items) life prices cannot be evaluated for the total requirement and will be rejected. Offers which meet the mandatory requirements will be evaluated on the basis of lowest overall cost to the Government, including all stated options. The above notwithstanding, award will be made subject to the type of funds available. Accordingly, the following applicable provisions shall be included in any contract resulting from this solicitation:

OPTION TO EXTEND THE TERM OF THE CONTRACT

This contract is renewable, at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor by the first day of each fiscal year or within 30 days after funds for that fiscal year become available, whichever date is the later; provided that the Contracting Officer shall have given preliminary notice of the Government's intention to renew at least ____ days before this contract is to expire. Such a preliminary notice shall not be deemed to commit the Government to renewals. If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed ____ months. (Optional: Should the Government fail to exercise this option to extend the term of the contract, separate charges, as set forth elsewhere in this contract, shall incur.)

OPTION FOR INCREASED QUANTITY

The Government may increase the quantity of items called for herein by the amount stated elsewhere in this contract and at the unit prices specified therein. The Contracting Officer may exercise this option at any time within the period specified in the contract by giving written notice to the Contractor. Delivery of items added by exercise of this option shall be in accordance with the delivery schedule set forth elsewhere in this contract. (Optional: Should the Government fail to exercise this option for increased quantity, separate charges as set forth elsewhere in this contract shall incur.)

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(End of Clause)

§ 1–4.1108–5 Standard clauses for implementation of FIPS PUBS.

(a) *Scope.* The standard terminology as set forth in Subpart 101–32.13 of the FPMR shall be included in the solicitation for each Federal Information Processing Standards Publication (FIPS PUB) that is applicable to a procurement under this Subpart 1–4.11. Subpart 101–32.13 provides standard terminology for use in purchase agreements, solicitations, and offers for acquisitions of ADP equipment (ADPE), related software, services, and communications equipment to give effect to Federal Standards announced in FIPS PUBS. Subpart 101–32.13 is also applicable, where particular FIPS PUBS apply, to equipment acquired under Part 101–35 of the FPMR. FIPS PUBS are issued by the National Bureau of Standards and collectively constitute the Federal Information Processing Standards Register. FIPS PUBS are available as set forth in § 101–32.1302 of the FPMR.

(b) *Applicability.* The provisions of Subpart 101–32.13 are applicable to all Federal agencies unless the agencies are otherwise excepted. Waiver procedures and exceptions are prescribed in the applicable FIPS PUBS.

§ 1–4.1108–6 [Reserved]

§ 1–4.1109 [Reserved]

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended by the addition of the following new entry:

1–7.103–30 Clauses for solicitations and contracts for automatic data processing (ADP) equipment, software, maintenance services, and supplies.

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.103–30 is added, as follows:

§ 1–7.103–30 Clauses for solicitations and contracts for automatic data processing (ADP) equipment, software, maintenance services, and supplies.

Insert the standard clauses set forth in § 1–4.1108 in solicitations and contracts for ADP under the conditions specified in § 1–4.1108. The clauses are:

(a) Warranty Exclusion and Limitation of Damages.

(b) Contractor Representation.

(c) Fixed Price Options: Option to Extend the Term of the Contract, Option for Increased Quantity.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Effective date: This amendment is effective November 30, 1976, but may be observed earlier.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–28794 Filed 9–30–76;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–196]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

ADP Management

This amendment revises § 101–32.000 and replaces Subpart 101–32.4 in its entirety. The Federal Procurement Regulations are amended in a separate action by adding Subpart 1–4.11, entitled Procurement and Contracting for Government-wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies. This amendment to Part 101–32 retains the information that agency officials must consider before commencing an ADP procurement action. To the extent possible, the paragraph titles and numbering used in the prior version of Subpart 101–32.4 are retained in this revised FPMR. ADP procurement procedures and the contract clauses formerly in Subpart 101–32.4 are now in FPR 1–4.11.

Part 101–32 is amended by the revision of § 101–32.000 and by the addition of revised Subpart 101–32.4, as follows:

Section 101–32.000 is revised as follows:

§ 101–32.000 Scope of part.

This part provides policies, procedures, and guidelines pertaining to the Government-wide management of automated data processing equipment and services, including revolving fund, resources utilization, utilization of excess, maintenance and repair, and related subjects. Policies and procedures pertaining to procurement and contracting for automated data processing equipment, software, maintenance services, and supplies are set forth in FPR 1–4.11.

Subpart 101–32.4—Management Responsibilities Related to Procurement

Sec.

101–32.400	Scope of subpart.
101–32.400–1	The Automated Data and Telecommunications Service.
101–32.400–2	Assistance.
101–32.401	Applicability.
101–32.402	Definitions.
101–32.402–1	Automated data processing equipment.
101–32.402–2	Software.
101–32.402–3	Maintenance services.
101–32.402–4	Supplies.
101–32.402–5	Procurement.
101–32.402–6	Agency procurement request.
101–32.402–7	Data systems specifications.
101–32.402–8	Equipment performance requirements.
101–32.402–9	Federal agency.
101–32.402–10	Selection plan.
101–32.402–11	Systems or items life.
101–32.402–12	Mandatory requirements.
101–32.402–13	Desirable features.
101–32.402–14	Lowest overall cost.
101–32.402–15	Competitive procurement.
101–32.402–16	Noncompetitive (sole source) procurement.
101–32.403	Preprocurement considerations.
101–32.403–1	Use of GSA requirements-type contracts.
101–32.403–2	Software.
101–32.403–3	Maintenance services.
101–32.404	Request for procurement.
101–32.404–1	Restrictions on the use of simulation to describe data processing requirements.
101–32.405	GSA action on a requirement review.
101–32.406	Responsibilities when GSA procures ADPE or related items for an agency.
101–32.407	Use of the automatic data processing fund.
101–32.408	The Privacy Act of 1974.

AUTHORITY: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101–32.4—Management Responsibilities Related to Procurement

§ 101–32.400 Scope of subpart.

This subpart prescribes the guidance, policies, and procedures that Federal agencies must consider before initiating procurement of all automatic data processing equipment (ADPE) and related software, maintenance services, and supplies by Federal agencies. Other regulations apply as follows:

(a) The provisions of Part 101–17 relate to the information which must be submitted to GSA relative to space requirements for ADPE.

(b) The provisions of Part 101–35 are applicable to telecommunications directly or indirectly associated with ADPE.

(c) Policies and procedures relating to procurement and contracting for Government-wide automated data processing equipment, software, maintenance services, and supplies are set forth in FPR 1–4.11.

§ 101–32.400–1 The Automated Data and Telecommunications Service.

The Automated Data and Telecommunication Service (ADTS) of GSA has Government-wide responsibility for the development and implementation of management policies and procedures concerned with the effective and efficient acquisition and use of the ADP resources of the Federal Government. ADTS reviews ADP requirements, as stated by Federal agencies, and to the extent feasible meets these requirements through utilization of the existing inventory of Federal ADPE, by combining agency resources, or by satisfying requirements through GSA-provided systems or services. If ADTS is unable to meet agency requirements with existing or planned resources, then the requirements will be satisfied through the procurement process conducted in accordance with FPR 1–4.11, or the procurement of services from commercial sources will be authorized as set forth in Subpart 101–32.2. This Subpart 101–32.4 provides agency guidance as to what must be accomplished before commencing the procurement process for ADPE.

§ 101–32.400–2 Assistance.

Assistance concerning the information or procedures discussed in this subpart may be obtained from the General Services Administration (CPS), Washington, DC 20405.

§ 101–32.401 Applicability.

The provisions of this subpart apply to all Federal agencies. These provisions are not applicable to Government contractors when the items governed by the provisions of this Subpart 101–32.4 are to be acquired by such contractors unless the equipment or system is (a) leased, and full lease costs are paid by the Government under one or more contracts, or (b) purchased by the contractor for the account of the Government or title will pass to the Government.

§ 101–32.402 Definitions.

The terms used in this Subpart 101–32.4 shall be as described below.

§ 101–32.402–1 Automatic data processing equipment.

"Automatic data processing equipment" (ADPE) means general purpose commercially available, mass-produced automatic data processing components and the equipment systems created from them, regardless of use, size, capacity, or price, that are designed to be applied to the solution or processing of a variety of problems or applications and are not specially designed (not configured) for any specific application. It includes:

(a) Digital, analog, or hybrid computer equipment; and/or

(b) Auxiliary or accessorial equipment such as plotters, communications terminals, tape cleaners, tape testers, data conversion equipment, source data automation recording equipment (optical character recognition devices, paper tape typewriters, magnetic tape cartridge typewriters, and other data acquisition devices), etc., to be used in support of digital, analog, or hybrid computer equipment, either cable connected, wire connected, or selfstanding and whether selected or acquired with a computer or separately; and/or

(c) Punched card accounting machines (PCAM) used in conjunction with or independently of digital, analog, or hybrid computers.

§ 101–32.402–2 Software.

"Software" means commercially available proprietary computer programs and routines used to extend the capabilities of ADPE. This category of software includes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

§ 101–32.402–3 Maintenance services.

"Maintenance services" means those examination, testing, repair, or part replacement functions performed to: (a) Reduce the probability of ADPE malfunction (commonly referred to as "Preventive Maintenance"), (b) restore a component of ADPE which is not functioning properly to its proper operating status (commonly referred to as "Remedial Maintenance"), and (c) modify the ADPE in a minor way (commonly referred to as "Field Engineering Change" or "Field Modification").

§ 101–32.402–4 Supplies.

"Supplies" means consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

§ 101–32.402–5 Procurement.

"Procurement" means the acquisition of ADPE, software, maintenance services, or supplies by purchase or lease.

§ 101–32.402–6 Agency procurement request.

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE, software, or maintenance services or for GSA to delegate the authority to the agency to procure these items. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto. When the APR for ADPE is submitted before preparation of the solicitation documents, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided to GSA in lieu of the RFP, IFB, or RFQ. In such instances, the software requirements shall include that software as defined in § 101–32.402–2, software in the public domain, and any additional software. However, applications programs to be developed either in-house or by contract shall not be included in the APR.

§ 101–32.402–7 Data systems specifications.

"Data systems specifications" means: (a) The delineation of the objectives which the system is intended to accomplish and (b) the data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files and record content, the volumes of data, the processing frequencies, timing, and such other facts as may be necessary for a complete description of the system.

§ 101–32.402–8 Equipment performance requirements.

"Equipment performance requirements" means a statement of those hardware factors such as cycle time, computing speed, tape read or write speed, printer speed, size of memory, expandibility (modularity), etc., and the related software which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications on that equipment.

§ 101–32.402–9 Federal agency.

"Federal agency" means any executive agency (executive department or independent establishment in the executive branch including any wholly owned Government corporation) or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

§ 101–32.402–10 Selection plan.

"Selection plan" means those criteria and systematic procedures established in order to enable the Government to measure the proposal of an offeror against the requirements of the Government as set forth in the solicitation document. These criteria shall be based on the Government's requirements and should not be equipment or vendor oriented.

§ 101–32.402–11 Systems or items life.

"Systems or items life" means a forecast or projection of the period of time which begins with the installation of the systems or items and ends when the need for such systems or items has terminated. Systems or items life is established by the Government on the basis of its requirements and is usually set forth in the RFP. Systems or items life is not synonymous with actual life of the equipment.

§ 101–32.402–12 Mandatory requirements.

"Mandatory requirements" means those contractual conditions and technical specifications which are established by the Government as being essential to meet the Government's needs. When set forth in a solicitation, the mandatory requirements must be met by an offer (or bid) in order for such offer (or bid) to be considered responsive to the solicitation.

§ 101–32.402–13 Desirable features.

"Desirable features" means those contractual conditions and technical specifications which are established by the Government but which do not have to be offered (or bid) in order to be responsive to the specific solicitation. When set forth in a solicitation, the desirable features, individually or collectively, may be offered at the discretion of the offeror (or bidder).

§ 101–32.402–14 Lowest overall cost.

"Lowest overall cost" means the least expenditure of funds over the systems or items life, price and other factors considered. Lowest overall costs shall include but shall not be limited to such elements as personnel, purchase price or rentals, maintenance, site preparation and installation, programing, training, and telecommunications as applicable.

§ 101–32.402–15 Competitive procurement.

"Competitive procurement" means the Government's requirement is set forth in the form of data systems specifications or equipment performance requirements, a combination thereof, or other unrestrictive specifications which allow full competition and are devoid of bias toward either a specific product or a specific offeror.

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§ 101–32.402–16 Noncompetitive (sole source) procurement.

"Noncompetitive (sole source) procurement" means the Government's requirements are set forth in the form of necessary specifications which are so restrictive that there is only one known supplier capable of satisfying the Government's requirement.

§ 101–32.403 Preprocurement considerations.

Before initiating the ADP procurement process, Federal agencies shall comply with the management requirements set forth in Part 101–32. The management information that ADTS needs to review agency requirements is set forth in Subpart 101–32.4. If it is determined that the agency requirement will be met by a procurement, the acquisition shall be in accordance with the provisions of FPR 1–4.11.

§ 101–32.403–1 Use of GSA requirements-type contracts.

GSA makes selected ADPE available to agencies through requirements-type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements-type contracts, this source shall be used by all agencies as the primary source to satisfy needs once it has been determined that the requirement cannot be met under Subparts 101–32.2 or 101–32.3. When such contract provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (CDP), Washington, DC 20405 before initiating the delivery/purchase order.

§ 101–32.403–2 Software.

Except for software performance monitoring packages covered by Subpart 101–32.14, and for software obtained through the Federal Software Exchange Program, Subpart 101–32.16, prior approval of GSA is required before agencies may acquire software when the proposed software exceeds the procurement authority set forth in § 1–4.1103–2 of the FPR.

§ 101–32.403–3 Maintenance services.

Agencies may procure maintenance services without prior approval of GSA in accordance with the provisions of § 1–4.1103–3 of the FPR.

§ 101–32.404 Request for procurement.

(a) Prior to commencing an ADP procurement, agencies shall ensure that the policies and guidance stated in applicable Office of Management and Budget (OMB) and GSA policy directives have been met. (These directives include OMB Circulars A–11, "Preparation and submission of budget estimates," A–71, "Responsibilities for the administration and management of automated data processing activities," A–76, "Policies for acquiring commercial or industrial products and services for Government use," A–94, "Discount rates to be used in evaluating time distributed cost and benefits," and A–108, "Responsibilities for the maintenance of records about individuals by Federal agencies," 41 CFR Part 101–32, "Government-wide Automated Data Management services," and the Federal Management Circular (FMC) 74–5 entitled "Management, acquisition, and utilization of automatic data processing (ADP)".)

(b) Four copies of the Agency Procurement Request (APR) and such other documents as may be applicable shall be forwarded to the General Services Administration (CPS) in accordance with § 1–4.1104 of the FPR. In addition to the FPR procedures, agencies must include with the APR a statement: In accordance with the requirements of Subparts 101–32.2 and 101–32.3, Federal ADP resources have been screened and no ADP resources are available to satisfy the user's requirements.

NOTE.—When telecommunications are involved, agencies shall submit documentation as prescribed in Part 101–35.

§ 101–32.404–1 Restrictions on the use of simulation to describe data processing requirements.

(a) The use of benchmarks is the preferred method of measuring potential ADPE performance for evaluation and selection purposes. When benchmarking is not feasible, computer system simulators can sometimes be used as an aid in measuring potential ADPE performance. However, a simulation input definition format shall not be used as the only means of describing data processing requirements. In view of the effect that use of computer system simulators may have on competition, § 1–4.1107–5 of the FPR places certain restrictions on the use of simulation in the ADPE procurement process.

(b) Information concerning policies and procedures for ADP simulation and computer performance evaluation services is in Subpart 101–32.14.

§ 101–32.405 GSA action on a requirement review.

After review of an APR and the documentation submitted with it, and subject to the authority of the agency to determine its individual ADP requirements, including the development of specifications for and the selection of the types and configuration of equipment needed, ADTS will act on the APR as set forth in § 1–4.1105 of the FPR.

§ 101–32.406 Responsibilities when GSA procures ADPE or related items for an agency.

When GSA procures ADPE or related items for another agency, the procurement is a joint endeavor of both the requiring agency and GSA. To preclude an overlap of functions, the responsibilities of each participant in the procurement are clearly delineated in §1–4.1105 of the FPR.

§ 101–32.407 Use of the automatic data processing fund.

(a) When a lease/purchase evaluation indicates that it would be to the best interest of the Government to purchase rather than lease ADPE or software and funds are not readily available within the agency; e.g., when there is insufficient time to secure the necessary funds under normal budgetary procedures or to reprogram for the required funds, the matter shall be forwarded to the General Services Administration (CPS), Washington, D.C. 20405 for determination of whether the ADP fund should be used for the purchase. In like manner, the use of long-term lease plans shall not be discarded solely on the grounds that they are barred by legal or fiscal considerations. Instead, the matter shall be forwarded to GSA for a determination of whether the ADP fund should be used.

(b) When a determination has been made to finance the acquisition of ADPE or software by means of the ADP fund, GSA will retain title to such ADPE or software which will be capitalized into the fund. In such instances, mutually satisfactory arrangements to reimburse the fund and a lease to include equipment costs, authorized personnel services, and other costs will be negotiated between the requesting agency and GSA. Reimbursements to the fund are generally on the installment basis; however, lump sum payments may be made.

(c) Agencies with installed leased ADPE shall periodically review the equipment for consideration of purchase by the ADP fund when purchase becomes justified.

(d) General guidance and information concerning the use of the ADP fund is developed by ADTS and published in the FPMR bulletin series.

§ 101–32.408 The Privacy Act of 1974.

The Privacy Act of 1974 establishes policies with respect to the design, development, operation, or maintenance of systems of records on individuals. Information concerning privacy as it relates to ADP management is contained in Subpart 101–32.17.

Effective date: This regulation is effective on October 1, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–28795 Filed 9–30–76;8:45 am]

federal register

FRIDAY, OCTOBER 1, 1976

PART IV:

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS

Expedited Procedures for Consideration of Proposed Regulations for Calendar Year 1977

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Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Appendix—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Expedited Procedures for Consideration of Proposed Regulations for Calendar Year 1977

On May 11, 1976, the U.S. District Court for the District of Columbia declared the current regulations of the National Marine Fisheries Service authorizing the taking of marine mammals incidental to yellowfin tuna purse seining activities, 50 CFR 216.24, to be void as contrary to the Marine Mammal Protection Act, 16 U.S.C. § 1361, et seq. On August 6, 1976, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the District Court's order, but stayed it until January 1, 1977, because of the disastrous effect its immediate implementation would have on commercial fishermen operating under the general permit authorized by the current regulations.

The National Marine Fisheries Service has adopted permanent regulations governing practice and procedure in hearings held under § 103(d) of the Marine Mammal Protection Act, 16 U.S.C. § 1373 (d), which concern proposed waivers of the moratorium on the taking of marine mammals imposed by the Act and regulations on, among other matters, the taking of marine mammals incidental to commercial fishing operations, 50 CFR 216.-70–216.90. But the National Marine Fisheries Service would not be able to meet the Court's January 1, 1977, deadline under the existing procedures. If they were used, there would for several months be no regulations in force on the taking of marine mammals incidental to yellowfin tuna purse seining. This situation would carry the potential for great and irreparable damage to those commercial fishermen who would operate under any permit which might be authorized under the regulations which are eventually adopted.

In a good faith effort to comply with the Court's order, the National Marine Fisheries Service is issuing these expedited regulations for the conduct of proceedings on proposed regulations governing the taking of marine mammals incidental to yellowfin tuna purse seining operations during calendar year 1977. The permanent regulations contained in 50 CFR 216.70–216.90 will retain their full force with respect to proposed waivers and regulations on subjects other than the taking of marine mammals incidental to commercial fisheries; and they will regain that force even with respect to the latter subject for proceedings commenced on or after January 1, 1977.

The expedited procedure contained in these regulations, like that contained in the permanent rules, is a rulemaking on the basis of a formal record after opportunity for an agency hearing. Such a procedure is required by § 103(d) of the Act, and is conducted in accordance with 5 U.S.C. §§ 556–557. The primary difference between the permanent and expedited procedures is the reduction in the latter of the 60 day minimum period between the notice of hearing and the hearing's commencement to 30 days. This, in turn, necessitated the elimination of the procedures for prior submission of direct testimony and narrowing of the issues which are contained in the permanent regulations. In the expedited procedure, the hearing itself is envisioned as the forum for the airing of all issues which the parties wish to raise, and more detailed rules for the conduct of the hearing are provided than appear in the permanent regulations. It is anticipated that, in view of the emphasis of the expedited regulations on the opportunity of each party at the hearing to present its own evidence and to cross examine the witnesses of other parties, the elimination of the prior submission of evidence and refinement of the issues will not reduce the parties' opportunity to contribute to the final decision. Parties are still encouraged to submit their evidence to the presiding officer before the hearing. Parties who have not submitted their evidence before the hearing may be required by the presiding officer to present their evidence at the hearing before the parties who have done so. It is hoped that surprise and the offer of evidence on uncontested issues will thereby be minimized.

Other changes are the elimination of the 20-day comment period on the presiding officer's recommended decision, and the imposition of short deadlines for the filing of briefs and of the recommended decision.

Under the authority of 5 U.S.C. § 553 (d)(3), these regulations are effective on the date of publication. Postponement of their effect for 30 days would undermine their basic purposes, which are to comply with the order of the Court of Appeals and to reduce or eliminate the potential prejudice to prospective permit holders which would result from a failure to effectuate new regulations governing incidental taking of marine mammals incidental to yellowfin tuna purse seining by January 1, 1977.

1. *Basis and purpose.* (a) Section 101 (a)(2) of the Marine Mammal Protection Act, 16 U.S.C. § 1371(a)(2), and these regulations authorize the Director, National Marine Fisheries Service, to impose regulations governing the taking of marine mammals incidental to commercial fishing operations. In prescribing regulations to carry out the provisions of said sections, the Act refers the Director to § 103 (16 U.S.C. § 1373). In accordance with § 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations.

(b) The purpose of these regulations is to establish rules of practice and procedure for proceedings commenced under § 103(d) after October 1, 1976, and before January 1, 1977, concerning proposed regulations on the taking of marine mammals incidental to commercial fishing operations. For all purposes of such proceedings the rules prescribed by these regulations replace those prescribed at 50 CFR 216.70–216.90.

2. *Definitions.* Definitions shall be the same as in 50 CFR 216.3, except as follows:

(a) "Party" means for purposes of these regulations:

(1) The Director or his representative;

(2) The Marine Mammal Commission or its representative;

(3) A person who has, pursuant to paragraph 5, notified the Director by the final date specified in the notice of hearing of his or her intent to participate in the hearing.

(b) "Witness" means, for the purposes of these regulations, any person who delivers testimonial evidence, or who identifies real or documentary evidence under paragraph 11 (d) and (e). A person may be both a party and a witness.

(c) "Director" means, for the purposes of these regulations, the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

3. *Scope of regulations.* These procedural regulations govern the practice and procedure in hearings described in the first sentence of paragraph 1(b). These hearings will be governed by the provisions of 5 U.S.C. §§.556 and 557 of the Administrative Procedure Act. They shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to waivers and regulations proposed pursuant to § 103(d) of the Act governing the taking of marine mammals incidental to commercial fishing operations, with full protection for the rights of all persons affected thereby.

4. *Notice of hearing.* (a) A notice of hearing on any proposed regulations on the taking of marine mammals incidental to commercial fishing operations shall be published in the FEDERAL REGISTER.

(b) The notice shall state:

(1) The Director's intention to prescribe regulations under § 103(d) of the Act on the taking of marine mammals incidental to commercial fishing operations;

(2) The nature of the hearing;

(3) The place and date of the hearing. The date shall not be less than thirty (30) days after publication of notice of the hearing;

(4) The legal authority under which the hearing will be held;

(5) The proposed regulations;

(6) A summary of the statements and studies described in § 103(d) (1)–(4) of the Act. The notice shall indicate that these statements and studies have been published in full and made available to the public, and shall set forth the ways in which individual persons may have copies of these statements and studies placed at their disposal;

(7) Issues of fact which may be involved in the hearing, together with the

express statement that the hearing will not necessarily by limited to these issues and that evidence relevant to other issues may be submitted at the hearing, subject to rulings of the presiding officer on the materiality of such issues;

(8) The date of publication of the draft Environmental Impact Statement, and the place(s) where the draft and comments thereon may be viewed and copied;

(9) Any written advice received from the Marine Mammal Commission;

(10) The place(s) where records and documents submitted prior to the hearing will be kept for public inspection;

(11) A list of employees of the United States who will or may reasonably be expected to be involved in the decisional process on the regulations, including the Director and Deputy Director, to whom and by whom ex parte communications relevant to the merits of the proceeding by or to parties to the proceeding would be impermissible under the provisions of section 4 of the Government in the Sunshine Act of 1976, Pub. L. 94–409;

(12) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to paragraph 5;

(13) The docket number assigned to the case which shall be used in all subsequent proceedings;

(14) The name of the presiding officer.

5. *Notification by interested persons.* Any person desiring to participate as a party shall notify the Director by certified mail on or before the date specified in the notice. Persons who fail so to notify the Director shall be deemed to have waived their right to participate as parties in any part of the proceeding.

6. *Presiding officer.* (a) Upon publication of the notice of hearing pursuant to paragraph 4, the Director shall appoint a presiding officer pursuant to 5 U.S.C. § 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

(1) Adjourn the hearing, but not to change the time and place of the hearing specified in the notice of hearing without the consent of all parties;

(2) Rule upon motions, requests, and admissibility of real, documentary, and testimonial evidence;

(3) Administer oaths and affirmations, question witnesses, and direct witnesses to testify;

(4) Modify or waive any rule with the consent of all parties;

(5) Receive written arguments, comments, and briefs and hear oral argument;

(6) Render a recommended decision and certify the record of the proceeding to the Director;

(7) Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the powers and duties to be performed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer as ordered by the Director.

(d) The presiding officer may upon his own motion withdraw as presiding officer in a proceeding if he deems himself to be disqualified.

(e) A presiding officer may be requested to withdraw at any time prior to the recommended decision. Upon the filing in good faith of a timely and sufficient affidavit alleging the presiding officer's personal bias, malice, conflict of interest or other basis which might result in prejudice to a party, the hearing shall recess. The Director shall immediately determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

7. *Submission of evidence before the start of the hearings.* (a) All parties are encouraged, but not required, to submit to the presiding officer before the start of the hearing all real and documentary evidence which they intend to introduce. They are also encouraged, but not required, to submit at that time affidavits of the witnesses they intend to call stating the substance of the oral testimony they intend to deliver at the hearing; but the submission of any such affidavit by a witness shall not prevent that witness from testifying on matters not dealt with in the affidavit at the hearing.

(b) All evidence submitted prior to the hearing shall contain or be accompanied by a written statement signed by the submitting party or its counsel of the interest of the submitting party in the proceeding, the issue to which such evidence relates, and the submitting party's position on that particular issue.

(c) No objections or motions concerning the relevance of evidence submitted prior to the hearing or the materiality of the issues to which it relates shall be entertained by the presiding officer before such evidence is introduced into the record at the hearing.

8. *Mailing address.* Unless otherwise specified in the notice of hearing, all evidence shall be addressed to the presiding officer, c/o Director, National Marine Fisheries Service, Washington, D.C. 20235. Each item of real and documentary evidence and each affidavit shall be clearly marked with the docket number of the proceedings.

9. *Inspection and copying of evidence and other documents forming part of the record of the hearing.* Any evidence submitted by the parties at any point in a proceeding under these regulations may be inspected and, to the extent feasible, copied at such times and places as the presiding officer may designate. Other documents forming part of the record of the proceeding shall be made available for inspection and copying on the same basis. Any such documents not in the custody of the presiding officer may be inspected and copied in the Office of the Director, National Marine Fisheries Service, Page Building No. 2, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

10. *Ex parte communications.* The provisions of section 4 of the Government in the Sunshine Act of 1976, Pub. L. 94–409, shall be adhered to in any proceeding conducted under these regulations whether or not such provisions have entered into force at the time of the proceeding.

11. *Conduct of the hearing.* (a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer, with the consent of all parties, changes the time or place. If a change occurs, the presiding officer shall publish the change in the FEDERAL REGISTER and shall expeditiously notify all parties by telephone or by mail: But if the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) At the commencement of the hearing, the presiding officer shall introduce into the record:

(1) The notice of hearing as published in the FEDERAL REGISTER;

(2) All subsequent notices pertaining to the proceeding published in the FEDERAL REGISTER;

(3) The draft Environmental Impact Statement, the comments thereon, and agency responses to the comments. If additional comments and agency responses are made at any later point in the proceeding, they shall be introduced into the record after notice to all parties by the presiding officer until he certifies the record to the Director, and thereafter by the Director;

(4) A list of all parties.

(c) Each party shall have the opportunity to introduce evidence into the record at the hearing in the order determined by the presiding officer, but the Director shall introduce his evidence before any other party. In determining the order in which other parties will introduce evidence, the presiding officer may require those parties which have not submitted evidence to him prior to the hearing to present their evidence before those parties which have previously submitted evidence. Before beginning the presentation of its evidence, each party shall make an oral statement under oath identifying itself and its interest in the proceeding.

(d) Testimonial evidence shall be presented through oral statements of witnesses under oath, whether or not such evidence has been summarized in affidavits submitted prior to the hearing. Testimonial evidence may also be introduced through direct examination of the witness under oath by the party presenting the evidence, either in person or by an authorized counsel or representative. The presiding officer may also directly examine a witness under oath, and may propound to the witness questions submitted by other parties which he determines to be suitable for direct examination.

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(e) Real and documentary evidence shall be admitted into the record only if the party introducing it or another person called by the party as a witness identifies such evidence, the issue to which it relates, the introducing party's position regarding that issue, and the manner in which the evidence supports that position. This identification shall be made under oath, and shall be required whether or not such real or documentary evidence was submited to the presiding officer prior to the hearing under paragraph 7.

(f) Any witness by whom a party introduces testimonial evidence or identifies real or documentary evidence shall:

(1) State his or her name, address, and occupation;

(2) State qualifications for delivering or identifying such evidence. If an expert, the witness shall briefly state the scientific or technical training by which he or she qualifies as an expert;

(3) Submit to appropriate cross-examination in accordance with subparagraph (g).

(g) Each party shall have the opportunity, in the order determined by the presiding officer, to cross-examine any witness by whom another party has introduced testimonial evidence; and to cross-examine any other party, as well as any identifying witness, about real and documentary evidence which such other party has introduced. Such cross-examination may be conducted by a party either in person or by an authorized counsel or representative. Cross-examiners shall be assumed to be familiar with all testimony previously delivered by the witness at the hearing. The presiding officer may:

(1) Require the cross-examiner to outline the intended scope of the cross-examination;

(2) Limit the number of times any party or parties may cross-examine a party or other witness on the same matter;

(3) Exclude cross-examination questions that are irrelevant, concern immaterial issues, or are unduly repetitious.

(h) Scientific, technical, or commercial publications may only be used for impeaching witnesses under cross-examination unless previously introduced as evidence in accordance with these regulations.

(i) Whenever counsel conducts the direct or cross-examination of a party or other witness, such counsel shall state for the record his or her authority to act as counsel and the party granting that authority. A party shall be assumed to have waived the right to introduce evidence if such party fails to produce a witness to present or identify such evidence under oath. Any party or party's counsel who fails to appear at the hearing to cross-examine a witness shall be assumed to have waived the right to cross-examine that witness.

(j) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(k) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The ruling of the presiding officer on any objection shall be part of the record and shall be subject to review at the same time and in the same manner as the Director's final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(l) All motions and requests shall be addressed to, and ruled on by, the presiding officer if made before his certification of the record, and by the Director if made thereafter.

12. *Admissible evidence; official notice.* (a) Any evidence introduced by a party in accordance with these regulations shall be admitted into the record unless the presiding officer determines that such evidence is irrelevant to any material issue in the proceeding, or that it is unduly repetitious.

(b) Official notice may be taken of such matters as are judicially noticed by the courts of the United States.

13. *Oral and written arguments.* (a) The presiding officer shall provide for oral argument at the end of the hearing. Such argument may be limited by the presiding officer to the extent necessary for the expeditious disposition of the proceeding. The presiding officer shall close the hearing immediately after the last oral argument.

(b) For a period of ten (10) days after the close of the hearing, any party may file with the presiding officer any written comments on the proposed regulations, including proposed findings and conclusions and written arguments or briefs which are based on the record and which cite, if practicable, the relevant page or pages of the transcript. If a party filing a brief desires the presiding officer to reconsider any objection made by the presiding officer, that party shall state its arguments thereon as part of the brief.

(c) Oral or written arguments shall be limited to issues arising from evidence in the record.

14. *Recommended decision; certification of the record.* (a) Within twenty-four (24) days after the close of the hearing, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

(1) A description of the history of the proceedings;

(2) Findings on the issues of fact with reasons therefore; and

(3) Rulings on issues of law with the reasons therefore.

Copies of the recommended decision shall be sent to all parties after the close of the hearing.

(b) The presiding officer shall also transmit to the Director the entire record of the proceeding, accompanied by the presiding officer's certificate stating that, to the best of his knowledge and belief, the record is a complete and accurate compilation of all the evidence and other documents in the proceeding, except in such particulars as are specified.

(c) Immediately after receipt of the recommended decision, the Director shall give notice thereof to the Marine Mammal Commission, and offer the Commission a final opportunity to consult as provided by 16 U.S.C. § 1373(a). The recommended decision may be reviewed and copied in the Office of the Director, National Marine Fisheries Service, Page Building No. 2, 3300 Whithaven Street, N.W., Washington, D.C. 20235.

15. *Director's decision.* (a) After allowing five (5) days for consultation with the Marine Mammal Commission on the recommended decision and record, the Director shall make a final decision on the proposed regulations. The Director's decision may affirm, modify, or set aside in whole or in part the recommended findings, conclusions, and decision of the presiding officer. The Director may also remand the hearing record to the presiding officer for a fuller development of the record.

(b) The Director's decision shall include:

(1) A description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefore; and

(3) Rulings on issues of law, with the reasons therefore.

(c) The Director's decision, together with the final adopted regulations, shall be published in the FEDERAL REGISTER.

16. *Effective date.* These regulations become effective on October 1, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

SEPTEMBER 29, 1976.

[FR Doc.76-29030 Filed 9-30-76;8:45 am]

federal register

FRIDAY, OCTOBER 1, 1976

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions; Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931. as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Florida	FL76–1108
Kentucky	KY76–1111

MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their date of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:		
AR76–4119		July 16, 1976.
AR76–4130		July 23, 1976.
California:		
CA76–5063;	CA76–5064	July 16, 1976.
Delaware:		
DE76–3212		July 30, 1976.
Kentucky:		
AQ–4122		June 7, 1974.
KY76–1078		July 23, 1976.
Louisiana:		
LA76–4131		Aug. 20, 1976.
Minnesota:		
MN76–2058		May 14, 1976.
Nevada:		
NV76–5083		Sept. 10, 1976.
New Mexico:		
NM76–4144		Sept. 3, 1976.
New York:		
NY76–3203		July 23, 1976.
NY76–3228		Aug. 13, 1976.
Oklahoma:		
OK76–4136		July 30, 1976.
Pennsylvania:		
PA76–3178;	PA76–3180	June 11, 1976.
PA76–3185;	PA76–3186; PA 76–3204.	June 18, 1976.
PA76–3208		July 2, 1976.
Texas:		
TX76–4048		Feb. 20, 1976.
TX76–4084		May 21, 1976.
TX76–4125		July 23, 1976.
Utah:		
UT76–5082		Sept. 10, 1976.
Virginia:		
VA76–3213;	VA76–3214	July 30, 1976.
VA76–3245		Sept. 10, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Illinois:		
IL76–2006	(IL76–2120)	Jan. 30, 1976.
IL76–2007	(IL76–2121)	Jan. 20, 1976.
IL76–2008	(IL76–2122)	Feb. 2, 1976.
Kentucky:		
KY75–1096	(KY76–1113)	Sept. 26, 1975.
KY75–1103	(KY76–1112)	Oct. 17, 1975.
Missouri:		
MO76–4105	(MO76–4159)	July 2, 1976.
Nebraska:		
NE76–4104	(NE76–4157)	June 25, 1976.
New Jersey:		
NJ76–3127	(NJ76–3248); NJ 76–3128 (NJ76–3249).	Feb. 27, 1976.
Oklahoma:		
OK76–4020	(OK76–4160)	Feb. 6, 1976.
Ohio:		
OH76–2059	(OH76–2117)	May 7, 1976.
OH76–2065	(OH76–2118)	May 28, 1976.
Texas:		
TX76–4077	(TX76–4153); TX76–4078 (TX76–4155); TX76–4079 (TX76–4157).	May 7, 1976.
TX76–4112	(TX76–4154)	July 16, 1976.

Signed at Washington, D.C., this 24th day of September 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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FL76-1108 - (Cont'd)

POWER EQUIPMENT OPERATORS CONT'D:

Group C - Concrete pumps, front end loader (2 cy. or less not used as a hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines.

Group D - Tractor-operated sweeper, trenching machine (ladder & wheel type maximum cut 6' maximum width 28"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat op., oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl. 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion-type welding machine.

NEW DECISION

STATE: Florida

COUNTY: Brevard (excludes Cape Kennedy, Patrick Air Force Bace, Kennedy Space Flight Center, and Melabar Radar Site.)
DATE: Date of Publication
DECISION NUMBER: FL76-1108
DESCRIPTION OF WORK: Building construction (excludes single family houses and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	7.00	.35	.25	.05	.05
Carpenters	7.10	.20	.20		
Cement masons	5.81	.40	1%		k of 1%
Electricians	8.55	.10			.01
Glaziers	6.73	.35	.25	.43	.01
Ironworkers	5.05				
Laborers	3.51				
Painters	6.00				
Plasterers	5.96	.35	.25		
Plumbers	7.42				
Roofers	5.50	.10	.05		
Sheet metal workers	8.44	.40	.25		06
Soft floor layers	6.55				
Tile setters	5.96	.35	.25		
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Group A	7.33	.30	.25		.05
Group B	6.29	.30	.25		.05
Group C	5.48	.30	.25		.05
Group D	4.51	.30	.25		.05

Group A - Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, similar, cableways, tug boat captain (150 H.P. or more), multi-bowl operator, similar to R.G. LaTourneau Model L-60-2 or three 20 cu. yd. scrapers), front end loaders (over 4 cu. yd.), side boom cats, multi-drum hoist (for rigging), heavy equipment mechanic, tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), locomotive engineer, (jobs not covered by railroad unions).

Group B - Bulldozers, bridge cranes (20 tons & under), high lift or fork lift (up to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy. and up to & incl. 4 cy. cap.), trenching machine (ladder & wheel type), over 6' cut & over 28" width, concrete paver & scrapers.

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NEW DECISION

STATE: Kentucky
DECISION NUMBER: KY76-1111
COUNTY: *See below
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Carter, Elliott, Fleming, Lewis, Mason, Nicholas, Robertson, and Rowan.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanics	4.00				
Bricklayers & Blocklayers	6.00				
Carpenters	4.41				
Cement masons	4.25				
Drywall finishers	4.00				
Drywall hangers	4.27				
Electricians	4.00				
Insulation installers	3.77				
Laborers:					
Laborers	3.00				
Hod carriers	3.09				
Painters	3.97				
Plumbers & Pipefitters	5.04				
Roofers	4.22				
Sheet metal workers	4.51				
Soft floor layers	4.00				
Tile setters	4.25				
Truck drivers	3.40				
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS					
Backhoe	4.00				
Bulldozer	4.00				

MODIFICATIONS P. 1

DECISION NO. AR76-4119 - Mod #2
(41 FR 29617 - July 16, 1976)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	$9.95	.40	1%		1/4%
Cable splicers	10.075	.40	1%		1/4%
CARPENTERS:					
Carpenters	7.93	.45	.30		.04
Millwrights & Piledrivermen	8.33	.45	.30		.04
Change Decision No. for Mod. #1 dated September 17, 1976 to read "#AR76-4119"					

DECISION #AR76-4130 - Mod. #1
(41 FR 30509 - July 23, 1976)
Conway, Faulkner and Perry Counties, Arkansas

CHANGE:					
CARPENTERS:					
Faulkner County and the Eastern half of Conway and Perry Counties:					
Carpenters	$7.93	.45	.30		.04
Millwrights & Piledrivermen	8.33	.45	.30		.04
ELECTRICIANS:					
Electricians	9.95	.40	1%		1/4%
Cable splicers	10.075	.40	1%		1/4%
ASBESTOS WORKERS	9.80	.35	.40		.02
ELEVATOR CONSTRUCTORS	8.88	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.545	.35	4%+a+b	.02
GLAZIERS	7.30		.25		
ADD:					
Add to Counties:					
Cleburne and Van Buren Counties					
CARPENTERS:					
Cleburne & Van Buren Cos.					
Carpenters	7.93	.45	.30		.04
Millwrights & Piledrivermen	8.33	.45	.30		.04

MODIFICATIONS P. 2

DECISION NO. CA76-5063 - Mod. #3
(41 FR 29619 - July 16, 1976)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake; Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$12.41	.90	$1.17	$1.50	.06
Brick Tenders	9.30	1.00	1.70		
Cement Masons:					
Cement Masons	10.00	1.15	1.43	1.50	.05
Mastic; Magnesite; All Composition Masons	10.25	1.15	1.43	1.50	.05
Man working from swinging or slip form scaffolds	10.25	1.15	1.43	1.50	.05
Drywall Installers	11.52	1.22	1.71	.75	.07
Electricians:					
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties:					
Electricians	11.58	.87	1%+.605		.04
Cable Splicers	12.74	.87	1%+.605		.04
Tunnel:					
Electricians	12.16	.87	1%+.605		.04
Cable Splicers	13.38	.87	1%+.605		.04
Contra Costa County					
Electricians	13.45	.70	1%+1.00		
Cable Splicers	14.96	.70	1%+1.00		
Napa and Solano Counties					
Electricians	11.82	.68	1%+.85		.04
Cable Splicers	13.30	.68	1%+.85		.04

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MODIFICATIONS P. 3

DECISION NO. CA76-5063 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	$12.71	.73	1%+.75		.045
Cable Splicers	13.98	.73	1%+.75		.045
Tunnel:					
Electricians	12.84	.73	1%+.75		.045
Cable Splicers	12.97	.73	1%+.75		.045
Lathers:					
Alameda and Contra Costa Cos.	11.36	1.09	1.26		.025
Fresno, Kings, Madera and Tulare Counties	11.43	.35	.45		
Line Construction:					
Contra Costa County					
Groundman	10.0875	.70	1%+1.00		
Line Equipment Operators	12.1050	.70	1%+1.00		
Linemen	13.45	.70	1%+1.00		
Cable Splicers	14.95	.70	1%+1.00		
Painters:					
Butte, Colusa, Glenn, Lassen, (excluding the extreme SE corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties					
Brush; Pot Tenders; Rollers; Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	8.75 9.25	.60 .60	.40 .40		
Plaster Tenders:					
Calaveras and San Joaquin Counties	9.43	.80	1.40	.90	
Roofers:					
Alameda and Contra Costa Counties					
Roofers	10.94	1.17	1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps) Bitumastic; Enamelers; Pipewrappers; Coal Tar builtup	11.19 11.94	1.17 1.17	1.10 1.10	.60 .60	.04 .04

MODIFICATIONS P. 4

DECISION NO. CA76-5063 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Amador, Sacramento and Yolo Counties					
Roofers (slate, tile and Composition)	$10.11	1.04	1.10	1.00	.07
Enamelers and Pitch	11.11	1.04	1.10	1.00	.07
Fresno, Kings, Madera and Tulare Counties					
Roofers	11.35	.60	.80		
Del Norte and Humboldt Cos.					
Roofers	10.32	.40	.75	.35	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties					
Roofers	11.89	.95	.40		
Sheet Metal Workers:					
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties	11.13	.66	1.40		.09
Soft Floor Layers:					
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, Santa Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	10.70	.60	1.00	c	.10
Tile Setters:					
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	10.27	.55	.30	1.00	
Add:					
Glaziers:					
Fresno, Kings, Madera and Tulare Counties and the remaining portions of Merced County	9.09	.81	1.04	.805	.05

MODIFICATIONS P. 5

DECISION NO. CA76-5064 - Mod. #3
(41 FR 29637 - July 16, 1976)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$12.41	.90	$1.17	$1.50	.06
Brick Tenders:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Counties	9.30	1.00	1.70		
Cement Masons:					
Cement Masons	10.00	1.15	1.43	1.50	.05
Mastic; Magnesite; All Composition Masons	10.25	1.15	1.43	1.50	.05
Men working from swinging or slip form scaffolds	10.25	1.15	1.43	1.50	.05
Drywall Installers	11.52	1.22	1.71	.75	.07
Electricians:					
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	12.71	.73	1%+.75		.045
Cable Splicers	13.98	.73	1%+.75		.045
Tehama County					
Electricians (4 stories):					
Electricians	11.58	.87	1%+.605		.04
Cable Splicers	12.74	.87	1%+.605		.04
Contra Costa County					
Electricians	13.45	.70	1%+1.00		
Cable Splicers	14.95	.70	1%+1.00		

MODIFICATIONS P. 6

DEICSION NO. CA76-5064 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Napa and Solano Counties					
Electricians	$11.82	.68	1%+.85		.04
Cable Splicers	13.30	.68	1%+.85		.04
Lathers:					
Alameda and Contra Costa Cos.	11.36	1.09	1.26		.025
Fresno County	11.43	.35	.45		
Painters:					
Sutter, Tehama and Yuba Cos.					
Brush; Pot Tender Rollers	8.75	.60	.40		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	9.25	.60	.40		
Plasterers' Tenders:					
Calaveras and San Joaquin Counties	9.43	.80	1.40	.90	
Roofers:					
Alameda and Contra Costa Cos.					
Roofers	10.94	1.17	1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.19	1.17	1.10	.60	.04
Bitumastic; Enamelers; Pipewrapper; Coal Tar built up	11.94	1.17	1.10	.60	.04
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	11.89	.95	.40		
Fresno County					
Roofers	11.35	.60	.80		
Del Norte and Humboldt Cos.					
Roofers	10.32	.40	.75	.35	
Amador, Sacramento and Yolo Counties					
Roofers	10.11	1.04	1.10	1.00	.07
Enamelers and Pitch	11.11	1.04	1.10	1.00	.07
Sheet Metal Workers:					
Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	11.13	.66	1.40		.09

DECISION NO. CO76-5064 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers: Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	$10.70	.60	1.00	b	.10
Tile Setters: Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.27	.55	.30	1.00	
Add: Glaziers: Fresno and Remaining portions of Merced County	9.09	.81	1.04	.805	.05
DELAWARE #DE76-3212 - Mod. #3 (41 FR 32122 - July 30, 1976) State of Delaware					
Change: Carpenters - Highway Construction: New Castle & Kent Counties	$ 8.80	1.04	.74		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # AQ-4122 - Mod. # 3 (39 FR-20281 - June 7, 1974) Daviess County, Kentucky					
Change: Carpenters	9.37	.40	.60		
DECISION # KY76-1078 - Mod. #1 (41 FR-30527 - July 23, 1976) Henderson County, Kentucky					
Change: Carpenters	9.37	.40	.60		
Painters (Commercial): Brush	8.25	.63	.30		
Spray & sandblasting	9.25	.63	.30		
Painters (Industrial): Brush	9.40	.63	.30		
Spray & sandblasting	10.40	.63	.30		
Roofers	8.68	.40	.25		
Sheet metal workers	10.15	.40	.35		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA76-4131 - Mod. #2 (41 FR 35349 - August 20, 1976) Statewide, Louisiana					
Change: Electricians: Electricians: Zone 4	$10.55	.35	1%		
Cable splicers: Zone 3	10.80	.35	1%		
Line Construction: Zone 4: Linemen & equipment operators	10.55	.35	1%		
Cable splicers	10.80	.35	1%		
Groundmen	50%JR	.35	1%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN76-2058 - Mod. #1 (41 FR 20131 - May 14, 1976) Aitkin, Anoka, Benton, Blue Earth, Carlton, Carver, Chicago, Cook, Crow Wing, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Koochiching, Lake, Lesueur, Martin, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Noblas, Olmsted, Pine, Ramsey, Rice, Rock, Scott, Sherburna, Sibley, Stearns, Steele, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota					
Change: Linemen: Counties of Chicago, Dakota, Isanti, Ramsey, Rice & Washington, Remainder of Kanabec, Mille Lacs & Pine Cos; Anoka County (Entire County except Anoka, Fridely Grow & Ramsey Townships), Goodhue Co. (except Pine Island, Minnesola, Roscoe & Zumbrota Twps.) Lesueur Co. (That portion East of Cleveland, Sharon, Tyrone & Washington Twps.) Sherburne Co: (That protion East of Becker & Santiago Twps.) & Wabasha Co: (Entire Co.: Except Elgin & Plainview Twps).	$10.05	5-3/4%	4%	11 1/4%	.25%
Counties of Benton, Blue Earth, Carver, Fairbault, Hennepin, Jackson, McLeod, Martin, Meeker, Nicollat, Scott, Sibley, Stearns, Wasaca, Wright & the Remainder of Anoak, Lesueur & Sherburne Counties	10.03	7%	4%	10%	1½%

DECISION NO. MN76-2058 (CONT'D)

MINN-7M-PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educatios and/or Appr. Tr.
Counties of Anoka, Carver, Cook Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott & Washington, Sherburne County south of the northern boundary of T-33-N and east of the western boundary of R-27-W, Wright County east of and including Highway #25, Chisago County south of the northern boundary of T-34-N and that part consisting substantially of the Cities of Thompson, Colquet, Scanlon & Carlton					
GROUP 1	$13.55	.45	.40		
GROUP 2	10.26	.45	.40		
GROUP 3	10.00	.45	.40		
GROUP 4	9.87	.45	.40		
GROUP 5	9.78	.45	.40		
GROUP 6	9.10	.45	.40		
GROUP 7	8.80	.45	.40		

GROUP 1 Helicopter Pilot
GROUP 2 Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity
GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capcity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Propelled. Traveling Soil Stabilizer

DECISION NO. MN76-2058 (CONT'D)

POWER EQUIPMENT OPERATORS (CONT'D)

Counties of Anoka, Carver, Cook, Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott, & Washington, Sherburne County south of the northern boundry of T-33-N and wast of the western boundary of R-27-W, Wright County east of and including Highway #25, Chisago County South of the northern boundry of T-34-N and that part consisting substantially of the Cities of Thompson, Colquet, Scanlon & Carlton

GROUP 5 Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven - Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismatling or Repair Mechanic
GROUP 6 Air Compressor Op. 375 CFE or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (Motar Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Toller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar HP with power take-off
GROUP 7 Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO. MN76-2058 (CONT'D)

MINN-6-PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Counties of Aitkin, Blue Earth, Carlton, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Isanti, Kanabec, Lesueur, Mille Lacs, Mower, Olmsted, Pine, Steele, Wabasha, Waseca, Winona & Washington; The remainder of Chisago, Sherburne, & Wright Counties; Koochiching County East of a North-South Line From the Canadian Boarder to Pelland-The Western Right-of Way of U. S. Hwy. 71 from Pelland to Big Falls & Minn. Hwy. #6; Itaska County East of the Western-Righteof-way of Minn. Hwy. #6; Crow Wing County East of the Western Right-of-way of U.S. Hwy. #371; Morrison County East of the Western Right-of-way of U. S. Hwy. #371 & U. S. Hwy #10 from Little Falls to the Morrison Benton County lines; Benton Co. East of The Western Right-of-Way of U. S. Hwy #10; and in McLeod, Martin, Meeker, Nicollet, Sibley & Stearn Counties, East of the Western Right-of-Wat of Minn. Hwy #15. In every case the entire corporate limits of cities, towns & villages located on the boundaried described as highways shall be included in this area					
GROUP I	$13.25	.45	.40		
GROUP II	9.96	.45	.40		
GROUP III	9.70	.45	.40		
GROUP IV	9.58	.45	.40		
GROUP V	9.48	.45	.40		
GROUP VI	8.80	.45	.40		
GROUP VII	8.50	.45	.40		

DECISION NO. MN76-2058 (CONT'D)

POWER EQUIPMENT OPERATORS: (CONT'D)

Counties of Aitkin, Blue Earth, Carlton, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Isanti, Kanabec, Lesueur, Mille Lacs, Mower, Olmsted, Pine, Rice, Steele, Wabasha, Waseca, Winona & Washington; The remainder of Chisago, Sherburne, & Wright Counties; Koochiching County East of a North-South Line from the Canadian Boarder to Pelland - The Western Right-of-Way of U.S. Hwy. 71 from Pelland to Big Falls & Minn. Hwy. #6; Itaska County East of the Western Right-of-Way of Minn. Hwy. #6; Crow Wing County East of the Western Right-of-Way of U. S. Hwy #371; Morrison County East of the Western Right-of-Way of U. S. Hwy. #371 & U.S. Hwy. #10 from Little Falls to the Morrison-Benton County lines; Benton County East of the Western Right-of-Way of U. S. Hwy. #10; and in McLeod, Martin, Meeker, Nicollet, Sibley & Stearns Counties Counties, East of the Western Right-of-Way of Minn. Hwy #15. In Every case the entire corporate limits of cities,towns & villages located on the boundaries described as Highways shall be included in this area.

GROUP I Helicopter Pilot
GROUP II Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity
GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) & yds. & over, Crader or Motor Patrol Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mehcanic, Mixing (Paving) Concrete Paving Op., Road Mile Op., Incl. power supply, Mucking Mach., inol. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem, Scraper, Tractor, Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP IV Dual Tractor Op., Elevating Grader Op., Pumporete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer
GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift of Lumber Stacker, Front End Loader Op., over 1 cu yds. Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such was Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bening Machine Op., Power Plant Engineer, Power Actuated Horisontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tird Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer

DECISION NO MN76-2058 (CONT'D)

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP V (CONT'D)
water, gas), Turnapull Co., (or similar type) Well Point Installtion, Dismantling or Repair Mechanic
GROUP VI Air compressor Op. 373 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete saw op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & includs 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greader on truck or rack, Loader Op., Power Actuated Auguard and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar HP with power take-off
GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Soacer Heater, Oiler, Self-prop. Vib Packer Op., Sheep Foot toller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO. MN76-2058 (CONT'D) MINN-7-PEO

POWER EQUIPMENT OPERATORS: Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Itaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$13.00	.45	.40		
GROUP II	8.82	.45	.40		
GROUP III	8.57	.45	.40		
GROUP IV	8.43	.45	.40		
GROUP V	8.35	.45	.40		
GROUP VI	7.82	.45	.40		
GROUP VII	7.42	.45	.40		

POWER EQUIPMENT OPERATORS: Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Itaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns

GROUP I Helicopter Pilot
GROUP II Crane with over 135 ' Boom, exculuding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity
GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3½E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity , Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Cohorete Paving Op., Road Mile Op., incl. power supply, Mucking Mach., inc. mucking operations conway or similar type, refrigeration plant engineer, Tandem Scraper, Tractor Op. (Boom Type). Truck Crane Op., Tugboat Op. 100 HP & over
GROUP IV Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu yd. & over, Self Prop. Trvaeling Soil Stabilizer
GROUP V Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring Firt Class License, Fork lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" op.,

DECISION NO MN76-2058 (CONT'D)

POWER EQUIPMENT OPERATORS: (CONT'D)

Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Istaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns

GROUP V (CONT'D)
Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & ballas Mach. Op., Tractor Op. over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type)well Point Installation, Dismantling or Repair Mechanic
GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, concrete saw op. (multi. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger. Front End Loader Op. (up to & incl. 1 cu. yd.), Grader op. (Motor Patrol), Gunnite op. Gunall, Lead Greaser on Truck or rak, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks op., Pumps op., Roller., Self-propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor Op. (D2, TD6 or similar HP with power take-off
GROUP VII Brakeman, Switchman, Conveyor op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION #NV76-5083 - Mod. #2
(41 FR 38725 - September 10, 1976)

Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Clark, Esmeralda, Lincoln, Nye County:					
Brush; Roller	$11.55	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.90	.75	.35		.05
Buffing Steel; Sandblasters; Structural Steel	12.35	.75	.35		.05
Steeplejack	13.15	.75	.35		.05
Roofers:					
Remaining Counties and Nye County (north half)	10.10	.45	.20		.02

MODIFICATIONS P. 19

DECISION NO: NM76-4144 - Mod. #2 (41 FR 37495 - September 3, 1976) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
ZONE I - AREA I					
1-A	$ 9.90	.40	1%+.70		1/2%
1-B	10.59	.40	1%+.70		1/2%
1-C	11.19	.40	1%+.70		1/2%
1-D	11.88	.40	1%+.70		1/2%
ZONE I - AREA II					
2-A	8.80	.40	1%+.70		1/2%
2-B	9.42	.40	1%+.70		1/2%
2-C	9.94	.40	1%+.70		1/2%
2-D	10.56	.40	1%+.70		1/2%
CABLE SPLICERS:					
ZONE I - AREA I					
1-A	10.89	.40	1%+.70		1/2%
1-B	11.58	.40	1%+.70		1/2%
1-C	12.18	.40	1%+.70		1/2%
1-D	12.87	.40	1%+.70		1/2%
ZONE II - AREA II					
2-A	9.68	.40	1%+.70		1/2%
2-B	10.30	.40	1%+.70		1/2%
2-C	10.82	.40	1%+.70		1/2%
2-D	11.44	.40	1%+.70		1/2%
PLUMBERS-PIPEFITTERS:					
Area 1	10.00	.63	1.36		.12
Area 2	10.50	.63	1.36		.12
Area 3	11.75	.63	1.36		.12
Specific Area	10.63	.63	1.36		.12
Residential	6.50	.63	.25		.12
SMIT:					
ZONE III - ELECTRICIANS	5.80	.30	1%		1/4%
ZONE III :					
ELECTRICIANS ZONE DEFINITION					
Single or multiple, family dwelling or apartments up to & including 26 units under one roof not exceeding two stories - Bernalillo Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation.					

MODIFICATIONS P. 20

DECISION #76-NY-3203 - Mod. #2 (41 FR 30553 - July 23, 1976) Bronx, Kings, Queens, Richmond and New York Counties, New York	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add: Electricians paid holidays: Columbus Day, Day after Thanksgiving					
DECISION #76-NY-3228 - Mod. #2 (41 FR 34526 - August 13, 1976) Bronx, Kings, Queens, New York and Richmond Counties, New York					
Add: Electricians paid holidays: Columbus Day, Day after Thanksgiving					
DECISION NO. OK76-4136 - Mod. #3 (41 FR 32177 - July 30, 1976) Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Okla.					
CHANGE:					
SHEET METAL WORKERS	$9.91	.45	.40		.05

MODIFICATIONS P. 21

DECISION #PA76-3178 - Mod. # 3 (41 FR 23919 - June 11, 1976) Berks County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.31	.52	.50		.01
Bricklayers & Stonemasons	9.20	.50	.75		
Electricians:					
Herford, Longswamp & Washington Twps., portion of Maxatawney, Twp. east of Saccony Creek	10.60	.35	1%+.40		.02
Remainder of County	10.69	.53	1%		.03
Plumbers & Steamfitters	11.01	.67	1.45		.11
Roofers:					
Albany, Maxstany, and Windsor Composition & Slate	10.93	.15	.50		
Sheet metal workers	9.76	1.17	1.03		.05
DECISION #PA76-3180 - Mod. # 4 (41 FR 23922 - June 11, 1976) Luzerne County, Pennsylvania					
Change:					
Electricians					
Hazleton	10.57	.35	1%+.25	f	k
Painters:					
Pittston					
Brush & Roller	8.10		1.00		
Structural Steel	9.10		1.00		
Footnote:					
k. Paid Holidays: July 4, Labor Day, Thanksgiving Day & Good Friday.					
DECISION #PA76-3185 - Mod. # 3 (41 FR 24864 - June 18, 1976) Lycoming County, Pennsylvania					
Change:					
Electricians	9.23	.40	1%+.35	.60	.02
Elevator Constructors	10.20	.545	.35	4%+b+c	.02
Elevator Constructors Helpers	7.14	.545	.35	4%+b+c	.02
Elevator Constructors Helpers (Prob.)	5.10				

MODIFICATIONS P. 22

DECISION #PA76-3186 - Mod. # 3 (41 FR 24866 - June 18, 1976) Lancaster County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.31	.52	.50		.01
Electricians:					
W. Calico, E. Calico, Brecknock, E. Carl, & Caernarvon Twps.	10.69	.53	1%		.03
Elevator Constructors	10.20	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	7.14	.545	.35	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.10				
Sheet Metal Workers	9.76	1.17	1.03		.05
DECISION #PA76-3204 - Mod. # 3 (41 FR 24870 - June 18, 1976) Adams & York Counties, Pennsylvania					
Change:					
Asbestos Workers	10.31	.52	.50		.01
Elevator Constructors	10.20	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	7.14	.545	.35	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.10				
Sheet metal workers	9.76	1.17	1.03		.05
DECISION #PA76-3208 - Mod. # 1 (41 FR 27535 - July 2, 1976) Bradford, Tioga, & Union Counties, Pennsylvania					
Change:					
Electricians					
Zone 1	$9.23	.40	1%+.35	.60	.02
Zone 2	10.20	.50	1%+.50	.50	.10
Elevator Constructors	10.20	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	7.14	.545	.35	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.10				
Ironworkers:					
Zone 1	10.63	.84	1.21		.03
Plasterers:					
Zone 2	9.60				
Roofers:					
Composition & Kettlemen	9.20	.75	.70		

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4048 - Mod. #4 (41 FR 7920 - February 20, 1976) Taylor County, Texas					
Change:					
Painters:					
Brush, tape & bedding, paperhangers	$ 6.70		.15		
Spray	7.575		.15		
DECISION #TX76-4084 - Mod. #5 (41 FR 21141 - May 21, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
Change:					
Cement masons:					
Cement masons	8.30				
Machine operators	8.55				
DECISION #TX76-4125 - Mod. #2 (41 FR 30563 - July 23, 1976) Bee, Kleberg & Nueces Coe., Texas					
Change:					
Plumbers & steamfitters	8.565	.335	.35		.035

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT76-5082 - Mod. #3 (41 FR 38740 - September 10, 1976) Statewide, Utah					
Change:					
Bricklayers	$10.21	.45	.32 + .10		.07

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #VA76-3213 - Mod. #2 (41 FR 32187 - July 30, 1976) Henrico County and the independent City of Richmond, Virginia					
Change:					
Sheet metal workers:					
The City of Richmond	$ 9.72	.20	.20		.005
Remainder of County	9.97	.20	.20		.005
DECISION #VA76-3214 - Mod. #2 (41 FR 32189 - July 30, 1976) The independent Cities of Norfolk, Chesapeake, Portsmouth, & Virginia Beach, Virginia					
Change:					
Carpenters & Soft Floor Layers	8.00	.30	.30		.01
DECISION #VA76-3215 - Mod. #2 (41 FR 32191 - July 30, 1976) York County and the independent Cities of Hampton and Newport News (including Langley AFB, Fort Eustis and Fort Monroe), Virginia					
Change:					
Electricians & Cable Splicers:					
Zone 1					
Wiremen	9.10	5%	6%		1%
Cable splicers	9.35	5%	6%		1%
Zone 2					
Wiremen	10.10	5%	6%		1%
Cable splicers	10.35	5%	6%		1%
Line Construction:					
Zone 1					
Linemen	9.10	5%	6%		½ of 1%
Cable splicers	9.35	5%	6%		½ of 1%
Zone 2					
Linemen	10.10	5%	6%		½ of 1%
Cable splicers	10.35	5%	6%		½ of 1%

MODIFICATIONS P. 26

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #VA76-3245 - Mod. #2 (41 FR 38748 - September 10, 1976) Alleghany, Austin, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah & Warren Counties, Virginia					
Omit:					
From location Austin County					
Add:					
To location Augusta County					

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL76-2120
COUNTIES: Adams, Brown & Pike
DATE: Date of Publication
Supersedes Decision No.: IL76-2006, dated January 30, 1976 in 41 FR 4754
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		
BOILERMAKERS	10.90	.65	1.10		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners	8.50		.20		
CARPENTERS:					
Adams County:					
Carpenters & Soft Floor Layers	8.95	.45	.25		
Millwrights & Piledrivermen	9.20	.45	.25		
Brown County & Pike County:					
Carpenters & Soft Floor Layers	8.95	.45	.25		.02
Millwrights	9.20	.45	.25		.02
Piledrivermen	9.45	.45	.25		.02
CEMENT MASONS	8.30		.50		
ELECTRICIANS:					
Electricians	10.50	.40	1a		.2a
Cable Splicers	10.85	.40	1a		.2a
ELEVATOR CONSTRUCTORS:					
Constructors	10.30	.545	.35	4a+a+b	.02
Helpers	70%JR	.545	.35	4a+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	8.80	.25	.15		
IRONWORKERS:					
Brown County, Pike County & the S. E. corner of Adams County	10.35	.55	.75		.05
Remainder of Adams County	9.45	.40	.30		
LATHERS:					
Brown & Pike Counties	9.90				
LEADBURNERS	9.25	.35		o	.01
PAINTERS:					
Adams & Brown Counties:					
Brush	7.50				
Pike County:					
Commercial	10.14	.45	.15		
Industiral	10.39	.45	.15		

DECISION NO. IL76-2120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 8.65		1.00		.01
PLUMBERS & STEAMFITTERS:					
Adams & Brown Counties	10.50	.35	.50		.03
Pike County	10.91	.35	.55		
ROOFERS	9.10				
SHEET METAL WORKERS:					
Adams & Pike Counties	8.70	.45	.40		.10
Brown County	10.37	3a+.40	.50		.05
SPRINKLER FITTERS	11.40	.60	.90		.08
Welders - receive rate prescribed for craft parforming operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid Holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work immediately preceding and following the holiday.

DECISION NO. IL76-2120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Adams County					
Unskilled	$ 7.93	.45	.36		.035
Semi-skilled	8.13	.45	.36		.035
Skilled	8.28	.45	.36		.035
Brown and Pike Counties					
Unskilled	8.14	.30	.30		.035
Semi-skilled	8.34	.30	.30		.035
Skilled	8.49	.30	.30		.035

CLASSIFICATIONS

UNSKILLED: All sewer workers plus depth pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenters, Tenders, Cleaning Lumber, Coffer-dam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laboerer, Dis-patchers; Driving of stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Laborers, Fire Shop Laborers; Flag-man, Form Handlers, Gravel Box Men, Dumpmen and Spotters, Janitors, Laborers with De-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plaster Installers, Planting of Trees, Removal of Trees, Rip Rap Men, Rod and Chairmen, Scaffold Worksrs, Tool Cribmen, Track Laborers, Unloading explosives, Unloading and carrying Lath, Unloading and carrying or re-bars, Wrecking, Dismantlling Building, Wallmen and House-movers, Wrecking Laborers, Wreter or Scale Ticksts.

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker, and Layers, Cement Handlers, Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw, Chloride Handlers, Concrete Workers (wet); Grada Checker, Handling or material traated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle and Tar Men, Mason Tenders, Mortar Mixer Operators, Motorized Buggies or Motorized Unionused for wet concrete ot handling of building materials, On concrete paving, placing, cutting and typing or Reinforcing, Signal man on Crane Tank cleaning helpers in free air, Vibrator Operators

SKILLED: Air Tamping Hammerman, Caisson workers plus depth, Concrete Burning Machine Operator, Concrete Saw Operator, Corming Machine Operator, Gunnite Nozzlemen, Jackhammer and drill Operators, Laborers handling masterplante or simile materials, Laborers Tending Masons with hot material or where foreign material are used, Lastar Beam Operator, Layout Man/or Tile Layer Leadman on sewer work Luteman, Multiple Concrete Duct - Leadman, Plasterer Tenders, Ready Mix Scalemen, Portable or temporary plant, Screenman on Asphalt Paver, Steel Form Setters - street and highway, Welders, Cutters, Burners, and Torchmen

DECISION NO. IL76-2120

ILL-3-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspoo concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, opera-tors power boat, operators pug mill (asphalt plants), orange peels, over-head cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self pro-pelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournamull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL76-2120 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Champaign & Vermilion
DECISION NUMBER: IL76-2121 - DATE: Date of Publication
Supersedes Decision IL76-2007 dated January 20, 1976, in 41 FR 4757
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.43	.50	.35		.05
BOILERMAKERS	10.95	.65	.95		.03
BRICKLAYERS:					
Champaign County:					
Bricklayers; Stonemasons	10.62	.35			.03
Marble, Tile, Terrazzo Workers	10.85				
Vermilion County:					
Bricklayers; Stonemasons;					
Marble, Terrazzo Workers	9.35	.30	.50		
Tile Setters	9.10	.30	.50		
CARPENTERS:					
Champaign County:					
Carpenters & Soft Floor Layers	10.315	.35	.80		.08
Millwrights & Piledrivermen	10.815	.35	.80		.08
Vermilion County:					
North of Rossville					
Carpenters; Soft Floor Layers;					
Millwrights & Piledrivermen	10.50	.50	.70		.01
Remainder of County					
Carpenters & Soft Floor Layers	10.02	.70	.55		.02
Millwrights & Piledrivermen	10.52	.70	.55		.02
CEMENT MASONS & PLASTERERS:					
Champaign County:					
Cement Masons	10.125	.30			.025
Plasterers	10.365	.35			.025
Vermilion County:					
Cement Masons & Pleastares	7.75				
ELECTRICIANS:					
Champaign County	10.60	.40	1%+.30		.3%
Vermilion County	10.86	.40	1%+.30		.25%
ELEVATOR CONSTRUCTORS	10.30	.545	.35	4%+a & b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a & b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Champaign County	8.80	.25	.15		
IRONWORKERS	10.05	.50	1.00		.08
LATHERS	10.14	.35	.20		.01
LEADBURNERS	9.25	.35		c	.01

DECISION NO. IL76-2121

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Champaign County:					
Brush	$9.97	.45	.40		.03
Open and Erected Steel	10.97	.45	.40		.03
Vermilion County:					
Brush	9.80				
Spray	10.80				
PLUMBERS and STEAMFITTERS:					
Champaign County	9.75	.35	.80		.12
Vermilion County	10.62	.35	.25		.15
ROOFERS:					
Champaign County:					
Roofers	9.90	.35	.30		
Helpers	80%JR				
Vermilion County	9.35				
SHEET METAL WORKERS	10.60	.45	.35		.12
SPRINKLER FITTERS	11.40	.60	.90		.08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six Paid Holidays: A through F.
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Nine Paid Holidays. A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

DECISION NO. IL76-2121

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Champaign County:					
Unskilled	$9.05	.30	.30		.035
Semi-skilled	9.25	.30	.30		.035
Skilled	9.40	.30	.30		.035
Vermilion County:					
Unskilled	8.60	.45	.60		.035
Semi-skilled	8.80	.45	.60		.035
Skilled	8.95	.45	.60		.035

LABORERS: Champaign and Vermilion Counties

UNSKILLED: All Sewer workers plus depth pay; Asphalt Plant laborers; Bankmen on floating plant; Batch dumpers; Carpenters tenders, cleaning lumber; Cofferdam workers plus depth pay, Deck hand, Dredge hand and Shore laborer; Dispatchers; driving of Stakes, Stringlines for all machinery; Fencing laborers; Firemen or Salemander tenders; Fireproofing laborers; Fire shop laborers; Flegmen; Form handlers; Gravel box man, Dumpmen and Spotters; Janitors; Laborers with de-watering systems; Landscapers; Laying of sod; Material checkers; Material handlers; Pit man; Plaster installers; Planting of trees; Removal of trees; Rip rap man; Rod and Chairmen; Scaffold workers; Tool cribmen; Track laborers; Unloading explosives; Unloading and carrying Lath; Unloading and carrying of re-bars; Wrecking, dismantling building, Wallman and housemovers; Wrecking laborers; Writer or scale tickets

SEMI-SKILLED: Asphalt workers with machine, Asphalt raker and layers; Cement handlers; Cement silica, clay, fly ash, lime and plasters handler (bulk or bay) Chain saw; Chloride handlers; Concrete workers (wet); Grade checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar man; Mason tenders; Mortar mixer operators; Motorized buggies or motorized unit used for wet concrete or handling of building materials; On concrete paving, placing, Cutting, and Typing or Reinforcing; Signal man on crane tank cleaning; Tunnel helpers in free air; Vibrator operators

SKILLED: Air tamping hammerman; Caisson workers plus depth; Concrete burning machine operator; Concrete saw operator; Corning machine operator; Gunnite nozzle man; Jackhammer and drill operators; Laborers handling masterplate or similar materials; Laborers tending masons with hot material or where foreign materials are used; Laser beam operator; Layout man and/or Tile Layer Leadman on sewer work Lutesman; Multiple concrete duct - Leadman; Plasterer tenders; Ready mix scalemen, portbals or temporary plant; Screenman on asphalt pavers; Steel form setters - street and highway; Welders, cutters, burners and torchmen

DECISION NO. IL76-2121

ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.25	.40	.50		.05
CLASS II	10.20	.40	.50		.05
CLASS III	10.00	.40	.50		.05
CLASS IV	7.00	.40	.50		.05

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 1½S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wraaping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Foint System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO. IL76-2121

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; Ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

43574 NOTICES
43575 NOTICES

SUPERSEDEAS DECISION

STATE: Illinois — COUNTY: Cook
DECISION NUMBER: IL76-2122 - DATE: Date of Publication
Supersedes Decision No. IL76-2008, dated February 2, 1976, in 41 FR 5531
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.51	.81	.72		.12
BOILERMAKERS	10.55	.65	1.00	5%	.03
BRICKLAYERS & STONEMASONS	10.20	.65	.70		.03
CARPENTERS:					
Building, Heavy & Highway					
Carpenters & Soft Floor Layers	10.55	.79	.88		.06
Millwrights & Piledrivermen	10.55	.78	.88		.06
CEMENT MASONS:					
Building	10.05	.82	.85		.05
Heavy & Highway	10.05	.82	.85		.05
ELECTRICIANS	10.75	8.36%	8.26%	.65	.96%
ELEVATOR CONSTRUCTORS:					
Constructors	11.91	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.03
Helpers (Prob.)	50%JR				
GLAZIERS	9.57	.26	.59		.01
IRONWORKERS:					
Metal Fence Erector	8.10	.50	.575		.10
Structural & Reinforcing	11.25	1.09	1.13		.09
Ornamental	11.00	.65	.575		.10
Riggers & Machinery Movers	9.20	.50	1.225		.15
Rod Book Fence Erector	7.95	.65	.575		.10
LATHERS	9.81	.58	.445		.015
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.30	.5%	.4%	8½%	½%
Groundmen	8.80	.5%	.4%	8½%	½%
MARBLE SETTERS	10.52	.50		.60	
MARBLE SETTERS' HELPERS & POLISHERS	9.00	.62		.33	
PAINTERS:					
Brush, Decorators, Paperhangers & Tapers	9.15	.575	.45		.013
PLASTERERS	9.60	.60	.81		.045
PIPEFITTERS	11.50	.70	.85		.02
PLUMBERS	11.42	.70	.60		.10
POINTER, CAULKERS & CLEANERS	10.60	.80	.85		
ROOFERS:					
Composition & Waterproofers	11.00	.96	.80		.02
Slate & Tile	11.09	.96	.50		.02
SHEET METAL WORKERS	11.45	.50	.59	.25	.05
SPRINKLER FITTERS	11.10	.75	.90		.15

DECISION NO IL76-2122

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
SURVEY CREW:					
Layout Technician	$10.70	.70	.25		
Instrument Man	8.80	.70	.25		
Rodman	7.32	.70	.25		
TERRAZZO WORKERS	8.95	.30	.30		
TILE SETTERS	10.30	.306	.325		
TILE SETTERS' HELPERS	8.10	e2.45	3.40		
TRUCK DRIVERS:					
Building & Residential					
2-3 Axle Trucks	7.80	d20.00	d24.00		
4-Axle Trucks	8.05	d20.00	d24.00		
5-Axle Trucks	8.25	d20.00	d24.00		
6-Axle Trucks	8.45	d20.00	d24.00		
Heavy & Highway					
2-3 Axle Trucks	7.80	.60	.50		
4-Axle Trucks	8.05	.50	.50		
5-Axle Trucks	8.25	.60	.50		
6-Axle Trucks	8.45	.60	.50		
WELL DRILLERS:					
Driller, Pump Installer, Welder & Mechanic	8.75	.50	.50	a	
Tool Dresser, Helper	8.10	.50	.50	a	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six Paid Holidays A. through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
c. Nine Paid holidays: A through F plus Washington's Birthday, Good Friday & calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the Holiday.
d. Per Week Per Employee.
e. Per Day

DECISION NO IL76-2122

ILL-9-LAB-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$7.80	.57	1.10		
CLASS 2					
Cement Gun Laborers	7.875	.57	1.10		
CLASS 3					
Scaffold Laborers & Chimney Laborers over 40'	7.90	.57	1.10		
CLASS 4					
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.95	.57	1.10		
CLASS 5					
Stone Handlers & Derrickmen	8.00	.57	1.10		
CLASS 6					
Jackhammermen	8.025	.57	1.10		
CLASS 7					
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	8.05	.57	1.10		
CLASS 8					
Firebrick & Boiler Setters' Laborers	8.125	.57	1.10		
CLASS 9					
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	8.15	.57	1.10		
CLASS 10					
Boiler Setter Plastic Laborers	8.25	.57	1.10		
CLASS 11					
Jackhammer on Firebrick Only	8.375	.57	1.10		

DECISION NO. IL76-2122

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING & RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.25	.65	.85	.40	.05
CLASS II	9.95	.65	.85	.40	.05
CLASS III	8.80	.65	.85	.40	.05
CLASS IV	7.55	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Bemoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gyzum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

DECISION NO. IL76-2122

ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS: SEWER, HEAVY & HIGHWAY CONST.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.90	.65	.85	.40	.05
CLASS II	10.35	.65	.85	.40	.05
CLASS III	9.60	.65	.85	.40	.05
CLASS IV	8.50	.65	.85	.40	.05
CLASS V	7.50	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27S cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Lindsn, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivere & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO IL76-2122

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See below*
DECISION NUMBER: KY76-1112 DATE: Date of Publication
Supersedes Decision No.: KY-75-1103 dated October 17, 1975 in 40 FR-48860
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, and Wolfe.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	7.50	.30	.30	.20	
Cement masons	7.35	.30	.30	.20	
Electricians:					
Linemen (outside)	12.20	.45	1%		½ of 1%
Cable splicers (outside)	12.45	.45	1%		½ of 1%
Groundman:					
1 st 6 mos.	50%a	.45	1%		½ of 1%
2 nd 6 mos.	60%a	.45	1%		½ of 1%
3 rd 6 mos.	65%a	.45	1%		½ of 1%
4 th 6 mos.	70%a	.45	1%		½ of 1%
over 2years	75%a	.45	1%		½ of 1%
Ironworkers:					
Structural	7.60	.30	.30	.20	
Reinforcing	7.40	.30	.30	.20	
Painters:					
Brush, roller, and spray	8.00	.75	.40	1.00	
Piledriver	7.15	.30	.30	.20	
Plumbers	11.15	.25	.70		.02
Welders - rate for craft.					

Footnote:
a. Percentage of Linemen rate.

KY76-1112 - (Cont'd) LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	5.55	.30	.30	.20	
GROUP II	5.80	.30	.30	.20	
GROUP III	5.80	.30	.30	.20	
GROUP IV	5.90	.30	.30	.20	
GROUP V	5.95	.30	.30	.20	
GROUP VI	6.35	.30	.30	.20	
GROUP VII	6.05	.30	.30	.20	
GROUP VIII	6.10	.30	.30	.20	
GROUP IX	6.15	.30	.30	.20	
GROUP X	6.50	.30	.30	.20	
GROUP XI	7.05	.30	.30	.20	

GROUP I: Laborers & flagmen

GROUP II: Hand blade operator & batch truck dumpers

GROUP III: Deckhand or scow men

GROUP IV: Power-driver tools; wagon drills, jackhammers, chain saw, concrete saws, sewer pipe layers, bottom men, dry cement handlers, concrete rubbers, mason tenders, sandblaster and concrete chipper, vibrator operators, power wheelbarrow and power buggy, pavement breakers.

GROUP V: Asphalt lute, raker men , side rail setters

GROUP VI: Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply

GROUP VII: Gunnite nozzleman and gunnite operator

GROUP VIII: Tunnel laborers (free air)

GROUP IX: Tunnel muckers (free air)

GROUP X: Tunnel miners & blasters (free air)

GROUP XI: Caisson workers

KY76-1112 - (Cont'd)

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.65	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, draglina, dredge engineer, elavator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, machanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumporete, ross carrier, side boom, tail boom, rotary drill, smoking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydroorane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servioing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, dockhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY76-1112 - (Cont'd)

HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.45	.35	.35		.05
CLASS B	7.00	.35	.35		.05
CLASS C	6.41	.35	.35		.05

CLASS A: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bull-dozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scrifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader tower cranes (French, German and other types), hydrocrane, backfiller, gurriers, subgrader, tailboom and dredge engineer.

CLASS B: All air compressor (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. or over), bull float, finish machine, outboard motor boat, electric vibrator compactor, self-propelled compactor, boom type tamping machine, truck crane, greaser on grease facilities servicing heavy equipment, wsitchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexoplane, fireman and hoist (one drum).

CLASS C: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine pump, roller (earth), tamping machine, tractors (under 50 h. p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler and hydraulic post driver.

KY76-1112 - (Cont'd)

TRUCK DRIVERS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	6.13	.30	.30	.20	
GROUP II	6.34	.30	.30	.20	
GROUP III	6.00	.30	.30	.20	
GROUP IV	6.91	.30	.30	.20	
GROUP V	6.05	.30	.30	.20	
GROUP VI	6.15	.30	.30	.20	
GROUP VII	5.90	.30	.30	.20	
GROUP VIII	6.95	.30	.30	.20	
GROUP IX	5.80	.30	.30	.20	
GROUP X	6.10	.30	.30	.20	

GROUP I: Drivers, 3 tons and under, tire changer and mechanic helper

GROUP II: Driver, over 3 tons

GROUP III: Drivers, distributors; dump truck tandem axle, semi-trailer or pole trailers

GROUP IV: Drivers, euclid and other heavy earth-moving equipment and low boy

GROUP V: Drivers on mixer trucks (all types)

GROUP VI: Drivers on pavement breakers

GROUP VII: Driver, winch truck and A-Frame truck when used in transporting materials

GROUP VIII: Greaser on greasing facilities

GROUP IX: Truck helper and warehousemen

GROUP X: Truck mechanic

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY76-1113
Supersedes Decision No.: KY75-1096 dated September 26, 1975 in 40 FR-44457
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See below*
DATE: Date of Publication

*Counties: Boone, Campbell, Kenton, and Pendleton

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	10.55	.60	.65		.075
Cement masons	9.98	.50			.02
Electricians:					
Linemen (outside)	11.30	.50	1%+.60		½ of 1%
Cable splicers (outside)	11.30	.50	1%+.60		½ of 1%
Groundmen (outside)	8.48	.50	1%+.60		½ of 1%
Ironworkers:					
Structural	11.08	75	.85		.03
Reinforcing	10.43	.75	1.45		.02
Painters:					
Brush and roller	10.55		.25		
Sandblasting, hopper tender & waterblasting	11.20		.25		
Spray	10.95		.25		
Bridges, when highest point of clearence is 60 ft. or more	11.55		.25		
Sandblasting, hoppertender, waterblasting (bridges when highest point of clearence is 60 ft. or more)	12.20		.25		
Piledrivermen	10.55	.60	.65		.075
Plumbers	11.47	.40	1.40		.05
Welders - Rate for craft.					

KY76-1113 - (Cont'd)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	7.72	.55	.40		.05
GROUP 2	7.7845	.55	.40		.05
GROUP 3	7.92	.55	.40		.05
GROUP 4	8.07	.55	.40		.05
GROUP 5	8.37	.55	.40		.05

GROUP 1: Laborers (construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector

GROUP 2: Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow

GROUP 3: Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill

GROUP 4: Blaster and powder man, muckers, wrencher (mechanical joints and utility pipelins), yarner, top lander

GROUP 5: Curb setter and cutter, miner (without aid), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulker

KY76-1113 - (Cont'd)

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	10.29	.46	1.00		.11
CLASS B	10.17	.46	1.00		.11
CLASS C	9.13	.46	1.00		.11
CLASS D	8.70	46	1.00		.11
CLASS E	7.14	.46	1.00		.11
Blaster mechanic	10.54	.46	1.00		.11

CLASS A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plants (over 1 yd. capacity), concrete pumps, cranes (all types, including a-frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engines or shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintencence operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, piledriving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pumps tug boat, tunnel machine, wheel excavator

CLASS B - Asphalt paver, automatic subgrader machine, self-propelled (CMI type), bulldozers, endloader, kolman lauder (production type - Dirt), lead grease man, maintence operators Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under).

CLASS C - Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than on bag capacity), mixers, one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

CLASS D - Bakofillers, bar, joint and mesh installing chines, batch plant, bull floats, burpal and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 1 yd and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheetfoot roller or grader), vibratory compactors (with integral power

CLASS E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (ashpalt plants), oilers, power-driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chairman tire repairmen

KY76-1113 - (Cont'd)

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	7.05	a	b		
GROUP II	7.16	a	b		
GROUP III	7.34	a	b		
GROUP IV	7.37	a	b		
GROUP V	7.44	a	b		

GROUP I - Truck helper and warehousemen

GROUP II - Driver, 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic, driver, over 3 tons, distributor, dump truck and tandem axle, semi-Trailer or pole trailer when used to pull building material or equipment

GROUP IV - Driver on mixer trucks (all types)

GROUP V - Driver, euclid and other heavy earth-moving equipment and low boy, fork lift truck when used to transport building materials, pavement breakers, winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

a. $20.00 per week for each employee who has been employed a minimum of twenty (20 work days within any ninety (90) consecutive day period for that employer.

b. $7.00 per week for each employee who has been employed in a minimum of twenty (20) work days within a ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: Missouri
DECISION NO. MO76-4159 DATE: Date of Publication
Supersedes Decision No. MO76-4105 dated July 2, 1976, in 41 FR 27608
DESCRIPTION OF WORK AND LOCATION
Highway Construction
Statewide except Jasper County
Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanan	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Chariton	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis and City
Clinton	McDonald	Ste. Genevieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Maries	Scott
Dade	Marion	Scotland
Dallas	Mercer	Shelby
Daviess	Miller	Sullivan
DeKalb	Moniteau	Vernon
Franklin	Monroe	Warren
		Washington
		Worth

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DECISION NO. MO76-4159

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$9.96	.50	.70	.50	.03
ZONE 2	10.20	.50	.30		.05
ZONE 3	10.46	.50	.70		
ZONE 4	9.81	.50	.70	.50	.03
ZONE 5	10.45	.50	.30		.03
ZONE 6	9.85	.50	.30		.03
ZONE 7	8.95	.50	.70	.50	.03
ZONE 8	10.45	.20			.03
ZONE 9	10.32	.33			.03
ZONE 10	10.22	.23			.03
ZONE 11	10.17	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
ZONE 2 - Clay, Jackson, Platte and Ray Counties
ZONE 3 - St. Louis County & City
ZONE 4 - Pike, St. Francois & Washington Counties
ZONE 5 - Cass and Lafayette Counties
ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.
ZONE 8 - Boone, Cooper & Howard Counties
ZONE 9 - Adair, Audrain, Benton, Callaway, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
ZONE 11 - Cole, Miller, Moniteau and Osage Counties.

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DECISION NO. MO76-4159

CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	9.475	.40	.50	.50	
ZONE 2	10.35				
ZONE 3	8.90	.90	.85		
ZONE 4	9.635	.40	.50	1.25	
ZONE 5	6.40	.65		.45	
ZONE 6	8.75				
ZONE 7	9.075				
ZONE 8	9.75				
ZONE 9	7.40				
ZONE 10	9.20	.40			
ZONE 11	9.75				
ZONE 12	8.30		.50		
ZONE 13	9.60	.90	.85		

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties
ZONE 2 - Dent, Phelps, Pulaski and Texas Counties
ZONE 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than $100,000.00.
ZONE 4 - Clay, Jackson, Platte and Ray Counties
ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
ZONE 6 - Ceder, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
ZONE 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan and Putnam Cos.
ZONE 9 - Barry, Barton, Lawrance, McDonald, Newton and Vernon Counties.
ZONE 10 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties.
ZONE 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties
ZONE 12 - Clark, Knox, Lewis and Scotland Counties.
ZONE 13 - St. Louis City and County, Jefferson and St. Charles Counties; and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects $100,000.00 and over.

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Electrical contracts over $7,500.00	$9.70	4%	1%	11.5%	1%
Electrical contracts $7,500.00 and under	8.35	4%	1%	11.5%	1%
ZONE 2	10.62	.29	1%+.31	.80	.06
ZONE 3					
Electrical contracts over $5,000.00	10.62	.29	1%+.31	.80	.06
Electrical contracts $5,000.00 and under	10.07	.29	1%+.31	.80	.06
ZONE 4					
Electrical contracts over $5,000.00	10.62	.29	1%+.31	.80	.06
ZONE 5					
Electrical contracts over $5,000.00	10.62	.29	1%+.31	.80	.06
Electrical contracts $5,000.00 and under	9.46	.29	1%+.31	.80	.06
ZONE 6	10.30	.55	1%+5½%	15½%	.10
ZONE 7					
Electrical contracts over $10,000.00	10.30	.55	1%+5½%	15½%	.10
ZONE 8					
Electrical contracts $10,000.00 and under	9.64	.55	1%+5½%	15½%	.10
ZONE 9					
Electrical contracts $10,000.00 and under	7.45	.55	1%+5½%	15½%	.10
ZONE 10					
Electrical contracts $10,000.00 and under	5.27	.55	1%+5½%	15½%	.10

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ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 11	$9.81	.37	1%	6%	.02
ZONE 12	10.30	.37	1%	6%	.02
ZONE 13	10.59	.35	1%	7%	.01
ZONE 14					
Electrical contracts over $10,000.00	10.82	.35	1%	7%	.01
Electrical contracts $10,000.00 and under	10.59	.35	1%	7%	.01
ZONE 15					
Electrical contracts over $10,000.00	11.18	.35	1%	7%	.01
Electrical contracts $10,000.00 and under	10.59	.35	1%	7%	.01
ZONE 16					
Electricians	9.15	.35	1%		.01
Cable splicers	9.50	.35	1%		.01
ZONE 17					
Electricians	10.25	.27	1%	7%+.30	¢ of 1%
Cable splicers	10.50	.27	1%	7%+.30	¢ of 1%

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:
Electrical contracts over $7,500.00
Electrical contracts $7,500.00 and under
ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill
ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 6 - St. Charles County, St. Louis County and City
ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Counties:
Electrical contracts over $10,000.00
ZONE 8 - Franklin, Jefferson, Lincoln and Warren Counties
Electrical contracts $10,000.00 and under
ZONE 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois and Ste. Genevieve Counties:
Electrical Contracts $10,000.00 and under
ZONE 10 -Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties:
Electrical contracts $10,000.00 and under
ZONE 11 -Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties
ZONE 12 -Pulaski County
ZONE 13 -Andrew, Buchanan, Clinton and DeKalb Counties
Zone 14-Caldwell, Daviess, Gentry, Holt and Nodeway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under
ZONE 15 -Atchinson, Grundy, Harrisod, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00
ZONE 16 -Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties
ZONE 17 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties

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IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	10.625	.55	.70		.05
ZONE 2	9.60	.70	1.00	1.00	.05
ZONE 3	9.475	.70	1.00	1.00	.05
ZONE 4	9.35	.45	.50		.10
ZONE 5	10.25	.50	.30		
ZONE 6	8.71	.45	.40		.04
ZONE 7	9.10	.45	.65		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties.

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stone Counties.

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties.

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

DECISION NO. MO76-4159

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1					
ZONE 1	7.98	.50	.50	.50	.10
ZONE 2	6.58	.50	.50	.50	.10
ZONE 3	6.58	.50	.50	.50	.10
ZONE 4	8.75	.40	.50		.10
ZONE 5	7.85	.40	.50		.10
ZONE 6	7.85	.40	.50		.10
GROUP 2					
ZONE 1	8.13	.50	.50	.50	.10
ZONE 2	6.73	.50	.50	.50	.10
ZONE 3	6.73	.50	.50	.50	.10
ZONE 4	8.90	.40	.50		.10
ZONE 5	8.00	.40	.50		.10
ZONE 6	8.00	.40	.50		.10
GROUP 3					
ZONE 1	8.28	.50	.50	.50	.10
ZONE 2	6.88	.50	.50	.50	.10
ZONE 3	6.88	.50	.50	.50	.10
ZONE 4	9.05	.40	.50		.10
ZONE 5	8.15	.40	.50		.10
ZONE 6	8.15	.40	.50		.10
GROUP 4					
ZONE 1	8.48	.50	.50	.50	.10
ZONE 2	7.08	.50	.50	.50	.10
ZONE 3	7.08	.50	.50	.50	.10
ZONE 4	9.25	.40	.50		.10
ZONE 5	8.35	.40	.50		.10
ZONE 6	8.35	.40	.50		.10
GROUP 5					
ZONE 1	8.73	.50	.50	.50	.10
ZONE 2	7.33	.50	.50	.50	.10
ZONE 3	7.33	.50	.50	.50	.10
ZONE 4	9.50	.40	.50		.10
ZONE 5	8.60	.40	.50		.10
ZONE 6	8.60	.40	.50		.10

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CLASSIFICATION DEFINITIONS

GROUP 1 - General laborc - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers.
GROUP 2 - First Semi-Skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.
GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river
GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco temper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen
GROUP 5 - Fourth Semi-Skill - Manhole builders, - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties
ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties
ZONE 3 - Atchison, Barry Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone Taney and Worth Counties
ZONE 4 - Franklin, Jefferson, and St. Charles Counties
ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gascoande, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.
ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

DECISION NO. MO76-4159

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 8					
GROUP 1	8.30	.50	.50	.75	.10
GROUP 2	8.45	.50	.50	.75	.10
GROUP 3	8.60	.50	.50	.75	.10
GROUP 4	8.80	.50	.50	.75	.10
GROUP 5	9.10	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers
GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; pudlers (paving only)
GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tupnels where compressed air is not used
GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels
GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties

DECISION NO. MO76-4159

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - St. Louis City and County:					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumbers laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03

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LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Lineman	$10.56	.38	1%+.15		½%
Heavy equipment operator	9.83	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
ZONE 2					
Lineman	10.09	.38	1%+.15		½%
Heavy equipment operator	9.62	.38	1%+.15		½%
Groundman powderman	7.01	.38	1%+.15		½%
Groundman	6.48	.38	1%+.15		½%
Groundman (1st year)	4.93	.38	1%+.15		½%
ZONE 3					
Lineman & cable splicers	10.00	.40	1%	12½%	½%
Groundman - winch driver	7.35	.40	1%	12½%	½%
Groundman - driver	7.09	.40	1%	12½%	½%
Equipment operator	8.94	.40	1%	12½%	½%
Groundman - 1st 6 mos.	5.68	.40	1%	12½%	½%
Groundman - next 12 mos.	5.92	.40	1%	12½%	½%
Groundman - next 12 mos.	6.49	.40	1%	12½%	½%
Groundman - thereafter	7.09	.40	1%	12½%	½%
ZONE 4					
Lineman	9.77	.35	1%		.25%
Groundman - Class I	8.35	.35	1%		.25%
Groundman - Class II	6.83	.35	1%		.25%
Groundman - Class A	6.23	.35	1%		.25%
Groundman - 1st. 6 mos.	5.95	.35	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties.
ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
ZONE 3 - Crawford, Franklin, Iron, Jeffarson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shalby, Sullivan, Texas and Warren Counties
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties.

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PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Brush & roller	9.49	.55	.70		.07
Spray	10.49	.55	.70		.07
Bridge	10.24	.55	.70		.07
ZONE 2					
Brush	6.40		.25		
Spray	7.15		.25		
ZONE 3					
Brush	6.80				
Spray	7.20				
ZONE 4					
Brush and roller	7.75	.45	.35		
Spray, structural steel and sandblasting	10.50	.45	.35		
ZONE 5					
Brush	8.50				
Spray, taping machine	9.50				
Bridges 75 ft. in height	9.50				
All structural steel over 50 ft. in height	9.25				
Sandblasting	9.50				
Bridge	9.25				
ZONE 6					
Brush	9.20	.45	.35		
Spray	10.20	.45	.35		
Structural steel 30 ft. or more	9.60	.45	.35		
ZONE 7					
Brush	7.25				
Soray	7.75				
ZONE 8					
Brush, roller	7.92		.30		
Spray	8.295		.30		

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PAINTERS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9					
Brush	$8.90		.20		
Spray	9.40		.20		
ZONE 10					
Brush	9.46	.30	.30		
Spray	10.96	.30	.30		
ZONE 11					
Brush, bridge & construction steel	7.85				
Spray	8.35				
ZONE 12					
Brush	6.25				
Structural steel	7.75				
Spray	6.55				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counites
ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Charlton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 10- Jefferson, St. Charles and St. Louis & City Counties
ZONE 11- Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 12- St. Francois and Ste. Genevieve Counties

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.10	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
ZONE 2					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
ZONE 3					
GROUP I	10.25	.35	.65	.40	.02
GROUP II	10.05	.35	.65	.40	.02
GROUP III	9.85	.35	.65	.40	.02
GROUP IV	9.25	.35	.65	.40	.02
GROUP V	10.50	.35	.65	.40	.02
GROUP VI	10.75	.35	.65	.40	.02
GROUP VII	11.00	.35	.65	.40	.02
ZONE 4					
GROUP I	9.80	.35	.65	.40	.02
GROUP II	9.45	.35	.65	.40	.02
GROUP III	9.25	.35	.65	.40	.02
GROUP IV	8.40	.35	.65	.40	.02
GROUP V	10.05	.35	.65	.40	.02
GROUP VI	10.30	.35	.65	.40	.02
GROUP VII	10.55	.35	.65	.40	.02

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.90	.50	1.00	.75	.10
GROUP III	9.70	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.85	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
ZONE 6					
GROUP I	9.35	.50	1.00	.75	.10
GROUP II	9.00	.50	1.00	.75	.10
GROUP III	8.80	.50	1.00	.75	.10
GROUP IV	7.60	.50	1.00	.75	.10
GROUP V	9.35	.50	1.00	.75	.10
GROUP VI	9.60	.50	1.00	.75	.10
GROUP VII	9.85	.50	1.00	.75	.10
GROUP VIII	8.10	.50	1.00	.75	.10
ZONE 7					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02
ZONE 8					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoisting engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib), draglines, 3 yd. capacity or over, pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib)

GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in lenght or depth will be paid fifty cents (50c) per hour above the regular classification.

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer, shovel, power (steam, gas, electric, or other powers), switch boat; whirley

GROUP II - Air tugger 2/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, uaed for earth or rock drilling or boiring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating scread; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or sheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;

POWER EQUIPMENT OPERATORS ZONE 2 CONTD:

GROUP III CONTD: - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure; oiler engineer; operating under ten pounds

GROUP VI - Air pressure, oiler engineer operating over ten pounds

GROUP VII - Air pressure engineer operating under ten pounds

GROUP VIII - Air pressure engineer operating over ten pounds

GROUP IX - Crane-piledriving with leads; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds, and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X - Heaters

Crane with boom (including jib), over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI - Mud jack (where mud jack is used in conjunction with an air compressor, operator)

Work in tunnel or tunnel shaft, .25c above base rate.

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 avtive drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator, concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piladrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; machanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator all types; trenching machine operator; truck crane.

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; power-broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

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POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD:

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenence operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)
GROUP IV - Oiler
GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums
GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)
GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)
GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City & County
ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties
ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gascoande, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charitón, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 G Christian, Greene, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon Webster and Wright Counties

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - St. Louis City and County					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:
a - Employer contribution of $12.50 per week
b - Employer contribution of $12.50 per week
c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veternas Day, Christmas.
d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks
GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity
GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
GROUP 1	8.59	.50	1.00	.75	
GROUP 2	8.79	.50	1.00	.75	
GROUP 3	9.10	.50	1.00	.75	
GROUP 4	9.25	.50	1.00	.75	
GROUP 5	8.365	.50	1.00	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump, excavating, 5 cu. yds, & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
GROUP 3 - A-frame, low boy, boom
GROUP 4 - Mechanics & welders
GROUP 5 - Mechanic's helpers, oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	10.90				
GROUP 2	11.05				
GROUP 3	11.12				
GROUP 4	11.02				
GROUP 5	10.80				
ZONE 4					
GROUP 1	10.20				
GROUP 2	10.35				
GROUP 3	10.42				
GROUP 4	10.31				
GROUP 5	10.10				
ZONE 5					
GROUP 1	9.69	.50	1.00		
GROUP 2	9.84	.50	1.00		
GROUP 3	9.91	.50	1.00		
GROUP 4	9.80	.50	1.00		
GROUP 5	9.59	.50	1.00		
ZONE 6					
GROUP 1	8.83	.50	.75		
GROUP 2	8.98	.50	.75		
GROUP 3	9.10	.50	.75		
GROUP 4	8.99	.50	.75		
GROUP 5	8.73	.50	.75		
ZONE 7					
GROUP 1	8.10	.50	1.00		
GROUP 2	8.25	.50	1.00		
GROUP 3	8.37	.50	1.00		
GROUP 4	8.26	.50	1.00		
GROUP 5	8.00	.50	1.00		

DECISION NO. M076-4159

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehousman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Cass, Douglas, Sarpy, Washington and that portion of Saunders County East of Highway #109 187

DECISION NO.: NE76 -4157

DATE: Date of Publication

Suprsedes Decision No. NE76-4104 dated June 25, 1976 in 41 FR 26450

DESCRIPTION OF WORK: Heavy in all, but Washington County and Highway Construction (excluding bridges across navigables waterways)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$ 8.26	.50	.40	.60	.05
Piledrivermen	8.385	.50	.40	.60	.05
CEMENT FINISHERS	8.53	.50	.40		
IRONWORKERS: Reinforcing and Structural	8.43	.50	.40	.70	
LABORERS:					
Common Laborer	6.20	.35	.30	.15	.05
Towboat and Dredge Deckhands	6.30	.35	.30	.15	.05
Form Setter Helpers	6.40	.35	.30	.15	.05
Raker and Screedmen or Asphalt work; Mortar Mixers; Chain Saw Operator	6.38	.35	.30	.15	.05
Pipelayers; Concrete Saw Operator	6.45	.35	.30	.15	.05
Form Setters and Precast Manhole Setter, Inlet Builders and Manhole Setters	6.83	.35	.30	.15	.05
LINE CONSTRUCTION:					
Linemen	8.86	.35	1%		½%
Cable Splicers	9.26	.35	1%		½%
Truck Driver	6.42	.35	1%		½%
Equipment Operator	8.33	.35	1%		½%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.01	.35	1%		½%
(Inexperienced) 2nd 6 months	4.40	.35	1%		½%
Thereafter	5.81	.35	1%		½%
POWER EQUIPMENT OPERATORS					
Group 1	6.62	.50	.40		
Group 2	6.68	.50	.40		
Group 3	7.06	.50	.40		
Group 4	7.28	.50	.40		
Group 5	7.76	.50	.40		
Group 6	7.98	.50	.40		
Group 7	8.15	.50	.40		
Group 8	8.32	.50	.40		

DECISION NO. Page 2

CLASSIFICATION DEFINITIONS

Group 1 - Oilers; Greasers; Mechanic's Helper; Spread Oiler (less than one year experience)

Group 2 - Oiler Driver

Group 3 - Tractor under 35 HP; Air Compressors; Pumps-welding machine; Spray machine; Form trenchers; Belt machine

Group 4 - Concrete Mixer; Concrete Pumps; Hydro-hammer

Group 5 - Spreader Oiler (after one year experience in classification)

Group 6 - Concrete Spreader; Concrete Finishing Mahines, Bulldozer; Roller; Traxcavator;Forklift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller

Group 7 - Blade (patrol); Scraper

Group 8 - Hoist, 2 drums; trenching machine; paving mixer, piledriver; heavy duty mechanic, welder; shovel; dragline; clamshell; orange peel; backhoe; derrick; crane; locomotive fireman on boiler; laydown machine; two drum winch truck; side boom cat, pug mill operator on asphalt plant; leverman on dredge; engineer on dredge; tugboat operator; gradall operator; rotary well drilling operator; hydrocrane; Cleveland type backfiller; self-propelled spreader vibrator; slip form paver.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1 - Single Axle, Tack and Spreader Truck	$ 6.83	.35	.30		
Group 2 - Tandem Axle Trucks, Euclid Trucks, Power Lift Form Trucks and Spreader Trucks	6.44	.35	.20		
Group3 - Three-Axle Tandem	6.49	.35	.30		
Group 4 - Lowboys-Tractor Trailer, Water Pulls	6.57	.35	.30		
Group 5 - Tandem Dump with Auxiliary End Dump Trailer	6.62	.35	.30		
Group 6 - Lumber Carrier	6.74	.35	.30		

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem

DECISION NUMBER: NJ76-3248

DATE: Date of Publication

Supersedes Decision No. NJ76-3127, dated February 27, 1976, in 41 FR 8702.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Zone 1	$11.62	.70	.75		.025
Zone 2	11.10	.70	.75		.04
Zone 3	10.11	.81	1.01	1.11	.03
Zone 4	11.44	.55	1.00		.06
Zone 5	11.72	.70	.75		

AREA COVERED BY ASBESTOS WORKERS ZONES

Zone 1 - Atlantic, Burlington (Bass River and Washington Twps.), Cape May, Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union Twps.) Counties.

Zone 2 - Burlington (Bordentown, Burlington, Chesterfield, Easthampton, Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton, Roebling, Springfield, Wrightstown and Woodlawn Twps.), Mercer, Monmouth (Allentown, Blansinburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake Heights, Upper Freehold, Wall and West Belmar Twps.) and Ocean (Remainder of County) Counties.

Zone 3 - Monmouth (remainder of County) County

Zone 4 - Salem County

Zone 5 - Burlington (remainder of County), Camden and Gloucester Counties.

BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERS, TILE LAYERS AND TERRAZZO WORKERS:					
Zone 1					
Bricklayers, Stonemasons, Marble Masons and Plasterers	9.72	.75	.80		.02
Cement Masons, Tile Layers and Terrazzo Workers	9.47	.75	.80		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Zone 2					
Bricklayers, Stonemasons, Marble Masons, Tile Layers and Terrazzo Workers	$10.10	.95	1.00		
Cement Masons	9.15	.55	.70		
Plasterers	9.27				
Zone 3	9.90	.50	.25		.02
Zone 4	10.10	.60	1.00		.03
Zone 5	11.02		.58		

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

Zone 1 - Atlantic and Cape May Counties

Zone 2 - Camden, Gloucester and Salem Counties

Zone 3 - Cumberland County

Zone 4 - Burlington and Mercer Counties

Zone 5 - Monmouth and Ocean Counties

CARPENTERS, MILLWRIGHTS AND INSULATORS:					
Zone 1	10.65	8%	7%		1/5 of 1%
Zone 2					
Carpenters and Insulators	10.65	8%	7%		1/5 of 1%
Millwrights	10.90	8%	7%		1/5 of 1%
Zone 3	9.73	6%	6%		.02
Zone 4	9.85	.50	.55		.02

Zone 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties

Zone 2 - Burlington (except the City of Bordentown), Monmouth and Ocean Counties

Zone 3 - Mercer (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present Post Office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Raritan Canal Bridge taking the center of the road to Clarkeville then south on Providence Line Road to the Pennsylvania Railroad then east to Dutch Neck North to Grover's Mills to the Middlesex County Line) County

Zone 4 - Burlington (City of Bordentown only) and Mercer (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DOCKBUILDERS & PILEDRIVERMEN:					
Zone 1	$10.42	1.88	1.30	e	.12
Zone 2	10.92	1.25	1.73	.71	.02

AREA COVERED BY DOCKBUILDERS & PILEDRIVERMEN ZONES

Zone 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trention Area), Ocean and Salem Counties

Zone 2 - Mercer (Princeton Area) and Monmouth Counties

DRYWALL TAPERS & FINISHERS					
ZONE 1	$10.25	.50	.50		.10
ZONE 2	9.60	.89	.50	.85	.03

AREA COVERED BY DRYWALL TAPERS & FINISHERS ZONES

Zone 1 - Atlantic, Burlington, Cape May, Cumberland, Mercer, Monmouth & Ocean Counties

Zone 2 - Camden, Gloucester & Salem Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS & CABLE SPLICERS:					
Zone 1	$11.70	6%	1% +.75		.01
Zone 2	12.45	6%	1% +.40		.13
Zone 3	11.45	5%	1% +.30		.05
Zone 4	10.97	5%	1% +.30		.04
Zone 5	10.80	5%	1% +.35		.02

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS

Zone 1 - Monmouth & Ocean Counties

Zone 2 - Burlington(that portion north of a line following the west and south limits of Burlington Borough from the Delawere River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties

Zone 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Townships in Burlington County and that portion of Shamong, Tabernacle, Woodland Townships north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Townships in the county south of a line starting at the Delawere River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad, along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Mantua, Harrison, South Harrison, Woolwich and Logan Twps. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. north of a line following State Hwy. #45 northeast from Fenwick Creek to the Borough of Woodstown, around and including Woodtown to U.S. Hwy #40 and east on #40 to Upper Pittsgrove Twp. line) Counties

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AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES (CONT'D)

Zone 4 - Atlantic (that portion south and west of a line following the White Horse Pile (U.S. Hwy #30) in a southeasternly direction from Camden County to the Mays Landing - DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of County), Cumberland, Gloucester (remainder of county) & Salem (remainder of county) Counties

Zone 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	12.09	.345	.35	4%+b+c	.02
Helpers	8.46	.345	.35	4%+b+c	.02
Probationary Helpers	6.045				
GLAZIERS:					
Monmouth and Ocean Counties	11.00	.66	.65		.02
Altantic and Cape May Counties	7.80		.30		
Camden, Gloucester and Salem Cos	10.08	.45	.25		.01
Burlington (that portion north of a line that begins at Florence-Roebling and that extends in a southeasterly direction that includes Fort Dix to the Ocean County Line) & Mercer Counties	9.41	.35	.50		.02
IRONWORKERS-STRUCTURAL, ORNAMENTAL and REINFORCING:					
Monmouth & Ocean (northern half of county) Counties	10.82	7%	23%	10%	1%
Atlantic, Cape May & Ocean (remainder of county) Counties	11.60	.84	1.21		
Burlington (southern portion of county up to but not including Lumberton & Chatsworth Twps), Camden, Gloucester & Salem Counties	10.30	.64	1.06		.03
Burlington (remainder of county) & Mercer Counties	10.36	.79	1.11		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION:					
Zone 1					
Laborers, mason tenders and plasterers tenders	$ 7.40	.55	.40		.02
Air, gas, electric tool operators	7.65	.55	.40		.02
Gunnite men	7.80	.55	.40		.02
Zone 2					
Construction laborers	7.60	.40	.65		.02
Brick tenders, motor tenders, scaffold builders (brick), hod carriers (brick) & power tool operators	7.70	.40	.65		.02
Motorized buggy operators, burners, nozzlemen (gunnite work)	7.825	.40	.65		.02
Jackhammer operators, barko tamper operators & concrete vibrator operators (over 27 lbs)	7.95	.40	.65		.02
Plasterer & lather tenders	8.10	.40	.65		.02
Zone 3					
Laborers	8.10	.40	.40		.02
Hod carriers, mason tenders, operators of jackhammers, tampers and electric hammers	8.35	.40	.40		.02
Zone 4	8.45	.45			.02
Zone 5					
Laborers	7.45	.80	.65		.02
Jackhammers	7.70	.80	.65		.02
Zone 6					
Laborers	7.70	.40	.80		.02
Hod carriers and plasterers tenders	7.80	.40	.80		.02

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AREA COVERED BY LABORERS, BUILDING ZONES

Zone 1 - Atlantic, Burlington (Twps of Washington and Base River), Cape May, Cumberland (Twps of Fairfield, Millville, Maurice River, Lawrence, Downe and Commercial) and Ocean (that portion of the county up to and including Lacey Twp.) Counties

Zone 2 - Burlington (Twps of Edgewater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester and Salem Counties

Zone 3 - Mercer (Twps of Princeton, Lawrence and West Windsor and Boro of Princeton) County

Zone 4 - Monmouth (Twps of Matawan, Union Beach, Raritan, Keansburg, Highlands, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro. and Marlboro) County

Zone 5 - Mercer (Twps of Washington, Highstown and East Windsor), Monmouth (remainder of County) and Ocean (remainder of County) Counties

Zone 6 - Burlington (remainder of County) and Mercer (remainder of County) Counties

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DECISION NO. NJ76-3248

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
Zone 1					
Group 1	$ 8.25	.60	.95	d	.05
Group 2	7.95	.60	.95	d	.05
Group 3	7.90	.60	.95	d	.05
Group 4	7.75	.60	.95	d	.05
Group 5	7.65	.60	.95	d	.05
Group 6	7.40	.60	.95	d	.05
Group 7	7.35	.60	.95	d	.05
Group 8	7.25	.60	.95	d	.05
Zone 2					
Group 1	8.75	.60	.95	d	.05
Group 2	8.60	.60	.95	d	.05
Group 3	8.35	.60	.95	d	.05
Group 4	8.30	.60	.95	d	.05
Group 5	8.20	.60	.95	d	.05
Group 6	8.10	.60	.95	d	.05
Group 7	7.85	.60	.95	d	.05
Group 8	7.70	.60	.95	d	.05
Group 9	7.65	.60	.95	d	.05
FREE AIR TUNNEL JOBS					
Group 1	9.12	.60	.95	d	.05
Group 2	8.72	.60	.95	d	.05
Group 3	8.56	.60	.95	d	.05
Group 4	8.05	.60	.95	d	.05

AREA COVERED BY LABORERS, HEAVY & HIGHWAY CONSTRUCTION ZONES

Zone 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean & Salem Counties.

Zone 2 - Monmouth County.

NOTICES

DECISION NO. NJ76-3248

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Rammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools used to perform work usually done manually by Laborers

Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrier and Magazine Tenders

Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers & Tampers on Cold Patch Work

LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

Group 3 - Timbermen

Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Maters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools used to perform work usually done manually by laborers

Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers and Tampers on Cold Patch Work

DECISION NO. NJ76-3248

LABORERS - FREE AIR TUNNEL JOBS

Group 1 - Blasters

Group 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

Group 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
STREET:					
Head Rakers	$ 7.90	.60	.95	d	.05
Rakers & Screed Men	7.75	.60	.95	d	.05
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.50	.60	.95	d	.05
PLANT:					
Scale Mixer & Burner Men	7.75	.60	.95	d	.05
Feeders & Dust Men	7.50	.60	.95	d	.05
LATHERS:					
Zone 1	9.55	.50	.25		.02
Zone 2	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

Zone 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

Zone 2 - Atlantic & Cape May Counties

DECISION NO. NJ76-3248

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LEADBURNERS	$10.50	.40	.25	e	.01
LINE CONSTRUCTION:					
Zone 1					
Linemen, Cable Splicers & Equipment Operators	11.70	4%	1%+.40		½ of 1%
Groundmen	9.75	4%	1%+.40		½ of 1%
Zone 2					
Linemen, Cable Splicers & Equipment Operators	12.45	6%	1%+.40		½ of 1%
Groundmen & Winch Operators	9.95	6%	1%+.40		½ of 1%
Zone 3					
Linemen	11.45	5%	1%+.30		½ of 1%
Groundmen & Winch Operators	9.10	5%	1%+.30		½ of 1%
Zone 4					
Linemen	10.97	5%	1%+.30		½ of 1%
Line Digger Truck Drivers	6.50	5%	1%+.30		½ of 1%
Groundmen	7.65	5%	1%+.30		½ of 1%
Zone 5					
Linemen, Equipment Operators, Technicians & Certified Linemen Welders	11.00	.25	1%+.60		½ of 1%
Truck Drivers	7.80	.25	1%+.60		½ of 1%
Groundmen	7.25	.25	1%+.60		½ of 1%

DECISION NO. NJ76-3248

AREA COVERED BY LINE CONSTRUCTION ZONES

Zone 1 - Monmouth & Ocean Counties

Zone 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) & Mercer Counties

Zone 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Twps. in the county and that portion of Shamong, Tabernacle, Woodland Twps north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Twps. in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Mantua, Harrison, South Harrison, Woolwich, and Logan Twps. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. North of a line following State Hwy. #45 northeast from Fenwick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Twps. line) Counties

Zone 4 - Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Hwy. #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Lending - Tuckahoe Road, south on that road to the north limits of Corbin City to the Tuckahoe River), Cumberland, Gloucester (remainder of county) and Salem (remainder of county) Counties

Zone 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone 1					
Base Rates:					
Paperhanding, Painting & Allied Work	$ 9.55		.50		
Spraying & Sandblasting	10.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	9.85		.50		
Spraying & Sandblasting under these conditions	10.75		.50		
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	10.45		.50		
Spraying & Sandblasting under these conditions	11.10		.50		
Zone 2					
Painters on New Construction and Major Alterations	9.40	.55	.50	.30	.05
Painters on Repaint Work	8.90	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials on Repaint Work	9.50	.55	.50	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.55	.55	.50	.30	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Repaint Work as described above	$ 9.05	.55	.50	.30	.05
On Bridges, Televison and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam-cleaning, Spraying or application of hazardous materials	10.00	.55	.50	.30	.05
Zone 3					
Commercial Brush or Roller Brushing Steel or Working Swing or Bosun Chair	9.75	.50	.50		.05
Commercial Spray or Dipping Spraying or Rolling on Steel or Tanks, Sandblasting or Power Tools	10.50	.50	.50		.05
Commercial Brushing or Rolling or Spraying of Special Material	10.65	.50	.50		.05
Zone 4	11.25	.50	.50		.05
Brush or Roller, Paperhanging & Vinyl-Wall Covering					
Structural Steel, Tanks, Flag Poles, Spray, Swing, Sandblasting & Stripping of Lines by Mechanical Machines & Hazardous Material	10.25	.50	.50		.05
Zone 5	11.25	.50	.50		.05
New Construction & Major Alteration Work:					
Brush & Roller Rates:					
Any surface except steel	8.25	.25	.25		
Any surface except steel (exotic materials)	9.25	.25	.25		
Steel & swing	8.50	.25	.25		
Steel & swing (exotic materials)	9.50	.25	.25		
Steel above 70'	8.90	.25	.25		
Steel above 70' (exotic materials)	9.90	.25	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Spray Rates:					
Any surface except steel	$ 8.30	.25	.25		
Any surface except steel (exotic materials)	9.30	.25	.25		
Steel & Swing	8.55	.25	.25		
Steel (exotic materials)	9.55	.25	.25		
Steel above 70'	8.95	.25	.25		
Steel above 70' (exotic materials)	9.95	.25	.25		
Sandblasting Rates:					
Any surface except steel	8.30	.25	.25		
Steel & swing	8.55	.25	.25		
Steel above 70'	8.95	.25	.25		
Vacuum Blasting Rates:					
Any surface except steel	8.60	.25	.25		
Steel & swing	8.85	.25	.25		
Steel above 70'	9.25	.25	.25		
Repaint Work (except bridges, tank towers & all other open structural steel):					
Any surface	7.75	.25	.25		
Any surface (exotic materials)	8.25	.25	.25		

AREA COVERED BY PAINTERS ZONES

Zone 1 - Monmouth & Ocean (northern half of County) Counties

Zone 2 - Mercer County

Zone 3 - Burlington, Camden, Gloucester & Salem (the northern portion of County north of Salem Bridge) Counties

Zone 4 - Atlantic, Cape May & Ocean (remainder of County) Counties

Zone 5 - Cumberland & Salem (remainder of County) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
Zone 1	$12.40	.46	.46		.025
Zone 2	11.30	.62	1.10	1.00	.05
Zone 3	10.25	1.04	.77	1.10	.09
Zone 4	11.69	.67	.90		.05
Zone 5	11.49	.53	.75		.05
Zone 6	10.96	.41	.70	1.00	.20

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

Zone 1 - Atlantic, Burlington (that portion of the County including Atsion, Bass River Twp., Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretna, Quaker Bridge, Wading River, Washington & Woodland Twp.), Cape May, Cumberland, Gloucester (Ashbury, Blue Bell, Malaga & Newfield Twps. only), Ocean (southern half of the County to and including Whiting, Bamber, Waretown & Barnegat Light) & Salem (that portion of the County including Aldine, Alliance, Alloway, Brotmanville, Canton, Centerton, Friesburg, Rancocks Bridge, Lower Alloways Creek Twp., Moore's Corner, Norma, Oakwood Beach, Olivet, Penn (Beach), Pittsgrove Twp., Quinton & Shirley) Counties

Zone 2 - Burlington (that portion of the County starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park & Shore Points on the Jersey Coast. Along aforesaid Railroad to the Town of Whitings; thense diagonally across Burlington County to the junction of Burlington, Camden & Atlantic Counties), Camden, Gloucester (remainder of County) & Salem (remainder of County) Counties

Zone 3 - Mercer (Bakersville, Berrien City, Clarksville, Dutch Neck, East Windsor Twp., Edinburg, Etra, Grover's Hills, Hightstown, Locust Corner, Mount Rose, North Princeton, Penns Neck, Fort Mercer, Princeton & Rosedale) County

Zone 4 - Burlington (remainder of County), Mercer (remainder of County) & Monmouth (Allentown only) Counties

Zone 5 - Monmouth (the southern half of the county to and including Manalapan, Eton, Jerseyville, West Farms, Collingwood Park & Deal) & Ocean (remainder of County) Counties

Zone 6 - Monmouth (remainder of County) County

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.39	7%	15%	f	3%
GROUP 2	12.68	7%	15%	f	3%
GROUP 3	11.85	7%	15%	f	3%
GROUP 4	11.75	7%	15%	f	3%
GROUP 5	11.53	7%	15%	f	3%
GROUP 6	11.07	7%	15%	f	3%
GROUP 7	10.80	7%	15%	f	3%
GROUP 8	10.64	7%	15%	f	3%
GROUP 9	10.59	7%	15%	f	3%
GROUP 10	10.48	7%	15%	f	3%
GROUP 11	10.43	7%	15%	f	3%
GROUP 12	10.21	7%	15%	f	3%
GROUP 13	9.83	7%	15%	f	3%
GROUP 14	9.67	7%	15%	f	3%
GROUP 15	9.35	7%	15%	f	3%

50c per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75c per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Hune, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograda tube finisher & texturing machine (CMI & similar types); autograde curscrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seamen pulverising mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; firemen; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mucking equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	$16.09	7%	15%	f	3%
GROUP 2	14.39	7%	15%	f	3%
GROUP 3	13.53	7%	15%	f	3%
GROUP 4	12.84	7%	15%	f	3%
GROUP 5	11.17	7%	15%	f	3%
GROUP 6	10.80	7%	15%	f	3%
GROUP 7	10.66	7%	15%	f	3%
GROUP 8	10.31	7%	15%	f	3%
GROUP 9	9.78	7%	15%	f	3%

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Zone 1					
Composition, Rollermen and Kettlemen	$ 9.90	.50	.60		
Slate, Tile and Damproofing Helpers	10.15	.50	.60		
Zone 2	4.60	.50	.60		
Composition	11.36	1.30	.82	g	
Mechanic II (reroofing)	5.50	1.30	.82	g	
Slate, Tile and Asbestos Asphalt Shingle	10.00	1.00	.50		
Zone 3	8.54	1.00	.50		
Composition, Damp and Waterproofing	10.25	.55	.50		
Slate and Tile	10.375	.55	.50		
Slate and Tile Helpers	9.25	.55	.50		
Zone 4					
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60		

AREA COVERED BY ROOFERS ZONES

Zone 1 - Atlantic, Cape May and Cumberland Counties

Zone 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

Zone 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties

Zone 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Zone 1	$10.30	.84	.60		.02
Zone 2	10.33	6%+.37	5%+.10	8%	.07
Zone 3	10.21	.84	.60		.02
Zone 4	11.84	1.01	.65		.03

AREA COVERED BY SHEET METAL WORKERS ZONES

Zone 1 - Atlantic, Cape May & Cumberland Counties

Zone 2 - Monmouth & Ocean Counties

Zone 3 - Burlington & Mercer Counties

Zone 4 - Camden, Gloucester & Salem Counties

SOFT FLOOR LAYERS					
Zone 1	10.65	8%	7%		1/5 of 1%
Zone 2	10.22	6%	5% + .50		

AREA COVERED BY SOFT FLOOR LAYERS ZONES

Zone 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester & Salem Counties

Zone 2 - Burlington, Mercer, Monmouth & Ocean Counties

SPRINKLER FITTERS:					
Zone 1	12.04	.60	.90		.10
Zone 2	12.15	.60	.90		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

Zone 1 - Camden, Gloucester, Mercer (Town of Trenton) & Salem (Penns Grove excluding Penns Grove Airport) Counties

Zone 2 - Atlantic, Burlington, Cape May, Cumberland, Mercer (remainder of County), Monmouth, Ocean & Salem (remainder of County) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS HELPERS:					
Atlantic & Monmouth Counties	$ 8.45	6%	7%		
TRUCK DRIVERS:					
Zone 1					
Group 1	5.45	g&h	i	j&k	
Group 2	5.55	g&h	i	j&k	
Group 3	5.70	g&h	i	j&k	
Group 4	5.85	g&h	i	j&k	
Zone 2					
Group 1	6.50	l	m	n+o	
Group 2	7.20	l	m	n+o	
Group 3	7.35	l	m	n+o	
Group 4	7.40	l	m	n+o	
Group 5	7.55	l	m	n+o	
Group 6	7.75	l	m	n+o	
Group 7	7.90	l	m	n+o	
Zone 3					
Group 1	7.27	.68	.75	p+q	
Group 2	7.50	.68	.75	p+q	
Group 3	7.55	.68	.75	p+q	
Group 4	7.65	.68	.75	p+q	
Group 5	7.75	.68	.75	p+q	

AREA COVERED BY TRUCK DRIVERS ZONES

Zone 1 - Atlantic & Cape May Counties

Zone 2 - Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camde, Cumberland, Gloucester & Salem Counties

Zone 3 - Burlington (remainder of County), Mercer, Monmouth & Ocean Counties

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 1

Group 1 - Warehousemen and Helpers

Group 2 - Teamsters & Chauffeurs

Group 3 - Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

Group 4 - Drivers on Euclids, 10 wheel Tractors and Tractor Trailer Trucks, Low Beds and Pole Trailers

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TRUCK DRIVERS - ZONE 2

Group 1 - Ten wheel dump truck driver and trailer dump driver off site

Group 2 - Straight truck driver (helper)

Group 3 - Warehousemen, fork lift truck and part men

Group 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, Seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & Flat Bed trucks.

Group 5 - All truck towing

Group 6 - Winch straight tractor and trailor truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dumpcrete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, Asphalt distributor, pole trailor, winch trailor, I beam trucks, euclids (all), and similar type equipment

Group 7 - Mechanics

TRUCK DRIVERS - ZONE 3

Group 1 - Mechanic Helper

Group 2 - Drivers on the following type vehicles: Straight dumps, Flats, Floats, Pick-ups, container haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half truck, Winch Truck, Side-O-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All duel purpose trucks, Trucks with mechanical tailgates, Asphalt distributor, batch trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, Asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks including handling of unit), Skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), Beltcrete trucks, Pumpcrete trucks, Line truck, Reel truck, Wreckers, Utility trucks, Teck trucks, Warehousemen, Warehouse Parts-men, Yardmen, Lift truck in warehouse, Helper when required on lift truck in warehouse, Warehouse clerk, Parts man, Material checkers, Receivers, Shippers, Binning men (materials), Cardex man; Helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; Drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), Bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, Team Drivers, Vacuum or Vac-all

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Trucks (entire unit)

Group 3 - Drivers on straight 3-axle materials: Truck & Floats

Group 4 - Drivers on all Euclid Type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and wagons, Dumptors, Straight, Bottom, Rear and side dumps, Carryalls and scrapers (not self-loading - loading over the top), Water sprinkler, Trailers, Water pulls and similar types of vechiles; Drivers on tractors and trailer type vehicles: Flat, Floats, I-beam, Low beds, Water sprinkler, Bituminous transit mix, Road Oil, Fuel, Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles

Group 5 - Winch Trailer Drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Labor Day; Presidential Election Day, Veterans Day or Thanksgiving Day.

b. Paid Holidays: A through F

c. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

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FOOTNOTES: (Cont'd)

e. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

g. $1.00 per week employer contribution to Life Insurance Fund per employee.

h. Employer contributes $2.30 per day per employee to Health and Welfare Funds.

i. Employer contributes $1.60 per day per employee to the Pension Fund.

j. One week vacation after one year's work; two weeks vacation after 3 year's work.

k. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

l. Employer contributes $25.50 per week per employee to the Health and Welfare Fund.

m. Employer contributes $13.00 per week per employee to the Pension Fund.

n. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vaction pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

o. Paid Holiday: A through F, plus Washington's Birthday, Presidential Election Day, Armistice Day, 2 Personal Holidays, Good Friday, and Christmas Eve afternoon (provided the employee works that morning) on the condition that the employee works or is available for work on at least 2 days in the week in which the holiday occurs.

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FOOTNOTES: (Cont'd)

p. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160).

q. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Bergen, Essex, Hudson Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren

DECISION NO.: NJ76-3249

DATE: Date of Publication

Supersedes Decision NJ76-3128 dated February 27, 1976, in 41 FR 8717.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
ZONE 1	$11.10	.70	.75		.025
ZONE 2	10.11	.81	1.01	1.11	.04

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Hunterdon (Alexander, Bethlehem, Bloomsbury, Clinton, Delaware, East Armwell, Flemington, Franklin, Frenchtown, Glen Gardner, Hampton, High Bridge, Holland, Kingwood, Lambertville, Lebanon, Milford, Raritan, Readington, Stockton, Union, and West Armwell Townships); Middlesex (Cranbury, East Brunswick, Helmetta, Jamesburg, Milltown, Monroe, North Brunswick, Plainsboro, South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships) and Warren (Franklin, Greenwich, Hamoay, Lopatcong, Oxford, Phillipsburg, Pohotcong, Washington and White Townships) Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (remainder of county), Middlesex (remainder of county), Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren (remainder of county) Counties.

BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 1	10.60	.60	.70		.02
ZONE 2	9.70	.97	.70		.02
ZONE 3	10.05	.84	.65		.02
ZONE 4					
Bricklayers & Stone Masons	10.76	.87	.75		
Cement Masons	9.85	.75	1.00		
Plasterers	9.85	.75	1.00		.05
ZONE 5	10.80	.60	.55		
ZONE 6	10.85	.60	.60		.02
ZONE 7	10.55	.50	.50		.01
ZONE 8	11.04	.45	.45		.02
ZONE 9	10.32	.59	.55		.02

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AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Barry's Creek west of the Hackensack River); Essex (Except Millburn Township); Hudson (that portion west of the Hackensack River) and Union (Hillside Township).

ZONE 2 - Bergen (except Wallington, part of East Patterson, Garfield, Lodi, North Arlington, part of Lyndhurst and part of Edgewater) County.

ZONE 3 - Bergen (remainder of county); Morris (Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttles Corner, along Route #206 to Lafayette, then along North Church Road to Route #23, then along Route #23 to Passaic County Line) Counties.

ZONE 4 - Hudson (remainder of county) County.

ZONE 5 - Middlesex (except Dunellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties.

ZONE 6 - Essex (Millburn Township), Middlesex (remainder of county), Morris (Gillette & Sterling) and Union Counties.

ZONE 7 - Hunterdon (Califon, Oldwick, Annadale, Lebanon, White House Station, Readington, Stanton and Three Bridges Townships) and Somerset (remainder of county) Counties.

ZONE 8 - Hunterdon (remainder of county), Morris, (Stephensburg, Pleasant Grove, Middle Valley and Parker Townships) Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Townships) and Warren Counties.

ZONE 9 - Morris (remainder of county) and Sussex (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 1	$ 9.92	8%	8%+.50		.02
ZONE 2	9.85	.50	.55		.02
ZONE 3					
Carpenters & Insulators	10.65	8%	7%		1/5 of 1%
Millwrights	10.90	8%	7%		1/5 of 1%
ZONE 4					
Carpenters & Insulators	10.75	7%	7%		1/5 of 1%
Millwrights	11.00	7%	7%		1/5 of 1%
ZONE 5					
Carpenters & Insulators	10.82	7%	7%		1/5 of 1%
Millwrights	11.07	7%	7%		1/5 of 1%

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AREA COVERED BY CARPENTERS, ETC. ZONE

ZONE 1 - Bergen (east of the Hackensack River including but not limited to Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville) and Hudson Counties.

ZONE 2 - Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown to Croton to the City of Flemington to Flemington Junction to Three Bridges, thence following the Sommerset County Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory south of a line beginning at Aawell on the County Line to Zion to Fairview to Dutchtown to Plainsville to Belle Mead to Griggstown to the Delaware and Raritan Canal) Counties.

ZONE 3 - Hunterdon (remainder of county), Middlesex, Morris, Passaic, Somerset(remainder of county), Sussex, Union and Warren Counties.

ZONE 4 - Essex Counties

ZONE 5 - Bergen (remainder of County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DOCK BUILDERS & PILEDRIVERMEN	$10.92	1.25	1.73	.71	.02
DRYWALL TAPERS & FINISHERS	10.25	.50	.50		.10
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	12.34	8%	8%		
ZONE 2	12.15	6%	4%+.31		.02
ZONE 3	12.10	4%	1%+.42		.02
ZONE 4	12.15	6%	1%+.50		
ZONE 5	12.68	6%	6%+.58		1/2 of 1%
ZONE 6	11.30	6%	6%	10%	
ZONE 7	12.40	6%	1%+.50		
ZONE 8	11.95	4%	1%+.42		.02
ZONE 9	11.95	6%	1%+.50		
ZONE 10	11.95	4%	1%+.50		.02
ZONE 11	12.20	4%	1%+.50		.02
ZONE 12	12.28	4%	1%+.42		.02
ZONE 13	12.40	5%+1	4%		.02
ZONE 14	11.00	6%	1%+.25		.02
ZONE 15	11.00	6%	1%+.50		

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AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES

ZONE 1 - Essex County

ZONE 2 - Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 3 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave., in New Providence Boro, to the Diamond Hill Rd, south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line) County.

ZONE 4 - Union (reminder of county) County.

ZONE 5 - Bergen and Hudson Counties.

ZONE 6 - Passaic County.

ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave., to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Still well Rd., and west on Hall's Bridge Rd., to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to the Harlingen Rd. and west along that road and the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

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AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES (Cont'd)

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd, North on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Plucksmin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County Line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the sourthern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Construction:					
Mechanics	$10.12	.495	.32+a	b+c	.02
Helpers	7.59	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Modernization:					
Mechanics	9.35	.495	.32+a	b+c	.02
Helpers	7.01	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Contract Repair:					
Mechanics	8.50	.495	.32+a	b+d	.02
Helpers	6.38	.495	.32+a	b+d	.02
Probationary Helpers	5.06				
GLAZIERS:					
ZONE 1	9.77	.60	1.10		.03
ZONE 2	11.00	.66	.65		.02
ZONE 3	11.00	.70	1.00		.05

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Fords and Woodbridge) Counties.

ZONE 3 - Essex, Hudson, Morris, Somerset (remainder of county), Sussex, Union (remainder of county) and Warren Counties.

IRONWORKERS - Structural, Reinforcing & Ornamental					
Warren County	11.45	.84	1.21		
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties	10.82	7%	23%	10%	1%

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LABORERS, BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	$ 7.30	.75	.85		.02
ZONE 2					
Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	7.20	1.00	.70		.02
ZONE 3					
Regular Laborers	8.05	.70	.30		.02
Mortar Mixers, Scaffold Men & Pneumatic Hammer Ops.	8.30	.70	.30		.02
ZONE 4					
Common Laborers	7.85	.65	.40		.02
ZONE 5					
Common Laborers	7.60	.70	.60		.02
ZONE 6					
Common Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers & Pipelayers (concrete & clay)	7.50	.70	.70		.02
ZONE 7					
Common Laborers	7.05	.70	.70	.50	.02
ZONE 8					
Common Laborers	8.00	.40	.50		.02
ZONE 9					
Common Laborers	8.00	.40	.50		.02
ZONE 10					
Laborers, Wrecking, Demolition, Concrete Mixers, W/O Hoppers, Drill Runners, Jackhammers, Mason Tenders, Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders & Grading for Concrete	8.00	.45	.45		.02

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LABORERS, BUILDING CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	$ 7.75	.65	.50		.02
ZONE 12					
Laborers, Tenders, Scaffolds, Excavation, Bituminous Concrete & Aggregates, Pipelayers, Underpinning, Lagging, Bracing & Wrecking	7.75	.60	.55		.02
ZONE 13					
Laborers, Tenders, Scaffolds, Excavating & Site Preparation & Clearance, Bituminous Concrete & Aggregates, Trenches Manholes, Handling & Distribution of Pipes, Underpinning, Lagging, Bracing, Propping & Shoring	7.60	.70	.60		.02
ZONE 14					
Common Laborers	7.60	.60	.55		.02
ZONE 15					
Common Laborers	7.50	.70	.70		.02
ZONE 16					
Common Laborers, Air Tool Ops., Mason Tenders, Plaster Tenders & Mortar Mixers	7.60	.70	.60		.02
ZONE 17					
Common Laborers, Hod Carriers, Power Tool Ops. & Plasterer Tenders	7.75	.50	.35		.02

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AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES

ZONE 1 - Bergen (Garfield, Passaic and Wallington Townships, Lodi, Lodi Boro. and East Patterson) and Passaic Counties.

ZONE 2 - Bergen (remainder of county) County.

ZONE 3 - Essex (City of East Orange, Townships of South Orange and Maplewood) County.

ZONE 4 - Essex (Orange and Montolair) County.

ZONE 5 - Essex (Millburn) and Union (Springfield and Union Township) Counties.

ZONE 6 - Essex (remainder of county) and Hudson (Kearny, East Newark and Harrison) Counties.

ZONE 7 - Hudson (remainder of county) Counties.

ZONE 8 - Middlesex (Perth Amboy, Carteret, Woodbridge and Metuchen Townships) County.

ZONE 9 - Middlesex (remainder of county) and Somerset (East Millstone and Franklin Townships) Counties.

ZONE 10 - Morris (Boonton, Boonton Township, Montville, Lincoln Park Boro., Butler, Kinnelon Boro., Pin Brook, Towaco, Danville, Mountain Lakes, Pequannock, Pompton Plains and Riverdale Boro) County.

ZONE 11 - Morris (Jefferson, Rockaway, Mt. Arlington, Rockaway Boro., Wharton, Mine Hill, Dover, Netoong, Roxbury, Mt. Oliver and Randolph Townships) and Sussex Counties.

ZONE 12 - Morris (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Ced Knools, Whippany, Hanover Township and Long Valley) County.

ZONE 13 - Morris (remainder of county) County.

ZONE 14 - Somerset (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards and Bedminster) County.

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AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES (Cont'd)

ZONE 15 - Somerset (Townships of Bridgewater, Branchburg, Raritan, Bound Brook, Somerville, Manville, Hillsboro, Milletone, Montgomery and Rocky Hill) County.

ZONE 16 - Somerset (remainder of county) and Union (remainder of county) Counties.

ZONE 17 - Hunterdon and Warren Counties

LABORERS, HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.75	.60	.95	*	.05
GROUP 2	8.60	.60	.95	*	.05
GROUP 3	8.35	.60	.95	*	.05
GROUP 4	8.30	.60	.90	*	.05
GROUP 5	8.20	.60	.90	*	.05
GROUP 6	8.10	.60	.90	*	.05
GROUP 7	7.85	.60	.90	*	.05
GROUP 8	7.70	.60	.90	*	.05
GROUP 9	7.65	.60	.90	*	.05

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Blasters

GROUP 2 - Finishers, Rammers, Pavers, Gunite Nozzle Men and Stonecutters.

GROUP 3 - Timbermen

GROUP 4 - Formsetters

GROUP 5 - Wagon Drill Operators, Drill Masters, Jackhammers, Chipping Hammers, Pavement Breakers, Power Buggies, Concrete Cutters, Asphalt Cutters, Sheet Hammer and Tree Cutter Operators, Sandblasting, Cutting, Burning, and such other power tools used to perform work usually done manually by Laborers.

GROUP 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers.

GROUP 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders.

GROUP 8 - Wrapping and Coating of all pipe.

GROUP 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Pitmen and Dumpmen, Waterproofing, Rakers and Tampers on cold Patch Work.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS - FREE AIR TUNNEL JOBS:					
GROUP 1	$ 9.12	.60	.95	e	.05
GROUP 2	8.72	.60	.95	e	.05
GROUP 3	8.56	.60	.95	e	.05
GROUP 4	8.05	.60	.90	e	.05

CLASSIFICATION DEFINITIONS
LABORERS - FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rodmen, Caulkers, Powder Carriers, All Other Skilled Men).

GROUP 3 - Semi-Skilled Men (including Miner's Helpers, Chuck Tenders, Trackmen, Nippers, Brakemen, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All Other Semi-Skilled Men).

GROUP 4 - All Other (including Powder Watchmen, Changehouse Attendents, Top Laborers).

LABORERS, ASPHALT CONSTRUCTION:					
ZONE 1					
STREET:					
Head Raker	8.20	.71	.74	e	.05
Rakers & Screed Men	8.05	.71	.74	e	.05
Tampers, Smoothers, Kettlemen, Painters, Top Shovelers & Roller Boys	7.80	.71	.74	e	.05
PLANT:					
Scale Mixer & Burner Men	8.05	.71	.74	e	.05
Feeders & Dust Men	7.80	.71	.74	e	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT CONSTRUCTION: (Cont'd)					
ZONE 2					
STREET:					
Head Rakers	$ 7.90	.60	.95	e	.05
Rakers & Screed Men	7.75	.60	.95	e	.05
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.50	.60	.95	e	.05
PLANT:					
Scale Mixer & Burner Men	7.75	.60	.95	e	.05
Feeders & Dust Men	7.50	.60	.95	e	.05

AREA COVERED BY LABORERS, ASPHALT CONSTRUCTION ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of county), Morrie, Passaic, Somerset, Sussex, Union and Warren Counties.

ZONE 2 - Middlesex (remainder of county) County.

LATHERS	10.00	.60	.25		.02
LEAD BURNERS	10.50	.40	.25	f	.01
LINE CONSTRUCTION:					
ZONE 1					
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen & Welders	10.80	6%	8%	10%	½ of 1%
ZONE 2					
Linemen & Equipment Operators	11.00	6%	6%	10%	½ of 1%
Cable Splicers	11.95	6%	6%	10%	½ of 1%
Groundmen	7.70	6%	6%	10%	½ of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators & Groundmen	$11.92	5%	6%+.58		½ of 1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4% + .28	6%		½ of 1%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	6%	1%+.42		½ of 1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	6%	1%+.50		½ of 1%
ZONE 7					
Linemen & Equipment Operators	11.88	6%	1%+.50		½ of 1%
Groundmen & Line Truck Operator	10.33	6%	1%+.50		½ of 1%
ZONE 8					
Linemen & Equipment Operators	11.95	6%	1%+.42		½ of 1%
Groundmen & Winch Operators	10.09	6%	1%+.42		½ of 1%
ZONE 9					
Linemen & Equipment Operators	11.95	6%	1%+.50		½ of 1%
Groundmen & Line Truck Operator	10.09	6%	1%+.50		½ of 1%
ZONE 10					
Linemen & Equipment Operators	12.20	6%	1%+.50		½ of 1%
Groundmen & Winch Operators	11.35	6%	1%+.50		½ of 1%
ZONE 11					
Linemen & Equipment Operators	12.20	6%	1%+.42		½ of 1%
Groundmen & Winch Operators	11.35	6%	1%+.42		½ of 1%
ZONE 12					
Linemen & Equipment Operators	12.40	5%+1	4%		½ of 1%
Groundmen & Winch Operators	11.55	5%+1	4%		½ of 1%
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators & Cable Splicers	11.00	6%	1%+.25		½ of 1%
Groundmen	5.42	6%	1%+.25		½ of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
ZONE 14					
Linemen, Line Truck Operators, Equipment Operators & Cable Splicers	$11.00	6%	1%+.50		½ of 1%
Groundmen	5.42	6%	1%+.50		½ of 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Essex County

ZONE 2 - Passaic County

ZONE 3 - Bergen and Hudson Counties

ZONE 4 - Union (that portion east and north of a line running in a southerly direction from Morris Ave. along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd, to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 5 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave. in New Providence Boro. to the Diamond Hill Rd. south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and south west on the railroad to the Middlesex County Line) County.

ZONE 6 - Union (remainder of county) County.

ZONE 7 - Morris and Sussex Counties

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro.) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., north on John Kane Rd. west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U. S. Highway #206 north from Mercer County to the Harlingen Rd., and west along that road the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

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AREA COVERED BY LINE CONSTRUCTION ZONES (Cont'd)

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of county) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd, along Mill Rd. to the Raritan River, along the Raritan River to the South River, along the South River to the southern Boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 1	$11.04	.45	.45		.02
ZONE 2					
Marble Setters	7.80	.78	.94	6%	
Terrazzo Workers	10.03	1.21	1.50		
Tile Setters	8.50	.80	2.10		

AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS HELPERS:					
ZONE 1					
Marble Setters Helpers	$ 7.33	.74	.88	6	
Terrazzo Workers Helpers	8.84	.76	1.95		
ZONE 2					
Tile Setters Helpers	8.45	6%	7%		

AREA COVERED BY MARBLESETTERS HELPERS, ETC. ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Beemerville, Mt. Pisah, Swartswood, Huntsburg and all cities inclusive to the Morris and Passaic County Line) and Union Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties.

PAINTERS:					
ZONE 1					
Commercial, Industrial, Tapers & Paperhangers	9.55	.90	1.35		.06
Steel Outside	10.55	.90	1.35		.06
Spray Rate	11.55	.90	1.35		.06
ZONE 2					
Brush	7.15	.65	.50		
Roller (using epoxies-urethanes)	8.05	.65	.50		
Structural Steel, Towers, Tanks, Steeples, Boat Swain Chairs, Stacks, Spraying & Sandblasting	8.25	.65	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
ZONE 3					
Painters on new construction and major alterations	$ 9.40	.55	.50	.30	.05
Painters on repaint work	8.90	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials on repaint work	9.50	.55	.50	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.55	.55	.50	.30	.05
Repaint work as described above	9.05	.55	.50	.30	.05
On bridges, televison and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steam-cleaning, spraying or application of hazardous materials	10.00	.55	.50	.30	.05
ZONE 4					
Industrial & commercial Exterior scaffold work, structural steel, tanks, bridge towers, flag poles (steel & wood), sandblasting & hazardous work	6.75	.70	1.15	.30	
	7.25	.70	1.15	.30	

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AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

ZONE 2 - Middlesex (Edison Twp., South of Metuchen, Highland Park, New Brunswick, North Brunswick, East Brunswick and South Brunswick Twps, and Monroe Twp.) and Somerset (Franklin Twp.) Counties.

ZONE 3 - Essex, Hudson (west half of county), Hunterdon, Middlesex (remainder of county), Morris, Somerset (remainder of county) Union and Warren Counties.

ZONE 4 - Hudson (remainder of county).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPE FITTERS:					
Bergen & Hudson Counties	$10.40	1.10	.80	1.00	.25
PLUMBERS:					
ZONE 1	10.20	.70	.75	1.00	.03
ZONE 2	10.55	.76	.75	1.00	.02
ZONE 3	11.65	.75	1.00		.15
ZONE 4	10.66	.60	1.00	.85	.11
ZONE 5	10.41	7%	8%	12%	1%

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Hasbrouck Heights, Haworth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Norwood, Old Teppan, Oradell, Palisades Park, Paramus, Park Ridge, Ridgefield Park, River Edge, Rivervale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook, Saddle River, South Hackensack, Teaneck, Tenafly, Tsterboro, Upper Saddle River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Wood-Ridge) County.

ZONE 2 - Bergen (Cliffside Park, Edgewater, Fairview, Fort Lee, Moresemere and Ridgefield) and Hudson (Guttenberg, North Bergen, Secaucus, Weehawken and West New York) Counties.

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AREA COVERED BY PLUMBERS ZONES (CONT'D)

ZONE 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

ZONE 4 - Union (Fanwood, Netherwood, Plainfield and Plainfield Twp.) County.

ZONE 5 - Union (Cranford, Cranford Twp., Garwood, Hillside, Hillside Twp., Kenilworth, Linden, Lorraine, Lyons Farms, Mountainside, Picton, Rahway, Roselle, Roselle Park, Scotch Plains, Scotch Plains Twp., South Elizabeth, Townley, Union, Union Twp., West Elizabeth, Westfield, Westfield Twp. and Winfield) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	$11.475	.65	1.00		.15
PLUMBERS & PIPEFITTERS:					
ZONE 1	10.51	.65	1.00	10%	.05
ZONE 2	12.10		.70		.08
ZONE 3	10.61	6%	8%	10%	1%
ZONE 4	10.05	.675	1.36	1.00	.04

AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County.

ZONE 2 - Middlesex (Piscataway to Old Bridge to the County Line and North thereof) County.

ZONE 3 - Middlesex (Adams, Berdines Corners, Dayton, Deans, Helmetta, Highland Park, Kingston, Livingston Park, Jamesburg, Milltown, Monroe Twp., New Brunswick, New Durham, North Brunswick Twp., Northstelton, Old Bridge, Piscataway, Raritan Twp., South Brunswick Twp., South River, Spotswood and Steelmanville) and Somerset (Clyde, Middlebush, South Bound Brook, South Branch, Voorhees, Warren Twp. and West New Brunswick) Counties.

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AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES (CONT'D)

ZONE 4 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Midland Park, Holokus, Waldwick, Allendale, Upper Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahawah), Morris (Lincoln Park, Pompton Plains, Pequanock, Pequanock Twp., Riverdale, Butler, Kinnelon Boro., Jacksonville and Brook Valley) and Passaic (Paterson, West Paterson, Little Falls, Totowa Boro., Wayne, North Haledon, Haledon, Hawthore, Pompton Lakes, West Milford Twp., Ringwood Boro., Boro of Wanaque, Bloomingdale, Mountain View, Part of Clifton and Clinton) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
ZONE 1					
Plumbers	$10.615	.65	1.00	1.00	
Steamfitters	10.71	.505	1.00	1.00	
ZONE 2	10.77	.60	1.00	.75	.10
ZONE 3	11.69	.67	.90		.05
ZONE 4	10.25	1.04	.77	1.10	.09
ZONE 5	10.47	.65	1.00	1.00	.15
ZONE 6	11.42	.60	1.00		.20
ZONE 7	11.52	.60	1.00		.15
ZONE 8					
Steamfitters	10.49	7%	9%	10%	½ of 1%

AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Bergen (Lodi, Garfield and Wallington and Passaic (Passaic) Counties.

ZONE 2 - Essex (Short Hills and Millburn) and Union (Ashbrook, Berkeley Heights, Great Island, Murray Hill , Springfield, Chatham Twp., Unionburg, Unionville, Vauxhall, Warners, Summit, Summit Twp., New Providence and New Providence Twp) Counties.

ZONE 3 - Hunterdon (Barbertown, Bovne, Cooperhill, Flemington, Idell, Lambertville, Larisons Corners, Linvale, Lockton, Raven Rock, Ringoes, Rocktown Rosemont, Sand Brook, Sergeantsville, Stockton and West Amwell Twp.) County.

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AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES (CONT'D)

ZONE 4 - Hunterdon (remainder of county), Middlesex (Cranbury, Cranbury Twp., Cranbury Station, Franklin Park, Monmouth Junction, Oakley, Plainsboro, Plainsboro Twp. and Prospect Plains) and Somerset (Griggstown, Harlingen, Kingston, Skillman and Stoutsburg) Counties.

ZONE 5 - Somerset (remainder of county) and Warren (area encompassed by the Delaware River, Hunterdon and Morris County Lines including Belvidere and south thereof) Counties.

ZONE 6 - Morris (beginning at Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flatbrookville, Montague, Port Jervis, (N.Y.), Glenwood, Stockholm, Charlottsburg and returning to Dover), Sussex and Warren (remainder of county) Counties.

ZONE 7 - Morris (remainder of county) County.

ZONE 8 - Essex (except Millburn and Short Hills), Middlesex (Middlesex Boro., South Plainfield, New Market, Dunellen, New Market, a portion of Piscataway Twp. & a portion of Edison TWP.), Somerset (North Plainfield, Warren Twp. & Greenbrook Twp.) & Union (except Springfield & a portion of Mountainside & Union Twp.) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$14.39	7%	15%	h	3%
GROUP 2	12.68	7%	15%	h	3%
GROUP 3	11.85	7%	15%	h	3%
GROUP 4	11.75	7%	15%	h	3%
GROUP 5	11.53	7%	15%	h	3%
GROUP 6	11.07	7%	15%	h	3%
GROUP 7	10.80	7%	15%	h	3%
GROUP 8	10.64	7%	15%	h	3%
GROUP 9	10.59	7%	15%	h	3%
GROUP 10	10.48	7%	15%	h	3%
GROUP 11	10.43	7%	15%	h	3%
GROUP 12	10.21	7%	15%	h	3%
GROUP 13	9.83	7%	15%	h	3%
GROUP 14	9.67	7%	15%	h	3%
GROUP 15	9.35	7%	15%	h	3%

50¢ per hour on machines where "Cat Head" or Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader. base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central mixer plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only). drillmaster. quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous. Broyhill; pavement and concrete bresker (i.e. superhammer); pavement bresker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); hester planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hamer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pevement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site er in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mucking equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	$16.09	7%	15%	h	3%
GROUP 2	14.39	7%	15%	h	3%
GROUP 3	13.53	7%	15%	h	3%
GROUP 4	12.84	7%	15%	h	3%
GROUP 5	11.17	7%	15%	h	3%
GROUP 6	10.80	7%	15%	h	3%
GROUP 7	10.66	7%	15%	h	3%
GROUP 8	10.31	7%	15%	h	3%
GROUP 9	9.78	7%	15%	h	3%

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition	$10.35	.68	1.00		
ZONE 2					
Composition, Waterproofing, Slate & Asphalt Shingle	10.15	.50	.60		
ZONE 3					
Composition, Damp & Waterproofing	10.71	.70	.50		
ZONE 4					
Slate & Tile	9.45	.70	1.00		
Slate & Tile Helpers	7.70	.70	1.00		
ZONE 5					
Slate & Tile	10.40	.70	.30		
Slate & Tile Helpers	9.30	.70	.30		
ZONE 6					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
Zone 7					
Composition, Damp & Waterproofing	9.25	1.59	2.45	.65	

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AREA COVERED BY ROOFERS ZONES

ZONE 1 - Bergen & Passaic Counties

ZONE 2 - Hunterdon & Somerset (Rooky Hill, Harlingen, Belle Meade, Neshanic, Clover Hill, Montgomery, Zion, Skillman, Stoutsburg, Blawenburg, Centerville & Kingston) Counties.

ZONE 3 - Essex, Hudson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel & Watchung), Sussex, Union (remainder of county) & Warren Counties.

ZONE 4 - Bergen, Passaic & Sussex Counties.

ZONE 5 - Essex, Hudson, Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel & Watchung), Sussex, Union (remainder of county) & Warren Counties.

ZONE 6 - Middlesex, Somerset (remainder of county) & Union (Scotch Plains, Plainfield, Clark & Rahway) Counties.

ZONE 7 - Hudson (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Middlesex County	$10.33	6%+1	5%+.10	8%	.07
Essex & Passaic Counties	11.00	4%+.29	4%+.06	8%	.03
Bergen & Hudson Counties	10.17	5%+.16+1	5%+.10	4%+.06	.02
Warren County	10.00	.86	.50		
Morris, Somerset, Sussex & Union Counties	10.15	.91	.94	.54	.07
Hunterdon County	10.21	.50+1	.60		.02
SOFT FLOOR LAYERS	10.22	6%	5%+.50		
SPRINKLER FITTERS:					
ZONE 1	11.73	.60	.90		.07
ZONE 2	12.15	.60	.90		.08

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AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown & North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville & Somerville) & Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex & Warren Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	$ 7.27	.68	.75	j&k	
GROUP 2	7.50	.68	.75	j&k	
GROUP 3	7.55	.68	.75	j&k	
GROUP 4	7.65	.68	.75	j&k	
GROUP 5	7.75	.68	.75	j&k	
ZONE 2					
GROUP 1	7.27	1	.81	j&k	
GROUP 2	7.50	1	.81	j&k	
GROUP 3	7.55	1	.81	j&k	
GROUP 4	7.65	1	.81	j&k	
GROUP 5	7.75	1	.81	j&k	

DECISION NO. NJ76-3249

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONES 1 & 2

ZONE 1 - Mechanic Helper

ZONE 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumporete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, Trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor & Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose & nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks, Pump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checkers, Receivers, Shippers, Binning Men (Materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck & Asphalt & Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little-Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiokol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck & any Rubber Tired Tractor used in pulling & towing Farm Wagons & Trailers of any description, similar type vehicles, Off-site & On-site Repair Shop.

ZONE 3 - Drivers on straight 3-Axle Materials: Trucks & Floats.

ZONE 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Waboos, Caterpillar, Kochring, Tractors & Wagons, Dumptors, Straight, Bottom, Rear & Side Dumps, Carryalls & Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls & similar types of Vehicles; Drivers on Tractors & Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fusl, Bottom Dump Hopper, Rear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles.

ZONE 5 - Winch Trailers Drivers

DECISION NO. NJ76-3249

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Ave. south of Cranford) & Warren Counties.

ZONE 2 - Essex, Morris, Sussex & Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day: D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same Employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

f. Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceding and following the holiday.

g. Paid Holiday: St. Patrick's Day

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FOOTNOTES: (Cont'd)

h. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday.

i. Employer contribution of 3% based on the basic hourly rate plus health & welfare plus pension and vacation fringes.

j. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

k. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

l. Employer contribution of $83.00 per month per employee to Health & Welfare Funds.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Garfield
DECISION NO.: OK76-4160 DATE: Date of Publication
Supersedes Decision No. OK76-4020 dated February 6, 1976 in 41 FR 5555
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.20	.40	.60		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	7.65				
CARPENTERS:					
Carpenters	7.45				
Millwrights-Piledrivermen	8.00				
CEMENT MASONS	7.50				
ELECTRICIANS:					
Zone I	9.30	.50	1%+.50		1/2%
Zone II	9.55	.50	1%+.50		1/2%
Zone III	9.80	.50	1%+.50		1/2%
CABLE SPLICERS:					
Zone I	9.55	.50	1%+.50		1/2%
Zone II	9.80	.50	1%+.50		1/2%
Zone III	10.05	.50	1%+.50		1/2%
ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION					
Zone I - the area within the twelve mile radius of the main Post Office located in the city of Enid.					
Zone II - The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.					
Zone III - The area outside zone 1 and 2 within the local union area.					
ELEVATOR CONSTRUCTORS	8.855	.495	.32	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	50%JR				
GLAZIERS	7.20				
IRONWORKERS	9.35	.45	.50		.10
LABORERS:					
Group I	5.20	.25	.30		
Group II	5.40	.25	.30		
Group III	6.05	.25	.30		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

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LABORERS CLASSIFICATION DEFINITIONS)CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$9.35		1%		1/2%
Cable splicers	9.91		1%		1/2%
Hole digger operator	8.49		1%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.49		1%		1/2%
Line truck driver (winch ops)	7.68		1%		1/2%
Jack hammerman	7.00		1%		1/2%
Powdermen	8.49		1%		1/2%
Groundman	6.24		1%		1/2%
Truck driver (flat bed, ton and half and under	6.66		1%		1/2%
MARBLE SETTERS	9.10		.20		
PAINTERS:					
Group I	6.25				
Group II	6.75				
Group III	7.75				
Group IV	7.25				
Group V	7.60				
Group VI	8.25				
Group VII	8.60				

PAINTERS CLASSIFICATION DEFINITIONS

Group I - Brush and tapers
Group II - Sandblasters
Group III - Swinging stage or chair up to 40 ft.; structural steel; tanks and towers 25 ft. and up to 40 feet (brush paid from ground)
Group IV - Sandblasters, on work over 40 ft. (paid from ground)
Group V - Spray painting
Group VI - Swinging stage or chair over 40 feet
Group VII - Spray painting, swinging stage or chair over 40 feet structural steel and over 40 feet paid from ground

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS-Pipefitters	$9.77	.60	.75		.10
POWER EQUIPMENT OPERATORS:					
Group I	9.70	.45	.50		.12
Group II	9.45	.45	.50		.12
Group III	9.20	.45	.50		.12
Group IV	8.95	.45	.50		.12
Group V	8.70	.45	.50		.12
Group VI	8.45	.45	.50		.12
Group VII	8.05	.45	.50		.12
Group VIII	7.95	.45	.50		.12
Group IX	7.75	.45	.50		.12
Group X	7.45	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all towers cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clam-shell, backhoe, sideboon (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, laoder operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type.
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.
GROUP VII - Cresser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling.
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$8.40	.45	.25		.04
SHEET METAL WORKERS	9.91	.45	.40		.05
SOFT FLOOR LAYERS (RESILIENT FLOOR LAYERS & CARPET LAYERS)	8.85	.50			
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	9.10		.20		
TERRAZZO WORKERS HELPERS	6.98				
TERRAZZO WORKERS HELPER, FLOOR MACHINE OPERATOR	7.08				
TERRAZZO WORKERS HELPER, BASE MACHINE OPERATOR	7.28				
TILE LAYERS	9.10		.20		
TILE AND MARBLE HELPERS (Experienced helpers)	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch & floats.
GROUP II - Heavy earth moving equipment such as dump trucks and euclids.
GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks.

WELDERS - receive rate prescribed for craft to which welding is incidental.
FOOTNOTES:
a - 1st 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.
b - Paid Holidays, A through F
PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Lucas and Fulton
DECISION NUMBER: OH76-2117 DATE: Date of Publication
Supersedes Decision No. OH76-2059 dated May 7, 1976, in 41 FR 19018
DESCRIPTION OF WORK: Building and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.83	.50	1.00		.04
BOILERMAKERS	11.90	.50	.60		.01
BRICKLAYERS, STONEMASONS and MARBLE SETTERS	11.735	.65	.80		.01
CARPENTERS, MILLWRIGHTS and PILEDRIVERMEN	12.05	.65	.50		.05
CEMENT MASONS	12 64	.50			.02
ELECTRICIANS	12.13	.50	1%+.55		.2%
ELEVATOR CONSTRUCTORS	12.15	.545	.35	b+c+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	b+c+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.525	.50	.85		.01
IRONWORKERS	11.83	.65	9%		.04
LATHERS	11.90	.65	.10		.01
LINEMEN:					
Linemen	12.11	.35	1%	a	.25%
Cable Splicers	12.37	.35	1%	a	.25%
PAINTERS:					
Brush, paperhangers, drywall taper	10.49	.65	.70		
Open structural steel, bridge, railings, Powerhouse, refinery tanks	11.04	.65	.70		
Spray, sandblasting, pressure cleaning	11.04	.65	.70		
PLASTERERS	12.20	.65			.01
PLUMBERS and STEAMFITTERS	12.03	.80	.85		.14
ROOFERS	11.59	.65	.85		.02
SHEET METAL WORKERS	11.825	.65	1.00		.045
SPRINKLER FITTERS	12.05	.60	.90		.08
TERRAZZO WORKERS and TILE SETTERS	11.02	.65	.50	.25	
TRUCK DRIVERS:					
Single axle, tandem or semi	7.56	64.25d	14.00e	f & g	
Heavy duty 5 axle or over winch truck, carry all or low boys	7.79	64.25d	14.00e	f & g	

DECISION NO. OH76-2117

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Six Paid Holidays: A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.

d. Per month per employee

e. Per week per employee

f. Five Paid Holidays: B, C, D, E, and F providing the employee worked the last scheduled work days preceding the holiday and the first scheduled work day after the holiday.

g. Employees in service at least 1 year, 1 week paid vacation, Employees in service ten years or more, 2 weeks paid vacation.

DECISION NO. OH76-2117

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP 1	$10.61	.55	.40		.01
GROUP 2	10.74	.55	.40		.01
GROUP 3	10.81	.55	.40		.01
GROUP 4	10.765	.55	.40		.01
GROUP 5	10.865	.55	.40		.01
GROUP 6	11.52	.55	.40		.01

GROUP 1 - Unskilled laborers
GROUP 2 - Mason Tenders
GROUP 3 - Gunnite pot men, mortar mixers
GROUP 4 - Concrete pump nozzle men, all power driven tools and power buggies
GROUP 5 - Pipe layers, bellman and bottom man for fire brick work only
GROUP 6 - Nozzle operators for gunnite work

DECISION NO. OH76-2117

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP A	$11.39	.46	1.00		.11
GROUP B	11.23	.46	1.00		.11
GROUP C	10.88	.46	1.00		.11
GROUP D	10.07	.46	1.00		.11
GROUP E	9.74	.46	1.00		.11
GROUP F	8.28	.46	1.00		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom truck (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps,cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder),mixers paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.
GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.
GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.
GROUP D - Compressors on building construction, conveyors (building material) generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.
GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines bullfloats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled subgrader, tire repairmen, tractors pulling sheeps foot roller or grader,vibratory compactors (with integral power)
GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Greene and Montgomery
DECISION NUMBER: OH76-2118 DATE: Date of Publication
Supersedes Decision No. OH76-2065 dated May 28, 1976, in 41 FR 22013
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.77	.50	.75		.01
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS and STONEMASONS	10.05	.55	.75		.01
CARPENTERS and PILEDRIVERMEN	9.60	.60	1.00		.05
MILLWRIGHTS	9.69	.60	.72		
CEMENT MASONS:					
Building Construction	9.28	.50	.50		.07
ELECTRICIANS:					
Communication installer and lineman within 11 mile radius from 3rd and Main Streets, Dayton	10.53	.45	1%+.85	-	.5%
Communications installers and lineman beyond 11 mile radius of 3rd and Main Streets, Dayton	11.06	.45	1%+.95	-	.5%
ELEVATOR CONSTRUCTORS	11.15	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.805	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.575				
GLAZIERS	9.48		.50		.01
IRONWORKERS, ALL:					
Within 15 mile of Dayton	10.51	.75	1.05		.04
Beyond 15 mile of Dayton	10.66	1.75	1.05		.04
LABORERS:					
Unskilled	7.94	.55	.40		.05
All machine tools and swing scaffold over 15 feet	8.09	.55	.40		.05
Tenders to Bricklayers	8.57	.55	.40		.05
Tenders to Plasterers and Lathers	8.61	.55	.40		.05
Sewer Pipe Layer (non-metallic) and Bottom Men	8.14	.55	.40		.05
Torchmen on wrecking	8.24	.55	.40		.05
Gunnite Operator	8.44	.55	.40		.05

DECISION NO. OH76-2118

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vocation	Education and/or Appr. Tr.
LATHERS	$10.29		.20		.10
MARBLE, TILE & TERRAZZO WORKERS	9.11	.55	.10		
MARBLE, TILE & TERRAZZO WORKERS' HELPERS	8.19				
PAINTERS:					
Brush and Rollers	10.55	.40	.40		.02
Structural steel and Swing stage	10.95	.40	.40		.02
Spray and sandblasting	11.05	.40	.40		.02
Paperhanging	10.80	.40	.40		.02
PLASTERERS	10.45				
PLUMBERS & STEAMFITTERS:					
Townships of Miami, Cedarville, Ross, Jefferson, Caesar Creek and New Jasper in Green County	10.61	.35	.60		.04
Remainder of Greene County and all of Montgomery County	11.01	.55	.80		.03
ROOFERS:					
Composition, damp and waterproof	10.05	.80	.50		
Slate, tile and asbestos	10.27	.80	.50		
SHEET METAL WORKERS	10.47	3%+.50	.60		.15
SOFT FLOOR LAYERS:					
Resilient Floor Layers	88.85	.60	.50		.05
SPRINKLER FITTERS	12.05	.60	.90		.08
TRUCK DRIVERS:					
General	6.03	19.00c	8.00c	d	
WELDERS - receive rate perscribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independende Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six Paid Holideys: A through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business for more than 5 years, and 2% for employee who has worked in business less than 5 years.
c. Per week, per employee
d. 1 year of employment 1 week vacation, 7 years of employment, 2 weeks vacation, providing the employee has been on payroll for 6 months during the previous 12 month period.

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DECISION NO. OH76-2118

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.11	.46	$1.00		.11
GROUP B	10.95	.46	1.00		.11
GROUP C	10.59	.46	1.00		.11
GROUP D	9.81	.46	1.00		.11
GROUP E	9.48	.46	1.00		.11
GROUP F	8.03	.46	1.00		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete, pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction; 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types) hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on side), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, tollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

SUPERSEDEAS DECISION

STATE: Texas

COUNTY: Statewide (excluding Dallas-Fort Worth Regional Airport)

DECISION NO.: TX76-4153

DATE: Date of Publication

Supersedes Decision No. TX76-4077, dated May 7, 1976, in 41 FR 19024.

DESCRIPTION OF WORK: See "Area Covered By Various Zones"

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	ZONE 5 Basic Hourly Rates
Air Tool Man	$ -	$2.75	$2.75	$ -	$2.75
Asphalt Heaterman	3.75	3.55	3.00	3.00	3.00
Asphalt Raker	4.00	3.25	3.70	3.10	3.00
Asphalt Shoveler	-	2.75	2.75	2.30	2.30
Batching Plant Scaleman	4.90	4.00	3.40	3.55	3.60
Batterboard Setter	-	3.00	3.65	2.50	3.25
Carpenter	4.00	4.50	3.90	3.90	4.00
Carpenter Helper	3.75	3.00	2.75	3.50	2.95
Concrete Finisher (Paving)	4.30	4.00	3.65	3.55	4.25
Concrete Finisher Helper (Paving)	3.00	3.10	3.00	3.00	3.00
Concrete Finisher (Structures)	4.80	4.00	4.00	3.40	3.50
Concrete Finisher Helper (Structures)	3.50	3.00	3.50	2.75	3.25
Concrete Rubber	-	-	-	2.75	2.85
Electrician	-	6.25	-	6.60	7.00
Electrician Helper	-	3.80	-	5.00	3.60
Fireman	-	-	-	-	-
Form Builder (Structures)	4.75	3.50	4.00	3.40	3.90
Form Builder Helper (Structures)	3.75	-	2.75	3.00	3.00
Form Liner (Paving and Curb)	4.00	-	-	2.85	-
Form Setter (Paving and Curb)	4.10	4.05	3.95	3.40	3.75
Form Setter Helper (Paving & Curb)	3.45	3.40	2.75	2.90	3.50
Form Setter (Structures)	5.05	4.05	3.85	3.65	3.90
Form Setter Helper (Structures)	4.40	3.20	2.75	2.95	3.15
Laborer, Common	3.00	2.75	2.50	2.30	2.30
Laborer, Utility Man	3.30	3.00	3.20	2.75	2.85
Manhole Builder, Brick	3.75	-	3.00	-	3.00
Mechanic	4.80	4.05	4.00	3.75	4.15
Mechanic Helper	3.50	3.55	3.00	3.00	3.60
Oiler	4.10	3.80	3.00	3.00	3.25
Serviceman	3.90	3.50	3.50	3.70	3.00
Painter (Structures)	5.00	-	3.50	5.00	4.90
Painter Helper (Structures)	-	-	-	3.70	3.00
Piledriversmen	-	-	-	4.40	4.75
Pipelayer	3.55	3.85	3.50	3.00	3.30
Pipelayer Helper	3.00	3.50	2.90	2.30	2.50
Pneumatic Mortarman	-	-	-	-	2.65
Powderman	4.40	4.00	3.75	4.50	3.75
Powderman Helper	-	-	2.75	3.00	2.50
Reinforcing Steel Setter (Paving)	4.35	-	-	3.50	-
Reinforcing Steel Setter (Structures)	4.75	4.25	3.25	3.40	3.65
Reinforcing Steel Setter Helper	$3.05	$ -	$3.00	$3.00	$3.10
Steel Worker (Structural)	-	-	-	-	3.25
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	3.25	-	-	3.50	3.35
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	4.30	3.95	3.25	3.35	3.80
Swamper	3.65	3.65	-	3.10	3.00
Power Equipment Operators:					
Asphalt Distributor	4.20	3.35	3.50	3.35	3.25
Asphalt Paving Machine	4.65	3.50	3.50	3.35	3.50
Broom or Sweeper Operator	3.55	3.45	3.25	3.30	3.00
Bulldozer, 150 HP and Less	3.70	3.75	3.50	3.50	3.75
Bulldozer, over 150 HP	4.40	4.00	4.00	3.75	4.10
Concrete Paving Curing Machine	3.75	-	-	-	-
Concrete Paving Finishing Machine	4.65	-	-	4.65	-
Concrete Paving Form Grader	3.75	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	4.75	-	-	-	3.25
Concrete Paving Saw	4.30	-	-	-	-
Concrete Paving Spreader	-	-	-	-	4.35
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.55	4.25	4.05	3.75	3.90
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	5.05	5.05	4.55	4.75	4.50
Crusher or Screening Plant Op.	4.30	3.60	3.00	3.45	3.75
Elevating Grader	-	4.00	4.10	-	3.50
Form Loader	-	-	-	-	3.25
Foundation Drill Operator (Crawler Mounted)	5.35	3.25	-	-	6.00
Foundation Drill Operator (Truck Mounted)	5.85	4.75	4.90	-	5.50
Foundation Drill Operator Helper	3.90	-	-	-	3.75
Front End Loader (2½ CY & Less)	4.00	3.80	3.50	3.75	3.25
Front End Loader (Over 2½ CY)	4.50	4.10	3.95	3.80	3.90
Hoist (Double Drum and Less)	-	-	-	3.10	-

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Mixer (Over 16 CF)	$4.60	$ -	$ -	$ -	$ -
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	5.05	5.00	4.50	4.50	4.50
Motor Grader Operator	4.65	4.50	4.25	4.25	4.00
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.90	3.50	3.50	3.35	3.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.65	3.00	3.00	3.00	3.00
Roller, Pneumatic (Self-Propelled)	3.45	3.00	2.95	3.10	2.75
Scrapers (17 CY and Less)	4.10	3.70	3.25	3.75	3.50
Scrapers (Over 17 CY)	4.20	4.00	4.00	3.75	3.85
Self-Propelled Hammer	-	-	-	-	3.00
Side Boom	4.00	-	3.55	-	-
Tractor (Crawler Type) 150 HP and Less	3.30	3.25	3.10	3.35	2.75
Tractor (Crawler Type) over 150 HP	3.95	3.50	4.00	3.50	3.85
Tractor (Pneumatic) 80 HP and Less	3.75	3.00	3.10	2.85	3.00
Tractor (Pneumatic) over 80 HP	4.20	3.65	3.30	3.25	3.25
Traveling Mixer	4.35	3.25	2.75	4.00	2.60
Trenching Machine, Light	4.00	3.00	3.70	2.50	4.20
Trenching Machine, Heavy	4.00	-	3.80	-	4.25
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50	3.60	3.50	3.50	3.50
Truck Drivers:					
Single Axle, Light	3.00	3.00	3.00	3.35	2.50
Single Axle, Heavy	3.50	3.45	3.00	-	2.85
Tandem Axle or Semitrailer	3.00	3.00	3.10	-	2.95
Lowboy-Float	3.50	3.00	3.35	-	3.35
Transit-Mix	3.50	-	-	-	-
Winch	3.25	-	3.40	-	3.25
Vibrator Man (Hand Type)	3.05	-	-	-	-
Weighman (Truck Scales)	3.00	2.75	2.50	3.10	-
Welder	3.05	4.00	4.00	4.35	4.00
Welder Helper	-	-	-	-	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75	$2.50	$3.30	$3.00	$2.75
Asphalt Heaterman	3.25	3.25	2.90	3.25	-
Asphalt Raker	3.00	3.50	3.75	3.90	4.00
Asphalt Shoveler	2.50	2.95	-	-	3.25
Batching Plant Scaleman	3.40	3.00	3.75	4.15	4.50
Batterboard Setter	-	3.60	-	-	-
Carpenter	3.50	4.00	4.45	4.10	4.25
Carpenter Helper	2.50	3.00	3.10	3.00	3.25
Concrete Finisher (Paving)	3.00	4.00	4.50	4.25	4.50
Concrete Finisher Helper (Paving)	2.75	2.50	3.75	3.30	3.15
Concrete Finisher (Structures)	3.50	4.00	4.50	4.25	4.50
Concrete Finisher Helper (Structures)	3.00	3.25	3.40	3.00	3.00
Concrete Rubber	-	2.70	2.75	3.35	3.50
Electrician	7.50	7.65	6.35	6.00	6.55
Electrician Helper	-	3.15	-	4.00	4.00
Fireman	-	-	-	-	-
Form Builder (Structures)	4.00	4.00	4.00	4.25	4.50
Form Builder Helper (Structures)	3.00	3.50	3.75	3.35	3.25
Form Liner (Paving and Curb)	3.00	3.50	3.75	-	4.25
Form Setter (Paving and Curb)	3.50	3.35	4.00	3.85	3.75
Form Setter Helper (Paving & Curb)	2.75	2.75	3.50	-	3.50
Form Setter (Structures)	3.75	4.00	4.00	4.25	4.25
Form Setter Helper (Structures)	3.20	3.40	3.00	3.00	3.50
Laborer, Common	2.30	2.50	2.50	2.50	2.75
Laborer, Utility Man	3.00	2.90	3.00	3.00	3.00
Manhole Builder, Brick	3.50	3.85	-	-	-
Mechanic	4.10	4.25	4.50	4.45	4.45
Mechanic Helper	3.05	3.75	3.85	3.65	3.00
Oiler	2.70	3.35	3.25	3.65	3.75
Serviceman	2.50	3.50	3.50	3.50	3.95
Painter (Structures)	-	4.00	4.25	5.25	-
Painter Helper (Structures)	-	3.50	-	-	-
Filedriverman	3.95	3.75	-	-	4.50
Pipelayer	2.75	3.50	3.25	3.50	3.75
Pipelayer Helper	2.40	3.25	3.00	3.25	3.30
Pneumatic Mortarman	-	-	-	-	-
Powderman	-	-	4.40	4.00	4.50
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	-	-	-	3.30
Reinforcing Steel Setter (Structures)	3.70	3.50	4.00	4.00	4.25
Reinforcing Steel Setter Helper	2.60	3.00	3.75	2.75	2.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Steel Worker (Structural)	$ -	$ -	$4.25	$ -	$4.15
Steel Worker Helper (Structural)	-	-	-	-	3.75
Sign Erector	-	-	3.25	3.25	4.00
Sign Erector Helper	-	-	2.95	3.00	3.90
Spreader Box Man	3.55	3.60	3.00	4.00	3.75
Swamper	-	-	-	3.30	-
Power Equipment Operators:					
Asphalt Distributor	3.50	3.65	3.55	3.85	3.75
Asphalt Paving Machine	3.50	4.00	4.00	4.00	4.00
Broom or Sweeper Operator	2.85	3.50	2.50	3.15	3.25
Bulldozer, 150 HP and Less	3.50	3.50	3.75	3.75	3.85
Bulldozer, over 150 HP	3.90	4.00	4.00	4.00	4.25
Concrete Paving Curing Machine	-	3.50	-	3.50	4.50
Concrete Paving Finishing Machine	-	3.00	-	-	4.50
Concrete Paving Form Grader	-	3.50	-	-	-
Concrete Paving Gang Vibrator	-	3.50	-	-	-
Concrete Paving Grinder	-	3.50	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.25
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	-	-	-	3.50	4.15
Concrete Paving Spreader	-	-	-	-	3.00
Paving Sub Grader	-	3.50	-	-	4.10
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50	3.90	4.00	4.00	4.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50	4.50	4.75	4.25	4.75
Crusher or Screening Plant Op.	-	3.50	-	4.00	-
Elevating Grader	-	4.00	-	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	5.75	3.50	-
Foundation Drill Operator (Truck Mounted)	-	-	5.50	5.35	5.75
Foundation Drill Operator Helper	-	-	4.00	3.00	3.50
Front End Loader (2½ CY and Less)	3.40	3.75	3.45	3.75	3.50
Front End Loader (Over 2½ CY)	3.50	4.00	4.00	4.00	4.50
Hoist (Double Drum and Less)	-	-	-	-	-
Mixer (Over 16 CF)	3.00	-	-	-	3.75
Mixer (16 CF and Less)	3.00	-	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$4.50	$4.50	$4.50	$5.00	$4.50
Motor Grader Operator	3.50	3.85	3.90	4.25	4.25
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.65	3.30	3.15	3.25	3.90
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00	2.90	2.90	3.25	3.60
Roller, Pneumatic (Self-Propelled)	3.00	3.00	3.00	3.20	3.00
Scrapers (17 CY and Less)	3.00	3.25	3.25	3.75	4.00
Scrapers (Over 17 CY)	3.75	3.75	3.75	4.00	4.25
Self-Propelled Hammer	3.15	-	-	-	4.25
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	2.75	2.75	2.75	3.50	3.45
Tractor (Crawler Type) over 150 HP	3.50	3.75	3.00	4.25	4.30
Tractor (Pneumatic) 80 HP and Less	3.00	2.75	2.50	2.75	3.75
Tractor (Pneumatic) over 80 HP	3.35	3.30	3.25	3.75	4.25
Traveling Mixer	3.25	3.05	-	3.60	3.25
Trenching Machine, Light	3.40	3.25	3.25	3.25	-
Trenching Machine, Heavy	-	-	4.00	4.00	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	3.25	2.50	3.60	3.80
Truck Drivers:					
Single Axle, Light	2.50	3.00	3.00	3.15	3.00
Single Axle, Heavy	2.75	3.00	-	-	3.50
Tandem Axle or Semitrailer	-	3.15	3.50	-	3.50
Lowboy-Float	3.50	3.50	-	3.35	4.30
Transit-Mix	-	-	-	-	3.25
Winch	-	3.00	-	-	3.25
Vibrator Man (Hand Type)	-	2.50	-	-	-
Weighman (Truck Scales)	-	-	-	2.50	3.25
Welder	3.75	4.00	4.85	4.35	4.80
Welder Helper	-	3.50	-	3.25	-

	ZONE 11 Basic Hourly Rates	ZONE 12 Basic Hourly Rates	ZONE 13 Basic Hourly Rates	ZONE 14 Basic Hourly Rates	ZONE 15 Basic Hourly Rates
Air Tool Man	$2.80	$ -	$2.75	$2.50	$3.00
Asphalt Heaterman	-	3.00	3.50	-	3.75
Asphalt Raker	4.00	3.75	3.70	3.25	4.00
Asphalt Shoveler	3.15	2.50	3.10	-	3.50
Batching Plant Scaleman	3.80	3.90	2.75	2.85	4.75
Batterboard Setter	-	-	-	-	4.15
Carpenter	4.25	4.50	5.25	5.00	4.80
Carpenter Helper	3.20	3.50	3.00	3.75	3.75
Concrete Finisher (Paving)	4.50	5.00	4.50	-	5.00
Concrete Finisher Helper (Paving)	3.00	3.55	3.35	-	3.50
Concrete Finisher (Structures)	4.00	4.00	4.00	4.50	4.60
Concrete Finisher Helper (Structures)	3.50	3.50	3.50	3.30	3.75
Concrete Rubber	3.10	3.10	-	-	3.80
Electrician	5.50	5.75	5.75	6.00	6.00
Electrician Helper	3.75	-	-	3.50	4.20
Fireman	-	-	2.90	3.00	-
Form Builder (Structures)	4.10	4.15	4.25	4.25	5.00
Form Builder Helper (Structures)	3.50	3.25	3.20	3.85	3.60
Form Liner (Paving and Curb)	3.75	4.05	3.75	-	5.00
Form Setter (Paving and Curb)	4.00	3.75	3.50	-	4.50
Form Setter Helper (Paving & Curb)	3.00	3.15	3.00	-	3.50
Form Setter (Structures)	4.25	4.25	4.20	4.25	4.65
Form Setter Helper (Structures)	3.85	3.75	3.15	3.50	3.50
Laborer, Common	2.75	2.50	2.75	2.50	3.00
Laborer, Utility Man	3.10	3.30	3.00	3.00	3.50
Manhole Builder, Brick	-	-	-	-	3.90
Mechanic	4.35	4.50	4.65	4.50	5.35
Mechanic Helper	3.40	3.60	3.60	3.45	4.00
Oiler	3.00	3.75	3.75	3.25	4.25
Serviceman	3.50	3.35	3.75	2.75	3.15
Painter (Structures)	5.50	4.50	-	-	4.90
Painter Helper (Structures)	4.50	-	-	-	3.25
Piledriverman	-	5.00	-	-	5.50
Pipelayer	3.95	3.80	3.50	3.25	4.25
Pipelayer Helper	3.25	2.70	2.75	2.75	3.10
Pneumatic Mortarman	-	-	-	-	-
Powderman	4.50	4.25	-	3.40	-
Powderman Helper	-	3.25	-	-	-
Reinforcing Steel Setter (Paving)	-	3.50	-	-	4.25
Reinforcing Steel Setter (Structures)	4.00	4.20	3.80	3.25	4.65
Reinforcing Steel Setter Helper	3.50	3.00	3.00	-	3.00

	ZONE 11 Basic Hourly Rates	ZONE 12 Basic Hourly Rates	ZONE 13 Basic Hourly Rates	ZONE 14 Basic Hourly Rates	ZONE 15 Basic Hourly Rates
Steel Worker (Structural)	$3.75	$4.35	$ -	$ -	$4.35
Steel Worker Helper (Structural)	3.00	-	-	-	3.25
Sign Erector	4.00	-	-	-	3.25
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	3.65	3.50	4.10	3.75	3.75
Swamper	3.30	3.30	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.85	3.60	4.00	3.10	4.25
Asphalt Paving Machine	4.00	4.00	3.90	3.90	4.40
Broom or Sweeper Operator	-	3.75	2.75	3.25	3.40
Bulldozer, 150 HP and Less	3.75	3.75	4.00	3.50	4.10
Bulldozer, over 150 HP	4.50	4.25	4.50	4.30	5.00
Concrete Paving Curing Machine	4.00	5.00	-	-	4.45
Concrete Paving Finishing Machine	3.00	4.50	-	-	4.65
Concrete Paving Form Grader	4.00	-	-	-	4.25
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	5.25
Concrete Paving Joint Sealer	4.00	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Mixer	4.00	4.50	-	-	-
Concrete Paving Saw	3.75	4.50	-	-	5.00
Concrete Paving Spreader	-	4.00	-	-	5.40
Paving Sub Grader	3.75	4.00	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.25	4.00	4.20	3.85	4.55
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	4.50	4.50	4.95	4.50	5.00
Crusher or Screening Plant Op.	3.85	4.00	-	3.25	3.50
Elevating Grader	-	-	-	-	-
Form Loader	3.35	3.75	-	-	3.80
Foundation Drill Operator (Crawler Mounted)	-	5.80	3.50	-	6.00
Foundation Drill Operator (Truck Mounted)	4.55	5.75	6.00	-	4.50
Foundation Drill Operator Helper	3.35	4.00	-	-	-
Front End Loader (2½ CY and Less)	3.75	3.75	3.75	3.25	4.10
Front End Loader (Over 2½ CY)	4.45	4.50	4.50	3.90	4.60
Hoist (Double Drum and Less)	-	-	-	-	3.50
Mixer (Over 16 CF)	-	4.50	-	-	-
Mixer (16 CF and Less)	3.75	-	-	-	4.25

	ZONE 11 Basic Hourly Rates	ZONE 12 Basic Hourly Rates	ZONE 13 Basic Hourly Rates	ZONE 14 Basic Hourly Rates	ZONE 15 Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$4.80	$4.50	$4.85	$4.50	$5.00
Motor Grader Operator	4.00	4.00	4.00	4.00	4.75
Pump Crete	-	3.60	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.90	3.65	3.50	3.00	4.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50	3.50	3.50	3.15	3.60
Roller, Pneumatic (Self-Propelled)	3.45	3.15	3.65	2.75	3.50
Scrapers (17 CY and Less)	3.75	3.75	3.85	3.50	4.00
Scrapers (Over 17 CY)	4.50	4.00	4.50	4.00	4.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	3.35	-	-
Tractor (Crawler Type) 150 HP and Less	3.25	3.50	3.50	-	3.75
Tractor (Crawler Type) over 150 HP	4.25	4.00	4.40	4.25	4.50
Tractor (Pneumatic) 80 HP and Less	3.00	3.35	3.75	3.00	3.00
Tractor (Pneumatic) over 80 HP	4.10	3.50	4.00	-	3.25
Traveling Mixer	3.25	4.00	3.50	3.00	3.25
Trenching Machine, Light	3.75	-	-	-	3.75
Trenching Machine, Heavy	3.85	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35	3.40	-	3.00	3.10
Truck Drivers:					
Single Axle, Light	3.00	3.00	3.00	3.00	3.00
Single Axle, Heavy	3.50	3.00	3.50	-	3.75
Tandem Axle or Semitrailer	3.00	3.00	3.25	3.00	3.00
Lowboy-Float	3.75	3.00	4.25	-	4.25
Transit-Mix	3.50	-	-	-	3.50
Winch	3.50	-	-	-	3.50
Vibrator Man (Hand Type)	3.00	2.50	-	-	-
Weighman (Truck Scales)	2.85	3.00	-	-	3.20
Welder	4.75	4.50	4.50	3.60	5.40
Welder Helper	3.50	-	-	-	4.00

	ZONE 16 Basic Hourly Rates				
Air Tool Man	$ -				
Asphalt Heaterman	3.60				
Asphalt Raker	4.00				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.00				
Batterboard Setter	-				
Carpenter	5.00				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	5.00				
Concrete Finisher Helper (Paving)	3.75				
Concrete Finisher (Structures)	4.75				
Concrete Finisher Helper (Structures)	3.50				
Concrete Rubber	-				
Electrician	6.75				
Electrician Helper	-				
Fireman	-				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	-				
Form Liner (Paving and Curb)	-				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving & Curb)	-				
Form Setter (Structures)	4.85				
Form Setter Helper (Structures)	3.50				
Laborer, Common	3.00				
Laborer, Utility Man	4.00				
Manhole Builder, Brick	-				
Mechanic	4.75				
Mechanic Helper	4.00				
Oiler	4.00				
Serviceman	3.25				
Painter (Structures)	-				
Painter Helper (Structures)	-				
Piledriverman	3.00				
Pipelayer	3.25				
Pipelayer Helper	-				
Pneumatic Mortarman	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	-				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Steel Worker (Structural)	$ -				
Steel Worker Helper (Structural)	-				
Sign Erector	-				
Sign Erector Helper	-				
Spreader Box Man	4.50				
Swamper	-				
Power Equipment Operators:					
Asphalt Distributor	5.00				
Asphalt Paving Machine	4.60				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.75				
Bulldozer, over 150 HP	5.00				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Form Grader	4.50				
Concrete Paving Gang Vibrator	-				
Concrete Paving Grinder	-				
Concrete Paving Joint Machine	4.50				
Concrete Paving Joint Sealer	-				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	-				
Concrete Paving Saw	-				
Concrete Paving Spreader	4.50				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00				
Crusher or Screening Plant Op.	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	4.25				
Front End Loader (Over 2½ CY)	5.35				
Hoist (Double Drum and Less)	-				
Mixer (Over 16 CF)	-				
Mixer (16 CF and Less)	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$5.00				
Motor Grader Operator	4.50				
Pump Crete	-				
Roller, Steel Wheel (Plant-Mix Pavements)	4.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.50				
Roller, Pneumatic (Self-Propelled)	4.50				
Scrapers (17 CY and Less)	4.35				
Scrapers (Over 17 CY)	5.00				
Self-Propelled Hammer	-				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	-				
Tractor (Crawler Type) over 150 HP	4.50				
Tractor (Pneumatic) 80 HP and Less	3.50				
Tractor (Pneumatic) over 80 HP	4.50				
Traveling Mixer	4.50				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.25				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	4.95				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	5.05				
Welder Helper	-				

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AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in El Paso County

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ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell*, Bosque, Coryell*, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties

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ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

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ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston*, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Heavy Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Anderson, Cherokee & Henderson

DECISION NO.: TX76-4154

DATE: Date of Publication

Supersedes Decision No. TX76-4112, dated July 16, 1976, in 41 FR 29595.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and gardan type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.30				
BRICKLAYERS	5.00				
CARPENTERS	4.80				
CEMENT MASONS	3.12				
ELECTRICIANS	6.35		1%		1/4%
IRONWORKERS	4.25				
LABORERS	2.30				
PAINTERS:					
Brush	4.00				
Tape & bed	5.00				
PLUMBERS	5.50				
ROOFERS	3.50				
SHEET METAL WORKERS	3.00				
SOFT FLOOR LAYERS	3.50				
TRUCK DRIVERS	2.50				

DECISION NO. TX76-4154

INCIDENTIAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Mesterman	3.50				
Asphalt Raker	3.70				
Asphalt Shoveler	3.10				
Batching Plant Scaleman	2.75				
Carpenter	5.25				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.50				
Electrician	5.75				
Fireman	2.90				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.20				
Form Liner (Paving and Curb)	3.75				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving & Curb)	3.00				
Form Setter (Structures)	4.20				
Form Setter Helper (Structures)	3.15				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Mechanic	4.65				
Mechanic Helper	3.60				
Oiler	3.75				
Serviceman	3.75				
Pipelayer	3.50				
Pipelayer Helper	2.75				
Reinforcing Steel Setter (Structures)	3.80				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	4.10				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	3.90				
Broom or Sweeper Operator	2.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.20				

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	$ 4.95				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	6.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.50				
Motor Grader Operator, Fine Grade	4.85				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.65				
Scrapers (17 CY and Less)	3.85				
Scrapers (Over 17 CY)	4.50				
Side Boom	3.35				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.40				
Tractor (Pneumatic) 80 HP & Less	3.75				
Tractor (Pneumatic) over 80 HP	4.00				
Traveling Mixer	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.25				
Lowboy-Float	4.25				
Welder	4.50				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX76-4155 DATE: Date of Publication

Supersedes Decision No. TX76-4078, dated May 7, 1976, in 41 FR 19032.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 8.95		.30		
CARPENTERS	8.85				
CEMENT MASONS	8.30				
ELECTRICIANS	8.98	.40	1%		1/2%
LABORERS:					
Laborers	4.71	.34	.15		
Mason tenders	4.86	.34	.15		
PAINTERS	7.70		.30		
PLUMBERS	8.56	.35	.55	.60	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. TX76-4155

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.75				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.90				
Carpenter	4.00				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.30				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	4.80				
Concrete Finisher Helper (Structures)	3.50				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	4.10				
Form Setter Helper (Paving & Curb)	3.45				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	3.00				
Laborer, Utility Man	3.30				
Manhole Builder, Brick	3.75				
Mechanic	4.80				
Mechanic Helper	3.50				
Oiler	4.10				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.55				
Pipelayer Helper	3.00				
Powderman	4.40				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.05				
Sign Erector	3.23				
Spreader Box Man	4.30				
Swamper	3.65				
Power Equipment Operators:					
Asphalt Distributor	4.20				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.55				
Bulldozer, 150 BP and Less	3.70				
Bulldozer, over 150 HP	4.40				
Concrete Paving Curing Machine	3.75				

DECISION NO. TX76-4155

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Finishing Machine	$ 4.65				
Concrete Paving Form Grader	3.75				
Concrete Paving Mixer	4.75				
Concrete Paving Saw	4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.30				
Foundation Drill Op. (Crawler Mounted)	5.35				
Foundation Drill Op. (Truck Mounted)	5.85				
Foundation Drill Op. Helper	3.90				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.60				
Motor Grader Op., Fine Grade	5.05				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.65				
Roller, Pneumatic(Self-Propelled)	3.45				
Scrapers (17 CY and Less)	4.10				
Scrapers (Over 17 CY)	4.20				
Side Boom	4.00				
Tractor (Crawler Type) 150 HP and Less	3.30				
Tractor (Crawler Type) over 150 HP	3.95				
Tractor (Pneumatic) 80 HP & Less	3.75				
Tractor (Pneumatic) over 80 HP	4.20				
Traveling Mixer	4.35				
Trenching Machine	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Transit-Mix	3.50				
Winch	3.85				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	3.00				
Welder	5.05				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Camp, Delta, Fannin, Franklin, Hopkins, Lamar & Titus

DECISION NO. TX76-4156

DATE: Date of Publication

Supersedes Decision No. TX76-4114, dated July 16, 1976, in 41 FR 29599.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.50				
CARPENTERS	4.00				
CEMENT MASONS	4.50				
ELECTRICIANS	4.30				
LABORERS:					
Laborers	2.59				
Mason tenders	3.00				
LATHERS	7.90				
PAINTERS:					
Brush	4.00				
Taper	4.00				
PLASTERERS	7.465	.35		.50	.03
PLUMBERS	5.64				
ROOFERS	5.00				
SHEET METAL WORKERS	4.77				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	4.625				

DECISION NO. TX76-4156

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	3.75				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.90				
Carpenter	4.50				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	5.00				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.50				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.15				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	4.05				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper (Paving & Curb)	3.15				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Mechanic	4.50				
Mechanic Helper	3.60				
Oiler	3.75				
Serviceman	3.35				
Painter (Structures)	4.50				
Piledriverman	5.00				
Pipelayer	3.80				
Pipelayer Helper	2.70				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	4.20				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.35				
Spreader Box Man	3.50				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.60				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.75				

Page 3

DECISION NO. TX76-4156

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Bulldozer, 150 HP and Less	$ 3.75				
Bulldozer, over 150 HP	4.25				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.50				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.00				
Form Loader	3.75				
Foundation Drill Op. (Crawler Mounted)	5.80				
Foundation Drill Op. (Truck Mounted)	5.75				
Foundation Drill Op. Helper	4.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Op., Fine Grade	4.50				
Motor Grader Operator	4.00				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix Pavements)	3.65				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP & Less	3.35				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	3.00				
Welder	4.50				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX76-4157

DATE: Date of Publication

Supersedes Decision No. TX76-4079, dated May 7, 1976, in 41 FR 19034.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$ 9.88	.42	.60		.08
ZONE 2 - Bosque, Hill & McLennan Counties	9.38	.325	.685		.025
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS	8.60		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:					
Carpenters	7.74				
Millwrights	7.99				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties:					
Carpenters	7.97	.23			
Millwrights	8.37	.23			
CEMENT MASONS	8.04	.40	.20		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	9.25		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	10.30		1%		.8%
ELEVATOR CONSTRUCTORS	9.33	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.60				
IRONWORKERS	8.85	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	8.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	10.96		1%		1/2%
Cable splicer	12.06		1%		1/2%
Groundman, 1st 6 months	6.58		1%		1/2%
Groundman, 2nd 6 months	7.12		1%		1/2%
Groundman, 1 year & over	7.67		1%		1/2%

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DECISION NO. TX76-4157

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 6.80				.04
GROUP 2 - Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	7.30				.04
GROUP 3 - Ames tools for dry walls	7.40				.04
GROUP 4 - Spray work & self feeding rollers	7.55				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	7.90				.04
PLASTERERS	9.29	.25	.20		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	8.00	.30	.30		.03
ZONE 2 - All other areas	8.40	.30	.30		.03
ROOFERS:					
GROUP 1 - Slate, tile, asbestos roofing & siding	6.45				.03
GROUP 2 - Composition, built-up, damp & waterproofing	6.30				.03
GROUP 3 - Kettlemen	4.725				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Courthouse, Waco	8.51				.05
ZONE 2 - Over 20 miles but less than 45 miles	9.01				.05
ZONE 3 - Over 45 miles	9.51				.05
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX76-4157

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays - A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4157

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel; power operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations
GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator
GROUP 3 - Fireman
GROUP 4 - Oiler

DECISION NO. TX76-4157

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.00				
Asphalt Heaterman	3.25				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.15				
Carpenter	4.10				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.30				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.35				
Form Setter (Paving and Curb)	3.85				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.45				
Mechanic Helper	3.65				
Oiler	3.65				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer (Concrete & Clay)	3.50				
Pipelayer Helper (Concrete & Clay)	3.25				
Plumbers:					
Zone 1 - 35 miles from Waco, Texas including town of Temple	8.00	.30	.30		.03
Zone 2 - all area not included in Zone 1	8.40	.30	.30		.03
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	2.75				
Sign Erector	3.25				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Swamper	3.30				

DECISION NO. TX76-4157

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.85				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.15				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	3.50				
Concrete Paving Saw	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Op.	4.00				
Foundation Drill Op. (Crawler Mounted)	3.50				
Foundation Drill Op. (Truck Mounted)	3.35				
Foundation Drill Op. Helper	3.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Op., Fine Grade	5.00				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25				
Roller, Pneumatic(Self-Propelled)	3.20				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP & Less	2.75				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.60				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60				
Truck Drivers:					
Single Axle, Light	3.15				
Lowboy-Float	3.35				
Weighman (Truck Scales)	2.50				
Welder	4.35				
Welder Helper	3.25				

[FR Doc.76-28456 Filed 9-30-76;8:45 am]

Index to General Wage Determination Decisions and Modifications as of September 3, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

Abbreviations

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 24th day of September 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32108 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
41 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741- 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
Mod. #4 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.)

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1049 (B)
41 FR 16319 - 4/16/76
Mod. #1 - 41 FR 19004- 5/7/76
Mod. #2 - 41 FR 20117 - 5/14/76
Mod. #3 - 41 FR 21028 - 5/21/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 30492 - 7/23/76
Mod. #3 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (Cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 26423 - 6/25/76
Mod. #3 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(B) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) See Statewide
MOBILE COUNTY
Decision #AL76-1063 (B)
41 FR 21045 - 5/21/76
(D,Hw) 21045 - Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
Mod. #3 - 41 FR 31028 - 5/21/76
Mod. #4 - 41 FR 38708 - 9/10/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

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ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 33125 - 8/6/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-506B (B,H,Hw,D,R)
41 FR 32109 - 7/30/76

ARIZONA

STATEWIDE
Decision #AZ76-5075 (B,H,Hw)
41 FR 35331 - 8/20/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian
Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5076 (R)
41 FR 35340 - 8/20/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5077 (R)
41 FR 35345 - 8/20/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction
Alteration, and/or repair of
streets, highways, runways,
and water & sewer utilities)
41 FR 27547 - 7/2/76
Mod. #1 - 41 FR 29606 - 7/16/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4130 (B)
41 FR 30509 - 7/23/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4132 (B)
41 FR 30511 - 7/23/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (B)
41 FR 30513 - 7/23/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

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ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4119 (D)
41 FR 29617 - 7/16/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5063 (B,H,Hw,D)
41 FR 29619 - 7/16/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #CA76-5064 (R)
41 FR 29637 - 7/16/76
Mod. #1 - 41 FR 36366 - 8/27/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5058 (B,D,H,Hw)
41 FR 27549 - 7/2/76
Mod. #1 - 41 FR 30492 - 7/23/76
Decision #CA76-5059 (R)
41 FR 27559 - 7/2/76
Mod. #1 - 41 FR 30496 - 7/23/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5061 (B,H,Hw,D)
41 FR 26429 - 6/25/76
Mod. #1 - 41 FR 30499 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA76-5062 (R)
41 FR 26436 - 6/25/76
Mod. #1 - 41 FR 30500 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

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COLORADO

STATEWIDE
Decision #C076-5067 (Hw)
41 FR 32115 - 7/30/76
ADAMS COUNTY
Decision #C076-5042 (B,H)
41 FR 21046 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Decision #C075-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #C076-5045 (B,H)
41 FR 21069 - 5/21/76
Mod. #1 - 41 FR 26425 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.)

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #C076-5043 (B,H)
41 FR 21055 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R)-- See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #C076-5044 (B,H)
41 FR 21061 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2042 (B,H,Hw,R)
41 FR 14276- 4/2/76
Mod. #1 - 41 FR 17287 - 4/23/76
Mod. #2 - 41 FR 21030 - 5/21/76
Mod. #3 - 41 FR 29607 - 7/16/76
Mod. #4 - 41 FR 33125 - 8/6/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2043 (B,H,Hw)
41 FR 14285 - 4/2/76
Mod. #1 - 41 FR 17289 - 4/23/76
Mod. #2 - 41 FR 21031 - 5/21/76
Mod. #3 - 41 FR 29607 - 7/16/76
Mod. #4 - 41 FR 33125 - 8/6/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
Mod. #1 - 41 FR 35318 - 8/20/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23804 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
)BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Mod. #2 - 41 FR 35318 - 8/20/76
Mod. #3 - 41 FR 37474 - 9/3/76
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
#BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
Mod. #2 - 41 FR 37473 - 9/3/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Mod. #1 - 41 FR 37474 - 9/3/76
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75
Mod. #1 - 40 FR 55609 - 11/29/75
Mod. #2 - 41 FR 27539 - 7/2/76
(D) - See Brevard County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (B)
41 FR 37469 - 9/3/76
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

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FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Malabar Radar Site)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
(Hw) - See Brevard Co. (Remainder of Co.) (Cape Kennedy, Etc.)
(B,H,Hw) - See Brevard Co. (Cape Kennedy, Etc.)
(D) - See Brevard Co.
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide

GEORGIA (Cont'd.)

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 28461 - 7/9/76
Mod. #5 - 41 FR 37474 - 9/3/76
(D,R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1089 (B)
41 FR 36378 - 8/27/76

Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Cobb County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

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GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (B)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 21033 - 5/21/76
Mod. #5 - 41 FR 32101 - 7/30/76
Mod. #6 - 41 FR 37474 - 9/3/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI76-5081 (B,H,Hw,D,R)
41 FR 36380 - 8/27/76

IDAHO

STATEWIDE
Decision $ID76-5066 (B,H,Hw)
41 FR 30515 - 7/23/76
Mod. #1 - 41 FR 33126 - 8/6/76
Mod. #2 - 41 FR 34479 - 8/13/76
Mod. #3 - 41 FR 35319 - 8/20/76
Mod. #4 - 41 FR 36367 - 8/27/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

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IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
40 FR 4754 - 1/30/76
Mod. #1 - 41 FR 7888 - 2/20/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2079 (H,Hw)
41 FR 34496 - 8/13/76
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 8652 - 2/27/76
Mod. #1 - 41 FR 11722 - 3/19/76
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2063 (B)
41 FR 20123 - 5/21/76
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2047 (B)
41 FR 16363 - 4/16/76
CLARKE COUNTY
Decision #IL76-2108 (B)
41 FR 36361 - 8/27/76
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
(B) - See Clark County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/6/76
Mod. #1 - 41 FR 20120 - 5/14/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS

CRAWFORD COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
Mod. #1 - 41 FR 16308 - 4/16/76
(H,Hw) - See Boone County
EDGAR COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
EDWARDS COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2068 (B)
41 FR 21977 - 5/28/76
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1-41 FR 14272 - 4/2/76
Mod. #2-41 FR 15233 - 4/9/76
Mod. #3-41 FR 20121 - 5/14/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County

ILLINOIS (Cont'd)

HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(D,H,Hw) - See Alexander County
JASPER COUNTY
(H,Hw) - See Bond County
(B) - See Clarke County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2072 (B)
41 FR 22715 - 6/4/76
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MC LEAN COUNTY
Decision #IL76-2067 (B)
41 FR 21974 - 5/28/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County

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ILLINOIS (Cont'd.)

MADISON COUNTY
Decision #IL76-2078 (B,R)
41 FR 34492 - 8/13/76
(H,Hw) - See Bond County
MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(B,H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(D,H,Hw) - See Alexander County
(B) - See Bond County
(B) - See Clarke County
RICHLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7898 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(B,H,Hw) - See Bond County
WAYNE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2084 (H,Hw)
41 FR 27585 - 7/2/76
Mod. #1 - 41 FR 34480 - 8/13/76
Mod. #2 - 41 FR 35321 - 8/20/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2082 (B)
41 FR 27567 - 7/2/76
Mod. #1 - 41 FR 34479 - 8/13/76
Mod. #2 - 41 FR 35319 - 8/20/76
Mod. #3 - 41 FR 37475 - 9/3/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2083 (B,H,Hw)
41 FR 27577 - 7/2/76
Mod. #1 - 41 FR 34480 - 8/13/76
Mod. #2 - 41 FR 35320 - 8/20/76
Mod. #3 - 41 FR 37475 - 9/3/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

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INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
Mod. #1 - 41 FR 33127 - 8/6/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30482 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Uecision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4099 (B,H,Hw)
41 FR 24844 - 6/18/76
Mod. #1 - 41 FR 33127 - 8/6/76
(H,Hw)(Excluding Mason City)- See Butler Co.
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4056 (B,H,Hw)
41 FR 8674 - 2/27/76
Mod. #1 - 41 FR 24833 - 6/18/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA76-4057 (B,H,Hw)
41 FR 8676 - 2/27/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4058 (B,H,Hw)
41 FR 8679 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
Nooe
HUMBOLOT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4059 (B,H,Hw)
41 FR 8682 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4060 (B,H,Hw)
41 FR 8685 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4061 (B,H,Hw)
41 FR 8688 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
Mod. #1 - 41 FR 15235 - 4/9/76
SHELBY COUNTY
None
STOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4064 (B)
41 FR 8697 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
Mod. #1 - 41 FR 27542 - 7/2/76
Mod. #2 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - See Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS76-4134 (Hw)
41 FR 32127 - 7/30/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

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KANSAS (Cont'd.

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS76-4097 (B)
41 FR 23896 - 6/11/76
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Decision #KS76-4095 (R)
41 FR 23890 - 6/11/76
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision # MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Mod. #1 - 41 FR 34481 - 8/13/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS76-4098 (B)
41 FR 23899 - 6/11/76
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY76-1079 (B)
41 FR 30529 - 7/23/76
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/20/75
Mod. #2 - 41 FR 29610 - 7/16/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24177 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 18048 - 3/26/76
Mod. #2 - 41 FR 20118 - 5/14/76
Mod. #3 - 41 FR 23887 - 6/11/76
Mod. #4 - 41 FR 29610 - 7/16/76
Mod. #5 - 41 FR 36368 - 8/27/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D,R) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 20119 - 5/14/76
Mod. #3 - 41 FR 24834 - 6/18/76
Mod. #4 - 41 FR 29611 - 7/16/76
Mod. #5 - 41 FR 35323 - 8/20/76
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY

ADAIR COUNTY
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/20/75
Mod. #2 - 41 FR 29610 - 7/16/76
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43491 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
BALLARD COUNTY
Decision #AL76-502B (D)
41 FR 14284 - 4/2/76
(H,Hw) - See Allen County
BARREN COUNTY
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
Mod. #1 - 41 FR 10820 - 3/12/76
Mod. #2 - 41 FR 11727 - 3/19/76
Mod. #3 - 41 FR 20119 - 5/14/76
Mod. #4 - 41 FR 24834 - 6/18/76
Mod. #5 - 41 FR 29436 - 7/16/76
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(R) - See Boone County
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,Hw,D,R) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D,R) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AO-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21997 - 5/28/76
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

V 41 N 192 OCT 1 76 UMI

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
Mod. #1 - 41 FR 29612 - 7/16/76
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,R) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd,)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
(R) - See Adair County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #KY76-1077 (B)
41 FR 30525 - 7/23/76
Mod. #1 - 41 FR 35323 - 8/20/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-502B (D)
41 FR 14284 - 4/2/76
Decision #LA76-4143 (B,Hw,R)
41 FR 35349 - 8/20/76

ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

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LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3216 (B)
41 FR 32132 - 7/30/76
Decision #MD76-3217 - (H,Hw)
41 FR 32134 - 7/30/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3227 (B,H)
41 FR 32146 - 7/30/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3219 (Hw)
41 FR 32139 - 7/30/76
Decision #MD76-3218 (B,H)
41 FR 32136 - 7/30/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
41 FR 10069 - 3/15/74
Mod. #1 - 41 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R, & Marine)
41 FR 34509 - 8/13/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw,R, & Marine)
41 FR 37479 - 9/3/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR 37490 - 9/3/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
Mod. #1 - 41 FR 22719 - 6/4/76
ALCONA COUNTY
Decision #MI76-2031 (B,H)
41 FR 10831 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2050 (B,H)
41 FR 16393 - 4/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2051 (B,H)
41 FR 16396 - 4/16/76
Mod. #1 - 41 FR 24836 - 6/18/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #MI76-2107 (R)
41 FR 35381 - 8/20/76
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

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MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI76-2081 (R)
41 FR 26448 - 6/25/76
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2049 (B,H)
41 FR 16390 - 4/16/76
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI76-2052 (B,H,R)
41 FR 16401 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2013 (H,Hw)
41 FR 20131 - 5/14/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
Mod. #2 - 41 FR 20127 - 5/14/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

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MISSISSIPPI

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,) - See Hancock County
(R) - See George County
(D,F,Hw,W&S) - See Statewide
HINDS COUNTY
Decision #MS76-1084 (B)
41 FR 35382 - 8/20/76
Mod. #1 - 41 FR 36368 - 8/27/76
Mod. #2 - 41 FR 37476 - 9/3/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F,H,W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F,H,W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(B) - See Issaquena County
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(B) - See Issaquena County
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WASHINGTON COUNTY
(B) - See Issaquena County
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4105 (H,Hw)
41 FR 27608 - 7/2/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

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MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA (Cont'd

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide

SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KETAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4205 (B)
41 FR 23903 - 6/11/76
Mod. #1 - 41 FR 43143 - 7/2/76
Decision #NE75-4152 (R)
40 FR 42502 - 9/12/75
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

MANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #NO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R)- See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

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NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5069 (B,H,Hw)
41 FR 32150 - 7/30/76
Mod. #1 - 41 FR 34484 - 8/13/76
Mod. #2 - 41 FR 35325 - 8/20/76
Mod. #3 - 41 FR 36375 - 8/27/76
Mod. #4 - 41 FR 37476 - 9/3/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5074 (R)(Excluding the Nevada Test Site)
41 FR 33162 - 8/6/76
Mod. #1 - 41 FR 35327 - 8/20/76
Mod. #2 - 41 FR 36376 - 8/27/76
Mod. #3 - 41 FR 37476 - 9/3/76
(B,H,Hw) - See Statewide
Decision #NV76-5080 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 35384 - 8/20/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5065 (R)
41 FR 27628 - 7/2/76
Mod. #1 - 41 FR 30502 - 7/23/76
Mod. #2 - 41 FR 33128 - 8/6/76
Mod. #3 - 41 FR 35323 - 8/20/76
Mod. #4 - 41 FR 36374 - 8/27/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH76-2093 (B,H,Hw,R)
41 FR 32162 - 7/30/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH76-2095 (B,H,Hw,R, & Marine)
41 FR 32165 - 7/30/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3127 (B,H,Hw)
41 FR 8702 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 14273 - 4/2/76
Mod. #3 - 41 FR 16311 - 4/16/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 8628 - 2/27/76
Decision #NJ76-3128 (B,H,Hw)
41 FR 8717 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 16311 - 4/16/76
Mod. #3 - 41 FR 34486 - 8/13/76
(D) - See Atlantic County

NEW JERSEY

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM76-4141 (Streets, Highways, Utilities and Light Engineering Construction)
41 FR 33166 - 8/6/76
Decision #NM76-4144 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
41 FR 37495 - 9/3/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3197 (B,H,Hw)
41 FR 26497 - 6/25/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3203 (B,H,Hw)
41 FR 30553 - 7/23/76
Mod. #1 - 41 FR 35328 - 8/20/76
Decision #NY76-3228 (R)
41 FR 34526 - 8/13/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3240 (B,H,Hw)
41 FR 35439 - 8/20/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3239 (B,H,Hw)
41 FR 35434 - 8/20/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3243 (B,H,Hw)
41 FR 35453 - 8/20/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3234 (B,H,Hw)
41 FR 35417 - 8/20/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3236 (B,H,Hw)
41 FR 36387 - 8/27/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY76-3237 (B,H,Hw)
41 FR 35429 - 8/20/76
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3238 (B,H,Hw)
41 FR 36393 - 8/27/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3224 (B,H,Hw)
41 FR 35387 - 8/20/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3241 (B,H,Hw)
41 FR 35443 - 8/20/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY76-3229 (B,H,Hw)
41 FR 35392 - 8/20/76
ONONDAGA COUNTY
Decision #NY76-3230 (B,H,Hw)
41 FR 35398 - 8/20/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3232 (B,H,Hw)
41 FR 35409 - 8/20/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3242 (B,H,Hw)
41 FR 35447 - 8/20/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3231 (B,H,Hw)
41 FR 35403 - 8/20/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision NY76-3235 (B,H,Hw)
41 FR 35424 - 8/20/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #NC76-3235 (B,H,Hw)
41 FR 35424 - 8/20/76
Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
Mod. #1 - 41 FR 28464 - 7/9/76
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - 8/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide.
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.)

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(B) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

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NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(B,R) - See Carteret County
(S,W,H,Hw) - See Statewide
ORANGE COUNTY
(B) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1087 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(B) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/20/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5037 (B)
41 FR 16416 - 4/16/76
Mod. #1 - 41 FR 21995 - 5/28/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

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STATEWIDE
Decision #0H76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
ADAMS COUNTY
Decision #1L76-5026 (D)
41 FR 12858 - 3/26/76
Mod. #1 - 41 FR 34486 - 8/13/76
Mod. #2 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #0H76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #0H76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #1L76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #0H76-2062 (B)
41 FR 21120 - 5/21/76
Decision #0H76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #0H76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #0H76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #0H76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #0H76-2069 (B,R)
41 FR 23909 - 6/11/76
(H,Hw) - See Statewide

OHIO (Cont'd)

(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #0H76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #0H76-2044 (B)
41 FR 15313 - 4/9/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #0H75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #0H76-2076 (B)
41 FR 24851 - 6/18/76
Mod. #1 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
Decision #0H76-2088 (B)
41 FR 32089 - 7/30/76
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #0H76-2088 (B)
41 FR 24849 - 6/18/76
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #0H76-2073 (B,R)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #0H76-2059 (B)
41 FR 19018 - 5/7/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #0H76-2085 (B,R)
41 FR 30557 - 7/23/76
(H,Hw) - See Statewide

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OHIO (Cont'd.

WARREN COUNTY
(R) - See Butler County
(H,HW) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,HW) - See Statewide
WAYNE COUNTY
(H,HW) - See Statewide
WILLIAMS COUNTY
(H,HW) - See Statewide
WOOD COUNTY
Decision #0H76-2055 (B)
41 FR 18261 - 4/30/76
(H,HW) - See Statewide
WYANDOT COUNTY
(H,HW) - See Statewide

OHIO (Cont'd.)

MARION COUNTY
(H,HW) - See Statewide
MEDINA COUNTY
(H,HW) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,HW) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,HW) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,HW) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,HW) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,HW) - See Statewide
MORGAN COUNTY
(H,HW) - See Statewide
MORROW COUNTY
(H,HW) - See Statewide
MUSKINGUM COUNTY
Decision #0H76-2096 (B)
41 FR 32169 - 7/30/76
(H,HW) - See Statewide
NOBLE COUNTY
(H,HW) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,HW) - See Statewide
PAULDING COUNTY
(H,HW) - See Statewide
PERRY COUNTY
(H,HW) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,HW) - See Statewide
PIKE COUNTY
Decision #0H76-2087 (B)
41 FR 30559 - 7/23/76
(H,HW) - See Statewide
PORTAGE COUNTY
Decision #0H76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,HW) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,HW) - See Statewide
PUTNAM COUNTY
(H,HW) - See Statewide
RICHLAND COUNTY
Decision #0H76-2053 (B)
41 FR 16303 - 4/16/76
(H,HW) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,HW) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,HW) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,HW) - See Statewide
SENECA COUNTY
(H,HW) - See Statewide
SHELBY COUNTY
(H,HW) - See Statewide
STARK COUNTY
Decision #0H76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,HW) - See Statewide
SUMMITT COUNTY
Decision #0H76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,HW) - See Statewide
TRUMBULL COUNTY
Decision #0H76-2092 (B,R)
41 FR 34528 - 8/13/76
(H,HW) - See Statewide
TUSCARAWAS COUNTY
Decision #0H76-2054 (B)
41 FR 17285 - 4/23/76
(H,HW) - See Statewide
UNION COUNTY
(H,HW) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,HW) - See Statewide
VINTON COUNTY
(H,HW) - See Statewide

OKLAHOMA (Cont'd.)

PAYNE COUNTY
(H,HW) - See Statewide
PITTSBURG COUNTY
Decision #0K76-4017 (B)
41 FR 5548 - 2/6/76
Mod. #1 - 41 FR 24837 - 6/18/76
Mod. #2 - 41 FR 32103 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
Mod. #4 - 41 FR 36377 - 8/27/76
(H,HW) - See Statewide
PONTOTOC COUNTY
(H,HW) - See Statewide
POTTAWATOMIE COUNTY
(H,HW) - See Statewide
(B,R) - See Canadian County
POSHMATAHA COUNTY
(H,HW) - See Statewide
ROGERS COUNTY
(H,HW) - See Statewide
ROGERS MILLS COUNTY
(H,HW) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,HW) - See Statewide
SEQUOYAH COUNTY
(H,HW) - See Statewide
STEPHENS COUNTY
(H,HW) - See Statewide
TEXAS COUNTY
(H,HW) - See Statewide
TILLMAN COUNTY
(H,HW) - See Statewide
TULSA COUNTY
Decision #0K76-4135 (B)
41 FR 32175 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
WAGONER COUNTY
Decision #0K76-4016 (B)
41 FR 5546 - 2/6/76
Mod. #1 - 41 FR 26426 - 6/25/76
Mod. #2 - 41 FR 32102 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
(H,HW) - See Statewide
WASHINGTON COUNTY
(H,HW) - See Statewide
WASHITA COUNTY
(H,HW) - See Statewide
WOODS COUNTY
(H,HW) - See Statewide
WOODWARD COUNTY
(H,HW) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #0K76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/76
ADAIR COUNTY
(B) - See Muskogee County
(H,HW) - See Statewide
ALFALFA COUNTY
(H,HW) - See Statewide
ATOKA COUNTY
(H,HW) - See Statewide
BEAVER COUNTY
(H,HW) - See Statewide
BECKHAM COUNTY
(H,HW) - See Statewide
BLAINE COUNTY
(H,HW) - See Statewide
BRYAN COUNTY
(H,HW) - See Statewide
Decision #0K76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See Canadian County
(H,HW) - See Statewide
CANADIAN COUNTY
(H,HW) - See Statewide
Decision #0K76-4136 (B)
41 FR 32177 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
Decision #0K76-4109 (R)
41 FR 27648 - 7/2/76
CARTER COUNTY
(H,HW) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,HW) - See Statewide
CHOCTAW COUNTY
(H,HW) - See Statewide
CIMARRON COUNTY
(H,HW) - See Statewide
CLEVELAND COUNTY
(H,HW) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,HW) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,HW) - See Statewide
Decision #0K76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #0K76-4138 (B)
41 FR 32182 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
COTTON COUNTY
(H,HW) - See Statewide
CRAIG COUNTY
(H,HW) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,HW) - See Statewide
CUSTER COUNTY
(H,HW) - See Statewide
DELAWARE COUNTY
(H,HW) - See Statewide
DEWEY COUNTY
(H,HW) - See Statewide
ELLIS COUNTY
(H,HW) - See Statewide
GARFIELD COUNTY
Decision #0K76-4020 (B)
41 FR 5555 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 23889 - 6/11/76
Mod. #3 - 41 FR 28038 - 6/18/76
Mod. #4 - 41 FR 32103 - 7/30/76
Mod. #5 - 41 FR 35328 - 8/20/76
(H,HW) - See Statewide
GARVIN COUNTY
(H,HW) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,HW) - See Statewide
GRANT COUNTY
(H,HW) - See Statewide
GREER COUNTY
(H,HW) - See Statewide
HARMON COUNTY
(H,HW) - See Statewide
HARPER COUNTY
(H,HW) - See Statewide
HASKELL COUNTY
(H,HW) - See Statewide
HUGHES COUNTY
(H,HW) - See Statewide
JACKSON COUNTY
(H,HW) - See Statewide
JEFFERSON COUNTY
(H,HW) - See Statewide
JOHNSTON COUNTY
(H,HW) - See Statewide
KAY COUNTY
(H,HW) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,HW) - See Statewide

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OREGON

STATEWIDE
Decision #OR76-5057 (B,H,Hw,D)
41 FR 26520 - 6/25/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
ALLEGHENY COUNTY
(H,Hw) - See Beaver County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Decision #PA76-3070 (B)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
ARMSTRONG COUNTY
(H,Hw) - See Butler County
(B) - See Allegheny County
BEAVER COUNTY
(H,Hw) - See Butler County
(H,Hw) - See Armstrong County
(B) - See Allegheny County
BEDFORD COUNTY
Decision #PA76-3168 (B)
41 FR 21122 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA76-3178 (B)
41 FR 23919 - 7/9/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3172 (B)
41 FR 22016 - 5/28/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 26427 - 6/25/76
BUTLER COUNTY
(B) - See Allegheny County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstron g County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41FR 30486 - 7/23/76
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
Mod. #1 - 41 FR 24840 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3155 (B)
41 FR 12862 - 3/26/76
Mod.f#1 - 41 FR 17295 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
Mod. #4 - 41 FR 26427 - 6/25/76
Mod. #5 - 41 FR 28464 - 7/9/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 7/9/76
Mod. #1 - 41 FR 26428 - 6/25/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
(H,Hw) - See Armstrong County
(B) - See Allegheny County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA76-3186 (B)
41 FR 24866 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3156 (B)
41 FR 12868 - 3/26/76
Mod. #1 - 41 FR 18266 - 4/30/76
Mod. #2 - 41 FR 24840 - 6/18/76
Mod. #3 - 41 FR 26427 - 6/25/76
Mod. #4 - 41 FR 28464 - 7/9/76
Mod. #5 - 41 FR 32104 - 7/30/76

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28456 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3180 (B)
41 FR 23922 - 6/11/76
Mod. #1 - 41 FR 26429 - 6/25/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3180 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76

(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Armstrong County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/20/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA76-3187 (B)
41 FR 24868 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #7 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Bedford County
SCHYUKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32106 - 7/30/76
(H,Hw) - See Adams County

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PENNSYLVANIA (Cont'd.)

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bedford County
(H,Hw) - See Adams County
UNION COUNTY
((B)-SSeeBBedford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 37477 - 9/3/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
Mod. #2 - 41 FR 37478 - 9/3/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
Mod. #2 - 41 FR 37478 - 9/3/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

UMI

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw)- See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H,Hw) - See Statewide
HAARON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw)- See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5055 (B)
41 FR 23926 - 6/11/76
Mod. #1 - 41 FR 27545 - 7/2/76
Mod. #2 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD76-5054 (B)
41 FR 23925 - 6/11/76
Mod. #1 - 41 FR 27545 - 7/2/76
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76

ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476- 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (Cont'd.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY

(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F,Hw) - See Statewide
FAYETTE COUNTY

(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY

(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1071 (B,H)
41 FR 23927 - 6/11/76
Mod. #1 - 41 FR 36377 - 8/27/76
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY

(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY

(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY

(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76

Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Dyer County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75

(F,Hw) - See Statewide
MARION COUNTY

(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County

(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1083 (B,H,W&S & Utility)
41 FR 33180 - 8/6/76
Mod. #1 - 41 FR 36377 - 8/27//G
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Dyer County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY

(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4077 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 19024 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
Mod. #2 - 41 FR 34487 - 8/13/76
ANDERSON COUNTY
Decision #TX76-4112 (R)
41 FR 29595 - 7/16/76
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4084 (B)
41 FR 21141 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 27545 - 7/2/76
Mod. #3 - 41 FR 30503 - 7/23/76
Mod. #4 - 41 FR 33128 - 8/6/76
Decision #TX76-4078 (R)
41 FR 19032 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
Mod. #2 - 41 FR 27545 - 7/2/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4125 (B)
41 FR 30563 - 7/23/76
Mod. #1 - 41 FR 35330 - 8/20/76
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4079 (B)
41 FR 19034 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
Mod. #2 - 41 FR 30503 - 7/23/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) - See Statewide
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX76-4113 (R)
41 FR 29597 - 7/16/76
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 17296 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
Mod. #4 - 41 FR 30503 - 7/23/76
Mod. #5 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4101 (B)
41 FR 24876 - 6/18/76
Mod. #1 - 41 FR 27545 - 7/2/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 32107 - 7/30/76
Mod. #4 - 41 FR 33128 - 8/6/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4126 (B)
41 FR 30565 - 7/23/76
Decision #TX76-4083 (R)
41 FR 19043 - 5/7/76
Mod. #1 - 41 FR 21039 - 5/21/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX76-4114 (R)
41 FR 29599 - 7/16/76
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4085 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 21144 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/6/76
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4106 (B,R)
41 FR 27649 - 7/2/76
Mod. #1 - 41 FR 32107 - 7/30/76
Mod. #2 - 41 FR 33129 - 8/6/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

MENTON COUNTY
(H,Hw) - See Statewide
MOLAM COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(J,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX76-4117 (R)
41 FR 29603 - 7/16/76
Decision #TX76-4127 (B)
41 FR 30491 - 7/23/76
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

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TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7920 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21037 - 5/21/76
Mod. #3 - 41 FR 30503 - 7/23/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4090 (B)
41 FR 21157 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 32107 - 7/30/76
Mod. #4 - 41 FR 35330 - 8/20/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4082 (R)
41 FR 19041 - 5/7/76
Decision #TX76-4128 (B)
41 FR 30566 - 7/23/76
Mod. #1 - 41 FR 33129 - 8/6/76
Mod. #2 - 41 FR 35330 8/20/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5052 (B,H,Hw)
41 FR 26537 - 6/25/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 33129 - 8/6/76
Mod. #3 - 41 FR 35330 - 8/20/76
Mod. #4 - 41 FR 36377 - 8/27/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd.)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (U)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD76-3225 (B)
41 FR 32141 - 7/30/76
Mod. #1 - 41 FR 34487 - 8/13/76
ALLEGHANY COUNTY

AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY

BATH COUNTY

BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTEBOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32189 - 7/30/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY

CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY

FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY

FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY

GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
(Hw) - See Amelia County

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VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY

HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY

LOUISA COUNTY

LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY

MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY

VIRGINIA (Cont'd)

PAGE COUNTY

PATRICK COUNTY
(Hw) - See Bedford COUNTY
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EUWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY

(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA76-3220 (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY

RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY

ROCKINGHAM COUNTY

RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY

(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack c-unty
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY

WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,W&S)
41 FR 32191 - 7/30/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5079 (B,H,Hw,D)
41 FR 35457 - 8/20/76

ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3226 (B,Hw,W&S)
41 FR 32194 - 7/30/76
Mod. #1 - 41 FR 36377 - 8/27/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

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WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 +R 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
Mod. #4 - 41 FR 24842 - 6/18/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
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(B) - See Barbour County
(H,Hw) - See Statewide
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39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
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(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
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(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
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(B) - See Braxton County
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(B) - See Barbour County
(H,Hw) - See Statewide
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(B) - See Braxton County
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(B) - See Braxton County
(H,Hw) - See Statewide
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(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
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(B) - See Braxton County
(H,Hw) - See Statewide
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(D) - See Cabell County
(H,Hw) - See Statewide
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(B) - See Barbour County
(H,Hw) - See Statewide
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(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

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41 FR 16425 - 4/16/76
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41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
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39 FR 36706 - 10/11/74
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39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
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(H,Hw, W&S) - See Statewide
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39 FR 36829 - 10/11/74
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DODGE COUNTY
(H,Hw, W&S) - See Statewide

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39 FR 36835 - 10/11/74
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39 FR 36839 - 10/11/74
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(H,Hw, W&S) - See Statewide
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(D) - See Ashland County
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(H,Hw, W&S) - See Statewide
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(B,R) - See Milwaukee County
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(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

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40 FR 21691 - 5/16/75
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(H,Hw, W&S) - See Statewide
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39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
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(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
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(H,Hw, W&S) - See Statewide
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(D) - See Ashland County
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(H,Hw, W&S) - See Statewide
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(H,Hw, W&S) - See Statewide
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(H,Hw, W&S) - See Statewide
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(H,Hw, W&S) - See Statewide
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(H,Hw, W&S) - See Statewide
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(H,Hw, W&S) - See Statewide
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(B,R) - See Milwaukee County
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(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
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(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
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39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
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WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
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(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5070 (B,H)
41 FR 33187 - 8/6/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(H(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.)

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.76-28455 Filed 9-30-76;8:45 am]



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federal register

MONDAY, OCTOBER 4, 1976

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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(Sept. 28, 1976; 90 Stat. 1324)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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Weekly Briefings at the Office of the Federal Register

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Title 3—The President

Executive Order 11939 • September 30, 1976

Basic Allowances for Quarters

By virtue of the authority vested in me by Sections 1009 (c) and (d) of Title 37 of the United States Code, as added by Section 303 of the Department of Defense Appropriation Authorization Act, 1977, Public Law 94–361, July 14, 1976, and as President of the United States of America and Commander in Chief of the Armed Forces, it is hereby ordered as follows:

SECTION 1. Section 403 of Part IV of Executive Order No. 11157 of June 24, 1964, as amended, is further amended by:

(a) inserting "(a)" after "Sec. 403.",

(b) redesignating clauses (a), (b), and (c) as (1), (2), and (3) respectively, and redesignating clauses (i) and (ii) as (A) and (B), respectively, and

(c) adding the following new subsection (b):

"(b) Whenever the President exercises his authority under Section 1009(c) of Title 37 of the United States Code, to allocate up to 25 percent of certain increases in basic pay to basic allowances for quarters, a member without dependents who, under Section 403 (b) or (c) of that title, is not entitled to a basic allowance for quarters shall become entitled to a portion of such basic allowance for quarters. The amount of such partial basic allowance for quarters shall equal the amount of any increases in basic pay which are allocated by the President to the basic allowance for quarters.".

SEC. 2. This Order shall become effective on October 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
September 30, 1976.

[FR Doc.76–29248 Filed 10–1–76;9:41 am]

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Executive Order 11940 • September 30, 1976

Continuing the Regulation of Exports

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a, 50 U.S.C. App. 5(b)), and as President of the United States of America, and in view of the continued existence of the national emergencies declared by Presidential Proclamation No. 2914 of December 16, 1950, and Presidential Proclamation No. 4074 of August 15, 1971, and the importance of continuing (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious inflationary impact of foreign demand, it is hereby ordered as follows:

SECTION 1. Notwithstanding the expiration of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401–2413), the provisions for administration of that act contained in Executive Order No. 11533 of June 4, 1970, as continued in effect by Executive Orders Nos. 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, and as amended by Executive Order No. 11907 of March 1, 1976, shall continue in full force and effect and shall authorize the exercise and administration of export controls, under the authority vested in me as President of the United States of America by section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a, 50 U.S.C. App. 5(b)).

SEC. 2. Except to the extent another basis is provided in the second sentence of section 4 of this order, all rules and regulations issued by the Secretary of Commerce under the authority of the Export Administration Act of 1969, as amended, including those published in Title 15, Chapter III, Subchapter B, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued or taken pursuant thereto, shall until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that the maximum fine which may be imposed under section 387.1(a)(1) of Title 15, Code of Federal Regulations, shall not exceed $10,000 and that the civil penalty provided for under section 387.1(b)(3) thereof will not be applicable to any violation of the regulations under this Order.

SEC. 3. Provisions for the administration of Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a, 50 U.S.C. App. 5(b)), and this Order shall constitute authority for the issuance and continuation in full force and effect of rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued or taken pursuant thereto, relating to the administration of section 38(e) of the Arms Export Control Act.

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SEC. 4. The delegations of authority in this order shall not affect the authority of any agency or official pursuant to any other delegation of Presidential authority, presently in effect or hereafter made, under section 5(b) of the act of October 6, 1917, as amended. Those regulations issued under the Export Control Act of 1949, as amended, to implement foreign policy set forth in Executive Orders Nos. 11322 of January 5, 1967 and 11419 of July 29, 1968, shall until amended or revoked by the Secretary of Commerce continue to apply as regulations issued under such orders.

Gerald R. Ford

THE WHITE HOUSE,
September 30, 1976.

[FR Doc.76-29274 Filed 10-1-76;11:45 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER XIII—NATIONAL COMMISSION ON PRODUCT SAFETY

PART 2300—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Deletion of Part

EDITORIAL NOTE.—The Office of the Federal Register has received a letter from the Secretary of the Consumer Product Safety Commission, in which she states that regulations presently codified as 5 CFR Chapter XIII, Part 2300, are obsolete and legally void. The letter requests the Office of the Federal Register to delete the regulations from the Code of Federal Regulations.

The National Commission on Product Safety was established by Pub. L. 90-146 for the purpose of conducting a comprehensive study and investigation into the scope and adequacy of measures then being taken to protect consumers against unreasonable risks of injury caused by consumer products. Section 5(e) of Pub. L. 90-146 provided that the Commission would cease to exist 90 days after submission of its final report, which was submitted to the President and the Congress on June 30, 1970.

Accordingly, the National Commission on Product Safety no longer exists and the regulations appearing as Chapter XIII of title 5, Code of Federal Regulations are of no effect.

Therefore, pursuant to 1 CFR 8.2, Chapter XIII and Part 2300 of title 5, Code of Federal Regulations are deleted.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLE, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 546, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 24-30, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 546 (41 FR 41709). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.846 (Valencia Orange Regulation 546 (41 FR 41709) are hereby amended to read as follows: (i) District 1: 405,000 cartons; (ii) District 2: 495,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 29, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29070 Filed 10-1-76;8:45 am]

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Redefinition of Districts

This amendment redefines the districts into which production area is divided to reflect shifts in peach production within Mesa County.

On August 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 32234), that the Department was considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 919.100-919.171) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of fresh peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice allowed interested persons 28 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted.

The amendment redefines the districts into which the production area is divided by expanding district 3's boundaries to include portions of district 2 and 4. Shifts of peach production within the production area, especially the removal of a large number of trees in district 3, has created the need for redefining the districts. It is desirable to have districts equal in peach production potential, because 1 producer member is selected for each district and peach producers should have equal representation on the committee. The amendment is issued under § 919.32(1) which authorizes redefinition of the districts to reflect shifts in peach production within the districts and the production area.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof) it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations, is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Such amendment is hereby approved and said rules and regulations are amended by adding a new § 919.111 Redefinition of districts, reading as follows:

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§ 919.111 Redefinition of districts.

The districts into which the production area is divided are redefined as follows:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River, known as Vineland, on the floor of the valley and northeasterly which is to include the Rapid Creek Area.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River on the west of District No. 2, known as Orchard Mesa, to the natural barrier known as the Big Wash.

(d) "District No. 4" shall include all that portion of Mesa County lying south of the Colorado River bounded on the west by the Gunnison River and bounded on the east by natural barrier known as the Big Wash.

(e) "District No. 5" shall include all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all of the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated, September 28, 1976, to become effective November 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-28949 Filed 10-1-76;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable, Reserve, and Export Percentages for 1976–77 Crop Year

Notice of proposed salable, reserve and export percentages of 96.8 percent, 3.2 percent and 0 percent, respectively, for California almonds for the 1976–77 crop year was published in the August 30, 1976, issue of the FEDERAL REGISTER (41 FR 36506). The 1976–77 crop year began July 1, 1976.

The proposal was unanimously recommended by the Almond Board of California pursuant to the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852, 27827), regulating the handling of almonds grown in California. The marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comemnts were received.

This action would make 96.8 percent (255.7 million pounds) of the almond production delivered to handlers available to supply normal domestic and export outlets, and to provide adequate carryover. The Board's marketable production estimate of 264 million pounds, is based upon its 1976 crop estimate of 280 million pounds minus an estimated weight loss of 16 million pounds. This weight loss is expected from the removal of inedible kernels from the crop by handlers and various manufacturing processes.

Trade demand is estimated at 215 million pounds—95 million pounds for domestic needs and 120 million pounds for export needs. A carryover adjustment of 40.7 million pounds is the result of an estimate of 100 million pounds for desirable handler carryover from the 1976 crop minus the 59.3 million pounds handlers carried over from the 1975 crop. Adding the inventory adjustment to the total trade demand estimate equals 255.7 million pounds, the quantity of almonds from the estimated marketable production to be made available for trade demand needs.

The balance of 3.2 percent (8.3 million pounds) of the estimated marketable production delivered to handlers, would be available to develop new outlets noncompetitive with existing normal domestic and export outlets. The development of such new outlets is a long-term necessity for the industry because of anticipated larger crops.

The recent order amendment permits the Board to include export requirements with domestic requirements in its estimate of trade demand when recommending the establishment of salable and reserve percentages for any crop year. This year, the Board included estimated exports in trade demand thereby making export a salable outlet, rather than a reserve outlet. Because of this action, no reserve almonds will be exported pursuant to § 981.66(b) and an export percentage of 0 was proposed.

After consideration of the Board's recommendation and supporting information, and other available information, it is found that to establish salable, reserve and export percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable, reserve, and export percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1976, and the percentages established herein will automatically apply to all such almonds beginning with such date.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1976–77 crop year are established as follows:

§ 981.226 Salable, reserve, and export percentages for almonds during the crop year, beginning July 1, 1976.

The salable, reserve, and export percentages during the crop year beginning July 1, 1976, shall be 96.8 percent, 3.2 percent, and 0 percent, respectively.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: September 28, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-28948 Filed 10-1-76;8:45 am]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Grade Regulation for Shelled Filberts

Notice was published in the September 9, 1976, issue of the FEDERAL REGISTER (41 FR 38187), on a proposal recommended by the Filbert Control Board to (1) establish minimum grade regulations for shelled filberts, (2) change the grade requirement prescribed for shelled filberts declared and withheld in lieu of merchantable filberts in satisfaction of a restricted obligation, and (3) make a minor conforming change in the administrative rules and regulations. The proposal is in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 40 FR 53226, 55829), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 982.45(a) of the order provides, in part, that no handler shall handle any shelled filberts unless they meet such minimum standards as are established by the Secretary on the basis of a recommendation of the Filbert Control Board. The Board has recommended that shelled filberts be required to meet the standards for Oregon No. 1 whole and broken grade for shelled filberts contained in the Oregon Grade Standards for Filbert (Hazelnut) Kernels.

It is necessary to establish these standards because of the continuing importance of the shelled filbert market. Mandatory inspection and certification of filbert kernels would tend to promote orderly marketing because only acceptable quality kernels could be handled, and consumers and other users could depend on the quality of each shipment.

This action also changes the standards applied to shelled filberts declared and withheld by a handler in lieu of merchantable filberts in satisfaction of a restricted obligation pursuant to §§ 982.50(a) and 982.51(b). Section 982.50(a) provides that these shelled filberts meet the standards in effect for Oregon No. 1 grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels, or such other standards as may be recommended by the Board and established by the Secretary. Because of its recommendation to establish minimum grade regulations for shelled filberts on the basis of Oregon No. 1 whole and broken grade, the Board also recommended, as a conforming change, the establishment of this grade for shelled filberts declared and withheld in lieu of merchantable filberts in satisfaction of a restricted obligation.

Both proposals are included in a new subpart entitled Subpart—Grade and Size Regulation.

It was also proposed that the reference to "Oregon Grades and Standards for Walnuts and Filberts" in § 982.453 of Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) be changed to "Oregon Grade Standards Filberts In Shell". This conforming change recognizes a change in the title of the standards applicable under the order for inshell filberts.

After consideration of all relevant material presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that mandatory inspection and certification of filbert kernels would tend to promote orderly marketing.

(1) It is therefore, ordered as follows: A new Subpart—Grade and Size Regulation containing § 982.101 is included in Part 982—Filberts Grown in Oregon and Washington. Section 982.101 reads as follows:

§ 982.101 Minimum grade standards for shelled filberts.

(a) Pursuant to § 982.50(a), no handler shall handle any shelled filberts unless such filberts meet the requirements for Oregon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels.

(b) Pursuant to §§ 982.50(a) and 982.51(b), a handler may declare and withhold shelled filberts in lieu of merchantable filberts in satisfaction of his restricted obligation. Shelled filberts so declared and withheld shall, in lieu of the standards prescribed pursuant to § 982.50(a)(3), meet the standards in effect for Oregon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels.

§ 982.453 [Amended]

2. In § 982.453 of Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471), the phrase "Oregon Grades and Standards for Walnuts and Filberts" is revised to read "Oregon Grade Standards Filberts In Shell".

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Handlers will soon begin receiving new crop filberts in the current season; (2) handlers have been operating voluntarily under self-imposed standards for filbert kernels for several years; (3) handlers are aware of the minimum standards prescribed in this action and need no additional time to comply with them; and (4) no useful purpose would be served by delaying the effective time of this action.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated September 28, 1976, to become effective October 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.76-28947 Filed 10-1-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 5]

PART 102—DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Change in Privacy Act Implementation Procedures and Clarification of Exempt Records

On February 25, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 8190) concerning amendments to 13 CFR Part 102, Subpart B—Privacy Act of 1974, §§ 102.27, 102.29, and 102.30, to inform the public how a requestor's identity is to be verified, where a request for amendment to a record should be sent, that the time and place for reviewing a record shall be specified when a request for access is granted, and that prior recipients of a record will be provided with a copy of an amended record or notation of dispute. Interested persons were invited to submit comments. No comments were received and accordingly, the proposed amendments are adopted as proposed and are set out below.

In addition, the Office of Management and Budget has recently advised the Agency that § 102.35, Specific Exemptions, may not be fully in accordance with the Privacy Act and the OMB Guidelines and should be amended to specify the systems for which exemptions are claimed, the provisions of the Privacy Act from which the systems are exempted, and the reasons for the exemptions. Since OMB's advice is predicated on a requirement of law, since this exemption information was previously published in the FEDERAL REGISTER on September 10, 1975, in SBA's Notice of Systems of Records (40 FR 42132) and public comment was invited on all parts of the Notice, and since no comment was received, no useful purpose would be served by publishing this part of amendment 5 as proposed rulemaking and the Agency finds it unnecessary to do so. Section 102.35 is therefore amended below substantially in accordance with information on specific exemptions from the Privacy Act previously included in SBA's Notice of Systems of Records.

Because the first part of this amendment clarifies Agency procedures and is more advantageous to persons seeking to review or amend records and the second part of the amendment is essentially mandated by the Privacy Act and OMB Guidelines, the Agency finds it unnecessary to delay its effective date for 30 days following publication as normally required by 5 U.S.C. 553(d).

Pursuant to the authority in section 5 of the Small Business Act (72 Stat. 385, 15 U.S.C. 634), Subpart B of Part 102 of Title 13 of the Code of Federal Regulations is amended, effective October 4, 1976, as follows:

1. In § 102.27 paragraph (c) is revised, and paragraph (e) is amended by adding the following sentences at the end of the paragraph, as follows:

§ 102.27 Requests by individuals to gain access to records.

* * * * * *

(c) All such requests for information may be made in writing or on forms which shall be available in all SBA offices and provided free of charge for such purposes. The Systems Manager, after reviewing the request for information, may also request other identification of the individual for verification, such as (1) the employe number, (2) the dates of employment, (3) Disaster Home Loan number, (4) driver's license, (5) Medicare card, (6) a signed statement or (7) any additional information as he deems necessary for conclusive verification. The Systems Manager may request a Social Security Number for individual verification, although access may not be denied for refusal to disclose this number as provided in § 102.32(e). If he is unable to identify the record from the information submitted, he may require additional information. Requests will be honored only after showing, satisfactory to the Systems Manager, that the individual or his representatives has proper authorization.

* * * * * *

(e) * * * In the event that the request is granted, the notification to the requestor should state: (1) The Agency's determination that, unless requestor objects for good cause, it can grant access to a record only by providing a copy through the mail because it cannot otherwise provide reasonable means for the individual to have access to his or her record in person; or (2) the time and place(s) where the record may be reviewed.

2. Section 102.29 is amended by adding the following sentence at the end of paragraph (a) and adding the following new paragraph (d), as follows:

§ 102.29 Requests for correction or amendment to record.

(a) * * * The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration,

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1441 "L" Street NW., Washington, D.C. 20416.

* * * * *

(d) Systems Manager shall, if the request for amendment has been granted, send an amended copy of the record to prior recipients of the record.

3. Section 102.30 is amended by adding the following new paragraph (f):

§ 102.30 Appeal of initial Agency determination on correction or amendment of a record.

* * * * *

(f) In the event that an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making amendments requested, to prior recipients of the disputed record.

4. Section 102.35 is revised to read as follows:

§ 102.35 Specific exemptions.

(a) *Systems of records subject to investigatory material exemption under 5 U.S.C. 552a(k)(2), or 5 U.S.C. 552a(k)(5),* or both.

(1) *Audit Reports—SBA 025,* a system containing investigations concerning the use of funds by recipients of disaster home loans;

(2) *Litigation and Claims File—SBA 220,* a system containing information concerning recipients of disaster home loans and other individuals who are parties to lawsuits or claims involving SBA;

(3) *Personnel Security Files—SBA 315,* a system containing background information on active and inactive SBA employees;

(4) *Security and Investigations Files—SBA 360,* a system which contains information on individuals seeking or receiving SBA assistance, individuals involved in businesses or other organizations seeking or receiving such assistance, representatives of applicants for SBA assistance, members of advisory councils, and SCORE/ACE volunteers;

(5) *Security and Investigation Referrals—SBA 365,* a system containing information relating to referrals for investigation of possible misconduct by SBA employees, and individuals involved in seeking or obtaining SBA assistance; and

(6) *Standards of Conduct Files—SBA 380,* a system containing information concerning outside employment and financial interests of SBA employees, conduct of SBA employees, and related matters.

(b) *Privacy Act provisions from which exempt.* The systems of records described in this section are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(1), 4G, H, and I (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a.

(c) *Reasons for exemptions.* The systems of records described in this section are exempt for one or more of the following reasons:

(1) To prevent the subject of investigations from frustrating the investigatory process.

(2) To protect investigatory material compiled for law enforcement purposes.

(3) To fulfill commitments made to protect the confidentiality of sources and to maintain access to necessary sources of information.

(4) To prevent interference with law enforcement proceedings.

Dated: September 24, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-28961 Filed 10-1-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14455; Amdt. 39-2739]

PART 39—AIRWORTHINESS DIRECTIVES

Airbus Industrie, and McDonnell Douglas, Lockheed, and Boeing Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2262 (40 FR 29269), AD 75-15-05, to cover the Airbus Industrie Model A-300 Series airplane was published in the FEDERAL REGISTER on February 26, 1976 (41 FR 8390). Subsequently, by letter dated May 7, 1976, the Air Transport Association of America (ATA), on behalf of its member airlines, petitioned for an amendment to AD 75-15-05 to revise the compliance date to permit compliance with the AD in accordance with an approved schedule on or before December 31, 1978.

Interested persons have been afforded an opportunity to participate in the making of the amendment to AD 75-15-05 to cover the Airbus Model A-300 airplane. Two comments were received. One commentator concurred with the proposed amendment. The other commentator requested an extension of the compliance date of the AD for the Airbus Model A-300 airplane and a reduction in the 20 square foot fuselage hole size to be considered under the AD.

The FAA has reviewed the available service history and data dealing with possible sources of holes in the lower cargo compartments which may lead to unwanted in-flight depressurization. Fatigue failures leading to large openings have occurred in service. Sudden large openings attributable to mid-air collisions and several other sources are possible and have occurred. The aircraft covered by the AD, as well as the Airbus Model A-300 airplanes, will not accommodate such failures. It is therefore necessary that sufficient capability be provided to accommodate known types of failures and to provide a margin for other possible failure modes that could occur during the anticipated service life of these airplanes. Thus, the 20 square foot requirement of the AD is considered to be the minimum which will provide the necessary level of safety to preclude possible injury to passengers or loss of the aircraft.

The FAA agrees that an additional time period may be necessary to accomplish the required modifications on the Airbus Model A-300 airplanes. However, based on informal contacts between FAA and Airbus Industrie prior to the issuance of AD 75-15-05 and information currently available, the FAA does not believe that the 30 month compliance provision for the Airbus Model A-300 airplane, suggested by the commentator, is necessary to accomplish the required modifications.

With respect to the ATA petition and the need to extend the AD compliance date, ATA presented supporting information, including contemplated compliance schedules, in letters dated May 7, June 22, and July 2, 1976, indicating that in order to meet the December 31, 1977, compliance date of the AD, over 1500 airplane out-of-service days will be needed for the fleet of 328 affected aircraft, that the requested time extension, while it would not completely eliminate this out-of-service time, will reduce it almost 30%, and that with revenue losses ranging from approximately $20,000 per day for the passenger versions of the Model DC-10 and L-1011 airplanes to $58,000 per day for passenger versions of the Model B-747 and up to $75,000 per day for Model B-747 freighters, this reduction in out-of-service time would reduce revenue losses $14.5 million.

The FAA's assessment of the information and data received from ATA and otherwise available indicates that by the original AD compliance date of December 31, 1977, most affected aircraft will be completely or partially modified as required under the AD. Providing for an extension of the compliance date for the remaining aircraft will not adversely affect safety so as to cause an unsafe condition and will relieve the operators of an unnecessary economic burden. Therefore, AD 75-15-05 is being amended to permit individual operators to obtain up to a 12 month extension of the December 31, 1977, AD compliance date. Since providing for an extension of the AD compliance date relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2262 (40 FR 29269), AD 75-15-05 is amended as follows:

1. By revising the applicability statement to read as follows:

MCDONNELL DOUGLAS, LOCKHEED, BOEING, AND AIRBUS INDUSTRIE. Applies to McDonnell Douglas Model DC-10 Series, Lockheed Model L-1011 Series, Boeing Model B-747 Series, and Airbus Industrie Model A-300 Series airplanes certificated in all categories.

2. By revising the sentence following the applicability statement to read as follows:

Unless already accomplished, compliance is required on or before December 31, 1977, or in accordance with a schedule of accomplishment approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC-10 Series and Lockheed Model L-1011 Series airplanes; the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for Boeing Model B-747 Series airplanes, or the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, for Airbus Industrie Model A-300 Series airplanes, but not later than December 31, 1978.

3. By revising paragraph (c) to read as follows:

(c) The modification and determinations required under paragraphs (a) and (b) of this AD must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC-10 Series and Lockheed Model L-1011 Series airplanes; the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for Boeing Model B-747 Series airplanes; or the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, for Airbus Industrie Model A-300 Series airplanes.

This amendment becomes effective November 3, 1976.

Issued in Washington, D.C., on September 24, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-28718 Filed 10-1-76;8:45 am]

[Docket No. 76-NW-21-AD; Amdt. 39-2736]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplanes

Amendment 39-2720 (41 FR 38759) AD 76-18-11 requires inspections of the aft cargo door four lower stop fittings, two forward and two aft, on Boeing Model 727-100 and 727-100C series airplanes. Subsequent to the issuance of Amendment 39-2720, the FAA has reassessed the stop fitting design of the aft cargo door relative to structural capability with a cracked fitting and has determined that only the two lower stops, one forward and one aft, should be considered by the AD. This finding is supported by service experience which indicates the lowest stop fitting cracks well in advance of the adjacent fitting above. Accordingly, terminating action which consists of replacement of the aluminum alloy fitting with a steel fitting is only required on the two lower fittings. Therefore, the AD is being amended to only require inspection and replacement of the aft cargo door two lower fittings, one forward and one aft.

Since this amendment is relieving and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-2720 (41 FR 38759) AD 76-18-11 is amended by striking out the words "lower stop fittings (two forward and two aft)" from paragraphs A and B and inserting the words "lowest side stop fittings (one forward and one aft)" in place thereof.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 15, 1976.

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, September 22, 1976.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.76-28717 Filed 10-1-76;8:45 am]

[Airworthiness Docket No. 76-SW-51; Amdt. 39-2735]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Airplanes

There has been one incident on a Swearingen Model SA226-TC aircraft involving a fire originating in the left hand Main Landing Gear Wheel Well. This incident is believed to have been caused by hydraulic fluids coming in contact with the bleed air line in the wheel well.

Since this condition is likely to exist or develop in other airplanes of the same type design in either the left or right hand wheel well, an airworthiness directive is being issued to require initial and continued inspection of: (a) the hydraulic components located in the left and right hand wheel wells; (b) fuel supply lines in the left and right wheel wells.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SWEARINGEN. Applies to all Model SA226-T, SA226-AT, and SA226-TC airplanes with Serial Numbers as follows:

Model SA226-T: T201 through T274.
Model SA226-AT: AT001 through AT054.
Model SA226-TC: TC201 through TC226E.

Within the next 25 hours time in service after the effective date of this airworthiness directive and within each subsequent 50 hours of time in service, inspect the left hand and right hand wheel wells for evidence of fuel or hydraulic leaks as follows:

A. *Hydraulic System:*

1. Inspect the hydraulic power pack area in the left hand wheel well and all hydraulic lines in both landing gear wheel wells for condition or hydraulic leakage. Special attention should be given to the hydraulic gage line, P/N 27-81006-37, 731, 749, and 775, particularly in the area of bends.

2. Use either engine to pressurize the system to 2000 ± psi and inspect the hydraulic lines, fittings and other components in both left and right wheel wells for any signs of leakage, including fluid misting from a spraying-type leakage.

3. If damaged lines or hydraulic leaks are found, repair or replace in accordance with FAA-approved maintenance procedures before further flight.

B. *Fuel System:*

1. By using airframe boost pump, pressurize and inspect fuel supply line aft of firewall and inside wheel wells for leakage.

2. If fuel leaks are found, repair in accordance with FAA-approved maintenance procedures before further flight.

C. Voluntary written reports on the results of the inspection conducted in accordance with Paragraphs A and B, either positive or negative, should be forwarded to Chief, Aircraft Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

D. Special flight permits may be issued pursuant to §§ 21.197 and 21.199 of the Federal Aviation Regulations to authorize flights to a base for accomplishment of the inspections required by this airworthiness directive.

This amendment becomes effective October 11, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Forth Worth, Texas, on September 21, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-28721 Filed 10-1-76;8:45 am]

[Airspace Docket No. 76-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 33280 of the FEDERAL REGISTER dated August 9, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fort Madison, Iowa.

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Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below:

In § 71.181 (41 FR 440), the following transition area is amended to read:

FORT MADISON, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa, VORTAC 258° radial, extending from the 6-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

This amendment shall be effective 0901 G.m.t., December 30, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on September 21, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-28720 Filed 10-1-76;8:45 am]

[Airspace Docket No. 76-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 31567 of the FEDERAL REGISTER dated July 29, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Belleville, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

In § 71.181 (41 FR 440), the following transition area is amended to read:

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Belleville Municipal Airport (latitude 39°49'04" N, longitude 97°39'30" W); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles north of the airport, within 3 miles each side of the 196° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles south of the airport.

This amendment shall be effective 0901 G.m.t., December 30, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on September 21, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-28719 Filed 10-1-76;8:45 am]

[Docket No. 16143; Amdt. No. 1040]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective November 18, 1976.*

Kahului, HI—Kahului Arpt., VOR Rwy 2 (TAC), Amdt. 1.
Houston, TX—Intercontinental Arpt., VOR TAC Rwy 32, Amdt. 4.
Temple, TX—Draughon-Miller Muni. Arpt., VOR Rwy 15, Amdt. 11.

* * * *effective November 11, 1976.*

Owatonna, MN—Owatonna Muni. Arpt., VOR Rwy 12, Amdt. 5.
Greenville, MS—Greenville Intrenational Arpt., VOR Rwy 17R, Original.
Manchester, NH—Grenier Field-Manchester Muni. Arpt., VOR Rwy 35, Amdt. 10.

* * * *effective October 21, 1976.*

Lawton, OK—Lawton Muni. Arpt., VOR Rwy 35, Amdt. 16.

* * * *effective October 7, 1976.*

Lincoln, IL—Logan County Arpt., VOR Rwy 3, Amdt. 1.
Hillsboro, OR—Portland-Hillsboro Arpt., VOR-A, Amdt. 2.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., VOR Rwy 35L, Amdt. 2.
Memphis, TN—Memphis Int'l Arpt., VOR Rwy 35R, Amdt. 1.
Memphis, TN—Memphis Int'l Arpt., VOR/DME Rwy 17R, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective November 18, 1976.*

Kahului, HI—Kahului Arpt., LOC/DME(BC) Rwy 20, Amdt. 4.
Temple, TX—Draughon-Miller Muni. Arpt., LOC(BC) Rwy 33, Amdt. 3.

* * * *effective November 11, 1976.*

Middletown, OH—Hook Field Muni. Arpt., LOC Rwy 23, Amdt. 4.

* * * *effective November 4, 1976.*
* * * *effective October 14, 1976.*

Columbus, NE—Columbus Muni. Arpt., LOC Rwy 14, Original.
Cordova, AK—Cordova Mile 13, LOC/DME Rwy 27, Amdt. 9, cancelled.

* * * *effective October 7, 1976.*

Hillsboro, OR—Portland-Hillsboro Arpt., LOC-B, Amdt. 1, cancelled.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., LOC (BC) Rwy 27, Amdt. 17.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 18, 1976.*

Carlsbad, CA—Palomar Arpt., NDB Rwy 24, Original.
Kahului, HI—Kahului Arpt., NDB Rwy 20, Amdt. 1.
Chesterfield, VA—Chesterfield County Arpt., NDB Rwy 33, Amdt. 1.

* * * *effective November 11, 1976.*

Greenville, MS—Greenville Int'l Arpt., NDB Rwy 35L, Original.
Lebanon, NH—Lebanon Regional Arpt., NDB-B, Original.
Manchester, NH—Grenier Field, Manchester Muni. Arpt., NDB Rwy 35, Amdt. 9.
Bryan, OH—Williams County Arpt., NDB-A, Amdt. 2.
Cincinnati, OH—Cincinnati Muni. Lunken Field, NDB Rwy 24, Amdt. 1.
Circleville, OH—Pickaway County Memorial Arpt., NDB Rwy 18, Amdt. 1.
Middletown, OH—Hook Field Muni. Arpt., NDB Rwy 5, Amdt. 9.
Middletown, OH—Hook Field Muni. Arpt., NDB Rwy 23, Amdt. 4.

* * * *effective November 4, 1976.*

Cordova, AK—Cordova-Mile 13, NDB-A, Amdt. 4.

* * * *effective October 28, 1976.*

Fort Dodge, IA—Fort Dodge Muni. Arpt., NDB Rwy 6, Amdt. 2.

* * * *effective October 14, 1976.*

Columbus, NE—Columbus Muni. Arpt., NDB Rwy 14, Amdt. 7.

* * * *effective October 7, 1976.*

Lincoln, IL—Logan County Arpt., NDB Rwy 21, Original.

* * * *effective September 21, 1976.*

Paris, TN—Henry County Arpt., NDB Rwy 1, Amdt. 4.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., NDB Rwy 9, Amdt. 21.
Memphis, TN—Memphis Int'l Arpt., NDB Rwy 35R, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective November 18, 1976.*

Austin, TX—Robert Mueller Muni. Arpt., ILS Rwy 12R, Amdt. 1.
Temple, TX—Draughon-Miller Muni. Arpt., ILS Rwy 15, Amdt. 3.

* * * *effective November 11, 1976.*

Lebanon, NH—Lebanon Regional Arpt., ILS Rwy 7, Amdt. 3.
Manchester, NH—Grenier Field, Manchester Muni. Arpt., ILS Rwy 35, Amdt. 8.

* * * *effective November 4, 1976.*

Cordova, AK—Cordova-Mile 13, ILS/DME Rwy 27, Original.

* * * *effective October 28, 1976.*

Fort Dodge, IA—Fort Dodge Muni. Arpt., ILS Rwy 6, Amdt. 1.

* * * *effective October 21, 1976.*

Lawton, OK—Lawton Muni. Arpt., ILS Rwy 35, Amdt. 2.

* * * *effective October 7, 1976.*

Watertown, NY—Watertown, New York Int'l Arpt., ILS Rwy 6, Original.
Hillsboro, OR—Portland-Hillsboro Arpt., ILS Rwy 12, Original.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt. ILS Rwy 9, Amdt. 19.
Memphis, TN—Memphis Int'l Arpt., ILS Rwy 17L, Amdt. 2.
Memphis, TN—Memphis Int'l Arpt., ILS Rwy 35L, Amdt. 2.
Memphis, TN—Memphis Int'l Arpt., ILS Rwy 35R, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective November 18, 1976.*

Kahului, HI—Kahului Arpt., RADAR-1, Amdt. 1.

* * * *effective November 11, 1976.*

Cleveland, OH—Cleveland Hopkins Int'l Arpt Arpt., RADAR-1, Amdt. 22.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., RADAR-1, Amdt. 30.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 18, 1976.*

Moses Lake, WA—Grant County Arpt., RNAV Rwy 21, Amdt. 5.

* * * *effective October 7, 1976.*

Hillsboro, OR—Portland-Hillsboro Arpt., RNAV Rwy 12, Amdt. 1.
Hillsboro, OR—Portland-Hillsboro Arpt., RNAV Rwy 20, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on September 23, 1976.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.76-28716 Filed 10-1-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-158; Amdt. 1; Docket No. 29626]

PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS

Amendment Postponing Effectiveness of Reissuance of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 29, 1976.

This amendment postpones the effectiveness of the reissuance of Part 300 from September 30, 1976, until October 18, 1976.

By PR-154, adopted August 10, 1976 (41 FR 34587, August 16, 1976), the Board reissued Part 300 of its Procedural Regulations, providing for a substantial revision of the Rules of Conduct in Board Proceedings on an interim basis. The regulation was to become effective on September 30, 1976, with interested persons being afforded an opportunity to file comments with respect thereto until September 15, 1976.

Pursuant to the foregoing provisions a number of comments have been filed. The Board has those comments under consideration but has not completed its deliberations with respect to them. The Board has therefore determined to postpone the effectiveness of PR-154 from September 30, 1976 to October 18, 1976.

Accordingly, it is ordered that the effectiveness of PR-154, the reissuance of Part 300, Rules of Conduct in Board Proceedings, be and it hereby is postponed from September 30, 1976, to October 18, 1976.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

Effective: September 29, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28986 Filed 10-1-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0313]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIMETHYL DIALKYL AMMONIUM CHLORIDE

The Food and Drug Administration is amending the food additive regulations to provide for the safe use of dimethyl dialkyl ammonium chloride, where the alkyl groups (C_{12}-C_{18}) are derived from tallow, as a decolorizing agent in the manufacture of sugar. This amendment is effective October 4, 1976; objections by November 3, 1976.

Notice was given by publication in the FEDERAL REGISTER of December 22, 1971 (36 FR 24234) that a petition (FAP 2A2751) had been filed by Tate & Lyle, Lt'd., Research Centre, Westerham Rd., Keston, Kent, England BR2 6HJ, (current address: Cosmos House, Bromley Common, Bromley, BR2 9NA, England), proposing issuance of the food additive regulation described above.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended in Subpart D by adding new § 121.1268 to read as follows:

§ 121.1268 Dimethyl dialkyl ammonium chloride.

Dimethyl dialkyl ammonium chloride may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is produced by ammonolysis of natural tallow fatty acids to form amines that are subsequently reacted with methyl chloride to form the quaternary ammonium compounds consisting primarily of dimethyl dioctadecyl ammonium chloride and dimethyl dihexadecyl ammonium chloride. The additive may contain residues of isopropyl alcohol not in excess of 18 percent by weight when used as a processing solvent.

(b) The food additive contains not more than a total of 2 percent by weight of free amine and amine hydrochloride.

(c) The food additive is used as a decolorizing agent in the clarification of refinery sugar liquors. It is added only at the defecation/clarification stage of sugar liquor refining in an amount not to exceed 700 parts per millions by weight of sugar solids.

(d) To assure safe use of the additive, the label and labeling of the additive shall bear, in addition to other information required by the act, adequate directions to assure use in compliance with paragraph (c) of this section.

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Any person who will be adversely affected by the foregoing regulation may at any time on or before November 3, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

erally related financial assistance for

Effective date: This regulation shall become effective October 4, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: September 28, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76–28931 Filed 10–1–76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–2299]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Missouri	Andrew	Country Club, village of	Sept. 13, 1976, emergency	Aug. 22, 1975	290604
Nebraska	Perkins	Venago, village of	do	July 11, 1975	310329
•	•	•	•	•	•
California	Los Angeles	Hawaiian Gardens, city of	Sept. 25, 1970, emergency; Sept. 1, 1976, regular		065082B
Indiana	Jasper	De Motte, town of	Mar. 24, 1975, emergency; Sept. 1, 1976 regular		180100A
New York	Suffolk	East Hampton, town of	June 11, 1971, emergency; Sept. 30, 1976, regular.	Aug. 29, 1975	360794A
Oklahoma	Kingfisher	Kingfisher, city of	Dec. 23, 1971, emergency; Sept. 30, 1976, regular.	Apr. 12, 1974	400082A
Texas	Galveston	Crystal Beach, town of	Oct. 8, 1971, emergency; Sept. 30, 1976, regular.	June 28, 1974	480243A
•	•	•	•	•	•
Kansas	Elk	Howard, city of	Sept. 16, 1976, emergency	Aug. 8, 1975	200507
Texas	Hockley	Sundown, city of	do	Apr. 12, 1974 Mar. 19, 1976	480355A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 9, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–28678 Filed 10–1–76;8:45 am]

[Docket No. FI–2298]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

• The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.) •.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Massachusetts	Barnstable	Dennis, township of	Dec. 10, 1971, emergency; Oct. 6, 1976, regular; Nov. 1, 1976, suspension.	Aug. 26, 1974	250005
Missouri	Taney	Branson, city of	Dec. 10, 1971, emergency; Oct. 26, 1976, regular; Nov. 1, 1976, suspension.	July 7, 1974 May 28, 1976	290436

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–28679 Filed 10–1–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF–31; RE: Notice No. 297]

PART 201—DISTILLED SPIRITS PLANTS

Operational Loss Allowance

Background. On May 28, 1976, there appeared in the FEDERAL REGISTER (41 FR 21784) a notice of proposed rulemaking to amend 27 CFR Part 201 to provide a separate operational loss allowance for the production of cordials, liqueurs, cocktails, mixed drinks, and specialities including flavored products. The purpose of an operational loss allowance is to compensate distilled spirits plant proprietors for the internal revenue tax liability due on spirits which are lost during rectification and bottling. The existing regulatory loss schedule was devised to cover losses incurred in the production of all spirit products and does not take into account that actual operating losses vary greatly between different kinds of distilled spirits. The proposed amendments are intended to more nearly provide for the actual losses sustained during the manufacture and bottling of cordials, liqueurs, cocktails, mixed drinks, and specialities.

Comments. Interested persons were given 30 days during which to comment on the proposed amendments. Four comments were received from bottlers of cordials and liqueurs: Hiram Walker & Sons, Inc.; Joseph E. Seagram & Sons, Inc.; Mohawk Liqueur Corporation; and Mr. Boston Distiller Corporation. All comments favored the issuance of a separate, higher loss allowance applicable to cordial and liqueur products. One comment recommended that the proposed loss allowance be raised to a flat 2 percent of completions (gallons of bottled product) for all bottlers regardless of their volume of completions for cordial and liqueur products.

The proposed loss allowance for cordials and liqueurs was derived from a survey conducted by the Bureau at selected distilled spirits plants where cordial and liqueur-type products are produced. Analysis of actual operational losses revealed that, in general, the percentage loss to completions decreases as the volume of cordial and liqueur completions increases. Thus, distilled spirits plants with only a small volume of cordial and liqueur bottling experience much higher percentage losses when processing and bottling these items than do plants which produce a greater volume of these products. The Bureau concluded that the loss allowance should be keyed to the volume of cordial and liqueur production and should grant a higher percentage loss for plants with relatively small volume production. The schedule, therefore, grants an allowance of up to 2 percent for less than 24,000 proof gallons of completions in a computation year (formerly fiscal year), 1½ percent for completions between 24,000 and 600,000 proof gallons, and of 1 percent for completions in excess of 600,000 proof gallons. This same type of graduated scale exists in the general loss allowance applicable to other distilled spirits. The Bureau feels that this graduated loss schedule will adequately protect the revenue while compensating plant proprietors for most losses incurred in the production of these products.

One additional comment was received from the Independent American Whiskey Association. They requested that the proposed higher loss allowance for cordial and liqueur products be applied instead to all classes and types of distilled spirits.

The Bureau cannot adopt this suggestion since the loss allowance was proposed only for cordials, liqueurs, cocktails, mixed drinks, and specialities. Moreover, the recent study of operational losses revealed that, in general, the existing loss allowance is providing adequate coverage for losses incurred in the processing and bottling of other types of distilled spirits such as whisky, brandy, rum, gin, blended whisky, and vodka.

Change of fiscal year. The Congressional Budget and Impoundment Control Act of 1974, Pub. L. 93–344, changed the United States Government Fiscal Year from the July 1 through June 30 period, to the period October 1 through September 30 beginning October 1, 1976. Congress, however, chose not to change the period for which operational loss claims are determined; as a consequence, legislation implementing the fiscal year change, the Fiscal Year Adjustment Act, Pub. L. 94–273 approved April 21, 1976, changed the term "fiscal year" to "computation year" in 26 U.S.C. 5008(c) which refers to the operational loss period. Therefore, the claim period for such losses remains the traditional July 1 through June 30 period but it is now referred to as a "computation year".

Implementation of regulations. The regulations as set forth below provide a loss allowance applicable to the production of cordials, liqueurs, cocktails, mixed drinks, and specialities, including flavored products, which is separate from, and higher than, the general loss allowance applicable to other distilled spirits. Use of the separate allowance for cordials, liqueurs, etc. is optional and a proprietor bottling these products may elect to apply the overall loss schedule which remains unchanged. All claims filed during a computation year must be determined using either the overall schedule or using both schedules for each period; if a proprietor elects to change schedules during a computation year, it will be necessary to amend all claims previously filed. Proprietors desiring to use the new loss allowance will be required to maintain the records necessary to provide a statement of losses for liqueur and cordial-type products, and this statement will be used as supporting data for their claim for refund or credit of taxes. ATF inspectors will verify the statement of losses at bottling premises during on-site inspections. A new form, Form 2611 Page 2, will be available soon from the Bureau of Alcohol, Tobacco and Firearms Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206. Proprietors filing a claim for losses using both the general schedule and the schedule for cordial-type prod-

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ucts must execute both Form 2611 and Form 2611 Page 2 as supporting data for their claims.

Changes subsequent to notice of proposed rulemaking. The phrase "cordials, liqueurs, cocktails and similar compounds" wherever appearing in the proposed regulations, is changed to read "cordials, liqueurs, cocktails, mixed drinks, and specialities". This change is being made to more completely describe the products covered by the new loss allowance schedule. Also, the term "computation year" is used in place of the term "fiscal year" wherever the latter term appears in the regulations. Section 201.11 is amended by defining "computation year" and by deleting the term "fiscal year". Lastly, §§ 201.485, 201.485a, 201.486, 201.488, 201.489, and 201.491 are rewritten to provide better understanding and clarity.

Text of regulations. In view of the foregoing, 27 CFR Part 201 is amended as follows:

PARAGRAPH 1. Section 201.11 is amended by deleting the term "fiscal year" and by adding in alphabetical order a definition of "computation year". As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

* * * * * * *

Completions. * * *

Computation year. The period from July 1 of one calendar year through June 30 of the following year.

Container. * * *

* * * * * * *

Fiduciary. * * *

Gallon or wine gallon. * * *

* * * * * * *

(T.D. 6851, T.D. 6954, T.D. 7003, T.D. 7005, T.D. 7008, T.D. 7018, T.D. 7060, T.D. 7112, T.D. ATF-2, T.D. ATF-4.)

PAR. 2. Section 201.45 is amended by changing the reference in paragraph (d) (2) from § 201.485 to read § 201.485a. As amended, § 201.45 reads as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

* * * * * * *

(d) * * *

(2) In the case of loss by reason of authorized rectifying, packaging, bottling, or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485a;

* * * * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008) (T.D. 7112).)

PAR. 3. Section 201.485 is revised (1) by deleting the loss allowance schedule, (2) by changing "fiscal year" to read "computation year", and (3) by dividing the section into paragraphs. As revised, § 201.485 reads as follows:

§ 201.485 Operating losses.

(a) *Claim for loss.* A proprietor may compute and make claim for operational loss of spirits under the conditions stated in § 201.482(b) at any time during the computation year. The regional director may tentatively allow such claims as provided in §§ 201.488 and 201.489. However, the proprietor shall adjust the tentative claims on a computation year basis before they will be finally allowed by the regional director.

(b) *Extent of losses.* The regional director may allow operating losses (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) in an amount not greater than the excess of losses over gains, and to an extent not greater than is set forth in § 201.485a.

(c) *Unusual losses.* The proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature.

(d) *Accidental losses.* (1) Accidental losses of less than 10 proof gallons in respect to any one accident, occuring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations are includable in losses under this section subject to the same limitations.

(2) Accidental losses of 10 proof gallons or more in respect of any one accident may be claimed under the provisions of § 201.45(c) relating to losses of spirits due to accident, flood, fire, or other disaster; such claims under § 201.45 (c) are not subject to the limitations set forth in § 201.485a. In order to file a separate claim under § 201.45(c), the proprietor must make a quantative determination of the actual amounts of such accidental losses.

(3) Accidental losses claimed under § 201.45(c) shall not be included as operating losses under this section.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008) (T.D. 7112).)

PAR. 4. A new section, § 201.485a, providing the maximum allowable loss schedules, is added immediately following § 201.485. As added, § 201.485a reads as follows:

§ 201.485a Maximum allowable losses.

(a) *General.* The proprietor has the option of computing and claiming operating losses collectively for all spirits, using the general schedule of maximum allowable losses provided in paragraph (b) (1) of this section; or computing and claiming operating losses separately for cordials, liqueurs, cocktails, mixed drinks, and specialities, using the optional schedule of maximum allowable losses provided for those products in paragraph (b) (2) of this section and the general schedule (paragraph (b) (1) of this section) for all other products. Maximum allowable losses shall be computed in the same manner for all claims (tentative and final) during a computation year; if a proprietor finds it necessary to change schedules during the year, he will be required to amend all claims previously filed.

(b) *Maximum loss schedules*—(1) *General schedule.* The following maximum allowable losses apply to all products not claimed under paragraph (b) (2) of this section:

If completions during the computation year in proof gallons are—	*The maximum allowable loss in proof gallons is—*
Not over 24,000	2 pct of completions.
Over 24,000 but not over 120,000.	480 plus 1 pct of excess over 24,000.
Over 120,000 but not over 600,000.	1,440 plus 0.6 pct of excess over 120,000.
Over 600,000 but not over 2,400,000.	4,320 plus 0.3 pct of excess over 600,000.
Over 2,400,000	9,720 plus 0.2 pct of excess over 2,400,000.

(2) *Cordials, liqueurs, cocktails, mixed drinks, and specialities.* The following may be used to compute a separate allowance for cordials, liqueurs, cocktails, mixed drinks, and specialities (including flavored rums, flavored whiskies, flavored gins, flavored vodkas, and flavored brandies):

If completions during the computation year in proof gallons are—	*The maximum allowable loss in proof gallons is—*
Not over 24,000	2 pct of completions.
Over 24,000 but not over 600,000.	480 plus 1.5 pct of excess over 24,000.
Over 600,000	9,120 plus 1 pct of excess over 600,000.

(Sec. 201 Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

PAR. 5. Section 201.486 is revised by (1) providing a definition of "ineligible ingredients", (2) by including instructions concerning ineligible ingredients when a proprietor is computing allowable loss under both loss allowance schedules, and (3) by dividing the section into paragraphs. As revised, § 201.486 reads as follows:

§ 201.486 Ineligible ingredients.

(a) *Definition.* For the purpose of determining operational loss, ineligible ingredients shall mean alcoholic ingredients such as wines, alcoholic flavoring and blending materials and spirits which are not withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax for removal to his premises for rectification or bottling.

(b) *Ineligible ingredient ratio.* When a proprietor uses ineligible ingredients in the manufacture of spirits products, he shall reduce the loss otherwise allowable in a ratio equal to the ratio of the total proof gallons of such ineligible alcoholic ingredients used, to the total proof gallons of all alcoholic ingredients used in the finished products.

(c) *Split claim.* When the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)) and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialties (§ 201.485a(b)(2)), the allowable loss provided under each schedule shall be reduced by the ratio of proof gallons of ineligible ingredients to total proof of gallons in each category.

(d) *Closed system.* When ineligible spirits are used in the manufacture of gin and vodka in a closed system, as provided in § 201.487, the loss from the closed system otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of the ineligible spirits entered into the closed system, to the total proof gallons of all spirits entered into such system.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

PAR. 6. Section 201.488 is revised (1) by including instructions concerning tentative allowances when a proprietor is computing allowable loss under both loss schedules, (2) by changing the term "fiscal year" to read "computation year", and (3) by dividing the section into paragraphs and rewriting the section to increase understanding. As revised, § 201.488 reads as follows:

§ 201.488 Tentative allowances.

(a) A proprietor may at any time during a computation year, make claim for tentative allowance of operating losses, as described in §§ 201.485 and 201.487, from the beginning of the computation year through the close of any calendar month of that computation year except June. To determine the maximum tentative allowable operating loss through the end of any month (within the limitations of § 201.485a), the proprietor shall:

(1) Project the total completions for the full computation year on the basis of completions made from the beginning of the computation year to the end of that calendar month;

(2) Compute the loss which would be allowable for the computation year based on the projected total completions for the full computation year; and

(3) Reduce the computed loss in proportion to the fractional part of the computation year remaining.

(b) When the allowable loss is being computed under both the general loss allowance schedule, 201.485a(b)(1), and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialties, § 201.485a(b)(2), the proprietor shall determine the maximum tentative allowable loss for each of the two categories in the manner described in paragraph (a) of this section.

(c) No claim for tentative allowance shall include any amount previously claimed.

(d) Each claim for tentative allowance of operating loss shall be plainly marked "Tentative Claim".

(e) A proprietor who has filed a tentative claim for allowance of loss for any part of a computation year shall file a final claim for that computation year or for the portion of that computation year that he was qualified to operate the plant.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended, (26 U.S.C. 5008).)

PAR. 7. Section 201.489 is revised by changing the phrase "fiscal year" to read "computation year", and by dividing the section into paragraphs. As revised, § 201.489 reads as follows:

§ 201.489 Losses during short-term operations.

(a) *Maximum loss.* The maximum amount of loss allowance to any proprietor shall be limited to an amount proportionate to that which would have been allowed for the full computation year at the rate of loss and the rate of completions prevailing in his operations during the period which he was qualified to operate the bottling premises. When the period of qualification is other than a calendar month or months, computations shall be based on the exact number of days involved and on a year of 365 days.

(b) *Alternating proprietors.* Each alternating proprietor shall, when not considered as one proprietor under § 201.490, show in his claim the exact number of days (or calendar months, if complete) he was qualified to operate the bottling premises during the period covered by the claim. Losses shall be limited to the quantity determined in paragraph (a) of this section.

(c) *Alternating facilities.* Where bottling facilities are qualified and operated alternately for bottling spirits in bond and bottling spirits after withdrawal from bond on payment or determination of tax, for the purpose of computing loss allowance, the bottling premises remain qualified throughout any periods during which operations may be temporarily suspended for bottling-in-bond activities.

(d) *Curtailment of premises.* Where bottling premises are curtailed for alternate use in a Class 6 customs manufacturing bonded warehouse as provided in § 201.175b, the proprietor shall exclude the number of days the bottling premises are used in that capacity from the period of qualified operation in computing losses allowable under § 201.485a. When only a part of the bottling premises is curtailed for use in a Class 6 customs manufacturing bonded warehouse, and when the remainder of the qualified bottling premises is not curtailed and may still be operated as bona fide bottling premises, no adjustment of the period of qualification will be required.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008) (T.D. 6749).)

PAR. 8 Section 201.491 is revised by (1) including instructions concerning supporting data when a proprietor is computing allowable loss under both loss allowance schedules, (2) by changing the phrase "fiscal year" to read "computation year", and (3) by dividing the section into paragraphs. As revised, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

(a) Any person filing a claim under § 201.45(d) shall file with the claim, as supporting data, Form 2611 to show computation of the losses described in §§ 201.485 and 201.487, as applicable. Page 2 of Form 2611 shall also be required when the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)), and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialities (§ 201.485a(b)(2)).

(b) Any person filing a final claim for operational loss under §§ 201.485 and 201.487 shall file the final claim within 6 months of the close of the computation year.

(c) Any person filing a claim under § 201.45(c) to cover losses by accident or disaster as described in § 201.484 shall file the claim within 6 months from the date of the loss.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

Effective date. Because claims for operational loss are made on the basis of a computation year, and because final claims for the current computation year may not be submitted before July 1, 1977, this Treasury decision is effective July 1, 1976.

Authority. This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Signed: September 8, 1976.

REX D. DAVIS,
Director.

Approved: September 24, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-29028 Filed 10-1-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Subpart C—Description of Forms Prescribed Under This Subpart

REVISION OF FOREIGN CURRENCY FORM FC-3

The Department of the Treasury finds it necessary to amend the reporting requirements contained in 31 CFR Part 128 by revising Foreign Currency Form FC-3 described in 31 CFR Part 128.35. The revisions to Form FC-3 will reduce the number of firms required to report by exempting small businesses employing under 100 persons and raising reporting thresholds from $1 million for U.S. firms and $200,000 for their domestic branches partnerships, and subsidiaries, to $2 million and $400,000, respectively. Other revisions include the addition of the definition of "majority-owned foreign subsidiaries", revisions of the definition of spot foreign exchange contracts and inclusion of language to exclude investments in majority-owned foreign subsidiaries from the category of "other assets." In addition, the quarterly Form FC-3a will be eliminated. The amendment to the regulation reflects only the elimination of Form FC-3a and the deletion of reference to quarterly reporting requirements, as the other revisions to the Form can be made without requiring further amendment of the regulation.

The Department further finds that notice and public procedures under the

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provisions of 5 U.S.C. 553 are not necessary in this case since the amendment pertains only to rules of agency procedure and practice, are minor in scope, and serve generally to reduce the reporting burden upon the public. In addition, there is good cause to make the amendment effective immediately on October 4, 1976. The amendment shall apply to all affected transactions after November 1, 1976.

Accordingly, Subpart C, Part 128, Chapter I of Title 31 of the Code of Federal Regulations is amended by revising § 128.35 to read:

§ 128.35 Foreign Currency Form FC–3: Monthly report of assets, liabilities, and positions in specified foreign currencies of firms in the United States.

On this form nonbanking business concerns and nonprofit institutions in the United States are required to report monthly to the Federal Reserve Bank of New York their assets, liabilities, and positions in the foreign currencies specified on the form, as of the last day of business of the month.

Dated: September 28, 1976.

GERALD L. PARSKY,
Assistant Secretary for International Affairs.

[FR Doc.76–28966 Filed 10–1–76;8:45 am]

Title 32A—National Defense Appendix

CHAPTER I—FEDERAL PREPAREDNESS AGENCY, GENERAL SERVICES ADMINISTRATION

PART 113—POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES IN ACCORDANCE WITH SUBSECTION 101(c) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED (DMO–13)

Providing Priorities and Allocations Authority To Maximize Domestic Energy Supplies

This order implements Pub. L. 94–163, and Executive Order 11912, of April 13, 1976, to provide for the coordination, direction, and delegation of priorities and allocation authority in subsection 101(c) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(c)).

1. *Purpose.* This order (a) establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize domestic energy supplies pursuant to section 104 of the Energy Policy and Conservation Act (Pub. L. 94–163, 89 Stat. 878), which added subsection 101(c) to the Defense Production Act of 1950, as amended (the Act), and (b) delegates authority and assigns responsibility related thereto pursuant to sections 7 and 8 of Executive Order 11912, dated April 13, 1976.

2. *Policies.* a. The authority of subsection 101(c) of the Act to require the allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment to maximize domestic energy supplies shall be limited to those exceptional circumstances when it is found that:

(1) Such supplies of material and equipment are scarce, critical, and essential; and

(2) The maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies, or the construction and maintenance of energy facilities, cannot reasonably be accomplished without exercising this authority.

b. The authority contained in subsection 101(c) shall not be used to require priority performance under contracts or orders relating to, or the allocation of, any supplies of materials and equipment except for programs or projects to maximize domestic energy supplies as specifically determined by the Administrator of the Federal Energy Administration, after coordination with the Director, Federal Preparedness Agency, as the representative of the Administrator of General Services.

c. The allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment in support of authorized programs or projects shall be so undertaken as to ensure that:

(1) Supplies of the specified materials and equipment are available to the extent practicable on time and in proper quantity to authorized programs or projects.

(2) The demands of these authorized programs or projects are distributed among suppliers on a fair and equitable basis.

(3) Allotments of supplies of materials and equipment are not made in excess of actual current requirements of these authorized programs or projects.

(4) Fulfillment of the needs of these authorized programs and projects are achieved in such manner and to such degree as to minimize hardship in the market place.

d. The authority of subsection 101(c) of the Act will not be used to control the general distribution of any supplies of material and equipment in the civilian market, as that phrase is used in subsection 101(b) of the Act, except after Presidential approval as required by subsection 7(d) of Executive Order 11912.

3. *Delegation of authority.* a. The functions of the Administrator of General Services under subsection 101(c) of the Act are hereby delegated to the Secretary of Commerce with respect to the areas of responsibility designated and subject to the limitations prescribed and section 7 of Executive Order 11912. Specifically:

(1) The Secretary of Commerce is delegated the function, provided in subsection 101(c)(1) of the Act, of requiring the allocation of, or priority performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment to maximize domestic energy supplies, if the findings specified in subsection 101(c)(3) of the Act are made.

(2) The Secretary of Commerce is delegated those functions provided in subsection 101(c)(3) of the Act, but shall redelegate to the Administrator of the Federal Energy Administration the function of making the findings that supplies of materials and equipment are critical and essential to maximize domestic energy supplies. The Secretary of Commerce shall retain the functions of finding that supplies of materials and equipment are scarce, and that the purposes described in subsection 101(c)(3)(B) of the Act cannot reasonably be accomplished without exercising the authority specified in subsection 101(c)(1). This finding will include, to the extent practicable, an assessment of the effects of using the authority for the project in question on other significantly impacted projects.

b. The authorities and responsibilities assigned to, or retained by, the Administrator of General Services have been redelegated to the Director, Federal Preparedness Agency, General Services Administration. The Director shall be responsible for the overall coordination and direction of the functions provided by subsection 101(c) of the Act in a manner similar to the exercise of functions under subsections 101(a) and 101(b) of the Act. In line with these functions, the Director, Federal Preparedness Agency, is also responsible for resolving any conflicts between claimant agencies regarding particular supplies of materials and equipment. In addition, the Federal Preparedness Agency will monitor the impact of the implementation of the authorities of subsection 101(c) and other authorities under section 101 of the Defense Production Act on each other and on the national economy.

c. The functions assigned, delegated, or required to be redelegated by this order to the Secretary of Commerce and Administrator of the Federal Energy Administration may not be redelegated to other agencies without first being coordinated with the Director, Federal Preparedness Agency.

d. Procedures to execute the above delegations will be carried out in accordance with guidance provided by the Director, Federal Preparedness Agency, pursuant to this order and Executive Order 11912.

4. *Effective date.* This order is effective on October 4, 1976.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–28917 Filed 10–1–76; 8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

Certificate of Mailing of Correspondence

On June 21, 1976, notice was published in the FEDERAL REGISTER (41 FR 24895) of a proposal to amend Title 37, Code of Federal Regulations by adding new §§ 1.8, 3.55 and 4.23. Interested persons were invited to comment on the proposal on or before August 20, 1976. Twenty-two comments were submitted. Nineteen were favorable to the proposal and two were neutral. One adverse comment was received. Consideration was given to these comments, as well as to 147 comments received in response to an earlier notice published in the Official Gazette of the Patent and Trademark Office on January 20, 1976 (942 O.G. 1073). Of these 147 comments, 131 were in favor of a certificate of mailing procedure, 11 were opposed and 5 were neutral. Both sets of comments, and a summary and analysis of each set, are available for public inspection in Room 11E10 of Crystal Plaza Building 3 at 2021 Jefferson Davis Highway in Arlington, Virginia.

These rule changes are intended to solve, in part, the problems caused by delays in the delivery of papers by mail to the Patent and Trademark Office within the time periods set for response by applicants. Except in those cases spelled out in new § 1.8, papers and fees will be considered as being timely filed if they are deposited with the U.S. Postal Service on or before the expiration of the period set for response. However, the date of deposit in the mails will be considered only to determine the timeliness of the response. The actual date of receipt of the correspondence or fee will continue to be used for all other purposes, such as for example, determining when an appeal brief is due (two months after the receipt of the Notice of Appeal, 37 CFR 1.192).

The exceptions spelled out in new § 1.8 are intended to exclude from the new procedure those cases where filing in the Office, or with the Commissioner, is a requirement of statute. In view of five comments questioning the authority of the Commissioner to adopt the new procedure, two further exceptions have been included in § 1.8. In all other cases, the new procedure would not be inconsistent with statute, and therefore would be within the authority of the Commissioner to adopt. The suggestion, advanced in eight comments, that there should be no exceptions, was not adopted.

One comment suggested that attestation be made on a personal knowledge basis and this suggestion has been adopted. In response to another comment, the text of § 1.8 has been amended to indicate more clearly who may sign the certificate. Finally, several comments expressed concern about the possibility of fraud. However, the use of a post card receipt (see Notice dated November 21, 1968) would seem to minimize this possibility.

The addition of a new § 1.8(a) establishes a Certificate of Mailing procedure. New § 1.8(b) would establish a procedure for situations where correspondence is deposited under § 1.8(a) but is not delivered.

Form § 3.55 is designed for use in patent cases and form § 4.23 is designed for use in trademark cases when making a certificate under § 1.8(a).

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952, as amended (85 Stat. 364; 35 U.S.C. 6), Parts 1, 3 and 4 of Title 37, Code of Federal Regulations, are hereby amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. By adding a new § 1.8 as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if (1) they are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the United States Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit (see forms, §§ 3.55 and 4.23). The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated. The actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of patent applications;

(ii) The filing of trademark applications;

(iii) The filing of agreements between parties to an interference under 35 U.S.C. 135(c);

(iv) The filing of an affidavit showing that a mark is still in use or containing an excuse for nonuse under Section 8(a) or (b) or Section 12(c) of the Trademark Act, 15 U.S.C. 1058(a), 1058(b), 1062(c);

(v) The filing of an application for renewal of a mark registration under Section 9 of the Trademark Act, 15 U.S.C. 1059;

(vi) The filing of a petition to cancel a registration of a mark under Section 14(a) or (b) of the Trademark Act, 15 U.S.C. 1064(a), 1064(b);

(vii) The filing of an affidavit under Section 15, subsection (3) of the Trademark Act, 15 U.S.C. 1065;

(viii) The filing of a notice of election to proceed by civil action in an inter partes proceeding under 35 U.S.C. 141 or Section 21(a)(1) of the Trademark Act, 15 U.S.C. 1071(a)(1), in response to another party's appeal to the Court of Customs and Patent Appeals;

(ix) The filing of a notice and reasons of appeal under 35 U.S.C. 142 or a notice of appeal under Section 21(a)(2) of the Trademark Act, 15 U.S.C. 1071(a)(2); and

(x) The filing of a statement under 42 U.S.C. 2182 or 42 U.S.C. 2457(c).

(b) In the event that correspondence or fees are timely filed in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abondoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence or fee will be considered timely if the party who forwarded such correspondence or fee (1) informs the Office of the previous mailing of the correspondence or fee promptly after becoming aware of the Office action, (2) supplies an additional copy of the previously mailed correspondence or fee and certificate, and (3) includes a declaration under § 1.68 or § 2.20 which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing.

PART 3—FORMS FOR PATENT CASES

2. By adding a new § 3.55 as follows.

§ 3.55 A suggested format for the certificate under 37 CFR 1.8(a) to be included with the correspondence.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on _____.
Date

_____
Name of applicant, assignee, or Registered Representative

_____
Signature

_____
Date

PART 4—FORMS FOR TRADEMARK CASES

3. By adding a new § 4.23 as follows.

§ 4.23 A suggested format for the certificate under 37 CFR 1.8(a) to be included with the correspondence.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on _____.
Date

_____
Name of applicant, assignee, or applicant's attorney

_____
Signature

_____
Date

Effective date: These amendments shall become effective on November 1, 1976.

Dated: September 28, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: September 17, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76–28915 Filed 10–1–76;8:45 am]

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Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-193]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.48—Exhibits

PROCUREMENT LEADTIMES

This regulation provides changes in estimated leadtimes for items purchased by GSA for other agencies.

Section 101-26.4801 is revised to read as follows:

§ 101-26.4801 Procurement leadtimes.

The following table shall be used to estimate delivery dates of items purchased by GSA for other agencies:

Federal supply classification (FSC) codes	Commodities	Leadtime in calendar days [1]
1000-1399	Weapons, ammunition, and explosives	150
1400-1599	Civil aircraft	150
1600-2499 [2]	Aircraft components, railway equipment, and motor vehicles	285
2500-2599	Vehicle parts	100
2600-2799	Tires and tubes	135
2800-2899	Engines, turbines, and parts	175
2900-3199	Engine accessories, power equipment, and bearings	175
3200-3499	Woodworking and metalworking machinery	180
3500-3599	Service and trade equipment	150
3600-3699	Special industry machinery	150
3700-3799	Agricultural machinery and equipment	250
3800-3999 [3]	Construction, highway, and materials handling equipment	195
4000-4099	Rope, cable, chain, and fittings	140
4100-4199	Refrigeration and air-conditioning equipment	150
4200-4210	Firefighting equipment other than fire trucks	135
4210	Fire trucks	400
4220-4299	Rescue and safety equipment	135
4300-4399	Pumps and compressors	130
4400-4499	Furnace, steam plant, and drying equipment	190
4500-4899	Plumbing, heating, and related equipment	150
4900-5099	Maintenance and repair shop equipment	175
5100-5129	Handtools, nonpowered	170
5130-5132	Handtools, power-driven	180
5133-5139	Drill bits, taps, dies, and collets	120
5140-5179	Tool and hardware boxes	135
5180-5199	Sets, kits, and outfits of handtools	180
5200-5299	Measuring tools	120
5300-5339	Screws, fasteners, and nails	135
5340-5344	Miscellaneous hardware	135
5345-5399	Disks, stones, and abrasives	135
5400-5499	Prefabricated structures	165
5500-5599	Lumber	135
5600-5799	Construction and building materials	140
5800-5899 [4]	Communication equipment	150
5900-5959	Electrical and electronic components	135
5970-5999	Electrical parts	150
6000-6199	Electrical wire	175
6200-6299	Lighting fixtures and lamps	140
6300-6399	Alarm and signal systems	95
6400-6599	Medical, dental, and veterinary equipment and supplies	150
6600-6699	Instruments and laboratory equipment	150
6700-6799	Photographic equipment	135
6800-7099	Chemicals, training materials, and data processing and related equipment and supplies	175
7100-7109	Household furniture	210
7110-7121	Office furniture	255
7125-7194	Cabinets, lockers, bins, and shelving	255
7195-7199	Miscellaneous furniture and fixtures	255
7200-7210	Household furnishings	140
7220-7229	Floor coverings	250
7230-7239	Draperies, awnings, and shades	160
7240-7289	Household and commercial containers	140
7290-7299	Miscellaneous household and commercial furnishings and appliances	140
7300-7329	Food, cooking, baking, and warming kitchen equipment	150
7330-7399	Kitchen handtools and utensils	140
7400-7459	Office machines	120
7460-7489	Visible record equipment	150
7490-7499	Miscellaneous office machines	110
7500-7519	Office supplies	150
7520-7529	Office devices and accessories	150
7530-7539	Stationery and record forms	150
7540-7599	Standard forms	160
7600-7699	Books and other publications	180
7700-7799	Musical instruments, phonographs, and radios	150
7800-7899	Recreational and athletic equipment	150
7900-7999	Cleaning equipment and supplies	140
8000-8019	Paints, varnishes, enamels, etc.	120
8020-8029	Brushes, paint and artist	150
8030-8099	Sealers and adhesives	150
8100-8299	Containers, packaging, and packing supplies	140
8300-8399	Textiles, leathers, and furs	160
8400-8499	Clothing and individual equipment	160
8500-8519	Perfumes and toiletries	145
8520-8539	Toilet soap and personal toiletry articles	180
8540-8599	Toiletry paper products	130
8600-8899	Agricultural supplies and live animals	150
8900-9099	Subsistence	150
9300-9399	Nonmetallic fabricated materials	155
9400-9799	Nonmetallic crude materials, metals, and ores	150
9800-9999	Miscellaneous	150

[1] Deduct 30 d from time shown when total requirements can be made under small purchase procedures.

[2] For vehicles in Federal supply classes 2310, 2320, and 2330 included in GSA's consolidated volume and monthly purchase programs, see sec. 101-26.501-4 for procurement and delivery time schedules. For other vehicles in these classes and those in Federal supply class 2340, the leadtime shown is for standard vehicles without special features or attachments.

[3] The following classes will be considered on an individual basis because of special features that may be required. The leadtime shown is for routine requirements:

Federal supply classification (FSC) codes:	Items
3805	Earth moving and excavating equipment.
3810	Cranes and crane-shovels.
3895	Miscellaneous construction equipment.

[4] All classes in FSC group 58, communication equipment, will be considered on an individual basis because of special features that may be required. The leadtime shown is for routine requirements.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).)

Effective date. This regulation is effective October 4, 1976.

NOTE: It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 15, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-28658 Filed 10-1-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Coal Resources Regs. Guideline No. 1]

PART 3040—ENVIRONMENT AND SAFETY

Subpart 3041—Surface Management

WITHHOLDING LANDS OWNED BY THE UNITED STATES FROM LEASING FOR SURFACE MINE DEVELOPMENT

The Department of the Interior regulations governing the surface management of Federal coal resources, 43 CFR Subpart 3041 (41 FR 20252, May 17, 1976), provide in § 3040.2-1(a) that following completion of a technical examination and environmental analysis of areas covered by an application for a coal lease, permit or license or on Bureau of Land Management motion, the authorized officer shall prepare a report which sets forth recommendations as to lands which should be excluded from any lease, permit or license in order to avoid mining where reclamation is not attainable or assured. The purpose of this guideline is to prescribe the criteria upon which the authorized officer shall make his determination. In making any such determination, the authorized officer shall take into account, and shall base his determination upon a finding that:

1. Reclamation in accordance with the standards contained in 43 CFR 3041.2-2 and 30 CFR 211.40 of the affected lands after mining cannot be attained by the application of known technology; or

2. Mining by such methods would create hazardous conditions that would involve significant risk to public health and safety, including, but not limited to, destruction of public or private property from rock or land slides, geological instability, significant adverse changes in natural flood patterns or conditions, or unavoidable deterioration of water quality or quantity in contravention of applicable law; or

3. Mining by such methods would be incompatible with, and would prevent, other recognized land uses of a higher value. In determining that such a higher value exists, the authorized officer shall take into account—

The productivity and natural resource potential of the lands involved, including, but not limited to, significant and intensive irrigated or subirrigated agricultural or ranching uses;

The presence of unique key wildlife habitats;

Characteristics of exceptional fragility or of unique historic, cultural, scientific, or esthetic value; and

Action by regional, State, or local governmental bodies to designate or recommend the designation of such lands, or adjacent lands which are geologically, hydrologically, or biologically related, as unsuitable for mining based upon criteria substantially similar to those set forth herein.

Any such determination may take place during the course of preparation of United Resources Analysis, Management Framework Plans or other Bureau of Land Management analyses undertaken during review of nominations submitted pursuant to the EMARS coal leasing process or at other times. Any such determination shall be made pursuant to the procedural requirements set forth in 43 CFR 3041.1 and 3041.4 including consultation with other officers, bureaus, or agencies of the Department or the appropriate Federal surface managing agency, State governments, and the surface owner if other than the United States.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1976.

[FR Doc.76-28978 Filed 10-1-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 4 to S.O. No. 1202]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of September, 1976.

Upon further consideration of Service Order No. 1202 (39 FR 40765;) 40 FR 14318, 43914, and 41 FR 13926 and good cause appearing therefor:

It is ordered, That: § 1033.1202 Service Order No. 1202 Missouri-Kansas-Texas Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 a.m., September 30, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29080 Filed 10-1-76;8:45 am]

[Amdt. No. 3 to S.O. No. 1211]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Ashley, Drew & Northern Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of September, 1976.

Upon further consideration of Service Order No. 1211 (40 FR 14765, 45440; and 41 FR 13592); and good cause appearing therefor:

It is ordered, That: § 1033.1211 Service Order 1211 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Ashley, Drew & Northern Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 a.m., September 30, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29079 Filed 10-1-76;8:45 am]

[Amdt. No. 1 to S.O. No. 1241]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks Formerly Operated by South Omaha Terminal Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of September, 1976.

Upon further consideration of Service Order No. 1241 (41 FR 17394) and good cause appearing therefor:

It is ordered, That: § 1033.1241 Service Order No. 1241 Chicago and North Western Transportation Company authorized to operate over tracks formerly operated by South Omaha Terminal Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., September 30, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29078 Filed 10-1-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Ottawa National Wildlife Refuge, Ohio; Opening to Hunting of Migratory Game Birds

On August 12, 1976, there was published in the FEDERAL REGISTER (41 FR 34049) a notice of proposed rulemaking proposing to add Ottawa National Wildlife Refuge, Ohio, to the list of refuge areas which are open for the hunting of migratory game birds. This list is published at 50 CFR 32.11. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that the opening of Ottawa National Wildlife Refuge to public hunting would not be contrary to the provisions of law applicable to the area,

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would be compatible with the principles of sound wildlife management, would be in the public interest, and would not be detrimental to the objectives for which the area was established.

The public was provided a 30 day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection.

Seven letters were received. Two requested copies of the environmental assessment. No further comment was received.

Three others supported the hunt, although one objected to the State permit fee of $10.00, since it placed another cost burden on the hunter. They suggested a State Migratory Bird Stamp.

Two letters expressed opposition to the hunt. One called it a reprehensible encroachment on wildlife and that the refuge was being turned into a shooting gallery—an alleged "outrage." A conflict with bald eagle nesting was also referred to. The Service has determined that the hunt will be rigidly controlled. The entire Ottawa Refuge is not open to hunting, and there are other refuge units in the vicinity that are not being hunted and will provide sufficient undisturbed sanctuary. Also, since bald eagle nesting is well over by the hunting season, there is no direct conflict from the hunting program.

A comment received from the Defenders of Wildlife opposed the opening because the Service, "in keeping with the purpose and function of the National Wildlife Refuge System, must fulfill an affirmative burden by demonstrating that hunting would be beneficial to the welfare of the species to be hunted and to the other species inhabiting the same lands." This is not the applicable statutory or regulatory standard. See 16 U.S.C. sections 668dd(d), 460k; 50 C.F.R. 32.1 (1975); *The Humane Society of the United States, et al* v. *Morton, et al.*, Civil No. 3627–70 (D.D.C. March 13, 1973).

Based on the preceding an evaluation of the environmental assessment, it has been determined that the hunting of migratory game birds, on the Ottawa National Wildlife Refuge, Ohio, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Because of the rapid approach of the State hunting season, which begins October 15, and because this is a cooperative program with the State, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedures Act to expedite the implementation of this rulemaking. Therefore, this rulemaking will become effective on October 15.

Accordingly, the proposed rulemaking is hereby adopted without change, and § 32.11 is amended as set forth below:

§ 32.11 List of open areas; migratory game birds.

* * * * *

OHIO

OTTAWA NATIONAL WILDLIFE REFUGE

* * * * *

Effective date: October 15, 1976.

Dated: September 28, 1976.

GEORGE W. MILIAS,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc.76-28799 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 8, 1976 through January 5, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Hunting of fox, raccoon and opossum on the Chincoteague National Wildlife Refuge, Virginia is permitted on areas designated as open to deer hunting, by authorized deer hunters, on dates open for deer hunting. Hunting will be in accordance with all applicable State regulations governing the hunting of fox, raccoon and opossum.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1977.

G. C. BALZER, Jr.,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28922 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 8, 1976 through January 5, 1977.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Virginia, is permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, P.O. Box 62, Chincoteague, Virginia 23336, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery Hunt—Sika and white-tailed deer, either sex; (b) Stag hunt—Sika and white-tail stag (five points or better) must be taken first. An adult white-tail female or a white-tail buck with unbranched antlers may be taken after a stag is bagged.

(2) Bag Limits: (a) Archery Hunt—One per day, two per license year, either sex; (b) Stag hunt—One per day, two per license year, with the provisions that the first deer must be a stag (five points or better) and the second an adult white-tail female or white-tail buck with unbranched antlers.

(3) Season: (a) Archery—October 9 to November 6, 1976, except Sundays; (b) Stag hunt—November 15–19, November 29–December 3, December 6–10, December 13–17, 1976. The number of Stag hunts will depend on the number of hunters applying.

(4) Weapon: (a) Archery—Long bow and arrow only. Archers must use broadhead arrows with blades at least ⅞ inches wide and bows capable of propelling any arrow in their possession 125 yards. All arrows in an archers possession while hunting must be permanently marked with hunters name and address. Archers may not have firearms or illegal arrows in their possession. (b) Stag hunt firearms—Rifles and shotguns, modern or antique, capable of holding only one round will be acceptable. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be permitted. Slugs only will be permitted in shotguns. Possession of firearms or ammunition on refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours—Same as State hunting hours. All hunters must be clear of hunting areas by 8:00 P.M.

(7) Carrying loaded firearms or nocked arrows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires on refuge are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) All hit deer will be reported to refuge personnel immediately so that data on hit deer can be gathered. All deer taken on the area must be brought by the maintenance area to be checked out. Jawbone may be removed by refuge personnel.

(11) Before a permit will be issued to any hunter he must take and pass a hunter qualification test based on State and Refuge hunting regulations. (a) Archery—To qualify for an archery permit, archers must submit a certified target to the refuge office. This target must bear the name and address of the archery range and the signature of the range official who actually witnessed the placing of at least three out of five arrows within a 12-inch bullseye from 25 yards or better. Hunter's name and address should be on the target. Permits will be issued to hunters at the refuge, after they have had an orientation briefing of approximately 6 hours or a certificate from National Field Archery Association, certifying that hunter has

completed Part I, II A, and II B of Bowhunters Education Program. All hunters may be asked to prove that they have maintained their shooting competency by shooting again while they are hunting on the refuge. Hunters must fill in data section on back of permit and return it to refuge office by November 30, 1976. Failure to return permit may result in hunter being refused a permit in future hunts. (b) Stag Hunt—Hunters will be selected by a drawing held on October 27 and will be notified of their selection by mail. To apply for the hunt, each hunter must submit a target that will be received in the refuge office before October 27 (the day of the drawing). The target must bear the name and address of the range and range official who actually witnessed the firing of three consecutive shots held within a 12-inch bullseye, from 50 yards or better. Hunter's name and address must be written on the target. This target will qualify hunters for the drawing but all hunters not qualified by the refuge staff will have to be qualified by the refuge at an orientation to be held the Sunday before the hunt. Hunters should specify on the target the hunt date they prefer. Permits to hunt will be issued after an orientation briefing to be held at 1:00 P.M., the Sunday before each hunt. Hunters will need to bring their license, big game tag, and firearm to the briefing. A refuge official will show each hunter the boundaries of his or her assigned hunting area. All applicable Virginia game laws and Federal regulations shall be in effect.

(12) There are two species of endangered wildlife (Delmarva Fox Squirrel and Peregrine Falcon) found on the refuge, therefore, hunters must not shoot at any squirrels or birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 32 and are effective through January 5, 1977.

G. C. BALZER, Jr.,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28923 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued and is effective during the period of October 13, 1976 through December 31, 1976.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Iroquois National Wildlife Refuge, New York, is permitted in designated areas. Information on this program is available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

(1) Waterfowl hunting is by permit only.

(2) Hunting is permitted on Monday, Tuesday, Thursday and Saturday.

(3) Prior registration is required for opening day, and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior registration days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(4) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Casey Road, not later than 1:00 P.M. local time.

(5) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(6) Hunters will be limited to 15 steel shotshells not larger than #1. Possession of lead shotshells or more than 15 shotshells is not permitted.

(7) Disorderly conduct, intoxication, "sky busting" or otherwise unsportsmanlike conduct will not be tolerated and the permittee will be ejected from the area.

(8) A hunter who leaves his stand must have permission from official personnel to return.

(9) Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for permits on Tuesdays.

(10) No person shall use or hunt from a boat.

(11) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and effective through November 21, 1976.

G. C. BALZER, Jr.,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28918 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued and is effective during the period October 8, 1976 through February 28, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of woodcock and crow on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons, except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and crow.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

G. C. BALZER, Jr.,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28919 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued and is effective during the period October 8, 1976 through February 28, 1977.

§§ 32.22 Special regulations: upland game birds, for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective State seasons except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State Regulations subject to the following special condition:

(1) A seasonal permit is required for the nighttime hunting of raccoon. Permits may be obtained by applying person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

G. C. BALZER, Jr.,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28920 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued an is effective during the period

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November 1, 1976 through December 31, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

G. C. BALZER, JR.,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28921 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Presquile National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 15, 1976 through November 5, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit will be required at no charge to the applicant. Permits will be issued for a two consecutive day period except for October 30, and November 5, which will be for one day only. Permits will be limited to 135 for each two-day period and 80 for each one-day hunt. They will be issued in advance of the season to hunters selected from a public drawing to be held in the refuge office, Hopewell, Virginia. Applications must be printed or typed and contain the following information: Name, address, specify gun hunt or archery hunt, up to three other names and addresses of members in party, preference dates, and whether hunter will use boat or not. Bow hunters must pass a qualification test which will consist of placing 3 out of 5 arrows in a 9 by 14 inch chest area of a standard deer size target at 25 yards. In order to be in the drawing for an archery permit, archers must submit a certification statement to the refuge office. The statement must bear the name and address of the archery range and signature of range official who actually witnessed the qualification. Permits are non-transferable and will be mailed to selected applicants after the drawing. Alternates will also be selected from standby hunters at the ferry landing to fill any vacant slots if permittees do not show up.

(2) Only white-tailed deer may be taken from one half-hour before sunrise to one half-hour after sunset with bow and arrow only on October 15, 16, 22 and 23; and with shotguns on October 30, and November 5.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the ferry at 6 a.m. E.D.T. (5 a.m. E.S.T.) except that boats will be permitted only for those hunters desiring to hunt in the swamp. All boat occupants must wear life jackets. Only small boats will be permitted with outboard engines no larger than 10 h.p. There will be an official State checking station at the refuge headquarters. Hunters must be checked out by refuge officials before leaving the island and leave the refuge by 7 p.m. E.D.T. (6 p.m. E.S.T.).

(5) All travel on the refuge will be on foot or by refuge vehicles. Boats will be permitted in the swamp creeks. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge during the bow and arrow only hunts is prohibited.

(7) All arrows in the possession of each hunter must be marked with the stand number issued to the hunter.

(8) Only buckshot is permitted during the shotgun hunts.

(9) One-hundred thirty-five stands corresponding to the allowable number of hunters on each day of the bow hunts and 80 stands corresponding to the allowable number of hunters on each day of the gun hunts are located throughout the refuge. Each hunter will be assigned the stand corresponding to his permit number. Fluorescent orange must be visible on each gun hunter. Bow hunters will remain at their assigned stands from one half-hour before sunrise to 10 a.m. From 10 a.m. to one half-hour after sunset, they may hunt anywhere within the open area. Archers must wear fluorescent orange when going to and from their stand, and when hunting away from their stand. Shotgun hunters will remain on their stands throughout the day's hunt. Boats must be moored throughout the day. Boats leaving the creek during the day cannot return that day.

(10) All hunters under 18 years of age must be accompanied by an adult.

(11) Scouting will be permitted on October 8 and 9. The refuge ferry will take passengers to the island at 8 a.m. E.D.T., and return to the mainland at 10 a.m. and 12 noon.

(12) These special regulations and maps are available at refuge headquarters, Hopewell, Virginia, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Parts 28 and 32, and are effective through November 5, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28924 Filed 10-1-76;8:45 am]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas; Correction

In FR Doc. 76-24809 appearing on page 35850 of the issue for Wednesday, August 25, 1976, under § 32.32, item (3) erroneously prescribes either-sex bag limits for all hunts set forth in item (2), and is corrected as follows:

(3) Bag limits: One deer of either sex during the Archery (October 16–30) and Muzzle-loading rifle (October 22–23) hunts; and one legal buck only during the Gun hunt (November 8–9, 1976).

CRAYTON J. LANKFORD,
Acting Regional Director, United States Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28952 Filed 10-1-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Methodology for Determining Date for Prohibiting Further Setting on Porpoises

On July 27, 1976, the National Marine Fisheries Service published in the FEDERAL REGISTER (41 FR 31227) proposed regulations for the methodology by which NMFS will determine the date for prohibiting further setting of purse seines on porpoise if this becomes necessary to comply with the 1976 quota of 78,000 porpoises. One comment was received regarding the proposal which suggested a modification of Step 1 of the methodology to take into account those vessels which may not be fishing exclusively for yellowfin. After due consideration, the methodology has been modified and is hereby adopted by the National Marine Fisheries Service.

Method for Determining Date When Limit Will be Reached. The date when the 78,000 limit will be reached will be determined in two steps. In Step 1 an estimate will be made of the total porpoise kill through the end of the preceding month using the methodology published on April 5, 1976 (41 FR 14401), which extrapolates available data to the entire U.S. fleet. The methodology will use kill-per-trip data for complete trips carrying NMFS observers and kill-per-day data reported by radio from observed vessels at sea, except that the kill-per-day and kill-per-trip statistics prorated to vessels not carrying observers and which are within the CYRA will be adjusted for the amount of yellowfin tuna they are allowed to catch under IATTC regulations.

Vessels participating in the NMFS/industry cooperative gear study have an average kill rate substantially below the fleet average. These vessels will be separated from the rest of the fleet for analysis, using a kill-per-day methodology.

In the second step the kill will be projected for each following month and will be added to the kill computed in Step 1 until the quota level of 78,000 is reached. This projection will be computed by multiplying the kill-per-ton of yellowfin tuna (from 1976 NMFS field technician data on complete trips) by the historical average monthly catch of yellowfin tuna taken in association with porpoise for each month (from IATTC records, 1972–1975). Interpolation will be used to estimate the day of the month when the quota will be reached as shown in the example in the proposal published on July 27, 1976 (41 FR 31227).

The complete two-step procedure will be repeated on a monthly basis to allow refinement of the estimated date of closure. As the estimated date for reaching the quota is approached, calculations on a shorter time period may be warranted.

Results of each calculation will be available to the public. The effective date when fishing on porpoise will be prohibited, will be published in the FEDERAL REGISTER not less than 7 days prior to that date.

Section 216.24(d) (2) (i) (A) which now provides for a notice not less than 30 days prior to the date upon which the prohibition is to become effective is amended by adoption of this methodology.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

SEPTEMBER 28, 1976.

50 CFR Part 216 is amended as follows:

§ 216.24 [Amended]

Section 216.24(d) (2) (i) (A) is amended by deleting "30" and inserting "7" in the last sentence.

[FR Doc.76-28904 Filed 10-1-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 623-6]

PART 35—STATE AND LOCAL ASSISTANCE

Grants to State and Designated Areawide Planning Agencies—Conditions, Policies and Procedures

Section 208 of the Federal Water Pollution Control Act (Pub. L. 92-500 as amended) authorizes the Administrator of the Environmental Protection Agency to make grants to designated State and Areawide Water Quality Management Agencies for payment of the reasonable costs of developing and operating a continuing waste treatment planning process.

On July 20, 1976, notice was published in the FEDERAL REGISTER (41 FR 29867) that the Environmental Protection Agency intended to amend section 208 grant regulations, 40 CFR Part 35, Subpart A to include additional procedures for providing grants to State and areawide agencies for the development of a Water Quality Management Plan pursuant to 40 CFR 130.12 and 130.13.

The need for the amended regulations resulted from an order of the U.S. District Court for the District of Columbia entered on June 2, 1976, in National Association of Regional Councils v. Train, No. 75-1706. The pertinent part of that order states:

> The unobligated balance of the amounts authorized to be appropriated to carry out • • • Section 208 of the Federal Water Pollution Control Act • • • for the fiscal years ending June 30, 1973 and June 30, 1974 • • • shall remain available for further obligation • • • to and including September 30, 1977 • • • Defendants shall, no later than July 15, 1976, propose regulations or amendments to present regulations and shall no later than September 30, 1976 promulgate final regulations or amendments to present regulations necessary to implement fully this order • • •.

A decision with regard to an appeal of this court order has not been made, and EPA is proceeding to implement the court's decision.

The amount of funds made available for obligation by this order is approximately $137 million.

An allocation formula based on 75% net population 25% net land area was used to distribute funds appropriated for the program in FY 1976. At the time of the promulgation of the existing regulations, 40 FR 55321 published November 28, 1975, EPA believed that this formula used to distribute the FY 1976 funds would become increasingly unsatisfactory if larger amounts of money were added to the program. Although this formula was judged to be suitable for an initial allocation of funds by Federal Regions to establish State-wide planning under Section 208, the 75/25 formula is not satisfactory when applied to significantly larger amounts of funds.

The allocation formula, as amended in these regulations, uses a weighting of 85% for net population and 15% for net land area.

EPA intends that this formula will be complemented by functional criteria and guidance for use by EPA Regional Offices. This guidance sets forth specifications on the use of funds at the State and areawide level to meet program objectives. The guidance is developed on a functional category basis, an example of a category being urban runoff. Support of necessary administrative, management and public participation activities will be provided. In addition, special funding of a limited number of projects which address water quality management problems of national significance such as those affecting national parks is contemplated.

EPA is reviewing procedures that would promote an equitable distribution of funds to grantees that have received 75% Federal share funds and are penalized solely because of the timing of the grant, when compared to grantees that have received or will receive 100 percent Federal share funds.

Written comments on the proposed amendment were solicited and received. The following availed themselves of the opportunity to comment within the established time period: 19 States; 12 local governments; 3 national associations; 1 United States Senator; and, 2 EPA Regional Offices. All comments received have been carefully considered. They remain on file with the Environmental Protection Agency in the Grants Administration Division (PM-216).

The great majority of the comments received concerned the substantive issues which are discussed below:

1. *Lack of justification for the proposed 85%–15% formula.* Some commenters objected to the use of population and land area as the sole factors in a national distribution formula. A formula based upon actual extent of the pollution problem among all geographic areas in the United States would, of course, represent the optimum manner for distributing funds. Unfortunately, no objective, accepted measurement of the non-point source portion of the problem exists. The lack of these data precludes the development of any nationally acceptable objective method of distribution. It should be noted that no commenter offered information that would have provided such a data base. Consequently, in the absence of agreed upon data of the extent of the pollution problem, the Agency maintains that population and land area are the best surrogate measures of funding need.

Several commenters did suggest specific formulae which differ from the proposed 85/15 formula. For example, four commenters advocated the use of gross population and land in lieu of net population and land in the proposed 85/15 formula. Gross population and land area were considered and rejected on the basis that the total funding distribution would favor those regions or States which have already received substantial funds to the detriment of those areas that had not.

Other commenters suggested that a higher weighting be given to land area relative to population. The reverse was also suggested. Alternative formulas, including several with significantly greater emphasis on land area or population were considered. These were not selected on the grounds that the inequities between Regions became too pronounced when compared with reasonable anticipated needs.

Several commenters suggested that non-point source pollution should be a larger factor in any allocation formula.

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A review of the State submissions in the report submitted pursuant to Section 305(b) of the FWPCA indicates that "a greater emphasis is needed to determine more accurately the amounts, causes, effects, and control of non-point sources." Based on the report, there is inadequate data available to provide an equitable basis for formula distribution.

A comparison of the results of the 75/25 formula and the 85/15 formula when applied to $137 million indicates that the latter is a more equitable distribution of funds. For example, Regions containing 37 of the 56 States and Territories receive more funds from the 85–15% formula than under the 75–25% formula.

The determination to use the 85%–15% formula was based in part on EPA's perception that the 75%–25% formula, used for distributing $53 million of the $216 million obligated to date, would, if continued in use, distort the distribution of funding between urban and rural pollution control problems. A few States with large land areas and predominantly non-urban pollution control problems would likely benefit inordinately from continued application of that formula. While Section 208 of the Act requires EPA to provide financial assistance to meet all types of substantial water quality control problems, it specifically focuses on problems which result from urban-industrial concentrations. It is EPA's judgment that the adjustment in the formula will distribute the total available sums to reflect the remaining pollution problems in urban and rural areas. In addition, EPA again emphasizes the discretion of the Regional Administrator to distribute funds allocated in accordance with his best judgment.

The following table provides a comparison of the two formulae and their respective distributions by Region.

Current formula versus revised formula

	Number of States and territories	75–25 pct formula	85–15 pct formula
Region:			
I	6	$6,385,756	$6,918,054
II	4	11,947,643	13,258,265
III	6	10,282,801	11,092,256
IV	8	22,709,315	23,924,616
V	6	17,511,064	18,348,084
VI	5	19,406,296	18,912,012
VII	4	10,565,580	10,379,290
VIII	6	6,682,198	5,127,354
IX	7	19,368,214	19,904,785
X	4	11,959,793	8,963,874
Total	56	136,818,570	136,818,570

In addition, a significant number of commenters interpreted the proposed formula as shifting emphasis from non-point source problems associated with sparsely populated land areas, to problems, particularly point source problems, associated with highly populated urban-industrial areas. On the contrary, the intent of the 85%–15% formula is not to stress either point or non-point source problems. Rather, the intent is to make an equitable geographical distribution among Federal Regions based on the extent of both types of problems measured by the surrogate indicators, population and land area. Once the distribution is made to the ten Federal Regions, Regional Administrators will negotiate grant amounts with each eligible applicant (State and designated areawide planning agencies) within the limits of each final Regional allotment. These grants may focus on point-source or nonpoint source or on urban or rural problems.

For example, if a determination is made that a large majority of a State's point source problems are being addressed by other programs, substantially all of the funds distributed under this formula could be directed toward solutions of non-point source problems. The Regional Offices, in conjunction with the States, are best able to make these decisions, and, these decisions will reinforce Regional Office and State capability to carry out long-term planning.

2. *Failure of the proposed revision to address the question of funding priorities.* Many commenters expressed concern about the order of funding priorities to be established between States, prior designations, and prospective new designations.

The Regional Office is responsible for decisions regarding the mix of funding among the States and the designated local areas within a geographical area. These decisions are made with consideration of specific factors, such as type and extent of problem, previous funding support level and institutional capabilities of the grantees present in that Region. While no specific formula dividing these funds between State and areawide agencies is set forth, EPA recognizes that the statute mandates a significant role for areawide agencies in the Water Quality Management process and thus expects Regional Administrators to seek an equitable distribution of these court released funds between State and areawide agencies, consistent with their discretion to determine how funds can best be used to impact significant pollution control problems.

Some commenters expressed the opinion that agencies funded in FY 76 at the 75% Federal participation level were funded at a lower rate of Federal assistance, and that in light of the present situation, should be entitled to funding at the 100% Federal participation level. EPA is presently examining possible approaches to augmenting FY 1976 grant awards with alternative funding sources.

3. *Reserve fund.* One commenter had the impression that a "reserve fund" maintained in EPA Headquarters could be used to fully fund agencies which were considered to be underfunded. No such reserve fund exists in EPA Headquarters.

4. *Other.* The remainder of the comments concerned time schedules, funding delays, continuing funding, and, insufficient funding, which are not appropriate to the purpose of these amended regulations.

Pursuant to the authority of the Administrator of the Environmental Protection Agency set forth in 40 CFR 30.101, Part 35 is amended as follows:

§ 35.204 [Amended]

The introductory text of paragraph (a) is amended, new paragraphs (a)(1) through (a)(3) are added, and paragraph (b) is revised as follows:

In § 35.204(a), delete the word "formula" in the fourth line and substitute the word "formulae;" add, following the colon and immediately before the formula presently contained in the regulations, a new paragraph (a)(1) as follows:

(1) for fiscal year 1976 funds:

Add, following the formula presently contained in the regulations, the following: paragraphs (a)(2) and (a)(3) and revise paragraph (b) as follows:

(2) for funds authorized for Fiscal Years 1973 and 1974, but not previously obligated prior to the end of each of those Fiscal Years, and for funds appropriated for the transition quarter of Fiscal Year 1976:

$$.85\left[\frac{\text{(Population of region)}=\text{(Population of region's previously funded designated planning areas)}}{\text{(Population of United States and territories)}-\text{(Population of previously funded designated planning areas nationally)}}\right]$$

Plus

$$.15\left[\frac{\text{(Land area of region)}=\text{(Land of region's previously funded designated planning areas)}}{\text{(Land area of the United States and territories)}-\text{(Land area of previously funded designated planning areas nationally)}}\right]$$

Equals allocation factor

(3) for subsequent Fiscal Year funds: (Reserved).

(b) the Regional Allotment ratio for each Region established pursuant to § 35.204(a) will be applied to sums which the Administrator determines will be available in each fiscal year for allotment to the Regions. In paragraph (e), delete the phrase "on June 1, 1976," in the first line, and substitute "on dates to be established in each fiscal year by the Administrator'."

Dated: September 30, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-29167 Filed 10-1-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

FIRE-CURED, DARK AIR CURED AND VIRGINIA SUN-CURED TOBACCO

Grade Loan Rates for Price Support on 1976 Crop

Correction

In FR Doc. 76–27943, appearing at page 41920 in the issue of Friday, September 24, 1976, in the third column on page 41920, § 1464.18, the second from the last entry reading:

C4G	68	68	76	64	50

should read:

C4G	68	68	68	64	50

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

INCIDENTAL TAKE OF MARINE MAMMALS

Intent Regarding Hearing and Proposed Regulations

The National Marine Fisheries Service hereby publishes notice of intent to promulgate regulations and to hold a hearing on proposed regulations for 1977 to govern the take of marine mammals incidental to commercial fishing operations for yellowfin tuna.

A hearing on the proposed regulations pursuant to amended hearing procedures is expected to begin on or about November 8, 1976, in Washington, D.C. This hearing will be conducted under procedural regulations promulgated on October 1, 1976.

Proposed regulations to govern the take of marine mammals incidental to commercial fishing operations for yellowfin tuna in 1977 and subsequent years are expected to be published for public comment on or about October 7, 1976.

Dated: September 30, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76–29167 Filed 10–1–76;8:45 am]

Patent and Trademark Office

[37 CFR Part 1]

PATENT EXAMINING AND APPEAL PROCEDURES

Proposed Rulemaking

Notice is hereby given that, pursuant to the authority contained in section 6 of Title 35 of the United States Code, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by revising or amending §§ 1.11, 1.14, 1.52, 1.56, 1.65, 1.175, 1.194, 1.196, 1.291, 1.292 and 1.346, and by adding §§ 1.69, 1.97, 1.98, 1.99 and 1.109.

All persons are invited to present their views, objections, recommendations or suggestions relating to the proposed rule changes to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on or before December 7, 1976, on which date a hearing will be held at 9:30 a.m. in Room 11–C24, Building 3, 2021 Jefferson Davis Highway, Arlington, Virginia. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of their intended appearance. All comments received will be available for public inspection in Room 11E10 of Building 3.

This proposal has been reviewed pursuant to EO 11821 and OMB Circular A–107 and determined to have no major inflationary impact.

BACKGROUND

The purpose of the proposed changes is to improve the quality and reliability of issued patents by strenghtening patent examining and appeal procedures.

In recent years there has been extensive public discussion concerning the U.S. patent examining system. Much of it stemmed from the 1966 Report of the President's Commission on the Patent System. The Commission made 35 recommendations for improvements, most of them requiring legislation. As as result, bills were introduced in the 90th Congress in 1967 and hearings were held on those and subsequent bills. The most recent patent bill to receive Congressional attention, S. 2255, 94th Congress, was passed by the Senate on February 26, 1976. It now appears, however, that no patent legislation will be enacted during the current year.

Certain of the proposals that have been made in the various bills can be implemented under the Commissioner's rulemaking authority and within the confines of the Office's current budget. In other cases more limited changes can be implemented in this way. Since it may be some time before the law is revised, it is believed appropriate at this time to consider rule changes of this nature. The Patent and Trademark Office has prepared the present proposals after a review of the various bills and taking into account comments and suggestions received from interested parties.

In addition to strengthening examining and appeal procedures, the proposed rules might serve as models for subsequent legislation or simplify the patent law revision effort by dispensing with the need for certain legislative changes. The proposed rules are intended to: (1) Permit patent owners and others to bring new prior art to the attention of the Office more readily through reissue applications; (2) assist examiners by providing them with "patentability statements" in all applications; (3) define and clarify the duty of applicants and others to bring information relevant to pending applications to the attention of the examiner; (4) modify the requirements for oaths and declarations to help ensure that relevant information is disclosed; (5) make available to the public Office decisions that would be of important precedent value; (6) refine the existing rules governing public use proceedings and protests to the grant of patents; (7) modify appeal procedures to authorize, in appropriate cases, oral arguments by examiners and rejections of allowed claims by the Board; and (8) create a more complete record of reasons for allowing patents.

REISSUE APPLICATIONS

Proposed § 1.175 permits a patent owner to have new prior art considered by the Office by way of a reissue application without making any changes in the claims or specification. Existing § 1.175 requires reissue applicants to file an oath or declaration alleging that they believe "the original patent to be wholly or partly inoperative or invalid * * *" This requirement is dispensed with in proposed § 1.175(a)(1) unless the applicant believes this to be the case. New paragraph (a)(4) recognizes that reissues may be filed to have the patentability of the original patent considered in view of prior art or other information relevant to patentability which was not previously considered by the Office.

Thus the proposed section permits a patentee to file a reissue if he believes his patent is valid over prior art not previously considered by the Office but would like to have a reexamination. The procedure could be used at any time during the life of a patent. During litigation a court might, if it chose, stay proceedings to permit new art to be considered initially by the Office in a simpler and less expensive proceeding. In accordance with existing § 1.176, reissue applications will continue to be acted on by the examiner in advance of other applications.

If a reissue application is filed as a result of new prior art with no changes in the claims or specification and the examiner finds the claims patentable over the new art, the application will be rejected as lacking statutory basis for a reissue, since 35 U.S.C. 251 does not authorize reissue of a patent unless it is "deemed wholly or partly inoperative or invalid." However, the record of prosecution of the

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reissue application will indicate that the prior art has been considered by the examiner.

Proposed § 1.11 opens reissue applications to inspection by the general public. It is already Office policy to open reissue applications to inspection by opponents of the patentee in litigation or an interference at the opponent's request. The proposed rule opens all reissue applications. Since reissue applications contain no new disclosure, and therefore no trade secrets or confidential information, they are considered to present a "special circumstance" within the meaning of 35 U.S.C. 122.

Proposed § 1.11(b) provides for announcement of the filings of reissue applications in the Official Gazette. This announcement would give interested members of the public an opportunity to submit to the examiner information pertinent to patentability of the reissue application. However, in accordance with proposed § 1.291 members of the public will not be permitted to participate as parties in proceedings before the examiner. See discussion below.

PATENTABILITY STATEMENT

Proposed §§ 1.97–1.99 provide for the filing of a patentability statement, similar to what has sometimes been called a patentability "brief", in every patent application. The statement would assist examiners by informing them of the relevant prior art considered by the applicant and giving an explanation of the most relevant references before they undertake their searches. The statement is not intendd to serve as a substitute for the search by the examiner, but only as a starting point and supplement for the search. The statement should provide a more complete written record distinguishing the claims from the prior art.

While the statement will impose some additional burden on applicants, applicants are already required by existing law to bring pertinent information to the attention of the examiner. The statement will serve as a reminder to applicants, attorneys and agents of their responsibility for citing pertinent information.

The patentability statement proposal represents an extension of the Office's existing policy on citation of prior art by applicants.[1] The proposal is similar to the rule change proposal published on September 9, 1969,[2] and to section 131(b) of S. 2255, 94th Congress.

Proposed § 1.97(a) requires the statement to be filed within two months after filing an application, in order to make it available by the time of the examiner's first action. Section (b) makes clear that applicants will not be refused an examination or a patent for any inadvertent failure to comply with the requirements for the statement. Paragraph (c) is intended to avoid any inference as to the thoroughness of any search that is made, or any implied obligation to make any search at all.

[1] See notice of August 12, 1974, 926 O.G. 2.
[2] 34 FR 14176, 866 O.G. 1402.

Section 1.98(a), specifying the content of the statement, requires a listing of relevant information and a "concise" explanation of the references considered most relevant. This emphasizes that a lengthy legal document is not desired. The term "patentability brief" is avoided because the statement contemplated generally would be less detailed than an appellate brief. Only the key features of pertinent references and the most important differences from the claimed invention need be discussed in a few sentences.

Section 1.98(a) states that the statement is to explain why the invention is patentable over prior art which the applicant considered most "relevant" during preparation of the application. The term "relevant" is defined. As to the "most relevant" references, the requirement is for an explanation of those references which meet this qualification in the opinion of the applicant, which will not necessarily be the same as the opinion of the examiner or subsequent reviewing body. The requirement that only the most relevant references need be explained is an attempt to minimize extra burden on the applicant and the Office.

It of course requires persons to exercise judgment in deciding what information to cite. No way has been found to avoid the exercise of judgment if the examiner is to be provided only with information useful to him. The intent of the Office is to avoid penalizing persons for good faith errors in judgment in deciding what information to bring forward. Reasons for patentability need not be stated if no relevant information was considered in preparing the application. The statement could comprise a mere statement that no information was considered.

Proposed § 1.98 requires, except in the case of duplicative references, that a copy of the pertinent portion of each patent or publication considered relevant be submitted. This includes copies of United States patents as well as foreign patents. While patents are of course available in the Office, if the applicant does not include copies the examiner will have to interrupt his examination until copies can be ordered or located. Since the person making the citation has copies in hand, it is believed than an overall saving in time can be achieved by requiring the applicant to supply the copies in all cases. With the widespread availability of copying equipment this burden is now less than in the past. While translations of pertinent portions of foreign language references will be helpful to the examiner, this has not been made a requirement of the proposed rule. When existing translations are readily available they should be submitted.

Proposed § 1.99 provides for updating patentability statements. This is consistent with the duty under existing case law to cite relevant information at any time during the prosecution of an application.

DUTY OF DISCLOSURE

Proposed § 1.56 defines the duty to disclose information to the Office and the criteria for striking an application when that duty is violated. The proposal codifies the existing Office policy on fraud and inequitable conduct, which is believed consistent with the prevailing case law in the Federal courts. The expanded wording of § 1.56 is intended to be helpful especially to those individuals who are not expert in the judicially developed doctrines concerning fraud. The section should have a stabilizing effect on future decisions in the Office and, although not binding on them, may perhaps offer useful guidance to the courts.

The first sentence of § 1.56(a) names the individuals who have a duty to disclose information to the Office. The second sentence states that the duty is to disclose all information that they believe might reasonably be expected to affect a decision of the examiner.[3] It is somewhat more than that information which in fact would or should cause the examiner to reject claims allowable "but for" the information.[4] As noted below, however, paragraph (c) of proposed §1.56 does not necessarily provide for a penalty when relevant information is not disclosed. The third sentence of paragraph (a) makes clear that the duty of disclosure is less for those persons who are less involved in the preparation or prosecution of the application.

Proposed section 1.56(b) retains the substance of existing § 1.56 and further defines with more particularity the grounds for striking an application. Since the courts have held patents unenforceable under the equitable doctrine of unclean hands when the requirements for fraud in the common law sense are not met, the term "inequitable conduct" is added to the rule. Paragraph (b) also makes clear that a failure to comply with the duty of disclosure may amount to fraud or inequitable conduct.

Paragraph (c) sets forth the criteria that must be satisfied before an application will be stricken for failing to comply with the duty of disclosure. It is believed to reflect the current state of the case law. For fraud or inequitable conduct most courts require "clear and convincing evidence" and an intent to withhold information, or gross negligence equivalent to intent.[5] The cases are not uniform on how material or relevant the information withheld must be. Paragraph (c)(1) adopts a "might reasonably be expected to affect" test. Paragraph (c), however, establishes only the minimum requirements that must be met for

[3] See S. 2255, 94th Congress, § 131(b)(1)(B).
[4] See e.g., In re Multi-District Litigation Involving Frost Patent, 398 F. Supp 1353, 1369, 185 USPQ 729, 741, (D. Del. 1975); Kayton et al, Fraud in Patent Procurement: Genuine and Sham Charges, 43 Geo. Wash. L. Rev. 1, 40 (1974).
[5] E.g., Norton v. Curtiss, 433 F. 2d 779, 167 USPQ 532 (CCPA 1970).

striking an application. It leaves the Office with discretion to require a higher degree of materiality (for example, a "but for" test) in appropriate circumstances.

Proposed § 1.346 explicitly requires a reasonable basis to support every assertion of improper conduct under § 1.56 made by a registered practitioner in any Office proceeding. The change in § 1.346 is not a change in substance but is only for emphasis. Concern has been expressed over the increasingly common practice of making "boiler plate" allegations of fraudulent procurement. Proposed § 1.346 gives specific notice that groundless charges of fraud or inequitable conduct may serve as a basis for disciplinary proceedings against registered practitioners under § 1.348.

OATHS AND DECLARATIONS

Proposed § 1.69 is intended to correct the anomalous situation in which foreign applicants are required to sign an oath or declaration in a language that they may not understand. It requires use of a language which is understood.

Proposed § 1.69(a) requires that persons must understand the content of documents to which foreign language oaths or declarations relate. The term "understands" provides flexibility for persons who cannot read the language in which the specification and claims are written to have the content explained to them.

Proposed section 1.69(b) anticipates that the Office will publish oaths and declaration forms in the languages of those countries from which a significant number of applications are received. An applicant who does not or is unable to use such a form, or any reproduction of such a form, must submit a verified English translation of the oath or declaration at the time it is filed. An exception is made for oaths or declarations under § 1.65, for which a verified English translation may be filed no later than two months after the filing date.

Proposed § 1.52 is changed to be consistent with the requirement of § 1.69 for foreign language oaths and declarations.

Proposed section 1.65(a)(1) requires inventors to acknowledge a duty to disclose information relevant to the patentability of their inventions. While the oath will not define the duty of disclosure fully, acknowledgement in general terms that such a duty exists will emphasize the importance of the duty to inventors who may not be familiar with the requirements of patent law and regulations. If this proposal is adopted the change in § 1.65 also would be incorporated in all appropriate sections in 37 CFR Part 3, "Forms for Patent Cases".

DECISIONS MADE PUBLIC

Proposed section 1.14(d) is intended to make more explicit the conditions under which significant decisions of the Patent and Trademark Office will be made available to the public. The proposed rule includes reference to decisions of the Board of Patent Interferences as well as the decisions of the Board of Appeals and the Commissioner, which were previously covered.

It provides for public disclosure of the subject decisions whenever the applicant or party in interest fails to take the prescribed steps to prevent such disclosure after being given appropriate notice. It is applicable in the case of decisions that would have significant precedent value, where such decisions are contained in either pending or abandoned applications or in interference files not otherwise open to the public. It places the burden on the Office to identify significant decisions. It is anticipated that no more than a few dozen decisions each year would be considered of sufficient importance for publication under the authority of this paragraph.

PROTEST AND PUBLIC USE PROCEEDINGS

Proposed §§ 1.291 and 1.292 give greater recognition to the value of written protests and public use petitions as aids in avoiding the issuance of invalid patents.

Section 1.291(a) provides that protests will be entered in the application file and will, if they meet stated requirements, be considered by the examiner. To guarantee consideration by the examiner, protests would have to be accompanied by copies of prior art documents relied upon, although protests without copies would not necessarily be ignored. This is similar to the requirement of proposed § 1.98 that copies of patents and publications accompany patentability statements. § 1.291 does not contemplate permitting a protester to participate in any further proceeding as a party. In the case of applications available to the public, such as reissue applications, the protester could file papers rebutting statements made by the applicant. The examiner at his discretion might request a protester to submit additional written information or might provide extra time for comments by a protester to be filed.

Section 1.291(b) incorporates the existing Office policy of permitting persons to submit prior art citations or copies of prior art after a patent has been granted.[6] The material submitted is not examined by the Office, but is available to members of the public inspecting Office records.

Materials submitted to the Office under §§ 1.291 and 1.292 are to be served upon the applicant, patentee, attorney or agent when possible. If service is not possible, materials are to be submitted in duplicate so that the Office can attempt to send the duplicate copy.

In § 1.292 the requirement that petitioner offer to bear the Office's expenses in conducting the public use proceeding is deleted.

Proposed § 1.292 is also intended to ensure that the application file wrapper records the existence of public use proceedings. Notice of a petition for a public use proceeding will be entered in the file in lieu of the petition itself when the petition and the accompanying papers are too bulky to physically accompany the file. Any public use papers not physically entered in the file will be publicly available whenever the application file wrapper itself is available.

PATENT APPEALS

Proposed § 1.194, first, makes clear that oral hearings should be requested only when the appellant considers a hearing necessary or desirable for a proper presentation of his appeal and, second, provides for oral arguments by examiners before the Board in certain appeals.

In most instances, well-written, fully developed arguments in the appellant's brief and the examiner's answer are the most effective way of arguing a case before the Board of Appeals. The legal and technological issues presented in appeals are, for the most part, best presented and understood using the precision of the written word. No adverse implications will be drawn as to the merits of the appeal from an applicant's waiving an oral hearing.

If an appellant considers an oral hearing necessary or desirable for a proper presentation of his appeal, an oral hearing will be scheduled upon request.

Proposed § 1.194(b) permits oral argument by, or on behalf of, the primary examiner whenever either the examiner or the Board believes it would be helpful. It incorporates the present practice of permitting examiners to present oral argument before the Board of Appeals (MPEP 1209). It gives the Board the additional discretionary authority to require examiners to present oral argument to ensure that all issues are fully and accurately presented.

It has been the Board's experience that effective oral argument, when needed, can be presented in less than the 30 minutes allowed in the present rule. Since March 20, 1975, it has been the Board's practice to limit oral argument to 20 minutes.[7] This practice is reflected in the proposed rules. Arguments by examiners would also be limited to a maximum of 20 minutes. It is anticipated that examiners often would utilize substantially less than 20 minutes since their role would be one of rebuttal and answering questions.

Proposed § 1.196(b) authorizes the Board of Appeals to reject allowed claims. The Board's lack of authority in the past has resulted in some anomalous situations. This proposal is not intended, however, as an instruction to the Board to reexamine every allowed claim in every appealed application. It is intended to give the Board authority to act when it becomes apparent during the Board's consideration of rejected claims that one or more allowed claims should also be rejected, on either the same or on different grounds than applied against the rejected claims.

[6] See notice of August 12, 1974, 926 OG 2.
[7] See notice of March 20, 1975, 933 O.G. 1010.

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Although the statutory authority of th Board of Appeals to review "adverse decisions of examiners" (35 U.S.C. 7) has not been narrowly construed,[8] it has been held that since a general rule authorizing review of favorable decisions of the examiner has not been promulgated, the Board lacked such authority.[9]

The Commissioner can "prescribe as a rule of practice, generally applicable, that a favorable decision by a primary examiner may be reviewed, in the Commissioner's behalf, by some officer or by some board to which has been delegated the duty of making such review." [10] Proposed § 1.196(b) exercises the Commissioner's discretion to designate the Board of Appeals to review in their capacity as Examiners-in-Chief favorable decisions by the examiner in cases which are otherwise before it.

As proposed, § 1.196(b) would permit an applicant, at his option, to waive reconsideration by the examiner and by the Board of Appeals and treat the Board's rejection of allowed claims as the final decision of the Board. If the applicant elects to follow that course, the Board's rejection of allowed claims would be directly reviewable by the Court of Customs and Patent Appeals or the District Court for the District of Columbia.[11]

REASONS FOR ALLOWANCE

Proposed § 1.109 authorizes examiners to prepare a written record of the reasons for allowing claims in an application when they believe the reasons will not be apparent from other papers of record. In many cases the reasons for allowance will be evident from the examiner's rejections and the applicant's amendments and arguments overcoming the rejections. Moreover when the examiner's reason for allowance is merely that he can locate no relevant prior art, a statement of reasons probably will be meaningless.

On the other hand, courts and others occasionally have commented that statements of examiners' reasons for allowance would be useful in some circumstances.[12] When an applicant submits several arguments for allowing a claim and the examiner finds not all of them persuasive, an explanation could be helpful to anyone later attempting to evaluate the patent. When an examiner withdraws a rejection for reasons not suggested by the applicant, an explanation could be useful.

Proposed § 1.109 gives the examiner discretion as to whether to prepare a statement of reasons for allowance. The last sentence of proposed § 1.109 permits the applicant to file a statement commenting on the reasons for allowance. Although the examiner would routinely consider the applicant's comments, his reasons would not ordinarily be amended. It is anticipated that the Patent and Trademark Office would prepare guidelines for examiners on administration of the rule. An experiment might be undertaken with a small number of applications before deciding whether to adopt a permanent rule.

PROPOSED RULES

The text of the proposed added and revised sections and paragraphs of sections is as follows (additions are indicated by arrows; deletions are bracketed):

§ 1.11 Files open to the public.

* * * * *

(b) ►All reissue applications and applications◄ [Applications] in which the Office has accepted a request filed under § 1.139►, and related papers in the application file,◄ are open to inspection by the general public, and copies may be furnished upon paying the fee therefor. ►The filing of reissue applications will be announced in the Official Gazette.◄

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(d) ►Any decision of the Board of Appeals or the Board of Patent Interferences, or any decision of the Commissioner on petition,◄ [Selected decisions of the Board of Appeals, or of the Commissioner, in abandoned applications] not otherwise open to public inspection ►(§ 1.11 and paragraphs (a) and (b) of this section) shall◄ [(paragraph (b) of this section) may] be published or made available for ►public inspection if: (1) The Commissioner believes the decision involves an interpretation of patent laws or regulations that would be of important precedent value; and (2) the applicant, or any party involved in the interference, does not, within one month after being notified of the intention to make the decision public, object in writing on the ground that the decision discloses a trade secret or other confidential information. If a decision discloses such information, the applicant or party shall identify the deletions in the text of the decision considered necessary to protect the information. If it is considered the entire decision must be withheld from the public to protect such information, the applicant or party must explain why. Applicants or parties will be given time to request reconsideration and seek court review before any portions of decisions are made public over their objection◄ [publication at the Commissioner's discretion, unless the applicant timely presents sufficient reasons for not doing so. The applicant will be notified, through the attorney of record in the application file, when it is proposed to release such a decision and a time not less than thirty days set for presenting any such reasons. The fact that the subject matter of the application has not been made public in any manner, or that the same subject matter is being prosecuted in a pending application, will be considered sufficient reason for not releasing the decision if the applicant so requests unless the text of the decision contains no description of such subject matter. Other reasons presented will be duly considered.] See § 2.27 for trademark applications.

§ 1.52 Language, paper, writing, margins.

(a) The specification and oath or declaration must be in the English language ►except as provided in § 1.69◄. All papers which are to become a part of the permanent records of the Patent and Trademark Office must be legibly written or printed in permanent ink or its equivalent in quality. All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing or printing thereon to permit the production of readily legible copies in any number by use of photographic, electrostatic, photooffset, and microfilming processes. If the papers are not of the required quality, substitute typewritten or printed papers of suitable quality may be required.

* * * * *

§ 1.56 ►Duty of disclosure; striking of◄ [Improper] applications.

►(a) A duty to disclose information to the Patent and Trademark Office rests on the inventor, each of the attorneys or agents who prepares or prosecutes the application, and every other individual who is involved in the preparation or prosecution of the application and who is associated with the inventor, the assignee or anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they believe to be relevent to the patentability of the claimed invention, i.e., information that might reasonably be expected to affect the decision of the examiner. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.◄

►(b)◄ Any application [signed or sworn to in blank, or without actual inspection by the applicant, and any application altered or partly filled in after being signed or sworn to, and also any application fraudulently filed or in connection with which any fraud is practiced or attempted on the Patent and Trademark Office,] may be stricken from the files ►if:

(1) Signed or sworn to in blank, or without actual inspection by the applicant;

(2) Altered or partly filled in after being signed or sworn to; or

(3) Any fraud or inequitable conduct is practiced or attempted on the Office in connection with it, including any violation of the duty of disclosure.◄

[8] In re Loehr, 500 F.2d 1390, 183 USPQ 56 (CCPA 1974); In re Haas, 486 F.2d 1053, 179 USPQ 623 (CCPA 1973); In re Hengehold, 58 CCPA 1099, 169 USPQ 473, 480 (1971); In re Searles, 164 USPQ 623 (CCPA 1970).

[9] Watson v. Bruns, 239 F.2d 948, 111 USPQ 325 (D.C. Cir. 1956).

[10] Id.

[11] See In re Crowell, 17 CCPA 1009, 39 F.2d 681, 5 USPQ 84 (1930). See also In re Forstrom, 27 CCPA 1160, 111 F.2d 181, 45 USPQ 343 (1940), and In re Kirschbraun, 18 CCPA 735, 44 F.2d 675, 7 USPQ 132 (1930), for direct review of Board's decision on claims presented for the first time before the Board.

[12] E.g., Album Graphics, Inc. v. Ivy Hill Lithograph Corp., 378 F. Supp. 705, 709–10, 181 USPQ 321, 324–25 (S.D.N.Y. 1973).

►(c) In order for an application to be stricken for failure to comply with the duty of disclosure, it must be established by clear and convincing evidence that:

(1) Information was withheld which might reasonably be expected to affect a decision of the Office on patentability; and

(2) The withholding was deliberate or grossly negligent.◄

§ 1.65 Statement of applicant.

(a) (1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. ►He must acknowledge a duty to disclose information that he believes relevant to the patentability of the invention.◄ He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country.

(2) * * *

* * * * *

►§ 1.69 Foreign language oaths and declarations.◄

►(a) Whenever an individual making an oath or declaration cannot understand English, the oath or declaration must be in a language that such individual can understand and shall state that such individual understands the content of any documents to which the oath or declaration relates.◄

►(b) Unless the text of any oath or declaration in a language other than English is a form provided or approved by the Patent and Trademark Office, it must be accompanied by a verified English translation, except that in the case of an oath or declaration filed under § 1.65, the translation may be filed in the Office no later than two months after the filing date.◄

►PATENTABILITY STATEMENT◄

§ 1.97 Filing of patentability statement.

►(a) At the time of filing the application or within two months thereafter, there shall be filed a patentability statement. The statement must be separate from the specification but may refer to matter contained in the specification.◄

►(b) The examiner will decline to examine any application in which the statement is defective or has not been filed. If a statement has been filed but is defective, the applicant will be given an opportunity to submit an amended statement. If no statement has been filed within two months after filing the application, the applicant may submit one later, provided the failure to file has been inadvertent and there is presented an adequate explanation of why it was not submitted earlier.◄

►(c) The statement shall not be construed as a representation that a search has been made or that no better art exists than that which has been considered. This section does not impose an obligation to make any search of patents, publications or other information outside the knowledge of the individuals who have a duty of disclosure under § 1.56.◄

►§ 1.98 Content of patentability statement.◄

►(a) The statement shall include: (1) A listing of the relevant patents, publications or other information, if any, considered by the applicant and/or any attorney or agent during preparation of the application; (2) a copy of at least the pertinent portion of each listed patent or publication; and (3) a concise explanation of the reasons why the claimed invention is believed patentable over the patents, publications or other information which applicant considers most relevant. If no such information was considered, the statement shall so state. By "relevant" information is meant that which might reasonably be expected to affect the decision of the examiner.◄

►(b) When two or more patents or publications considered relevant are substantially identical, a copy of a representative one may be included in the statement and others merely listed. A translation of the pertinent portions of foreign language patents or publications considered relevant should be transmitted if an existing translation is readily available to the applicant.◄

►(c) Information cited or referred to by the examiner or applicant in a parent application must be included in the statement if considered relevant.◄

►§ 1.99 Updating of patentability statement.◄

►If an applicant, attorney or agent learns of additional relevant patents, publications or other information after filing the patentability statement and prior to issuance of a patent, the additional information shall be submitted to the examiner promptly, together with the explanation and copies required by § 1.98. This material may be incorporated into other papers or amendments being submitted to the examiner concurrently.◄

►§ 1.109 Reasons for allowance.◄

►If the examiner believes his reasons for allowing claims in an application will not be apparent from other papers of record, he may notify the applicant of the reasons for allowance. Such reasons may be incorporated into an Office action rejecting other claims of the application or may be the subject of a separate communication to the applicant. The applicant may file a statement commenting on the reasons for allowance within such time as may be specified by the examiner.◄

§ 1.175 Reissue oath or declaration.

(a) Applicants for reissue, in addition to complying with the requirements of the first sentence of § 1.65, must also file with their applications a statement under oath or declaration as follows:

(1) ►When the◄ [That] applicant verily believes the original patent to be wholly or partly inoperative or invalid, ►stating such belief◄ and the reasons why.

(2) When it is claimed that such patent is so inoperative or invalid "by reason of a defective specification or drawing," particularly specifying such defects.

(3) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent," distinctly specifying the excess or insufficiency in the claims.

►(4) When the applicant is aware of prior art or other information relevant to patentability, not previously considered by the Office, which might cause the examiner to deem the original patent wholly or partly inoperative or invalid, particularly specifying such prior art or other information and requesting that if the examiner so deems, the applicant be permitted to amend the patent and be granted a reissue patent.◄

►(5)◄ [(4)] Particularly specifying the errors ►or what might be deemed to be errors◄ relied upon, and how they arose or occurred.

►(6) Stating that◄ [(5) That] said errors ►, if any,◄ arose "without any deceptive intention" on the part of the applicant.

* * * * *

§ 1.194 ►Oral◄ Hearing.

►(a) An oral hearing should be requested only in those circumstances in which the appellant considers such a hearing necessary or desirable for a proper presentation of his appeal. An appeal decided without an oral hearing will receive the same consideration by the Board of Appeals as appeals decided after oral hearing.◄

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►(b) If appellant requests an oral hearing, an oral argument may be presented by, or on behalf of, the primary examiner if considered desirable by either the primary examiner or the Board.◄

►(c)◄ If no request for oral hearing has been made by the appellant, the appeal will be assigned for consideration and decision. If the appellant has requested an oral hearing, a day of hearing will be set, and due notice thereof given to the appellant. Hearing will be held as stated in the notice, and oral argument will be limited to [one-half hour] ►twenty minutes each for the appellant and for the primary examiner◄ unless otherwise ordered before the hearing begins.

§ 1.196 Decision by the Board of Appeals.

* * * * *

(b) ►Although the Board of Appeals normally will confine its decision to a review of rejections made by the primary examiner, should it◄ [Should the Board of Appeals] have knowledge of any grounds not involved in the appeal for rejecting any appealed claim, ►or knowledge of any grounds for rejecting any allowed claim,◄ it may include in its decision a statement to that effect with its reasons for so holding, which statement shall constitute a rejection of the claims. The appellant may submit an appropriate amendment of the claims so rejected or a showing of facts, or both, and have the matter reconsidered by the primary examiner. The statement shall be binding upon the primary examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the primary examiner, avoids the additional ground for rejection stated in the decision. The applicant may waive such reconsideraiton before the primary examiner and have the case reconsidered by the Board of Appeals upon the same record before them. Where request for such reconsideration is made the Board of Appeals shall, if necessary, render a new decision which shall include all grounds upon which a patent is refused. The applicant may waive reconsideration by the Board of Appeals and treat the decision, including the added grounds for rejection given by the Board of Appeals, as a final decision in the case.

* * * * *

§ 1.291 Protests ►and prior art citations by public.◄ [to the grant of a patent.]

►(a)◄ The patent statutes do not ►prohibit◄ [provide for] opposition to the grant of a patent on the part of the public. [Protests to the grant of a patent are ordinarily merely acknowledged, and filed after being referred to the examiner having charge of the subject matter involved for his information.] ►A protest to the grant of a patent specifically identifying the application to which the protest is directed will be entered in the application file, and if timely submitted and accompanied by a copy of any prior art documents relied upon will be considered b ythe examiner.◄

►(b) Citations of prior art may be entered in the patent file after a patent has been granted, at the request of a member of the public or the patentee. Such citations will be entered without comment by the Patent and Trademark Office.◄

►(c) Protests and prior art citations by the public, and any accompanying papers or exhibits, should either (1) reflect that a copy of the same has been served upon the applicant or patentee or his attorney or agent of record; or (2) be filed in duplicate in the event service is not possible.◄

§ 1.292 Public use proceedings.

* * * * *

(b) The petition and accompanying papers should [be filed in duplicate, or served upon the applicant, his attorney or agent of record, and petitioner should offer to bear any expense to which the Office may be put in connection with the proceeding] ►either (1) reflect that a copy of the same has been served upon the applicant, his attorney or agent of record; or (2) be filed in duplicate in the event service is not possible. The petition and accompanying papers, or a notice that such a petition has been filed, shall be entered in the application file.◄

§ 1.346 Signature and certificate of attorney.

Every paper filed by an attorney or agent representing an applicant or party to a proceeding in the Patent and Trademark Office must bear the signature of such attorney or agent, except papers which are required to be signed by the applicant or party in person (such as the application itself and affidavits or declarations required of applicants). The signature of an attorney or agent to a paper filed by him, or the filing or presentation of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief, there is good ground to support it ►(including good ground to support any assertion of improper conduct under § 1.56)◄; and that it is not interposed for delay.

Dated: September 17, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: September 28, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-28916 Filed 10-1-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Fair Housing and Equal Opportunity Office

[24 CFR Part 115]

[Docket No. R-76-419]

RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Recognition of State Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, and in accordance with 24 CFR Part 115 which implements section 810(c) and concerns recognition of State and local fair housing laws that provide rights and remedies that are substantially equivalent to those provided by Title VIII, notice is hereby given to the following:

STATES

Alaska	Nebraska
Colorado	Nevada
Connecticut	New Hampshire
Delaware	New Jersey
Hawaii	New Mexico
Indiana	New York
Kansas	Oregon
Kentucky	Pennsylvania
Maine	Rhode Island
Massachusetts	Virginia
Michigan	West Virginia
Minnesota	Wisconsin

LOCALITIES

District of Columbia

and all interested persons and organizations that the U.S. Department of Housing and Urban Development proposes to grant recognition to these States and the District of Columbia that said laws are substantially equivalent. Recognition is proposed to be granted in accordance with 24 CFR 115.11. The evaluation of these laws was conducted pursuant to 24 CFR Part 115, particularly §§ 115.2 (a), 115.3 and 115.8.

Section 115.2 Procedure for Recognition provides in (a): Recognition under this part shall be based on consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in § 115.8; and (5) any additional documents which the agency may wish to have considered.

Section 115.3 Criteria provides: In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must:

(a) Provide for an administrative enforcement body to receive and process complaints;

(b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters;

(c) Not place any excessive burdens on the complainant which might discourage the filing of complaints;

(d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families, and

(e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, That a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e) (7), (8), and (9) of this section.

(f) In addition to the factors described in paragraph (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

Section 115.8 provides: (a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment.

(b) A State or local agency must:

(1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law;

(2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices;

(3) Establish a mechanism for monitoring compliance with any agreements or orders entered into or issued by the State or local agency to resolve discriminatory housing practices;

(4) Engage in comprehensive and thorough investigative activities; and

(5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average complaint should, under ordinary circumstances, be investigated, and where applicable, set for conciliation, within 30-45 days.

Interested persons and organizations may, on or before Thursday, November 5, 1976, file written comments on the proposal. If after evaluating any comments so received the Assistant Secretary for Fair Housing and Equal Opportunity is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition by amending 24 CFR 115.11 and 115.12.

Comments should be forwarded to: the Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, attention: Kenneth F. Holbert, 451 7th Street, S.W., Washington, D.C. 20410.

Issued on September 29, 1976.

JAMES H. BLAIR,
Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc.76-29085 Filed 9-29-76;5:11 pm]

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2303]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Myrtle Beach, Horry County, S.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Myrtle Beach, Horry County, South Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board, City Hall, 10th Avenue and Broadway, Myrtle Beach, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Robert J. Hirsch, Mayor of Myrtle Beach, 10th Avenue and Broadway, Myrtle Beach, South Carolina 29577. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Atlantic Ocean	29th Ave. South	13	980
	25th Ave. South	13	640
	26th Ave. South	13	430
	18th Ave. South	13	440
	13th Ave. South	13	540
	9th Ave. South	13	550
	5th Ave. South	13	1,060
	4th Ave. South	13	2,000
	1st Ave. South	13	285
	3d Ave. North	13	230
	7th Ave. North	13	275
	11th Ave. North	13	330
	14th Ave. North	13	560
	19th Ave. North	13	325
	23d Ave. North	13	330
	24th Ave. North	13	1,000
	25th Ave. North	13	570
	30th Ave. North	13	345
	37th Ave. North	13	345
	43d Ave. North	13	390
	45th Ave. North	13	470
	50th Ave. North	13	420
	53d Ave. North	13	880
	Hampton Circle	13	1,180
	Beach Place	13	400
	Sunset Trail	13	290
	60th Ave. North	13	220
	66th Ave. North	13	1,800
	69th Ave. North	13	400
	74th Ave. North	13	680
	76th Ave. North	13	480
	78th Ave. North	13	280
	80th Ave. North	13	200
	83d Ave. North	13	190
	Bear Branch	13	2,000

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-28674 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2305]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Oil City, Venango County, Penn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Oil City, Venango County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board, City Hall, 1 Sycamore Street, Oil City, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Terence Farren, City Manager of Oil City, City Hall, 1 Sycamore Street, Oil City, Pennsylvania 16301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Oil Creek	Corporate limits (North)	1,000	5	340
	Conrail	1,007	60	20
	Cornplanter Ave. (extended)	1,005	540	(1)
Allegheny River	Corporate limits (South)	989	40	(1)
	Cowell St. (extended)	990	0	20
	Innis St. (extended)	991	20	30
	U.S. Highway 62	992	60	50
	Conrail	997	20	20
	Corporate limits (East)	1,002	(1)	20

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-28672 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2304]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Pottsville, Schuylkill County, Penn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Pottsville, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Clerks Office, City Hall, 401 North Center Street, Pottsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Robert Allen, Mayor of Pottsville, City Hall, 401 North Center Street, Pottsville, Pennsylvania 17901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Collins St.	617	[1] 50	50
	Route 61	614	175	125
	Conrail Bridge	612	30	75
	do	606	200	200
Norwegian Creek (culvert)	Norwegian St.	[2] 1.1	80	75
	East Arch St.	[2] 1.1	60	50
West branch of Schuylkill River.[3]	Upstream corporate limits		200	
	Route 209		100	
	Downstream corporate limits		60	(4)

[1] Width in feet from left bank of stream to corporate limit.
[2] "Sheet flow" average depth.
[3] Studied by approximate methods.
[4] Right bank, outside of corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-28673 Filed 10-1-76;8:45]

[24 CFR Part 1917]

[Docket No. FI-2307]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Sandusky, Erie County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Sandusky, Erie County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board, City Building, 222 Meigs Street, Sandusky, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Frank A. Link, City Manager of Sandusky, City Hall, 222 Meigs Street, Sandusky, Ohio. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Pipe Creek	Upstream corporate limits	583	960	105
	Conrail	581	370	460
	Cleveland Rd. and U.S. Highway 6	579	540	800
Cold Creek, main branch.	State Route 2	589	50	50
	Bardshar Rd. (State Route 99)	586	50	50
Mills Creek	Upstream corporate limits	597	20	200
	U.S. Highway 6 (extended)	589	200	580
	Conrail	587	10	400
	do	586	200	50
	Monroe St.	585	50	200
Sandusky Bay		577.2		
Lake Erie		577.2		

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28670 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2300]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Wausau, Wis.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Wausau, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Wausau must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 407 Grant Street, Wausau, Wisconsin 54401.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Kannonberg, City Hall, 407 Grant Street, Wausau, Wisconsin 54401. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Wisconsin River	East Thomas St	1,170	200	300
	Bridge St	1,195	100	100
Jim Moore Creek	10th St	1,209	0	380
Eau Claire River	East Kent St	1,171	20	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28677 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2301]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; County of Waupaca, Wisc.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Waupaca, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County of Waupaca must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Waupaca County, 109 South Main Street, Waupaca, Wisconsin 54981.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Woodrow Smith, Chairman, Waupaca County Board, Waupaca County Courthouse, 109 South Main Street, Waupaca, Wisconsin 54981. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Little Wolf River	CTH "P"	1,058	500	50
	Culvert Bridge	923	150	150
	CTH "G"	867	50	200
	Kretchmer Rd	855	200	100
	STH "22"	820	25	50
	STH "54"	782	50	100
	Ostrander Rd	771	20	50
South Branch, Little Wolf River	CTH "Q"	906	50	100
	STH "49"	809	200	80
Crystal River	STH "22" Bridge	973	20	10
	Sanders Rd	860	50	10
	Rural Rd	856	50	10
	Parfreyville Rd	851	100	50
	Shadow Rd	835	100	50
Waupaca River	Weyauwega corporate limits (downstream)	759	50	20
Wolf River	500 line railroad bridge	757	6,200	10,300
Pigeon River	A centerline extended west from Stenbrook Rd.	812	100	600
	Section line between land secs. 21 and 22	809	50	50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28676 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2308]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; Town of Mayodan, N.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Mayodan, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Mayodan must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Mayodan, North Carolina 27027.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James Collins, Town Hall, P.O. Box 498, Mayodan, North Carolina 27027. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mayo River	NC 135	577	400	200
Big Beaver Island Circle	SR 1169	607	30	60
	NC 704	609	40	100

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28669 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2302]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; Town of North Myrtle Beach, Horry County, S.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of North Myrtle Beach, Horry County, South Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 17th Avenue South and Highway 17, North Myrtle Beach, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable J. Bryan Floyd, Mayor of North Myrtle Beach, City Hall, P.O. Box 1038, North Myrtle Beach, South Carolina 29582. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Intercoastal waterway	Basin St. (extended)	11	100
Point Creek	Route 17	13	265
Atlantic Ocean	47th Ave. South	13	1,400
	45th Ave. South	13	380
	39th Ave. South	13	420
	28th Ave. South	13	215
	21st Ave. South	13	960
	15th Ave. South	13	580
	13th Ave. South	13	540
	6th Ave. South	13	300
	Main St.	13	520
	7th Ave. North	13	1,380
	11th Ave. North	13	1,160
	17th Ave. North	13	1,120
	23d Ave. North	13	3,520
	33d Ave. North	13,	3,840
	43d Ave. North	13	(1)
	47th Ave. North	13	3,920
	53d Ave. North	13	(1)
	60th Ave. North	13	(1)
	63d Ave. North	13	3,520

[1] To north corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28675 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2309]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; Town of Vestal, Broome County, N.Y.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Vestal, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Main Entrance of the Town Hall, 605 Vestal Parkway West, Vestal, New York 13850.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Joe B. Munk, Town Supervisor of Vestal, 605 Vestal Parkway West, Vestal, New York 13850. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	West corporate limits	828	1,750	(1)
	Casi Rd. (extended)	829	925	(1)
	Elizabeth St. (extended)	830	1,400	(1)
	Vestal Ave.	831	50	(1)
	New York Route 26	831	70	(1)
	New York Route 17	833	40	(1)
	African Rd. (extended)	833	1,200	(1)
	Conrail	836	700	(1)
	CFJ Memorial Bridge	837	50	(1)
	East corporate limits	839	100	(1)
Choconut Creek	Front St.	830	100	140
	Main St.	873	100	20
	Main St.	887	10	400
	Meeker St.	896	10	200
	Sheedy Rd. (extended)	930	70	220
	West Hill Rd.	987	20	400
	Castleman Rd.	1,023	200	100
	South corporate limits	1,039	40	500

[1] Ontside corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28668 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2306]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations, Township of Upper Makefield, Bucks County, Penn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Upper Makefield, Bucks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Building, Eagle Road, Newton, Pennsylvania.

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Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Michael Strange, Chairman, Upper Makefield, Township Building, Eagle Road, R.D. 2, Newton, Pennsylvania 18940. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Delaware River	Upstream corporate limit	61	(1)	650
	East Brownsburg Rd. (extended)	60	(1)	420
	Milyard Dr. (extended)	56	(1)	1,330
	Washington Crossing Rd.	52	(1)	5
	Downstream corporate limit	48	(1)	650
Jericho Creek	Stony Brook Rd.	73	500	170
	Slack Rd. (extended)	75	230	220

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26671 Filed 10-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-52]

AIRWORTHINESS DIRECTIVES

Bell Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206L helicopters. There has been a reported failure of a main rotor blade tension-torsion strap on a Bell Model 206B that resulted in loss of the main rotor blade. The Model 206L is equipped with a similar tension-torsion strap and is subject to similar operating conditions. Amendment 39-2675 (41 FR 30099), AD 76-15-03 was issued for the 206A, 206B, 206A-1, and 206B-1 to require a one-time inspection of each tension-torsion strap for adequate torsional resistance and to require removal of certain straps that may possibly contain wires improperly formed. Since issuing this AD, Bell Helicopter Textron issued Service Bulletin No. 206-76-7 for the 206A, 206B, 206A-1, and 206B-1 to require replacement of the tension-torsion strap every 1200 hours and replacement of the present retention strap fitting with a new, 100 percent shot peened fitting. Bell Helicopter Textron also issued a similar service bulletin on the Model 206L to require that the tension-torsion straps be replaced every 1200 hours. In the interest of safety, the agency is proposing to issue an airworthiness directive to require compliance with Bell Helicopter Service Bulletin No. 206L-76-3 on Bell Model 206L helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 4, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

This notice has been reviewed and does not require an inflation impact statement.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206L helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-011-127-1, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 1050 hours' total time in service on the effective date of this AD, remove and replace both straps P/N 206-011-127-1 prior to attaining 1200 hours' total time in service, in accordance with the Model 206L Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 1050 hours' or more total time in service on the effective date of this AD, remove and replace both straps P/N 206-011-127-1 within the next 150 hours' time in service, unless already accomplished, in accordance with the Model 206L Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(c) The retirement time of the tension-torsion straps, P/N 206-011-127-1 is reduced from 2400 hours to 1200 hours by this AD.

(Bell Helicopter Textron Service Bulletin No. 206L-76-3 dated August 13, 1976, pertains to this subject.)

Issued in Fort Worth, Texas, on September 22, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-28723 Filed 10-1-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-41]

AIRWORTHINESS DIRECTIVES

Bell Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. There has been a reported failure of a main rotor blade tension-torsion strap on a Bell Model 206B that resulted in loss of the main rotor blade. The Models 206A; 206A-1, and 206B-1 are also equipped with the same tension-torsion straps and are subject to similar operating conditions. Amendment 39-2675 (41 FR 30099), AD 76-15-03 was issued to require a one-time inspection of each tension-torsion strap for adequate torsional resistance and to require removal of certain straps that may possibly contain wires improperly formed. Since issuing this AD, Bell Helicopter Textron issued Service Bulletin No. 206-76-7 to require replacement of the tension-torsion strap every 1200 hours and replacement of the present retention strap fitting with a new, 100 percent shot peened fitting. In the interest of safety, the agency is proposing to issue an airworthiness directive to require compliance with Bell Helicopter Service Bulletin No. 206-76-7, on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 4, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

This notice has been reviewed and does not require an inflation impact statement.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-010-105-3, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 1050 hours' total time in service on the effective date of this AD, accomplish the following prior to attaining 1200 hours' total time in service.

(1) Remove both straps, P/N 206-010-105-3 and remove associated inboard strap fittings, P/N 206-010-155-11 and -15 if installed.

(2) Install straps, P/N 206-010-105-3 and inboard strap fittings P/N 206-011-140-1 in accordance with the Model 206 Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 1050 hours' or more total time in service on the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD within the next 150 hours' time in service unless already accomplished.

(c) The retirement time of the tension-torsion straps, P/N 206-010-105-3, is reduced from 2400 hours to 1200 hours by this AD and the inboard strap fittings P/N 206-010-155-11 and -15 must be removed from service as noted in paragraph (a)(1) of this AD.

(Bell Helicopter Textron Service Bulletin No. 206-76-7, dated August 13, 1976, pertains to this subject.

Issued in Fort Worth, Texas, on September 22, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-28722 Filed 10-1-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. RM76-27]

GAS SUPPLY AND OPERATIONS DATA—NEW FORM NO. 153

Extension of Time

SEPTEMBER 24, 1976.

On July 28, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM76-27 (published August 10, 1976, 41 FR 33641), calling for comments in writing by September 27, 1976. Several motions for extensions of time within which to file comments in the above-designed rulemaking proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-entitled rulemaking proceeding is extended to and including October 27, 1976.

In addition, there have been several requests to supply the Data Element Dictionary. However, this dictionary is not needed to assess the RIS rulemakings. The data elements are discreetly defined by both the instructions and the corresponding data fields for each schedule. The values these elements can assume are defined either in the instructions or referenced in an extended list. This list is the Register of Data Standards wherein, by mnemonic reference, the respondent can select an appropriate data item for a given data element attended by a set of detailed instructions. Consequently, the requested data element dictionary is not needed since the definitions from a respondent viewpoint are integral to a form. Also, the logical relationships of data for a schedule, hence a form, are in a data structure orientation called a logical entry and complemented with key item identification. Both of these relationships are integral to a form.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29043 Filed 10-1-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[34 CFR Ch. I]

FEDERAL PROCUREMENT REGULATORY SYSTEM

Invitation for Additional Public Comment

Several organizations have expressed concern that they are not being given an opportunity to comment on agency policies and procedures which affect business relationships between Government and industry. Further, they have expressed a desire for this office to act as the single focal point within the Government for consideration of their comments.

The Office of Federal Procurement Policy (OFPP), in accordance with Pub. L. 93-400, is responsible for providing overall direction of procurement policies, regulations, procedures, and forms for executive agencies. Draft OFPP Regulation No. 1, published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34324), proposed to establish a Federal Procurement Regulatory System. The system as proposed will include the Armed Services Procurement Regulation (ASPR), the Federal Procurement Regulations (FPR), and "the subsidiary procurement regulations of executive agencies which implement or supplement the ASPR and FPR, as well as the procurement aspects of all intra-agency regulations, procedures, directives, manuals, or other issuances." The draft regulation requires all agencies to provide an opportunity for public participation by publishing their proposed significant issuances in the FEDERAL REGISTER, normally providing at least 60 days for submission of comments. This, we believe, adequately addresses the expressed concern.

With respect to the second comment, OFPP will act as the focal point for comments on its own issuances. However, it was not the intent of Pub. L. 93-400 for OFPP to act, nor do we have the resources to act, as the single focal point for consideration of comments on all proposed agency issuances. We would welcome copies of such comments as the organizations consider appropriate, for this would assist us in carrying out our statutory mandate with respect to Government procurement policies, regulations, procedures, and forms.

We would appreciate reaction to these points in comments on proposed OFPP Regulation No. 1, due October 13, 1976.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

[FR Doc.76-26958 Filed 10-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1109]

[Ex Parte No. 331]

SEPARATE RATES FOR DISTRICT RAIL SERVICES

Expeditious Procedures for Permitting Publication

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 27th day of September, 1976.

Section 202(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) amends section 15 of the Interstate Commerce Act by adding a new subparagraph (18) relating to the publication of separate rates for distinct rail services. Section 15(18) reads as follows:

In order to encourage competition, to promote increased reinvestment by railroads, and to encourage and facilitate increased nonrailroad investment in the production of rail services, a carrier by railroad subject to this part may, upon its own initiative or upon the request of any shipper or receiver of freight, file separate rates for distinct rail services. Within 1 year after the date of enactment of this paragraph, the Commission shall establish; by rule, expeditious procedures for permitting publication of separate rates for distinct rail services in order to (a) encourage the pricing of such services in accordance with the carrier's cash-outlays for such service and the demand therefor, and (b) enable shippers and receivers to evaluate all transportation and related charges and alternatives.

This new section appears similar to the provision of section 6(1) of the Interstate Commerce Act relating to the publication of rates and specifically to that portion of 6(1) that provides that tariffs shall "state separately all terminal charges, storage charges, icing charges, and all other charges * * *" In interpreting section 6(1), the Commission has permitted carriers to publish single factor rates which include all services performed in connection with the transportation of freight. However, when a carrier has proposed to separate from a single factor rate a service previously included and publish a separate charge for that service, as was the situation in Inspection in Transit, Grain and Grain

Products, 349 I.C.C. 89, 92, the Commission has held that, not only must the separate charge for the distinct service be established to be lawful, but that, "we have no alternative but to require that the line-haul rate, as increased through a diminution of service thereunder, be justified by appropriate evidence establishing that the aggregate charge for the through service is reasonable."[1] Section 15(18) of the Interstate Commerce Act, while seeking to encourage the publication of separate rates for distinct rail services so as to present shippers and receivers with the option of selecting only those services they actually require, does not preclude the continued maintenance and publication of an all-inclusive rate covering all services to be rendered in the transportation of certain types of freight. Further, section 15(18) does not appear to vary the holding in the Inspection in Transit Case, supra, in instances where reasonableness remains an issue, i.e. where the carrier proposing the change has market dominance.

In order to promote the objectives of section 15(18)[2] and to transmit to Congress the information required by section 202(g)[3] of the 4R Act, we propose the regulations set forth in Appendix A. In addition to assembling the information required by Congress, these regulations are designed to facilitate the prompt production of necessary evidence to resolve controversies that may result from the publication of separate rates for distinct rail services.

Discussion of the proposed regulations. To avoid misunderstanding and confusion, the first regulation in Appendix A defines key terms used in the remainder of the regulations. The phrase "distinct rail service" is defined as "those elements of through transportation of freight that can practically and feasibly be separated from the total transportation charge." This broad interpretation of the phrase was selected so as not to nullify the apparent intent of Congress of according shippers and receivers the opportunity to negotiate for those services that they require. The statutory term "cash-outlays" not previously utilized by the Commission in analyzing elements of cost is defined in a manner so as to distinguish it from the Commission's concept of "variable cost." The most significant difference between "variable cost" and "cash-outlays" is the total exclusion of depreciation cost from "cash-outlays." The importance of the term "cash-outlays" is established by the second proposed regulation which provides that a charge that equals the cash-outlays is presumed not to be unreasonably low.

Congress has provided that the Commission must report to it information on rates published in accordance with the new section 15(18) of the act. To assemble this information the regulations here proposed for adoption require the carriers to file relevant data with the Commission and to identify specifically at the time of filing tariff proposals which involve the publication of separate charges for distinct rail service.

As previously indicated, the regulations if adopted in their present form would establish a presumption that a charge that equals the "cash-outlays" is not unreasonably low. Similarly the regulations provide that if the carrier proposing the separate charge for a distinct rail service does not have market dominance, as that term is defined in Ex Parte No. 320,[4] then the Commision will not entertain complaints that the resulting charge is unreasonably high.

Guidelines for the submission of evidence in support of a proposed publication are set forth in the last regulation, § 1109.15(i). These guidelines identify evidence that would materially aid the Commission in its determination of the lawfulness of a separate rate for a distinct rail service in a formal proceeding. However, the regulations make it clear that the guidelines are not mandatory and specifically provide that a carrier may seek to justify its proposal on the basis of other factors not identified in the guidelines.

Wherefore, in order to provide opportunity for full consideration of the proposed rules previously discussed and set forth in Appendix A hereto, and any related matters:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 202(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (P.L. 94-210), the Interstate Commerce Act (49 U.S.C. 15(18)), and the Administrative Procedure Act (5 USC 553 and 559) with the objective of facilitating the publication of separate rates for distinct rail services.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person interested in this proceeding shall notify this Commission by filing with the Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423, on or before October 13, 1976, the original and one copy of a statement of intent to actively participate. The Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed. No oral hearing will be scheduled for the receiving of testimony unless a need therefor should later appear.

It is further ordered, That following the preparation of the service list, a procedural order will be entered designating dues dates for submission of evidence and arguments.

And it is further ordered, That a copy of this notice be served on each respondent, that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivery of a copy thereof to the Director, Office of the Federal Register for publication therein.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Amend 49 CFR by adding a new § 1109.15 as follows:

§ 1109.15 Expeditious procedures for publication of separate rates for distinct services.

(a) *Definitions.* (1) Distinct rail services are those elements of through transportation of freight including accessorial services that can practically and feasibly be separated from the total transportation charge thereby according shippers and receivers the opportunity to negotiate for those services that they require. In addition to those factors set forth in 6(1) of the Interstate Commerce Act (terminal charges, storage charges and icing charges), the term "distinct rail services" shall embrace but not be limited to the following: switching, floating, lighterage, wharfage, loading, unloading, transfer, drayage, weighing, diversion, reconsignment, refrigeration, heating, elevation, other transit services, special equipment and services, absorption allowances, and any other distinct rail service on which new or changed separate rates or charges are published.

(2) The term "cash-outlays" as used in Section 15(18) of the act shall consist of the following:

[1] This holding was in accord with the Supreme Court opinion in *Atchison, T. & S. F. R. Co.* v *Wichita Bd. of Trade,* 412 U.S. 800.

[2] It should be noted that nothing in Section 202(d), which includes Section 15(18), shall be construed: (1) to modify the application of section 2, 3, or 4 of the Interstate Commerce Act (49 U.S.C. 2, 3, or 4) in determining the lawfulness of any rate or practice; (2) to make lawful any competitive practice which is unfair, destructive, predatory, or otherwise undermines competition which is necessary in public interest; (3) to affect the existing law or the authority of the Commission with respect to rate relationships between ports; or (4) to affect the authority and responsibility of the Commission to guarantee the equalization of rates within the same port. (See Section 202(f)).

[3] Section 202(g) reads as follows: The Secretary and the Commission shall separately study the effect of the amendments made by this section on the development of an efficient and financially stable railway system in the United States. Such studies shall include (1) an analysis of the effect of such provisions upon shippers and upon carriers in all modes of transportation, and (2) proposals for further regulatory and legislative changes, if necessary. The Commission shall gather all data relating to such studies as requested by the Secretary, and shall make such data available to the Secretary. The Secretary and the Commission shall transmit the results of their respective studies to each House of Congress within 20 months after the date of the enactment of this Act.

[4] An interim report was served in Ex Parte No. 320 on August 23, 1976. Although final regulations have not yet been adopted, they will be implemented prior to conclusion of this rulemaking proceeding.

(1) The annualized operating expenses, rents and taxes (including labor, materials and supplies, fuel and utilities, but excluding depreciation, amortization, and Federal income taxes) which change directly with the carrier's production of a distinct rail service:

(ii) The annualized cash-outlays equivalent to the carrier's capital investment in the equipment and facilities used exclusively to provide the distinct rail service, including the cost of providing such capital.

(b) *Presumption.* A rate or charge that equals or exceeds a carrier's cash-outlays for a disinct rail service shall be presumed to contribute to the going-concern value of the carrier. With respect to "going-concern value" section 1(5)(b) of the act provides that "No rate which contributes or which would contribute to the going-concern value of such carrier shall be found to be unjust or unreasonable, or not shown to be just and reasonable, on the ground that such rate is below a just or reasonable minimum for the service rendered or to be rendered."

(c) *Title page.* In addition to requirements of 49 CFR 1300.3, a tariff title page must also state whether the tariff or supplement contains new or changed rates for distinct rail services as defined in § 1109.15(a).

(d) *Letters of Transmittal.* In connection with separate rates for distinct rail services filed with the Commission, the letter of transmittal (required in 49 CFR 1300.29) must also bear the following notation, when applicable:

This tariff (or supplement or loose leaf amendment) contains separate rates for distinct rail services (see item(s) ----------) within the meaning of 49 CFR 1109.15(a)

(e) *Notice to subscribers.* When applicable, the same information required in § 1109.15(d) shall also be transmitted to each subscriber to the publication.

(f) *Justification statements.* Justification statements in support of the publication of a separate rate or charge for a distinct rail service may be filed concurrently with the filing of the tariff. Information of the type specified in § 1109.15(i), if included in the justification statement, would assist the Commission in its initial evaluation of the proposal.

(g) *Protest(s) and Investigation.* Protests to a tariff (or supplement) making reference on the title page to § 1109.15(a) must be verified and filed in accordance with § 1100.42(f). In the event of investigation or suspension, these proceedings will be accorded priority, and modified procedure (49 CFR 1100.45 to 1100.54), to the extent feasible, will be followed.

(h) *Reply to protest.* Replies to protests of rate proposals under this section should be filed and served promptly in accordance with § 1100.42(e). Respondents are urged to submit the information specified in § 1109.15(i) unless previously furnished.

(i) *Initial statement.* In order to expedite the proceedings in the event of the suspension of tariff schedules setting forth separate rates for distinct rail services or in the event that investigation without suspension of such schedules is ordered, respondent railroad or railroads shall submit in writing, under verification, within 20 days following service of the order of suspension or investigation, data of the type hereinafter specified.

(1) *Market dominance.* If the proposal involves a new or increased charge for a distinct service, information of the type specified in 1109.1 (regulation proposed in Ex Parte No. 320) should be supplied.

(2) *Cash-outlays.* The dollars of "cash-outlays," as that term is defined in § 1109.15(a)(2). A full explanation of the methods, procedures and data used to determine "cash-outlays" should be supplied.

(3) *Revenues.* The annualized dollars of revenue to be obtained from the rate or charge associated with providing the distinct rail service.

(4) *Outputs.* The annualized number of service outputs associated with the rate or charge per service unit. For example, if the proposed rate is stated in cents per hundredweight, per car switched, or per stop, then the number of service outputs should be expressed as x number of hundredweight, cars switched, or stops made.

(5) *Ratios.* The revenue-to-cost ratio (%) for the distinct rail service, based on the revenues to be obtained, and the carrier's "cash-outlays."

(6) *Effect.* A statement as to how the proposed rate on the distinct rail service will encourage competition, promote increased reinvestment by the railroad, and encourage and facilitate increased nonrailroad investment in the production of rail services.

(7) *Alternative data.* The submission of the above evidence, items (1) through (6), represents data which the Commission believes would provide a basis for meaningful analysis of the lawfulness of such rates. However, respondents may justify their proposal on the basis of other relevant evidence or cost levels. A full explanation of the method and procedures used shall be provided.

(j) *Reporting requirements.* Commencing with the year ending December 31, 1976, and for subsequent years thereafter, until further order, all common carriers by rail, subject to section 20, Part I of the Interstate Commerce Act, shall submit annual information reports showing those distinct rail service rates published in accordance with section 15(18) of the act, showing actual or estimated revenues derived therefrom compared with the preceding year. In addition, these reports, which shall be filed with the Commission within 45 days from the end of the calendar year, shall state whether the rates accomplished their intended purpose, and if not whether they intend any change in the level of the charge or other change.

[FR Doc.76-29077 Filed 10-1-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/105]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The ship design and equipment working group of the Subcommittee on Safety of Life at Sea concerned with nuclear ships will hold an open meeting at 9:30 am on Wednesday, October 27, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, DC.

The purpose of the meeting will be to further discuss the OECD (Organization of Economic Cooperation and Development) recommendations for nuclear ships and the U.S. position paper to be presented to the Intergovernmental Maritime Consultative Organization's (IMCO) ad hoc panel on nuclear ships.

Requests for further information on the meeting should be directed to CDR John Deck, III, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 28, 1976.

[FR Doc.76–28967 Filed 10–1–76;8:45 am]

[Public Notice CM–6/106]

SHIPPING COORDINATING COMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 8 a.m. on Thursday, October 28, 1976, in Rooms 8236 and 8238 of the Department of Transportation, 400 Seventh Street, SW, Washington, DC.

The purpose of the meeting will be to discuss documents recently submitted by other member governments of IMCO (Intergovernmental Maritime Consultative Organization) on requirements pertaining to electrical and machinery installations on special purpose vessels and to develop a collation paper on mobile offshore drilling units for submission to the 16th Session of the IMCO Subcommittee on Ship Design and Equipment scheduled to be held in London December 6–10, 1976.

Requests for further information on the meeting should be directed to Capt. D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 28, 1976.

[FR Doc.76–28968 Filed 10–1–76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[I.D. 76–281]

ARTHUR HOFFNUNG

Cancellation with Prejudice of Customhouse Broker License 4075

SEPTEMBER 23, 1976.

Notice is hereby given that the Commissioner of Customs on September 23, 1976, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and section 111.52(b), Customs Regulations, as amended, upon the specific request of Arthur Hoffnung, Encino, California, canceled with prejudice individual customhouse broker's license No. 4075 issued to him on December 18, 1968, for the Customs District of Los Angeles. The Commissioner's decision is effective as of September 23, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.76–28984 Filed 10–1–76;8:45 am]

Office of the Secretary

FULLY AUTOMATIC DIGITAL SCALES FROM JAPAN

Tentative Negative Determination; Antidumping

Information was received on March 8, 1976, from counsel acting on behalf of Reliance Electric Company, of Cleveland, Ohio, alleging that fully automatic digital scales from Japan were being sold in the United States at less than fair value thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of March 31, 1976 (41 FR 13638).

For purposes of this notice, the term "fully automatic digital scales" means fully automatic digital scales that display weight, unit price and total price and have a weight measuring capacity of 25 lbs. or less.

TENTATIVE DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of fully automatic digital scales from Japan is not less, nor is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that all, or virtually all, imports of the subject merchandise from Japan were manufactured by Kubota, Ltd., and Teraoka Seikosho Co., Ltd., both of Tokyo, Japan, or Yamato Scale Co., Ltd., of Osaka, Japan. Therefore, the investigation was limited to these manufacturers.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to unrelated purchasers in the United States or to an unrelated trading company in the home market which then sells the merchandise to a related firm in the United States. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of fully automatic digital scales from Japan during the period May 1, 1975, through February 29, 1976.

c. *Purchase Price.* For the purpose of this tentative determination of sales at not less than fair value, adjustments have been made on the following basis. In the import transactions, all merchandise was purchased prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. Purchase price has been calculated on the basis of the f.o.b. port, packed price, to the United States, or to the unrelated training company, with deductions for inland freight, insurance, and shipping charges, as appropriate.

d. *Home Market Price.* For the purposes of this tentative determination of sales at not less than fair value, adjustments have been made on the following bases. The home market price was calculated on the basis of the f.o.b. delivered price to distributors. Adjustments were made for dealer incentive rebates, inland freight, insurance, warranty costs, a government calibration fee, interest costs, a trade-in allowance, an operation manual, a warranty card, differences in merchandise, and differences in packing, as appropriate.

Adjustments for interest expenses and packing expenses relate to the difference in those costs between home market sales and sales for export to the United States.

Adjustments for differences in circumstances of sales in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for rebates, warranty costs, government calibration fee, trade-in allowance, operation manual, and warranty card were based on actual costs incurred in the home market and were directly related to the sales under consideration.

Claims were made by Kubota and Yamato Scale for differences in merchandise. The adjustment relates to the differences in cost of materials and direct labor in the production of the home market scales and those exported to the United States.

Adjustments were claimed by all three manufacturers for differences in circumstances of sale in accordance with § 153.10, Customs Regulation (19 CFR 153.10), for advertising costs. Adjustments for these claims have been disallowed. Adjustments for advertising costs may be granted subsequently, if shown to be directly related to the sales under consideration.

e. *Results of Fair Value Comparisons.* Using the above criteria, purchase price was found to be not less than the home market price of such or similar merchandise. Comparisons were made on approximately 95 percent of all fully automatic digital scales from Japan sold to the United States during the period of investigation.

In accordance with §§ 153.40(a) and 153.40(b), Customs Regulations (19 CFR 153.40(a), 153.40(b)), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than October 14, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than November 3, 1976.

This tentative determination and the statement of reasons therefor are published pursuant § 153.34(a) of the Customs Regulations (19 CFR 153.34(a)).

JERRY THOMAS,
Under Secretary of the Treasury.

SEPTEMBER 28, 1976.

[FR Doc.76–28925 Filed 10–1–76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Privacy Board

PRIVACY ACT OF 1974

Health Care Records and Guidelines for the Release of Information to the News Media; Correction

In FR Doc. 76–27016 appearing at page 39356 in the FEDERAL REGISTER of September 15, 1976, the fifth paragraph of column one appearing at page 39357 is corrected in the second line of that paragraph by adding the word "not" immediately following the words "third parties are" and immediately before the word "to".

Dated: September 27, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 29, 1976.

[FR Doc.76–28934 Filed 10–1–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AMOCO PRODUCTION CO. ET AL.

List of Restricted Joint Bidders

Pursuant to the authority vested in the Director of the Bureau of Land Management by the provisions of 43 CFR 3302.3–2(a), the following companies shall be restricted from bidding jointly with any other company on this same list at Outer Continental Shelf oil and gas lease sales held during the Bidding Period of November 1, 1976, through April 30, 1977:

Amoco Production Company
BP Alaska Exploration Inc.
Chevron Oil Company
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

CURT BERKLUND,
Director, Bureau of Land Management.

SEPTEMBER 27, 1976.

[FR Doc.76–28951 Filed 10–1–76;8:45 am]

EIS PREPARATION SCHEDULE

Proposed Deviation From the Livestock Grazing Environmental Impact Statement Schedule

Pursuant to paragraph 10 of the final judgment in the case entitled "Natural Resources Defense Council, Inc. v. Rogers C B Morton," the following notice of proposed deviation from scheduled preparation of an environmental impact statement on livestock grazing is published.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Civil No. 1983–73

Natural Resources Defense Council Inc., et al., plaintiffs, v. Rogers C. B. Morton, et al., defendants.

NOTICE OF PROPOSED DEVIATION FROM SCHEDULED PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS ON LIVESTOCK GRAZING

The final judgment on June 18, 1975, in the above-entitled case, involved a schedule for the preparation of a series of environmental impact statements (EISs) by the Bureau of Land Management (BLM), Department of the Interior, on the grazing of livestock in the western states, pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 et seq. Paragraph 10 of the Judgment contemplated the possibility of material deviations from the judgment and provided for notice as follows:

10. If the Federal Defendants believe, in good faith, that circumstances dictate that any material deviations must be made, then in that event, the Federal Defendants shall give Notice to this Court wherein a detailed explanation shall be made of the deviation which is anticipated to occur together with the reason(s) therefor. This Notice shall be filed prior to the anticipated implementation of such deviation, and contemporaneously a copy of such Notice shall be sent by registered mail to all parties to this action (No. 1983–73) and such Notice shall be published in the FEDERAL REGISTER. Thereafter, if objections are filed with the court within 30 days from the date of publication in the FEDERAL REGISTER, the Federal Defendants and the objecting parties may make such motions and present evidence to the court as to them seems proper, and the court shall determine if such deviations shall be allowed to occur or make any other appropriate order; provided, however, that if no objections are filed with the court within such 30 day period, BLM shall be authorized to implement such deviation.

This is the federal defendants' second notice for extending the time to promulgate a final environmental impact statement (EIS) on the Challis Planning Unit. Under the first notice, the federal defendants were given until October 8, 1976, to file the EIS. A draft EIS was prepared in June 1976, filed with the Council on Environmental Quality (CEQ), and circulated among governmental agencies and citizens and citizen groups for comment. A copy of the draft EIS is attached to the affidavit of Roman H. Koenings, Assistant Director for Resources, Bureau of Land Management, Department of the Interior. The federal defendants now give notice that they propose to extend the completion time for the final EIS to January 10, 1977. The need for this addition time is set-forth in the Koenings affidavit and can be briefly stated as follows.

In preparing the final EIS, Interior must consider and come to grips with the comments received from numerous governmental agencies and citizens on the draft EIS. As pointed out by Koenings, "approximately 1,000 separate comments • • • have to be analyzed, appropriate text changes made, and responses prepared prior to completion of the final EIS." In addition, certain baseline data will have to be assembled and analyzed and additional alternatives raised by NRDC, Sierra Club, Friends of the Earth, Wildlife Management Institute, and Council for Agricultural Science and Technology must be analyzed and evaluated.

It is especially important that this EIS be carefully prepared to fully comply with the requirements of NEPA since it "will be used as the initial model for preparation of future EIS's." Judgment, para. 5. Thus, as Koenings noted, the EIS will be the "basis for future livestock grazing EIS's on national resource lands."

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Respectfully submitted,
Attorney for the Federal defendants: William M. Cohen, Attorney, Department of Justice, Land and Natural Resources Division, Room 2129, Washington, D.C. 20530, Telephone: (202) 739-2775.
Of counsel: James Coda, Attorney Advisor, Department of the Interior, Washington, D.C. 20240.

The above notice was filed with the U.S. District Court for the District of Columbia on September 29, 1976.

GEORGE C. TURCOTT,
Associate Director.

SEPTEMBER 30, 1976.

[FR Doc.76-29103 Filed 10-1-76;8:45 am]

National Park Service

BECKER'S OCEAN RESORT, INC.

Intention to Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before November 3, 1976, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Becker's Ocean Resort, Inc., authorizing it to provide concession facilities and services for the public at Olympic National Park for a period of one (1) year from January 1, 1977, through December 31, 1977.

An assessment of the environmental impact of this proposal has been made, and it has been determined that it will not significantly affect the quality of the environment and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 3, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 22, 1976.

RAYMOND L. FREEMAN,
Acting Associate Director, National Park Service.

[FR Doc.76-28932 Filed 10-1-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-219]

COLEMAN AND RUNYON COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Coleman and Runyon Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Elkhorn AR3 scoops, one Paul's roof bolting machine, one Epling loading machine, and three Epling tractors.

3. The No. 3 Mine is in the No. 2 Elkhorn seam which ranges from 36 to 48 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 28-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28953 Filed 10-1-76;8:45 am]

[Docket No. M 76-244]

DAY COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Day Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 22–A Mine, located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two (2) DLE 1 scoops and one Mark IV roof bolting machine. The scoops are 32 inches in height and the roof bolting machine is 28 inches in height.

3. The No. 22–A Mine is in the Whitesburg seam which ranges from 36 to 42 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The Kentucky Department of Mines and Minerals has ordered Petitioner not to use canopies, while MESA has ordered it to use them.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28955 Filed 10-1-76; 8:45 am]

[Docket No. M 76-222]

HOPE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Hope Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Kersey 944 tractors, one Elkhorn AR4 scoop, one Galis 3500 roof bolting machine, one Joy 14BU10 loading machine and one Joy 15RU cutting machine.

3. The No. 1 Mine is in the lower Elkhorn seam which ranges from 44 to 52 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28954 Filed 10-1-76;8:45 am]

[Docket No. M 76-221]

GARDNER FORK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Gardner Fork Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one S & S 74 scoop, one Owens scoop, one I–D 3 Acme roof bolting machine, and one Paul's Repair Shop roof bolting machine.

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3. The No. 1 Mine is in the No. 2 Elkhorn seam which ranges from 36 to 40 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition on furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28956 Filed 10-1-76;8:45 am]

[Docket No. M 76-250]

LICK FORK COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Lick Fork Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The coal seams in Eastern Kentucky average about 44 inches in height.

2. If canopies are installed on the Petitioner's equipment it will be impossible for the equipment operators to run the machines or to escape from them in case of an accident.

3. Petitioner employs eight men who do not want the canopies installed on the equipment.

4. Petitioner's equipment now is as safe as it can be made. Installation of canopies would make the equipment dangerous and impossible to mine coal with.

5. Petitioner requests that section 75.1710 be repealed or modified.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28957 Filed 10-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Intent to Reestablish

The Secretary of Agriculture proposes to reestablish the Advisory Committee on State and Private Forestry for a two-year period.

This is a national advisory committee established by the Secretary on April 19, 1968, to provide counsel and advice on national forestry needs and opportunities and to strengthen and improve communication between the Department and the public on cooperative forestry matters.

The committee serves an important function by involving the public early in the process of cooperative forestry program formulation and policy development. Emphasis must be given to increasing the production from the Nation's State and private forests which are growing in importance as sources of meeting future timber, water, wildlife, and other public benefits.

The Secretary has determined that reestablishment of this committee is necessary and in the public interest in connection with the performance of the duties and responsibilities imposed on the Department by law.

Comments of interested persons concerning the reestablishment of this committee may be submitted to State and Private Forestry, Room 3107, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 19, 1976.

All written submissions made pursuant to this notice will be available for public inspection in the State and Private Forestry staff office, Room 3107, during regular business hours (7 CFR 1.27(b)).

SEPTEMBER 29, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-29071 Filed 10-1-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

IMPORTERS TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Importers Textile Advisory Committee will be held on November 11, 1976 at 10:30 a.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 19 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be permitted at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: September 29, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-28985 Filed 10-1-76;8:45 am]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on November 4, 1976 at 1:30 pm in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230.

The Committee, which is comprised of 36 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be permitted at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: September 29, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-28963 Filed 10-1-76;8:45 am]

VIRGINIA COMMONWEALTH UNIVERSITY, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, DC 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period • • •. If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

• • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 74–00450–33–46070. Applicant: Virginia Commonwealth University, Medical Health Sciences Center, Medical College of Virginia, 1200 East Broad Street, Richmond, Virginia 23219. Article: Scanning Electron Microscope, Model JSM–S1. Date of denial without prejudice to resubmission: April 16, 1976.

Docket Number: 75–00501–01–11000. Applicant: Indiana State Department of Mental Health, 3989 Meadows Drive, Suite 1, Indianapolis, IN 46205. Article: Gas Chromatograph-Mass Spectrometer, Model LKB 9000S. Date of denial without prejudice to resubmission: May 6, 1976.

Docket Number: 76–00289. Applicant: The University of Tennessee, Purchasing Department, 2200 Andy Holt Ave., Knoxville, TN 37916. Article: Automatic Milko-Tester, Model F3120 and accessories. Date of denial without prejudice to resubmission: May 7, 1976.

Docket Number: 76–00313. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: UV Photon Source, Model 22–101, Model 22–101A UV Lamp, Power Supply, and Cable. Date of denial without prejudice to resubmission: May 7, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28909 Filed 10-1-76;8:45 am]

WAKE FOREST UNIV. ET AL.

Applications for Duty—Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to § 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 26, 1976.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00537. Applicant: Sandia Laboratories, Albuquerque, New Mexico 87115. Article: Scanning Electron Microscope, Model S–500 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intendered use of article: The article is intended to be used for the examination of a broad range of materials including: weapons devices and components, alloys, semi-conductor materials, glasses and

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ceramics, plastics, foams, and epoxies, and composites. Typical objectives of the experiments to be conducted are: (1) To determine cause of failures of devices or components, (2) To identify corrosion products or contaminants, (3) To evaluate bond strengths, (4) To relate topography to fabrication parameters, (5) To establish the effects of radiation on structure, and (6) To determine fracture mechanisms. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76–00538. Applicant: Bowman Gray School of Medicine of Wake Forest University, 300 S. Hawthorne Road, Winston-Salem, North Carolina 27103. Article: Electron Microscope, Model EM 400 HTG and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the departments of Comparative Medicine and Pathology for research projects of a varied nature which include the following:

(1) Department of Comparative Medicine—Ultrastructural characteristics, distribution and biosynthesis of arterial proteoglycans. Permeability changes of arterial endothelium in early atherosclerosis. Biosynthesis of connective tissue components by cultured smooth muscle cells and its metabolic implications in health and disease. Lysosomal changes in smooth muscle cells *in vivo* and *in vitro* under various experimental conditions. Morphogenesis and evolution of early lesion in experimental atherosclerosis. Morphogenesis and evolution of lesion-regression in experimental atherosclerosis. Production of animal models of human diseases principally cardiovascular diseases.

(2) Department of Pathology—Characterization of arterial lesions in human renovascular hypertension. Structural and angiochemical studies in human aortic medionecrosis. Correlative clinical and ultrastructural studies in human glomerular diseases. Ultrastructural characteristics and differentiating features of human malignant neoplasms.

The article is also intended to be used for educational purposes in the following courses for graduate and postgraduates:

(1) 301. Introduction to Animal experimentation—A course designed to provide the student with a knowledge of the biology and care of laboratory animals.

(2) 404. Animal Models in Biomedical Research—A course to provide the student with the current knowledge about animals models useful in biomedical research.

(3) 409–410. Advanced Topics in Comparative Medicine—An advanced lecture and student participation course dealing with areas of new knowledge in comparative medicine.

(4) 415–416. Advanced Topics in Pathology—An advanced lecture and student participation course dealing with areas of new knowledge in pathobiology.

(5) 417. Pathobiology of Atherosclerosis—A lecture course exploring in depth the pathogenetic mechanisms which underlie this most prevalent human disease.

In addition, all students and fellows have an introductory practical course on the techniques and use of the electron microscope. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76–00539. Applicant: Oklahoma Children's Memorial Hospital, 940 N.E. 13th Street, Oklahoma City, Oklahoma 73126. Article: Electron Microscope, Model JEM 100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the examination and investigation of biological materials related primarily to effects of disease or experimental conditions on living systems. Experiments to be conducted will include: (1) Studies of viral infestations as possible etiological explanations for various diseases in children. (2) Studies of the role of platelets and plasma clotting proteins in the formation of clots both in vivo and in model systems. (3) Studies of specific labeling of membrane constituents to map topography of membranes and changes which alter when parameters are altered.

The article will also be used in a course in Electron Microscopy to train people in fields other than morphological sciences how to use electron microscopy to acquire information about the molecular structure of their experimental systems to augment their own particular expertise. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76–00540. Applicant: Eye & Ear Hospital, 230 Lothrop Street, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB-Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues which range in hardness from very soft (inner ear receptor cells), to medium hardness (myelinated nerve fibers), to very hard (calcium carbonate otolithic membrane and petrous bone). The research to be conducted will involve the study of the normal and pathologic anatomy of the inner ear. This includes ultrastructural studies and analysis of both single and serial sections. In addition, the article will be used in the course Graduate Research in Anatomy which includes basic electron microscopic techniques in sample preparation, sectioning, instrument operation, dark room procedures, and techniques available for quantitative analysis of data. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76–00541. Applicant: Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia, Pennsylvania 19129. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for cancer and pulmonary research, study clinical biopsy materials from patients, and for training pathology residents in electron microscopy. The article will provide an essential function in several distinct programs of research, including (1) the bioassay of urinary bladder cancer, (2) the biology of pulmonary macrophages, (3) the transport and permeability characteristics of cancerous epithelium, and (4) selective aspects of diagnostic surgical pathology. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76–00542. Applicant: Duke University Medical Center, Box 3094, Durham, N.C. 27710. Article: Centronic Quadrupole Medical Gas Analyser, MGA 200 and accessories. Manufacturer: Twentieth Century Electronics, United Kingdom. Intended use of article: The article is intended to be used to analyze up to eight individual gases simultaneously either in a breathing mixture or in blood or other tissue fluids following, on a moment-to-moment basis, changes in gas composition in a given respired gas mixture. In addition, the article will be used to identify and subsequently, to analyze a wide variety of gases in both hyperbaric and operating room environments. This not only includes gaseous contaminants but also includes all general anesthetic gases and vapors. Water vapor content in the breath will also be analyzed on a moment-to-moment basis. Application received by Commissioner of Customs: September 16, 1976.

Docket Number: 76–00544. Applicant: Bucknell University and Geisinger Medical Center, Lewisburg, PA 17837 and Danville, PA 17821. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instuments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research projects:

(a) The morphology of isolated membrane and organelle fractions from rat testis.

(b) Alterations in testicular ultrastructure following vitamin A depletion or administration of THC and other cannabinoids.

(c) Ultrastructural changes induced in liver and brain tissues following administration of THC or other cannabis derivatives.

(d) The distribution of ferritin labelled plant lectins and antibodies on lymphocyte plasma membranes of normal and cystic fibrosis patients.

(e) Ultrastructure of renal biopsy material.

(f) Ultrastructure of cardiac muscle obtained via biopsy prior to cardiac surgery.

(g) Submit structure of lipoamide dehydrogenase and other macromolecular complexes.

(h) Ultrastructure of *Golenkinia* and other algal cultures.

(j) Ultrastructure of the y-gland in crustaceans.

(j) Ultrastructure of *Drosophila* chromosomes.

The article will also be used for educational purposes in the following courses:

(1) Molecular Cytology (Biology 351)—emphasizes the basic structure of biological membranes and systematically surveys the various membrane systems and organelles which comprise the eucaryotic cell.

(2) Techniques in Electron Microscopy (Biology 353)—provides actual instruction in the use of the various instruments associated with electron microscopy and also provides the student with the theoretical background necessary for independent work in an electron microscopy laboratory.

(3) Independent Research (Biology 350, 360)—allows for individual student research in an area of their own interest.

Application received by Commissioner of Customs: Sept. 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–28910 Filed 10–1–76;8:45 am]

National Oceanic and Atmospheric Administration

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting Place Changed

Notice is hereby given of a change in the meeting October 26 through October 28, 1976, 9:00 a.m. at the Ramada Inn, 225 McClellan Highway, East Boston, Massachusetts of the New England Regional Fishery Management Council which was published in the FEDERAL REGISTER, September 22, 1976, Volume 41, No. 185 (41 FR 41446).

The meeting is now scheduled for October 26, 27, 28, 1976 from 10:00 a.m.–5:00 p.m.; 9:00 a.m.–5:00 p.m.; and 9:00 a.m.–3:00 p.m. respectively at the J. B. Hynes Auditorium, 900 Boylston Street, Room 201, Boston, Massachusetts.

Dated: September 29, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–28913 Filed 10–1–76;8:45 am]

Office of the Secretary

[Dept. Organization Order 10–8; Amdt. 1]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Delegation of Authority

AUGUST 27, 1976.

This order effective August 27, 1976 amends the material appearing at 38 FR 19707 of July 23, 1973.

Department Organization Order 10–8, dated July 5, 1973, is hereby amended as shown below. The purpose of this amendment is to revise the delegation of authority to the Assistant Secretary for Maritime Affairs, in accordance with Executive Order 11490, as amended by Executive Order 11921, to include several emergency functions assigned to MARAD but not specifically delegated in the current order.

SECTION 3. DELEGATION OF AUTHORITY TO THE ASSISTANT SECRETARY.

Substitute the following subparagraph for subparagraph .01i.

"i. Executive Order 10480, as amended, and Executive Order 11490, as amended, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal and overseasshipping, ports and port facilities, ship construction, conversion and repair, and support functions related thereto;"

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76–28906 Filed 10–1–76;8:45 am]

[Department Organization Order 25–5B, Amdt. 2]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegate of Authority

SEPTEMBER 7, 1976.

This order effective September 7, 1976 further amends the materials appearing at 41 FR 795 of January 5, 1976 and 41 FR 36061 of August 25, 1976.

Department Organization Order 25–5B, dated December 4, 1975 is hereby further amended as shown below. The purpose of this amendment is to establish the new Office of Ocean Engineering under the NOAA Administrator by combining: the Manned Undersea Science and Technology program under the Associate Administrator for Marine Resources, the Data Buoy Office under the National Ocean Survey, and the standards development, interlaboratory calibration and related interagency relationships and international programs of the NOS National Oceanographic Instrumentation Center.

1. SECTION 5. ASSOCIATE ADMINISTRATOR FOR MARINE RESOURCES. a. The first paragraph is revised by inserting the words "ocean engineering," after the word "charting," in both the third and last lines.

b. The tenth paragraph is revised by deleting the words, "the manned undersea science and technology program and other."

2.a. A new Section 9. is added to read as follows:

"SECTION 9. OFFICE OF OCEAN ENGINEERING. The Office of Ocean Engineering shall exercise functional review over, and recommend policy and plans for, all of NOAA's ocean engineering and instrumentation programs. It should conduct an integrated program of research, technology development, and services related to ocean engineering and undersea operations; and serve as a national focal point for knowledge related to civil ocean engineering, a catalyst for industrial ocean engineering development, and a mechanism for technology transfer from military and space fields."

b. Sections 9. through 18. are renumbered as Sections 10. through 19., respectively.

3. SECTION 14. NATIONAL OCEAN SURVEY. a. Paragraph .06 is revised to read as follows:

".06 The Office of Marine Technology shall act as the focus of the NOS effort for technology related to testing, evaluation, and calibration of sensing systems for ocean use; and shall enhance the quality of such systems by the dissemination of operational results and technical information to the national oceanographic community. It shall provide NOAA with marine systems technology, ocean engineering, sensor systems, buoy systems, data automation systems, and other technology functions as may be assigned; and shall assist with the design, development, and procurement in these technical areas."

b. Paragraph .08 is revised to read as follows:

".08 The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units. The Atlantic Marine Center shall also manage hydrographic, tide, and water level field units. The Atlantic Marine Center shall provide its own administrative support except where it is determined to be more practical and advantageous to NOAA to have the services furnished by other NOAA components. The Atlantic Marine Center shall provide such services to other NOAA components as directed. The Pacific Marine Center shall obtain its administrative support from the Northwest Administrative Service Office."

4. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated July 1, 1976. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76–28907 Filed 10–1–76;8:45 am]

[Department Organization Order 30–7A, Amdt. 1]

NATONAL TECHNICAL INFORMATION SERVICE

Delegation of Authority

SEPTEMBER 9, 1976.

This order effective September 9, 1976 amends the material appearing at 41 FR 18538 of May 5, 1976.

Department Organization Order 30–7A of April 9, 1976 is hereby amended as shown below. The purpose of this amendment is to delegate authority for operating the Federal Software Exchange Center to NTIS.

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1. SECTION 3. DELEGATION OF AUTHORITY. a. In pen and ink, renumber subparagraph 3.01c. as 3.01d.

b. A new subparagraph 3.01c. is added to read as follows:

"c. Temporary Regulation E–46 of the Federal Property Management Regulations, 41 FR 16882, and the provisions of an interagency agreement between NTIS, Department of Commerce, and the Automatic Data and Telecommunications Service of the General Services Administration."

2. SECTION 4. FUNCTIONS. a. In pen and ink, remove the word "and" at the end of subparagraph 4.i.

b. In pen and ink, remove the period at the end of subparagraph 4.j. and after the word "policy" insert: "; and".

c. A new subparagraph 4.k. is added to read as follows:

"k. Operate the Federal Software Exchange Center in accordance with policies, procedures and controls prescribed in an interagency agreement between NTIS, Department of Commerce, and the Automatic Data and Telecommunications Service of the General Services Administration."

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76–28908 Filed 10–1–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

MINORITY ADVISORY COMMITTEE, ADAMHA
October 20–22—Open Meeting
October 20, 1:00 p.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852
October 21, 9:00 a.m., George Washington University, Marvin Center, Room 401, 800 21st Street, N.W., Washington, D.C.
October 22, 9:00 a.m., Room 873, Rockwall Bldg., 11400 Rockville Pike, Rockville, Maryland 20852
Contact Ernest F. Hurst, Room 13C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3838
Purpose: The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse and the National Institute of Mental Health.
Agenda: This meeting will be open to the public. On October 20 the Committee will have a discussion with the Administrator, ADAMHA, and a panel presentation by the Institute Directors with a question-and-answer session. On October 21, there will be a Planning Session to discuss Committee FY 1977 operations, priority issues, objectives and responsibilities. On October 22, the Planning Session will continue in the morning with further orientation by Institute staff in the afternoon.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of the committee members. Mr. Helsing is located in Room 16–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3783.

Dated: September 28, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76–28927 Filed 10–1–76;8:45 am]

Food and Drug Administration

[Docket No. 76G–0348]

DYNAMIT NOBEL OF AMERICA

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0057) has been filed by Dynamit Nobel of America, 105 Stonehurst Ct., Northvale, NJ 07647, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that a triglyceride mixture of caprylic and capric acids to be used as a surface finishing agent, formulation aid, lubricant and release agent, and in dietary foods is generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before December 3, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 24, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–28930 Filed 10–1–76;8:45 am]

[Docket No. 76C–0386]

ETHICON, INC.

Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice is given that a petition (CAP 6C0126) has been filed by Ethicon, Inc., Route 22, Somerville, NJ 08876, proposing the issuance of a regulation (21 CFR Part 8) to provide for the safe and suitable use of D&C Green No. 5 under § 8.4069 (21 CFR 8.4069) for coloring nylon 6 nonabsorbable sutures for use in general surgery and by deleting the present requirement in § 8.4069(c)(2) that nylon (the copolymer of adipic acid and hexamethylene diamine) nonabsorbable sutures colored with D&C Green No. 5 conform in all respects to the requirements of the United States Pharmacopeia.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 24, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–28929 Filed 10–1–76;8:45 am]

[Docket No. 76F–0392]

FOOD ADDITIVE

Cyclamate; Denial of Petition

The Commissioner of Food and Drugs is issuing an order denying a petition proposing that the food additive regulations be amended to provide for the safe use of cyclamate in food. The order is effective October 4, 1976. Persons adversely affected by this order may file objections and request a public hearing on or before November 3, 1976.

Notice was given in the FEDERAL REGISTER of February 8, 1974 (39 FR 4935) that a petition (FAP 4A2975) had been filed by Abbott Laboratories, North Chicago, IL 60064, proposing that the food additive regulations be amended to provide for the safe use of cyclamic acid, calcium cyclamate, and sodium cyclamate as sweetening agents in food and for technological purposes in food other than for calorie reduction.

After extensive study of the petition and other information, including consideration of a report evaluating all available data relating to the carcinogenicity of cyclamate by a group of experts (The Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate) empaneled by the National Cancer Institute, the Commissioner of Food and Drugs has concluded that the data submitted in support of the petition do not establish that cyclamic acid, calcium cyclamate, and sodium cyclamate are safe for their intended use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(c)(1)(B), 701(a), 52 Stat. 1055, 72 Stat. 1784 as amended, 1786 (21 U.S.C. 321(s), 348(c)(1)(B), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)): *It is ordered*, That the petition be denied and that no food additive regulations authorizing the use of cyclamates, including cyclamic acid, calcium cyclamate, and sodium cyclamate be issued.

Any person who will be adversely affected by the foregoing order may at any time on or before November 3, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

This order shall be effective October 4, 1976.

Dated: September 28, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–28928 Filed 10–1–76;8:45 am]

Health Resources Administration

FEDERAL HOSPITAL COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

Name: Federal Hospital Council.
Date and Time: October 27, 1976, 9 a.m.
Place: Room 6C–09, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20014.
Open for entire meeting.
Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, on matters relating to the administration of the Hospital and Medical Facilities Survey and Construction Program and also advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act.
Agenda: Agenda items include orientation of new Council members as to the Council's functions; discussion of responsibilities under section 1122 of the Social Security Act; discussion of the provisions of Public Law 93–641 and operations necessary for implementation; update on the progress of the Health Resources Administration in the implementation of P.L. 93–641; and other appropriate business as may be necessary.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Henry S. Desjarlais, Room 420, Federal Building, Health Resources Administration, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496–9181.

Agenda items are subject to change as priorities dictate.

Dated: September 27, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76–28973 Filed 10–1–76;8:45 am]

HEALTH SERVICES DEVELOPMENTAL GRANTS STUDY SECTION

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

Name: Health Services Developmental Grants Study Section.
Date and Time: October 25–27, 1976, 8 p.m.
Place: October 25, Delaware Room, Holiday Inn of Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20014; and October 26–27, Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open October 25, 8:00 p.m.–8:30 p.m., closed for remainder of meeting.
Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: Agenda items for the open portion of the meeting will cover minutes of the previous meeting; future meeting dates; and discussion of other related general matters. The remainder of the meeting will be closed to the public for the review of grant applications which relate to the development, utilization, quality, organization, and financing of services, facilities, and resources of hospital care, and other medical facilities, in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of the meetings, or other relevant information should contact Mr. David McFall, Room 15–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–2930.

Agenda items are subject to change as priorities dictate.

Dated: September 24, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76–28972 Filed 10–1–76;8:45 am]

Social Security Administration

REGIONAL REPRESENTATIVES, ET AL.

Additional Redelegation of Authority Concerning the Disclosure to the Public of Performance Review Reports and Other Formal Evaluations Regarding the Performance of Medicare Contractors

Section 249C of Pub. L. 92–603 (the Social Security Amendments of 1972) added subsections (d) and (e) to section 1106 of the Social Security Act (42 U.S.C. 1306 (d) and (e)). Paragraphs (1) and (2) of subsection (d) authorize the Secretary of Health, Education, and Welfare to make available to each State agency operating a Medicaid program under title XIX of the Social Security Act, as amended (the Act) and, subject to the limitations contained in subsection (e) of section 1106, to make available for public inspection in readily accessible form and fashion, the following official reports dealing with the operation of those health programs established by titles XVIII and XIX of the Act, except that such reports are not to include references to any internal tolerance rules and practices, working papers or other informal memoranda:

I. Under paragraph (1), individual contractor performance reviews and other formal evaluations of the performance of carriers, intermediaries and State agencies, including reports of follow-up reviews; and

II. Under paragraph (2), comparative evaluations of the performance of such contractors, including comparisons of either overall performance or of any particular aspects of contractor operations.

Subsection (e) of section 1106 specifies that no report described in subsection (d) of that section shall be made public by the Secretary, or by a State agency performing functions on behalf of the Secretary under title XIX of the Act, until the contractor or provider of services whose performance is being evaluated has had a reasonable opportunity to review the report and to offer comments on it. This period for review and comment is not to exceed 60 days. Pertinent comments thus obtained may be incorporated in the public report.

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Under subsection (e) of section 1106, the Secretary is not required to include in any public report information with respect to any deficiency which is known by the Secretary to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the particular contractor or provider of services.

Authority to implement those provisions of title XI of the Act, including subsections (d) and (e) of section 1106, pertaining to the Medicare program establishing by title XVIII of the Act, has been delegated by the Secretary to the Commissioner of Social Security (33 FR 5836–37), with authority to redelegate. On November 23, 1973, the Commissioner redelegated such authority to appropriate positions stationed at Social Security Administration (SSA) Headquarters. These redelegations were effective December 28, 1973—the date that notice thereof was published in the FEDERAL REGISTER (38 FR 35519–21).

Notice is hereby given that the Commissioner has approved additional redelegations of the subject authority. Effective on October 4, 1976, Regional Representatives, Health Insurance and Deputy Regional Representatives, Health Insurance in SSA's Bureau of Health Insurance shall have the authority specified below with respect to contractor performance review reports and other formal evaluations of the performance of carriers and intermediaries under the Medicare program, including reports of follow-up reviews and comparative evaluations, pursuant to subsections (d) and (e) of section 1106 of the Social Security Act, as amended:

A. Authority to determine that references to internal tolerance rules, practices, working papers or informal memoranda have been excluded from such reports or evaluations;

B. Authority to determine that carriers and intermediaries have been afforded a reasonable opportunity to review such reports or evaluations and to offer comments thereon:

C. Authority to determine that information should not be included in such reports or evaluations as to any deficiency which is known to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the deficient party; and

D. Authority to make final and official versions of such reports or evaluations available for public inspection in readily accessible form and fashion, along with any pertinent written statements.

Further redelegations of such authority may not be made by the incumbents of the specified positions.

Dated: September 27, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.76-28976 Filed 10-1-76;8:45 am]

National Institute of Education

ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), notice is hereby given that the Panel on Basic Skills of the National Institute of Education (NIE) is scheduled to meet on October 18–20, 1976, to accomplish such external program reviews as shall be required by the Director of NIE.

This meeting will be open to the public during the time indicated below to discuss administrative details or other issues related to committee business as described in the notice.

This meeting will be closed to the public as indicated below. It is essential to close portions of the meeting to protect the free exchange of the members' views and avoid undue interference with Institute or committee operations. Such views, if reduced to writing, would be protected from mandatory disclosure under Section 552(b)(5) of Title 5, U.S.C.

AGENDA: PANEL ON BASIC SKILLS

OCTOBER 18

9:00–9:30 a.m.—(open session) Introduction of panel members, remarks by director, NIE.
9:30–12:00 noon—(open session) Program overview.
12:00–1:30 p.m.—(closed session) Executive session.
1:30–6:30 p.m.—(open session) Question and answer session with basic skills staff and informal discussion.
7:30 p.m.—Adjournment (closed session) Executive session.

OCTOBER 19

9:00 a.m.–5:00 p.m.—(closed session) Executive session.

OCTOBER 20

9:00–11:00 a.m.—(closed session) Executive session.
11:00–12:00 noon—(open session) Debriefing.

Dated: October 1, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.76-29249 Filed 10-1-76;10:10 am]

GRANTS PROGRAM REVIEW PANEL

Notice of Establishment

After consultation with the Director, Office of Management and Budget, the Secretary of Health, Education, and Welfare has determined that the formation of a Panel on Basic Skills by the National Institute of Education under provisions of the Federal Advisory Committee Act is in the public interest in connection with performance of duties imposed on the Department by law, and that such duties can best be performed through the advice and counsel of such a group.

This Panel will be utilized to review, discuss, evaluate and rank proposals and to accomplish such program reviews as shall be required by the Director, NIE. The meeting date for this Panel will be announced in the FEDERAL REGISTER.

Dated: October 1, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.76-29250 Filed 10-1-76;10:10 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-641]

CALIFORNIA SIERRA HIGHLANDS NO. 3

Hearing

In the matter of California Sierra Highlands No. 3, Tract 2279, Bob C. Gaston, President and Land Dynamics, 76-241-IS, OILSR No. 0-2299-04-461.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that:

1. California Sierra Highlands No. 3, Tract 2279, Bob C. Gaston, President and Land Dynamics, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued August 11, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for California Sierra Highlands No. 3, Tract 2279 located in Fresno County, California, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 26, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on October 26, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC 20410 on or before October 4, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28937 Filed 10-1-76;8:45 am]

[Docket No. N-76-640]

CLEAR WATER DEVELOPMENT CORP.

Hearing

In the matter of: Arrowhead Bay, Clear Water Development Corporation and Stanley A. Chase, President, 76-230-IS OILSR No. 0-2140-26-22.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Arrowhead Bay, Clear Water Development Corporation and Stanley A. Chase, President, authorized agent and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued August 4, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Arrowhead Bay, located in Montcalm County, Michigan, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 23 and September 7, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on November 16, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC, 20410 on or before October 25, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 9, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28936 Filed 10-1-76;8:45 am]

[Docket No. N-76-646]

LAKE GEORGE MANOR

Hearing

In the matter of: Lake George Manor, Herman G. Steiner, President, St. Johns Crescent Lakesites, Inc., OILSR No. 0-0650-09-147, Docket No. 76-177-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that:

1. Lake George Manor, Herman G. Steiner, President, St. Johns Crescent Lakesites, Inc., authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued June 28, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for LAKE GEORGE MANOR, located in Putnam County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 20, 1976, in response to the Notice of Proceedings and Opportunity for Hearings.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on November 5, 1976 at 2 p.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC 20410 on or before October 8, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 23, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28942 Filed 10-1-76;8:45 am]

[Docket No. N-76-647]

NEW KINGMAN ADDITION, UNIT 11

Hearing

In the matter of: New Kingman Addition, Unit 11, Elmer L. and Edna Mae Butler, Developers, 76-214-IS, OILSR No. 0-0188-02-39(C).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that:

1. New Kingman Addition, Unit 11, Elmer L. and Edna Mae Butler, Developers, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued July 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for New Kingman Addition, Unit 11 located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 17, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity

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for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 19, 1976 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC, 20410 on or before October 27, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 31, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28943 Filed 10-1-76;8:45 am]

[Docket No. N-76-643]

HOOT OWL RIDGE, FIRST, SECOND, THIRD AND FOURTH ADDITION

Hearing

In the Matter of: Hoot Owl Ridge, First, Second, Third and Fourth Additions, St. Johns Hills, Inc. and Sham G. Sani, President, 76-218-IS, OILSR No. 0-0596-09-126 (A) and (B).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Hoot Owl Ridge, First, Second, Third and Fourth Additions, St. Johns Hills, Inc. and Sham G. Sani, President, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued July 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Hoot Owl Ridge, First and Second Additions, and the Third and Fourth Additions located in Daytona Beach, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 10, 1976 at 2 pm.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC, 20410 on or before October 15, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28939 Filed 10-1-76;8:45 am]

[Docket No. N-76-642]

VALLEY OF THE SUN SUBDIVISION, T-R DEVELOPMENT CORP.

Hearing

In the matter of: Valley of the Sun Subdivision, T-R Development Corporation and C. Earl Tatum, Jr., President, 76-179-IS, OILSR No. 0-1370-05-94 (A-D).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Valley of the Sun Subdivision, T-R Development Corporation and C. Earl Tatum, Jr., President, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued June 28, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Valley of the Sun Subdivision located in Park County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 19, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 15, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building 10150, Washington, DC, 20410 on or before October 21, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28938 Filed 10-1-76;8:45 am]

[Docket No. N-76-644]

LEISURE LAKES

Hearing

In the matter of: Leisure Lakes, Samuel Cook, President, and Highlands County Land & Title Company, 76-233-IS OILSR No. 0-0340-09-73 and (A) and (B).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Leisure Lakes, Samuel Cook, President and Highlands County Land & Title Company, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued August 4, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Leisure Lakes, located in Highlands County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 26, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 8, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building Room 10150, Washington, DC, 20410 on or before October 25, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 31, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28941 Filed 10-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS-76-6]

AROOSTOCK VALLEY RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Aroostock Valley Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a (e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. Secs. 61-64b.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-6, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 1, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on September 27, 1976.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel, Safety Regulation Division.

[FR Doc.76-28898 Filed 10-1-76;8:45 am]

[FRA Waiver Petition No. HS-76-5]

TEXAS SOUTH EASTERN RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Texas South Eastern Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employee, from the Hours of Service Act, as amended, 45 U.S.C. Secs. 61-64b.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-5, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 1, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on September 27, 1976.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel, Safety Regulation Division.

[FR Doc.76-28899 Filed 10-1-76;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Adjudication and Alcohol Subcommittee to be held on October 19, 1976 in Room 6200 of the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The meeting will begin at 9:00 a.m. The agenda is as follows:

The Lay Judiciary: Qualifications, Selection and Training
Lay Judge Research Needs
Training of Lay Judges
Traffic Case Seminar Presentation—Questions and Answers
NHTSA Lower Court Program Activities—Seattle and Rhode Island SAFE Projects
Lower Court Probation Resources
Mississippi Lower Court Practices
LEAA Lower Court Program Activities
Rural Court Workships Sponsored by Institute on Court Management, National Center for State Courts Summarization and Conclusion

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The meeting is subject to the approval of the Secretary of Transportation. Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on September 24, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-29195 Filed 10-1-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27522]

AIRLIFT INTERNATIONAL, INC., AND SEABOARD WORLD AIRLINES

Complaint of National Air Carrier Association; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28989 Filed 10-1-76;8:45 am]

[Dockets Nos. 26328 and 27320]

ALLEGHENY AIRLINES, INC.

Complaint of Reuben B. Robertson III and Aviation Consumer Action Project; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28990 Filed 10-1-76;8:45 am]

[Docket No. 27313]

AMERICAN AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28991 Filed 10-1-76;8:45 am]

[Docket No. 27312]

BRANIFF AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28992 Filed 10-1-76;8:45 am]

[Docket. No. 27133]

BRANIFF AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28993 Filed 10-1-76;8:45 am]

[Docket No. 27460]

BRITISH CALEDONIAN AIRWAYS

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28994 Filed 10-1-76;8:45 am]

[Docket No. 27304]

CONTINENTAL AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28996 Filed 10-1-76;8:45 am]

[Docket No. 27360]

CONTINENTAL AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28995 Filed 10-1-76;8:45 am]

[Docket No. 27303]

DELTA AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28997 Filed 10-1-76;8:45 am]

[Docket No. 27316]

EASTERN AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28998 Filed 10-1-76;8:45 am]

[Docket No. 27415]

EASTERN AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28999 Filed 10-1-76;8:45 am]

[Docket No. 27719]

EASTERN AIR LINES, INC., AND REA EXPRESS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29000 Filed 10-1-76;8:45 am]

[Docket No. 27317]

FRONTIER AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C. September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29001 Filed 10-1-76;8:45 am]

[Docket No. 27302]

HAWAIIAN AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C. September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29002 Filed 10-1-76;8:45 am]

[Docket No. 27308]

HUGHES AIR CORP. d/b/a HUGHES AIRWEST

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C. September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29003 Filed 10-1-76;8:45 am]

[Docket No. 26732]

KLM ROYAL DUTCH AIRLINES

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet. D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29004 Filed 10-1-76;8:45 am]

[Docket No. 29000]

LAKE TAHOE SERVICE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 9, 1976, at 9:30 a.m. (local time), in the Waystation Hotel, 3601 Lake Tahoe Boulevard, South Lake Tahoe, California 95705, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 11, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 28, 1976.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.76-29027 Filed 10-1-76;8:45 am]

[Docket No. 26423]

NATIONAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29006 Filed 10-1-76;8:45 am]

[Docket No. 27315]

NATIONAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29007 Filed 10-1-76;8:45 am]

[Docket No. 27358]

NATIONAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29005 Filed 10-1-76;8:45 am]

[Docket No. 27311]

NORTH CENTRAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29008 Filed 10-1-76;8:45 am]

[Docket No. 27314]

NORTHWEST AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29011 Filed 10-1-76;8:45 am]

[Docket No. 27359]

NORTHWEST AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29010 Filed 10-1-76;8:45 am]

[Docket No. 28903]

NORTHWEST AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29009 Filed 10-1-76;8:45 am]

[Docket No. 27305]

OZARK AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29012 Filed 10-1-76;8:45 am]

[Docket No. 26200]

PAN AMERICAN WORLD AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding has been assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29013 Filed 10-1-76;8:45 am]

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[Docket No. 27318]

PAN AMERICAN WORLD AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29014 Filed 10-1-76;8:45 am]

[Docket No. 27309]

PIEDMONT AVIATION, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29015 Filed 10-1-76;8:45 am]

[Docket No. 27307]

REEVE ALEUTIAN AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29016 Filed 10-1-76;8:45 am]

[Docket No. 27459]

SEABOARD WORLD AIRLINES

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29017 Filed 10-1-76;8:45 am]

[Docket No. 27434]

TEXAS INTERNATIONAL AIRLINES

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29018 Filed 10-1-76;8:45 am]

[Docket No. 28942]

TOUR TRAVEL ENTERPRISES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29019 Filed 10-1-76;8:45 am]

[Docket No. 27319]

TRANS WORLD AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29020 Filed 10-1-76;8:45 am]

[Docket No. 26601]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29022 Filed 10-1-76;8:45 am]

[Docket No. 26904]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment.

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29021 Filed 10-1-76;8:45 am]

[Docket No. 27310]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29024 Filed 10-1-76;8:45 am]

[Docket No. 28145]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding has been assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29023 Filed 10-1-76;8:45 am]

[Docket No. 27301]

WESTERN AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper, Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29025 Filed 10-1-76;8:45 am]

[Docket No. 27306]

WIEN AIR ALASKA, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper, Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29026 Filed 10-1-76;8:45 am]

[Order 76-9-149; Docket 29844]

DELTA AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September, 1976.

By tariff revisions [1] filed August 31 and marked to become effective October 1, 1976, Delta Air Lines, Inc. (Delta), proposes to amend its rule [2] providing density discount rates to deny acceptance thereunder of live animal shipments.

In support of its proposal and in answer to the complaint, Delta asserts, inter alia, that, since shipments tendered at density discount rates are to be loaded only after the loading of all other air freight shipments, live animals could frequently be subjected to delays that would be uncomfortable and possibly injurious to the health of the animal and certainly not in the best interest of the animal.[3] Delta does not believe that acceptance of such shipments is in the best interest of the public, the carrier, or the animals, and is therefore amending the tariff to preclude transportation at these rates.

A complaint requesting rejection or, in the alternative, suspension and investigation of the proposal has been submitted by the Animal Shipper Parties (ASP). The complaint contends, inter alia, that (1) the proposal would prohibit the acceptance of live animals for transportation even though such traffic would otherwise qualify for density discount ratings; (2) shippers of certain classes of animals such as mammals and/or cold-blooded animals, especially tropical fish, invertebrates, etc., which are normally shipped in water, can and do utilize these density discount rates without experiencing any of the alleged difficulties; (3) Delta has failed to submit any data substantiating its claims and thus has failed to meet the burden required under § 221.165 of the Board's Economic Regulations; (4) the carrier's existing tariff rules applicable to the acceptance and carriage of live animals provide adequate means for assuring the safe and humane air transportation of live animals; and (5) the proposed restrictions are blatantly discriminatory and prejudicial.

Upon consideration of all relevant factors, the Board finds that the proposed rule revision may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.[4] The Board further concludes that the proposal should be suspended pending investigation.

We are reluctant to permit a rule to become effective which would prohibit the acceptance of a single class of traffic that would otherwise qualify for density discount rates absent a strong showing by the carrier. Such a showing has not been made by Delta.[5] Since live animal shippers are required to make advance arrangements prior to tendering their shipments, the carrier can notify the shipper of the likelihood of a boarding delay due to heavier than normal loads. In such a circumstance, the decision to ship or not is then at the discretion of the shipper who, presumably, is better able to judge whether or not the delay will adversely affect his particular shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof, *It is ordered That:* 1. An investigation be instituted to determine whether the provisions in Rule No. 90(D) on 7th Revised Page 42-Q of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule No. 90(D) on 7th Revised Page 42-Q of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including December 29, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 29844 be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., and the Animal Shipper Parties, which are hereby made parties to Docket 29844.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28987 Filed 10-1-76;8:45 am]

[Order 76-9-139; Docket 29826]

WIEN AIR ALASKA, INC.

Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September, 1976.

On September 24, 1976, Wien Air Alaska, Inc. (Wien), requested an emergency exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958 (the Act) pursuant to section 416(b) of the Act, to conduct operations for the transportation of persons, property, and mail between Anchorage, Cordova, Yakutat, Juneau, Sitka, Ketchikan, and Seattle and/or such combinations of these cities as may be appropriate in the light of traffic demands. Wien states that its petition has been prompted by the possibility of a strike against Alaska Airlines, Inc. (Alaska), by its flight attendants beginning on September 25, 1976. As a result, it is expected that the operations of Alaska to, from, and within the State of Alaska will be sharply curtailed, if not terminated. Wien requests an exemption for the purpose of assuring the continuity of essential air transportation services on which the economy of the State of Alaska depends. Such exemption is requested to be effective upon and continue for the duration of the work stoppage, should it occur.

Upon consideration of the petition, the Board has determined that an acute emergency may be created at the communities named in the petition should the work stoppage materialize. In particular, the southeast Alaska communities of Cordova, Yakutat, Sitka, Juneau, and Ketchikan are especially dependent upon air transportation to meet their transportation needs and do not receive certificated service from any air carrier other than Alaska.[1] Accordingly, we have decided to delegate authority to the Director, Bureau of Operating Rights, beginning on September 24, 1976, and terminating on October 24, 1976 (unless sooner terminated or extended), to grant or deny, in whole or in part, the petition of Wien Air Alaska, Inc., for exemption authority under section 416(b) of the Act.

Petitioner states that, even in the event of a work stoppage, Alaska may continue certain services utilizing management personnel and thus Wien may not need all of the requested exemption authority. Under these circumstances, although we are delegating power to the Director, at his discretion, to grant or deny the requested exemption authority, we will require that the petitioner obtain the telephonic approval of the Director prior to the operation of a particular scheduled service pattern authorized by any exemption.

Finally, we emphasize that, by our action herein, it is not our intention to intervene in a labor controversy nor to favor one side against the other; we do not believe that the strictly limited procedural steps taken herein will have that effect. Our sole purpose, as in the past (see Order 75-12-77, December 17, 1975) is to alleviate, to the extent possible, public hardships which inevitably result from such strikes. We believe that actions taken by the Director pursuant to the authority granted herein can have only an extremely negligible effect, if any at all, upon the economic forces normally in play between management and labor.

Accordingly, it is ordered That: 1. Authority is hereby delegated to the Director, Bureau of Operating Rights (the Director), to act for the Board on a request by Wien Air Alaska, Inc., for an emergency exemption under section 416(b) of the Act for temporary authority to conduct operations for the transportation of persons, property, and mail between Anchorage, Cordova, Yakutat, Juneau, Sitka, Ketchikan, and Seattle and/or such combinations of these cities as may be appropriate in light of traffic demands for the duration of the work stoppage anticipated against Alaska Airlines beginning September 25, 1976;

2. In the absence of a further order of the Board, all operating authority granted pursuant to this order of dele-

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Rule 90. The rule provides a discount of 40 percent of the applicable general commodity rates for commodities having a density of 25 pounds per cubic foot or more, subject to certain limitations.

[3] The carrier states it did not expect that live animal shipments would achieve the density required to qualify for the discount rates but, since introducing the rates, Delta has had an occasional animal shipment which met the criteria.

[4] The Board does not believe that there is a valid basis for rejection of the proposal.

[5] Furthermore, in justifying its original filing, Delta claimed it was operating large amounts of empty belly capacity (Order 76-6-93, dated June 11, 1976).

[1] The city of Juneau is also served by Wien. However, since Wien must serve Juneau by way of Fairbanks, this service is virtually unusuable by traffic over the segments at issue in the subject petition. For purposes of this order, therefore, Wien's own authority is of no significance.

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gation shall expire not later than October 24, 1976, or upon settlement of the strike whichever occurs sooner;

3. Prior to the operation of a particular scheduled service pattern which may be authorized by any exemption granted pursuant to this delegation, the petitioner will obtain the telephonic approval of the Director;

4. In the exercise of delegated authority the Director is authorized in his discretion to act before the receipt of answers, and petitions for review of decisions of the Director shall not stay the effective date thereof;

5. Communications subject to the procedures established herein may be made orally, but such application shall be put into telegraphic or written form within 24 hours and, if in telegraphic form, shall be followed within 5 days with a written notice served in accordance with the Board's rules of practice;

6. Any interested person objecting to any provision of this order shall file such objections with the Board within five days from the date of service of this order, but the filing of objections shall not stay the effectiveness of this order;

7. This order may be amended or revoked at any time at the discretion of the Board; and

8. This order shall be served on all certificated air carriers of interest, the states of Alaska, Washington, all affected cities, and union representatives of the employees of both Alaska Airlines and Wien Air Alaska.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28988 Filed 10-1-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Adjusting Import Levels

On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 44862) a letter dated September 25, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, which establish specific export limitations on certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the agreement which provides that within the aggregate and applicable group limits, specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limits.

Accordingly, pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of September 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to man-made fiber textile products in Category 235 for the twelve-month period which began on October 1, 1975.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

SEPTEMBER 29, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

SEPTEMBER 29, 1976.

DEAR MR. COMMISSIONER: On September 25, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1975 and extending through September 30, 1976 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651, you are directed to amend, effective on September 29, 1976, the twelve-month level of restraint established for Category 235 to 1,599,000 dozen.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.76-28964 Filed 10-1-76;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, part of 63 (shoe uppers), 64, 200-213, and 241-243 may be exceeded by 10 percent; within Categories 39-62, part of 63 (other than shoe uppers), and 214-240, by 7 percent; and within Categories 101-132, by 5 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

INTERNATIONAL TRADE COMMISSION

[332-79]

LIST OF ARTICLES ELIGIBLE FOR DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES

Articles Being Considered for Removal; Rescheduling of and New Site for Public Hearing

Notice is hereby given that the United States International Trade Commission's public hearing in connection with that part of investigation No. 332-79 devoted to obtaining data needed by the Trade Policy Staff Committee (TPSC), Office of the Special Representative for Trade Negotiations, for review of petitions for the withdrawal of leather wearing apparel classifiable in item 791.75 of the Tariff Schedules of the United States from the list of articles eligible for duty-free treatment under the Generalized System of Preferences will be held in New York City, at a location to be announced at a later time, on Friday, October 29, 1976, beginning at 10 a.m., e.d.t.

Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in the United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, not later than noon, October 26, 1976.

This notice revokes the date and place of the subject public hearing as announced in the Notice of Investigation and Hearing issued on September 21, 1976, and published in the FEDERAL REGISTER on September 24, 1976 (41 FR 41973).

Issued: September 29, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29082 Filed 10-1-76;8:45 am]

[1] The *Tariff Schedules of the United States Annotated (1976)* is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; it is also available for inspection without charge at any field office of the U.S. Customs Service or the U.S. Department of Commerce and at depository libraries.

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 358, Aug. 20, 1976

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		550 kHz							
CFJC	Kamloops, British Columbia, N. 50°38'34", W. 120°27'28", (P.O N. 50°43'24", W. 120°20'26", 910 kHz, 10D/1N, ND-187).	10D/5N	*DA-2*	U	III				E.I.O., Aug. 20, 1977.
		710 kHz							
CIPC	Port Cartier, Quebec, N. 49°59'29", W. 66°50'59" (correction to coordinates).	1	DA-1	U	II				Do.
		730 kHz							
CKLG	Vancouver, British Columbia, N. 49°07'57", W. 123°00'18" (now in operation).	50	DA-2	U	II				
		730 kHz							
CHYR-7	Leamington, Ontario, N. 42°00'30", W. 82°33'10" (now in operation).	0.5	DA-N	N	II				
		910 kHz							
CFJC	Kamloops, British Columbia, N. 50°43'24", W. 120°20'26" (vide 550 kHz).	10D/1N	ND-187	U	III	250	120	433	
		920 kHz							
(New)	Lac Ethemin, Quebec, N. 46°22'48", W. 70°26'00" (delete immediately).	1	DA-N ND-D-188	U	III				
		920 kHz							
CFLS	Levis, Quebec, N. 46° 47' 44", W. 71° 08' 29" (P.O N. 46° 47' 50", W. 71° 08' 33", 1240 kHz, 0.25 kW, ND-181, U).	*1*	*DA-N ND-D-188*	U	*III*				Do.
		1110 kHz							
CHPR	Hawkesbury, Ontario, N. 45°31'39", W. 74°38'09" (assignment of call letters).	0.25	ND-175	D	II	150	120	356	EIO, January 20, 1977.
		1240 kHz							
CKBX	100 Mile House, British Columbia, N. 51°40'11", W. 121°17'22" (now in operation).	1D/0.25N	ND-180	U	IV	150	120	318	
		1240 kHz							
CJRW	Summerside, Prince Edward Island, N. 46°24'10", W. 63°45'03" (correction to coordinates in Recapitulative List).	0.25	ND-190	U	IV	200	120	318	
		1240 kHz							
CFLS	Levis, Quebec, N. 46°47'50", W. 71°08'33" (vide 920 kHz).	0.25	ND-184	U	IV	155	120	320	
		1370 kHz							
(New)	Ville Degelis, Quebec, N. 47°31'51", W. 68°36'30"	1	DA-1	U	III				E.I.O., August 20, 1977.
		1400 kHz							
CHOA	Stettler, Alberta, N. 52°18'48", W. 112°37'19" (assignment of call letters).	1D/0.25N	ND-190	U	IV	176	120	280	E.I.O. February 25, 1977.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.76-28813 Filed 10-1-76;8:45 am]

COMMON CARRIER SERVICES INFORMATION

[Report No. 825]

Applications Accepted for Filing

SEPTEMBER 27, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see Section 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22824-CD-P-(2)-76, Aircall, Inc. C.P. to replace transmitter, change antenna system and relocate facilities operating on 454.100 MHz, control, to be located at 206 First Avenue, SE., Hickory, North Carolina; and for additional facilities to operate on 459.-100 MHz, repeater, to be located at a new site: Mineral Springs Mountain, North Carolina.

22825-CD-MP-76, Tony H. Scamardo, dba Industrial Electronics (KWU396). Modification of C.P. to replace transmitter and relocate facilities operating on 152.06 MHz to be located on Rt. 290, 2 miles west of Brenham, Texas.

22826-CD-MP-76, Kearsarge Telephone Company (KUS308). Modification of C.P. to change antenna system operating on 158.-10 MHz located on Main Street, New London, New Hampshire.

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22827–CD–P–(6)–76, General Communications Service, Inc. (KOA265). C.P. to replace transmitter and change antenna system operating on 152.03 MHz, base, 152.03 MHz, standby, and 152.21 MHz, base; and for additional facilities to operate on 152.06, 152.12 and 152.21 MHz, standbys, at Loc. No. 1: White Tank Mountain, 9.1 miles WSW. of Waddell, Arizona.

22828–CD–P–76, Beepers of Jacksonville, Inc. (New). C.P. for a new 2-way station to operate on 454.225 MHz to be located at 1 Independent Plaza, Jacksonville, Florida.

22829–CD–P–76, Beepers of Jacksonville, Inc. (New). C.P. for a new 1-way station to operate on 43.22 MHz to be located at 1 Independent Plaza, Jacksonville, Florida.

22830–CD–P–76, Joliet Telephone Answering Service, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at 12 E. Varley Blvd., Joliet, Illinois.

22831–CD–P–76, Radio Telephone Service, Inc. (KUS360). C.P. to replace transmitter, change antenna system and relocate facilities operating on 158.70 MHz to be located .45 mile N. of intersection Slim Is. Rd., and Ky. No. 67, 2 miles North of Bowling Green, Kentucky.

22832–CD–P–76, Radio Telephone Service, Inc. (KQZ 753). C.P. to change antenna system and relocate facilities operating on 152.18 MHz to be located .45 mile N. of intersection Slim Is. Rd., and Ky. No. 67, 2 miles North of Bowling Gren, Kentucky.

22833–CD–P–76, CFR Corporation dba Mobilfone of Baton Rouge (KSV898). C.P. for additional facilities to operate on 43.22 MHz located at 451 Florida Avenue, Baton Rouge, Louisiana.

22834–CD–MP–76, James D. and Lawrence D. Garvey dba Radiofone (KLF616). Modification of C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located on North side of State Highway No. 44, Garyville, Louisiana.

22835–CD–P–76, James D. and Lawrence D. Garvey dba Radiofone (KSV974). C.P. to change antenna system and relocate facilities operating on 454.275 MHz to be located at North side of State Highway No. 44, Garyville, Louisiana.

22836–CD–TC–76, Harbor Communications, Inc. Consent to Transfer of Control from A. Steve Kircos, Transferor to A. Steve Kircos and Rahn J. Farris, Transferees. Station: KWT996, Port Huron, Michigan.

22837–CD–P–(2)–76, South Central Bell Telephone Company (KQK779). C.P. to increase antenna height and change radiation direction of main lobe operating on 152.57 and 152.69 MHz located at 222nd Avenue and 18th Street, Gulfport, Mississippi.

22838–CD–P–76, Hartland and St. Albans Telephone Company (New). C.P. for a new 1-way station to operate on 158.10 MHz to be located 1.9 miles NW. of St. Albans, Maine.

22839–CD–P–(3)–76, Tel-Air Communications, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz at (3) new sites described as Loc. No. 1: 1 mile east of Sparta, New Jersey; Loc. No. 2: 1.85 mile NE. of Hamburg, New Jersey; and Loc. No. 3: Sussex Avenue at Clinton, Dover, New Jersey.

22840–CD–P–76, Farmers Telephone Cooperative, Inc. (KIJ355). C.P. to relocate facilities operating on 152.57 MHz to be located at 1101 East Main Street, Kingstree, South Carolina.

22841–CD–P–76, Gulf Central Communications and Electronics, Inc. (KKO352). C.P. for additional facilities to operate on 454.175 MHz to be located at Loc. No. 3: 1.64 mile NE. of New Iberia, Louisiana.

22842–CD–P–76, Gulf Central Communications and Electronics, Inc. (KUO596). C.P. for additional facilities to operate on 454.200 MHz to be located 5.8 miles NW. of Kaplan, Louisiana.

22845–CD–P–76, Pine Telephone Company, Inc. (KLB702). C.P. to change antenna system and relocate facilities operating on 152.54 MHz to be located approximately 6.5 miles NE. of Broken Bow, Oklahoma.

22647–CD–P–76, John Rex Wayland dba Live Oak Communications (KUD230). C.P. to change antenna system operating on 152.09 MHz located .75 mile West George West, Texas. (NOTE: Delete references to PN #'s 820 & 821 for the above file number.)

MAJOR AMENDMENTS

21075–CD–P–75, Answer Inc. of Houston, Houston, Texas (New). Amend to change transmitter location to 4212 Mount Vernone, Houston, Texas and change antenna system. All other particulars to remain as reported on PN No. 739 dated February 3, 1975.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

152.24 MHz

Pine Mountains Communications, Inc., Casper, Wyoming (New). 22016–CD–P–76.

Custom Radio, Inc., Casper, Wyoming (New). 22022–CD–P–76.

Specialized Telephone Service, Casper, Wyoming (KWH348). 22339–CD–P–76.

The following application is a major action as defined by § 1.1305 of the Commission's Rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny on environmental grounds pursuant to § 1.1311 of the Commission's Rules:

22468–CD–MP–76, Rogers Radio Communication Service, Inc. (KTS204), 3.1 miles NNE. of Lake Zurich (Lake) Illinois.

RURAL RADIO SERVICE

60458–CR–ML–76, RCA Alaska Communications, Inc. (WBK264). Modification of license to change frequency from 157.95 MHz to 156.04 MHz located on Lot 1 at South end of Meyers Chuck, Alaska.

60459–CR–ML–76, RCA Alaska Communications, Inc. (WBK263). Modification of license to chnage frequency from 152.69 MHz to 152.78 MHz located 0.3 mile NW. of Thorne Bay Village, Thorne Bay, Alaska.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

CORRECTIONS

60605–CG–P–76, The Offshore Telephone Company (New). Correct entry to read O.P. for a new central office station to operate on 488.225 MHz. All other particulars to remain as reported on PN No. 824 dated September 20, 1976.

60606–CG–P–76, The Offshore Telephone Company (New). Correct PN No. 824 dated September 20, 1976 to include entry which was inadvertently omitted: C.P. for a new temporary fixed station to operate on 491.025, 491.050, 491.075, 491.100, 491.125, 491.150, 491.175, and 491.200 MHz to be located in any temporary fixed location within the territory of the grantee (Gulf of Mexico).

POINT TO POINT MICROWAVE RADIO SERVICE:

8097–CF–P–76, The Offshore Telephone Company (WAS416). Eugene Island Area, Block 175B, Gulf of Mexico Lat. 28°46'45" N., Long. 91°43'54" W. C.P. to increase antenna height for frequency 6034.2V MHz toward Eugene Island Area, Block 128C; to add frequencies 2118.8H MHz toward South Marsh Island Area, Block 50B on azimuth 246.5 degrees and 2128.0V MHz toward Eugene Island Area, 208 E. on azimuth 120.0°.

8098–CF–P–76, Same (New), South Marsh Island Area, Block 50B, Gulf of Mexico Lat. 28°43'38" N., Long. 91°52'00" W. C.P. for a new station on frequencies 2168.8H MHz toward Eugene Island Area, Block 175B on azimuth 66.4 degrees; and 2160.5H MHz toward South Marsh Island Area, Block 66C on azimuth 217.6°.

8099–CF–P–76, Same (New), South Marsh Island Area, Block 66C, Gulf of Mexico Lat. 28°38'48" N., Long. 91°56'14" W. C.P. for a new station on frequency 2110.5H MHz toward South Island Area, Block 50B on azimuth 37.5°.

8100–CF–P–76, Same (New), Eugene Island Area, Block 208E, Gulf of Mexico Lat. 28°39'53" N., Long. 91°30'25" W. C.P. for a new station 2178.0V MHz toward Eugene Island Area, Block 175B on azimuth 300.0°.

4864–CF–P–76, The Chesapeake and Potomac Telephone of Virginia (KIR29), 703 E. Grace St., Richmond, Virginia Lat. 37°32'-26" N., Long. 77°26'13" W. C.P. to replace transmitter on frequency 6360.3H MHz toward Ollville, Virginia and increase output power.

4865–CF–P–76, Same (KIA24), 2.5 miles ESE. of Ollville, Virginia Lat. 37°41'20" N., Long. 77°44'47" W. C.P. to replace transmitters on frequencies 6137.9H MHz toward Richmond; 6106.3V MHz toward Shannon Hill and increase output power.

4866–CF–P–76, Same (KIA25), Shannon Hill 5 miles ESE. of Fernciff, Virginia. Lat. 37°52'39" N., Long. 78°02'38" W. C.P. to replace transmitters on frequencies 6390.0V MHz toward Ollville, Va. and 6323.3H MHz toward Carter Mt., Va.; increase output power; to replace antenna on frequencies 6212.1H 10715.0H MHz toward Ollville, Va.; 6204.7H 10755.0H MHz toward Carter Mt., Va.

4867–CF–P–76, Same (KIA30), Carter Mt. 3.5 miles South of Charlottesville, Virginia Lat. 37°59'06" N., Long. 78°28'49" W. C.P. to replace transmitter on frequency 6071.2H MHz toward Shannon Hill, Va. and increase output power.

8129–CF–P–76, Southwestern Bell Telephone Company (KKZ85), 25th Street and Avenue, Galveston, Texas Lat. 29°18'03" N., Long. 94°47'38" W. C.P. to change polarizations from horizontal to vertical on frequencies 4090 4170 MHz toward Livepool RS, Texas.

8130–CF–P–76, Same (WCZ51), 620 5th Avenue North, Texas City, Texas. Lat. 29°23'-23" N., Long. 94°54'13" W. C.P. to change polarization from vertical to horizontal on frequencies 3880 3850 MHz toward Livepool RS, Texas.

4906–CF–ML–76, Southern Bell Telephone and Telegraph Company (KIB25), 61 Ivy Street, Atlanta, Georgia. Mod. of License to delete frequencies 5974.8V 6093.5V MHz toward Palmetto, Georgia on azimuth 233.5° as a partial transfer AT&T station (KID63).

4909–CF–ML–76, Same (KIB87). Palmetto, 4.5 miles NE. of Roscoe, Georgia, Mod of License to delete frequencies 6226.9H 6345.5H MHz toward Atlanta, Georgia on azimuth 53.3° and 6226.9V 6345.5V MHz toward Omaha, Alabama on azimuth 244.1° as a partial transfer to AT&T station (KIK95).

4910–CF–ML–76, American Telephone and Telegraph Company (KID63). 51 Ivy Street, Atlanta, Georgia. Mod. of License to add frequencies 6093.5V 5974.8V MHz toward Palmetto, Georgia on azimuth 233.5° as a partial from Southern Bell Telephone and Telegraph Company station (KIB25).

4911–CF–ML–76, Same (KIK95). Palmetto, 4.5 miles NE. of Roscoe, Georgia. Mod. of License to add frequencies 622.9H 6345.5H MHz toward Atlanta, Georgia on azimuth 53.4° and 622.9V 6345.5VMHz toward Omaha, Alabama on azimuth 244.1° as a partial transfer from Southern Bell Telephone and Telegraph Company station (KIB87).

8085–CF–P–76, Mountain Microwave Corp. (KZI38). Holly, 12 miles SW. of Syracuse, Kansas. (Lat. 37°53'37" N., Long. 101°56'-47" W.): Construction permit to add 6004.5V and 6063.8V MHz toward Ulysses, Kansas, via power split on azimuth 124.2°.

8094–CF–P–76, Eastern Microwave, Inc. (WDD76). Hershey NOC, 169 W. Chocolate Ave., Hershey, Pennsylvania, (Lat. 40°17'-07" N., Long. 76°39'15" W.): Construction permit to change frequency to 6360.3V MHz toward Blue Mountain, Pennsylvania, on azimuth 54.6°.

8095–CF–P–76, United Video, Inc. (New), 1 mile East of Parkville, Missouri. (Lat. 39°-11'43" N., Long. 94°39'51" W.): Construction permit for new station—10975V MHz toward Leavenworth, Kansas on azimuth 294.0°.

8096–CF–P–76, United Video, Inc. (New). Kansas City, ½ mile E. of Interstate 436 on 23rd Street, Independence, Missouri. (Lat. 39°04'57" N., Long. 94°28'46" W.): Construction permit for new station—6197.2V MHz toward Parkville, Missouri on azimuth 308.1°.

8113–CF–P–76, Eastern Microwave, Inc. (New). Beacon, New York. (Lat. 41°29'18" N., Long. 73°56'56" W.): Construction permit for new station—6167.6H MHz toward Saugerties, New York, on azimuth 357.6°.

8115–CF–P–76, Eastern Microwave, Inc. (KFN 21), NYC–GWB, 16 Columbus Circle, New York, New York. (Lat. 40°46'09" N., Long. 73°58'55" W.): Construction permit to add 11545.0H MHz toward Bergenfield, New Jersey on azimuth 352.6°.

8116—CF–P–76, Eastern Microwave, Inc. (KCL 72). Greylock 2, 2 miles NW. of Adams, Massachusetts. (Lat. 42°38'14" N., Long. 73°10'07" W.): Construction permit to add 11505.0V MHz toward Pittsfield, Massachusetts on azimuth 203.5°.

8131–CF–P–76, The Western Union Telegraph Co. (KEL 61). 2.8 miles South of Warwick, New York. (Lat. 41°12'30" N., Long. 74°-21'23" W.): Construction permit to add 3930V MHz toward New York No. 2 (WAU211), New York.

CORRECTIONS

8070–CF–P–76, First Television Corporation (New). Rockford, Minnesota (Lat. 45°02'-21" N., Long. 93°42'55" W.): This entry appearing in Public Notice dated September 20, 1976 is corrected to show frequency 11115V MHz toward IDS Building, Minneapolis, Minnesota. All other particulars remain the same.

[FR Doc.76–28811 Filed 10–1–76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS

Ready and Available for Processing

Notice is hereby given pursuant to §§ 1.472(c) and 1.573(d) of the Commission's rules, that on November 16, 1976, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(d) and section 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 15, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on November 15, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 22, 1976.

Released: September 24, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

BPFT–341 (new), Leadville, Colorado, Lake County TV–FM, Inc. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KVMN(FM), Pueblo, Colorado.

BPFT–342 (new), Mount Pocono Area, Pennsylvania, WGBI Radio, Inc. Req: Channel 272, 102.3 MHz, 1 watt. WGBI–FM, Scranton, Pennsylvania.

BPFT–343 (new), Prescott, Arizona, Prescott Area Antenna Television, Inc. Req: Channel 280, 103.9 MHz, 10 watts. Primary: KDKB(FM), Phoenix, Arizona.

BPFT–344 (new), Port Townsend, Washington, KIXI, Inc. Req: Channel 276, 103.1 MHz, 10 watts. Primary: KIXI(FM), Seattle, Washington.

BPFT–345 (new), Black River Falls, Wisconsin, Shalom Translator, Inc. Req: Channel 272, 102.3 MHz, 1 watt. Primary: WWIB(FM), Lady Smith, Wisconsin.

BPFT–346 (new educ.), Placerville, Colorado, San Miguel Educational Fund. Req: Channel 209, 89.7 MHz, 10 watts. Primary: KOTO(FM), Telluride, Colorado.

BPFT–347 (new), Mayaguez, Puerto Rico, Ponce Broadcasting Corporation. Req: Channel 296, 107.1 MHz, 1 watt. Primary: WZAR(FM), Ponce, Puerto Rico.

UHF TV TRANSLATOR APPLICATIONS

BPTT–3058 (W66AC), Waymart, Pennsylvania, Northeastern Pennsylvania Educational Television Association. Req: To change frequency to Ch. 56, 722–728 MHz.

BPTT–3069 (new), Allentown-Bethlehem, Pennsylvania, Scranton Broadcasters, Inc. Req: Channel 19, 100 watts. Primary: WLVT–TV, Scranton, Pennsylvania.

BPTT–3078 (W74AR), Williamsport, Pennsylvania, Scranton Broadcasters, Inc. Req: To change frequency to Ch. 55, 716–722 MHz.

BPTT–3079 (new), Springfield, Massachusetts, Margaret S. Downey, Req: Channel 69, 100 watts. Primary: WRLP(TV), Greenfield, Massachusetts.

BPTT–3086 (K72AP), Window Rock, Fort Defiance & St. Michaels, Arizona, The Navajo Tribe. Req: To change frequency to Ch.-70, 805–812 MHz.

BPTT–3088 (K80AM), Window Rock, Fort Defiance & St. Michaels, Arizona, The Navajo Tribe. Req: To change frequency to Ch-78, 854–860 MHz.

BPTT–3077 (new), Burley, Rupert & Albion, Idaho, The Post Company. Req: Channel 61, 100 watts. Primary: KIFI–TV, Idaho Falls, Idaho.

BPTT–3072 (new), Ann Arbor, Michigan, Eastern Michigan University. Req: Channel 67, 100 watts. Primary: WJIM–TV, Lansing, Michigan.

BPTT–3074 (new), Celina & Surrounding Area, Ohio, Ohio Educational Television Network Commission. Req: Channel 17, 1,000 watts. Primary: WOET(TV), Kettering, Ohio.

BPTT–3075 (new), Wagner, South Dakota, State Board of Directors for Educational Television. Req: Channel 55, 100 watts. Primary: KUSD–TV, Vermillion, South Dakota.

VHF TV TRANSLATOR APPLICATIONS

BPTTV–5643 (new), Carbondale, Colorado, XYZ Television, Inc., Req: Channel 13, 10 watts. Primary: KREX(TV), Grand Junction, Colorado.

BPTTV–5644 (new), BP Alaska Camp—Prudhoe Bay, Alaska, Northern Television Incorporated. Req: Channel 12, 100 watts. Primary: KENI–TV, and KTVA–TV, Anchorage, Alaska.

BPTTV–5649 (new), Gateview & Lake Fork Area, Colorado, Hinsdale County Chamber of Commerce, Inc. Req: Channel 2, 1 watt. Primary: KBTV(TV), Denver, Colorado.

BPTTV–5650 (new), Lake City & Rural Area, Colorado, Hinsdale County Chamber of Commerce, Inc. Req: Channel 12, 1 watt. Primary: KBTV–TV, Denver, Colorado.

BPTTV–5651 (new), Long Lake-Suncrest, Washington, Spokane Television, Inc. Req: Channel 11, 1 watt. Primary: KXLY–TV, Spokane, Washington.

BPTTV–5653 (new), Somerset, Colorado, Somerset T.V. Association. Req: Channel 2, 1 watt. Primary: KOAA–TV, Pueblo, Colorado.

BPTTV–5652 (K09FO), NW Section of Spokane, Washington, Spokane Television, Inc. Req: To change frequency to Ch-10, 192–198 MHz.

BPTTV–5654 (new), Kipnuk, Alaska, Village of Kipnuk. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV), and KAKM(TV), Anchorage, Alaska.

BPTTV–5655 (new), Tatitlek, Alaska, Village of Tatitlek. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV–5656 (new), Chitina, Alaska, Village of Chitina. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV–5657 (new), Old Harbor, Alaska, City of Old Harbor. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV–5658 (new), Larsen Bay, Alaska, Village of Larsen Bay. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV–5659 (new), Shungnak, Alaska, City of Shungnak. Reg: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV–5660 (new), Shageluk, Alaska, Village of Shageluk. Req: Channel 10, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV–5661 (new), Emmonak, Alaska, Village of Emmonak. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

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BPTTV–5662 (new), Ambler, Alaska, Village of Ambler. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.
BPTTV–5663 (new), Noatak, Alaska, City of Noatak, Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.
BPTTV—5664 (new), Tenakee Springs, Alaska, City of Tenakee Springs. Req: Channel 10, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.
BPTTV–5665 (new), Mekoryuk, Alaska, City of Mekoryuk. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.
BPTTV–5669 (new), Holy Cross, Alaska, Village of Holy Cross. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.
BPTTV–5669 (new), Gambell, Alaska, Village of Gambell, Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.
BPTTV–5672 (new), Natoma, Kansas, City of Natoma, Kansas. Req: Channel 11, 1 watt. Primary: KLNE(TV), Lexington, Nebraska.
BPTTV–5673 (new), Natoma, Kansas, City of Natoma, Kansas. Req: Channel 13, 1 watt. Primary: KSNB(TV), Superior, Nebraska.
BPTTV–5674 (new), Rangely, Colorado, Rio Blanco County TV Assn. Req: Channel 6, 10 watts. Primary: KREX(TV), Grand Junction, Colorado.

[FR Doc.76-28810 Filed 10-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-717, etc.]

ARIZONA PUBLIC SERVICE CO.

Order Denying Applications for Rehearing, Denying Motions To Reject, Amending Prior Order, and Granting Petitions To Intervene

SEPTEMBER 28, 1976.

By order issued March 31, 1976, in Docket No. ER76–530 [1] the Commission, inter alia, accepted for filing and suspended a proposed rate increase filed herein by Arizona Public Service Company (APS) as to certain of its customer,[3] and instituted an investigation pursuant to Section 206 of the Federal Power Act to determine just and reasonable rates for service to other customers.[4] By that order, the Commission also deferred action on a motion to reject filed by one customer.[5] By subsequent order issued May 14, 1976, in Docket Nos. ER76–626, et al., the rate increase was accepted, suspended, and permitted to become effective, subject to refund as to Navopache and Wickenburg. Various applications for rehearing, and other pleadings have been filed and are presently pending for decision.[6] We shall deal with the issues raised seriatim.

As to certain customers,[7] the following or similar provisions govern the rates to be charged and the right of APS to seek to increase such rates, under the *Mobile, Sierra,* and *Memphis* cases.[8]

RATES AND CHARGES

The Company shall bill the District monthly for electric power and energy supplied by the Company and delivered by the Company for the District, in accordance with Article II hereof, at the Company's standard rates applicable at such time to Irrigation Power Service in the area. The Company's standard applicable irrigation rates, a copy of the currently applicable rate schedule being attached hereto, these rates being subject to change when authorized by the Arizona Corporation Commission, will be applied to the kilowatts and kilowatt hours used monthly by each pump served for the District and the total amount thus obtained will be divided by the total kilowatt hours used that month by all of said pumps to determine the average price per kilowatt hour under the Company's standard irrigation rates. The average price so determined each month will be multiplied by the number of kilowatt hours supplied and delivered that month by the Company for the District, as determined in accordance with Paragraph (a) of Article VII hereof, to determine the monthly billing.

* * * * *

APPROVALS

The rates and charges for irrigation service provided for in Article VIII have been legally established and may be changed from time to time by the Company with the approval of the Corporation Commission, or by lawful order of any Commission having jurisdiction thereover.[9]

By the March 31 order, the Commission determined that this language demonstrated the invention of the parties that changes in rates would be prospective, by Commission order after a Section 206 investigation to determine just and reasonable rates.[10]

APS applied for rehearing of this determination, arguing that its contracts permit it to charge its wholesale customers at rates equal to or less than its retail irrigation rates, as it seeks to do by its rate increase herein. APS would have the Commission ignore the rate change provisions of its contract. It argues: "(A) Section 205 increase filing is permitted, regardless of whether the contract contains rate change provisions permitting unilateral changes in the rate" (APS Response to Petitions to Intervene of ED Nos. 1 and 7 at 2); and "The provisions of Article XVIII, regarding changes in the rate provision of the contract do not apply and are not invoked by APS in regard to the current filing with the FPC" (APS Application for Rehearing at 4).

Both APS in its Application for Rehearing and the customers opposing that Application rely on *Richmond Power and Light of the City of Richmond, Indiana* v. *FPC,* 481 F. 2d 490 (D.C. Cir. 1973). Both agree that: "The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid; rate filings inconsistent with contractual obligations are invalid" 481 F. 2d at 493. The Commission does not believe, as APS argues, that the rate change provisions of the contract can be ignored.

The issue under *Memphis* [11] is not whether the parties contemplated change by the appropriate regulatory authority, for under the law every electric power contract must contemplate such change. Instead, the question is whether the parties contemplated that the seller could unilaterally effect a change in the rate simply by filing a new tariff with the appropriate regulatory agency. (footnote omitted)

* * * * *

The parties to both the Richmond and Anderson contracts intended that the municipal buyers receive electricity under the same tariff that governed I&M's industrial retail customers. While they contemplated changes in Tariff IP, they never contemplated that those changes could be effected merely by I&M's filing a new tariff. 481 F. 2d at 499, 501.

Thus, the rate change provisions must be considered. We believe that the provisions of these contracts demonstrate that the parties contemplated that APS could charge these wholesale customers rates up to the rates charged to retail customers, after an order of the regulatory commission having jurisdiction over such rates. Insofar as this Commission now has jurisdiction, such order would be after the Section 206 investigation herein ordered. Accordingly, APS' Application for Rehearing shall be denied.

Arizona Electric Power Cooperative, Inc. (AEPCO) and Papago Tribal Utility Authority (PTUA) also applied for rehearing of the March 31 order. Initially, PTUA seeks rehearing of the Commission's determination that APS contract permits unilateral increases as to it.[12] The APS-PTUA contract provides:

3.6 The rates hereinabove set out in this Section 3 and Exhibits thereto are to remain in effect for the initial one (1) year of the term of the contract and thereafter unless and until changed by the Federal Power Commission or other regulatory authority, with either party hereto to be free unilaterally to take appropriate action before the Federal Power Commission or other lawful regulatory authority in connection with changes which may be desired by such party.

PTUA argues, as it did in its petition to intervene, that the reservation of the right unilaterally to take appropriate action refers to APS' right to request a Section 206 investigation of its rates (Application at 2). This interpretation would make the reservation meaningless. The Commission believes that, while the provision is not artfully drafted, it does contemplate the unilateral filing of a notice of change in rates under Section 205 of the Act. PTUA also argues that certain specific changes sought by APS are contractually barred. Insofar as we believe APS is permitted to file unilateral changes in rates to PTUA, its arguments must be rejected.

AEPCO and PTUA renew their argument that the filing does not comply with the filing requirements of the Commission's Regulations, and that an interim decision as to certain components of APS' filing should be rendered. The Commission believes that the material filed in support of the proposed rate increase complies with Section 35.13 of the Regulations. The Commission also believes that the questions raised as to the merits of the rate increase are not proper for summary disposal but should properly be asserted at the hearing ordered to determine the lawfulness of the proposed rates. Therefore, AEPCO's Application for Rehearing is denied.

An untimely Petition to Intervene was filed by Electrical District No. 1, Pinal County, Arizona, and Electrical District No. 7, Maricopa County, Arizona. The Commission believes that their interest is sufficient to warrant intervention.

The Commission finds: (1) The intervention of the above named petitioners may be in the public interest.

(2) The Applications for Rehearing and Motions to Reject herein discussed raised no issues of law or fact not previously considered, or considered herein, to warrant change in the March 31, 1976, order, except as hereinafter ordered.

The Commission orders: (A) The order of March 31, 1976, is hereby amended to provide that the rate increase as to ED 7 shall become effective after investigation and decision as to just and reasonable rates under Section 206 of the Federal Power Act.

(B) APS shall refund, with interest at 9% per annum, amounts collected from ED 7 since May 1, 1976, in excess of amounts collected from that customer at the rates previously in effect.

(C) The Application for Rehearing and Motions to Reject are in all other respects denied.

(D) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

1. Petition to Intervene and Application for Rehearing of Electric District No. 1 and Electric District No. 7, filed April 26, 1976.
2. Application for Rehearing of APS, filed April 30, 1976.
3. Response of APS to 1, supra, filed May 7, 1976.
4. Application for Rehearing of AEPCO and PTUA, filed April 30, 1976.
5. Response of ED 3 and ED 6 to 1, supra, filed May 17, 1976.
6. Response of APS to petition for rehearing, filed June 22, 1976.
7. Response of ED 1 to 4, supra, filed June 22, 1976.
8. Response of Maricopa, et al. to 2, supra.

[FR Doc.76-29032 Filed 10-1-76;8:45 am]

[Docket Nos. RP76-94, etc.]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CO.

Extension of Procedural Dates

SEPTEMBER 27, 1976.

On September 20, 1976, Staff Counsel filed a motion to extend the date, fixed by order issued May 28, 1976, for service of Staff Top Sheets in the above-designated proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including November 30, 1976, within which Staff shall serve Top Sheets on all parties in the above-designated proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29033 Filed 10-1-76;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT AND POWER CO.

Further Extension of Time

SEPTEMBER 28, 1976.

On September 13, 1976, the Connecticut Light and Power Company filed a motion to further extend the date set for filing a revised cost of service and any amendments to its rate schedule necessitated by Opinion 761.

Notice is hereby given that the date for compliance filing in the above-designated proceeding is further extended until 30 days after the date the Commission issues an order pursuant to its grant of rehearing for further consideration of Opinion 761.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29046 Filed 10-1-76;8:45 am]

[Docket Nos. ER76-648 and E-9453]

DUKE POWER CO.

Compliance Filing

SEPTEMBER 24, 1976.

Take notice that on September 13, 1976, Duke Power Company tendered for filing a revised supplement to its Interconnection Agreement with Vadkin, Inc. Duke Power states that the filed supplement conforms the rate to the equivalent wholesale rate and the fuel adjustment clause to the wholesale rate's clause as required by ordering paragraph B of the Commission's August 17, 1976, order in the above-captioned dockets.

Duke Power further states that a copy of the filing will be mailed to Vadkin, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29036 Filed 10-1-76;8:45 am]

[1] By order issued June 30, 1976, the proceedings in Docket Nos. ER76-717, ER76-721, and ER76-530 were consolidated.

[2] Electrical District No. 7; Buckeye Water Conservation & Drainage District; Citizens Utilities Company; Commission Federal de Electricidad (NACO); Commission Federal de Electricidad (Sonoita); Papago Tribal Utility Authority; Compania de Servicios Publicos de Agua Prieta; Arizona Electric Cooperative, Inc.; Wellton-Mohawk Irrigation & Drainage District; Arizona Power Authority; Arizona Electric Power Cooperative, Inc.; and Electrical District No. 1.

[3] City of Wickenburg, Arizona.

[4] Electrical District No. 3; Maricopa County Municipal Water Conservation District; Roosevelt Irrigation District; and Electrical District No. 6.

[5] Navopache Electric Cooperative.

[6] Rehearing was granted by order issued May 26, 1976, for purposes of receiving responses to the applications for rehearing and for further consideration. The pleadings pending for decision are listed in Appendix A.

[7] Electrical District Number 3 (ED3); Electrical District Number 7 (ED7); Maricopa County (Maricopa); Roosevelt Irrigation District (RID); and Electrical District No. 6 of Maricopa and Pinal Counties. (ED6).

[8] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.,* 350 U.S. 332 (1956). *FPC* v. *Sierra Pacific Power Company,* 350 U.S. 348 (1956). *United Gas Pipeline Co.* v. *Memphis Light, Gas & Water Division,* 350 U.S. 103 (1958).

[9] Compare: Southern California Edison Company, Docket No. E-8176, orders issued January 23, 1975 and March 21, 1975, affirmed, *Southern California Edison Company* v. *F.P.C.* D.C. Cir. No. 75-1511, issued April 20, 1976.

[10] Inadvertently, the rate increase as to ED 7 was permitted to become effective, subject to refund on May 1, 1976. We shall amend the order of March 31 to provide that the rates to ED 7 shall be the subject of a Section 206 investigation, with such increase to be effective prospectively. We shall also require APS to refund the increased amounts collected from ED 7 since May 1, 1976, with interest.

[11] *United Gas Pipeline Co.* v. *Memphis Light, Gas & Water Division,* 350 U.S. 103 (1958).

[12] The language governing APS right to seek rate changes as to Electrical District No. 1 (ED 1) is the same as to the right as to PTUA and will be treated the same.

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[Docket No. ER76-904]

INDIANA & MICHIGAN ELECTRIC CO. AND OHIO POWER CO.

Tariff Change

SEPTEMBER 27, 1976.

Take notice that American Electric Power Service Corporation (AEP) on September 13, 1976 tendered for filing on behalf of its affiliates, Indiana & Michigan Electric Company (Indiana) and Ohio Power Company (Ohio), Modification No. 3 dated August 15, 1976 to the Interconnection Agreement dated December 12, 1949, between Indiana, Ohio and Cincinnati Gas & Electric Company, designated Indiana Rate Schedule FPC No. 16 and Ohio Rate Schedule FPC No. 21.

AEP states that Section 1 of Modification No. 3 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week. Section 2 of Modification No. 3 includes a new Service Schedule—Limited Term Power—with a Demand Charge of $2.75 per kilowatt per month, such rates proposed to become effective October 15, 1976. AEP states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29037 Filed 10-1-76;8:45 am]

[Project Nos. 2756, 2764]

GREEN MOUNTAIN POWER CORP.

Further Extension of Time

SEPTEMBER 28, 1976.

On September 21, 1976, Green Mountain Power Corporation filed a motion to further extend the date set within which a party may file a protest or petition to intervene in the above-designated proceedings.

Upon consideration, notice is hereby given that the date within which a party may file a protest or petition to intervene in the above-designated proceedings is further extended to and including December 15, 1976.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29044 Filed 10-1-76;8:45 am]

[Docket Nos. RP72-32, etc.]

KANSAS NEBRASKA NATURAL GAS CO.

Certification of Stipulation and Agreement; Correction

SEPTEMBER 24, 1976.

In FR Doc. 76-28024 appearing on page 41960 in the issue of Friday, September 24, 1976, the following language was inadvertently omitted.

Any person wishing to do so may file comments in response to comments concerning the proposed settlement agreement. All such responding comments should be submitted in writing to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before October 15, 1976. The Commission will consider all comments in determining the proper action to be taken.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 76-29039 Filed 10-1-76;8:45 am]

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Refund Filing

SEPTEMBER 24, 1976.

Take notice that on August 30, 1976, Mississippi Power Company tendered for filing a report on refunds made to the EPAs of all amounts collected since January 2, 1975, in excess of the settlement rate level together with interest calculated at 9 percent interest per annum. This refund is made in accordance with Paragraph C of the Commission's Order accepting settlement agreement, issued June 7, 1976.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, on or before October 12, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29035 Filed 10-1-76;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE CO. OF AMERICA

Filing of Report of Refund

SEPTEMBER 27, 1976.

Take notice that Natural Gas Pipeline Company of America (Natural), on September 13, 1976, tendered for filing its verified report of distribution of refunds for the period December 1, 1974 through November 30, 1975 paid to its jurisdictional customers on August 13, 1976, supplemented on August 20, 1976 and September 9, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29042 Filed 10-1-76;8:45 am]

Pipeline Rates: Purchased Gas Cost, Demand Charge Credit, Advance Payments, Intervention

[Docket Nos. RP72-154, etc.]

NORTHWEST PIPELINE CORP.

Order Accepting for Filing and Suspending Proposed Tariff Sheet, Granting Waiver of Purchase Gas Cost Adjustment Clause, Establishing Hearing Procedures, and Granting Interventions

SEPTEMBER 28, 1976.

On August 13, 1976, Northwest Pipeline Corporation (Northwest) filed a rate increase[1] reflecting increased purchased gas costs, a demand charge credit adjustment, and additional advance payments. Northwest requested an effective date for the rate increase of October 1, 1976.

Notice of Northwest's filing was issued on August 27, 1976, with comments, protests or petitions to intervene due on or before September 10, 1976. Timely petitions to intervene were filed on September 9, 1976, by Colorado Interstate Gas Company and Northwest Natural Gas Company. Having reviewed these petitions to intervene, the Commission believes that the petitioners have sufficient interest in this proceeding to warrant intervention.

Northwest's filing includes an increase in purchased gas costs of $24,451,043 annually and an increase in the surcharge to recoup $12,503,968 in unrecovered purchased gas costs and $212,105 applicable to Northwest's Rate Schedule X-29 Deferred Exchange with Mountain Fuel Supply Company as authorized in Docket No. CP76-212. There are no emergency purchases or small producer purchases in excess of the applicable rate levels established by Opinion Nos. 770 and 742, as amended, respectively. The Commission's review of the increased purchased gas costs indicates that they are in compliance with the standards set forth in Docket No. R-406.

Northwest utilizes storage for the sole purpose of rendering peaking service under Rate Schedule SGS-1. Due to the substantial increase in the cost of Canadian gas to $1.80 (Canadian) per MMBtu on September 10, 1976, and to $1.94 (Canadian) per MMBtu on January 1, 1977, the cost of gas to be purchased is considerably higher than the cost of gas now in storage. Under Northwest's purchased gas cost adjustment clause, the benefit of the low priced gas now in storage would be distributed among all customers, not just the SGS customers. Northwest proposes a special

[1] First Substitute Thirteenth Revised Sheet No. 10 to FPC Gas Tariff, Original Volume No. 1.

surcharge reduction in the SGS-1 Rate Schedule during the 1976-1977 withdrawal season to give the benefits to the storage customers. Accordingly, Northwest asks for waiver of its purchased gas cost adjustment clause. Northwest's proposal for the SGS-1 surcharge reduction is similar to the adjustment approved during Northwest's 1974 to 1975 withdrawal season.[2] The Commission will grant waiver of Northwest's purchased gas cost adjustment clause in light of the good cause shown.

Northwest's filing includes a surcharge to recover $3,756,549 of demand charge credits pursuant to the Commission's order issued March 29, 1974, in Docket No. RP74-72.

Northwest's filing includes a rate increase to reflect additional advance payments of $5,706,514 pursuant to Article VIII of the Settlement Agreement in Docket Nos. RP73-109 and RP74-95. The Commission's review of the advances made under nine of the advance payment agreements[3] indicates that the advances may not be reasonably related to the producer's expenditures for exploration, development and production. Accordingly, the Commission will set the lawfulness of the advances made under those nine agreements for hearing.

The Commission will accept Northwest's proposed rate increase reflecting increased purchased gas costs, a demand charge credit adjustment, and additional advance payments for filing and suspend the use thereof for one day or until October 2, 1976, when it may be permitted to become effective subject to refund. The Commission will allow Northwest to file revised rates to be effective on October 1, 1976, excluding the questionable advance payments.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Northwest's proposed rate increase be accepted for filing, that the effectiveness thereof be suspended for one day until October 2, 1976, when the proposed rate increase may be permitted to become effective subject to refund, and that hearing procedures on the issue of the advances made under the nine advance payment agreements specified *supra* be established.

(2) Good cause exists to allow Northwest to file revised rates to be effective on October 1, 1976, excluding the amounts attributable to the advances made under the nine advance payment agreements specified, *supra*.

(3) Good cause exists to grant waiver of Northwest's purchased gas cost adjustment clause to allow Northwest's surcharge reduction in the SGS-1 Rate Schedule.

(4) Good cause exists to grant intervention to Colorado Interstate Gas Company and Northwest Natural Gas Company.

The Commission orders: (A) Northwest's First Substitute Thirteenth Revised Sheet No. 10 to FPC Gas Tariff, Original Volume No. 1 is accepted for filing and the effectiveness thereof suspended for one day until October 2, 1976, when it may be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(B) Northwest may file a revised tariff sheet to become effective October 1, 1976, which excludes amounts attributable to the advances made under the nine advance payment agreements specified in footnote 3, *supra*.

(C) Waiver of Northwest's purchased gas cost adjustment clause is hereby granted to allow the surcharge reduction in the SGS-1 Rate Schedule.

(D) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426 to determine the lawfulness of Northwest's proposed rate increase attributable to the advances made under the nine advance payment agreements specified in footnote 3.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided in the Rules of Practice and Procedure.

(F) Northwest shall file its direct case in this advance payments proceeding on or before October 29, 1976. The Presiding Administrative Law Judge shall preside at a prehearing conference to be held on November 9, 1976, at 9:30 am, in a hearing room at the address noted in Ordering Paragraph (D).

(G) Colorado Interstate Gas Company and Northwest Natural Gas Company are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29045 Filed 10-1-76;8:45 am]

[Docket No. CI76-423]

O. G. McCLAIN

Order Denying Abandonment Authorization

SEPTEMBER 27, 1976.

By application filed March 12, 1976,[1] O. G. McClain (McClain) operating under a small producer certificate[2] requested an order be issued confirming pre-granted abandonment authority allegedly contained in Opinion No. 710 issued November 8, 1974, in Docket No. CI74-173. McClain's application relates to the sale for resale of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from certain acreage located in the Amargosa Field, Jim Wells County, Tex., under contract dated November 8, 1974.[3]

In support of his position asserting pre-granted abandonment authority, McClain cites ordering paragraph (A) of Opinion No. 710 contending that implied abandonment authority was granted insofar as an election was made by McClain to accept the price of 43 cents, in lieu of 61 cents, which price of 43 cents is predicated on recovery of 1.3 Bcf of natural gas and additional new investment of $74,000. In the alternative, McClain contends that it is entitled to abandonment authorization by virtue of prior hearing testimony contained in Docket No. CI74-173 together with a letter dated January 31, 1975, from Natural stating no opposition to abandonment upon delivery of 1.3 Bcf from January 1, 1974, and the provision of its November 8, 1974, contract calling for delivery of 1.3 Bcf commencing January 1, 1974.

Opinion No. 710 mimeo pp. 3-5, did not authorize pre-granted abandonment. The Commission specifically found mimeo p. 6 that "good cause has not been shown for authorizing any abandonment."

McClain's alternative argument also lacks merit. The certificate authorization granted for the subject sale related to the original 1952 contract. The provision in the superseding 1974 contract relating to the delivery of a specific volume of gas had no effect on that authorization and thus provides no ground for abandonment now. Moreover, McClain has

[2] See order issued September 29, 1975, in *Northwest Pipeline Corporation*, Docket Nos. RP72-154 (PGA76-1 and 76-2) and RP74-72 (DCA76-1).

[3] See the following table:

Company	Date of agreement	Balance June 30, 1976
American Resources Management.	Nov. 13, 1974	$323,408
Toledo Mining Co.	Aug. 2, 1974	250,043
S. L. Bayless	Aug. 22, 1975	225,000
J. G. Merrion	do	225,000
J. E. Schelle	Feb. 1, 1975	188,956
Dugan Production Corp.	Aug. 11, 1975	675,000
Sweet Pea Oil & Gas, Inc.	Aug. 2, 1974	411,593
Reserve Oil & Gas	Oct. 17, 1975	27,580
Northwest Exploration	Aug. 5, 1975	3,085,000

[1] Published in the FEDERAL REGISTER, 41 FR 16226, on April 16, 1976.

[2] McClain holds a small producer certificate issued September 15, 1971, in Docket No. CS71-279.

[3] The contract dated November 8, 1974, between Natural Gas Pipeline Company of America and O. G. McClain, as successor in interest, superseded and replaced a prior contract dated October 1, 1952, which expired by its own terms on June 30, 1973.

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stated that if abandonment is granted, the remaining recoverable reserves will be sold to the intrastate market. It is thus clear that the available supply of gas is not depleted to the extent that continuance of service is unwarranted. Nor does the present or future public convenience or necessity permit such abandonment.

Natural filed a timely petition to intervene in this case and good cause exists to grant such petition.

The Commission orders: (A) The requested approval of abandonment authority is denied.

(B) That Natural be permitted to intervene in the above entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that their participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *And Provided, further,* That the admission of Natural in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding and that they agree to accept the record as it now stands.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29034 Filed 10-1-76;8:45 am]

SOUTHERN CALIFORNIA EDISON CO.

[Docket No. E-8570]

Extension of Time; Correction

SEPTEMBER 13, 1976.

In FR Doc. 76-27154, appearing on page 39838 in the issue of Thursday, September 16, 1976, in the first paragraph, line 1: Change the party which filed a motion to extend the time for the filing of briefs opposing exceptions from Southern California Edison Company, to the Cities of Anaheim, Riverside, Banning, Colton and Azusa, California.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29041 Filed 10-1-76;8:45 am]

[Docket Nos. CI76-633, etc.]

TENNECO EXPLORATION, LTD. AND TENNECO OIL CO.

Order Consolidating Proceedings, Granting Interventions, Setting Date for Hearing and Denying Waiver of Section 2.75(o); Correction

SEPTEMBER 23, 1976.

In FR Doc. 76-28013, appearing on page 41964 in the issue of Friday, September 24, 1976, on page 41965, in paragraph (E), the date should be October 19, 1976, and on page 41965, in paragraph (F), the date should be November 23, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 76-29040 Filed 10-1-76;8:45 am]

[Docket Nos. AR64-2, etc.]

TEXAS GULF COAST AREA, ET AL.

Order Setting Deadline for Filing Dedication Reports

SEPTEMBER 27, 1976.

On August 2, 1976, in Docket Nos. AR64-2, et al. and AR67-1, et al., we issued an order accepting reserve dedication reports filed pursuant to Opinion No. 595[1] and Opinion No. 607-A[2] by several natural gas pipeline companies for the benefit of the producers involved.

In that order we indicated that it is our view that the subject opinions set a deadline of January 1, 1976, for the filing of reserve dedication reports. Nevertheless, in light of the apparent confusion by some producers concerning the deadline, we felt it to be in the public interest to accept the dedication reports involved there even though they had been filed subsequent to January 1, 1976.

At this time we believe it is appropriate to set a termination date for the filing of future reserve dedication reports. Accordingly, all producers seeking to discharge refund obligations through credits for additional dedications of gas reserves in the Texas Gulf Coast and Other Southwest Areas shall have their pipeline purchasers file their reserve dedication reports with the Commission on or before December 1, 1976. Any report filed subsequent to that time will not be accepted.

In addition, we think the reserve dedication reports in the Southern Louisiana and Permian II Basin Areas should be filed on or before October 1, 1977, and January 1, 1978, respectively. There should be no need for any extension of these dates on the basis that the producers were not aware of the deadline.

The Commission orders: (A) All reserve dedication reports pertaining to reserves dedicated by natural gas producers to discharge refund obligations in the Texas Gulf Coast and Other Southwest Areas shall be filed with the Commission on or before December 1, 1976.

(B) All reserve dedication reports pertaining to reserves dedicated by natural gas producers to discharge refund obligations in the Southern Louisiana Area shall be filed with the Commission on or before October 1, 1977.

(C) All reserve dedication reports pertaining to reserves dedicated by natural gas producers to discharge refund obligations in the Permian Basin Area II shall be filed with the Commission on or before January 1, 1978.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29038 Filed 10-1-76;8:45 am]

[Docket No. CP75-286]

NORTHWEST PIPELINE CORP.

Reallocation of Firm Contract Demand and Seasonal Volumes

SEPTEMBER 24, 1976.

Take notice that on August 31, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-286 a petition to amend the order of November 4, 1975, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to reallocate the firm contract demand and seasonal volumes which Petitioner is authorized to sell and deliver pursuant to its FPC Gas Rate Schedule LS-1, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order issued November 4, 1975, it received authorization to increase the vaporization capacity at its LNG plant from 150,000 Mcf per day to 225,000 Mcf per day, and for the sale and delivery of vaporized LNG to certain of its distributor customers, and further to deliver up to 207,716 Mcf of vaporized LNG on a peak day for the 1976-77 heating season and up to 211,544 Mcf for the 1977-78 heating season and thereafter.

Petitioner proposes to revise the currently effective allocation of its firm contract demand and seasonal delivery obligations under the FPC Gas Rate Schedule LS-1.

The current allocation is as follows:

[1] Area Rate Proceeding, et al. (Texas Gulf Coast Area), Docket No. AR64-2, et al. 45 FPC 674, 723, issued May 6, 1971.

[2] Area Rate Proceeding, et al. (Other Southwest Area), Docket No. AR67-1, et al., 47 FPC 99, 102, issued January 17, 1972.

Currently effective

	Firm contract demand		Seasonal quantity	
	Cubic feet (in thousands)	Therms	Cubic feet (in thousands)	Therms
1976-77 HEATING SEASON				
California-Pacific Utilities Co	8,600	89,870	52,000	543,400
Cascade Natural Gas Co	51,200	535,040	416,000	4,347,200
Intermountain Gas Co	36,500	381,425	286,000	3,003,200
Northwest Natural Gas Co	28,708	300,000	58,392	610,200
Southwest Gas Corp	11,483	120,000	29,187	305,000
Washington Natural Gas Co	54,000	564,300	180,000	1,881,000
Washington Water Power Co., The	17,225	180,000	168,421	1,760,000
Total	207,716	2,170,635	1,200,000	12,540,000
1977-78 HEATING SEASON				
California-Pacific Utilities Co	8,600	89,870	52,000	543,400
Cascade Natural Gas Co	51,200	535,040	416,000	4,347,200
Intermountain Gas Co	36,500	381,425	286,000	3,003,200
Northwest Natural Gas Co	28,708	300,000	83,062	868,000
Southwest Gas Corp	11,483	120,000	41,531	434,000
Washington Natural Gas Co	54,000	564,300	142,986	1,494,200
Washington Water Power Co., The	21,053	220,000	168,421	1,760,000
Total	211,544	2,210,635	1,200,000	12,540,000

The proposed reallocation is as follows:

Proposed allocation

	Firm contract demand		Seasonal quantity	
	Cubic feet (in thousands)	Therms	Cubic feet (in thousands)	Therms
1976-77 HEATING SEASON				
California-Pacific Utilities Co	9,040	94,470	55,550	580,500
Cascade Natural Gas Co	54,004	564,340	438,488	4,582,200
Intermountain Gas Co	38,490	402,225	311,585	3,250,300
Northwest Natural Gas Co	33,043	345,300	93,014	972,000
Peoples Natural Gas Co	1,435	15,000	11,483	120,000
Southwest Gas Corp	11,483	120,000	29,187	305,000
Washington Natural Gas Co	42,996	449,300	163,445	1,681,000
Washington Water Power Co., The	17,225	180,000	156,938	1,640,000
Total	207,716	2,170,635	1,200,000	12,540,000
1977-78 HEATING SEASON				
California-Pacific Utilities Co	9,040	94,470	54,785	572,502
Cascade Natural Gas Co	54,004	564,340	432,461	4,519,248
Intermountain Gas Co	38,490	402,225	307,611	3,214,537
Northwest Natural Gas Co	33,043	345,300	91,743	958,713
Peoples Natural Gas Co	1,435	15,000	11,483	120,000
Southwest Gas Corp	11,483	120,000	41,531	434,000
Washington Natural Gas Co	42,996	449,300	163,445	1,681,000
Washington Water Power Co., The	17,225	180,000	156,938	1,640,000
Total	207,716	2,170,635	1,200,000	12,540,000

Petitioner states that the reallocation for the 1976-77 and 1977-78 heating seasons results from requests from certain parties receiving an additional allocation of LS-1 service and by those releasing a portion of their previously authorized allocation.

The petition indicates that through an omission Petitioner has heretofore liquefied for and billed the Peoples Division of Northern Natural Gas Company (Peoples) a liquefaction and capacity charge pursuant to Petitioner's LS-1 Rate Schedule for liquefying and storing natural gas for the account of Peoples. Also, it is indicated that the liquefaction and storage of natural gas for the accounts of Washington Natural Gas Company and Washington Water Power Company did not conform to the currently effective allocation. The petition states that the service agreements submitted to the Commission on October 9, 1975, which were accepted by Commission order dated November 17, 1975, to be effective on December 1, 1976, did not conform to the allocation authorized on November 4, 1975, in these proceedings for the service year commencing April 1, 1976. However, these service agreements were said to have been used as the basis for liquefying and storing natural gas for the account of Petition's LS-1 customers.

The allocation which has been utilized by Petitioner and which conforms to the presently effective service agreements is as follows:

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LS–1 service agreements

	Firm contract demand		Seasonal quantity	
	Cubic feet (in thousands)	Therms	Cubic feet (in thousands)	Therms
1976–77 HEATING SEASON				
California-Pacific Utilities Co.	8,600	89,870	52,000	543,400
Cascade Natural Gas Co.	51,200	535,040	416,000	4,347,200
Intermountain Gas Co.	36,500	381,425	296,000	3,093,200
Northwest Natural Gas Co.	28,708	300,000	58,392	610,200
Peoples Natural Gas Co.	1,435	15,000	11,483	120,000
Southwest Gas Corp.	11,483	120,000	29,187	305,000
Washington Natural Gas Co.	52,565	549,300	180,000	1,881,000
Washington Water Power Co., The	17,225	180,000	156,938	1,640,000
Total	207,716	2,170,635	1,200,000	12,540,000

Petitioner maintains that the grant of the authorization proposed herein together with new service agreements entered into between Petitioner and its LS–1 customers would properly effect the LS–1 service contemplated for the 1976–77 heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28798 Filed 10–1–76;8:45 am]

SUPPLY TECHNICAL ADVISORY TASK FORCE

Meeting

Agenda of a meeting of the Supply Technical Advisory Task Force—Regulatory Aspects of Substitute Gas will take place in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426 on October 21–22, 1976 at 9:30 A.M. and 9:00 A.M. respectively.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative & Secretary, National Gas Survey.

(1) Call to Order—Mr. William J. McCabe.

(2) Review of Task Force Work Completed—Mr. Frank F. Jestrab, Bjella & Jestrab, Williston, North Dakota, Task Force Chairman and Mr. Martin N. Erck, Senior Counsel, Exxon Company, U.S.A., Houston, Texas, Task Force Vice Chairman.

(3) Discussion of Draft Task Force Report—Mr. Frank F. Jestrab and Mr. Earl V. Fisher.

(4) Comments of Task Force Members on Task Force Draft Report.

(5) Comments from Interested Parties.

(6) Assignment of Additional Work to Task Force Members as Required—Mr. Frank F. Jestrab.

(7) Assignment of Additional Instructions to the Task Force Drafting Committee as Required—Mr. Frank F. Jestrab.

(8) Selection of Next Meeting Date.

(9) Discussion of Other Matters.

(10) Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28969 Filed 9–29–76;2:32 pm]

TRANSMISSION, DISTRIBUTION AND STORAGE TECHNICAL ADVISORY TASK FORCE

Meeting

Agenda of a meeting of the Transmission, Distribution and Storage Technical Advisory Task Force-Rate Design will take place in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on October 27, 1976 at 9:30 A.M.

Presiding: Mr. John F. Craig, FPC Coordinating Representative and Secretary.

(1) Call to Order—Mr. John F. Craig.

(2) Introductory Remarks—Mr. Richard W. Walker, Task Force Chairman.

(3) Review of Report Prepared by Zinder Associates.

(4) Review of Draft Outlines and Reports Prepared by the 6 Subgroups.

(5) Establishing Next Meeting Date and Agenda.

(6) Discussion of Other Matters.

(7) Adjournment—Mr. John F. Craig.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28970 Filed 9–29–76;2:32 pm]

TRANSMISSION, DISTRIBUTION AND STORAGE TECHNICAL ADVISORY TASK FORCE

Meeting

Agenda of a meeting of the Transmission, Distribution and Storage Technical Advisory Task Force-Impact of Gas Shortage on Consumers, will take place in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on October 18, 1976, at 9:30 A.M.

Presiding: Mrs. Janet S. Grimes, FPC Coordinating Representative and Secretary, National Gas Survey.

(1) Call to Order—Mrs. Janet S. Grimes.

(2) Introductory Remarks—Mr. Louis Santone, Task Force Chairman-Director, Office of Business and Legislative Affairs, U.S. Department of Commerce.

(3) Review of Draft Report—Mr. Louis Santone.

(4) Discussion of Other Matters.

(5) Adjournment—Mrs. Janet S. Grimes.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–28971 Filed 9–29–76;2:32 pm]

SOUTHERN CALIFORNIA EDISON CO.

[Docket No. E–8570]

Extension of Time

SEPTEMBER 28, 1976.

On September 21, 1976, the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California, filed a motion to extend the date for filing briefs on exceptions to the Initial Decision issued September 13, 1976, in the above-designated proceeding. All parties to the proceeding have been notified, and there are no objections.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions to the Initial Decision in this proceeding is extended to and including November 15, 1976, and the date for filing briefs opposing exceptions is extended to and including December 6, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29047 Filed 10–1–76;8:45 am]

HIGH ISLAND OFFSHORE SYSTEM

[Docket Nos. CP75–104, et al.]

Extension of Time

SEPTEMBER 28, 1976.

On September 21, 1976, High Island Offshore System filed a motion to extend the time within which to comply with ordering paragraph (A) of the Commission's Order on Rehearing Affirming Issuance of Certificate and Prescribing Rate Computation issued July 30, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time within which to file in accordance with paragraph (A) of the Commission's Order in the above-designated proceeding is extended to and including November 29, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29048 Filed 10–1–76;8:45 am]

[Docket No. ER76–162]

LOUISIANA POWER AND LIGHT CO.

Order Granting Permission To Withdraw

SEPTEMBER 28, 1976.

On July 12, 1976, the Electric Power System Association (EPSA)[1] filed a "Notice of Withdrawal of Participation from Proceeding." For the reasons hereafter stated the Commission shall grant permission to withdraw.

This proceeding involves an executed Interconnection Agreement between Louisiana Power and Light Company (LP&L) and the City of Ruston, Louisiana. By order issued April 30, 1976, the Commission suspended the rate schedule for one day, granted a petition to intervene of EPSA,[1] and entered upon a hearing concerning the justness and reasonableness of the Interconnection Agreement.

Public notice of EPSA's filing of Notice of Withdrawal was issued on July 19, 1976, with comments due on or before July 30, 1976. No responses were received.

In its Notice of Withdrawal EPSA states that as a result of conferences held between representatives of EPSA and LP&L, questions respecting the interpretation and application of certain provisions of the Interconnection Agreement have been resolved to EPSA's satisfaction. Appended to its Notice of Withdrawal are illustrative calculations submitted to EPSA by LP&L which satisfy EPSA's concerns. Good cause having been shown therefor, permission to withdraw shall be granted.

On September 2, 1976, the Presiding Administrative Law Judge issued an order granting Commission Staff's motion to terminate the proceeding inasmuch as "all questions of Staff with respect to the filing now have been resolved satisfactorily, and there remains no issue in dispute." The Presiding Judge's order took note of the July 12 Notice of Withdrawal of EPSA. Consistent therewith and in light of the above, Docket No. ER76–162 is hereby terminated.

The Commission finds: Good cause exists to grant EPSA permission to withdraw from this proceeding and to terminate Docket No. ER76–162.

The Commission orders: (A) EPSA is hereby granted permission to withdraw from this proceeding.

(B) Docket No. ER76–162 is hereby terminated.

(C) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29049 Filed 10–1–76;8:45 am]

NATURAL GAS PIPELINE CO. OF AMERICA

[Docket No. RP74–96]

Notice Postponing Procedural Dates

SEPTEMBER 28, 1976.

On September 22, 1976, Natural Gas Pipeline Company of America filed a motion to postpone the procedural dates fixed by order issued August 13, 1976, pending action by the Commission on the concurrent motion for approval of the settlement agreement.

Notice is hereby given that the procedural dates in the above-designated matter are postponed pending further action by the Commission.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29050 Filed 10–1–76;8:45 am]

MONTAUP ELECTRIC CO.

[Docket No. ER76–46]

Further Extension of Procedural Dates

SEPTEMBER 28, 1976.

On September 21, 1976, Commission Staff filed a motion to extend the procedural dates, fixed by order issued August 29, 1975, as most recently modified by notice issued September 1, 1976, in the above-designated proceeding. The motion states that parties to the proceeding have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff's Testimony, October 7, 1976.
Service of Intervenor's Testimony, October 21, 1976.
Service of Company's Rebuttal, November 3, 1976.
Hearing, November 17, 1976 (10 am, EST).

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29051 Filed 10–1–76;8:45 am]

[1] EPSA is a non-profit corporation organized by Ruston and other Louisiana municipals.

TEXAS GAS TRANSMISSION CORP.

[Docket No. CP76–520]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 15, 1976, Texas Gas Transmission Corporation (Applicant), PO Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76–520 an application pursuant to § 7 (c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for a two-year term for the Anaconda Company, Aluminum Division (Anaconda), an existing industrial customer of Louisville Gas and Electric Company (Louisville), one of Texas Gas' resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Anaconda has entered into a contract with Par Oil Corporation (Par) for the purchase of volumes of natural gas to be produced from certain leasehold interests presently owned or controlled by Par in the Athens Field, Claiborne Parish, Louisiana. Applicant proposes that such gas would be delivered to Applicant at an existing meter station near the site of Block Valve No. 1 on Applicant's Sharon-Carthage 20-inch pipeline in Section 35, Township 20 North, Range 6 West, in Claiborne Parish, Louisiana, from which point Applicant would redeliver up to 347 Mcf per day, and up to 126,655 Mcf on an annual basis, to Applicant's existing point of delivery with Louisville for the account of Anaconda. The application indicates that Anaconda would pay Par $1.50 per Mcf at 15.025 psia for the gas during the first contract year and the price would increase 3.0 cents per Mcf in the second contract year. It is asserted that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than 239,706 Mcf of gas through all points of delivery of Applicant to Louisville. Applicant states that Louisville has agreed to accept up to 347 Mcf of gas per day to be transported and delivered by Applicant to Louisville for the account of Anaconda.

Applicant proposes to charge 18.37 cents per Mcf at 14.73 psia for the transportation service and would retain 10.0 percent of the volumes transported for compressor fuel and line loss makeup.

It is maintained that Applicant has experienced deepening levels of curtailment on its own system to high-priority industrial and commercial customers and projects curtailment well into Priority 2 in the 1976 winter season and thereafter. Applicant indicates that, as advised by Par, if the subject natural gas is not

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sold to Anaconda, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana. Therefore, it is shown that Applicant does not consider the subject natural gas to be available to it for purchase.

Applicant maintains that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis. Further, Applicant asserts that the proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

It is indicated that use of the gas to be transported as herein described would meet Priority 2 requirements. The gas would be used at Anaconda's Wire and Cable Division at LaGrange, Kentucky, which produces electric magnet wire for the automotive and household appliance industries, electrical utilities, and the national defense industry, it is said, and Applicant maintains that there is no feasible alternate fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 18, 1976, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by secs. 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29052 Filed 10-1-76;8:45 am]

[Docket No. E-9567]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 20, 1976, Virginia Electric and Power Company (Applicant) filed an application pursuant to § 203 of the Federal Power Act with the Federal Power Commission for authorization to enter into a Bill of Sale with the Northern Piedmont Electric Cooperative (NPEC) by which Applicant will sell and NPEC will purchase a 34,500 volt distribution line, approximately five and one quarter miles in length, extending from the certificated boundary between Applicant and NPEC and the present point of interconnection at NPEC's Dunnes Delivery Point, and consisting of poles, conductors and appurtenances, and including the related distribution substation facilities in the Dunnes Delivery Point. The purchase price is $113,648.

Applicant is incorporated under the laws of the State of Virginia with its principle business office at Richmond, Virginia, and is qualified to transact business in the states of Virginia, North Carolina and West Virginia. Applicant is engaged, among other things, in the business of generation, distribution and sale of electric energy in substantial portions of the State of Virginia.

Applicant represents that the proposed sale of these facilities will facilitate the efficiency and economy of operation and service to the public by allowing NPEC to utilize the five and one quarter miles of 34.5 KV line, now owned by Applicant, to provide electric service to NPEC's residential and industrial customers.

Any person desiring to be heard or to make any protest with reference to said Applicant should, on or before October 15, 1976, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. This application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29053 Filed 10-1-76;8:45 am]

[Docket No. RP76-84]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates

SEPTEMBER 24, 1976.

On September 22, 1976, Staff Counsel filed a motion to extend the date for service of Staff Top Sheets fixed by Commission order of May 7, 1976, as most recently modified by notice issued July 22, 1976.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 22, 1976.

LOUIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29054 Filed 10-1-76;8:45 am]

UNITED GAS PIPE LINE CO.

[Docket No. RP76-84]

Motion to Make Effective Suspended Tariff Sheets and Revised Tariff Sheet

SEPTEMBER 24, 1976.

Take notice that on September 16, 1976, United Gas Pipe Line Company (United) tendered for filing Thirty-Third Revised Sheet No. 4, to its FPC Gas Tariff, First Revised Volume No. 1 which United states represents the rates as filed in the captioned docket adjusted to reflect its currently effective purchased gas cost of 57.22¢ per Mcf and surcharge 1.56¢ per Mcf.

United tendered also Sheet Nos. 559 and 574 to its Rate Schedules X-63 and X-64, respectively, under the referenced tariff to reflect the elimination of the cost of company used gas from its transportation rate under these schedules. United included also Sheet Nos. 593, 609 and 625 to Rate Schedules X-66, X-67 and X-68, representing transportation services which became effective subsequent to the filing of Docket No. RP76-84, are being filed to reflect the increased rates contained in the Docket No. RP76-84 filing.

United filed a Motion to Make Effective Suspended Tariff Sheets to be effective October 9, 1976 at the same time.

United states that copies of the instant tender have been made on its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29055 Filed 10-1-76;8:45 am]

[Docket No. RP72-142 (PGA76-8)]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 23, 1976.

Take notice that Cities Service Gas Company (Cities Service) on September 10, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment provision in Article 21 of its FPC Gas Tariff and Ordering Paragraph (D) of the Commission's Opinion No. 770 and giving effect to Ordering Paragraph (B) (2) of the Commission's Opinion No. 742-A, it proposes to increase its rates effective October 27, 1976, to reflect increased purchase gas costs.

Such revised rates are reflected on Second Revised Sixteenth Revised Sheet PGA-1 which reflects a current adjustment of 9.62¢ per Mcf.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-135.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29056 Filed 10-1-76;8:45 am]

[Docket Nos. ER76-792 and E-9329]

INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing and Suspending Service Agreement, Granting Intervention and Consolidating Procedures

SEPTEMBER 23, 1976.

On July 16, 1976, Indiana & Michigan Electric Company (I&M) tendered for filing with the Commission a superseding service agreement[1] with the City of Mishawaka, Indiana, requested to become effective on September 24, 1976, the expiration date of the current service agreement. Mishawaka filed a petition to intervene and objected to the terms of service under the proposed agreement. For the reasons set forth below, the Commission shall suspend the effectiveness of the service agreement for one day, consolidate the proceeding with ongoing Docket No. E-9329 and grant the petition to intervene.

Notice of the filing was issued on August 4, 1976, with comments, protests or petitions to intervene due on or before August 13, 1976.

On August 12, 1976, the City of Mishawaka filed a petition to intervene, stating its objection to certain terms of service of the proposed service agreement. Mishawaka is currently served under I&M's tariff rate MRS which, along with tariff rate WS, is presently being collected subject to refund pending the outcome of the proceedings in Docket No. ER76-714, et al. The proposed superseding service agreement would place Mishawaka on tariff rate WS, which contains rates identical to those under tariff MRS, but the proposed agreement contains new terms of service to which Mishawaka objects. These include the placing of service on a day to day basis and the specification of a maximum permissible kilowatt reservation for each delivery point, with rates, terms and conditions for supplying capacity in excess of such maximum reservation to be subject to negotiation.

The Commission's review of I&M's filing indicates that the terms and conditions of the proposed service agreement have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept I&M's proposal for filing and suspend its operation for one day, to become effective September 25, 1976, and grant Mishawaka's petition to intervene. Since a hearing on a similar service agreement, between I&M and the City of Anderson, Indiana, containing terms similar to those in dispute herein, has previously been ordered in Docket No. E-9329, the Commission shall consolidate the instant docket with that ongoing proceeding for purposes of hearing and decision. The proposed rate level under tariff rate WS will of course be subject to refund pending the outcome of the proceedings in Docket Nos. ER76-714, et al.

I&M requested waiver of the cost support filing requirements of the Commission's Regulations for the instant filing since it included cost support for tariff rates MRS and WS in its May 28, 1976 filing in Docket Nos. ER76-714, et al. However, we find that such a waiver is unnecessary since the instant filing does not involve a rate increase, to which the regulations apply, but a change in terms and conditions of service.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the service agreement proposed in Docket No. ER76-792 be accepted for filing and suspended for one day, to become effective September 25, 1976, pending hearing and decision as to its lawfulness.

(2) Intervention in this docket by the City of Mishawaka may be in the public interest.

(3) Good cause exists to consolidate Docket Nos. ER76-792 and E-9329.

The Commission orders: (A) Pursuant to the authority contained in the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the terms and conditions of I&M's proposed service agreement filed in Docket No. ER76-792.

(B) Pending a hearing and decision thereon, I&M's proposed service agreement tendered in Docket No. ER76-792 is hereby accepted for filing and suspended for one day, to become effective September 25, 1976.

(C) The City of Mishawaka is hereby permitted to intervene in Docket No. ER76-792, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of this intervenor shall be limited to matters effecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Nothing contained herein shall be construed as limiting the rights of parties to Docket No. ER76-792 regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure, 18 CFR 1.18.

(E) The proceedings in Docket Nos. ER76-792 and E-9329 are hereby consolidated for hearing and for all other purposes.

(F) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. ER76-792 with Docket No. E-9329. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the Rules of Practice and Procedures).

(G) The Secretary shall cause prompt publication of the order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29057 Filed 10-1-76;8:45 am]

[1] Designated: Indiana & Michigan Electric Company Service Agreement under FPC Electric Tariff WS Volume No. 1.

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[Docket No. ES76-75]

INDIANAPOLIS POWER & LIGHT CO.

Notice of Application

SEPTEMBER 24, 1976.

Notice is hereby given that on September 16, 1976, Indianapolis Power & Light Company (Applicant) filed an Application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of up to $103,000,000 principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of Indiana with its principal business office in Indianapolis, Indiana, and is primarily engaged in generating, distributing and selling electric energy within the City of Indianapolis and adjacent communities, towns and rural areas.

Applicant proposes to issue the Notes from time to time after the authorization thereof by the Commission, with a final issue date for all such Notes of June 30, 1978, and a final maturity date of December 31, 1978. Each Note will carry a maturity date of not more than twelve months after the date of issuance thereof. The notes to be issued to commercial paper dealers will be issued at the prevailing published discount rate, in various amounts, but not to exceed twenty-five percent of Applicant's gross operating revenues during the preceding twelve months of operation and will have maturity dates of not more than nine months from the date of issuance thereof, excluding any days of grace. The Notes issued to commercial banks will bear interest at a rate not to exceed the prevailing prime commercial lending rate of commercial banks.

The net proceeds to be received from the initial issuance of the Notes will be applied to the payment of part of the cost of Applicant's 1975–1980 construction program. Construction expenditures are estimated to be $118,432,500 for 1976, $50,689,614 for 1977, and an aggregate of $314,909,545 for the years 1978, 1979 and 1980.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 15, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 29902, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29058 Filed 10-1-76;8:45 am]

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES, STATE OF CALIFORNIA

Application for Eastments Over Project Lands

SEPTEMBER 24, 1976.

Public notice is hereby given that an application was filed on January 22, 1976, under the Federal Power Act (16 U.S.C. 791a–825r) by the Department of Water Resources, State of California (correspondence to: Mr. Ronald B. Robie, Director, Department of Water Resources, State of California, PO Box 388, Sacramento, California 95802) for approval of easements over lands of Feather River Project No. 2100 located on the Feather River and its tributaries, in Butte County, California.

The Department requests Commission approval of the following transfers of rights in project lands:

(1) A transfer of interest in 22.08 acres located in Butte County, adjacent to the Thermalito Diversion Dam, to the California State Department of Fish and Game for the purpose of establishing a fishing access site and wildlife habitat area.

(2) A transfer of interest in 100.53 acres located in Butte County, adjacent to the Thermalito Afterbay Dam, to the California State Department of Fish and Game for the purpose of establishing a wildlife habitat area and warm water fisheries.

(3) A transfer of interest in 0.70 acre located in Butte County, at the Bidwell Bar Canyon Saddle Dams, to the California State Department of Parks and Recreation for the purpose of developing a bicycle and horse trail.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 8, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein, and if the Department requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or the Department fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for the Department to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29059 Filed 10-1-76;8:45 am]

ROCHESTER GAS & ELECTRIC CORP.

[Docket No. ER76-908]

Notice of Cancellation

SEPTEMBER 27, 1976.

Take notice that on September 17, 1976, Rochester Gas & Electric Corporation (RG&E) tendered for filing Notice of Cancellation of its Rate Schedule FPC No. 19. RG&E states that the nature of the service rendered under this Rate Schedule is the sale of Firm Capability and energy associated therewith to Consolidated Edison Company of New York, Inc. Service, according to RG&E, is to be terminated in accordance with the term provision of this Rate Schedule.

RG&E requests termination to become effective October 30, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1:8, 1.10). All such petitions or protests should be filed on or before October 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29060 Filed 10-1-76;8:45 am]

GREAT LAKES GAS TRANSMISSION CO.

[Docket No. RP72-140 (PGA76-4)]

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

SEPTEMBER 27, 1976.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on September 16, 1976, tendered for filing Twentieth Revised Sheet No. 57 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1976.

Great Lakes states that this revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing March 1, 1976 and ending August 31, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29061 Filed 10-1-76;8:45 am]

COLUMBIA GAS TRANSMISSION CORP.

[Docket No. CP76-524]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 17, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP76-524 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain other natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes six individual construction projects designed to maintain service to Applicant's existing wholesale customers at levels presently authorized by the Commission at a total cost of $358,000, and to abandon certain facilities which are no longer used or useful in Columbia's transmission operation. It is stated that the segments of pipeline that Applicant proposes to replace generally consist of bare steel and wrought iron pipe with no protection against corrosion. These facilities were installed in the time span from 1906 to 1948 and are becoming increasingly difficult to maintain and operate. Applicant asserts that to continue to provide safe and reliable service to its wholesale customers, these pipeline segments must be replaced with coated and cathodically protected steel pipe.

Applicant proposes the following projects:

1. The construction and operation of approximately 0.2 mile of 4-inch transmission pipeline replacing a like amount of 3-inch pipeline located in Delaware County, Ohio.

Applicant indicates that the existing 3-inch transmission pipeline is the sole source of supply for the community of Ashley, Ohio. The segment to be replaced consists of bare steel welded pipe installed in 1946 and 1948 without protection against corrosion, it is stated. Applicant asserts that the proposed replacement with larger diameter pipe is required to provide service with changing operating conditions in this portion of Applicant's transmission system.

2. The construction and operation of approximately 0.4 mile of 2-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Ashland County, Ohio.

It is indicated that the existing transmission pipeline serves the market requirements of suburban mainline customers located at or near the junction of major highways, adjacent to the community of Ashland, Ohio. Applicant states that the segment to be replaced consists of bare steel screw connected and coupled steel pipe installed in 1913 without protection against corrosion, and that replacement with smaller diameter pipe would provide adequate capacity to meet the present and future market requirements of this suburban area.

3. The construction and operation of approximately 1.2 miles of 6-inch pipeline replacing, in two separate sections, a like amount of pipeline ranging in size from 4-inch to 12-inch located in Ashland County, Ohio.

It is indicated that the segments to be replaced are 4, 5, 6, 8, and 12-inch pipe constituting a portion of Applicant's pipeline system which is the sole source of supply for the communities of Polk and Nankin, Ohio. These segments consist mainly of bare coupled steel pipe installed in 1911 and 1925 without protection against corrosion, it is stated, and the proposed replacement with smaller diameter pipe would provide adequate capacity to meet the present and anticipated future market requirements of these communities.

4. The construction and operation of approximately 0.6 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Jefferson County, Ohio.

It is stated that the segment of transmission pipeline to be replaced constitutes a portion of the pipeline system serving the market requirements of the communities of Richmond, Unionport, and Hopedale, Ohio. Applicant indicates that the segment to be replaced consists of deteriorating coupled steel pipe installed in 1927 with no protection against corrison. Applicant has previously replaced segments of this pipeline system, it is said, the most recent replacement having received certificate authorization at Docket No. CP76-77, and Applicant asserts that replacement with smaller diameter pipe would not impair Applicant's ability to supply the existing and anticipated future market requirements served through this facility.

5. The construction and operation of approximately 1.1 miles of 6-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Guernsey and Noble Counties, Ohio.

It is stated that Applicant's existing 8-inch transmission pipeline transports locally produced and purchased volumes and is the primary supply for the communities of Buffalo, Senecaville, Derwent and Pleasant City, Ohio, during winter periods. During summer periods, it is said, the locally produced and purchased volumes transported by the 8-inch pipeline supply the requirements of these communities and augment the supply to other communities in this area. Applicant states that the segment of pipeline to be replaced consists of bare steel coupled pipe installed in 1923 with no protection against corrosion and that previous certificate authorization was at Docket No. CP76-77 for the most recent replacement. Applicant asserts that the proposed replacement with smaller diameter pipe would provide adequate capacity to supply the communities served from this pipeline and to transport present and anticipated future locally produced and purchased volumes of gas.

6. The construction and operation of approximately 1.5 miles of 8-inch transmission pipeline replacing, in two separate sections, approximately 1.4 miles of 10 and 12-inch pipeline and two multiple 10 and 12-inch river crossing lines, each less than 0.1 mile in length, located in Barbour County, West Virginia.

It is stated that Applicant's 10 and 12-inch transmission pipeline transports locally produced and purchased volumes of natural gas, and is the sole source of supply for several communities located in Barbour, Randolph, Tucker and Preston Counties, West Virginia. The segments to be replaced were installed in 1906 and 1921 and consist of bare coupled steel pipe without protection against corrosion, it is said. Applicant states that the most recent replacements of segments of this pipeline received certificate authorization at Docket No. CP76-77. It is asserted that the proposed replacement with smaller diameter pipe would not impair Applicant's ability to provide adequate service to present and anticipated markets supplied through this facility.

7. The abandonment of approximately 0.6 mile of 10-inch transmission pipeline located in Allegany County, Maryland.

It is said that the above segment of 10-inch gas transmission pipeline consists of deteriorating bare coupled steel pipe installed in 1929 without protection against corrosion, and supplied a portion of the requirements of the Cumberland, Maryland, market area. Applicant asserts that newer and more reliable transmission facilities in this area have adequate capacity to serve the requirements of this market area, and that there is no need to maintain this segment of transmission pipeline in service. Further, it is said that this proposed abandonment would not result in termination of service to any of Applicant's existing customers.

8. The abandonment of approximately 0.7 mile of 10-inch transmission pipeline located in Clarion County, Pennsylvania.

It is stated that this segment of Applicant's 10-inch gas transmission pipeline,

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originally installed in 1931 and consisting of bare coupled steel pipe, was used historically to transport locally produced and purchased volumes of natural gas. The decline of locally produced and purchased volumes in this area makes it unnecessary to maintain this segment of pipeline in service as other facilities have adequate capacity to transport available production volumes, it is said, and abandonment would not result in termination of service to any existing customers.

9. The abandonment of approximately 9.9 miles of 16-inch transmission pipeline and certain appurtenant regulating facilities located in Allegheny and Washington Counties, Pennsylvania.

Applicant states that this segment of 16-inch pipeline constitutes a portion of the pipeline system which serves the market requirements of the community of Aliquippa, Pennsylvania, and environs. It is said that this segment was installed in 1942 and consists mainly of bare coupled steel pipe with no protection against corrosion. Due to the condition of this pipe, Applicant proposes to abandon a 9.9 mile segment of the pipeline along with certain appurtenant regulating facilities, and maintains that a parallel 24-inch transmission pipeline in this area has adequate capacity to supply the Aliquippa market area.

10. The abandonment of approximately 5.6 miles of 6-inch pipeline located in Wetzel County, West Virginia.

It is stated that the segment of pipeline proposed for abandonment constitutes a portion of the pipeline system which was utilized to transport locally produced and purchased volumes of natural gas from Earnshaw Compressor Station to Porters Falls Compressor Station, both located in Wetzel County, West Virginia. Applicant maintains that due to the abandonment of Earnshaw Compressor Station, the pipeline is no longer required for the aforementioned production function, and that this abandonment would not result in termination of service to any of Applicant's existing customers.

11. The abandonment of approximately 2.8 miles of 10-inch transmission pipeline located in Cabell County, West Virginia.

It is indicated that this pipeline was installed in 1910 as a lateral between two transmission pipelines which transported volumes of natural gas to Kenova Compressor Station located in Wayne County, West Virginia, and the Huntington, West Virginia, market area. The 2.8 mile segment which Applicant proposes to abandon had deteriorated to the point that it was no longer a reliable transmission facility and has been taken out of service as it is no longer used or useful in Applicant's transmission operations, it is said.

12. The abandonment of six 600-horsepower compressor units and related appurtenant equipment at South Point Compressor Station located in Lawrence County, Ohio.

Applicant indicates that this equipment was installed in 1946–48 to compress volumes of natural gas received from Kenova Compressor Station in Wayne County, West Virginia, and delivered to Applicant's high pressure transmission system, which extends between Ceredo Compressor Station located in Wayne County, West Virginia, and Crawford Compressor Station located in Fairfield County, Ohio. Applicant asserts that due to shifting supply pattern, the Kenova and Caredo Compressor Stations have sufficient capacity available to compress the volumes of natural gas that South Point presently compresses and by utilizing more modern equipment installed at Kenova and Ceredo, Applicant proposes to abandon the South Point Station.

13. The abandonment of two 675-horsepower and one 1,350-horsepower compressor units and related appurtenant equipment at Mount Sterling Compressor Station located in Madison County, Ohio.

It is said that Applicant's Mount Sterling Compressor Station presently consists of the above-described three obsolete horizontal-reciprocating compressor units and related appurtenant equipment, which were originally installed in 1940, and that these units were salvaged from another compressor station, where they were originally installed in 1913. Applicant asserts that due to the decline in volumes of natural gas available from a southwest pipeline supplier, the Mount Sterling Station is no longer required in Applicant's transmission operations, and for this reason, Applicant proposes to abandon the compressor units.

Applicant maintains that the proposed pipeline facilities should be completed and available for operating no later than November 1, 1977, and that in order to take advantage of the most favorable construction season, Applicant proposes to commence the construction of the facilities in early spring or summer of 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29062 Filed 10-1-76;8:45 am]

NATIONAL FUEL GAS SUPPLY CORP.

[Docket No. RP76-4 (PGA76-11)]

Proposed PGA Rate Adjustment

SEPTEMBER 27, 1976.

Take notice that on September 3, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fifth Substitute Seventh Revised Sheet No. 4, proposed to be effective October 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of (2.77¢) per MCF on Fifth Substitute Seventh Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29063 Filed 10-1-76;8:45 am]

VIRGINIA ELECTRIC POWER CO.; PENNSYLVANIA - NEW JERSEY - MARYLAND GROUP

[Docket No. ER76-907]

Supplement to Interconnection Agreement

SEPTEMBER 27, 1976.

Take notice that on September 15, 1976 Virginia Electric and Power Company (VEPCO) and the Pennsylvania-New Jersey-Maryland Group (PJM) tendered for filing a proposed Supplemental Agreement dated September 1, 1976 to the Interconnection Agreement between them dated September 30, 1965, which is filed with the Commission under the following Rate Schedule designations:

	Rate schedule FPC No.—
Virginia Electric and Power Co	73
Public Service Electric and Gas Co	37
Philadelpha Electric Co	28
Pennsylvania Power & Light Co	43
Baltimore Gas and Electric Co	18
Jersey Central Power & Light Co	23
Metropolitan Edison Co	28
Pennsylvania Electric Co	48
Potomac Electric Power Co	23

VEPCO–PJM Group states that the proposed Supplemental Agreement clarifies the wording of the Interconnection Agreement; brings it into closer conformity with other agreements; deletes provisions which are no longer required; increases certain charges in order to cover present costs of service, and provides charges for new services and services involing third Parties.

VEPCO–PJM Group further states that no new facilities will be installed nor will existing facilities be modified in connection with the proposed Supplemental Agreement. It is requested that the proposed Supplemental Agreement become effective on October 15, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commision's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29064 Filed 10-1-76;8:45 am]

PANHANDLE EASTERN PIPE LINE CO.

[Docket No. CP76-527]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 17, 1976, Panhandle Eastern Pipe Line Company (Applicant), PO Box 1642, Houston, Texas 77001, filed in Docket No. CP76-527 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural) and for the construction and operation of certain facilities required to affect the transportation of the natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport 75,000 Mcf of gas per day on a firm basis and 25,000 Mcf per day on a best efforts basis for the period November 1 through February 28 in the years 1976–77 and 1977–78. Thereafter, it is shown, Natural would notify Applicant of the volumes Natural desires to have transported on a firm basis during the period November 1, 1978, through February 28, 1979, and Applicant would advise Natural of its capacity to perform such transportation. Further, it is stated that Applicant would transport on a best efforts basis 100,000 Mcf per day during the period from March to October, 1977, and from March, 1978, and thereafter. Such gas would be received from Natural at a point in Section 15, Township 10 North, Range 21 West in Beckham County, Oklahoma, on Applicant's existing Elk City line and would be redelivered at the existing point of connection between Applicant and Natural in Section 16, Township 30 South, Range 25 West in Clark County, Kansas, or any mutually agreeable point as agreed to between the parties.

Applicant proposes to charge 5.1 cents per Mcf at 14.73 psia for all gas volumes transported with a minimum monthly transportation charge of $87,183 for the firm transportation. It is stated that Applicant would retain 3 percent of the volumes transported for fuel use.

Applicant further proposes to construct and operate certain facilities required to affect this transportation between Applicant and Natural. It is indicated that Applicant would construct a new measuring station in Beckham County, Oklahoma, to replace the existing station now receiving gas from Shell Oil Company, and the existing measuring station would be used to receive the volumes of gas to be transported under this transportation agreement. Applicant intends to rebuild the existing measuring station at the point of connection between Applicant and Natural in Clark County, Kansas, in order to redeliver the transportation volumes to Natural, it is said, and further, Natural would provide the control valves and operators to be installed by Applicant at the points of receipt and redelivery. Applicant states that the total cost of the proposed facilities would be $145,000, to be financed from funds on hand.

Applicant states that Natural has advised Applicant that it would have a short term capacity deficiency of at least 75,000 Mcf per day during the 1976–77 and 1977–78 winter heating seasons. This capacity deficiency, it is said, would cause a corresponding reduction in withdrawal rates below the certified withdrawal capacity of Natural's Sayre storage facility. Applicant asserts that by Natural's construction of a 16-inch connection lateral between Natural's transmission line and Applicant's existing facilities in Beckham County, Oklahoma, Natural would be able to eliminate this deficiency and would avoid the need on the part of Natural to construct extensive facilities on its system. It is indicated that Natural would file an application for authorization to construct and operate the facilities to be installed by Natural to effectuate this transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29065 Filed 10-1-76;8:45 am]

TEXAS GAS TRANSMISSION CORP.

[Docket No. CP76-522]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 15, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-522 an application pursuant to § 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Anaconda Company, Aluminum Division (Anaconda), an existing industrial customer of Louisville Gas and Electric Company (Louisville), one of Applicant's resale customers, from an existing meter station near the site of Block Valve No. 1 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, to its ex-

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isting point or points of delivery with Louisville for the account of Anaconda, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years on an interruptible basis up to 181 Mcf of gas per day and up to 66,065 Mcf on an annual basis for Anaconda to be produced from the Athens Field, Claiborne Parish, Louisiana. The gas, it is stated, would be purchased from Par Oil Corporation (Par) for $1.50 per Mcf of gas at 15.025 psia.

Applicant proposes to charge for the transportation service 18.37 cents per Mcf of gas at 14.73 psia and would retain 9.0 percent of the volumes transported as compressor fuel and line loss makeup. It is stated that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than the contract demand of 239,706 Mcf through all points of delivery of Applicant to Louisville.

Applicant asserts that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day, and annual basis, and further that the proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets. It is stated by Applicant, as advised by Par, that if the subject natural gas is not sold to Anaconda, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana, and therefore Applicant does not consider the subject natural gas to be available to it for purchase.

Applicant further asserts that the end classification of all the gas to be transported as proposed herein would meet Priority 2 requirements. It is stated that the gas would be used as fuel in Anaconda's Louisville Rolling Mill at Louisville, Kentucky, which produces aluminum foil for various industrial and household uses. It is indicated that there is no alternate fuel, and that curtailment of natural gas deliveries of 30–40 percent is anticipated for the winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29066 Filed 10-1-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-2219]

EXXON NUCLEAR COMPANY, INC.

Experimental Test Facility; Negative Declaration

The Nuclear Regulatory Commission (the Commission) is considering the issuance of a Special Nuclear Material License to the Exxon Nuclear Company, Inc. The license would authorize operation of a laboratory and facility to permit evaluation of the ingreated laser isotope separation (LIS) process for the enrichment of uranium. Experimental research will be carried out mainly to confirm parameters previously determined in small-scale experiments and study lightvapor interactions and laser beam propagation. A small amount of enriched uranium will be produced in experimental runs using natural uranium as feed.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed action. On the basis of that appraisal, it is concluded that an environmental impact statement for the proposed action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal (NR–FM–010) is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland this 28th day of September, 1976.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-29150 Filed 10-1-76;8:45 am]

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Proposed Renewal of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering renewal of Facility Operating License No. R–28 issued to The University of Michigan (the licensee) for operation of the Ford Nuclear Reactor (the facility) located in Ann Arbor, Michigan. The facility is a research reactor that has been operating since September 1957 and is currently licensed to operate at 2 megawatts (thermal).

In accordance with the licensee's application dated September 23, 1974, and supplement thereto dated February 25, 1975, the proposed renewal would extend the duration of the Facility Operating License No. R–28 until February 17, 1985. The proposed action also would include incorporation of Technical Specifications in the license for operation of the facility and restatement of the license in its entirety utilizing the Commission's current license format in accordance with the licensee's application dated April 24, 1974, as supplemented.

Prior to issuance of the proposed action, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 3, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the renewal of the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications by the licensee dated April 24, 1974, September 23, 1974, and supplements thereto dated June 4 and 20, 1974, and February 25, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 29th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29149 Filed 10-1-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON TRANSPORTATION OF RADIOACTIVE MATERIALS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.) the ACRS Working Group on Transportation of Radioactive Materials will hold a meeting on October 19, 1976 at the Seven Continents Restaurant, Rotunda Building, O'Hare International Airport, Chicago, IL. This meeting will be closed to the public.

The Working Group will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to continue the review of draft working papers on proposed qualification test criteria for shipping containers to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes. In connection with this matter, the Working Group may hold executive sessions not open to the public or NRC Staff prior to and at the conclusion of the meeting with the NRC Staff and NRC Staff consultants to exchange opinions and formulate recommendations to the ACRS.

Persons wishing to submit written statements regarding the agenda may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than October 12, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to close this session which will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption 5 of 5 U.S.C. 552(b). Separation of factual material from individuals' advice, opinions, and recommendations while this meeting is in progress is considered impractical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Working Group and Agency operation.

Dated: September 28, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-28893 Filed 10-1-76;8:45 am]

[Docket No. 50-250]

FLORIDA POWER & LIGHT CO.

Issuance of Amendments to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR–31, issued to Florida Power and Light Company, which revised Technical Specifications for Operation of the Turkey Point Nuclear Generating Unit No. 3, located in Dade County, Florida. The amendment is effective as of the date of issuance.

This amendment will modify that portion of the facility operating license which related to the storage of special nuclear material as reactor fuel. The amendment will allow the storage capacity of the Turkey Point Unit No. 3 spent fuel storage pool to be increased from 217 to 235 fuel assemblies for a period of one year.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 19, 1976 (41 FR 35103). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated July 30, 1976, as supplemented by letters dated August 25, September 1 and September 16, 1976, (2) Amendment No. 20 to License No. DPR–31 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-28897 Filed 10-1-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–46 issued to the Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Power Station (the facility), a boiling water reactor located in Nemaha County, Nebraska and currently authorized for operation at power levels up to 2381 MWt.

In accordance with the licensee's application for a license amendment dated August 9, 1976, the amendment would modify operating limits in the facility's Technical Specifications associated with the use of 8 x 8 fuel assemblies. Also, the amendment would permit operation of the facility with modified fuel assembly lower tie plates as part of facility modifications to eliminate in-core vibration of instrument and source tubes.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 3, 1976, the licenses may file a request for a hearing and any

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person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gene Watson, Attorney, Barlow, Watson & Johnson, P.O. Box 81686, Lincoln, Nebraska 68501, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 9, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-28895 Filed 10-1-76;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-22 issued to Northern States Power Company (the licensee), for operation of the Monticello Nuclear Power Plant (the facility), a boiling water reactor located in Wright County, Minnesota, and currently authorized for operation at power levels up to 1670 MWt.

In accordance with the licensee's application for a license amendment dated September 7, 1976, the amendment would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 3, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 7, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-28896 Filed 10-1-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

SEPTEMBER 27, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from September 28, 1976 through October 7, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-28979 Filed 10-1-76;8:45 am]

[File No. 600-16]

NEW ENGLAND SECURITIES DEPOSITORY TRUST COMPANY

Order Granting Registration Pursuant to Sections 17A(b) and 19(a)(1) of the Securities Exchange Act of 1934

SEPTEMBER 24, 1976.

New England Securities Depository Trust Company, 53 State Street, Boston, Massachusetts 02109, hereinafter referred to as the Applicant, having made application with the Commission for registration as a clearing agency pursuant to Sections 17A(b) and 19(a)(1) of the Securities Exchange Act of 1934 (the "Act") and, pursuant to Rule 17Ab2-1 under the Act , having requested the Commision to exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act;

The Commission having found that it is consistent with the public interest, the protection of investors and the purposes of Section 17A of the Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds, to exempt the Applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act; and

The Commission having determined that the Applicant is so organized and has the capacity to safeguard securities and funds in its custody or control or for which it is responsible; the Applicant's rules do not impose any schedule of prices, or fix rates or other fees, for services rendered by participant and assure the safeguarding of securities or funds which are in the custody or control of the clearing agency or for which it is responsible; and the requirements of the Act and the rules and regulations thereunder have been satisfied with respect to the Applicant:

It is ordered, That the Applicant's registration be, and hereby is granted, this 23rd day of September to be effective for not more than eighteen (18) months.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28988 Filed 10-1-76;8:45 am]

[812-3964]

THE VALUE LINE INCOME FUND, INC., ET AL.

Application for Order Pursuant to Rule 17d-1 Under Section 17(d) of the Act Permitting a Proposed Transaction

SEPTEMBER 23, 1976.

Notice is hereby given that The Value Line Income Fund, Inc., 5 East 44th Street, New York, New York 10017. ("Income Fund"), an open-end, diversified management company registered under the Investment Company Act of 1940 ("Act"), The Value Line Development Capital Corporation ("Development Capital"), a closed-end management investment company registered under the Act, and Liquidonics Industries, Inc. ("Liquidonics"), 6382 Arizona Circle, Los Angeles, California 90045 (collectively, the "Applicants") filed an application on June 9, 1976, and amendments thereto on June 21, 1976 and August 24, 1976, pursuant to Rule 17d-1 under Section 17(d) of the Act for an order permitting Income Fund and Development Capital to participate in a plan of recapitalization of Liquidonics, involving the holders of outstanding debt and equity securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that Income Fund presently holds $225,000 principal amount of the $1,407,500 aggregate amount of Liquidonics' 5½% Subordinated Convertible Income Notes due October 31, 1983 ("5½% income notes"), $1,621,381 principal amount of the $10,465,756 aggregate amount of Junior Secured Notes due January 31, 1976 (the "junior secured notes"), and 22,500 of the 5,212,358 shares of Liquidonics' common stock outstanding. Applicants state that Development Capital presently holds $275,000 principal amount of the 5½% income notes and 27,500 shares of Liquidonics' common stock.

Applicants state that Liquidonics has a consolidated working capital deficiency and deficiency in shareholders' equity, has failed to make certain principal and interest payments, and is in violation of a number of provisions of, and is in default under, the loan and pledge agreements governing approximately $18,500,000 of its outstanding debt securities. They further state that the continuation of Liquidonics as a going concern depends upon the willingness of its long-term creditors to continue to refrain from declaring their debt instruments immediately due and payable, and upon the ability of Liquidonics to rearrange its debt structure so as to be able to meet its long-term obligations from operations.

Liquidonics and its creditors, including Income Fund and Development Capital, have agreed to a plan of recapitalization ("Plan"), pursuant to which there would be a reduction in the number of authorized shares of Liquidonics common stock, a reverse split of the common shares presently outstanding, a rights offering to Liquidonics' shareholders, and an exchange by the holder (Mercantile National Bank at Dallas) of Liquidonics' senior secured note having an extended maturity date. In this regard, the Plan calls for the holders of Liquidonics' junior secured notes, including Income Fund, to exchange those notes for new common shares of Liquidonics and new junior secured notes having a higher interest rate but not maturing for twenty years. In addition, the holders of Liquidonics' unsecured notes, including both Income Fund and Development Capital, are to exchange those securities for shares of the newly authorized common stock and for the new junior secured notes.

Section 2(a)(3)(C) of the Act defines as an affiliated person of another person, as here pertinent, any person under common control with such other person. Applicants assert that Income Fund and Development Capital may be under common control because they have the same manager and investment adviser, Arnold Bernhard & Co., Inc., and have officers and directors in common with each other and with Arnold Bernhard & Co., Inc.; and, therefore, Income Fund and Development Capital may be affiliated persons of each other.

Section 17(d) of the Act and Rule 17d-1 thereunder, in pertinent part, prohibit an affiliated person of a registered investment company, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or arrangement in which such registered investment company is a participant with the affiliated person unless an application regarding such transaction has been filed with the Commission and has been granted by an order entered prior to the submission of such plan to security holders for approval, or prior to its adoption if not so submitted. A joint enterprise or other joint arrangement as used in Rule 17d-1 is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise of undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Thus, Section 17(d) and Rule 17d-1 thereunder, absent a Commission order, would prohibit the proposed arrangement whereby Income Fund and Development Capital, pursuant to the Plan, would exchange their present security interests in Liquidonics for the new classes of securities to be issued in the recapitalization. Applicants assert that participation by both funds is essential to the success of the Plan.

In passing upon an application pursuant to Rule 17d-1, the Commission will consider whether participation by the registered investment company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

In support of their request for exemption, Applicants represent that participation by Income Fund and Development Capital in the Plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and not on a basis different from or less advantageous than that of other participants. In this regard, Applicants acknowledge that Income Fund, unlike all other holders of the presently outstanding junior secured notes—who will exchange 70% of the

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unpaid amounts of their old junior secured notes for new common stock and 30% for new junior secured notes—will exchange only 50% of its junior secured notes for new common shares and 50% for new junior secured notes. However, it is asserted that this difference was requested by Income Fund because of its conclusion that such difference was more, rather than less, advantageous to it; but such difference would not result in any disadvantage to Development Capital which does not hold any of the present junior secured notes.[1]

Finally, Applicants assert that participation by Income Fund and Development Capital in the recapitalization on the basis proposed would be in the best interests of their respective shareholders, because without such participation the Plan would fail, in which event they allege the interests of all securityholders of Liquidonics, including Income Fund and Development Capital, would be seriously jeopardized.

Notice is further given that any interested person may, not later than October 15, 1976, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the respective addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application may be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28981 Filed 10-1-76;8:45 am]

[1] Since Income Fund and Development Capital are both registered investment companies, Rule 17d-1 requires that the Commission take into consideration any possible disadvantage to either resulting from the terms of the proposed transaction.

SMALL BUSINESS ADMINISTRATION

[License No. 05105-0098]

DOAN RESOURCES CORP.

Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Doan Resources Corporation (Resources), 110 East Grove Street, Midland, Michigan 48640, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1976)), for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit Resources to provide a $60,000 financing to Fitterer Engineering Associates, Inc. (FEA). The investment will consist of a $60,000, five (5) year, 10 percent convertible subordinated debenture, convertible at $1.00 per share with interest payable annually.

Doan Associates (Associates), the sole shareholder of Resources, owns approximately 45 percent of the outstanding stock of FEA. Resources owns no stock of FEA.

Information provided by Resources in connection with the application indicates that FEA manufactures and sells disposable oxygen probes to measure the oxygen content in molten steel in real time. Approximately $100,000 is required to provide operating funds for FEA for the next 12 months. The proposed financing by Resources is contingent on others investing approximately $45,000 at the same terms and conditions.

This proposed transaction by Resources is not considered to be a joint financing with an associate as permitted in § 107.1004(c) of the Regulations. Accordingly, FEA is therefore considered to be an Associate of Resources. As such, the transaction will require an exemption pursuant to § 107.1004(b) (1) of the Regulations.

FEA is not controlled by Associates or by Resources but is considered to be controlled by the 55 percent owners of FEA, the Fitterer family and associates, and is an independent small business concern.

Notice is hereby given that any person may, on or before October 19, 1976, submit, in writing, relevant comments on the proposed transaction to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Midland, Michigan and Pittsburgh, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 24, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-28959 Filed 10-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 159]

ASSIGNMENT OF HEARINGS; CORRECTION [1]

SEPTEMBER 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of concellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 12707, The Chief Freight Lines Company—Control And Merger—Morrison Motor Freight, Inc., now being assigned January 11, 1977, (9 days), at Tulsa, Ok., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28901 Filed 10-1-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 28, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 19, 1976.

FSA No. 43246—*Corn, Grain Sorghums and Related Articles from Sioux City, Iowa on the Burlington Northern Inc.* Filed by Southwestern Freight Bureau, Agent, (No. B-632), for interested rail carriers. Rates on corn, grain sorghums, etc., in carloads, as described in the application, from Sioux City, Iowa, on the Burlington Northern Inc., to points in Texas, on The Atchinson, Topeka and Santa Fe Railway Company.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 248 to Southwestern Freight Bureau, Agent, tariff 182-J, I.C.C. No. 4967. Rates are published to become effective on November 3, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28902 Filed 10-1-76;8:45 am]

[1] This notice corrects the hearing date. *January 11, 1977* instead of *January 11, 1976.*

[Notice No. 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 28, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 139269 (Sub-No. 8TA), filed September 20, 1976. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, N.Y. 13501. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, N.Y. 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically temperature controlled vehicles, from Philadelphia, Pa., to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Nathan Verbit, President, Allied Steaks, Inc., 623-641 E. Girard Ave.; Samuel Fareri, Vice-President Norwestern Products, Inc., 1401 N. Delaware Ave., Philadelphia, Pa. 19125. Milton Horwitz, President, Holiday Provision Co., 3723 Old York Road, Philadelphia, Pa. 19140. Yankee Maid Meat Co., Irving Grossman, Sales Executive, 3rd & Pattison Ave., Philadelphia, Pa. 19148. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 831, Syracuse, N.Y. 13202.

No. MC 142456 (Sub-No. 1TA), filed September 16, 1976. Applicant: ED WALKER, doing business as PRESSONS DELIVERY SERVICE, 399 North Main St., Mansfield, Ohio 44903. Applicant's representative: John L. Alden, 1396 W. Fifth Ave., Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, usually dealt in by a retail department store, from Chicago, Ill. and Mansfield, Ohio, to points in Ohio, restricted to transportation destined to consumer and not for resale; and (2) *Commodities, materials and supplies* (except commodities in bulk) usually dealt in by a retail department store, from points in Indiana and Ohio to the facilities of the shipper located in Chicago, Ill., under a continuing contract with Aldens, Inc., for 180 days. Supporting shipper: Aldens, Inc., 5000 West Roosevelt Ave., Chicago, Ill. 60607. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio, 43604.

No. MC 142464TA, filed September 16, 1976. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, Ind. 47905. Applicant's representative: William K. Bennett, 68 Lafayette Bank & Trust Bldg., Lafayette, Ind. 47901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Indiana, Illinois, Ohio, Michigan, and Kentucky, under a continuing contract with Shelby Steel, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shelby Steel, Inc., 108 Boggstown Road, P.O. Box 480, Shelbyville, Ind. 46176. Send protests to: Jack Gray, District Supervisor, Interstate Commerce Commisison, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 142465TA, filed September 20, 1976. Applicant: NORTHWEST TRANSPORTATION SERVICE, INC., North 7511 Freya St., Spokane, Wash. 99210. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* such as are dealt in by wholesale and retail chain grocers and food business houses, restaurants, drug stores, hardware stores, and bakeries (except commodities in bulk and commodities which by reason of their size and weight require the use of special equipment), between Spokane County, Wash., on the one hand, on the other, points in Montana, Idaho, and Oregon, under a continuing contract with U.R.M. Stores, Inc., for 180 days Supporting shipper: U.R.M. Stores, Inc., North 7511 Freya St., Spokane, Wash. 99210. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142466TA, filed September 20, 1976. Applicant: TIMBER PRODUCTS TRANSPORT, INC., P.O. Box 1513, Longview, Wash. 98632. Applicant's representative: William H. Grady, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Western hardwood*, from points in Washington and Oregon, to points in California, and gypsum products and accessories, from points in California, to points in Washington and Oregon, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

PASSENGER APPLICATIONS

No. MC 73133 (Sub-No. 6TA), filed September 17, 1976. Applicant: MAYFLOWER COACH CORP., 16 Hall Ave., Eastchester, N.Y. 10709. Applicant's representative: Larsh B. Newhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between White Plains, N.Y. and New Jersey Sports Complex, East Rutherford, N.J., serving the intermediate points of Greenburgh, N.Y. and Yonkers, N.Y.; from White Plains, N.Y. over Main St. to junction Central Ave., thence over Central Ave. to junction Central Park Ave. in Greenburgh, N.Y., thence over Central Park Ave. to junction Tuckahoe Road, thence over Tuckahoe Road to junction Saw Mill River Road, thence over Saw Mill River Road to junction Ashburton Ave., thence over Ashburton Ave. to junction Palisades Ave., thence over Palisades Ave., to and through Getty Square in Yonkers, N.Y., thence over South Broadway to the boundary line of the City of New York, N.Y., thence over Broadway in the City of New York, N.Y. to West 179th St. thence over 179th St. to the George Washington Bridge, thence over the George Washington Bridge to Bridge Plaza, thence over Bridge Plaza to

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Interstate Highway 80, thence over Interstate 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New Jersey Sports Complex, East Rutherford, N.J.; from New Jersey Sports Complex, East Rutherford, N.J., over Interstate Highway 95, thence over Interstate Highway 95 to junction of Interstate Highway 80, thence over Interstate Highway 80 to George Washington Bridge Plaza, thence over Bridge Plaza to the George Washington Bridge to the junction of West 178th St. in the City of New York, N.Y., thence over West 178th St. to the junction of Broadway.

Thence over Broadway to the boundary line of the City of Yonkers, N.Y., thence over South Broadway, to and through Getty Square in the City of Yonkers, N.Y., thence over Palisades Ave. to the junction of Ashburton Ave., thence over Ashburton Ave. to junction of Saw Mill River Road, thence over Saw Mill River Road to the junction of Tuckahoe Road, thence over Tuckahoe Road to the junction of Central Park Ave., thence over Central Park Ave. to the junction of Central Ave. in Greenburgh, N.Y., thence over Central Ave. to the junction of Hamilton Ave., White Plains, N.Y., and thence over Hamilton Ave. to the White Plains Bus Terminal, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send Protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 103210 (Sub-No. 2TA), filed September 17, 1976. Applicant: SERVICE BUS CO., INC., 798 Nepperhan Ave., Yonkers, N.Y. 10703. Applicant's representative: Sidney J. Leshin, 575 Madison Ave., New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Yonkers, White Plains, and Port Chester, N.Y., on the one hand, and, East Rutherford, N.J. and Bridgeport, Conn. on the other, over regular routes, commencing on Central Ave. at McLean Ave. in Yonkers, N.Y., proceeding north to entrance to Interstate Highway 87 to Interstate Highway 287, thence east on Interstate 287 to White Plains, N.Y., exiting at Route 100A and proceeding south to Tarrytown Road; east on Tarrytown Road to Central Ave., continuing on Central Ave. to Main St., east on Main St. to Broadway; south on Broadway to S. Armory Place; east on S. Armory Place to Westchester Ave., continuing on Westchester Ave. to Interstate 287, continuing on Interstate 287 to Port Chester, N.Y., on Boston Post Road to Korvette Shopping Center, returning to Interstate 287 to and continuing east to Interstate Highway 95, thence east on Interstate 95 to Bridgeport, Conn.; and return over the same route, for 180 days. Supporting shipper: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send Protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28903 Filed 10-1-76;8:45 am]

[Notice No. 160]

ASSIGNMENT OF HEARINGS

SEPTEMBER 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133916 (Sub-No. 3), O'Nan Transportation Company, Inc., now assigned November 15, 1976, at Frankfort, Ky. is canceled and application dismissed.

MC 76177 Sub-332, Baggett Transportation Company, A Corp., MC 47142 Sub-113, C. I. Whitten Transfer Company; MC 109397 Sub 177, Tri-State Motor Transit Co., now being assigned November 10, 1976, in the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29073 Filed 10-1-76;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 22nd day of September, 1976.

It appearing, That a petition was filed by Ajax Transfer Company, a Corporation (permits MC-119391 and Sub-Nos. 1, 2, 5, 6 and 8) and LTL Perishables, Inc. (certificate MC-135874 and Sub-Nos. 14 and 19) and Noel Transfer, Inc. (not authorized by the Commission), under common control, for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, that waiver of paragraphs (a)(3) and (c) of section 1057.4 was granted subject to condition, by Order of the Commission, served November 15, 1974;

It further appearing, that permits MC-119391 Sub-Nos. 1, 2, 5, 6 and 8 were revoked by the Commission by Order served July 30, 1975, and that the carrier holds no comparable common carrier or contract carrier authority;

It is ordered, that the Order of the Commission served November 15, 1974, granting waiver of paragraphs (a)(3) and (c) of section 1057.4 be, and it is, hereby vacated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29075 Filed 10-1-76;8:45 am]

[Notice No. 40]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 4, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commisson's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 25, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76403. By order entered September 28, 1976 the Motor Carrier Board approved the transfer to Francis B. Sheridan doing business as Mound City Truck Line, Mound City, Kans. of the operating rights set forth in Certificate No. MC-30078, issued August 31, 1967, to Delbert Bruce doing business as Mound City Truck Line of Mound City, Kansas, Mound City, Kans., authorizing the transportation of general commodities, livestock, seed, and hay over specified regular routes between Mound City, Kans. and Kansas City, Mo., serving specified intermediate and off-route points, and livestock, feed, agricultural implements and parts thereof, petroleum products in containers, plumbing fixtures and supplies, electrical fixtures and equipment, and such merchandise as is dealt in by hardware stores, over irregular routes, from and to Mound City, Kans. and points within 10 miles thereof and Kansas City, Kans. and Kansas City, Mo.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29076 Filed 10-1-76;8:45 am]

[Notice No. 41]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76742, filed September 15, 1976. Transferee: VALLEY TRANSFER, INC., doing business as MURRAY & MIDVALE TRUCK LINE, 1346 North Oakridge Drive, Centerville, Utah 84014. Transferor: GRANT CROCKETT, doing business as MURRAY AND MIDVALE TRUCK LINE, 58 North 400 West, Salt Lake City, Utah 84116. Applicants' representative: William S. Richards, 1515 Walker Bank Building, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 56984 (Sub-No. 2), issued December 23, 1963, as follows: general commodities, solely within the state of Utah. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29074 Filed 10-1-76;8:45 am]

[Notice No. 42]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 4, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76755. By application filed September 27, 1976, EMPIRE STATE MOTOR EXPRESS, INC., 8414 East Main Road, LeRoy, NY 14482, seeks temporary authority to transfer the operating rights of ESTATE OF WILLIAM W. ROFFE, d/b/a GENESEE VALLEY EXPRESS, 112 Main Street, Leicester, NY 14481, under Section 210a(b). The transfer to EMPIRE STATE MOTOR EXPRESS, INC., of the operating rights of ESTATE OF WILLIAM W. ROFFE, d/b/a GENESEE VALLEY EXPRESS, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29072 Filed 10-1-76;8:45 am

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federal register

MONDAY, OCTOBER 4, 1976



PART II:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Proposed Standards

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 31, 34, 54, 98, 154]

[CGD 74-289]

SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Proposed Standards

• *Purpose.* The Coast Guard is considering adding, to the rules concerned with tank vessels, design, inspection, construction, equipment, and operating requirements for self-propelled vessels carrying bulk liquefied gases. •

WRITTEN COMMENTS

Interested persons may participate in this rule making procedure by submitting written data, views, or arguments on the proposal contained in this document to the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, U.S. Coast Guard, Washington, D.C. 20590. Each person submitting written comments should identify this notice (CGD 74-289), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if appropriate, of the commenter. Copies of the comments received will be available for examination by interested persons in Room 8117, Coast Guard Headquarters, Washington, D.C.

PUBLIC HEARING

The Coast Guard will hold a public hearing on November 15, 1976, beginning at 0900 in Room 2232, 400 Seventh Street, SW., Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at the hearing notify the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, U.S. Coast Guard, Washington, D.C. 20590, at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the request.

CLOSING DATE FOR COMMENTS

All comments received before December 15, 1976, will be fully considered and evaluated before final action is taken on the proposal in this document. These proposed regulations may be changed in light of the comments received.

DISCUSSION OF PROPOSAL

Currently, design, construction, inspection and operating requirements for self-propelled vessels carrying bulk liquefied gases are contained in Subchapters D, I, and O of Title 46, Code of Federal Regulations. These regulations contain the standards that a U.S. vessel must meet for the issuance of a certificate of inspection, and the standards that a foreign vessel's cargo containment and transfer systems and related systems must meet for the issuance of a Letter of Compliance.

In 1971, the Coast Guard made a request to the Chemical Transportation Industry Advisory Committee (CTIAC) to review these existing regulations and to prepare a recommendation for the development of international standards for gas ships. This advisory group to the Commmandant consisted of representatives of the American Bureau of Shipping, the American Petroleum Institute, the Shipbuilders Council of America, the Manufacturing Chemists Association, the Society of Naval Architects and Marine Engineers, the Compressed Gas Association, and the American Gas Association.

During the same year, the Inter-Governmental Maritime Consultative Organization (IMCO) recognized the need for a code for liquefied gases carried in bulk. An ad hoc working group on bulk chemicals, under the Subcommittee on Design and Equipment of IMCO's Maritime Safety Committee, undertook the development of this code in 1972. Representatives of the Coast Guard and CTIAC were part of the ad hoc working group. By 1975, the Code for Construction and Equipment of Ships Carrying Liquified Gases in Bulk (the Code) was completed and adopted by Assembly Resolution A.328 (IX) (November 1975).

The proposed regulations in this document correspond to the Code. As in the Code, they would apply to the following self propelled new vessels that have on board bulk liquefied gases as a cargo, cargo residue, or vapor:

1. A vessel that is constructed under a building contract awarded after October 31, 1976.

2. In the absence of a building contract, a vessel that has the keel laid or is at a similar stage of construction after December 31, 1976.

3. A vessel that is delivered after June 30, 1980.

4. A vessel that has undergone a major conversion for which—

a. The building contract is awarded after October 31, 1976;

b. In the absence of a building contract, conversion is begun after December 31, 1976; or

c. Conversion is completed after June 30, 1980.

The proposed regulations for new vessels include definitions and requirements for vessel stability, cargo tank location, vessel arrangements, cargo containment systems, piping systems, materials of construction, cargo pressure and temperature control, cargo venting systems, filling limits for cargo tanks, environmental control in and around cargo tanks, fire protection, ventilation in the cargo area, instrumentation, crew protection, operating the vessel, and special carriage for particular gases. Implementation of the IMCO recommendations is necessary because the Code defers some matters to the discretion of each administration, and in other matters is not specific enough for Coast Guard regulatory purposes. The major changes from the Code are discussed in the following paragraphs.

"Liquefied gas" is changed from the Code's definition of "a product having a vapor pressure of 2.8 kp/cm² at 37.8° C" to the proposed definition of "a product having a vapor pressure of 1.76 kp/cm² at 37.8° C." This is a change in the definition from a Reid vapor pressure of 40 psia to 25 psia. The change in the Reid vapor pressure includes the "certain other substances" referred to in § 1.2 of the Code, but does not include any product in IMCO's Chemical Code except ethylamine, which is presently listed in the Code and the Chemical Code. The change in the Reid vapor pressure was proposed by the U.S. delegation to IMCO but the change was not adopted, although there was apparently no objection to it. The change, however, does not affect the list of regulated cargoes.

The rate of air change between the airlock doors is not specified in the Code (§ 3.6.1) but is proposed at 12 changes per hour.

It is proposed that leaked cargo from interbarrier spaces be pumped to an emergency dump. It is proposed as an alternative to the Code requirement that leaked cargo be returned to the cargo tanks.

Chapter 4 of the Code includes a provision for the evaluation of the insulation and hull steel assuming for the purpose of design calculations that the cargo tank and secondary barrier, if installed, are at the design temperature and the ambient outside air and sea design temperatures as follows:

GENERAL WORLDWIDE

Still Air: +5° C (41° F)
Sea Water: 0° C (32° F)

Chapter 4 also provides that each administration may set higher or lower ambient design temperatures. This document proposes the following temperatures:

ANY WATERS IN THE WORLD, EXCEPT ALASKAN WATERS

Air (at 5 knots): —18° C (0° F)
Still sea water: 0° C (32° F)

ALASKAN WATERS

Air (at 5 knots): —29° C (—20° F)
Still sea water: —2° C (28° F)

The proposed regulations specify enhanced grades of steel for crack arresting purposes in the deck stringer, sheer strake, and bilge strake. The minimum acceptable grade for the deck stringer and the sheer strake is Grade E or an equivalent steel that is specially approved by the Commandant (G-MMT). The minimum acceptable grades for the bilge strake are Grade D or Grade E or an equivalent steel that is specially approved by the Commandant (G-MMT).

The proposed allowable stresses for membrane, semi-membrane, and independent tank type A is the same as the allowable stresses for these tanks in the Code. However, for independent tank types B and C, stress factors are not the same at the stress factor for these tanks in the Code.

In the Code, the stress factors listed for independent tank types B and C are the minimum factors that may be used in calculations. The stress factors proposed in these regulations meet Section VIII of the ASME Code, 1974, are greater than the minimum listed in the Code, and must be used in independent tank type B and C calculations for vessels to which the regulations apply.

The Code allows pressure and temperature control of cargoes by venting cargo vapors to the atmosphere when the vessel is at sea and in port if accepted "by the receiving administration". It is proposed to prohibit normal venting of cargo vapor into the atmosphere in a U.S. port.

The Code requires the cargo system to be designed to withstand the full vapor pressure of the cargo under conditions of the upper ambient design temperature or have other means to maintain the cargo tank pressure below the maximum allowable relief valve setting (MARVS) of the tank. These regulations propose that when the cargo carried is a liquefied gas, the cargo tank pressure must be maintained below the design vapor pressure indefinitely, the pressure on a LNG tank would be maintained below the design pressure for a period of not less than 21 days. Cargo tank pressure may be maintained below the design pressure by several methods including refrigeration systems, burning boil-off gas in waste heat or catalytic furnaces, using boil-off gas as fuel, or a combination of these methods. Using the boil-off gas as a fuel for propulsion is limited to a vessel carrying LNG.

The proposed regulations also include the following:

1. Transfer requirements for vinyl chloride.
2. Loading requirements for methyl acetylene-propadiene mixture.
3. Additional operating requirements.
4. Requirements for inspection and reinspection of U.S. flag vessels at intervals that are the same as for vessels inspected under Subchapter D. Inspection for certification would be required every 2 years and reinspection would be required between the 10th and 14th month following issuance of a Certificate of Inspection.
5. Requirements for the initial and periodic inspections and tests of the cargo containment system, cargo and process piping, and hull heating and cold spots.

The following table contains a list of the proposed regulations and their source from the Code:

IMCO code:	*Proposed regulations or explanation of no regulation*
Ch. I	154.1 through 154.12.
1.1	154.1.
1.2.1	154.3(tt).
1.2.2(a)(i)	154.1(a).
1.2.2(a)(ii)	154.1(b).
1.2.2(a)(iii)	154.1(c).
1.2.2(a)(iv)	154.1 (d) and (e).
1.2.2(b)	Only applicable to code.
1.2.3	Do.
1.2.4	Do.
1.3	Information only.
1.4	154.3.
1.4.1	Information, included in 154.3 (q) and (oo).
1.4.2	154.3(qq).
1.4.3	154.3(d).
1.4.4	154.3(r).
1.4.5	154.3(pp).
1.4.6	154.3(f).
1.4.7	154.3(g).
1.4.8	154.3(ii).
1.4.9	154.3(ff).
1.4.10	154.3(gg).
1.4.11	154.3(u).
1.4.12	154.3(y).
1.4.13	154.3(x).
1.4.14	154.3(rr).
1.4.15	154.3(j).
1.4.16	154.3(s).
1.4.16(a)	154.3(s)(1).
1.4.16(b)	154.3(s)(2).
1.4.16(c)	154.3(s)(3).
1.4.16(d)(i)	154.3(s)(4).
1.4.16(d)(ii)	154.3(s)(5).
1.4.16(e)	154.3(s)(6).
1.4.16(f)	154.3(s)(7).
1.4.16(g)	154.3(s)(8).
1.4.16(h)	154.3(s)(9).
1.4.16(i)	154.3(s)(10).
1.4.16(j)	154.3(s)(11).
1.4.16(k)	154.3(s)(12).
1.4.16(l)	154.3(s)(13).
1.4.17	154.3(t).
1.4.18	154.3(mm).
1.4.19	154.3(nn).
1.4.20	154.3(b).
1.4.21	154.3(ii).
1.4.22	154.3(h).
1.4.23	154.3(m).
1.4.24	In existing 46 CFR 30.10-56.
1.4.25	154.3(aa).
1.4.26	154.3(e).
1.4.27	154.3(ee).
1.4.28	154.3(ss).
1.4.29	154.3(a).
1.4.30	154.3(cc).
1.4.31	Information only.
1.4.32	Do.
1.4.33	Do.
1.4.34	154.3(q).
1.4.35	154.3(oo).
1.5.1	154.8 (a), (b), and (c).
1.5.2	Only applicable to code.
1.6.1(a)	154.40 through 154.122.
1.6.1(b)	154.130 through 154.142.
1.6.1(c)	Do.
1.6.2	154.6.
1.6.3	154.6
1.6.4	154.6(b).
1.6.5	154.6(b).
1.6.6	Only applicable to code.
1.6.7	154.6.
1.6.8	154.6.
1.6.9	154.6.
1.6.10	154.6.
1.7.1	Only applicable to code.
1.7.2	Do.
1.7.3	Do.
Ch. II	154.200 through 154.235.
2.1.1	154.200.
2.1.2	154.210.
2.1.3	154.215.
2.1.4	Only applicable to code.
2.2.1	154.205.
2.2.2	154.205.
2.2.3	154.1809.
2.3	154.220(d).
2.3.1	154.225.
2.3.2	154.220.
2.3.2(a)(i)	154.220(1)(i).
2.3.2(a)(ii)	154.220(1)(ii).
2.3.2(a)(iii)	154.220(1)(iii).
2.3.2(b)(i)	154.220(2)(i).
2.3.2(b)(ii)	154.220(2)(ii).
2.3.2(b)(iii)	154.220(2)(iii).
2.3.2(c)	154.220(b).
2.4.1	154.230.
2.4.1(a)(i)	154.230(b).
2.4.1(a)(ii)	154.230(a).
2.4.1(a)(iii)	154.230(c).
2.4.1(b)(i)	154.230 (a) and (c).
2.4.1(b)(ii)	154.1455.
2.4.1(b)(iii)	154.1020.
2.4.2	154.230(d).
2.4.3	154.230(g).
2.4.4	154.230(h).
2.5	154.210.
2.5.1	154.215(a).
2.5.2(a)	154.215(b)(1).
2.5.2(b)	154.215 (b)(2) and (c).
2.5.3(a)	154.215(d)(1).
2.5.3(b)	154.215(d)(2).
2.5.4	154.215(e).
2.6.1(a)	154.235(a).
2.6.1(b)	154.235(b).
2.6.2	154.235(c).
2.6.3	154.235(d).
2.6.4	Information only.
2.7.1	Do.
2.7.2	Do.
Ch. III	154.300 through 154.355.
3.1	154.300.
3.1.1	154.300(a).
3.1.2	154.300(b).
3.1.3	154.300(c).
3.1.4(a)	154.305(a).
3.1.4(b)	154.305(b).
3.1.5(a)	154.310(a).
3.1.5(b)	154.310(b).
3.1.5(c)	154.310.
3.1.5(d)	154.310.
3.1.5(e)	154.310(f).
3.1.6	Information only.
3.2.1	154.325 (a) and (b).
3.2.2	Information only.
3.2.3	Do.
3.2.4	154.330 (a), (b), and (c).
3.2.5	154.330(d).
3.2.6	154.330(e).
3.3.1	154.315(a).
3.3.2	154.315(b).
3.3.3	154.340.
3.4.1	154.320(a).
3.4.1(a)	154.320(b)(1).
3.4.1(b)	154.320(b)(2).
3.4.2	154.320 (b)(3) and (c).
3.4.3	Information only.
3.5.1	154.132(a)(8), 154.136(e), 154.140, and 154.340(f).
3.5.2	154.132(a)(9) and 154.340(g).
3.5.3	154.340(b).
3.5.3(a)(i)	154.340(a).
3.5.3(a)(ii)	154.340(b).
3.5.3(a)(iii)	154.340(c).
3.5.3(b)	Information only.
3.5.3(c)	Do.
3.5.4	154.340(e).
3.6.1	154.345 (a) and (b)(1).
3.6.2	154.345(b)(2).
3.6.3	154.345(b)(3).
3.6.4	154.345(c).
3.6.5	154.345(b) (4) and (5).
3.6.6	154.345(b)(7).
3.6.7	Information only.
3.7.1(a)	154.350 (a) and (b).
3.7.1(b)	154.350 (a) and (b).
3.7.2	154.350(c).
3.7.3	154.350(d).
3.8.1	Information only.
3.8.2	154.355(a) (1), (2), (3), and (4) and 154.1670(a).
3.8.3	154.355(a) (5) and (6) and 154.1670(b).
3.8.4	154.355(b) and 154.1870(c).
3.8.5	154.1110(c), 154.1145(a)(2), and 154.1150.
Ch. IV	154.401 through 154.476.
4.1	Information only.
4.2.1(a)	154.3(2).
4.2.1(b)	154.419.
4.2.1(c)	154.418.
4.2.2(a)	154.3(dd).
4.2.2(b)	154.426.
4.2.2(c)	154.425.
4.2.3(a)	154.3(hh).

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4.2.3(b)	154.436.
4.2.4	154.3(w).
4.2.4(a)	154.437 and 154.438.
4.2.4(b)	154.445.
4.2.4(c)	154.451 and 154.453.
4.2.5	154.3(o).
4.2.5(a)	154.405(b).
4.2.5(b)	154.405(a).
4.2.5(c)	154.405(c).
4.2.6	154.3(n).
4.3.1(a)	154.406(a).
4.3.1(b)	154.406(c).
4.3.1(c)	154.406(a) (10) and (11).
4.3.1(d)	154.406(b).
EEE	
4.3.2(a)	154.407(a).
4.3.2(b)	154.407(b).
4.3.3	154.408.
4.3.4(a)	154.409(a).
4.3.4(b)	154.409(c).
4.3.4(c)	154.409(d).
4.3.4(d)	154.409(e).
4.3.4(e)	Information only.
4.3.4(f)	154.409(f).
4.3.5(a)	154.410(a).
4.3.5(b)	154.410(b).
4.3.6(a)	154.411(a).
4.3.6(b)	154.411(b).
4.3.7	154.470.
4.4.1	154.420 (a) and (b).
4.4.2(a)	154.427(a).
4.4.2(b)	154.430 and 154.431.
4.4.2(c)	154.429(b).
4.4.2(d)	154.427(c).
4.4.2(e)	154.188, 154.427(d), 154.428, and 154.429(b).
4.4.3	154.435.
4.4.4(a)	154.439 (a) and (b) and 154.440(c).
4.4.4(b)	154.439(b)(2).
4.4.5(a)	154.444 and 154.448 (e) and (f).
4.4.5(b)	154.448(b).
4.4.5(c)	154.448(c).
4.4.5(d)	154.448(d).
4.4.5(e)	154.449.
4.4.5(f)	154.448(g).
4.4.6(a)(i)	154.450.
4.4.6(a)(ii)	154.450.
4.4.6(a)(iii)	154.104.
4.4.6(b)(i)	154.450.
4.4.6(b)(ii)	154.452.
4.4.6(c)(i)	154.450.
4.4.6(c)(ii)	154.450(a).
4.4.6(c)(iii)	154.450.
4.4.6(d)	154.450(b).
4.4.6(e)	154.450(c).
4.5.1(a)	154.421.
4.5.1(b)	154.428.
4.5.1(c)	154.440.
4.5.1(d)(i)	154.447(a).
4.5.1(d)(ii)	154.447(b).
4.5.1(e)	154.450.
4.5.1(f)(i)	154.401 and 154.630 (b) and (c).
4.5.1(f)(ii)	App. A.
4.5.1(f)(iii)	Do.
4.5.1(g)(i)	154.630(a).
4.5.1(g)(ii)	154.409(b).
4.5.2(a)	154.412 (a) and (b).
4.5.2(b)	154.412.
4.6.1	154.470(a) (1) and (2).
4.6.2	154.471(a) (1) and (2).
4.6.3	154.471(a)(4).
4.6.4	154.471(a)(3).
4.6.5	154.471(b).
4.6.6	154.470(b).
4.6.7	154.470(c).
4.7.1	154.459(a).
4.7.2(a)	154.459(d)(1).
4.7.2(b)	154.459(d)(2).
4.7.3	154.459 (a) and (e).
4.7.4(a)	154.460(a).
4.7.4(b)	154.460(b).
4.7.4(c)	154.460(c).
4.7.5	154.460.
4.7.6(a)	154.460.
4.7.6(b)	154.460.
4.7.7	154.136(j).
4.8.1	154.465 and 154.466(a).
4.8.2	154.466(b).
4.8.3	154.174 and 154.176.
4.8.4	Do.
4.8.4(a)	154.173(a).
4.8.4(b)	154.178(b).
4.8.4(c)	154.178.
4.8.4(d)	154.178(c).
4.8.5	Information only.
4.9.1	154.170 (a) and (d).
4.9.2	154.615 and 154.620.
4.9.3	154.615.
4.9.4	154.172.
4.9.5	154.466(c).
4.9.6	154.466(d).
4.9.7	154.467(a)(1) through (14).
4.9.8	154.467(a)(15).
4.9.9	154.466(e).
4.10.1(a)	154.650(c) (1) and (2).
41.0(b)(i)	154.650(d).
4.10.1(b)(ii)	154.650(d).
4.10.2	Information only.
4.10.3	154.650(c).
4.10.4	154.50 and 154.650(f).
4.10.5	154.50.
4.10.6	154.52.
4.10.7(a)	154.102(a) and 154.104(a).
4.10.7(b)(i)	154.102 (b), (c), and (d).
4.10.7(b)(ii)	154.104 (b), (c), and (d).
4.10.8(a)	154.54.
4.10.8(b)	154.56.
4.10.8(c)(i)	154.58(a)(1).
4.10.8(c)(ii)	154.58(a)(2).
4.10.8(c)(iii)	154.58(a)(3).
4.10.8(c)(iv)	154.58(b).
4.10.8(c)(v)	Information only.
4.10.8(c)(vi)	154.60.
4.10.8(c)(vii)	154.58(c) (1) and (2).
4.10.9	154.60.
4.10.10	154.62.
4.10.11	154.64.
4.10.12	154.110.
4.10.13	154.120.
4.10.14	154.122.
4.10.15	154.450.
4.11(a)	154.655 and 154.655(b).
4.11(b)(i)	154.655(a).
4.11(b)(ii)	154.655(a).
4.11(b)(iii)	154.655(a).
4.11(b)(iv)	154.655(a).
4.12(a)	154.409(c)(2)(i).
4.12(b)	154.409(c)(2)(ii).
4.12(c)	154.409(c)(2)(iii).
4.12(d)(i)	154.409(c).
4.12(d)(ii)	154.409(c).
4.13	App. B.
Ch. V	154.500 through 154.562.
5.1.1	Information only.
5.1.2	Do.
5.2.1(a)	154.500.
5.2.1(b)	154.503, 154.506, and 154.508(a).
5.2.2	154.512 and 154.515.
5.2.3	154.514.
5.2.4	154.517.
5.2.5	154.519.
5.2.6(a)	154.500.
5.2.6(b)(i)	154.500.
5.2.6(b)(ii)	154.500.
5.2.6(c)	154.500.
5.2.6(d)(i)	154.500.
5.2.6(d)(ii)	154.500.
5.2.6(e)	154.500.
5.2.7	154.520.
5.2.8(a)	154.522(a) (1) and (2).
5.2.8(b)	154.522(b).
5.2.9(a)	154.66 (a) and (b).
5.2.9(b)	154.68(a).
5.2.9(b)(i)	154.68(a)(2).
5.2.9(b)(ii)	154.68(a)(3).
5.2.9(b)(iii)	154.68(a)(1).
5.2.9(b)(iv)	154.68(a)(4).
5.2.9(b)(v)	Information only.
5.2.10(a)	Do.
5.2.10(b)(i)	154.524(a) (1), (2), and (3).
5.2.10(b)(ii)	154.524(b).
5.2.10(b)(iii)	154.524(c).
5.2.10(c)(i)	154.528(a).
5.2.10(c)(ii)(1)	154.526 and 154.528(c).
5.2.10(c)(ii)(2)	154.526 and 154.528(b).
5.2.10(d)	Information only.
5.2.10(e)(i)	154.508(b).
5.2.10(e)(ii)	154.508(a).
5.2.10(f)(i)	154.660(a).
5.2.10(f)(ii)	154.660(b).
5.2.10(f)(iii)(1)	154.660(c)(1).
5.2.10(f)(iii)(2)	154.630(c)(3).
5.2.11(a)	154.70.
5.2.11(b)(i)	154.70 (a), (b), and (c).
5.2.11(b)(ii)	154.72.
5.2.11(c)	154.74.
5.3.1(a)	154.530 (a) and (b).
5.3.1(b)	154.532 (a), (b), and (c).
5.3.1(c)	154.534.
5.3.2	154.536.
5.3.3	154.538 and 154.1866.
5.3.4	154.540, 154.542, and 154.544.
5.3.5	154.546, 154.548, and 154.550.
5.4.1	154.552.
5.4.2	154.554
5.4.3	154.556 and 154.558.
5.5.1	154.476(a).
5.5.2	154.476(b).
Ch. VI	154.605 through 154.665.
6.1.1	Information only.
6.1.2	Only applicable to code.
6.1.3	Information only.
6.1.4(a)	154.605(a).
6.1.4(b)	154.605(b).
6.1.5	Information only.
6.1.6	Do.
6.1.7	Do.
6.1.8	Do
6.1.9	154.172(a).
6.2	Only applicable to code.
Table 6.1	154.610 (a) through (g).
Table 6.2	Amended 46 CFR 54.25-10 and 154.615.
Table 6.3	154.620
Table 6.4	154.625
Table 6.5	154.172
6.3.1	154.650(a).
6.3.2	154.650(b).
6.3.3	154.665.
6.3.3(a)	154.665.
6.3.3(b)(i)	154.665.
6.6.6(b)(ii)	154.665.
6.3.3(b)(iii)	154.665.
6.3.3(b)(iv)	154.665.
6.3.4(a)	154.665.
6.3.4(b)	154.665.
6.3.4(c)	154.665.
6.3.5	154.665.
6.3.6(a)	154.76, 154.78, and 154.84.
6.3.6(b)(i)	154.80 (a) and (b).
6.3.6(b)(ii)	154.80(c).
6.3.6(c)	154.82.
6.3.6(d)	154.76 and 154.78.
6.3.7(a)(i)	154.94(a) and 154.96.
6.3.7(a)(ii)	154.94(b).
6.3.7(a)(iii)	154.100.
6.3.7(b)	154.102 and 154.104.
6.3.7(c)	154.90 and 154.92.
6.3.7(d)	154.106.
6.3.7(e)	154.108.
Ch. VII	154.701 to 154.709.

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7.1.1	154.701(a).
7.1.1(a)	154.701(a)(1) and 154.703 (b) and (c).
7.1.1(b)	154.701(a).
7.1.1(c)	154.701(a)(2).
7.1.1(d)	Information only.
7.1.1(e)	154.1836.
7.1.2	154.701(a)(2) and 154.702(a)(1).
7.1.3	Information only.
7.2.1	154.702(a)(1).
7.2.2(a)	154.701(b).
7.2.2(b)	154.701(b).
7.2.3	154.702(d).
7.2.4(a)	154.1735 and 154.1750.
7.2.4(b)	154.1720.
7.2.4(c)	154.1735 and 154.1750.
7.2.5	154.702(e).
Ch. VIII	154.801 through 154.806.
8.1	Information only.
8.2.1	154.801 (a) and (b).
8.2.2	154.912.
8.2.3	154.801(c)(2).
8.2.4	154.801(c) (4) and (5).
8.2.5	154.66 (a) and (b), 154.801(c) (1) and (3), and 154.1846.
8.2.6(a)	154.802(a).
8.2.6(b)	154.802(b).
8.2.7	154.1846.
8.2.8(a)	154.801(c)(8)(i).
8.2.8(b)	154.801(c)(8)(ii).
8.2.8(c)	154.801(c)(8)(iii).
8.2.9	154.801(c)(6) and 154.805 (a), (b), and (d).
8.2.10	154.805 (e) and (f).
8.2.11	Information only.
8.2.12	154.801(c)(7).
8.2.13	154.805 (f) and (g).
8.2.14	154.805(c).
8.2.15	Information only.
8.2.16	154.801(c)(6).
8.2.17	154.801(c)(5).
8.3.1 and 8.3.2	None — unnecessary alternative requirements.
8.4.1	154.804(c).
8.4.2(a)	154.804(a)(1).
8.4.2(b)	154.804(a)(2) (i) and (ii).
8.4.2(c)	Information only.
8.4.3	154.804(a)(2)(iii).
8.4.4	154.804(b).
8.5	154.806.
8.5(a)	154.806(a).
8.5(b)	154.806(b).
Ch. IX	154.901 through 154.912.
9.1.1	154.901 (a) and (b).
9.1.2	154.901(d).
9.1.3	154.901(c).
9.1.4	154.901(a)
9.1.5	154.1848(b).
9.2.1	154.902(a).
9.2.2(a)	154.902(b).
9.2.2(b)	154.902(b).
9.2.3	154.902(c).
9.3	154.902(d).
9.4.1	154.903 (a) and (b).
9.4.2	154.1145.
9.4.3	154.903(c).
9.4.4	154.904(a).
9.4.5	154.904 (b) and (c) and 154.912.
9.5.1	154.906.
9.5.2	154.904 (a), (b), and (c).
9.5.3	154.908 (a) and 154.910.
9.5.4	154.908(b).
Ch. X	154.1000 through 154.1020.
10.1.1	154.1000.
10.1.2	Information only.
10.1.3	Do.
10.1.4	Do.
10.1.5	154.1005.
10.2	154.1010(a).
10.2.1	154.1010(b).
10.2.2	154.1010(c).
10.2.3	154.1010(d).
10.2.4	154.1010 (e) and (f).
10.2.4(a)	154.1010 (e)(1) and (f)(1).
10.2.4(b)	154.1010 (e)(2) and (f)(2) and 154.1015.
10.2.4(c)	154.1010(f)(6).
10.2.4(d)	154.1010(e) (3), (4), and (5) and (f) (3), (4), and (5).
10.2.4(e)	154.1010(f)(7).
10.2.5	154.1010(g).
10.2.5(a)	154.1010(g)(1) and 154.1015.
10.2.5(b)	154.315(b).
10.2.5(c)	Information only.
10.2.5(d)	154.1010(g)(2).
10.2.6	154.1010(j).
10.2.6(a)	154.1010(j)(1).
10.2.6(b)	154.1010(j)(2).
10.2.7(a)	154.1010 (h) and (i).
10.2.7(b)	Do.
10.2.8	154.1010(k).
10.2.9	154.345(c)(2).
Ch. XI	154.1100 through 154.1170.
11.1.1	154.1100.
11.1.2	154.1100.
11.2.1	154.1100.
11.2.2	154.1100.
11.2.3	Amended 46 CFR 34.10-15.
11.2.4	154.1100.
11.2.5	154.1100.
11.3.1	154.1105.
11.3.1(a)	154.1110(a).
11.3.1(b)	154.1110(b).
11.3.1(c)	1554.1110 (c) and (d).
11.3.1(d)	154.1110 (e), (f), and (g).
11.3.2	154.1115 and 154.1130 (a) and (b).
11.3.3	154.1125(c) and 154.1135.
11.3.4	154.1135(a)(3).
11.3.5	154.1125(d).
11.4.1	154.1140.
11.4.2	154.1145 and 154.1150 (a) and (b).
11.4.3	154.1145 (a)(1) and (c), 154.1150 (c), (d), and (e), and 154.1165 (a) and (b).
11.4.4	154.11565(c).
11.4.5	154.1170.
11.4.6	154.1145(b), 154.1155, and 154.1160.
11.4.7	154.1145(a)(2) and 154.1150 (a), (d), and (e).
11.5.1	Existing 46 CFR.
11.5.2	Do.
11.6.1	154.1400 (a) and (b).
11.6.2	Do.
Ch. XII	154.1200 through 154.1210.
12.1.1	154.1200 (a) and (b), 154.1205(f), and 154.1850.
12.1.2	154.1205 (c) and (d).
12.1.3	154.1205(a).
12.1.4	154.1200(b).
12.1.5	154.1200(a).
12.1.6	154.1205(b).
12.1.7	154.1205(e).
12.1.8	154.1205(g).
12.1.9	154.1205 (h), (i), and (j).
12.1.10	Information only.
12.1.11	154.1205(k).
12.2	
Ch. XIII	154.1300 through 154.1375.
13.1.1	Information only.
13.1.2	154.1325(b), 154.1335(a)(2), and 154.1340(b).
13.1.3	Information only.
13.2.1	154.1305.
13.2.2	154.1300.
13.2.2(a)	Information only.
13.2.2(b)	Do.
13.2.2(c)	154.1310.
13.2.2(d)	154.1315.
13.2.3	154.1320(a).
13.2.4	154.1320 (b) and (c).
13.3.1	154.1325.
13.3.2	154.1330.
13.4.1	154.1335(a) and 154.1370.
13.4.2	154.1335(d) (3), (4), and (5).
13.4.3	154.1335(e).
13.4.4	154.1335(d) (1) and (2).
13.5.1	154.1340(a) and 154.1375.
13.5.2	154.1340(d).
13.5.3	154.1340 (d) and (e).
13.5.3(a)	154.1340(d).
13.5.3(b)	154.1340(e).
13.5.4	154.1340(d).
13.6.1	154.1345 (a) and (b).
13.6.2	Do.
13.6.3	154.1350(c).
13.6.4	154.1350(g).
13.6.5	154.1350(m).
13.6.5(a)	154.1350(m)(1).
13.6.5(b)	154.1350(m)(2).
13.6.6	154.13.
13.6.7	154.1350(a).
13.6.7(a)	154.1350(a)(1).
13.6.7(b)	154.1350(a)(2).
13.6.7(c)	154.1350(a)(3).
13.6.7(d)	154.1350(a)(4).
13.6.7(e)	154.1350(a)(5).
13.6.7(f)	154.709.
13.6.7(g)	154.1350(a)(6).
13.6.8	154.1350 (h) and (n).
13.6.9	154.1828.
13.6.10	154.1350(d).
13.6.11	154.1350 (u) and (n).
13.6.12	154.1345(b)(1) and 154.1828.
13.6.13	154.1345 (a)(2) and (b)(1).
13.6.14	154.1360.
Ch. XIV	154.1400 through 154.1445.
14.1	Information only.
14.2	154.1430.
14.3	154.1400 (a) and (b).
14.4	Do.
14.5	154.1400 (a)(2) and (b)(2) and 154.1415.
14.6	154.1430.
14.7	154.1852.
14.8	154.1420.
14.9	154.1425, 154.1435, and 154.1440.
Ch. XV	None—requirements located in other sections.
15.1.1	154.1844(a)(1).
15.1.2	154.1844(a)(2).
15.1.3	154.1844(a)(2).
15.1.4	None—unnecessary alternative requirements.
15.2	154.1810.
Ch. XVI	None—requirements located in other sections.
16.1	154.703.
16.2	154.706(a).
16.2(a)	154.706(a)(1).
16.2(b)	154.706(a)(2).
16.3	154.1854(b).
16.4	154.706(b).
16.5	154.707.
16.6	154.708 (a) and (b).
16.7	154.708(c).
16.8	154.705(b).
16.9	154.706(a)(2) and 154.707(b).
16.10	154.709.
16.11	Information only.
16.12	Do.
Ch. XVII	154.1700 through 154.1755.
17.1	Only applicable to code.
17.2.1	154.1405 (a) and (b).

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IMCO code:	*Proposed regulations or explanation of no regulation*
17.2.2	154.1410 (a) and (b).
17.2.3	154.1400(c).
17.2.4	Information only.
17.2.5	Do.
17.3	154.1700.
17.4	154.1705.
17.5	154.1720, 154.1725, 154.1735, and 164.1750.
17.6	154.660(c) (2).
17.7	154.355(a) (2) and 154.1870(d).
17.8	154.1710.
17.9	154.1715.
17.10	154.1818.
17.11.1	154.1345(d).
17.11.2	154.1345(c).
17.12.1	154.1725 and 154.1730.
17.12.1(a)	154.1725(a)(1).
17.12.1(b)	154.1730(a)(2).
17.12.1(c)	154.1730(b).
17.12.1(d)	154.1725(c).
17.12.1(e)	154.1725(d).
17.12.1(f)	154.1725(e).
17.12.1(g)	154.1725(a) (2) and (3).
17.12.1(h)	154.1730(a).
17.12.2	154.1735.
17.12.3	154.1755.
17.12.4	154.1010.
17.12.5	Information only.
17.12.6	154.1740, 154.1745, and 154.1750.
Ch. XVIII	154.1800 through 154.1868.
18.1.1	154.1810 and 154.1814.
18.1.2	154.1818.
18.2	154.1820 and 154.1832.
18.3	Information only.
18.4	154.1850.
18.5	154.1810 and 154.1856.
18.6	154.1840.
18.7	154.1842.
18.8	154.1812, 154.1814, and 154.1822.
18.9	Only applicable to code.
Ch. XIX	Table 4.
Appendix	Standard Coast Guard form to be printed.

AMENDMENTS TO SUBCHAPTERS D AND F

Since Subchapters D and F are applicable to self propelled vessels that carry bulk liquefied gases, amendments are being proposed that would update those subchapters to conform to the Code.

LETTERS OF COMPLIANCE

An objective that the Coast Guard hoped to attain in the development of the Code was to terminate the plan review portion of the Letter of Compliance program for new foreign flag vessels.

The Code is substantially sufficient to ensure the Coast Guard that a new foreign flag gas vessel entering U.S. ports has been designed to the necessary standards. Therefore, the Coast Guard proposes that a new foreign flag vessel meet the proposed regulations or have an IMCO Certificate of Fitness, in addition to meeting the following design requirements in the proposed regulations, which differ from the Code:

1. Allowable stress in § 154.447 and § 154.450.
2. Crack arresting steels in § 154.170.
3. Ambient design temperatures in § 154.466.
4. Cargo temperature and pressure control in § 154.701 through § 154.709.

If the vessel has an IMCO Certificate of Fitness the Coast Guard would not require plan review. The Certificate of Fitness must be issued by or on behalf of the flag administration, and must have all information required in the Model Form of Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, which is published in the Appendix to the Code. It is proposed to require submission of a copy of the Certificate of Fitness to the Coast Guard before the vessel arrives in a U.S. port.

It is also proposed that in addition to the IMCO Certificate of Fitness, the following plans and information, in English, must be submitted to the Coast Guard before a vessel arrives in a U.S. port with a bulk liquefied gas cargo. These plans and information would be retained in the Coast Guard's files for use during vessel examinations and in any emergency that the vessel may encounter while in a U.S. port:

1. Description of the vessel.
2. Specifications for the cargo containment system.
3. General arrangement of the vessel.
4. Midship section of the vessel.
5. Schematic plans of the liquid and vapor cargo piping.
6. Firefighting and safety plan.

A foreign flag vessel is examined at its first U.S. port of call under 46 CFR Part 154. A 2 week notification to the Coast Guard of the vessel's arrival at the first U.S. port of call is also required. The information for the notification must include the following:

1. The first part of call.
2. The cargoes carried.
3. The estimated arrival date.
4. The vessel's agent.
5. The berthing facilities for the vessel.

It is proposed that the following information, in English, be carried on board these foreign flag vessels for Coast Guard use during examinations:

1. A description and schematic plan of the arrangement for inerting cargo tanks, hold spaces, and interbarrier spaces.
2. A description of the tank gauging equipment.
3. A description and instruction manual for the calibration of the cargo leak detector equipment.
4. A schematic plan that shows the locations of leak detectors and sampling points.
5. A description of the systems for cargo temperature and pressure control for methane to meet proposed § 154.701 through § 154.709.

If the proposed regulations are adopted by the Coast Guard, there will be many gas vessels that do not have Letters of Compliance and cannot receive IMCO Certificates of Fitness as new vessels. Included in this group are 120 ships now under review by the Coast Guard for Letters of Compliance. Each gas vessel that has applied for a Letter of Compliance since March 11, 1975, has been required by the Coast Guard to meet the Code. Vessels that are under construction, but applied for a Letter of Compliance before March 11, 1975, are being required by the Coast Guard to meet the Code insofar as it is possible, taking into consideration the stage of each vessel's construction.

Existing foreign flag gas vessels (i.e., foreign flag vessels that are not new foreign flag gas vessels) that are now in service and have never undergone plan review for a Letter of Compliance will have to comply with the standards of the Letter of Compliance program in effect at the time of their construction, as well as any additional requirements that may be established by future regulations concerned with existing gas vessels.

Existing U.S. gas vessels (i.e., U.S. vessels that are not new U.S. gas vessels) would continue to meet the requirements in Subchapters D and I as well as any additional requirements established by future regulation concerned with existing ships.

The Coast Guard has determined that the proposed regulations would have no foreseeable significant impact on the quality of the human environment. An environmental assessment with a negative declaration has been prepared. Copies may be obtained in Room 8117, Coast Guard Headquarters, Washington, D.C. 20590.

The Coast Guard has determined that this proposal is not a major proposal in accordance with Department of Transportation Policies to Improve Analysis and Review of Regulations—Regulatory Reform, as published in the April 16, 1976 issue of the FEDERAL REGISTER (41 FR 16200) and DOT Order 2050.4 dated February 2, 1976. Therefore, an economic evaluation and a negative declaration of inflationary impact are required.

The economic evaluation for this proposal shows that for each of the next seven fiscal years the proposed regulations would result in the following:

(a) A decreased expenditure of about $0.2 million by the Federal government, and no significant impact on state and local governments.

(b) An increase cost of $21.6 million to consumers businesses and industry.

(c) No significant impact on energy consumption, important materials or employment.

The benefits to the public of the proposal include:

(1) A consolidation of design and equipment regulations for various liquefied gas ships in one part.

(2) Incorporation of an internationally agreed standard for liquefied gas ships with clarification, where possible, of portions of that standard (the IMCO Gas Code) that are left to the "satisfaction of the Administration." This phrase is used often in the IMCO Gas Code, and, in the case of the U.S., refers to the U.S. Coast Guard.

(3) Codification of existing and additional requirements for the design, construction, and operation of liquefied gas ships.

A quantitative analysis of benefit to the public is difficult to assess due to the excellent safety record of liquefied gas ships. However, it is clear that the adoption of an international standard that further increases the level of safety of gas ships is beneficial to the public interest. U.S. gas ship owners and operators will benefit in having an internationally accepted Certificate to facilitate their vessels' operation in foreign ports.

Copies of the economic evaluation and negative declaration of inflationary impact are available upon request to the Executive Secretary (G-CMC/81), Coast Guard Headquarters, Washington, D.C. 20590.

The close cooperation with the Chemical Transportation Industry Advisory Committee, the acceptance of an international code containing similar provisions, and the fact that many liquefied gas ships throughout the world and in the United States are already being built to these standards ensures their technological and economic feasibility.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 31—INSPECTION AND CERTIFICATION

1. By amending Part 31 by adding § 31.10–18a to read as follows:

§ 31.10–18a Liquefied gas vessels: Additional firefighting equipment inspections.

(a) Once during each 12 month period after the month an original certificate of inspection is issued for a liquefied gas vessel under § 31.05–1, the master shall ensure that the firefighting systems required in Part 154 of this chapter for a liquefied gas vessel meets the following:

(1) The exterior water spray system must pass a water spray test.

(2) The dry chemical system must meet the manufacturer's specifications for—

(i) The amount of dry chemical powder; and

(ii) The pressure for nitrogen bottles.

(3) The piping, valves, and controls of the system must be operable.

(b) On the date that the requirements under paragraph (a) are met, the master shall record in the vessel's official logbook the following information:

(1) The date of the inspection.

(2) The identification of each device inspected.

(3) The name of the inspector.

PART 34—FIREFIGHTING EQUIPMENT

§ 34.10–15 [Amended]

2. By amending § 34.10–15 as follows:

a. In paragraph (b), by adding after the word "piping" the words ", except on self propelled vessels carrying bulk liquefied gases that must have stop valves—

(1) At cross connections;

(2) At the front of the after deck house; and

(3) In the cargo area spaced 40 m (131 ft.) or less between hydrants."

b. In paragraph (e), by adding after the word "approximately" the words "71 pounds per square inch on self propelled vessels that carry bulk liquefied gases and approximately", and by adding after "50 pounds per square inch" the words "on other tankships".

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN FLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

Subpart 40.05—[Revoked]

3. By revoking Subpart 40.05.

PART 54—PRESSURE VESSELS

4. By amending § 54.15–25 by revising paragraph (c) and adding paragraph (c–1) to follow paragraph (c) to read as follows:

§ 54.15–25 Minimum relief capacities for cargo tanks containing compressed or liquefied gas.

• • • • •

(c) The rate of discharge for heat input of fire must meet the following formula:

$$Q = FGA^{0.82}$$

Where:

Q = Minimum required rate of discharge in cubic meters (cubic feet) per minute of air at standard conditions of 0° C and 1.03 kp/cm² (60° F and 14.7 psia).

F = Fire exposure factor for the following tank types:

F = 1.0 for tanks without insulation located on the open deck.

F = 0.5 for tanks on the open deck having insulation that has approved fire proofing, thermal conductance, and stability under fire exposure.

F = 0.5 for uninsulated independent tanks installed in holds.

F = 0.2 for insulated independent tanks in holds or for uninsulated independent tanks in insulated holds.

F = 0.1 for insulated independent tanks in inerted holds or for uninsulated independent tanks in inerted, insulated holds.

F = 0.1 for membrane and semi-membrane tanks.

G = Gas factor of:

$$G = \frac{177}{LC}\sqrt{\frac{ZT}{M}} \left(G = \frac{633{,}000}{LC}\sqrt{\frac{ZT}{M}}\right)$$

Where:

L = Latent heat of the material being vaporized at relieving conditions, in Kcal/kg (Btu per pound).

C = Constant based on relation of specific heats (k) Table § 54.14–25(c) (if k is not known C = .606 (315) is used).

Z = Compressibility factor of the gas at relieving conditions (if not known, Z = 1.0 is used).

T = Temperature in degrees K = (273+ degrees C) (R = (460+ degrees F)) at the relieving conditions (120% of the pressure at which the pressure relief valve is set).

M = Molecular weight of the product.

A = External surface area of the tank in m² (sq. ft.) for the following tank types:

For a tank of a body of revolution shape:

A = External surface area.

For a tank other than a body of revolution shape.

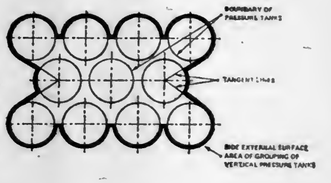
A = External surface area less the projected bottom surface area.

For a grouping of pressure vessel tanks having insulation on the vessel's structure:

A = External surface area of the hold without the projected bottom area.

For a grouping of pressure tanks having insulation on the tank:

A = External surface area of the pressure tanks excluding insulation, and without the projected bottom area.[1]



SIDE EXTERNAL SURFACE AREA OF GROUPING OF VERTICAL PRESSURE TANKS

Figure 54.15–25 (c)

TABLE 54.15–25(c).—*Constant C*

k	C
1.00	.606 (315)
1.02	.611 (318)
1.04	.615 (320)
1.06	.620 (322)
1.08	.624 (324)
1.10	.628 (327)
1.12	.633 (329)
1.14	.637 (331)
1.16	.641 (333)
1.18	.645 (335)
1.20	.649 (337)
1.22	.652 (339)
1.24	.656 (341)
1.26	.660 (343)
1.28	.664 (345)
1.30	.667 (347)
1.32	.671 (349)
1.34	.674 (351)
1.36	.677 (352)
1.38	.681 (354)
1.40	.685 (356)
1.42	.688 (358)
1.44	.691 (359)
1.46	.695 (361)
1.48	.698 (363)
1.50	.701 (364)
1.52	.704 (366)
1.54	.707 (368)
1.56	.710 (369)
1.58	.713 (371)
1.60	.716 (372)
1.62	.719 (374)
1.64	.722 (376)
1.66	.725 (377)
1.68	.728 (379)
1.70	.731 (380)
1.72	.734 (382)
1.74	.736 (383)
1.76	.739 (384)
1.78	.742 (386)
1.80	.745 (387)
1.82	.747 (388)
1.84	.750 (390)
1.86	.752 (391)
1.88	.755 (392)
1.90	.758 (394)
1.92	.760 (395)
1.94	.763 (397)
1.96	.765 (398)
1.98	.767 (399)
2.00	.770 (400)
2.02	.772 (401)
2.20	.792 (412)

[1] Figure 54.15–25(c) shows a method of determining the side external surface area of a grouping of vertical pressure tanks.

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(c–1) For an independent tank that has a portion of the tank protruding above the open deck, the fire exposure factor must be calculated for the surface area above the deck and the surface area below the deck, and the calculation must be specially approved by the Commandant (G–MMT).

§ 54.25–10 [Amended]

5. By amending § 54.25–10 as follows:

a. In paragraph (a)(1), by striking the words "in Subchapter D (tank vessels)" and inserting the reference "and § 154.3" in place thereof after the reference "§ 38.05–4".

b. In paragraph (b)(1)(i) by striking "—70° F" and inserting "—67° F" in place thereof.

c. In table 54.25–10(b)(1) in the column entitled "Minimum service[1] temperature °F", by striking "—70" and inserting "—67" in place thereof, and in the column entitled "Manganese range[1] percent" by striking "0.90" and inserting "0.70" in place thereof, and by striking "1.65" and inserting "1.60" in place thereof,

d. By striking the columns following footnote 1 of Table 54.25–10(b)(1) and inserting the following two columns in place thereof:

	Range percent
Si	0.10–5.50
	Maximum
S	0.35
P	.35
Ni	.80
Cr	.25
Mo	.08
Cu	.35
Nb	.05
V	.08

e. In paragraph (b)(2), by striking "—70° F" and inserting "—67° F" in place thereof.

6. By striking in the second sentence in § 56.50–105(a) the words "Subchapter D (Tank Vessels) and I (Cargo and Miscellaneous Vessels)" and inserting "Subchapters D, I, and O" in place thereof.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

Subpart 98.25—[Revoked]

7. By revoking Subpart 98.25.

8. By redesignating Part 154—Special Interim Regulations for Issuance of Letters of Compliance as an appendix to Subchapter O.

9. By adding a new Part 154 to read as follows:

PART 154—SAFETY STANDARDS FOR SELF PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Subpart A—General

Sec.
154.1 Applicability.
154.3 Definitions.
154.4 U.S. Flag Vessel Endorsement Application.
154.5 Foreign Flag Vessel Endorsement Application.
154.6 U.S. Flag Certificate Endorsement.
154.8 Equivalents.
154.10 Conflict in regulations.

Subpart B—Inspections and Tests

ORIGINAL CERTIFICATE OF INSPECTION REQUIREMENTS

154.40 Purpose.
154.50 Integral tanks: Pressure test.
154.52 Membrane or semi-membrane tanks: Pressure test.
154.54 Independent tank type A: Pressure test.
154.56 Independent tank type B: Pressure test.
154.58 Independent tank type C: Pressure test.
154.60 Cargo tanks: Weld tightness test.
154.62 Secondary barrier: Weld tightness test.
154.64 Independent tanks type B: Stress level test.
154.66 Cargo and process piping valves: Tightness test.
154.68 Expansion bellows: Cycles and pressure tests.
154.70 Cargo and process piping systems: Hydrostatic test.
154.72 Cargo and process piping systems: Leak test.
154.74 Cargo and process piping systems: Functional test.
154.76 Integral tank: Production weld test.
154.78 Membrane tank: Production weld test.
154.80 Semi-membrane tank; independent tank type A or B: Production weld test.
154.82 Independent tank type C and process pressure vessel: Production weld test.
154.84 Secondary barrier: Production weld test.
154.90 Integral tank: Weld inspection standards.
154.92 Membrane tank: Weld inspection standards.
154.94 Independent tank type A; semi-membrane tank: Weld inspection standards for shell plating.
154.96 Independent tank type B: Weld inspection standards for shell plating.
154.98 Radiographic inspection standards for welds.
150 100 Semi-membrane tank; independent tank type A or B: Additional weld inspection standards.
154.102 Independent tank type C: Weld inspection standards.
154.104 Process pressure vessels: Weld inspection standards.
154.106 Cargo and process piping systems inspection standards.
154.108 Secondary barrier: Inspection standards.
154.110 First loading and discharging records.
154.120 Hull heating systems inspection.
154.122 Hull cold spot inspection.

CERTIFICATION OF INSPECTION RENEWAL REQUIREMENTS

154.130 Purpose.
154.132 First 12 month inspection.
154.134 Each 12 month inspection.
154.136 Special 48 month and 96 month inspections.
154.138 Ninety-six month inspection for indpendent tank type and process pressure vessels.
154.140 Special 144 month, 192 month, and 240 month inspections.
154.142 192 month inspection for independent tanks type C and process pressure vessels.

Subpart C—Design, Construction, and Equipment

HULL STRUCTURE

154.170 Outer hull steel plating.
154.172 Contiguous steel hull structure: General.
154.174 Transverse contiguous hull structure.
154.176 Longitudinal contiguous hull structure.
154.178 Contiguous hull structure: Heating system.
154.180 Contiguous hull structure: Welding procedure.
154.182 Contiguous hull structure: Welding procedure.
154.188 Membrane tank: Inner hull steel.
154.195 Aluminum tank: Steel enclosure.

SHIP SURVIVAL CAPABILITY AND CARGO TANK LOCATION

154.200 Stability requirements: General.
154.205 Intact stability requirements.
154.210 Damage stability requirement.
154.215 Hull type calculation.
154.220 Damage calculations.
154.225 Permeability of spaces and free surface effect.
154.230 Damage survival.
154.235 Tank location.

SHIP ARRANGEMENTS

154.300 Segregation of hold spaces from other spaces.
154.305 Segregation of hold spaces from the sea.
154.310 Cargo piping systems.
154.315 Cargo pump and compressor rooms.
154.320 Cargo control stations.
154.325 Accommodation, service, and control spaces.
154.330 Openings to accommodation, service, or control station spaces.
154.340 Access to tanks and spaces in the cargo area.
154.345 Air locks.
154.350 Bilge and ballast systems in the cargo area.
154.355 Bow and stern loading piping.

CARGO CONTAINMENT SYSTEMS: GENERAL

154.401 Definitions.
154.405 P_o of a tank.
154.406 Design loads for tanks and fixtures: General.
154.407 Tank internal pressure head.
154.408 Tank external pressure head.
154.409 Dynamic loads from vessel motion.
154.410 Tank sloshing loads.
154.411 Tank thermal loads.
154.412 Tank corrosion allowance.

INTEGRAL TANKS

154.418 General.
154.419 Design vapor pressure.
154.420 Tank scantlings.
154.421 Allowable stress.

MEMBRANE TANKS

154.425 General.
154.426 Design vapor pressure.
154.427 Tank scantlings.
154.428 Allowable stress.
154.429 Calculations.
154.430 Material test.
154.431 Model test.
154.432 Expansion and contraction.

SEMI-MEMBRANE TANKS

154.435 General.
154.436 Design vapor pressure.

INDEPENDENT TANK TYPE A

154.437 General.
154.438 Design vapor pressure.
154.439 Tank scantlings.
154.440 Allowable stress.

INDEPENDENT TANK TYPE B

Sec.
154.444 General.
154.445 Design vapor pressure.
154.446 Tank scantlings.
154.447 Allowable stress.
154.448 Calculations.
154.449 Model test.

INDEPENDENT TANK TYPE C AND PROCESS PRESSURE VESSELS

154.450 General.
154.451 Design vapor pressure.
154.452 External pressure.
154.453 Failure to meet independent tank type standards.

SECONDARY BARRIER

154.459 General.
154.460 Design criteria.

INSULATION

154.465 General.
154.466 Design criteria.
154.467 Submission of insulation information.

SUPPORT SYSTEM

154.470 General.
154.471 Design criteria.
154.476 Cargo transfer devices and means.

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Appendix A—Equivalent Stress
Appendix B—Stress analyses definitions.

AUTHORITY: Regulations for dangerous cargoes issued under R.S. 4472, as amended (46 U.S.C. 170) except those for flammable and combustible liquids issued under sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); the functions, powers, and duties relating to the Coast Guard under R.S. 4472, as amended, transfered to the Department under sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 46 U.S.C. 170 delegated to the Coast Guard under 49 CFR 1.46 (b) and (t), 46 U.S.C. 391a delegated to the Coast Guard under 49 CFR 1.46(n)(4).

Subpart A—General

§ 154.1 Applicability.

The regulations in this part apply to a self-propelled vessel that has on board bulk liquefied gases as a cargo, cargo residue, or vapor and that—

(a) Is constructed under a building contract awarded after October 31, 1976;

(b) In the absence of a building contract, has the keel laid or is at a similar stage of construction after December 31, 1976;

(c) Is delivered after June 30, 1980; or

(d) Has undergone a major conversion for which—

(1) The building contract is awarded after October 31, 1976;

(2) In the absence of a building contract, conversion is begun after December 31, 1976; or

(3) Conversion is completed after June 30, 1980.

§ 154.3 Definitions.

As used in this part:

(a) "'A' Class Division" means a division as defined in Regulation 3 of Chapter II–2 of the 1974 Safety Convention.

(b) "Accommodation spaces" means public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, games and hobbies rooms, pantries containing no cooking appliances, and similar spaces. Public spaces are those portions of the accommodations that are used as halls, dining rooms, lounges, and similar permanently enclosed spaces.

(c) [Reserved]

(d) "Boiling point" means the temperature at which a cargo exhibits a vapor pressure equal to the atmospheric barometric pressure.

(e) "Breadth (B)" means the maximum width of the vessel in meters measured admidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(f) "Cargo area" means that part of the ship which contains the cargo containment system and includes the deck areas over the full beam and length of the ship above the foregoing. The cofferdams, ballast or void spaces at the after end of the aftermost hold space or the forward end of the forwardmost hold space are excluded from the cargo area.

(g) "Cargo containment system" means the arrangement for containment of cargo including a primary and secondary barrier, associated insulation and any intervening spaces, and adjacent structure if necessary for the support of these elements. If the secondary barrier is part of the hull structure it may be a boundary of the hold space.

(h) "Cargo service space" means a space within the cargo area used for work shops, lockers, and store rooms of more than 2 m² (21.8 ft.²) in area.

(i) [Reserved]

(j) "Cofferdam" means the isolating space between two adjacent steel bulkheads or decks. This space may be a void space or ballast space.

(k) "Commandant" means the Commandant of the Coast Guard.

(l) "Contiguous hull structure" means hull srtucture that includes the inner bottom plating, longitudinal bulkhead plating, transverse bulkhead plating, floors, webs, stringers, and attached stiffeners.

(m) "Control space" means those spaces in which the vessel's radio or main navigating equipment or the emergency source of power is located or where the fire control equipment is centralized.

(n) "Design temperature" means the minimum temperature at which cargo may be loaded, unloaded, or carried.

(o) "Design vapor pressure (P_o)" means the maximum gauge pressure at the top of tank used in the design of the tank.

(p) "Essential auxiliary" means a piece of equipment or system that is vital to the safe operation of the vessel.

(q) "Flammable cargoes" means the following liquefied gases from Table I:

Acetaldehyde	Methane (LNG)
Butadiene	Methyl acetylene-propadiene mixture
Butane	Methyl bromide
Butylene	Methyl chloride
Dimethylamine	Propane
Ethane	Propeylene
Ethylamine	Vinyl chloride
Ethyl chloride	
Ethylene	
Ethylene oxide	

(r) "Flammable range" means the range between the minimum and maximum concentrations of vapor in air which form a flammable mixture.

(s) "Gas-dangerous space" means:

(1) A space in the cargo area that does not have approved arrangements to ensure that its atmosphere is at all times maintained in a safe condition.

(2) An enclosed space outside the cargo area through which any piping that may contain liquid or gaseous cargo passes, or within which such piping terminates, unless it has approved arrangements are installed to prevent any escape of gas into the atmosphere of that space.

(3) A cargo containment system and cargo piping.

(4) A hold space.

(5) A space separated from the hold space defined in paragraph (u) of this section by a single gastight steel boundary.

(6) A cargo pumproom and a cargo compressor room.

(7) A zone on the open deck, or semi-enclosed space on the open deck, within 3 m (10 ft.) of any cargo tank outlet, gas or vapor outlet, cargo pipe flange, cargo valve, or of entrances and ventilation openings to a cargo pump room and cargo compressor room.

(8) The open deck over the cargo area and 3m (10 ft.) forward and aft of the cargo area on the open deck up to a height of 2.4 m (8 ft.) above the weather deck.

(9) A zone within 2.4 m (8 ft.) of the outer surface of a cargo containment system where the surface is exposed to the weather.

(10) An enclosed or semi-enclosed space in which there are lines containing cargo except gas sampling lines led to gas detection equipment under § 154.1350(m) or a space that uses boil-off gas as fuel and complies with § 154.703.

(11) A space for cargo hoses.

(12) An enclosed or semi-enclosed space having a direct opening into any gas-dangerous space or zone, as defined in subparagraphs (1) through (11) of this paragraph.

(t) "Gas-safe space" means a space that is not a gas-dangerous space.

(u) "Hold space" means the space enclosed by the vessel's structure in which there is a cargo containment system.

(v) [Reserved]

(w) "Independent tank" means a self supporting tank that is not a part of the ship's hull and is not essential to the hull strength.

(x) "Insulation space" means a space that may or may not be an interbarrier space, occupied wholly or in part by insulation.

(y) "Interbarrier space" means the space between a primary and a secondary barrier, whether or not completely or partially occupied by insulation or other material.

(z) "Integral tank" means a tank that forms a structural part of the vessel's hull and is influenced in the same manner and by the same loads that stress the adjacent hull structure.

(aa) "Length (L)" means ninety-six percent of the total length in meters on a waterline at eighty-five percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, whichever is greater. In vessels designed with a rake of keel the waterline on which this length is measured must be parallel to the designed waterline.

(bb) "Marine Inspector" means any person designated for the performance of duties with respect to the enforcement and administration of Title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

(cc) "MARVS" means the Maximum Allowable Relief Valve Setting of a cargo tank.

(dd) "Membrane tank" means a tank that is non-self-supporting and consists of a thin layer (membrane) supported through insulation by the adjacent hull structure.

(ee) "Permeability of a space" means the ratio of the volume within that space that is assumed to be occupied by water to the total volume of the space.

(ff) "Primary barrier" means the inner element designed to contain the cargo when the cargo containment system included two boundaries.

(gg) "Secondary barrier" means the liquid resisting outer element of a cargo containment system designed to afford containment of any envisioned leakage of liquid cargo through the primary barrier for 15 days and to prevent the lowering of the temperature of the ship's structure to an unsafe level.

(hh) "Semi-membrane" tank means a tank that is non-self supporting in the loaded condition and consists of flat surfaces supported through insulation by the adjacent hull structure, and of shaped corners that connect the flat surfaces that can expand and contract due to thermal, hydrostatic, and pressure loadings.

(ii) "Service space" means a space outside the cargo area used for a galley, pantry containing cooking appliances, locker or store room, workshop other than those forming part of the machinery spaces, and similar spaces and trunks to such spaces.

(jj) "Shut off valve" means a valve that fully closes a pipeline and provides nominal metal to metal contact between the valve operating parts, including the disc and gate, and the valve body.

(kk) "Specific gravity" means the ratio of the density of the cargo, at the lowest temperature at which it may be carried, to the density of water at 4° C (39° F).

(ll) "Tank" means the liquid tight shell designed to be the primary container of the cargo and includes all such containers whether or not associated with insulation or secondary barriers.

(mm) "Tank cover" means the protective structure intended to protect the cargo containment system against damage where it protrudes through the weather deck and to ensure the continuity and integrity of the deck structure.

(nn) "Tank dome" means the upward extension of a portion of the cargo tank. For below deck cargo containment systems the tank dome protrudes through the weather deck or through a tank cover.

(oo) "Toxic cargoes" means the following liquefied gases from Table 4:

Acetaldehyde	Ethylene oxide
Ammonia	Methyl bromide
Dimethylamine	Methyl chloride
Ethylamine	Sulfur dioxide
Ethyl chloride	Vinyl chloride

(pp) "Vapor density" means the relative weight of the vapor compared with the weight of an equal volume of dry air at standard conditions of temperature and pressure.

(qq) "Vapor pressure" means the absolute equilibrium pressure of the saturated vapor above the liquid expressed in kp/cm² (psia) at a specified temperature.

(rr) "Void space" means an enclosed space in the cargo area external to a cargo containment system, which is not a hold space, ballast space, fuel oil tank, cargo pump or compressor room, or any space used by personnel.

(ss) "1974 Safety Convention" means the International Convention on Safety of Life at Sea, 1974.

(tt) "Liquefied gas" means a cargo having a vapor pressure of 1.76 kp/cm² (25 psia) or more at 37.8° C (103° F).

(uu) "Recognized classification society" means a non-government association that has issued standards accepted by the Commandant.

§ 154.4 U.S. flag vessel endorsement application.

(a) A person who desires the endorsement required by § 154.6 for a U.S. flag vessel must submit an application described in § 91.55–15 of this chapter for an endorsement of the vessel's subchapter D Certificate of Inspection.

(b) The person requesting an endorsement under paragraph (a) of this section must submit to the Coast Guard when requested—

(1) Hull type calculations required by § 154.201;

(2) The plans and information listed in §§ 54.01–18, 56.01–10, 91.55–5 (a), (b), (d), (g), and (h); and 111.05–5(d) of this chapter; and

(3) Any other vessel information, such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine whether or not the vessel meets the standards of this part.

§ 154.5 Foreign flag vessel endorsement application.

(a) A person who desires an endorsement on the Letter of Compliance required by § 154.1802 for a foreign flag vessel must submit an application to the Commandant (G–MHM) that includes—

(1) A list of cargoes for which the endorsement is requested;

(2) The names of the U.S. ports in which the person anticipates operating the vessel;

(3) The vessel's country of registry;

(4) A copy of the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued under the IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, if the vessel holds such a certificate;

(5) The name of the society that classes the vessel;

(6) A brief description of the vessel's cargo containment systems;

(7) Plans, calculations, or other information to show compliance under §§ 154.170, 154.447, 154.450, 154.466, and 154.701 through 154.709; and

(8) The following plans and information:

(i) Description of the vessel.

(ii) Specifications for the cargo containment system.

(iii) General arrangement of the vessel.

(iv) Midship section of the vessel.

(v) Schematic plans of the liquid and vapor cargo piping.

(vi) Firefighting and safety plan.

(b) All correspondence and vessel information must be in English.

(c) If the vessel does not have a Certificate of Fitness issued under the IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, adopted without amendments on November 12, 1975 by Assembly Resolution A.328(IX), the plans, calculations and information required by § 154.4(b) must be submitted to the Commandant (G–MHM).

§ 154.6 U.S. flag certificate endorsement.

(a) The Certificate of Inspection for a vessel intended to carry any liquefied gas is endorsed for each individual cargo as follows:

Inspected and approved for the carriage of (enter the applicable cargo name) at a maximum allowable relief valve setting of -------- kp/cm² (-------- psig) with an F factor of --------, a maximum external pressure of -------- kp/cm² (-------- psig), a minimum service temperature of ---- °C (---- °F), and a maximum specific gravity of ---------. Hull type ---------.

(b) The Commandant (G–MVI) also issues an IMCO Certificate of Fitness showing compliance with the IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, Resolution A.328(ix), if requested by the vessel owner or operator.

§ 154.8 Equivalents.

(a) Where a vessel must have a particular fitting, material, appliance, apparatus, equipment, provision, procedure, or arrangement, including cargo segregation, the Commandant may accept any other fitting, material, appliance, apparatus, equipment, provision, procedure, or arrangement, that he determines to be as effective as that specified in this part.

(b) In any case where it is shown to the satisfaction of the Commandant (G–MMT) that the use of any particular equipment, apparatus, or arrangement not specifically required by statute, but prescribed by regulations is unreasonable or impracticable, the Commandant (G–MMT) may allow the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure a degree of safety consistent with the minimum standards set forth in this part.

(c) Operational methods or procedures must not be substituted for a particular fitting, material, appliance, apparatus, item of equipment, or type thereof specified in this part.

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§ 154.10 Conflict in regulations.

(a) When a specific requirement in another part of this schapter is in conflict with any requirement in this part, the regulations in this part take precedence.

(b) When a vessel carries cargoes regulated by this part and by another part, the requirements of both parts must be met.

Subpart B—Inspections and Tests

ORIGINAL CERTIFICATE OF INSPECTION REQUIREMENTS

§ 154.40 Purpose.

Sections 154.50 through 154.122 prescribe the original test and inspection requirements for the cargo containment system, process pressure vessels, cargo and process piping, hull heating, and cold spots on liquefied gas vessels for the issuance of an original certificate of inspection for the vessel.

§ 154.50 Integral tanks: Pressure test.

An integral tank must pass in the presence of a marine inspector, a hydrostatic or hydropneumatic test that—

(a) Approximates the design stresses; and

(b) Has a pressure at the top of the tank at least equal to the MARVS.

§ 154.52 Membrane or semi-membrane tanks: Pressure test.

(a) The following pressure test procedures for a membrane or semi-membrane tank must be specially approved by the Commandant (G-MMT):

(1) Hydrostatically, hydropneumatically, or pneumatically testing the tank and any space adjacent to the hull structure that supports the membrane and contains liquid.

(2) Pneumatically testing the hold structure, the pipe tunnel, and any space adjacent to the hull structure that supports the membrane and does not contain liquid.

(b) A membrane or semi-membrane tank must pass, in the presence of a marine inspector, the hydrostatic, hydropneumatic, or pneumatic test specially approved by the Commandant (G-MMT).

§ 154.54 Independent tank type A: Pressure test.

An independent tank type A must pass, in the presence of a marine inspector, one of the following:

(a) A hydrostatic test that—

(1) Approximates the design stresses; and

(2) Has a pressure at the top of the tank at least equal to the MARVS; or

(b) A hydropneumatic test that—

(1) Approximates the service loading of the tank and its supports;

(2) Approximates the design stresses; and

(3) Has a pressure at the top of the tank at least equal to the MARVS.

§ 154.56 Independent tank type B: Pressure test.

Each independent tank type B must pass, in the presence of a marine inspector, a hydrostatic, or a hydropneumatic test that—

(a) Approximates design stresses;

(b) Has a pressure at the top of the tank at least equal to the MARVS;

(c) Has maximum primary membrane stress and maximum bending stress in primary members of less than 90 percent of the yield strength of the fabricated material at the test temperature; and

(d) Has strain gauges or other equipment to monitor the prototype tank during the test if the calculated test stresses exceed 75 percent of the yield strength of the fabricated material.

§ 154.58 Independent tank type C: Pressure test.

(a) An independent tank type C and a process pressure vessel must pass, in the presence of a marine inspector, a hydrostatic test that meets the following requirements:

(1) Section 54.10-10 of this chapter.

(2) The water temperature for the test must be at least 30° C (54° F) warmer than the nil ductility transition temperature of the fabricated material.

(3) The test pressure must be applied for a period of at least—

(i) Two hours; and

(ii) Five minutes for each additional mm of thickness for tank plating greater than 25 mm (1 in.).

(b) If a tank cannot be safely filled with water to meet the requirements under paragraph (a) of this section, the tank must, pass, in the presence of a mine inspector, a hydropneumatic test that is specially approved by the Commandant (G-MMT).

(c) A process pressure vessel must pass, in the presence of a marine inspector, the pneumatic test under § 54.10-15 of this chapter if—

(1) The vessel cannot be safely filled with water to meet the requirements under paragraph (a) of this section; or

(2) The water for the test under paragraph (a) of this section cannot be removed and traces of this water cannot be tolerated during the service of the vessel.

§ 154.60 Cargo tanks: Weld tightness test.

A tank must pass, in the presence of a marine inspector, one of the following weld tightness tests:

(a) Soap bubble test.

(b) Vacuum box test.

(c) A tightness test specially approved by the Commandant (G-MMT).

§ 154.62 Secondary barrier: Weld tightness test.

A secondary barrier for a tank must pass, in the presence of a marine inspector, one of the following tightness tests:

(a) Soap bubble test.

(b) Vacuum box test.

(c) A tightness test specially approved by the Commandant (G-MMT).

§ 154.64 Independent tanks type B: Stress level test.

(a) One independent tank type B and its supports on the first vessel of a class of vessels must have strain gauges to record stress levels during the pressure test after the tank is in the vessel and for the 24 months of service.

(b) The records from the strain gauges required under paragraph (a) of this section must be maintained for the first 24 months that the vessel is in service.

(c) The strain gauge records required under paragraph (b) of this section must be analyzed and specially approved by the Commandant (G-MMT) after the first thirty months that the vessel is in service.

§ 154.66 Cargo and process piping valves: Tightness test.

(a) At least one of each size and type of value in the cargo and process piping systems used at a working temperature lower than −55° C (−67° F) must be tested, including actuation, to at least the minimum design temperature and the maximum design pressure.

(b) A report of the test under paragraph (a) of this section must be specially approved by the Commandant (G-MMT).

§ 154.68 Expansion bellows: Cycles and pressure tests.

(a) The expansion bellows in a cargo system must be approved under § 56.35-15(e) of this chapter or tested as follows:

(1) At least one of each type of expansion bellows in the system must be tested under § 56.35-10 and § 56.35-15 of this chapter;

(2) At least one of each type of element in the expansion bellows, not precompressed, must pass a pressure test of at least five times the design pressure for at least five minutes without bursting.

(3) At least one type of expansion joint with flanges, stays, articulations, and all other accessories, must pass a pressure test under § 56.97-5 of this chapter without permanent deformation at—

(i) Twice the design pressure;

(ii) The extreme displacement conditions recommended by the manufacturer; and

(iii) The minimum design temperature.

(4) If an expansion joint is subject to vessel deformation loads, the expansion joint must pass a cyclic fatigue test—

(i) For at least 2,000,000 cycles at a frequency not higher than five cycles/second;

(ii) By simulating a bellows movement equal to a compensated pipe length; and

(iii) Without internal pressure.

(b) A report of the tests under paragraph (a) of this section must be specially approved by the Commandant (G-MMT).

§ 154.70 Cargo and process piping systems: Hydrostatic test.

The cargo and process piping systems inside and outside a tank must pass, in the presence of a marine inspector—

(a) A hydrostatic test to at least 1.5 times the design pressure after installation on the vessel;

(b) If the systems or part of the systems are manufactured with fittings, a hydrostatic test to at least 1.5 times the design pressure before or after installation on the vessel, except joints welded on board must be tested after installation on the vessel; or

(c) If the water for the test under paragraphs (a) or (b) of this section cannot be removed and traces of the water cannot be tolerated during the service of the vessel, an alternate test that is specially approved by the Commandant (G-MMT).

§ 154.72 Cargo and process piping systems: Leak test.

After installation on the vessel and in the presence of a marine inspector, the cargo and proces piping systems must pass a leak test with air, halides, or another medium at a pressure specially approved by the Commandant (G-MMT).

§ 154.74 Cargo and process piping systems: Functional test.

Before or during the first loading operation and in the presence of a Coast Guard inspector, the cargo and process piping system, including valves, fittings, and associated equipment for loading and discharging cargo or vapor, must be tested to determine if they load and discharge cargo and vapor under operating conditions.

§ 154.76 Integral tank: Production weld test.

An integral tank must pass, in the presence of a marine inspector, the production weld test of a recognized classification society.

§ 154.78 Membrane tank: Production weld test.

A membrane tank must pass, in the presence of a marine inspector, a production weld test that is specially approved by the Commandant (G-MMT).

§ 154.80 Semi-membrane tank; independent tank type A or B: Production weld test.

If a semi-membrane tank or an independent tank type A or B has a service temperature colder than −18° C (0° F), each 50 m (164 ft.) of butt welded joints in the tank must pass, in the presence of a marine inspector, the following production weld tests in the position that the joint is welded:

(a) A bend test under § 57.06-4 of this chapter.

(b) A charpy V-notch test, under § 57.06-5 of this chapter, using 3 specimens with the notch alternately in the center of the weld and the most critical loaction in the heat affected zone.[a]

[a] The most critical location in the heat affected zone of the weld is based on procedure qualification results except austenitic stainless steel has notches only in the center of the weld.

(c) If a butt welded joint in the tank does not pas the test under paragraph (b) of this section, it must be retested following the procedures under § 54.05-5 (c) of this chapter.

§ 154.82 Independent tank type C and process pressure vessel: Production weld test.

An independent tank type C and process pressure vessel must pass, in the presence of a marine inspector, the production weld tests under Subpart 57.06 of this chapter.

§ 154.84 Secondary barrier: Production weld test.

If a secondary barrier has a service temperature lower than −18° C (0° F) each 50 m (164 ft.) of butt welded joints in the secondary barrier must pass, in the presence of a marine inspector, a production weld test in the position that the joint is welded under—

(a) Section 154.76;

(b) Section 154.78; or

(c) Section 154.80.

§ 154.90 Integral tank: Weld inspection standards.

An integral tank must meet the weld inspection standards of a recognized classification society.

§ 154.92 Membrane tank: Weld inspection standards.

A membrane tank must meet the weld standards specially approved under § 154.425.

§ 154.94 Independent tank type A; semi-membrane tank: Weld inspection standards for shell plating.

(a) For independent tanks type A and semi-membrane tanks with design temperatures of −20° C (−4° F) or colder, each full penetration butt weld of a tank's shell plating must pass a 100 percent radiographic test.

(b) For independent tanks type A and semi-membrane tanks with design temperatures warmer than −20° C (−4° F), each full penetration butt weld intersection of a tank's shell plating must pass a radiographic test and 10 percent of the remaining full penetration butt welds must pass a radiographic test.

§ 154.96 Independent tank type B: Weld inspection standards for shell plating.

For independent tanks type B each full penetration butt weld of a tank's shell plating must pass a—

(a) 100 percent radiographic test; and

(b) 100 percent ultrasonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition.

§ 154.98 Radiographic inspection standards for welds.

(a) As used in this section:

(1) "t" means the thickness of the thinner portion of the weld.

(2) "Slag inclusion" means a nonmetallic solid material entrapped in weld metal or between weld metal and base metal including oxide and dirt.

(3) "l" means the length of the longest imperfection in a group of imperfections.

(b) A full penetration butt weld does not pass the test under § 154.94 or § 154.96 for the following types of imperfections:

(1) Any crack or zone of incomplete fusion or penetration.

(2) Any elongated slag inclusion that is longer than—

(i) 6.4 mm (¼ in.) for t less than 19.2 mm (¾ in.);

(ii) 8.5 mm (⅓ in.) for t of 19.2 mm (¾ in.) to 57.2 mm (2¼ in.); or

(iii) 19.2 mm (¾ in.) for t more than 57.2 mm (2¼ in.)

(3) Any group of aligned slag inclusions that together are longer than t in a length of 12 t, except when the distance between the successive imperfections exceeds 6t.

(4) Any stainless steel wire bristle that is longer than 9.5 mm (⅜ in.) or wider than 1.6 mm (1/16 in.).

(5) Tungsten inclusions in excess of 20 percent of t or 3.2 mm (⅛ in.), whichever is less in any dimension.

(6) Copper inclusions more than 3.2 mm (⅛ in.) in any dimension.

(7) Any dispersed cloud or diffused alloying of metals of higher density than aluminum more than 3.2 mm (⅛ in.) in any dimension.

(8) Metallic and non-metallic inclusions that are closer to each other than four times the length of the longest inclusion.

(9) The cumulative length of metallic inclusions, non-metallic inclusions, or both, that occur within a 3 t or 152.4 mm (6 in.) length of weld, whichever is less, and are greater than 38.1 mm (1½ in.) for nonaligned inclusions and 25.4 mm (1 in.) for aligned inclusions.

(10) The number of metallic inclusions, non-metallic inclusions, or both that occurs within 3 t or 152.4 mm (6 in.) length of weld, whichever is less, is more than seven for nonaligned inclusions and five for aligned inclusions.

(11) Any metallic inclusion lying on or penetrating the surface of the weld or heat affected zone of the weld.

(12) Porosity that exceeds the limits allowed in Appendix IV of Division 1 of Section VIII, of the ASME Code, 1974 edition.

§ 154.100 Semi-membrane tank: independent tank type A or B: Additional weld inspection standards.

The structure of the following tanks, except shell plating, must pass, in the presence of a marine inspector, a magnetic particle or dye penetrant method that is specially approved by the Commandant (G-MMT):

(a) An independent tank type A or a semi-membrane tank designed under § 154.435 as an independent tank type A.

(b) An independent tank type B or a semi-membrane tank designed under § 154.435 as an independent tank type B.

§ 154.102 Independent tank type C: Weld inspection standards.

An independent tank type C must, in the presence of a marine inspector—

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(a) Meet the requirements under §§ 54.10–1 and 54.10–3 of this chapter;
(b) Pass a 100 percent radiographic test of each full penetration butt weld of the tank's shell plating;
(c) Pass a 10 percent ultrasonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition, 10 percent magnetic particle, or 10 percent dye penetrant test of all tank welds; and
(d) Pass a 100 percent ultrasonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition, 100 percent magnetic particle test, or 100 percent dye penetrant test of each weld on reinforcement rings around holes and nozzles.

§ 154.104 Process pressure vessels: Weld inspection standards.

A process pressure vessel must, in the presence of a marine inspector—
(a) Meet the requirements under §§ 54.10–1 and 54.10–3 of this chapter;
(b) Pass a radiographic test of each full penetration butt weld intersection of the tank's shell plating;
(c) Pass a 10 percent radiographic test of each of the remaining full penetration butt welds; and
(d) Pass a 100 percent ultransonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition, 100 percent magnetic particle test, or 100 percent dye penetrant test of each weld on reinforcement rings around holes and nozzles.

§ 154.106 Cargo and process piping systems inspection standards.

The cargo and process piping systems must meet the inspection requirements under Subpart 56.95 of this chapter.

§ 154.108 Secondary barrier: Inspection standards.

(a) A secondary barrier must pass tests that are specially approved by the Commandant (G–MMT).
(b) If the outer hull of a vessel is part of the secondary barrier, the sheer strake butt welds and the intersections of all but and seam welds in the side of the hull must pass a 100 percent radiographic test.

§ 154.110 First loading and discharging records.

The master shall keep records of the operation of the following during the first loading and discharging of the cargo:
(a) Tanks.
(b) Cargo piping.
(c) Process pressure vessels.
(d) Cargo pumps.
(e) Cargo compressor.
(f) Hull structure heating system.
(g) Pressure and temperature control devices.

§ 154.120 Hull heating systems inspection.

During the first loading and discharge of the cargo, the master shall inspect the hull structure heating system and ensure that it meets the heat output and distribution requirements under §§ 154.174, 154.176, and 154.178.

§ 154.122 Hull cold spot inspection.

(a) A procedure for repairing the cargo containment system to correct hull cold spots must be specially approved by the Commandant (G–MMT).
(b) During the first loading and discharge of the cargo the master shall inspect the hull and ensure that each cold spot is corrected under the procedure required under paragraph (a) of this section.

CERTIFICATION OF INSPECTION RENEWAL REQUIREMENTS

§ 154.130 Purpose.

Sections 154.132 through 154.142 prescribe the requirements for the periodic inspections and tests of the cargo containment system, process pressure vessels cargo and process piping, and hull heating and cold spots for renewal of a liquefied gas vessel's certificate of inspection.

§ 154.132 First 12 month inspection.

During the twelfth month after the month an original certificate of inspection is issued for a liquefied gas vessel under § 31.05–1 of this chapter, the vessel must pass the following inspections in the presence of a marine inspector to retain the original certificate:
(a) An external visual inspection for defects of the following parts of a cargo containment system:
(1) Tank.
(2) Tank support structure, including foundations, chocks, islands, and saddles.
(3) Positioning structure, including keys and keyways.
(4) Equipment hatches.
(5) Personnel access, including hatches.
(6) Penetrations, including piping and electrical cable.
(7) Secondary barrier, except a test under § 154.62 may be substituted if the secondary barrier is inaccessible to the inspector.
(8) Adjacent hull structure.
(9) Insulation, without removing fixed insulation, tank structure, and hull structure.
(b) An internal visual inspection of at least one of each type of tank described in this part, including the cargo equipment and the cargo equipment mountings, for—
(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(c) An inspection of at least one of each type of tank relief valve that includes—
(1) Having defective parts repaired;
(2) The pressure setting test; and
(3) Sealing the pressure setting adjustment.
(d) An inspection for tank tightness by confirming the accuracy of—
(1) The gas detection system;
(2) Temperature measuring devices;
(3) Flow meters; and
(4) Log book entries for tanks.
(e) An external visual inspection of each interbarrier space venting system for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints;
(4) Loose piping supports; and
(5) Broken relief valve seals.
(f) An external inspection of each tank venting system for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints;
(4) Loose piping supports; and
(5) Broken relief valve seals.
(g) An inspection of the gas leak detection system by—
(1) Confirming the accuracy of the gas leak detection equipment, including indicators and alarms;
(2) A visual inspection of the gas leak detection piping for corrosion and piping distortion; and
(3) Confirming the log book entries for gas detection.
(h) An inspection of the inert gas system by a visual inspection of the—
(1) Inert gas equipment, including generator, storage tanks, indicators, and alarms to determine if they operate; and
(2) Inert gas piping for corrosion and piping distortion.
(i) An external visual inspection of cargo handling piping and machinery, including cargo and process piping, cargo heat exchanges, vaporizers, and compressors, for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints; and
(4) Loose piping supports.
(j) An external visual inspection of the hull heating piping coils for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints; and
(4) Loose piping supports.

§ 154.134 Each 12 month inspection.

Once during each 12 month period after the inspection under § 154.132 a vessel issued an endorsement under § 154.4 must pass, in the presence of a marine inspector, the inspections under §§ 154.132 (d) through (j) to retain the endorsement.

§ 154.136 Special 48 month and 96 month inspections.

During the 48th month and the 96th month after a vessel is issued an endorsement under § 154.4, the vessel must pass, in the presence of a marine inspector, the inspections under § 154.134 and the following inspections to retain the endorsement:
(a) An internal visual inspection of each tank, except independent tanks type C and process pressure vessels, including inspection of the cargo equipment, and cargo equipment mountings, for—
(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(b) Integral tanks and independent tanks types A and B must pass a hydrostatic or hydropneumatic test at a pressure at the top of the tank that is at least equal to the MARVS.
(c) Membrane and semi-membrane tanks must pass a hydrostatic, hydropneumatic, or pneumatic test specially approved by the Commandant (G–MMT).
(d) An external visual inspection of the tank support structure, including foundations, chocks, islands, and saddles, and the positioning structure, including keys, keyways, sway braces, and antiflotation arrangements, for—
(1) Corrosion;
(2) Distortion;
(3) Cracking of base metal; and
(4) Weld defects.
(e) An external visual inspection of the hull structure that forms a secondary barrier and the contiguous hull structure for—
(1) Corrosion;
(2) Distortion;
(3) Cracking of base metal; and
(4) Weld defects.
(f) An inspection of each relief valve or other relieving device for each interbarrier space that includes—
(1) Having defective parts repaired;
(2) A pressure setting test; and
(3) Sealing the pressure setting adjustment.
(g) An inspection of each tank relief valve that includes—
(1) Having defective parts repaired;
(2) A pressure setting test; and
(3) Sealing the pressure setting adjustment.
(h) A visual inspection of the liquid level indicators for the tanks for—
(1) Corrosion;
(2) Distortion of mechanical parts, and
(3) Loose supports.
(i) An external inspection of each quick closing valve required under §§ 154.530, 154.532, and 154.538 for—
(1) Corrosion;
(2) Distortion;
(3) Leaking piping joints;
(4) Restricted movement of moving parts; and
(5) Failure to close in the time required under § 154.544.
(j) A visual inspection, a pressure vacuum test, or a test specially approved by the Commandant (G–MMT) of the secondary barrier to determine if it meets § 154.460.

§ 154.138 Ninety-six month inspection for independent tank type C and process pressure vessels.

During the 96th month after a vessel is issued an endorsement under § 154.4 each independent tank type C cargo tank and process pressure vessel, including the cargo equipment and the cargo equipment mountings must pass, in the presence of a marine inspector, the following to retain the endorsement:
(a) An internal and external visual inspection for—
(1) Corrosion;
(2) Cracking of base material;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(b) A hydrostatic pressure test to a pressure of at least 1½ times the design vapor pressure, or if the tank cannot be safely filled with water, a test procedure specially approved by the Commandant (G–MMT).

§ 154.140 Special 144 month, 192 month, and 240 month inspections.

In the 144th month, the 192nd month, and the 240th month after a vessel is issued an endorsement under § 154.4, the vessel must pass, in the presence of a marine inspector, inspections under §§ 154.134 and 154.136 (d) through (j) and the following inspections to retain the endorsement:
(a) An internal visual inspection of each tank, except independent tanks type C and process pressure vessels, including inspections of the cargo equipment and the cargo equipment mountings, for—
(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(b) A hydrostatic or hydropneumatic test of each integral tank and independent tank types A and B to a pressure at the top of the tank that is at least equal to the MARVS.
(c) A hydrostatic, hydropneumatic, or pneumatic test specially approved by the Commandant (G–MMT) of each membrane and semi-membrane tank.
(d) A gauging of plating thickness of each tank.
(e) A gauging of plating thickness of each metal secondary barrier that provides structural support for the tank.

§ 154.142 192 month inspection for independent tanks type C and process pressure vessel.

During the 192nd month after a vessel is issued an endorsement under § 154.4, each independent type C cargo tank and process pressure vessel, including the cargo equipment and the cargo equipment mountings, must pass, in the presence of a marine inspector, the following to retain the endorsement:
(a) A visual inspection for—
(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(b) A hydrostatic pressure test to a pressure of at least 1½ times the design vapor pressure, or if the tank cannot be safely filled with water, a test specially approved by the Commandant (G–MMT).

HULL STRUCTURE

§ 154.170 Outer hull steel plating.

(a) Except as required in paragraphs (b), (c), and (d) of this section, the outer hull steel plating, including the shell and deck plating must meet the material standards of a recognized classification society.
(b) The deck stringer and sheer strake must be at least Grade E steel or a grade of steel that has equivalent chemical properties, mechanical properties, and heat treatment that is specially approved by the Commandant (G–MMT).
(c) The strake at the turn of the bilge must be Grade D, Grade E, or a grade of steel that has equivalent chemical properties, mechanical properties, and heat treatment that is specially approved by the Commandant (G–MMT).
(d) If the cargo carried causes the outer hull steel temperature to drop below 0° C (32° F), the outer hull steel must—
(1) Be designed for that temperature; and
(2) Meet the standards in § 154.172.

§ 154.172 Contiguous steel hull structure.

(a) Except as allowed in paragraphs (b) and (c) of this section, plates, forgings, forged and rolled fittings, rolled and forged bars and shapes, and castings used in the construction of the contiguous steel hull structure must meet the minimum design temperature, thickness, and steel grade in Table 1:

TABLE 1.—*Minimum design temperature, thickness, and steel grades in contiguous hull structures*

Minimum design temperature	Steel thickness	Steel [1] grade
0°C(32°F)	All	Standards of a recognized classification society.
−10°C(14°F)	t≤12.5 mm (½ in).	B.
	12.5 < t≤25.5 mm (1 in).	D.
	t>25.5 mm (1 in).	E.
−25°C(−13°F)	t≤12.5 mm (½ in).	D.
	t>12.5 mm (½ in).	E.

[1] Steel grade of a recognized classification society.

(b) For a minimum design temperature below −25° C (−13° F), the contiguous steel hull structure must meet § 154.610, except the steel thickness limitation.
(c) If a steel grade that is not listed in Table 1 has the equivalent chemical properties, mechanical properties, and heat treatment of a steel grade that is listed, the steel grade not listed may be used if specially approved by the Commandant (G–MMT) for use in the contiguous hull structure.

§ 154.174 Transverse contiguous hull structure.

(a) The transverse contiguous hull structure of a vessel having tanks without secondary barriers must meet the standards of a recognized classification society.
(b) The transverse contiguous hull structure of a vessel having tanks with secondary barriers must have a minimum design temperature that is—
(1) Colder than the calculated temperature of this hull structure assuming the—
(i) Temperature of the secondary barrier to be the temperature of the cargo carried; and
(ii) Ambient cold condition required under § 154.176(b)(1)(ii) and (iii); or
(2) Temperature maintained by the heating system under § 154.178.

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(c) A heat load calculation must show that the heating system meets paragraph (b)(2) of this section.

§ 154.176 Longitudinal contiguous hull structure.

(a) The longitudinal contiguous hull structure of a vessel having tanks without secondary barriers must meet the standards of a recognized classification society.

(b) The longitudinal contiguous hull structure of a vessel having tanks with secondary barriers must have a minimum design temperature that is—

(1) Colder than the calculated temperature of this hull structure assuming the—

(i) Temperature of the secondary barrier is the temperature of the cargo carried; and

(ii) For any waters in the world except Alaskan waters, ambient cold condition of—

(A) Five knots air at −18° C (0° F); and

(B) Still sea water at 0° C (32° F); or

(iii) For Alaskan waters the ambient cold condition of—

(A) Five knots air at 29° C (−20° F); and

(B) Still sea water at 2° C (28° F); or

(2) Maintained by the heating system under § 154.178, if, without heat, the contiguous hull structure has at least a minimum design temperature that is colder than the calculated temperature of the hull structure assuming the—

(i) Temperature of the secondary barrier is the temperature of the cargo carried; and

(ii) Ambient cold conditions of still air at 5° C (41° F) and still sea water at 0° C (32° F).

(c) A heat load calculation must show that the heating system meets pargraph (b)(2) of this section.

§ 154.178 Contiguous hull structure: Heating system.

The heating system for transverse and longitudinal contiguous hull structure is an essential auxiliary and must—

(a) Have the heating capacity to meet § 154.174 of § 154.176;

(b) Have stand-by heating to provide 100 percent of the required heat load and distribution determined under § 154.174 (c) and § 154.176(c); and

(c) Meet Parts 52, 53, and 54 of this chapter.

§ 154.180 Contiguous hull structure: Welding procedure.

Welding procedure tests for contiguous hull structure with a design temperature colder than −18° C (0° F) must meet § 54.05–15 and Part 57.03 of this chapter.

§ 154.182 Contiguous hull structure: Production weld test.

If the contiguous hull structure has a design temperature colder than −34° C (−30° F), each 50 m (164 ft.) of full penetration butt welded joints in the contiguous hull structure must pass, in the presence of a Coast Guard inspector, the following production weld tests in the position that the joint is welded:

(a) A bend test under § 57.06–4 of this chapter.

(b) A charpy V-notch test under § 57.06–5 of this chapter from 3 specimens with the notch alternately located in the center of the weld and the most critical location in the heat affected zone.[3]

(c) If the contiguous hull structure does not pass the test under paragraph (b) of this section, the retest procedures under § 54.05–5(c) must be used.

§ 154.188 Membrane tank: Inner hull steel.

For a vessel with membrane tanks, the inner hull plating thickness must meet the deep tank requirements of a recognized classification society.

§ 154.195 Aluminum tank: Steel enclosure.

(a) An aluminum tank and its dome must be enclosed by the vessel's hull structure or a separate steel cover.

(b) The steel cover for the aluminum tank must meet the steel structural standards of a recognized classification society.

(c) The steel cover for the aluminum tank dome must be—

(1) At least 3 mm (⅛ in.) thick;

(2) Separated from the tank dome, except at the support points; and

(3) Thermally isolated from the dome.

SHIP SURVIVAL CAPABILITY AND CARGO TANK LOCATION

§ 154.200 Stability requirements: General.

Each vessel must be stable for the full range of drafts taking into account any empty or partially filled tanks and the weight and volume of the cargoes carried.

§ 154.205 Intact stability requirements.

(a) Each vessel must meet Part 93 of this chapter.

(b) During loading and unloading the vessel must have at least 50 mm (2 in.) of positive metacentric height.

§ 154.210 Damage stability requirement.

Each vessel must be shown by design calculations to meet the survival presumptions in § 154.230 assuming the damage for the cargo it carries in the hull type specified in § 154.215.

154.215 Hull type calculation.

(a) Where Table 4 requires a type I G hull, design calculations must show that the vessel can survive damage at any location.

(b) Where Table 4 requires a type II G hull, design calculations must show that a vessel—

(1) Longer than 150 m (492.15 ft.) in length can survive damage at any location; and

(2) 150 m (492.15 ft.) long or shorter can survive damage at any location except the transverse bulkheads bounding an aft machinery space.

(c) If a vessel has independent tanks Type C with a MARVS of 7 kp/cm² (100 psig) and Table 4 allows a type II PG hull the design calculations must show that a 150 m (492.15 ft.) long or shorter vessel can survive damage at any location, except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(a)(1).

(d) Where Table 4 requires a type III G hull, design calculations must show that a vessel—

(1) 125 m (410.13 ft.) or longer can survive damage at any location except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.230(a)(1); and

(2) Shorter than 125 m (410.13 ft.) can survive damage at any location, except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(a)(1) and except in the main machinery space.

(e) For the purposes of paragraphs (c) and (d) of this section, damage must be assumed to transverse bulkheads spaced closer than the longitudinal extent of damage specified in § 154.220(a)(1), and a main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks must be assumed damaged if there is a step or a recess in a transverse bulkhead that is longer than 3 m (10 ft.) located within the extent of penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not a step for the purpose of this regulation.

§ 154.220 Damage calculations.

(a) For the purpose of § 154.210, design calculations must assume both side and bottom damage, applied separately.

(b) Damage must consist of the most disabling penetration up to and including penetrations having the following dimensions:

(1) *Side penetration.*

(i) Longitudinal extent: 1/3 $L^{2/3}$ or 14.5 m (0.495 $L^{2/3}$ or 47.6 ft.), whichever is shorter.

(ii) Transverse extent (inboard from the ship's side at right angles to the centerline at the level of the summer load line assigned under subchap. E): B/5 or 11.5 m (37.7 ft.), whichever is shorter.

(iii) Vertical extent: from the base line upward without limits;

(2) *Bottom penetration.*

At the forward end but excluding any damage aft of a point 0.3 L aft of forward perpendicular:

(i) Longitudinal: ⅓ $L^{2/3}$ or 14.5 m (.495 $L^{2/3}$ or 47.6 ft.), whichever is shorter.

(ii) Transverse: B/6 or 10 m (32.8 ft.), whichever is shorter.

(iii) Vertical extent from the molded line of the shell at the centerline: B/15 or 2 m (6.6 ft.), whichever is shorter.

[3] The most critical location in the heat affected zone of the weld is based on procedure qualification results, except austenitic stainless steel has notches only in the center of the weld.

At any longitudinal position aft of a point 0.3 L aft of the forward perpendicular:

(i) L/10 or 5 m (16.4 ft.), whichever is shorter.

(ii) B/6 or 5 m (16.4 ft.), whichever is shorter.

(iii) B/15 or 2 m (6.6 ft.), whichever is shorter.

(c) When the damage assumption excludes a transverse bulkhead bounding a machinery space, the machinery space must be assumed to be damaged as a case separate from the side and bottom peneration.

§ 154.225 Permeability of spaces and free surface effect.

(a) The free surface effect must be calculated at an angle of heel of 5° for each individual space or the effect of free liquid in a tank must be calculated by assessing the shift of liquids by moment of transference caluculations.

(b) In calculating the effect of free surfaces of consumable liquids, it must be assumed that, for each type of liquid, at least one transverse pair of wing tanks or a single center line tank has a free surface, and the tank or combination of tanks must be selected where the effect of free surfaces is the greatest.

(c) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 0.85, unless the use of an asumed permeability of less than 0.85 is justified in detail.

(d) The assumed permeability of a floodable space other than a machinery space must be as follows:

(1) Storerooms, 0.60; (2) Accommodation spaces, 0.95; (3) void, 0.95; (4) consumable liquid tanks, 0.95 or 0, whichever results in the more disabling; (5) other liquid tanks, 0.95 or 0.[4]

Wherever damage penetrates a cargo tank it must be assumed that the cargo is completely lost from the compartment and replaced by salt water up to the level of the final plane of equilibrium.

§ 154.230 Damage survival.

A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(a) *Heel angle.* The maximum angle of heel must not exceed 30°.

(b) *Final waterline.* The waterline, taking into account sinkage, heel and trim, must be below the lower edge of openings such as air pipes and openings closed by weathertight doors or hatch covers, except openings closed by means of watertight manhole covers and watertight flush scuttles, small watertight cargo tank hatch covers that maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(c) *Range of stability.* (1) The righting lever curve must be positive and have a minimum range of 20° beyond the angle of equilibrium.

(2) The maximum righting lever within the range specified in paragraph (c)(1) of this section must be at least 100 mm (3.9 in.).

(3) Each opening within the 20° range beyond the angle of equilibrium must be at least weathertight.

(d) *Local damage.* The maximum angle of heel must not exceed the greater of 30° or the angle at which restoration of propulsion, steering engine power and use of the ballast system is precluded for local damage, extending 760 mm (29.9 in.) normal to the hull shell, that affects a—

(1) Longitudinal bulkhead; and

(2) Transverse bulkhead on type IG and IIG vessels.

(e) *Equalization arrangements.* Equalization arrangements requiring mechanical aids such as valves or cross-flooding lines may not be considered for reducing the angle of heel. Spaces joined by ducts of large cross sectional area are treated as common spaces.

(f) *Progressive flooding.* If pipes, ducts, or tunnels are within the assumed extent of damage, arrangements must be made to prevent progressive flooding in a space that is not assumed to be flooded in the damaged stability calculations. If an intermediate stage of flooding is more critical than the final stage, calculations for the intermediate stage must be submitted for special approval by Commandant (G-MMT).

§ 154.235 Tank location.

(a) For type IG hulls, cargo tanks must be located inboard of—

(1) The transverse damage specified in § 154.220(b)(1)(ii);

(2) The verticle damage specified in § 154.220(b)(2)(iii); and

(3) 760 mm (30 inches) from the shell planting.

(b) For type IIG, IIPG, and IIIG hulls cargo tanks must be located inboard of—

(1) The vertical extent of damage specified in § 154.220(b)(2)(iii); and

(2) 760 mm (30 inches) from the shell plating.

(c) In vessels having membrane and semi-membrane tanks, the vertical and transverse extents of damage must be measured to the inner hull.

(d) For type IIG, IIPG, and IIIG hulls, tank suction wells may penetrate into the area of bottom damage specified in § 154.220(b)(2)(iii) if the penetration is the lesser of 25 percent of the double bottom height or 350 mm (13.8 in.).

SHIP ARRANGEMENTS

§ 154.300 Segregation of hold spaces from other spaces.

Hold spaces must be segregated from machinery and boiler spaces, accommodation, service and control spaces, chain lockers, potable, domestic and feed water tanks, store rooms and spaces immediately below or outboard of hold spaces by a—

(a) Cofferdam, fuel oil tank, or single gastight A–60 Class Division of all welded construction in a cargo containment system not requiring a secondary barrier;

(b) Cofferdam or fuel oil tank in a cargo containment system requiring a secondary barrier; or

(c) If there are no sources of ignition or fire hazards in the adjoining space, single gastight A–O Class Division of all welded construction.

§ 154.305 Segregation of hold spaces from the sea.

In vessels having cargo containment systems requiring a secondary barrier, hold spaces must be segregated from the sea by—

(a) A double bottom if the cargo tanks are approved for temperatures colder than −10° C (14° F); and

(b) Wing tanks if the cargo tanks are approved for temperatures colder than −55° C (−67° F).

§ 154.310 Cargo piping systems.

Cargo liquid or vapor piping must—

(a) Be separated from other piping systems, except where an interconnection to inert gas or purge piping is required by § 154.801(a);

(b) Not enter or pass through any accommodation, service, or control space;

(c) Except as allowed under § 154.703, not enter or pass through a machinery space other than a cargo pump or compressor room;

(d) Be in the cargo area above the open deck, except for bow and stern loading and emergency dumping;

(e) Connect into the cargo containment system above the open deck except—

(1) Pipes in a trunk traversing void spaces above a cargo containment system; and

(2) Pipes in cofferdams for draining, venting, or purging interbarrier and hold spaces; and

(f) Be inboard of the transverse tank location required by § 154.206, except for thwartship shore connection manifolds not subject to internal pressure at sea.

§ 154.315 Cargo pump and compressor rooms.

(a) Cargo pump rooms and cargo compressor rooms must be above the open deck and within the cargo area.

(b) Where pumps and compressors are driven by a prime mover in an adjacent gas safe space—

(1) The bulkhead or deck must be gastight; and

(2) The shafting passing through the bulkhead or deck must be sealed by a fixed oil reservoir gland seal or other positive pressure seal specially approved by the Commandant (G–MMT).

§ 154.320 Cargo control stations.

(a) Cargo control stations must be above the open deck.

(b) If a cargo control station is in accommodation, service, or control space or has access to such a space, the station must—

(1) Be a gas safe space;

(2) Have an access to the space that meets § 154.30; and

(3) Have indirect reading instrumentation, except for gas detectors.

(c) Cargo control stations, including a room or area, must contain all alarms, indicators, and remote controls associated with each tank that the station controls.

[4] The permeability of partially filled tanks must be consistent with actual density and amount of liquid carried.

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§ 154.325 Accommodation, service, and control spaces.

(a) Accommodation, service, and control spaces must be outside the cargo area.

(b) If a hold space having a cargo containment system that requires a secondary barrier is separated from any accommodation, service, or control space by a cruciform joint, there must be a cofferdam on one side of the cruciform joint.

§ 154.330 Openings to accommodation, service, or control spaces.

(a) Entrances, forced or natural ventilation intakes and exhausts, and other openings, except as allowed in paragraph (c) of this section, must be—

(1) At least L/25 or 3 m (10 ft) from the athwartship bulkhead facing the cargo area, whichever is farther, except that the distance need not exceed 5 m (16.4 ft); and

(2) On a house athwartship bulkhead not facing the cargo area or on the outboard side of the house.

(b) Port lights located on the athwartship bulkhead of a house facing the cargo area, or the house sides within L/25 or 5 m (16.4 ft), whichever is less, must not open.

(c) Wheelhouse doors and windows that open may be within L/25 or 5 m (16.4 ft), whichever is less, of the athwartship bulkhead of a house facing the cargo area, if they have gaskets and dogs to make them watertight when tested with a fire hose at not less than 2.11 kp/cm² (30 psig).

(d) Port lights in the hull plating below the uppermost continuous deck and in the first tier of the superstructure must not open.

(e) Air intakes and openings into accommodation, service and control spaces must have—

(1) Gasketed metal covers; and

(2) On toxic cargo vessels, covers that can be closed from inside the space.

§ 154.340 Access to tanks and spaces in the cargo area.

In the cargo area—

(a) Each cargo tank must have a manhole from the open deck, the clear opening of which is at least 600 mm by 600 mm (23.6 in. by 23.6 in.);

(b) Each access to a hold space, void space, or other gas dangerous space must have a clear opening of at least 600 mm by 600 mm (23.6 in. by 23.6 in.);

(c) Each manhole through bulkheads, frames, or other vertical structural member must have a clear opening of at least 600 mm (23.6 in.) by 800 mm (31.5 in.) and be at most 600 mm (23.6 in.) from the deck or bottom plating unless there is a fixed ladder;

(d) Each access trunk must be at least 760 mm (30 in.) in diameter.

(e) The lower edge of each access from the open deck to gas safe spaces in the cargo area must be at least 2.4 mm (7.87 ft.) above the open deck or through an air lock that meets § 154.345;

(f) The inner hull must be accessible for inspection from at least one side without the removal of any fixed structure or fitting; and

(g) The hold space insulation must be accessible for inspection from at least one side from within the hold space while the tank is at the cargo temperature unless an inspection method from outside of the hold space is specially approved by the Commandant (G-MMT).

§ 154.345 Air locks.

(a) An air lock may be used for access from a gas dangerous zone on the open deck to a gas safe space in the cargo area.

(b) Each air lock must—

(1) Consist of two steel doors, at least 1.5 m (4.92 ft.) but not more than 2.5 m (8.20 ft.) apart each gasketed and dogged and watertight when tested with a fire hose at not less than 2.11 kp/cm² (30 psig);

(2) Have self-closing doors with no latches or other devices for holding them open;

(3) Have an audible and visual alarm on both sides actuated when the securing devices on both doors move from the fully closed position at any one time;

(4) Have mechanical ventilation in the space between the doors from a gas safe area;

(5) Have a pressure greater than that of the gas dangerous area on the open deck;

(6) Have the rate of air change in the space between the doors of at least 12 changes per hour;

(7) Have the space between the doors monitored for cargo vapor leaks under § 154.1350; and

(c) In addition to the requirements of paragraphs (a) and (b) of this section, no gas safe space on a liquefied flammable gas carrier may have an air lock unless the space—

(1) Is mechanically ventilated to make the pressure in the space greater than that in the air lock; and

(2) Has a means of automatically de-energizing all electrical equipment that is not explosion-proof in the space when the pressure in the space falls to or below the pressure in the air lock.

§ 154.350 Bilge and ballast systems in the cargo area.

(a) Hold, interbarrier, and insulation spaces must have a means of sounding the space or other means of detecting liquid leakage acceptable to the Commandant (G-MMT).

(b) Each hold and insulation space must have a bilge drainage system.

(c) Interbarrier spaces must have an educator or pump for removing liquid cargo and returning it to the cargo tanks or to an emergency dump.

(d) Spaces in the cargo containment portion of the vessel, except ballast spaces and gas safe spaces, must not connect to pumps in the main machinery space.

§ 154.355 Bow and stern loading piping.

(a) Bow and stern loading piping must—

(1) Meet § 154.310;

(2) Be installed in an area away from the accommodation, service, or control space on type I G hulls;

(3) Be clearly marked;

(4) Be segregated from the cargo piping by at least two shut off valves in the cargo area that has a means of locking to meet § 154.1870(a);

(5) Have a means for checking cargo vapor between the two valves required in paragraph (a)(3) of this section;

(6) Have fixed inert gas purging lines; and

(7) Have fixed vent lines for purging with inert gas to meet § 154.1870(b).

(b) Entrances, forced or natural ventilation intakes, exhaust, and other openings to accommodation, service, or control spaces that face the bow or stern loading area must meet §§ 154.330.

Cargo Containment Systems

§ 154.401 Definitions.

As used §§ 154.440 and 154.447:

"σ_T" means the minimum yield stress of the tank material, including weld metal, at room temperature.

"σB" means minimum tensile strength of the tank material, including weld metals at room temperature.

§ 154.405 P_o of a tank.

(a) The P_o of a tank must be equal to or greater than the MARVS.

(b) The P_o of a tank must be equal to or greater than the vapor pressure of the cargo at 45° C (113° F) if—

(1) The tank has no temperature control for the cargo; and

(2) The pressure of the cargo results from ambient temperature.

(c) The P_o of a tank may be less than the vapor pressure for harbor conditions if specially approved by the Commandant (G-MMT).

§ 154.406 Design loads for tanks and fixtures: General.

(a) It must be shown that a tank and its fixtures are designed for the following loads:

(1) Internal pressure head.

(2) External pressure load.

(3) Dynamic loads resulting from the motion of the vessel.

(4) Transient or stationary thermal loads if the cargo temperature is colder than −55° C (−67° F) or causes thermal stresses in tank support.

(5) Sloshing loads, if the tank is designed for partial loads.

(6) Loads resulting from vessel's deflection.

(7) Tank weight, cargo weight, and corresponding support reaction.

(8) Insulation weight.

(9) Loads of a tower and any other attachments to the tank.

(10) Vapor pressure loads in harbor conditions allowed under § 154.405.

(11) Gas pressurization for cargo transfer load.

(b) A tank must be designed for the most unfavorable static heel angle within a 0° to 30° range without exceeding the allowable stress of the material.

(c) A hydrostatic or hydropneumatic test design load must be specially approved by the Commandant (G-MMT).

§ 154.407 Tank internal pressure head.

(a) For the calculation required under § 154.406(a), the internal pressure head (h_{eq}), must be determined from the following formula:

$$h_{eq} = 10\,P_o + (h_{\beta d}) \text{ max}$$

$h_{\beta d}$ (the value of internal pressure, in meters of fresh water, resulting from the combined effects of gravity and dynamical accelerations of a full tank) $= a_\beta z$;

where

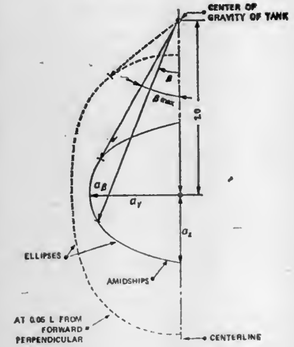
a_β = Dimensionless acceleration relative to the acceleration of gravity, resulting from gravitational and dynamical loads in the β direction (see figure 1);

Z_β = Largest liquid height (m) above the point where the pressure is to be determined in the β direction (see figure 2);

λ = Maximum specific weight of the cargo (t/m³) at the design temperature.

(b) The h_{eq} max must be determined from the β max direction on the ellipse in Figure 1 which gives the maximum value.

(c) When the longitudinal acceleration is considered in addition to the vertical and tranverse acceleration, an ellipsoid must be used in the calculations instead of the ellipse contained in Figure 1.

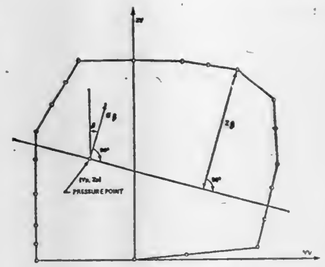


NOTE: RESULTING ACCELERATION (STATIC + DYNAMIC) = a_β IN ARBITRARY DIRECTION β.

a_y = TRANSVERSE COMPONENT OF ACCELERATION.

a_z = VERTICAL COMPONENT OF ACCELERATION.

Figure 1



NOTE: LARGEST LIQUID HEIGHT ABOVE THE POINT WHERE THE PRESSURE IS DETERMINED = Z_β

Figure 2

§ 154.408 Tank external pressure load.

For the calculation required under § 154.406(b), the external pressure load must be the difference between the minimum internal pressure (maximum vacuum), and the maximum external pressure to which any portion of the tank may be simultaneously subjected.

§ 154.409 Dynamic loads from vessel motion.

(a) For the calculation required under § 154.406(c), the dynamic loads must be determined from the long term distribution of vessel motions, including the effects of surge, sway, heave, roll, pitch, and yaw on irregular seas that the vessel may experience during 10° wave encounters. The speed used for this calculation may be reduced from the ship service speed if specially approved by the Commandant (G-MMT) and if that reduced speed is used in the hull strength calculation under § 31.10-5(c) of this chapter.

(b) If the loads determined under paragraph (c), (d), or (e) of this section results in a design stress that is lower than the allowable stress of the material under §§ 154.610, 154.615, or 154.620, reduce the allowable stress to that stress determined in paragraph (c), (d), or (e) of this section.

(c) If a tank is designed to avoid plastic deformation and buckling, then acceleration components of the dynamic loads are determined from one of the following methods:

(1) Method 1 is a detailed analysis of the vessels acceleration components.

2. Method 2 is an analysis by the following formulae:

(i) Vertical acceleration under § 154.409(f)(1):

$$a_z = \pm a_o \sqrt{1 + \left(5.3 - \frac{45}{L_o}\right)^2 \left(\frac{x}{L_o} + 0.05\right)^2 \left(\frac{0.6}{C_B}\right)^{3/2}}$$

(ii) Transverse acceleration under § 154.409(f)(2):

$$a_y = \pm a_o \sqrt{0.6 + 2.5\left(\frac{x}{L_o} + 0.05\right)^2 + K\left(1 + 0.6K\,\frac{z}{B}\right)^2}$$

(iii) Longitudinal acceleration under § 154.409(f)(3):

$$a_x = \pm a_o \sqrt{0.06 + A^2 - 0.25A}$$

where:

$$A = \left(0.7 - \frac{L_o}{1200} + 5\,\frac{z}{L_o}\right)\left(\frac{0.6}{C_B}\right)$$

L = Length of the vessel between perpendiculars, in meters.

C_B = Block coefficient.

B = Greatest moulded breadth, in meters.

x = Longitudinal distance, in meters, from amidships to the center of gravity of the tank with contents (positive forward of amidships, negative aft of amidships).

z = Vertical distance in meters, from the vessel's waterline, to center of gravity of tank with contents (positive above and negative below the waterline).

$$a_o = 0.2\,\frac{V}{\sqrt{L_o}} + \frac{34 - \frac{600}{L_o}}{L_o}$$

V = Service speed in knots.

$K = 1.0$, or $\frac{13\,GM}{B}$, whichever is greater.

GM = Metacentric height in meters.

a_x = The maximum dimensionless acceleration in the x direction, acting separately for calculation purposes, and includes the component of the static weight in the longitudinal direction due to pitching.

a_y = Maximum dimensionless acceleration in the y direction, acting separately for calculation purposes, and includes the component of static weight in the transverse direction due to rolling.

a_z = Maximum dimensionless acceleration in the z direction, acting separately for calculation purposes, not including the static weight.

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§ 154.325 Accommodation, service, and control spaces.

(a) Accommodation, service, and control spaces must be outside the cargo area.

(b) If a hold space having a cargo containment system that requires a secondary barrier is separated from any accommodation, service, or control space by a cruciform joint, there must be a cofferdam on one side of the cruciform joint.

§ 154.330 Openings to accommodation, service, or control spaces.

(a) Entrances, forced or natural ventilation intakes and exhausts, and other openings, except as allowed in paragraph (c) of this section, must be—

(1) At least L/25 or 3 m (10 ft) from the athwartship bulkhead facing the cargo area, whichever is farther, except that the distance need not exceed 5 m (16.4 ft); and

(2) On a house athwartship bulkhead not facing the cargo area or on the outboard side of the house.

(b) Port lights located on the athwartship bulkhead of a house facing the cargo area, or the house sides within L/25 or 5 m (16.4 ft), whichever is less, must not open.

(c) Wheelhouse doors and windows that open may be within L/25 or 5 m (16.4 ft), whichever is less, of the athwartship bulkhead of a house facing the cargo area, if they have gaskets and dogs to make them watertight when tested with a fire hose at not less than 2.11 kp/cm² (30 psig).

(d) Port lights in the hull plating below the uppermost continuous deck and in the first tier of the superstructure must not open.

(e) Air intakes and openings into accommodation, service and control spaces must have—

(1) Gasketed metal covers; and

(2) On toxic cargo vessels, covers that can be closed from inside the space.

§ 154.340 Access to tanks and spaces in the cargo area.

In the cargo area—

(a) Each cargo tank must have a manhole from the open deck, the clear opening of which is at least 600 mm by 600 mm (23.6 in. by 23.6 in.);

(b) Each access to a hold space, void space, or other gas dangerous space must have a clear opening of at least 600 mm by 600 mm (23.6 in. by 23.6 in.);

(c) Each manhole through bulkheads, frames, or other vertical structural member must have a clear opening of at least 600 mm (23.6 in.) by 800 mm (31.5 in.) and be at most 600 mm (23.6 in.) from the deck or bottom plating unless there is a fixed ladder;

(d) Each access trunk must be at least 760 mm (30 in.) in diameter.

(e) The lower edge of each access from the open deck to gas safe spaces in the cargo area must be at least 2.4 mm (7.87 ft.) above the open deck or through an air lock that meets § 154.345;

(f) The inner hull must be accessible for inspection from at least one side without the removal of any fixed structure or fitting; and

(g) The hold space insulation must be accessible for inspection from at least one side from within the hold space while the tank is at the cargo temperature unless an inspection method from outside of the hold space is specially approved by the Commandant (G-MMT).

§ 154.345 Air locks.

(a) An air lock may be used for access from a gas dangerous zone on the open deck to a gas safe space in the cargo area.

(b) Each air lock must—

(1) Consist of two steel doors, at least 1.5 m (4.92 ft.) but not more than 2.5 m (8.20 ft.) apart each gasketed and dogged and watertight when tested with a fire hose at not less than 2.11 kp/cm² (30 psig);

(2) Have self-closing doors with no latches or other devices for holding them open;

(3) Have an audible and visual alarm on both sides actuated when the securing devices on both doors move from the fully closed position at any one time;

(4) Have mechanical ventilation in the space between the doors from a gas safe area;

(5) Have a pressure greater than that of the gas dangerous area on the open deck;

(6) Have the rate of air change in the space between the doors of at least 12 changes per hour;

(7) Have the space between the doors monitored for cargo vapor leaks under § 154.1350; and

(c) In addition to the requirements of paragraphs (a) and (b) of this section, no gas safe space on a liquefied flammable gas carrier may have an air lock unless the space—

(1) Is mechanically ventilated to make the pressure in the space greater than that in the air lock; and

(2) Has a means of automatically deenergizing all electrical equipment that is not explosion-proof in the space when the pressure in the space falls to or below the pressure in the air lock.

§ 154.350 Bilge and ballast systems in the cargo area.

(a) Hold, interbarrier, and insulation spaces must have a means of sounding the space or other means of detecting liquid leakage acceptable to the Commandant (G-MMT).

(b) Each hold and insulation space must have a bilge drainage system.

(c) Interbarrier spaces must have an educator or pump for removing liquid cargo and returning it to the cargo tanks or to an emergency dump.

(d) Spaces in the cargo containment portion of the vessel, except ballast spaces and gas safe spaces, must not connect to pumps in the main machinery space.

§ 154.355 Bow and stern loading piping.

(a) Bow and stern loading piping must—

(1) Meet § 154.310;

(2) Be installed in an area away from the accommodation, service, or control space on type I G hulls;

(3) Be clearly marked;

(4) Be segregated from the cargo piping by at least two shut off valves in the cargo area that has a means of locking to meet § 154.1870(a);

(5) Have a means for checking cargo vapor between the two valves required in paragraph (a)(3) of this section;

(6) Have fixed inert gas purging lines; and

(7) Have fixed vent lines for purging with inert gas to meet § 154.1870(b).

(b) Entrances, forced or natural ventilation intakes, exhaust, and other openings to accommodation, service, or control spaces that face the bow or stern loading area must meet §§ 154.330.

CARGO CONTAINMENT SYSTEMS

§ 154.401 Definitions.

As used §§ 154.440 and 154.447:

"σ_Y" means the minimum yield stress of the tank material, including weld metal, at room temperature.

"σB" means minimum tensile strength of the tank material, including weld metals at room temperature.

§ 154.405 P_o of a tank.

(a) The P_o of a tank must be equal to or greater than the MARVS.

(b) The P_o of a tank must be equal to or greater than the vapor pressure of the cargo at 45° C (113° F) if—

(1) The tank has no temperature control for the cargo; and

(2) The pressure of the cargo results from ambient temperature.

(c) The P_o of a tank may be less than the vapor pressure for harbor conditions if specially approved by the Commandant (G-MMT).

§ 154.406 Design loads for tanks and fixtures: General.

(a) It must be shown that a tank and its fixtures are designed for the following loads:

(1) Internal pressure head.

(2) External pressure load.

(3) Dynamic loads resulting from the motion of the vessel.

(4) Transient or stationary thermal loads if the cargo temperature is colder than −55° C (−67° F) or causes thermal stresses in tank support.

(5) Sloshing loads, if the tank is designed for partial loads.

(6) Loads resulting from vessel's deflection.

(7) Tank weight, cargo weight, and corresponding support reaction.

(8) Insulation weight.

(9) Loads of a tower and any other attachments to the tank.

(10) Vapor pressure loads in harbor conditions allowed under § 154.405.

(11) Gas pressurization for cargo transfer load.

(b) A tank must be designed for the most unfavorable static heel angle within a 0° to 30° range without exceeding the allowable stress of the material.

(c) A hydrostatic or hydropneumatic test design load must be specially approved by the Commandant (G-MMT).

§ 154.407 Tank internal pressure head.

(a) For the calculation required under § 154.406(a), the internal pressure head (h_{eq}), must be determined from the following formula:

$$h_{eq} = 10 P_o + (h_{s\beta}) \max$$

$h_{s\beta}$ (the value of internal pressure, in meters of fresh water, resulting from the combined effects of gravity and dynamical accelerations of a full tank) $= a_\beta Z$;

where

a_β = Dimensionless acceleration relative to the acceleration of gravity, resulting from gravitational and dynamical loads in the β direction (see figure 1);

Z_β = Largest liquid height (m) above the point where the pressure is to be determined in the β direction (see figure 2);

λ = Maximum specific weight of the cargo (t/m³) at the design temperature.

(b) The $h_{s\beta}$ max must be determined from the β max direction on the ellipse in Figure 1 which gives the maximum value.

(c) When the longitudinal acceleration is considered in addition to the vertical and tranverse acceleration, an ellipsoid must be used in the calculations instead of the ellipse contained in Figure 1.

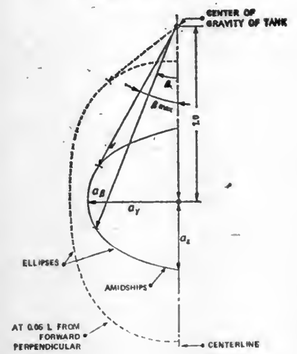
§ 154.408 Tank external pressure load.

For the calculation required under § 154.406(b), the external pressure load must be the difference between the minimum internal pressure (maximum vacuum), and the maximum external pressure to which any portion of the tank may be simultaneously subjected.

§ 154.409 Dynamic loads from vessel motion.

(a) For the calculation required under § 154.406(c), the dynamic loads must be determined from the long term distribution of vessel motions, including the effects of surge, sway, heave, roll, pitch, and yaw on irregular seas that the vessel may experience during 10⁸ wave encounters. The speed used for this calculation may be reduced from the ship service speed if specially approved by the Commandant (G-MMT) and if that reduced speed is used in the hull strength calculation under § 31.10-5(c) of this chapter.

(b) If the loads determined under paragraph (c), (d), or (e) of this section results in a design stress that is lower than the allowable stress of the material under §§ 154.610, 154.615, or 154.620, reduce the allowable stress to that stress determined in paragraph (c), (d), or (e) of this section.

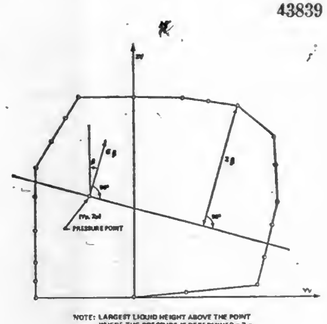


NOTE: RESULTING ACCELERATION (STATIC + DYNAMIC) = a_β IN ARBITRARY DIRECTION β.

a_y = TRANSVERSE COMPONENT OF ACCELERATION.

a_z = VERTICAL COMPONENT OF ACCELERATION.

Figure 1



NOTE: LARGEST LIQUID HEIGHT ABOVE THE POINT WHERE THE PRESSURE IS DETERMINED = Z_β

Figure 2

(c) If a tank is designed to avoid plastic deformation and buckling, then acceleration components of the dynamic loads are determined from one of the following methods:

(1) Method 1 is a detailed analysis of the vessels acceleration components.

2. Method 2 is an analysis by the following formulae:

(i) Vertical acceleration under § 154.409(f)(1):

$$a_z = \pm a_o \sqrt{1 + \left(5.3 - \frac{45}{L_o}\right)^2 \left(\frac{x}{L_o} + 0.05\right)^2 \left(\frac{0.6}{C_B}\right)^{3/2}}$$

(ii) Transverse acceleration under § 154.409(f)(2):

$$a_y = \pm a_o \sqrt{0.6 + 2.5 \left(\frac{x}{L_o} + 0.05\right)^2 + K \left(1 + 0.6 K \frac{z}{B}\right)^2}$$

(iii) Longitudinal acceleration under § 154.409(f)(3):

$$a_x = \pm a_o \sqrt{0.06 + A^2 - 0.25A}$$

where:

$$A = \left(0.7 - \frac{L_o}{1200} + 5 \frac{z}{L_o}\right)\left(\frac{0.6}{C_B}\right)$$

L = Length of the vessel between perpendiculars, in meters.

C_B = Block coefficient.

B = Greatest moulded breadth, in meters.

x = Longitudinal distance, in meters, from amidships to the center of gravity of the tank with contents (positive forward of amidships, negative aft of amidships).

z = Vertical distance in meters, from the vessel's waterline, to center of gravity of tank with contents (positive above and negative below the waterline).

$$a_o = 0.2 \frac{V}{\sqrt{L_o}} + \frac{34 - \frac{600}{L_o}}{L_o}$$

V = Service speed in knots.

$K = 1.0$, or $\frac{13\,GM}{B}$, whichever is greater.

GM = Metacentric height in meters.

a_x = The maximum dimensionless acceleration in the x direction, acting separately for calculation purposes, and includes the component of the static weight in the longitudinal direction due to pitching.

a_y = Maximum dimensionless acceleration in the y direction, acting separately for calculation purposes, and includes the component of static weight in the transverse direction due to rolling.

a_z = Maximum dimensionless acceleration in the z direction, acting separately for calculation purposes, not including the static weight.

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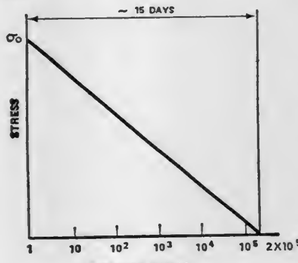
For Methods 1 and 2, acceleration components must be determined for the largest loads the vessel may experience during an operating life correspond to the probability level of 10^{-8}.

(d) If a tank is designed to avoid fatigue, the dynamic loads determined under paragraph (a) of this section must be used to develop the dynamic spectrum.

(e) If a tank is designed to avoid uncontrolled crack propogation, the dynamic loads are—

(1) determined under paragraph (a) of this section; and

(2) for a load distribution for a period of 15 days by the method in Figure 3.



NOTE: σ_0 = MOST PROBABLE MAXIMUM STRESS DURING THE LIFE OF THE VESSEL.

RESPONSE CYCLE SCALE IS LOGARITHMIC.

THE VALUE OF $2X10^5$ IS GIVEN AS AN EXAMPLE OF ESTIMATE.

Figure 3

(f) When determining the accelerations for dynamic loads under paragraph (a) of this section, the accelerations acting in a tank must be estimated for the tank's center of gravity and include the following component accelerations:

(1) Vertical accelerations, meaning the motion acceleration of heave and pitch, and of any roll normal to the vessel base that has an effect on the component acceleration.

(2) Transverse acceleration, meaning the motion acceleration of sway, yaw and roll, and gravity component of roll.

(3) Longitudinal acceleration, meaning the motion acceleration of surge and pitch and gravity component of pitch.

§ 154.410 Tank sloshing loads.

(a) For the calculation required under § 154.406(a)(5), the determined sloshing loads resulting from the accelerations under § 154.409(f) must be specially approved by the Commandant (G–MMT).

(b) If the sloshing loads affect the tank scantlings, an analysis of the effects of the sloshing loads in addition to the calculation under paragraph (a) of this section must be specially approved by the Commandant (G–MMT).

§ 154.411 Tank thermal loads.

For the calculations required under § 154.406(d), the following determined loads must be specially approved by the Commandant (G–MMT):

(a) Transient thermal loads for the cooling down periods of tanks carrying cargoes lower than −55° C (−67° F).

(b) Stationary thermal loads for tanks carrying cargoes lower than −55° C (−67° F) that cause high thermal stress.

§ 154.412 Tank corrosion allowance.

A tank must be designed with a corrosion allowance if the tank—

(a) Is located in a space that does not have inert gas or dry air; or

(b) Carries a cargo that corrodes the tank material.

NOTE.—Corrosion allowance for independent tank type C is contained in § 54.01–35 of this chapter.

INTEGRAL TANKS

§ 154.418 General.

Integral tanks must not carry cargo that is colder than −10°C (14°F), unless the tank is specially approved by the Commandant (G–MMT).

§ 154.419 Design vapor pressure.

The P_o of an integral tank must not exceed 0.25 kp/cm² (4 psig) except it may be as high as 0.7 kp/cm² (10 psig) if specially approved by the Commandant (G–MMT).

§ 154.420 Tank scantlings.

(a) The scantlings of an integral tank must meet the deep tank scantling standard of a recognized classification society.

(b) The scantlings of an integral tank must be designed and shown by calculation to withstand the internal pressure determined under § 154.407.

§ 154.421 Allowable stress.

The allowable stress for integral tank scantlings must meet a recognized classification society's allowable stress for the vessel's hull.

MEMBRANE TANKS

§ 154.425 General.

The design of the hull scantlings, the membrane tank and secondary barrier, including welds, and the supporting insulation must be specially approved by the Commandant (G–MMT).

§ 154.426 Design vapor pressure.

The P_o of a membrane tank must not exceed 0.25 kp/cm² (4 psig), except it may be as high as 0.7 kp/cm² (10 psig), if specially approved by the Commandant (G–MMT).

§ 154.427 Tank scantlings.

The scantlings of a membrane tank must have a membrane and supporting insulation that is designed for—

(a) Any static and dynamic loads with respect to plastic deformation and fatigue;

(b) Combined strains from static, dynamic, and thermal loads;

(c) Preventing collapse of the membrane from—

(1) Over-pressure in the interbarrier space;

(2) Vacuum in the cargo tank;

(3) Sloshing in a partially filled tank; and

(4) Hull vibrations; and

(d) The deflections of the vessel's hull.

§ 154.428 Allowable stress.

The membrane tank scantlings and the supporting insulation must have allowable stresses that are specially approved by the Commandant (G–MMT).

§ 154.429 Calculations.

For a membrane tank, the tank design load calculations must include the following:

(a) Plastic deformation and fatigue life resulting from static and dynamic loads in the membrane and the supporting insulation.

(b) The response of the membrane and its supporting insulation to vessel motion and acceleration under the worse weather conditions. Calculations from a similar vessel may be submitted.

(c) The combined strains from static, dynamic, and thermal loads.

§ 154.430 Material test.

The analyzed data of a material test must show that the membrane and the membrane supporting insulation are made of materials that withstand the combined strains calculated under § 154.429(c).

§ 154.431 Model test.

The analyzed data of a model test must show that the primary and secondary barrier of a membrane tank, including the corners and joints, withstand the combined strains from static, dynamic, and thermal loads calculated under § 154.429(c).

§ 154.432 Expansion and contraction.

The support system of a membrane tank must allow for thermal and physical expansion and contraction of the tank.

SEMI-MEMBRANE TANKS

§ 154.435 General.

(a) The design of the semi-membrane tank, the supporting insulation for the tank, and the supporting hull structure for the tank must be specially approved by the Commandant (G–MMT).

(b) A semi-membrane tank must be designed to meet the requirements under—

(1) Section 154.425 through § 154.432;

(2) Section 154.437 through § 154.441; or

(3) Section 154.444 through § 154.449.

§ 154.436 Design vapor pressure.

The P_o of a semi-membrane tank must not exceed 0.25 kp/cm² (4 psig), except it may be as high as 0.7 kp/cm² (10 psig), if specially approved by the Commandant (G–MMT).

INDEPENDENT TANK TYPE A

§ 154.437 General.

The tank scantlings of an independent tank type A must meet the standard of a recognized classification society.

§ 154.438 Design vapor pressure.

(a) If the surfaces of an independent tank type A are mostly flat surfaces, the P_o must not exceed 0.7 kp/cm² (10 psig).

(b) If the surfaces of an independent type A are formed by bodies of revolution, the design calculation of the P_o must be specially approved by the Commandant (G–MMT).

§ 154.439 Tank scantlings.

(a) The scantlings of an independent tank type A must meet the deep tank standard of a recognized classification society.

(b) The scantlings of an independent tank type A must—

(1) Withstand the internal pressure determined under § 154.407;

(2) Withstand loads from tank supports calculated under §§ 154.470 and 154.471; and

(3) Have a corrosion allowance that meets § 154.412.

§ 154.440 Allowable stress.

(a) The allowable stresses for an independent tank type A are—

(1) For tank web frames, stringers, or girders of carbon maganese steel or aluminimum alloys must meet $\frac{\sigma_B}{2.66}$ or, $\frac{\sigma_Y}{1.33}$, whichever is smaller; and

(2) For other materials, specially approved by the Commandant (G–MMT).

(b) A larger allowable stress than required in paragraph (a)(1) of this section may be specially approved by the Commandant (G–MMT) if the aquivalent stress (σ_c) is calculated from the formula in Appendix A to this part.

(c) Tank plating must meet the requirements of a recognized classification society for deep tanks having an internal pressure head that meets § 154.439(b)(1).

INDEPENDENT TANK TYPE B

§ 154.444 General.

An independent tank type B must be designed—

(a) For the effect of static and dynamic loads on—

(1) Plastic deformation; (2) Fatigue life; (3) Buckling; and (4) Crack propagation; and

(b) From the results of the calculations under § 154.448.

§ 154.445 Design vapor pressure.

If the surfaces of an independent tank type B are mostly flat surfaces, the P_o must not exceed 0.7 kp/cm² (10 psig).

§ 154.446 Tank scantlings.

The tank scantlings of an independent tank type B must meet the calculations under § 154.448.

§ 154.447 Allowable stress.

(a) An independent tank type B designed from bodies of revolution must have allowable stresses[a] determined by the following formulae:

$$\sigma_m \leq f$$
$$\sigma_L \leq 1.5f$$
$$\sigma_b \leq 1.5F$$
$$\sigma_L + \sigma_b \leq 1.5F$$
$$\sigma_m + \sigma_b \leq 1.5F$$

where:

σ_m = Equivalent primary general membrane stress[b]
σ_L = Equivalent primary local membrane stress[b]
σ_b = Equivalent primary bending stress[b]

f = The lesser of $\frac{\sigma_B}{A}$ or $\frac{\sigma_Y}{B}$

F = The lesser of $\frac{\sigma_B}{C}$ or $\frac{\sigma_Y}{D}$

A, B, C, and D = Stress factors in table 2.

[a] See app. B for stress analyses definition.
[b] See app. A for equivalent stress.

TABLE 2.—*Values for stress factors*

Stress factors	Nickel steel and carbon manganese steel values	Austenitic steel values	Aluminum alloy values
A	0.4	0.4	0.4
B	.2	1.6	1.5
C	.3	.3	.3
D	1.5	1.5	1.5

(b) An independent tank type B designed from plane surfaces must have allowable stresses specially approved by the Commandant (G–MMT).

§ 154.448 Calculations.

The following calculations for an independent tank type B must be specially approved by the Commandant (G–MMT):

(a) Plastic deformation, fatigue life, buckling, and crack propogation resulting from static and dynamic loads on the tank and its support.

(b) A three-dimensional analysis of the stress exerted on the tank, its support, and its keys by the hull.

(c) The response of the tank and its support to the vessel's motion and acceleration in irregular waves or calculations from a similar vessel.

(d) A tank buckling analysis considering the maximum construction tolerance.

(e) A finite element analysis using the loads determined under § 154.406.

(f) A fracture mechanics analysis using the loads determined under § 154.406.

(g) The cumulative effects of the fatigue load from the following formula:

$$\sum \frac{n_i}{N_i} + \frac{10^8}{N_j} \leq C_w$$

where:

n_i = The number of stress cycles at each stress level during the life of the vessel;
N_i = The number of cycles to failure for corresponding stress levels from the Wohler (S–N) curve;
N_j = The number of cycles to failure from the fatigue load by loading and unloading the tank; and
C_w = 0.5 or less.

§ 154.449 Model test.

The following analyzed data of a model test of structural elements for independent tank type B must be submitted to the Commandant (G–MMT) for special approval:

(a) Stress concentration factors.

(b) Fatigue life.

INDEPENDENT TANK TYPE C AND PROCESS PRESSURE VESSELS

§ 154.450 General.

Independent tanks type C and process pressure vessels must be designed to meet the requirements under Part 54 of this chapter, except § 54.01–40(b) and

(a) The calculation under § 54.01–18(b)(1) must also include in design loads determined under § 154.406;

(b) The calculated tank plating thickness, including any corrosion allowance, must be the minimum thickness without a negative plate tolerance; and

(c) The minimum tank plating thickness must not be less than—

(1) 5 mm (3/16 in.) for carbon-manganese steel and nickel steel:

(2) 3 mm (1/8 in.) for austenitic steels; or

(3) 7 mm (9/32 in.) for aluminum alloys.

§ 154.451 Design vapor pressure.

The P_o of an independent tank type C must be calculated by the following formula:

$$P_o = 2 + AC(\rho)^{3/2} (kp/cm^2)$$

where:

$$A = 0.0185 \left(\frac{\sigma m}{\Delta \sigma_A}\right)^2$$

σ_m = Design primary stress;
$\Delta\sigma_A$ = (Allowable dynamic membrane stress for double amplitude at probability level $Q = 10^{-8}$) 5.5 kp/mm² (7160 psi) for ferritic and martensitic steels and 2.5 kp/mm² (3580 psi) for 5083–0 aluminum.
C = A characteristic tank dimension that is the greater of h when h is the height of the tank or the dimension in vessel's vertical direction, in meters; $0.75b$ when b is the width of the tank or the dimension in vessel's transverse direction, in meters; or $0.45l$ when l is the length of the tank or the dimension in vessel's longitudinal direction, in meters;
ρ = The specific gravity of cargo.

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§ 154.452 External pressure.

The design external pressure for an independent tank type C must be calculated by the following formula:

$$P_o = P_1 + P_2 + P_3 + P_4 (kp/cm^2)$$

where:

P_1 = the vacuum relief valve setting for tanks with a vacuum relief valve, or 0.25kp/cm² for tanks without a vacuum relief valve.

P_2 = 0, or the pressure relief valve setting for an enclosed space containing any portion of a pressure vessel.

P_3 = total compressive load in the tank shell from the weight of the tank, including corrosion allowance, weight of insulation, weight of dome, weight of tower and piping, the effect of the partially filled tank, the effect of acceleration and hull deflection, and the local effect of external and internal pressure.

P_4 = 0, or the external pressure from the head of water from any portion of the pressure vessel on exposed decks.

§ 154.453 Failure to meet independent tank type C standards.

If the Commandant (G–MMT) determines during plan review, that a tank designed as an independent tank type C fails to meet the standards under §§ 154.450, 154.451, and 154.452 and can not be redesigned to meet those standards, the tank may be redesigned as an independent tank type A or B.

SECONDARY BARRIER

§ 154.459 General.

(a) Each tank must have a secondary barrier that meets Table 3.

TABLE 3.—*Secondary barriers for tanks*

Tank type	Cargo temperature at atmospheric pressure		
	−10°C (14°F) and warmer	Colder than −10°C (14°F) to −55°C (−67°F)	Colder than −55°C (−67°F)
Integral	No Secondary barrier required.	Tank type not usually allowed.[1]	Tan type not allowed.
Membrane	do	Complete secondary barrier [1].	Complete secondary barrier.[2]
Semimembrane	do	do [1]	Do.[2]
Independent:			
Type A	do	do [1]	Do.[2]
Type B	do	Partial secondary barrier [1]	Partial secondary barrier.[2]
Type C	do	No secondary barrier required	No secondary barrier required.

[1] The hull may be used as a secondary barrier.
[2] A separate secondary barrier is required.

(b) If the Commandant (G–MNT) specially approves an integral tank for cargoes with a temperature at atmospheric pressures lower than −10° C (14° F), the tank must have a complete secondary barrier that meets § 154.460.

(c) If the Commandant (G–MNT) specially approves a semi-membrane tank under the requirements of an independent tank type B, the semi-membrane tank may have a partial secondary barrier specially approved by the Commandant (G–NMT).

(d) If Table 3 allows the hull to be a secondary barrier, the vessel's hull must—

(1) Meet § 154.600; and

(2) Be designed for the stresses resulting from cargo temperature.

(e) A tank type that is not included in Table 3 must have a secondary barrier that is specially approved by the Commandant (G–NMT).

§ 154.460 Design criteria.

At static angles of heel up through 30°, a secondary barrier must—

(a) Hold any leakage of liquid cargo from the tank for at least 15 days under the loading requirements in § 154.409(e);

(b) If the primary barrier fails, prevent the vessel's structure temperature from falling below the minimum allowable service temperature of the steel; and

(c) Prevent the tank failure from causing a failure in the secondary barrier.

INSULATION

§ 154.465 General.

If the cargo that a vessel carries is below −10° C (14° F), the tank insulation must prevent the temperature of the vessel's hull from cooling below the minimum design temperature allowed under § 154.172.

§ 154.466 Design criteria.

(a) The insulation for a tank without a secondary barrier must be designed for the tank at the temperature of the cargo carried and for a vessel operating in—

(1) Any waters in the world except Alaskan waters for the ambient cold condition of—

(i) Five knots air at −18° C (0° F); and

(ii) Still sea water at 0° C (32° F); or

(2) Alaskan waters for the ambient cold condition of—

(i) Five knots air at 29° C (−20° F); and

(ii) Still sea water at 2° C (28° F).

(b) The insulation for a tank with a secondary barrier must be designed for the secondary barrier at the temperature of the cargo carried and the ambient cold conditions listed under paragraph (a)(1) or paragraph (a)(2) of this section.

(c) The insulation material must be designed for any loads transmitted from adjacent hull structure.

(d) Insulation for tank and piping must meet § 38.05–20 of this chapter.

(e) Powder or granulated insulation must—

(1) Not compact from vibrations of the vessel;

(2) Maintain the thermal conductivity specially approved under § 154.467; and

(3) Not exert a static pressure greater than the external design pressure of the tank under § 154.408.

§ 154.467 Submission of insulation information.

(a) The following insulation information must be submitted to the Commandant (G–MMT):

(1) Compatibility with the cargo.

(2) Solubility in the cargo.

(3) Absorption of the cargo.

(4) Shrinkage.

(5) Aging.

(6) Closed cell content.

(7) Density.

(8) Mechanical properties.

(9) Thermal expansion.

(10) Abrasion.

(11) Cohesion.

(12) Thermal conductivity.

(13) Resistance to vibrations.

(14) Resistance to fire and flame spread.

(15) The manufacturing and installation details of the insulation that includes—

(i) Fabrication; (ii) Storage; (iii) Handling; (iv) Erection; and (v) Quality control.

SUPPORT SYSTEM

§ 154.470 General.

(a) A tank must have a support system that—

(1) Prevents movement of the tank under static and dynamic loads in § 154.406; and

(2) Allows the tank to contract and expand from temperature variation and hull deflection without exceeding the design stress of the tank and the hull.

(b) The tank support system must have a key that prevents rotation of the tank.

(c) An independent tank must have supports with an antiflotation system that withstands the upward force of the tank without deformation of the hull when the tank is—

(1) Empty; and

(2) In a hold space flooded to the summer load draft of the vessel.

§ 154.471 Design criteria.

(a) The tank support system must be designed—

(1) For the loads in § 154.406(a);

(2) To not exceed the allowable stress at a static angle of heel of 30°;

(3) To withstand a collision force equal to at least one-half the weight of the tank and cargo from forward and one-quarter the weight of the tank and cargo from aft; and

(4) For the largest resulting acceleration in Figure 1, including rotational and translation effects.

(b) The tank support design loads in paragraph (a) of this section may be analyzed separately.

§ 154.476 Cargo transfer devices and means.

(a) If a cargo pump in a tank is not accessible for repair when the tank is in use, the tank must have an additional means of cargo transfer, such as another pump or gas pressurization.

(b) If cargo is transferred by gas pressurization, the pressurizing line must have a safety relief valve that is set at less than 90 percent of the tank relief valve setting.

CARGO AND PROCESS PIPING SYSTEMS

§ 154.500 Cargo and process piping standards.

The cargo liquid and vapor piping and process piping systems must meet the requirements in this subpart and the following subparts and sections in this chapter:

56.01	56.50–105
56.04	56.60
56.07	56.65
56.10	56.70
56.15	56.75
56.20	56.80
56.25	56.85
56.30	56.90
56.35	56.95
56.50–20	56.97

§ 154.503 Piping and piping system components: Protection from movement.

The piping and piping system components and cargo tanks must be protected, where thermal movement and movements of the tank and the hull structure may cause stresses, that exceed the design stresses by—

(a) Offsets; (b) Loops; (c) Bends; (d) Mechanical expansion joints including—

(1) Bellows; (2) Slip joints; or (3) Ball joints; or (e) Other means specially approved by the Commandant (G–MMT).

§ 154.506 Mechanical expansion joint: Limits in a piping system.

The number of mechanical expansion joints in a piping system must be specially approved by the Commandant (G–MMT).

§ 154.508 Mechanical expansion joint: Bellows type.

(a) Mechanical expansion joints in a piping system outside of a cargo tank must be a bellows type.

(b) A bellow expansion joint in a piping system outside of a cargo tank must be protected from icing by—

(1) Insulation;

(2) A cover; or

(3) Other means specially approved by the Commandant (G–MMT).

§ 154.512 Piping: Thermal isolation.

Low temperature piping must be thermally isolated from any adjacent hull structure to prevent the temperature of that structure from dropping below the design temperature of the hull material.

§ 154.514 Piping: Electrical bonding.

(a) Tanks or piping that are separated from the hull structure by thermal isolation must be electrically bonded to the hull structure.

(b) A pipe joint or a hose connection that has a gasket must have an electrical bond.

§ 154.516 Piping: Hull protection.

A vessel's hull must be protected from low temperature liquid leakage by a drip pan, or other means specially approved by the Commandant (G–MMT), at—

(a) Any piping connection dismantled on a routine basis;

(b) Cargo discharge and loading manifold; and

(c) Pump seals.

§ 154.517 Piping: Liquid pressure relief.

The cargo loading and discharge crossover headers, cargo hoses, and cargo loading arms must have means to relieve cargo pressure and to remove liquid cargo.

§ 154.519 Piping relief valves.

(a) The liquid relief valve that protects the cargo piping system from liquid pressure exceeding the design pressure must discharge into a tank.

(b) A liquid relief valve may discharge into a cargo vent mast if that vent mast has a means for the detection and removal of the liquid cargo that is specially approved by the Commandant (G–MMT).

(c) A relief valve on a cargo pump that protects the cargo piping system must discharge into the pump suction.

§ 154.520 Piping calculations.

A piping system must be designed to meet the allowable stress values under § 56.07–10 of this chapter and, if the design temperature is −110° C (−166° F) or lower, the stress analysis must include—

(a) Pipe weight loads;

(b) Acceleration loads;

(c) Internal pressure loads;

(d) Thermal loads; and

(e) Loads from the hull.

§ 154.522 Materials for piping.

(a) The materials for piping systems must meet § 154.625 for the minimum design temperature of the piping, except the material for open ended vent piping may be specially approved by the Commandant (G–MMT) if—

(1) The temperature of the cargo at the pressure relief valve setting is −55° C (−67° F) or warmer; and

(2) Liquid can not discharge to the vent piping.

(b) Materials for piping outside the cargo tanks must have a melting point of at least 925° C (1697° F), except for such short lengths of pipes with fire resisting insulation that are attached to the cargo tanks.

§ 154.524 Piping joints: Welded and screwed couplings.

Pipe lengths without flanges must be joined by a—

(a) Butt welded joint with complete penetration at the weld root, except that for design temperatures colder than −10° C (14° F) the butt weld must be double welded or must have an equivalent to a double welded butt joint by use of—

(1) A backing ring that for design pressures greater than 10 kp/cm² (142 psig) must be removed after the weld is completed;

(2) A consumable insert; or

(3) An inert gas back-up on the first weld pass;

(b) Slip on welded joint with sleeves and attachment welds allowed for an open ended pipe with an external diameter of 50 mm (2 in.) or less and a design temperatures at −55° C (−67° F) or warmer; or

(c) Screwed coupling that meets §§ 56.–30–20 and 56.50–105 (a)(4) and (b)(4) of this chapter.

§ 154.526 Piping joints: Flange connection.

Flange connections for pipe joints must meet §§ 56.30–10 and 56.60–105 (a)(4) and (b)(4) of this chapter.

§ 154.528 Piping joints: Flange type.

(a) A flange must be one of the following types:

(1) Welding neck.

(2) Slip-on.

(3) Socket weld.

(b) If the design temperature of the piping is between −10° C (14° F) and −55° C (−67° F), the pipe flange may be a—

(1) Slip-on type, if the nominal pipe size is less than 100 mm (4 in.);

(2) Socket weld, if the nominal pipe size is less than 50 mm (2 in.); or

(3) Welding neck.

(c) If the design temperature of the piping is lower than −55° C (−67° F), the pipe flange must be a welding neck type.

§ 154.530 Valves: Cargo tank MARVS 0.7 kp/cm² (10 psig) or lower.

(a) Liquid and vapor connections on a cargo tank with a MARVS of 0.7 kp/cm² (10 psig) or lower, except connections for safety relief valves and liquid level gauging devices, must have shut-off valves that—

(1) Close;

(2) Are located as close to the tank as practicable; and

(3) Have manual control at the valve.

(b) The cargo piping system for a cargo tank with a MARVS of 0.7 kp/cm² (10 psig) or lower must have at least one remotely controlled quick closing shut-off valve for closing liquid and vapor piping between vessel and shore that meets §§ 154.540, 154.542, and 154.544.

§ 154.532 Valves: Cargo tank MARVS greater than 0.7 kp/cm² (10 psig).

(a) Liquid and vapor connections on a cargo tank with a MARVS greater than 0.7 kp/cm² (10 psig), except connections for safety relief valves and liquid level gauging devices, must have as close to the tank as practicable, a—

(1) Manual controlled stop valve; and

(2) Remotely controlled quick-closing shut-off valve.

(b) If the nominal pipe size of a liquid or vapor connection is less than 50 mm (2 in.), an excess flow valve may be substituted for the quick closing valve required under paragraph (a) of this section.

(c) A single valve may be substituted for the manual controlled stop valve and the remotely controlled quick-closing shut-off valve required under paragraph (a) of the section if that single valve—

(1) Meets §§ 154.540, 154.542, and 154.544; and

(2) Is also manually controlled.

§ 154.534 Cargo pumps and compressors.

Cargo pumps and compressors must shut down automatcially when the quick-closing shunt-off valves required under §§ 154.530 and 154.532 are closed by the

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emergency shut-down system required under § 154.540.

§ 154.536 Tank gauging and measuring connections.

Unless the outward flow from a tank is less than the flow through a circular hole of 1.4 mm (.055 in.), in diameter, tank connections for gauging or measuring devices must have excess flow or quick-closing shut-off valves.

§ 154.538 Cargo transfer connection.

A cargo transfer connection must have a—

(a) Remotely controlled quick-closing shut-off valve; or

(b) Blank flange.

§ 154.540 Quick-closing shut-off valves: Emergency control system.

(a) The remotely controlled quick-closing shut-off valve required under §§ 154.530, 154.532, and 154.538 must have an emergency control system to operate the valve.

(b) The control system required under paragraph (a) of this section must be in—

(1) The cargo control station; and

(2) At least one other remote location on the vessel.

(c) The quick-closing shut-off valve required under §§ 154.530, 154.532, and 154.538 must—

(1) Be the fail-closed type; and

(2) Have manual control.

§ 154.542 Quick-closing shut-off valves: Emergency control system fusible elements.

The control system required under § 154.540 must have fusible elements at each tank dome and cargo loading and discharge manifold that melt between 98° C (208° F) and 104° C (220° F) and close the quick-closing shut-off valves.

§ 154.544 Quick-closing shut-off valves: Closing time.

A quick-closing shut-off valve in liquid cargo piping must close from the open position in at least 30 seconds or less.

§ 154.546 Excess flow valve: Closing flow.

(a) The rated closing flow of vapor or liquid cargo for an excess flow valve must be specially approved by the Commandant (G–MMT).

(b) An excess flow valve allowed under § 154.532 must close automatically at the rated closing flow.

§ 154.548 Cargo piping: Flow capacity.

Piping with an excess flow valve must have a vapor or liquid flow capacity that is greater than the rated closing flow required under § 154.546.

§ 154.550 Excess flow valve: Bypass.

An excess flow valve allowed under § 154.532(b) may have a bypass of 1.0 mm (.0394 in.) or less in diameter.

§ 154.552 Liquid and vapor cargo hose: Compatibility.

Liquid and vapor cargo hoses must—

(a) Not chemically react with the cargo; and

(b) Withstand cargo temperature.

§ 154.554 Cargo hose: Bursting pressure.

Cargo hose that can be pressurized by the tank, the cargo pump discharge, or the vapor compressor discharge must have a bursting pressure of at least five times the maximum working pressure on the hose during cargo transfer.

§ 154.556 Cargo hose: Maximum working pressure.

A cargo hose must have a maximum working pressure not less than the maximum pressure to which it may be subjected and at least 10.5 kp/cm² (150 psig).

§ 154.558 Cargo hose: Marking.

Each cargo hose must be marked with the—

(a) Maximum working pressure; and

(b) Minimum service temperature for service at other than ambient temperature.

§ 154.560 Cargo hose: Prototype test.

Each cargo hose must be of a type that passes a prototype test at a pressure of at least five times its maximum working pressure to at least the service temperature.

§ 154.562 Cargo hose: Hydrostatic test.

Each cargo hose must pass a hydrostatic pressure test of at least 1.5 times its specified maximum working pressure but not more than two-fifths its bursting pressure and at ambient temperature.

MATERIALS

§ 154.605 Toughness test.

(a) Each toughness test for material used to meet the requirements of §§ 154.610 through 154.625 must meet Subpart 54.05 of this chapter.

(b) The Charpy V-notch energy for subsize toughness test specimens must meet Table 56.50–105(a) of this chapter.

§ 154.610 Design temperature not colder than 0° C (32° F).

(a) Plates, pipes, tubes, forgings, forged and rolled flittings, rolled and forged bars and shapes, and castings used in the construction of tanks and process pressure vessels for a desgin temperature not colder than 0° C (32° F) must be carbon manganese steel, made with fine grain practice, austenitic grain size of five or finer where the thickness exceeds 20 mm (.787 in.), and normalized or quenched and tempered. A control rolling procedure may be substituted for normalizing if specially approved by the Commandant (G–MMT). Plate for an independent tank type C and process pressure vessel must also meet the requirements of ASTM A–20 and § 54.01–18 (b) (5) of this chapter.

(b) A recognized classification society's grades D, up to 20 mm (.787 in.), and E hull structural steel may be used for an independent type A tank if the steel is tested under § 54.05–10 of this chapter.

(c) A tensile test must be made for—

(i) Each plate as rolled; and

(ii) Each five short ton batch of forgings, forged or rolled fittings, rolled or forged bars and shapes, and castings.

(d) The minimum specified yield stress must not exceed 65 kp/mm² (92.43 Ksi) and when it exceeds 50 kp/mm² (71.10 Ksi) the hardness of the weld and heat affected zone must be specially approved by the Commandant (G–MMT).

(e) A Charpy V-notch test must be made for—

(1) Each plate as rolled; and

(2) Each five short ton batch of forgings, forged or rolled fittings, rolled or forged bars and shapes, and castings.

(f) The orientation and required impact energy of a 10 mm x 10 mm (.394 in. x .394 in.) Charpy V-notch specimen is as follows:

(1) Plate, transverse specimen, 2.8 kpm (20 ft-lbs).

(2) Forgings, forged and rolled fittings, rolled and forged bars and castings, longitudinal specimen, 4.2 kpm (30 ft-lbs).

(g) The test temperature of the Charpy V-notch specimens is as follows:

MATERIAL THICKNESS AND TEST TEMPERATURE

$t \leq 20$ mm (.788 in.), 0° C (32° F)
$20 < t \leq 30$ mm (1.182 in.), −20° C (−4° F)
$30 < t \leq 40$ mm (1..576 in.) −40° C (−40° F)

§ 154.615 Design temperature below 0° C (32° F) and down to −55° C (−67° F).

Plates, forgings, forged or rolled fittings, rolled or forged bars and shapes, and castings for tanks, secondary barriers, and process pressure vessels with a design temperature below 0° C (32° F) and down to −55° C (−67° F) must meet the material requirements in § 54.25–10 of this chapter.

§ 154.620 Design temperature below −55° C (−67° F) and down to −165° C (−265° F).

Plates, forgings and forged or rolled fittings, rolled or forged bars and shapes, and castings for tanks, secondary barriers, and process pressure vessels with a design temperature below −55° C (−67° F) and down to −165° C (−265° F) must meet § 54.25–10(b)(2), § 54.25–15, or § 54.25–20 of this chapter.

§ 154.625 Design temperature below 0° C (32° F) and down to −165° C (−265° F).

Pipes, tubes, forgings, castings, bolting, and nuts for cargo process piping with a design temperature below 0° C (32° F) and down to −165° C (−265° F) must meet § 56.50–105 of this chapter.

§ 154.630 Tank material.

(a) If a material of a tank is not listed in §§ 154.610, 154.615 or 154.620, the allowable stress of that material must be specially approved by the Commandant (G–MMT).

(b) Material in the area of welded connections in aluminum alloys must have the tensile strength of the annealed condition.

(c) Increased yield stress and tensile strength of a material at low temperature for independent tanks type A, B and C must be specially approved by the Commandant (G–MMT).

CONSTRUCTION

§ 154.650 Tank and process pressure vessel welding.

(a) Tank and process pressure vessel welding must meet Subpart 54.05 and Part 57 of this chapter.

(b) Welding consumables for welding tanks must meet §57.02–4 of this chapter.

(c) For independent tanks—

(1) Each welded joint of the shells must be a full penetration butt weld, except that full penetration tee welds may be used for dome to shell connections; and

(2) Each nozzle weld must be of the full penetration type, except for small penetrations on domes.

(d) For independent tanks type C and process pressure vessels, each welded joint must meet Part 54 of this chapter, except that any backing rings must be removed unless specially approved by the Commandant (G–MMT).

(e) For each welded joint in a membrane tank, the quality assurance measures, weld procedure qualification, design details, materials, construction, inspection, and production testing of components must meet the standards developed during the prototype testing program that are specially approved by the Commandant (G–MMT).

(f) For semi-membrane tanks, each welded joint must meet paragraph (c) or (e) of this section.

§ 154.655 Stress relief for independent tanks type C.

For a design temperature colder than −10° C (14° F), an independent tank type C of —

(a) Carbon and carbon-manganese steel must be stress relieved by post-weld heat treatment under § 54.25–7 of this chapter or mechanical stress relief under Subpart 54.30; or

(b) Materials other than carbon and carbon manganese steel must be stress relieved using a procedure specially approved by the Commandant (G–MMT).

§ 154.660 Pipe welding.

(a) Pipe welding must meet Part 57 of this chapter.

(b) Butt welds of pipes made from carbon, carbon manganese, or low alloy steels must be post-weld heat treated and must meet § 56.50–105 and Subpart 56.85 of this chapter.

(c) In addition to normal controls before and during the welding and to the visual inspection of the finished welds, the following tests are required as necessary for proving that the welding has been carried out correctly:

(1) A piping system with a service temperature lower than −10° C (14° F) and a wall thickness greater than 10 mm (.394 in.) or with an inside diameter greater than 100 mm (4 in.) must have 100 percent radiographic testing for butt welded joints.

(2) When Table 4 references this section, butt welded joints for deck cargo piping exceeding 75 mm (3 in.) in diameter must be 100 percent radiographic tested.

(3) For other butt welded joints of pipes, the non-destructive testing must meet Subpart 56.95 of this chapter.

§ 156.665 Welding procedures.

Welding procedure tests for tanks with a design temperature colder than 0° C (32° F), process pressure vessels, and piping must meet § 54.05–15 and Subpart 57.06 of this chapter.

CARGO PRESSURE AND TEMPERATURE CONTROL

§ 154.701 Cargo pressure and temperature control: General.

(a) Each refrigeration system must—(LNG) tank, must—

(1) Have a refrigeration system that meets § 154.702; or

(2) Be an independent tank type C having a P_o greater than the vapor pressure of the cargo at 45° C (113° F).

(b) The vessel must have a separate refrigeration system for each refrigerated incompatible cargo.

§ 154.702 Refrigerated carriage.

(a) Each refrigerated system must—

(1) Have enough capacity to maintain the cargo pressure below P_o under ambient design temperatures of 45° C (113° F) still air and 32° C (89.6° F) still water with the largest unit in the system inoperative; or

(2) Have a standby unit with a capacity at least equal to the capacity of the largest refrigeration unit operating in the system.

(b) For the purpose of this section, a "refrigeration unit" includes a compressor and its motors and controls.

(c) Each refrigeration system must—

(1) Have a heat exchanger with an excess capacity of 25 percent; or

(2) A standby heat exchanger.

(d) Where cooling water is used in a refrigeration system—

(1) The cooling water pump or pumps must be used exclusively for the system;

(2) Each pump must have suction lines from seachests on the port and starboard sides of the vessel; and

(3) The vessel must have a standby pump, which may be a pump that is used for other, non-essential purposes.

(e) Each refrigeration system must use refrigerants that are compatible with the cargo and, for cascade units, with each other.

(f) Each refrigeration system must have automatic and manual cargo temperature controls.

(g) The pressure of the heat transfer fluid in each cooling coil in a tank must be greater than the pressure of the cargo.

§ 154.703 Methane (LNG).

Unless a tank carrying methane (LNG) can withstand the pressure build up due to boil-off for 21 days, the pressure in the tank must be maintained below P_o for at least 21 days by—

(a) A refrigeration system that meets § 154.702;

(b) Burning boil-off gas in a waste heat or catalytic furnace that—

(1) Maintains the stack exhaust temperature below 535° C (995° F);

(2) Exhibits no visible flame; and

(3) Is specially approved by the Commandant (G–MMT); or

(c) Using the boil-off gas as fuel in boilers, inert gas generators, and combustion engines in the main propelling machinery space or for other services and in other spaces specifically approved by the Commandant (G–MMT).

§ 154.705 Cargo boil-off as fuel: General.

(a) Each cargo boil-off fuel system used to meet § 154.703(c) must meet §§ 154.706 through 154.709.

(b) The piping must have a connection for introducing inert gas and gas freeing the piping in the machinery space.

(c) A gas fired main propulsion boiler or combustion engine must have a fuel oil fired pilot to maintain fuel flow if gas fuel supply is cut off.

§ 154.706 Cargo boil-off as fuel: Fuel lines.

(a) Gas fuel lines must not pass through accommodation, service, or control spaces. A gas line passing through other spaces must meet one of the following:

(1) The fuel line must be a double-walled piping system with the annular space containing an inert gas at a pressure greater than the fuel pressure. Visual and audible alarms must be installed at the machinery control station to indicate loss of inert gas pressure.

(2) The fuel line must be installed in a mechanically exhaust ventilated pipe or duct, having a rate of air change of at least 30 changes per hour. The pressure in the space between the inner pipe and outer pipe or duct must be maintained at less than atmospheric pressure. If the required air flow is not established or maintained, the gas fuel supply must be automatically shut off. Continuous gas detection must be installed in the ventilated space to detect leaks and to automatically shut off the gas fuel supply to meet § 154.708(c). The ventilation system must meet the requirements of § 154.1205.

(b) Each double wall pipe or vent duct must terminate in the ventilation hood or casing required under § 154.707(a). Continuous gas detection must be installed in the hood or casing to indicate leaks and to shut off the gas fuel supply to meet paragraph (a)(2) of this section.

§ 154.707 Cargo boil-off as fuel: Ventilation.

(a) A ventilation hood or casing must be installed in areas occupied by flanges, valves, and piping at the fuel burner to cause air to sweep across them and be exhausted at the top of the hood or casing.

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(b) The hood or casing must be mechanically exhaust ventilated and meet § 154.1205.

(c) If the air flow in the ventilated hood or casing falls below the rate specially approved by the Commandant (G-MMT), the gas fuel supply must be shut off.

§ 154.708 Cargo boil-off as fuel: Valves.

(a) Gas fuel lines to the gas consuming equipment must have two fail-closed automatic valves in series. A third valve, designed to fail-open, must vent that portion of pipe between the two series valves to the open atmosphere.

(b) These valves must be arranged so that loss of boiler forced draft, flame failure, or abnormal gas fuel supply pressure automatically causes the two series valves to close and the vent valve to open. The function of one of the series valves and the vent valve may be performed by a single three-way valve.

(c) A master gas fuel valve must be outside the machinery space, but be operable from inside the machinery space and at the valve. The valve must automatically close if leakage of gas or loss of ventilation is detected.

§ 154.709 Cargo boil-off as fuel: Gas detection equipment.

(a) The continuous gas detection system required under § 154.706 (a) (2) and (b) must—

(1) Meet § 154.1350 of this part; and

(2) Have a device that activates an audible and visual alarm at the machinery control station and in the wheelhouse if the concentration reaches 1.5 percent by volume of methane and closes the master gas fuel valve required under § 154.708(c) if the concentration reaches 3 percent by volume.

(b) The number and arrangement of gas sampling points must be specially approved by the Commandant (G-MMT).

CARGO VENT SYSTEMS

§ 154.801 Pressure relief systems.

(a) Each tank that has a volume of 20 m^3 (706 $ft.^3$) or less must have at least one pressure relief valve.

(b) Each tank that has a volume of greater than 20 m^3 (706 $ft.^3$) must have at least two pressure relief valves of equal relieving capacity.

(c) Each pressure relief valve must—

(1) Meet 46 CFR 162.018 or, if the MARVS is 0.7 kp/cm^2 (10 psig) or less, 46 CFR 162.017, and have at least the capacity required under § 154.806;

(2) Not be set for a higher pressure than the MARVS;

(3) Have a fitting for sealing wire that prevents the set relieving pressure from being changed without breaking the sealing wire;

(4) Be insulated from the tank if the temperature of the cargo carried is below 0° C (32° F);

(5) Be fitted on the tank to remain in the vapor phase under conditions of 15° list and 0.015 L trim;

(6) Vent to a vent mast under § 154.805, except a relief valve may vent to a common tank relief valve header if the back pressure is taken into account in determining the required capacity in § 154.806;

(7) Not vent to a common header or common vent mast if the relief valves are connected to tanks carrying chemically imcompatible cargoes; and

(8) Not have any stop valves or other means of isolating the tank from its relief valve unless—

(i) The stop valves are interlocked or arranged so that only one pressure relief valve is out of service at any one time;

(ii) The interlock arrangement automatically shows the relief valve that is out of service; and

(iii) The remaining valves have the relieving capacity required under § 154.806, or all valves on the tank are the same size and a spare is carried, or a spare is carried for each valve on a tank.

§ 154.802 Alternate pressure relief settings.

Tanks specially approved for more than one relief valve setting must have one of the following valve arrangements:

(a) Valves that—

(1) Are set and sealed under § 154.801(c);

(2) Have the capacity required under § 154.806; and

(3) Are interlocked so that all relief valves cannot be isolated from the tank at any time.

(b) Valves that have spacer pieces or springs that—

(1) Change the set pressure without pressure testing to verify the new setting; and

(2) Can be installed without breaking the sealing wire required under § 154.801(c) (3).

§ 154.804 Vacuum protection.

(a) Each cargo tank must have—

(1) A pressure switch that operates an audible and visual alarm in the wheelhouse and cargo control station at or below 80 percent of the maximum external design pressure differential of the cargo tanks and a second, independent pressure switch that automatically shuts off all suction of cargo liquid or vapor from the cargo tank and secures any refrigeration of that tank at or below the maximum external designed pressure differential; or

(2) A vacuum relief valve that—

(i) Has a gas flow capacity at least equal to the maximum cargo discharge rate per tank;

(ii) Is set to open at or below the maximum external designed pressure differential;

(iii) Admits inert gas, cargo vapor from a source other than a cargo vapor header, or air except as prohibited under § 154.1710.

(b) Each vacuum protection system must have a means to test its operation.

(c) Tanks designed to withstand a maximum external pressure differential exceeding 0.25 kp/cm^2 (3.55 psig) and to withstand the maximum external pressure differential that can be attained at maximum discharge rates with no vapor return to the cargo tanks, by operation of a cargo refrigeration system, or by drawing off vapors for use in accordance with § 154.703(c), are not required to have vacuum protection.

§ 154.805 Vent masts.

Relief vents or common vent headers from relief valves must discharge to a vent mast that—

(a) Discharges vertically upward;

(b) Has a rain cap or other means of preventing the entrance of rain or snow;

(c) Has a screen or bars not more than 25 mm (1 in.) apart;

(d) Extends at least to a height of B/3 or 6 m (19.7 ft.), whichever is greater, above the weather deck and 6 m (19.7 ft.) above the working level;

(e) On a tank, does not exhaust within a radius of *B* or 25 m (82 ft.), whichever is less, from any forced or natural ventilation intake or other opening to an accommodation, service, control station, or other gas-safe space;

(f) On a containment system, except a tank, does not exhaust within a radius of 10 m (32.8 ft.) or less from any forced or natural ventilation intake or other opening to an accommodation, service, control station, or other gas-safe space;

(g) Has drains to remove any liquid that may accumulate; and

(h) That prevents accumulations of liquid at the relief valves.

§ 154.806 Capacity of pressure relief valves.

Pressure relief valves for each tank must have a combined relief capacity, considering back pressure from vent piping, headers, and masts, to discharge the greater of the following with not more than a 20 percent rise in cargo tank pressure above the MARVS:

(a) The maximum capacity of an installed tank inerting system.

(b) Quantity of vapors generated from fire exposure that is calculated under § 54.15-25 of this chapter.

ATMOSPHERIC CONTROL IN CARGO CONTAINMENT SYSTEMS

§ 154.901 Atmospheric control within cargo tanks and cargo piping systems.

(a) Each vessel must have a piping system for gas freeing and purging of each tank and all cargo piping.

(b) The piping system must minimize the pocketing of gas or air remaining after purging.

(c) For tanks certificated to carry flammable gases, the piping system must allow purging the tank of flammable vapors before air is introduced and purging the tank of air before the tank is filled with cargo.

(d) Each cargo tank must have—

(1) Gas sampling points at the top, middle, and bottom of the tanks; and

(2) Gas sampling line connections that are valved and capped above the deck.

§ 154.902 Atmospheric control within hold and interbarrier spaces.

(a) Vessels certificated to carry flammable cargo in cargo containment systems with full secondary barriers must have an inert gas system or onboard storage of inert gas that provides enough inert gas to meet the requirements of § 154.1848 for 30 days consumption.

(b) Vessels certificated to carry flammable cargo in cargo containment systems with partial secondary barriers must—

(1) Have an inert gas system or onboard inert gas storage that can inert the largest hold and interbarrier space;

(2) Have a gas detection system for each hold and interbarrier space; and

(3) Meet the requirements of § 154.902(a) or § 154.902(c)(2).

(c) Vessels certificated to carry only non-flammable cargo in cargo containment systems with secondary barriers must—

(1) Meet the requirements of § 154.902(a); or

(2) Have air drying systems that reduce the dewpoint of any air admitted to hold or interbarrier spaces below the temperature of any surface in those spaces.

(d) Vessels with refrigerated independent tanks type C must have inert gas or air drying systems that reduce the dewpoint of any inert gas or air admitted to the hold spaces below the temperature of any surface in the hold spaces.

§ 154.903 Inert gas systems: general.

(a) Inert gas carried or generated to meet §§ 154.901, 154.902, and 154.1848 must be non-flammable and non-reactive with the cargoes that the vessel is certificated to carry and the materials of construction of the tanks, hold and interbarrier spaces, and insulation.

(b) The boiling point and dewpoint at atmospheric pressure of the inert gas must be lower than the temperature of any surface in the spaces that the gas inerts.

(c) Storage vessels and inert gas piping must meet §§ 154.400 and 154.500 for the temperatures and pressures at which the gas is stored and used.

§ 154.904 Inert gas system: Controls.

The inert gas system must have—

(a) At least two check valves, or other means specially approved by the Commandant (G-MMT), in the cargo area to prevent the back flow of cargo vapor into the inert gas system;

(b) Automatic and manual inert gas pressure controls; and

(c) Valves to isolate each inerted space.

§ 154.906 Inert gas generators.

The inert gas generator must—

(a) Produce an inert gas containing less than 5 percent oxygen;

(b) Have a device to continuously sample the discharge of the generator for oxygen content; and

(c) An audible and visual alarm in the cargo control station set at or below 5 percent oxygen by volume.

§ 154.908 Inert gas generator: Location.

(a) Except as allowed in paragraph (b) of this section, an inert gas generator must be located in a space that is not in the cargo area and does not have direct access to any accommodation, service, or control space.

(b) An inert gas generator that does not use flame burning equipment may be located in the cargo area if specially approved by the Commandant (G-MMT).

§ 154.910 Inert gas piping: Location.

Inert gas piping must not pass through or terminate in an accommodation, service, or control space.

§ 154.912 Inerted spaces: Relief devices.

Inerted spaces must be fitted with relief valves, rupture discs, or other devices specially approved by the Commandant (G-MMT).

ELECTRICAL

§ 154.1000 Applicability.

(a) Sections 154.1005 through 154.1020 apply to flammable cargo and ammonia carriers.

(b) For the purposes of §§ 154.1005 through 154.1020, an ammonia carrier is not gas-dangerous on the open deck.

§ 154.1005 Equipment approval.

(a) All electrical equipment that is required to be intrinsically safe or explosion-proof under § 154.1010 must be approved or listed by an independent laboratory that is specially approved by the Commandant (G-MMT), such as Underwriters' Laboratories, Inc. or Factory Mutual Systems, for Class I Division I locations and the Group that is specified in Table 4 for the cargo carried.

(b) Each submerged cargo pump motor installation must be specially approved by the Commandant (G-MMT).

(c) All electrical equipment that must be intrinsically safe to meet § 154.1010 must meet the definition in § 110.15-100 (i) of this chapter.

(d) All electrical equipment that must be explosion-proof to meet § 154.1010 must meet § 110.15-65(e) of this chapter.

§ 154.1010 Electrical equipment in gas dangerous space or zone.

(a) Except as allowed in this section, electrical equipment must not be installed in a gas dangerous space or zone.

(b) Intrinsically safe electrical equipment and wiring may be in a gas dangerous space or zone.

(c) A submerged cargo pump motor may be in any tank if—

(1) Low liquid level, motor current, or pump discharge pressure automatically shuts down power to the pump motor if the pump loses suction;

(2) There is an audible and visual alarm at the cargo control station that actuates if the motor shuts down under the requirements of subparagraph (1) of this paragraph; and

(3) There is a lockable circuit breaker or lockable switch that disconnects the power to the motor.

(d) A supply cable for a submerged cargo pump motor may be in a hold space.

(e) A hold space that has a tank that is not required to have a secondary barrier under § 154.459 may have—

(1) Through runs of cable;

(2) Explosion-proof lighting fixtures;

(3) Depth sounding devices in gas tight enclosures;

(4) Log devices in gas tight enclosures; and

(5) Impressed current cathodic protection system electrodes in gas tight enclosures.

(f) A space that is separated by a gas tight steel boundary from a hold space that has a tank that must have a secondary barrier under the requirements of § 154.459 may have—

(1) Through runs of cable;

(2) Explosion-proof lighting fixtures;

(3) Depth sounding devices in gas tight enclosures;

(4) Log devices in gastight enclosures;

(5) Impressed current cathodic protection system electrodes in gastight enclosures;

(6) Explosion-proof motors that operate cargo system valves or ballast system valves; and

(7) Explosion-proof bells for general alarm systems.

(g) A cargo handling room may have—

(1) Explosion-proof lighting fixtures; and

(2) Explosion-proof bells for general alarm systems.

(h) A space for cargo hose storage may have—

(1) Explosion-proof lighting fixtures; and

(2) Through runs of cable.

(i) A space that has cargo piping may have—

(1) Explosion-proof lighting fixtures; and

(2) Through runs of cable.

(j) A zone on the open deck may have—

(1) Explosion-proof equipment that is necessary for the operation of the vessel; and

(2) Through runs of cable.

(k) A space, except those named in paragraph (e) through (j) of this section, that has a direct opening to gas-dangerous space or zone may only have the electrical equipment allowed in the gas-dangerous space or zone.

§ 154.1015 Lighting in gas-dangerous space.

(a) Each gas-dangerous space that has lighting fixtures must have at least two branch circuits for lighting.

(b) Each switch and each overcurrent protective device for any lighting circuit that is in a gas-dangerous space must open each conductor of the circuit simultaneously.

(c) Each switch and each overcurrent protective device for lighting in a gas-

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dangerous space must be in a gas safe space.

§ 154.1020 Emergency power.

The emergency generator must be designed to allow operation at the final angle of heel under § 154.230(a).

FIREFIGHTING

§ 154.1100 Firefighting: General.

Each vessel must meet Parts 32 and 34 of this chapter.

FIREFIGHTING SYSTEM: EXTERIOR WATER SPRAY

§ 154.1105 Exterior water spray system: General.

Each flammable liquefied gas carrier and each toxic liquefied gas carrier must have an exterior water spray system that meets §§ 154.1110 through 154.1135.

§ 154.1110 Areas protected by system.

Each water spray system must protect the following:

(a) All parts of each tank that are not covered by the vessel's hull structure or a steel cover, including the dome.

(b) Each on-deck storage vessel for flammable or toxic liquefied gases.

(c) Each cargo discharge and loading manifold.

(d) Each quick closing valve required by §§ 154.530, 154.532, and 154.538, and other control valves.

(e) Each boundary facing the cargo area of each superstructure that contains accommodation, service, or control spaces.

(f) Each boundary facing the cargo area of each deckhouse that contains accommodation, service, or control spaces.

(g) Each boundary of each deckhouse that is within the cargo area and that is manned during navigation of the vessel or during cargo transfer operations, except the deckhouse roof if it is 2.4 m (8 ft.) or higher above the main deck.

§ 154.1115 Discharge.

(a) Each water spray system must discharge at least—

(1) 10 l/m^2/min. (.25 gpm/$ft.^2$) over each horizontal surface; and

(2) 4 l/m^2/min. (.10 gpm/$ft.^2$) against each vertical surface, including water rundown if the vertical distance from the nozzles to the protected area does not exceed 3.7 m (12 ft.).

(b) The area of water spray coverage required under § 154.1110(c) and (d) for fittings and valves must be an area in a horizontal plane extending at least .5 m (19 in.) in each direction from the pipes, fittings, and valves, or the area of the drip tray, whichever is greater.

§ 154.1120 Nozzles.

Nozzles for the water spray system must be spaced to discharge the minimum density required under § 154.1115 over each part of the protected area.

§ 154.1125 Pipes, fittings, and valves.

(a) Each pipe, fitting, and valve for each water spray system must meet Part 56 of this chapter.

(b) Each water spray main that protects more than one area listed in § 154.1110 must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection.

(c) Each valved cross-connection from the water spray system to the fire main must be outside of the cargo area.

(d) Each distribution piping system must be made of fire resistant and corrosion resistant materials, such as galvanized steel or galvanized iron pipe.

(e) Each water spray system must have drains, strainers, and dirt traps.

§ 154.1130 Sections.

(a) If a water spray system is divided into sections, each section must at least include all of the area of an athwartship tank grouping.

(b) If a water spray system is divided into sections, the control valves must be at a single manifold that is aft of the cargo area.

§ 154.1135 Pumps.

(a) Water to the water spray system must be supplied by—

(1) A pump that is only for use on the system;

(2) A fire pump; or

(3) Another pump specially approved by the Commandant (G-MMT).

(b) Operation of a water spray system must not interfere with simultaneous operation of the fire main system at its required capacity.

(c) Except as allowed under paragraph (d) of this section, each pump for each water spray system must have the capacity to simultaneously supply all areas named in § 154.1110.

(d) If the water spray system is divided into sections, the pump must have the capacity to simultaneously supply—

(1) All the areas in § 154.1110(c) through (g); and

(2) The largest section that includes any area listed in § 154.1110(a) and (b).

FIREFIGHTING SYSTEM: DRY CHEMICAL

§ 154.1140 Dry chemical system: General.

(a) Each liquefied flammable gas carrier must have a dry chemical firefighting system that meets §§ 154.1145 through 154.1170 and Part 56 and § 162.039 of this chapter.

(b) The plans for the dry chemical supply and distribution systems, including all controls, must be submitted under Subpart 50.20 of this chapter.

§ 154.1145 Dry chemical supply.

(a) A vessel with a cargo carrying capacity less than 1000 m^3 (35,300 $ft.^3$) must have at least one self-contained dry chemical unit for the cargo area with independent inert gas pressuring sources adjacent to the unit.

(b) A vessel with a cargo carrying capacity of 1000 m^3 (35,300 $ft.^3$) or more must have at least two self-contained dry chemical storage units for the cargo area with independent inert gas pressurizing sources adjacent to each unit.

(c) Each dry chemical system must have at least one self-contained dry chemical storage unit and independent inert gas pressurizing source for each bow and stern loading and discharge area.

(d) Each hose line and monitor of each dry chemical system that is attached to a single storage unit must operate sequentially for 45 seconds each and simultaneously for 45 seconds.

§ 154.1150 Distribution of dry chemical.

(a) All of the above deck cargo area and all cargo piping outside that cargo area must be protected by—

(1) At least two dry chemical hand hose lines that have separate dry chemical supplies; or

(2) At least one dry chemical hand hose line and one dry chemical monitor that have separate dry chemical supplies.

(b) At least one dry chemical storage unit and hand hose line or monitor must be at the after end of the cargo area and all other gas dangerous areas except stern loading areas.

(c) Each part of the cargo area must be protected by at least one dry chemical hand hose line that is aft of that part or at least one dry chemical monitor that is aft of that part.

(d) Each cargo loading and discharge manifold must be protected by at least one dry chemical monitor.

(e) Each bow loading area and each stern loading area must also be protected by at least one hand hose line.

§ 154.1155 Hand hose line coverage.

For the purposes of § 154.1150, the coverage for an area protected by each hand hose line is equal to its length, except the coverage for the protection of areas that are inaccessible to personnel is equal to one-half the projection of the hose at its rated discharge, or 10 m (33 ft.), whichever is less.

§ 154.1160 Monitor coverage of system.

For the purposes of § 154.1150, the allowed coverage of each dry chemical system monitor must not exceed—

(a) 10 m (32.8 ft.) at 10 kg/sec (22 lb/sec);

(b) 30 m (984 ft.) at 25 kg/sec (55 lb/sec);

(c) 40 m (131.2 ft.) at 45 kg/sec (99/lb sec);

(d) An interpolation between 10 m (32.8 ft.) at 10 kg/sec (22 lb/sec) and 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec);

(e) An interpolation between 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec) and 40 m (131.2 ft.) at 45 kg/sec (99 lb/sec); or

(f) An extrapolation of 40 m (131.2 ft.) at 45 kg/sec (99 lb/sec).

§ 154.1165 Controls.

(a) Each dry chemical hand hose line must be one that can be actuated at its hose reel.

(b) Each dry chemical monitor must be one that can be—

(1) Actuated and controlled at the monitor; and

(2) Actuated and controlled at a location away from the monitor and the protected area, except a monitor that is pre-aimed at the manifold does not have to be controlled at a location away from the monitor and the protected area.

(c) Each dry chemical storage unit that has more than one hand hose line, monitor, or combination of hand hose line and monitor must have independent piping with a stop valve for each hand hose line or monitor, where it connects to the storage container.

(d) Each stop valve for a hose reel or monitor must have a remote control at the hose reel or monitor.

(e) Damage to any dry chemical system hose reel, monitor, pipe or control circuit must not prevent the operation of other hose reels, monitors, or control circuits that are connected to the same storage unit.

§ 154.1170 Hand hose line: General.

Each dry chemical hand hose line must—

(a) Be 33 m (108 ft.) long or less;

(b) Be operable whether or not it is unwound from a hose reel or removed from a hose cabinet;

(c) Be without kinks;

(d) Have a nozzle with a valve to start and stop the flow of chemical;

(e) Have a capacity of at least 3.5 kg/sec (7.7 lb./sec); and

(f) Be one that can be operated by one person.

CARGO AREA: MECHANICAL VENTILATION SYSTEM

§ 154.1200 Mechanical ventilation system: General.

(a) Each cargo compressor room, pump room, gas dangerous cargo control station, and space that contains cargo handling equipment must have a fixed, exhaust type, mechanical ventilation system.

(b) The following spaces must have a supply type mechanical ventilation system:

(1) Each space that contains electric motors for cargo handling equipment.

(2) Each gas-safe cargo control station.

(3) Each gas-safe space in the cargo area.

(4) Each space that contains inert gas generators, except main machinery spaces.

§ 154.1205 Mechanical ventilation system: Standards.

(a) Each exhaust type mechanical ventilation system required under § 154.1200(a) must have ducts for vapors from the following.

(1) The deck level.

(2) Bilges.

(3) If the vapors are lighter than air, the top of each space that personnel enter during cargo handling operations.

(b) The discharge end of each duct must be at least 10 m (32.8 ft.) from ventilation intakes and openings to accommodation, service, control station, and other gas-safe spaces.

(c) Each ventilation system for any cargo handling space must change all the air in that space and its adjoining trunks at least 30 times each hour.

(d) Each ventilation system for gas-safe cargo control station must be one that can change all the air in that space at least eight times each hour.

(e) A ventilation system must not recycle vapor from ventilation discharges.

(f) Each ventilation system must have operation controls outside the ventilated space.

(g) No ventilation duct for a gas-dangerous space may pass through any machinery, accommodation, service, or control space, except as allowed under § 154.703.

(h) Each electric motor that drives a ventilation fan must be outside ducts for any space that may contain flammable cargo vapors.

(i) Ventilation impellers and the housing in way of these impellers on flammable cargo carrier must meet one of the following:

(1) The impeller, housing, or both must be made of non-metallic material that does not generate static electricity.

(2) The impeller and housing must be made of non-ferrous material.

(3) The impeller and housing must be made of austenitic stainless steel.

(4) The impeller and housing must be made of ferrous material and have at least 13mm (.512 in.) of tip clearance.

(j) No ventilation fan may have any combination of fixed or rotating components made of an aluminum or magnesium alloy and ferrous fixed or rotating components.

(k) Each ventilation intake and exhaust must have a protective metal screen of not more than 13mm (.512 in.) square mesh.

§ 154.1210 Hold space, void space, cofferdam, and space that contains cargo piping.

(a) Each hold space, void space, cofferdam, and space that contains cargo piping must have—

(1) A fixed mechanical ventilation system; or

(2) A fixed ducting system that has a portable blower that meets § 154.1205(i) and (j).

(b) A portable blower in any personnel access opening must not reduce the area of that opening so that the opening does not meet § 154.308.

INSTRUMENTATION

§ 154.1300 Liquid level gauges: General.

(a) If Table 4 lists a closed gauge for a cargo, the liquid level gauges required by § 154.1305 must be closed gauges that do not have any opening through which cargo liquid or vapor could escape, such as an ultrasonic device, float type device, electronic or magnetic probe, or bubble tube indicator.

(b) If Table 4 lists a restricted gauge for a cargo, the liquid level gauges required by § 154.1305 must be closed gauges that meet paragraph (a) of this section or restricted gauges that do not vent the tank's vapor space, such as a fixed tube, slip tube, or rotary tube.

§ 154.1305 Liquid level gauges: Standards.

(a) Each tank must have at least one liquid level gauge that operates—

(1) At pressures that are equal to or greater than the MARVS of that tank; and

(2) At temperatures that are within the cargo handling temperature range for all cargoes carried.

(b) Each tank must have at least two liquid level gauges, unless the tank has one liquid level gauge that can be repaired and maintained while the tank contains cargo.

(c) Each required liquid level gauge must measure liquid levels from 100 mm (4 in.) or less of the tank bottom to 100 percent full.

§ 154.1310 Closed gauge shutoff valve.

Each closed gauge that is not mounted directly on the tank must have a shutoff valve that is as close as practicable to the tank.

§ 154.1315 Restricted gauge excess flow valve.

Each restricted gauge that penetrates a tank must have an excess flow valve, unless the gauge has no opening greater than 1.5 mm (.059 in.) in diameter through which liquid or vapor can escape.

§ 154.1320 Sighting ports, tubular gauge glasses, and flat plate type gauge glasses.

(a) Tanks may have sighting ports or a secondary means of liquid level gauging in addition to the gauges required under § 154.1305 if —

(1) The tank has a MARVS that is less than 0.7 kp/cm^2 (10 psig);

(2) The port has a protective cover and an internal scale; and

(3) The port is above the liquid level.

(b) Tubular gauge glasses must not be used as liquid level gauges for tanks.

(c) The plate type gauge glasses must not be used as liquid level gauges for tanks, except deck tanks if the glasses have excess flow valves.

§ 154.1325 Liquid level alarm: All tanks.

Except as allowed under § 154.1330, each cargo tank must have a high liquid level alarm that—

(a) Is independent of the liquid level gauge required under § 154.1305;

(b) Actuates an audible and visual alarm at the cargo control station before the liquid level in the tank reaches the maximum filling limit allowed under § 154.1844; and

(c) Actuates the quick closing valves required under §§ 154.530, 154.532, and 154.538 before the tank becomes liquid full and without causing the pressure in the loading lines to exceed the design pressure.

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§ 154.1330 Liquid level alarm: Independent tank type C.

Independent tank type C need not have the high liquid level alarm required under § 154.1325 if—

(a) The tank volume is less than 200 m^3 (7,060 $ft.^3$); or

(b) The tank can withstand the maximum possible pressures during loading, that pressure is below the relief valve setting, and overflow of the tank cannot occur.

§ 154.1335 Pressure and vacuum gauge.

(a) The vapor space of each tank must have a pressure gauge and, if vacuum protection is required under § 154.804, a vacuum gauge that—

(1) Can be read at the tank; and

(2) Have the remote readouts at the cargo control station.

(b) The vessel must have at least one high pressure alarm that—

(1) Actuates before the pressure in any tank exceeds the maximum pressure specially approved by the Commandant (G–MMT); and

(2) Actuates an audible and visual alarm in the wheelhouse and at the cargo control station.

(c) If vacuum protection is required under § 154.804, each vessel must have at least one low pressure alarm that—

(1) Actuates before the pressure in any tank falls below the minimum pressure specially approved by the Commandant (G–MMT); and

(2) Actuates an audible and visual alarm in the wheelhouse and the cargo control station.

(d) At least one pressure gauge must be fitted on each—

(1) Enclosed hold;

(2) Enclosed interbarrier space;

(3) Cargo pump discharge line;

(4) Liquid cargo manifold; and

(5) Vapor cargo manifold.

(e) There must be a local manifold presssure gauge between each manifold stop valve and each hose connection to the shore.

§ 154.1340 Temperature measuring devices.

(a) Each tank must have at least two devices that measure the temperature—

(1) At the bottom of the tank; and

(2) Near the top of the tank and below the maximum liquid level allowed under § 154.1844.

(b) Each device required by paragraph (a) must have a read-out at the cargo control station.

(c) Except independent tanks type C, each cargo containment system that carries cargo at temperatures colder than –55° C (—67° F) must have temperature measuring devices as follows:

(1) the number and location of the devices must be specially approved by the Commandant (G–MMT).

(2) The devices must be within the tank's insulation or on the adjacent hull structure.

(3) Each device must show the temperature continuously or at regular intervals of one hour or less.

(4) Each device must actuate an audible and visual alarm at the cargo control station before the temperature of the steel of the adjacent hull structure goes below the lowest temperature allowed for the steel under § 154.172.

(d) Each tank that carries cargo at temperatures colder than –55° C (–67° F) must have the number and arrangement of the devices that show the temperature of the tank during cool down procedures specially approved by the Commandant (G–MMT).

(e) One tank on the first vessel of a class of vessels must have in addition to the devices required by paragraph (d) of this section, devices that show the temperature of the boundary for verification of the cool down procedure.

§ 154.1345 Gas detection.

(a) For a vessel that carries a cargo that has an "I" or "I and T" in Table 4, the vessel must have—

(1) A fixed flammable gas detection system that meets § 154.1350; and

(2) Two portable gas detectors that can each measure 0 to 100 percent of the lower flammable limit of the cargo carried.

(b) For a vessel that carries a cargo that has a "T" or "I and T" in Table 4, the vessel must have—

(1) Two portable gas detectors that show if the concentration of cargo is above or below the threshold limit value listed in 29 CFR Part 1910 for that cargo; and

(2) Fixed gas sampling tubes in each hold space and interbarrier space as follows:

(i) The number of tubes must be specially approved by the Commandant (G–MMT).

(ii) Each tube must be valved and caped above the main deck unless it is connected to a fixed toxic gas detector.

(iii) If the vessel carries cargo that is heavier than the atmosphere of the space, each tube must have its open and in the lower part of the space.

(iv) If the vessel carries cargo that is lighter than the atmosphere of the space, each tube must have its open end in the upper part of the space.

(v) If the vessel carries cargo that is heavier than the atmosphere of the space and cargo that is lighter than the atmosphere of the space, each space must have tubes with their open ends in the lower part of the space and tubes with their open ends in the upper part of the space.

(vi) If the vessel carries cargo that can be both heavier and lighter than the atmosphere of the space, each space must have tubes with their open ends in the lower part of the space and tubes with their open ends in the upper part of the space.

(c) A vessel that carries methyl bromide or sulphur dioxide must have a fixed gas detection system that meets § 154.1350, except paragraph (l), and be in a gas safe cargo control station.

(d) Each alarm required by § 154.1350(d) on a vessel that carries methyl bromide and sulphur dioxide must be set or below the threshold limit value listed in 29 CFR Part 1910 for the cargo carried.

§ 154.1350 Flammable gas detection system.

(a) The vessel must have a fixed flammable gas detection system that has sampling points in—

(1) Each cargo pump room;

(2) Each cargo compressor room;

(3) Each motor room for cargo handling machinery;

(4) Each cargo control station that is not gas-safe;

(5) Each hold space, interbarrier space, and other enclosed space in the cargo area if the vessel has tanks other than independent tanks Type C; and

(6) Each space between the doors of an air lock required under § 154.345.

(b) The sampling points required under paragraph (a) of this section must meet § 154.1345(b)(2)(iii) through (vi).

(c) Gas sampling lines for the flammable gas detection system must not pass through any gas safe spaces, except gas safe cargo control rooms.

(d) Each flammable gas detection system must have audible and visual alarms that are actuated before or when the cargo is at a concentration that is equivalent to 30 percent of the lower flammable limit in air of the cargo carried.

(e) The visual alarm required by paragraph (d) of this section that is at a gas detector readout location must visually identify the space in which there is an alarm condition.

(f) Each flammable gas detection system must have an audible and a visual alarm for power failure and loss of gas sampling flow.

(g) Audible and visual alarms required under paragraphs (d) and (f) of this section must be—

(1) In each wheelhouse;

(2) In each cargo control station; and

(3) At each gas detection readout location.

(h) Each flammable gas detection system must monitor each sampling point at 30 minute or shorter intervals.

(i) All electrical equipment for each flammable gas detection system that is in a gas dangerous space or area must meet §§ 154.1000 through 154.1015.

(j) Each flammable gas detection system must have enough flame arrestors to protect all gas sampling lines.

(k) Each flammable gas detection system must have a filter that removes particulate matter in each gas sampling line.

(l) Each filter required by paragraph (k) of this section must be where it is removable during vessel operation unless it can be freed by back pressure.

(m) Each flammable gas detection system in a gas-safe cargo control station or wheelhouse must—

(1) Have a shut-off valve in each sampling line from an enclosed space, such as a hold or interbarrier space; and

(2) Exhaust gas to a safe location in the open atmosphere and away from all ignition sources.

(n) Each flammable gas detection system must not have common sampling lines, except sampling lines may be manifolded at the gas detector location if each line has an automatic valve that prevents cross-communication between sampling points.

(o) [Reserved]

(p) Each flammable gas detection system must have at least one connection for injecting zero gas and span gas into the system for testing and calibration.

(q) Each flammable gas detection system must have span gas for testing and calibration that is a known concentration of the cargo carried or the span gas recommended by the manufacturer of the flammable gas analyzer.

(r) The calibration test procedure and recommendation for type and concentration of span gas of the manufacturer of the flammable gas analyzer for each flammable gas detection system must be posted on or in the gas analyzer cabinet.

(s) Each flammable gas detection system must have a flow meter in each gas sampling line.

(t) Each flammable gas detection system must measure concentrations of 0 to 100 percent of the lower flammable limit of the cargo carried.

(u) In each hold and each interbarrier space that contains tanks other than independent tanks Type A, B, or C, the flammable gas detection system must measure concentrations of 0 to 100 percent by volume of the cargo carried by—

(1) An analyzer other than the one required under paragraph (t) of this section; or

(2) The analyzer required by paragraph (t) of this section with a scale switch that automatically returns the analyzer to 0 to 100 percent of the lower flammable limit scale when released.

§ 154.1360 Oxygen analyzer.

The vessel must have a portable analyzer that measures oxygen levels of 10 to 20 percent by volume in an inert atmosphere.

§ 154.1365 Audible and visual alarms.

(a) Each audible alarm must be one that can be turned off after sounding an alarm.

(b) Each visual alarm must be one that only can be turned off after the fault that actuated it is cleared.

(c) Each visual alarm must be marked to show the type and location of each fault that can actuate it.

(d) Each vessel must have means for testing each alarm.

§ 154.1370 Pressure gauge and vacuum gauge marking.

Each pressure gauge and vacuum gauge required by § 154.1335(a) must be marked with the maximum and minimum pressures that are specified on the vessel's certificate for the cargo carried.

§ 154.1375 Read-out for temperature measuring device marking.

Each read-out required by § 154.1340 for a device that measures temperature in a tank must be marked with the lowest temperature specified for the tank on the vessel's certificate.

SAFETY EQUIPMENT

§ 154.1400 Safety equipment: All vessels.

(a) A vessel of less than 25,000 m^3 cargo capacity must have the following personnel safety equipment:

(1) Six self-contained air-breathing apparatus each having a capacity of at least 1200 liters (42.36 ft^3).

(2) Nine spare bottles of air for the self-contained air-breathing apparatus on board.

(3) Six steel-cored lifelines.

(4) Six three-cell, explosive proof flashlights with the Underwriters' Laboratories, Inc., label for Class I Division I and the Group listed in Table 4 for the cargoes carried.

(5) Three fire axes.

(6) Six helmets that meet the specifications of ANSI Safety Requirements for Industrial Head Protection, Z–89.1 (1969).

(7) Six sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(8) Six sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z–87.1 (1968).

(9) Three outfits that protect the skin from scalding steam and the heat of fire, and that have a water resistant outer surface.

(10) Three chemical protective outfits.

(b) A vessel of 25,000 m^3 cargo capacity or more must have the following personnel safety equipment:

(1) Eight self-contained air-breathing apparatus that each have a capacity of at least 1200 liters (42.36 ft^3).

(2) Nine spare bottles of air for the self-contained air-breathing apparatus on board.

(3) Eight steel-cored lifelines.

(4) Eight three-cell, explosive proof flashlights with the Underwriters' Laboratories, Inc., label for the Group listed in Table 4 for the cargoes carried.

(5) Five fire axes.

(6) Eight helmets that meet the specifications of ANSI Safety Requirements for Industrial Head Protection, Z–89.1 (1969).

(7) Eight sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(8) Eight sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z–87.1 (1968).

(9) Five outfits that protect the skin from scalding steam and the heat of fire, and that have a water resistant outer surface.

(10) Three chemical protective outfits.

(c) When Table 4 references this section, a vessel carrying the referenced cargo must have the following additional personnel protection equipment:

(1) Three self-contained air-breathing apparatus that each have a capacity of at least 1200 liters (42.36 ft^3).

(2) Nine spare bottles of air for the self-contained air-breathing apparatus on board.

(3) Three steel-cored lifelines.

(4) Three three-cell, explosive proof flashlights with the Underwriters' Laboratories, Inc., label for the Group listed in Table 4 for the cargoes carried.

(5) Three helmets that meet the specifications of ANSI Safety Requirements for Industrial Head Protection, Z–89.1 (1969).

(6) Three sets of boots and gloves that are made of other electrically non-conductive material.

(7) Three sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z–87.1 (1968).

(8) Three chemical protective outfits.

§ 154.1405 Respiratory protection.

When Table 4 references this section, a vessel carrying the referenced cargo must have—

(a) Respiratory protection equipment for the cargoes carried for every person on board; and

(b) Two additional sets of respiratory protection equipment for the cargoes stowed in the wheelhouse.

§ 154.1410 Decontamination shower.

When Table 4 references this section, a vessel carrying the referenced cargo must have a decontamination shower and an eye wash that are—

(a) On the weatherdeck; and

(b) Marked EMERGENCY SHOWER in letters—

(1) 7.6 cm (3 in.) high; and

(2) 5.1 cm (2 in.) wide.

§ 154.1415 Air compressor.

A vessel must have an air compressor to recharge the bottles for breathing apparatus.

§ 154.1420 Stretchers and equipment.

A vessel must have—

(a) Two stretchers or wire baskets; and

(b) Equipment for lifting an injured person from a cargo tank, hold, or void space.

§ 154.1425 Oxygen resuscitation.

A vessel must have an oxygen resuscitator.

§ 154.1430 Equipment locker.

One of each item listed in §§ 154.1400 and 154.1420 must be stowed in a marked locker—

(a) On the open deck in or adjacent to the cargo area; or

(b) In the accommodation house near to a door opening onto the main deck.

§ 154.1435 Medical first aid guide.

Each vessel must have a copy of the IMCO Medical First Aid Guide for Use in Accidents Involving Dangerous Goods.

§ 154.1440 Antidotes.

A vessel must have the antidotes prescribed in the IMCO Medical First Aid

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Guide for Use in Accidents Involving Dangerous Goods for the cargoes being carried.

§ 154.1445 Lifesaving devices.

The design of the lifeboats and liferafts must allow for launching at the final angle of heel from the lower side of the vessel.

Subpart D—Special Requirements

§ 154.1700 Materials of construction.

When Table 4 references one of the following paragraphs in this section, the materials in the referenced paragraph must not be used in components that contact the cargo liquid or vapor:

(a) Aluminum and aluminum bearing alloys.
(b) Copper and copper bearing alloys.
(c) Zinc or galvanized steel.
(d) Magnesium.
(e) Mercury.
(f) Acetylide forming materials, such as copper, silver, and mercury.

§ 154.1705 Independent tank type C.

The following cargoes must be carried in an independent tank type C that meets § 154.701(a)(2):

(a) Ethylene oxide.
(b) Methyl bromide.
(c) Sulphur dioxide.

§ 154.1710 Exclusion of air from cargo tank vapor spaces.

When a vessel is carrying acetaldehyde, butadiene, ethylene oxide, or vinyl chloride, air must be—

(a) Purged from the cargo tanks and associated piping before the cargo is loaded; and

(b) Excluded after the cargo is loaded by maintaining a positive pressure of at least 0.14 kp/cm² (2 psig) by—

(1) Introducing a gas that—

(i) Is not reactive;

(ii) Is not flammable; and

(iii) Does not contain more than 0.2 percent oxygen by volume; or

(2) Controlling the cargo temperature.

§ 154.1715 Moisture control.

When a vessel is carrying sulphur dioxide, the master shall ensure that—

(a) A cargo tank is dry before it is loaded with sulphur dioxide; and

(b) Air or inert gas admitted into a tank carrying sulphur dioxide during discharging or tank breathing has a moisture content equal to or less than the moisture content of air with a dewpoint of −45° C (−49° F) at atmospheric pressure.

§ 154.1720 Indirect refrigeration.

A refrigeration system that is used to cool acetaldehyde, ethylene oxide, or methyl bromide, must be an indirect refrigeration system that does not use vapor compression.

§ 154.1725 Ethylene oxide.

(a) A vessel carrying ethylene oxide must—

(1) Have cargo piping, vent piping, and refrigeration equipment that have no connections to other systems;

(2) Have valves, flanges, fittings, and accessory equipment made of steel, stainless steel, except types 416 and 442, or other material specially approved by the Commandant (G–MHM);

(3) Have valve disk faces, and other wearing parts of valves made of stainless steel containing not less than 11 percent chromium;

(4) Have gaskets constructed of spirally wound stainless steel with teflon or other material specially approved by the Commandant (G–MHM);

(5) Not have asbestos, rubber, or cast iron components in the cargo containment system and piping; and

(6) Not have threaded joints in cargo piping.

(b) Cargo hose used for ethylene oxide must—

(1) Be specially approved by the Commandant (G–MMT); and

(2) Be marked "For (Alkylene or Ethylene) Oxide Transfer Only."

(c) Ethylene oxide must be maintained at less than 30° C (88° F).

(d) Cargo tank relief valves for tanks containing ethylene oxide must be set at 5.5 kp/cm² (78.2 psig) or higher.

(e) A vessel must have a method specially approved by the Commandant (G–MHM) of jettisoning ethylene oxide.

§ 154.1730 Ethylene oxide: Loading and off loading.

(a) The master shall ensure that before ethylene oxide is loaded into a tank—

(1) The tank is thoroughly clean, dry, and free of rust; and

(2) The tank vapor spaces and hold spaces are inerted with an inert gas that meets § 154.1710(b)(1).

(b) Ethylene oxide must be off loaded by a deepwell pump or inert gas displacement.

(c) Ethylene oxide must not be carried in deck tanks.

§ 154.1735 Methyl acetylene-propadiene mixture.

(a) The composition of the methyl acetylene-propadiene mixture at loading must be within the following limits:

(1) Maximum methyl acetylene and propadiene molar ratio of 3 to 1.

(2) Maximum combined concentration of methyl acetylene and propadiene of 65 mole percent.

(3) Minimum combined concentration of propane, butane, and isobutane is 24 mole percent, of which at least one third must be butanes and one third propane.

(4) Maximum propylene concentration of 10 mole percent.

(5) Maximum butadiene concentration of 2 mole percent.

(b) A vessel carrying a methyl acetylene-propadiene mixture must have a refrigeration system that does not use vapor compression or a refrigeration system that has the following features:

(1) Uses vapor compression so that the temperature to which the vapor may be subjected is 60° C (140° F) or less and the pressure is 17.6 kp/cm² (250 psig) or less.

(2) Discharge piping that has—

(i) Two temperature actuated shutdown switches set to operate at 60° C (140° F) or less;

(ii) A pressure actuated shutdown switch set to operate at 17.6 kp/cm² (250 psig) or less; and

(iii) A safety relief valve set to relieve at 18.0 kp/cm² (256 psig) or less.

(3) A relief valve that vents to a mast that meets § 154.805 and does not relieve into the compressor suction line.

(4) An alarm that sounds in the cargo control station and in the wheelhouse when the high pressure switch, high temperature switch, or relief valve operates.

(c) A vessel carrying a methyl acetylene-propadiene mixture must have cargo piping, vent piping, and refrigeration equipment that have no connections to other systems.

§ 154.1740 Vinyl chloride: Inhibiting and inerting.

When a vessel is carrying vinyl chloride, the master shall ensure that—

(a) Vinyl chloride is inhibited under the requirements of § 154.1818; or

(b) The requirements in § 154.1710 are met, and the oxygen content of inert gas is less than 0.1 percent by volume.

§ 154.1745 Vinyl chloride: Transferring operations.

A vessel carrying vinyl chloride must meet the requirements under § 40.15–1 of this chapter.

§ 154.1750 Butadiene or vinyl chloride: Refrigeration system.

A refrigeration system for butadiene or vinyl chloride must not use vapor compression unless it—

(a) Avoids any stagnation points where uninhibited liquid can accumulate; or

(b) Has inhibited liquid from the tank added to the vapor upstream of the condenser.

§ 154.1755 Nitrogen.

Cargo containment systems other than deck tanks on vessels carrying nitrogen must be specially approved by the Commandant (G–MMT).

Subpart E—Operations

§ 154.1800 Special operating requirements under Part 35 of this chapter.

A vessel must meet the requirements of Part 35 of this chapter.

§ 154.1802 Certificates, letters, and endorsements required.

(a) No person may operate a U.S. flag vessel unless the vessel's Certificate of Inspection issued under Subchapter D of this chapter is endorsed with the name of the cargo that it is allowed to carry.

(b) No person may operate a foreign flag vessel on the navigable waters of the United States unless the vessel has—

(1) A Certificate of Fitness for Carriage of Liquefied Gases in Bulk issued by the country of registry and a Letter of Compliance issued by the Commandant (G–MHM) endorsed under this part with the name of the cargo that it is allowed to carry; or

(2) A Letter of Compliance issued by the Commandant (G–MHM) endorsed with the name of the cargo that it is allowed to carry.

(3) The following plans and information are carried aboard:

(i) A description and schematic plan of the arrangement for inerting cargo tanks, hold spaces, and interbarrier spaces.

(ii) A description of the tank gauging equipment.

(iii) A description and instruction manual for the calibration of the cargo leak detector equipment.

(iv) A schematic plan that shows the locations of leak detectors and sampling points.

(v) A description of the systems for cargo temperature and pressure control for methane to meet proposed §§ 154.701 through 154.709.

§ 154.1804 Document posted in wheelhouse.

No person may operate a vessel unless the endorsed document required under § 154.1802 is under glass in the wheelhouse.

§ 154.1806 Copy of this subchapter on board.

No person may operate a U.S. flag vessel unless a copy of this part and a copy of Part 35 of this chapter are on board.

§ 154.1808 Limitations in the endorsement.

No person may operate a vessel unless that person complies with all limitations in the endorsement on the vessel's Certificate of Inspection or Letter of Compliance.

§ 154.1809 Loading and stability manual.

(a) No person may operate a vessel unless the vessel has on board a loading and stability manual.

(b) The loading and stability manual must contain—

(1) Information that enables the master to load and ballast the vessel while keeping structural stresses within design limits and positive metacentric height;

(2) Damage stability information, including all loading restrictions; and

(3) Trim information.

§ 154.1810 Cargo manual.

(a) No person may operate a vessel unless the vessel has on board a cargo manual.

(b) The cargo manual must contain the following information:

(1) A description of each cargo and its handling hazards as a liquid and as a gas, including accidents involving frostbite and asphyxiation, safety equipment, and first aid measures.

(2) A description of the dangers of asphyxiation from the inerting gases used on the vessel.

(3) The measures necessary to mitigate embrittlement of steel structure in way of cargo leakage.

(4) The use of the firefighting systems on the vessel.

(5) The features of the cargo containment system that effect operation and maintenance, including pressure and temperature ranges and relief valve setting.

(6) Pressures, temperatures, and liquid levels for all operations.

(7) General information derived from the first loading of the vessel.

(8) All alarm settings.

(9) A description of the components of the cargo system, including the following:

(i) Liquid cargo system.

(ii) Liquid recirculating or condensate return system.

(iii) Cargo tank cool-down system.

(iv) Cargo tank warm-up or vaporization system.

(v) Gas main system.

(vi) Cargo tank or compressor relief system and blocked liquid or gas relief system.

(vii) Inerting system.

(viii) Boil-off gas compressor or reliquefaction system.

(ix) Vapor leak detection systems.

(x) Alarm or safety indication systems.

(xi) Cargo jettisoning system.

(xii) Gas or fuel to engine room system.

(10) A description of cargo loading and discharge operations, including simultaneous handling of multigrades of cargo and ballast.

(11) A description of cargo operations during the voyage.

(12) A description of cargo tank cool-down and warm-up operations including purging and gasfreeing.

(13) A description of hull and cargo tank temperature monitoring systems.

(14) A description of vapor leak detection and alarm or safety systems.

(15) A description of the following conditions and their symptoms, including emergency measures and corrective actions:

(i) Cargo or ballast valve malfunction.

(ii) Low cargo tank gas pressure.

(iii) High fill level shutdown.

(iv) Gas compressor shutdown.

(v) Hull cold spots.

(vi) Cargo piping leaks.

(vii) Primary or secondary barrier failure.

(viii) Hold boundary structural failure.

(ix) Fire in vent mast head.

(x) Reliquefaction plant failure.

(xi) Vaporizer malfunction or failure.

(xii) Piping or cargo valve freeze-up.

(16) Any other matters relating to operation of the cargo systems.

(17) Operational means necessary to maintain the vessel in a condition of positive stability through all conditions of—

(i) loading and deballasting; and

(ii) unloading and ballasting.

(c) The master shall ensure that the cargo manual is kept up-to-date.

§ 154.1812 Operational limitation information.

The master shall ensure that terminal personnel are told the operational limitation information required by § 154.1810(b)(17).

§ 154.1814 Cargo information cards.

(a) No person may operate a vessel unless a cargo information card for each cargo being transported is carried either in the wheelhouse, in the ship's office, or in another location easily accessible to the person in charge of the watch.

(b) When a vessel is moored at a terminal, the master shall ensure that a set of information cards is in the possession of the terminal's person in charge of cargo transfer operations.

(c) Each card must be at least 17 cm x 24 cm (7 in. x 9½ in.), have printing on one side only, and must contain the following information about the cargo:

(1) Name as listed in Table 4.
(2) Appearance.
(3) Odor.
(4) The hazards involved in handling procedures for safe handling, including any special handling instructions.
(5) Procedures to follow in the event of spills, leaks, equipment breakdown, or uncontrolled cargo release.
(6) Procedures to be followed if a person is exposed to the cargo.
(7) Firefighting procedures and media.

§ 154.1816 Cargo location plan.

The master shall ensure that—

(a) A cargo location plan is prepared that gives—

(1) The location and number of each cargo tank; and

(2) The name of the cargo in each tank;

(b) One cargo location plan is kept with the sets of cargo information cards required under § 154.1814; and

(c) The cargo names in the cargo location plan do not differ from the names of the cargoes listed in Table 4.

§ 154.1818 Certificate of inhibition.

(a) Except as provided in § 154.1740(b), no person may operate a vessel carrying butadiene or vinyl chloride without carrying in the wheelhouse written certification from the shipper that the product is inhibited.

(b) The certification required by this section must contain the following information:

(1) The name and concentration of the inhibitor.
(2) The date the inhibitor was added.
(3) The expected duration of the inhibitor's effectiveness.
(4) Any temperature limitations qualifying the inhibitor's effective lifetime.
(5) The action to be taken if the time of the voyage exceeds the inhibitor's lifetime.

§ 154.1820 Shipping document.

No person may operate a vessel without carrying a shipping document in the wheelhouse that lists for each cargo on board—

(a) The tank in which the cargo is stowed;

(b) The name of the shipper;

(c) The location of the loading terminal;

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(d) The cargo name as listed in Table 4; and

(e) The approximate quantity of the cargo.

§ 154.1822 Shipping document: Copy furnished the transfer terminal.

While a vessel is moored at a transfer terminal, the master shall ensure that at least one copy of the shipping document is given to the terminal's person in charge of cargo transfer.

§ 154.1824 Obstruction of pumproom ladderways.

The master shall ensure that each cargo pumproom access is unobstructed.

§ 154.1826 Opening of tanks and cargo sampling.

(a) The master shall ensure that each tank opening is fully closed at all times.

(b) The master may authorize the opening of a tank—

(1) During tank cleaning; and

(2) To sample a cargo that Table 4 allows to be carried in a containment system having a restricted gauging system if—

(i) The tank is not being filled during sampling;

(ii) The vent system has relieved any pressure in the tank; and

(iii) The person sampling the cargo wears the protective clothing required under § 154.1840.

(c) The master shall ensure that cargoes requiring closed gauging as listed in Table 4 are sampled only through the controlled sampling arrangement of the tank.

§ 154.1828 Spaces containing cargo vapor: Entry.

(a) No person may enter a cargo handling space without the permission of the master.

(b) Before allowing anyone to enter a cargo handling space, the master shall ensure that—

(1) The space is free of toxic vapors and has enough oxygen to support life; or

(2) Those entering the space wear protective equipment with breathing apparatus and an officer closely supervises the entire operation.

§ 154.1830 Warning sign.

(a) The master shall ensure that a vessel transferring cargo while fast to a dock or while at anchor in port, displays a warning sign—

(1) At the gangway facing the shore so that the sign may be seen from the shore; and

(2) Facing outboard towards the water so that the sign may be seen from the water.

(b) Except as provided in paragraph (f) of this section, each warning sign must have the following legends:

(1) Warning.

(2) Dangerous Cargo.

(3) No Visitors.

(4) No Smoking.

(5) No Open Lights.

(c) Each letter on the sign must—

(1) Be block style;

(2) Be black on a white background;

(3) Be 7.6 cm (3 in.) high;

(4) Be 5.1 cm (2 in.) wide, except for "M" and "W" which must be 7.6 cm (3 in.) wide, and the letter "I" which may be 1.3 cm (½ in.) wide; and

(5) Have 1.3 cm (½ in.) stroke width.

(d) The spacing between letters must be—

(1) 1.3 cm (½ in.) between letters on the sign of the same word;

(2) 5.1 cm (2 in.) between words;

(3) 5.1 cm (2 in.) between lines; and

(4) 5.1 cm (2 in.) at the borders of the sign.

(e) The legends "No Smoking" and "No Open Lights" are not required when the cargoes on board a vessel are not flammable.

§ 154.1832 Incompatible cargo.

(a) The person in charge of cargo transfer may not authorize the loading of incompatible [7] cargoes into cargo containment systems unless the cargo containment systems are separated by—

(1) Cofferdams, other than the spaces between primary and secondary barriers;

(2) Empty tanks;

(3) Tanks containing mutually compatible cargo; or

(4) Piping tunnels.

(b) The person in charge of cargo transfer may not authorize loading of incompatible [7] cargoes into cargo containment systems that have common piping or venting systems.

(c) The person in charge of cargo transfer may not authorize loading of a cargo that is incompatible [7] with residue left in a tank from a previous cargo.

§ 154.1834 Cargo transfer piping.

The person in charge of cargo transfer shall ensure that cargo is transferred to or from a tank only through the cargo piping system.

§ 154.1836 Venting.

The person in charge of cargo transfer shall ensure that no cargo vapor is vented into the atmosphere.

§ 154.1838 Discharge by gas pressurization.

The person in charge of cargo transfer may not authorize cargo discharge by gas pressurization unless—

(a) The tank to be offloaded is an independent tank type B or C;

(b) The pressurizing medium is either the cargo vapor or a nonflammable, nontoxic gas that is inert with the cargo; and

(c) The pressurizing line has—

(1) A pressure reducing valve that has a setting that is 90 percent or less of the tank's MARVS; and

(2) A manual control valve between the pressure reducing valve and the tank.

[7] Incompatible cargoes are listed in Navigation and Vessel Inspection Circular 4-75 and is available from the Commandant (G-MHM-3/83) U.S. Coast Guard, Washington, D.C. 20590.

§ 154.1840 Protective clothing.

The person in charge of cargo transfer shall ensure that every person involved in cargo transfer wears the protective clothing, boots, gloves, and goggles required under § 154.1400.

§ 154.1842 Cargo systems controls and alarms.

The master shall ensure that each cargo emergency shutdown and alarm system used in cargo transfer is tested before cargo transfer begins.

§ 154.1844 Cargo tanks: Filling limits.

(a) The master shall ensure that a cargo tank is not loaded—

(1) More than 98 percent full; or

(2) In excess of the volume determined under the following formula, unless a higher limit is specified on the Certificate:

$$V_L = 0.98 V \frac{d_r}{d_L}$$

where:
V_L = Maximum volume to which the tank may be loaded.
V = Volume of the tank.
d_r = Density at the reference temperature specified in (b).
d_L = Density of the cargo at the loading temperature and pressure.

(b) The reference temperature to be used in paragraph (a) of this section is the temperature corresponding to the vapor pressure of the cargo at the set pressure of the pressure relief valves.

§ 154.1846 Relief valves: Changing set pressure.

The master shall—

(a) Supervise the changing of the set pressure of relief valves under the requirements of § 154.802(b);

(b) Enter the change of set pressure in the vessel's log; and

(c) Ensure that a sign showing the set pressure is posted—

(1) In the cargo control room or station; and

(2) At each relief valve.

§ 154.1848 Inerting.

(a) A master shall ensure that—

(1) Hold and interbarrier spaces on vessels with full secondary barriers are inerted when flammable cargoes are carried;

(2) Hold and interbarrier spaces are maintained full of dry air or inerted gas on—

(i) Vessels with partial secondary barriers;

(ii) Vessels with full secondary barriers when non-flammable cargoes are carried; and

(iii) Vessels with refrigerated independent tanks type C;

(3) When tanks containing flammable vapor are to be gas freed, the flammable vapors are purged from the tank by inert gas before air is admitted; and

(4) When gas free tanks are to be filled with a flammable cargo, air is purged from the tank by inert gas before cargo liquid or vapor is introduced.

(b) Inert gas must be supplied from the shore or from the vessel's inert gas system.

§ 154.1850 Entering cargo handling spaces.

(a) The master shall ensure that the ventilation system required under § 154.1205 is in operation for 30 minutes before a person enters one of the following:

(1) Spaces containing cargo pumps, compressors, and compressor motors.

(2) Gas dangerous cargo control spaces.

(3) Other spaces containing cargo handling equipment.

(b) The master shall ensure that a warning sign is posted outside of each space listed in paragraph (a) of this section which sets out the requirement for use of the ventilation system.

(c) The master shall ensure that no sources of ignition are put in a cargo handling space on a vessel carrying flammable cargo unless the space is gas free.

§ 154.1852 Air breathing equipment.

(a) The master shall ensure that a licensed officer inspects the compressed air breathing equipment at least once each month.

(b) The master shall enter in the vessel's log a record of the inspection required under paragraph (a) of this section that includes—

(1) The date of the inspection; and

(2) The condition of the equipment at the time of the inspection.

§ 154.1854 Methane (LNG) as fuel.

(a) If methane (LNG) vapors are used as fuel in the main propulsion system of a vessel, the master shall ensure that the pilot fuel oil burner required under § 154.703(c)(7) is used when the vessel is on the navigable waters of the United States.

(b) When the methane (LNG) fuel supply is shut down due to loss of ventilation or detection of gas, the master shall ensure that the methane (LNG) fuel supply is not used until the leak or other cause of the shutdown is found and corrected.

(c) The master shall ensure that the requirements in paragraph (b) of this section are posed in the main machinery space.

§ 154.1856 Correction of cold spots in the hull.

No person may operate a vessel unless cold spots in the hull are corrected under the requirements of § 154.122.

§ 154.1858 Cargo hose used in prototype testing.

The master shall ensure that a cargo hose used in prototype testing is not used for cargo transfer service.

§ 154.1860 Integral tanks: Cargo colder than −10°C(14°F).

The master shall ensure that no integral tank is used to carry a cargo colder than −10° C (14° F) unless specially approved by the Commandant (G-MMT).

§ 154.1862 Posting of speed reduction.

If a speed reduction is specially approved by the Commandant under § 154.409, the master shall ensure that the speed reduction is posted in the wheelhouse.

§ 154.1864 Vessel speed within speed reduction.

The master shall ensure that the speed of the vessel is not greater than the posted speed reduction.

§ 154.1866 Cargo hose connection: Transferring cargo.

No person may transfer cargo through a cargo hose connection unless the connection has a remotely controlled quick closing shut-off valve.

§ 154.1868 Portable blowers in personnel access openings.

The master shall ensure that a portable blower in a personnel access opening does not reduce the area of the opening so that it does not meet § 154.308.

§ 154.1870 Bow and stern loading.

(a) The master shall lock closed shut-off valves required under § 154.355(a)(3) when the bow or stern loading piping is not in use.

(b) The person in charge of cargo transfer shall ensure that after the bow or stern loading piping is used it is purged of cargo vapors with inert gas.

(c) The person in charge of cargo transfer shall ensure that entrances, forced or natural ventilation intakes, exhausts, and other openings to any deck house alongside the bow or stern loading piping are closed when this piping is in use.

(d) The person in charge of cargo transfer shall ensure that bow or stern loading piping installed in the area of the accommodation, service, or control space is not used for the following:

(1) Acetaldehyde.

(2) Ammonia, anhydrous.

(3) Dimethylamine.

(4) Ethylamine.

(5) Methyl Chloride.

(6) Vinyl Chloride.

TABLE 4.—*Summary of minimum requirements*

Cargo name	Ship type	Independent tank type C required	Control of cargo tank vapor space	Vapor detection	Gaging	Electrical hazard group and class	Special requirements
Acetaldehyde	IIG/IIPG		Inert	I. & T.	C	I–C	154.1400(c), 154.1410; 154.1710; 154.1720; 154.1870.
Ammonia, anhydrous	IIG/IIPG			T	C	I–D	154.1000, 154.1400(c); 154.1405, 154.1410; 154.1700(b)(c)(e), 154.1870.
Butadiene	IIG/IIPG		Inert	I	R	I–B	154.1700(b)(d)(f), 154.1710; 154.1740, 154.1750; 154.1818.
Butane	IIG/IIPG			I	R	I–D	None.
Butylene	IIG/IIPG			I	R	I–D	Do.
Dimethylamine	IIG/IIPG			I. & T.	C	I–C	154.1400(c), 154.1405; 154.1410, 154.1700(b)(c)(e); 154.1870.
Ethane	IIG			I	R	I–D	None.
Ethylamine	IIG/IIPG			I. & T.	C	I–C	154.1400(c), 154.1405; 154.1410, 154.1700(b)(c)(e); 154.1870.
Ethyl chloride	IIG/IIPG			I. & T.	R	I–D	154.1870.
Ethylene	IIG			I	R	I–C	None.
Ethylene oxide	IG	Yes	Inert	I. & T.	C	I–B	154.1400(c), 154.1405; 154.1410, 154.1700(b)(d)(f); 154.705, 154.1710; 154.1720, 154.1725; 154.1730, 154.1870; 154.660(c)(2).
Methane (LNG)	IIG			I	C	I–D	154.703–709; 154.1854.
Methyl acetylene propadiene mix.	IIG/IIPG			I	R	I–	154.1735.
Methyl bromide	IG	Yes		I. & T.	C	I–D	154.660(c)(2), 154.1345(c)(d), 154.1400(c); 154.1405, 154.1410; 154.1700(g), 154.1705; 154.1720, 154.1870.
Methyl chloride	IIG/IIPG			I. & T.	C	I–D	154.1700(a), 154.1870.
Nitrogen	IIG			O	C		154.1755.
Propane	IIG/IIPG			I	R	I–D	None.
Propylene	IIG/IIPG			I	R	I–D	Do.
Refrigerant gases [1]	IIG				R		Do.
Sulfur dioxide	IG	Yes	Dry	T	C		154.660(c)(2), 154.1345(c)(d), 154.1400(c); 154.1405, 154.1410; 154.1705, 154.1715; 154.1720, 154.1870.
Vinyl chloride	IIG/IIPG			I. & T.	C	I–D	154.1405, 154.1410; 154.1700(a), 154.1700(b)(d)(f), 154.1710; 154.1704, 154.1745; 154.1750, 154.1818, 154.1870.

[1] Regrigerant gases include nontoxic, nonflammable gases, such as: dichlorodifluoromethane, dichloromonofluoromethane ,dichlorotetrafluoroethane, monochlorodifluoro methane, monochlorotetrafluorosthane, monochlorotrifluoromethane.

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APPENDIX A—EQUIVALENT STRESS

The Coast Guard only accepts equivalent stress (σ_e) calculated under the following or a formula specially approved by the Commandant (G-MMT) as equivalent to the following:

I.

$$\sigma_e = \sqrt{\sigma_x^2 + \sigma_y^2 - \sigma_x\sigma_y + 3\tau_{xy}^2}$$

where:

σ_x = Total normal stress in "x" direction.

σ_y = Total normal stress in "y" direction.

τ_{xy} = Total shear stress in "xy" plane.

II. When the static and dynamic stresses are calculated separately, the total stresses in paargraph I are calculated from the following or equivalent formulae specially approved by the Commandant (G-MMT):

$$\sigma_x = \sigma_x(\text{static}) \pm \sqrt{\sum(\sigma_x(\text{dynamic}))^2}$$

$$\sigma_y = \sigma_y(\text{static}) \pm \sqrt{\sum(\sigma_y(\text{dynamic}))^2}$$

$$\tau_{xy} = \tau_{xy}(\text{static}) \pm \sqrt{\sum(\tau_{xy}(\text{dynamic}))^2}$$

III. Each dynamic and static stress is determined from its acceleration component and its hull strain component from hull deflection and torsion.

APPENDIX B—STRESS ANALYSES DEFINITIONS

The following are the standard definitions of stresses for the analysis of independent tank type B:

I. "Normal stress" means the component of stress normal to the plane of reference.

II. "Membrane stress" means the component of normal stress that is uniformly distributed and equal to the average value of the stress across the thickness of the section under consideration.

III. "Bending stress" means the variable stress across the thickness of the section under consideration, after the subtraction of the membrane stress.

IV. "Shear stress" means the component of the stress acting in the plane of reference.

V. "Primary stress" means the stress produced by the imposed loading that is necessary to balance the external forces and moments. (The basic characteristic of a primary stress is that it is not self-limiting. Primary stresses that considerably exceed the yield strength results in failure or at least in gross deformations.)

VI. "Primary general membrane stress" means the primary membrane stress that is so distributed in the structure that no redistribution of load occurs as a result of yielding.

VII. "Primary local membrane stress" means the resulting stress from both a membrane stress, caused by pressure or other mechanical loading, and a primary or a discontinuity effect that produces excessive distortion in the transfer of loads to other portions of the structure. (The resulting stress is defined as a primary local membrane stress although it has some characteristics of a secondary stress. A stress region is local if—

$$S_1 \leq .05\sqrt{Rt};$$

and

$$S_2 \leq 2.5\sqrt{Rt}$$

Where:

S_1 = distance in the meridional direction over which the equivalent streas exceeds 1.1 f.

S_2 = distance in the meridional direction to another region where the limits for primary general membrane stress are exceeded.

R = means radius of the vessel.

t = wall thickness of the vessel at the location where the primary general membrane stress limit is exceeded.

f = allowable primary general membrane stress.

VIII. "Secondary stress" means a normal stress or shear stress caused by constraints of adjacent parts or by self-constraint of a structure. (The basic characteristic of a secondary stress is that it is self-limiting. Local yielding and minor distortions can satisfy the conditions that cause the stress to occur.)

(R.S. 4472, as amended (46 U.S.C. 170); sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b), (t), (n)(4).)

Dated: September 25, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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MONDAY, OCTOBER 4, 1976

PART III:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Electrical Systems

V 41 I 193 OCT 4 76 UMI

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 73-217]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Electrical Systems

• *Purpose.* The purpose of this regulation is to reduce the number of deaths and injuries and the amount of property damage on recreational boats caused by fires and explosions of fuel, fuel vapors and materials requiring manufacturers to build recreational boat electrical systems that cannot act as a source of ignition for fires and explosions. •

Boating accident statistic reports show that fires and explosions are the leading causes of property damage and one of the leading causes of personal injury aboard recreational boats. These fire and explosion accidents have resulted from the ignition of fuel, fuel vapors, and other combustible materials.

The Coast Guard has analyzed the fire and explosion accident reports and the statistical data related to these accidents. The results of the analysis indicate that the source of ignition for the majority of these accidents was arcing, shorting, or electrical breakdown of electrical components or items of electrical equipment that were not constructed for use in a marine environment.

Voluntary standards and recommended practices that, if followed, would prevent most accidents caused by electrical sources are found in publications of the American Boat and Yacht Council, National Fire Protection Association, Underwriters' Laboratories, Inc., and Society of Automotive Engineers. Because these standards are not mandatory they are not used by a large percentage of boat manufacturers.

The National Boating Safety Advisory Council was consulted and its opinions and advice were considered in the formulation of these proposed regulations. A Fuel and Electrical Panel was established by the Council to review these regulations. The panel included representatives from independent testing laboratories, marine surveyors, boat builders, engine builders, and state boating law administrators. The technical aspects of the proposed regulations were scrutinized by the panel in meetings open to the public.

The proposed regulations contain minimum standards of safety for electrical components and electrical systems aboard recreational boats. Adherence to these minimum standards will significantly reduce the probability of ignition sources aboard recreational boats.

The following is a discussion of the regulations to explain the intent and meaning of some of the sections.

Section 183.401 *Applicability.* Subpart I applies to all boats that have gasoline engines, except boats that have outboard gasoline engines only. This means any boat that has a gasoline engine used for propulsion of the boat or for powering electrical or mechanical equipment, such as generators or compressors, must meet the requirements of the subpart.

A review of 1973 boating statistics published in the 1973 Nationwide Boating Survey showed there was one fire or explosion of fuel for every 9.9 million exposure hours on outboard boats. On inboard boats there was one fire or explosion of fuel for every 843,000 exposure hours. The statistics also revealed that more than 93% of the fire or explosion of fuel accidents occurred on boats with gasoline engines. Based on these facts, these regulations apply only to boats that have gasoline engines. Outboard engines and the control wiring associated with them are not covered.

The various sections of the proposed regulations would become effective at different times, depending on the extent of the requirement and the amount of time required to comply. Those sections of the regulations that do not require tooling changes and may only require minor design changes would become effective six months after publication of the final rule. These sections include those requirements that the boat manufacturer can easily comply with by himself and any parts he may need are readily available on the market. Other sections would become effective 12 months after publication. These sections require the use of electrical components and parts that are not readily available and other changes that require some tooling changes by electrical component manufacturers. The ignition protection requirements would become effective 18 months after publication of the rule. Major design changes in a boat's bulkheads and compartmentation may be necessary to comply with this section. The design and production of ignition protection components would be required by this section.

Specialty type conductors and systems such as resistance conductors that control circuit voltage or amperage, high voltage secondary conductors in the ignition systems, cranking motor conductors, navigation equipment, communication systems, conductors inside enclosures and casings, and pigtails of less than seven inches of exposed length are excepted from most of the sections of the subpart. Because of the type of intermittent use for which these conductors and systems are used and because there are no identifiable hazards associated with these conductors and systems, the exceptions to specific sections are made. Each section in the proposed regulations indicates those specialty type conductors and systems that are excepted from its requirements.

Section 183.410 *Ignition protection.* The purpose of § 183.410 is to eliminate spark ignition sources in the vicinity of gasoline fuel and gasoline vapor sources. This is accomplished by requiring electrical components to be ignition protected or by isolating the electrical components from gasoline fuel and vapor sources. Ignition protection means that the electrical component be able to operate at its manufacturer rated voltages and current loadings without igniting an explosive mixture of propane gas and air. The regulation does not specify details of the design and construction of the electrical component. It requires that when the component is placed in an explosive atmosphere it operates without igniting that atmosphere.

Isolation is attained by means of bulkheads, decks, or enclosures that meet requirements for watertight integrity and minimum openings and spaces.

Section 183.415 *Grounding.* Cranking motor circuits carry very high amperages. The high amperages can cause burning, arcing and melting of fuel lines and conductors which complete a circuit between two or more engines, resulting in fires and explosions. This grounding requirement prevents these high amperages from being conducted by conductors or fuel lines that are common to the engines if the normal ground of a cranking motor becomes an open circuit. The common grounding conductor is required to be of sufficient size to carry the starting current of any of the cranking motor circuits.

Section 183.420 *Batteries.* Section 183.420 describes the requirements for proper battery installation and identification. The battery installation requirements will help prevent accidental short-circuiting of battery terminals by requiring protection for the exposed terminals and requiring secure mounting of the battery. The regulation requires that the means to secure a battery must prevent the battery from moving more than one inch in any direction. This will protect the battery casing and terminals from damage. Battery terminals and conductors are required to be shielded with a dielectric or insulating material such as a rubber boot, a piece of plywood mounted over the battery, or a battery box cover to prevent accidental short-circuiting caused by falling tools or other metallic objects. Accidental short-circuiting between battery terminals and metallic fuel system components, when the battery is being installed and removed, is a hazardous situation which could expose gasoline fuel and vapors. To lower the risk of this problem fuel system components within 12 inches of the battery top and side surfaces are required to be shielded with a dielectric material. Batteries may not be installed directly above fuel system components which could be damaged by battery electrolyte.

Hydrogen gas discharged by a battery can be trapped inside a boat. The trapped gas is explosive and is easily ignited. To prevent possible explosions, there is a requirement to provide ventilation to remove the discharged hydrogen gas from the boat. The regulation does not specify details of the design and construction of the means of ventilation. It requires that adequate ventilation be provided, either natural or mechanical, so that the discharged hydrogen gas cannot remain within the boat.

Identification of the positive battery terminal is required to reduce the likelihood of improper battery connection,

which could cause short-circuiting and burning of electrical components. Battery terminal connections must not depend on spring tension. This requirement will help to eliminate connections which may vibrate loose and short-circuit.

Section 183.425 *Conductors: General.* The purpose of § 183.425 is to restrict conductors from carrying electrical currents that exceed their safe current carrying capacity. Only insulated stranded copper conductors are allowed under the proposed regulations. The stranded construction will survive bending and vibration, and the copper is more corrosion resistant than other conductor metals. Table 3 specifies the maximum current a conductor may carry during normal operation dependent on its gauge and insulation temperature rating. The temperature rating of the conductor depends on the conductor insulating material and Tables 4 and 5 describe minimum performance requirements for insulating materials. If a conductor is used in an engine room or engine compartment, a correction facto is used to reduce the allowable current carrying capacity of the conductor to prevent excess heat buildup and possible melting and burning of the conductor, insulation. For minimum strength, at least No. 18 AWG conductors must be used in a mult-conductor sheath.

Section 183.435 *Conductor type: Circuits of 50 volts or more.* Section 183.435 specifies the types of conductors that may be used in circuits of 50 volts or greater and the maximum current carrying capacity of those conductors. The conductor insulation is required to be moisture resistant and flame retardent to minimize deterioration of the insulation which could otherwise provide a path for the spread of fire. Conductors that carry high voltages and amperages generate heat and when three or more current carrying conductors are grouped in a duct, bundle or cable the heat concentration and buildup could break down the conductor insulation. The break down can lead to melting and burning of the conductor insulation.

Section 183.440 *Secondary circuits of ignition systems.* Section 183.440 specifies the types of conductors that can be used in secondary circuits of ignition systems and the type of protection required at the conductor connections. The requirement for tight fitting caps, boots, or nipples at the connections to spark plugs, coils, and distributors is necessary to eliminate arc-tracking across insulators in the presence of salt spray and dirt, which could also be a source of ignition of fuel vapors.

Section 183.450 *Conductors: Termination.* Section 183.450 prescribes conductor termination and insulation requirements. Some requirements will not apply if the conductor termination is inside a junction box or equipment enclosure where possible loosening of the termination is not a hazard. Strength requirements for connections between conductors and between conductors and connectors are necessary to prevent easy disengagement of connections, which could present a fire hazard. Because soldered connections can corrode or vibrate loose, this section requires that soldered connections have a means of connection other than the solder. However, this requirement is relaxed for conductors connected to battery terminals or studs if the length of the soldered connection used to join the conductor to the battery between the conductor and the connector is at least 1.5 times the diameter of the stranded portion of the conductor.

These requirements prohibit the use of wirescrews and wirenuts because they can vibrate loose.

Ungrounded terminals or studs in the cranking circuit that are continuously energized and are not provided with overcurrent protection must have some means of insulation, such as a rubber boot, to prevent accidental short-circuiting with tools or other metallic objects. Other ungrounded current carrying terminations are required to have some means of insulation to prevent the termination from short-circuiting with other terminations or from short-circuiting with materials which are at ground potential. This requirement can be met by use of insulating sleeves, separators, boots, or nipples.

Section 183.455 *Overcurrent protection: General.* Section 183.455 contains the general requirements for overcurrent protection, specifying the nominal voltages, locations, and current ratings of manually reset, tripfree circuit breakers and fuses. These requirements protect ungrounded current-carrying conductors from overloading and becoming a fire hazard.

Section 183.460 *Overcurrent protection: Special applications.* Section 183.460 describes the allowable current rating for manually reset, tripfree circuit breakers and fuses that are used in circuits that supply power to motors, radiotelephone equipment, and switchboards. Protection of conductors from excessive current loadings in these types of circuits is necessary to remove potential fire hazards.

The Coast Guard has awarded a grant pursuant to sections 25 and 27(d) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451) to the American Boat and Yacht Council, Inc. (ABYC). Under the grant, ABYC is preparing a compliance manual for these regulations. The manual will contain explanatory and interpretative information, illustrations, and diagrams to aid manufacturers in complying with the regulations. The manual will not dictate the method a manufacturer must follow to comply with the regulations, but it will be a guide to methods that, if followed, will be acceptable to the Coast Guard as meeting the intent and purpose of the rules. The manual will be distributed by the Coast Guard through National Technical Information Service and will be available to the public at cost before the Final Rule becomes effective.

The National Boating Safety Advisory Council gave unanimous approval to the substantive intent of the proposed regulations. Transcripts of the proceedings of the meetings of the NBSAC Fuel and Electrical Panel at which these proposed regulations were discussed are available for examination in Rom 4310, U.S. Coast Guard Transpoint Building, 2nd and V Streets, S.W., Washington, D.C. The minutes of these meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BR/62), U.S. Coast Guard, Washington, D.C. 20590.

The economic and inflationary impacts and the evaluation of benefits of these proposed regulations have been carefully evaluated in accordance with Office of Management and Budget Circular A-107. The proposed regulations should result in a cost to industry of approximately $1.275 million to $7.65 million per year. These industry costs should result in an increased cost to the consumer of 0.09 percent to 2.8 percent, depending on the size of the boat purchased. The benefit of the proposed regulations is the reductions in the amount of property damage, the number of injuries, and the number of lives lost. No Inflationary Impact Statement is required.

The standards and codes referenced in these regulations have been approved for incorporation by reference by the Director of the FEDERAL REGISTER, and they are on file in the Federal Register Library.

Any interested persons may submit written data, views or arguments concerning this notice to the Executive Secretary, Marine Safety Council, U.S. Coast Guard, Room 8117, 400 7th Street, S.W., Washington, D.C. 20590. All communications received before December 1, 1976, will be considered before the final rule is published. Each person submitting comments should include his name and address, identify this notice (CGD 73-217) and give reasons and supporting data for any recommendations. All comments will be available for public inspection in Room 8117, Coast Guard Headquarters, Nassif Building, 400 7th Street, S.W., Washington, D.C.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454). The authority vested in the Secretary of the Department of Transportation by the Act is delegated to the Commandant of the Coast Guard at 49 CFR 1.46(n)(1).

In consideration of the foregoing, it is proposed to amend Part 183 of Chapter I of Title 33 of the Code of Federal Regulations by adding new Subpart I to follow Subpart H and to read as follows:

Subpart I—Electrical Systems

GENERAL

Sec.
183.401 Purpose, applicability, and effective dates.
183.402 Definitions.
183.405 General.

MANUFACTURER REQUIREMENTS

183.410 Ignition protection.
183.415 Grounding.
183.420 Batteries.

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Sec.
183.425 Conductors: General.
183.430 Conductors in circuits of less than 50 volts.
183.435 Conductors in circuits of more than 50 volts.
183.440 Secondary circuits of ignition systems.
183.445 Conductors: Support and protection.
183.450 Conductors: Termination.
183.455 Overcurrent protection: General.
183.460 Overcurrent protection: Special application.

EQUIPMENT STANDARDS

183.465 Conductors: Insulating materials.
183.470 Caps, boots, and nipples.

AUTHORITY: 46 U.S.C. 1454; 49 CFR 1.46 (n)(1).

Subpart I—Electrical Systems

GENERAL

§ 183.401 Purpose, applicability, and effective dates.

(a) This subpart applies to all boats that have gasoline engines for electrical or mechanical power or propulsion, except outboard engines.

(b) The sections in this subpart are effective on the following dates:

(SIX MONTHS AFTER PUBLICATION OF FINAL RULE)

§ 183.401 § 183.420
§ 183.405 § 183.445

(12 MONTHS AFTER PUBLICATION OF FINAL RULE)

§ 183.415 § 183.450
§ 183.425 § 183.455
§ 183.430 § 183.460
§ 183.435 § 183.465
§ 183.440 § 183.470

(18 MONTHS AFTER PUBLICATION OF FINAL RULE)

§ 183.410

§ 183.402 Definitions.

As used in this subpart—

(a) "ASTM" means Ameican Society for Testing and Materials. ASTM standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(b) "AWG" means American Wire Guage.

(c) "Electrical component" means electrical equipment such as, but not limited to, conductors, solenoids, motors, generators, distributors, resistors, appliances and electrical control devices.

(d) "IEEE" means Institute of Electrical and Electronic Engineers, Inc. IEEE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

(e) "NFPA" means National Fire Protection Association. NFPA standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. and may be obtained from the National Fire Protection Association, 470 Atlantic Ave., Boston, MA 02110.

(f) "Pigtails" means external power conductors or wires that are part of electrical components and appliances, such as bilge pumps, blowers, lamps, switches, solenoids, and fuses.

(g) "SAE" means Society of Automotive Engineers, Inc. SAE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(h) "Sheath" means a material used as a continuous protective covering, such as electrical tape, molded rubber, molded plastic, or tubing, around one or more insulated conductors.

(i) "UL" means Underwriters Laboratories Inc. UL standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from Underwriters Laboratories Inc., 207 East Ohio Street, Chicago, IL 60611.

§ 183.405 General.

Each electrical component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or part of portable equipment.

MANUFACTURER REQUIREMENTS

§ 183.410 Ignition protection.

(a) Each electrical component must not ignite a propane gas and air mixture that is 4.25 to 5.25 percent propane gas by volume surrounding the electrical component when it is operated at each of its manufacturer rated voltages and current loadings, unless it is isolated from gasoline fuel sources, such as engines, fuel tank fuel fittings or connections, vent lines, fill lines, and distribution lines that are interrupted by valves, connections or other fittings, in accordance with paragraph (b) of this section.

(b) An electrical component is isolated from a gasoline fuel source if—

(1) A bulkhead that meets the requirements of paragraph (c) of this section is between the electrical component and the gasoline fuel source;

(2) A deck that can resist a water level of 12 inches without seepage of more than one-quarter fluid ounce of fresh water per hour is between the electrical component and the gasoline fuel source; or

(3) The electrical component is above the gasoline fuel source and a deck or other enclosure is between it and the gasoline fuel source.

(c) Each bulkhead required by paragraph (b)(1) of this section must—

(1) Extend both vertically and horizontally the distance of the open space between the fuel source and the ignition source; and

(2) Resist a water level that is 12 inches high or one-third of the maximum height of the bulkhead, whichever is less, without seepage of more than one-quarter fluid ounce of fresh water per hour. Each opening in the bulkhead that is higher than 12 inches or one-third of the maximum height of the bulkhead, whichever is less, must be used only for passage of conductors, piping, ventilation ducts and mechanical equipment and the maximum annular space around each item that passes through the opening must not be more than one-quarter inch. Hatches, doors, and access panels may be installed in the bulkhead if the hatch, door, or access panel can resist a water level that is 12 inches high or one-third of the maximum height of the bulkhead, whichever is less, without seepage of more than one-quarter fluid ounce of fresh water per hour.

§ 183.415 Grounding.

If a boat has more than one gasoline engine, grounded cranking motor circuits must be connected to each other by a common conductor that can carry the starting current of any of the grounded cranking motor circuits.

§ 183.420 Batteries.

(a) Each installed battery must not move more than one inch in any direction when a pulling force of 90 pounds or twice the battery weight, whichever is greater, is applied to the battery as follows:

(1) Vertically for a duration of one minute.

(2) Horizontally and parallel to the boat's center line for a duration of one minute fore and one minute aft.

(3) Horizontally and perpendicular to the boat's center line for a duration of one minute to starboard and one minute to port.

(b) Each battery must be installed so that metallic objects cannot come in contact with the battery terminals.

(c) Each metallic fuel line and fuel system component within 12 inches of the battery top and side surfaces must be shielded with dielectric material.

(d) Each battery must not be directly above or below a fuel tank, fuel filter, or fitting in a fuel line.

(e) Hydrogen gas discharged by a battery must be vented from the boat.

(f) The positive terminal of each battery must be identified by the letters "POS", or "P", or the symbol "+" marked on the terminal or on the battery case near the terminal.

(g) Each battery terminal connection must not depend on spring tension.

§ 183.425 Conductors: general.

(a) Each conductor must be insulated, stranded copper.

(b) Each conductor must not carry a current greater than that specified in Table 3 for the conductor's gauge and temperature rating.

(c) For conductors in engine spaces, amperages must be corrected by the appropriate correction factor in note 1 of Table 3.

(d) Each conductor must be at least a No. 18 AWG conductor.

(e) Each No. 18 AWG conductor must be protected by a sheath.

(f) Each No. 18 AWG conductor in a multiconductor sheath may not extend out of the sheath more than 30 inches.

(g) This section does not apply to communication systems; navigation equipment; resistence conductors that control circuit amperage or voltage; high voltage secondary conductors and terminations that are in ignition systems; pigtails of less than seven inches of exposed length; and cranking motor conductors.

TABLE 3.—*Temperature rating of conductor insulation*

(AWG) Wire size	60° C (140° F)	75° C (167° F)	80° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
18	10	10	15	20	20	25	25
16	15	15	20	25	25	30	35
14	20	20	25	30	35	40	45
12	25	25	35	40	45	50	55
10	40	40	50	55	60	70	70
8	55	65	70	70	80	90	100
6	80	95	100	100	120	125	135
4	105	125	130	135	160	170	180
3	120	145	150	155	180	195	210
2	140	170	175	180	210	225	240
1	165	195	210	210	245	265	280
0	195	230	245	245	285	305	325
00	225	265	285	285	330	355	370
000	260	310	330	330	385	410	430
0000	300	360	385	385	445	475	510

NOTE 1

Temperature rating of conductor	60° C (140° F)	75° C (167° F)	80° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
Correction factor	0.58	0.75	0.78	0.82	0.85	0.89	1.00

NOTE 2

Number of conductors:	Correction factor
3	0.70
4 to 6	.60
7 to 24	.50
25 and above	.40

TABLE 4.—*Insulation temperature rating—thermoplastic insulating materials*

Insulation temperature rating	60° C (140° F)	75° C (167° F)	80° C (167° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F
Minimum tensile strength before aging.	1,500 lb/ft.²	1,500 lb/ft.²	1,500 lb/ft.²	1,500 lb/ft.²	1,500 lb/ft.²	1,500 lb/ft.²	2,500 lb/ft.².
Minimum elongation before aging	200 pct.	100 pct.	100 pct.	100 pct.	100 pct.	100 pct.	200 pct.
Accelerated aging (time/temperature).	168 hr per 100° C.	168 hr per 113° C.	168 hr per 113° C.	168 hr per 121° C.	168 hr per 130° C.	168 hr per 158° C.	96 hr per 200 C
Minimum elongation after aging [1]	65 pct.	65 pct.	65 pct.	65 pct.	65 pct.	65 pct.	85 pct.
Minimum tensile strength after aging. [1]	do.	75 pct.	75 pct.	70 pct.	75 pct.	70 pct.	85 pct.

[1] Percent of result with unaged specimens.

TABLE 5.—*Insulation temperature rating—thermosetting insulating materials*

Insulation temperature rating	60°C (140°F)	75°C (167°F)	90°C (194°F)	105°C (221°F)	125°C (257°F)	200°C (392°F)
Minimum tensile strength before aging	1,000	1,500	1,200	1,600	1,500	500.
Minimum elongation before aging	300	200	250	400	200	100.
Accelerated aging (time/temperature)	168 hr per 70°C.	168 hr per 80°C.	240 hr per 121°C.	240 hr per 126°C.	168 hr per 158°C.	60 d 210°C.
Minimum elongation after aging [1]	70 pct.	70 pct.	Minimum 50 pct.	Minimum 100 pct.	Minimum 150 pct.	Minimum 50 pct
Minimum tensile strength after aging [1]	do.	do.	Minimum 900 lb/ft.²	Minimum 1,100 lb/ft.²	Minimum 1,300 lb/ft.²	60 pct.

[1] Percent of result with unaged specimens.

§ 183.430 Conductors in circuits of less than 50 volts.

(a) Each conductor in a circuit that has a nominal voltage of less than 50 volts must—

(1) Meet the requirements of § 183.435; or

(2) Meet SAE Standard J1128 dated November, 1975, or SAE Standard J1127, dated November, 1975.

(b) This section does not apply to communication systems; navigation equipment; resistance conductors that control circuit amperage or voltage; and pigtails of less than seven inches of exposed length.

§ 183.435 Conductors in circuits of 50 volts or more.

(a) Each conductor in a circuit that has a nominal voltage of 50 volts or more must be one of the following:

(1) A conductor that has insulation listed and classified moisture resistant and flame retardant in Article 310, NFPA No. 70–1975, National Electric Code 1975.

(2) A flexible cord type SO, STO, ST, SJO, SJT, or SJTO listed in Article 400, NFPA No. 70–1975, National Electric Code 1975.

(3) A conductor that meets IEEE Std. 45–1971, dated December 3, 1970.

(4) A cable listed by Underwriters Laboratories, Inc. for marine use.

(5) A conductor that meets the mechanical water absorption and flame retardant standards of UL Standard 83, dated December 24, 1975 (Revised June 8, 1976).

(b) Where the nominal circuit voltage of a conductor is 50 volts or more and it is in a duct, bundle, or cable with two or more current carrying conductors, its amperage must not exceed the value in Table 3 multiplied by the correction factor for the number of conductors in note 2 to Table 3.

(c) This section does not apply to communication systems; navigation equip-

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ment; conductors in secondary circuits of ignition systems; pigtails of less than seven inches of exposed length; and resistance conductors that control circuit amperage or voltage.

§ 183.440 Secondary circuits of ignition systems.

(a) Each conductor in a secondary circuit of an ignition system must meet SAE Standard J 557, dated January, 1968.

(b) The connection of each ignition conductor to a spark plug, coil, or distributor must have a tight fitting cap, boot, or nipple that meets § 183.470.

§ 183.445 Conductors: Support and protection.

(a) Each conductor must be supported by clamps or straps not more than 18 inches apart unless the conductor is supported by self draining ducts or conduits. The clamps or straps must be designed to prevent chafing or damage to the conductor insulation.

(b) If conductors or groups of conductors are connected between two components that can move in relation to each other, each conductor or group of conductors must have a loop, slack, or other strain relief.

(c) Conductors that pass through a bulkhead, structural member, junction box, or other rigid surface must be protected from abrasion.

(d) This section does not apply to communications systems; navigation equipment; and high voltage secondary conductors and terminations in the ignition system.

§ 183.450 Conductors: Termination.

(a) Each connection to a screw terminal or stud that is outside of a junction box or enclosure must be connected by a closed ring connector, eyelet connector, or captive spade connector.

(b) Each single friction connector, spring type connector, and multi-connector plug that is outside of a junction box or enclosure must not separate if subjected to a six pound tensile force along the axial direction of the connector for one minute.

(c) A soldered connection must not be the sole means of connection between two or more conductors or between a conductor and a connector. A conductor may be soldered to a connector that joins the conductor to a battery terminal or stud, if the length of the soldered joint is at least 1.5 times the diameter of the stranded portion of the battery conductor.

(d) Each connection that is outside of a junction box and that is used to join conductors to each other or that is used to join a conductor to a connector must not break when subjected for 10 minutes to a tensile force shown in Table 6 for the smallest conductor size in the connection.

(e) Each ungrounded terminal or stud that is in the cranking motor circuit and that is continuously energized must meet § 183.455 or must have an insulated boot, nipple, cap, cover, or shield that prevents accidental short-circuiting at the terminals or studs.

(f) Each termination composed of an ungrounded current carrying conductor, terminal fitting, and connector must be protected from short circuiting with—

(1) Another termination composed of an ungrounded current carrying conductor, terminal fitting, and connector;

(2) Any metal that is grounded.

(g) A conductor must not be joined to another conductor by a wire nut or wire screw.

(h) This section does not apply to communication systems and navigation equipment.

§ 183.455 Overcurrent protection: General.

(a) Each ungrounded current-carrying conductor must be protected by a manually reset, tripfree circuit breaker or fuse.

(b) A manually reset, tripfree circuit breaker or fuse must be—

(1) At the source of power for each conductor;

(2) At the point where the conductor size is reduced to a smaller gauge; or

(3) At the origin of a circuit, if the breaker has a current rating that prevents overloading of the smallest conductor in the circuit.

(c) The current rating of each circuit breaker or fuse must not exceed—

(1) For circuits of less than 50 volts, 150 percent of the value of the amperage in Table 3 for the conductor size it is protecting; and

(2) For circuits of 50 volts or more, the value of the amperage in Table 3 for the conductor size it is protecting. If this value does not correspond to a standard size or rated breaker the next larger size or rated breaker may be used if it does not exceed 150 percent of the allowed current capacity of the conductor.

(d) The voltage rating of each circuit breaker or fuse must not be less than the nominal circuit voltage of the circuit it is protecting.

TABLE 6.—*Tensile test values for wire splices*

[Conductor-conductor and conductor-connector joints]

Wire size (AWG)	Tensile force	
	Pounds	Newtons
18	10	44
16	15	66
14	30	133
12	35	155
10	40	177
8	45	200
6	50	222
5	60	266
4	70	311
3	80	355
2	90	400
1	100	444
0	125	556
00	150	667
000	175	778
0000	225	1,000

(e) This section does not apply to resistance conductors that control circuit amperage or voltage; pigtails of less than seven inches of exposed length; and power supply conductors in cranking motor circuits.

§ 183.460 Overcurrent protection: Special applications.

(a) For motor circuits, each circuit breaker or fuse required by § 183.455(a) must have a current rating that does not exceed 125 percent of the rated motor current or the current rating allowed under § 183.455(c), whichever is less. If there is more than one motor in the circuit, the circuit breaker or fuse must have a current rating that does not exceed 125 percent of the combined rated motor currents or the current rating allowed under § 183.455(c), whichever is less.

(b) Each circuit breaker or fuse for conductors that supply power to switchboards must have a current rating that does not exceed 125 percent of the load capacity of the switchboard or current rating allowed under § 183.455(c), whichever is less.

(c) Each circuit breaker or fuse for conductors supplying power to radiotelephone equipment must have a current rating that does not exceed 150 percent of the rated load or the current rating allowed under § 183.455(c), whichever is less.

(d) Each ungrounded supply conductor from a storage battery must have a manually reset, tripfree circuit breaker or fuse, unless the supply conductor is the main power feed conductor from the battery to an engine cranking motor. The circuit breaker or fuse must be within 72 inches of the battery measured along the conductor, unless the circuit breaker has a switch that disconnects the battery.

(e) Each ungrounded output conductor from an alternator or generator, except for self-limiting alternators or generators, must have a circuit breaker or fuse that has a current rating that does not exceed 120 percent of the maximum rated current of the alternator or generator at 60° C.

COMPONENT STANDARDS

§ 183.465 Conductors: Insulating materials.

(a) Each thermoplastic insulating material on conductors must meet the requirements in Table 4 for its temperature rating when tested under paragraphs (c) and (d) of this section.

(b) Each thermosetting insulating material on conductors must meet the requirements in Table 5 for its temperature rating when tested under paragraphs (c) and (d) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section, perform the following on one sample of the insulating material from the conductor in the order listed:

(1) Test the sample for tensile strength under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result must be at least the value shown on the first line of the Table for the type and temperature rating of the material.

(2) Test the sample for elongation under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result must be at least the value shown on the second line of the Table for the type and temperature rating of the material.

(3) Place the sample in an air circulating oven for the period of time specified on the third line of the Table for the type and temperature rating of the material. The oven must maintain the temperature specified on the third line of the table ±1.8°F. Test the sample for tensile strength under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result obtained must be at least the value shown on the fourth line of the Table for the type and temperature rating of the material.

(4) Test the sample for elongation under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result must be at least the value shown on the fifth line of Table for the type and temperature rating of the material.

(d) For the purposes of paragraphs (a) and (b) of this section, immerse at least 22 inches of a 24 inch sample of the conductor in tap water that is at ambient temperature. At the end of five hours, while the sample remains immersed in the water, apply the following voltage between the conductor and the water for one minute:

(i) For conductors rated for less than 50 volts, 1000 volts at 60 hertz. The material must not rupture when the voltage is applied.

(ii) For conductors rated for 50 volts or greater, the sum of 1000 volts plus the rated voltage at 60 hertz. The material must not rupture when the voltage is applied.

(e) This section does not apply to communication systems and navigation equipment.

§ 183.470 Caps, boots, and nipples.

(a) Each cap, boot, and nipple required by § 183.440(b) must not crack, rupture, electrically break down, or permit external arc-over, if tested under paragraph (b) of this section.

(b) For the purposes of paragraph (a) of this section, perform the following procedures in the following order on a random sample of the caps, boots, or nipples:

(1) Test the sample under ASTM Standard D1415, dated February 14, 1968, and record the degree of hardness.

(2) Divide the sample into three groups of approximately equal numbers and perform the following concurrently:

(i) Immerse one group in three ounces of Reference Fuel C ASTM D471, dated March 29, 1975, in a sealed glass container.

(ii) Immerse another group in three ounces of Oil No. 2, ASTM D471, dated March 29, 1975, in a sealed glass container.

(iii) Expose another group to air.

(iv) Place each group in an air circulating oven for 40 hours. The oven must be of the type described in ASTM Standard D573, dated September 8, 1967 (Reapproved 1972), and must maintain a temperature between 255° F and 259° F.

(3) Rinse each cap, boot, or nipple with isopropyl alcohol and wipe dry with an isopropyl alcohol saturated, lint free cloth.

(4) Massage each cap, boot, or nipple between the fingers for one minute. Each cap, boot, or nipple must not crack when massaged.

(5) Test the sample under ASTM D1415 dated February 14, 1968 and record the degree of hardness. The result must not differ more than 10 points, plus or minus, from the result obtained under paragraph (b)(1) of this section.

(6) Test one cap, boot, or nipple from each of the three groups under Underwriters Laboratories, Inc., Standard 1120, paragraph 3.72 dated July 3, 1972. Each cap, boot, or nipple must not rupture, electrically breakdown, or arc over.

Dated: September 27, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

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PART IV:

ENVIRONMENTAL PROTECTION AGENCY

■

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Sulfur Recovery Plants

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 610-7]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Sulfur Recovery Plants

Notice is hereby given that under the authority of section 111 of the Clean Air Act, as amended, the Administrator is proposing standards of performance for new, modified or reconstructed petroleum refinery sulfur recovery plants.

The Administrator is also proposing a new reference method to be used for determining emissions of hydrogen sulfide and reduced sulfur compounds from petroleum refinery sulfur recovery plants.

PROPOSED STANDARDS

As proposed, the standards would apply to petroluem refinery sulfur recovery plants. Generally, these plants are physically located within petroleum refineries. Occasionally, however, refineries will pipe the sulfur-rich gas stream to a nearby facility, such as a chemical plant, where the sulfur is recovered. The standards would apply to all refinery sulfur recovery plants, whether they are physically located within a petroleum refinery, or within the confines of another facility.

The standards would limit the concentration of sufur dioxide (SO_2) in the gases discharged to the atmosphere to 0.025 percent by volume at zero percent oxygen and on a dry basis. Where the emission control system installed to comply with these standards discharges residual emissions of hydrogen sulfide (H_2S), carbonyl sulfide (COS), and carbon disulfide (CS_2), the standards would limit the concentration of H_2S and the total concentration of H_2S, COS and CS_2 (calculated as SO_2) in the gases discharged to the atmosphere, to 0.0010 percent and 0.030 percent by volume at zero percent oxygen and on a dry basis, respectively.

ENVIRONMENT AND ECONOMIC IMPACTS

The proposed standards would require new, modified or reconstructed refinery sulfur recovery plants to reduce emissions by about 99 percent compared to emissions from existing refinery sulfur recovery plants. This would increase the overall sulfur recovery of a typical refinery sulfur recovery plant from about 94 percent to about 99.9 percent.

It is expected that the proposed standards would apply to about 80 new refinery sulfur plants by 1980. Few, if any, modifications or reconstructions of existing refinery sulfur plants are anticipated. The proposed standards would reduce national sulfur dioxide emissions from these new refinery sulfur plants by about 55,000 tons per year.

This reduction in national SO_2 emissions would be obtained without adverse impacts on other aspects of the environment, such as increased solid waste disposal, water pollution, or noise. The proposed standards would also result in a reduction in the growth of national energy consumption by some 54 million kwhr/yr, or about 90,000 barrels of fuel oil per year, by 1980.

The economic impact of the proposed standards would be reasonable both on large and on small refiners, although it is somewhat more severe on small refiners than large refiners. For the small refiner [processing less than 30,000 barrels per calendar day (BCD)], the proposed standards could reduce profitability, as measured by return on assets, by 1.5 to 7.5 percent. A price increase of only 0.25 to 1.0 percent on all petroleum products, however, would restore the small refiner's profitability. The impact on a large refiner (processing more than 30,000 BCD) is considerably less due to economies of scale. The proposed standards could reduce the profitability of a large refiner by 0.5 to 1.5 percent. A price increase of only 0.10 to 0.30 percent on all petroleum products, however, would restore the large refiner's profitability. Consequently, the proposed standards would not adversely affect the growth of either the large refinery or the small refiner sector of the domestic refining industry.

To comply with these proposed standards, the investment required by the domestic refining industry would total some $110 million (MM) over the five-year period from 1976 to 1980; the annual operating costs of the industry would increase by some $16 MM per year by 1980 and petroleum product prices could increase by 0.1 to 1.0 percent.

The review of the economic impact has shown that the proposal is not a major action under the Inflationary Impact Statement (IIS) program and no IIS is needed.

SELECTION OF SOURCE CATEGORY AND AFFECTED FACILITIES

Section 111 of the Clean Air Act directs the Administrator to establish standards of performance for new stationary sources of air pollution which may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Sulfur recovery plants are a major source of SO_2 emissions in petroleum refineries. Although a few State or local regulations already require emission control equivalent to the proposed standards, most State regulations require less stringent control of refinery sulfur recovery plants.

Reducing SO_2 emissions from new, modified or reconstructed refinery sulfur recovery plants takes on importance in view of the expected growth in the numbers and sizes of these plants, and the urban location of many petroleum refineries where high ambient air concentrations of SO_2 already exist. Current growth projections for the domestic petroleum refining industry, for example, indicate that refinery sulfur recovery plant capacity will double between 1976 and 1980.

Considering these factors, the proposed standards have been developed to limit emissions of SO_2 from petroleum refinery sulfur recovery plants. Some of the emission control systems that might be installed to reduce emissions of SO_2, however, discharge residual emissions of hydrogen sulfide (H_2S), carbonyl sulfide (COS) and carbon disulfide (CS_2) to the atmosphere. The proposed standards, therefore, include limits on emissions of these pollutants.

RATIONALE

Two alternative systems of SO_2 emission control were considered as candiates to serve as the basis for standards of performance: (1) the low-temperature extended Claus reaction system (alternative I) and (2) various tail gas scrubbing systems (alternative II). The alternative I systems reduce emisssion from uncontrolled refinery sulfur recovery plants by 80–85 percent, while the alternative II systems reduce emissions by 98–99 percent. Overall sulfur recovery of the refinery sulfur plant is increased from 95 to 99.9 percent with the use of an alternative II system.

Standards of performance based on alternative I would have an essentially negligible impact on SO_2 emissions since most state implementation plans (SIP's) already require equivalent control. As outlined above, however, standards based on alternative II would reduce SO_2 emissions by about 90 percent below levels required by most SIP's and would lead to a reduction in national SO_2 emissions of some 55,000 tons per year in 1980. Standards based on alternative II would also have no adverse environmental impacts in other areas such as increased water pollution, solid waste disposal, energy consumption, or noise. In addition, the economic impact of standards based on alternative II would be reasonable both on large and on small refiners. Consequently, alternative II represents the best system of emission reduction and the proposed standards are based on this alternative.

The tail gas scrubbing systems of alternative II, however, include two different types of emission control systems for reducing SO_2 emissions from refinery sulfur recovery plants: oxidation control systems and reduction control systems. In the oxidation control system, the SO_2 emissions from a refinery sulfur plant are controlled directly by tail gas scrubbing. In the reduction control system, the SO_2 emissions are first converted to H_2S emissions which are then controlled by tail gas scrubbing. Residual emissions discharged into the atmosphere from oxidation control systems or from reduction control systems which are followed by incineration consist of SO_2. Residual emissions discharged from reduction control systems which are not followed by incineration, however, consist of H_2S, COS (carbonyl sulfide) and CS_2 (carbon disulfide). Standards limiting emissions of SO_2, therefore, while appropriate for oxidation control systems or reduction control systems followed by incineration, are not appropriate for reduction control systems not followed by incineration.

Where reduction control systems which are not followed by incineration are properly operated and maintained, emissions of reduced sulfur compounds (H_2S, COS and CS_2) are insignificant. With poor operation and maintenance, however, emissions of these pollutants from these systems could lead to significant odor problems, primarily from the H_2S emitted. This situation presents a difficulty in selecting which pollutants should be controlled under the proposed standards due to the provisions of section 111(d) of the Act. Sulfur dioxide is a criteria pollutant for which State control of existing sources is not required under section 111(d) (since such control is already required by section 110). Reduced sulfur compounds, on the other hand, would be considered designated pollutants subject to the provisions of section 111(d).

Under the EPA regulations implementing section 111(d), after promulgation of a standard of performance for the control of such a designated pollutant, EPA must develop a guideline document containing the necessary information for States to develop plans for controlling emissions of the pollutant (40 CFR 60.22). In this case the document would have to cover information pertinent to the control of reduced sulfur compounds from all existing petroleum refinery sulfur plants which have installed reduction control systems which are not followed by incineration. After final issuance of the guideline document by EPA, all States containing affected plants are required by 40 CFR 60.23 to develop such plans and submit them to EPA for approval. Currently, about 25 refinery sulfur plants in seven States have installed reduction control systems which are not followed by incineration. Developing the guideline document and State plans, therefore, could be a significant undertaking, requiring the expenditure of considerable resources at the Federal level and by seven States and their local governments. Thus, one purpose of this proposal is to solicit comments from the affected States as to the burden imposed by the implementation of section 111(d) in this case.

If that burden imposed by the implementation of section 111(d) is great, EPA will consider the course of declining to require the adoption and submittal of State plans under 40 CFR 60.24. This option is available due to the unusual factual situation: all existing refinery sulfur plant, which have installed reduction control systems which are not followed by incineration (25 plants in seven States) already have very low emissions of reduced sulfur compounds. Their emission control systems have been installed to comply with State or local air pollution control regulations limiting emissions of SO_2 from existing refinery sulfur plants. To ensure that the installation of these emission control systems do not lead to local odor problems, these regulations also limit emissions of reduced sulfur compounds either directly or indirectly. Where emissions of reduced sulfur compounds are limited directly, local regulations specify the maximum concentrations of H_2S and reduced sulfur compounds (H_2S, COS and CS_2) that can be present in the tail gases discharged to the atmosphere. Where this approach has been followed, emissions of H_2S are limited to 10 ppm and emissions of reduced sulfur compounds are limited to either 300 or 500 ppm.

Where emissions of reduced sulfur compounds are limited indirectly by local regulations, these regulations require that the best available emission control technology be installed. In the process of specifying the best emission control technology, local air pollution control agencies have contacted EPA, vendors of various emission control system, and other local air pollution control agencies where these emission control systems have been installed. In terms of limiting emissions of reduced sulfur compounds, this approach has achieved the same end result as the direct regulatory approach. All 25 reduction control system which are now operating have been designed and guaranteed by the vendors of these systems to limit emissions to less than 10 ppm H_2S and less than 300 or 500 ppm reduced sulfur compounds.

Consequently, the current 25 petroleum refinery sulfur plants which have installed reduction control systems which are not followed by incineration are not considered by EPA to be significant sources of reduced sulfur compound emissions. Developing State plans under section 111(d) to control emissions of these pollutants from these facilities, therefore, would not reduce existing emission levels.

On the other hand, if EPA were to propose standards of performance for refinery sulfur plants only for SO_2 without limiting emissions of reduced sulfur compounds, this action could be interpreted to mean that EPA does not consider the potential air pollution problem posed by emissions of reduced sulfur compounds to be important. Such an interpretation could encourage new plants to be built without limiting emissions of these pollutants.

Having determined that the proposed regulation should cover emissions of reduced sulfur compounds from new refinery sulfur recovery plants, but not existing ones, EPA is left with the problem of selecting the appropriate pollutants to control with the proposed standards. Limiting emissions of SO_2 alone would be unsatisfactory due to the risk of reduced sulfur compound pollution from new plants. Limiting reduced sulfur compound emissions as well as SO_2 for new sources will cause some expenditure of effort on the part of EPA and the affected States which is not in fact necessary to achieve control of existing plants.

Considering all the facets of this situation, EPA proposes to limit emissions of both SO_2 and reduced sulfur compounds by these standards of performance, fulfilling the intent of section 111 of the Act to prevent new air pollution problems by requiring new, modified, or reconstructed plants to install the best systems of emission reduction considering costs. However, EPA is considering two alternative routes for treating the problem of existing sources. One alternative is for EPA to issue a guideline document under 40 CFR 60.22 (based primarily on the information available in the support documents for these standards of performance) and to require the seven affected States to submit plans under 40 CFR 60.23. Those States that already regulate reduced sulfur compounds by State law will be able to submit relatively simple control plans. Those States in which regulation of reduced sulfur compounds has been accomplished by local ordinances may have to provide for State enforcement before their control plans can be approved.

If the first alternative appears to be excessively burdensome, EPA is also considering a second alternative, because the 25 existing sources are well controlled. The purpose of limiting pollutant emissions from existing sources under the provisions of section 111(d) is to control a pollutant which may cause or contribute to the endangerment of public health or welfare, but is not known to be "hazardous" within the meaning of section 112, and is not controlled under sections 108 through 110. Since action under section 111(d) in this instance would not further control the pollutant in question, and existing refinery sulfur plants which have installed reduction control systems not followed by incineration are not endangering the public health or welfare, the conclusion can be drawn that there is no purpose to limiting emissions of these pollutants under section 111(d). Under this alternative, EPA would not issue a guideline document, the chain of events requiring States to develop plans for controlling emissions of these pollutants would not be initiated and these plans would not be developed. (A detailed discussion of this alternative may be found in the Standards Support and Environmental Impact Statement for Petroleum Sulfur Recovery Plants.)

The data and information available for selecting specific emission limits include the results of emission tests both by the Agency and by local air pollution control agencies, discussions with owners and operators which have installed and are now operating either the oxidation control systems or the reduction control systems, and discussions with the vendors of these emission control systems. The SO_2 emission limit is based on emission tests at a refinery sulfur plant controlled by an oxidation control system and at a refinery sulfur plant controlled by a reduction control system followed by incineration. The H_2S and reduced sulfur compound emission limits are based on emission source tests at three refinery sulfur plants controlled by reduction control systems not followed by incineration. The numerical values were selected including a reasonable margin for error taking into consideration the limited data base, the relative "newness" of the plants

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tested, pilot-plant data available from vendors on long-term operation, and the experience of owners and operators with these emission control systems.

The 0.025 percent by volume limit for SO_2 emissions and the 0.030 percent by volume limit for reduced sulfur compound emissions are also equivalent, in the sense that both require achieving the same degree of overall sulfur recovery (i.e., 99.9 percent). The numerical limit on SO_2 emissions is lower due to the somewhat greater volume of gases discharged from oxidation control systems and reduction control systems followed by incineration, which is inherent in their design and operation.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated system of emission reduction considering the cost of such systems. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. Indeed, building of new sources may be precluded altogether in some geographical areas. In addition, States are free under section 116 of the Act to establish more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQ under section 110. Thus, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Energy

The impact of the proposed standards on the energy consumption of a refinery sulfur recovery plant varies depending on the type of emission control system installed to comply with the standards. If an oxidation control system or a reduction control system followed with incineration were used, the overall energy consumption of a typical sulfur recovery plant would be increased by some 30 percent. If a reduction control system not followed by incineration were used, however, the overall energy consumption would be reduced by some 50 percent. These percentages are high primarily because refinery sulfur recovery plants consume little energy. Typically, for example, a refinery sulfur recovery plant accounts for less than 1 percent of the total energy consumed within a petroleum refinery.

Assuming half of the refinery sulfur recovery plants affected by the proposed standards by 1980 install oxidation control systems or reduction control systems followed by incineration and half install reduction control systems not followed by incineration, the proposed standards would reduce national energy consumption in 1980 by some 54 million kw-hr/yr, or about 90,000 barrels of fuel oil per year.

Monitoring, Testing, and Recordkeeping

As proposed, the regulations would require monitoring of emissions released to the atmosphere to insure that the emission control systems installed to comply with the proposed standards are properly maintained and operated. If an oxidation control system or a reduction control system followed by incineration were installed, monitoring of SO_2 emissions would be required and if a reduction control system not followed by incineration were installed, monitoring of H_2S and reduced sulfur compound emissions would be required.

Emission monitoring systems for SO_2 are readily available and performance specifications for these monitors have already been promulgated by EPA in 40 CFR Part 60 Appendix B. Although a few emission monitoring systems for H_2S and reduced sulfur compounds are available, EPA has not yet developed performance specifications for these monitors. Consequently, until EPA proposes and promulgates these performance specifications, owners and operators subject to the requirement to install H_2S and reduced sulfur compound emission monitors will not be required to do so. The requirement to install these monitors is included in the proposed regulations; however, to ensure that when EPA promulgates these performance specifications, those owners and operators who have installed reduction control systems not followed by incineration which are subject to the proposed standards will be required to retrofit these monitors. This will enable enforcement personnel to ensure that these emission control systems are being properly operated and maintained.

The reference method for determining compliance also depends on the emission control system employed to comply with the proposed standards. If an oxidation control system or a reduction control system followed by incineration were installed, Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources would be used to determine emissions of SO_2. If a reduction control system not followed by incineration were installed, the proposed Reference Method 15—Determination of Hydrogen Sulfide and Reduced Sulfur Compound Emissions from Sulfur Recovery Plants would be used to determine emissions of H_2S and total emissions of H_2S, COS, and CS_2 (calculated as SO_2).

The proposed Reference Method 15 is based on gas chromatographic separation followed by flame photometric detection. This method permits separation and identification of each individual pollutant (i.e., H_2S, COS and CS_2). To determine compliance with the proposed standards, a sample of the gases discharged to the atmosphere is analyzed to determine emissions of H_2S, COS and CS_2. The concentration of H_2S in these gases is determined directly. The concentration of reduced sulfur compounds in these gases is determined indirectly, by adding together the concentrations of H_2S, COS and CS_2. Since emissions are calculated as SO_2, however, the concentrations of CS_2 (having twice the sulfur per molecule of gas) is multiplied by two before adding it to the concentrations of H_2S and COS.

Amendment of Subpart J of Part 60

The proposed standards would be incorporated into 40 CFR Part 60 by amending Subpart J—Standards of Performance for Petroleum Refineries. Maintaining clarity within Subpart J while incorporating the proposed standards requires amendment of a number of existing paragraphs. In all but the case discussed below, these paragraphs have merely been rewritten with no change in content or intent.

Recently, it has been brought to the attention of the Administrator that as Subpart J is now written, a fluid catalytic cracking unit incinerator waste-heat boiler is an affected facility subject to the standard limiting emissions of particulate matter. Thus, if an owner or operator installs an incinerator waste-heat boiler, that boiler must comply with the standard on particulate emissions.

An incinerator waste-heat boiler, however, is an emission control device which reduces emissions of carbon monoxide from a fluid catalytic cracking unit catalyst regenerator. It was not EPA's intent that installation of an emission control device to reduce carbon monoxide emissions would then require installation of another emission control device to reduce particulate emissions. Rather, the intent was to consider the fluid catalytic cracking unit catalyst regenerator together with any associated incinerator waste-heat boiler in terms of controlling particulate emissions. If an incinerator waste-heat boiler which burns additional liquid or solid fossile fuel is in use, an increase in total particulate emissions would be permitted, consistent with good control of particulate emissions from the combustion of that increment of fuel. Accordingly, fluid catalytic cracking unit incinerator waste-heat boilers have been deleted from the list of affected facilities. This amendment of Subpart J, however, is not a change in the intent of the existing standard of performance limiting emissions of particulate matter.

Public Participation

As prescribed by section 111 of the Clean Air Act as amended, this proposal of standards of performance has been preceded by the Administrator's determination that refinery sulfur recovery plants contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. By publication of this determination in this issue of the Federal Register he adds petroleum refinery sulfur recovery plants to the list of affected facilities under the source category of petroleum refineries. In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including the designation of sulfur recovery plants as a significant contributor to air pollution which causes or contributes to the endangerment of public health or welfare, economic and technological issues, and the proposed test method.

Comments are invited specifically on the severity of the economic impact of the proposed standards on the small refiner, since a number of interested parties have expressed objection to the absence of a lower level cut-off exempting the small refiner from compliance with the standards. Any comments submitted to the Administrator on this issue, however, should contain specific information and data pertinent to an evaluation of the magnitude of this impact and its severity.

Also, the Administrator would be especially interested in receiving comments regarding the issue of controlling reduced sulfur compound emissions without implementing section 111(d), particularly as this would affect the seven States involved.

All relevant comments received on or before December 3, 1976 will be considered. Comments received will be available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

Background information on these proposed standards of performance has been published in a document "Standard Support and Environmental Impact Statement—Standards of Performance for Petroleum Refinery Sulfur Plants." This document presents the factors considered in the development of the proposed standards, including alternative emission control systems, emission test data, environmental impact, costs and economic considerations. Copies of the document are available free of charge by writing to the Public Information Center (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460 (specify "Standards Support and Environmental Impact Statement—Standards of Performance for Petroleum Refinery Sulfur Plants").

Authority. This notice of proposed rulemaking is issued under the authority of sections 111, 114 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend 40 CFR Part 60 as follows:

Subpart J—Standards of Performance for Petroleum Refineries

1. Section 60.100 is revised as follows:

§ 60.100 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fuel gas combustion devices, and sulfur recovery plants.

2. Section 60.101 is amended by adding paragraphs (i) through (l) as follows:

§ 60.101 Definitions.

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(i) "Sulfur recovery plant" means a process unit which converts hydrogen sulfide produced within a petroleum refinery to elemental sulfur. The sulfur recovery plant need not be physically located within a petroleum refinery.

(j) "Oxidation control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to sulfur dioxide.

(k) "Reduction control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to sulfur dioxide.

(k) "Reduction control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to hydrogen sulfide.

(l) "Reduced sulfur compounds" mean hydrogen sulfide (H_2S), carbonyl sulfide (COS) and carbon disulfide (CS_2).

3. Section 60.102 is amended by revising paragraph (a) introductory text and paragraph (b) as follows:

§ 60.102 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any fluid catalytic cracking unit catalyst regenerator:

• • • • • •

(b) Where the gases discharged by the fluid catalytic cracking unit catalyst regenerator pass through an incinerator or waste heat boiler in which auxiliary or supplemental liquid or solid fossil fuel is burned, particulate matter in excess of that permitted by paragraph (a)(1) of this section may be emited to the atmosphere, except that the incremental rate of particulate matter emissions shall not exceed 43.0 g/MJ (0.10 lb/million Btu) of heat input attributable to such liquid or solid fossil fuel.

4. Section 60.104 is amended by revising paragraph (a) as follows:

§ 60.104 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall:

(1) Burn in any fuel gas combustion device any fuel gas which contains hydrogen sulfide in excess of 230 mg/dscm (0.10 gr/dscf), except that the gases resulting from the combustion of fuel gas may be treated to control sulfur dioxide emissions provided the owner or operator demonstrates to the satisfaction of the Administrator that this is as effective in preventing sulfur dioxide emissions to the atmosphere.

(2) Discharge or cause the discharge of any gases into the atmosphere from any sulfur recovery plant containing in excess of:

(i) 0.025 percent by volume of sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by an oxidation control system, or a reduction control system followed by incineration, or

(ii) 0.030 percent by volume of reduced sulfur compounds and 0.0010 percent by volume of hydrogen sulfide calculated as sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by a reduction control system not followed by incineration.

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5. Section 60.105 is amended by adding paragraphs (a) (4) and (5) and (e)(3)(i) and (ii) as follows:

§ 60.105 Emission monitoring.

(a) • • •

(4) An instrument for continuously monitoring and recording concentrations of H_2S in fuel gases burned in any fuel gas combustion device, if compliance with § 60.104(a) is achieved by removing H_2S from the fuel gas before it is burned; or an instrument for continuously monitoring and recording concentrations of SO_2 in the gases discharged into the atmosphere from the combustion of any fuel gas, if compliance with § 60.104(a) is achieved by removing SO_2 from the combusted fuel gases. If the concentration of H_2S is monitored, fuel gas combustion devices having a common source of fuel gas may be monitored at one location, if monitoring at this location accurately represents the concentration of H_2S in the fuel gas burned.

(5) An instrument for continuously monitoring and recording concentrations of SO_2 in the gases discharged into the atmosphere from the sulfur recovery plant if compliance with § 60.104(b) is achieved through the use of an oxidation control system, or a reduction control system followed by incineration; or an instrument for continuously monitoring and recording concentrations of H_2S and reduced sulfur compounds in the gases discharged into the atmosphere from the sulfur recovery plant if compliance with § 60.104(b) is achieved through the use

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of a reduction control system not followed by incineration.

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(e) • • •

(1) [Reserved]

(2) [Reserved]

(3) Sulfur dioxide. (i) Any hourly period during which the average concentration of H_2S in fuel gas combusted in any fuel gas combustion device subject to § 60.104(a) exceeds 230 mg/dscm (0.10 gr/dscf), if compliance with § 60.104(a) is achieved by removing H_2S from the fuel gas before it is burned; or any hourly period during which the average concentration of SO_2 in the gases discharged into the atmosphere from any fuel gas combustion device subject to § 60.104(a) exceeds the level specified in § 60.104(a), if compliance with § 60.104(a) is achieved by removing SO_2 from the combusted fuel gases.

(ii) Any four-hour period during which the average concentration of SO_2 in the gases discharged into the atmosphere from any sulfur recovery plant subject to § 60.104(b) exceeds the level specified in § 60.104(b)(1) if compliance with § 60.104(b) is achieved through the use of an oxidation control system or a reduction control system followed by incineration; or any four-hour period during which the average concentration of H_2S, or reduced sulfur compounds in the gases discharged into the atmosphere from any sulfur plant subject to § 60.104(b) exceeds the levels specified in § 60.104(b)(2) if compliance with § 60.104(b) is achieved through the use of reduction control systems not followed by incineration.

6. Section 60.106 is amended by revising paragraphs (c) and (d) as follows:

§ 60.106 Test methods and procedures.

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(c) For the purpose of determining compliance with § 60.104(a), Method 11 shall be used to determine the concentration of H_2S and Method 6 shall be used to determine the concentration of SO_2.

(1) If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where refinery fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately 1-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

(2) If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining SO_2 concentration by Method 6 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO_2 concentration by Method 6 shall be at the centroid of the cross section if the cross sectional area is less than 5 m^2 (54 ft^2) or at a point no closer to the walls than 1 m (30 inches) if the cross sectional area is 5 m^2 or more and the centroid is more than one meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals.

(d) For the purpose of determining compliance with § 60.104(b), Method 6 shall be used to determine the concentration of SO_2 and Method 15 shall be used to determine the concentration of H_2S and reduced sulfur compounds.

(1) If Method 6 is used, the procedure outlined in paragraph (c)(2) of this section shall be followed except that each run shall span a minimum of four consecutive hours of continuous sampling. A number of separate samples may be taken for each run, provided the total sampling time of these samples adds up to a minimum of four consecutive hours. Where more than one sample is used, the average SO_2 concentration for the run shall be calculated as the time weighted average of the SO_2 concentration for each sample according to the formula:

$$C_R = \sum_{i=1}^{N} C_{S_i} \frac{t_{s_i}}{T}$$

Where:

C_R = SO_2 concentration for the run.
N = Number of samples.
C_{S_i} = SO_2 concentration for sample i.
t_{s_i} = Continuous sampling time of sample i.
T = Total continuous sampling time of all N samples.

(2) If Method 15 is used, each run shall consist of 16 samples taken over a minimum of four hours. The sampling point shall be at the centroid of the cross section of the duct if the cross sectional area is less than 5 m^2 (54 ft^2) or at a point no closer to the walls than 1 m (30 inches) if the cross sectional area is 5 m^2 or more and the centroid is more than 1 meter from the wall. To insure minimum residence time for the sample inside the sample lines, the sampling rate shall be at least 3 liters/minute (0.1 ft^3/min). The SO_2 equivalent for each run shall be calculated as the arithmetic average of the SO_2 equivalent of each sample during the run. Reference Method 4 shall be used to determine the moisture content of the gases. The sampling point for Method 4 shall be adjacent to the sampling point for Method 15. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. Each run shall span a minimum of four consecutive hours of continuous sampling. A number of separate samples may be taken for each run provided the total sampling time of these samples adds up to a minimum of four consecutive hours. Where more than one sample is used, the average moisture content for the run shall be calculated as the time weighted average of the moisture content of each sample according to the formula:

$$B_{wo} = \sum_{i=1}^{N} B_{si} \left[\frac{t_{si}}{T}\right]$$

B_{wo} = Proportion by volume of water vapor in the gas stream for the run.
N = Number of samples.
B_{si} = Proportion by volume of water vapor in the gas stream for the sample i.
t_{si} = Continuous sampling time for sample i.
T = Total continuous sampling time of all N samples.

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Appendix A—Reference Methods

7. Appendix A is amended by adding a new reference method as follows:

METHOD 15—DETERMINATION OF HYDROGEN SULFIDE, CARBONYL SULFIDE, AND CARBON DISULFIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.* 1.1 Principle. A gas sample is extracted from the emission source and diluted with clean dry air. An aliquot of the diluted sample is then analyzed for hydrogen sulfide (H_2S), carbonyl sulfide (COS), and carbon disulfide (CS_2) by gas chromatographic (GC) separation and flame photometric (FPS) detection.

1.2 Applicability. This method is applicable for determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide when specified by an applicable subpart.

2. *Range and sensitivity.* 2.1 Range. The maximum limit of the FPD for each sulfur compound is dependent on the sample size. For a 1 ml sample the upper limit is about 10 ppm. It may be necessary to dilute gas samples from sulfur recovery plants hundredfold (100:1), resulting in an upper limit of about 1000 ppm for each compound.

2.2 The minimum detectable concentration of the FPD is also dependent on sample size and would be about 0.5 ppm for a 1 ml sample.

3. *Interferences.* 3.1 Moisture Condensation. Moisture condensation in the sample delivery system, the analytical column, or the FPD burner block can cause losses or interferences. This potential is eliminated by heating the sample line, and by conditioning the sample with dry dilution air to lower its dew point below the operating temperature of the GC/FPD analytical system prior to analysis.

3.2 Carbon Monoxide and Carbon Dioxide. CO and CO_2 have a substantial densensitizing effect on the detector even after 10:1 dilution. This potential interferenc is eliminated by eluting CO and CO_2 with the "air peak" prior to elution of any sulfur compound.

3.3 Elemental Sulfur. The condensation of sulfur vapor in the sampling lines can lead to eventual coating and even blockage of the sample line. This problem can be eliminated along with the moisture problem by heating the sample line.

4. *Precision.* 4.1 Calibration Precision. A series of three consecutive injections of the same calibration gas, at any dilution, should product results which do not vary by more than ±3% from the mean of the three injection.

4.2 Calibration Drift. The calibration drift determined from the mean of three injections made at the beginning and end of any 8-hour period should not exceed ±3%.

5. *Sample apparatus.* 5.1.1 Sample probe—The sample probe should be fabricated from a suitable length and diameter of stainless steel tubing.

5.1.2 Sample line—0.48 cm (3/16 inch) inside diameter Dekoron FEP Teflon [1] tubing, heated to 120° C. This temperature is controlled by a thermostatic heater.

5.1.3 Sample pump—Leakless Teflon coated diaphragm type or equivalent. The pump head is heated to 120° C by enclosing it in the sample dilution box (5.2.4 below).

[1] Mention of trade names or specific products does not constitute an endorsement by the Environmental Protection Agency.

5.2 Dilution System. A schematic diagram of the dynamic dilution system is given in Figure 15–1. The dilution system is constructed such that all sample contacts are made of inert materials. The dilution system which is heated to 120° C must be capable of a minimum of 10:1 dilution of sample. Equipment used in the dilution system is listed below.

5.2.1 Dilution pump—Model A–150 Komhyr Teflon positive displacement type, non-adjustable 150 cc/min ±2.0%, or equivalent, per dilution stage. A 10:1 dilution of sample is accomplished by combining 150 cc of sample with 1350 cc of clean dry air as shown in Figure 15–1.

5.2.2 Valves—Threeway Teflon solenoid or manual type.

5.2.3 Tubing—Teflon tubing and fittings are used throughout from the sample probe to the GC/FPD to present an inert surface for sample gas.

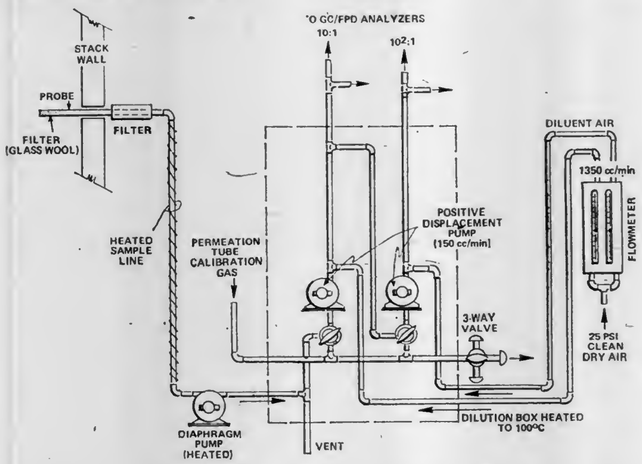


Figure 15.1. Sampling and Dilution Apparatus.

5.2.4 Box — Insulated box, heated and maintained at 120° C, of sufficient dimensions to house dilution apparatus.

5.2.5 Flowmeters—Rotameters or equivalent to measure flow from 0 to 1500 ml/min ±1% per dilution stage.

5.3 Gas Chromatograph.

5.3.1 Column—1.83 m (6 ft) length of Teflon tubing, 2.16 mm (0.085 in.) inside diameter, packed with deactivated silica gel, or equivalent.

5.3.2 Sample valve—Teflon six-port gas sampling valve equipped with a 10 ml sample loop, actuated by compressed air (Figure 15–2).

5.3.3 Oven—For containing sample valve, stripper column and separation column. The oven should be capable of maintaining an elevated température ranging from ambient to 100° C, constant with ±1° C.

5.3.4 Temperature monitor — Thermocouplepyrometer to measure column oven, detector, and exhaust temperature ±1° C.

5.3.5 Flow system—Gas metering system to measure sample flow, hydrogen flow, oxygen flow and nitrogen carrier gas flow.

5.3.6 5.3.6 Detector—Flame photometric detector.

5.3.7 Electrometer—Capable of full scale amplification of linear ranges of 10^{-9} to 10^{-4} amperes full scale.

5.3.8 Power supply—Capable of delivering up to 750 volts.

5.3.9 Recorder—Compatible with the output voltage range of the electrometer.

5.4 Calibration. Permeation tube system (Figure 15–3).

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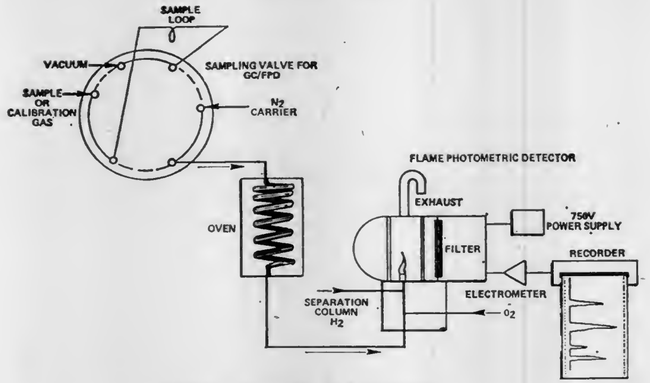


Figure 15.2. Gas Chromatographic Flame Photometric Analyzer.

5.4.1 Tube chamber — Glass chamber of sufficient dimensions to house permeation tubes.

5.4.2 Mass flowmeters — Two mass flowmeters in the range of 0–3 l/min and 0–10 l/min to measure air flow over permeation tubes at ±2%. These flowmeters shall be cross-calibrated at the beginning of each test with a known calibration gas (H_2S or other), comparing responses by GC/FPD. Each mass flowmeter shall be calibrated prior to the first test with a wet test meter and thereafter, at least once each year.

5.4.3 Constant temperature bath—Capable of maintaining permeation tubes at certification temperature at 30° C within ±0.1° C.

5.4.4 Temperature monitor—Thermometer or equivalent to monitor bath temperature within ±0.1° C.

6. *Reagents.* 6.1 Fuel. Hydrogen (H_2) prepurified grade or better.

6.2 Combustion Gas. Oxygen (O_2) prepurified grade or better.

6.3 Carrier Gas. Nitrogen (N_2) prepurified grade or better.

6.4 Diluent. Air containing less than 0.5 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons, and filtered using MSA filters 46727 and 79030 or equivalent. Removal of sulfur compounds can be verified by injecting dilution air only, described in Section 8.4.

6.5 Compressed Air. 60 psig for GC valve actuation.

6.6 Calibration Gases. Permeation tubes gravimetrically calibrated and certified at 30.0° C.

7. *Pre-test procedures.* 7.1 After the complete measurement system has been set up at the site and verified to be operational, the following procedures shall be completed before sampling is initiated.

7.1.1 Flowmeter calibration and leak test—Appropriate calibration and leak test procedures shall be employed to verify the accuracy and/or integrity of all flowmeters, sample lines, and connections. For components under negative presure (lines and connections upstream of the sample pump), a leak test is performed using the sample pump to pull a vacuum. Attach the probe end of the sample line to a manometer or vacuum gauge, start the pump and pull greater than 50 mm (2 in.) Hg vacuum. Close off the pump outlet, then stop the pump and ascertain that there is no leak for 5 minutes. For components subject to positive pressure, leak tests shall be performed at each joint by applying a liquid (detergent in water, for example) which will foam in the presence of a leak.

Since the complete dilution system and GC/FPD is calibrated prior to and following each test, the precise calibration of each component is not critical. However, these components should be verified to be operating properly. This verification can be performed by observing the response of flowmeters or of the GC output to changes in flow rates or calibration gas concentrations and ascertaining the response to be within predicted limits. If any component, or if the complete system fails to respond in a normal and predictable manner, the source of the discrepancy shall be identified and corrected before proceeding.

7.1.2 Mass flowmeter calibration—Since all sample calculations are based on the accuracy of air flow measured by the mass flowmeters, it is essential that the cross-calibration check of Section 5.4.2 be followed.

7.1.3 Prior to any sampling run, calibrate the system using the procedures set forth in Section 8. If more than one run is performed during any 24-hour period, a calibration need not be performed prior to the second and any subsequent runs. The calibration must, however, be verified as prescribed in Section 8, after the last run made within the 24-hour period.

8. *Calibration.* 8.1 General Considerations. This section outlines steps to be followed for use of the GC/FPD and the dilution system. The procedure does not include detailed instructions because operation of these systems is complex, and it requires an understanding of the individual system being used. Each system should include a written operating manual describing in detail the operating procedures associated with each component in the measurement system. In addition, the operator should be familiar with the operating principles of the components, particularly the GC/FPD. The references cited at the end of this method are recommended for review for this purpose.

8.2 Permeation Tubes. Under the following procedure, accurately known concentrations (±1%) of a variety of sulfur compounds are generated by passing clean dry air or other diluent gas over permeation tubes, each containing a specific sulfur compound as a permeant. These tubes consist of hermetically sealed FEP Teflon tubing in which a liquefied gaseous substance is enclosed. The enclosed gas permeates through the tubing wall

at a constant rate. When the temperature is constant, calibration gases covering a wide range of known concentrations can be generated by varying and accurately measuring the flow rate of diluent gas passing over the tubes. These calibration gases are used to calibrate the GC/FPD system and the dilution system.

8.3 Calibration Procedure. Assemble the permeation tube calibration apparatus as depicted in Figure 15–3. Insert the permeation tubes into the glass tube chamber. Check the bath temperature to assure agreement with the calibration temperature of the tubes within ±1° C. A temperature of 30° C is recommended for the sulfur gas tubes. Allow several hours for the tubes to equilibrate. When equilibrated, vary the flow rate of diluent air flowing over the tubes to produce the desired concentrations for calibrating the analytical and dilution systems. The air flow across the tubes must at all times exceed the flow requirement of the analytical systems. The concentration in parts per million generated by a tube containing a specific permeant can be calculated as follows:

Equation 15-1

$$C = K\frac{P_r}{ML}$$

Where:
C = Concentration of permeant produced in ppm.
P_r = Permeation rate of the tube in μg/min.
M = Molecular weight of the permeant $\left(\frac{g}{g\text{-mole}}\right)$.
L = Flow rate, l/min, of air over permeant @20° C, 760 mm Hg.
K = Gas constant at 20° C and 760 mm Hg = 24.04 l/g mole.

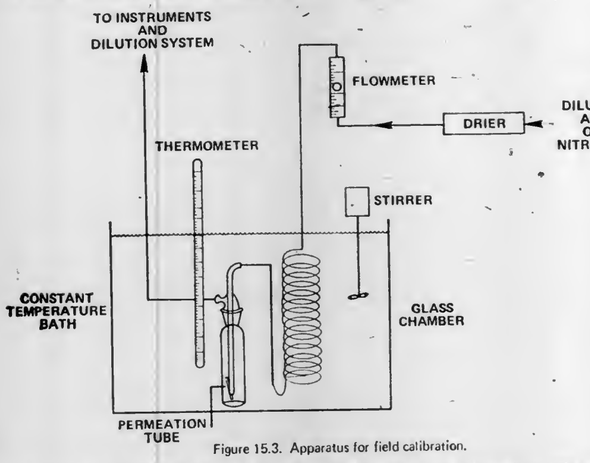


Figure 15.3. Apparatus for field calibration.

8.4 Operating Condition for GC/FPD System. The operation parameters for the GC/FPD system are as follows: nitrogen carrier gas flow rate of 100 cc/minute, exhaust temperature of 110° C, detector temperature of 105° C, oven temperature of 40° C, hydrogen flow rate of 80 cc/minute, oxygen flow rate of 20 cc/minute, and sample flow rate of 80 cc/minute.

8.5 Calibration of GC/FPD Analysis Systems. Generate a series of three or more known concentrations spanning the linear range of the RPD (approximately 0.05 to 1.0 ppm) for each sulfur compound anticipated to be present in the gas stream analyzed. Bypassing the dilution system, inject these standards into the GC/FPD analyzers and monitor the responses. Three injects for each concentration must yield the precision described in Section 4.1. Failure to attain this precision is an indication of a problem in the calibration or analytical system. Any such problem must be identified and corrected before proceeding. Peak heights, rather than integrated areas, have proven satisfactory; however, integrated areas may be required for alternate columns or instrumentation.

8.5.1 Calibration curves—Plot the GC/FPD responses in current (amperes) versus their causative concentrations in ppm on log-log coordinate graph paper for each sulfur compound calibrated.

8.6 Calibration of Dilution System. Generate a known concentration of hydrogen sulfide using the permeation tube system. Adjust the flow rate of diluent air for the first dilution stage so that the desired level of dilution is approximated. Inject the diluted calibration gas into the GC/FPD and monitor its response. Three injects for each dilution must yield the precision described in Section 4.1. Failure to attain this precision in this step is an indication of a problem in the dilution system. Any such problem must be identified and corrected before proceeding. Using the calibration curve for H_2S (developed under 8.5.1), determine the diluted calibration gas concentration in ppm. Then, calculate the dilution factor as the ratio of the calibration gas concentration before dilution to the diluted calibration gas concentration determined under this paragraph. Repeat this procedure for each stage of dilution required.

9. *Sampling and analysis procedure.*

9.1 Sampling. Insert the sampling probe into the test port making certain that no dilution air enters the stack through the port. Begin sampling and dilute the sample approximately 10:1 using the dilution system shown in Figure 15–1. Note that the precise dilution factor is that which is determined in paragraph 8.6. Condition the entire system with sample for a minimum of 15 minutes prior to commencing analysis.

9.2 Analysis. The sample value is actuated for one minute in which time an aliquot of diluted sample is injected onto separation column. The valve is then deactivated for the remainder of the analysis cycle in which time the sample loop is refilled and the separation column continues to be flushed. The elution time for each compound will be determined during calibration.

9.3 Sample Run. A sample consists of one analysis (injection).

10. *Post-test procedures.*

10.1 Recalibration. After each run, or after a series of runs made within a 24-hour period, perform a partial recalibration using the procedures in Section 8. Only H_2S (or other permeant) need be used to recalibrate the GC/FPD analysis system (8.4) and the dilution system (8.5).

10.2 Determination of Calibration Drift. Compare the calibration curves obtained prior to the runs to the calibration curves obtained under paragraph 10.1. The calibration drift must not exceed the limits set forth in paragraph 4.2. If the drift exceeds this limit, the intervening run or runs shall be considered not valid.

11. *Calculations.*

11.1 Determine the concentrations of hydrogen sulfide, carbonyl sulfide, and carbon disulfide detected in each sample directly from the calibration curves.

11.2 Sulfur Dioxide Equivalent. For each sample the concentrations of hydrogen sulfide, carbonyl sulfide, and carbon disulfide are totaled and the sum expressed as sulfur dioxide using the following equation:

$$SO_2 \text{ equivalent} = [H_2S] + [COS] + 2[CS_2]$$

SO_2 equivalent = The sum of the concentration of each of the measured compounds (H_2S, COS, CS_2) expressed as sulfur dioxide, in ppm.
$[H_2S]$ = Measured concentration of hydrogen sulfide, in ppm.
$[COS]$ = Measured concentration of carbonyl sulfide, in ppm.
$[CS_2]$ = Measured concentration of CS_2, in ppm.

12. *Bibliography.*

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[FR Doc.76-28711 Filed 10-1-76;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 610-5]

AIR POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Stationary Sources

Section 111 of the Clean Air Act (42 U.S.C. 1857c-6) directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangered of public health or welfare. Within 120 days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing standards of performance for new and modified sources within such category. At present, standards of performance for 24 categories of sources have been promulgated.

The Administrator, after evaluating available information, has determined that petroleum refinery sulfur recovery plants are an additional facility within the petroleum refinery category which meets the above requirements. The basis for this determination is discussed in the preamble to the proposed regulation that is published at page 43866 in this issue of the FEDERAL REGISTER. Evaluation of other stationary source categories is in progress, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 111(b)(1)(A) of the Act and after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, effective (date of publication) amends the list of categories of stationary sources to read as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES AND CORRESPONDING AFFECTED FACILITIES

Source category	*Affected facilities*
• • • • •	
7. Petroleum refineries.	Fluid catalytic cracking unit catalyst regenerators. Fuel Gas Combustion Devices. Sulfur Recovery Plants.
• • • • •	

Proposed standards of performance applicable to the above source category appear at page 43866 in this issue of the FEDERAL REGISTER.

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-28710 Filed 10-1-76;8:45 am]

federal register

MONDAY, OCTOBER 4, 1976



PART V:

SECURITIES AND EXCHANGE COMMISSION

■

BUSINESS COMBINATION TRANSACTIONS

Proposed Experimental Short Registration Form

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SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 240]

[Release Nos. 33-5744, 34-12831, 35-19694; IC-9459; File No. S7-655]

BUSINESS COMBINATION TRANSACTIONS

Proposed Experimental Short Registration Form and Proposed Amendments of Related Rules

The Securities and Exchange Commission today published for comment:

(1) Proposed Form S–14A (17 CFR 239.28), an optional short form for registration under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)) of securities of certain issuers to be issued in reclassifications and business combinations of the character described in Securities Act Rule 145(a) (17 CFR 230.145(a));

(2) A proposed amendment to Rule 429(a) under the Securities Act (17 CFR 230.429(a)) which would make the rule unavailable if the issuer's latest registration statement was filed on Form S–14A; and

(3) Proposed amendments to Rule 14a–3 (17 CFR 240.14a–3), 14a–6 (17 CFR 240.14a–6), 14a–11 (17 CFR 240.14a–11), 14a–12 (17 CFR 240.14a–12), 14c–2 (17 CFR 240.14c–2) and 14c–5 (17 CFR 240.14c–5) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)) to provide that material filed in a Form S–14A registration statement under the Securities Act would satisfy the informational and filing requirements of the proxy or informational rules under section 14 of the Exchange Act.

This release contains a brief synopsis of certain significant aspects of the proposals.

BACKGROUND AND PURPOSE

The registration of securities and solicitation of proxies in business combination transactions of the character described in Securities Act Rule 145(a) have resulted in some of the longest and most complex disclosure documents filed with the Commission and provided to investors. The size and complexity of these documents are such that many investors cannot realistically be expected to read and study them, particularly when their holdings in the securities involved are so small that the transactions described would have only a limited impact upon them. The Commission believes, therefore, that such investors may be better served if they were provided with a prospectus (and proxy or information statement) which is substantially shorter and simpler. On the other hand, the Commission believes that detailed information relating to such transactions should be made readily available, on a timely basis, to investors who wish to receive it.

Accordingly, the Commission is proposing a new optional short form, to be designated Form S–14A, for the registration of securities to be issued in specified business combination transactions by issuers meeting the requirements for use of Form S–7 (17 CFR 239.26).[1] This proposed new form would provide for a short prospectus (and proxy or information statement), consisting principally of information concerning the transaction in which the registered securities are to be issued. More detailed information concerning the transaction, and the parties to the transaction, would be filed with the Commission as a new Part II of the registration statement and incorporated by reference in the prospectus. The registrant would be required to provide Part II, at its own expense, upon request.

This proposal is intended to result in a prospectus (and proxy or information statement) which can be more easily read and understood by many investors and, at the same time, to require additional detailed information to be provided to those investors who wish to receive it. The proposal also should reduce mailing and printing costs incurred by registrants.

The success of this new form will depend on the cooperation of issuers in preparing the prospectus as concisely and clearly as possible. While the proposed form would permit substantive information to be omitted from Part I of the registration statement if it is included in Part II, should the form be adopted, the Commisison would expect issuers to exercise care in the preparation of a registration statement pursuant to the form to make sure that Part I is not misleading to investors.

The proposition that an investor need not be directly furnished all material information about an issuer before making an investment decision is not new. Billions of dollars worth of securities are purchased and sold in the trading markets each year by investors who are not provided copies of prospectuses before they make their investment decisions. However, considerable information is available to the markets and thus to investors in the form of annual, quarterly and current reports and proxy statements on file with the Commission. And, the Commission has recognized that, in a number of analogous situations, economic reality does not require that an investor be provided with a full prospectus, or any prospectus.

For example, Form S–16 (17 CFR 239.27), one of the short forms for registration of securities under the Securities Act, requires only a limited amount of information in the prospectus, relying on incorporation by reference of Exchange Act reports and proxy statements. Similarly, Form S–8 (17 CFR 239.16b) under the Securities Act permits extensive incorporation of material previously furnished to employees being offered securities pursuant to employee benefit plans. And Securities Act Rule 153 (17 CFR 230.153) severely curtails the prospectus delivery requirements in connection with secondary transactions in exchange listed securities.

The foregoing examples represent curtailed disclosure requirements for secondary or other transactions not involving direct financing by the issuer. However, primary financing transactions also are subject to similar provisions. Thus, Securities Act Forms S–1 (17 CFR 239.11) and S–7 permit summary prospectuses, which summarize certain items of information and omit others, to be used during the period between the filing and effective dates of a registration statement, although a full prospectus is still required to be delivered with or prior to confirmation of the transaction.

Proposed Form S–14A represents another effort by the Commission to improve the corporate disclosure process in light of the economic and practical realities of investment decisionmaking. While detailed disclosure is considered by many investors to be necessary to an informed investment decision, many other investors may not read or wish to receive such detailed information. Accordingly, Form S–14A is intended to provide information which would be useful in making an investment decision and, at the same time, to make the detailed disclosure believed by many to be essential to an informed investment decision available upon request to interested stockholders and others.

The Commission recognizes, however, that proposed Form S–14A presents many difficult legal and policy issues which have not yet been resolved and some of which may not be subject to resolution under existing law. Nevertheless, the Commission firmly believes that it is necessary, to the extent possible, to simplify corporate disclosure documents and therefore wishes to receive the benefit of public comments on this proposal.

Like Forms S–7, S–8 and S–16 which take into consideration information otherwise filed with the Commission and available to the public, proposed Form S–14A would be in the nature of an experiment. Accordingly, if the proposals published today are adopted, the Commission will carefully monitor the use of the form to determine whether it serves the objectives of the federal securities laws.

SYNOPSIS OF THE PROPOSALS

I. PROPOSED FORM S–14A

Proposed Form S–14A would be an optional form available to certain issuers for registration under the Securities Act of securities to be issued in specified business combination transactions. As proposed, it would consist of three parts: Part I, the statutory prospectus delivered to all security holders containing only certain specified information and an undertaking to furnish Part II without charge upon request; Part II, containing more detailed information which would be incorporated by reference in the prospectus; and Part III, which would contain the standard information usually filed with the Commission as Part II of a registration statement. The proposed S–14A prospectus (Part I) is intended to satisfy the informational requirements of section 10(a) of the Securities Act and its delivery is intended to meet the delivery requirements of section 5(b)(2) of that Act. The proposed S–14A prospectus would also serve as the proxy or information statement used in connection with the transaction and would meet the informational and filing requirements of the proxy or information rules under section 14 of the Exchange Act, where applicable.

A detailed discussion of the conditions to use and the contents of the proposed form are set forth below.

A. Rule as to Use of Proposed Form S–14A

Proposed Form S–14A would be available to issuers which, at the time of filing the registration statement, meet the requirements for use of Form S–7 (17 CFR 239.26) and could be used for registration under the Securities Act of securities to be issued in a reclassification or business combination transaction of the character specified in Securities Act Rule 145(a). In a consolidation, the proposed form could be used by an issuer not yet in existence only if each existing corporation which is a party to the consolidation meets the requirements for use of Form S–7. Forms S–1 (17 CFR 239.11) and S–14 (17 CFR 239.23) would remain available for the registration of securities in a Rule 145(a) transaction by issuers not eligible, or not desiring, to use Form S–14A.

As a further condition to use of the proposed form, the prospectus (proxy statement) would be required to be delivered to security holders whose vote or consent is solicited at least 40 days prior to the date on which the meeting of such security holders is held or on which the transaction is effected, if no such meeting is held. This condition is intended to provide security holders with sufficient time in which to examine the prospectus; to request, obtain and examine Part II of the registration statement; and to execute and return a proxy.

In addition, the form would not be available unless the only matters intended to be acted upon are with respect to a plan for the Rule 145(a) transaction; the authorization, issuance, modification or exchange of securities in connection with the Rule 145(a) transaction; or proposals of security holders included pursuant to Rule 14a–8 (17 CFR 240.14a–8) under the Exchange Act. Issuers wishing to act simultaneously on additional matters would have the option of using either Form S–14 or a separate proxy or information statement describing such other matters.

B. Documents Comprising the Registration Statement

Under the proposal, the S–14A registration statement would consist of the facing sheet; the prospectus containing the information specified in Part I of the form; the information called for by Part II, which would be incorporated in the prospectus by reference; the information called for by Part III; exhibits, signatures, consents of experts, and other information, undertakings or documents filed as part of the registration statement.

C. Compliance with Proxy or Information Rules

In order to minimize the burdens on issuers, the proposed form would provide that a prospectus containing the information specified by the form would meet the informational requirements of the proxy or information rules under section 14 of the Exchange Act and could be in the form of a proxy or information statement. Further, material filed in the registration statement would meet the filing requirements of the proxy or information rules, where applicable.

D. Unavailability of Form for Reoffers or Resales

Under the proposal, a Form S–14A prospectus would consist principally of information concerning the subject business combination transaction and would contain only limited information concerning the registrant and other parties to the transaction (although substantial information regarding such persons would be incorporated by reference in the prospectus from Part II of the registration statement and made available upon request). The Commission believes that such a prospectus would not be appropriate for use in connection with offers or sales of the registered securities to persons who are not security holders of a party to the transaction. Accordingly, proposed Form S–14A includes an instruction prohibiting use of the Form S–14A prospectus for reoffers or resales of securities acquired pursuant to a registration statement on the form by any affiliate of the registrant or any other persons who may be deemed to be underwriters of the securities. Instead, reoffers or resales of securities by such persons would have to be made pursuant to a registration statement on any other available form under the Securities Act, such as Form S–16, or pursuant to an appropriate exemption from the registration requirements of the Act, such as Regulation A or Rule 145(d).

E. Information Required in the Prospectus

Proposed Form S–14A is designed to provide for a shorter, simpler prospectus which will be more understandable to ordinary investors. Registrants are urged to present information in the prospectus as clearly and concisely as possible. Accordingly, a summary in the forepart of the prospectus generally would not be required.

1. INFORMATION REQUIRED BY PROXY OR INFORMATION RULES

Since the S–14A prospectus could be in the form of a proxy or information statement, Item 1 of the proposed form would require that the prospectus include information relating to the voting of shares, such as procedures for revoking a proxy, persons making the solicitation, voting securities and principal holders thereof, the vote required for approval, and similar information required to be included in any proxy or information statement regardless of the matter being acted upon. In addition, an issuer would be permitted to use the prospectus as a proxy or information statement with respect to the authorization, issuance, modification or exchange of the registered securities in connection with the proposed Rule 145(a) transaction: *Provided*, That the prospectus contains the additional information relating to such matters required by the proxy or information rules under the Exchange Act.

2. INFORMATION REGARDING THE PLAN OF PROPOSED ACTION AND RELATED MATTERS

A prospectus prepared pursuant to proposed Form S–14A would consist principally of information regarding the transaction in which the registered securities are to be issued. Specifically, Items 2 through 5 and Item 7 of the proposed form would require in the prospectus brief descriptions of: (1) The securities being registered; (2) the material features of the plan, the reasons therefor and general effect thereof on rights of existing security holders; (3) comparative market prices of securities affected by the plan; (4) dissenters' rights with respect to the plan; (5) material interests of management and others in the proposed transaction; and (6) a list of parents of the registrant to indicate control currently and as affected by the plan.

3. INFORMATION REGARDING THE PARTIES TO THE PROPOSED TRANSACTION

The S–14A prospectus also would include abbreviated information concerning the parties to the proposed transaction, with appropriate cross-reference to more detailed information set forth in Part II of the registration statement, which would be incorporated by reference in the prospectus. Item 6 of proposed Form S–14A would require that the prospectus include very brief statements of the business and certain material legal proceedings of each party to the transaction, including lines of business information. In addition, Item 8 would require brief financial information consisting of specified income statement, per share, and balance sheet data in tabular form for each party to the transaction on an historical and pro forma combined basis, including comparative per share data equated to a common basis

[1] These conditions include a minimum earnings test and a requirement that the issuer has provided continuous disclosure to investors pursuant to the Exchange Act reporting requirements for a specified number of years. On July 26, 1976, the Commission published for comment proposed amendments to Form S–7 which would substantially relax the conditions to use of the form and make it available to more issuers. Securities Act Release No. 5728 (July 26, 1976) (41 FR 32540, August 3, 1976). If Form S–7 is amended as proposed, Form S–14A would be available to this expanded group of issuers.

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of exchange. A brief textual discussion would explain material changes in the income data from period to period.

This disclosure is intended to inform security holders of the general nature of the more detailed business and financial information set forth in Part II of the registration statement, which would be available upon request.

4. STATEMENTS OF AVAILABLE INFORMATION AND INFORMATION INCORPORATED BY REFERENCE

Proposed Form S–14A would require the registrant to include a statement in the prospectus informing security holders that it files reports under the Exchange Act which may be inspected, copied and obtained at specified offices of the Commission.

A further statement would be required to advise security holders that significant additional substantive information which may be necessary to make a more informed investment decision regarding the proposed transaction has been filed with the Commission as Part IV of the registration statement. Such information would be briefly described and incorporated by reference in the prospectus. The registrant would be required to promptly provide Part II upon request, at its own expense, and to furnish with each prospectus a pre-addressed, postage-paid card, envelope, or similar material which a person could use to request Part II. Security holders would be encouraged to request Part II or to seek professional investment advice. The requirements for describing and furnishing Part II are set forth in Item 9 of the proposed form.

F. INFORMATION AVAILABLE UPON REQUEST

Under the proposal, Part II of an S–14A registration statement would consist principally of descriptions of business, legal proceedings, management, and financial statements. Part II would be incorporated in the prospectus by reference and made available upon request pursuant to the provisions of Item 9 of the proposed form, outlined above.

Specifically, Item 10 of the proposed form would require for each party to the transaction a description of business and related matters, including material legal proceedings, as required by Item 5 of Form S–7. Disclosure contained in Part I, such as lines of business information, would not need to be repeated in Part II. The same type of business disclosure would be required for each party to the transaction, even though only the registrant would be required to meet S–7 standards.

Item 11 of the proposed form would require that Part II include information regarding officers, directors and principal security holders of the surviving or acquiring company, including remuneration and certain transactions with management and others, as required by Items 6 and 7 of Schedule 14A of Regulation 14A under the Exchange Act. Item 12 would require that Part II include a brief summary of provisions restricting the payment of dividends as to the securities to be registered.

Historical and pro forma financial statements would be included in Part II pursuant to Item 13 of the proposed form. Each subject company would be required to furnish audited statements of income and other financial statements and schedules meeting the requirements of Items 6 and 10 of Form S–7. However, a party to the proposed transaction which is not subject to the reporting requirements of the Exchange Act would be required to furnish audited financial statements only if practicable.

In addition to the items of information specified above, Item 14 of the proposed form would permit the registrant to include in Part II of the registration statement any other information it deems necessary or appropriate. Any exhibits, such as the merger plan or copies of statutes covering dissenters' rights, which registrant desires to make available to security holders, would be listed under Item 14 and delivered to persons requesting copies of Part II. Item 15 would call for interests of experts named in the registration statement.

G. OTHER INFORMATION PROPOSED AS PART OF THE REGISTRATION STATEMENT

Part III of proposed Form S–14A would contain information usually filed with the Commission as Part II of a registration statement, including indemnification of officers and directors and a list of all exhibits filed. The only exhibits required would be those pertinent to the proposed offering, including material contracts referred to in Part I or Part II of the registration statement.

II. PROPOSED AMENDMENT TO RULE 429 UNDER THE SECURITIES ACT

Securities Act Rule 429(a) (17 CFR 230.429(a)) permits the use of a combined prospectus in connection with the offer or sale of securities covered by two or more registration statements filed by the same issuer, if the most recent statement contains all of the information which would be required in a prospectus relating to the securities covered by the earlier registration statements. However, the Rule does not apply if the lastest registration statement was filed on Form S–14 or S–16, because a prospectus for securities registered on those forms is not deemed suitable for securities registered on other forms. Since the proposed S–14A prospectus would consist principally of information regarding the Rule 145(a) transaction and would permit substantial information to be incorporated by reference, it too would not be suitable for securities registered pursuant to other forms. Therefore, the Commission proposes to amend Rule 429(a) to prohibit the use of a combined prospectus if the latest registration statement if filed on Form S–14A.

III. PROPOSED AMENDMENTS TO EXCHANGE ACT RULES 14a–3, 14a–6, 14a–11, 14a–12, 14c–2, AND 14c–5

A. RULE 14a–3, INFORMATION TO BE FURNISHED SECURITY HOLDERS

Exchange Act Rule 14a–3(a) (17 CFR 240.14a–3(a)) provides that no solicitation subject to the proxy rules shall be made unless each person solicited is concurrently furnished or has previously been furnished a written proxy statement containing the information specified in Schedule 14A (17 CFR 240.14a–101) under that Act. The Commission proposes to amend Rule 14a–3 to provide that material filed in a Form S–14A registration statement under the Securities Act containing the information required by that form would satisfy the requirements of the rule.

B. RULE 14a–6. MATERIAL REQUIRED TO BE FILED

The Commission proposes to amend Exchange Act Rule 14a–6(j) (17 CFR 240.14a–6(i)) to provide that material filed in an S–14A registration statement under the Securities Act would satisfy the filing requirements of the proxy rules under the Exchange Act. This amendment would enable registrants to avoid filing copies of the registration statement as a proxy statement under the Exchange Act and paying a proxy filing fee.

C. RULE 14a–11. SPECIAL PROVISIONS APPLICABLE TO ELECTION CONTESTS

Rule 14a–11(d) (17 CFR 240.14a–11(d)) under the Exchange Act provides that, notwithstanding the provisions of Rule 14a–3(a), solicitations with respect to an election contest may be made prior to furnishing security holders a written proxy statement containing the information specified in Schedule 14A, provided that certain conditions are met. One of the conditions, as set forth in subparagraph (2) of the rule, is that no form of proxy be furnished to security holders prior to the time the written proxy statement required by Rule 14a–3(a) is furnished, except in the situation where a proxy statement then meeting the requirements of Schedule 14A has already been furnished to security holders.

Since the proposed amendment to Rule 14a–3(a) would provide that a proxy statement included in a registration statement filed under the Securities Act on Form S–14A could contain the information specified in that form in lieu of the information specified in Schedule 14A, the Commission proposes to amend Exchange Act Rule 14a–11(d) to refer to Rule 14a–3(a) and to delete the reference to Schedule 14A.

D. RULE 14a–12. SOLICITATIONS PRIOR TO FURNISHING REQUIRED PROXY STATEMENT

Rule 14a–12 under the Exchange Act (17 CFR 240.14a–12) provides that, notwithstanding the provisions of Rule 14a–3(a) under that Act, solicitations in opposition to prior solicitations may be made before furnishing security holders a written proxy statement containing the information specified in Schedule 14A, if certain conditions are met, including the same condition as that set forth in subparagraph (2) of Rule 14a–11(d).

The amendment to Rule 14a–12(a) proposed today, which is analogous to the proposed amendment to Rule 14a–11(d) outlined above, would delete the reference in the Rule to Schedule 14A and include instead a reference to Rule 14a–3(a).

E. RULE 14C–2. DISTRIBUTION OF INFORMATION STATEMENT

Rule 14c–2(a) under the Exchange Act (17 CFR 240.14c–2(a)) requires an issuer subject to the information rules to transmit to its security holders a written information statement containing the information specified in Schedule 14C. To provide similar treatment for proxy material and information statements, the Commission proposes to amend Rule 14c–2 to provide that material filed in a Form S–14A registration statement would satisfy the requirements of the rule.

F. RULE 14C–5. FILING OF INFORMATION STATEMENT

In order to provide similar treatment for proxy material and information statements, the Commission proposes to amend Exchange Act Rule 14c–5(e) (17 CFR 240.14c–5(e)), to provide that material filed in a Form S–14A registration statement under the Securities Act would satisfy the filing requirements of Regulation 14C under the Exchange Act. In such instances, there would be no information statement filing fee required.

PROPOSED AMENDMENTS

The text of the proposed amendments is set forth below:

1. 17 CFR Part 239 is proposed to be amended by adding a new § 239.28 to read as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.28 Form S–14A, optional form for registration of securities of certain issuers to be offered in certain transactions under Rule 145 (§ 230.145 of this chapter).

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM S–14A

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)	(IRS Employer Identification No.)

(Address of principal executive offices, including Zip Code)

Registrant's telephone number, including area code

(Name and address of agent for service)

Approximate date of commencement of the proposed sale of the securities to the public

Calculation of registration fee

Title of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

FORM S–14A

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S–14A.* (a) In addition to Form S–14 (§ 239.23) and Form S–1 (§ 239.11), Form S–14A may be used for registration under the Securities Act of 1933 of securities of any issuer which at the time of filing the registration statement meets the requirements for the use of Form S–7 (§ 239.26), if such securities are to be issued in a transaction specified in paragraph (a) of Securities Act Rule 145 (§ 230.145 of this chapter): *Provided, however,* That Form S–14A shall not be so used unless the prospectus is delivered to the security holders whose vote or consent is solicited at least 40 days prior to the date on which the meeting of such security holders is held or the date on which the transaction is effectuated if no such meeting is held: *Provided, further,* That Form S–14A shall not be so used unless the only matters intended to be acted upon are with respect to a plan for the Rule 145(a) transaction; the authorization, issuance, modification, or exchange of securities in connection with the Rule 145(a) transaction; or proposals of security holders included pursuant to Rule 14a–8 under the Securities Exchange Act of 1934 (§ 240.14a–8 of this chapter).

(b) If the securities to be offered are those of an issuer not yet in existence at the time the registration statement is filed, but which will be a party to a consolidation involving two or more existing corporations, Form S–14A shall be available to such issuer: *Provided,* That each of the existing corporations meets the requirements specified in paragraph (a) above.

B. *Application of general rules and regulations.* Attention is directed to the general rules and regulations under the Act, particularly those comprising Regulation C (§§ 230.400 to 230.494 of this chapter). That regulation contains general requirements regarding the preparation and filing of the registration statement.

C. *Documents comprising registration statement.* The registration statement shall consist of the facing sheet of the form, the prospectus containing the information specified in Part I, the information called for by Part II which is incorporated in the prospectus by reference, the information called for by Part III, signatures, consents of experts, exhibits, and any other information, undertakings, or documents which are required or which the registrant may file as a part of the registration statement.

D. *Form and Content of Prospectus and Part II.* (a) The information set forth in the prospectus and in Part II of the registration statement should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. The prospectus shall contain the information called for by all of the items of Part I of the form; Part II of the registration statement shall contain the information called for by all the items of Part II of the form. No reference need be made to inapplicable items, and negative answers to any item may be omitted.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus or Part II of the registration statement need not be duplicated elsewhere in the prospectus or in Part II. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus or Part II, this may be accomplished by appropriate cross-reference.

E. *Compliance with Proxy or Information Rules.* If a corporation or other person submits a proposal to its security holders entitled to vote on or consent to the transaction in which the securities being registered are to be issued, the prospectus may be in the form of a proxy or information statement. Such proxy or information statement shall contain the information required by this form in lieu of that required by Schedule 14A (§ 240.14a–101 of this chapter) or 14C (§ 240.14c–101) of Regulation 14A or 14C under the Securities Exchange Act of 1934.

(a) If such person's submission to its security holders is subject to Regulation 14A (§§ 240.14a–1 to 14a–101 of this chapter) or 14C (§§ 240.14c–1 to 14c–101) under the Securities Exchange Act of 1934, then the provisions of such regulations shall apply in all respects to such person's submission, except that copies of the preliminary and definitive proxy or information statement, form of proxy or other material filed as a part of the registration statement shall be deemed filed pursuant to such person's obligations under such regulations. All other soliciting material shall be filed in accordance with such regulations.

(b) If the proxy or information material sent to security holders is not subject to Regulation 14A or 14C, the material shall contain the information which would be required to be included in proxy or information material subject to such regulations. All such material shall be filed as a part of the registration statement at the time the statement is filed or as an amendment thereto prior to the use of such material.

F. *Preparation of Part III.* Part III of the registration statement shall contain the numbers and captions of the items in Part III of the form but the text of the items and the instructions thereto are to be omitted. The answers to the items are to be prepared so as to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto. If the information required by any item of Part III is completely disclosed in the prospectus, such item may be answered by a reference to the specific page or caption of the prospectus which contains such infor-

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mation. If any item of Part III is inapplicable or the answer thereto is in the negative, a statement to that effect shall be made in answer to the item.

G. *Unavailability of the prospectus for reoffers or resales.* The Form S–14A prospectus will not be available for reoffers or resales of securities acquired pursuant to this registration statement by affiliates of the registrant or any other persons who may be deemed underwriters of such securities.

PART I.—INFORMATION REQUIRED IN THE PROSPECTUS

Item 1. Information Required by Proxy or Information Rules. (a) If proxies or consents are to be solicited, include, where applicable, the information required by the following items of Schedule 14A (§ 240.14a–101 of this chapter) of Regulation 14A under the Securities Exchange Act of 1934:

Item 1. Revocability of proxy;

Item 3. Persons Making the Solicitation;

Item 5. Voting securities and principal holders thereof;

Item 12. Authorization or issuance of securities otherwise than for exchange (where action is to be taken with respect to the securities to be registered);

Item 13. Modification or exchange of securities (where action is to be taken with respect to the securities to be registered); and

Item 22. Voting required for approval. (b) If proxies or consents are not to be solicited, include, where applicable, the information required by Items 5, 12, 13, and 22 of Schedule 14A above and the following items of Schedule 14C (§ 240.14c–101 of this chapter) of Regulation 14C under the Securities Exchange Act of 1934:

Item 2. Statement that proxies are not solicited;

Item 3. Date, time and place of meeting;

Item 4(b). Interest of certain persons in or opposition to matters to be acted upon; and

Item 5. Proposals by security holders.

Item 2. Dissenters' Rights of Appraisal. Outline briefly in chronological order the steps which a dissenting security holder must follow in order to perfect his rights of appraisal or similar dissenters' rights with respect to the proposed transaction. Where such rights may be exercised only within a limited time after the date of adoption of a proposal, the filing of a charter amendment or other similar act, the registrant shall include a statement undertaking to notify persons solicited of such date.

Instructions 1. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken by the registrant in regard to these matters.

2. Do not set forth the provisions of State law verbatim. If the applicable State law is set forth in a statute which the registrant or other party to the proposed transaction desires to make available to security holders, the statute shall be filed as an exhibit to the registration statement and furnished with Part II pursuant to Item 14(b) of this forms.

Item 3. Plan of Proposed Action. (a) Outline briefly the material features of the plan of proposed action. State the reasons therefor and the general effect thereof upon the rights of existing security holders.

Instructions 1. This item requires only a brief summary of the features which are pertinent from an investment standpoint. A complete legal description of the features referred to is not required and should not be given. Do not set forth the provisions of the plan verbatim; only a succinct resume is required.

2. Include a brief summary, as applicable, of the significant differences between the rights of existing security holders and their rights as holders of the securities to be registered.

3. If the plan is set forth in a written document which the registrant or other party to the proposed transaction desires to make available to security holders, the plan shall be furnished with Part II pursuant to Item 14(b) of this form.

(b) As to each class of securities of the registrant, or of any person which is a party to the plan of proposed action, which is listed for trading on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within the past two years.

Item 4. Interest of certain persons in matters to be acted upon. Describe briefly any material interest, direct or indirect, by security holdings or otherwise, of each of the following persons in the matters to be acted upon:

(a) Each person who will serve as a director or executive officer of the surviving or acquiring company upon consummation of the proposed transaction;

(b) Each person who is presently or has been a director or executive officer of any party to the proposed transaction at any time during the twelve months preceding the filing of the registration statement;

(c) Any principal security holder named in response to Item 1 of this form; and

(d) Each associate, as defined in Rule 14a–1 under the Securities Exchange Act of 1934 (§ 240.14a–1 of this chapter), of the above persons.

Instructions 1. Except in the case of a solicitation made in opposition to another solicitation, this item shall not apply to any interest arising from the ownership of securities where the security holder receives no extra or special benefit not shared on a pro rata basis by all other owners of the same class of securities.

2. For purposes of this item, a person shall be deemed to have a material interest in the transaction if, for example, such person will receive materially increased remuneration payments or other benefits upon the consummation of the transaction or if such person, as a result of the consummation of the proposed transaction, will receive the benefit of materially more favorable terms than those contained in any presently existing agreement.

Item 5. Parents. List all parents of the registrant showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any. Indicate the status of control to exist upon consummation of the plan described in response to Item 3 of this form.

Item 6. Business. (a) Provide a brief statement of the general character of the business done and intended to be done by the registrant and each other person which is a party to the transaction in which the securities to be registered are to be issued, including information as to the nature of products or services. Furnish appropriate cross-reference to the more detailed discussion of business contained in Part II of the registration statement pursuant to Item 10 of this form.

(b) For each person described above, provide information as required by Form S–7 (§ 239.26) regarding lines of business and regarding classes of similar products and services.

(c) Briefly describe any material pending legal proceedings relating to the proposed transaction to which each person described above, or any of its subsidiaries, is subject.

(d) Furnish a brief reference to other material pending legal proceedings to which any such person is a party and which may have a substantial adverse effect upon the earnings or financial condition of the registrant or other party to the proposed transaction. Include appropriate cross-reference to the more detailed discussion of legal proceedings contained in Part II of the registration statement.

Instruction. Items 6(a), (b), and (d) shall not apply if the plan described in answer to Item 3 involves only the registrant and one or more of its totally-held subsidiaries.

Item 7. Description of Securities. Briefly describe the securities to be registered as required by Form S–7 (§ 239.26) regarding Capital Stock, Debt Securities or Other Securities To Be Registered.

Instruction. Descriptions of provisions contained in a written agreement or other document which restrict the payment of dividends need not be given in response to this item, but should be set forth instead in Part II of the registration statement pursuant to Item 12 of this form, with appropriate cross-reference thereto in the prospectus.

Item 8. Selected financial information and comparative per share data. (a) Furnish in tabular form the following selected financial information, including a concise statement of any qualifications in the auditor's opinion, for the registrant and each other person which is a party to the proposed transaction, or for each such person and its subsidiaries consolidated, as appropriate. Comparable pro forma combined financial information should be presented.

SELECTED FINANCIAL INFORMATION

INCOME STATEMENT DATA

Net sales and operating revenues and other revenues
Gross profit
Income before extraordinary items
Net income

PER SHARE DATA

Income per common share before extraordinary items
Net income per common share (and common share equivalents, if applicable)
Net income per share on a fully diluted basis
Dividends

BALANCE SHEET INFORMATION (AT END OF PERIOD)

Working capital
Total assets
Total assets less excess of cost of assets acquired over book value
Long term debt
Total indebtedness
Shareholders' equity (where redemption value pertaining to preferred shares is material in relation to total equity, that amount should be shown separately)

Instructions 1. Income statement and per share data should be presented for each of the last five fiscal years of each person described above (or for the life of such person, and its predecessors, if less), and balance sheet data should be presented as of the date of the balance sheet filed for such person pursuant to Item 13 of Part II of this form. Where necessary to indicate a material adverse trend, corresponding information should also be provided for the previous year or years. If available, furnish the income statement and per share data specified above for the interim period of the current year and the corresponding period of the preceding fiscal year.

2. Include appropriate cross-reference to the financial statements and auditor's report contained in Part II pursuant to Item 13 of this form.

3. The selected financial data should be followed, where applicable, by a brief textual discussion of any material changes in the income data from period to period which may, in the opinion of management, make historical operations or earnings not indicative of current or future operations or earnings. Furnish appropriate cross-reference to the more detailed information contained in the "Management's Discussion and Analysis" section of Part II of this registration statement.

(b) Historical and pro forma earnings per share and dividends per share shall be presented in tabular form, where appropriate, and equated to a common basis in exchange transactions.

Instruction. Items 8(a) and (b) shall not apply if the plan described in answer to Item 3 involves only the registrant and one or more of its totally-held subsidiaries.

Item 9. Statements of available information and information incorporated by reference. (a) A statement shall be included that the registrant is subject to the informational requirements of the Securities Exchange Act of 1934 and in accordance therewith files reports and other information with the Securities and Exchange Commission. The statement shall also indicate that such reports, proxy statements and other information can be inspected and copied at the offices of the Commission in Washington, D.C.; Chicago, Illinois; New York, New York; and Los Angeles, California; and that copies of such material can be obtained at prescribed rates from the principal office of the Commission at 500 North Capitol Street, Washington, D.C. 20549. In addition, any national securities exchange on which the registrant's securities are listed, and where reports, proxy statements and other information concerning the registrant can be inspected, shall be named.

(b) A further statement shall be included advising security holders that significant additional substantive information which may be necessary to make a more informed investment decision regarding the proposed transaction and the parties thereto has been filed with the Commission as Part II of this registration statement and that the registrant undertakes to promptly deliver such information without charge upon written request. The registrant shall incorporate the information set forth in Part II in the prospectus by reference and shall encourage security holders to request Part II or to seek professional investment advice.

(1) Pursuant to the statement required above, the matters contained in Part II of the registration statement should be clearly identified. It shall be pointed out that Part II contains information relating to directors and officers of the surviving or acquiring company (including their remuneration, options granted to them, and material interests of such persons or principal security holders in transactions with the surviving or acquiring company), and descriptions of business, litigation, financial statements and certain other matters concerning the parties to the proposed transaction. Include any additional description necessary to indicate the nature of the matters contained in Part II.

Instructions 1. The information required by Item 9(b)(1) may be set forth in tabular form, as appropriate: *Provided*, That the captions or capsule descriptions clearly reveal the nature of the matters referred to.

2. If proxies are to be solicited, an additional form of proxy should be delivered with the information contained in Part II.

(2) Briefly describe the procedure or procedures by which a copy of the information contained in Part II may be obtained. Include the name and address of the person to whom a written request is to be directed and any place where the information contained in Part II may be inspected.

(c) The registrant shall deliver with each prospectus a pre-addressed card, sheet, envelope or other similar material which shall:

(1) Indicate clearly that significant additional information regarding the proposed transaction and the parties thereto may be obtained without charge by returning the card or other material;

(2) Provide for all postage to be paid by the registrant; and

(3) Provide a specially designated blank space for dating the card or sheet and for indicating the name and address to whom the information contained in Part II is to be directed.

Instruction. The registrant shall indicate a reasonable date by which security holders should request the available information if they desire to receive such information prior to the date on which the meeting of such security holders is held or the date on which the proposed transaction is effectuated if no such meeting is held.

PART II—INFORMATION AVAILABLE UPON REQUEST

GENERAL NOTE.—The information contained in this section in response to items 10 through 15 shall be incorporated by reference as part of the prospectus and made available upon request pursuant to item 9 of this form.

Item 10. Business. Provide a description of business and related matters as required by Item 5 of Form S–7 for the registrant and each other person which is a party to the proposed transaction.

Instructions 1. Information set forth in Part I of this registration statement need not be included in response to this item.

2. This item shall not apply if the plan described in answer to Item 3 involves only the registrant and one or more of its totally-held subsidiaries.

Item 11. Officers, Directors and Certain Transactions with Management and Others. If any person who will serve as a director of the surviving or acquiring company was not elected to such office by security holders of the issuer of the securities in respect of which proxies are to be solicited, or by security holders of the issuer furnishing an information statement with regard to the proposed transaction, provided the information required by the following items of Schedule 14A (§ 240.14a–101 of this chapter) of Regulation 14A under the Securities Exchange Act of 1934 with respect to the surviving or acquiring company:

Item 6. Nominees and directors; and

Item 7. Remuneration and other transactions with management and others.

Item 12. Restrictions on Payment of Dividends. Furnish a brief summary of any provisions contained in a written agreement or other document which restrict the payment of dividends as to any security described in response to Item 7 of this form.

Item 13. Financial Statements. Furnish the following financial statements for the registrant and each other person which is a party to the transaction in which the securities to be registered are to be issued:

(a) Statements of Income, as required by Item 6 of Form S–7 (§ 239.26);

(b) Other Financial Statements and Schedules as required by Item 10 of Form S–7;

(c) A Combined Pro Forma Statement of Income for each of the last five fiscal years (or for the life of such persons and predecessors if less), as appropriate in the circumstances, indicating the aggregate and per share earnings for each such year. If the transaction establishes a new basis of accounting for assets of any of persons included therein, the pro forma statement of income shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(d) A Combined Pro Forma Balance Sheet, giving effect to the proposed plan of action if substantial changes will occur in the company's asset, capital shares, other stockholders' equity or reserve accounts. The balance sheets shall set forth in columnar form, and show in related manner, the balance sheet of the company prior to the reorganization, the changes to be effected in the reorganization and the balance sheet of the company after giving effect to the plan of reorganization. By a footnote or otherwise, a brief explanation of the changes shall be given.

Instructions 1. This item shall not apply if the proposed plan of action described in answer to Item 3 involves only the issuer and one or more of its totally-held subsidiaries.

2. Historical and pro forma book value per share (excluding excess of cost of assets required) shall be presented in tabular form, where appropriate, and equated to a common basis in exchange transactions. If the transaction establishes a new basis of accounting for assets of any of the parties to the transaction, separately state the portion of pro forma book value per share arising from the new basis of accounting for such assets.

3. With regard to any party to the proposed transaction other than the registrant which at the time of filing the registration statement is not subject to the reporting requirements of the Exchange Act, the financial statements required by paragraphs (a) and (b) of this item shall be the financial statements specified in Exchange Act Form 10 (17 CFR 249.210), audited to the extent practicable. However, all schedules other than the schedules of supplementary profit and loss information may be omitted.

4. The Commission may, upon the request of the registrant, permit the omission of any of the statements herein required where such statements are not necessary for the exercise of prudent judgment in regard to any matter to be acted upon, or may permit the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise material for the exercise of prudent judgment in regard to any matter to be acted upon.

Item 14. Additional information and exhibits voluntarily included. (a) Additional information not specifically required by this form, but which the registrant deems appropriate or necessary to be disclosed in Part II of the registration statement may be set forth herein under a suitable caption.

(b) If the registrant or other party to the transaction desires to make available to shareholders any exhibit filed with this registration statement, such exhibit or exhibits should be listed herein and copies delivered

to security holders who request the information set forth in Part II of the registration statement.

Item 15. Interest of experts named in registration statement. If any expert named in the registration statement as having prepared or certified any part thereof was employed for such a purpose on a contingent basis or, at any time of such preparation or certification or at any time thereafter, had a substantial interest in the registrant or any of its parents or subsidiaries or was connected with the registrant or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee, furnish a brief statement of the nature of such contingent basis, interest or connection.

Instruction. In the case of an accountant, any direct financial interest or any material indirect financial interest held during the period covered by the financial statements prepared or audited shall be deemed a "substantial interest" for the purpose of this item.

PART III—OTHER INFORMATION

Item 16. Indemnification of Directors and Officers. State the general effect of any charter provision, by-law, contract, arrangement or statute under which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

Item 17. Exhibits Filed. List all exhibits filed as a part of the registration statement.

INSTRUCTIONS AS TO EXHIBITS

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for by Item 17 above.

1. Copies of the plan or other instrument for the reclassification, merger, consolidation, transfer of assets or similar plan of acquisition pursuant to which the securities to be registered are to be issued.

2. Copies of the form of proxy and other soliciting material to be used, in addition to the proxy statement (prospectus), in soliciting votes or consents with respect to the plan, unless such material is otherwise filed with the Commission.

3. An opinion of counsel as to the legality of the securities to be registered, indicating whether they will when issued be legally issued, fully paid and non-assessable and, if debt securities, whether they will be binding obligations of the registrant.

4. The exhibits described under Items 2, 4, 5 and 6 of Instructions As To Exhibits in Form S–7 (§ 239.26), including every material contract not made in the ordinary course of business which is referred to in Part II of the registration statement.

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the registrant has duly caused this registr.tion statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of --------, State of --------, on --------, 19--.

(Registrant)

By ---

(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

Instructions 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least the majority of the board of directors or persons performing similar functions.

2. If the securities to be offered are those of a corporation, not yet in existence at the time the registration statement is filed, which will be a party to a consolidation involving two or more existing corporations, then each such existing corporation shall be deemed a registrant and shall be so designated on the cover page of this form, and the registration statement shall be signed by each such existing corporation and by the officers and directors of each such existing corporation as if each such existing corporation were the registrant.

3. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

ATTENTION

The texts of the following proposed amendments use ►◄ arrows to indicate new material and [ ] to indicate deletions.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

2. Rule 429 under the Securities Act (17 CFR 230.429) is proposed to be amended to read as follows:

§ 230.429 Prospectus relating to several registration statements.

(a) Where two or more registration statements have been filed by the same registrant, a prospectus which meets the requirements of the Act and the rules and regulations thereunder for use in connection with the securities covered by the latest registration statement shall be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements if such prospectus includes all of the information which would currently be required in a prospectus relating to the securities covered by the earlier statements: *Provided*, That this rule shall not apply if the latest registration statement was filed on Form S–14 (§ 239.23 of this chapter), [or] Form S–16 (§ 239.27 of this chapter), ►or Form S–14A (§ 239.28 of this chapter).◄

• • • • •

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. Rule 14a–3 under the Exchange Act (17 CFR 240.14a–3) is proposed to be amended to read as follows:

§ 240.14a–3 Information to be furnished security holders.

(a) No solicitation subject to this regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A (§ 240.14a–101), ►or with a written proxy statement included in a registration statement filed under the Securities Act of 1933 on Form S–14A (§ 239.28 of this chapter) and containing the information specified in such form.◄

• • • • •

4. Rule 14a–6 (17 CFR 240.14a–6) is proposed to be amended to read as follows:

§ 240.14a–6 Material required to be filed.

• • • • •

(j) Notwithstanding the foregoing provisions of this section, any proxy statement, form of proxy or other soliciting material included in a registration statement filed under the Securities Act of 1933 on Form S–14 (§ 239.23 of this chapter) ►or Form S–14A (§ 239.28 of this chapter)◄ shall be deemed filed both for the purposes of that Act and for the purposes of this section, but separate copies of such material need not be furnished pursuant to this section nor shall any fee be required under paragraph (i) of this section. However, any additional soliciting material used after the effective date of the registration statement on Form S–14 ►or Form S–14A◄ shall be filed in accordance with this section but separate copies of such material need not be filed as an amendment of such registration statement.

5. Rule 14a–11 (17 CFR 240.14a–11) is proposed to be amended to read as follows:

§ 240.14a–11 Special provisions applicable to election contests.

• • • • •

(d) *Solicitations prior to furnishing required written proxy statement.* Notwithstanding the provisions of Rule 14a–3(a) (§ 240.14a–3(a)), a solicitation subject to this section may be made prior to furnishing security holders a written proxy statement [containing the information specified in Schedule 14A (§ 240.14a–101) with respect to such solicitation:] ►meeting the requirements of that rule:◄ *Provided*, That—

(1) • • •

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by Rule 14a–3(a) (§ 240.14a–3(a)) is furnished to security holders: *Provided, however*, That this subparagraph (2) shall not apply where a proxy statement then meeting the requirments of [Schedule 14A (§ 240.14a–101)] ►Rule 14a–3(a)◄ has been furnished to security holders by or on behalf of the person making the solicitation.

• • • • •

6. Rule 14a–12 (17 CFR 240.14a–12) is proposed to be amended to read as follows:

§ 240.14a–12 Solicitation prior to furnishing required proxy statement.

(a) Notwithstanding the provisions of Rule 14a–3(a) (§ 240.14a–3(a)), a solicitation (other than one subject to Rule 14a–11 (§ 240.14a–11)) may be made prior to furnishing security holders a written proxy statement [containing the information specified in Schedule 14A (§ 240.14a–101) with respect to such solicitation] ►meeting the requirements of Rule 14a–3(a)◄ if—

(1) • • •

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by Rule 14a–3(a) (§ 240.14a–3(a)) is furnished to security holders: *Provided, however*, That this subparagraph (2) shall not apply where a proxy statement then meeting the requirements of [Schedule 14A (§ 240.14a–101)] ►Rule 14a–3(a)◄ has been furnished to security holders by or on behalf of the person making the solicitation;

• • • • •

7. Rule 14c–2 (17 CFR 240.14c–2) is proposed to be amended to read as follows:

§ 240.14c–2 Distribution of information statement.

(a) In connection with every annual or other meeting if the holders of a class of securities registered pursuant to section 12 of the Act, including the taking of corporate action with the written authorization or consent of the holders of a class of securities so registered, the issuer of such securities shall transmit a written information statement containing the information specified in Schedule 14C (17 CFR 240.14c–1 et seq.), ►or a written information statement included in a registration statement filed under the Securities Act of 1933 on Form S–14A (§ 239.28 of this chapter) and containing the information specified in such form,◄ to every such security holder who is entitled to vote or give an authorization or consent in regard to any matter to be acted upon and from whom a proxy, authorization or consent is not solicited on behalf of the management of the issuer pursuant to section 14(a) of the Act: *Provided*, That in the case of a class of securities in unregistered or bearer form, such statement need be transmitted only to those security holders whose names are known to the issuer.

• • • • •

8. Rule 14c–5 (17 CFR 240.14c–5) is proposed to be amended to read as follows:

§ 240.14c–5 Filing of information statement.

• • • • • •

(e) Notwithstanding the foregoing provisions of this section, any information statement or other material included in a registration statement, filed under the Securities Act of 1933 on Form S–14 (§ 239.23 of this chapter) ►or Form S–14a (§ 239.28 of this chapter)◄ shall be deemed filed both for the purposes of that Act and for the purposes of this section, but separate copies of such material need not be furnished pursuant to this section, nor shall any fee be required under paragraph (a) of this section. However, any additional material used after the effective date of the registration statement on Form S–14 ►or Form S–14A◄ shall be filed in accordance with this section but separate copies of such material need not be filed as an amendment of such registration statement.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; (15 U.S.C. 77f, 77g, 77j, 77s(a)); secs. 14(a), 23(a), 48 Stat. 985, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; sec. 18, 89 Stat. 155; (15 U.S.C. 78n(a), 78w(a)); secs. 12(e), 20(a), 49 Stat. 823, 833; (15 U.S.C. 78l(e), 79t(a)); secs. 20(a), 38(a), 54 Stat. 822, 841; (15 U.S.C. 80a–20(a), 80a–37(a)).)

STATUTORY AUTHORITY FOR PROPOSALS

The foregoing amendments to 17 CFR Parts 230, 239, and 240 are proposed pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof, and pursuant to sections 14(a) and 23(a) of the Securities Exchange Act of 1934, sections 12(e) and 20(a) of the Public Utility Holding Company Act of 1935, and sections 20(a) and 38(a) of the Investment Company Act of 1940.

SPECIFIC INQUIRIES AND PROCEDURES FOR COMMENT

Pursuant to section 23(a) of the Exchange Act, the Commission has considered the effect that the proposals would have on competition and is not aware, at this time, of any burdens that the proposals, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the anticompetitive effects, if any, the proposals would likely engender. In addition, the Commission specifically invites comment on the following issues:

(1) The effect of the proposals on the rights of security holders and the liabilities of issuers and experts involved under the federal securities laws;

(2) The benefits to investors which would be derived from the use of the registration statement contemplated by the proposal, consisting of a short prospectus (Part I), with more detailed information (Part II) filed with the Commission and made available to investors upon request; and

(3) The extent to which the proposals would reduce the costs and burdens incurred by issuers in complying with the registration and/or proxy or information requirements under the federal securities laws.

All interested persons are invited to submit an original and two copies of their views and comments on these proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before December 10, 1976. Such communications should refer to File No. S7–655 and will be available for public inspection.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 27, 1976.

[FR Doc.76–28977 Filed 10–1–76;8:45 am]

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federal register

MONDAY, OCTOBER 4, 1976



PART VI:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities; Interim Regulations

V 41 193 OCT 4 76 UM

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities; Interim Regulations

On January 19, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (41 FR 2766) revised regulations containing rules for determining the eligibility of activities to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974. These appear as 24 CFR Part 570, Subpart C of the regulations and contain rules for determining the eligibility of activities for assistance under this Part.

Section 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375) which was effective on August 3, 1976, contained an amendment to Paragraph (2) of Section 105(a) of the Housing and Community Development Act of 1974, to include centers for the handicapped among those activities eligible for assistance under the community development block grant program.

Accordingly, notice is hereby given that HUD is revising Subpart C to incorporate amendments authorized by the Housing Authorization Act of 1976. The significant changes are discussed below:

1. A new paragraph (a)(2)(xii) is being added to § 570.200 to indicate that centers for the handicapped are included among the list of publicly owned facilities eligible for assistance under this Part.

2. Paragraph (a)(3) of § 570.201 is being amended to delete the example of a sheltered workshop as a prohibited communitywide facility. A sheltered workshop, as a part of a public center for the handicapped, is eligible for assistance and no longer subject to the prohibition against certain communitywide facilities which are not eligible for assistance under this Part.

3. Paragraph (a)(6) of § 570.201 is being amended to add centers for the handicapped to the examples of neighborhood facilities and senior centers which provide health services which are exempted from the general exclusion of medical facilities from assistance under this Part.

Interested parties are encouraged to submit written comments, views or data concerning the amended regulations promulgated hereby. Comments are explicitly requested on whether the terms "centers for the handicapped" and/or "handicapped" should be further defined for the purpose of the community development block grant program. Further, commenters favoring expanded definition of these two terms are requested to submit proposed definitions for consideration by HUD. All such materials should refer to the Docket Number, Date of publication, and filed with the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410.

All relevant material received on or before December 31, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of the interim amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1 (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375); and sec. 7(d) of the Dept. of HUD Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, 24 CFR Part 570 is amended as follows:

1. By revising § 570.200(a)(2)(xii) as follows:

§ 570.200 Eligible activities.

(a) • • •

(2) • • •

(xii) Centers for the handicapped.

• • • • •

2. By amending § 570.201(a) (3) and (6) as follows:

§ 570.201 Ineligible activities.

(a) • • •

(3) Any facility whose service is communitywide, or whose function is by its nature communitywide, unless it serves the entire community of under 10,000 population or is expressly authorized other than a neighborhood facility by § 570.200(a)(2). Examples of facilities which would ordinarily be considered as being community wide are central social service facilities, group homes, and halfway houses.

• • • • •

(6) Hospitals, nursing homes, and other medical facilities, but excluding a neighborhood facility, senior center, or center for the handicapped which provides health services; and

• • • • •

Effective date: These amendments shall be effective on October 4, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-28962 Filed 10-1-76;8:45 am]

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highlights

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW/FDA—Canned fruits and juices; clarification of definitions and standards of identity..... 32886; 8–6–76

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 366.....Pub. Law 94–430
"Public Safety Officers' Benefits Act of 1976" (Sep. 29, 1976; 90 Stat. 1346)

H.R. 3348..... Pub. Law 94–424
To amend title 38, United States Code, in order to extend and improve the program of exchange of medical information between the Veterans' Administration and the medical community, and for other purposes. (Sep. 28, 1976; 90 Stat. 1332)

H.R. 14973.....Pub. Law 94–425
To provide for acquisition of lands in connection with the international Tijuana River flood control project, and for other purposes. (Sep. 28, 1976; 90 Stat. 1333)

H.R. 15319.....Pub. Law 94–426
To approve in whole or in part, with amendments, certain rules relating to cases and proceedings under sections 2254 and 2255 of title 28 of the United States Code. (Sep. 28, 1976; 90 Stat. 1334)

S. 2184.....Pub. Law 94–427
"Olympic Winter Games Authorization Act of 1976" (Sep. 28, 1976; 90 Stat. 1336)

S. 2286.....Pub. Law 94–428
To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico. (Sep. 28, 1976; 90 Stat. 1340)

S. 2371.....Pub. Law 94–429
To provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes. (Sep. 28, 1976; 90 Stat. 1342)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be,a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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INFORMATION AND ASSISTANCE

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presidential documents

Title 3—The President

Executive Order 11941 • **October 1, 1976**

Adjustments of Certain Rates of Pay and Allowances

By virtue of the authority vested in me by the Constitution and the laws of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Statutory Pay Systems.* Pursuant to the provisions of subchapter I of Chapter 53 of Title 5 of the United States Code, the rates of basic pay and salaries are adjusted, as set forth at the schedules attached hereto and made a part hereof, for the following statutory pay systems:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) the schedules for the Foreign Service (22 U.S.C. 867 and 870(a)) at Schedule 2; and

(c) the schedules for the Department of Medicine and Surgery, Veterans Administration (38 U.S.C. 4107) at Schedule 3.

SEC. 2. *Pay and Allowances for Members of the Uniformed Services.* Pursuant to the provisions of Section 1009 of Title 37 of the United States Code, the rates of monthly basic pay (37 U.S.C. 203(a)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)) are adjusted, as set forth at Schedule 4 attached hereto and made a part hereof, for members of the uniformed services.

SEC. 3. *Executive Salaries.* The Executive Salary Cost of Living Adjustment Act (Public Law 94–82, 89 Stat. 419) provides for adjustments in the rates of pay and salaries, as set forth at the schedules attached hereto and made a part hereof, for the following:

(a) The Vice President (3 U.S.C. 104) and the Executive Schedule (5 U.S.C. 5312–5316) at Schedule 5;

(b) Congressional Salaries (2 U.S.C. 31) at Schedule 6; and

(c) Judicial Salaries (28 U.S.C. 5, 44(d), 135, 173, 213, 252, 792(b) and 11 U.S.C. 68(a)), at Schedule 7.

SEC. 4. ***Effective Date.*** The adjustments in rates of monthly basic pay and basic allowances for subsistence and quarters for members of the uniformed services shall be effective on October 1, 1976. All other adjustments of salary or pay shall be effective on the first day of the first applicable pay period beginning on or after October 1, 1976.

SEC. 5. *Superseded Orders.* Executive Order No. 11883 of October 6, 1975.

Gerald R. Ford

THE WHITE HOUSE,
October 1, 1976.

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Schedule 1 - THE GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
GS-1	$5,810	$6,004	$6,198	$6,392	$6,586	$6,780	$6,974	$7,168	$7,362	$7,556
2	6,572	6,791	7,010	7,229	7,448	7,667	7,886	8,105	8,324	8,543
3	7,408	7,655	7,902	8,149	8,396	8,643	8,890	9,137	9,384	9,631
4	8,316	8,593	8,870	9,147	9,424	9,701	9,978	10,255	10,532	10,809
5	9,303	9,613	9,923	10,233	10,543	10,853	11,163	11,473	11,783	12,093
6	10,370	10,716	11,062	11,408	11,754	12,100	12,446	12,792	13,138	13,484
7	11,521	11,907	12,291	12,675	13,059	13,443	13,827	14,211	14,595	14,979
8	12,763	13,188	13,613	14,038	14,463	14,888	15,313	15,738	16,163	16,588
9	14,097	14,567	15,037	15,507	15,977	16,447	16,917	17,387	17,857	18,327
10	15,524	16,041	16,558	17,075	17,592	18,109	18,626	19,143	19,660	20,177
11	17,056	17,625	18,194	18,763	19,332	19,901	20,470	21,039	21,608	22,177
12	20,442	21,123	21,804	22,485	23,166	23,847	24,528	25,209	25,890	26,571
13	24,308	25,118	25,928	26,738	27,548	28,358	29,168	29,978	30,788	31,598
14	28,725	29,683	30,641	31,599	32,557	33,515	34,473	35,431	36,389	37,347
15	33,789	34,915	36,041	37,167	38,293	39,419	40,545*	41,671*	42,797*	43,923*
16	39,629*	40,950*	42,271*	43,592*	44,913*	46,234*	47,555*	48,876*	50,197*	
17	46,423*	47,970*	49,517*	51,064*	52,611*					
18	54,410*									

*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $39,600.

Schedule 2 - FOREIGN SERVICE SCHEDULES

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	1	2	3	4	5	6	7
SO-1	$51,226*	$52,934*	$54,410*				
2	39,341	40,652*	41,963*	$43,274*	$44,585*	$45,896*	$47,207*
3	30,674	31,696	32,718	33,740	34,762	35,784	36,806
4	24,308	25,118	25,928	26,738	27,548	28,358	29,168
5	19,601	20,254	20,907	21,560	22,213	22,866	23,519
6	16,096	16,633	17,170	17,707	18,244	18,781	19,318
7	13,478	13,927	14,376	14,825	15,274	15,723	16,172
8	11,523	11,907	12,291	12,675	13,059	13,443	13,827

Part II - The Per Annum Salaries of Foreign Staff Officers and Employees

	1	2	3	4	5	6	7	8	9	10
SS-1	$30,674	$31,696	$32,718	$33,740	$34,762	$35,784	$36,806	$37,828	$38,850	$39,872*
2	24,308	25,118	25,928	26,738	27,548	28,358	29,168	29,978	30,788	31,598
3	19,601	20,254	20,907	21,560	22,213	22,866	23,519	24,172	24,825	25,478
4	16,096	16,633	17,170	17,707	18,244	18,781	19,318	19,855	20,392	20,929
5	14,402	14,882	15,362	15,842	16,322	16,802	17,282	17,762	18,242	18,722
6	12,893	13,323	13,753	14,183	14,613	15,043	15,473	15,903	16,333	16,763
7	11,547	11,932	12,317	12,702	13,087	13,472	13,857	14,242	14,627	15,012
8	10,346	10,691	11,036	11,381	11,726	12,071	12,416	12,761	13,106	13,451
9	9,273	9,582	9,891	10,200	10,509	10,818	11,127	11,436	11,745	12,054
10	8,316	8,593	8,870	9,147	9,424	9,701	9,978	10,255	10,532	10,809

*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $39,600.

Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION

	Minimum	Maximum
Section 4103 Schedule		
Chief Medical Director	(single rate)	$61,015***
Deputy Chief Medical Director	(single rate)	58,531**
Associate Deputy Chief Medical Director	(single rate)	56,062*
Assistant Chief Medical Director	(single rate)	54,410*
Medical Director	$46,423*	52,611*
Director of Nursing Service	46,423*	2,611*
Director of Chaplain Service	39,629*	50,197*
Director of Pharmacy Service	39,629*	50,197*
Director of Dietetic Service	39,629*	50,197*
Director of Optometry	39,629*	50,197*
Physician and Dentist Schedule		
Director grade	39,629*	50,197*
Executive grade	36,593	47,573*
Chief grade	33,789	43,923*
Senior grade	28,725	37,347
Intermediate grade	24,308	31,598
Full grade	20,442	26,571
Associate grade	17,056	22,177
Nurse Schedule		
Director grade	33,789	43,923*
Assistant Director grade	28,725	37,347
Chief grade	24,308	31,598
Senior grade	20,442	26,571
Intermediate grade	17,056	22,177
Full grade	14,097	18,327
Associate grade	12,131	15,767
Junior grade	10,370	13,484

*Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $39,600.
**Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level IV of the Executive Schedule which is, as of the effective date of this schedule, $41,800.
***Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level III of the Executive Schedule which is, as of the effective date of this schedule, $44,000.

Schedule 4 - PAY AND ALLOWANCES OF THE UNIFORMED SERVCES
Part I-Monthly Basic Pay
(Years of service computed under 37 U.S.C. 205)

Commissioned Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
0-10[1]	$2943.90	$3047.40	$3047.40	$3047.40	$3047.40	$3164.10	$3164.10	$3406.80*
0-9	2609.10	2677.80	2734.50	2734.50	2734.50	2804.10	2804.10	2920.20
0-8	2363.10	2433.90	2491.80	2491.80	2491.80	2677.80	2677.80	2804.10
0-7	1963.50	2097.30	2097.30	2097.30	2190.90	2190.90	2318.40	2318.40
0-6	1455.30	1599.30	1703.40	1703.40	1703.40	1703.40	1703.40	1703.40
0-5	1164.00	1367.10	1461.30	1461.30	1461.30	1461.30	1506.00	1586.40
0-4	981.30	1194.30	1274.70	1274.70	1297.80	1355.70	1447.80	1529.40
0-3[2]	912.00	1019.40	1089.60	1205.70	1263.30	1308.90	1379.10	1447.80
0-2[2]	795.00	868.50	1043.10	1078.20	1100.70	1100.70	1100.70	1100.70
0-1[2]	690.00	718.50	868.50	868.50	868.50	868.50	868.50	868.50

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
0-10[1]	$3406.80*	$3650.40*	$3650.40*	$3894.60*	$3894.60*	$4137.30*	$4137.30*
0-9	2920.20	3164.10	3164.10	3406.80*	3406.80*	3650.40*	3650.40*
0-8	2804.10	2920.20	3047.40	3164.10	3291.00	3291.00	3291.00
0-7	2433.90	2677.80	2861.70	2861.70	2861.70	2861.70	2861.70
0-6	1761.30	2040.30	2144.70	2190.90	2318.40	2514.00	2514.00
0-5	1692.30	1819.50	1923.90	1981.80	2051.40	2051.40	2051.40
0-4	1599.30	1668.90	1715.40	1715.40	1715.40	1715.40	1715.40
0-3[2]	1483.20	1483.20	1483.20	1483.20	1483.20	1483.20	1483.20
0-2[2]	1100.70	1100.70	1100.70	1100.70	1100.70	1100.70	1100.70
0-1[2]	868.50	868.50	868.50	868.50	868.50	868.50	868.50

1. While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $4565.10* regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

2. Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

* Basic pay is limited by Section 5308 of Title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $3300.00 per month.

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Commissioned officers who have been credited with over 4 years' active service as enlisted members

(Years of service computed under section 205)

Pay Grade	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3	$1205.70	$1263.30	$1308.90	$1379.10	$1447.80	$1506.00
O-2	1078.20	1100.70	1135.50	1194.30	1240.50	1274.70
O-1	868.50	927.30	961.80	996.60	1031.40	1078.20

Pay Grade	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$1506.00	$1506.00	$1506.00	$1506.00	$1506.00	$1506.00
O-2	1274.70	1274.70	1274.70	1274.70	1274.70	1274.70
O-1	1078.20	1078.20	1078.20	1078.20	1078.20	1078.20

Warrant Officers

(Years of service computed under section 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4	$ 928.80	$ 996.60	$ 996.60	$1019.40	$1065.90	$1112.70	$1159.20	$1240.50
W-3	844.50	916.20	916.20	927.30	938.40	1007.10	1065.90	1100.70
W-2	739.50	799.80	799.80	823.20	868.50	916.20	950.70	985.20
W-1	616.20	706.50	706.50	765.30	799.80	834.60	868.50	904.20

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$1297.80	$1343.70	$1379.10	$1424.70	$1472.10	$1586.40	$1586.40
W-3	1135.50	1169.40	1205.70	1252.20	1297.80	1343.70	1343.70
W-2	1019.40	1055.10	1089.60	1124.10	1169.40	1169.40	1169.40
W-1	938.40	973.20	1007.10	1043.10	1043.10	1043.10	1043.10

Enlisted Members

(Years of service computed under section 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9[1]	$0	$0	$0	$0	$0	$0	$1055.40	$1079.40
E-8	0	0	0	0	0	$ 885.60	910.20	934.50
E-7	$ 618.30	$ 667.20	$ 692.10	$ 716.10	$ 741.00	764.10	788.40	813.30
E-6	534.00	582.30	606.60	631.80	655.50	679.80	704.40	741.00
E-5	468.90	510.30	534.90	558.30	594.60	618.90	643.80	667.20
E-4	450.60	475.80	503.70	543.00	564.30	564.30	564.30	564.30
E-3	433.20	457.20	475.50	494.40	494.40	494.40	494.40	494.40
E-2	417.30	417.30	417.30	417.30	417.30	417.30	417.30	417.30
E-1	374.40	374.40	374.40	374.40	374.40	374.40	374.40	374.40

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]	$1104.00	$1129.50	$1154.10	$1176.90	$1239.00	$1359.00	$1359.00
E-8	959.10	984.00	1006.80	1031.70	1092.00	1214.10	1214.10
E-7	849.90	873.90	898.50	910.20	971.40	1092.00	1092.00
E-6	764.10	788.40	800.70	800.70	800.70	800.70	800.70
E-5	679.80	679.80	679.80	679.80	679.80	679.80	679.80
E-4	564.30	564.30	564.30	564.30	564.30	564.30	564.30
E-3	494.40	494.40	494.40	494.40	494.40	494.40	494.40
E-2	417.30	417.30	417.30	417.30	417.30	417.30	417.30
E-1	374.40	374.40	374.40	374.40	374.40	374.40	374.40

1. While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1652.10 regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

Part II - Basic Allowance for Subsistence Rates

Officers:	$55.61 per month
Enlisted Members:	
When on leave or authorized to mess separately:	$ 2.65 per day
When rations in-kind are not available:	$ 2.99 per day
When assigned to duty under emergency conditions where no messing facilities of the United States are available:	$ 3.97 per day

Part III - Monthly Basic Allowance for Quarters Rates

Pay Grade	Without Dependents		With Dependents
	Full Rate[1]	Partial Rate[2]	
Commissioned Officers			
O-10	$297.00	$29.40	$371.40
O-9	297.00	29.40	371.40
O-8	297.00	29.40	371.40
O-7	297.00	29.40	371.40
O-6	268.80	22.80	327.90
O-5	249.30	19.20	300.30
O-4	222.90	15.30	269.10
O-3	196.80	12.90	242.70
O-2	171.30	10.20	216.90
O-1	133.80	7.50	174.30
Warrant Officers			
W-4	215.10	14.70	259.50
W-3	192.60	12.00	237.30
W-2	168.30	9.30	213.60
W-1	152.10	8.10	197.10
Enlisted Members			
E-9	162.60	10.80	228.60
E-8	150.30	8.70	212.40
E-7	128.40	6.90	198.30
E-6	117.00	5.70	183.00
E-5	112.50	4.80	168.30
E-4	99.30	4.50	147.90
E-3	88.50	4.50	128.40
E-2	78.30	4.20	128.40
E-1	73.80	3.90	128.40

1. Payment of the full rate of basic allowance for quarters at these rates for members of the uniformed services to personnel without dependents is authorized by 37 U.S.C. 403 and Part IV of Executive Order No. 11157, as amended.

2 Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(d) and Part IV of Executive Order No. 11157, as amended.

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Schedule 5 - VICE PRESIDENT AND THE EXECUTIVE SCHEDULE

Vice President	$68,800*	Level III	$44,000****
Level I	$66,000**	Level IV	$41,800*****
Level II	$46,800***	Level V	$39,600******

Pursuant to the Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds the rate in effect on September 30, 1976, as follows:

*$65,600.
**$63,000.
***$44,600.
****$42,000.
*****$39,900.
******$37,800.

Schedule 6 - CONGRESSIONAL SALARIES

Senator	$46,800*
Member of the House of Representatives	$46,800*
Delegate to the House of Representatives	$46,800*
Resident Commissioner from Puerto Rico	$46,800*
President pro tempore of the Senate	$54,500**
Majority leader and minority leader of Senate	$54,500**
Majority leader and minority leader of House of Representatives	$54,500**
Speaker of the House of Representatives	$68,800***

Pursuant to the Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds the rate in effect on September 30, 1976, as follows:

*$44,600.
**$52,000.
***$65,600.

Schedule 7 - JUDICIAL SALARIES

Chief Justice of the United States	$68,800*
Associate Justices of the Supreme Court	$66,000**
Circuit Judges	$46,800***
District Judges	$44,000****
Judges of the Court of Claims	$46,800***
Judges of the Court of Customs and Patent Appeals	$46,800***
Judges of the Customs Court	$44,000****
Commissioners of the Court of Claims	$39,600*****
Referees in Bankruptcy (full-time)	$39,600*****

Pursuant to the Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds the rate in effect on September 30, 1976, as follows:

*$65,600.
**$63,000.
***$44,600.
****$42,000.
*****$37,800.

[FR Doc.76-29433 Filed 10-4-76;11:01 am]

EDITORIAL NOTE: For the White House announcement of Sept. 29, 1976, and the text of the President's message to Congress, dated Oct. 1, 1976, on the adjustments of certain rates of pay and allowances, see the Weekly Compilation of Presidential Documents (vol. 12, nos. 40 and 41).

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Further Extension of Interim Price Rule for Retail Sales of Gasoline in Alaska; Correction

In FR Doc. 76-27575 appearing at page 41080 in the FEDERAL REGISTER of September 21, 1976, the following correction should be made:

On page 41080, column 2, at line 28, the text is corrected by deleting the words "proposed to be".

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

SEPTEMBER 29, 1976.

[FR Doc.76-29185 Filed 9-30-76;2:31 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0004]

PART 220—CREDIT BY BROKERS AND DEALERS

Uniform Margin Requirements for Writing Options

By notice of proposed rulemaking published in the FEDERAL REGISTER on May 23, 1973 (38 FR 13571), the Board of Governors invited comment on a proposal to require a uniform margin in connection with the issuance, endorsement or guarantee of any put, call or combination thereof, based initially upon the current minimum requirements of the major stock exchanges. On August 20, 1975 a revision of that proposal was published in the FEDERAL REGISTER (40 FR 36390), and further comments were invited.

After reviewing the comments received and evolving conditions in the options market, the Board has determined that it is in the public interest to adopt an amendment instituting a uniform margin requirement in connection with options writing. As proposed in August 1975, the initial margin requirement will be set at 30 per cent of the current market price of the underlying security for "uncovered" options; this is the current minimum requirement of the major stock exchanges. No margin will be required if appropriate "cover", such as the underlying security, is held in the account. The amendment designates the security positions which can be used as "cover". The most significant changes made in the amendment since it was proposed are as follows:

(1) The minimum amount in paragraph (i) (1) of § 220.3 has been changed from 10 percent of the price of the underlying security to a flat $250. The $250 minimum is presently in use for exchange-traded calls and is incorporated in the rule changes for puts of the New York, Midwest and Philadelphia stock exchanges which were approved by the Securities and Exchange Commission on June 29, 1976.

(2) Additions to the list of securities positions in paragraph (i) (1) of § 220.3, which may be used in lieu of the margin required, include warrants under certain conditions and long position in puts to allow "put spreads". The changes are basically consistent with exchange rule changes approved by the Securities and Exchange Commission for maintenance margin.

(3) A provision for special margin requirements for straddles has been added in paragraph (4) of § 220.3(i).

(4) Section 220.4(i) has been amended to allow the writing of covered options on the common stock of the Federal National Mortgage Association ("FNMA") in the special bond account. FNMA stock is unique in that it is both an "exempted security" under Regulation T and an equity security traded on a national securities exchange.

(5) A new provision has been added in § 220.4(j) which will allow the writing of covered options in the special convertible debt security account in the same manner as in the general account.

(6) Section 220.8(i) has been revised to provide for the use of the current market value of the underlying stock as the basis for the margin calculation for a put instead of the exercise price.

Pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78 g and w), the Board of Governors hereby adopts the following amendments.

1. In § 220.3, paragraph (d) is amended and a new paragraph (i) is added as follows:

§ 220.3 General account.

* * * * * *

(d) *Adjusted debit balance.* For the purpose of this part, the adjusted debit balance of a general account, special bond account, or special convertible debt security account shall be calculated by taking the sum of the following items:

* * * * * *

(5) The amount of margin as provided for in paragraph (i) of this section and § 220.8 (the Supplement to Regulation T) for each transaction involving the issuance, endorsement or guarantee of any put, call or combination thereof.

* * * * * *

(i) *Options.* (1) The amount to be included in the adjusted debit balance of an account as the margin required for each transaction involving the issuance, endorsement or guarantee of any put or call shall be such amount as the Board shall prescribe from time to time in § 220.8 (the Supplement to Regulation T) as the margin required for the writing of options, increased by any unrealized loss on each such commitment, or reduced by any excess of the exercise price over the current market value of the underlying security in the case of a call or any excess of the current market value of the underlying security over the exercise price in the case of a put. Such sum, however, shall not exceed the current market value of the underlying security in the case of a call, or the exercise price in case of a put, nor be less than $250 in the case of either a call or a put. Such sum need not be included in the adjusted debit balance when there is held in the account any of the following:

(i) The underlying security in the case of a call or a short position in the underlying security in the case of a put;

(ii) Securities immediately convertible into or exchangeable for the underlying security without restriction or the payment of money in the case of a call, provided that the right to convert or exchange does not expire on or before the expiration date of the option;

(iii) An agreement under which a bank, which is holding the underlying securities or the required cash, is obligated to deliver, in the case of a call, or accept, in the case of a put, the underlying securities against payment of the exercise price upon exercise of the option;

(iv) A long position in a call on the same number of shares of the same underlying security which does not expire before the expiration date of the call issued, endorsed or guaranteed, provided that there is also added to the adjusted debit balance the amount, if any, by which the exercise price of such long position exceeds the exercise price of the call issued, endorsed or guaranteed;

(v) A long position in a put on the same number of shares of the same underlying security which does not expire before the expiration date of the put issued, endorsed or guaranteed, provided that there is also added to the adjusted debit balance the amount, if any, by which the exercise price of the put issued, endorsed or guaranteed exceeds the exercise price of such long position; or

(vi) A warrant to purchase the underlying security, in the case of a call, which does not expire on or before the expiration date of the call, provided that

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there is also added to the adjusted debit balance the amount, if any, by which the exercise price of the warrant exceeds the exercise price of the call, issued, endorsed or guaranteed. A warrant used in lieu of the required margin under this provision shall have no loan value in the account.

(2) When a security held in the account serves in lieu of the margin required for a call, such security shall be valued at no greater than the exercise price of the call.

(3) When a short position held in the account serves in lieu of the margin required for a put, the amount prescribed by paragraph (d)(3) of this section as the amount to be added to the adjusted debit balance in respect of short sales shall be increased by any unrealized loss on the position.

(4) When both a put and a call are issued, endorsed or guaranteed in a general account, special bond account or special convertible debt security account on the same number of shares of the same underlying security with the same expiration date and the same exercise price (a straddle), the amount of margin required shall be the margin on either the put or the call whichever is greater plus any unrealized loss on the other option.

(5) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(6) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day as to which security position will be used in lieu of the margin to support an option transaction.

2. In § 220.4, paragraph (i) is amended and a new paragraph (6) is added to paragraph (j) as set forth below:

§ 220.4 Special accounts.

* * * * *

(i) *Special bond account.* In a special bond account a creditor may effect and finance transactions in exempted securities and registered non-equity securities for any customer.[5] Call options may be issued, endorsed or guaranteed in this account on shares of any underlying equity security which is held in this account because it is an exempted security.

(j) * * *

* * * * *

(6) Without regard to the margin required for the writing of options in § 220.8(j) (Supplement to Regulation T), call options may be issued, endorsed or guaranteed in this account on the number of shares of an underlying security into which a margin debt security held in the account is convertible, and put options may be issued, endorsed or guaranteed in this account on the number of shares of an underlying security sold short in the account. Such option positions may be carried in the account in conformity with the requirements of § 220.3(d) and (i).

3. In § 220.8 (the Supplement to Regulation T) a new paragraph (j) is added as set forth below:

§ 220.8 Supplement.

* * * * *

(j) *Margin required for the writing of options.* The amount to be included in the adjusted debit balance of a general account, special bond account or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3, as the margin required for the issuance, endorsement or guarantee of any put or call shall be 30 per cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

Effective date. This amendment is effective January 1, 1977.

By order of the Board of Governors. September 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-29148 Filed 10-4-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dexamethasone Injection

The Food and Drug Administration approves supplemental new animal drug application 47-646V filed by John D. Copanos & Co., Inc., 6110 Robinwood Rd., Baltimore, MD 21225, proposing to delete the use of this drug in cattle. The approval is effective October 5, 1976.

The Commissioner of Food and Drugs is amending § 522.540 (21 CFR 522.540) to reflect this approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 522.540 is amended by revising paragraph (a)(2) and by adding new paragraph (d) to read as follows:

§ 522.540 Dexamethasone injection.

(a) * * *

(2) *Sponsor.* See No. 000085 in § 510.600(c) of this chapter.

* * * * *

(d)(1) *Specifications.* The drug is a sterile aqueous solution. Each milliliter contains 2 milligrams of dexamethasone.

(2) *Sponsor.* See No. 010271 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) The drug is used as an anti-inflammatory agent in dogs, cats, and horses.

(ii) It is administered intravenously or intramuscularly as follows: dogs—0.25 to 1 milligram; cats—0.125 to 0.5 milligram; horses—2.5 to 5 milligrams.

(iii) Clinical and experimental data have demonstrated that corticosteroids administered orally or by injection to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(iv) Not for use in horses intended for food.

(v) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This amendment shall be effective October 5, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: September 29, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-29175 Filed 10-4-76;8:45 am]

[FAP6H5125/T20; FRL 617-5]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Glyphosate

Correction

In FR Doc. 76-24692, appearing at page 40100 in the issue of Friday, September 17, 1976, the following changes should be made:

1. In the third column on page 40100, following the ninth line of the second paragraph, insert the following: "provided for by the experimental use per-".

2. In the first column on page 40101, in § 561.253, "(a) * * *" should be changed to read "(a)(1) * * *".

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval decision. On June 15, 1976, notice of submission and opportunity for public comment on a number of North Carolina plan supplements involving developmental changes was published in the FEDERAL REGISTER (41 FR 24154). The supplements covered by this notice are described below.

2. *Description of the supplements.* (a) Advisory Council. The State has certified that the State Advisory Council for Occupational Safety and Health has been appointed by the Commissioner of Labor. The Council meets regularly to assist and advise the Commissioner on matters pertaining to occupational safety and health.

(b) Merit System. All persons in the North Carolina Department of Labor are now covered by the State merit system which the U.S. Civil Service Commission (by letter dated January 22, 1976) has found to be "in substantial conformity with the 'Standards for a Merit System of Personnel Administration'". Agreement with the North Carolina Department of Human Resources specifies that all health personnel cooperating in the State occupational safety and health program are likewise covered by the State merit system.

(c) Staff training. All North Carolina compliance personnel have attended basic training courses at the OSHA Institute in Chicago and subsequent refresher courses conducted by the State.

(d) Consultative Services. North Carolina Department of Labor has publicly disseminated information on the availability of consultation services.

(e) Management Information System. The State has fully implemented a manual Management Information System which provides the quarterly statistical reports required by the Assistant Secretary as well as internal management data. Conversion to an automated system is contemplated.

(f) Enforcement. The State has certified that enforcement of standards under the approved North Carolina State plan began on July 1, 1973.

(g) Salary scale. The State plan has been updated to show current salary scales.

(h) Serious violation. The State has clarified its plan to include the requirement that in order for a violation to be deemed serious, the employer must have known or with the exercise of reasonable diligence should have known of the violation.

(i) Administrative procedures. The State's amended Administrative Procedures Act which establishes new requirements for the promulgation and filing of State rules, regulations, and standards has been added to the State plan.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Ave., N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street N.E., Atlanta, Georgia 30309; and Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

4. *Decision.* No public comments or requests for a hearing addressing the supplements described herein were received. Therefore, after consideration, the North Carolina plan supplements outlined above are hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, 29 CFR 1952.154 is hereby amended by adding paragraphs (f) through (k) to reflect completion of certain developmental steps.

§ 1952.154 Completed developmental steps.

* * * * *

(f) In accordance with § 1952.153(c) all North Carolina compliance personnel have completed refresher training courses.

(g) In accordance with § 1952.153(d) all occupational safety and health personnel in the North Carolina Department of Labor are covered by the State merit system which the U.S. Civil Service Commission (by letter dated January 22, 1976) has found to be in substantial conformity with the "Standards for a Merit System of Personnel Administration." Agreement with the North Carolina Department of Human Resources specifies that all health personnel cooperating in the State occupational safety and health program are likewise covered by the State merit system.

(h) In accordance with § 1952.153(f) all North Carolina compliance personnel have attended basic training courses at the OSHA Institute in Chicago.

(i) In accordance with § 1952.153(g) the North Carolina Department of Labor has publicly disseminated information on the availability of consultative services.

(j) In accordance with § 1952.153(h) a manual Management Information System which provides the quarterly statistical reports required by the Assistant Secretary as well as internal management data has been developed and is fully operational.

(k) In accordance with § 1952.153(i) State enforcement of standards began on July 1, 1973.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 29th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-29228 Filed 10-4-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval notice. On June 4, 1975, and June 15, 1976, notices of submission and opportunity for public comment on a number of North Carolina plan supplements involving developmental changes were published in the FEDERAL REGISTER (40 FR 24020 and 41 FR 24154). In addition on April 22, August 27, and August 30, 1976, North Carolina submitted further plan supplements amending certain aspects of the originally published supplements in response to State regulatory filing requirements and comments resulting from Federal review. The supplements covered by this notice are described below.

2. *Description of supplements.* In accordance with the requirements of the North Carolina Administrative Procedures Act, regulations implementing the Occupational Safety and Health Act of North Carolina were codified and refiled with the State's Attorney General on February 1, 1976. In several cases these regulations had been previously adopted and submitted for Occupational Safety and Health Administration approval in somewhat differing form prior to the enactment of new statewide administrative procedures.

(a) Regulation 7B.0100: Inspections, Citations and Proposed Penalties. This regulation parallels the Federal 29 CFR Part 1903 in establishing procedures for the conduct of inspections, issuance of citations, and proposal of penalties. In response to OSHA review, by letter dated August 27, 1976, the State has proposed the following amendments which will be promulgated and will bring the regulation into conformity with Federal requirements:

(1) Section .0121(d) provides that wherever the term "safety officer" is used throughout the regulation, "industrial hygienist of the North Carolina Department of Human Resources" is to be understood as included in such term.

(2) Section .0102 requires posting of the North Carolina State poster(s) for private or public employees.

(3) Section .0115 provides for the granting of a Petition for Modification of Abatement (PMA) through an amended citation which is clearly labelled as to its purpose. In North Carolina an adequate PMA may be granted by the Director of Compliance with appeal rights provided to employees through contest of the amended citation.

(4) The regulation has been revised throughout to show a 15 working day contest period for employees. A possible conflict in the State law between North

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Carolina General Statute § 95–137(b)(4) which provides employees a 15 working day period in which to contest abatement dates, and G.S. § 95–130(11) which specifies a 20 calendar day period, has been resolved through interpretation that the two periods are essentially equivalent.

(b) Regulation 7B.0300: Recording and Reporting of Occupational Injuries and Illnesses. The State equivalent of the Federal 29 CFR Part 1904 establishes recordkeeping and reporting requirements for both private and public sector employers. By letter dated August 27, 1976, North Carolina proposed the following amendments which will be promulgated and will bring the regulation into conformity with Federal requirements:

(1) Section .0314(b) provides that employers of 10 or fewer employees, although generally exempt from recordkeeping requirements must provide reports on occupational injuries and illnesses for any year in which they are chosen to participate in the State's annual statistical survey.

(2) Section .0315 provides for inclusion of State agencies and local governments in the annual statistical survey.

(c) Regulation 7B.0400: Rules of Practice for Variances. This regulation establishes procedures for the submission, consideration and granting of permanent and temporary variances from North Carolina occupational safety and health standards. By letter dated August 30, 1976, North Carolina proposed the following amendments which will be promulgated and will bring the regulation into conformity with Federal requirements:

(1) Section .0407(d) establishes a 180 day limit on the length of time an interim order for temporary variance may be in effect, in accordance with State law.

(2) Section .0408(b) provides for petitioning the Commissioner of Labor (rather than the Director of Compliance) for a hearing on a permanent variance application.

(3) Section .0409 provides for the Commissioner to publish notice of his intent to modify or revoke a variance order in seven newspapers throughout the State.

(4) Section .0410(b) provides for publication of a notice of application for a variance in seven newspapers throughout the State.

(5) Section .0415 establishes procedures for any prehearing conference to be conducted by the appointed hearing examiner.

(6) Section .0416 provides that the party applicant shall have the burden of proof in all variance proceedings.

(7) Section .0417 describes the final decision-making process from hearing examiner's recommendations to Commissioner's determination.

(d) Regulation 7B.0500: Rules of Procedure for Promulgating, Modifying, or Revoking Occupational Safety and Health Standards. This regulation establishes formal promulgation procedures to be followed by the Commissioner of Labor in considering new and revised standards. By letter dated August 30, 1976, North Carolina proposed the following amendment which will be promulgated and will bring the regulation into conformity with Federal requirements:

Section .0504(1) allows the Commissioner to request the advice of the State Advisory Council on a proposed standard.

(e) Regulation 7B.0700: State Advisory Council on Occupational Safety and Health. This regulation defines the activities of the seven member State Advisory Council created by State law to provide advice to the Commissioner on standards and other safety and health matters. By letter dated August 30, 1976, North Carolina proposed the following amendment which will be promulgated and will bring the regulation into conformity with Federal requirements:

Section .0713 describes the Advisory Council's role in the consideration of standards.

3. *Issues.* Public comments in response to the June 15, 1976, notice were received from George Perkel, Director, Department of Occupational Safety and Health, Textile Workers Union of America, New York, New York. No comments were received in response to the June 4, 1975, notice. There were no requests for a hearing.

The Textile Workers Union of America addressed its comments solely to Regulation 7B.0400 on Variances. The absence of specific information on where notices of filing of an adequate variance application would be published was of concern, particularly in regard to the availability of such information to out-of-state parties. North Carolina has subsequently revised its regulation to provide for publication of notice of submission of a variance application in seven newspapers throughout the State. This is in accord with established State administrative procedures and provides adequate notice to employers, employees, and other interested parties. A State cannot be required to provide public notice beyond the area of its jurisdiction.

4. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; and the Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

5. *Decision.* After consideration, the North Carolina occupational safety and health regulations outlined herein are approved, as amended, under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In addition, 29 CFR 1952.154 is hereby amended by adding the following paragraph (l) to reflect completion of a developmental step.

§ 1952.154 Completed developmental steps.

* * * * *

(l) In accordance with § 1952.153(k) the State has promulgated the following administrative "rules and regulations":

(1) Regulation 7B.0100: Inspections, Citations and Proposed Penalties.

(2) Regulation 7B.0300: Recording and Reporting of Occupational Injuries and Illnesses.

(3) Regulation 7B.0400: Rules of Practice for Variances.

(4) Regulation 7B.0500: Rules of Procedure for Promulgating, Modifying or Revoking Occupational Safety and Health Standards.

(5) Regulation 7B.0700: State Advisory Council on Occupational Safety and Health.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C. this 29th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–29229 Filed 10–4–76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval notice. On June 4, 1975, a notice of submission and opportunity for public comment on a number of North Carolina plan supplements involving developmental changes was published in the FEDERAL REGISTER (40 FR 24020). In addition on October 31, 1975, March 30, 1976, and September 14, 1976, North Carolina submitted further plan supplements amending certain aspects of the originally published supplements in response to comments resulting from Federal review. On September 8, 1976, North Carolina submitted an additional developmental change. The supplements covered by this notice are described below.

2. *Description of the supplements.* (a) Rules of Procedure for the North Carolina Occupational Safety and Health Review Board. The Review Board (an independent body appointed by the Governor) on January 3, 1974, and January 9, 1975, adopted rules numbered 1 through 109 governing its procedure in reviewing contested cases. On September 14, 1976, North Carolina proposed the following amendments which will bring the rules into conformity with Federal regulations.

(1) Rule 7 includes requirements for service and posting of notices in a manner at least as effective as 29 CFR 2200.7.

(2) Rules 7 and 20 guarantee affected employees the right to party status in any case before the Review Board or its hearing examiners.

(3) Rules 31 establishes the Commissioner as Complainant in any contest of abatement period brought by employees, thus placing the burden of proof on the Commissioner.

(4) Rule 34 allows for the filing of a Petition for Modification of Abatement with the Director of Compliance "no later than close of the day on which abatement was originally scheduled."

(5) Rule 34 provides for the granting of a Petition for Modification of Abatement by the Director of Compliance through an amended citation which is clearly labelled as to its purpose and limits contest only to the abatement period.

(6) The regulation has been amended throughout to show a 15 working day employee contest period.

(7) Rule 91 provides for discretionary review of a Hearing Examiner's decision by the Review Board. If review is not directed within 30 days of the filing of the Hearing Examiner's order, the order automatically becomes a final order of the Review Board.

(b) Public Employee program. Sections B and C of Part II of the State plan describing the requirements for self-inspection programs in county and municipal governments and State agencies were revised to clarify wording and reflect changes in dates and titles. The program was further revised on October 31, 1975, to reflect an expansion in the public employee program made possible by special appropriation action by the North Carolina General Assembly and matching Federal grant. The State designee will now (1) conduct surveys and evaluations of all city, county and State agency programs; (2) make routine audit inspections of city, county and State agency facilities; (3) investigate all State agency and political subdivision serious accidents, fatalities and complaints; (4) provide increased on-site consultation; (5) issue annual evaluation reports to each State agency and political subdivision head; (6) report annually to the General Assembly. On March 30, 1976, additional narrative changes were made in the structure and wording of sections B and C, and the State certified that developmental steps involving implementation of both the State and local government programs have been accomplished. Finally, on September 14, 1976, in response to Federal review and comment, supplements describing State monitoring of self-inspection programs and State action to be taken to secure abatement of serious hazards and imminent danger situations, were added to the State plan. These actions include notice of violation with abatement date, court injunction, and legislative action.

(c) Staffing. The current Federal benchmark computation projects 46 compliance inspectors for North Carolina. The State has certified that the staffing commitments contained in the State plan have been met by both the North Carolina Department of Labor and the Department of Human Resources in that the State currently employs 47 compliance inspectors.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; and the Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

4. *Issues.* No public comments or requests for hearing were received in response to the June 4, 1975, notice. However, the Center for Law and Social Policy, Washington, D.C., in responding to an October 9, 1975, notice requesting public comment on the North Carolina Compliance Manual (which contained a copy of the Review Procedures) included comments on the Rules of Procedure for the North Carolina Review Board.

The Center criticized three areas of the State's Review Procedures: notice to employee representatives; party status for employees and employee representatives; Petitions for Modification of Abatement. North Carolina has revised its procedures to provide notice to employees and employee representatives through posting and service by mail in a manner at least as effective as to the Federal Review Commission procedure, 29 CFR 2200.7. Further, the Rules have been amended to clearly show affected employees' and employee representatives' automatic right to party status in all proceedings before the Review Board. North Carolina Regulation 7B.0100 specifies the information which must be contained in a Petition for Modification of Abatement which includes interim measures for employee protection and the time frame for submission, "no later than close of day on which abatement was originally scheduled." The alternative procedure proposed by the State for granting a Petition for Modification of Abatement by the Director of Compliance through the vehicle of an amended citation which employees then have 15 working days to contest, is considered to be at least as effective as the Federal procedure. The State has amended the Review Board Procedures to require that any such amended citation will be clearly labeled as to its purpose and will limit contest only to the abatement period.

5. *Decision.* With respect to Section 2(c) above the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable laws. Since this plan change merely reaffirms commitments contained in the approved plan, further opportunity for public comment and notice is unnecessary.

Therefore, after consideration, the North Carolina plan supplements outlined above are hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementating regulations applicable to State plans generally. In addition, 29 CFR 1952.154 is hereby amended by adding paragraphs (m) through (r) to reflect completion of certain developmental steps.

§ 1952.154 Completed developmental steps.

* * * * *

(m) The North Carolina Occupational Safety and Health Review Board has adopted Rules of Procedure governing its review of contested cases.

(n) In accord with § 1952.153(*l*), Safety programs for State employees were initiated and implemented.

(o) In accord with § 1952.153(m), Safety programs for large counties and municipalities with over 10,000 population were initiated and implemented.

(p) In accord with § 1952.153(n), Safety programs for other counties and municipalities with 4,000 to 10,000 population were initiated and implemented.

(q) In accord with § 1952.153(o), Safety programs for towns and other governing units having between 1,000 and 4,000 population were initiated and implemented.

(r) In accord with § 1952.153(e) and § 1902.3(d) the North Carolina occupational safety and health program has been fully staffed.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 29th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–29230 Filed 10–4–76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Approval of State Compliance Manual

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with sec-

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tion 18(c) of the Act and 29 CFR Part 1902 of this chapter. On February 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan and adoption of Subpart I of Part 1952 containing the decision and describing the plan. On October 9, 1975, notice of submission of supplements to the North Carolina Plan involving developmental changes and providing opportunity for public comment was published in the FEDERAL REGISTER (40 FR 47515). In addition on February 13, March 22, and September 1, 1976, North Carolina submitted further plan supplements amending certain aspects of the originally published supplements in response to public and Federal reviewers' comments. The supplement covered by this notice is described below.

2. *Description of the supplement.* In response to the commitment contained in 29 CFR 1952.153(j) the State has developed and subsequently revised a Field Operations Manual, "A Manual of Guidelines for Implementing the North Carolina Occupational Safety and Health Act of 1973," for use by its compliance staff.

(a) On February 13, 1976, the State amended its manual by replacing the existing Chapter XII (Industrial Hygiene and Occupational Health) with a revised and greatly expanded Chapter XII.

(b) On March 22, 1976, the State submitted the following State-initiated amendments to its manual.

(1) Chapter III was revised to contain a revised statement on the purpose of Program Planning; the adoption of the National Emphasis Program (NEP); removal of the limitation on inspections in the Target Industries Program (TIP) to establishments with twenty or more employees; removal of the limitation to not reinspect an establishment that is contesting alleged violations issued during the initial TIP inspection; addition of "engineering purposes" to the purpose and scope of consultative services; and removal throughout the chapter of some unnecessary references to the Deputy Commissioner and Assistant Director.

(2) Chapter IV was revised to provide the employee representative the option of accompanying or consulting with the Safety Officer during an inspection; for employees to be represented in follow-up inspections by accompanying or consulting with the Safety Officer or both; and for expedited citation procedures for serious violations.

(3) Chapter V was revised to extend the definition of a valid complaint to one submitted by a member of an employee's family or a member of an employee safety committee for employees who are represented by bargaining units as well as those who are not; provide in complaint inspections for the inspection of the entire establishment and not just for the violations and the dangers alleged in the complaint if time and resources permit; and include in the list of examples of events that will be investigated "extensive property damage accidents if there is a reasonable probability that one or more fatalities or serious injuries could have occurred had employees been at their workplace."

(4) Chapter VII. The State's definition of "serious physical harm" was revised to include the category of temporary disablement and the State's definition of "repeated violation" was revised to be identical to the Federal and to remove the additional requirement that a violation may be cited as repeated only "if identical types of equipment or operations are in violation."

(5) Chapter XIII. The State definition of "imminent danger" was revised to parallel the Federal definition and to incorporate the amended definition of "serious physical harm."

(6) Chapter IX was revised to clarify that "all instances of the same violation of a single standard which are disclosed during a single inspection of a single establishment will constitute one alleged violation," and that any violation of the standards that fails to have a direct or immediate relationship to employee safety or health shall be considered de minimis. To insure uniformity all de minimis violations will be authorized by the Standards & Inspections Director.

(7) Chapter X provides revised procedures for calculating proposed penalties for repeated violations.

(c) On September 1, 1976, in response to Federal review and comment the State submitted the following amendments to its manual.

(1) Chapter VII. A limitation regarding construction job sites wherein the State required "* * * the job superintendent and Safety Office must be the same" was removed from the provision concerning repeated citations.

(2) Chapter X. The methods to be used for calculating penalties for willful and repeated violations clearly distinguishes between the procedures to be used for willful penalties from those to be used for repeated penalties, including the appropriate consideration of abatement credits for each.

(3) Chapter XII. Guidelines for issuing citations regarding air contaminants were revised to provide the same requirements as the Federal.

3. *Issues.* Public comments in response to the October 9, 1975, notice of the North Carolina plan supplement were received from Herbert Semmel, Center for Law and Social Policy, Washington, D.C. on behalf of the Southern Institute for Occupational Health. There were no requests for a hearing.

The Center for Law and Social Policy objected to the guidelines for workload distribution and for issuing citations regarding air contaminants; deficiencies in the North Carolina Target Industries Program (TIP); restrictions on employee representation during inspections and in complaint situations; the State's definition of "serious" and "repeated" violations and "imminent danger"; the restricted use of expedited citations; the narrow scope of complaint inspections and the narrow list of categories in which catastrophe and/or fatality investigations are called for; the failure to preclude grouping of violations for separate inspections; inadequate penalty guidelines for willful or repeated violations; and misclassification of health hazards. The Center also expressed concern over the possible deficiencies in procedures where an employer refuses to permit entry of the inspector; the operating procedures of inspectors in issuing a serious violation as well as the confusing language regarding professionalism in issuing citations.

Many of the Center's objections were resolved by North Carolina's State-initiated amendments of March 22, 1976, discussed in 2(b) above. The State addressed each of the Center's comments in a letter dated January 2, 1976, from T. Avery Nye, Jr., North Carolina Commissioner of Labor. The comments have been reviewed and supplemental amendments have been provided by the State (see 2(c) above) to correct outstanding problems.

North Carolina's procedures in response to refusal of entry by an employer is within the purview of the State's legal counsel and is not determined by the provisions of the Field Operations Manual. The effectiveness of the State's procedure will continue to be monitored. The State has initiated a Target Health Hazard Program with 24 substances as a subject of a concentrated occupational health effort which program was separately published for public comment on June 4, 1975 (40 FR 24020) and approved on June 4, 1976 (41 FR 22561). The State's guidelines for workload distributions are based on North Carolina labor statistical information and experience in administering the North Carolina program.

4. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C.; Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street N.W., Atlanta, Georgia 30309; and the Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

5. *Decision.* After consideration, the North Carolina Field Operations Manual as amended and described herein is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In addition, 29 CFR 1952.154 is hereby amended by adding the following paragraph (s) to reflect completion of a developmental step.

§ 1952.154 Completed developmental step.

* * * * *

(s) In accordance with § 1952.153(j) the State has developed and amended a Compliance Operations Manual which defines the procedures and guidelines to be used by the North Carolina compliance staff in carrying out the goals of the program.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C. this 29th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-29231 Filed 10-4-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Certification of Completion of Developmental Steps

1. *Background.* Subpart D of Part 1902 of Title 29, Code of Federal Regulations (40 FR 54780) sets out procedures under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will make a determination under section 18(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) whether, on the basis of actual operations under a State plan, the criteria of section 18(c) of the Act are being applied under the plan. Such a determination may not be made until at least three years after commencement of operations under the plan and, in the case of a developmental plan, until the State has satisfactorily completed all developmental steps and the Assistant Secretary has had at least one additional year to evaluate the plan on the basis of actual operations. Upon making a determination under 18(e) that the 18(c) requirements are being applied, Federal enforcement of standards and Federal standards (except with regard to ongoing cases) cease to apply in the State with respect to any occupational safety and health issue covered under the determination.

Section 1902.34 of Subpart D provides that the evaluation of a State's fully operational program, preparatory to an 18(e) determination, shall commence upon publication in the FEDERAL REGISTER of a certification that all developmental steps have been completed. Such certification must list the developmental steps, including approved amendments thereto, and the dates their approvals were published in the FEDERAL REGISTER; approved substantive changes in the State plan and dates published in the FEDERAL REGISTER; documentation that the State merit system has been approved and found acceptable; and a description of the occupational safety and health issues covered by the certification. If the Assistant Secretary finds that the State has completed all the developmental steps specified in the plan, he shall give notice of same by publishing the certification in the FEDERAL REGISTER and amend the appropriate Subpart of Part 1952 of this Chapter to reflect this finding.

On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina plan as a developmental plan and adoption of Subpart I of Part 1952 containing the decision and describing the plan. During the three year period ending March 31, 1976, following commencement of State operations (three years from date of State's first 23(g) grant award), T. Avery Nye Jr., Commissioner, North Carolina Department of Labor, submitted documentation attesting to the completion of each State developmental commitment for review and approval as provided in 29 CFR Part 1953. Following Departmental review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual North Carolina developmental steps.

2. *Notice of certification of completion of developmental steps under the North Carolina Plan.* In accordance with the provisions of 29 CFR 1902.34, notice is given that the North Carolina occupational safety and health plan is hereby certified, effective October 5, 1976, as having completed all the developmental steps specified in the plan as approved January 26, 1973, on or before March 31, 1976 (see Subpart I of 29 CFR Part 1952) as follows:

(a) All developmental steps specified in the plan and amendments thereto have been completed:

(1) The Occupational Safety and Health Act of North Carolina (General Statutes 95-126 through 95-155) was enacted by the State legislature on May 1, 1973, became effective on July 1, 1973, and was approved by the Assistant Secretary on April 17, 1975 (40 FR 18429, April 28, 1975).

(2) North Carolina occupational safety and health standards identical to Federal standards have been promulgated, subsequently amended to reflect changes in Federal standards and approved by the Regional Administrator for Occupational Safety and Health (hereinafter referred to as the Regional Administrator) on February 24, 1975 (40 FR 11420, March 11, 1975) and February 11, 1976 (41 FR 15077, April 9, 1976). In addition, on July 29, 1975, independent State standards for "Shops Fabricating Structural Steel and Steel Plate" was approved (40 FR 40598, September 3, 1975).

(3) All North Carolina compliance personnel have completed refresher training courses. Documentation on completion of this developmental step was submitted by the State on February 13, 1976, and approved by the Assistant Secretary on September 29, 1976 (41 FR 43896, October 5, 1976).

(4) All occupational safety and health personnel in the North Carolina Department of Labor are now covered by the State's merit system. Agreement with the North Carolina Department of Human Resources specifies that all health personnel cooperating in the State's occupational safety and health program are likewise covered by the State merit system. Documentation on completion of this developmental step was submitted by the State on February 13, 1976, and approved by the Assistant Secretary on September 29, 1976, (41 FR 43896, October 5, 1976).

(5) The State's certification that its occupational safety and health program is fully staffed was approved by the Assistant Secretary on September 29, 1976 (41 FR 43898, October 5, 1976).

(6) All North Carolina compliance personnel have attended basic training courses at the OSHA Institute in Chicago. Documentation on completion of this developmental step was submitted on February 13, 1976, and approved by the Assistant Secretary on September 29, 1976 (41 FR 43896, October 5, 1976).

(7) The North Carolina Department of Labor has publicly disseminated information on the availability of consultative services. Documentation on completion of this developmental step was submitted by the State on February 13, 1976, and approved by the Assistant Secretary on September 29, 1976 (41 FR 43896, October 5, 1976).

(8) A manual management information system which provides the quarterly statistical reports required by the Assistant Secretary as well as internal management data has been developed and is fully operational. Documentation on the completion of this developmental step was submitted by the State on February 13, 1976, and was approved by the Assistant Secretary on September 29, 1976 (41 FR 43896, October 5, 1976).

(9) State enforcement of standards began on July 1, 1973. Documentation on completion of this developmental step was approved by the Assistant Secretary on September 29, 1976 (41 FR 43896, October 5, 1976).

(10) A revised North Carolina compliance manual establishing procedures to be used by State enforcement personnel has been developed. Documentation on completion of this developmental step was initially submitted in August 1974, amended on February 27, 1975, May 2, 1975, February 13, 1976, March 22, 1976, and September 1, 1976, and approved by the Assistant Secretary on September 29, 1976 (41 FR 43899, October 5, 1976).

(11) North Carolina has promulgated the following administrative rules and regulations which were originally submitted in January 1975, and on February 13, 1976, subsequently amended on April 22, 1976, August 27, 1976, and August 30, 1976, in response to Federal review and approved by the Assistant Secretary on September 5, 1976 (41 FR 43897, October 5, 1976).

(i) Regulation 7B.0100: Inspections, Citations, and Proposed Penalties.

(ii) Regulation 7B.0300: Recording and Reporting of Occupational Injuries and Illnesses.

(iii) Regulation 7B.0400: Rules of Practice for Variances.

(iv) Regulation 7B.0500: Rules of Procedures for Promulgating, Modifying or Revoking Occupational Safety and Health Standards.

(v) Regulation 7B.0700: State Advisory Council on Occupational Safety and Health.

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In addition the North Carolina Occupational Safety and Health Review Board on January 3, 1974, adopted rules of procedure governing its review of contested cases. These rules as amended on January 9, 1975, and September 13, 1976, were approved by the Assistant Secretary on September 29, 1976 (41 FR 43898, October 5, 1976).

(12) Safety programs for State employees were initiated and implemented. Documentation on completion of this developmental step was submitted on October 31, 1975, March 30, 1976, and September 14, 1976, and was approved by the Assistant Secretary on September 29, 1976 (41 FR 43898, October 5, 1976).

(13) Safety programs for large counties and municipalities with over 10,000 population were initiated and implemented. Documentation on completion of this developmental step was submitted on October 31, 1975, March 30, 1976, and September 14, 1976, and was approved by the Assistant Secretary on September 29, 1976 (41 FR 43898, October 5, 1976).

(14) Safety programs for other counties and municipalities with 4,000 to 10,000 population were initiated and implemented. Documentation on completion of this developmental step was submitted on October 31, 1975, March 30, 1976, and September 14, 1976, and was approved by the Assistant Secretary on September 29, 1976 (41 FR 43898, October 5, 1976).

(15) Safety programs for towns and other governing units having between 1000 and 4000 population were initiated and implemented. Documentation on completion of this developmental step was submitted on October 31, 1975, March 31, 1976, and September 14, 1976, and was approved by the Assistant Secretary on September 29, 1976 (41 FR 43898, October 5, 1976).

(16) North Carolina has developed separate posters for private and public employees which inform them of their rights and obligations under the North Carolina plan and which must be displayed in all workplaces in the State. The poster for public employees was submitted on February 23, 1976, and approved by the Assistant Secretary on April 17, 1975 (40 FR 18429, April 28, 1975). The poster for public employees was submitted on February 23, 1976, and approved by the Assistant Secretary on April 20, 1976 (41 FR 17547, April 27, 1976).

(17) Full coverage of agricultural workers was initiated by the North Carolina Department of Labor on April 1, 1974. Documentation on completion of this developmental step was approved by the Assistant Secretary on May 28, 1976 (41 FR 22561, June 4, 1976).

(18) Certification that the State Advisory Council for Occupational Safety and Health had been appointed by the Commissioner of Labor was submitted by the State on February 13, 1976, and approved by the Assistant Secretary on September 29, 1976 (41 FR 43897, October 5, 1976).

(19) An Affirmative Action plan to promote equal employment opportunity was originally submitted on February 22, 1973, revised and resubmitted on May 28, 1976, and approved by the Assistant Secretary as completion of a developmental step on September 16, 1976 (41 FR 41082, September 21, 1976).

(20) North Carolina has initiated a Target Health Hazard program with 24 substances as the subjects of a concentrated occupational health effort. Description of this program was submitted as a formal plan amendment on January 3, 1975, and was approved by the Assistant Secretary on May 28, 1976 (41 FR 22561, June 4, 1976).

(21) A revised organization chart for the North Carolina Office of Occupational Safety and Health was submitted as a formal plan amendment on October 31, 1975, and approved by the Assistant Secretary on May 28, 1976 (41 FR 22561, June 4, 1976).

(22) A revised inspection scheduling system (1% agriculture, 23% construction, 56% manufacturing, 20% other) was submitted as a formal plan amendment on June 25, 1975, and approved by the Assistant Secretary on May 28, 1976 (41 FR 22561, June 4, 1976).

(23) North Carolina on June 25, 1975, submitted a plan amendment showing an increase in the State's voluntary compliance staff to seven private sector consultants, seven public sector consultants, with the services of five industrial hygiene consultants from the Department of Human Resources available as needed. The Assistant Secretary approved this plan change on May 28, 1976 (41 FR 22561, June 4, 1976).

(24) On October 23, 1975, North Carolina certified that occupational safety and health orientation courses to be developed by the North Carolina Department of Community Colleges had been completed with a noise control program continuing to be available in the community colleges upon request. The Assistant Secretary approved this plan amendment on May 28, 1976 (41 FR 22561, June 4, 1976).

(b) The personnel operations of the North Carolina Department of Labor, Occupational Safety and Health Office and the servicing merit system agency have been found to be in substantial conformity with the "Standards for a Merit System of Personnel Administration" by the U.S. Civil Service Commission by letter dated January 22, 1976. (See Section (4) above.)

(c) This certification covers all occupational safety and health issues covered under the Federal program except for the longshoring and maritime standards found in 29 CFR Parts 1915, 1916, 1917, and 1918 (longshoring, ship repairing, shipbuilding, shipbreaking), which are excluded from coverage under the plan, and this certification also covers the State program covering State and local government employees.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and the Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

4. *Effect of certification.* The operation of the North Carolina occupational safety and health program will be monitored and evaluated for a period of not less than one year after publication of this certification, to determine whether the State program in operation is at least as effective as operations under the Federal program in order to make a determination under section 18(e) of the Act that Federal enforcement authority and standards should cease to apply in issues under the plan.

In accordance with 29 CFR 1902.35 Federal enforcement authority under Sections 5(a) (2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662 and 666) and Federal standards authority under Section 6 (29 U.S.C. 655) of the Act will not be relinquished during this evaluation period. However, under the terms of the operational agreement entered into with North Carolina on February 20, 1975 (40 FR 16843, April 15, 1975), the exercise of this authority by the U.S. Department of Labor will continue to be limited to, among other things: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act; enforcement of new Federal standards, such as emergency temporary standards, promulgated under Section 6 of the Act, where necessary to protect employees until such time as the State shall have promulgated equivalent standards; enforcement of Federal standards in the maritime and longshoring issues of 29 CFR Parts 1915, 1916, and 1918 which issues have been specifically excluded from coverage under the North Carolina plan; and investigations and inspections for the purpose of the evaluation of the North Carolina plan under section 18 (e) and (f) of the Act.

In accordance with this certification 29 CFR 1952.154 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (t) as follows:

§ 1952.154 Completion of developmental steps and certification.

* * * * *

(t) In accordance with § 1902.34 of this chapter, the North Carolina occupational safety and health plan was certified, effective October 5, 1976, as having completed on or before March 31, 1976 all developmental steps specified in the plan as approved on January 26, 1973.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C. this 29th day of September 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-29232 Filed 10-4-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

Federal Reserve Bank of Richmond

In accordance with a policy to discontinue activities which are normally responsibilities of Federal Reserve Banks, the Department of the Treasury has terminated the special arrangements between the Treasury and certain banks in the District of Columbia whereby the banks had been authorized to present Government checks directly to the Treasury for payment. Elsewhere in the mainland United States, Federal Reserve Banks have exclusive responsibility for the payment of checks drawn on the United States Treasury. In view of the foregoing, the Federal Reserve Bank of Richmond and its branch office in Baltimore have assumed responsibility for receiving Government checks for payment from banks in the Washington, D.C. area as prescribed under § 240.6 (a)(3).

Therefore, 31 CFR Part 240 (Treasury Department Circular No. 21) is amended in the following manner.

§ 240.2 [Amended]

1. The phrase "or (c) a bank which, under special arrangements with the Treasury, presents checks directly to the Treasury for payment" is deleted from the definition of "presenting bank" in § 240.2.

§ 240.6 [Amended]

2. Paragraph (c), *Banks processing checks under special arrangements*, is deleted from § 240.6.

Since the amendments constitute a rule of agency procedure and practice, they are exempt from the notice and public procedure required under 5 U.S.C. 553.

DAVID MOSSO,
Fiscal Assistant Secretary.

SEPTEMBER 28, 1976.

[FR Doc.76-29128 Filed 10-4-76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 625-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Arkansas Regulations and Strategy for Control of Particulate Matter

On May 31, 1972 (37 FR 10850), pursuant to Section 110 of the Clean Air Act, 42 U.S.C. 1857c-5, the Administrator approved with some exceptions, the plan submitted by the State of Arkansas for the implementation of the National Ambient Air Quality Standards (NAAQS). The Administrator's approval included the strategy and regulations controlling particulate matter as submitted to the Environmental Protection Agency (EPA) on January 28, 1972. Later actions regarding the Arkansas State Implementation Plan as it related to control of particulate matter, appeared on March 8, 1973, and February 25, 1974, when the Administrator disapproved the plan for maintenance of standards under FEDERAL REGISTER publications 38 FR 6280 and 39 FR 7276.

The plan as submitted by Arkansas on January 28, 1972, provided for the control of particulate matter through ambient air concentration measurements rather than through emission limitations on individual sources. Regulations were developed which restricted the level of particulate matter at the property line, and the source was held responsible for meeting the ambient air quality value. Such boundary line control regulations may allow dispersion techniques, such as increased stack height, to be employed in achieving reductions in ground level concentrations. This type of regulation is considered difficult to enforce and does not offer positive emission reductions. For this reason, the State of Arkansas reevaluated individual source requirements and imposed limitations on source emissions. Consequently, on June 27, 1975, the Governor of Arkansas submitted a revision to the particulate matter control strategy and a new set of regulations which incorporated emission limitations on individual sources, a process weight rate limitation and additional requirements relating to review of new or modified sources. In demonstrating attainment, the revision included an analysis of all significant sources, however, source emission regulations were presented for only those sources necessary to satisfy the reduction requirements. Upon review of all submitted material, it was determined that the Arkansas plan exhibited adequate emission control to assure attainment of the annual primary NAAQS for particulate matter. The submittal also corrects the disapproved portion of the plan as published under § 52.173 in the FEDERAL REGISTER, May 31, 1972 (37 FR 10851). This latter part referred to the requirement to submit compliance schedules.

Notice was given that the Administrator of the Environmental Protection Agency intended to approve the supplementary information including the strategy and regulations for control of particulate matter and attainment of the annual primary NAAQS. At the same time, notice was also given that the Administrator intended to revoke the disapproval for compliance schedules required under § 51.15(a)(2) of this chapter. These actions appeared in the FEDERAL REGISTER (41 FR 15350) on April 12, 1976.

The approval actions published today are not intended to correct the plan regarding maintenance of particulate matter standards, but rather to recognize supplementary information submitted by the State and incorporate the new information and regulations in the approved portion of the State Implementation Plan. The disapproval notice published on February 25, 1974, 40 CFR 52.22 (39 FR 7276) for maintenance of standards remains in effect. Additional analyses being conducted with regard to maintenance of standards and designations of air quality maintenance areas which affect the strategy for particulate matter in Arkansas will be published in the future. Also, future evaluations will be made regarding the attainment and maintenance of the twenty-four hour, short term NAAQS. As stated above, the Administrator is addressing only the long term, annual geometric mean, and the intention is to approve the supplemental information for attainment of the annual primary standards at this time. The short term particulate matter standard in Arkansas as well as other states will be considered under separate publication at a later date.

While the Administrator is approving section 1 through section 10 of the Regulations of the Arkansas State Implementation Plan, it is pointed out that the approval does not include the delegation of authority to enforce Federal requirements. Any reference to the delegation of authority of new source performance standards or other Federal enforcement requirements are deleted. In particular, section 2 speaks of qualification for delegation to the Arkansas Department of Pollution Control and Ecology by the United States Environmental Protection Agency of authority to enforce Federal requirements as one of the purposes of the plan revision. The approval does not include delegations of authority and any such delegations, if warranted, will be handled under separate evaluations and publications at a later date.

Section 7 of the Regulations authorizes the Director of the Arkansas Department of Pollution Control and Ecology to specify sampling methods to be used to determine the capacity, rate, composition and/or concentration of emissions from equipment. Although the designation of sampling methods is not necessary to make emission limitations approvable, since 40 CFR 52.12(c) specifies methods when the State's plan does not, Arkansas preferred to authorize an alternate method for equipment without a stack. Consequently, the Director issued a statement on August 16, 1976, and submitted a copy of that statement to the Administrator, specifying sampling methods under section 7. That statement is incorporated as a part of the plan revision approved today.

On May 2, 1975, the Arkansas plan revision was subjected to public hearings in accordance with 40 CFR 51.4. With this requirement satisfied, EPA did not find it necessary to conduct additional hearings. However, on publishing the notice of intent on April 12, 1976, the Administrator held the record open for

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thirty days to assure interested parties additional opportunity to comment on the regulations and strategy. No comments were received.

This approval becomes effective on November 4, 1976 and is issued under the authority of section 110(a) of the Clean Air Act as amended, 42 U.S.C. 1857c-5(a).

Dated: September 29, 1976.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart E—Arkansas

1. In § 52.170, paragraph (c) is amended by adding paragraphs (4) and (5) as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(4) June 27, 1975, letter from the Governor submitting Sections 1 through 10 of the Regulations and Strategy of the Arkansas Plan of Implementation for Air Pollution Control except those portions relating to delegation of authority to enforce Federal requirements.

(5) August 16, 1976, statement issued by Director of the Arkansas Department of Pollution Control and Ecology specifying the test and reference methods for determining compliance with emission limitations.

§ 52.173 [Revoked]

2. Section 52.173 is revoked.

[FR Doc.76-29098 Filed 10-4-76;8:45 am]

[FRL 626-5]

PART 55—ENERGY RELATED AUTHORITY—KANSAS

Compliance Date Extension

PURPOSE

The purpose of this promulgation is to issue a compliance date extension (CDE) to The Kansas City, Kansas Board of Public Utilities, Kaw Station, Units K-1 and K-3, 2015 Kansas, Kansas City, Kansas [hereinafter referred to as "the sources"], for Kansas Air Pollution Emission Control Regulation (KAPEC) 28-19-31A, which limits emissions of particulate matter.

PROVISIONS

On June 14, 1976 (41 FR 23980), the Administrator of the Environmental Protection Agency proposed to amend 40 CFR Part 55 by adding a new Section 55.-872 to subpart R by issuing the CDE as stated under "Purpose" above.

In the June 14, 1976, proposal (41 FR 23980, paragraphs (ii) and (iii) under "Findings under Section 119"), it was proposed to grant a Compliance Date Extension to the sources until August 1, 1976, for KAPEC 28-19-31C. The sources have complied with KAPEC 28-19-31C, rendering the Compliance Date Extension for compliance with KAPEC 28-19-31C unnecessary.

PUBLIC COMMENT

A thirty-day public comment period accompanied the June 14, 1976, FEDERAL REGISTER proposal. No comments or requests for a public hearing have been received by the Agency regarding the proposed rulemaking.

The Administrator finds that good cause exists for making this regulation effective immediately upon publication, as its purpose is to grant an extension of time to the source for compliance with KAPEC 28-19-31A, and a delay in the date of its effectiveness would be unnecessary and contrary to public interest.

The Administrator, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposed to issue a compliance date extension to The Kansas City, Kansas Board of Public Utilities, Kaw Station, Units K-1 and K-3, 2015 Kansas, Kansas City, Kansas (hereinafter referred to as "the sources"), for KAPEC 28-19-31A, which limits emissions of particulate matter based upon these preliminary findings:

(i) The sources are subject to section 2(a) FEA prohibition orders Nos. 009 and 011, respectively, and converted (or will convert) after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the sources cannot burn coal available to them in compliance with KAPEC 28-19-31A;

(iii) The sources are presently in compliance with KAPEC 28-19-31C, which limits emission of sulfur oxides;

(iv) The sources can comply with all conditions upon which a compliance date extension may be granted for KAPEC 28-19-31A, in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AQCR in which the sources are situated; and

(b) The sources can burn coal and comply with KAPEC 28-19-31A to satisfy the regional limitation requirement by December 31, 1978, for Unit K-1, and September 1, 1977, for Unit K-3, such compliance is as soon as practicable and the compliance plans are therefore approvable.

This Final Rulemaking is issued under the authority of Section 110, 119, and 301 of the Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5, 1857c-10, 1857g).

Dated: September 28, 1976.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter 1, Title 40 of the Code of Federal Regulations, is amended by adding a new § 55.872 to Subpart R as follows:

Subpart R—Kansas

§ 55.872 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to The Kansas City Board of Public Utilities, Kaw Station, Units K-1 and K-3, 2015 Kansas, Kansas City, Kansas (the sources), upon the following conditions:

(1) *Regional Limitation.* Units K-1 and K-3 shall comply with KAPEC 28-19-31A by December 31, 1978, and September 1, 1977, respectively in accordance with the approved compliance plans.

(2) Test procedures to determine compliance with (a)(1) above, shall be in accordance with EPA Test Method 5.

(3) The source shall not, until January 1, 1979, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

[(b) Reserved]

[FR Doc.76-29241 Filed 10-4-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 67 (Sub-No. 3)]

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210a(a) OF THE INTERSTATE COMMERCE ACT

Fitness Issues in TA Applications

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of September, 1976.

It is ordered, That based on the reasons set forth in the attached notice, 49 CFR 1131.4 be, and it is hereby, modified, pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act), for the purpose of adding subsection 49 CFR 1131.4(c), setting forth the standards applied in consideration of fitness issues in temporary authority applications under section 210a(a) of the Interstate Commerce Act.

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order.

And it is further ordered, That notice of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated: September 17, 1976.

By the Commission (Commissioners Gresham and MacFarland not participating).

• Purpose: The purpose of this proceeding is to publish the general standards under which the Commission considers fitness issues in temporary authority proceedings. •

The Interstate Commerce Commission has always sought to inform the public of the standards utilized in deciding applications under section 210a(a) of the Interstate Commerce Act. In conformance with this policy, we believe that the general standards under which the Motor Carrier Board and Division 1 of the Commission determine fitness issues in such proceedings should be made available to the public. This requires the adoption of a new subsection (c) to our existing rule (49 CFR 1131.4).

The Commission has always considered fitness in temporary authority applications as to safety, compliance with the law, capacity to provide service, and any other aspect of fitness deemed material in a particular case. Under the current practice, when the Motor Carrier Board or Division 1 of the Commission, acting initially or in an appellate capacity, denies an application for lack of fitness, its order so states. We believe it only fair and equitable that the public and the transportation industry be made aware of the guidelines being used by the decisionmakers.

The existing regulation provides that applications for temporary authority may be denied because of the unfitness of the applicant (49 CFR 1131.4(b)(8)). The new subsection (c) specifies the criteria used to determine fitness and provides generally that an application for temporary authority will normally be denied (1) where applicant has been found unfit or in substantial noncompliance with the safety regulations of the Department of Transportation, (2) where a fitness flag has been raised against applicant in accordance with the Commission's Fitness Flagging Procedures, or (3) where the carrier applicant has a history of willful or flagrant violation of the Commission's rules and regulations. Applicants are afforded an opportunity to establish that temporary authority should be granted irrespective of the above-specified situations.

The new regulation also provides (a) that a grant of temporary authority gives rise to no presumption regarding the fitness of the applicant carrier, (b) that a grant of temporary authority may be revoked should it be determined that the applicant carrier is unfit in accordance with the above guidelines, (c) that allegations of unfitness shall be considered in light of the urgency of the shipper's needs, and (d) that a denial of temporary authority for unfitness shall be without prejudice to applicant seeking reconsideration thereof and submitting appropriate evidence.

Inasmuch as these are essentially internal procedures and guidelines which are being published for information, they can be issued as a new regulation without issuance of any general notice of proposed rulemaking.

This regulation is adopted under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

Issued at Washington, D.C., September 17, 1976.

ROBERT L. OSWALD,
Secretary.

Accordingly, 49 CFR 1131.4 is hereby modified by the addition of subsection 49 CFR 1131.4(c) to read as follows:

§ 1131.4 Deduction of applications.

* * * * *

(c) *Determination of fitness issues.* The following standards shall be used by the Motor Carrier Board and by Division 1 of the Commission acting initially or in an appellate capacity, in the determination of fitness issues in applications for temporary authority under section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)).

(1) *General.* (i) With due regard to the urgency of the transportation need, an application for temporary authority will normally be denied where the applicant has been found unfit or in substantial noncompliance with the safety regulations of the Department of Transportation, unless the carrier has reestablished compliance or the application contains sufficient evidence to establish that the carrier has taken significant steps to remedy its deficiencies and is now in substantial compliance.

(ii) Where a fitness proceeding has been instituted against a carrier applicant, or where the Bureau of Enforcement has been ordered to intervene in a pending proceeding because the applicant's fitness is in issue, and no final decision has been entered, temporary authority should normally not be denied, unless a fitness flag has been raised against applicant in accordance with the Commission's Fitness Flagging Procedures, 40 CFR ____, provided that an applicant may attempt to show that there is no nexus between the issues raised in the flagged proceeding and in the involved application for temporary authority or that other good cause exists for granting temporary authority notwithstanding the existence of the fitness flag.

(iii) Alleged violations of law or regulations or a pending fitness investigation where no formal proceeding has been instituted should not be used as grounds for denial unless the Motor Carrier Board has evidence that the carrier applicant has a history of willful or flagrant violation of the Commission's rules and regulations. Where the applicant has such a history, the field report from the Bureau of Operations staff should clearly state the pertinent facts of past violations. If temporary authority is denied for lack of fitness, the Board's order should state the basis thereof, and the applicant, through petition for reconsideration, should be afforded an opportunity to show to the contrary.

(iv) Any denial of temporary authority under these guidelines should be without prejudice to the applicant's seeking reconsideration in accordance with the Commission's Rules of Practice (49 CFR 1100), and, with its request for reconsideration, submitting evidence concerning its fitness or safety compliance, as appropriate.

(2) *No presumption of fitness.* The granting of any temporary authority shall give rise to no presumption regarding the fitness of the carrier to whom such authority is granted.

(3) *Revocation for unfitness.* Any grant of authority may be revoked by the Commission should it be determined that the carrier to whom such authority has been granted is unfit in accordance with the guidelines set forth herein.

(4) *Urgency considerations.* Allegations of unfitness in temporary authority proceedings shall be considered in light of the urgency of the shipper's needs.

[FR Doc.76-29061 Filed 10-4-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period October 13, 1976 through December 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Montezuma National Wildlife Refuge, New York, is permitted on the areas designated by the signs as open to waterfowl hunting. The waterfowl hunting area known as the Tschache Pool comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

1. Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

2. Steel shotshells will be used for all waterfowl hunting. Hunters will be limited to 15 steel shotshells each, with shot size no larger than #1 fine shot. No person shall have lead shot in his possession during the hunt.

3. Applications for hunting reservations must be received no later than two weeks before the opening date of the waterfowl season. Reservations for permits will be selected by random drawing. Hunting will be allowed on the designated days from the opening of the State season to the end of the first part of a split season or until the third Saturday in November—whichever comes first. Successful applicants must appear in person at the refuge waterfowl check station prior to one hour before legal shooting time on the date reserved. Unreserved and forfeited permits will be awarded by a drawing on the morning of the hunt to hunters without reservations.

4. The first two Saturdays of the season will be reserved for the Young Waterfowler's Training Program hunt. A bro-

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chure describing this program is also available.

5. No more than two persons per permit will be allowed.

6. All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl check station no later than 1 p.m. local time.

7. Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for reservations on Tuesdays.

8. Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

Dated: September 28, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-29123 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period November 22, 1976 through December 17, 1976.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, New York, is permitted except on the areas designated by signs as closed. The open area, comprising 3,874 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

1. The open season is Monday through Friday from November 22, 1976 to December 17, 1976 inclusive. Actual dates open are November 22, 23, 24, 25, 26, 29, 30; December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, and 17.

2. Only longbows may be used. No gun hunting will be allowed.

3. Successful hunters must register their kill at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1976.

Dated: September 28, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-29124 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period December 19, 1976 through February 28, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and unprotected mammals is permitted from December 19, 1976 through February 28, 1977, inclusive, in the Montezuma National Wildlife Refuge, New York, except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

Dated: September 28, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-29125 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on October 5, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 20 through November 30, 1976, inclusive.

(2) Shooting hours for pheasant will be from sunrise to sunset daily, except on opening day when shooting hours will be from noon to sunset.

(3) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasant.

(4) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1976.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colorado.

SEPTEMBER 24, 1976.

[FR Doc.76-29118 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on October 5, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Alamosa National Wildlife Refuge, Colorado is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 20 through November 30, 1976, inclusive.

(2) Shooting hours for pheasant will be from sunrise to sunset daily, except on opening day when shooting hours will be from noon to sunset.

(3) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants.

(4) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(5) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1976.

CHARLES R. BRYANT,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colorado.

SEPTEMBER 24, 1976.

[FR Doc.76-29119 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on October 5, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Archery hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, and bobcat on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs or maps as open to hunting. This open area, comprising 2,865 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Archery hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote and bobcat subject to the following special conditions:

(1) The archery hunting season on the refuge extends from November 20 through November 30, 1976, inclusive.

(2) Shooting hours will be from sunrise to sunset daily, except on opening day when shooting hours will be from noon to sunset.

(3) Weapons—Only non-mechanical bow as permitted by State regulations and flu-flu arrows may be used for hunting.

(4) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, and bobcat.

(5) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1976.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colorado.

SEPTEMBER 24, 1976.

[FR Doc.76-29120 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on October 5, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Ouray National Wildlife Refuge, Utah, is permitted from November 6 through December 5, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,500 acres is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Area Supervisor, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1976.

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

SEPTEMBER 23, 1976.

[FR Doc.76-29121 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Great Swamp National Wildlife Refuge, N.J.

The following special regulation is issued and is effective during the period December 7, 1976 through December 15, 1976.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 7, 1976, to December 11, 1976, inclusive, and December 15, 1976. Hunting of deer with firearms shall be in accordance with all applicable state and Federal Regulations subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. E.S.T. and 5 p.m. E.S.T. Participation will be limited to the 400 hunter permittees randomly selected by the New Jersey Division of Fish, Game, and Shellfisheries for the special Great Swamp hunt. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Standby permittees will be allowed to hunt if the full 150 selectees have not arrived at the designated check-in by 7:00 a.m. E.S.T. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered at the check station prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shotgun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than Number 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loads certified prior to the hunt at an orientation. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted with "closed" or "safety zone" signs. Baiting or hunting with the aid of bait is prohibited. Portable tree stands are permitted.

Regulations, summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The refuge will be closed to the general public during the above hunting dates. Other than on the days of the hunt, permittee entry will be allowed only on approved Public Use Areas as designated by signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR, Part 32, and are effective through December 15, 1976.

Dated: September 28, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-26122 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Illinois

The following special regulations are issued and are effective on October 5, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the area designated as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the office of the Regional Director, U.S. Fish and Wild-

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life Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Ducks and coots may be taken from October 23, 1976, through December 11, 1976. Hunting of geese will be permitted from October 23, 1976 through December 31, 1976.

Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Construction or use of permanent blinds, platforms or scaffolds is prohibited. Temporary blinds may be constructed, but if left overnight they will be available on a first come, first serve basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

WM. E. DOUGHERTY,
Acting Regional Director.

[FR Doc.76-29164 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.; Correction

In FR Doc. 76-27709, appearing on page 41425 of the issue for Wednesday, September 22, 1976, subparagraph (8), sections e. and h. should read as follows:

• • • • • •

e. Each hunter is permitted a maximum of 10 shells.

• • • • • •

h. For the use of established blinds, there will be a $2 charge per hunter.

• • • • • •

WM. E. DOUGHERTY,
Acting Regional Director.

[FR Doc.76-29160 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulations are issued and are effective on October 5, 1976.

§ 32.12 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These areas, comprising 1,760 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) Blinds—No permanent structure, excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1976.

WM. E. DOUGHERTY,
Acting Regional Director.

[FR Doc.76-29163 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Ottawa National Wildlife Refuge, Ohio

The following special regulation is issued and is effective on October 5, 1976.

§ 32.12 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

OHIO

OTTAWA NATIONAL WILDLIFE REFUGE

Public hunting of Canada, snow (including blue color phase) and white-fronted geese on the Ottawa National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area comprising approximately 640 acres is delineated on a map available at refuge headquarters, 1400 W. State Route 2, Oak Harbor, Ohio 43339, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable state regulations covering the hunting of geese subject to the following special conditions:

(1) Hunting shall be by state permit and only from assigned blinds. Blind assignments will be determined by legal drawings.

(2) A permit fee of five dollars per hunter will be charged for the blind rental. The fee will be collected by the Ohio Department of Natural Resources.

(3) No more than two persons per blind (permit holder and one guest).

(4) Hunters must report to the check station at least one hour before legal shooting time.

(5) Each hunter may not possess more than 10 shells. The shells must be non-toxic (non-lead). Shot size shall be no larger than No. 1.

(6) Hunters will be permitted to pursue and shoot downed geese within 75 yards of their assigned blind.

(7) Hunting hours shall be from the legal opening time in the morning until 12 noon.

(8) All hunters must be out of their assigned blinds by 1:00 p.m.

(9) All hunters must report to the check station and submit their geese for examination by 2:00 p.m.

(10) Vehicle travel is restricted to designated routes of travel and parking areas.

(11) Foot travel is restricted to the designated public use areas only.

(12) Overnight camping and open fires are prohibited.

(13) The use of trained dogs to retrieve downed geese within the hunting area is permitted.

The provisions of these special conditions supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

WM. E. DOUGHERTY,
Acting Regional Director.

[FR Doc.76-29161 Filed 10-4-76;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on October 5, 1976.

§ 32.12 **Special regulations; migratory game birds; for individual National Wildlife Refuge areas.**

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by "Public Hunting Area" signs. This open area, comprising 12,500 acres, is delineated on a map available at the Refuge Headquarters, Rochert, Minnesota 56578, and from the office of the Regional Director, U. S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Ducks and coots may be taken from October 2, 1976, through November 20, 1976. Hunting of geese will be permitted from October 2, 1976, through November 15, 1976, both dates inclusive.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of these species subject to the following conditions:

(1) No persons shall enter or leave the refuge except by designated roads.

(2) Use of steel shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

(3) Construction or use of permanent blinds, platforms or scaffolds is prohibited. Temporary blinds may be constructed, but if left overnight they will be available on a first come, first serve basis.

(4) The use of dogs to retrieve downed waterfowl and coots within the hunting area is permitted.

(5) Boats are permitted on designated lakes and ponds only.

The provisions of this special regulation supplement the regulations which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1976.

WM. E. DOUGHERTY,
Acting Regional Director.

[FR Doc.76-29162 Filed 10-4-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 24]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

The Department is amending the regulations governing the National School Lunch Program to further implement Federal Management Circular 74-7 (FMC 74-7, 34 CFR Part 256) which prescribes uniform administrative requirements for Federal grants-in-aid to State and local governments, including school districts. Previous regulations were issued implementing other provisions of Federal Management Circular 74-7 (July 24, 1975, 40 FR 30917).

This amendment will revise grant close-out procedures.

The Department believes the proposed rulemaking and public participation procedures unnecessary inasmuch as this amendment is being issued to conform with Federal Management Circular 74-7. Accordingly, the regulations are hereby amended as follows:

Section 210.19 is revised to read as follows:

§ 210.19 **Miscellaneous provisions.**

(a) *Grant closeout procedures.* (1) Grant closeout procedures for the Program shall be in accordance with Federal Management Circular 74-7 (34 CFR Part 256).

(2) FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency, or FNSRO where applicable, shall terminate a school's participation in the Program by written notice whenever it is determined by FNS or the State agency that the school has failed to comply with the conditions of the Program. When participation in the Program has been terminated for cause, any payments made to the State agency or a school or any recoveries by FNS from the State agency or school shall be in accordance with the rights and liabilities of the parties.

(3) FNS or the State agency may terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination. A State agency, or FNSRO where applicable, may terminate a school's participation in accordance with those provisions.

(b) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

NOTE.—Reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This amendment shall become effective on October 1, 1976.

Dated: October 1, 1976.

JOHN DANGARD,
Assistant Secretary.

[FR Doc.76-29381 Filed 10-4-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 928—PAPAYAS GROWN IN HAWAII

Limitations of Handling

The following amendment of the Subpart—Rules and Regulations prescribes additional terms and conditions with respect to the handling of immature papayas produced in Hawaii.

This amendment of the rules and regulations was unanimously recommended by the Papaya Administrative Committee, with 11 of the 13 members present, established under the marketing agreement and Order No. 928 (7 CFR Part 928) as the agency to administer the terms and provisions thereof. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amendment, pursuant to § 928.52, would amend § 928.152 to prescribe additional terms and conditions with respect to the handling of immature papayas. The amendment revises the definition of immature papayas to specify the quality thereof and announces the outlets to which immature papayas may be marketed.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of papayas.

Therefore, § 928.152 is revised by amending paragraph (a)(3) and adding a new paragraph (a)(4). As amended § 928.152 reads as follows:

§ 928.152 **Maturity exemption.**

(a) • • •

(3) Immature papayas are papayas which do not meet the maturity requirements of the State of Hawaii Department of Agriculture's Wholesale Standards for Hawaii-Grown Papayas (subsection 5.32) but otherwise meet the requirements of Hawaii No. 1 grade.

(4) Outlets authorized by the committee for resale of papayas specified in this section are the State of Hawaii, and during the period October 3, 1976, through December 31, 1976, the States of California, Oregon, and Washington.

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated, September 30, 1976, to become effective October 3, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29215 Filed 10-4-76;8:45 am]

PART 966—TOMATOES GROWN IN FLORIDA

Handling Regulation

During the period October 17 through November 17, 1976, this regulation, designed to provide orderly marketing of Florida tomatoes, imposes a minimum grade of U.S. No. 3, a minimum size of 2⅝ inches in diameter and requires inspection of fresh shipments. The establishment of such requirements under Marketing Order No. 966 is necessary to keep undesirable tomatoes from being shipped to consumers.

Findings. (1) Pursuant to Order No. 966, as amended (7 CFR Part 966), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Tomato Committee established pursuant to the order, and upon other available information, it is hereby found that the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) The regulation imposes minimum grade, size, pack, container and marking requirements on the handling of tomatoes. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 966.50 of the order. This regulation is necessary to prevent the handling of any tomatoes of lower grades or smaller sizes than those specified in the regulation, and to provide the trade and consumers with tomatoes of acceptable quality pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because shipments of tomatoes from the production area are

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expected to begin on or about the effective date hereof. The recommendation and supporting information for regulation were submitted to the Department after an open meeting of the Florida Tomato Committee; said meeting was held to consider recommendations for regulation, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and handlers registered under the order as required in § 966.113 have been informed of the proposal. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the regulation of the handling of such tomatoes, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date of the regulation.

§ 966.315 Handling regulation.

During the period October 17 through November 17, 1976, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.* (1) *Grade.*—Tomatoes shall be graded and meet the requirements specified in either § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes, or when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be at least 2$\frac{1}{32}$ inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2$\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—SML for small, MED for medium, LG for large, EX LG for extra large, or MAX LG for maximum large.

(3) *Containers.*—(i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (¼) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without marks, stains or other evidence of previous use, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths (¾) inch high.

(4) *Inspection.*—Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Registered handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.* (1) *For types.*—The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.*—For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.*—Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a)(1), the size classifications of paragraph (a)(2) except that tomatoes shall be at least 2½ inches in diameter, and the container weight requirements of paragraph (a)(3) if such tomatoes comply with the inspection requirements of paragraph (a)(4).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regarding, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877), effective December 1, 1973, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: September 30, 1976 to become effective October 17, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–29171 Filed 10–4–76;8:45 am]

PART 980—VEGETABLES: IMPORT REGULATIONS: TOMATOES

Findings. (a) Pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), it is hereby found that the import regulation, hereinafter set forth, should be made effective, and that the minimum grade, size, quality and maturity requirements are the same as those in effect under Marketing Order No. 966, as amended (7 CFR Part 966), for shipments of tomatoes grown in the Florida production area.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond

the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) in fixing the effective date hereof consideration was given to the time required for transportation of the tomatoes and entry into the United States; and (3) such notice is in excess of the three day minimum required by the act.

The regulation is as follows:

§ 980.211 Tomato import regulation.

Except as otherwise provided, during the period October 17 through November 17, 1976, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and at least 2½ inches in diameter.

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice (days)
All Texas points.	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (phone 512–787–4091 or 512–787–6881).	1
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (phone 602–287–2902).	1
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (phone 213–688–2489).	3
All Hawaii points.	Stevenson Ching, P.O. Box 22159, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96822 (phone 808–941–3071).	1
All Puerto Rico points.	John L. Conlon, P.O. Box 9112, Santurce, P.R. 00908 (phone 809–783–2290 or 809–783–4116).	2
New York City.	Carmine J. Cavallo, Room 26A, Hunts Point Market, Bronx, N.Y. 10474 (phone 212–991–7609 or 212–991–7603).	1
New Orleans	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (phone 504–589–6741 or 504–589–6742).	1
Miami	Bennie C. Tiner, 1360 Northwest 12th Ave., Room 530, Miami, Fla. 33136 (phone 305–324–6116 or 305–324–6117).	1
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (phone 813–294–3511, extension 23).	1
All other points.	M. A. Castille, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (phone 202–447–5870).	3

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number; the truck and trailer license number, he name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs, "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title, 38 FR 23931).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Signed September 30, 1976 to become effective October 17, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–29170 Filed 10–4–76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4100, 4200, 4300, 4700, 9230]

RANGE MANAGEMENT AND TECHNICAL SERVICES

Grazing Administration and Trespass, Extension of Time

By notice in the FEDERAL REGISTER on July 28, 1976 (41 FR 31504), the Department of the Interior published proposed regulations to revise the regulations for administering grazing on the public lands. In that notice, comments were requested on the proposed regulations by October 1, 1976. In order to give interested parties additional time to analyze and comment on the proposed regulations, the comment period is hereby extended until January 31, 1977. Comments received by that date will be considered before final action is taken on the proposed regulations.

October 1, 1976.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

[FR Doc.76-29418 Filed 10-4-76;10:32 am]

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Requirements of Montana's Reclamation Laws and Regulations; Correction

In FEDERAL REGISTER Doc. 76-26439 appearing at page 39036 in the FEDERAL REGISTER of September 14, 1976, the third line in the sixth full paragraph of page 39037 is corrected by omitting the words "during the week of" and adding "on" before the words "October 21, 1976."

Dated September 29, 1976.

WILLIAM W. LYONS,
Deputy Under Secretary, U.S. Department of the Interior.

[FR Doc.76-29131 Filed 10-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Revision of REA Specification PE-39 for Filled Telephone Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to revise REA Bulletin 345-67 to announce a revision of REA Specification PE-39 for filled telephone cables. On issuance of REA Bulletin 345-67, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 4, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Specification PE-39 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of the revised REA Bulletin 345-67 announcing the revision of the specification is as follows:

REA BULLETIN 345-67

SUBJECT: REA SPECIFICATION FOR FILLED TELEPHONE CABLES

I. *Purpose:* To announce issuance of a revised REA Specification PE-39 for Filled Telephone Cables.

II. *General:* REA Specification PE-39 covers requirements for filled cables intended for use on REA borrowers' telephone systems. The major changes included in this revision are as follows:

A. Use of a flooding compound between core wrap and shield, and between shield and jacket;

B. Requirements for compartmental core cables;

C. Change in thickness of copper Alloy 194 shield material from 6 to 7 mils for the smaller cable sizes;

D. Requirements for pair-to-ground capacitance unbalance replacing those for pair-to-shield capacitance unbalance.

E. Tightening of resistance unbalance requirements;

F. Revising moisture penetration test to provide for no flow of water through a 10-foot section of cable;

G. Inclusion of a comprehensive set of qualification tests to assure long-term electrical and physical stability of the cable;

H. Deletion of the provision for allowance of spare pairs. The revised specification dated September 1976 supersedes the issue dated December 1972 and becomes effective January 1, 1977. All filled cables manufactured after January 1, 1977, must comply with the revised REA Specification PE-39 dated September 1976. This does not preclude the adoption of the revised specification by manufacturers prior to the effective date.

III. *Availability of Specification:* Copies of the revised PE-39 will be furnished by REA upon request. Questions concerning the revised specification may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Washington, D.C. 20250, telephone number 202-447-3827.

Dated: September 27, 1976.

C. R. BALLARD,
Assistant Administrator—Telephone.

[FR Doc.76-28950 Filed 10-4-1976;8:45 am]

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Preloan and Postloan Procedures for Telephone Borrowers Receiving Large Loans

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Public Law 93-32, REA proposes to issue a new REA Bulletin 320-23, Preloan and Postloan Procedures for Telephone Borrowers Receiving Large Loans. This bulletin states REA policies and requirements relating to preloan and postloan procedures for telephone borrowers with substantial and continuing construction programs. On issuance of REA Bulletin 320-23, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the new bulletin may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 4, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

The text of the proposed new bulletin is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL ELECTRIFICATION ADMINISTRATION

REA Bulletin 320-23

Subject: Preloan and Postloan Procedures for Telephone Borrowers Receiving Large Loans

I. PURPOSE

The purpose of this Bulletin is to set forth Rural Electrification Administration policies and requirements relating to preloan and postloan procedures for telephone borrowers with substantial and continuing construction programs.

II. POLICY

A. REA recognizes that certain well-established borrowers which, in the telephone program, generally receive financial assistance through REA loan guarantees, ordinarily have a stronger loan security position and a proven ability to administer a loan and construction program. Where the borrower has a substantial and continuing construction program and where the borrower has provided adequate assurance of meeting program objectives and requirements and where a request is submitted and approved, it will be the policy of REA not to request the submission for REA approval of construction plans, specifications and contracts with third parties.

B. The submission for REA approval of construction plans, specifications, and contracts with third parties will continue to be required of "A" loan borrowers. A new applicant seeking its first loan will be required to follow the preloan and postloan procedures for REA loans.

C. The advance of loan funds for engineering and construction will be requested by the submission of REA Form 481, Financial Requirement Statement, and supporting information, including certifications as detailed hereinafter in this Bulletin.

D. REA reserves the right, at any time during the preloan or postloan periods, to require submission of construction plans, specifications and contracts with third parties upon written request by REA.

E. Borrowers shall maintain, in accordance with REA accounting requirements, complete and accurate cost records on engineering and construction of telephone plant that will associate dollar costs with the units of telephone plant installed. REA will conduct periodic financial audits and inspections of construction for compliance with its requirements.

III. PRELOAN PROCEDURES

A. The preloan procedures set forth in REA Bulletin 320-14, Loans for Telephone System Improvements and Extensions, are to be followed.

B. Borrowers should consult with the REA loans and engineering field representatives to determine the probable scope of a proposed loan application and the supporting information required by REA.

IV. OUTLINE OF REQUEST FOR PERMISSION TO PROCEED WITHOUT COMPLETE SUBMISSION OF ALL POSTLOAN DOCUMENTS

A. The borrower must inform REA of the arrangements it intends to make for postloan engineering. Where the engineering is to be on a force account basis or where it will be included in the work order overheads; an explanation, together with the method of charging and amounts expected, should be provided.

Where engineering costs are to be charged as overheads, the work to be covered and the method to be used in determining costs should be explained, if reimbursement from loan funds is to be requested.

If the request for permission to proceed, without complete submission of all postloan documents, is approved by the Area Director, the selection of a postloan engineer and the engineering service contract need not be submitted to the REA field engineer of the REA Washington office for approval.

B. The borrower will prepare and submit three copies of REA Form 158, Construction Work Plan & Cost Distribution—Telephone, on an individual exchange basis. (see TOM 1070). A sample copy of REA Form 158 is attached, and a working supply of the form is available from REA on request. This form provides sufficient information for scheduling advances but should be augmented with a narrative to indicate the type of work being done and the progress that will be accomplished.

C. Method of construction—when the work is to be done by methods other than competitive bid contract construction, the borrower should provide information on the method to be used and on its ability to do the work by this method. This explanation should be covered in a narrative separate from the schedule and should provide for outside plant construction and for central office and building construction and installation. This explanation should be keyed to individual exchanges.

D. Overhead costs—when the borrower is using the force account or work order method for major construction or when material is being supplied for major construction, the overhead cost factors and the methods of determining overhead cost factors should be provided to REA prior to start of construction. Of primary interest are those items of overheads for which reimbursement will be requested. Overhead costs which are not listed will be expected to be paid from other than loan funds. Overheads may include engineering, supervision, storage expense, and taxes.

V. POSTLOAN ENGINEERING

The design of the system prior to staking and preparation of plans and specifications is important to the economical construction of a good telephone system. REA will expect that such a design has been prepared in each case where it is applicable (See REA Bulletin 383-4, Postloan Engineering Design Requirements for Supplemental Loans), and that proper consideration of alternate designs has been given. REA approval of designs is required. Review for approval may be held either in the field or in the Washington office at the discretion of REA.

Borrowers will be responsible for obtaining prior REA approval for any deviation from the purposes included in the loan. The request for such approval should be directed to the REA Operations Field Representative.

Borrowers will be responsible for obtaining prior REA approval for deviation from the outline submitted with the request for waiver of requirements and the system design or system layout as approved by REA. The request for such approval should be directed to the REA Field Engineer.

VI. CONSTRUCTION

A. The borrower will follow the established REA procedures for post-loan activities, except for the submission for REA approval of construction plans, specifications, and contracts with third parties. Competitive bids should be taken where required, insurance and bid and performance bond requirements are to be met, construction is to be for the the purposes included in the loan, the construction will be done in accordance with REA specifications using REA acceptable materials, the "Buy American" provision required under REA Bulletin 344-3 and the Equal Employment Opportunity, REA Bulletin 320-15, requirements are to be satisfied.

B. Compliance with approved loan purposes will be reviewed and approved on the basis of completion of the total loan purposes. In permitting the borrower to proceed without submitting certain documents for REA approval, there is no intention to change or reduce the requirements with respect to the purposes of the loan. The borrower must, therefore, assume responsibility for budgeting control. The borrower will not approve contracts or force account proposals unless the proposed construction is within the budget, or the increase in cost is covered by prior savings or the contingency item, or that other than loan funds will be made available. In the event that these methods are not adequate, REA approval will be required before proceeding.

C. The various references in the REA forms of contracts, requiring approvals and other actions of the REA Administrator, do not apply when this procedure is used. Therefore, each document must have a supplement attached which deletes action by the REA Administrator and substitutes the name of the proper borrower official as in the attached sample. A statement should also be made in each Notice and Instruction to Bidders that the Contract will not be subject to the approval of the REA Administrator.

VII. ADVANCE OF LOAN FUNDS

A. Advances of loan funds may be requested on REA Form 481, Financial Requirement Statement (FRS), for contracts, summaries of completed construction as detailed below, or "Construction Work Fund." For items other than construction or engineering, submit supporting data as outlined in Appendix A, REA Bulletin 327-1.

B. Request for loan funds against equipment and construction contracts or force account proposals are to be listed and identified on the Financial Requirement Statement

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under Budget 1, "Construction," by a contract number assigned by the borrower. On the first request for funds for a contract or on the first request after an approval of an amendment submit a completed certification of contract or force account approval on the REA Form 159, copy attached. REA will not withhold the retained amount required under the contract but will expect the borrower to administer the contract. Upon completion of a contract or force account proposal, REA Form 157 is to be submitted and the amount on the prior FRS statement is to be adjusted to show the final amount approved. (Information as to contract number, date, amount and name of contractor or supplier should be included on a separate sheet attached to the REA Form 157. Requests against final inventories should include the final amount.)

C. Requests for loan funds for completed force account or work order construction are to be reported on REA Form 157 and listed on REA Form 481 as needed for reimbursement of general funds or to be applied against advances for the construction work funds as indicated in paragraph E.

D. Requests for loan funds to retire debts incurred as a result of approved interim construction are to be listed on REA Form 481. The item under approved purposes in this case would be "Interim Construction." The subsequent REA Form 481 should correlate the amount advanced as "Interim Construction" to items listed in "B" and "C" above. If funds have been supplied from general funds rather than by short-term debt then the amounts may be advanced directly against items explained in "B" and "C" above.

E. A "Construction Work Fund" of an appropriate amount may also be established by REA if needed. This item will be used to pay for materials, labor, engineering overheads and other costs of the construction covered by the loan. Temporary increases to the "Construction Work Fund" may be authorized when required.

Borrowers desiring the establishment of a "Construction Work Fund" should write to the Area Engineering Branch Chief, requesting such action. The letter should contain the reasons for needing the Fund, the amount desired and should correlate with the "Schedule of Construction and Loan Fund Advances—Telephone."

If the request is approved, the amount established for the "Construction Work Fund" will be approved for advance when requested by the borrower on a Financial Requirement Statement under Budget 1, "Construction."

Funds advanced for the "Construction Work Fund" must be accounted for by the submision of REA Form 157 after the completion of construction. When the construction work fund is no longer needed, REA Form 481 shall be submitted requesting that the amount that has been advanced and set up as a construction fund be transferred to approved work orders. This may be done by submitting the REA Form 157 and listing the amount to be applied under "Less Funds Not Required (e)."

VIII. COMPLETION OF CONSTRUCTION

A. All completed construction will be accounted for by the submission of a properly executed REA Form 157, Summary of Completed Construction. Supplemental information as to the contract or construction purpose, date, amount, and name of supplier, if any, should be included on a separate sheet attached to the REA Form 157, if it has not already been provided. This is to be submitted within 90 days after completion of construction. A sample copy of REA Form 157 is attached and a working supply of the form is available from REA on request.

B. Final Documents and completion procedures will follow established REA procedures. Any required affidavits, waivers and release of liens will be obtained. This material will not be submitted by the borrower unless requested by REA in writing.

IX. The borrowers are encouraged to utilize the services of REA personnel in carrying out the requirements of this bulletin.

Attachments: Sample Addendum. Revised Instructions for Use of REA Form 481 for Borrowers Approved Under REA Bulletin 320-23. REA Form 157, Summary of Completed Construction. REA Form 158, Construction Work Plan and Cost Distribution. REA Form 159, Certification of Construction Contract or Force Account Proposals.

Dated: September 28, 1976.

DAVID H. ASKEGAARD,
Acting Administrator.

SAMPLE ADDENDUM

The owner, notwithstanding the references in the contract to the REA or Rural Telephone Bank financing of the work herein provided for or to approvals, consents or other controls by REA thereunder, may use funds other than funds of loans made or guaranteed by REA or made by the Rural Telephone Bank. Permission has been obtained by the owner to proceed with this contract under REA Bulletin 320-23, pursuant to which REA approval of the contract or of approvals, consents or actions by the Administrator in the performance of operation of the contract will not be required. Certifications of amounts due and certifications of completions of work under the contract are to be construed to be rendered for the purpose of inducing the Administrator to advance funds to the owner to make, or reimburse the owner for, payments under this contract. It is understood that:

1. Arrangements have been made for other than loan funds so that invoices may be paid promptly in accordance with contract provisions.

2. All references in the contract to the REA Administrator shall be deemed to refer to the president of the owner.

REVISED INSTRUCTIONS FOR USE OF REA FORM 481 FOR BORROWERS APPROVED UNDER REA BULLETIN 320-23

1. WITHHELD ON CONTRACTS

Amounts will not be withheld on contracts by REA. It will be the responsibility of the borrower when approved under REA Bulletin 320-23 to administer the contract and withhold payment to the contractor in accordance with the particular contract.

2. TOTAL APPROVED FOR ADVANCE

Requests for loan funds against equipment and construction contracts approved by the borrower are to be listed and identified on the Financial Requirement Statement under Budget 1, Construction, by an assigned number and purpose (COE, OP, Bldg., Speo. Equipt., etc.) with the total amount of the contract entered through the last day of the preceding month in Column 6. Upon completion of the contract, the amount shown on the prior statement in Column 2 is to be adjusted to show the final amount approved (if different). Any necessary adjustments should be requested in Column 4 to bring the total advances into agreement with the final inventory.

Advances requested for "Construction Work Fund" and Form 157, Summary of Completed Construction, are to be entered in Column 4 under Budget 1, "Construction," for REA's approval in Columns 2 and 5.

Insert: 6. Total Disbursements & Credits—When disbursed funds are in agreement with Columns 2 and 3, REA will transfer the subbudget items to Closed Budget—Unaudited subject to a loan funds audit by our field accountant.

U. S. DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

SUMMARY OF COMPLETED CONSTRUCTION

SYSTEM DESIGNATION

SUMMARY NUMBER

INSTRUCTIONS - Prepare 3 copies. Original copy to be submitted to Area Office with the Financial Requirement Statement, REA Form 481. One copy should be sent to the REA field engineer. For detailed instructions, see REA Bulletin 320-23.

Approval is requested for the encumbrance of loan funds as shown in Column "f" for the completed construction described below:

Description of Construction (a)	TOTAL COST CONSTRUCTION (b)	LESS ADVANCES NOT REQUIRED: REUSABLE MATERIALS SALVAGED (c)	LESS ADVANCES NOT REQUIRED: STATION APPARATUS & EXEMPT MAT'L. (d)	LESS ADVANCES NOT REQUIRED: OTHER (Explain) (e)	NET ADVANCES REQUIRED (f)
TOTAL					

CERTIFICATION

We certify that (1) the total costs and net requirements for the construction included above are the actual costs and net requirements for loan funds reflected in the permanent records of this organization, (2) construction was for purposes included in the loan commitment and deviations, if any, have received REA approval, (3) construction was in accordance with REA specifications using REA acceptable materials, (4) the requirements of the "Buy American" provision required under REA Bulletin 344-3 have been complied with where any foreign made materials or equipment were used in the construction, (5) the Equal Employment Opportunity provisions of the REA loan agreement have been satisfied, and (6) all loan agreement and mortgage conditions have been met. We further certify that regulatory body and other approvals required for this construction have been obtained and that there have been no previous requests for approval of the net advance required for the construction covered hereby,

Date — Authorized Signature

Title

Signature of Borrower's Chief Engineer — Date — Name of Borrower

INSPECTION - CERTIFICATION
(For Use Where Consulting Engineer is Employed)

I hereby certify that sufficient inspection has been made of the construction reported by this summary to give me reasonable assurance that the construction complies with applicable specifications and standards and meets appropriate code requirements as to strength and safety. This certification is in accordance with acceptable engineering practice.

NAME OF INSPECTION FIRM — INSPECTION PERFORMED BY

DATE — SIGNATURE OF LICENSED ENGINEER

LICENSE NUMBER.

ACCOUNTING VERIFICATION (REA USE ONLY)

REA Form 157 (8/76)

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CONSTRUCTION WORK PLAN & COST DISTRIBUTION — NAME OF COMPANY — CENTRAL OFFICE AREA OR SYSTEM SUMMARY — DATE PREPARED

CONSTRUCTION BUDGET PURPOSE	TOTAL COST (1)	YEAR ENDING 19 — 1ST QUARTER (12)	2ND QUARTER (12)	YEAR ENDING 19 — 1ST QUARTER (8)	2ND QUARTER (8)	3RD QUARTER (17)	4TH QUARTER (8)	1ST QUARTER (8)	2ND QUARTER (8)	3RD QUARTER (8)	4TH QUARTER (8)	SUBSEQUENT YEARS (10)
1. Central Office Equipment — Lines ____ Terminals ____ Trunks ____												
a. Additions												
b. New office												
c. AMI												
d. Other (Specify)												
2. Electronic Equipment												
a. Toll center												
b. EAS center												
c. Station carrier												
d. Trunk V. F. repeaters												
e. Other (Specify)												
3. Outside Plant												
a. Aerial												
b. Buried												
c. Underground (Include cable, conduit and man holes)												
d. Other (Specify)												
4. Station Equipment												
a. Main station installations (Exclude PABX, PBX-& Key System)												
b. Extensions to main stations, PABX and PBX												
c. PABX or PBX (Exclude extensions)												
d. Key systems (Include extensions)												
e. Other (Specify)												
Land and Buildings — Sq. Ft. ____ Cost Per Sq. Ft. ____												
a. C.D.O. additions												
b. Headquarters Bldg. additions												
c. New headquarters bldg.												
d. New unattended bldg.												
e. New land												
f. Other (Specify)												
6. Miscellaneous												
a.												
b.												
7. Removals												
8. Engineering												
9. Total Funds Required												
10. General Funds Available (Cash forecast line 3)												
11. Loan Fund Requirements												

REMARKS

REA Form 158 (8/76)

System Designation: ----------
Name of Borrower: ----------
Address: ----------

Certification of Construction Contract or Force Account Proposals.

This certification of construction contract or force account construction proposal approval is submitted to support a request for funds to be included in Financial Requirement Statements (REA Form 481). The ---------- has received
Name of borrower
REA approval to administer engineering and construction procedures in accordance with REA Bulletin 320–23.

I certify that:

☐ (Contract)
☐ (Force Account Proposal) Number ---------- was approved on ---------- date. The form used is REA Form ---------. The contract was awarded to ----------
Name of contractor
---------- by state competitive bid or negotiation where contract is involved.

Contract is for ----------

COE, buried plant, aerial plant, building, etc.

The construction included in this document is located in ----------
State location by exchange
and is based on plans and specifications prepared in accordance with a design approved by REA and are for purposes and work at approved locations included in the loan.

The contract includes a bond in accordance with REA Bulletin 340–5. All requirements of the "Buy American" provision of REA Bulletin 344–3 will be met.

The Equal Employment Opportunity Requirements of REA Bulletin 320–15 will also be met.

---------- by:
Date

Signature

Title (authorized corporate officer)

REA Form 158 (8/76)

[FR Doc.76–29086 Filed 10–4–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Provider Elections and Changes of Intermediary

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The current regulation (§ 405.656 of Regulations No. 5 (20 CFR Part 405)) relating to the provider's right to change its intermediary (with the approval of the Secretary) requires that the provider notify the Secretary at least 120 days prior to the end of the provider's fiscal year where it requests a change of intermediary. The regulation was promulgated at the outset of the program prior to any operating experience in dealing with this matter. After a number of years of experience in processing provider requests for changes of intermediary, the Social Security Administration has found that the requirements that the change of intermediary coincide with the end of the provider's fiscal year, and that the request for a change be made at least 120 days prior to such date are unduly restrictive, and could preclude changes of intermediary that would otherwise be in the best interest of the program. Based on its experiences to date in this matter and an assessment of the time required to evaluate a provider's request and effectuate a change of intermediary where approved, the Social Security Administration believes that removal of the requirement that the changes of intermediary coincide with the end of the provider's fiscal year, and the removal of a specific time required to request a change of intermediary are in the best interest of effective program operations. The proposed regulation accomplishes both these ends, by removing the specific notice provision and permitting, with the Secretary's approval, a date of change different from the end of the provider's fiscal year. However, only one change per fiscal year will be permitted for any provider. A major shift in the pattern of changing intermediary at the end of the fiscal year is not anticipated.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before November 19, 1976.

Copies of all comments received in response to the notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1816, and 1871 of the Social Security Act, as amended, 49 Stat. 647, as amended, 79 Stat. 297, 79 Stat. 331; 42 U.S.C. 1302, 1395h, and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: December 20, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Subpart F of Regulations No. 5 of the Social Security Administration (20 CFR Part 405) is further amended by revising § 405.656 to read as follows:

§ 405.656 Withdrawal of nomination or election.

(a) Any provider which has nominated an intermediary may, subject to the provisions of this section, withdraw its concurrence in the nomination or its election of such agency or organization. Notice of intent to withdraw from its concurrence in the nomination or its election must be given to the Secretary in writing. Concurrently with the notice to the Secretary, the provider shall also notify its intermediary of intent to withdraw from concurrence in the nomination or its election in order to elect another intermediary, or to deal directly with the Secretary. The notice of intent to withdraw must be signed by an authorized representative of such provider and may be made at any time. Where the Secretary approves the withdrawal, the effective date of the change of intermediary will be the date agreed upon by the provider, the incoming intermediary, and the Bureau of Health Insurance. A provider may have no more than one change of intermediary per cost reporting year.

(b) Where the Secretary approves the withdrawal and election, the provider, the outgoing intermediary, and the newly elected intermediary will be advised as to the effective date of the election.

[FR Doc.76–29182 Filed 10–4–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1615]

CHILDREN'S SLEEPWEAR IN SIZES 0 THROUGH 6X

Proposed Amendment to Labeling Requirements for Items Subject to Standard FF 3–71

In this document the Consumer Product Safety Commission proposes an amendment to the labeling requirements for children's sleepwear in sizes 0 through 6X (16 CFR 1615.31(b) to require that any precautionary care instructions necessary to prevent deterioration of the flame resistance of children's sleepwear items in those sizes must be readily visible to prospective purchasers, and to prescribe the circumstances in which those instructions may appear on the reverse side of a label.

The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) (16 CFR Part 1615, Subpart A) prescribes sampling and testing requirements for children's sleepwear items in sizes 0 through 6X to assure that those items have the flame resistant characteristics required by the Standard. Section 1615.5(a) of the Standard provides that all items of children's sleepwear which are subject to the Standard must be permanently labeled with precautionary instructions to advise consumers of any agents or treatments which are known to cause deterioration of the flame resistance of those items.

The labeling regulations for children's sleepwear in sizes 0 through 6X (16 CFR 1615.31(b)(1)) specify that the precau-

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tionary care instructions required by the Standard must appear on a label which is permanent, prominent, conspicuous and legible. These regulations do not, however, specifically provide that the precautionary care instructions must be readily visible to prospective purchasers when items of children's sleepwear in sizes 0 through 6X are offered for sale at retail in packages.

The Commission intends that prospective purchasers have the opportunity to consider precautionary care instructions when making a decision to purchase. The possibility exists that if precautionary care instructions are not readily visible to prospective purchasers at retail, some consumers may discover, after making the purchase, that the instructions which appear on the label require the use of materials or processes which are unavailable or inconvenient, causing those consumers to disregard the precautionary instructions and to forego the protection the Standard was intended to provide.

The labeling regulations applicable to children's sleepwear in sizes 7 through 14 (16 CFR 1616.31(b)(4)(i)), which is subject to the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5–74) (16 CFR Part 1616, Subpart A) require that if those items are sold at retail in packages, any precautionary instructions necesary to prevent deterioration of the flame resistance of those items must be readily visible to prospective purchasers and if they are not, the packages must also be prominently, conspicuously and legibly labeled with the required information.

To better inform consumers regarding precautionary care instructions and to make similar the labeling provisions under FF 3–71 and FF 5–74, the Commission proposes to amend provisions of 16 CFR 1615.31(b)(1) to require that when items of children's sleepwear in sizes 0 through 6X are sold in packages at retail, any precautionary instructions necessary to prevent deterioration of the flame resistance of those items must be readily visible to prospective purchasers, and if they are not the packages must also be prominently, conspicuously and legibly labeled with the required information.

Additionally, the Commission is aware that some manufacturers of children's sleepwear in sizes 0 through 6X have placed precautionary care instructions on the reverse side of a label (that is, on the label which faces the fabric to which the label is sewn) in such a manner that the label must be lifted before those instructions can be seen and read. The question has arisen as to whether precautionary care instructions which appear on the reverse side of a label comply with the requirement of § 1615.31(b)(1) that items subject to FF 3–71 must be prominently, permanently, conspicuously and legibly labeled with precautionary care instructions.

Some manufacturers of sleepwear subject to FF 3–71 state that placement of precautionary care instructions on the reverse side of labels should not, by itself, result in a violation of the standard and the regulation at § 1615.31(b)(1). They state that placing care instructions on loop labels is less costly than using other types of labels and, in their view, consumers would not be harmed by placement of care instructions on the reverse side of loop labels.

The Commission believes that existing labeling requirements for children's sleepwear in sizes 0 through 6X prohibit the placement of precautionary care instructions on the reverse side of a label which must be lifted before the instructions can be seen and read. But the Commission believes consumers could continue to have the benefit of care instructions and manufacturers could have the economic benefit of use of loop labels, if those labels are used under prescribed conditions. Therefore, to ensure that the public will be fully protected by knowledge of care instructions, the Commission proposes to amend the regulations by amending § 1615.31 (b)(1) to allow placement of those instructions on the reverse side of a label if all the following conditions are met:

A. The label bearing the precautionary care instructions is permanent, readily visible and accessible to the prospective retail purchaser, and

B. That portion of the label which faces the prospective retail purchaser bears the signal words "CARE INSTRUCTIONS ON REVERSE" or the equivalent in lettering which is permanent, prominent, conspicuous, and legible, and

C. The item is displayed for sale to the prospective retail purchaser in such a manner that the prospective retail purchaser can manipulate the label so that the entire text of the precautionary care instructions can be seen and read.

The proposed amendment provides further that if the label bearing the precautionary care instructions cannot be manipulated at the point of sale by the prospective retail purchaser so that the precautionary care instructions can be seen and read, the care instructions must also appear on the package, or on a hang tag attached to the item, in a manner such that the instructions can be seen and read by the prospective retail purchaser.

The Commission believes that the provisions described above will be adequate to ensure that consumers are able to determine the measures necessary to preserve the flame-resistant characteristics of items subject to FF 3–71 before purchasing those items, and at the same time will permit the industry to place precautionary care instructions on the reverse side of a label.

(Elsewhere in this issue of the FEDERAL REGISTER, the Commission proposes to amend the regulations applicable to children's sleepwear in sizes 7 through 14 (16 CFR 1616.31) to allow placement of precautionary care instructions on the reverse side of a label with the same restrictions that appear in the amendments proposed below.)

Accordingly, pursuant to provisions of the Flammable Fabrics Act (section 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, section 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission proposes to amend 16 CFR 1615.31(b)(1) as follows:

§ 1615.31 Labeling, recordkeeping, advertising, retail display, and guaranties.

. . . . . .

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise enhances the flammability characteristics of an item, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment: *Provided:*

(i) Where items required to be labeled in accordance with this paragraph are marketed at retail in packages, and the required label is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the required information, and

(ii) Where items are required to be labeled in accordance with this paragraph, the precautionary care and treatment instructions may appear on the reverse side of the permanent label if

(A) The precautionary care and treatment instructions are legible, prominent and conspicuous, and

(B) The phrase "CARE INSTRUCTIONS ON REVERSE" or the equivalent appears permanently, prominently, conspicuously, and legibly on the side of the permanent label that is visible to the prospective purchaser when the item is marketed at retail, and

(C) The item which is so labeled is marketed at retail in such a manner that the prospective purchaser is able to manipulate the label so the entire text of the precautionary care and treatment instructions is visible and legible; however, where the label cannot be manipulated so the instructions are visible to the prospective purchaser and legible, the packages must also be prominently, conspicuously and legibly labeled with the required precautionary care and treatment information or such information must appear prominently, conspicuously and legibly on a hang tag attached to the item.

. . . . . .

Interested persons are invited to submit on or before November 5, 1976, written comments regarding proposed herein. Comments received after November 5, 1976, will be considered to the extent practicable. Comments and any accompanying material should be submitted, preferably in five copies to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the

Secretary of the Commission, during working hours, Monday through Friday.

Dated: September 30, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-29203 Filed 10-4-76;8:45 am]

[16 CFR Part 1616]

CHILDREN'S SLEEPWEAR IN SIZES 7 THROUGH 14

Proposed Amendment to Labeling Requirements for Items Subject to Standard FF 5–74

In this document the Consumer Product Safety Commission proposes an amendment to the labeling requirements for children's sleepwear in sizes 7 through 14 which will prescribe the circumstances in which any precautionary care instructions necessary to prevent deterioration of the flame resistance of children's sleepwear in those sizes may appear on the reverse side of a label.

The Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5–74) (16 CFR Part 1616, Subpart A) prescribes sampling and testing requirements for children's sleepwear items in sizes 7 through 14 to assure that those items have the flame resistant characteristics required by the Standard. Section 1616.6(a) of the Standard provides that all items of children's sleepwear which are subject to the Standard must be permanently labeled with precautionary instructions to advise consumers of any agents or treatments which are known to cause deterioration of the flame resistance of those items.

The labeling regulations applicable to children's sleepwear in sizes 7 through 14 (16 CFR 1616.31(b)(1)) specify that items subject to FF 5–74 must be prominently, permanently, conspicuously, and legibly labeled with precautionary care instructions. Section 1616.31(b)(4)(i) provides that precautionary care instructions must be readily visible to prospective purchasers when items of children's sleepwear in sizes 7 through 14 are offered for sale at retail in packages.

The Commission is aware that some manufacturers of children's sleepwear in sizes 7 through 14 have placed precautionary care instructions on the reverse side of a label (that is, on the side of the label which faces the fabric to which the label is sewn) in such a manner that the label must be lifted before those instructions can be seen and read. The question has arisen as to whether precautionary care instructions which appear on the reverse side of a label comply with the requirements of §§ 1616.31(b)(1) and 1616.31(b)(4)(i) that items subject to FF 5–74 must be prominently, permanently, conspicuously and legibly labeled with precautionary care instructions and that these instructions must be readily visible to the prospective purchaser.

Some manufacturers of sleepwear subject to FF 5–74 state that placement of precautionary care instructions on the reverse side of labels should not, by itself, result in a violation of the standard and the regulation at §§ 1616.31(b)(1) and 1616.31(b)(4)(i). They state that placing care instructions on loop labels is less costly than using other types of labels and, in their view, consumers would not be harmed by placement of care instructions on the reverse side of loop labels.

The Commission believes that existing labeling requirements for children's sleepwear in sizes 7 through 14 prohibit the placement of precautionary care instructions on the reverse side of a label which must be lifted before the instructions can be seen and read. But the Commission believes that consumers could continue to have the full benefit of care instructions and manufacturers could have the economic benefit of use of loop labels, if those labels are used under prescribed conditions. Therefore, to ensure that the public will be fully protected by knowledge of care instructions, the Commission proposes to amend the regulations by amending §§ 1616.31(b)(1) and 1616.31(b)(4)(i) to allow placement of those instructions on the reverse side of a label if all the following conditions are met:

A. The label bearing the precautionary care instructions is permanent, readily visible and accessible to the prospective retail purchaser, and

B. That portion of the label which faces the prospective retail purchaser bears the signal words "Care Instruction On Reverse" or the equivalent in lettering which is permanent, prominent, conspicuous, and legible, and

C. The item is displayed for sale to the prospective retail purchaser in such a manner that the prospective retail purchaser can manipulate the label so that the entire text of the precautionary care instructions can be seen and read.

The proposed amendment provides further that if the label bearing the precautionary care instructions cannot be manipulated at the point of sale by the prospective retail purchaser so that the precautionary care instructions can be seen and read, the care instructions must also appear on the package, or on a hang tag attached to the item, in a manner such that the instructions can be seen and read by the prospective retail purchaser.

The Commission believes that the provisions described above will be adequate to ensure that consumers are able to determine the measures necessary to preserve the flame-resistant characteristics of items subject to FF 5–74 before purchasing those items, and at the same time will permit the industry to place precautionary care instructions on the reverse side of a label.

(Elsewhere in this issue of the FEDERAL REGISTER, the Commission proposes to amend the regulations applicable to children's sleepwear in sizes 0 through 6X (16 CFR 1615.31) to allow placement of precautionary care instructions on the reverse side of a label with the same restrictions that appear in the amendment proposed below.)

Accordingly, pursuant to provisions of the Flammable Fabrics Act (section 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573; section 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission proposes to amend 16 CFR 1616.31(b)(1) and 1616.31(b)(4)(i) as follows:

§ 1616.31 Labeling, recordkeeping, retail display, and guaranties.

. . . . . .

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise causes an item to be less flame resistant, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment; *Provided:*

(i) Where items required to be labeled in accordance with this paragraph are marketed at retail in packages, and the required label is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the required information, and

(ii) Where items are required to be labeled in accordance with this paragraph, the precautionary care and treatment instructions may appear on the reverse side of the permanent label if

(A) The precautionary care and treatment instructions are legible, prominent and conspicuous, and

(B) The phrase "Care Instructions On Reverse" or the equivalent appears permanently, prominently, conspicuously, and legibly on the side of the permanent label that is visible to the prospective purchaser when the item is marketed at retail, and

(C) The items which is so labeled is marketed at retail in such a manner that the prospective purchaser is able to manipulate the label so the entire text of the precautionary care and treatment instructions is visible and legible; however, where the label cannot be manipulated so the instructions are visible to the prospective purchaser and legible, the packages must also be prominently, conspicuously and legibly labeled with the required precautionary care and treatment information or such information must appear prominently, conspicuously and legibly on a hang tag attached to the item.

. . . . . .

(4)(i) Where items required to be labeled in accordance with paragraphs (b)(2), and/or, (b)(3) of this section and fabrics required to be labeled or stamped in accordance with paragraph (b)(7) of this section are marketed at retail in packages, and the required label or stamp is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

. . . . . .

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Interested persons are invited to submit on or before November 5, 1976, written comments regarding the matters proposed herein. Comments received after November 5, 1976, will be considered to the extent practicable. Comments and any accompanying material should be submitted, preferably in five copies to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary of the Commission during working hours, Monday through Friday.

Dated: September 30, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-29233 Filed 10-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 626-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Nebraska: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of state plans for implementation of the national ambient air quality standards.

Revisions to the State Implementation Plan submitted by the State after adoption on February 22, 1974, were approved by the Environmental Protection Agency on September 9, 1975 (40 F.R. 41778). These revisions included the establishment of a July 31, 1976, date for the attainment of National Ambient Air Quality Standards (NAAQS).

After submittal of the emission limitations having state wide applicability, but prior to their September 9, 1975, approval, the State of Nebraska revised the numbering sequence of the emission limitations effective June 17, 1975. The emission limitations themselves were not changed.

In this proposal, the numbering sequence which became effective June 17, 1975, is used. Pertinent Rule Numbers and descriptive titles are listed below:

Rule No.:	*Rule title*
5	Process operations; particulate emission limitations for existing sources.
6	Fuel burning equipment; particulate emission limitations for existing sources.
7	Incinerators; emission standards.
10	Nitrogen oxides (calculated as nitrogen dioxide); emission standards for existing stationary sources.
13	Visible emissions; prohibited (exceptions: see rule 18).
14	Dust; duty to prevent escape of.

The State of Nebraska submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6, and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules were accompanied by data confirming the finding that there would be no impact on the attainment of national ambient air quality standards. The compliance schedules and accompanying data have been reviewed and determined to be consistent with the approved control strategies of Nebraska.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date."

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri. The compliance schedules proposed to be approved and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C.; and the Nebraska Department of Environmental Control, 1424 P Street, Lincoln, Nebraska.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII Office at the above address. All comments submitted on or before November 4, 1976 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857*f*-5.

Dated: September 28, 1976.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart CC—Nebraska

1. In § 52.1425, the table in paragraph (a) is amended by adding the following:

§ 52.1425 Compliance schedules.

(a) • • •

Nebraska

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
•	•	•	•	•	•
Ideal Cement Co.: Wet process cement kilns.	Superior	5, 13	July 24, 1975	Jan. 15, 1977	Jan. 15, 1977
City of Fremont, Board of Public Works, Lon D. Wright Powerplant: Units 6, 7.	Fremont	6	.....do.....	Feb. 1, 1977	Feb. 1, 1977
Consolidated Blenders, Inc.:					
2 drums, meal system, pelletizing	Aurora	5	Mar. 25, 1976	May 1, 1977	May 1, 1977
Do	Shelton	5	.....do.....	.....do.....	Do.
Do	Gibbon	5	.....do.....	.....do.....	Do.
Do	Minden	5	.....do.....	.....do.....	Do.
Do	Odessa	5	.....do.....	.....do.....	Do.
Do	Cambridge	5	.....do.....	.....do.....	Do.
Land O'Lakes, Inc., Al-Fa- Meal Div.:					
2 drum, meal system, pelletizing	Monroe	5	.....do.....	July 17, 1977	July 17, 1977
Do	Central City	5	.....do.....	July 16, 1977	July 16, 1977
Cominco American: Nitric acid plant	Beatrice	10	May 14, 1976	Dec. 31, 1976	Dec. 31, 1976
Dawson County Feed Products, Inc.: Drum, meal system, pelletizing.	Lexington	5	June 18, 1976	May 1, 1977	May 1, 1977

[FR Doc.76-29240 Filed 10-5-76;8:45 am]

[40 CFR Parts 162, 180]

[FRL 626-2 OPP-10007]

RELIABILITY OF PESTICIDE TEST REPORTS

Advance Notice of Proposed Rulemaking

The Environmental Protection Agency (EPA) is considering amending Parts 162 and 180 of Title 40 of the Code of Federal Regulations to require that toxicology test reports submitted in support of pesticide registration applications and tolerance petitions include certain information to enable the Agency to rely more confidently on such reports. This Advance Notice of Proposed Rulemaking is being issued in order to maximize the opportunity for public participation in the formulation of specific proposed rules applicable to the submittal of data on the hazards of pesticides not only to humans and domestic animals but also to non-target organisms, such as birds and fish.

BACKGROUND

In the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3

(a), (7 U.S.C. 136a(a)), requires generally that any pesticide sold or distributed in any State be registered by EPA. Section 3(c)(1)(D), (7 U.S.C. 136a(c)(1)(D)) requires that an applicant for registration submit, if requested by EPA, "a full description of the tests made and the results thereof • • •."

Under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346a), EPA is authorized to prescribe tolerances for pesticide chemicals in or on raw agricultural commodities. A petitioner for a tolerance under section 408 is required to submit "full reports of investigations made with respect to the safety of the pesticide chemical • • •" FFDCA, section 408(d)(1)(c), 21 U.S.C. 346a(d)(1)(c). Section 409 of the FFDCA (21 U.S.C. 348) authorizes EPA to establish food additive tolerances for pesticide residues in process foods. A petitioner for such a tolerance if required to submit "full reports of investigations made with respect to the safety for use of such additive, including full information as to the methods and controls used in conducting such investigations." FFDCA, section 409(b)(2)(E), 21 U.S.C. 348(b)(2)(E).

Under FIFRA and FFDCA, EPA receives toxicological test reports which form an important part of the basis for regulatory decision-making. In testimony presented April 9, 1976, before the Subcommittee on Health of the U.S. Senate Committee on Labor and Public Welfare, the EPA Administrator expressed concern about the accuracy and completeness of these toxicological data and indicated that EPA would take steps to provide increased assurance that such data are reliable for regulatory decision-making purposes.

On May 12, 1976, the Administrator approved an action plan dealing with this matter. Among other things, the plan calls for initiating a selective auditing program, in which laboratory records of pesticide toxicology testing will be examined in detail, as well as issuance of a manual describing the kinds of information that should be included in toxicology test reports. In addition, the plan contemplates the issuance of proposed amendments to EPA regulations dealing with the development and submittal of toxicological data.

The purpose of this Advance Notice is to solicit public comment on the matters with which EPA will be concerned in developing the proposed regulations. If it is determined to proceed further after consideration of the responses to this Advance Notice and other relevant material, a notice of proposed rulemaking will be forwarded to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, the Committee on Agriculture and Forestry of the Senate, and the Scientific Advisory Panel, in accordance with sections 25(a)(2)(A), 25(a)(3), and 25(d) of FIFRA (7 U.S.C. 136w(a)(2)(A), 136w(a)(3), 136w(d)).

TOXICOLOGY TESTING

For the purposes of this Advance Notice, "toxicology testing" means any testing required to determine acute, subacute, and chronic toxicity to humans and domestic animals, including the testing specifically required under 40 CFR 162.8(b)(4)(i). In addition, "applicant" means a person who has applied for FIFRA registration, and "petitioner" means a person who has applied for a tolerance under FFDCA. Public comments are specifically requested with respect to the following questions, as they apply to toxicology testing.

1. Should EPA regulations require that each toxicology test report identify not only the laboratory where the test was performed but also identify and be signed by senior scientific personnel responsible for performing and supervising the testing and preparing, reviewing, and approving the test report, including the director of the laboratory in which the testing was performed? Should EPA require any other specific identification or information of this sort?

2. Should EPA regulations require that an authorized officer or employee of an applicant, registrant, or petitioner submitting a toxicology test report to EPA be required to certify that the document submitted is a true and complete copy of the report provided by the testing laboratory, whether it is an independent laboratory or one owned, operated, or controlled by the applicant, registrant, or petitioner?

3. Should EPA regulations require that any reports received by an applicant, registrant, or petitioner from a consultant retained to perform testing or interpret toxicology test results be signed and submitted in full to EPA?

4. Should EPA regulations provide that any written or other material which an applicant, registrant, or petitioner had added to a toxicology test report (e.g., summaries not prepared by the testing laboratory) be clearly identified as to its source?

5. Should EPA regulations require that all toxicology test reports, when submitted to EPA, specifically identify the test material? In the alternative, should EPA accept reports which identify the test material only by code name or number, and, if so, should EPA regulations require that the test report be accompanied by a statement specifically identifying the test material?

6. Should EPA regulations require that reports be submitted on all toxicology testing (including testing that was not completed) performed by or for applicants, registrants, and petitioners with respect to pesticides for which registrations or tolerances are requested?

7. Should EPA regulations require that the registrant of a pesticide notify EPA whenever a toxicological test is initiated with respect to such registered pesticide and whenever any consultant is retained for the purpose of expressing an opinion concerning the results of any such test, including, for example, an opinion with respect to the diagnosis of any lesions or tissue samples generated by any such test?

It is recognized that there may be some toxicological tests performed by registrants or applicants—for example, batch-by-batch acute toxicity assays—that are not of direct interest to EPA. In order to fully address the issues raised by Questions 6 and 7, EPA invites informed comment as to the actual extent of toxicological testing generally performed before and after a pesticide is registered and tolerances are issued.

DISCLAIMERS

In a letter to the Administrator dated January 26, 1976, the General Accounting Office (GAO) transmitted the results of a review of EPA's "basis for determining whether safety and efficacy data submitted by pesticide registrants is complete, accurate, and reliable for registering pesticides and establishing tolerances." Referring to test reports submitted in support of pesticide registration applications and tolerance petitions, GAO said, among other things: "Occasionally, disclaimers are made by the performing laboratories that the reported results are not applicable to apparently similar or identical products. One report, for example, included the statement: 'This report applies only to the sample, or samples, investigated and is not necessarily indicative of the quality or condition of apparently identical or similar products'." GAO recommended that EPA refuse to accept reports containing such disclaimers.

EPA seldom receives test reports that contain such statements; indeed, GAO staff subsequently indicated that only one report containing such a statement had been found in its investigation. In any event, EPA considers such statements meaningless. A test report submitted in support of a pesticide registration application or tolerance petition is considered generally applicable to the pesticide in question, such disclaimers notwithstanding. EPA therefore believes that rulemaking with regard to such disclaimers is unnecessary.

OTHER HAZARD TESTING

In addition to requiring data on hazards to humans and domestic animals, EPA's pesticide registration and classification regulations require data on hazards to non-target organisms. The latter requirements are spelled out at section 162.8(b)(4)(ii); they include data on toxicity to avian species and fish. EPA is considering whether any proposed rule changes affecting human and animal toxicology testing should be made applicable to all hazard testing. Public comment is therefore requested on all the foregoing questions insofar as they apply to the submittal of data on hazards to non-target organisms.

PETITION REGARDING SECTION 162.8(d)(2)

In addition to raising the foregoing questions, EPA is interested in receiving public comments regarding 40 CFR 162(d)(2), which provides:

If at any time after the registration of a pesticide product, the registrant (has) additional information regarding any adverse effects on man or the environment he shall submit such information to the Administrator. Such information may be obtained directly by the applicant or come to his at-

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tention and shall include, but is not limited to, published or unpublished laboratory studies and accident experience.

EPA has received from the National Agricultural Chemicals Association (NACA) a petition to amend section 162.8(d)(2). Copies of the petition are available from the Federal Register Section, Office of Pesticide Programs, EPA, at the address given below.

The statutory authority for section 162.8(d)(2) is provided by section 6(a)(2) of FIFRA (7 U.S.C. 136d(a)(2)), which provides:

> If at any time after the registration of a pesticide the registrant has additional *factual* information regarding *unreasonable* adverse effects on the environment of the pesticide, he shall submit such information to the Administrator. (Emphasis added.)

NACA maintains that, by omitting from section 162.8(d)(2), the words which are italicized in the foregoing provision of FIFRA, EPA has exceeded the statutory authority provided by section 6(d)(2).

Thus far, EPA has taken no action on NACA's petition. Comments submitted in response to this Advance Notice will be taken into consideation by EPA in formulating its response to the petition and in determining whether it is in the public interest to amend section 162.8(d)(2) in the manner proposed by the petitioner or to make any other modification of EPA regulations affecting applicants' duty to submit information on product hazards.

SUBMITTAL OF COMMENTS

Interested persons are invited to submit their arguments or views with respect to any matter discussed in this Advance Notice, together with any supporting data or documentation they may wish to submit. To be assured of full consideration, such communications must reach EPA on or before December 6, 1976 and should bear the identifying notation OPP–10007. They should be submitted in triplicate and addressed to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Washington, D.C. 20460. All materials submitted will be available for public inspection in the office of the Federal Register Section, Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, from 8:30 a.m. to 4:00 p.m. weekdays.

(Sec. 25(a) Federal Insecticide, Fungicide, and Rotenticide Act (7 U.S.C. 136w), sec. 701 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371).)

Dated: September 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 76-29099 Filed 10-4-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20733]

FM BROADCAST STATIONS IN CERTAIN STATES

Memorandum Opinion and Order

Adopted: September 28, 1976.
Released: September 29, 1976.

In the Matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Plymouth, Ohio; Randolph, Vermont; Charlton, Iowa; Honesdale, Pennsylvania; Gatlinburg, Tennessee; and Clyde, Ohio), Docket No. 20733, RM–2605, RM–2610, RM–2611, RM–2612, RM–2613, RM–2620.

1. The Commission herein considers a petition for reconsideration timely filed by WOBL Radio, Inc. (WOBL), which seeks reconsideration of the Report and Order[1] in the above-captioned proceeding in which the Commission, by delegated authority, denied the assignment of Channel 261A to Plymouth, Ohio. None of the other above-captioned communities are involved in this aspect of the proceeding. No comments in support of or in opposition to the petition for reconsideration have been filed.

2. The Commission had proposed a first assignment for Plymouth (pop. 1,993)[2], located on the border between Richland and Huron Counties (pop. 129,997 and 49,585, respectively) some 80 kilometers (50 miles) south of the U.S.-Canadian border and about 96 kilometers (60 miles) west of Akron, Ohio. There is no local broadcast service in Plymouth.

3. However, on June 23, 1976, the Chief of the Broadcast Bureau adopted a Report and Order denying this proposal. We stated that in these proceedings, in order to ascertain the existence of a continuing interest in the proposed assignment, the proponent would be expected to file comments (even if nothing more than to incorporate by reference its petition) and would be expected to state its intention to apply for the channel if assigned, and if authorized to build a station promptly. No such filings showing a continuing interest in the proposed channel were submitted by WOBL and on this basis the proposal was denied.

4. WOBL's petition for reconsideration stated that it was through inadvertence it failed to file comments in response to the Notice. WOBL also submitted an affidavit of Harry Wilber, President and 100 percent owner of WOBL Radio, Inc., stating that he intends to have his company file a timely application for a construction permit to operate on Channel 261A if it were assigned to Plymouth.

5. Unless applicable procedural requirements are observed, we would face difficulties in exercising our regulatory responsibilities, hardly a situation to benefit the public interest. Anamosa and Iowa City, Iowa, Docket 19161, 46 F.C.C. 2d 520 (1974). Our reason for requiring a response from the proponent is simple. We want to avoid making assignments where there is no assurance that they will be effectuated. WOBL, in its petition for reconsideration, offers only the statement that through inadvertence it failed to file any comments in response to the Notice. It offers no sound reason for not complying with the obligation to show a continuing interest in the proposed channel assignment. We do not consider unexplained inadvertence as good cause for not filing at all even though petitioner had been served with a copy of the Notice which called for such filing. Therefore we must deny the petition for reconsideration. This does not preclude WOBL from filing a new petition for rulemaking.

6. *Accordingly, it is ordered*, That the subject Petition for Reconsideration, filed by WOBL Radio, Inc. is denied.

7. *It is further ordered*, That the previous action denying the proposal and terminating the proceeding is affirmed.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-29194 Filed 10-4-76;8:45 am]

[1] 41 FR 27362.
[2] All population data are taken from the 1970 U.S. Census.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 18, 123, 144]

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT, CUSTOMS RELATIONS WITH CANADA AND MEXICO, AND WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Extension of Time for Comment

OCTOBER 1, 1976.

A notice of proposed amendments to Parts 18, 123, and 144 of the Customs Regulations (19 CFR Parts 18, 123, 144), setting forth new procedures in connection with the transportation of bonded merchandise, was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34271). Pursuant to that notice, the public was invited to submit data, views, or arguments pertaining to the proposed amendments on or before September 13, 1976.

Requests have been received for an extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments relating to the cited proposal is extended to October 13, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.76-29416 Filed 10-4-76;10:24 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM–6/107]

ADVISORY COMMITTEE TO THE UNITED STATES NATIONAL SECTION OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Meeting

Notice is hereby given, pursuant to the provisions of Public Law 92–463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas, will meet on October 27, 1976 in the Penthouse Conference Room of the Page One Building, 2001 Wisconsin Avenue, Washington, D.C. at 9:00 a.m. The meeting is to review the state of Atlantic bluefin tuna research and the status of those stocks, yellowfin tuna research, research on other species (albacore, bigeye and skipjack) and research on billfishes. The meeting will also consider the status of the ICCAT system of international inspection. The meeting will be open to the public. Ample seating will be available for those wishing to attend and those present will be allowed to participate at the direction of the Chairman. Those desiring additional information regarding this meeting may contact Mr. Brian Hallman at telephone number (202) 632–1073.

Dated: September 29, 1976.

ROZANNE L. RIDGWAY,
Deputy Assistant Secretary.

[FR Doc.76-29101 Filed 10-4-76;8:45 am]

[CM–6/108]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Cancellation of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs has cancelled its meeting planned for October 8, 1976, notice of which was published in the FEDERAL REGISTER of September 3, 1976 (41 FR 37352).

The meeting was cancelled because not enough members of the Commission could attend to make a quorum.

Dated: October 1, 1976.

W. E. WELD, Jr.,
Staff Director, Commission Secretariat.

[FR Doc.76-29275 Filed 10-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[TMK–2–R:E:R]

BRITTANIA SPORTSWEAR

Application for Recordation of Trade Name

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Brittania Sportswear used by Brittania Sportswear Company, a corporation organized under the laws of the State of Washington, located at 2022 Boren Avenue, Seattle, Washington 98121.

The application states that the trade name is applied to men's and women's clothing: pants, shirts, and jackets, manufactured in Canada, Hong Kong, Korea, the Philippines, Taiwan, Argentina and the United States. The application states further that S.G.A. Enterprises (Canada) of Vancouver, British Columbia and Brittania Sportswear, International, Ltd. of Kowloon, Hong Kong, are authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than November 4, 1976.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

SEPTEMBER 29, 1976.

[FR Doc.76-29207 Filed 10-4-76;8:45 am]

[TMK–2–R:E:R]

PENTIMENTO SPORTSWEAR

Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name PENTIMENTO SPORTSWEAR used by Pentimento Sportswear, Incorporated, a corporation organized under the laws of the State of Washington, located at 767 South Industrial Way, Seattle, Washington 98108.

The application states that the trade name is applied to women's sportswear: pants, shirts, and jackets, manufactured in Canada, Hong Kong, Korea, the Philippines, Taiwan, Argentina and the United States. The application states further that S.G.A. Enterprises (Canada) of Vancouver, British Columbia and Brittania Sportswear, International, Ltd. of Kowloon, Hong Kong, are authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than November 4, 1976.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

SEPTEMBER 29, 1976.

[FR Doc.76-29208 Filed 10-4-76;8:45 am]

Office of the Secretary

TREASURY NOTES OF SERIES G–1981

Interest Rates

SEPTEMBER 29, 1976.

The Secretary of the Treasury announced on September 28, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 24–76, dated September 17, 1976, will be 7 percent per annum. Accordingly, the notes are hereby redesignated 7 percent Treasury Notes of Series G–1981. Interest on the notes will be payable at the rate of 7 percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-29133 Filed 10-4-76;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBES PERFORMING LAW ENFORCEMENT FUNCTIONS

Amendment Determination

SEPTEMBER 27, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Section 601(d), Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law enforcement functions. The listings published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 F.R. 13758) identified all eligible Indian tribes and the specific law enforcement functions they have responsibility to exercise. Determinations and certifications concerning Indian tribes not listed are made on an individual basis upon application by such tribes under the provisions of the Law Enforcement Assistance Administration Act, Department of Justice Pub. L. 93–451 (88 Stat 1109) 42 U.S.C. 3701. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM 1.

It has been determined by the Commissioner of Indian Affairs that the Eastern Band of Cherokee Indians in North Carolina has responsibility to perform the six functions listed below:

Therefore, the listing publishing beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) and last amended at page 27095 of the July 1, 1976, FEDERAL REGISTER (41 FR 27095) is further amended by adding the entry for the Eastern Band of Cherokee Indians in the State of North Carolina to read as follows:

Tribal entities recognized by the Federal Government by State:	North Carolina: eastern band of Cherokee Indians
To employ tribal police	X
To establish a Tribal Court	X
To undertake corrections functions	X
To adopt a Tribal Law and Order Code	X
To undertake program aimed at preventing adult crime and juvenile delinquency	X
To undertake adult and juvenile rehabilitation program	X

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–29154 Filed 10–4–76;8:45 am]

Bureau of Land Management

ANCHORAGE DISTRICT, ALASKA

Redelegation of Authority From the Anchorage District Manager to Area Managers

In accordance with Bureau Order 701 and amendments 1–22 and pursuant to the authority contained in Part III, Section 3.1 of that Bureau Order, area managers of the McGrath, Glennallen and the Peninsula Resource areas of the Anchorage District, Alaska are authorized to perform their respective areas of responsibility in accordance with existing written policies, instructions, information guides and regulations published by the Department and the Bureau. Performance of these duties is under the direct supervision of the District Manager.

Specific redelegation of significant functions listed below from the District Manager to area managers is subject to any limitations set forth in Bureau Order 701, as amended.

Authority in specified matters which Anchorage District Area Managers may take action on is listed below:

AUTHORITY IN SPECIFIED MATTERS

Section 3.2—General and Miscellaneous Matters: On matters which he is authorized to act, the Area Manager may take all actions on:

(b) Cancellation or surrenders of contracts; leases and permits, makes partial or complete cancellations or accepts surrenders of contracts, leases, and permits.

(c) Copies of records.

Furnishes copies of records within requirements of the Freedom of Information Act and under the limitations of the Privacy Act. Charges copy fees, as appropriate, and assigns collections to proper accounts.

Section 3.3—Fiscal Affairs: On matters in which he is authorized to act, area managers may take all actions on:

(a) Bonds and Forefeitures.

(1) Initiates all actions on bonds required in connection with matters pertaining to the lands or the resources under their jurisdiction.

(2) Initiates expenditure of funds made available as a result of the forfeiture of a bond or a deposit by a timber purchaser or permittee or of a compromise under the Public Land Administration Act (43 U.S.C. 1381).

(b) Contributions, Donations and Refunds.

(1) Accept contributions or donations of money, services and property for the improvement, management, use, and protection of the public lands and their resources under their jurisdiction.

(3) Accept contributions for use in connection with administration of the National Wild and Scenic Rivers System authorized by section 6f of the Act of October 2, 1968 (82 Statute 906), for the purchase of lands or interest in lands covered in section 7(d) of the National Trails System Act of October 2, 1968 (82 Statute 919).

(c) Repayment.

Initiate repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U. S. C. 1374); and repayments under 43 CFR Subpart 1822.

(d) Trespass.

Determine liability for trespass on the public lands when actual damages do not exceed $5,000. Accept payment in full irrespective of amount. Dispose of resources recovered in trespass cases for not less than the appraised value.

Section 3.6—Minerals: The area manager may take all actions on:

(m) Oil an gas exploration operations as provided in (43 CFR Part 3045).

(n) Geothermal Resources Leases involving geothermal resource exploration operations as provided in (43 CFR Subpart 3209).

Section 3.7—Range Management: The Area Manager may take all actions on:

(b) Grazing Leases and Permits.

(3) Grazing leases on public lands in Alaska, under the Act of Mar. 4, 1927 (43 U. S. C., Sections 471a–471c) leases and permits for grazing of reindeer pursuant to section 14 of the Act of September 1, 1937 (50 Stat. 902, 48 U. S. C. 250m).

Section 3.8—Forest Management: The Area Manager may take all actions on:

(a) Disposition of Forest Products.

(1) Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. The limit on sale authority is one million board feet or $5,000, whichever is greater.

Section 3.9—Land Use: The Area Manager may take all listed actions on:

(g) Material other than forest products not exceeding $5,000 in value. (S. D. Alaska delegated authority to make material sales up to $10,000 valuation March 16, 1970 to the District Managers as provided for in Section 3.9(g), Bureau Order No. 701).

(m) Rights-of-Way—Grant temporary rights-of-way over public and acquired land as provided for in 43 CFR 2811.

(o) Special Land Use Permits.

(5) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres shall be included in any such permit except that in Alaska maneuver permits may be issued to the Department of Defense for acreage in excess of 50,000 acres and for such periods as may be deemed warranted in the circumstances. Maneuver permits for over 50,000 acres are reserved to the District Manager for final approval. All requirements of the National Environmental Policy Act must be considered in the granting of maneuver permits.

(z) Recreation Management—All actions relating to recreation management covered in 43 CFR. Parts 6000–6290.

Section 3.10—Designation of Acting Officials:

(a) Area managers, by advance written order, may designate any qualified employee to perform all functions of their office in their absence.

(b) Each employee who serves in an acting capacity is responsible for preparation of a record on a Standard Bureau Form 1214–1, showing the date and hour of commencement and termination for each period of their service as acting area manager. These forms are maintained in the area office and forwarded to the District Office at the end of each month. This record shall be kept in the District Office central files storage for a minimum of three years.

The District Manager may by memorandum at any time temporarily reserve, restrict or withhold any portion of the above delegated authority. A copy of that memorandum setting forth such restrictions will be provided to the State Director.

Dated: September 27, 1976.

RICHARD W. TINDALL,
District Manager.
CURTIS V. MCVEE,
State Director.

[FR Doc.76–29116 Filed 10–4–76;8:45 am]

FAIRBANKS DISTRICT, ALASKA

Redelegation of Authority From the Fairbanks District Manager to Area Managers

In accordance with Bureau Order 701 and amendments 1–22 and pursuant to the authority contained in Part III, Section 3.1 of that Bureau Order, area managers of Yukon, Fortymile and Arctic-Kobuk Resource areas of the Fairbanks District, Alaska are authorized to perform their respective areas of responsibility in accordance with existing written policies, instructions, information guides and regulations published by the Department and the Bureau. Performance of these duties is under the direct supervision of the District Manager.

Specific redelegation of significant functions listed below from the District Manager to area managers is subject to any limitations set forth in Bureau Order 701, as amended.

Authority in specified matters which Fairbanks District Area Managers may take action on is listed below:

AUTHORITY IN SPECIFIED MATTERS

Section 3.2—General and Miscellaneous Matters: On matters which he is authorized to act, the Area Manager may take all actions on:

(b) Cancellation or surrenders of contracts; leases and permits, makes partial or complete cancellations or accepts surrenders of contracts, leases, and permits.

(c) Copies of records.

Furnishes copies of records within requirements of the Freedom of Information Act and under the limitations of the Privacy Act. Charges copy fees, as appropriate, and assigns collections to proper accounts.

Section 3.3—Fiscal Affairs: On matters in which he is authorized to act, area managers may take all actions on:

(a) Bonds and Forfeitures.

(1) Initiates all actions on bonds required in connection with matters pertaining to the lands or the resources under their jurisdiction.

(2) Initiates expenditure of funds made available as a result of the forfeiture of a bond or a deposit by a timber purchaser or permittee or of a compromise under the Public Land Administration Act (43 U.S.C. 1381).

(b) Contributions, Donations and Refunds.

(1) Accept contributions or donations of money, services and property for the improvement, management, use, and protection of the public lands and their resources under their jurisdiction.

(3) Accept contributions for use in connection with administration of the National Wild and Scenic Rivers System authorized by section 6f of the Act of October 2, 1968 (82 Statute 906), for the purchase of lands or interest in lands covered in section 7(d) of the National Trails System Act of October 2, 1968 (82 Statute 919).

(c) Repayment.

Initiate repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR Subpart 1822.

(d) Trespass.

Determine liability for trespass on the public lands when actual damages do not exceed $5,000. Accept payment in full irrespective of amount. Dispose of resources recovered in trespass cases for not less than the appraised value.

Section 3.6—Minerals: The area manager may take all actions on:

(m) Oil and gas exploration operations as provided in (43 CFR Part 3045).

(n) Geothermal Resources Leases involving geothermal resource exploration operations as provided in (43 CFR Subpart 3209).

Section 3.7—Range Management: The Area Manager may take all actions on:

(b) Grazing Leases and Permits.

(3) Grazing leases on public lands in Alaska, under the Act of March 4, 1927 (43 U.S.C., Sections 471a–471c) leases and permits for grazing of reindeer pursuant to section 14 of the Act of September 1, 1937 (50 Stat. 902, 48 U.S.C. 250m).

Section 3.8—Forest Management: The Area Manager may take all actions on:

(a) Disposition of Forest Products.

(1) Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. The limit on sale authority is one million board feet or $5,000, whichever is greater.

Section 3.9—Land Use: The Area Manager may take all listed actions on:

(g) Material other than forest products not exceeding $5,000 in value. (S.D. Alaska delegated authority to make material sales up to $10,000 valuation March 16, 1970 to the District Managers as provided for in Section 3.9(g), Bureau Order No. 701).

(m) Rights-of-Way — Grant temporary rights-of-way over public and acquired land as provided for in 43 CFR 2811.

(o) Special Land Use Permits.

(5) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres shall be included in any such permit except that in Alaska maneuver permits may be issued to the Department of Defense for acreages in excess of 50,000 acres and for such periods as may be deemed warranted in the circumstances. Maneuver permits for over 50,000 acres are reserved to the District Manager for final approval. All requirements of the National Environmental Policy Act must be considered in the granting of maneuver permits.

(z) Recreation Management—All actions relating to recreation management covered in 43 CFR, Parts 6000–6290.

Section 3.10—Designation of Acting Officials:

(a) Area managers, by advance written order, may designate any qualified employee to perform all functions of their office in their absence.

(b) Each employee who serves in an acting capacity is responsible for preparation of a record on a Standard Bureau Form 1214–1, showing the date and hour of commencement and termination for each period of their service as acting area manager. These forms are maintained in the area office and forwarded to the District Office at the end of each month. This record shall be kept in the District Office central files storage for a minimum of three years.

The District Manager may by memorandum at any time temporarily reserve, restrict or withhold any portion of the above delegated authority. A copy of that memorandum setting forth such restrictions will be provided to the State Director.

Dated: September 27, 1976.

RICHARD H. LEDOSQUET,
District Manager.
CURTIS V. MCVEE,
State Director.

[FR Doc.76–29117 Filed 10–4–76;8:45 am]

ARIZONA MULTIPLE-USE ADVISORY BOARD

Meeting

Notice is hereby given that the Arizona State Multiple-Use Advisory Board will convene on November 9–10, 1976, commencing at 10:00 a.m. on Tuesday, November 9, and at 8:30 a.m. on Wednesday, November 10, at the Safford Women's Club, 215 Main Street, Safford, Arizona.

The agenda for the meeting includes discussions of methods to develop public understanding of Grazing Environmental Impact Statements, along with recommendations on how to gain the fullest measure of input from all user interests, procedures for implementing Allotment Management Plans, and need for and

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development of a major restoration program for the San Simon Valley.

The meeting will be open to the public with seating provided for approximately 30 persons. Time will be available for a limited number of brief statements by members of the public on both days of the meeting. Those wishing to make an oral statement should so inform the Bureau of Land Management, Arizona State Office, prior to the meeting of the Board. Any interested person may also file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to: Chairman, State Advisory Board, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Further information concerning the meeting may be obtained from Robert O. Buffington, State Director, Bureau of Land Management, at the above address. Telephone number is: (602) 261–3873.

Minutes of the meeting will be available for public inspection thirty days after the meeting. Those interested should contact the State Director, Arizona State Office.

EDWARD F. SPANG,
Acting State Director.

SEPTEMBER 22, 1976.

[FR Doc.76–29205 Filed 10–4–76;8:45 am]

Fish and Wildlife Service

UNIVERSITY OF KANSAS, ET AL.

Official Action
Endangered Species Permits

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER"

MAY 28, 1976 (41 FR 21818–19)

Applicant: Museum of Natural History, University of Kansas, Lawrence, Kansas 66045. Dr. Philip S. Humphrey, Director.

Official Action: Issued permit August 18, 1976 (*PRT 2–180*): "Authorized to import, as specified in Block 10 (from the National Museum of Kenya, to the Museum of Natural History, University of Kansas) one (1) CHEETAH skeleton (*Acinonyx jubatus*), for the purpose of scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 18, 1976 (41 FR 24735–36–37)

Applicant: Denver Zoological Gardens, City Park, Denver, Colorado 80205. Clayon F. Freiheit, Director.

Official Action: Issued permit August 18, 1976 (*PRT 2–199*): "Authorized to receive interstate, in the course of a commercial activity, one (1) male, and one (1) female White-eared Pheasant (*Crossoptilon crossoptilon*), for the purpose of propagation, from the following source: Mr. Charles Sivelle, 41 West Cliff Drive, Dix Hills, New York."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" APRIL 21, 1976 (41 FR 16670–71)

Applicant: T. Lloyd Campbell, 25–48–23rd Street, Astoria, Long Island, New York 11102.

Official Action: Issued permit August 18, 1976 (*PRT 8–408*): "Authorized to receive interstate, in the course of a commercial activity, one (1) pair of Mikado Pheasants (*Syrmaticus mikado*), and one (1) pair of Swinhoe's Pheasants (*Lophura swinhoii*), for the purpose of propagation, from the following source, Mr. Arlan Vaughn, 375 Midnight, Pueblo, Colorado 81105."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MAY 20, 1976 (41 FR 20719–20)

Applicant: Theodore Ashe Beckett III, Magnolia Gardens, Route 4, Charleston, South Carolina 29407.

Official Action: Issued permit August 18, 1976 (*PRT 2–83*): Authorized to conduct activities with RED-COCKADED WOODPECKERS (*Dendrocopus borealis*), as specified in Block 10 (entire State of South Carolina), for the purpose of scientific research.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 22, 1976 (41 FR 25036–37–38–39)

Applicant: Mr. Donald Meisner, 6 Karen Lane, Salem, New Hampshire 03079.

Official Action (PRT 2–165): Issued permit August 20, 1976: "Authorized to import and receive interstate, in the course of a commercial activity, the following numbers of WHITE-EARED PHEASANTS (*Crossoptilon crossoptilon*), as specified in Block 10 (from British Columbia and New York State, to New Hampshire), from the following sources,

3:3—Mr. Edward Miller, 3304 Kingsway Avenue, Fort Alberni, British Columbia, Canada.

3:3—Mr. Charles Sivelle, 41 Westcliff Drive, Huntington Station, New York."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MAY 19, 1976 (41 FR 20598)

Applicant: Milwaukee Public Museum, Vertebrate Division, Milwaukee, Wisconsin 53233. Dr. Merlin D. Tuttle.

Official Action: Issued permit July 12, 1976 (*PRT 2–28*): Authorized to conduct activities with INDIANA BATS (*Myotis sodalis*) and GRAY BATS (*Myotis grisescens*), as specified in Block 10 (in the States of Alabama, Kentucky, Tennessee, Wisconsin, Virginia and North Carolina), for the purpose of scientific research.

• • • • • •

NOTE.—Under date of August 19, 1976, *AMENDMENT NO. 1* was issued, deleting GRAY BATS (*Myotis grisescens*) from the above permit.

• • • • • •

Each permit is available for public inspection during normal business hours at the US Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW, Washington, DC.

• • • • • •

Dated: September 30, 1976.

• • • • • •

C. R. BAVIN,
Chief, Division of Law Enforcement.

[FR Doc.76–29172 Filed 10–4–76;8:45 am]

[Docket No. M 76–243]

Office of Hearings and Appeals

BEAR BRANCH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C 861(c) (1970), Bear Branch Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 133 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one S & S Una Trac 86, one Long-Airdox LRB–15 roof bolting machine, and one 10 RU Joy cutting machine.

3. The No. 133 Mine is in the No. 1 Elkhorn seam which ranges from 23 to 47 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that sinee the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 4, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, US Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 28, 1976.

[FR Doc.76–29155 Filed 10–4–76;8:45 am]

[Docket No. M 76–270]

CHANCE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Chance Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Elkhorn AR–4 scoops, and a Long-Airdox LRB–15 roof bolting machine.

3. The No. 4 Mine is in the lower Elkhorn seam which ranges from 36 to 38 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 4, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76–29156 Filed 10–4–76;8:45 am]

[Docket No. M–76–259]

EVERIDGE AND NEASE COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U. S. C. 861(c) (1970), Everidge and Nease Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one Paul's roof bolting machine which is 28 inches in height, one 11RU Joy cutting machine which is 34 inches in height, one 200 S & S battery-powered tractor which is 37 inches in height, and one 14BU Joy loading machine which is also 37 inches in height.

3. The No. 2 Mine is in the Hazard No. 4 seam which ranges from 42 to 47 inches in height. Petitioner is constantly running into rolling top and bottom which contributes to the difficulty of using canopies. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The Kentucky Department of Mines and Minerals has asked Petitioner to remove the canopies from its equipment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or fur-

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nish comments on or before November 4, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 28, 1976.

[FR Doc.76-29157 Filed 10-4-76;8:45 am]

[Docket No. M 76-267]

P AND P COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), P and P Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its St. Charles Mine No. 2, located in Lee County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment (mine tractors), loading machines, a roof bolting machine and a cutting machine.

2. This mine is in the Mason seam, the thickness of which is not consistent due to rolls in the bottom and small hills inside the mine. The seam thickness is from 34 to 36 inches.

3. It would be impossible to remove this equipment to the outside without removing the canopies or placing the canopies at the lowest height in the mine. The mine tractor operators would be placed in danger due to the different heights of the coal. The canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.

4. Installing a canopy on a piece of equipment in low coal will reduce the vision of the operator of that particular piece of equipment to the point where he would be in danger and other workmen in the mine would be subject to injury from the moving equipment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 4, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 28, 1976.

[FR Doc.76-29158 Filed 10-4-76;8:45 am]

[Docket No. M 76-268]

PROGRESSIVE ENERGIES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Progressive Energies, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3A Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment (mine tractors), loading machines, a roof bolting machine and a cutting machine.

2. This mine is in the Pond Creek seam, the thickness of which is not consistent due to rolls in the bottom and small hills inside the mine. The seam thickness is from 42 to 50 inches.

3. It would be impossible to remove this equipment to the outside without removing the canopies or placing the canopies at the lowest height in the mine. The mine tractor operators would be placed in danger due to the different heights of the coal. The canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.

4. Installing a canopy on a piece of equipment in low coal will reduce the vision of the operator of that particular piece of equipment to the point where he would be in danger and other workmen in the mine would be subject to injury from the moving equipment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 4, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 28, 1976.

[FR Doc.76-29159 Filed 10-4-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given

that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since September 7, 1976. National Historic Landmarks are designated NHL; properties recorded by Historic American Building Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER.

ALASKA

Kenai-Cook Inlet Division

Homer vicinity, *Chugachik Island Site*, Kachemak Bay (8-19-76).

Southeast Fairbanks Division

Big Delta, *Rika's Landing Roadhouse*, Mile 252, Richardson Highway (9-1-76).

ARIZONA

Maricopa County

Phoenix, *Evans House*, 1108 W. Washington (9-1-76) HABS.

ARKANSAS

Carroll County

Berryville, *Carroll County Courthouse, Eastern District*, Public Sq. (8-27-76).

Montgomery County

Mt. Ida, *Montgomery County Courthouse*, Court Sq. (8-27-76).

CALIFORNIA

Humboldt County

Petrolia vicinity, *Punta Gorda Light Station*, 10.5 mi. SW. of Petrolia (9-1-76).

Los Angeles County

Malibu, *Humaliwo*, 23200 Pacific Coast (9-1-76).
San Pedro, *S.S. Catalina*, Berth 96, Los Angeles Harbor (9-1-76).

Riverside County

Banning, *Gilman Ranch*, 1937 W. Gilman St. (8-26-76).

Sacramento County

Sacramento, *Johnson, J. Neely, House*, 1029 F St. (9-13-76).

Yolo County

Davis, *Dresbach-Hunt-Boyer House*, 604 2nd St. (9-13-76).

CONNECTICUT

Hartford County

Windsor Locks and vicinity, *Enfield Canal*, along Connecticut River from Windsor Locks N to Thompsonville (4-22-76).

Middlesex County

Old Saybrook, *Old Saybrook South Green*, Old Boston Post Rd., Pennywise Lane, Main St. (9-3-76).

DELAWARE

New Castle County

Wilmington, *Delaware Avenue Historic District*, Delaware Ave. from N. Harrison to N. Broom Sts. (9-13-76).

DISTRICT OF COLUMBIA

Capitol Hill Historic District, roughly bounded by Virginia Ave. SE., S. Capitol St., F St. NE., and 14th Sts. SE. and NE. (8-27-76).

GEORGIA

Franklin County

Carnesville vicinity, *Cromer's Mill Covered Bridge*, 8 mi. S. of Carnesville at Nails Creek (8-17-76).

Fulton County

Atlanta, *Peachtree Southern Railway Station*, 1688 Peachtree St., NW., (9-14-76).

ILLINOIS

Champaign County

Champaign, *U.S. Post Office*, Randolph and Church Sts. (8-17-76).

Cook County

Evanston, *Grosse Point Lighthouse*, 2535 Sheridan Rd. (9-8-76).

Kane County

Aurora, *Tanner, William A., House*, 304 Oak Ave. (8-19-76).

Union County

Anna, *Willard House*, 608 S. Main St. (9-8-76).

INDIANA

Jennings County

North Vernon vicinity, *Vernon Historic District*, 1 mi. S of North Vernon on IN 3/7 (8-27-76).

Knox County

Vincennes, *Old Cathedral Complex*, 205 Church St. (8-17-76).

Madison County

Anderson, *West Eighth Street Historic District*, roughly bounded by 7th, 9th, Jackson, and Henry Sts. (8-27-76).

IOWA

Jackson County

Maquoketa vicinity, *Williams, Seneca, Mill*, E of Maquoketa on IA 64 (9-1-76).

Linn County

Cedar Rapids, *Paramount Theater Building*, 121-127 3rd Ave., SE; 305-307 2nd St., SE. (8-26-76).

Madison County

St. Charles vicinity, *Imes Covered Bridge*, 3.5 mi. SW of St. Charles (8-26-76).
Winterset vicinity, *Cedar Covered Bridge*, 1.5 mi. E of Winterset (8-26-76).
Winterset vicinity, *Hogback Covered Bridge*, 4 mi. N of Winterset (8-26-76).
Winterset vicinity, *Hollowell Covered Bridge*, 4 mi. SE of Winterset (8-26-76).
Winterset vicinity, *McBride Covered Bridge*, 2 mi. NE of Winterset (9-8-76).
Winterset vicinity, *Roseman Covered Bridge*, W of Winterset off IA 94 (9-1-76).

Pottawattamie County

Council Bluffs, *Ogden House*, 169 W. Broadway (9-13-76).

KENTUCKY

Bath County

Owingsville vicinity, *Bourbon Iron Works (Slate Furnace)*, 2.6 mi. S of Owingsville on KY 36 (9-1-76).

Jefferson County

Louisville, *Central Colored School*, 542 W. Kentucky St. (9-13-76).
Louisville, *Louisville City Hall Complex*, 601, 603, 617 W. Jefferson St. (9-1-76).

Oldham County

Crestwood vicinity, *Harrods Creek Baptist Church and Rev. William Kellar House*, NW of Crestwood on Old Brownsboro Rd. (9-8-76).

MAINE

Cumberland County

N. Falmouth vicinity, *Falmouth House*, 340 Gray Rd. (9-1-76).

Penobscot County

North Brewer vicinity, *Penobscot Salmon Club and Pool*, N. Main St. (9-15-76).

MARYLAND

Cecil County

Elkton vicinity, *New Castle and Frenchtown Railroad Right-of-Way*, S of Elkton from Frenchtown to DE state line (9-1-76).

MASSACHUSETTS

Berkshire County

Adams, *Quaker Meetinghouse*, Maple St. Cemetery (8-17-76) HABS.
Stockbridge, *Stockbridge Casino (Berkshire Playhouse)*, E. Main St. at Yale Hill Rd. (8-27-76).

MINNESOTA

Faribault County

Winnebago vicinity, *Center Creek Archeological District*, S of Winnebago (9-15-76).

MISSISSIPPI

Warren County

Vicksburg, *Cedar Grove*, 2200 Oak St. (7-19-76) HABS.

MISSOURI

St. Louis (independent city)

Laclede's Landing, roughly bounded by Washington, N. 3rd, Dr. Martin Luther King Dr., and Mississippi River (8-25-76).

MONTANA

Cascade County

Great Falls, *Great Falls Central High School*, 1400 1st Ave. N (9-1-76).

Deer Lodge County

Deer Lodge, *Montana Territorial and State Prison*, 925 Main St. (9-3-76).

Missoula County

Missoula, *Missoula County Courthouse*, 220 W. Broadway (9-1-76).

NEW HAMPSHIRE

Grafton County

Bath, *Bath Covered Bridge*, off U.S. 302/NH 10 (9-1-76).

NEW JERSEY

Mercer County

Trenton, *State House District*, roughly bounded by Capitol Plaza, Willow, State, and Lafayette Sts. (8-27-76).

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Somerset County

Millstone, *Millstone Historic District*, Amwell and River Rds. (9–13–76).

NEW MEXICO

San Miguel County

Las Vegas, *Our Lady of Sorrows Church*, W. National Ave. (9–8–76).

NEW YORK

Columbia County

Stuyvesant Falls, *Stuyvesant Falls Mill District*, New St. and SR 22 (9–15–76).

Erie County

Buffalo, *Buffalo Gas Light Company Works*, 249 W. Genesee St. (9–1–76).

Onondaga County

Syracuse, *Syracuse City Hall*, 233 E. Washington St. (8–27–76).
Syracuse vicinity, *Alvord House*, N. of Syracuse on Berwick Rd. (8–27–76).

Saratoga County

Troy vicinity, *Champlain Canal*, extends N from Troy to Whitehall (9–1–76) (also in Washington County).

Schoharie County

Cobleskill vicinity, *Bramanville Mill*, E. of Cobleskill on Caverns Rd. (8–27–76).

Suffolk County

Mattituck, *Gildersleeve, Andrew, Octagon Building*, Main Rd. and Love Lane (8–19–76).

Warren County

North Creek, *North Creek Railroad Station Complex*, Railroad Pl. (8–27–76).

Washington County

Champlain Canal. Reference—see Saratoga County.

Westchester County

New Rochelle, *Leland Castle*, 29 Castle Pl. (8-27-76).

NORTH CAROLINA

Caswell County

Milton vicinity, *Longwood*, SW. of Milton on NC 62 (9–15–76).

Surry County

Rockford, *Rockford Historic District*, SR 2221 (8–27–76).

Wake County

Raleigh, *Pullen Park Carousel*, Pullen Park, Western Blvd. (9–8–76).

NORTH DAKOTA

Stutsman County

Jamestown, *Stutsman County Courthouse and Sheriff's Residence/Jail*, 504 3rd Ave., SE (9–8–76).

OHIO

Erie County

Sandusky vicinity, *Ohio Soldiers and Sailors Home*, NE of Sandusky between S. Columbus Ave. and U.S. 250 (9–13–76).

Hamilton County

Sharonville, *Twelve Mile House*, 11006 Reading Rd. (9–1–76).

Putnam County

Ottawa, *Ottawa Waterworks Building*, 1035 E. 3rd St. (9–13–76).

Tuscarawas County

Dennison, *Pennsylvania Railroad Depot and Baggage Room*, Center St. (9–8–76).

OKLAHOMA

Comanche County

Lawton, *Carnegie Library*, B Ave. and 5th St. (6–19–76).

OREGON

Jackson County

Eagle Point, *Snowy Butte Flour Mill*, off OR 62 (9–1–76).

PENNSYLVANIA

Berks County

Topton vicinity, *Sally Ann Furnace Complex*, SW of Topton (8–17–76).

Chester County

Knauertown vicinity, *Warwick Furnace/Farms*, S of Knauertown off PA 23 on Warwick Furnace Rd. (9–13–76).

Franklin County

Waynesboro, *Royer-Nicodemus House and Farm*, 1010 E. Main St. (8–28–76).

Warren County

Irvine, *Irvine United Presbyterian Church*, off U.S. 6 (8–27–76).

PUERTO RICO

Guayama, *Ingenio Azucarero Vives*, Avenida Central, Barrio Machete (9–1–76).
Loiza Aldea, *Parroquia del Espiritu Santo y San Patricio*, Plaza de Loiza (9–8–76).
San German, *Convento de Porta Coeli*, Plaza Porta Coeli (9–8–76).

SOUTH DAKOTA

Hughes County

Pierre, *South Dakota State Capitol and Governor's House*, bounded by Broadway, Washington, and Capitol Aves (9–1–76).

Lake County

Madison vicinity, *Chapel Emmanuel Railroad Car*, W of Madison on U.S. 81 in Prairie Village (9–8–76).

Yankton County

Yankton, *Yankton County Courthouse*, 3rd St. and Broadway (9–3–76).

TENNESSEE

Bradley County

Cleveland vicinity, *Conrad, Hair, Cabin*, W of Cleveland on Blythewood Rd. (9–13–76).

Davidson County

Nashville vicinity, *Newsom's Mill*, W of Nashville at Big Harpeth River (9–13–76).

Dyer County

Dyersburg, *Dyersburg Sanitarium*, 124 McGaughey (9–8–76).

TEXAS

Caldwell County

Lockhart vicinity, *Withers, M. A., House*, W of Lockhart on Borchert Loop Rd. (8–27–76).

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mariana Islands District

Saipan, *Banzai Cliff*, Banadero, Magpi area (8–27–76).

UTAH

Sevier County

Redmond, *Redmond Town Hall*, 18 W. Main St. (9–13–76).

VERMONT

Addison County

Vergennes, *Vergennes Historic District*, U.S. 7 (9–3–76).

Chittenden County

Burlington, *Carnegie Building of the Fletcher Free Library*, College St. and S. Winooski Ave. (8–18–76).

Franklin County

Highgate Falls, *St. John's Episcopal Church*, Highgate Falls Village Green (9–3–76).

Orange County

Bradford vicinity, *Goshen Church*, N of Bradford on Goshen Rd. (9–3–76).
Chelsea, *Congregational Church of Chelsea*, Chelsea Green (9–3–76).
Wells River, *Wells River Graded School*, Main St. (9–3–76).

Orleans County

Derby Line, *Haskell Free Library and Opera House*, Caswell Ave. (9–8–76).

Rutland County

Rutland, *Rutland Courthouse Historic District*, U.S. 7 (9–8–76).

Windsor County

Bethel, *Bethel Village Historic District*, both side of S. Main, Main, N. Main, and Church Sts. (9–3–76).
Royalton vicinity, *South Royalton Historic District*, E of Royalton on VT 14 (9–3–76).

VIRGIN ISLANDS

St. Croix Island

Christiansted vicinity, *Green Kay*, E of Christiansted (7–19–76).
Christiansted vicinity, *Sion Hill*, W of Christiansted (7–19–76) HABS.
Christiansted vicinity, *Upper Salt River Archeological District*, W of Christiansted (9–1–76).

St. John Island

Coral Bay vicinity, *Fortsberg*, SE of Coral Bay (9–1–76) HABS.

St. Thomas Island

Charlotte Amalie vicinity, *Hull Bay Archeological District*, NNW of Charlotte Amalie on Hull Bay (9–1–76).
Charlotte Amalie vicinity, *Krum Bay Archeological District*, W of Charlotte Amalie (8–28–76).

VIRGINIA

Albemarle County

Charlottesville vicinity, *Shack Mountain*, 2 mi. NNW of Charlottesville near jct. of VA 657 and 743 (9–1–76).

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland (8–28–76).
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland (8–28–76).
Richland vicinity, *Locke Island Archeological District*, about 25 mi. N of Richland (8–28–76).
Richland vicinity, *Snively Canyon Archeological District*, about 25 mi. NW. of Richland (8–28–76).

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland (8–28–76).

WISCONSIN

Waupaca County

Bear Creek vicinity, *Kasper, Philip H., Cheese Factory*, W of Bear Creek on WI 22 (8–27–76).

WYOMING

Johnson County

Buffalo, *Methodist Episcopal Church*, Fort and N. Adams Sts. (9–13–76).

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The following is a list of corrections to properties previously listed in the FEDERAL REGISTER.

CALIFORNIA

Solano County

Vallejo, *Mare Island Naval Shipyard* (5–15–75) NHL.

LOUISIANA

East Feliciana Parish

Clinton, *Courthouse and Lawyers' Row*, square bounded by St. Helena, Woodville, Liberty, and Bank Sts. (6–4–73) NHL; HABS.

MASSACHUSETTS

Middlesex County

Lowell, *Locks and Canals Historic District*, between Middlesex St. and the Merrimack River (8–13–76) HAER.

Suffolk County

Boston, *African Meetinghouse*, 8 Smith Court (10–7–71) NHL; HABS; G.

MINNESOTA

Hennepin County

Minneapolis, *Hayer, F. C., Company Building*, 256 N. 3rd St. (2–20–75).

Ramsey County

St. Paul, *Old Federal Courts Building*, 109 W. 5th St. (3–24–69).

PENNSYLVANIA

Clearfield County

DuBois, *DuBois Mansion and Carriage House*, College Pl. (4–16–75).

SOUTH CAROLINA

Charleston County

Charleston, *Farmers' and Exchange Bank*, 141 E. Bay St. (11–7–73) NHL.
Charleston, *Stiles-Hinson House*, 940 Paul Revere Dr. (10–9–74).
Charleston, *Unitarian Church*, 8 Archdale St. (11–7–73) NHL.
Charleston vicinity, *Magnolia Plantation and Gardens*, 10 mi. NW of Charleston on SC 61 (12–11–72).

Richland County

Columbia, *Mann-Simons Cottage*, 1403 Richland St. (4–23–73) G.

TEXAS

Aransas County

Fulton, *Fulton, George W., Mansion*, Fulton Beach Rd. (4–24–75) HABS.

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The following properties have been either demolished or removed from the National Register of Historic Places.

FLORIDA

Hillsborough County

Tampa, *Chapin House*, 4607 Bayshore Blvd.

ILLINOIS

Henry County

Geneseo, *South Side School*, 209 S. College Ave.

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The following properties were omitted from the February 10, 1976, listing of properties in the FEDERAL REGISTER.

MINNESOTA

Hubbard County

Park Rapids vicinity, *Shell River Prehistoric Village and Mound District*, 15 mi. SE of Park Rapids (6–19–73).

Olmsted County

Rochester, *Toogood Barns*, 16th St. SW., off U.S. 63 (6–26–75).

VIRGINIA

Lexington (independent city)

Washington and Lee University Historic District, Jefferson and Washington Sts. (12–18–70) NHL; HABS.

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The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I–459–4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF–96(7).

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office.*

Coconino County

House Rock Springs, Upper Houserock Valley *Paria Plateau Archeological District*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir Sites NA 13,257*, and *NA 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Site U:1:30(A.S.U.)
Site U:1:31(A.S.U.)
Skunk Creek Archeological District.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites *3VB49–3VB51*, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

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El Dorado County

Site Eld–58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeological Site HJ–1 and HJ–5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites.
CA–MAD 176–185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, *Olema Lime Kilns*; Point Reyes National Seashore.
Point Reyes, *P. E. Booth Company Pier*, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA–MNO–584.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4–Nap–14, 4–Nap–261, Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House*, Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station*, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Fire Department High Pressure Pumping Station, No. 2*, Golden Gate National Recreation Area.
San Francisco, *Point Lobos Archeological Sites (SFr–5, 21, 24)*, Golden Gate National Recreation Area.
San Francisco, *Twin Peaks Tunnel.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa–1330*, Santa Monica Creek.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station*, Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence*, Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence*, Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station*, Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ–5 (Border Site 26WA–1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Farrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn Ranger Station.
Tharp's Log.
Smithsonian Institution Shelters.
Squatter's Cabin.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area*, Rocky Mountain National Park utility area.
Sites 5–LR–257 and 5–LR–263, Boxelder Watershed Project.

Moffat County

White Indian Contact Site.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

New London County

New London, *Washington Street Historic District*, project 103–159.
New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, Delaware Breakwater. Harbor of Refuge Breakwater.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *828 Wheaton Street.*
Savannah, *930 Wheaton Street.*

Chatooga County

Archeological Sites in area of Structure 1–M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duiuth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F–117–1 (7).
Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

Power County

Snake River, *Old Island Power Plant*, American Falls Dam project.

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Falb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Madison County

American Bottoms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Mitchell, *Riley School.*

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House.*

Vanderburgh County

Evansville, *Riverside Neighborhood.*

Vermilion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Orleans Parish

American Sector, Central City District Bywater District.

St. Martins Parish

Site 16, Sm–45, Atchafalaya Basin Floodway.

Washington Parish

Machiasport, *Libby Island Light Station.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.

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Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.
Holyoke, *Steamer Company No. 3.*

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate.*

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Hillsborough County

Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
West Windsor Township Wastewater Facilities.

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Ocean County

Holmes, John, Mill (The Mill Site), SW corner of Mill and Parker Sts. in Ocean County Central Service area.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd. Long Island, *Seaford Park Archeological Site.*

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *New York Cancer Hospital (Towers Nursing Home)*, 2 W. 106th St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswago County

Gustin-Earle Factory Site, village of Mexico.

Otsego County

Swart-Wilcox House

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Saratoga County

Saratoga Springs, *Saratoga Springs Historic District.*

Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hostital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR–S.R.–571–0.00.

Montgomery County

Columbia Bridge Works.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Camp Comanche Site*, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 66.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir Area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I–78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I–76.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.
Philadelphia, *Tremont Mills*, Wingonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

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Washington County

Charleroi, *Ninth Street School.*
Cross Creek Village, Cross Creek watershed.
Somerset Township, *Wright No. 22 Covered Bridge.*

RHODE ISLAND

Providence County

Woonsocket, *Club Marquette Building (St. Anne's Gymnasium,* Cumberland St.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill,* off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District,* portions of 612–632 Main St.

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground,* section 203(b).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House,* Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse,* bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station,* Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House,* 604 Iturbide St.
Laredo, *De Leal, Viscaya, House,* 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House,* 500 Iturbide St.
Laredo, *Leyendecker/Salinas House,* 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House),* 601 Zaragosa St.

UTAH

Emery County

Site ML–2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block,* 238–240 S. Main St.

VERMONT

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site,* Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District,* N of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site,* S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Seglum, *New Dungeness Light Station.*

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin,* Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*
Skamania County

North Bonneville, *Site 44SA11,* Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building,* 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House,* 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, *Aetna Station No. 5,* 193 N. Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

WYOMING

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone,* Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76–28800 Filed 10–4–76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before Sept. 24, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before October 15, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Nome Division

Nome, *Donaldson, Lt. C. V.,* Belmont Point.
Teller vicinity, *Pilgrim Hot Springs,* E of Teller on Kugarock Rd.

Seward Division

Seward, *Diversion Tunnel,* at Lowell Creek.

GEORGIA

Fulton County

Atlanta, *Carnegie Library of Atlanta,* 126 Carnegie Way, NW.

MISSISSIPPI

Adams County

Natchez, *Oakland,* 9 Oakhurst Drive.

Leflore County

Greenwood vicinity, *Black Site,* S. of Greenwood.

NEW YORK

Montgomery County

Nelliston vicinity, *Reformed Dutch Church of Stone Arabia,* E of Nelliston on NY 10 S of jct. with SR 33.

PENNSYLVANIA

Greene County

Carmichaels, *Greene Academy,* 314 N. Market St.

SOUTH CAROLINA

Aiken County

Jackson vicinity, *Silver Bluff,* 5 mi. W. of Jackson off SC 5.

TENNESSEE

Hamblen County

Morristown, *Rose School,* Jackson and W. 2nd North Sts.

Williamson County

Franklin, *Lotz House,* 1111 Columbia Ave.

TEXAS

Johnson County

Cleburne, *Cleburne Carnegie Library,* 201 N. Caddo.

Nueces County

Corpus Christi, *Britton-Evans House,* 411 N. Broadway.

WASHINGTON

Benton County

Prosser, *Benton County Courthouse,* Dudley Ave. and Market St.

Chelan County

Wenatchee, *Centennial Flour Mill,* Skagit and Wenatchee Ave.

Franklin County

Pasco vicinity, *Allen Rockshelter,* NE of Pasco.

Kitsap County

Winslow vicinity, *Ft. Ward Historic District,* S of Winslow.

Kittitas County

Ellensburg, *Ellensburg Historic District,* roughly bounded by 3rd Ave., Main St., Ruby St., and 6th Ave. (includes both sides of sts.).
Ellensburg, *Washington State Normal School Building,* 8th Ave.
Ellensburg vicinity, *Springfield Farm,* 9 mi. N. of Ellensburg.
Wenatchee vicinity, *Tekison Cave,* SE. of Wenatchee.

Klickitat County

Husum vicinity, *Rattlesnake Creek Site,* NE. of Husum.

Pierce County

Wilkeson vicinity, *Walker Cut Stone Company,* E. of Wilkeson.

Whitman County

Elberton, *Elberton Historic District,* off WA 272 at Palouse River.
Hay vicinity, *Henley Site,* W. of Hay.

Yakima County

Tampico vicinity, *St. Joseph's Mission,* E of Tampico on Tampico Rd.
Toppenish vicinity, *Grave of the Legendary Giantess,* 9 mi. S of Toppenish on U.S. 97.
Union Gap vicinity, *Kamiakin's Gardens,* W of Union Gap on Lower Ahtanum Rd.
Yakima, *Carbonneau Mansion,* 620 S. 48th Ave.
Yakima, *Donald House,* 304 N. 2nd St.
Yakima, *Larson, A. E., Building,* 6 S. 2nd St.

WYOMING

Natrona County

Casper vicinity, *Bessemer Bend,* SW. of Casper off WY 220.

[FR Doc.76–28623 Filed 10–4–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Cancellation

The Flue-Cured Tobacco Advisory Committee meeting scheduled for October 7, in Raleigh, North Carolina, notice of which was published at 41 F.R. 39364, is cancelled.

The reason for the cancellation is that necessary adjustments have been accomplished in the selling schedules to reflect producer redesignations and reallocation of selling time after the completion of Area B (South Carolina-Border North Carolina) sales. This was accomplished after the Department received early information that because of weather conditions in the Middle and Old Belt, volume of tobacco is less than anticipated, limiting the need for extra buyers and graders. It is projected that Area B will close by October 14, 1976.

Notice of next meeting of the Committee will appear in the FEDERAL REGISTER and various trade publications.

Dated: September 30, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76–29214 Filed 10–4–76;8:45 am]

Forest Service

FREMONT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Fremont National Forest Grazing Advisory Board will meet at 10:00 a.m. on November 1, 1976, in the Fremont Forest Supervisor's Office, 34 North D Street, Lakeview, Oregon. The purpose of this meeting is to elect a chairman to replace Frank Martin, to review proposed by-laws, and other items as needed.

The meeting will be open to the public. Persons who wish to attend should notify Philip Lee, P.O. Box 551, Lakeview, OR 97630, telephone 947–2151. Written statements may be filed with the Grazing Board before or after the meeting.

Dated: September 27, 1976.

GERALD E. BARROWCLIFF,
Acting Forest Supervisor.

[FR Doc.76–29104 Filed 10–4–76;8:45 am]

ADVISORY COMMITTEE TO THE FOREST SERVICE, CALIFORNIA REGION SAWTOOTH NATIONAL FOREST MUTIPLE USE ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed both the Advisory Committee to the Forest Service, California Region, and the Sawtooth National Forest Multiple Use Advisory Committee for an additional 2-year period each ending September 25, 1978.

These are local advisory committees established by the Chief of the Forest Service in 1948 and 1956, respectively, to advise National Forest managers on questions of policy, programs, and procedures concerning the multiple-use management of National Forests in California and the Sawtooth National Forest in Idaho.

The Assistant Secretary has determined that continuation of these committees is necessary and in the public interest in connection with the duties imposed on the Department by law.

Dated: September 23, 1976.

J. W. DEINEMA,
Deputy Chief.

[FR Doc.76–29216 Filed 10–4–76;8:45 am]

Soil Conservation Service

BAILEY-COX-NEWSTON, INDIANA, ET AL.

Autherization of Federal Assistance in the Installation of Works of Improvement

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 USC 1001–1008) has been authorized for the following watersheds:

1. Bailey-Cox-Newston, Indiana
2. Bayou Grosse Tete, Louisiana
3. Choctaw Bayou, Louisiana
4. Deer Creek, Mississippi
5. Diamond Brook, Massachusetts
6. Espanola-Rio Chama, New Mexico
7. Flint Creek, New York
8. Hall-Flat Creek, Indiana
9. Honolua, Hawaii
10. Johnson Bayou, Louisiana
11. Long Branch, Nebraska
12. Middle Walnut, Kansas
13. Mill Branch, Georgia
14. Mill Brook, New York
15. Sedgwick-Sand Draws, Nebraska and Colorado
16. Three Mile and Sulfur Draw, Texas
17. Wailuku-Alenaio, Hawaii

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 USC 1001–1008.)

Date: September 28, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources.

[FR Doc.76–29153 Filed 10–4–76;8:45 am]

[Notice of Designation Number A378]

Farmers Home Administration

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Niagara County, New York, as a result of continued rain, wet and cold weather April 1 through July 31, 1976, with hail and severe rainstorms June 30, July 11, July 29, and July 31, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Hugh L. Carey that such designation be made.

Applications for emergency loans must be received by this Department no later than November 18, 1976, for physical losses and June 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this

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designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 28th day of September, 1976.

JOSEPH R. HANSON,
Acting Administrator.

[FR Doc.76-29168 Filed 10-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL AREA STATISTICS

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee on State and Local Area Statistics will convene on October 28 and 29, 1976. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on State and Local Area Statistics was established in February 1976 to advise the Director, Bureau of the Census on the development of statistical programs and activities that relate to States and substate areas, and on the means of expanding the dissemination of census results among present and potential users of census data.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the October 28 meeting, which will begin at 1 p.m., is: (1) Introductory remarks and discussion of previous recommendations, (2) 1980 census preparatory activities, (3) developments in the State and local governments' statistics programs, and (4) Indiana Census User Services Project.

The agenda for the October 29 meeting, which will begin at 9 am and end at 12 N., is: (1) 1977 economic censuses planning, and (2) land use statistics.

The meeting will be open to the public and a brief period will be set aside on October 29 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Michael G. Garland, Chief, Data User Services Division, Bureau of the Census, Room 3069, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763-7720.

Dated: September 29, 1976.

ROBERT L. HAGAN,
Acting Director.
Bureau of the Census.

[FR Doc.76-29165 Filed 10-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0151; DESI 11961]

ISOCARBOXAZID

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice published in the FEDERAL REGISTER of July 9, 1966 (31 FR 9426), each holder of a new drug application that became effective prior to October 10, 1962, was requested to submit to the Food and Drug Administration (FDA) reports containing the best data available in support of the effectiveness of their products for the claimed indications. That information was needed to facilitate a determination by the Food and Drug Administration, with the assistance of the National Academy of Sciences-National Research Council (NAS-NRC), whether each claim in the labeling is supported by substantial evidence of effectiveness, as required by the Drug Amendments of 1962. The holder of the new drug application described below did not submit the information requested by the notice of July 9, 1966, and therefore the drug was not reviewed by the NAS-NRC. The drug is used in the treatment of depression. The FDA has reviewed available information, including information subsequently submitted by the sponsor, and concludes that substantial evidence of effectiveness of the drug is lacking. This notice proposes to withdraw its approval. Persons wishing to request a hearing may do so on or before November 4, 1976.

Marplan Tablets, containing isocarboxazid; Roche Laboratories, Division of Hoffman-LaRoche, Inc., Roche Park, Nutley, NJ 07110 (NDA 11-961).

The new drug application for Marplan became effective July 1, 1959, on the basis of a demonstration of safety, prior to enactment of the Drug Amendments of 1962, which added to the Federal Food, Drug, and Cosmetic Act the requirement that substantial evidence of effectiveness be shown. By letters of January 17, 1966, and August 5, 1968, the FDA approved supplements to the new drug application providing for revised labeling of the drug. Those letters inadvertently failed to state that the approvals were not based upon a full review of the effectiveness of the drug. In light of the approval of January 17, 1966, Roche Laboratories took the position that the effectiveness issue was resolved and that the firm need not submit reports to the FDA as requested in the notice published in the FEDERAL REGISTER of July 9, 1966. By letter of March 18, 1971, the FDA informed Roche Laboratories that the letters approving the supplements without qualification were in error in not stating that the application had not had a full review of effectiveness. The letter of March 18, 1971, stated that the application had been reviewed and that it failed to contain substantial evidence of effectiveness, and requested Roche Laboratories to submit data meeting the requirements for adequate and well-controlled clinical investigations to facilitate the FDA's review. Such data were not submitted in response to that letter.

Reviews of the literature on Marplan have been conducted independently by a member of the Bureau of Drugs and by the Chairman of the FDA Psychopharmacological Agents Advisory Committee. The reviewers independently scanned two bibliographies relevant to the question of Marplan's effectiveness; one submitted by Roche Laboratories and one generated by the FDA library. There was a high degree of agreement between the independent reviewers as to which studies satisfied even the most minimal standards for a well-controlled scientific investigation, and the eight studies which did so, listed below, were independently assessed in detail.

REFERENCES

1. Joshi, V. G., "Controlled Clinical Trial of Isocarboxazid (Marplan) in Hospital Psychiatry," "Journal of Mental Science," 107:567-571, 1961.

2. Kurland, A. A., N. Destounis, J. W. Shaffer, and A. Pinto, "A Critical Study of Isocarboxazid (Marplan) in the Treatment of Depressed Patients," "Journal of Nervous and Mental Disease," 145:292-305, 1967.

3. Richmond, P. W. and A. H. Roberts, "A Comparative Trial of Imipramine, Amitriptyline, Isocarboxazid, and Tranylcyprome in Outpatient Depressive Illness," "British Journal of Psychiatry," 110:846-850, 1964.

4. Ford, R. B., H. E. Branham, and J. J. Cleckley, "Isocarboxazid: A New Anti-depressant Drug," "Clinical Medicine," 6:1559-1561, 1959.

5. Greenblatt, M., G. H. Grosser, and H. Wechsler, "Differential Response of Hospitalized Depressed Patients to Therapy," "American Journal of Psychiatry," 120:935-943, 1964.

6. Overall, J. A., L. E. Hollister, A. D. Pokorny, J. F. Casey, and G. Katz, "Drug Therapy in Depressions: Controlled Evaluation of Imipramine, Isocarboxazid, Dextroamphetamine-Amobarbital, and Placebo," "Clinical Pharmacology and Therapeutics," 3:16-22, 1962.

7. Schorer, C. E., P. Lowinger, and S. Dobie, "The Real Effect of Imipramine, Isicarboxazid, and Nialamide," "Michigan Medicine," 65:1071-1075, 1966.

8. Rothman, T., H. Grayson, and J. Ferguson, "A Comparative Investigation of Isocarboxazide and Imipramine in Depressive Syndromes," "Journal of Neuropsychiatry," 3:234-245, 1962.

Four studies show some evidence of an antidepressant effect of Marplan. The study of Joshi (Ref. 1) was difficult to interpret in that over half the sample were chronic schizophrenics, and only 23 percent of the total sample had a primary diagnosis of depression (21 CFR 314.111(a)(5)(ii)(*a*)(2)(*i*)). Moreover, there is no discussion of how the assessments of each patient (psychiatric evaluations and reports by the staff nurse) were translated into the ultimate ratings used (marked improvement, improvement, no change, worse, or markedly worse) (21 CFR 314.111(a)(5)(ii)(*a*)(3)). Sedatives and other concomitant medication were given to many of the patients during the study and there is no evaluation of the effect of such concomitant therapy. The study of Kurland et al. (Ref. 2 showed a significant effect of Marplan on ratings of depression, but global ratings did not show a significant drug/placebo difference. Again there was a substantial percentage of schizophrenic patients in the sample. In the study of Richmond and Roberts (Ref. 3), Marplan was not significantly better than amitriptyline when all patients in the study were considered. For the subgroup designated "endogenous depression," Marplan was superior. If it is assumed that amitriptyline was not worse than a placebo in this study, this finding constitutes evidence of a Marplan antidepressant effect. There was some ambiguity in the description of the blinding, however, in that a psychiatrist who was not blinded interviewed patients and adjusted dosage. It is not clear whether his assessments influenced final patient ratings (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). Ford et al. (Ref. 4) reported a striking Marplan antidepressant effect. However, the number of patients was small (12 Marplan and 9 placebo and it was not established, or reported at least, that the groups were comparable at the outset. The method of assigning patients to drug or placebo was not disclosed so there is no assurance that bias in assignment was minimized (21 CFR 314.111(a)(5)(ii)(*a*)(2)(*ii*)). In addition, criteria for evaluation of patient response were poorly described. Data on degree of depression, psychomotor activity, disturbance of sleep pattern, general interest and productivity were collected in an undescribed manner at unstated intervals for an unstated duration and reduced in an undescribed fashion to "excellent", "good", "slight", and "no response". This study was thus very poorly described and lacks numerous details needed for scientific evaluation (21 CFR 314.111(a)(5)(ii)(*c*)).

There were four relevant studies which did not show an antidepressant effect of Marplan; those of Greenblatt et al., Overall et al., Schorer et al., and Rothman et al. (Refs. 5-8). In the Greenblatt study, placebo was superior to Marplan on the global ratings at the 0.1 level. Imipramine was superior to Marplan at the .05 level, although it was not superior to placebo at the .05 level. In the study of Overall et al., imipramine was significantly superior to placebo and Marplan at 3 weeks, and there was not a significant difference between Marplan and placebo. When psychotic patients were studied separately, Marplan-treated patients did not improve to the same extent as those on placebo. The difference seems appreciable, but a statistical analysis of this difference was not reported and could not be calculated based on the data given. In the Schorer study neither imipramine nor Marplan differed significantly from placebo. There were no trends favoring Marplan in this study. In the study of Rothman et al., neither imipramine nor Marplan was significantly better than placebo on overall ratings, although there was a slight trend favoring the drugs. Thus, not only do these four studies fail to show significant Marplan placebo differences, but in two of them there were trends favoring placebo over Marplan. There is no apparent defect in these studies which would render them incapable of showing effectiveness. Dosage of Marplan in these four studies was comparable to that in the studies which appear to show some antidepressant effect. In fact, in the study of Schorer et al, which failed to show antidepressant effect, the highest dose of Marplan in any study (60 milligrams/day) was used. Neither does the presence of schizophrenic patients in the sample distinguish the studies which favor Marplan from those which do not; the favorable studies of Joshi and Kurland had substantial percentages of schizophrenics, but in the study of Overall, psychiatric patients responded somewhat less well to Marplan than to placebo. In all, there seems to be no obvious basis for the differences in outcome between the studies favoring Marplan and those which did not.

These 8 controlled studies, while providing some suggestion of effectiveness, do not constitute substantial evidence that Marplan is an effective antidepressant. The favorable studies either suffer from methodologic defects, have internal inconsistencies, or are contradicted by other studies. The most favorable study (Ford) has especially important methodologic defects and does not include adequate data for evaluation while the favorable Joshi study omits critical information about patient assessment. The apparent good effects in studies with psychotic patients (Joshi, Kurland) are contradicted by the studies of Overall and Rothman. In the Kurland study, the favorable effects on depression scores are not supported by global evaluation. Since Marplan is known to be a pharmacologically active monoamine oxidase inhibitor, the reasons for its unimpressive results in the clinical trials available is unclear. It is possible that the dose at which the drug was tested is below the dose necessary to produce enzyme inhibition.

In summary, while four of the studies appear to show some evidence of an antidepressant effect, and four other studies show no such effect, all of the studies, considered as a group, do not provide substantial evidence of effectiveness as defined in the statute and the regulations.

Both of the reviews were considered by the FDA Psychopharmacological Agents Advisory Committee and its Subcommittee on Monoamine Oxidase Inhibitors. A representative of Roche Laboratories was present at the meetings of those Committees. The aforesaid reviews and appropriate portions of the minutes of the Advisory Committee and Subcommittee meetings are on file in the office of the Hearing Clerk, Food and Drug Administration, address given below, and may be seen in that office during working hours, Monday through Friday.

On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application (or if indicated above, those parts of the application providing for the drug product listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating

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to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 4, 1976, a written notice of appearance and request for hearing, and (2) on or before December 6, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual anlyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31).

Dated: September 26, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-29179 Filed 10-4-76;8:45 am]

[Docket No. 76G-0346]

OLIN CHEMICALS CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0024) has been filed by Olin Chemicals Corp., 120 Lone Ridge Rd., Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that calcium hypochlorite as a source of 25 parts per million available chlorine for use as a sanitizing agent in the treating or washing of fish is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before December 6, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-29176 Filed 10-4-76;8:45 am]

[Docket No. 76N-0120; DESI 9366]

PHENELZINE SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation Followup Notice and Notice of Opportunity for Hearing

In a notice (DESI 9366) published in the FEDERAL REGISTER of May 15, 1970 (35 FR 7616), The Food and Drug Administration announced its conclusions on the effectiveness of Nardil, a drug product containing phenelzine sulfate. Nardil is a monamine oxidase (MAO) inhibitor used in the treatment of depression. The notice classified and described certain of its labeled indications as lacking substantial evidence of effectiveness. Other labeled indications were classified as possibly effective. Subsequent to the notice, the holder of the new drug application submitted data which demonstrate effectiveness of the drug product for certain types of depression. This notice announces that conclusion and offers an opportunity for a hearing on all other indications, which are now classified as lacking substantial evidence of effectiveness. Persons wishing to request a hearing may do so on or before November 4, 1976.

Clinical data submitted by Warner-Chilcott Laboratories were reviewed by two members of the Food and Drug Administration's Psychopharmacological Agents Advisory Committee, and their report was submitted to the Subcommittee on MAO Inhibitors and the full Committee. Having reviewed the report and considered the recommendations of the Committee, the Director of the Bureau of Drugs concludes that the data submitted provide substantial evidence that phenelzine sulfate is effective in the treatment of certain types of depression. Copies of the review of the data submitted and pertinent portions of the minutes of the committee meetings are on file in the office of the Hearing Clerk, Food and Drug Administration (address given below) and may be seen in that office during working hours, Monday through Friday.

Accordingly, the notice of May 15, 1970, is amended to read as follows, insofar as Nardil Tablets is concerned.

NDA 11-909; Nardil Tablets containing phenelzine sulfate; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, NJ 07950.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug product.

In addition to the holder of the new drug application specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to the drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug he manufactures or distributes that may be identical, related, or similar to the drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the National Academy of Sciences-National Research Council, as well as new evidence, and concludes that:

1. Phenelzine sulfate is effective for the indication described below.

2. The drug lacks substantial evidence of effectiveness for all other indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under the conditions described herein.

1. *Form of drug.* The drug product is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug product is labeled to comply with all requirements of the act and regulations promulgated thereunder. The Indication is:

(Drug) has been found to be effective in depressed patients clinically characterized as "atypical," "nonendogenous," or "neurotic." These patients often have mixed anxiety and depression and phobic hypochondriacal features. There is less conclusive evidence of its usefulness with severely depressed patients with endogenous features. The drug should rarely be the first antidepressant drug used. Rather, it is more suitable for use with patients who have failed to respond to the drugs more commonly used for these conditions.

Labeling guidelines are available on request from the Division of Neuropharmacological Drug Products (HFD-120), Bureau of Drugs.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued, provided that on or before December 6, 1976, the holder of the application submits (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated new drug applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug for the indications lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice.

Notice is given to the holder of the new drug application, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with this notice, to delete the claims lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6) are hereby given an opportunity for a hearing to show why approval of the new drug application providing for the claims involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 4, 1976, a written notice of appearance and request for hearing, and (2) on or before December 6, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indications lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter

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summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 9366, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD–120), Rm. 10B–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65, Parklawn Building.

Request for Academy's report: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31).

Dated: August 9, 1976.

CARL M. LEVENTHAL,
Acting Director,
Bureau of Drugs.

[FR Doc.76–29178 Filed 10–4–76;8:45 am]

[Docket No. 76N–0156; DESI 12342]

TRANYLCYPROMINE SULFATE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

A notice (DESI 12342) was published in the FEDERAL REGISTER of September 1, 1970 (35 FR 13855) in which the Food and Drug Administration announced its conclusion that the drug product described below is less than effective (probably effective) for symptomatic relief in patients who have severe depression, are not candidates for electroconvulsive therapy, have failed to respond satisfactorily to other antidepressant therapy, and are hospitalized or under similar close supervision. Additional data were submitted but were determined not to provide substantial evidence of effectiveness. This notice announces that conclusion and proposes to withdraw approval of the product. Persons wishing to request a hearing may do so on or before November 4, 1976.

NDA 12–342; Parnate Tablets containing tranylcypromine sulfate; Smith Kline & French Laboratories, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, Pa. 19101.

The position of the Food and Drug Administration that Parnate was probably effective was identical with the conclusion of the Panel on Psychiatric Drugs of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. Although the Panel had commented that solid proof of efficacy is far from evident, in its General Comments, the Panel had stated as follows:

> Despite the side effects of this group of drugs, the Panel feels that monoamine oxidase inhibitors should be available to the practitioner to provide a greater range of treatment for selected depressed populations. Clinical experience suggests that monoamine oxidase inhibitors may be effective in a small and as yet poorly delineated group of depressed patients.

In 1971 it was the consensus of members of the Food and Drug Administration's Neuropharmacology Advisory Committee that there are instances in which Parnate treatment results in a remission of a depressive illness which failed to respond to other measures. It was the opinion of those consulted that Parnate should be available with restricted labeling.

In July 1973 Smith Kline & French Laboratories submitted a supplemental application providing for revised labeling and requested a waiver of the requirement of clinical trials to prove effectiveness, on the basis of ethical considerations involved in such trials. The Food and Drug Administration granted the waiver, and on September 5, 1973, the supplemental application was approved. The indication approved was "Parnate is indicated for symptomatic relief of severe reactive or endogenous depression in hospitalized or closely supervised patients who have not responded to other antidepressant therapy."

Since the approval of September 5, 1973, the information available concerning Parnate and other monoamine oxidase inhibitors has been thoroughly reviewed by the Food and Drug Administration with the assistance of the Psychopharmacological Agents Advisory Committee and its Subcommittee on Monoamine Oxidase Inhibitors. The purpose of this exhaustive review was to determine whether the data available provide substantial evidence of effectiveness. On April 21, 1975 Smith Kline & French submitted material concerning the safety and effectiveness of Parnate in treating depressed patients for consideration by the Subcommittee on Monoamine Oxidase Inhibitors. The data were thoroughly reviewed by a member of the Subcommittee and a member of the Bureau of Drugs' Division of Neuropharmacological Drug Products. Their report was presented to the Subcommittee on May 15, 1975, and to the full Committee on June 26–27, 1975. The full report of the review and pertinent portions of the minutes of the Committee and Subcommittee meetings are on file in the office of the Hearing Clerk, Food and Drug Administration, address given below, and may be seen in that office during working hours, Monday through Friday.

The reviewers selected for review those studies which best met the criteria of well-controlled investigations. Only three controlled studies comparing tranylcypromine with placebo were available, one employing outpatients and two employing hospitalized patients. Two of these studies dealt separately with endogenous and reactive types of depression. Six controlled studies comparing tranylcypramine with other active agents were available, one including multiple comparisons, one employing outpatients, four employing hospitalized patients, and one employing a mixture. Two studies dealt separately with endogenous and reactive types of depression, but the remaining four did not. The studies are discussed below:

1. *Parnate-placebo studies.* Bartholomew (1962). This well-controlled trial utilized matched pairs of patients with members of each pair randomly assigned to placebo or Parnate. Patients on Parnate did significantly better than those on placebo, but the difference was confined to patients with reactive depression. The study provides some evidence of anti-depressant activity, although the patient population studied was only mildly to moderately depressed (i.e., not the labeled population). It is of interest that Richmond and Roberts (below) found evidence of effectiveness in endogenous, but not reactive depression. While this may relate to differences in populations studied, definitions, or other differences between the two studies, it certainly decreases confidence in the findings.

Gottfries (1963) found no significant differences between Parnate and placebo.

Khanna (1963). In this well-controlled trial 30 depressed state hospital patients were treated with Parnate or placebo. At the end of therapy, Parnate had almost significantly better effect on ego strength ($p=0.06$) and anxiety ($p=0.09$) than did placebo, but produced only a weak favorable trend on depression and actually impaired hospital adjustment ($p=0.03$). Again, while the study suggests some pharmacological activity of Parnate, it certainly does not provide substantial evidence of its effectiveness as an antidepressant.

The three studies of Parnate vs. placebo provide some evidence of effectiveness. The positive result in the Bartholomew study, however, is not reproduced in any other study and is to a degree contradicted by the Richmond and Roberts study (see below). The favorable influence of Parnate on some psychologic tests but not on a specific test of depression in the Khanna study also cannot be considered substantial evidence of effectiveness in depression.

2. *Parnate-positive control studies.* The six positive control studies compare Parnate to drugs which, while in some instances considered effective, cannot be assumed effective, i.e., superior to placebo, in any given study in the absence of a direct comparison with placebo. A finding in a positive control study that Parnate is equivalent to some other drug would be evidence of Parnate's effectiveness only if there were unequivocal reasons to believe the positive control was effective in that particular study. Without such reasons, a finding of no difference can mean that either both drugs were effective or neither drug was effective. The Janacek studies compare Parnate to thioridazine, a drug not considered effective by FDA in the treatment of depression and certainly not demonstrably effective in every study, and to pargyline, a drug not marketed for treatment of depression. In the latter study, in fact, Parnate was really the "positive control" and pargyline was the drug whose effectiveness was being investigated.

In the Richmond and Roberts study Parnate was compared with two tricyclic drugs and another monoamine oxidase inhibitor. Although there were no significant differences when all patients were considered, Parnate was significantly superior to amitriptyline for the subgroup of patients with endogenous depression. If amitriptyline is assumed to be no worse than placebo, this provides some evidence of an antidepressant effect of Parnate. This finding in only one subgroup, without an overall advantage, however, must be corroborated before it can be accepted. As noted above, the Bartholomew placebo-controlled study found no significant improvement in endogenous depression but significant improvement in reactive depression, i.e., the precise opposite of Richmond and Roberts.

Overall compared Parnate with dextroamphetamine, a drug not considered by FDA to be effective for treatment of depression.

The SKF multi-investigator study appropriately studied tricyclic-resistant patients but detected no significant differences between Parnate and amitriptyline when all patients in the study were considered. Because many sets of data were incomplete, calculations using only complete data (less than half the patients) were made and in this case Parnate appeared superior to amitriptyline early in the study. Data were edited severely to remove imcomplete data, eliminate patients with concomitant therapy, and eliminate patients whose rating scales were completed eight days or more after the study was finished. While the editing does not appear unreasonable, it does respresent a post-hoc procedure which could have introduced bias. The methods used to minimize such bias were not explained (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). Moreover, there is no analysis of why so much of the data (more than half) collected proved unusable, which suggests poor compliance with the study protocol, and how randomization was affected by the loss of data (21 CFR 314.111(a)(5)(ii)(*2*)(*a*)(*ii*) and (*iii*)). As noted earlier, in a positive control study without a placebo group, it generally cannot be determined whether either drug was effective in the particular study. This study illustrates this problem to some degree. Global improvement was 30 percent for Parnate, 26 percent for amitriptyline. Since by definition, all patients in the study were tricyclic resistant, this degree of improvement with amitriptyline presumably represents in large part a response, not to the drug, but to the study situation, i.e., a placebo response. The fact that Parnate did no better than a drug known to be ineffective in the population studied suggests minimal, if any, drug effect in this study. The equivalence of the two drugs thus does not support the effectiveness of Parnate.

Spear compared Parnate with imipramine in depressed outpatients. Although both groups improved at two weeks, ratings of depression in the third week were not different from the initial ratings.

These six studies provide little evidence of Parnate's effectiveness as an antidepressant. Three compared Parnate with drugs that are not established antidepressants (Janacek, Øverall). One found Parnate no better than a drug thought to be ineffective in the patients studied (SKF multi-investigator study). In the fifth study, (Spear) neither drug improved patients over their initial state by the end of treatment. Only in the Richmond and Roberts study was there some evidence of drug effect and this study reported an advantage only in patients with endogenous depression (but not reactive depression), results opposite to Batholomew's.

Although the available data do not contititute substantial evidence of effectiveness, they do provide some evidence to indicate that tranylcypromine may be an effective antidepressant. The studies provide no clear indication that tranylcypromine is especially useful in some particular population, such as reactive depressives or outpatients. It should be noted that the studies were for the most part conducted prior to 1966 using relatively insensitive test methods and might have failed to detect an antidepressant effect that in fact exists. Measures of drug effect in some studies were limited to global evaluations and in other studies included measures now regarded as insensitive. Also, the number of patients per treatment group in most studies was small by current standards. In addition, three studies employed treatment periods as brief as 2 weeks and three others employed treatment periods of 3 weeks. Finally, the dosages of both tranylcypromine and reference agents were low in some cases. It seems possible that studies designed and carried out using more sensitive test methods and adequate drug doses and duration of treatment might be able to demonstrate antidepressant activity for tranylcypromine, perhaps selectively in certain subpopulations.

The Director of the Bureau of Drugs has concluded that, while there is some suggestive evidence of efficacy, the studies available do not meet the statutory criteria for substantial evidence of effectiveness.

The conclusions of the review were communicated to Smith Kline & French by letter of August 25, 1975. The letter pointed out that, in accordance with Paragraph XIV of the order entered on October 11, 1972, by Judge William B. Bryant of the U.S. District Court for the District of Columbia, and published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), a limited number of drugs may remain on the market pending completion of scientific studies to determine effectiveness when there is a compelling justification of the medical need for the drug. The letter invited Smith Kline & French to submit information to justify such a medical need, along with a commitment to carry out the necessary efficacy studies. The firm subsequently submitted satisfactory documentation of the medical need, but expressed reluctance, because of ethical considerations, to conduct additional clinical studies, and urged that the requirement for additional studies be waived.

Since the FDA granted the waiver of clinical studies and approved the supplemental application on September 5, 1973, as discussed above, it has been demonstrated that adequate and well-controlled studies can be successfully conducted with a monoamine oxidase inhibitor without violating ethical precepts or patients' rights. Under the circumstances of a lack of substantial evidence of effectiveness and evidence that well-controlled studies could be conducted, the Director of the Bureau of Drugs has concluded that approval of the new drug application for Parnate should be withdrawn.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for

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hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to the drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to the drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, Md. 20852.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201 (p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and of all identical, related, or similar drug products.

If the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 4, 1976, a written notice of appearance and request for hearing, and (2) on or before December 6, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a geniune and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 6, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-29177 Filed 10-4-76;8:45 am]

Food and Drug Administration

[Docket No. 76N–0170; DESI 10137]

HYDROCORTISONE ACETATE DENTURE POWDER

Withdrawal of Approval of New Drug Application

In a notice (DESI 10137; Docket No. 76N–0170) published in the FEDERAL REGISTER of June 28, 1976 (41 FR 26593), the Director of the Bureau of Drugs offered an opportunity for a hearing on his proposal to issue an order withdrawing approval of the following drug product which has been used for relief of distress and inflammation when dentures are worn immediately following multiple dental extractions.

NDA 10–137; Mann Denture Powder containing hydrocortisone acetate 0.5 percent; previously marketed by Mann Chemical Corp., 520 West Main St., Louisville, KY 40202.

The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indications. By letter of June 28, 1976, Mann Chemical Corp. stated that the product is no longer manufactured or marketed, and elected not to request a hearing. No other person responded to the notice, and approval of the application is now being withdrawn.

All drug products that are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310) 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.31), (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 10–137, and all amendments and supplements applying thereto, is withdrawn effective October 15, 1976.

Shipment in interstate commerce of the above listed product or of any identical, related, or similar products, not the subject of an approved new drug application, will then be unlawful.

Dated: September 29, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76-29261 Filed 10-4-76;8:45 am]

[Docket No. 76N–0379]

PLASTIC BOTTLES FOR CARBONATED BEVERAGES AND BEER

Availability of Final Environmental Impact Statement

The Food and Drug Administration (FDA) announces that the final environmental impact statement entitled "Plastic Bottles for Carbonated Beverages and Beer" will be available October 8, 1976. This environmental impact statement concerns the potential environmental impact resulting from the introduction of plastic containers for carbonated beverages and beer. The component materials of such containers have been or may be subject to FDA review as food additives.

The Commissioner of Food and Drugs issued a notice that was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391) in which he concluded that an environmental impact statement is necessary for FDA actions on food additive petitions for substances intended for use in the fabrication of plastic bottles for carbonated beverages and beer. A notice of availability of the draft environmental impact statement was published in the FEDERAL REGISTER of April 14, 1975 (40 FR 16708), requesting comments by June 13, 1975. The Council on Environmental Quality issued an additional notice of availability published in the FEDERAL REGISTER of June 13, 1975 40 FR 25250), which provided for an additional 45-day public comment period. All comments received have been addressed in the final environmental impact statement.

Copies of the final environmental impact statement will be forwarded to the Council on Environmental Quality and to various interested Federal, State, and local agencies and to private organizations.

Copies of the final environmental impact statement will be on public display October 8, 1976 at the office of the Assistant Commissioner for Public Affairs, Rm. 15B–32, and at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. A limited number of copies will be available upon request, and requests for single copies may be forwarded to either office.

A notice will be published in the FEDERAL REGISTER announcing the Commissioner's decision whether to take or withhold action on the basis of his authority under the National Environmental Policy Act with respect to food additive regulations authorizing the use of plastic bottles for carbonated beverages and beer. Pursuant to § 6.3(a)(5) (21 CFR 6.3(a)(5)), that notice will not be published earlier than 30 days after the availability of the statement to the public.

This notice is issued under the National Environmental Policy Act of 1969, Pub. L. 91–190 (sec. 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332(2)(C))), the Council on Environmental Quality guidelines published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), Executive Order 11514, published in the FEDERAL REGISTER March 7, 1970 (35 FR 4247), environmental regulations of the Food and Drug Administration (21 CFR Part 6), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-29263 Filed 10-4-76;8:45 am]

[Docket No. 76N–0149; DESI 12191]

PREGNENOLONE SUCCINATE CREAM

Withdrawal of Approval of New Drug Application

In a notice (DESI 12191; Docket No. 76N–0149) published in the FEDERAL REGISTER of June 28, 1976 (41 FR 26594), the Director of the Bureau of Drugs offered an opportunity for a hearing on his proposal to issue an order withdrawing approval of the following drug product that has been used to treat skin disorders.

NDA 12–191; Panzalone Cream containing pregnenolone succinate; Doak Pharmacal Co., Inc., 700 Shames Drive, Westbury, Long Island, NY 11590.

The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indications. The proposed action was not contested, and approval of the product is now being withdrawn.

All drug products that are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the new drug application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 12–191, and all amendments and supplements applying thereto, is withdrawn effective October 15, 1976.

Shipment in interstate commerce of the above listed product or of any identical, related, or similar products, not the subject of an approved new drug application, will then be unlawful.

Dated: September 29, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76-29260 Filed 10-4-76;8:45 am]

[Docket No. 76N–0936; DESI 12095]

STERILE TOLBUTAMIDE SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 12095; Docket No. FDC–D–237 (now Docket No. 76N–0396)) published in the FEDERAL REGISTER of October 15, 1970 (35 FR 16202), the Food and Drug Administration announced its conclusions that the drug described below is (1) effective for use as an aid in the diagnosis of pancreatic islet cell adenoma; (2) possibly effective for distinguishing between pancreatic and hepatic disease with carbohydrate intolerance and for the diagnosis of certain pancreatic diseases (carcinoma and pancreatitis); and (3) lacking substantial evidence of effectiveness for use as a diagnostic agent for the detection of mild diabetes. The notice also offered an opportunity for a hearing concerning the indication concluded at that time to lack substantial evidence of effectiveness. The manufacturer of the drug has deleted the less-than-effective indications from the labeling of the drug. No person has submitted any data in support of the possibly effective indications, and those indications are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning those indications and sets forth the conditions for marketing the drug for the indication for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before November 4, 1976.

The notice that follows does not pertain to the indication stated in the notice of October 15, 1970 to lack substantial evidence of effectiveness. No person requested a hearing concerning it, and it is no longer allowable in labeling. Any such product labeled for that indication is subject to regulatory action.

NDA 12–095; Orinase Diagnostic containing sterile tolbutamide sodium; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufacturers or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufacturers or distributes that may be identical, related, or similar to a drug

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product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indication listed in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indications evaluated as possibly effective in the October 15, 1970 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.*—The drug is in sterile powder form suitable upon reconstitution for intravenous administration.

2. *Labeling conditions.*—a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For use as an aid in the diagnosis of pancreatic islet cell adenoma.

3. *Marketing status.*—a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before December 6, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1 (c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S..C 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 4, 1976, a written notice of appearance and request for hearing, and (2) on or before December 6, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 12095, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD–130), Rm. 14B–03, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the hearing of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC–18), Rm. 4–62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

(Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262).)

Dated: September 29, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76–29262 Filed 10–4–76;8:45 am]

Office of Education

HANDICAPPED RESEARCH AND DEMONSTRATION

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in sections 641 and 642 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441, 1442), applications are being accepted for support for research and related purposes related to education of the handicapped. This announcement covers applications for new awards only for the Field Initiated Studies program.

Under the Field Initiated Studies program, the Office of Education is interested in a broad range of field initiated research and research related projects focusing on the education of handicapped children.

Applications must be received by the U.S. Office of Education Application Control Center on or before January 10, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grants and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.443. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 5, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Further information and application forms may be obtained from the Research Projects Branch, Bureau of Education for the Handicapped, Office of Education, 400 Maryland Avenue, SW. (ROB, 2012), Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and Programs for the Education of the Handicapped (45 CFR 121h).

(20 U.S.C. 1441, 1442.)

Dated: August 19, 1976.

(Catalog of Federal Domestic Assistance, No. 13.443 Handicapped Research and Demonstration.)

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.76–29272 Filed 10–4–76;8:45 am]

Public Health Service

PUBLIC HEALTH SERVICES' FORWARD PLAN FOR HEALTH

Availability

The Public Health Services' Forward Plan for Health, 1978–82 has been published. Single copies are available free until the current supply is exhausted from the Office of Policy Development and Planning, OASH/PHS, 5600 Fishers Lane, Rockville, Md. 20852. Multiple copies may be purchased by writing:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
Stock No. 017–000–00172–8.
Price: $1.90.

Dated: September 28, 1976.

PEARL E. COHEN,
Administrative Officer.

[FR Doc.76–29115 Filed 10–4–76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions and Delegations of Authority

Part 11, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571–74, as amended) is amended to reflect the reorganization of the Office of Organization and Management Systems by abolishing the Division of Management Policy and Analysis and establishing the Division of Manpower Management and Planning, Division of Organization Management and Analysis, and Division of Directives and Authorities Management.

Section 11–B, *Organization and Functions*, is amended by deleting the statement for the Division of Management Policy and Analysis (1N19053) in its entirety and substituting the following statements:

Division of Manpower Management and Planning (1N19057). (1) Develops manpower planning and management policies, standards, and guidelines for the maintenance and operation of a Public Health Service (PHS) manpower management program. (2) Evaluates on a periodic basis the manpower planning systems established under this program. (3) Provides guidance on the development of quantitative budget justification for position increases, and administers the system for controlling manpower authorizations to PHS agencies. (4) Works in concert with PHS staff offices and agencies to: (a) justify position reallocations as part of organizational changes; (b) insure that manpower planning systems are integrated into various other management systems across PHS; (c) improve methodologies of manpower management; and (d) identify, perform, and/or direct manpower surveys.

Division of Organization Management and Analysis (1N19058). (1) Develops, coordinates, and implements Public Health Service (PHS) policies, standards, and procedures governing: (a) The establishment and maintenance of effective organization structures and functional alignments within PHS; (b) administration of the standard administrative coding system; and (c) utilization of management consulting contracts. (2) Provides management consultant assistance to PHS elements, conducts management studies and special management problem analyses, and directs or provides support to task forces and study group addressing organization and management problems and issues. (3) Initiates, reviews and/or conducts studies of proposals for establishing or modifying PHS organizations and functions, negotiating solutions to problems both within PHS and with the Department.

Division of Directives and Authorities Management (1N19059). (1) Develops, coordinates, implements, and interprets Public Health Service (PHS) policies, standards, and procedures in the administration of PHS systems for: (a) delegations of authority; (b) interagency agreements; (c) forms management; (d) issuance management; (e) employee suggestions; (f) records management; and (g) reports management. (2) Provides consultation and assistance to PHS and other DHEW officials in the development of authorities, directives, and agreements in relation to enacted legislation, regulations, and policies. (3) Controls the development of: (a) PHS forms; (b) disposition of record materials; (c) management of reports; (d) supplements to the Department of Health, Education, and Welfare (DHEW) staff manuals; and (e) delegations of authority. (4) Clears and coordinates the development of certain interagency agreements.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

SEPTEMBER 29, 1976.

[FR Doc.76–29183 Filed 10–4–76;8:45 am]

V41N194 OCT 5 76 UMI

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE INSTITUTE OF TECHNOLOGY SUBCOMMITTEE OF THE AIR UNIVERSITY BOARD OF VISITORS

Meeting

SEPTEMBER 27, 1976.

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting at 11 am on November 9, 1976, in Room 2004 (ten seats available), Building 125, Wright-Patterson Air Force Base, Ohio.

The purpose of the meeting is to give the subcommittee the opportunity to present to the Commandant, Air Force Institute of Technology, a report of findings and recommendations concerning the institute's educational programs. The findings of the subcommittee will also be reported to the Commander, Air University, at the next regularly scheduled meeting of the Air University Board of Visitors.

For further information on this meeting, contact Lieutenant Colonel Jonathan H. Snead, Chief, Degree Programs Division, Directorate of Educational Plans and Operations, Air Force Institute of Technology, (513) 255-4219 or 5402.

FRANKIE S. ESTEP,
Directorate of Administration.

[FR Doc.76-29166 Filed 10-4-76;8:45 am]

US ARMY TANK-AUTOMOTIVE RESEARCH AND DEVELOPMENT COMMAND SCIENTIFIC ADVISORY GROUP (TASAG)

Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Act P.L. 92-463, announcement is made of the following committee meeting:

Name of Committee: Tank-Automotive Research and Development Command Scientific Advisory Group (TASAG).

Date: October 20-21, 1976.

Place: U.S. Army Tank-Automotive Research and Development Command (TARADCOM) Warren, Michigan.

Time: 1100—October 20 to 1700—October 21, 1976.

Proposed Agenda: Review and discussion of combat and tactical vehicles in current and future years; priorities of requirements; research and development programs to meet projected requirements.

This meeting will include classified plans, requirements, data and program details. In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(4) of the United States Code, specifically subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

E. N. PETRICK,
Chief Scientist.

[FR Doc.76-29384 Filed 10-4-76;9:36 am]

Office of the Secretary of Defense

DOD ADVISORY GROUP ON ELECTRON DEVICES

Meeting

Working Group G (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014 on 26-27 October 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 30, 1976.

[FR Doc.76-29151 Filed 10-4-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Protection of Properties

Pursuant to Section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR, Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the month of August, 1976. The Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593, May 13, 1971.

New River Dams Archeological District, the Skunk Creek Archeological District and the Cave Creek Archeological District, Phoenix Area, Arizona, affected by the New River and Phoenix City Streams Flood Control Project undertaken by the Army Corps of Engineers (8/3/76).

J.H. South I Site (22-TS-769), J.H. South II Site (22-TS-770), L.A. Strickland I Site (22-TS-765), Tishomingo County, Mississippi, affected by a dewatering test trench, Divide Section of the Tennessee-Tembigbee Waterway undertaken by the Army Corps of Engineers (8/3/76).

Brooks Mansion, District of Columbia, affected by WMATA Project Section B-6F, Brookland Station undertaken by the Washington Metropolitan Area Transit Authority (8/10/76).

Hallock's Pond Archeological Site, Suffolk County, New York, affected by a construction permit for the Jamesport Nuclear Power Station undertaken by the Nuclear Regulatory Commission (8/15/76).

Chesapeake and Ohio Canal National Historical Pork, Maryland affected by archeological investigations undertaken by the Department of Interior, National Park Service (8/16/76).

Saratoga Springs Historic District, Saratoga Springs, New York, affected by Community Development Program undertaken by the City of Saratoga Springs, New York, Office of Community Development (8/20/76).

USS MONITOR, North Carolina, affected by permit for scientific research, undertaken by the National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, Department of Commerce (8/23/76).

Broadway-Armory Historic District, Providence, Rhode Island, affected by a Section 312 Housing Rehabilitation Loan approved by the Department of Housing and Urban Development (8/23/76).

Block Island, New Shoreham, Rhode Island, affected by the construction of sewage treatment facilities, undertaken by the Environmental Protection Agency. Memorandum of Agreement ratified March 16, 1976, Amendment ratified 8/23/76.

Newport Historic District, Newport, Rhode Island, affected by the development of Queen Anne Square by the Department of Housing and Urban Development (8/23/76).

Wills-Dickey Stone House, Sullivan County, Tennessee, affected by the widening of a bridge and bridge approaches on State Route 2463 by the Department of Transportation, Federal Highway Administration (8/23/76).

Stones River National Battlefield, Rutherford County, Tennessee, affected by archeological investigations undertaken by the National Park Service, Department of Interior (8/23/76).

Mabry Mill and Mabry Blacksmith Shop, Blue Ridge Parkway, Virginia, affected by maintenance and preservation undertaken by the National Park Service, Department of Interior (8/23/76).

Fort Chiswell, Wythe County, Virginia, affected by Virginia Project I-77-1(32)28 undertaken by the Federal Highway Administration, Department of Transportation (8/30/76).

The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, N.W., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76-28974 Filed 10-4-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27838]

AEROVIAS QUISQUEYANA, C. POR A. ENFORCEMENT PROCEEDING

Assignment of Proceeding

The above named proceeding is hereby assigned to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., September 29, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29197 Filed 10-4-76;8:45 am]

[Docket 27133]

BRANIFF AIRWAYS, INC.

Complaint of Betty Criner Moore; Reassignment of Proceeding

The above named proceeding has been reassigned from Administrative Law Judge Burton S. Kolko to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., September 29, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29198 Filed 10-4-76;8:45 am]

[Dockets 26368 and 26369]

EASTERN AIR LINES, INC.

Assignment of Proceeding

The above named proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 29, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.[1]

[FR Doc.76-29201 Filed 10-4-76;8:45 am]

[Docket 27569]

FLYING HORSE AIR FREIGHT, INC.

Assignment of Proceeding

The above named proceeding is hereby assigned to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., September 29, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29199 Filed 10-4-76;8:45 am]

[Docket 27435]

HUGHES AIR CORP. D/B/A HUGHES AIRWEST

Assignment of Proceeding

The above named proceeding is hereby assigned to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., September 29, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29200 Filed 10-4-76;8:45 am]

[Order 76-9-160; Dockets 27785; 27813; Agreements C.A.B. 26064; R-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

At the request of Japan Air Lines Company, Ltd., Northwest Airlines, Inc., and Pan American World Airways, Inc., and in consideration of the wishes of the Japanese Civil Aviation authorities the Board, by Order 76-3-95, March 15, 1976, renewed authorization for meetings among all interested carrier parties to discuss the level of special group inclusive tour (GIT) fares for Japan-originating passengers, and the conditions related thereto. The fares are specified in Japanese yen and apply to travel to the continental U.S. and Alaska in groups of 30 and to Hawaii in groups of 40.[1] The carriers met in Tokyo on March 18-20, 1976.

The resulting agreement was negotiated for implementation in two phases: the first for the period October 1, 1976, through March 31, 1977, and the second for the period beginning April 1, 1977. This order will deal with the first phase which, although negotiated separately, has been filed under section 412(a) of the Federal Aviation Act as part of a North/Central Pacific fare agreement proposed by the carrier members of the International Air Transport Association (IATA) for effect October 1, 1976, through March 31, 1977, and is incorporated into that agreement as Resolution 084t.

Briefly, for the basic and peak seasons, the agreement contemplates increases of 1.1 and 2.7 percent in group 30/40-GIT fares to Alaska/Hawaii, and increases of 7.4 and 3.2 percent in fares to west-coast points.[2] Shoulder season fares to west-coast points would be decreased 5.1 percent. Shoulder season fares to Alaska and Hawaii would be decreased by 9.3 percent in 1976, but during the 1977 shoulder period the levels would revert to an approximate 1 percent decrease from present shoulder fares.

Trans International Airlines, Inc., and World Airways, Inc., have filed joint comments and objections to the North/Central Pacific agreement. Insofar as they address the 30/40-GIT fares, both carriers contend that scheduled carriers have, in the past, discounted the 30/40 GIT fares up to 40 percent off published tariff levels; and that approval of the proposed levels should not be granted until the Board is satisfied that all parties intend to abide by their lawful tariffs and have justified the proposed fare levels. Finally, both carriers believe that any fare proposed at levels lower than those in present tariffs should be disapproved.

We will approve the revised 30/40-GIT fares for the October 1976-March 1977 period—the life of the IATA agreement now pending before the Board.[3] Our authorization which led to the intercarrier discussions and the ensuing agreement was predicated upon tariff enforcement difficulties in the Pacific and upon a mutual desire to achieve some degree of stability in air fares from Japan to the United States. These requirements appear to be satisfied by the instant agreement. Since the fares are, by their terms, available only for travel originating in Japan, the U.S. traveling public will not be directly affected. On the other hand, the generally higher levels over currently effective fares should provide some needed additional revenue for the U.S.-flag carriers.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, does not find the following resolution, incorporated in Agreement C.A.B. 26064, to be adverse to the public interest or in violation of the Act:

Agreement CAB 26064	IATA No.	Title	Application
R-14.....	084t	North and Central Pacific Group Inclusive Tour Fares from Japan to TC1 (readopting and amending).	3/1

[2] For the period through March 1977, seasonality is as follows:

	To Honolulu	To west-coast/Alaska
Basic.....	Dec. 1-25, 1976.....	November-Dec. 19, 1976.
	Jan. 3-31, 1977.....	Jan. 5-Feb. 28, 1977.
Shoulder..	October-November 1976.	October 1976.
	February-March 1977.	March 1977.
Peak.....	Dec. 26, 1976-Jan. 2, 1977.	Dec. 20, 1976-Jan. 4, 1977.

[1] Order 75-6-58, June 12, 1975, authorized discussions among the interested carriers which resulted in an agreement to establish the special fares. That agreement was approved by Order 75-9-106, September 29, 1975.

[3] We expect to consider the second phase of this agreement in conjunction with the next major North/Central Pacific fare agreement which is presently being negotiated for effect on April 1, 1977.

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Accordingly, it is ordered, That: 1. That portion of Agreement C.A.B. 26064 set forth in the finding paragraph above be and hereby is approved;

2. Tariffs implementing Agreement C.A.B. 26064, R–14, may be filed on not less than one day's notice for effectiveness not earlier than October 1, 1976. The short-notice authority in this paragraph expires October 31, 1976; and

3. Tariffs implementing Agreement C.A.B. 26064, R–14, shall be marked to expire not later than March 31, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–29196 Filed 10–4–76;8:45 am]

COMMISSION ON CIVIL RIGHTS

CONNECTICUT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. and end at 11:00 p.m. on October 22, 1976, and will reconvene at 9:00 a.m. and end at 12:00 noon on October 23, 1976, at the Sheraton Hartford, 315 Trumble Avenue, Hartford, Connecticut.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to develop program and project priorities for coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–29235 Filed 10–4–76;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) to this Commission will convene at 11:00 a.m. and end at 2:00 p.m. on October 19, 1976, at the U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., 5th Floor Conference Room, Washington, D.C. 20425.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to review transcript of the Forum on civil rights issues.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–29236 Filed 10–4–76;8:45 am]

FLORIDA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting and press conference of the Florida Advisory Committee (SAC) to this Commission will convene at 8:00 pm. and end at 11:00 pm. on October 27, 1976, and will reconvene at 9:30 am. and end at 1:00 pm. on October 28, 1976, at the Regency Room, DuPont Plaza Hotel, 300 Biscayne Blvd. Way, Miami, Florida 33131.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of the meeting and press conference is to deal with releasing of the SAC report on Miami/Dade County police departments. There will be a discussion on follow up of the Jacksonville study and of the Commission Hearing in Tampa on school desegregation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–29237 Filed 10–4–76;8:45 am]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 2:00 pm. and end at 6:00 pm. on October 23, 1976, at 2574 River Road, Apt. 1–A, Annapolis, Maryland 21401.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to develop plans for the study of managed growth in Baltimore City, Baltimore County and other jurisdictions.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–29238 Filed 10–4–76;8:45 am]

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 4:00 p.m. on October 27, 1976, at the Professional Building, 1036 Quarrier Street, Second Floor, Charleston, West Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss status of civil rights in West Virginia.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–29239 Filed 10–4–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 617–4; PP6G1757/T79]

MONSANTO CO.

Establishment of Temporary Tolerance for Glyphosate

Correction

In FR Doc. 76–27180, appearing at page 40219 in the issue of Friday, September 17, 1976, in the first column on page 40220, in the third paragraph, sixth line, the figure "0.05 ppm" should read "0.1 ppm".

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

Members of Special Committee No. 65, "SHIP RADAR"
Notice of 49th Meeting
Wednesday, October 20, 1976—1:30 pm
Conference Room 8210, 2025 M Street, NW., Washington, DC.
Formal Meeting Schedule for SC–65 Working Groups to be held at 2025 M Street, NW., Washington, DC

Working group	Room	Date	Time
Reliability	8210	Oct. 19	9:30 a.m.
Collision avoidance	8210	Oct. 20	9:30 a.m.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda
2. Acceptance of SC–65 Summary Records; Appointment of Rapporteur
3. Progress Reports of Working Groups:
   a. Reliability
   b. Collision Avoidance Systems
4. Status Reports on Other Working Groups
5. Final Approval of SC–65 Papers
6. Other business
7. Establishment of next meeting date

Irvin Hurwitz, Chairman, SC–65, Federal Communications Commission, Washington, DC 20554. Phone: (202) 632–7197.

Special Committee No. 68 "Marine Radiotelephone Operator Education"
Notice of 17th Meeting
Wednesday, October 20, 1976—9:30 am
Conference Room A–205, 1229 20th Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report
2. Confirmation of Secretary; Adoption of Agenda
3. Acceptance of SC–68 Summary Records
4. Review promotion plans for Handbook
5. Review proposed feature stories
6. Discuss possible materials and plan public education effort for future
7. New business
8. Establishment of next meeting date

A. Newell Garden, Chairman, SC–68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, Phone: (617) 862–6600 (Ext. 414).

EXECUTIVE COMMITTEE MEETING, THURSDAY, OCTOBER 21, 1976

The next Executive Committee Meeting will be on Thursday, October 21, 1976, at 9:30 am in Conference Room 847, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report
2. Introduction of Attendees; Adoption of Agenda
3. Acceptance of the Minutes of Executive Committee Meetings
4. Progress Reports on Currently Active Committees
5. Status Reports on Other Committees
6. New Membership Applications for Executive Committee Approval, Department of the Navy, Washington, DC (Government), I.O.T. Corporation, Philadelphia, Pa. (IWG).
7. Acceptance of 1977 Assembly Meeting Ad hoc Group report
8. Approval of 1977 Assembly Meeting Headquarters Hotel
9. Approval of SC–65 "Ship Radar" Paper
10. Discussion on Membership Campaign Proposal
11. Summary Reports and Announcements
12. New Business
13. Establishment of next meeting date

To comply with the advance notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in the notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–29193 Filed 10–4–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMERS POWER CO.

Synthetic Natural Gas Feedstocks; Opportunity To Submit Written Comments and To Participate in Public Hearing on Petition for Assignment of Supplier and Base Period Use

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding the June 1, 1976, petition of Consumers Power Company (Consumers), a synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period use of propane, butane or natural gasoline for SNG feedstock use after December 31, 1976, pursuant to 10 CFR 211.29, and Special Rule No. 1 issued thereunder.

The volume of SNG feedstock requested is 19,405,836 barrels of propane, butane, or natural gasoline per year commencing January 1, 1977.

Consumers' Marysville, Michigan, SNG facility is designed to produce SNG for 345 days of base loading service utilizing 4,851,459 barrels of feedstock per quarter for a total of 19,405,836 barrels of feedstock per year.

The petition requests the assignment of Dome Petroleum Ltd., The American Oil Co., Michigan Consolidated Gas Co., and a group of small suppliers referred to as Kalkaska for 4,851,459 barrels of feedstock for each quarterly period corresponding to a base period.

Consumers is currently producing SNG from an allocation of propane, butane, or natural gasoline assigned to Consumers by FEA's Decision and Order dated December 12, 1975. The June 1, 1976, petition, if granted, would allow Consumers to expand output of its Marysville, Michigan, SNG facility after December 31, 1976. The feedstock requested represents an increase of 5.3 percent over the volume of feedstock assigned in FEA's December 1975 Order.

A file containing all information and data filed in conjunction with Consumers' petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Written comments regarding Consumers' petition will be accepted and considered if filed by October 28, 1976. Any person submitting written comments with respect to Consumers' petition should comply with the requirements of 10 CFR 205.33 of the FEA procedural regulations. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Allocation of Feedstocks for Consumers Power Company's SNG Plant." Five copies should be submitted to FEA and one copy to Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, Attention Mr. R. B. Atwater, Executive Director of Fuel Supply.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on Consumers' petition will be held beginning at 9:30 a.m., e.s.t., on October 29, 1976, in the Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has an interest in the petition, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., October 14, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.,

[1] Minetti and West, members, filed the attached partial dissent as part of the original document.

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between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through October 28, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., October 22, 1976, and must submit 50 copies of his or her statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on October 28, 1976.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., October 26, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Additional public comment on all written and oral presentations received by October 29, 1976, will be permitted through November 12, 1976. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, attention Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to Consumers and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be made available for public viewing on November 1, 1976, at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the Federal Energy Administration's Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m,. e.s.t., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

MICHAEL F. BUTLER,
General Counsel.

SEPTEMBER 3, 1976.

[FR Doc.76-29174 Filed 9-30-76;12:59 am]

GULF OIL CORP.

Proposed Agency Action Concerning Application for Redirection of Product; Opportunity To Submit Written Comments and To Participate in Public Hearing

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding FEA's proposed action on the December 18, 1975, application of Gulf Oil Corporation (Gulf) for a termination of its supplier/purchaser relationships established under 10 CFR 211.9 with wholesale purchasers in Gulf's Northern California, Northern Nevada, Washington and Oregon marketing area (herein referred to as the "affected marketing area"). Gulf's application was filed under 10 CFR 211.14 (d), and is based on Gulf's intention to withdraw totally from the affected marketing area following the closing and sale of its Hercules, California, refinery. FEA proposes to grant the application with respect to Gulf's motor gasoline wholesale purchasers, in the manner set forth below.

The application, as amended and supplemented, covers Gulf wholesale purchaser customers whose base period volumes of motor gasoline total approximately 19,000 barrels per day (b/d), consisting of approximately 14,750 b/d for nonbranded independent marketers, 4,100 b/d for Gulf retail sales outlets (of which 2,200 b/d is for dealer operated stations and 1,900 b/d is for company operated stations) and less than 100 b/d for wholesale purchaser consumers. The wholesale purchasers covered by the application were notified and have been given opportunity to comment.

FEA proposes to issue an order terminating Gulf's supplier/purchaser relationships with all of its motor gasoline wholesale purchasers in the affected marketing area, including its retail sales outlets, effective December 1, 1976, where the wholesale purchaser is able to locate a willing supplier by that date, and effective January 1, 1977 in all other cases.

A file containing all information and data filed in conjunction with Gulf's application, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., and at FEA's Regional Offices at 111 Pine Street, San Francisco, California, and 915 Second Avenue, Seattle, Washington, between the hours of 8 a.m. and 4:30 p.m., e.d.t. and p.d.t., respectively, Monday through Friday, except Federal holidays

Written comments regarding Gulf's application and FEA's proposed action will be accepted and considered if filed by October 19, 1976. Any person submitting written comments with respect to FEA's proposed action should comply with the requirements of 10 CFR 205.33 of the FEA procedural regulations. Comments should be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box JD, the Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation, "Gulf Oil Corporation's Application for Redirection of Product." Five copies should be submitted to FEA and one copy to Gulf Oil Corporation, Law Department, P.O. Box 3725, Houston, Texas 77001, Attention: Mr. Robert F. Ochs.

A public hearing on FEA's proposed action on Gulf's application will be held beginning at 9:30 a.m., p.d.t., on October 21, 1976, at the United States Court of Appeals, Courtroom No. 14, Main Post office Building, 7th and Mission Streets, San Francisco, California, to receive comments from interested persons.

Any person who has an interest in the Gulf application or who is a representative of a group or class or persons which has an interest in that application, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Mr. James Russell, FEA Region IX Office, 111 Pine Street, San Francisco, California, should be identified with the designation "Gulf Oil Corporation's Application for Redirection of Product," and must be received before 4:30 p.m., p.d.t., October 18, 1976. Such a request may be hand delivered to Mr. James Russell, FEA Region IX Office, 111 Pine Street, San Francisco, California, between the hours of 8 a.m. and 4:30 p.m., p.d.t., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through October 19, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., p.d.t., October 19, 1976, and must submit 25 copies of his or her statement to Mr. James Russell, FEA Region IX Office, 111 Pine Street, San Francisco, California, before 4:30 p.m., p.d.t., on October 20, 1976.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to FEA Region IX Office before 4:30 p.m., p.d.t. October 20, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures set forth in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The transcript of the public hearing will be availble for public review at the FEA, Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

SEPTEMBER 30, 1976.

[FR Doc.76-29209 Filed 10-4-76;8:45 am]

PROPOSED CLASS EXCEPTION ON PASS-THROUGH OF INCREASED NON-PRODUCT COSTS BY REFINERS BEFORE FEBRUARY 1, 1976

Procedures and Criteria

I. INTRODUCTION

On August 3, 1976, the Federal Energy Administration (FEA) proposed a "class exception" to permit certain refiners (those not constrained during 1975 by the profit margin limitation) to compute increased non-product cost recoveries under the "proportionate" method from January 1975 through January 1976 (41 FR 33282, August 9, 1976). In a notice published on September 20, 1976 (41 FR 40559) FEA described the aggregate results of the responses by refiners to a request for data included in this proposed class exception. The data submitted show an approximate aggregate dollar impact on the amount of cost justification available to the 104 refiners which responded that could be associated with the grant or denial of the "class exception" and an approximate breakdown of those amounts as they would impact upon the "major" and "small and independent" refiners.

In the August 3, 1976 notice of this proposed class exception, FEA reaffirmed that the interpetation which was issued on February 1, 1976 of the November 29, 1974 regulations is correct, i.e., increased product costs were required to be recovered first and banking of unrecovered increased non-product costs was not permitted. FEA wishes to emphasize that it fully intends to enforce this interpretation of the regulations in all instances other than those in which a firm has applied for and been granted relief by FEA's Office of Exceptions and Appeals.

The purpose of this Notice is to describe the procedures and general criteria under which the proposed "class exception" will be evaluated, in light of the diverse methods of recovery of increased non-product costs used by individual refiners and reflected in the data submitted, and in light of the magnitude of the issue sought to be resolved in the proceeding.

II. NATURE OF PROCEEDING

In its purest context, a "class exception" proceeding involves the waiver of applicable FEA regulatory requirements for entire group of firms which share a common characteristic. FEA considers that a class exception proceeding is generally appropriate only where an initial showing is made that an alleged serious hardship or gross inequity is so pervasive and the cost of individual filings is so onerous that class exception relief would be a proper remedy under the circumstances. (See Class Exception—Retroactive Application of the Separate Inventories Amendment, 4 FEA ¶ (September 24, 1976).) Once an initial determination is made that a class exception application should be entertained, the applicant, generally a trade association which is applying for relief on behalf of all its members, has the responsibility of establishing in an adjudicatory forum and by the submission of substantial evidence that the members of the entire class would be subject to a serious hardship or gross inequity.

In the August 3, 1976 notice of this proceeding, FEA acknowledged that "refiners might have concluded in good faith that recoupment on a proportional basis was permitted as a result of possibly ambiguous language in § 212.83(d) and certain information disseminated by FEA." It further noted that:

> If firms were to be required to apply individually for exceptions relief, [FEA] believes that a significant number of refiners would apply and be eligible for such relief on the basis of serious hardship or gross inequity.

However, FEA specifically conditioned participation in any relief pursuant to this class exception by any refiner on the submission of certain data by that refiner from which FEA compiled the aggregate results published on September 20, 1976.

The present proceeding does not constitute a true class exception proceeding as discussed above since each party which seeks to be benefited by the approval of exception relief has already or will make a specific appearance in the proceeding and will submit appropriate data to demonstrate on an individual basis that it is subject to an alleged serious hardship or gross inequity. Consequently, it is unlikely that any participant in the proceeding will be attempting to establish that relief should be afforded to all members of a class. Rather, each firm which is allegedly experiencing the serious hardship or gross inequity is or will appear on its own behalf in the proceeding.

The nature of this proceeding, therefore, although termed a "class exception," is more accurately described as an invitation to all refiners to apply for individual exception relief within the scope of a consolidated exceptions proceeding. Such a proceeding is appropriate in this instance because FEA perceived that many firms had misapplied the regulations in a similar manner. However, although the FEA might consider a number of individual exception applications on a consolidated basis if they raise common questions of fact or law, it is still envisioned that any firm requesting exception relief must establish on an individual basis that it is subject to a serious hardship or gross inequity as a result of the FEA regulatory requirements.

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The diversity of situations among parties responding to the proposal also tends to indicate that, in fact, there may not be any common class which is similarly adversely affected by FEA's regulations. Since different methods were used by refiners to calculate recoveries of increased non-product costs, with correspondingly different regulatory impacts, the participants do not appear to share an undifferentiated interest in the resolution of the issues involved in this proceeding. Moreover, it has become apparent to FEA that an audit of each refiner is necessary to determine the precise impact of requiring full compliance with the correct interpretation of the order of recovery for each of the 104 refiners. This process is now underway. In light of these circumstances, FEA has decided to evaluate the claims raised as to serious hardship and gross inequity on a firm by firm basis.

A consolidated hearing on October 13, 1976 on the common issues involved in this proceeding will still be held in order to permit maximum public participation in FEA's adjudicatory process. It is also possible that FEA may find it desirable to issue consolidated decisions with respect to different individual exception filings which present similar issues of fact or law. However, no decision will be rendered with respect to any particular refiner until the audit of that firm is completed and a determination is made whether strict compliance with FEA regulations by that particular firm would, in light of all the circumstances, result in a serious hardship or gross inequity to that firm.

FEA also advises all refiners participating in this proceeding that the procedures of Subpart D of Part 205, Title 10, Code of Federal Regulations apply fully to this proceeding, in particular with respect to the filing of an application for exception and notice to aggrieved parties.

III. Criteria for Relief

Although FEA acknowledged in its August 3, 1976 notice that refiners might have concluded in good faith that other interpretations of the regulations than the sequential interpretation adopted by FEA were correct, FEA has never permitted any firm to be excused from compliance with its regulations merely on the basis that a misinterpretation of the regulations was made in good faith. (See, e.g., Executive Air Terminal, 2 FEA ¶ 83,159, 2 FEA 80,662 (1975); South Hampton Co., 3 FEA ¶ 83,043 (1975) and Skelly Oil 2 FEA ¶ 80,644 (1975).) Moreover, under FEA's regulations regarding exception relief, no firm may be relieved of its legal requirement to comply with FEA's regulations solely on the grounds of good faith reliance on erroneous guidance from FEA personnel. (See, e.g., Austral Oil, 3 FEA ¶ 83,122 (1976).)

The only basis upon which a firm may obtain relief under the regulations is pursuant to a finding, in an adjudicatory proceeding before FEA's Office of Exceptions and Appeals, that enforcement of the regulations under all relevant circumstances would, in fact, cause a serious hardship or gross inequity to that firm. Serious hardship and gross inequity are the criteria set forth in 10 CFR 205.55(b) upon which an application for an exception may be granted.

The conditions under which any particular firm might be able to support a finding of serious hardship or gross inequity are many and varied. For example, FEA noted in its August 3, 1976 proposal, that the enforcement of regulations concerning increased non-product cost recovery could "have a drastic effect" on the cash resources of certain refiners. It is possible that those firms, in light of all the circumstances in the case, might be able to support a claim of "serious hardship." FEA also noted that it intended to "assure * * * equitable treatment for" those refiners that "properly applied the cost recovery rules." These particular firms might find their cost recovery positions—relative to other firms—to be disadvantageous to the extent other firms are granted exceptions relief. It is also possible that these firms, depending on the other factors that exist in the case, could establish the type of inequity that constitutes a basis for exception relief. In making these types of showing, firms may, as in prior FEA exception cases, offer evidence that there was a certain degree of ambiguity in the regulations or that they acted in good faith reliance on erroneous statements contained in FEA documents as part of the total circumstances which FEA should consider in deciding the equities of their cases. However, as stated above, a showing of good faith misunderstanding, merely by itself, will not constitute a sufficient basis for relief.

Finally, in determining whether to grant exception relief in a specific case, FEA will also consider the interests of consumers and all others who may be affected by any exception relief granted. A balancing of interests and equities will be made in each case to assure that the interests of all affected parties are protected. FEA stresses that it has in no way prejudged the propriety of the activities of any firm which is participating in this proceeding. Before any final decisions are made, more detailed information will be gathered with respect to each of the refiners seeking relief and both written comments as well as oral presentations at the public hearing will be considered in the context of individual cases.

Michael F. Butler,
General Counsel.

September 30, 1976.

[FR Doc.76-29234 Filed 9-30-76;4:25 pm]

EMERGENCY AMENDMENTS TO CERTIFICATION REQUIREMENTS FOR DOMESTIC CRUDE OIL

Cancellation of Public Hearing

On August 31, 1976, the Federal Energy Administration adopted various emergency amendments (41 FR 37309, September 3, 1976) to Part 212 of Chapter II of Title 10 of the Code of Federal Regulations. Section 212.131(b)(1) was amended to require separate identification by crude oil resellers as to the volumes of and per barrel prices for old crude oil, new crude oil and stripper well crude oil, and of other domestic crude oils the first sale of which is not subject to FEA's price regulations. Section 212.131 (a)(4) was amended to remove from producers of stripper well properties the requirement to certify highest posted prices. Finally, §§ 212.131(a) (2) and (3) were amended to change certain paragraph references therein, without effecting any substantive amendments. A public hearing with respect to these emergency amendments was scheduled for 9:30 a.m., on October 7, 1976 in Washington, D.C. In view of the lack of interest in presenting oral comments on the amendments, the hearing is hereby cancelled.

Issued in Washington, D.C., on October 1, 1976.

David G. Wilson,
Acting General Counsel.

[FR Doc.76-29382 Filed 10-1-76;4:55 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1670]

AXION AIR FREIGHT, INC.

Order of Revocation

On August 16, 1976, Axion Air Freight, Inc., 161 15 Rockaway Blvd., Jamaica, New York 11434, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1670 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1670 issued to Axion Air Freight, Inc. be and is hereby revoked effective August 15, 1976 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the Federal Register and served upon Axion Air Freight, Inc.

Leroy F. Fuller,
Director, Bureau of Certification and Licensing.

[FR Doc.76-29108 Filed 10-4-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01055---	Farrell Lines Inc.: *Export Champion.*
01071---	Kommanditselskabet AF 19 August 1968 (Komplementar: P.F.S. Heering): *Heering Mille.*
01504---	Yngvar Hvistendahl: *Rodin.*
01854---	Southern Towing Co.: *STC-2518B, STC-2521B, Christy 211, STC 2014.*
01805---	Suisse Atlantique: *Celcrina.*
01861---	BP Tanker Co. Ltd.: *British Kiwi.*
02043---	Suomen Tankkilaiva Oy-Finska Tankfartygs AB: *Wipunen.*
02194---	Compagnie Generale Translatantique: *Guyane.*
02199---	Atlantic Richfield Co.: *Atlantic Endeavour.*
02295---	The Great Eastern Shipping Co. Ltd.: *Jag Laxmi.*
02416---	Boland and Cornelius Inc.: *Hennepin, Fred A. Manske.*
02501---	Standard Oil Co. of California: *Utah Standard.*
02558---	American Condor Steamship Corp.: *American Condor.*
02601---	Caraibische Scheepvaart Maatschappij N.V.: *Chiriqui.*
02835---	Hongkong Shipping Agencies Ltd.: *Ophelia, Natasha, Marsha, Yancey, Katharina.*
03091---	Universal Marine Corp.: *Pacific Despatcher, Pacific Conveyor.*
03315---	Afran Transport Co.: *Gulf Dane, Gulf Scot, Gulf Briton.*
03471---	Nippon Kisen Kabushiki Kaisha: *Horyu Maru.*
03474---	Nippon Suisan K.K.: *Suzukase Maru, Sachikaze Maru.*
03484---	Sanko Kisen K.K.: *Barbara T. Shaheen.*
03542---	Kyoei Tanker K.K.: *Ritsuei Maru.*
03594---	Bordagain Shipping Co. Ltd.: *Bordagain.*
03645---	Tidewater Morgan City, Inc.: *Tide Mar 22.*
03692---	Marmac Corp. *Jane Houghland.*
03698---	Weyerhaeuser Co.: *Weyerhaeuser 1.*
03077---	Amyna Special Shipping Co. Ltd.: *Amyna.*
03863---	Migrant Shipping Co. Ltd.: *Oro Verde.*
04030---	First Delta Shipping Inc.: *Belem.*
04173---	Foss Launch & Tug Co.: *Foss 95, Foss 172, Foss 99.*
04224---	NMS Chemical Corp.: *NMS No. 2506.*
04458---	Naviera Artola, S.A.: *Urquiola.*
04504---	Sumiyoshi Gyogyo Kabushiki Kaisha: *Sumiyoshi Maru No. 36.*
04562---	Okada Kaiun K.K.: *Botany Bay Maru No. 1.*
04674---	Pescanova, S.A.: *Leon Marcodos.*
04883---	Bumble Bee Seafoods, a Division of Castle & Cooke, Inc.: *Bettie M.*
04908---	Ogden Sea Transport Inc.: *Ogden Yukon.*
05041---	Transatlantic Bulk Carriers Inc.: *Weser Ore.*
05238---	Tradax Internacional S.A.: *Captain W. D. Cargill, Alpine Sun, Hamburg, Tarragona, Saint Nazaire, Ghent, Amsterdam, Carcape, Carisle, Carbay, Carlantic, Geneve.*
05810---	John Hudson Fuel & Shipping Ltd.: *Bel-Hudson.*
06159---	Naviera Neptuno S.A.: *Mercurio.*
06171---	Manila Interocean Lines Inc.: *Marie Ann.*
06566---	Occidental Petroleum Corp.: N.M.S. 1406, N.M.S. 1403.
06877---	Societe Francaise de Transports Maritimes Paris: *Ville de Majunga, Ville de Reims, Ville de Rouen, Ville de Dunkerque.*
06919---	General Shipping Co.: *General Valdes.*
07061---	Mori Sangyo Kabushiki Kaisha: *Hano Maru.*
07155---	Mytilus A/S: *Cerno.*
07374---	Ocean Tramping Co. Ltd.: *Hungsia, Feita.*
07419---	Naviera Mercurio S.A.: *Crystal Orchid.*
07550---	Erato Shipping Inc.: *World Diana.*
07598---	Vroon Shipping (Liberia) Ltd.: *Caribbean Express.*
07817---	Yick Fung Shipping and Enterprises Co. Ltd.: *Bali Sea, Ross Sea, White Sea, Molucca Sea, Ceram Sea, Ionian Sea, Koro Sea.*
08047---	Samothraki S.A. Panama: *Marabou.*
08414---	I.F.R. Services Ltd.: *Tangelo.*
08557---	P.M. International Inc.: *Adina.*
08771---	I/S Olivia Winther: *Olivia Winther.*
08858---	Miryung Navigation Co. Ltd.: *Protea.*
08936---	Zea Shipping Co. S.A.: *Agia Fotini.*
09362---	Avonsea Shipping Co. Ltd., Cyprus: *Eleusis.*
09508---	Proesel Universal Marine Co., Inc.: *Bierum.*
09828---	Mansonoosberg-Ghemm: *Manson No. 2, MPE 12.*
09854---	K/S Bewa II: *Sonja Bewa.*
09863---	K/S Bewa XVIII: *Sally Bewa.*
09865---	K/S Bewa XX: *Karine Bewa.*
10136---	Superior Shipping Ltd.: *Bela Kosmo, Bela Rozo.*
10350---	Craig Leasing Service Inc.: *Norman S. Craig.*
10351---	Sun Line Ltd.: *Carib Star.*
10360---	Societe Senegalaise d-Armement a la Peche: *Jofondor.*
10460---	Steelside Navigation Co. Ltd. S.A.: *Diamond Eagle.*
10499---	Pacific Leader Navigation S.A.: *Ryufuku Maru.*
10578---	Panamian Anchorport Co., Inc.: *F.S.B-02.*
10705---	Et Interessentskab Bestaende Af Dampskibsselskabet Af 1912 Aktieselskab, Aktieselskabet Dampskibsselskabet Svendborg Og Dampskibsselskabet Af 1960 Aktieselskab: *Louis Maersk.*
10736---	Freighters Navigation Corp.: *Aristomachos.*
10826---	Pacific Honour Navigation S.A.: *Gloria.*
10971---	Luria Bros & Co., Inc.: *Biddeford Victory, Muir Woods.*
11284---	Massman Construction Co.: *ZB 205.*
11292---	Toei Development Sdn. BHD.: *Yuuta Maru.*
11661---	Excelsior Maritime Ltd.: *Calypso Trader.*

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc.76-29106 Filed 10-4-76;8:45 am]

IBERTRESA U.S.A., INC., ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Ibertresa U.S.A. Inc., One World Trade Center, New York, NY 10048. Officers: Jose Triano Souto, President/Director, Jesus Garcia Sanchez, Sec./Treas./Director, Antonio Ibbott, Director.

Sikhora Shipping Co. (William George Sikhora, dba) 4 Mulbach Court, Far Rockaway, NY 11691.

Viking Forwarders (Nilurca Gonzalez, dba), 7846 N.W. 57th Street, Miami, FL 33166.

By the Federal Maritime Commission.

Dated: September 28, 1976.

Francis C. Hurney,
Secretary.

[FR Doc.76-29105 Filed 10-4-76;8:45 am]

JAPANESE AMERICAN DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Japanese American Discussion Agreement

Notice of Agreement Filed by:

R. A. Velez, Secretary, Japanese American Discussion Agreement, 417 Montgomery Street, San Francisco, California 94104.

Agreement No. 10203-1, entered into by the 14 U.S. and Japanese flag line members of the Japanese American Discussion Agreement, amends the report-

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ing requirement under the discussion agreement to provide that each and every exchange of information or discussion held pursuant thereto shall be reported to the Federal Maritime Commission no later than 30 days after each occurrence. Presently, the agreement provides for submission within 10 days of each occurrence.

By Order of the Federal Maritime Commission.

Dated: September 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29107 Filed 10-4-76;8:45 am]

COMPAGNIE GENERALE TRANSATLANTIQUE

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-7 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,022. Compagnie Generale Transatlantique, (French Line), C/O French Line, 555 Fifth Avenue, New, York, New York, 10017.

Whereas, Compagnie Generale Transatlantique (French Line) has ceased to operate the passenger vessels *Flandre* and *De Grasse*.

It is ordered, That Certificate (Performance) No. P-7 and Certificate (Casualty) No. C-1,022 issued to Compagnie Generale Transatlantique (French Line) and applying to the *Flandre* and the *De Grasse* be and are hereby revoked effective September 24, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission September 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29212 Filed 10-4-76;8:45 am]

HELLENIC CRUISES, S.A.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-104 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,098. Hellenic Cruises, S.A., c/o K Lines Hellenic Cruises, (Kavounides Shipping Co. Ltd.), 521 Fifth Avenue, New York, New York, 10017.

Whereas, Hellenic Cruises, S.A. Trading as K Lines Hellenic Cruises (Kavounides Shipping Co. Ltd.) has ceased to operate the passenger vessel *Orion* to and from United States ports.

It is ordered, That Certificate (Performance) No. P-104 and Certificate (Casualty) No. C-1,098 covering the *Orion* be and are hereby revoked effective September 24, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission September 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29210 Filed 10-4-76;8:45 am]

LIBERTY TRAVEL SERVICE INC. AND HELLENIC CRUISES (MONROVIA) S.A.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-105 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,099. Liberty Travel Service, Inc. and, Hellenic Cruises (Monrovia) S.A., c/o K Lines Hellenic Cruises, (Kavounides Shipping Co. Ltd.), 521 Fifth Avenue, New York, New York, 10017.

Whereas, Liberty Travel Service, Inc. and Hellenic Cruises (Monrovia) S.A. Trading as K Lines Hellenic Cruises (Kavounides Shipping Co. Ltd.) have ceased to operate the passenger vessel *Galaxias* to and from United States ports.

It is ordered, That Certificate (Performance) No. P-105 and Certificate (Casualty) No. C-1,099 covering the *Galaxias* be and are hereby revoked effective September 24, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission September 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29213 Filed 10-4-76;8:45 am]

SIDARMA-COSTA LINE JOINT SERVICE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 21, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Nicola Costa, Costa Line Cargo Services, Inc., 26 Broadway, New York, New York 10004.

Agreement No. 10120-7 amends the basic agreement by deleting Sidarma Societa Italiana di Armamento S.p.A. as a party and substituting therefor "Italia" di Navigazione.

The agreement provides for the parties to establish and maintain a joint cargo service in the trades specified therein and to share the expenses, profits and losses of said joint service.

The agreement also reduces the geographic scope of the present service to cover the eastbound and westbound trade between Puerto Rico, Miami, Port Everglades and United States Gulf ports on the one hand and ports in Portugal, Morocco, Algeria and Italy and Spanish and French Mediterranean ports on the other.

By Order of the Federal Maritime Commission.

Dated: September 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29211 Filed 10-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-4614, et al.]

AZTEC OIL & GAS COMPANY, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 27, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 20, 1976, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-4614 ..... C 9-10-76	Aztec Oil Gas Co., 1600 First National Bank Bldg., Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	[1] $1.78013	14.73
G-16589 ..... G-19591 C 7-14-76 9-7-76	Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y. 10017.	Northwest Pipeline Corp., Willow Creek, Fogarty Creek, Craven Creek and Merna Creek Area, Big Piney Field, Lincoln and Sublette Counties, Wyo.	[2] [3] $1.42	14.73
C162-1525 ..... C 8-23-76	CRA, Inc., 730 15th St. NW., Washington, D.C. 20005.	Arkansas Louisiana Gas Co., Lamont Gas Products, Plant, Grant County, Okla.	[4] 152.9923¢	14.65
C172-440 ..... C 8-23-76	Amoco Production Co., Security Life Bldg., Denver Colo. 80202.	Panhandle Eastern Pipe Line Co., Chieftain Field, Adams County, Colo.	[5] 165.450¢ [5] 166.615¢ [5] 167.780¢ [5] 168.946¢	14.65 14.65 14.65 14.65
C173-66 ..... A 9-13-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	El Paso Natural Gas Co., sec. 11, block Z-1, Hooper and Wade Survey, Hemphill County, Tex.	[4] 153.4432¢	14.65
C174-528 ..... C 9-15-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[4] $1.6791	14.65
C175-525 ..... C 8-23-76	Amoco Production Co.....	Colorado Interstate Gas Co., Wamsutter Area, Sweetwater County, Wyo.	[4] 158.336¢ [4] 159.451¢ [7] 160.567 [8] 161.682	14.65 14.65 14.65 14.65
C175-526 ..... C 9-9-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island Block 332 Field, offshore Louisiana.	[9] [10] $1.4484	15.025
C175-615 ..... C 9-9-76	Exxon Corp.....	Northern Natural Gas Co., Eugene Island Block 332 Field, offshore Louisiana.	[10] $1.4484	15.025
C176-69 ..... C 9-9-76	do.....	Natural Gas Pipeline Co. of America, Eugene Island Block 332 Field, offshore Louisiana.	[10] $1.4484	15.025
C176-72 ..... C 9-9-76	do.....	Trunkline Gas Co., Eugene Island Block 332 Field, offshore Louisiana.	[10] $1.4484	15.025
C176-503 ..... C 8-25-76	Oxy Petroleum, Inc., 5000 Stockdale Highway, Bakersfield, Calif. 93309.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Columbus Field area, Colorado County, Tex.	[11] $1.42 [11] $1.43 [11] $1.44 [11] $1.45	14.65 14.65 14.65 14.65
C176-616 ..... A 8-27-76	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32789.	Transcontinental Gas Pipe Line Corp., Block 246 Field, Ship Shoal area (south addition) offshore Louisiana, Federal domain.	[12] 145.3539¢	15.025
C176-682 ..... A 8-26-76	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Northern Natural Gas Co., Emperor Field, Winkler County, Tex.	[13] $1.526798	14.65
C176-736 ..... A 8-26-76	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif.	Natural Gas Pipeline Co. of America, Block A-105 field, Brazos area, offshore Texas.	[4] 152.1154¢	14.65
C176-737 ..... A 8-23-76	American Petrofina Exploration Co., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Transco Gas Supply Co., West Cameron area, block 480 field, offshore Louisiana.	[5] $1.75	15.025
C176-739 ..... A 8-25-76	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Cities Service Gas Co., Woodward area, Major County, Okla.	[3] $1.52	14.65
C176-740 ..... A 8-27-76	Exxon Corp.....	Columbia Gas Transmission Corp., West Cameron Block 616, offshore Louisiana.	[5] $1.90	15.025
C176-741 ..... A 8-25-76	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Transcontinental Gas Pipe Line Corp., Block 480 field, West Cameron area, offshore Louisiana.	[5] $1.63	14.73
C176-742 ..... A 8-25-76	Champlin Petroleum Co., P.O. Box 1257, Englewood, Colo. 80110.	Colorado Interstate Gas Co., Delaney Rim Area, Sweetwater County, Wyo.	[10] $1.6160	14.65
C176-743 ..... A 8-25-76	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	[3] 153.9676¢	14.73
C176-744 ..... A 8-26-76	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Ivan Field, Bossier and Webster Parishes, La.	[14] $1.528639	15.025
C176-745 ..... 9-1-76 [15]	Ashland Oil, Inc.....	Colorado Interstate Gas Co., Table Rock Field, Sweetwater County, Wyo.	[15]	14.65
C176-746 ..... A 9-3-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., Grand Isle Block 48 W/2 Field, offshore Louisiana.	[16] $1.75	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C176-747 (G-10921) B 8-30-76	Ashland Oil, Inc.	Tennessee Gas Pipeline Co., Witte Field, Victoria County, Tex.	(21)	--------

[1] Subject to upward and downward Btu adjustment.
[2] Plus tax reimbursement and subject to upward and downward British thermal unit adjustment from a 1,000 Btu base.
[3] Applicant is willing to accept a certificate pursuant to opinion No. 770.
[4] Includes 10.760¢ per 1,000 ft³ tax reimbursement.
[5] Until Oct. 1, 1976.
[6] Until Oct. 1, 1976.
[7] Until Jan. 1, 1977.
[8] Until Apr. 1, 1977.
[9] Includes 13.74¢ Btu adjustment and 1.49¢ gathering.
[10] Includes 0.51¢ gathering.
[11] Effective July 27, 1976 (plus adjustments).
[12] Effective Oct. 1, 1976 (plus adjustments).
[13] Effective Jan. 1, 1977 (plus adjustments).
[14] Effective Apr. 1, 1977 (plus adjustments).
[15] New rate established in opinion No. 770 for sales made pursuant to contracts for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to Jan. 1, 1975, except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22 or 157.29.
[16] $1.423 base rate (base price adjusted for pressure base, plus British thermal unit adjustment and tax reimbursement.
[17] Includes $.0102 gathering.
[18] Acreage is currently covered under A. C. Scott, et al., small producer's certificate in docket No. CS74-90. Ashland seeks to have its own rate schedule for this acreage.
[19] The gas sold under the contract dated Aug. 10, 1962, as amended, qualifies for the national rate for all wells commenced prior to Jan. 1, 1973, as provided for in opinion No. 749.
[20] Applicant is willing to accept a certificate at the applicable national rate prescribed by the Commission which is in effect at the time certificate is issued.
[21] Depleted.

[FR Doc.76-29031 Filed 10-4-76;8:45 am]

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Peoples State Bank, Spickard, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1976.

Board of Governors of the Federal Reserve System, September 28, 1976.

GRIFFITH L. GARWOOD,
Assistant
Secretary of the Board.

[FR Doc.76-29146 Filed 10-4-76;8:45 am]

BANK HOLDING COMPANIES

Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather privileges") with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a company covered in 1970 may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard for the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board is required to make such determination with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970.

Notice of the Board's review of nonbank activities and the grandfather privileges of the companies listed below affording an opportunity for interested persons to submit comments and views or request a hearing, has been given.

Metropolitan Investments Corporation, Chicago, Illinois (41 FR 35632).
Sellin Corporation, Chicago, Illinois (41 FR 35632).
The Hibshman Trust for the Ephrata National Bank Stock, Ephrata, Pennsylvania (41 FR 35632 and 41 FR 37857).

The time for filing comments and views and requests has expired and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the basis of the evidence before it, the Board finds that none of the companies named hereinabove engaged in any nonbanking activities or owned any nonbanking subsidiaries on June 30, 1968. Accordingly, none of the companies is entitled to grandfather privileges within the meaning of the proviso in section 4(a)(2) of the Act.

Board of Governors of the Federal Reserve System, effective September 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc.76-29144 Filed 10-4-76;8:45 am]

FIRST PROGRESSIVE BANK

Order Approving Application To Become a Member of the Federal Reserve System

First Progressive Bank, Brewton, Alabama ("Applicant"), a proposed new bank chartered under the laws of the State of Alabama, has applied, pursuant to section 9 of the Federal Reserve Act [12 U.S.C. 321–338] and the Board's Regulation H [12 CFR 208], to become a member of the Federal Reserve System.

Applicant, which has not opened for business, was organized in 1974 for the purpose of obtaining a State bank charter and engaging in a commercial banking business. After denial of its initial application for a State bank charter, Applicant reapplied and its application was approved by the State Banking Department of Alabama by letter dated July 11, 1975. Approval of Applicant's charter was conditioned, in part, upon Applicant obtaining insurance coverage for its deposits from the Federal Deposit Insurance Corporation ("FDIC"). Consequently, Applicant filed an application for insurance pursuant to section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815). That application was denied by the FDIC on the basis of the FDIC's unfavorable findings with regard to the future earnings prospects of Applicant and the convenience and needs of the community to be served.

Under section 9 of the Federal Reserve Act, the Board, in acting upon an application to become a member of the Federal Reserve System, is required to consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers of the institution are consistent with the purposes of the Federal Reserve Act. In addition, underr section 4(b) of the Federal Deposit Insurance Act [12 U.S.C. 1814], the admission to membership in the Federal Reserve System of an uninsured State bank automatically confers deposit insurance upon the bank from the time the Board certifies to the FIDC that the bank is a member of the Federal Reserve System. The Board's certificate to the FDIC is required to state that the Board has given consideration to the factors enumerated in section 6 of the Federal Depositt Insurance Act (12 U.S.C. 1816), namely, the financial history and condition of the bank; the adequacy of its capital structure; the bank's future earnings prospects; the general character of its management; the convenience and needs of the community to be served by the bank; and whether or not the bank's corporate

powers are consistent with the purposes of the Federal Deposit Insurance Act.

The Board has considered the subject application and all comments received with respect thereto, including those submitted by First National Bank of Brewton, Brewton, Alabama, and by Bank of Brewton, Brewton, Alabama (hereinafter referred to as "Protestants"), in light of the statutory factors enumerated above, and, on the basis of the record, the Board makes the following findings.

Brewton is located in southwestern Alabama and is the seat of Escambia County (population 34,906). The population of Brewton and contiguous East Brewton was 9,083 as of the 1970 Census. According to Applicant, its proposed service area would include the eastern three-quarters of Escambia County, Alabama, the southern portion of adjacent Conecuh County, Alabama, and fringe areas of Santa Rosa and Escambia Counties, Florida. The economic base of the area is diversified, consisting of agricultural, forest and manufacturing production, as well as service activities related to Brewton's position as the county seat. In recent years the area has derived significant economic benefit from newly developed oil fields, and it is estimated that the residents of the Jay, Florida-Brewton, Alabama, area will derive significant income from future oil production. On balance, it appears that the area has experienced moderate though steady growth. Between 1970 and 1973, the per capita income of Escambia County increased by approximately 20 per cent. Personal income for the same period increased by an even greater percentage Retail sales in the Brewton-East Brewton area increased from $48.9 million in 1970 to $72 million in 1974. During the first nine months of 1975 retail sales in Escambia County increased by 5.5 per cent while Statewide retail sales declined by 2.7 per cent. Deposits in Escambia County, Alabama, commercial banks increased from $48 million in 1968 to $107 million in 1974, an increase of 121 per cent. From 1974 to 1975, deposits in First National Bank of Brewton and Bank of Brewton, the only banks in Brewton, grew by 16.6 per cent and 10.5 per cent, respectively. Based on the foregoing and other information in the record, it is apparent that the economy of the area that would be served by Applicant has expanded in recent years and, in the Board's view, it is reasonable to conclude that it will continue to expand in the foreseeable future.

Presently Protestants operate five banking offices in the Brewton area. Despite the fact that most of the services that would be provided by Applicant are currently being offered by Protestants, the record reflects a desire on the part of a significant number of local residents for a locally owned bank such as Applicant. Approval of the subject application would result in an additional banking alternative being made available to residents of the area. Based on the local economic conditions and the apparent local support the Applicant would enjoy, the Board concludes that considerations with regard to the convenience and needs of the community to be served by Applicant are consistent with approval of the subject application.

Applicant has not operating history, and its future earnings prospects are, of course, related to the amount of deposits Applicant will be able to attract. The FDIC, in denying Applicant's application for deposit insurance, questioned whether Applicant could attract sufficient deposits to achieve profitability within a reasonable time. The FDIC's uncertainty as to Applicant's ability to achieve profitability in a reasonable period of time was apparently due, at least in part, to the FDIC's view of the prevailing economic conditions in the area. The Board views the local economic conditions and prospects of the area as generally favorable to the introduction of an additional banking alternative. The Board's assessment of the prospects for the area is based on the information of record, including some financial and population data that were not available to the FDIC in November 1975, the time of the FDIC's action.

Applicant would be located about five blocks from the main business section of Brewton. Although removed somewhat from the principal area of commercial activity, Applicant should benefit by its ability to provide ample parking facilities not curently available in the downtown area. Businesses currently operating in the vicinity and the establishment of new businesses nearby should further enhance Applicant's profitability. In general, it appears that Applicant's location, while it may not be optimum, is sufficiently attractive to enable Applicant to operate at a profitable level. Furthermore, as mentioned previously, there are indications in the record of strong community support for a new bank in the area of Brewton. Applicant's initial stock offering of $1 million was oversubscribed. According to Applicant, the 260 subscribers to its stock (none of whom will own more than 5 per cent of the stock) have each pledged to bring all of his or her banking business to Applicant. From the list provided by Applicant, it appears that many of its subscribers are owners of businesses or self employed professionals who will be able to provide Applicant with an initial nucleus of customers to serve. In the Board's judgment, such expressions of local support for the proposal are a positive factor not only with respect to the convenience and needs of the community but also with respect to the future earnings prospects of Applicant.

In assessing the future earnings prospects of Applicant, the Board has also considered the views of the staff of the State Banking Department,[1] the staff of the FDIC, the Federal Reserve Bank of Atlanta and the Board's staff, all of which project that Applicant will achieve profitability by the end of its third year of operation. Protestants have averred that Applicant would not achieve profitability in that period due primarily to lower deposit projections and higher operating and fixed expense projections than were used by the above organizations. It is the Board's judgment that the Protestant's projections with regard to deposits and expenses of Applicant are overly pessimistic and therefore do not accurately reflect the likely profitability of Applicant. Based on the above information and other information in the record, the Board has concluded that Applicant's future earnings prospects are consistent with approval of the subject application.

While Applicant has no operating or financial history, it appears that it would open with adequate capital structure. The general character of Applicant's management also appears satisfactory, particularly in view of the fact that Applicant's executive vice president would be an experienced banker familiar with the area. The corporate powers of Applicant are consistent with the Federal Reserve Act and the Federal Deposit Insurance Act.

In view of the foregoing discussion and having considered the facts of record and all the comments of Protestants in light of the statutory factors the Board must consider under section 9 of the Federal Reserve Act and section 6 of the Federal Deposit Insurance Act, it is the Board's judgment that the application should be approved.

Protestant, First National Bank of Brewton, has expressed the opinion that the decision of the FDIC denying deposit insurance for Applicant creates a presumption against the Applicant in this proceeding such that the Board must deny the present application unless the Applicant can produce evidence that overcomes that presumption. In acting on the subject application, the Board has carefully considered the findings of the FDIC. The Board does not believe, however, that those findings create any presumption as to the relevant statutory factors that must be considered by the Board, and it has accordingly considered the subject application de novo.

The Board recognizes that in seeking membership in the Federal Reserve System Applicant was following an alternative means of obtaining FDIC insurance after the FDIC itself had denied such insurance. However, Applicant's motive in filing this application is not a relevant statutory consideration. The proposal before the Board is an application for membership in the Federal Reserve System and only incidentally may it be considered an application for Federal

[1] Under applicable State law, the Superintendent of the State Banking Department, before granting a certificate, is required to satisfy himself that there is sufficient business to support the proposed bank in the community, Code of Alabama, Tit. 5, § 88. Approval of Applicant's charter application therefore reflects a favorable determination by State authorities with regard to the future earnings prospects of Applicant.

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deposit insurance. Such membership provides certain benefits to member banks but also carries with it certain obligations not applicable to insured nonmember banks. Federal banking laws reflect the judgment of Congress that a State bank, in order to obtain Federal deposit insurance, need not become a member of the Federal Reserve System, but that if a State bank chooses to become a member and thereby subject itself to all of the laws and regulations applicable to member banks, then the deposits of such bank will automatically be subject to Federal deposit insurance.[2] Congress has required the Board, when passing on a membership application, to consider the same statutory factors as does the FDIC in passing upon an insurance application. Implicit in this statutory structure is the potential for differing judgments by the two agencies on similar facts. The Board's responsibility, however, is to exercise its independent judgment with respect to the subject application after giving due regard to the recommendations and findings of other agencies and organizations, and, based on the record, it is the Board's judgment that the application should be, and it is, hereby approved for the reasons summarized herein.

By order of the Board of Governors,[3] effective September 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29147 Filed 10-4-76;8:45 am]

KING RANCH, INC.

Order Approving Acquisition of Additional Shares of Bank

King Ranch, Inc., Kingsville, Texas, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 6.67 percent of the outstanding voting shares of Kleberg First National Bank of Kingsville, Kingsville, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant,[1] a one-bank holding company by virtue of its ownership of 28.97 percent of the outstanding voting shares of Bank, seeks to acquire an additional 6.67 percent stock interest in Bank.[2] Bank ($44.5 million in deposits) controls less than one tenth of one per cent of the total deposits in commercial banks in Texas.[3]

Bank is located in Kingsville, Texas, and ranks first among the three banks located in the Kleberg County banking market (the relevant market, approximated by Kleberg County). As Applicant has no other banking subsidiaries, and the proposal involves only the acquisition of an additional stock interest in Bank, consummation of the transaction will not have any adverse competitive effects as it will eliminate neither existing nor potential competition. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank are satisfactory. Applicant's financial and managerial resources and future prospects insofar as they relate to the instant application are also satisfactory. Considerations relating to banking factors are consistent with approval.

There is no evidence in the record that the convenience and needs of the community to be served are not currently being met. Convenience and needs considerations are consistent with approval. Therefore, it is the Board's judgment that the acquisition of the additional shares of Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. Acquisition of the shares of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective September 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29142 Filed 10-4-76;8:45 am]

NORTHEAST BANCORP, INC.

Acquisition of Bank

Northeast Bancorp, Inc., New Haven, Connecticut, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Metropolitan Bank and Trust Company, Bridgeport, Connecticut. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Northeast Bancorp, Inc. is also engaged in the following nonbank activities: mortgage lending, leasing activities, and trust services. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1976.

Board of Governors of the Federal Reserve System, September 28, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29145 Filed 10-4-76;8:45 am]

T.I.C., INC.

Acquisition of Bank

T.I.C., Inc., Kansas City, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 52.82 percent or more of the voting shares of Tower State Bank, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on

[1] Applicant is engaged in a variety of nonbanking activities including a worldwide cattle ranching operation. Applicant also holds various oil and mineral interests on its properties. These nonbanking activities are exempt from the prohibitions of section 4 of the Act by virtue of section 4(c)(11) of the Act (12 U.S.C. 1843(c)(11)).

[2] Applicant proposes to purchase 10,000 of Bank's outstanding voting shares in the following manner: 7,200 shares from Southwest Texas Corporation, San Antonio, Texas ("Southwest"); 1,400 shares from San Antonio Loan & Trust Fund, San Antonio, Texas and 1,400 shares from the chairman of the Board of Southwest. Consummation of the proposal will eliminate the rebuttable presumption that Southwest controls Bank pursuant to § 225.2(b)(2) of Regulation Y (12 C.F.R. 225.2(b)(2)).

[3] All banking data are as of December 31, 1975.

[2] Congress has similarly provided that a decision of the Comptroller of the Currency to charter a national bank will carry with it both membership in the Federal Reserve System and Federal deposit insurance [12 U.S.C. 222, 501a].

[3] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 29, 1976.

Board of Governors of the Federal Reserve System, September 27, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29143 Filed 10-4-76;8:45 am]

[H. 2, 1976 No. 38]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending September 18, 1976

ACTIONS OF THE BOARD

Statement by Governor Philip C. Jackson, Jr., before the Subcommittee on Commerce, Consumer, and Monetary Affairs of the House Committee on Government Operations, regarding enforcement of the Truth in Lending Act.

Information, access to records of the Board, letter approving in part and denying in part an appeal to the Secretary of the Board's previous action approving in part and denying in part a request for access to certain records of the Board.

Independent Financial, Ltd., Brown Deer, Wisconsin, extension of time to December 14, 1976, within which to become a bank holding company through the acquisition of 80 per cent or more of the voting shares of The Brown Deer Bank, Brown Deer, Wisconsin.[1]

First Marine Banks, Inc., Riviera Beach, Florida, extension of time until October 29, 1976, within which to acquire First Marine Bank of Boca Raton, First Marine Bank of Palm Beach Gardens, and First Marine National Bank, Palm Springs, Florida.[1]

First United Bancorporation, Inc., Fort Worth, Texas, extension of time to December 28, 1976, within which to consummate and an extension of time to March 20, 1977, in which to open for business Las Colinas National Bank of Irving, Irving, Texas, a proposed new bank.[1]

Bank of Ste. Genevieve, Missouri, to make an additional investment in bank premises.[1]

Security Bank and Trust Company, Southgate, Michigan, to make an investment in bank premises.[1]

Southside Bank, Tappahannock, Virginia, to make an investment in bank premises.[1]

Deregistration under Regulation G for Funded Investors, Inc., San Rafael, California.[1]

Beloit State Bank, Beloit, Wisconsin, extension of time to December 6, 1976, within which to establish a branch at 121-23 West Grand Avenue, Beloit, Wisconsin.[1]

Morgan Guaranty International Finance Corporation, New York, New York, extension of time to September 19, 1977, within which to complete its investment in Commercial Property Company and Residential Property Company, both located in France.[1]

Town and Country Bank, Lumberton, North Carolina, proposed merger with Wachovia Bank and Trust Company, N.A., Winston-Salem, North Carolina; report to the Comptroller of the Currency on competitive factors.[1]

[1] Application processed on behalf of the Board of Governors under delegated authority.

NOTE.—The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Lakeshore Trust Company, Painesville, Ohio. Branch to be established at 29118 Euclid Avenue, Wickliffe, Lake City.[1]

[1] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

Chemical Bank and Trust Company, Midland, Michigan. Branch to be established at 2009 South Saginaw Road, Midland.

The Detroit Bank-Troy, Troy, Michigan. Branches to be established at the following locations: A. The northeast corner of the intersection of Square and Rochester Roads. B. The northeast corner of the intersection of John R. Road and Wattles Road, both in Troy.

* * * * * *

To Withdraw from Membership in the Federal Reserve System without a Six-Month Notice as Prescribed by Section 9 of the Federal Reserve Act.

DENIED

Citizens Bank, Savannah, Tennessee.

* * * * * *

Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

APPROVED

Citibank, N.A., New York, New York. Branch—additional in the United Kingdom, to be located in Edinburgh, Scotland.

* * * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

* * * * * *

APPROVED

Chase Manhattan Bank, N.A., New York, New York. Investment—additional in leasing Lar Brazileiro S.A., Rio de Janeiro, Brazil.

Chase Manhattan Corporation and subsidiaries. Investment—reinvestment of dividends received for additional stock of foreign companies.

Continental International Finance Corporation. Investment—additional in the form of a subordinated loan to Conill Bank A.G., Austria.

Bamerical International Financial Corporation. Financiera Bamerical S.A., Panama, to issue debt obligations.

Hawaii Bancorporation, Inc. Investment—to continue to hold additional shares of Pacific S & L Co. Ltd., Western Samoa, despite their acquisition without prior Board consent.

* * * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

WITHDRAWN

Citizens National Corporation, Wisner, Nebraska, for approval to acquire 80 percent or more of the voting shares of The Citizens National Bank of Wisner, Wisner, Nebraska.

Shawnee Mission Bancshares, Inc., Fairway, Kansas, for approval to acquire more than 80 percent of the voting shares of First National Bank of Shawnee Mission, Fairway, Kansas.

APPROVED

M & D Holding Company, Spring Lake Park, Minnesota, for approval to acquire 92.0 percent of the voting shares of First State Bank of Spring Lake Park, Spring Lake Park, Minnesota.[2]

* * * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

RETURNED

The Citizens and Southern National Bank, Savannah, Georgia, for permission to retain 31.45 percent of the shares of Commercial Bank, Waycross, Georgia.

APPROVED

First Bank System, Inc., Minneapolis, Minnesota, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank of Burnsville, Burnsville, Minnesota, a proposed new bank.

Fishback Insurance Agency, Inc., Brookings, South Dakota, for approval to acquire an additional 49.6 per cent of the voting shares of First National Bank in Brookings, Brookings, South Dakota.

Tower-Soudan Agency, Inc., Tower, Minnesota, for approval to acquire 300 additional shares of State Bank of Tower, Tower, Minnesota.[2]

Roger Billings, Inc., Delphos, Kansas, for approval to acquire an additional 4.6 per cent of the voting shares of The State Bank of Delphos, Delphos, Kansas.

First City Bancorporation of Texas, Inc., Houston, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Red Bird National Bank, Dallas, Texas, a proposed new bank.

* * * * * *

To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956.

APPROVED

First Community Bancorporation, Joplin, Missouri, for approval of the retention of voting control of stock of The First National Bank of Sarcoxie, Sarcoxie, Missouri.[2]

First International Bancshares, Inc., Dallas, Texas, for approval to retain shares of The First State Bank of Kerens, Kerens, Texas.[2]

First United Bancorporation, Inc., Fort Worth, Texas, and The First National Bank of Fort Worth, Fort Worth, Texas, for approval to retain 2,725 shares of University Bank, Fort Worth, Texas.[2]

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Shawnee Mission Bancshares, Inc., Fairway, Kansas, for approval to acquire the assets of Owen Insurance Agency, Fairway, Kansas.

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Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with the closing of real estate loans financed by credit extending subsidiaries of Old National Corporation; at present the credit extending subsidiaries are Old National Bank of Washington; The First National Bank in Spokane; and Bancshares Mortgage Company, all of which have their principal places of business in Spokane, Washington) to be located in the Sherwood Building, 510 Riverside and East 10812 Sprague, Spokane, Washington and 3400 West Clearwater, Kennewick, Washington, through its indirect subsidiary, Cascade Escrow Company. (9/14/76)[1]

REACTIVATED

Hawaii Bancorporation, Inc., Honolulu, Hawaii, notification of intent to engage in de novo activities (an industrial loan company under Chapter 408, Hawaii Revised Statutes and as may be permitted from time to time under the Hawaii Revised Statutes) at 800 Nuuanu Avenue, Honolulu, Hawaii, through a subsidiary, Resource Financial Corp.

PERMITTED

Great American Corporation, Baton Rouge, Louisiana, notification of intent to engage in de novo activities (making and acquiring, for its own account, loans, discounts, acceptances, and other extensions of credit and such other business as is customarily engaged in by consumer credit or finance company; and acting as insurance agent or broker in selling insurance to borrowers from such finance subsidiary to include credit life insurance, accident and health insurance, and property insurance for collateral supporting loans made by said finance subsidiary) at 2960 Johnston Street, Winnwood Shopping Center, Lafayette, Louisiana, through a subsidiary, Ambank Acceptance Corporation. (9/12/76)[1]

Walter E. Heller International Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (to engage in the business of commercial finance, factoring, and leasing of personal property provided that at the inception of the initial lease the effect of the transaction will be to yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) at 300 Delaware Avenue, Wilmington, Delaware, through its subsidiary, Walter E. Heller & Company. (9/17/76)[1]

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, notification of intent to engage in de novo activities (performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency, or custodian nature and acting as investment or financial advisor in the manner authorized by State law but without power to accept demand deposits or make commercial loans) at 5125 North 16th Street, Phoenix, Arizona, through its subsidiary, The Marshall & Ilsley Trust Company of Arizona. (9/15/76)[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Dollar Savings & Trust Company, Youngstown, Ohio. Branch to be established in the Village Plaza at the intersection of Routes 164, Alternate 14 and 46, Village of Columbiana, Beaver Township, Mahoning City.

Bank of Christianburg, Virginia. Branch to be established at the corner of South Main and Davis Streets, on Highway 460, Blacksburg, Virginia.

Security Savings Bank, Marshalltown, Iowa. Branch to be established at the corner of the intersection of Main (Highway 375) and South Streets, Albion.

* * * * *

To Become a Member of the Federal Reserve System pursuant to Section 9 of the Federal Reserve Act.

First Bank of Snook, Snook, Texas.

* * * * *

To Withdraw from Membership in the Federal Reserve System without a Six-Month Notice as Prescribed by Section 9 of the Federal Reserve Act.

Citizens Bank, Savannah, Tennessee.

* * * * *

Thirty Day Notice of Intention to Establish an Additional Branch in a Foreign Country.

Citibank, N.A., New York, New York. Branch—additional in the United Kingdom to be located in Jersey.

Citibank, N.A., New York, New York. Branch—additional in Oman, to be located in Ruwi.

To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

OLD CANAL BANKSHARES, INC., Lockport, for approval to acquire 80 per cent or more of the voting shares of Heritage First National Bank of Lockport, Lockport, Illinois.

Braymer Bankshares, Inc., Braymer, Missouri, for approval to acquire 80 per cent or more of the voting shares of The First National Bank of Braymer, Braymer, Missouri.

Stark Bankshares, Inc., Stark, Kansas, for approval to acquire 80 per cent or more of the voting shares of The Stark State Bank, Stark, Kansas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

Northeast Bancorp, Inc., New Haven, Connecticut, for approval to acquire 100 percent of the voting shares of the successor by merger to Metropolitan Bank & Trust Company, Bridgeport, Connecticut.

Freeco, Inc., Hermitage, Missouri, for approval to acquire an additional 48.9 per cent of the voting shares of The Bank of Hermitage, Hermitage, Missouri.

TIC, Inc., Kansas City, Kansas, for approval to acquire an additional 52.82 per cent of the voting shares of Tower State Bank, Kansas City, Kansas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

Chemical New York Corporation, New York, New York, notification of intent to relocate de novo activities (leasing real and personal property and equipment on a non-operating full payout basis and acting as agent, broker, and adviser with respect to such leases; financing real and personal property and equipment such as would be done by a commercial finance company; and servicing such extensions of credit) from 1760 Century Circle, N.E., Suite 4, Atlanta, Georgia to 5775–C Peachtree Dunwoody Road, N.E., Suitee 530, Atlanta, Georgia through its subsidiary, ChemLease, Inc. (9/17/16)[2]

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to relocate de novo activities (making installment loans for personal, family, or household purchases; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services in connection with certain personal installment loans made and sales finance contracts purchased; selling casualty insurance, credit life insurance, credit accident and health insurance, and reinsuring such credit life insurance and credit accident and health insurance through Patrick Henry Insurance Company and Patrick Henry Life Insurance Company, indirect subsidiaries of Philadelphia National Corporation; advertising, offering, and preparing motor vehicle leases and generally acting as agent for a lessor of motor vehicle and generally engaging in the business of a consumer finance company) from 941 Fifth Avenue, Corapolis, Pennsylvania, to 1020 Beers School Road, Corapolis, Pennsylvania, through its indirect subsidiary, Signal Consumer Discount Company. (9/7/76)[2]

First Maryland Bancorp, Baltimore Maryland, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by first or second mortgages or deeds of trust on real property or leasehold interests; servicing such loans and other extensions of credit for its own account or for the account of others, acting as investment or financial adviser to the extent of providing portfolio investment advice to any other person covering generally the investment of funds in real property interests other than real property which is to be used in the trade or business of the person being advised and furnishing general economic information and advice, general economic statistical forecasting services, and industry studies for the real estate business and industry in general; and leasing real property or acting as agent, broker, or adviser in leasing such property) at 25 South Charles Street, Baltimore, Maryland, through a subsidiary, First Maryland Mortgage Corporation. (9/14/76)[2]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (making installment loans to individuals for personal, family, or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extension of credit and acting as agent in the sale of insurance protecting collateral held against its extension of credit) at 1316 26th Avenue, Fulport, Mississippi and 3234 Pascagoula Street, Pascagoula, Mississippi, through a subsidiary Landmark Financial Services, Inc. (9/17/76).[2]

[1] 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Boatmen's Bancshares, Inc., St. Louis, Missouri, for approval to acquire the shares of Boatmen's Life Insurance Company, Phoenix, Arizona (engaged in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by the holding company system).

Mercantile Bancorporation Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance, credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers) from 1670 A Highway, 171 North-Bridge Ter., Charleston, South Carolina to 1414 Savannah Highway, Charleston, South Carolina, through a subsidiary, Franklin Finance Company. (9/17/76).[2]

Braymer Bankshares, Inc., Braymer, Missouri, for approval to retain the assets of former insurance agency selling credit related insurance at The First National Bank of Braymer, Braymer, Missouri.

Stark Bankshares, Inc., Stark, Kansas, for approval to engage in the sale of credit life, credit accident and health and other insurance directly related to extensions of credit at The Stark State Bank, Stark, Kansas.

Southeast Banking Corporation, Miami, Florida, notification of intent to engage in de novo activities (performing or carrying on any one of more or the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency, or custodian nature) at 801 West Bay Drive, Largo and 1710 South Andrews Avenue, Fort Lauderdale, both located in Florida, through a subsidiary, Southeast Banks Trust Company, N.A. (9/13/76).[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making, acquiring, or participating in loans and other extensions of credit and leases of personal and real property, such leases to be those where at the inception of the initial lease the effect of the transaction (and, with respect to government entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessors full investment in the property plus the estimated total cost of financing the property over the term of the lease) at 333 South Hope Street, Los Angeles, California (9/8/76).[2]

* * * * *

To expand a Bank Holding Company Pursuant to Section 4(c) (12) of the Bank Holding Company Act of 1956.

Sterling Precision Corporation, West Palm Beach, Florida, notification of intent to acquire through its subsidiary, McKerlie-Millen, Inc., the assets of Lariviere & Freres Limited of Rouyn, Quebec, and Centennial Auto Parts Limited of Ottawa, Canada, automotive replacement parts distributors (9/15/76).[3]

Gamble-Skogmo, Inc., Minneapolis, Minnesota, notification of intent to acquire up to 20 FABS Fashion Fabrics Stores (9/13/76).[2]

REPORTS RECEIVED

None.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, September 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29192 Filed 10-4-76;8:45 am]

AGRI-BANK CORP.

Order Approving Formation of Bank Holding Company

Agri-Bank Corporation, Webster City, Iowa, has applied for the Board's approval under section 3(a) (1) of the Bank Building Company Act (12 U.S.C. 1842 (a) (1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The Farmers National Bank of Webster City, Webster City, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The Board has considered the application and all comments received, including those of the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $32.2 million,[1] is the largest of six banking organizations and controls approximately 41 percent of the total deposits in the relevant banking market.[2] Upon acquisition of Bank, Applicant would control the 66th largest banking organization in Iowa, holding .27 percent of the total commercial bank deposits in the State. Inasmuch as the proposed transaction is merely a reorganization whereby the shareholders who presently control Bank directly will control Bank indirectly through Applicant, and since Applicant presently has no subsidiaries nor engages in any activities, consummation of the proposal would not eliminate existing or potential competition or increase the concentration of banking resources in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, which are dependent upon those of Bank, are considered to be generally satisfactory, and their future prospects appear favorable. Although Applicant will incur some debt as a result of this proposal, it appears that the projected earnings to be derived from Bank by way of dividends should provide Applicant with sufficient revenue to meet its debt service requirements and preferred stock dividends without adversely affecting the financial position of Bank. While the principals of Applicant have certain interests in and relationships with other banking organizations in the State of Iowa, the financial and managerial resources of such organizations are such that they may be regarded as generally consistent with approval of the application. Accordingly, considerations relating to banking factors are consistent with approval of the application. While no major changes are contemplated in Bank's services, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Accordingly, it is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29188 Filed 10-4-76;8:45 am]

BRAYMER BANKSHARES, INC.

Formation of Bank Holding Company

Braymer Bankshares, Inc., Cameron, Missouri, has applied for the Board's approval under 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The First National Bank of Braymer, Braymer, Missouri. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Braymer Bankshares, Inc., Cameron, Missouri has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and 225.4(b) (2) of the Board's Regulation Y (12 CFR 225.4(b) (2)), for permission to engage in the sale of credit-related insurance on the premises of The First National Bank of Braymer, Braymer, Missouri. Notice of the application was published on August 19, 1976 in The Braymer Bee, a newspaper circulated in Braymer, Missouri.

Applicant states that The First National Bank of Braymer, Braymer, Mis-

[1] All banking data are as of December 31, 1975.

[2] The relevant banking market is approximated by Hamilton County.

[3] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

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souri would engage in the activities of selling as agent credit related life, accident and health insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competion, or gains in efficiency, that outweigh possible adveres effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than October 20, 1976.

Board of Governors of the Federal Reserve System, September 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 76-29189 Filed 10-4-76;8:45 am]

PEOPLES CREDIT CO.

Acquisition of Bank

Peoples Credit Company, Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 1350 shares of the voting shares of The Pleasant Hill Bank, Pleasant Hill, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, to be received not later than November 2, 1976.

Board of Governors of the Federal Reserve System, September 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29190 Filed 10-4-76;8:45 am]

PEOPLES CREDIT COMPANY

Acquisition of Bank

Peoples Credit Company, Kansas City, Missouri, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 6100 shares of the voting shares of The Metropolitan Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 2, 1976.

Board of Governors of the Federal Reserve System, September 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29191 Filed 10-4-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. G-22, Supplement 2]

MOTOR VEHICLE REPORTING REQUIREMENTS

Extension of Expiration Date

To: Heads of Federal agencies

● 1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G-22, dated August 28, 1975. ●

2. *Effective date.* This supplement is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* FPMR Temporary Regulation G-22 and this supplement expire March 31, 1977, unless sooner revised or superseded.

4. *Applicability.* The provisions of this supplement apply to all executive agencies holding or using commercially designed motor vehicles.

5. *Background.* The expiration date is extended to allow GSA to effectively evaluate agency comments received in response to paragraph 9 of the regulation and further review the data required by Standard Form 82-D.

6. *Change.* FPMR Temporary Regulation G-22 is revised to delete "September 30, 1976" and substitute "March 31, 1977" in paragraph 3.

Dated: September 28, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-29109 Filed 10-4-76;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F-400]

SECRETARY OF DEFENSE

Delegation of Authority

● 1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Utility Commission involving intrastate telephone rates. ●

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Texas Public Utility Commission in a proceeding involving the application of the Southwestern Bell Telephone Company for increases in its intrastate rates and charges. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-29110 Filed 10-4-76;8:45 am]

[Federal Property Management Regs.; Temporary Reg. G-23, Supplement 1]

AUDIT OF TRANSPORTATION PAYMENTS

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G-23.

2. *Effective date.* This regulation is effective on October 5, 1976.

3. *Expiration date.* This supplement expires March 31, 1977, unless sooner superseded or canceled.

4. *Revised expiration date.* The expiration date in paragraph 3 of FPMR Temporary Regulation G-23 is extended to March 31, 1977, to allow GSA additional time to evaluate proposed changes and additions and to incorporate them, as appropriate, into the permanent regulation.

JACK ECKERD,
Administrator of General Services.

SEPTEMBER 28, 1976.

[FR Doc.76-29204 Filed 10-4-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

September 23, 1976.

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, October 18–19, 1976. These sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street N.W., Washington, D.C., beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The agenda will include the following topics:

OCTOBER 18, 1976

MORNING

0900–1200 -- State Department activities and plans on Oceans. Environmental and Scientific Affairs, Ambassador Frederick Irving—Ass't Secretary of State for Oceans and International Environmental and Scientific Affairs.
Marine Education, Mr. Harold L. Goodwin, Consultant—Mr. Thomas Murray, Office of Sea Grant—Mr. Logan Salada, Office of the Commissioner of Education, U.S. Office of Education.

AFTERNOON

1300–1700 -- Environmental Research Programs in the U.S. Department of Agriculture, Dr. Robert E. Buckman, Deputy Chief for Research, Forest Service, USDA—Dr. Velmar Davis, Head, Environmental Research, Economic Research Services, USDA—Mr. A. R. Robinson, Staff Scientist for Erosion and Sedimentation, Agricultural Research Service, USDA.
NACOA work in progress, Dr. William J. Hargis, Jr., Chairman, NACOA.

OCTOBER 19, 1976

MORNING

0900–1200 -- Secretary's comments on NACOA 5th Annual Report, Dr. Robert M. White, Administrator, NOAA.
NACOA work in progress (continued).

AFTERNOON

1300–1500 -- NACOA work in progress (continued).

Adjournment at approximately 3:00 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76-28894 Filed 10-4-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC COMPOSERS/LIBRETTIST ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Composers/Librettist Advisory Panel to the National Council on the Arts will be held on October 22-23, 1976 from 9:30 a.m.-5:30 p.m. in the 14th floor Conference Room of the Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

This meeting will be open to the public; accommodations are limited.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-29132 Filed 10-4-76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

HEARING RULES

The National Commission on Electronic Fund Transfers (Commission) is empowered by Pub. L. 93-495, section 204(a) (October 28, 1974), 12 U.S.C., Section 2404(a) to hold such hearings as the Commission may deem advisable. The Commission plans to hold a series of hearings to solicit the views of knowledgeable groups and individuals on a number of issues relating to electronic fund transfers. To facilitate the orderly conduct of such hearings, the Commission will conduct its hearings in accord with the following Hearing Rules, which it is publishing in the FEDERAL REGISTER so as to provide notice of the rules to all persons interested in participating in the Commission's hearings.

WILLIAM B. WIDNALL,
Chairman.

OCTOBER 1, 1976.

RULES OF THE NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS RELATING TO FORMAL HEARINGS

RULE 1

These rules shall apply to any formal hearing (hereinafter sometimes referred to as "hearing") for the purpose of taking testimony. Such hearings shall be held only with the approval of the Commission. The Commission shall approve the holding of a formal hearing at a duly called meeting of the Commission or, in the alternative, the Chairman or his designee may notify by telephone or mail, each member of the Commission of a proposed formal hearing. Such notice should include a description of the subject matter, proposed witnesses, and the time and place of such proposed hearing. Each Commissioner shall submit to the Chairman a written concurrence or objection within seven calendar days of the receipt of the notice for the proposed hearing. A formal hearing which has not been approved at a Commission meeting may be held only if a majority of all the Commissioners concurs in writing.

RULE 2

Formal hearings may be conducted by the Commission as a whole or by a Committee of the Commission. Hearings shall be chaired by the Chairman of the Commission or by a member of the Steering Committee designated by the Chairman. In the event that the Chairman of the Commission neither chairs a particular Committee hearing himself nor designates a member of the Steering Committee, the members of that Committee may elect a Commissioner to chair that hearing.

RULE 3

All hearings shall be open to the public unless it is determined that a hearing or a portion thereof should be closed to the public because the testimony to be received may tend to defame or discredit a third party, threaten a clearly unwarranted invasion of personal privacy, or divulge trade secrets or commercial marketing practices, the disclosure of which would cause substantial competitive injury. Hearing testimony taken in closed session shall not be disclosed in a public session without a majority vote of the full Commission.

RULE 4

At least twenty-one (21) days before a hearing, appropriate public notice shall be filed for publication in the FEDERAL REGISTER, stating the date, place and subject matter of the hearing.

RULE 5

Subpoenas requiring the attendance and testimony of witnesses, and the production of memoranda, documents, and records shall be issued upon affirmative

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vote of a majority of the full Commission and under the signature of the Chairman or any other member of the Commission designated by him, and shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

RULE 6

A quorum for the purpose of taking testimony during a formal hearing shall consist of three (3) Commissioners. A majority vote of all Commissioners present shall carry all matters except in those cases where a majority of all Commissioners is specifically required by these rules.

RULE 7

All witnesses who testify at formal hearings shall be sworn.

RULE 8

Any witness may be accompanied by legal counsel, who shall be permitted to be present and to advise such witness during his testimony at any public or non-public session of any hearing. The failure of any witness to secure counsel shall not excuse such witness from testifying and producing evidence in response to a subpoena.

RULE 9

At least seven (7) days prior to any formal hearing each witness should submit to the General Counsel of the Commission fifty (50) copies of any statement (including all exhibits) which he intends to present at the hearing. For good cause shown the Chairman of the Commission or his designee may authorize the acceptance of late submissions or fewer than fifty copies. Upon submission written statements become part of the hearing record. The hearing chairman shall thereafter determine whether or not such statements may be read in their entirety. In exceptional situations the hearing chairman may alter the oral testimony time provided in Rule 15.

RULE 10

The record of any hearing shall remain open for twenty-one (21) calendar days following the termination of a hearing for the submission of statements, exhibits or additional material; provided however, that the Chairman of the Commission may reasonably extend this period as he may determine.

RULE 11

The hearing chairman, for the purpose of conducting an orderly hearing with a minimum of distraction or physical discomfort to a witness, may direct a restricted use of television, motion picture and other cameras and lights so that coverage by these media will be carried out in an unobtrusive manner.

RULE 12

An accurate stenographic record shall be kept of the testimony of all witnesses at hearings. Each witness or his counsel shall be afforded an opportunity to read a transcript of his testimony and promptly to correct any errors or omissions in transcription. Thereafter, copies of any testimony given in public session or that part of testimony given in closed session and subsequently quoted or made part of the record in public session shall be made available to the public at its expense if so requested.

RULE 13

The right to orally examine witnesses shall be limited to Commissioners, appropriate Commission staff and, subject to prior approval by the Chairman of the Commission, representatives designated in writing by Commissioners.

RULE 14

In recognition of the right of each Commissioner present to orally examine each witness, if he so desires, and in the interest of preserving sufficient time for the examination of all witnesses, the hearing chairman shall determine the total initial time period for examination of each witness by the Commissioners. The initial time allotted to each Commissioner shall then be determined by dividing the total initial time period by the number of Commissioners present. If the total initial time period has not expired after each Commissioner has been afforded an opportunity to orally examine a witness, any Commissioner may request, and the hearing chairman may grant him, a portion of the remaining time for additional examination. After the expiration of the initial time period, appropriate staff will have an opportunity to examine the witness for a reasonable amount of time, subject to limitation by the hearing chairman. If the Commissioners then desire additional time to examine a witness, such additional time may be provided by majority vote, and shall be allocated by the hearing chairman pursuant to requests of the Commissioners.

RULE 15

The oral presentation of each witness prior to examination by the Commission shall be limited to fifteen (15) minutes. However, there is no limit on the length of submitted written statements.

RULE 16

If any person believes that testimony or other evidence presented at a public hearing or comment made by a Commissioner in the course of a public hearing in which that person's name is mentioned or in which that person is otherwise specifically identified deserves contradiction or needs further explanation, that person may (a) request to appear personally before the Commission to testify under oath in his own behalf, or in the alternative, (b) file a sworn statement of facts relevant to such testimony, evidence or comment. Such requests or statements should be submitted to the Commission for its consideration and action.

RULE 17

(a) Witnesses for a hearing shall be selected from among those parties who request permission to testify or who are suggested by the Commissioners and the staff, and shall be invited to testify upon approval by the Selection Subcommittee designated by the Steering Committee.

(b) Any party interested in presenting oral testimony to the Commission should send a written request to present oral testimony to the Executive Director of the Commission no later than ten (10) calendar days preceding such hearing. Such request should identify the hearing and be accompanied by a concise description of the material the party desires to present and the reasons why the party's oral testimony would be useful to the Commission.

(c) Whenever the Selection Subcommittee deems it appropriate, witnesses may be arranged in panels for the purpose of presenting oral testimony.

(d) Any interested party may submit a written statement to the Commission regarding the subject matter of the hearing, and request that such statement be incorporated into the hearing record.

RULE 18

Any Commissioner may request the General Counsel to interpret any of the aforementioned hearing rules. The General Counsel's interpretation shall be delivered in writing to all Commissioners unless the request is made at a hearing or a Commission meeting. Such interpretations by the General Counsel shall be binding unless the rule interpreted is subsequently amended by the Commission.

[FR Doc.76-29251 Filed 10-4-76;8:45 am]

HEARINGS

The National Commission on Electronic Fund Transfers will hold public hearings between 9:30 a.m. and 5:30 p.m. on October 26 and 27, 1976, in Room 2128 of the Rayburn House Office Building in Washington, D.C. These hearings, authorized by Pub. L. 93-495, Title II, 204, will explore issues relevant to the interests of the consumer in the development of electronic fund transfer systems (EFTS).

These hearings are intended to aid the Commission in developing its recommendations to Congress and the President regarding appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems.

Prior to these hearings the Commission solicits the views of knowledgeable groups and individuals interested in these issues and able to address the areas of inquiry detailed below. Those interested in submitting statements for the record, giving testimony, presenting evidence or otherwise participating in these hearings

should obtain a copy of the Commission's Hearing Rules.[1] Written requests to testify must be received by the Executive Director of the Commission, 1000 Connecticut Avenue, NW., Suite 900, Washington, D.C. 20036, within 10 days of this Notice. Such requests must be accompanied by a concise description of the material the party desires to present and the reasons why the party's oral testimony would be useful to the Commission. The hearing record will remain open for twenty-one (21) days following the hearings for written statements and comments.

The specific areas concerning EFTS which the Commission intends to investigate at the hearings are as follows: (1) privacy from unauthorized access and dissemination of personal information, (2) consumer convenience, (3) consumer legal rights and duties, (4) security from error and fraudulent use, and (5) consumer choice in the use of financial services and financial service institutions. Among the questions that witnesses will be asked to address are the following:

PRIVACY

There has been considerable controversy over threats to personal privacy posed by modern communications and information technology, of which EFT is only a part. Specifically, with EFTS, information obtained by a financial institution over a period of time could be used to develop a comprehensive profile of a consumer's habits, travel, and persuasions (political, religious, etc.). For example, the government, acting for accepted social purposes (detecting tax evasion and other illegal activities) might seek access to electronic payment records. Then, due to the relative ease and inherent capability, it might use the files for surveillance of individuals.

Today, the consumer has little legal control over the dissemination of records of his financial transactions maintained by a financial institution. Tomorrow, given the relative ease of electronic collection, storage, tabulation and cross referencing of data records, EFT may mean that, in a practical sense, an individual is more vulnerable to invasion of privacy than when he uses paper payment media. On the other hand, it has been asserted that EFT fosters rather than threatens privacy because it reduces the number of persons, such as store clerks, who have access to personal information.

Among the questions the Commission wishes to address are the following:

What are the tradeoffs for privacy? Has the consumer traded away some of those rights in order to participate more fully in today's interdependent society—to receive easier credit, protect himself from discrimination and accrue some of the benefits of cost reductions from large scale computer systems?

What rights should the consumer have with respect to financial information describing his transactions held by a financial or non-financial institution? Should the consumer have control over or knowledge of access to or dissemination of his financial history?

Should the consumer be permitted to review his financial records and contest the accuracy of any information contained therein?

What information is or might be collected in an EFT transaction that is not now collected in a paper-based transaction?

What kinds of non-financial information are captured and stored in an EFT system? Does this represent a potential threat to privacy?

Should procedures exist for ensuring that information collected for one purpose is used for that purpose solely? If so, what form should these procedures take?

What is the tradeoff between using financial information as an indicator of illegal activity versus the potential threat to privacy of law abiding citizens?

In view of the above considerations, is state or federal legislation needed to afford greater protection than the existing system provides? Whether they be legislated or adopted as operating standards by private enterprise, what should the nature of privacy protection safeguards be?

What would the impact of these protections be on administrative costs? On consumer credit availability?

If such standards were desirable, who should set privacy protection standards, and how should the compliance with standards be monitored and enforced?

CONSUMER CONVENIENCE

In its enabling legislation, Congress instructed the Commission to consider the impact of EFT on consumer convenience and on other consumer benefits. Conceivably, one of the greatest benefits that the consumer would receive in an EFT system is an increase in time and location convenience.

Consumer surveys indicate that the average consumer spends at least two hours a month in statement reconciliation and bill paying, in addition to his weekly or semi-weekly trips to financial institutions, postage costs and other incidental costs associated with his personal finances. These costs to the consumer may be greatly reduced with the introduction of EFT services; however, it is unclear whether the consumer perceives this to be the case. Cashing a check and the paperwork of bill paying may be for some an inconvenience, yet for others an essential part of personal financial management.

The Commission solicits views on the convenience and other advantages which consumers could expect from the implementation of EFT systems.

How will the consumer benefit from EFT services?

Need any action be taken to ensure that consumer benefits are maximized?

How do we ensure that consumer benefits will be maintained in the competition between financial institutions?

What benefits or rights, such as detailed records, might the consumer be asked to relinquish in exchange for the benefits of EFT, such as convenience?

In what ways, if any, are the consumer advantages of EFT systems dependent on the reliability of those systems? Can the potential consumer benefits be realized with the current reliability of EFT systems?

RIGHTS, DUTIES AND RESPONSIBILITIES OF CONSUMERS IN TRANSACTIONS

The Commission is concerned with the effect of EFT on the framework which has developed over time to govern the rights, duties and responsibilities of consumers in the paper-based payments system. In addressing this issue, the Commission will explore the need for the desirability of changes in or additions to current commercial law and consumer protection statutes and regulations. The following questions illustrate the Commission's concerns:

To what extent are present rules governing commercial transactions relevant to an EFT environment? Will EFT distort the application of any present rules or create unfair burdens?

What existing consumer rights, if any, such as the right to stop payment, are foreclosed or diminished in the EFT environment?

What commercial rules should be established, if any? When and by whom? Are private contracts sufficient?

What is the appropriate legal model for debit cards—the check model, the credit card model, or some combination of the two? What should be the rule with respect to unauthorized use? Unsolicited mailings?

How should liability be assigned among participants in transactions?

How does EFT change the consumer's ability to detect and correct errors?

Does the possible provision of financial services by new institutions change the balance of rights and duties among participants?

Will EFT development be adversely affected by the Fair Credit Reporting Act?

To what degree, if any, are the consumer's rights jeopardized by EFT system breakdown? Should the consumer being environment where the merchant recompensated in any fashion for denial of access to his funds due to system error or breakdown?

What measures can be taken by consumers to preserve their claims against merchants in a third party credit-granting environment where the merchant receives payment automatically?

Should the present consumer advantage obtained through deferred payment (i.e., float) be legislated into an electronic environment? If so, who should bear the costs of consumer float? Would the acceptance of EFT be impaired by the fact that it does not involve float?

What standards, if any, are necessary with respect to inter-system audit trails? Who should impose such standards?

Will EFT decrease the ability of consumers to manage their financial affairs?

[1] For the convenience of the public, the Commission's Hearings Rules are published in this edition of the Federal Register. See FR Doc. 76-29251.

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If so, what protections, if any, are required?

Will the type and nature of records generated in an EFT environment, such as descriptive statements, satisfy governmentally mandated recordkeeping requirements? If not, what changes may be required?

What legally cognizable substitutions, if any, can be made for signatures?

Can it reasonably be mandated that unmanned terminals devices produce documentation which is prima facie proof of transaction?

Assuming the need for legislation in any of the above areas, should such legislation take the form of amendments to existing state or federal legislation or is a separate body of legislation desirable?

SECURITY

The security of EFT systems is of considerable concern to the consumer. Security can be broadly defined as the prevention of either the unauthorized disclosure, destruction or modification of financial data that results in a loss to the consumer.

Two kinds of security threats pose problems for the consumer: one refers to the problem of customer identification and the second to the problem of unauthorized penetration of the various subsystems. The concern of the consumer rests largely in his ability to detect fraudulent activity in his financial accounts and the liability for such activity.

The specific questions in this area which the Commission wishes to address in these hearings include the following:

What steps can be taken to ensure that the consumer can monitor and detect any illegal activity in his financial accounts?

Who should be liable, and to what degree, in the event of unauthorized access to a financial system that results in manipulation, modification, or destruction of financial data resulting in financial loss or other damage to a consumer?

To what degree should financial and non-financial institutions assume liability and responsibility for illegal pentration of their financial data systems?

Should the security problems of customer identification and penetration of the subsystems have different liability provisions?

Assuming the need for legislation in any of the above areas, should such legislation take the form of amendments to existing state or federal legislation or is a separate body of legislation desirable?

CONSUMER CHOICE

The Congress has instructed the Commission to examine the potential effects of EFT on the range of consumer choices regarding use of financial institutions and types of services.

The question of choice has substantive economic ramifications. The conversion to EFT services may be attractive to financial institutions because of the potential for cost savings. This cost savings would presumably occur as a result of the displacement of EFT of more expensive paper based systems. To the extent that the consumer demands, and receives both paper based systems and EFT systems, this cost savings, to consumers and institutions alike, may not be possible. It may prove to be the case, therefore, that the consumer can gain the benefits of EFT only if he accepts a decrease in the number of alternative payment mechanisms he can choose among. For example, it might turn out that in the long run the benefits of direct deposit of payroll through EFT will be economically feasible for a given company only if all of its employees receive their paychecks through this mechanism.

Among the questions the Commission wishes to address are the following:

To what extent, if any, should the consumer have the ability to employ more than one payments mechanism in his dealings with a merchant, employer, or other institution? Should the question be dealt with through legislation, or left to the market place?

What effects will the development of EFT systems have on the range of choices available to the consumer as to payments mechanism?

If an employee were given the right to demand a paycheck even if his employer utilized direct deposit of payroll, who should pay the added cost?

WILLIAM B. WIDNALL,
Chairman.

SEPTEMBER 30, 1976.

[FR Doc.76-29252 Filed 10-4-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR LINGUISTICS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Linguistics.
Date and time: October 22 and 23, 1976, 9:00 a.m.-5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street NW., Washington, D.C., Room 628.
Type of Meeting: Closed.
Contact Person: Paul G. Chapin, Program Director for Linguistics, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 254-6326.
Purpose of Panel: To provide advice and recommendations concerning support for research in Linguistics.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close Meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 30, 1976.

[FR Doc.76-29181 Filed 10-4-76;8:45 am]

ADVISORY PANEL FOR NEUROBIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neurobiology.
Date and Time: October 21 and 22, 1976; 9:00 a.m.-5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street NW., Washington, D.C., Room 643.
Type of Meeting: Closed.
Contact Person: Dr. N. Herbert Spector, Program Director for Neurobiology, Room 320, National Science Foundation, Washington, D.C. Telephone: (202) 634-4038.
Purpose of Panel: To provide advice and recommendations concerning support for research in neurobiology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (5) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 30, 1976.

[FR Doc.76-29180 Filed 10-4-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on Sept. 28, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with

which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

CIVIL SERVICE COMMISSION

Delphi Study Questionnaires, single-time, experts in employee benefits, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Bureau of the Census, Survey of Regional Organizations, RO-1, 2, and 3, single-time, publicly funded regional planning organizations, Charles A. Ellett, 395-5867.

Departmental and other:
Residential Smoke Detector Survey Questionnaire, single-time, households in 100 PSU's, Cynthia Wiggins, 395-5631.
Survey to Determine User Requirements for Automatic Residential Fire Suppression Systems, single-time, owners and tenants of residential property, Cynthia Wiggins, 395-5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, impact of national economic conditions on health care, of the disadvantaged (utilization) HRA 230-75-0214, single-time, selected community acute, general care hospitals, Richard Eisinger, 395-6140.

National Institute of Education, Survey of State Title I Administration, NIE 163, single-time, Sea Title I Directors, Human Resources Division, Robert Raynsford, 395-8532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Field Visit Interview Guide on CDBG Environmental Review, single-time, local government community development specialists, community and veterans affairs, Louis Kincannon, 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Federal Assistance (short form)—drug education programs for school and community team projects—instructions and supplementary, OE 226-1, annually, LEA's and community organizations, Warren Topelius, 395-5872.

Food and Drug Administration, phase I, and evaluation of the awareness of label changes for in vitro diagnostic products, single-time, a national sample of clinical laboratories, Richard Eisinger, 395-6140.

Office of Education, application for domestic mining and mineral and mineral fuel conservation fellowships, OE-405, annually, institution of higher education, Warren Topelius, 395-5872.

DEPARTMENT OF THE TREASURY

U.S. Customs Service, special customs invoice, customs form 5515, on occasion, exporters to U.S., Warren Popelius, 395-5872.

Departmental and other State's actual use and transfer of funds report, annually, State Governments, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Foreign airline operators revenues and expenses in the United States, BE-36, annually, foreign airlines, David T. Hulett, 395-4730.
Foreign Carriers' Ocean Freight Revenues and Expenses in the United States, BE-29, annually, foreign ocean freight carriers, David T. Hulett, 395-4730.

DEPARTMENT OF DEFENSE

Departmental and other:
Professional Evaluation, DD 1456, on occasion, professional superiors of applicants, Marsha Traynham, 395-3773.
Supplemental application, DD 1836, on occasion, teacher applicants, Marsha Traynham, 395-3773.
Application index, DD 1835, on occasion, teacher applicants, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, request for medical report (mental impairment), SSA-824, other (see instructions), mental institutions, David P. Caywood, 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-29301 Filed 10-4-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

OMAHA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Omaha District Advisory Council will hold a public meeting at 8:30 am Tuesday, October 19, 1976, at the Empire State Building, Nineteenth and Farnam Streets, Omaha, Nebraska 68102, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Rick Budd, District Director, same address as above, (402) 864-3620.

Dated: September 23, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29126 Filed 10-4-76;8:45 am]

SAN ANTONIO DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration San Antonio District Advisory will hold a public meeting at 9 am, Friday, November 12, 1976, in the Meeting Room, Sunday House Motor Inn, 2124 Sidney Baker (IH 10 at Hwy. 16), Kerrville, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call James S. Reed, U.S. Small Business Administration, Federal Building, Room A-513, 727 E. Durango, San Antonio, Texas 78206, (512) 229-6268.

Dated: September 22, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29127 Filed 10-4-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

COLORADO STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 12, 1973, notice was published in the FEDERAL REGISTER (38 FR 25172) of the approval of the Colorado plan and the adoption of Subpart M to Part 1952 containing the decision.

The Colorado plan provides for the adoption of Federal standards as State standards after public hearings. Section 1952.193 of Subpart M of 29 CFR Part 1952 sets forth the State's schedule for the adoption of Federal standards. By letter dated June 15, 1976, from Norman L. Sothan, Chief of Labor Services, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to the General Industry Safety and Health Standards of 29 CFR Part 1910, as published in the FEDERAL REGISTER (39 FR 23502) dated June 27, 1974. These standards, which are contained in Colorado Occupational Safety and Health Rules and Regulations for General Industry were promulgated after hearings held on August 8, 1974, September 5, 1974, December 19, 1974, April 3, 1975, April 17, 1975, July 10, 1975, October 9, 1975, and November 20, 1975; and by resolutions adopted by the Colorado Occupational Safety and Health Standards Board on August 30, 1974, October 31, 1974, December 19, 1974, February 6, 1975, April 3, 1975, July 10, 1975, August 21, 1975, October 9, 1975 and November 20, 1975, pursuant to Section 8-11-104, Colorado Revised Statutes, 1973.

2. *Decision.* The State submission having been reviewed in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal Standards, as of June 27, 1974. In addition, the State standards are more

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specific in several areas, particularly with respect to the standards which apply to Medical Services and First Aid, Air Receivers, Pressure Vessels, Material Hoppers, Chutes, Bins, and Tank Openings, Solid Waste Containers, and Motor Vehicles and Mechanized Equipment.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Office of the Chief for Labor Services, 1313 Sherman Street, Room 414, Denver, Colorado 80203; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Colorado State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment, and further public participation would be repetitious.

This decision is effective October 5, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Denver, Colorado, this twenty-third day of September 1976.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc.76-29227 Filed 10-4-76;8:45 am]

MARYLAND

Approval of Public Employee Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedure under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On July 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 17834) of the approval of the Maryland plan and of the adoption of Subpart O of Part 1952 containing the decision of approval. On June 13, 1975, a notice was published in the FEDERAL REGISTER concerning the approval of the Maryland occupational safety and health poster which is to be posted at all covered workplaces in the State (40 FR 25207). It was subsequently found that certain changes were appropriate for the State occupational safety and health posters which are displayed in public sector workplaces. Accordingly, on July 14, 1976, the State submitted a supplement to the plan involving a State-initiated change (see Subpart E of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the Maryland State public employee poster which is to be posted at all public sector workplaces in the State. Among other things, the poster contains provisions notifying public employees of their protections and obligations under the Maryland Act, their right to request inspections and remain anonymous as a result and their right to participate in inspections. The poster also informs public employees of their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. However, the size of the print informing employees of this right is not in conformity with the requirements of 29 CFR 1903.2(a)(3) regarding the minimum size of prints on State posters. Accordingly, the Maryland public employee poster is being approved on the condition that the print size of this provision will be increased within one year or at the next printing of the State poster, whichever is sooner, to bring it into conformity with the requirements of 29 CFR 1903.2(a)(3).

The poster also reflected some changes which were necessary to modify the private sector poster for the public sector. Among these changes were a provision notifying employees of their protection against discharge or discrimination under State law rather than both State and Federal law, the deletion of the penalty provisions of the Maryland Act as they relate to public workplaces and a provision notifying employees of the establishment of a self-inspection program for public sector workplaces.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, 200 Constitution Ave., NW., Washington, D.C. 20210; Technical Data Center, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, 15220 Gateway Center, 3535 Market Street, Philadelphia, Pennsylvania 19104; and the Office of the Commissioner, Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any good cause which may be consistent with applicable law. The Assistant Secretary finds that the Maryland public employee poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) insofar as they relate to public employment except that the print size of the provision informing public employees of their right to file a complaint about the administration of the State program with the Occupational Safety and Health Administration is not in conformity with the requirements of 29 CFR 1903.2(a)(3). Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Maryland plan supplement described above is approved on the condition that the print size of the provision informing public employees of the right specified above will be in conformity with the requirements of 29 CFR 1903.2(a)(3) within one year or at the time of its next printing whichever is shorter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Secs. 8(g)(2,) 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2)667).)

Signed at Washington, D.C. this 29th day of September 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-29226 Filed 10-4-76;8:45 am]

Office of the Secretary

[TA-W-1,081]

BOSS MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Boss Manufacturing Corporation, Kewanee, Illinois (TA-W-1,081).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with work gloves produced by Boss Manufacturing Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29087 Filed 10-4-76;8:45 am]

[TA-W-936]

BURNDY CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-935: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 11, 1976, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing printed circuit board connectors at the Toledo, Ohio facility of Burndy Corporation, Norwalk, Connecticut.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The information upon which the determiation was made was obtained from officials of Burndy Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment at the Toledo, Ohio plant declined 45 percent from 1974 to 1975 and declined 16 percent in the first six months of 1976 compared to the same period in 1975. All workers were separated in July 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of circuit board connectors at the Toledo, Ohio plant of Burndy declined 61 percent from 1974 to 1975 and declined 43 percent in the first quarter of 1976 compared to the same period in 1975. All production ceased in July 1976 when the plant closed. Production was moved to the Milford, Connecticut facility of Burndy in an effort to consolidate operations.

INCREASED IMPORTS

The value of imports of printed circuit connectors declined from 1.8 million dollars in 1974 to 1.5 million dollars in 1975. Imports, in the first quarter of 1976, were .5 million dollars compared to .4 million dollars in the first quarter of 1975. The ratio of imports to domestic production remained constant in 1974 and 1975 at 1.44 and increased slightly from 1.5 percent in the first quarter of 1975 to 1.6 percent in the first quarter of 1976 at 1.5.

CONTRIBUTED IMPORTANTLY

Industry analysts cited three factors to explain why imports have not sold well in the U.S. Components must be manufactured to narrowly-drawn specifications; the mass production of one type of component, which helps make importation feasible, is not possible in the printed circuit board connector market. Finally, imported connectors enjoy no price advantage over those produced domestically for the applications under consideration here (use in computers and business machines).

Customers of Burndy indicated that they reduced purchases of electronic connectors from Burndy in favor of other, lower priced, domestically manufactured products. Customers indicated that they did not purchase imported electronic connectors.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printed circuit board connectors produced at Burndy Corporation, Toledo, Ohio did not contribute importantly to the total or partial separation of the workers at such plant as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-29092 Filed 10-4-76;8:45 am]

[TA-W-1,066]

E. J. KEELEY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 7, 1976 the Department of Labor received a petition dated August 31, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of E. J. Keeley Company, Butte, Montana (TA-W-1,066).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cotton wiping rags produced by E.J. Keeley Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of this investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment As-

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sistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29091 Filed 10-4-76;8:45 am]

[TA-W-1,079]

GALENA GLOVE & MITTEN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Galena Glove & Mitten Company, Dubuque, Iowa (TA-W-1,079).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with work gloves produced by Galena Glove & Mitten Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29094 Filed 10-4-76;8:45 am]

[TA-W-1,065]

INCOPA INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 12, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Incopa Industries, Inc., Bristol, Tennessee, a subsidiary of Koracorp Industries, Inc., San Francisco, Calif. (TA-W-1,085). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the coating applications to knitted and woven fabrics produced by Incopa Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29093 Filed 10-4-76;8:45 am]

[TA-W-1,070]

NATIONAL BERYLLIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 9, 1976 the Department of Labor received a petition dated August 26, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Plumsteadville, Penn. plant of National Beryllia, Haskill, New Jersey (TA-W-1,070).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with silicon wafers produced by National Beryllia or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29096 Filed 10-4-76;8:45 am]

[TA-W-977]

MAYAGUEZ LEATHER PRODUCTS, INC.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 30, 1976 in response to a worker petition dated June 4, 1976, which was filed on behalf of former workers producing men's and women's belts and small leather goods at Mayaguez Leather Products, Incorporated, Mayaguez, Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29516). No public hearing was requested and none was held.

During the course of the investigation, it was established that all employment at Mayaguez Leather Products was terminated in March 1975. Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than twelve months before the date of the filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is June 4, 1976 and, thus, workers terminated prior to June 4, 1975 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29097 Filed 10-4-76;8:45 am]

[TA-W-1,080]

RACINE GLOVE CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of the Rio and Oconto, Wisconsin plants of Racine Glove Co., Inc., Rio, Wisconsin (TA-W-1,080).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with work clothes and work gloves produced by Racine Glove Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29090 Filed 10-4-76;8:45 am]

[TA-W-1,074]

ROCKWELL INTERNATIONAL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated September 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Shelbyville, Indiana plant of the Admiral Group of (Rockwell International, Pittsburgh, Penn. (TA-W-1,074). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with TV and stereo cabinets produced by Rockwell International or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29095 Filed 10-4-76;8:45 am]

[TA-W-917]

ROCKWELL INTERNATIONAL

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-917: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition dated May 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing textile weaving machines at the Foundry and the Production Equipment Division at Rockwell International, Reading, Pennsylvania. The Department's investigation reveals that the foundry produces iron castings and the Production Equipment Division produces printing equipment.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24797). No public hearing was requested and none was held.

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The information upon which the determination was made was obtained principally from officials of Rockwell International, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether any of the other criteria have been met, criterion (3) has not been met.

The Department's investigation has revealed that Rockwell International's foundry in Reading, Pennsylvania produces gray and ductile iron castings exclusively. The ratios of imports of gray and ductile iron castings to domestic production and consumption were both 0.22 percent in 1975. The ratios declined from 0.22 percent in the first quarter of 1975 to 0.14 percent and 0.15 percent, respectively, for the like 1976 quarter.

In support of their petition, the petitioners cite the Department of Labor's certification of workers engaged in the assembly of weaving machines at Rockwell International's Hopedale, Massachusetts plant for which workers at the Reading foundry produced castings. Less than 8 percent of the total 1975 production of castings at the foundry, where workers are used interchangeably, was shipped to the Hopedale facility. The figure of 8 percent is too small to justify considering the Reading foundry as being a captive supplier of the Hopedale plant and the foundry must therefore be judged on its own merits.

The Knitting Machine Division of Rockwell International in Reading, Pennsylvania terminated all production of knitting machines in April 1975. The name of that division was subsequently changed to the Production Equipment Division in January 1975. Neither the Knitting Machine Division nor the Production Equipment Division produced weaving machines as alleged in the petition.

The Production Equipment Division produces offset printing presses. Imports of web and sheet fed offset printing presses declined absolutely in each year from $47.1 million in 1973 to $33.1 million in 1975 and further declined from $6.8 million in the first quarter of 1975 to $6.6 million for the like 1976 period. The ratios of imports to domestic production and consumption also declined each year from 17.0 percent and 16.8 percent, respectively, in 1973 to 10.8 percent and 12.2 percent, respectively, in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports have not contributed importantly to the total or partial separations of workers at Rockwell International's foundry, Reading, Pennsylvania and the Production Equipment Division, Reading, Pennsylvania, as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 22d day of September 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-29097 Filed 10-4-76;8:45 am]

[TA-W-1,089]

GALAXY COSTUME CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 23, 1976 the Department of Labor received a petition dated September 10, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Ladies' Garment Cutters Union on behalf of the workers and former workers of Galaxy Costume Corporation, New York, New York (TA-W-1,089).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' coats and jackets produced by Galaxy Costume Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Asssitance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 76-29222 Filed 10-4-76;8:45 am]

[TA-W-959]

INDIANA GENERAL ELECTRO-MECHANICAL PRODUCTS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-959: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 29, 1976 in response to a worker petition received on June 29, 1976 which was filed on behalf of workers and former workers producing direct current (D.C.) motors at the Indiana General Electro-Mechanical Products plant in Oglesby, Illinois. The investigation was subsequently expanded to include office and technical personnel who were employed at the same plant.

The notice of investigation pertaining to TA-W-959 was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29511). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Indiana General Electro-Mechanical Products, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average monthly employment of production workers declined 10.1 percent from 1973 to 1974 and 39.2 percent from 1974 to 1975. Employment declined 24.2 percent in the first half of 1976 compared to the first half of 1975.

Average monthly employment of salaried personnel remained constant from 1973 to 1974 and declined 13.0 percent from 1974 to 1975. Employment declined 23.3 percent in the first half of 1976 compared to the first half of 1975.

Employment of all production workers and salaried personnel at the Oglesby plant was terminated at the end of August 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of D.C. motors by the Indiana General Electro-Mechanical Products plant in Oglesby declined 32.2 percent from 1973 to 1974 and increased 14.5 percent from 1974 to 1975. However, sales in the first half of 1974 were abnormally low due to an eight week strike by production workers. Sales declined 1.6 percent in the first half of 1976 compared to the first half of 1975. At the end of August 1976 all sales from the Oglesby facility ceased and all production was transferred to Mexico

Production figures are not kept but are considered the same as sales since the company does not produce for inventory. In March 1975, Indiana General began producing D.C. motors in Mexico and selling them through the Electro-Mechanical Products plant in Oglesby, Illinois. Production has been increasing at the Mexican facility since that time while declining at the Oglesby plant. Production figures for the two facilities are not separately identifiable. At the end of August 1976, the Oglesby plant was shut down and all production of D.C. motors was transferred to the Mexican plant.

INCREASED IMPORTS

Imports of electric motors increased 31.8 percent in value from 1971 to 1972 and 29.1 percent from 1972 to 1973. Imports further increased 25.6 percent from 1973 to 1974 and declined 17.3 percent from 1974 to 1975. Imports increased 55.3 percent in value in the first half of 1976 compared to the first half of 1975. The ratios of imports to domestic shipments and consumption increased in terms of value from 5.0 percent and 4.9 percent, respectively, in 1974 to 5.5 percent and 5.4 percent, respectively, in 1975 and increased from 5.0 percent and 5.0 percent, respectively, in the first half of 1975 to 8.4 percent and 8.2 percent, respectively, in the first half of 1976.

CONTRIBUTED IMPORTANTLY

Indiana General Electro-Mechanical Products began supplying their customers with D.C. motors from their Mexican plant in March 1975 and by the end of August 1976 had transferred all production to Mexico and shut down the Oglesby plant. All customers are now supplied from the Mexican plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with D.C. motors produced by the Indiana General Electro-Mechanical Products plant in Oglesby, Illinois contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All hourly and salaried workers at the Indiana General Electro-Mechanical Products plant in Oglesby, Illinois who became totally or partially separated from employment on or after June 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of September 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-29223 Filed 10-4-76;8:45 am]

[TA-W-1,090]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 23, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jones & Laughlin Steel Corp., Niles, Ohio (TA-W-1,090).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electrical mechanical tubing, conduit tubing produced by Jones & Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29224 Filed 10-4-76;8:45 am]

[TA-W-1,087]

SACO TANNING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 23, 1976 the Department of Labor received a petition dated September 14, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the on behalf of the workers and former workers of Saco Tanning Corporation, Saco, Maine (TA-W-1,087.

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather produced by Saco Tanning Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will

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further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than October 15, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 15, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29225 Filed 10-4-76;8:45 am]

Employee Benefit Security Office

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to Transaction Involving the Operating Engineers Journeyman and Apprentice Training Trust and Guy F. Atkinson Company (Application No. L-406)

Notice is hereby given of the pendency before the Department of Labor (the Department) of a proposed exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act). The pending exemption was requested in an application filed by the Trustees of the Operating Engineers Journeyman and Apprentice Training Trust (the Plan) for the purchase by the Plan of approximately 609 acres of land from Guy F. Atkinson Company (Atkinson), a party in interest with respect to the Plan.

The application was filed pursuant to section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Representations. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the Trustees.

The Plan engages in the training of apprentices and the retraining of operating engineers who are members of the International Union of Operating Engineers, Local Union No. 12 (the Union), affiliated with the Building and Construction Trades Department, AFL-CIO.

The trustees believe that the Plan needs a training site in the vicinity of Riverside, California, in order for the Plan to adequately serve the participants living and working in that area. For that reason, the trustees have searched for available and suitable property in the Riverside area for establishing a training site. In order to serve as a training site, property must have a sufficient amount of movable dirt and, in addition, be geographically located so as to provide a buffer zone between training activities of the Plan and any possible annoyance of adjoining land owners. A tract of land owned by Atkinson is the most desirable property from the viewpoints of location and price that has come to the attention of the trustees to date. Accordingly, the trustees propose to purchase from Atkinson for $250,000, approximately 609 acres of land located approximately four miles northwest of the main business center of the city of Riverside. The land will be used as a regional training site to train apprentices and retrain journeymen in the operation of off-road construction equipment. The purchase price, which will be paid in cash, represents less than ten percent of the current assets of the Plan.

The property has been appraised by an appraiser retained by the trustees of the Plan. The total billings of the appraiser and its predecessor to the Plan during the 1975 calendar year represented approximately one percent of their total business volume for that year. In addition, the only appraisal performed by the appraiser or its precedessor for Atkinson was an appraisal conducted in 1969 by the precedessor company. The appraisal was of 643 acres, which included 34 acres to be retained by Atkinson. The appraiser concluded that the total value of the 643 acres was $355,000. The 34 acres to be retained by Atkinson were valued at $1,000 per acre. The appraiser recommended that an offer of $250,000 be made and that not more than $300,000 be paid for the 643 acres. The appraiser also stated that the price of $250,000 falls well within the recommended range, and in its opinion is considered to be reasonable. The appraiser further stated that the withholding of the 34 acres will not have a negative effect on the land to be conveyed, provided that satisfactory easements for ingress and egress are granted to the buyer. The purchase of the 609 acres will include express easements for ingress and egress across the 34 acres.

Atkinson purchased the 643 acres for $150,000 in January, 1950 after having possession of the property as a leaseholder since 1945. While a tenant under the lease, during a relatively short time around 1945, Atkinson quarried granite rock for transport to several construction projects in the area. Since approximately 1945, the rock quarry activity on the property has never been very extensive and essentially ceased at that time.

Atkinson is a signatory to a collective bargaining agreement with the Union which requires Atkinson to make contributions to the Plan. Atkinson is one of approximately 2,500 employers contributing to the Plan. Atkinson employs less than one percent of the Plan participants. Until 1972, Atkinson had an employee who was a trustee of the Plan. In that year, the employee retired from Atkinson and resigned as a trustee of the Plan. Since that time, no employee of Atkinson has served as a trustee of the Plan.

Notice of this proposed exemption as published in the FEDERAL REGISTER will be given by publication in the Union newspaper, Engineers News-Record, which is published on approximately the 15th day of the month and is distributed to all members of the Union. Copies of the proposed exemption will also be mailed to the employer associations which are signatories to the trust agreement creating the Plan.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interests of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The requested exemption does not extend to transactions prohibited under section 406(b) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of such Plan; and

(4) The pending exemption, if granted, is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

All interested persons are invited to submit written comments on the pending exemption contained herein. In order to receive consideration, such comments must be received by the Department on or before November 19, 1976.

All written comments (preferably six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. L-406. The application for exemption referred to herein and all such comments relating thereto will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Pending Exemption. Based upon the application, hereinabove described, the Department has under consideration the granting of the requested exemption, under authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18741, April 28, 1975) whereby the restrictions of section 406(a) shall not apply to the purchase by the Plan of approximately 609 acres of real property from Atkinson for $250,000 pursuant to the terms, conditions, and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of September 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-29432 Filed 10-4-76;10:58 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 161]

ASSIGNMENT OF HEARINGS

SEPTEMBER 30, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124951 (Sub-35), Wathen Transport, Inc., now being assigned October 27, 1976 at the Office of the Interstate Commerce Commission in Washington, D.C. for continued hearing.

MC 43269 Sub-61, Wells Cargo, Inc., now assigned November 15, 1976, at Las Vegas, Nevada, will be held in Court Room No. 2, U.S. Courthouse & Federal Bldg., 300 Las Vegas Blvd., South.

MC 98327 Sub-17, System 99, A Corporation, now assigned November 2, 1976 at San Francisco, Calif., will be held in Suite 500, 5th Floor, 211 Main Street.

MC 141742, Flowers Transportation, Inc., now assigned November 8, 1976, at San Francisco, Calif., will be held in Suite 500, 5th Floor, 211 Main Street.

MC 114211 (Sub-No. 264), Warren Transport, Inc. and MC 123048 (Sub-No. 338), Diamond Transportation System, Inc., now assigned October 19, 1976 at Washington, D.C. has been postponed indefinitely.

MC 114569 (Sub-No. 140), Shaffer Trucking, Inc., now assigned November 8, 1976, at Harrisburg, Pennsylvania, has been postponed to January 24, 1977 (1 week) at Harrisburg, Pennsylvania; in a hearing room to be later designated.

MC 2900 (Sub-No. 293), Ryder Truck Lines, Inc. now being assigned November 2, 1976 for a pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-C-8974, Mrs. Charles Hodgens, Individual, dba Tour of the Month Club and Greyhound World Tours, Inc. V. S. & C. Corporation, dba Piedmont Tours, now assigned October 20, 1976, at Columbia, S.C., is postponed to December 15, 1976, (1 day), at Columbia, S.C. in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29220 Filed 10-4-76;8:45 am]

[AB 19 (Sub-No. 27); Service Date Sept. 30, 1976]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment Between Flora and Sangamon Junction, in Clay, Effingham, Fayette, Shelby, Christian and Sangamon Counties, Illinois

SEPTEMBER 27, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone (202) 275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29219 Filed 10-4-76;8:45 am]

[AB 12 (Sub-No. 28); Service Date Sept. 30, 1976]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Oroville and Villa Verona, in Butte County, California

SEPTEMBER 27, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line between Oroville and Villa Verona, Calif., a distance of 2.81 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no environmental impacts would result from the abandonment since no traffic has moved over the line since 1969. Inasmuch as there are no economic development plans in the area dependent upon the subject line, abandonment would not have a serious adverse effect on rural and community development. Butte County has expressed interest in acquiring the right-of-way for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 8, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29217 Filed 10-4-76;8:45 am]

[No. 36367; Service Date Sept. 30, 1976.]

REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Present: George M. Stafford, Chairman, to whom this matter has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding including the petition of the Association of American Railroads for an extension of the due date for opening statements, dated September 24, 1976; and,

It appearing, That an extension is warranted as a result of the complexity and importance inherent in a comprehensive revision of the Uniform System of Accounts for Railroad Companies in 49 CFR Parts 1201, 1241, and 1243;

Wherefore, and for good cause:

It is ordered. That petitioner's request for an extension be, and it is hereby, granted and that the due date be, and it is hereby, extended to October 29, 1976.

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Dated at Washington, D.C., this 30th day of September, 1976.

By the Commission, Chairman Stafford.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29218 Filed 10–4–76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before October 21, 1976 from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before November 4, 1976, subject to its tariff publication effective date.

P–22–76 (Special Certificate—Waste Products) filed September 7, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *scrap or waste paper*, between points in the United States (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Shade Information Systems, Inc. of Green Bay, Wis., for the purpose of recycling waste paper for reuse; (2) Systematic Recycling, Inc. of Rolling Meadows, Ill., for the purpose of brokering waste paper for reuse; and (3) Container Corporation of America of Carol Stream, Ill., for the purpose of reclaiming and recycling scrap and waste paper.

P–23–76 (Special Certificate—Waste Products (filed September 8, 1976. Applicant: ENTERPRISE TRANSPORT CO., a Corporation, 50 California Street, Suite 3500, San Francisco, Calif. 94111. Applicant's representative: Robert D. King, 5327 Jacuzzi Street, Richmond, Calif. 94804. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *waste paper and waste paper products*, between points in the United States (except Alaska and Hawaii), in furtherance of a recognized pollution control program sponsored by Consolidated Fibres, Inc. of Richmond, Calif., for the purpose of brokering waste paper for recycling or reuse.

P–24–76 (Special Certificate—Waste Products) filed September 13, 1976. Applicant: ABLE TRANSPORTATION CO., a Corporation, 11910 Greenstone Avenue, Santa Fe Springs, Calif. 90670. Applicant's representative: J. B. Vought (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse*, between points in the United States including Alaska but excluding Hawaii, in furtherance of recognized pollution control programs sponsored by: (1) Ecology Paper Products of Phoenix, Ariz., for the purpose of brokering waste paper and municipal litter; (2) Associated Industries, Inc. of Phoenix, Ariz., for the purpose of brokering waste scrap including automobiles, aluminum, iron, steel, brass, bronze, copper, lead, zinc, tin and other metal alloys; (3) Arizona Recycling Corp. of Phoenix, Ariz., for the purpose of brokering waste scrap and municipal litter including batteries, aluminum, brass, bronze, copper, zinc, tin, lead, iron and steel; (4) Tree Saver Paper Company, Inc. of Phoenix, Ariz., for the purpose of brokering waste paper; and (5) Empire Metals Inc. of Phoenix, Ariz., for the purpose of brokering municipal litter including, batteries, iron, steel, aluminum, brass, bronze, copper, zinc, tin and other metal alloys.

NOTE.—Applicant presently holds Waste Products Certificate No. P–19–72.

P–25–76 (Special Certificate—Waste Products) filed September 14, 1976. Applicant: RAY KURTZ AND LINDA FARLEY, a Partnership, doing business as PLASTIC EXPRESS, P.O. Box 5593, Orange, Calif. 92667. Applicant's representative: Linda Farley (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste and waste products which are cans, chemical solutions, cullet, glass and glass containers, iron, steel and metal products, metal scrap, paper, paper products, petroleum products, plastic, plastic articles, rags, textile products, rubber, rubber products, trash, wood*, and *food products*, between points in the United States in and west of Alabama, Tennessee, Kentucky, Ohio and Michigan (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Glass Container Manufacturers Institute, Inc. of Irvine, Calif., for the purpose of recycling glass containers (cullet); (2) Apollo Plastic's Inc. of Los Angeles, Calif., for the purpose of brokering waste scrap including plastic milk bottles and scrap plastics; (3) A. E. Taylor of Santa Monica, Calif., for the purpose of brokering waste scrap metals; (4) Century Enterprises of Denver, Colo., for the purpose of brokering waste scrap metals; (5) Brockway Glass Company, Inc. of Brockway, Pa., for the purpose of brokering broken glass (cullet); and (6) Alpha Recycle of Gardena, Calif., for the purpose of brokering waste paper.

NOTE.—Applicant presently holds Waste Products Special Certificate No. P–25–73.

P–26–76 (Special Certificate—Waste Products), filed September 15, 1976. Applicant: DAVIS BROS. DIST., INC., P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *crushed cars, scrap metal, scrap paper, crushed containers, junk batteries, glass cullet, junk farm machinery*, and *tin cans*, from points in Montana, Wyoming, Colorado, Utah, and Boise, Idaho, to points in the United States in, north and west of Wisconsin, Illinois, Missouri, Kansas, Colorado, Utah, Nevada and California (except Alaska and Hawaii), and ports of entry on the International Boundary line between the United States and Canada located in Montana, in furtherance of recognized pollution control programs sponsored by: (1) Montana State Department of Health and Environmental Science, Solid Waste Management Bureau, Junk Vehicle Program of Helena, Montana for the purpose of regulating the recycling of junk vehicles; (2) Salvage Services of Cheyenne, Wyo., for the purpose of general litter clean-up; (3) Montana Recycling, Inc. of Missoula, Mont., for the purpose of recycling waste materials; (4) J. B. Junk & Salvage of Lewiston, Idaho, for the purpose of shipping crushed cars; (5) Custom Balers & Salvagers of America of West Billings, Mont., for the purpose of transporting flattened junk cars and related junk materials; (6) McCracken Metals, Inc. of Butte, Mont., for the purpose of transporting scrap crushed auto bodies; (7) Boise Recycling Center of Boise, Idaho, for the purpose of recycling glass cullet, tin and paper products; (8) Carl Weissman & Sons, Inc. of Great Falls, Mont., for the purpose of recycling hides, scrap metals, automobile hulks, tin cans and containers; (9) Auto Disposal Service, Inc. of Boise, Idaho, for the purpose of transporting crushed automobiles for recycling and reuse; (10) Pepper's Allied Metals Co. of Salt Lake City, Utah, for the purpose of transporting waste and waste products; and (11) Century Enterprises of Denver, Colo., for the purpose of brokering waste and waste products.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29221 Filed 10–4–76;8:45 am]

federal register

TUESDAY, OCTOBER 5, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LOW-INCOME PUBLIC HOUSING

Income Limits

V 41 N 194 OCT 5 76 UMI

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–76–345]

PART 860—INCOME LIMITS WITH RESPECT TO, ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

Income Limits

Notice was given in the FEDERAL REGISTER on May 4, 1976, 41 FR 18494, that the Department of Housing and Urban Development (HUD) proposed to amend Chapter VIII of Title 24 by adding a new Subpart A to Part 860 setting forth (1) criteria for HUD approval of maximum income limits for admission and standards and criteria for occupancy of low-income housing projects to be established by Public Housing Agencies (PHAs) for all dwelling units assisted under the United States Housing Act of 1937 in projects owned or leased to PHAs and leased or subleased by PHAs to tenants, and (2) reporting requirements with respect thereto.

Interested parties were invited to submit written comments concerning the proposed Regulations, and HUD received comments in response. The following identifies the issues raised in these comments and the reasons for adoption or rejection of changes suggested.

(1) The May 4, 1976, proposed rule established a range of income limit approvability for which PHA supporting documentation would not be required. One of the two determinants of the range was the income required to pay the rents under the Section 8 Existing Housing Program at a 25 percent rent-income ratio; the other determinant was 90 percent of HUD-approved Section 8 maximum income limits for the locality. The first of these determinants was criticized as (a) confusing; (b) in some cases, unfairly low; and (c) implicitly requiring the PHA to use a 25 percent rent-income ratio. The Department believes the criticism well taken. Accordingly, the Existing Housing Program rent determinant for calculating the range for approvability without documentation is removed from the Regulation as adopted. PHA flexibility is retained by permitting the range to be calculated between 80 and 90 percent of Section 8 income limits. It should be noted that, under the Regulation as adopted, PHAs continue to have the option of seeking income limits which are higher or lower than those within the range, but they will have to submit supporting documentation.

(2) One comment noted that the proposed rule was silent with regard to limitations on assets possessed by low-income families. While there are no specific requirements in the Act pertaining to assets, it has always been recognized that the amount of assets owned by a family could affect its ability to find decent, safe and sanitary housing on the private market, and therefore could be a factor in the determination of whether or not a family is a "low-income family" as defined in the United States Housing Act. Consequently, PHAs have always been permitted to establish asset limitations appropriate to their locality. In further response to this comment, the issue of asset limitations will be given separate consideration and offered for public comment at a later date.

(3) The proposed rule published May 4, 1976, in § 860.6, required a PHA, prior to eviction of tenants for reasons of over-income, to find available housing for the tenant at "approximately the same rent-income ratio which was obtained before the family was determined by the PHA to be over-income". Respondents pointed out that, because of the operation of ceiling rents adopted by some PHAs, some over-income tenants might be paying as little as 6 percent of adjusted income for rent, and that it is unreasonable to require PHAs to find relocation housing at a 6 percent rent-income ratio. The Department has determined that the rule should be changed to provide that PHAs be required only to find relocation housing at rents not exceeding 25 percent of income, as defined by the PHA for the purpose of determining rents.

Other recommendations were considered but not adopted. These are:

(1) A response suggested that low-income public housing income limits be the same as in the Section 8 Program. The recommendation was not adopted because Section 8 eligibility is determined on the basis of gross family income, while public housing eligibility is determined on the basis of net family income, i.e., after excluding a wide range of deductions and exemptions in accordance with the policies adopted by the individual PHAs.

(2) There were recommendations to establish a uniform definition of income for eligibility-determination purposes. The recommendation was rejected as contrary to the United States Housing Act of 1937 which requires that income limits be fixed by the PHA.

(3) There were recommendations to accord preference on admission and occupancy to lowest-income families. These recommendations were not accepted because traditionally the low-income housing program has sought to serve a broad range of low-income families and because the Housing and Community Development Act of 1974 added an explicit requirement that the program should seek to serve a broad, representative range of low-income families.

(4) A suggestion was made to require more frequent tenant income re-examination for the elderly than the minimum prescribed in Section 860.4. The suggestion was rejected in the interest of flexibility to suit local needs. More frequent re-examination may be done at the option of the PHA.

(5) The May 4, 1976, proposed rule was criticized because no restrictions were provided governing ceiling rents adopted by some PHAs. The Department has concluded that PHAs should continue to have the option of deciding whether or not to adopt ceiling rents and the amount of the ceiling rents, if adopted.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C.

It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A–107.

Accordingly, Part 860 of Chapter VIII of 24 CFR is amended by adding a new subpart A to read, as follows:

Subpart A—Income Limits

Sec.
860.1 Purpose and scope.
860.2 Criteria for approval of maximum income limits for admission and standards and criteria for continued occupancy.
860.3 Supporting documentation required.
860.4 Certification of eligibility of families.
860.5 Revisions of maximum income limits.
860.6 Restriction on eviction of families based upon income.

AUTHORITY: United States Housing Act of 1937, 42 U.S.C. 1437, et seq.; (sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))).

Subpart A—Income Limits

§ 860.1 Purpose and scope.

The purpose of this Subpart is to prescribe criteria for HUD approval of proposed maximum income limits for admission to low-income housing projects to be fixed by Public Housing Agencies (PHAs); to require re-examination of the incomes of families (except "elderly families") in occupancy in PHA projects at least annually and to require re-examination of the incomes of "elderly families" in occupancy in PHA projects at least every two years; to require a certification that each family was admitted in accordance with the PHA's duly adopted regulations and approved income limits and is a "low-income family"; to provide for the revision of maximum income limits; and to establish standards and criteria for occupancy in relation to the availability of other unsubsidized housing within the means of public housing occupants. The Subpart applies to all dwelling units assisted under the United States Housing Act of 1937, as amended, in projects owned by or leased to PHAs and leased or subleased by PHAs to tenants. The Subpart does not apply to the Section 8 Housing Assistance Payments Program, to the Mutual Help Turnkey III Homeownership Opportunities Program, or to the Indian Housing Authorities.

§ 860.2 Criteria for approval of proposed maximum income limits for admission and standards and criteria for continued occupancy.

Each PHA shall adopt a regulation establishing maximum income limits for admission and standards and criteria for occupancy. The regulations shall:

(a) Be in conformity with applicable State law;

(b) Define "income" for purposes of admission and occupancy of low-income housing projects;

(c) Provide, within the limitations contained in the United States Housing Act of 1937,

(1) Maximum income limits for admission;

(2) Standards and criteria for occupancy based on the availability of unsubsidized decent, safe, and sanitary dwellings within the means of the public housing occupants;

(d) Prescribe any limitations on assets adopted by the PHA;

(e) Achieve and maintain the low-income character of the projects; and

(f) Permit admission of families with a broad range of incomes,

(1) Within a reasonable period of time in projects in occupancy on the effective date of this Subpart, and

(2) Immediately in projects initially occupied after the effective date of this Subpart.

§ 860.3 Supporting documentation required.

The PHA regulation shall be submitted to the appropriate HUD office for review and approval.

(a) No documentation shall be required where the PHA submits maximum income limits for admission that are within a range of 80 to 90 percent of the HUD-approved Section 8 locality income limits for a four-person family, with adjustments for smaller and larger families, as follows:

Number of persons in family:	*Factors to be applied to the 4-person family limit (percent)*
1	70.00
2	80.00
3	90.00
4	100.00
5	106.25
6	112.50
7	118.75
8 or more	125.00

(b) PHAs shall submit supporting documentation

(1) Where the proposed income limits vary from preceding paragraph 860.3(a) because there exists an adequate supply of decent, safe, and sanitary housing affordable by families with incomes below the 80–90 percent Section 8 income limit range; and

(2) Where exceedingly high locality housing costs, in relation to Section 8 income limits, require establishment of admission limits higher than the 80–90 percent Section 8 income limit range, provided that the limits do not exceed actual locality housing costs, as shown in the PHA documentation.

(c) In special circumstances of areas with extremely low median family incomes, HUD will routinely approve income limits which

(1) Provide four-person family income limits which are 61 percent of the Census Region Median Income, as calculated by the Secretary, and

(2) Conform to the above-prescribed family size income intervals.

§ 860.4 Certification of eligibility of families.

Each PHA shall re-examine the income of each family (other than an "elderly family") in occupancy in its projects at least annually, except that the re-examination interval may be extended to eighteen months in the case of the first re-examination of a family's income following admission to the project. The income of an elderly family shall be re-examined at least at two year intervals. Each PHA shall submit a certification annually to the appropriate HUD office on a form prescribed by HUD that each family in occupancy in its projects was admitted in accordance with the PHA's duly adopted regulations and approved income limits and that each family in occupancy is either a "low-income family," or one which is not subject to eviction pursuant to § 860.6 of this Subpart.

§ 860.5 Revisions of maximum income limits.

Each PHA shall adopt the regulation required under § 860.2 of this Subpart no later than at the commencement of the PHA's fiscal year beginning six months after the effective date of this Subpart. At two year intervals thereafter, each PHA shall re-examine and, if necessary, revise the income limits and the standards and criteria to reflect changed conditions. The biennial regulation revising the maximum income limits and the standards and criteria, or finding that a revision is unnecessary, shall be submitted to the appropriate HUD office for review and approval.

§ 860.6 Restriction on eviction of families based upon income.

After the effective date of this Subpart, no PHA shall commence eviction proceedings, or refuse to renew a lease, based upon the income of the tenant family unless (i) it has identified, for possible rental by the family, a unit of decent, safe and sanitary housing of suitable size available at a rent not exceeding 25 percent of income as defined by the PHA for the purpose of determining rents, or (ii) it is required to do so by local law.

Effective date: This regulation shall be effective on October 5, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.76–29152 Filed 10–4–76;8:45 am]

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federal register

TUESDAY, OCTOBER 5, 1976



PART III:

DEPARTMENT OF THE TREASURY

Fiscal Service,
Bureau of the Public Debt

■

TREASURY BILLS

Dept. Circular No. 418, 2nd Rev.

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Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Dept. Circular 418, 2nd Rev.]

PART 309—ISSUE AND SALE OF TREASURY BILLS

The Department of the Treasury announces the revision of Department Circular No. 418, revised, as amended. This revision effects two additions to the current circular, as amended. The additions are: First, the provision that Treasury Bills will be issued in denominations (maturity value) of $10,000, $15,000, $50,000, $100,000, $500,000 and $1,000,000 and second, that tenders for such Treasury Bills will also be accepted at, and the Treasury Bills issued directly from, the Department of the Treasury, Bureau of the Public Debt, Washington, D.C. 20226. The new regulations are set forth at the end of this notice. Because the fiscal policy of the United States is involved, it is found unnecessary to issue these regulations with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

PURPOSE OF MODIFICATIONS

The change in denominations is made to ease the management and administrative burdens associated with the issue and sale of Treasury Bills. The change permitting tenders to be accepted at the Bureau of the Public Debt, and for Treasury Bills to be directly issued therefrom, is a broadening provision allowing the investing public greater access to Treasury Bills. As a result of this change, the investor is able to deal through a Federal Reserve Bank or Branch or with the Bureau of the Public Debt directly.

The Department Circular is being revised because these two changes involve conforming the language contained in the Circular's several sections.

EFFECTIVE DATE

This revision of Department Circular No. 418 becomes effective on October 1, 1976.

REVISION

Accordingly, Department of the Treasury Circular No. 418, revised, dated February 23, 1954 (31 CFR Part 309), as amended, is hereby revised to reflect the modifications mentioned above.

AUTHORITY

This second revision is effected under the following authority: 80 Stat. 379; sec. 8, 50 Stat. 481, as amended; sec. 5, 40 Stat. 290, as amended; 5 U.S.C. 301; 31 U.S.C. 738a, 754.

Dated: September 29, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

Department Circular No. 418, Revised, dated February 23, 1954 (31 CFR 309), as amended, is hereby further amended and issued as the Second Revision.

Sec.

309.1 Authority for issue and sale.
309.2 Description of Treasury bills (General).
309.3 Denominations and exchange.
309.4 Taxation.
309.5 Acceptance of Treasury bills for various purposes.
309.6 Public notice of offering.
309.7 Tenders; submission through Federal Reserve Banks and Branches and to the Bureau of the Public Debt.
309.8 Tenders; when cash deposit required.
309.9 Tenders; acceptance by Secretary of the Treasury.
309.10 Tenders; reservation of right to reject.
309.11 Tenders; payment of accepted tenders.
309.12 Relief on account of loss, theft or destruction, etc.
309.13 Functions of Federal Reserve Banks.
309.14 Reservation as to terms of circular.

AUTHORITY: 80 Stat. 379; sec. 8, 50 Stat. 481, as amended; sec. 5, 40 Stat. 290, as amended (5 U.S.C. 301; 31 U.S.C. 738a, 754).

§ 309.1 Authority for issue and sale.

The Secretary of the Treasury is authorized by the Second Liberty Bond Act, as amended, to issue Treasury bills of the United States on an interest-bearing basis, on a discount basis, or on a combination interest-bearing and discount basis, at such price or prices and with interest computed in such manner and payable at such time or times as he may prescribe; and to fix the form, terms, and conditions thereof, and to offer them for sale on a competitive or other basis, under such regulations and upon such terms and conditions as he may prescribe. Pursuant to said authorization, the Secretary of the Treasury may, from time to time, by public notice, offer Treasury bills for sale, and invite tenders therefor, through the Federal Reserve Banks and Branches and through the Department of the Treasury, Bureau of the Public Debt. The Treasury bills so offered, and the tenders made, will be subject to the terms and conditions and to the general rules and regulations herein set forth, except as they may be modified in the public notices issued by the Secretary of the Treasury in connection with particular offerings.[1]

§ 309.2 Description of Treasury bills (General).

Treasury bills are bearer obligations of the United States promising to pay a specified amount on a specified date. They will be payable at maturity upon presentation to the Bureau of the Public Debt, Washington, D.C. 20226, or to any Federal Reserve Bank or Branch. Treasury bills are issued only by Federal Reserve Banks and Branches and the Bureau of the Public Debt pursuant to tenders accepted by the Secretary of the Treasury, and shall not be valid unless the issue date and the maturity date are entered thereon. Treasury bills bearing the same issue date and the same maturity date shall constitute a series.

[1] Accordingly, these regulations do not constitute a specific offering of Treasury bills.

§ 309.3 Denominations and exchange.

Treasury bills will be issued in denominations (maturity value) of $10,000, $15,000, $50,000, $100,000, $500,000 and $1,000,000. Exchanges from higher to lower and lower to higher denominations of the same series (bearing the same issue and maturity dates) will be permitted at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226. Insofar as applicable, the general regulations of the Treasury Department governing transactions in bonds and notes will govern transactions in Treasury bills.

§ 309.4 Taxation.

The income derived from Treasury bills, whether interest or gain from the sale or other disposition of the bills, shall not have any exemption, as such, and loss from the sale or other disposition of Treasury bills shall not have any special treatment, as such, under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bills shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority. For purposes of taxation the amount of discount at which Treasury bills are originally sold by the United States shall be considered to be interest.

§ 309.5 Acceptance of Treasury bills for various purposes.

(a) *Acceptable as security for public deposit.* Treasury bills will be acceptable at maturity value to secure deposits of public monies.

(b) *Acceptable in payment of taxes.* The Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills, may provide that Treasury bills of any series will be acceptable at maturity value, whether at or before maturity, under such rules and regulations as he shall prescribe or approve, in payment of income taxes payable under the provisions of the Internal Revenue Code. Treasury bills which by the terms of their issue are acceptable in payment of income taxes may be surrendered to any Federal Reserve Bank or Branch, acting as fiscal agent of the United States, or to the Bureau of the Public Debt, Washington, D.C. 20226, fifteen days or less before the date on which the taxes become due.

(1) In the case of payments of corporation income taxes (including payments of estimates) for taxable years ending on or after December 31, 1967, the bills shall be accompanied by a pre-inscribed Form 503, Federal Tax Deposit, Corporation Income Taxes, on which the face amount of the bills being surrendered should be entered in the space provided for the amount of the tax deposit. The office receiving the bills and Form 503 will acknowledge receipt of the bills to the owner corporation and effect the tax deposit on the date on which the taxes become due. Accordingly, in these cases, it will no longer be necessary to submit receipts for Treasury bills to the Internal Revenue Service with the corporation's declaration or tax return.

(2) In the case of payments of all other income taxes the office receiving the bills will issue receipts (in duplicate) to the owners. The original of the receipt shall be submitted, by the owner, in lieu of the bills, together with the tax return, to the District Director, Internal Revenue Service.

(c) *Discounting by Federal Reserve Bank of notes secured by Treasury bills.* Notes secured by Treasury bills are eligible for discount or rediscount at Federal Reserve Banks as provided under the provisions of section 13 of the Federal Reserve Act, as are notes secured by bonds and notes of the United States.

(d) *Acceptable in connection with foreign obligations held by United States.* Treasury bills will be acceptable at maturity, but not before, in payment of interest or of principal on account of obligations of foreign governments held by the United States.

§ 309.6 Public notice of offering.

When Treasury bills are to be offered, tenders therefor will be invited through public notice given by the Secretary of the Treasury. Such public notices may be issued by the Secretary of the Treasury in the name of "the Treasury Department" with the same force and effect as if issued in the name of the Secretary of the Treasury. In such notice there will be set forth the amount of Treasury bills for which tenders are then invited, the date of issue, the date or dates when such bills will become due and payable, the date and closing hour for the receipt of tenders at the Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, and the date on which payment for accepted tenders must be made or completed.

§ 309.7 Tenders; submission through Federal Reserve Banks and branches and to the Bureau of the Public Debt.

Tenders in response to any such public notice will be received at the Federal Reserve Banks, or Branches thereof and at the Bureau of the Public Debt, Washington, D.C. 20226, and unless received before the time fixed for closing will be disregarded. Each tender must be for a minimum amount of $10,000. Tenders over $10,000 must be in multiples of $5,000 (maturity value). In the case of competitive tenders the price or prices offered by the bidder for the amount or amounts (at maturity value) applied for must be stated, and must be expressed on the basis of 100, with not more than three decimals, e.g., 99.925. Fractions may not be used.

§ 309.8 Tenders; when cash deposit is required.

Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. If a special envelope is not available, the inscription "Tender for Treasury Bills" should be placed on the envelope used. The instructions set forth in the public notice announcing the offering should be observed with respect to the submission of tenders. Banking institutions generally may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than banking institutions, will not be permitted to submit tenders except for their own account. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others must be accompanied by a payment of such percent of the face amount of the Treasury bills applied for as the Secretary of the Treasury may from time to time prescribe: *Provided, however,* That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the prescribed payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

§ 309.9 Tenders; acceptance by the Secretary of the Treasury.

At the time fixed for closing, as specified in the public notice, all tenders received by the Federal Reserve Banks and Branches and by the Bureau of the Public Debt will be opened. The Secretary of the Treasury will determine the acceptable prices offered and will make public announcement thereof. Those submitting tenders will be advised of the acceptance or rejection thereof, and payment on accepted tenders must be made or completed on the date specified in the public notice.

§ 309.10 Tenders; reservation of right to reject.

In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. However, the Secretary of the Treasury expressly reserves the right on any occasion to accept non-competitive tenders entered in accordance with specific offerings, to reject any or all tenders or parts of tenders, and to award less than the amount applied for; and any action he may take in any such respect or respects shall be final.

§ 309.11 Tenders; payment of accepted tenders.

Settlement for accepted tenders in accordance with the bids must be made or completed at the appropriate Federal Reserve Bank or Branch or at the Bureau of the Public Debt in cash or other immediately available funds on or before the date specified, except that the Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills, may provide: (a) That any qualified depositary may make such settlement by credit, on behalf of itself and its customers, up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District or (b) that such settlement may be made in maturing Treasury bills accepted in exchange. Whenever the Secretary provides for settlement in maturing Treasury bills, cash adjustments will be made for differences between the par value of the maturing bills and the issue price of the new bills.

§ 309.12 Relief on account of loss, theft or destruction, etc.

(a) Relief on account of the loss, theft, destruction, mutilation or defacement of Treasury bills may be given only under the authority of, and subject to the conditions set forth in section 8 of the Act of July 8, 1937 (50 Stat. 481), as amended (31 U.S.C. 738a) and the regulations pursuant thereto in Treasury Department Circular No. 300 insofar as applicable.

(b) In case of the loss, theft, destruction, mutilation or defacement of Treasury bills, immediate advice, with a full description of the bill or bills involved, should be sent to the Bureau of the Public Debt, Division of Securities Operations, Department of the Treasury, Washington, D.C. 20226, either direct or through any Federal Reserve Bank or Branch, and, if relief under the statutes may be given, instructions and necessary blank forms will be furnished.

§ 309.13 Functions of Federal Reserve Banks.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform all such acts as may be necessary to carry out the provisions of this circular and of any public notice or notices issued in connection with any offering of Treasury bills.

§ 309.14 Reservation as to terms of circular.

The Secretary of the Treasury reserves the right further to amend, supplement, revise or withdraw all or any of the provisions of this circular at any time, or from time to time.

[FR Doc.76-29184 Filed 10-4-76;8:45 am]

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federal register

TUESDAY, OCTOBER 5, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

PART IV:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINIONS

Requests

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FEDERAL ELECTION COMMISSION

[Notice 1976-48, AOR 1976-88 and 1976-89]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976-88 and 1976-89 have been made public at the Commission. Copies of AOR 1976-88 and 1976-89 were made available on September 24, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976-88: Whether a defeated candidate may accept donations to pay past campaign debts from persons who have already contributed their maximum allowable amount; whether donations at future fundraisers may be made payable to the defeated candidate who loaned funds to his political committee.

Requested by Congressman James W. Symington, U.S. House of Representatives.

AOR 1976-89: Application of the Act to a Member's educational membership forum in his district which uses individual and corporate dues to pay for administrative costs and transportation of the Member and certain guests.

Requested by Congressman Ronald Bo Ginn, U.S. House of Representatives.

Dated: September 30, 1976.

VERNON W. THOMSON,
Chairman of the
Federal Election Commission.

[FR Doc.76-29186 Filed 10-4-76;8:45 am]

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federal register

TUESDAY, OCTOBER 5, 1976



PART V:

DEPARTMENT OF LABOR

Employment and Training Administration

■

MIGRANT AND SEASONAL FARMWORKERS; EMPLOYMENT SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

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DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Parts 651, 653, 658]

SERVICES TO MIGRANT AND SEASONAL FARMWORKERS; EMPLOYMENT SERVICE COMPLAINT SYSTEM, MONITORING, AND ENFORCEMENT

Proposed Regulations

Notice is hereby given that the Employment and Training Administration of the Department of Labor is proposing at 20 CFR Part 651, 653, and 658 regulations under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq., governing services to migrant and seasonal farmworkers by the Federal-State public employment service system.

The Department is also proposing, at 20 CFR Part 658, subpart E, regulations for the establishment and operation of an employment service complaint system for the administrative handling of complaints alleging violations of Employment Service regulations by employers or by the Employment Service.

Finally, the Department is proposing, at 20 CFR Part 658, subparts F, G, and H regulations governing the monitoring of all Employment Service activities, and the enforcement of Employment Service regulations.

The proposed regulations are part of the Department's current effort to publish comprehensive Employment Service regulations which are intended to replace the 4,000 page Employment Security Manual and the multitude of Employment Service directives currently in effect.

Accordingly, the proposed regulations are intended to replace Secs. 1765–1769, 2000–2008, and 2056–2059 of the Employment Security Manual. The proposed regulations are also intended to replace General Administrative Letter (GAL) 10–75, Field Memorandum (FM) 376–75, and other current directives governing the provision and administration of services to migrant and seasonal farmworkers including the Secretary's "13 Points" of April, 1972 to the extent that the "13 Points" relate to Employment Service activities under the Wagner-Peyser Act.

GAL 10–75 and FM 376–75 were issued as part of the Department's efforts to implement the court order to which the Department consented in the case of *NAACP, Western Region, et al.* v. *Brennan, et al.*, Civil Action No. 2010–72, U.S.D.C., D.C., Aug. 9, 1974. The proposed regulations parallel the court order as follows:

1. The proposed 20 CFR Part 653, subpart B, Services for Migrant and Seasonal Farmworkers, (MSFWs) relates to Sec. I of the court order, "Provision of Service to Migrant and Seasonal Farmworkers" and to Sec. II of the court order, "Information System".

2. The proposed 20 CFR Part 658, subpart G, Review and Assessment of State Agency Compliance with Employment Service Regulations, relates to Sec. III of the court order, "Monitoring", and Sec. V of the court order, "Assurance of State Compliance with Federal Law".

3. The proposed 20 CFR Part 658, subpart E, Employment Service Complaint System, relates to Sec. IV of the court order, "Complaint Resolution".

4. The proposed 20 CFR Part 658, subpart H, Federal Application of Remedial Action to State Agencies, relates to Sec. V of the court order, "Assurance of State Compliance with Federal Law".

The proposed complaint system at 20 CFR Part 658, subpart E, is proposed to replace the present regulations at 29 CFR Part 31 as they relate to civil rights complaints under the Wagner-Peyser Act.

The proposed regulations are also intended to supersede the regulations at 20 CFR Part 601 to that extent that the regulations at Part 601 conflict with the proposed regulations.

Interested persons are invited to submit written comments, data, and arguments on the proposed regulations to the Assistant Secretary for Employment and Training, Attention: William B. Lewis, Administrator, United States Employment Service, Room 8000, 601 D Street, NW., Washington, D.C. 20213 until November 5, 1976.

Accordingly, it is proposed to amend Title 20, Chapter V of the Code of Federal Regulations, by adding the following:

PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

Sec.

651.1 Scope and purpose of the Federal-State employment service system.
651.2 Basic structure of the employment service system.
651.3 Federal statutes governing or impacting on the employment service system.
651.4 Executive Orders affecting the employment service system.
651.5 Format of the regulations for the employment service system.
651.6 Consolidated table of contents for Parts 651–658.
651.7 Definitions of terms used in Parts 651–658.

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq., unless otherwise noted.

§ 651.1 Scope and purpose of the Federal-State employment service system.

(a) The basic purpose of the Federal-State employment service system is to provide a nationwide system of public employment offices through which no-fee employment services are provided to workers who are seeking employment and to employers who are seeking job applicants. The basic employment service of the employment service system, therefore, is the referral of workers to jobs through the operation, without fee, of a labor-exchange system.

(b) The employment service system also performs other functions related to its basic labor-exchange function. Such ancillary functions include developing job openings, assisting employers with certain employment-related problems, the processing of labor certification applications for the temporary and permanent employment of foreign workers in the United States, the conducting of prevailing wage surveys, and the performance of other employment-related activities as set forth in the regulations at Parts 601–604, 620, 621 and 652–658 of this Chapter and at 29 CFR Parts 8, 26, and 75.

§ 651.2 Basic structure of the employment service system.

(a) Section 1 of the Wagner-Peyser Act of 1933 (Act) established as a component of the Department of Labor a United States Employment Service (USES). Section 3(a) of the Act sets forth the basic responsibility of the USES. It states:

> It shall be the province and duty of the bureau (USES) to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, including employment counseling and placement services for handicapped persons, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a farm placement service, and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in which there shall be located a veterans' employment service. The bureau (USES) shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

(b) Section 4 of the Act provides that any State which wishes to receive funds under the Act must, through its legislature, accept the provisions of the Act and must designate or authorize the creation of a State agency vested with all the powers necessary to cooperate with the USES under the Act.

(c) Section 8 of the Act requires that State agencies submit to the Secretary of Labor detailed plans for carrying out the provisions of the Act within the State.

(d) Section 9 of the Act requires State agencies to make operational expenditure reports as prescribed by the Secretary of Labor. It requires the Secretary to monitor State agencies operations and expenditures, and authorizes the Secretary to apply remedial actions to State agencies, which have violated the Secretary's rules and regulations, after notice to the State agency.

(e) Section 11 of the Act establishes a Federal Advisory Council to advise the Secretary on the operation of the employment service system. It also requires that State agencies establish similar advisory councils.

(f) Section 12 of the Act authorizes the Secretary to make such rules and regulations as may be necessary to carry out the provisions of the Act.

§ 651.3 Federal statutes governing or impacting on the employment service system.

(a) The Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq., sets forth the basic responsibilities of the employment service system.

(b) In addition to Wagner-Peyser Act responsibilities of the employment service system is governed or affected by the following Federal statutes:

(1) The Social Security Act, Titles III, IX and XII;
(2) 38 U.S.C. Chapters 41 and 42;
(3) Titles VI and VII of the Civil Rights Act of 1964;
(4) Section 212(a)(14) of the Immigration and Nationality Act;
(5) The Consolidated Farm and Rural Development Act of 1972; and
(6) The Farm Labor Contractor Registration Act of 1963, as amended.

§ 651.4 Executive Orders affecting the employment service system.

The following Executive Orders have an impact upon the employment service system:

(a) Executive Order 10582—Implementing the Buy American Act;
(b) Executive Order 10650—Relating to the Selection of Persons with Critical Skills for Enlistment in the Ready Reserve;
(c) Executive Order 11190—Relating to the Screening of the Ready Reserve;
(d) Executive Order 11075—Providing for the Implementation of the Trade Expansion Act;
(e) Executive Order 11141—Declaring a Public Policy Against Discrimination on the Basis of Age;
(f) Executive Order 11246—Relating to Equal Employment Opportunity;
(g) Executive Order 11478—Relating to Equal Employment in the Federal Government;
(h) Executive Order 11307—Providing for the Coordination of Federal Programs Affecting Agricultural and Rural Area Development;
(i) Executive Order 11490—Relating to Emergency Preparedness Functions;
(j) Executive Order 11575—Relating to the Disaster Relief Act;
(k) Executive Order 11701—Relating to Employment of Veterans by Federal Agencies and Government Contractors and Subcontractors.

§ 651.5 Format of the regulations for the employment service system.

(a) Part 651 contains the general provisions governing the Federal-State employment service system.

(b) Part 652, when published, will set forth the basic requirements relative to the establishment and organization of State employment service agencies.

(c) Part 653 contains the requirements governing the principal services of the employment service system.

(d) Part 654, when published, will set forth the provisions governing special services of the employment service system.

(e) Part 655, when published, will contain the labor certification process for the temporary employment of foreign workers in the United States.

(f) Part 656, when published, will contain the regulations governing the labor certification process for the permanent employment of foreign workers in the United States.

(g) Part 657, when published, will set forth the requirements for State agency program budget plans, including their development, submission, and approval, and the allocation of funds to the State agencies.

(h) Part 658 contains the general administrative provisions of the employment service system, including personnel, fiscal, reporting, and nondiscrimination standards, the employment service complaint system, and monitoring and enforcement standards.

§ 651.6 Consolidated table of contents for Parts 651–658.

The table of contents for Parts 651–658 is as follows:

PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

Sec.
651.1 Scope and purpose of the Federal-State employment service system.
651.2 Basic structure of the employment service system.
651.3 Federal statutes governing or impacting on the employment service system.
651.4 Executive Orders affecting the employment service system.
651.5 Format of the regulations for the employment service system.
651.6 Consolidated table of contents for Parts 651–658.
651.7 Definitions of terms used in Parts 651–658.

PART 652—BASIC ORGANIZATION OF THE EMPLOYMENT SERVICE SYSTEM [RESERVED]

PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

SUBPART A—BASIC SERVICES OF THE EMPLOYMENT SERVICE SYSTEM [RESERVED]

SUBPART B—SERVICES FOR MIGRANT AND SEASONAL FARMWORKERS (MSFWS)

653.100 Purpose and scope of subpart.
653.101 Provision of services to migrant and seasonal farmworkers (MSFWs).
653.102 Job Bank services.
653.103 MSFW job applications.
653.104 Job applications of MSFW families and crew members.
653.105 Situations requiring neither full applications nor waivers.
653.106 ES day-haul responsibilities.
653.107 Outreach.
653.108 Requirements for domestic agricultural intrastate and interstate job orders.
653.109 Changes in crop situations.
653.110 Monitoring of employers by State agencies.
653.111 State agency self-monitoring.
653.112 Data collection.
653.113 Disclosure of data.
653.114 State agency staffing requirements.
653.115 State agency program budget plans.

PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM [RESERVED]

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES [RESERVED]

PART 656—LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES [RESERVED]

PART 657—PROVISIONS GOVERNING GRANTS TO STATE AGENCIES FOR EMPLOYMENT SERVICES ACTIVITIES [RESERVED]

PART 658—ADMINISTRATIVE PROVISIONS GOVERNING THE EMPLOYMENT SERVICE SYSTEM

SUBPART A—[RESERVED]
SUBPART B—[RESERVED]
SUBPART C—[RESERVED]
SUBPART D—[RESERVED]

SUBPART E—EMPLOYMENT SERVICE COMPLAINT SYSTEM

Sec.
658.400 Purpose and scope of subpart.

STATE AGENCY ES COMPLAINT SYSTEM

658.410 Establishment of State agency ES complaint systems.
658.411 Types of complaints handled by the ES complaint system.
658.412 State agency officials responsible for handling complaints.
658.413 Initial handling of complaints by the State or local office.
658.414 Action on employer-related complaints.
658.415 Action on ES-related complaints.
658.416 Hearings.
658.417 Decision of the State referee.

FEDERAL ES COMPLAINT SYSTEM

658.420 Establishment of the ES complaint system at the ETA regional office.
658.421 Types of complaints handled by the ES complaint system at the ETA regional office.
658.422 Handling of complaints by the RA.
658.423 Hearings.
658.424 Decision of the DOL Hearing Officer.

SUBPART F—DISCONTINUATION OF SERVICES TO EMPLOYERS BY THE EMPLOYMENT SERVICE SYSTEM

658.500 Scope and purpose of subpart.
658.501 Informal resolution.
658.502 Discontinuation of services.

SUBPART G—REVIEW AND ASSESSMENT OF STATE AGENCY COMPLIANCE WITH EMPLOYMENT SERVICE REGULATIONS

658.600 Scope and purpose of subpart.
658.601 State agency responsibility.
658.602 ETA national office responsibility.
658.603 ETA regional office responsibility.
658.604 Assessment and evaluation of program performance data.
658.605 Communication of findings to State agencies.

SUBPART H—FEDERAL APPLICATION OF REMEDIAL ACTION TO STATE AGENCIES

658.700 Scope and purpose of subpart.
658.701 State agency violations of ES regulations.
658.702 Initial action by the RA.
658.703 Disallowance of expenditures; corrective action plans.
658.704 Remedial actions.
658.705 Decision to decertify.
658.706 Notice of Remedial Action.
658.707 Requests for hearings.
658.708 Hearings.
658.709 Conduct of hearings.
658.710 Decision of the Hearing Officer.
658.711 Decision of the Secretary.

§ 651.7 Definitions of terms used in Parts 651–658.

"Administrator" shall mean the chief official of the United States Employment

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Service (USES) or the Administrator's designee.

"Applicant" shall mean a person who contacts a local office in order to obtain employment or employability services.

"Application Card" shall mean the basic local office record for an applicant.

"Day-haul" shall mean the assembly of workers at a pick-up point, transportation of them to agricultural employment, and the return of the workers to the pick-up point on the same day.

"DOL" shall mean the Department of Labor.

"Domestic agricultural worker" shall mean an agricultural worker, whether alien or citizen, who is legally allowed to work permanently in the United States.

"D.O.T." shall mean the Dictionary of Occupational Titles, the reference work published by the USES which contains brief, non-technical definitions of U.S. job titles, distinguishing number codes, and worker trait data.

"Employment and Training Administration (ETA)" shall mean the component of the Department of Labor containing the United States Employment Service (USES).

"Employment Service (ES)" shall mean the nationwide system of public employment offices consisting of the United States Employment Service (USES), its affiliated State agencies, and the various offices of the State agencies.

"ES" shall mean "employment service".

"ES regulations" shall mean the Federal regulations at 20 CFR Parts 601–604, 620, 621, and 651–658, and at 29 CFR Parts 8, 26 and 75.

"ETA" shall mean the Employment and Training Administration.

"Hearing Officer" shall mean a Department of Labor official, hearing officer or Administrative Law Judge, designated to preside at DOL administrative hearings.

"Interstate job order" shall mean a job order for a job which is transmitted across a State line.

"Intrastate job order" shall mean a job order for a job which is transmitted from the labor area of the employer to one or more local offices in other labor areas whether by placement into a Statewide Job Bank system or otherwise.

"Job Bank" shall mean the employment service's computerized job data storage system.

"Job Information Service (JIS)" shall mean the employment service's computerized job data retrieval system.

"Local office" shall mean a local employment service office which is part of a State agency.

"Local office manager" shall mean the ES official in charge of all ES activities in a local office of a State agency.

"Local Veterans' Employment Representative (LVER)" shall mean the person designated by the State agency to foster veterans' employment at the local office level.

"LMI" shall mean labor market information.

"Migrant" shall mean both:

(1) "Migrant Farmworker," that is, a seasonal farmworker whose farmwork experience during the preceding 12 months required travel such that the worker was unable to return to his/her residence (domicile) in the same day; and

(2) "Migrant Food Processing Worker," that is, a person who has had experience during the preceding 12 months doing food processing (as classified in the 1972 Standard Industrial Classification (SIC) definitions 201, 2033, 2035, and 2037 for food processing establishments) for a scheduled period of less than 150 days, provided that it required travel such that the worker was unable to return to his/her residence (domicile) in the same day.

"MSFW" shall mean a migrant or seasonal farmworker.

"RA"; see "Regional Administrator".

"Regional Administrator, Employment and Training Administration (RA)" shall mean the chief DOL Employment and Training Administration (ETA) official in each DOL regional office.

"Regional Veterans' Employment Representative (RVER)" shall mean the regional representative of the Director, Veterans Employment Service (VES) who, under the direction of the RA, is concerned with services to veterans at the ETA regional office level.

"Seasonal farmworker" shall mean a person who has had at least 25 days experience during the preceding twelve months working for wages in farmwork for a scheduled period of less than 150 consecutive days at any one establishment engaged in agricultural production or agricultural services (as classified in the 1972 Standard Industrial Classification (SIC) definitions included in industries 01 through 17, except 027, 074, 0752, 0761 and 078). Nonmigrant individuals who are full-time students are excluded. For purposes of this definition an "establishment" shall mean an economic unit, generally at a single physical location, where business is conducted or where (or from which) services are performed. (For example, a farm, orchard, ranch, or an organization providing agricultural commodities or services from a single location.) Farm labor contractors and crew leaders are not considered establishments, but the organizations to which they supply workers are to be considered establishments for purposes of this definition.

"Secretary" shall mean the Secretary of Labor or the Secretary's designee.

"SESA"; see "State Employment Security Agency".

"Solicitor" shall mean the chief legal officer of the U.S. Department of Labor or the Solicitor's designee.

"State" shall include the fifty states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

"State Administrator" shall mean the chief official of the State Employment Security Agency (SESA).

"State agency" shall mean the State employment service agency designated under section 4 of the Wagner-Peyser Act to cooperate with the USES in the operation of the employment service system.

"State Director" shall mean the chief official of the State employment service agency (State agency).

"State Employment Security Agency (SESA)" shall mean the State agency which, under the State Administrator, contains both the State employment service agency (State agency) and the State unemployment compensation agency.

"State agency program budget plan" shall mean the State agency's annual planning document required by Sec. 8 of the Wagner-Peyser Act containing its detailed planning, programming and budget for carrying out ES activities.

"State referee" shall mean a State official designated to preside at State administrative hearings.

"Veterans Employment Service (VES)" shall mean the component of the United States Employment Service with responsibility for supervising employment service activities on behalf of veterans.

PART 652—BASIC ORGANIZATION OF THE EMPLOYMENT SERVICE SYSTEM [RESERVED]

PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

Subpart A—Basic Services of the Employment Service System [Reserved]

Subpart B—Services for Migrant and Seasonal Farmworkers (MSFWs)

Sec.

653.100 Purpose and scope of subpart.
653.101 Provision of services to migrant and seasonal farmworkers (MSFWs).
653.102 Job Bank services.
653.103 MSFW job applications.
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653.111 State agency self-monitoring.
653.112 Data collection.
653.113 Disclosure of data.
653.114 State agency staffing requirements.
653.115 State agency program budget plans.

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*, unless otherwise noted.

Subpart A—Basic Services of the Employment Service System [Reserved]

Subpart B—Services for Migrant and Seasonal Farmworkers (MSFWs)

§ 653.100 Purpose and scope of subpart.

This subpart sets forth the principal regulations of the USES for counseling, testing, and job and training referral services for migrant and seasonal farmworkers (MSFWs) on a basis which is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs. It also contains requirements that State agencies establish a system to monitor their own compliance with USES regulations governing services to MSFWs, including the regulations under this subpart.

§ 653.101 Provision of services to migrant and seasonal farmworkers (MSFWs).

(a) Each State agency and each local office shall offer to migrant and seasonal farmworkers (MSFWs) the full range of employment services, benefits and protections, including the full range of counseling, testing, and job and training referral services as are provided to non-MSFWs. In providing such services, the State agency shall consider the preferences, needs and skills of individual applicants and the availability of job and training opportunities.

(b) Each State agency shall assure that, in a local area, the same local offices, including itinerant and satellite offices, but exclusive of day-haul operations, offer service to both non-MSFW employers and workers and MSFW workers and employers. Separate farm labor service local offices are prohibited so that all workers and employers are able to receive employment services on the same basis.

§ 653.102 Job bank services.

(a) Each State agency shall assure that the same job order information, including Job Bank order information, which is regularly provided to areas not containing a significant number of MSFWs, shall be extended into nearby areas which contain a significant number of MSFWs to the maximum degree to which it can be effectively used for labor market information and for the referral of MSFWs to jobs.

(1) State agencies with a Statewide Job Bank network shall provide MSFWs with access to the same Job Bank order information provided to non-MSFWs.

(2) State agencies with a localized Job Bank network shall extend Job Bank information equitably into areas containing, and into areas not containing, a significant number of MSFWs.

(b) As appropriate, State agencies shall assist MSFWs to read and use Job Bank information.

§ 653.103 MSFW job applications.

(a) Every local office shall determine whether or not applicants are MSFWs as defined at § 651.7 of this Chapter.

(b) Except as provided in § 653.105 of this subpart, when an MSFW applies for a job or registers for work at a local office, the local office shall explain to the MSFW orally and/or in writing, in the Spanish language if appropriate and if feasible, the benefits which might follow from the filing of a full application, such as counseling, benefits under unemployment compensation programs and the Food Stamp program, and referral to supportive services and/or training.

(c) If the MSFW agrees to file a full application, the local office shall make sure that the application is complete and includes a full history of the MSFW's prior employment, training and educational background and a statement of any desired training and/or employment. All applicable items shall be completed according to the ETA instructions for preparation of the application card (ES–511). Additional D.O.T. codes shall be assigned based on the MSFW's work history, training, and skills, knowledges, and abilities, and additional application forms shall be completed.

(d)(1) If an MSFW refuses to file a full application a partial application shall be taken and the MSFW shall be requested to sign a waiver of all ES services at that time except for job referral. In no case, may job referral services be refused because an MSFW refuses to file a full application. The MSFW shall then be offered job referral services and exposure to job opportunities, with the assistance of a staff member if necessary, or through self-selection in a Job Information Service (JIS), if a JIS is available.

(2) If the waiver form is in English, it shall be worded as follows:

WAIVER OF FULL APPLICATION

I have been advised of my right to complete this application and I have been told of the additional services I may get if I do. I do not want these additional services and I do not want to complete the full application at this time.

Date: ---------- ----------
Signature of applicant

Employment service representative

(3) If a Spanish waiver form is used, it shall be worded as follows (except that it may be revised to accomodate colloqual differences):

RENUNCIA DE SOLICITUD ENTERA

Me han advisado de mi derecho de llenar todas las partes de esta solicitud y me han informado de los servicios adicionales que pudiera recibir si lo hago. No deseo estos servicios adicionales, ni deseo llenar la solicitud entera a este tiempo.

Fecha: ---------- ----------
Firma del solicitante

Representante del servicio de empleo

(4) Local offices, which keep applications in a computer file, shall use an additional hard copy waiver form which shall be signed by the applicant and the interviewer.

(e) If an MSFW refuses to file a full application or sign a waiver, the interviewer shall try to obtain enough information to complete a partial application and shall then sign the waiver on the ES representative line noting that the applicant refused to sign, and, if possible, the reason for the refusal. The interviewer shall offer to refer the applicant to any available jobs for which the applicant may be qualified, and shall advise the applicant that the applicant may file a full application at any time.

(f) If a partial application is taken, the local office shall assure that the following items are completed on the Partial Application Card: (1) Social Security Number; (2) Applicant Type (new or renewal); (3) Name; (4) Address, including name of county, and phone number; (5) Sex; (6) Birth date; (7) Highest school grade completed; (8) County code; (9) Group; (10) Spanish-American; (11) Seasonal Farmworker/migrant/migrant food processing worker; (12) Registration date; (13) Employment status; (14) Claimant; (15) Local office; and (16) Any additional characteristics which apply (such as Veteran, Handicapped, and food stamp).

(g) Partial applications for MSFWs shall be filed in accordance with local office procedures for filing other partial applications.

(h) All MSFWs who file full or partial applications shall be issued an Identification Card at the initial visit and shall be advised to show it whenever they use employment service facilities or services.

§ 653.104 Job applications of MSFW families and crew members.

(a) Except as provided at § 653.105 of this subpart, no local office shall refer an MSFW family or crew unless each member of the family or crew, and the crew leader or family head (if a working member), has either filed a full application or signed a waiver either at the local office or in the presence of an outreach worker. Local offices, however, may provide general information, such as on types of crops, to crew leaders and family heads prior to the complete registration of all members.

(b) No local office shall service a crew leader on an agricultural job order unless the crew leader shows a valid Federal Farm Labor Contractor (FLC) certificate, where required by Federal law, and a valid State certificate where applicable. If a crew leader is temporarily without his or her valid FLC certificate, the local office shall verify the existence of the crew leader's valid FLC by writing or telephoning the Department of Labor's Employment Standards Administration regional office.

(c) In an order-holding office in other than a home base State, each crew member who has not previously registered shall complete a full application or sign a waiver at the order-holding office, the local office near the crew member's work place or residence, or through an outreach worker. If the crew member registers at a local office other than the order-holding office, the local office at which the crew member registers shall, if possible, contact and inform the order-holding office of the registration, and shall issue an Identification Card (ID) to the crew member.

§ 653.105 Situations requiring neither full job applications nor waivers.

(a) If an MSFW has been referred on an interstate or intrastate order and it is known to the local office in the demand or receiving State, from the MSFW's Identification Card or from contact with the home base State agency, that the worker has completed a full application or waiver in the home base State or elsewhere, an additional application need not be taken in the demand or receiving State unless the MSFW requests additional ES services.

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(b) If the ES is supervising (operating) a day-haul facility, the ES shall take a full application whenever an MSFW requests the opportunity to file a full application unless this is impractical. Waivers need not be obtained.

§ 653.106 ES day-haul responsibilities.

(a) State agencies may establish an agricultural day-haul to facilitate the employment of workers living within daily commuting distance of places of employment.

(b) Before it establishes an agricultural day-haul, a State agency shall conduct a survey to determine need and feasibility. The State agency shall document the method and results of the survey.

(c) After a day-haul is established by a State agency, the day-haul may be operated (supervised) by the State agency if appropriate. The State agency shall document the considerations and reasons underlying its decision to operate the day-haul.

(d) State agency operated day-hauls may extend across State lines, provided the State agencies involved enter into written working agreements. Such agreements shall provide for offices in each State to communicate directly with each other. Such agreements may provide for the visiting of "demand" State employers by "supply" State personnel, the active participation of "demand" State employees in the recruitment and referral activities of the "supply" State, and other arrangements designed to facilitate the flow of labor. State agencies shall secure the written approval of the RA before putting such an interstate agreement into effect, or of both RAs if the States are in different ETA regions.

(e) At State agency operated day-hauls:

(1) Job applications shall be taken pursuant to § 653.105(b) of this subpart. MSFW applicants shall be informed of the availability of ES services such as counseling, testing, and referral to jobs, training and supportive services.

(2) Information such as posters and pamphlets concerning the ES complaint procedure, appropriate unemployment compensation programs, wage and hour information, equal opportunity, age discrimination, and worker protection and benefits shall be made available at day-haul facilities. Such posters and pamphlets shall be printed in English and, if appropriate and feasible, in Spanish.

(3) If feasible, job order information shall be used to expose MSFWs to a wide range of job opportunities. Assistance in the use of such information shall be provided to MSFWs when appropriate.

(4) In taking employer job orders, ES staff shall record the exact number of workers needed, the work to be performed, the transportation arrangements, the wages, and the time and place of morning assembly and return in the evening. The employer shall be told to notify the day haul site or appropriate local office of any change in labor needs, working conditions, etc. which would materially affect the job order.

(5) ES staff shall monitor the compliance by employers and their agents and by crew leaders with ES regulations. To the extent of their expertise, they shall also observe the compliance by employers and their agents and by crew leaders with relevant Federal and State laws governing vehicle registration, wages, hours, working conditions, and nondiscrimination. If the ES staff observes an apparent violation of ES regulations, the procedures set forth at subpart F of Part 658 of this Chapter shall be followed. If ES staff observe a violation of laws other than ES regulations, the local office manager shall refer the matter to the appropriate Federal or State enforcement agency.

(f) State agencies are encouraged to develop written agreements with enforcement agencies, in accord with which the enforcement agencies will spot-check for law violations at day-hauls operated by the State agency and day-hauls to which the State agency refers MSFWs.

§ 653.107 Outreach.

(a) State agencies shall operate outreach programs for MSFWs who may be in need of service both in home-base areas while they are in residence and in places along the migrant stream. The level of a State agency's outreach activity shall be consistent with staff resources and with required activities for other applicants.

(b) The outreach program shall include an active effort to contact MSFWs who do not come to local offices by seeking out such workers in their living areas, or in their work places if possible. The program shall also involve developing and improving ES relationships with public and private community agencies and MSFW groups. State agencies shall also explore the possibility of conducting and/or coordinating outreach through such agencies.

(c) Both home base and in-stream outreach for MSFWs shall attempt to expose MSFWs to available long-range, year-round employment opportunities and alternatives to seasonal or migratory agricultural work, training opportunities, civil and workers' rights, social services, Federal and State assistance programs, and the ES complaint procedures set forth in subpart E of Part 658 of this Chapter. If an MSFW is not interested in immediate job referral, the outreach workers shall encourage the MSFW to visit a local office for assistance in finding year-round employment opportunities or other employment assistance at the termination of the MSFW's present job.

§ 653.108 Requirements for domestic agricultural intrastate and interstate job orders.

(a) This section contains the requirements for domestic agricultural intrastate and interstate job orders. This section, therefore, unlike all the other sections of this subpart, contains requirements which affect not only MSFWs, but which affect all domestic agricultural workers who are recruited through the ES intrastate or interstate clearance systems. This section, when published in final form, will replace the present regulation at 20 CFR 602.9.

(b) In view of the statutorily established basic function of the employment service as a no-fee labor exchange, that is, as a form for bringing together employers and job seekers, neither the ETA nor the State agencies are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nevertheless, if the ETA or a State agency discovers that an employer's job order contains a material misrepresentation, the procedures at Subpart F of Part 658 of this Chapter shall be followed.

(c) No local office shall place a domestic agricultural job order into intrastate clearance unless:

(1) The job order does not contain an unlawful discriminatory specification by race, color, creed, national origin, age, sex, citizenship, mental or physical status unrelated to job performance (handicap), veteran or nonveteran status, or status relative to past experience with the criminal law process;

(2) The employer has read the order, and has verified that all items therein are actual conditions of the job offer by signing, in the presence of the order taker, the following statement: "This job offer describes the actual terms and conditions of the employment being offered by me";

(3) The wages and working conditions offered are not less than the prevailing wages and working conditions among similarly employed agricultural workers in the area of intended employment. If a base rate and a bonus is offered, the base rate must be not less than the prevailing wage rate;

(4) The employer has agreed to provide or pay for the transportation of the workers on at least the same terms as transportation is commonly provided by employers in the area of intended employment to agricultural workers recruited from the same area of supply;

(5) If the workers are to be housed, the employer has signed an assurance that its housing meets the full set of standards set forth at Part 620 of this Chapter or the full set of standards set forth at 29 CFR 1910.142; and

(6) The local office and the employer have attempted and have not been able to obtain sufficient workers within the local labor market area, or the local office has documented historical evidence from which it anticipates a shortage of local workers;

(d) No local office shall place a domestic agricultural job order into interstate clearance unless:

(1) It meets the requirements set forth at paragraphs (b) (1) through (b) (4) of this section;

(2) The employer has available for the workers housing which meets the full set of standards set forth at Part 620 of this Chapter or the full set of standards set forth at 29 CFR 1910.142; and

(3) The State agency and the employer have attempted and have not been able to locate sufficient workers within the State, or the State agency has documented historical evidence from which it anticipates a shortage of intrastate workers.

(e) The local office shall complete all interstate clearance orders as follows:

(1) The local office shall use the interstate agricultural clearance form prescribed by ETA, and shall see that all necessary items on the form are completed, including items on attachments to the form prescribed by ETA. Such items shall include all material terms and conditions of the employment, including:

(i) The crop;

(ii) The nature of the work;

(iii) The period and hours of employment;

(iv) The anticipated starting date of employment and the number of weeks and days thereafter for which work will be available;

(v) The wage rate stated in hourly wage rate equivalents;

(vi) Any deductions to be made from wages;

(vii) Any non-monetary benefits to be provided by the employer;

(viii) Any days or weeks for which work is guaranteed, and, for each guaranteed week of work, the exclusive manner in which the guarantee may be abated due to unforeseeable weather conditions or other natural disasters;

(ix) Any bonus or work incentive payments or other expenses which will be paid by the employer in addition to the basic wage rate, including the time period(s) within which such payments will be made. No such payments, however, shall be made contingent upon the worker continuing employment beyond the period of employment specified in the job order or, in the case of any worker with children of school age, beyond the beginning of the school year; and

(x) Information which is sufficient on its face to establish compliance with applicable Federal and State minimum wage, child labor, social security, health and safety, and farm labor contractor registration laws.

(2) The local office may place an order for a specific crew leader or worker preferred by the employer provided the order meets ES nondiscrimination criteria. The order would not meet such criteria, for example, if it requested a "white male crew leader" or "any white male crew leader."

(3) The original of the interstate agricultural clearance form shall be retained for the order-holding local office files. The other copies with the attachments shall be distributed, at a minimum, as follows:

(i) An adequate number of copies to the State agencies selected for recruitment (areas of supply);

(ii) One copy to each applicant-holding ETA regional office;

(iii) One copy to the order-holding (area of employment) State office;

(iv) Two copies to order-holding regional office, one of which shall be forwarded immediately upon receipt to the ETA national office; and

(v) Upon request, one copy shall be provided to the referred worker.

(f) No local office shall service a crew leader on an intrastate or interstate agricultural job order unless the crew leader shows a valid Federal Farm Labor Contractor (FLC) certificate where required by Federal law, and a valid State certificate where applicable. If a crew leader is temporarily without his or her valid FLC certificate, the local office shall verify the existence of the crew leader's valid FLC by writing or telephoning the Department of Labor's Employment Standards Administration regional office.

(g) Bilingual (English-Spanish) staff, if available, and whenever appropriate, shall assist workers literate only in Spanish to understand all the terms and conditions of intrastate and interstate job orders and of the jobs, and/or native language checklists in Spanish shall be offered to the workers.

(h) If the worker requests a copy of an intrastate job order, State agencies with statewide Job Banks using microfiche viewers shall provide the worker with a statement, in Spanish if appropriate, showing wage payment schedules, working conditions, and the other material specifications of the job order.

§ 653.109 Changes in crop situations.

The labor demand State agency, through the labor supply State agency, shall inform, as quickly as possible, scheduled crews and families that a crop is maturing earlier or later than expected or that the other material factors have changed so that appropriate State agencies may adjust arrangements on behalf of such crews or families, such as by their referral to other job opportunities if necessary.

§ 653.110 Monitoring of employers by State agencies.

(a) State agencies, through their local offices or otherwise, shall conduct random field checks on agricultural employers to whom MSFW referrals have been made through the intrastate or interstate clearance system to determine and document whether wages, hours, working and housing conditions are as specified in job orders and whether the actual conditions and terms of employment comply with ES regulations. If State agency personnel, through their field checks, find probable cause to believe that an employer has violated ES regulations, the State agency shall follow the procedures set forth at subpart F of Part 658 of this Chapter.

(b) While State agency personnel are conducting random field checks, they shall observe, to the extent of their expertise, whether the employers they are checking appear to be complying with Federal and State employment and employment-related laws other than ES regulations. In addition, State agencies, to the extent feasible, shall make formal or informal arrangements with appropriate State and Federal enforcement agencies, pursuant to which such agencies will agree to conduct periodic enforcement checks on such employers.

(c) If a State agency finds probable cause to believe that an employer is violating an employment-related law other than ES regulations, the local office manager shall refer the matter in writing to the appropriate Federal or State enforcement agency.

§ 653.111 State agency self-monitoring.

(a) State agencies shall monitor their own compliance with the regulations under this subpart on an ongoing basis.

(b) The State Director or State Administrator shall designate a State Monitor Advocate, who shall devote full-time to the duties of the State Monitor Advocate at the State office level. The State Monitor Advocate shall:

(1) Supervise all aspects of the monitoring;

(2) Participate in on-site local office formal monitoring reviews on a selective basis;

(3) Assure that local offices serving a significant number of MSFWs are reviewed on-site at least once a year, and that, if necessary, those local offices in which significant problems are revealed by required reports, management information, the ES complaint system or otherwise are reviewed as soon as possible;

(4) Participate in arranging cooperative agreements authorized under this subpart between the State agency and enforcement agencies;

(5) Maintain cooperative relationships with organizations interested in MSFW employment;

(6) Review State agency directives which are likely to have a significant impact on MSFWs; and

(7) Review State agency compliance with the data collection requirements of § 653.112 of this subpart.

(c) State agencies shall conduct on-site local office formal monitoring reviews to review services to MSFWs.

(1) Before beginning such a review, the reviewer(s) shall study the data on the local office in required reports and ES complaint system complaints originating from the local office.

(2) The monitoring review format, developed by ETA, shall be used by reviewers as a guideline when they conduct local office on-site formal monitoring reviews.

(3) Upon completion of a local office on-site formal monitoring review, the reviewer(s) shall hold one or more wrap-up sessions with the local office manager and staff to discuss any obvious findings and offer initial recommendations and appropriate technical assistance.

(4) After each review the reviewer(s) shall conduct an in-depth analysis of the review data. The conclusions and recommendations of the reviewer(s) shall be put in writing, shall be sent to the State Monitor Advocate, and shall then be discussed with the official of the State agency with line authority over the local office.

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(5) If needed, a written corrective action plan shall be developed by the State office, or by the State office, in conjunction with the local office. The plan shall direct the local office to correct or make major steps to correct the problem pursuant to the plan within 30 days. If the plan allows for more than 30 days for full compliance, the period, and the reasons for the extended period, shall be specifically stated.

(6) State agencies shall be responsible for assuring and documenting that the local office is in compliance within the time period designated in the plan. State agencies shall periodically submit to the appropriate ETA regional offices summary data on the on-site local office formal monitoring reviews, along with a narrative statement of significant overall findings.

§ 653.112 Data collection.

(a) State agencies shall:

(1) Collect data on MSFWs including data on the number registering for service, referred to jobs, placed in jobs, referred to training, receiving counseling, receiving job development, receiving testing, referred to supportive service, receiving some service, placed according to wage rates, and placed according to duration.

(2) Collect data on the number of MSFWs, who were served as to whether they were male, female, black, Spanish-American or American Indian.

(3) Provide necessary training to State agency, including local office, personnel to assure accurate reporting of data;

(4) Collect, and periodically submit to the ETA, data comparing the quantity and quality of services to MSFWs as compared to services for non-MSFWs; and

(5) Submit additional reports to the ETA at such times and containing such items as the ETA directs.

§ 653.113 Disclosure of data.

(a) State agencies shall disclose to the public, on written request, the data collected by State and local offices pursuant to § 653.112 of this subpart, if possible within 10 working days after receipt of the request.

(b) If a request for data which is held by a State agency is made to the ETA national or regional office, the ETA shall forward the request to the State agency for response by the State agency.

(c) If the requested data cannot be supplied within 10 working days of its receipt by the State agency, the State agency shall respond to the requestor in writing, giving the reason for the delay and specifying the date by which it expects to be able to comply.

(d) State agency intra-agency memoranda and reports (or parts thereof) and memoranda and reports (or parts thereof) between the State agency and the ETA, however, to the extent that they contain statements of opinion rather than facts, may be withheld from public disclosure provided this reason for withholding is given to the requestor in writing. Similarly, documents or parts thereof, which, if disclosed, would constitute an unwarranted invasion of personal (not employer) privacy, may also be withheld provided the reason is given to the requestor in writing.

§ 653.114 State agency staffing requirements.

State agencies shall assure that, to the extent possible, bi-lingual (English-Spanish) regular and outreach staff are assigned to every local office which serves a significant number of MSFWs who are primarily fluent and/or literate in Spanish. State agencies shall develop a written affirmative action plan as part of their program budget plan to implement this requirement. State agencies shall also undertake affirmative action to recruit MSFWs for their State agency staffs, and shall include a description of these efforts in their program budget plan.

§ 653.115 State agency program budget plans.

Each State agency, in its annual State agency program budget plan, shall describe its plans to carry out the requirements of this subpart in the following year. The RA shall review the plan in light of the requirements of this subpart and shall make a written determination as to whether or not this part of the State agency program budget plan is acceptable. The RA shall then send the determination to the State agency.

PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM [RESERVED]

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES [RESERVED]

PART 656—LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES [RESERVED]

PART 657—PROVISIONS GOVERNING GRANTS TO STATE AGENCIES FOR EMPLOYMENT SERVICES ACTIVITIES [RESERVED]

PART 658—ADMINISTRATIVE PROVISIONS GOVERNING THE EMPLOYMENT SERVICE SYSTEM

Subpart A—[Reserved]
Subpart B—[Reserved]
Subpart C—[Reserved]
Subpart D—[Reserved]

Subpart E—Employment Service Complaint System

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Subpart A–D—[Reserved]

Subpart E—Employment Service Complaint System

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq.; Title VI of the Civil Rights Act of 1964; 38 U.S.C. Chapters 41 and 42; unless otherwise noted.

§ 658.400 Purpose and scope of subpart.

This subpart sets forth the regulations governing the employment service complaint system at both the State and Federal levels.

STATE AGENCY ES COMPLAINT SYSTEM

§ 658.410 Establishment of State agency ES complaint systems.

Each State agency shall establish and maintain an employment service complaints system pursuant to this subpart.

§ 658.411 Types of complaints handled by the ES complaint system.

(a) The types of complaints which shall be handled by the ES complaint system are:

(1) Employer-related complaints; that is, complaints alleging an employer's failure to comply with ES regulations; and

(2) ES-related complaints; that is, complaints by any individual, organization or employer about employment service actions or omissions under ES regulations.

(b) Complaints by veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 2012 shall not be handled under this subpart. The State agency shall handle such complaints under the Department's regulations at 41 CFR Part 60–250.

(c) Complaints alleging employer violations of employment-related State or Federal laws other than ES regulations shall not be handled under the procedures set forth in this subpart. If a State agency receives such a complaint, the State agency shall direct the complainant to the appropriate State or Federal enforcement agency. The State agency need not make a record of such referrals.

§ 658.412 State agency officials responsible for handling complaints.

(a) *State office level.* The State Director shall have overall responsibility for the operation of the State agency ES complaint system.

(1) The handling of all complaints received by the State office alleging discrimination by race, color, creed, national origin, sex, age, citizenship, physical or mental status unrelated to job performance (handicap), veteran or non-veteran status, or status in relation to prior contact with the criminal law process shall be assigned to a State EEO representative. The handling of all other complaints received by the State office shall be assigned to a State Monitor Advocate designated by the State Administrator or State Director.

(2) The State Director shall assure that all complaints, and all correspondence relating thereto are logged with a notation of the nature of each item.

(b) *Local office level.* At the local office level, the local office manager shall be responsible for the overall operation of the ES complaint system. The local office manager shall assure that all complaints, and all correspondence relating thereto, are logged with a notation of the nature of each item.

(1) All complaints alleging discrimination as described in paragraph (a) (1) of this section shall be assigned to a local office EEO representative if the local office has a trained and designated EEO Representative, or, if the local office does not have such a Representative, shall be sent immediately to the State EEO Representative.

(2) All complaints from veterans, except those from veterans who are MSFWs and complaints from veterans alleging discrimination as described in paragraph (a) (1) of this section shall be assigned to the Local Veterans' Employment Representative (LVER) if the local office has an LVER. If the local office does not have an LVER, such complaints shall be sent immediately to the State Monitor Advocate.

(3) All complaints other than those described in paragraphs (b) (1) and (2) of this section may be personally handled by the local office manager or may be assigned by the local office manager to another local office employee.

§ 658.413 Initial handling of complaints by the State or local office.

(a) Whenever any type of complaint by any individual, organization or employer is received by a State office or a local office, the responsible official shall determine whether it is an employer-related or ES-related complaint.

(b) If the complaint is not employer-related or ES-related, the official shall refer the complainant to an attorney, consumer advocate, enforcement or other public agency or to other appropriate assistance. No written record need be made of such referrals.

(c) If the complaint is an employer-related or ES-related complaint, the official shall require the complainant to put the complaint in writing on the ES Complaint Form prescribed or approved by the ETA. The official shall offer to assist the complainant in filling out the form and shall do so if the complainant desires such assistance. If the complainant represents several complainants, all such complainants shall be named on the ES Complaint Form.

(1) The ES Complaint Form shall be used for all employer-related and ES-related complaints, including complaints by veterans and complaints about discrimination.

(2) A copy of the completed ES Complaint Form shall be given to the complainant.

(d) Whenever an employer-related or ES-related complaint deals with an employer or local office in another State, the State agency shall send the ES Complaint Form to the ETA regional office with jurisdiction over the State agency in which it was received for transmission to the other State agency. A copy of the referral letter shall be sent to the complainant.

§ 658.414 Action on employer-related complaints.

(a) The State agency official, in handling an employer-related complaint, shall:

(1) Offer to assist the complainant through the provision of appropriate ES services, such as referral to another job; and

(2) With respect to the employer alleged to have violated ES regulations, follow the procedures set forth at subpart F of this Part.

§ 658.415 Action on ES-related complaints.

(a) The State agency official who handles an ES-related complaint from an individual, organization or employer against the ES shall:

(1) Offer the complaint appropriate ES services; and

(2) Investigate and attempt to informally resolve the complaint.

(b) If a local office official is attempting to informally resolve a complaint under this section, and if informal resolution has not been achieved within 15 working days, or 5 working days with respect to complaints by MSFWs, the local office official shall send the complaint to the State office and shall notify the complainant in writing of the referral.

(c) If a State office official is attempting to resolve a complaint under this section, and if informal resolution has not been accomplished within 30 working days (20 working days with respect to complaints by MSFWs) after its receipt by the State office (whether the complaint was received directly or from a local office pursuant to paragraph (b) of this section), the State office shall send a written notice to the complainant, with a copy to the RA, explaining why the complaint has not yet been resolved and offering the complainant a hearing before a State referee. The notice shall advise the complainant that the complainant must advise the State office in writing within 30 calendar days of the date of the notice, as to whether the complainant desires a hearing.

(d) If the State office, within 30 calendar days of the notice provided for in paragraph (c) of this section, receives a written request from a complainant, the State office shall refer the complaint to a State referee for hearing. The complainant shall then be notified in writing by the State office that:

(1) The complainant will be notified of the date, time and place of the hearing;

(2) The complainant will have opportunity to be present at the hearing;

(3) The complainant may be represented at the hearing by an attorney or other representative;

(4) The complainant may bring witnesses and/or documentary evidence to the hearing;

(5) The complainant may cross-examine opposing witnesses at the hearing;

(6) The decision on the complaint will be based on the evidence presented at the hearing;

(7) The State referee may reschedule the hearing at the request of the complainant, the complainant's representative, or other party; and

(8) The complainant or the complainant's representative may withdraw the request for hearing in writing before the hearing.

§ 658.416 Hearings.

(a) Hearings shall be held by State referees who may be, for example, the same referees who hold hearings under the State unemployment compensation law and/or the Work Incentive Program.

(b) The State referee, upon the referral of a case for a hearing, shall:

(1) Notify all involved parties of the date, time, and place of the hearing; and

(2) Re-schedule the hearing, as appropriate.

(c) In conducting a hearing the State referee shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas if necessary;

(3) Assure that all relevant issues are considered;

(4) Rule on the introduction of evidence and testimony; and

(5) Take any other actions, consistent with due process, which are necessary to insure an orderly hearing.

(d) The testimony at the hearing shall be recorded and may be transcribed when appropriate.

(e) The parties shall be afforded the opportunity to present, examine, and cross-examine witnesses.

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(f) The State referee may elicit testimony from witnesses, but shall not act as advocate for any party.

(g) The State referee shall receive and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available by the party submitting the document to other parties to the hearing upon request.

(h) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(i) The State referee shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 658.417 Decision of the State referee.

(a) The State referee may:

(1) Rule that the case is improperly before it, that is, that there is a lack of jurisdiction over the case;

(2) Rule that the complaint has been withdrawn in writing;

(3) Rule that reasonable cause exists to believe that the request has been abandoned or that repeated requests for re-scheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing; or

(4) Render such other rulings as are appropriate to the issues in question. However, the State referee shall not have jurisdiction to consider the validity or constitutionality of ES regulations or of the Federal statutes under which they are promulgated.

(b) Based on the entire record including any evidence provided at the hearing, the State referee shall prepare a written decision. The State referee shall send a copy of the decision stating the findings and conclusions of law and fact and the reasons therefor to the complainant, the State office and the RA.

(c) All decisions of a State referee shall be accompanied by a written notice informing the complainant that, if the complainant is not satisfied, the complainant may, within 30 calendar days of the date of the decision, file a complaint in writing with the RA. The notice shall give the address of the RA.

FEDERAL ES COMPLAINT SYSTEM

§ 658.420 Establishment of ES complaint system at the ETA regional office.

(a) Each RA shall establish and maintain an ES complaint system at the DOL regional office level.

(b) The RA shall designate DOL officials to handle ES complaints as follows:

(1) The handling of all complaints alleging discrimination by race, color, creed, national origin, sex, age, citizenship, physical or mental status unrelated to job performance (handicap), veteran or non-veteran status, or status in relation to prior contact with the criminal law process shall be assigned to a Regional Equal Employment Opportunity Representative (REEOR);

(2) The handling of all complaints from veterans, except from veterans who are MSFWs, and complaints from veterans about discrimination as described in paragraph (b) (1) of this section shall be assigned to the Regional Veterans' Employment Representative (RVER);

(3) The handling of all complaints other than those described in paragraphs (b) (1) and (2) of this section, shall be assigned to a Regional Monitor Advocate.

(c) The RA shall assure that all complaints and all correspondence relating thereto are logged, with a notation of the nature of each item.

§ 658.421 Types of Complaints handled by the ES Complaint system at the ETA regional office.

(a) The types of complaints which shall be handled by the ES complaint system at the ETA regional office level are:

(1) Employer-related complaints, that is, complaints alleging an employer's failure to comply with ES regulations; and

(2) ES-related complaints, that is, complaints by any individual, organization or employer about employment service actions or omissions under ES regulations.

(b) Complaints by veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 2012 shall not be handled under this subpart. Such complaints shall be handled under the Department's regulations at 41 CFR Part 60–250.

(c) Complaints alleging employer violations of employment-related State or Federal laws other than ES regulations shall not be handled under the procedures set forth in this subpart. If an ETA regional office receives such a complaint, the ETA regional office shall direct the complainant to the appropriate State or Federal enforcement agency. The ETA regional office need not make a record of such referrals.

(d) No employer-related or ES-related complaint, however, shall be handled at the ETA regional office level until the complainant has exhausted the State agency administrative remedies set forth at §§ 658.410–417 of this subpart. Therefore, if the RA determines that any complainant, who has filed a complaint with the regional office, has not yet exhausted the administrative remedies at the State agency level, the RA shall inform the complainant in writing that it must first exhaust those remedies before the complaint may be filed in the regional office. A copy of this letter shall be sent to the State Director.

§ 658.422 Handling of complaints by the RA.

(a) Upon receipt of a complaint by the RA after the exhaustion of State agency administrative remedies, the RA shall send for the complete State agency file, including the original ES Complaint Form. The RA shall determine whether the complaint is an employer-related or ES-related complaint.

(b) If the complaint is not employer-related or ES-related, the RA shall direct the complainant to an attorney, consumer advocate, enforcement or other public agency or to other appropriate assistance. No record need be made of such referrals.

(c) If the complaint is employer-related or ES-related, the RA shall review the file in the case and shall determine whether any further investigation or action is appropriate.

(d) If the RA determines that no further action is warranted, the RA shall send this determination in writing to the complainant, and may offer the complainant a hearing before a DOL Hearing Officer provided the complainant requests such a hearing in writing from the RA within 30 calendar days of the date of the RA's offer of hearing.

(e) If the RA determines that further investigation or other action is warranted, the RA shall undertake such an investigation, informal resolution or other action.

(f) If the RA finds probable cause to believe that an employer has violated ES regulations, the RA shall follow, or shall direct the State agency to follow, the procedures set forth at subpart F of this Part.

(g) If the RA finds probable cause to believe that a State agency or one of its local offices has violated ES regulations, the RA shall follow the procedures set forth at subpart H of this Part.

(h) If the complaint is not resolved to the complainant's satisfaction, the RA may offer the complainant in writing a hearing before a DOL Hearing Officer provided the complainant requests such a hearing in writing from the RA within 30 calendar days of the date of the RA's offer of hearing.

(i) If the complainant requests a hearing pursuant to paragraphs (d) or (h) of this section the RA shall:

(1) send the complainant a written notice containing the statements set forth at § 658.415(d) of this subpart;

(2) compile four hearing files containing copies of all documents relevant to the case, indexed and compiled chronologically;

(3) send simultaneously one hearing file to the DOL Chief Administrative Law Judge, 1111 20th Street, NW., Washington, D.C. 20036, one hearing file to the Administrator, and one hearing file to the Solicitor of Labor, Attn: Associate Solicitor for Employment and Training, and retain one hearing file.

(j) Upon the receipt of a hearing file, the DOL Hearing Officer designated by the Chief Administrative Law Judge shall notify the complainant, the State agency, the RA, the Administrator, and the Solicitor of the receipt of the case and shall afford them 30 days to submit written evidence and/or legal arguments in the case. After the 30 days elapse, the Hearing Officer shall schedule a hearing.

§ 658.423 Hearings.

(a) The DOL Hearing Officer shall:

(1) Notify all involved parties of the date, time, and place of the hearing; and

(2) Re-schedule the hearing, as appropriate.

(b) In conducting a hearing the DOL Hearing Officer shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas if necessary;

(3) Consider all relevant issues which are raised;

(4) Rule on the introduction of evidence and testimony; and

(5) Take any other action, consistent with due process, which is necessary to insure an orderly hearing.

(c) The testimony at the hearing shall be recorded, and shall be transcribed if appropriate.

(d) The parties to the hearing shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(e) The DOL Hearing Officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(f) The DOL Hearing Officer shall receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available by the party submitting the documentary evidence, to any party to the hearing upon request.

(g) The case record, or any portion thereof, shall be available for inspection and copying by any party to the hearing at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual concerned.

(h) The DOL Hearing Officer shall, if feasible, encourage resolution of the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 658.424 Decision of the DOL Hearing Officer.

(a) The DOL Hearing Officer may:

(1) Rule that there is a lack of jurisdiction over the case;

(2) Rule that the complaint has been withdrawn in writing;

(3) Rule that reasonable cause exists to believe that the request has been abandoned or that repeated requests for re-scheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing; or

(4) Render such other rulings as are appropriate to the issues in question. However, the Hearing Officer shall not have jurisdiction to consider the validity or constitutionality of ES regulations or of the Federal statutes under which they are promulgated.

(b) Based on the entire record including any evidence provided at the hearing, the DOL Hearing Officer shall prepare a written decision. The DOL Hearing Officer shall send a copy of the decision stating the findings and conclusions of law and fact and the reasons therefor to the complainant, the State office, the RA, the Administrator, and the Solicitor.

(c) The decision of the Hearing Officer shall be the final decision of the Secretary.

Subpart F—Discontinuation of Services to Employers by the Employment Service System

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq., unless otherwise noted.

§ 658.500 Scope and purpose of subpart.

This subpart contains the regulations governing the discontinuation of services to employers by the employment service system.

§ 658.501 Informal resolution.

(a) Whenever a complaint filed under subpart E of this Part alleges that an employer has violated ES regulations, and whenever a local office manager or higher State official has probable cause to believe that an employer has violated ES regulations, a State agency official shall attempt to informally resolve the issue. If the issue cannot be resolved within 30 calendar days, the State agency official shall refer the matter in writing to the State Director for formal investigation, except that, if the case involves a job offer which has been placed into interstate clearance, the State agency shall immediately refer the matter in writing to the RA for investigation.

(b) The employer shall be notified in writing of the outcome of the State agency or ETA investigation. If the case arose through a complaint filed under the ES complaint system at subpart E of this Part, the complainant shall also be notified in writing of the outcome of the investigation. If the RA or the State Director determines that a violation of ES regulations has occurred, the employer shall be notified in writing of the determination, the reasons therefor, and that termination of all the ES services to the employer will be initiated in 30 calendar days unless the employer provides conclusive, documented evidence within the 30-day period that it is not in violation or that the violation has been corrected. Notices from the RA under this paragraph, shall be sent to the employer through the State Director. Notices under this paragraph shall inform the employer that State agency personnel will be available to assist in resolving the dispute during the 30-day period.

§ 658.502 Discontinuance of services.

(a) If the issue has not been resolved within the 30 calendar days described in § 658.501 of this subpart, the State Director shall send a written notice to the employer that all services will be terminated in 15 calendar days unless within that period the employer requests a hearing by mailing a written request for hearing to the State Director, or unless within that period the employer provides conclusive, documented evidence that the violation has been corrected or that the violation does not exist.

(b) Unless otherwise provided in ES regulations, if the employer fails to request a hearing or has not given adequate evidence of correction or non-existence of the violation within the 15-calendar-day period, all ES services to the employer shall be terminated until such time as the employer provides conclusive, documented evidence that the violation has been corrected or does not exist.

(c) If the employer makes a timely request for a hearing, the State agency shall follow the procedures set forth at § 658.416–417 of this Part.

Subpart G—Review and Assessment of State Agency Compliance With Employment Service Regulations

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq.; 5 U.S.C. 301 et seq.

§ 658.600 Scope and purpose of subpart.

This subpart sets forth the regulations governing review and assessment of State agency compliance with the Employment Service regulations at 20 CFR Parts 601, 602, 603, 604, 620, 621, 651, 653, 658 and 29 CFR Part 8.

§ 658.601 State agency responsibility.

(a) Each State agency shall establish and maintain a State agency Self-Appraisal System pursuant to EPA standards, and shall use this system to evaluate and assess its ES program, and to assure its compliance with ES regulations.

(b) Each State Director and local office manager shall assure that their staffs know and carry out ES regulations, including regulations on performance standards and program emphases, and any corrective action plans imposed by the State agency or by the ETA.

(c) Each State Director shall assure that the State agency complies with its approved program budget plan.

(d) Each State Director shall assure to the maximum extent feasible the accuracy of data entered by the State agency into ETA required management information systems. Each State agency shall establish and maintain a data validation system pursuant to ETA instructions. The system shall review every local office at least once every four years. The system shall include the validation of time distribution reports and the review of data gathering procedures.

§ 658.602 ETA national office responsibility.

The ETA national office shall:

(a) Monitor ETA regional offices' carrying out of ES regulations;

(b) From time to time, conduct such special reviews and audits as necessary to monitor ETA regional office and State agency compliance with ES regulations;

(c) Offer technical assistance to the ETA regional offices and State agencies in carrying out ES regulations and programs;

(d) Conduct any reports validation surveys which the ETA intends to use in support of resource allocations; and

(e) Assign to a National Monitor Advocate the responsibility to:

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(1) Develop and maintain monitoring and evaluating instruments for monitoring the delivery of services to migrant and seasonal farmworkers (MSFWs);

(2) Develop and maintain instruments for monitoring and assessing the ES complaint system set forth at subpart E of this Part;

(3) Provide technical assistance to ETA regional office and State agency staffs for administering the ES complaint system; and

(4) As appropriate, participate in reviews of State agency performance and monitoring reports with respect to services for MSFWs and the ES complaint system.

§ 658.603 ETA regional office responsibility.

(a) The RA shall monitor, review, and audit State agencies in accordance with this subpart.

(b) The RA shall provide technical assistance to State agencies to assist them in carrying out ES regulations and programs.

(c) During the review and approval of annual State agency program budget plans, the RA shall determine whether State agencies have met the levels of performance for State agencies set forth in the ES regulations. RAs shall also measure the actual performance of State agencies by regular reviews and assessments.

(d) RAs, on a regular basis, shall review and assess:

(1) State agency compliance with ES regulations; and

(2) State agency performance in operating ES programs including State agency performance against the State agency program budget plan, the historical performance of the agency, the performance of other State agencies, and programs standards established by ES regulations.

(e) In assessing and reviewing, RAs shall consider, to the extent appropriate, economic conditions and other external factors such as those ETA considers in the allocation of resources.

(f) Pursuant to ETA methods of review and assessment, the RA shall review and approve annual State agency program budget plans by reviewing and assessing at least:

(1) State agency compliance with ES regulations;

(2) State agency adherence to national program emphases; and

(3) the adequacy and appropriateness of the program budget plan for carrying out ES programs.

(g) The RA shall monitor the overall performance of State agencies on an ongoing basis by such methods as onsite visits by ETA monitoring staff to State agency offices, desk reviews, and the use of required reporting systems and other available information;

(h) As appropriate, RAs shall conduct or have conducted:

(1) Comprehensive on-site reviews of State agencies and their offices to review State agency organization, management, and program operations;

(2) Periodic performance reviews of State agency operation of ES programs to measure actual performance against the program budget plan, past performance, the performance of other State agencies, etc.;

(3) Audits of State agency programs to review State agency program activity and to assess whether the expenditure of grant funds has been in accordance with the approved budget. RAs may also conduct audits through other agencies or organizations or may require the State agency to have audits conducted;

(4) Validations of data entered into management information systems to assess:

(i) The accuracy of data entered by the State agencies into management information system;

(ii) Whether the State agencies' data validating and reviewing procedures conform to ETA instructions; and

(iii) Whether State agencies have implemented any corrective action plans required by the ETA to remedy deficiencies in their validation programs;

(5) Technical assistance programs to assist State agencies in carrying out ES regulations and programs; and

(6) Reviews to assess whether the State agency has complied with corrective action plans imposed by the ETA or by the State agency itself.

(i) Each RA shall designate a Regional Monitor Advocate who shall:

(1) Have primary responsibility at the ETA regional level for monitoring the effectiveness of the ES complaint system set forth at Subpart E of this Part, apprising appropriate State and ETA officials of problems with respect to the complaint system, and providing technical assistance to State Monitor Advocates, as appropriate; and

(2) With respect to State agencies' services to MSFWs, provide input to regional reviews of State agency program budget plans, monitor and evaluate State agency services to MSFWs, and participate in on-site local office formal monitoring reviews, as appropriate.

§ 658.604 Assessment and evaluation of program performance data.

(a) State agencies shall compile program performance data required by ETA including statistical information on program operations.

(b) The ETA shall use the program performance data in assessing and evaluating whether the State agencies have complied with ES regulations and their State agency program budget plans.

(c) In assessing and evaluating program performance data, the ETA shall act in accordance with the following general principles:

(1) The fact that the program performance data from a State agency, whether overall or relative to a particular program activity, indicate poor program performance is not in itself a breach of ES regulations or of the State agency's responsibilities under its State agency program budget plan;

(2) Program performance data, however, may so strongly indicate that a State agency's performance is poor that the data may raise a presumption (prima facie case) that a State agency is violating ES regulations or the State agency program budget plan. In such cases, the ETA shall afford the State agency an opportunity to rebut the presumption of poor performance pursuant to the procedures at subpart H of this Part.

(3) The ETA shall take into account that certain program performance data may measure items primarily within the control of State agencies while other data may measure items over which the State agency has very little control.

(i) Generally, for example, a State agency has substantial control over the delivery of employment services such as referrals to jobs, job development contacts, applicant counseling and referrals to supportive services.

(ii) State agencies, however, do not have substantial control over the outcome of services. State agencies, for example, cannot guarantee that an employer will hire a referred applicant, nor can they guarantee that the terms and conditions of employment will be as stated on a job order.

(iii) Outside forces, moreover, such as a sudden heavy increase in unemployment rates, a strike by State agency employees, or a severe drought or flood may skew the results measured by program performance data;

(4) The ETA shall consider a State agency's failure to keep accurate and complete program performance data required by ES regulations as a breach of the ES regulations.

§ 658.605 Communication of findings to State agencies.

(a) The RA shall inform State agencies in writing of the results of review and assessment activities and, as appropriate, shall discuss with the State Administrator and the State Director the impact or action required by ETA as a result of review and assessment activities.

(b) The ETA national office shall transmit the results of any review and assessment activities conducted by it to the RA, who shall send the information to the State agency.

(c) Whenever the review and assessment indicates a State agency violation of ES regulations or of its State agency program budget plan, the RA shall follow the procedures set forth at subpart H of this Part.

(d) RAs shall follow-up any corrective action plan imposed on a State agency under subpart H of this Part by further review and assessment of the State agency pursuant to this subpart.

Subpart H—Federal Application of Remedial Action to State Agencies

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq.; 5 U.S.C. 301 et seq.

§ 658.700 Scope and purpose of subpart.

This subpart sets forth the procedures which ETA shall follow when State agencies are not adhering to ES regulations.

§ 658.701 State agency violations of ES regulations.

It is the policy of the Employment and Training Administration (ETA) and to receive information concerning alleged violations by State agencies of the ES regulations at 20 CFR Parts 601, 602, 603, 604, 620, 621, 651, 653 or 658 or at 29 CFR Part 8 from any person or organization.

§ 658.702 Initial action by the RA.

(a) Whenever an RA discovers or is apprised of possible State agency violations of ES regulations by the review and assessment activities under subpart G of this Part, required reports, complaints from individuals, organizations or employers which are filed with ETA after the exhaustion of State agency administrative remedies, or otherwise, the RA shall investigate the matter if, and to the extent, an investigation is appropriate. If the matter concerns a possible violation of ES regulations by a local office, the RA may refer the matter to the State Director for investigation with instructions that the State Director report the results of the investigation to the RA within a specified time.

(b) When the RA review and/or the investigation is complete, the RA shall prepare written initial findings. If the RA determines that there is no probable cause to believe that a State agency has violated ES regulations, the RA need take no further action. If the RA determines that there is probable cause to believe that a State agency has violated ES regulations, the RA shall follow the procedures set forth in § 658.703 of this subpart.

§ 658.703 Disallowance of expenditures; corrective action plans.

(a) Whenever the RA in the written initial findings, finds probable cause to believe that a State agency has violated ES regulations, the RA shall send the findings to the State agency, giving the reasons therefor. The State agency shall have 10 workings days to comment on the findings, or a longer period if the RA determines that such a longer period is appropriate. After the period elapses, the RA shall prepare written final findings. If, in the final findings, the RA determines that the State agency has not violated ES regulations, the RA need take no further action. If the RA determines that a State agency has violated ES regulations:

(1) If the matter involves the misspending of grant funds, the RA may issue a disallowance of the expenditure and may either demand repayment or withhold future funds in the amount in question. If the RA disallows costs, the RA shall send a written notice of disallowance by registered mail, to the State agency, giving the reasons for the disallowance, and informing the State agency that the disallowance is effective immediately and that no more funds may be spent in the unallowed manner. The RA may also offer the State agency the opportunity to request a hearing pursuant to § 568.707 of this subpart. The offer, or the acceptance of an offer of a hearing, however, shall not stay the effectiveness of the disallowance.

(2) If the violation does not involve mis-spending of grant funds or the RA judges that the circumstances warrant other action:

(i) The RA shall notify the State agency by registered mail of the specific violation(s) and shall direct the State agency to implement a specific corrective action plan to correct all violations within a specified time. The specified time period shall commence with the date of signature on the registered mail receipt.

(ii) When the time period provided for in paragraph (a)(2)(i) of this section elapses, ETA staff shall review the State agency's efforts by follow-up visit or otherwise.

(iii) If the RA determines that the State agency has corrected the violation(s), the RA need take no further action except to document that fact.

(iv) If the State agency has not corrected the violation(s) and has not made good faith efforts and substantial progress to that end, the RA shall apply remedial actions to the State agency pursuant to § 658.704 of this subpart.

(v) If adequate progress has been made toward correcting the violation(s) so that it appears that the violation(s) will be fully corrected within a reasonable time period, the State agency shall be advised by registered mail of this conclusion, of remaining deficiencies, of further needed corrective action, and that all deficiencies must be corrected within a specified new time period beginning with the date of signature on the receipt.

(vi) If the State agency has been given an additional time period pursuant to paragraph (a)(2)(v) of this section, ETA staff shall review the State agency's efforts at the end of the time period by follow-up visit or otherwise. If the State agency has corrected the violation(s), no further action, except to document the fact, need be taken by the RA. If the State agency has not corrected the violation(s), the RA shall apply remedial actions to the State agency pursuant to § 658.704 of this subpart.

§ 658.704 Remedial actions.

If a State agency fails to carry out a corrective action plan imposed under § 658.703 of this subpart, the RA shall apply one or more of the following remedial actions to the State agency:

(a) Imposition of special reporting requirements for a specified period of time;

(b) Restrictions of obligational authority within one or more expense classifications;

(c) Implementation of specific operating systems or procedures for a specified time;

(d) Requirement of special training for State agency personnel;

(e) Elevation of specific decision making functions from the State Director to the RA; imposition of Federal staff in key State agency positions;

(f) Funding of the State agency on a quarterly or other short-term basis;

(g) Withholding of funds for a specific function or for a specific geographical area;

(h) Holding of public hearings in the State on the State agency's deficiencies; or

(i) If the matter is a serious or a continual violation, formal designation of the State agency as out of compliance with ES regulations and initiation of decertification procedures against the State agency. The RA shall initiate decertification by notifying the State agency by registered mail that decertification may be forthcoming, stating the reasons therefor. Whenever such a notice is sent to a State agency, the RA shall prepare five indexed copies containing, in chronological order, all the documents pertinent to the case. One copy shall be retained. Three shall be sent to the ETA national office, and one shall be sent to the Solicitor of Labor, Attention: Associate Solicitor for Employment and Training.

§ 658.705 Decision to decertify.

(a) Upon receipt for a request for decertification, the Assistant Secretary for Employment and Training shall review the case and shall decide whether decertification is appropriate.

(b) If the Assistant Secretary decides that decertification is not appropriate, the Assistant Secretary, if appropriate, shall instruct that an alternate remedial action or actions be applied.

(c) If the Assistant Secretary decides that decertification is appropriate, the Assistant Secretary shall submit the case to the Secretary giving the reasons for the recommendation of decertification. The Secretary shall then decide whether decertification is appropriate or whether other remedial actions should be applied.

§ 658.706 Notice of remedial action.

(a) Whenever a decision has been made to apply a remedial action to a State agency, the RA, or the Secretary in cases of decertification, shall send a Notice of Remedial Action to the State agency by registered mail.

(b) If the remedial action is decertification, the notice shall state that the decertification will take effect in 30 calendar days unless the State agency requests a hearing in writing by filing the request for hearing pursuant to § 658.707 of this subpart with the Secretary within 30 calendar days of the State agency's receipt of the notice. If a timely request for hearing is filed, decertification shall be stayed pending the outcome of the hearing procedures.

(c) If the remedial action is other than decertification, the notice shall state that the remedial action shall take effect immediately. The notice may also allow the State agency to request a hearing pursuant to § 658.707 of this subpart by filing a request in writing with the RA pursuant to § 658.707 of this subpart within 30 calendar days of the State agency's receipt of the notice. Such an offer of hearing, or the acceptance thereof, however, shall not stay the implementation of the remedial action.

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(d) The Notice of Remedial Action shall set forth the reasons for the remedial action.

§ 658.707 Requests for hearings.

(a) Any State agency which received a Notice of Remedial Action under § 658.706 of this subpart or a notice of disallowance under § 658.703 of this subpart may request a hearing on the issue if the remedial action is decertification, or if a hearing has been offered in cases not involving decertification, by filing a written request for hearing with the RA (or Secretary in cases of decertification) within 30 calendar days of receipt of the Notice of Remedial Action, stating the reasons the State agency believes the bases of the decision to be wrong, and signed by the State Director.

(b) When an RA receives a request for hearing from a State agency, the RA shall make five indexed and tabulated copies of a file containing, in chronological order, all materials and correspondence relevant to the case. The RA shall retain one file and send two copies of the appeal file to the ETA national office, one to the Solicitor of Labor, Attention: Associate Solicitor for Employment and Training, and one to the Chief Administrative Law Judge of the Department of Labor.

(c) In decertification cases, the Administrator shall send a copy of the file to the Chief Administrative Law Judge.

§ 658.708 Hearings.

(a) Upon receipt of a hearing file by the Chief Administrative Law Judge, the case shall be docketed and notice sent by registered mail, return receipt requested, to the Solicitor of Labor, Attention: Associate Solicitor for Employment and Training, the Administrator, the RA and the State Director. The notice shall set a time, place and date for a hearing on the matter and shall advise the parties that:

(1) They may be represented at the hearing;

(2) They may present oral and documentary evidence at the hearing;

(3) They may cross-examine opposing witnesses at the hearing; and

(4) They may request re-scheduling of the hearing if the time, place or date set are inconvenient.

(b) The Solicitor of Labor or the Solicitor's designee shall represent the Department at the hearing.

§ 658.709 Conduct of hearings.

(a) The hearing shall be conducted in accordance with sections 5–8 of the Administrative Procedure Act, 5 U.S.C. 553 *et seq.*

(b) Technical rules of evidence shall not apply, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied if necessary by the Hearing Officer conducting the hearing. The Hearing Officer may exclude irrelevant, immaterial or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties. Opportunity shall be given to refute facts and arguments advanced on either side of the issue. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record.

(c) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable to the extent that the Hearing Officer concludes that their use would promote the proper advancement of the hearing.

(d) When a public officer is a respondent in a hearing in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and the officer's successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

§ 658.710 Decision of the Hearing Officer.

(a) The Hearing Officer shall have jurisdiction to decide all issues of fact and related issues of law and to grant or deny appropriate motions, but shall not have jurisdiction to decide upon the validity of Federal statutes or regulations.

(b) The decision of the Hearing Officer shall be based on the hearing record, shall be in writing and shall state the factual and legal bases of the decision.

(c) Except when the case involves the decertification of a State agency, the decision of the Hearing Officer shall be the final decision of the Secretary.

(d) If the case involves the decertification of a State agency, the decision of the Hearing Officer shall contain a notice stating that, within 30 calendar days of the decision, the State agency or the Administrator may appeal to the Secretary by sending by registered mail, return receipt requested, a written appeal to the Secretary, care of the Hearing Officer who made the decision.

§ 658.711 Decision of the Secretary.

(a) Upon the receipt of an appeal to the Secretary, the Hearing Officer shall certify the record in the case to the Secretary, who may take additional evidence, provided time to rebut such new evidence is given to the opposing party, or who may make a decision to decertify or not on the basis of the hearing record.

(b) The decision of the Secretary shall be final, shall be in writing, and shall set forth the factual and legal bases for the decision.

Signed at Washington, D.C. this 1st day of October, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-29276 Filed 10-4-76;8:45 am]

federal register

TUESDAY, OCTOBER 5, 1976



PART VI:

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

PRIVACY ACT OF 1974

Systems of Records

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PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

PRIVACY ACT OF 1974

Notice of Systems of Records

In accordance with the requirements of 5 U.S.C. 552a(e) (4) and (11), Section 3 of the Privacy Act of 1974 (Public Law 93-579), the Commission hereby gives notice of the system of records it maintains which is subject to the Act. With one revision, this notice continues in effect the notice published in the Federal Register at 40 FR 39225. The revision to the previously published notice is as follows.

A proposed routine use "b" has been added regarding disclosures to a congressional office from the record of an individual in response to an inquiry from the congressonal office made at the request of that individual. Any interested person may submit written comments or arguments on this proposed routine use to the Director, President's Commission on White House Fellowships, Room 1308, 1900 E Street, NW., Washington, D.C. 20415 by October 31, 1975. All written comments received from the public through that date will be considered by the Commission. The comments received also will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), as received and until 4 p.m., October 31, 1975. Unless negative comments are received and further notice published in the Federal Register, this routine use will be effective November, 1, 1976.

Bruce H. Hasenkamp,
Director, President's Commission on White House Fellowships.

PCWHF—1

System name: White House Fellowships Records—PCWHF

System location: President's Commission on White House Fellowships, Room 1308, 1900 E Street, NW., Washington, D.C. 20415.

Categories of individuals covered by the system: Applicants for White House Fellowships, speakers for the White House Fellows' education program, and spouses of White House Fellows.

Categories of records in the system: Applications, index cards and supplemental material on individuals applying for White House Fellowships; biographies of spouses of White House Fellows; and biographical and other material regarding speakers for the White House Fellows' seminars.

Authority for maintenance of the system: Executive Order 11183, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. Applications are used to select candidates for White House Fellows; biographical and other material regarding speakers are distributed to White House Fellows before they meet with them; and biographies of spouses of White House Fellows are distributed to speakers with who them meet.

b. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, and Retention and Disposal below.

Storage: The records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in filing cabinets in a secured room. Records are available only to personnel authorized by the President's Commission on White House Fellowships.

Retention and disposal: The applications for White House Fellows who are selected are maintained indefinitely. Applications for those not selected are destroyed 30 days after non-selecton notice has been mailed. The biographies of spouses of White House Fellows are maintained for one year and destroyed. Biographical and other material regarding speakers for White House Fellows' seminars are destroyed when they become obsolete. The index cards of applicants are maintained indefinitely.

System manager(s) and address: Administrative Officer, President's Commission on White House Fellowships, Room 1308, 1900 E Street, NW., Washington, D.C. 20415.

Notification procedure: Contact the system manager listed above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Date of birth.
c. Year of application (if applicable).

Record access procedures: An individual can obtain information on the procedures for gaining access to the records through: Administrative Officer, President's Commission on White House Fellowships, Room 1308, 1900 E Street, NW., Washington, D.C. 20415.

Contesting record procedures: An individual can obtain information on the procedures for contesting the records through: Administrative Officer, President's Commission on White House Fellowships, Room 1308, 1900 E Street, NW., Washington, D.C. 20415.

Record source categories: White House Fellows and their evaluators, applicants for White House Fellowships, spouses of White House Fellows, and speakers.

[FR Doc.76-28553 Filed 9-27-76;3:11 pm]

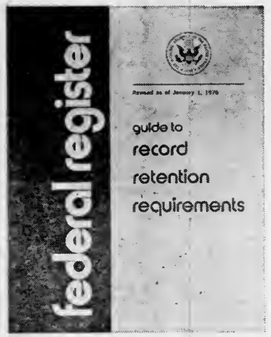
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Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1976]



This useful reference tool, compiled from agency regulations and U.S. Statutes, is designed to assist industry and the public with their recordkeeping obligations.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Weekly Briefings at the Office of the Federal Register

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H.R. 13325..... Pub. Law 94–436
To amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association, and for other purposes
(Sept. 30, 1976; 90 Stat. 1398)

H.J. Res. 1096..... Pub. Law 94–438
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presidential documents

Title 3—The President

Proclamation 4466 • **October 4, 1976**

Modification of Proclamation No. 4463 [1] Regarding Tariffs on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

By Proclamation No. 4463 of September 21, 1976, the President modified Proclamation No. 4334 of November 16, 1974, by establishing new rates of duty applicable to certain sugars, sirups, and molasses described in item numbers 155.20 and 155.30 of the Tariff Schedules of the United States, hereinafter referred to as the "TSUS" (19 U.S.C. 1202). Proclamation No. 4463 is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after September 21, 1976.

Taking into account the factors cited in Proclamation No. 4463, and in order to alleviate hardships which may result from increasing the rate of duty with respect to certain goods that were exported prior to the effective date of that Proclamation, I find it appropriate to amend Proclamation No. 4463 to permit articles that were exported to the United States before the effective date of that Proclamation and that are entered, or withdrawn from warehouse, for consumption within a reasonable time following exportation, to continue to be dutiable at the rates provided in Proclamation No. 4334 of November 16, 1974.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)), and in conformity with Headnote 2, Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim that paragraph C of Proclamation No. 4463 of September 21, 1976, is hereby amended to read as follows:

"C. The Provisions of this Proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after September 21, 1976, and shall remain in effect until the President otherwise proclaims or until otherwise superseded by law. However, the provisions of this Proclamation shall not be effective with respect to articles exported to the United States before 12:01 A.M. (U.S. Eastern Daylight Savings Time), September 21, 1976, provided that such articles are entered, or withdrawn from warehouse, for consumption on or before November 8, 1976."

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76–29607 Filed 10–5–76;11:47 am]

[1] 41 FR 41681.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–970; Amdt. 4; Docket 21761]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Amendment To Conform Alaskan Air Taxi Size and Weight Limitations to Those in the Continental United States

Effective: November 5, 1976.

Adopted: October 1, 1976.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 1, 1976.

In EDR–273, (June 4, 1974, 39 FR 20504, Docket 21761) the Civil Aeronautics Board issued a notice of proposed rulemaking to amend certain sections[1] of Part 298 of its Economic Regulations (14 CFR Part 298) so as to make applicable to air taxi operators in the State of Alaska the aircraft size and weight limitations presently applicable to air taxi operators in the 48 continguous states and the territories.

Pursuant to the notice, seven comments were filed. The Alaska Air Carriers Association both filed a separate statement of nonopposition and joined in the supporting comment filed jointly by the Alaska Transportation Commission (ATC), the State of Alaska, the Fairbanks Parties, the Alaska Air Carriers Association, and the City of Fort Yukon. Southeast Skyways also filed a comment in support of the proposed change. Filing in opposition were Alaska Airlines, Inc., Kodiak-Western Alaska Airlines, Inc., Munz Northern Airlines, Inc., jointly with Merric, Inc., and Era Helicopters, Inc., and Wien Air Alaska, Inc. Upon consideration, the Board has decided to amend Part 298 as proposed in EDR–273. The tentative findings and conclusions set forth in EDR–273 are made final, and, except to the extent granted herein, all requests contained in the comments are denied.

In the Part 298 Weight Limitation Investigation, Orders 72–7–61 and 72–9–62, the Board replaced the then-existing 12,500-pound takeoff weight limitation on air taxi aircraft with a more liberal 30-seat/7500-pound payload restriction. This change, however, was made applicable only to air taxi services in the continental United States. The Board deferred any decision as to intra-Alaska operations until after the determination of the bush route phase of the Alaska Service Investigation. That proceeding, however, did not develop satisfactory materials for decision. As a result, the Board by Order 74–6–21, issued June 4, 1974, severed the Part 298 issue from the Alaska Service Investigation and contemporaneously issued EDR–273 proposing this rulemaking to provide interested persons an opportunity to comment on the sole issue of Alaskan air taxi limitations and supplement the information already available in the Part 298 Weight Limitation Investigation.

Alaskan air transportation has a unique regulatory framework. Certificated carriers have route protection *vis-a-vis* air taxis. Under § 298.34(b), a Federally regulated Alaskan air taxi operator may not operate scheduled services between points served by a certificated airline with at least two scheduled single-plane flights per week, including flag stops. Additionally, § 298.34(a) requires Part 298 operators to obtain authority from the State of Alaska as well, thus ensuring that Alaskan air transportation service will accord with local requirements as determined by State authorities. Air taxis in Hawaii and the lower 48 States operate free of these restrictions.

Alaskan conditions are unique in other respects as well. Many small communities are geographically isolated and dependent on air service. The size of airfield facilities and the service needs vary among these communities, some of which are not served by certificated carriers. The pipeline and its associated activities have added to Alaska's already strong economic development. Thus, economic factors as well as the topography of the State combine to produce a growing demand for air transportation involving aircraft of varying sizes and configurations. Since July 1974, the Board has granted exemptions for seven aircraft that exceed the current weight limitation.[2]

In the Weight Limitation case, Administrative Law Judge Ruhlen recommended against a relaxation of 12,500-pound test in Alaska on the ground that it might harm Alaska's pattern of certificated air routes. His conclusion was based on the general nature of Alaskan markets, not on specific evidence that a more liberal air taxi standard would result in substantial diversion from certificated airlines. However, as the Board decided in the main portion of the Part 298 Weight Limitation Investigation, (Order 72–7–61, July 18, 1972), the proper questions when considering the air taxi weight limitation are whether there is a demonstrable need for a liberalized weight limitation and whether a lower weight limitation is necessary to protect scheduled service.

Based upon the questions and record before us, we disagree with the Administrative Law Judge's recommendation. There is a continued need for air service in Alaska and, since the certificated carriers do not serve all the communities which require air transportation, that need must be met by both air taxis and certificated carriers. The need for improved service can best be met by permitting taxi operator and certificated carrier alike the flexibility to use large or small aircraft as conditions warrant. Moreover, we are of the view that the route protection afforded by § 298.34(b) adequately protects scheduled service from competition by air taxis, thus obviating any requirement to retain a lower weight limitation to protect the certificated carriers. Therefore, upon consideration of the needs of Alaska for air transportation provided by aircraft of varying sizes and of the route protection afforded the certificated system by § 298.34(b), the Board is of the view that the proper course is to liberalize the rule and thus permit the Alaskan air taxis, like their lower-48 counterparts, to use larger aircraft if in their judgment such operating would be profitable.

Of the seven comments received, the four participating certificated carriers (Wien, Alaska, Kodiak-Western, and Munz Northern) opposed the Board's proposal. They argued first that there is no justification for making the decision in the Part 298 Weight Limitation Investigation apply to Alaska. The Board does not agree since, as already discussed, it has found that Alaska has an economic need for the types of taxi aircraft permitted under the Weight Limitation decision.

Secondly, the certificated carriers argued that the route protection afforded by § 298.34(b) is "illusory" and not sufficient to protect the certificated system. The route protection afforded Alaskan certificated carriers is unique to Alaska and already recognizes the need to afford maximum possible protection to the certificated carriers. However, CAB regulation does not protect a Federally regulated carrier from the effects of competition by State-licensed carriers who are not engaged in interstate commerce and not subject to Federal economic regulation. Furthermore, in this instance the Board does not consider it appropriate to modify its regulations in response to intrastate competitive activi-

[1] EDR–273 proposed to amend provisions which were then found in §§ 298.2 and 298.21 (a) and (c). Subsequently, by ER–929, effective September 10, 1975, 40 F.R. 42855, the Board revised and reissued Part 298, without substantive change, as a result of which § 298.2 was unchanged but § 291.21 (a) and (c) were redesignated as §§ 298.31 and 298.34, respectively. The redesignated sections will be referred to by their current designations.

[2] Orders 76–7–73, 76–6–138, 76–2–97, 76–1–118, 75–10–15, 75–7–88, 74–7–88.

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ties. Moreover, the route protection provided by § 298.34(b) does protect certificated carriers who maintain minimal service levels at certificated points from competition by all Part 298 air taxis. Violations of this prohibition should be the subject of enforcement complaints, not the basis for compensatory adjustments in the basic rule structure.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby makes the following amendments to Part 298 of its Economic Regulations (14 CFR Part 298), effective November 5, 1976:

1. Amend section 298.2 by revising the definition of "large aircraft" to read as follows:

§ 298.2 Definitions.

As used in this part:

* * * * *

(l) "Large aircraft" means any aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds: *Provided, however,* That, for the purposes of this Part, large aircraft shall include all models of the Convair 240, 340, and 440; Martin 202 and 404, F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

* * * * *

2. Revise § 298.31 to read as follows:

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this Part to air taxi operators which register and reregister with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less, except that with respect to operations conducted within Hawaii such exemption extends only to such operation of aircraft having a maximum takeoff weight of 12,500 pounds or less.

3. Revise § 298.34(a) to read as follows:

§ 298.34 Limitations on air taxi service in Alaska.

(a) An air taxi operator shall not provide or offer to provide air transportation between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum passenger capacity of 30 seats or less and maximum payload capacity of 7,500 pounds or less as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the Procedural Regulations).

(Secs. 204, 416, Federal Aviation Act of 1958 as amended, 72 Stat. 743, 771; (49 U.S.C. 1324, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29309 Filed 10-5-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

Fellowship and Scholarship Grants; Revision

State Education and Training Program; Reinstatement

• *Purpose.* The purpose of this document is to revise and consolidate the regulations on Fellowship and Scholarship Grants and to reinstate the regulation concerning State Education and Training Programs. •

Due to the repetitious material involved in the existing regulations concerning this subject area (presently cited as 23 CFR 260 Subparts A, B, and C), these regulations are hereby revised and consolidated into the attached regulation, 23 CFR 260, Subpart A. Title 23 CFR 260, Subparts B and C are hereby reserved.

The revision of 23 CFR 260 published at 40 FR 58633 (Dec. 18, 1975) inadvertently omitted Subpart D concerning State education and training programs. Title 23 CFR 260, Subpart D is hereby reinstated.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefofe, general notice of proposed rulemaking is not required.

The reinstatement of Subpart D to Part 260 of Title 23, Code of Federal Regulations is effective immediately.

The revised regulations at 23 CFR Part 260, Subpart A are effective on October 13, 1976.

Issued on: September 27, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 260, Education and Training Programs, Subpart A, is revised to read as set forth below: Subparts B and C (§§ 260.201–260.217 and 260.301–260.317) are deleted and reserved. Subpart D, State Education and Training Programs is reinstated to read as set forth below.

Subpart A—Fellowship and Scholarship Grants

Sec.
260.101 Purpose.
260.103 Definitions.
260.105 Policy.
260.107 Eligibility.
260.109 Selection.
260.111 Responsibilities of Educational Institutions.
260.113 Responsibilities of Employing Agencies.
260.115 Equal Opportunity.
260.117 Application Procedures.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—State Education and Training Programs

Sec.
260.401 Purpose.
260.403 Policy.
260.405 Application Procedures.
260.407 Approval Criteria.
260.409 Funding and Reimbursement.
260.411 Prohibition Against Discrimination.

Subpart A—Fellowship and Scholarship Grants

AUTHORITY: 23 U.S.C. 307(a), 315, 321, and 403; and 49 CFR 1.48.

§ 260.101 Purpose.

To establish policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship and Scholarship Programs as administered by the National Highway Institute. These include the FHWA Fellowship Program in Highway Safety, the FHWA Fellowship Program in Highway Transportation Research and Education, and the FHWA Scholarship Program in Highway Technology.

§ 260.103 Definitions.

As used in this regulation, the following definitions apply:

(a) *Candidate.* One who has completed and submitted the necessary forms and documents in order to be considered for a fellowship or scholarship.

(b) *Fellowship.* The grant presented to the successful candidate's school and administered by the school to assist the candidate financially during the period of graduate study.

(c) *Scholarship.* The grant presented to the successful candidate's school and administered by the school to assist the candidate financially during the period of post-secondary study.

(d) *Living stipend.* The portion of the fellowship or scholarship grant remaining after the direct educational expenses have been deducted.

(e) *Direct educational expenses.* Those expenses directly related to attending school including tuition, student fees, books, and expendable supplies but excluding travel expenses to and from school.

(f) *Recipient.* The successful candidate receiving a fellowship or scholarship.

(g) *Employing agency.* The agency for which the candidate works. This may be either a State or local highway/transportation agency or the FHWA.

(h) *State Highway/Transportation Agency.* The agency with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the State level.

(i) *Local Highway/Transportation Agency.* The agency or metropolitan planning organization with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the local level, usually the city or county level.

(j) *National Highway Institute (NHI).* The organization located within the FHWA responsible for the administration of the FHWA Fellowship and Scholarship Grant Programs.

§ 260.105 Policy.

It is the policy of the FHWA to administer, through the NHI, fellowship and scholarship grant programs to assist State and local agencies and the FHWA in developing the expertise needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of government. These programs shall provide financial support for up to 12 months of full-time or up to 24 months of part-time study in the field of highway transportation. The programs for each year shall be announced by FHWA Notices.[1] These Notices shall contain application forms and shall announce the number of grants to be awarded and their value. These programs shall include the FHWA Fellowship Program in Highway Safety, the FHWA Fellowship Program in Highway Transportation Research and Education, and the FHWA Scholarship Program in Highway Technology.

§ 260.107 Eligibility.

(a) Prior recipients of FHWA Scholarships or Fellowships are not eligible.

(b) Candidates shall be employees of State or local highway/transportation agencies, or the FHWA, or have commitments to work for State or local highway/transportation agencies upon completion of the fellowship or scholarship study period.

(c) Candidates for the fellowship programs shall have earned Bachelor's or comparable college level degrees prior to beginning advanced studies under these programs.

(d) Candidates shall submit evidence of acceptance, or probable acceptance, for study in programs that will enhance their contributions to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(e) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notices announcing the programs each year.

(f) FHWA Employees who receive awards will be required to execute continued service agreements, consistent with the Government Employees Training Act requirements, which obligate the employees to continue to work for the agency for three times the duration of the training received.

(g) Candidates for study periods of 9 months or longer who are employees of State or local highway/transportation agencies, shall agree, in writing, to work in public service with State or local highway/transportation agencies for at least 3 years after completing the study period, or to repay the grants or pro rata amounts of the grants. Candidates for study periods of less than 9 months who are employees of State or local highway/transportation agencies, shall enter into similar agreements to work for time periods specified in the FHWA Notice announcing the programs.

(h) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(i) Candidates employed by the FHWA may not work part-time outside of FHWA concurrent with the FHWA grant. Other candidates may work part-time and accept salary or wages while studying under these programs. However, acceptance of salary support and part-time salary or wages is subject to the terms of the nonprofit criterion stipulated in 23 CFR 260.107(k). Funds from this grant work shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(j) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(k) Candidates shall not profit financially from FHWA grants. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount will be reduced accordingly. In cases where a candidate must relocate and maintain two households, exceptions to this condition will be considered.

(l) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.109 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community. The factors considered by the selection panel are weighted in accordance with specific program objectives.

(b) The major factors to be considered by the panel are:

(1) Candidate's potential to contribute to a public agency's transportation program,

(2) Relevance of a candidate's study program to the objective of the fellowship or scholarship program,

(3) Relevant experience, and

(4) Academic and professional achievements.

(c) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(d) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.111 Responsibilities of Educational Institutions.

(a) The college or university chosen by the grant recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university.

(b) The college or university chosen by the recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipients' rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.113 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing a statement of endorsement and information concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide backup to support its priority candidates for these programs.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and education leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards.

(c) Agencies are responsible for negotiation with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(d) Employing agencies are encouraged to publicize the availability of these grants throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA division office in their State.

(e) Employing agencies that choose to process their employees' applications are responsible for observing the cutoff date for the FHWA to receive applications. This date will be stipulated in the Notice announcing the program for each academic year.

§ 260.115 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI, Assurances Executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no ap-

[1] The Federal Highway Notices are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

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plicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied benefits of this program because of age.

(c) Agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.117 Application Procedures.

(a) The FHWA Notices announcing each year's programs and containing the application forms may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the NHI, HHI-3, FHWA, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notices announcing the programs. The cutoff date for submitting the application stipulated in the Notices should be observed.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—State Education and Training Programs

AUTHORITY: 23 U.S.C. 315, 321(b) and 321(c).

§ 260.401 Purpose.

The purpose of this subpart is to prescribe policy and implement procedures for the administration of Federal-aid funds for inservice education and training of State and local highway department employees.

§ 260.403 Policy.

It is the policy of the Federal Highway Administration to encourage the States to fully utilize the authority contained in 23 U.S.C. 321(b) and 321(c) to provide continuing education of State and local employees engaged or to be engaged in Federal-aid highway work.

§ 260.405 Application procedures.

(a) The State in making applications for education and training funds is encouraged to establish a program, for the fiscal year, outlining the use of such funds.

(b) Application for Federal-aid funds to be used for educational and training activities must be made to the Division Administrator in one of the following ways:

(1) The State, having established its education and training goals, may submit Forms PR-1, "Federal-Aid Program Data", for each class of funds to be utilized and Forms FHWA-1421, "Request for Use of Federal-Aid Highway Funds for Individual Education of Training" or FHWA-1422, "Request for Use of Federal-Aid Highway Funds for Group Education or Training" at the beginning of the fiscal year; or

(2) The State, having some educational and training goals but not desiring to specify individual programs, may submit Forms PR-1 for each class of funds to be utilized at the beginning of the fiscal year and Forms FHWA-1421 or FHWA-1422 on an individual basis throughout the year as the need for education and training activities arise; or

(3) The State may submit Forms PR-1 for each class of funds to be utilized and Forms FHWA-1421 or FHWA 1422 throughout the year as the need for education and training programs arise.

§ 260.407 Approval criteria.

(a) Subject to the availability of funds, as determined by the Division Administrator, the following criteria shall be observed by the Division Administrator in determining whether to approve each separate course or training proposal:

(1) The existence of a student-instructor relationship in which a planned routine of instruction will be followed training objectives.

(2) The existence of a training environment that will accomplish the training objectives.

(3) The existence of a program or schedule of planned activity to be followed.

(4) Assurance that Federal fund participation in the cost of the training will not exceed 70 percent of the cost of tuition or other direct education expenses, which expenses shall not include travel, subsistence or salaries of the trainees.

(b) The Division Administrator's approval, as indicated on the submitted forms, shall constitute his authorization to proceed with the requested training.

§ 260.409 Funding and reimbursement.

(a) Education and training funds are made available from Federal-aid funds which are designated to meet specified State needs. These classes of funds, and amounts made available from each class for education and training, are reflected by apportionment data distributed by the FHWA.

(b) Established Federal-aid reimbursement procedures will be followed by the division and State offices, including execution of a Federal-aid project agreement, FHWA Form PR-2.

§ 260.411 Prohibition against discrimination.

The Civil Rights Act of 1964 (43 U.S.C. 2000d–2000d-4), the Department of Transportation implementing regulations (49 CFR Part 21), and the State assurances executed pursuant thereto are applicable to all activities receiving financial assistance through the Federal Highway Administration.

[FR Doc.76-29300 Filed 10-5-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Oldsmar, Florida, Base Flood Elevations

On June 25, 1976, at 41 FR 26405, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Oldsmar, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Oldsmar, Florida. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 120250A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Robert L. Williams, P.O. Box 100, Oldsmar, Florida 33557.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Oldsmar, Florida Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Oldsmar, Florida map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29349 Filed 10-5-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Brevard County, Florida, Base Flood Elevations

On June 25, 1976, at 41 FR 26402, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Brevard County, Florida.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the base (100-year) flood elevations of some locations in Brevard County, Florida, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125092B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones (as on map)	Previous base flood elevations (as on map) (MSL) (feet)	New FIA zones	New base flood elevations (MSL) (feet)
V5	7	V7	8

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

Mr. James Ford, Brevard County Planning and Zoning Commission, 2575 North Courtenay Parkway, Merritt Island, Florida 32952.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-29350 Filed 10-5-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Atlanta, Georgia, Base Flood Elevations

On June 25, 1976, at 41 FR 26406, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Atlanta, Georgia.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Atlanta, Georgia. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 135157A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Maynard Jackson, 68 Mitchell Street, Atlanta, Georgia 30303.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Atlanta, Georgia Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Atlanta, Georgia map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76 29351 Filed 10-5-76;8:45 am]

[Docket No. FI-2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Changes Made in Determinations of Alexandria, Virginia, Base Flood Elevations

On June 25, 1976, at 41 FR 26418, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Alexandria, Virginia.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Alexandria. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

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For rating purposes, the new community number is 515519A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. David L. Cook, Director, Department of Transportation and Environmental Services, City of Alexandria, 125 North Royal Street, Alexandria, Virginia 22314.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Alexandria Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Alexandria map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–29352 Filed 10–5–76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. ATF–33]

PART 301—PROCEDURE AND ADMINISTRATION

PART 601—STATEMENT OF PROCEDURAL RULES

Reorganization of the Bureau of Alcohol, Tobacco and Firearms; Change of Titles

A basic reorganization of the structure of the Bureau of Alcohol, Tobacco and Firearms was announced by the Department of the Treasury on August 30, 1976. The reorganization primarily affects the criminal enforcement function and organization of the Bureau.

One of the major features of the reorganization is elimination of the position of Regional Director and associated regional criminal enforcement staffs. The Regional Director currently functions as the Bureau's chief regional official. Accordingly, duties performed by the Regional Director will be assumed by other regional and field officials.

Furthermore, straight line management systems for regional and field functions are implemented by assigning direct line authority over:

(1) Special agents in charge to the Assistant Director (Criminal Enforcement);

(2) Regional regulatory administrators (formerly assistant regional directors, regulatory enforcement) to the Assistant Director (Regulatory Enforcement);

(3) Regional Administrative Officers to the Assistant Director (Administration); and

(4) Chiefs of Field Laboratories to the Assistant Director (Technical and Scientific Services).

Therefore, the terms "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" or "Regional Director" wherever used in Part 601 of Subchapter H shall mean the "special agent in charge" or the "regional regulatory administrator in the Bureau of Alcohol, Tobacco and Firearms".

The term "Assistant Regional Commissioner (Alcohol and Tobacco Tax)" or "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" wherever used in §§ 301.6091–1, 301.6311–1, 301.6402–2, and 301.6404–1 of Subchapter F shall mean the "regional regulatory administrator in the Bureau of Alcohol, Tobacco and Firearms".

The term "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" wherever used in §§ 301.7321–1, 301.7322–1, and 301.7328–1 of Subchapter F shall mean the "special agent in charge in the Bureau of Alcohol, Tobacco and Firearms".

The term "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" wherever used in § 301.9000–1 of Subchapter F shall mean the "special agent in charge," the "regional regulatory administrator," the "regional administrative officer," or the "chief, field laboratory in the Bureau of Alcohol, Tobacco and Firearms."

Because this Treasury decision is administrative in nature and merely effects an internal reorganization, it is found unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b).

This Treasury decision will be effective December 1, 1976.

Signed: September 28, 1976.

REX D. DAVIS,
Director.

Approved: October 1, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76–29304 Filed 10–5–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–32]

BUREAU REORGANIZATION

Change of Titles

A basic reorganization of the structure of the Bureau of Alcohol, Tobacco and Firearms was announced by the Department of the Treasury on August 30, 1976. The reorganization primarily affects the criminal enforcement function and organization of the Bureau.

One of the major features of the reorganization is elimination of the position of Regional Director and associated regional criminal enforcement staffs. The Regional Director currently functions as the Bureau's chief regional official. Accordingly, duties performed by the Regional Director will be assumed by other regional and field officials.

Furthermore, straight line management systems for regional and field functions are implemented by assigning direct authority over:

(1) Special agents in charge to the Assistant Director (Criminal Enforcement);

(2) Regional regulatory administrators (formerly assistant regional directors, regulatory enforcement)—to the Assistant Director (Regulatory Enforcement);

(3) Regional Administrative Officers to the Assistant Director (Administration); and

(4) Chiefs of Field Laboratories to the Assistant Director (Technical and Scientific Services).

Therefore, the terms "Assistant Regional Commissioner" or "Regional Director" wherever used in 27 CFR Parts 1, 4, 5, 7, 18, 170, 178, 179, 181, 186, 194, 195, 196, 197, 200, 201, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, 295, and 296 and Subpart F of Part 173 shall mean the "regional regulatory administrator".

The term "Assistant Regional Commissioner" wherever used in Subparts C and D of 27 CFR Part 173 shall mean the "special agent in charge".

The term "Regional Director" wherever used in 27 CFR Part 70 shall mean the "special agent in charge" or the "regional regulatory administrator".

The term "Regional Director" wherever used in 27 CFR Part 71 shall mean the "special agent in charge", the "regional regulatory administrator", the "regional administrative officer", or the "chief, field laboratory".

The term "Regional Director" wherever used in 27 CFR Part 72 shall mean the "regional administrative officer".

Because this Treasury decision is administrative in nature and merely effects an internal reorganization, it is found unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b).

This Treasury decision will become effective December 1, 1976.

Signed: September 28, 1976.

REX D. DAVIS,
Director.

Approved: October 1, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76–29303 Filed 10–5–76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Acceptable Sale and Leasing Restrictions

On page 14198 of the FEDERAL REGISTER of April 2, 1976, there was published a notice of proposed regulatory development to amend § 36.4350(b)(5). The proposed amendment provided that a condominium estate would not fail to qualify as security for a Veterans Administration guaranteed loan because of the existence of a restriction on leasing for periods of less than six months or a first option to purchase under certain limited conditions.

Twenty-five comments on the proposal have been received. Insofar as the restriction on leasing is concerned the comments were all generally favorable, although there were some suggestions to use a different time span. All commentators agreed that preserving the residential homeownership characteristic of individual condominiums was important and provisions which would avoid the possibility of the condominium units being used for transient or resort type hotel accommodations were desirable. Recognizing that various different time spans, whether for a shorter or longer time, all have some merit it has been determined that the original permissive restriction of prohibiting leases of less than six months without association approval will well serve the purpose of limiting the possibility of transient occupancy while at the same time not be unduly restrictive on the owner's right to use and enjoy the property. Therefore the allowable, but not mandatory, less than six-month restriction is being adopted.

On the issue of the first option to purchase there was a divergence of opinion expressed. Several writers expressed strong approval based on the high density style of living and the required ability to bear the burden of the assessments to assure the financial stability of the association. Others addressed themselves to the problem of existing condominiums whose documents contained provisions unacceptable under present regulations but which would qualify under the proposed change. These writers pointed out the impossibility from a practical viewpoint of changing existing recorded documents in many cases, primarily because of requirements for the affirmative consent of a high percentage of the unit owners. In addition, the cost and time involved may make a change economically impracticable in some cases. Writers favored the proposed change because it would open an existing supply of housing to veterans. Several comments addressed the need to standardize the requirements of VA, Department of Housing and Urban Development, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation and others interested or concerned with financing housing units so that once a project or condominium regime qualifies for one agency's purposes it would not be subjected to conflicting requirements from some other source. It was pointed out that the proposed change would possibly be in conflict with title requirements of the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation and the Department of Housing and Urban Development. Finally, several writers stated that while the permissible first option to purchase was not on its face discriminatory, it could be used for such purposes.

In light of the cogent comments received it has been determined that the proposed amendment, insofar as it relates to the first option to purchase, should be modified. As to condominium regimes established on or after the effective date of this revision, enabling documents which contain any limitation upon a unit owner's right to convey the unit to a party of the owner's choice (right of first refusal) will preclude the condominium from qualifying for VA guaranteed financing. The VA has been assured that this provision is in line with Federal National Mortgage Association and Federal Home Loan Mortgage Corporation requirements generally and therefore reduces the possibility of conflicting requirements.

The VA is also concerned that eligible veterans should not be precluded from a currently existing inventory of available housing. As indicated, many condominiums established by documents now of record for practicable purposes cannot be changed. Many of these were established prior to VA's entry into the condominium housing field and were formed without consideration of an application being made to VA for acceptance since VA had no such program at that time. These documents, in many instances, were apparently drafted pro forma from previously used and accepted formats. To preclude this housing supply from the VA program and deny veterans the right to use their entitlement to acquire a unit from this source would, in VA's opinion, not be in the best interests of veterans. Therefore as to condominiums established by the recording to the enabling documents prior to the effective date of this revision, a first option to purchase on certain limited conditions as set forth in the revised regulation will not preclude qualifying as security for a VA guaranteed loan.

In addition, at this time VA is further amending § 36.4350 so that limitations on an owner's right to sell, other than in condominiums, will likewise cause that property to fail to qualify as security for a guaranteed or insured loan. Thus, on and after the effective date of this amendment, all estates in real property, insofar as restrictions on the power to sell will be treated alike, i.e., no restrictions on the owner's right to sell will be acceptable.

In order to reduce any possible adverse result this change may have on documents currently in process the effective date will be December 1, 1976.

It is hereby certified that the economic and inflationary impacts of this process the effective date will be December 1, 1976.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

Approved: September 30, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

In § 36.4350, paragraph (b)(5) is revised to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * * *

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

* * * * * *

(5) Sale and lease restrictions:

(i) Except as to condominiums, the right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right was established by an instrument recorded prior to December 1, 1976, and by the terms thereof is exercisable only if—

(*a*) An owner elects to sell,

(*b*) The option price is not less than the price at which the then owner is willing to sell to another, and

(*c*) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to the then owner of the then owner's election to sell, stating the price and the identity of the proposed vendee;

(ii) A condominium estate established by the filing for record of the Master Deed, or other enabling document, on or before December 1, 1976, will not fail to comply with the requirements of paragraph (a) of this section by reason of:

(*a*) Prohibition against leasing a unit for a period of less than 6 months.

(*b*) The existence of a right of first option to purchase or right to provide a substitute buyer reserved to the condominium association provided such option or right is exercisable only if:

(*1*) An owner elects to sell,

(*2*) The option price is not less than the price at which the then owner is willing to sell to another,

(*3*) The terms and conditions under which the option price is to be paid are identical to or are not less favorable to the owner than the terms and conditions under which the owner was willing to sell to the owner's prospective buyer, and

(*4*) Notice of the association's decision to exercise the option must be mailed to the owner by registered or certified mail within 30 days after notice is mailed by

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registered or certified mail to the address of the association last known to the owner of the owner's election to sell, stating the price, terms of sale, and the identity of the proposed vendee.

(5) Any property subject to a restriction on the owner's right to convey to any party of the owner's choice, which restriction is established by a document recorded on or after December 1, 1976, will not qualify as security for a guaranteed or insured loan. A prohibition or restriction on leasing an individual unit in a condominium will not cause the condominium estate to fail to qualify as security for such loan, provided the restriction is limited to periods of less than 6 months.

* * * * *

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. ch. 37.

* * * * *

[FR Doc.76-29306 Filed 10-5-76;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 21, dated September 13, 1976.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 19—MAIL TRANSPORTATION CONTRACTING

1. Paragraph 19–103.1 has been revised to permit deviations to mail transportation and related contractual services by the Director, Transportation Services Office.

2. Paragraph 19–117.3 has been revised: (i) To permit the Director, Transportation Services Office, to resolve disputes between regional offices; and (ii) to change the title of regional official.

3. Paragraph 19–117.5 has been revised to update delegations of authority to the Assistant Postmaster General, Logistics Department; Director, Transportation Services Office, Logistics Department; Regional General Managers, Logistics Divisions; and to change titles of regional officials.

4. Paragraph 19–117.6 has been revised: (i) To permit the Director, Transportation Services Office, to approve awards in excess of authority delegated to regional general managers and; (ii) to change titles of regional officials.

5. Paragraphs 19–117.8, 19–117.93, 19–125.1(a), 19–125.2, 19–125.3, 19–125.7, and 19–125.3 have been revised to change titles of regional officials.

6. Paragraph 19–118.11 has been revised to delete the requirement for bonding of renewal highway contracts.

7. Paragraph 19–125.3(a) has been revised to require that administrative officers advise the inspector-in-charge of nonreceipt of screening results, rather than the personnel security officer.

8. Paragraph 19–125.3(c) has been revised to restrict the authority for denying access to mail to the general manager, logistics division.

9. Paragraph 19–128.1 has been revised to require that, if a contract is bonded, a copy of any assignment or reassignment of claim be provided to the surety.

10. Paragraphs 19–125.3(b), 19–128.2 (ii) and (iii), 19–312.3–.6, 19–316 through 19–316.23, and 19–317 have been revised for purposes of clarity.

11. Paragraph 19–128.2(c) has been revised to require that the next higher level of contracting authority to the contracting officer authorize subcontracts and that the contractor provide a notarized statement of the value of any equipment sold to a subcontractor.

12. Paragraph 19–130.881(M) has been revised to delete the requirement that a bid be rejected for failure by the bidder to complete and submit a cost worksheet with his bid.

13. Paragraph 19–131.23(b) has been revised to limit the circumstances under which the Assistant Postmaster General, Logistics Department, will be requested to grant approval for negotiation after advertising to those instances where he is, in fact, the next higher level of contracting authority to the contracting officer.

14. Paragraphs 19–310.6 (b), (c), and (d) have been revised to delete all references to surety bond requirements as surety bonds are no longer required for renewal contracts.

15. Paragraph 19–312.1(c) has been deleted.

16. Paragraph 19–314.2 (e), (f), 3(a) and 4(c) have been revised to delete all references to surety when contract is not bonded, as bonds are no longer required on renewal contracts.

17. Paragraphs 19–810.33 through 19–810.34 have been revised to be consistent with revised paragraph 19–132, to provide a definition of extra trips for contract air taxi service, and to establish policy and procedures for contract air taxi service.

18. Paragraphs 19–412.3–.5, 19–1012.32 and .33 have been revised to be consistent with revised paragraph 19–132.

19. The following revised forms have been included in section 19. They are available from the area supply centers, and shall be used in lieu of previous editions.

(1) Form 7407, August 1976—*Basic Transportation Services Contract General Provisions.*

(2) Form 7435, August 1976—*Solicitation for Transportation Services Contract.*

(3) Form 7445, August 1976—*Inquiry Concerning Renewal of Transportation Services Contract.*

(4) Form 7451, August 1976—*Air Taxi Contract General Revisions.*

(5) Form 7456, August 1976—*Air Taxi Service Cost Worksheet.*

(6) Form 7457, August 1976—*Air Taxi Service Route Adjustment Request.*

(7) Form 7465, August 1976—*Transportation Services Subcontract.*

(8) Form 7467, August 1976—*Proposal and Contract for Emergency Service.*

(9) Form 7468, August 1976—*Transportation Service Bid and Proposal and Contract (with Bond).*

(10) Form 7485, August 1976—*Air Taxi Contract Information and Instructions.*

(11) Current editions of the following forms have also been included:

(a) Form 7440—*Contract Route Service.*

(b) Form 7447—*Transportation Services Renewal Contract.*

(c) Form 7453—*Air Taxi Service—Aircraft Modifications.*

(d) Form 7464—*Cost Statement (Short Form—Highway Transportation Contracts).*

The remainder of the changes are minor, editorial, or technical in nature.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105, effective immediately:

§ 601.105 Amendments to the Postal Contracting Manual

* * * * *

Amendments to postal contracting manual

Transmittal letter	Dated	FEDERAL REGISTER publication
* * *	* * *	* * *
21	Sept. 13, 1976	41 FR.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-29287 Filed 10-5-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2650—ALASKA NATIVE SELECTIONS

Waiver of Regulations

This order extends until December 31, 1976, the application filing date contained in 43 CFR 2653.4(b) for selections pursuant to section 14(h) (1) and (2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 704).

Statement of consideration. The Alaska Federation of Natives, Inc., on behalf of the Alaska Native community, has requested a waiver of the regulations to extend the time for making selections under section 14(h) (1) and (2) of the ANCSA. The Alaska Federation of Natives, Inc., made such a request in order that Native corporations may have an opportunity to correct certain section 14(h) (1) and (2) selections which were filed improperly.

The Department has studied this request and has concluded that an extention to December 31, 1976, to make, correct or modify section 14(h) (1) or (2) selections is warranted. At the time such selections are filed or refiled, land must be available for selection under section 14(h) (1) or (2) of the ANCSA and 43 CFR 2653. The filing must also be in compliance with the regulations in effect on the date of the filing. Any selection presently on file not meeting the two proceeding conditions must be refiled.

It is therefore ordered, as authorized by the terms of 43 CFR 2650.0–8 and in accordance with the aforementioned conditions, that the effective date with respect to the filing deadline in 43 CFR 2653.4(b) for selections under section 14(h) (1) and (2) of the ANCSA is extended to December 31, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

SEPTEMBER 30, 1976.

[FR Doc.76-29288 Filed 10-1-76;2:20 pm]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5603]

ALASKA

Withdrawal of Lands in Aid of Legislation

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from settlement, entry, location or disposal under the public land laws, including the mining and mineral leasing laws, and from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, but not from disposal under the Alaska Native Claims Settlement Act, as amended (hereinafter referred to as the Act), and reserved for the purpose of implementing the provisions of the Act:

COPPER RIVER MERIDIAN

T. 29 S., R. 58 through 60 E.
T. 30 S., R. 58 through 60 E.
T. 31 S., R. 58 through 60 E.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior or Agriculture, as appropriate, under applicable laws and regulations and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

THOMAS S. KLEPPE,
Secretary of the Interior.

SEPTEMBER 30, 1976.

[FR Doc.76-29289 Filed 10-1-76;2:20 pm]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of Section 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91–95) is amended to provide for the payment of such an allowance for the period July 1, 1976, through September 30, 1976, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

It is hereby certified that this proposed rule has been screened pursuant to Executive Order No. 11821, and does not require an Inflationary Impact Evaluation.

Effective Date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

In § 177.4 paragraph (c)(3)(xxix) is added as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * *

(c) * * *

* * * * *

(3) * * *

* * * * *

(xxix) For the period July 1, 1976, through September 30, 1976, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 1⅞ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141.)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program.)

Dated: September 27, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.76-29302 Filed 10-5-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72–19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Further Postponement of Effective Date

In order to permit additional time to evaluate petitions for reconsideration of final rules in this proceeding (40 FR 47770; October 10, 1975), it has been determined to postpone their effective date until further order of the Commission.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29324 Filed 10-5-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Editorial Order No. 42558]

AMATEUR RADIO SERVICE

Civil Emergency Service

In the matter of editorial amendment of Parts 1, 2, and 97 of the Commission's rules concerning the Radio Amateur Civil Emergency Service (RACES). Adopted: September 29, 1976; released: October 5, 1976.

1. On February 19, 1976, the Commission released its Report and Order in Docket 19723, FCC 76–130, 41 FR 8780 (1976), substantially revising its Rules concerning the Radio Amateur Civil Emergency Service (RACES). In our Report and Order in Docket 19723 we stated we were adopting the proposals in our Notice of Proposed Rule Making in Docket 19723, FCC 73–40, 38 FR 10467 (1973), essentially as proposed, and the Report and Order did in fact adopt the proposed Rules with few, if any, changes.

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2. By this Order we are amending certain other sections of Parts 1, 2, and 97 of the Rules to ensure their consistency with the new Rules concerning RACES already approved by the Commission. Specifically, in its Report and Order in Docket 19723 the Commission eliminated the requirement for filing FCC Forms 481 and 482 to obtain a RACES station authorization, and we are deleting these FCC Forms from the list of forms contained in § 1.922 of the Rules. We are also amending §§ 1.922 and 1.926 of the Rules to reflect the requirement found in § 97.173(a) of the Rules that new and renewed RACES station license applications are to be submitted on FCC Form 610–B. Our Report and Order in Docket 19723 abolished the use of tactical call signs by RACES stations, and we are therefore deleting such call signs from the list of other forms of identification of stations found in § 2.303 of the Rules.

3. In our Report and Order in Docket 19723 we made all authorized frequencies and emissions presently available to the Amateur Radio Service also available to RACES on a shared basis. The frequency limitations previously imposed on RACES operations by former § 97.193 of the Rules were made to apply only in those emergencies requiring invocation of the President's War Emergency Powers under section 606 of the Communications Act of 1934, as amended. In both the Notice of Proposed Rule Making and Report and Order in Docket 19723, however, the frequency bands 3500–3510 kHz and 3510–3516 kHz, both of which appeared in former § 97.193 of the Rules, were inadvertently omitted. We are therefore amending § 97.185 of the Rules to include these frequency bands.

4. Authority for these amendments appears in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended, and § 0.231 of the Commission's Rules. Because the amendments adopted herein are editorial in character, designed solely to achieve consistency in the Commission's Rules, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

5. Accordingly, in view of the foregoing, *It is ordered* That Parts 1, 2, and 97 of the Commission's Rules are amended as set forth below effective October 14, 1976.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Parts 1, 2, and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 1.922, the list of items is amended as follows:

§ 1.922 Forms to be used.

FCC form	*Title*
• • • • •	
481 ----------	[Deleted]
482 ----------	[Deleted]
• • • • •	
610–B ---------	Application for Amateur Club, Military Recreation, or Radio Amateur Civil Emergency Service Station license.
• • • • •	

2. In § 1.926, paragraph (b)(3) is deleted and designated [Reserved], and paragraphs (b)(1) and (b)(4) are revised as follows:

§ 1.926 Application for renewal of license.

• • • • •

(b)(1) Applications for renewal of an amateur operator license (with the exception of an amateur club, military recreation, or Radio Amateur Civil Emergency Service station licenses), or a combined amateur operator/station license shall be filed on FCC Form 610.

• • • • •

(3) [Reserved]

(4) Applications for renewal of an amateur club, military recreation, or Radio Amateur Civil Emergency Service station license shall be filed on FCC Form 610–B.

• • • • •

3. In § 2.303 the table is amended as follows:

§ 2.303 Other forms of identification of stations.

• • • • •

Class of station	*Identification other than assigned call sign*
• • •	• • •
Amateur (RACES) ----------	[Deleted]

4. In § 97.185 paragraph (b) is revised and the table is amended as follows:

§ 97.185 Frequencies available.

• • • • •

(b) In event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended, unless otherwise modified or directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS

kHz	*Limitations*
• • •	• • •
1975–2000 ----------	1
3500–3510 ----------	
3510–3516 ----------	4
3516–3550 ----------	2, 4
3984–4000 ----------	
• • • • •	

[FR Doc.76-29281 Filed 10-5-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1–121]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Deputy Under Secretary

The purpose of this amendment is to delete all references to the Deputy Under Secretary for Budget and Program Review and to revise the delegations of authority to the Deputy Under Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing Part 1 of Title 49, Code of Federal Regulations is amended as follows:

1. In § 1.22, paragraph (a) is amended by deleting therefrom the term "Deputy Under Secretary for Budget and Program Review,"; paragraph (b) is amended by adding at the end thereof the following new sentence: "The Office of Planning and Program Review and the Office of Budget report to the Deputy Under Secretary."; paragraph (c) is revoked; and paragraphs (d) through (j) are redesignated paragraphs (c) through (i), respectively.

2. In § 1.23(a), the second sentence is revised to read as follows: "The Deputy Under Secretary assists the Secretary and the Deputy Secretary in the performance of these responsibilities."

3. Section 1.64 is revised to read as follows:

§ 1.64 Delegations to the Deputy Under Secretary.

The Deputy Under Secretary is delegated authority to—

(a) Exercise day-to-day operating management responsibility over the Office of Planning and Program Review and the Office of Budget.

(b) Direct and manage the Departmental planning-programming-budgeting activities.

(c) Request apportionment or reapportionment of funds by the Office of Management and Budget, provided no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(d) Issue allotments or allocations of funds to components of the Department.

(e) Authorize and approve official travel and transportation for himself and staff members of the Immediate Office of the Secretary, including authority to sign and approve related travel orders and travel vouchers, but not including requests for overseas travel.

(f) Issue monetary authorizations for use of reception and representation funds.

(g) Act for the Secretary and Deputy Secretary with respect to certain budgetary and administrative matters relating to the Immediate Office of the Secretary.

4. Appendix A of Title 49, Code of Federal Regulations, is amended by deleting the words "for Budget and Program Review" following the words "The Deputy Under Secretary" in section 1 thereof.

Effective date: This amendment is effective October 6, 1976.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on October 1, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-29385 Filed 10-5-76;8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSFC–5, Notice 2]

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

Initial Periodic Inspection of Railroad Freight Cars

On May 6, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 18685) stating that the Federal Railroad Administration (FRA) was considering an amendment to Part 215, Freight Car Safety Standards. The proposed amendment would extend the period allowed for completion of the initial periodic inspection of freight cars required by § 215.25 of the standards (49 CFR 215.25) and make conforming amendments to related sections.

Interested persons were invited to participate in the rulemaking proceeding by submitting written comments before June 30, 1976. Twenty-four commenters, representing various trade associations, private owners of freight cars, lessees of privately owned freight cars and shippers responded to this notice. The written comments generally voiced support for the concept of extending the period allowed for completing these initial inspections but the commenters did raise a number of issues concerning certain aspects of the FRA proposal. These issues will be discussed in the context of the relevant regulatory provision. After considering all of these comments, FRA has decided that the proposed amendment should be adopted with some changes.

The Administrator has evaluated the adoption of this regulation in accordance with the policies of the Department of Transportation which were stated in the public notice published on April 16, 1976, in the FEDERAL REGISTER (41 FR 16200). The purpose for amending this regulation, as noted in the notice of proposed rulemaking, was to respond to problems being encountered by various parties that were attempting to complete the initial periodic inspection within the current time constraints of the existing regulation. The amendments being adopted, which only serve to provide additional time to accomplish this task, will not alter in any significant fashion the costs or benefits associated with the existing regulation. Therefore, the Administrator has determined that the adoption of these amendments will have such a minimal impact that an evaluation of the effects of this regulation is not warranted.

In the NPRM, FRA proposed that the completion for the initial periodic inspection of freight cars would be extended for two years until December 31, 1978, except for specified equipment which would receive only a one year extension of the completion date. The comments, which FRA received, raised issues concerning both the one and two year provisions.

A variety of commenters objected that this two year extension would not provide for a uniform application of these regulations to all freight car owners. The private owners of freight cars, the lessees of privately owned freight cars, four trade associations and a shipper contended that a four year extension of time is needed. These commenters noted that only a small percentage of this segment of the freight car fleet has been inspected to date. In their view that situation has been caused by the unwillingness of the railroads to inspect privately owned freight cars until the railroads have inspected their own freight cars and the absence of authorized contract or private shop facilities which could perform periodic inspection work. Consequently, these parties argue that they will have only a two year time period to accomplish the same type of workload that the railroads have been able to spread over a four year time period. These parties expressed concern that a disastrous disruption of the normal distribution of numerous commodities, particularly those transported by tank car, will occur unless FRA provides an additional two year extension to the current proposal.

The FRA addressed this issue in the preamble to the NPRM and has again considered these arguments. FRA still believes that only a two year extension of the date within which freight cars must receive their initial periodic inspection is warranted. In reaching this conclusion FRA has noted that the commenters, who advocated a four year extension and detailed their ownership, indicated that they own or control approximately 26,000 freight cars in a fleet of privately owned freight cars that numbers about 300,000 cars. Furthermore, two commenters from this group, a major chemical company and an owner of a small fleet of tank cars, specifically advised that they intend and expect to complete the required inspection within the time frame proposed in the notice. FRA has decided therefore, to adopt the two year extension proposed in the notice.

Three of the commenters who responded to this notice included in their comments requests for a limited waiver of the provision requiring that freight cars receive their initial periodic inspection. These commenters indicated that they would be unable to complete their required inspection work under the current regulatory provision or the proposed change. FRA will respond to these requests by treating these comments as petitions for a waiver filed in accordance with 49 CFR Part 211. After providing for a public notice concerning each request, FRA will determine whether the public interest is served by granting a waiver and whether such a waiver is consistent with railroad safety.

In the NPRM, FRA also proposed that the completion date for initial periodic inspection of certain freight cars would be extended until December 31, 1977. This proposal, which would provide only a one year extension for freight cars built prior to January 1, 1957 and for cars used to transport materials assigned the class of "Flammable Gas", "Poison A" or "Class A Explosive", was the subject of a wide variety of comments.

The portion of the proposed change that would require cars built prior to January 1, 1957 to receive their initial periodic inspection before December 31, 1977 was objected to by five commenters. In general the commenters urged that no differentiation should be made between cars that are twenty or more years of age and those that are newer for the purpose of this regulatory provision. The commenters expressed concern that this provision, if adopted, could adversely affect the ability of the industry to accomplish the inspection of the entire fleet of freight cars since it would mean that two periodic inspection programs must be undertaken. These commenters also are concerned that this approach could result in higher utilization of the older, less efficient, cars which generally have lower capacity and less specialized equipment. The commenters noted that the newer cars are carrying the bulk of the freight, whereas the older cars are stored until the volume of traffic rises to such a level that these cars are needed for service.

The portion of the proposed change that would require cars used to transport materials assigned the hazard class of "Flammable Gas" was objected to by eleven commenters. These commenters noted that the tank cars used to transport the materials in this category generally have not been receiving the required periodic inspection since these cars are generally privately owned. As noted above there are several related reasons for the fact that only a small percentage of privately owned freight cars have been inspected to date. The commenters indicate that it will not be possible to accomplish the inspection of these tank cars in this time frame. Furthermore, even an attempt to comply will result in enormous disruption of the normal distribution of the type of commodities carried by these cars since there are often no other cars available to take the place of these specialized cars when they currently are removed from service

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for repair or inspection work. Many of these commenters indicated that in their judgment a four year extension is warranted for all private cars in general and these tank cars in particular. Several commenters expressed agreement with the concept that these cars should be examined on a priority basis and two commenters specifically endorsed the FRA proposal.

The portion of the proposed change that would require cars used to transport materials assigned the hazard class of "Poison A" or "Class A Explosive" was endorsed by four commenters. No commenters objected to this requirement.

After considering all of these comments FRA has decided to delete from the final rule that portion of the proposed rule which would have required that cars built prior to January 1, 1957 receive their initial periodic inspection before December 31, 1977. FRA has also decided to delete from the final rule the similar portion of the proposed rule that applied to freight cars used to transport "Flammable Gas". FRA stated in the NPRM that it was aware of the problems faced by the private car owners and lessees. That problem appears to be of sufficient magnitude to warrant providing a full two years for the completion of inspection effort on freight cars used to transport commodities assigned the hazard class of "Flammable Gas". Likewise, FRA has accepted the opinion of the commenters that differentiation between the deadlines for inspection of 20 year old cars and newer cars could impair the inspection of the entire fleet. Nevertheless, FRA encourages the owners of the two classes of cars to give high priority in scheduling this equipment for the initial periodic inspection.

The FRA has retained in the final rule, the portion of the proposed rule which requires that after December 31, 1977, cars used to transport materials assigned the hazard class of "Poison A" and "Class A Explosive" must be cars that have received their initial periodic inspection.

In summary, no new issues have been raised by the commenters. Each of the issues was basically covered by the notice of proposed rulemaking. The modifications of the proposed rule which will delete the portions of the proposal that were particularly troublesome to the commenters and the resolution of the problems surrounding the periodic inspection of privately owned freight cars should permit the completion of all initial periodic inspections before January 1, 1979.

In consideration of the foregoing, Chapter II to Title 49, Code of Federal Regulations, Part 215 is amended as follows:

1. By revising the introductory portion of paragraph (b), paragraph (c) (7) and paragraph (e) (1) (i) of § 215.11 to read as follows:

§ 215.11 Stenciling.

* * * * *

(b) After December 31, 1974, each railroad freight car described in § 215.225 (a) which has received its initial periodic inspection under § 215.25 or which the railroad knows, or has notice, that it is described under § 215.225, and after December 31, 1978, every car described in § 215.225(a), must be stenciled or otherwise display in clearly legible letters on each side as follows:

* * * * * *

(c) * * *

(7) After December 31, 1978, except for a car originally constructed or reconditioned within the period required by § 215.25 for periodic inspection, the symbol "INSP" followed by—

* * * * *

(e) * * *

(1) * * *

(i) After December 31, 1978, inspected as prescribed by § 215.27 unless stenciling or other display under paragraph (c) (7) of this section indicates that the car otherwise complies with the inspection requirements of § 215.25; and

* * * * * *

2. By revising § 215.25 to read as follows:

§ 215.25 Periodic inspection required.

(a) After December 31, 1977, a railroad may not operate a railroad freight car to transport materials assigned the hazard class of "Poison A" or "Class A Explosive" in § 172.101 of Chapter I of this title unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000 miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(c)(6).

(b) After December 31, 1978, a railroad may not operate a railroad freight car unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000 miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(a)(6).

(c) For the purpose of this section, a "high utilization car" is a car—

(1) Specifically equipped to carry trucks, automobiles, containers, trailers, or removable trailer bodies for the transportation of freight; or

(2) Assigned to a train which operates in a continuous round trip cycle between the same two points.

(d) Before June 1, 1974, each railroad that is in operation on January 1, 1974, and has in service railroad freight cars to which this part applies shall submit to the Federal Railroad Administrator for approval under § 215.29 three copies of a program to bring all those cars into compliance with paragraphs (a) and (b) of this section by January 1, 1977. Each railroad that commences operations after January 1, 1974, shall submit a program to the Administrator for approval at least 90 days before the date it commences operations. Each program submitted to the Administrator for approval must include procedures to be followed by inspection personnel to assure compliance with all applicable requirements of this part.

3. By revising § 215.223(c) to read as follows:

§ 215.223 Prohibited cars.

* * * * *

(c) December 31, 1978.

4. By revising the introductory portion of paragraph (b) of § 215.225 to read as follows:

§ 215.225 Restricted cars.

* * * * *

(b) Subject to the requirements of paragraph (d) of this section, a railroad may operate railroad freight cars described in paragraph (a) of this section only under conditions approved by the Federal Railroad Administrator, after December 31, 1974, if the car has received its initial periodic inspection under § 215.25 or the railroad knows or has notice that the car is equipped with the design or component; or December 31, 1978. Petitions for approval must be submitted to the Administrator in triplicate at least 90 days before the date the approval is requested to become effective. Each petition for approval must state:

* * * * *

(Sec. 202, 84 Stat. 971, (45 U.S.C. 481) and § 1.49(n) of the regulations of the Secretary of Transportation 49 CFR 1.49(n).)

This amendment is effective November 15, 1976.

Issued in Washington, D.C., on September 29, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-29242 Filed 10-5-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Ex Parte No. 285; Investigation and Suspension Docket No. 8701]

PART 1254—MAINTENANCE OF RECORDS PERTAINING TO DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL CHARGES BY RAIL COMMON CARRIERS OF PROPERTY

Notification of Unloaded Car, by Consignee to Railroad

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of September 1976,

Upon consideration of the record in the title proceeding, including the Notice of Proposed Rulemaking and Order of July 24, 1972 (37 FR 18085), the statements of facts, arguments, and views filed by respondent railroads and their agents, by the Bureau of Enforcement of this Commission, and by interested persons including weighing, inspection and demurrage bureaus, shippers, and governmental agencies, and the replies thereto; and upon consideration of the record in the embraced proceeding including the report and order of the Commission entered December 8, 1972, and the order entered October 10, 1973;

It appearing, That the rule proposed in the embraced proceeding and currently effective, as amended herein, has been shown to be just and reasonable;

It further appearing, That in view of the evidence, including the proposed amendment to the tariff proposal at issue in Investigation and Suspension Docket No. 8701, *supra*, which is fully discussed in our report entered on the same date as this order and made a part hereof, and for the reasons stated in said report, certain regulations should be prescribed and the embraced proceeding should be discontinued;

Wherefore:

It is ordered, That Subchapter C, Chapter X, Title 49 of the Code of Federal Regulations be, and it is hereby, amended by the addition of Part 1254 as set forth below.

It is further ordered, That the respondents in the embraced proceeding be, and they are hereby, notified and required to cancel the schedules under investigation herein on or before 45 days from the date of service of this order, upon not less than 1 day's notice to this Commission and to the general public by filing and posting in the manner prescribed by the Commission under section 6 of the Interstate Commerce Act, without prejudice to the filing upon not less than 15 days' notice of schedules in conformity with the findings herein.

It is further ordered, That this order shall become effective 30 days from the date of service, and shall remain in full force and effect until modified or revoked in whole or in part by further order of the Commission.

It is further ordered, That compliance with the regulations prescribed herein shall be within 90 days from the service date of this order;

It is further ordered, That a copy of this order shall be served on all parties hereto.

It is further ordered, That the regulations adopted herein be published in the FEDERAL REGISTER and in the Code of Federal Regulations.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Amend Title 49 of the Code of Federal Regulations, Chapter X, Subchapter C, by adding new Part 1254 as follows:

Sec.
1254.01 General applicability.
1254.02 Records pertaining to freight cars.
1254.03 Demurrage and other detention of railroad freight cars.
1254.04 Disability rule.
1254.05 Detention of highway trailers and containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission.
1254.06 Exceptions.

AUTHORITY: The provisions of this Part 1254 are issued under 49 U.S.C. 1(4), 1(5), 1(6), 1(11), 1(13), 1(14), 1(15), 1(17), 1(21), 6(7), 13(4), 15(1), 20(1), 20(5), and 20(8), and 5 U.S.C. 553 and 559.

§ 1254.01 General applicability.

The rules and regulations of this part apply to demurrage, detention, and other related accessorial services for which rules, rates, or charges are named by common carriers of property by railroad in tariffs lawfully on file with the Interstate Commerce Commission.

§ 1254.02 Records pertaining to freight cars.

Every common carrier of property by railroad subject to the Interstate Commission Act shall make and maintain for each open station at which freight cars are loaded, unloaded, or held awaiting instructions from the shipper, records of all movements of freight cars which will readily show, with respect to each shipment, sufficient information to assess applicable freight charges and charges for detention, demurrage, storage, switching, weighing, inspection, car rental, refrigeration, whether included in regular detention, demurrage, storage, switching, rately stated, stopoff, reconsigning, or diversion charges, loading charges, and charges for other accessorial services, and support the granting of special allowances to shippers when such allowances are authorized by tariffs lawfully in effect. The above-described records shall be separately maintained for each base station and for each satellite or nonagency station assigned to it.

§ 1254.03 Demurrage and other detention of railroad freight cars.

(a) *Car report.* Every common carrier by railroad subject to the Interstate Commerce Act shall cause to be made, on a daily basis, a report which shall contain the following information:

(1) the date and time cars are placed at or removed from tracks serving each industry location of each consignor or consignee, including but not limited to industrial sidings, industrial interchange tracks, and public delivery (team) tracks;

(2) the engine number or train identification;

(3) the name of the employee making the report;

(4) the initial and number of each railroad freight car, and whether it was loaded or empty at the time placed or removed;

(5) whether each car was placed or removed; and

(6) the identification, by name or number, of each siding or team track and the spot location thereon.

The original of the report shall be forwarded at the end of each day to the employee or office maintaining demurrage records. This report need not be made by a terminal carrier acting as agent for a line-haul carrier provided that the report is made by the line-haul carrier.

(b) *Track checks.* Every common carrier by railroad subject to the Interstate Commerce Act shall cause to be made, by a qualified employee or agent, spot track checks. Track checks shall include a visual inspection which shall be made as near to 7:00 a.m. as possible, but not before, and which shall be completed by 11:59 a.m. Track checks shall be made of all locations at which cars are loaded, unloaded, or held awaiting instructions from shippers, including, but not limited to, industry sidings, industrial interchange tracks, holding tracks, inspection tracks, and public delivery (team) tracks. The following information shall be recorded and maintained:

(1) the date and time the track check is made;

(2) the name of the station;

(3) the name of the employee performing the check;

(4) the identification, by name or number, of each siding or track checked;

(5) the initial and number of each railroad freight car checked; and

(6) the status of the car at the time checked; that is, whether loaded, partially loaded or unloaded, or empty, and whether located (spotted) at a position accessible for loading or unloading.

Track checks shall be made on a regular basis but not in the same routine manner so that consignees and consignors can anticipate when they will be made. Track checks shall be made as frequently as is necessary to assure that sufficient information is available to the carrier to enable it to assess and collect all appli-

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cable charges and to assure the accuracy of information gathered and maintained in any automated or other data system.

(c) *Notification of unloading.* When a shipper or consignee furnishes notification to the carrier that a car is unloaded and available to the railroad and tariff provisions which provide that cars may be released from demurrage by means of telephone notification are lawfully on file with the Interstate Commerce Commission, the carrier shall record the following information with respect to each car released from demurrage by telephone notification:

(1) Name of shipper or consignee;

(2) Name of shipper's or consignee's employee giving such notification;

(3) Name of the carrier's employee receiving the notification;

(4) Car initial and number;

(5) Date and time notification is given to the railroad.

(d) *Notification of arrival, actual placement, or constructive placement.* Notification of arrival, actual placement, or constructive placement shall be given in writing by the carrier to the shipper or consignee with a copy thereof retained by the carrier. If by tariff exception a carrier provides for telephone notification of arrival, actual placement, or constructive placement of cars instead of written notification, the carrier shall maintain a record of the said telephone notification which shall include the following information:

(1) Name of the carrier's employee giving such notification;

(2) Name of the shipper or consignee receiving such notification;

(3) Name of the shipper's or consignee's employee receiving the notification;

(4) Car initial and number;

(5) Date and time notification is given to the shipper or consignee.

(e) *Car orders.* Car orders shall be recorded by the carriers in the manner required by rule 15 of the Code of Car Service Rules as prescribed by this Commission in Ex Parte No. 241 (49 CFR 1033.15). Where the carrier accepts written car orders from shippers, unsigned or undated car orders shall not be accepted.

(f) *Straight plan demurrage record.* A straight plan demurrage record shall be made by the carrier to record the status of all cars located within the jurisdiction of each agency station, except as otherwise provided in rules 1254.03 (g) and (h).

(g) *Average agreement demurrage record.* An average agreement demurrage record shall be kept by the carrier to record the status of all cars located within the jurisdiction of each agency station where prior average agreement contracts have been entered into between consignees or consignors, as the case may be, and the carrier pursuant to the provisions of applicable tariffs lawfully on file with this Commission.

(h) *Special detention records.* Special detention records shall be made by the carrier wherever special detention rules are named as an exception to the general demurrage rules in applicable tariffs governing the application of a particular rate or charge on a specific type of freight shipment.

(i) *Recording of tariff authority for special charges.* All shipping orders, bills of lading, waybills, and freight bills covering shipments subject to special detention rules, mechanical refrigeration charges, or other charges based on the detention of freight cars shall include a reference to the applicable tariff and item numbers naming the detention or refrigeration charges. The carrier shall record these references on the indicated documents at the time the shipment originates, if liability for such charges is known at that time. If the carrier does not know whether shipments will be subject to such charges at the point of origin, but liability therefore should subsequently arise, the carrier shall at that later time enter the applicable tariff references on the bills of lading or other shipping documents prepared at origin, or alternatively, shall execute and complete whatever supplemental documentation and billing is necessary to insure the assessment and collection of these charges, and shall indicate thereon the applicable tariff and item numbers on which such charges are based, in the manner prescribed in this rule.

(j) *Presentation of demurrage, detention, or refrigeration bills.* All bills for demurrage assessed against cars subject to straight plan demurrage, special detention, or refrigeration services computed on a time basis, shall be presented within 48 hours, exclusive of Saturdays, Sundays, and holidays, of the release of the individual cars. All bills for demurrage assessed on an average agreement basis shall be presented within 15 calendar days of the close of the month during which the demurrage accrued.

(k) *Preparation of bills at central points.* When carriers prepare bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stopoff, reconsigning, diversion, loading, or other accessorial services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect, at central billing or accounting points, copies of such bills or allowances shall be maintained by the carrier, and shall be available for inspection, at the same location at which are also maintained all other reports and records required to be made and maintained under this part.

§ 1254.04 Disability rule.

Common carriers of property by railroad subject to the jurisdiction of the Interstate Commerce Act shall make no allowance for weather interference, carrier or shipper error, strike interference, frozen or congealed lading, bunching of cars, runaround, or other disability conditions unless a claim is made therefor in writing by the consignor or consignee, as the case may be, and then only in compliance with the provisions of applicable tariffs lawfully filed with this Commission. Under no circumstances shall any such allowance be made or given unless the claim therefor is approved in writing by the officer of the carrier responsible for the proper assessment and/or collection of demurrage or other detention charges, or his authorized agent.

§ 1254.05 Detention of highway trailers and containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission.

Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain at each carrier facility where either highway trailers or containers transported in trailer-on-flatcar service (TOFC) or container-on-flatcar service (COFC) are received or delivered to shippers, shippers' agents, freight forwarders, or are exchanged or interchanged with either private, contract, or common motor carriers, including local drayage or cartage motor carriers, or by highway with other railroads, a record of all movements of highway trailers or containers which will readily show, with respect to each shipment, the information necessary to assess applicable freight charges and charges for detention; trailer-yard storage; drayage; trailer or container rentals; refrigeration, whether included in regular detention charges or separately stated; split pickup or delivery; delivery service; helper service; and other accessorial services.

§ 1254.06 Exceptions.

Nothing in this part shall apply to cars moving subject to Freight Tariff No. 8 Series (car demurrage rules on cars at coal mines); cars handled at ocean or Great Lakes ports when moving subject to special port demurrage rules named in tariffs lawfully on file with this Commission; nor on cars moving subject to Item 30 Series of General Car Demurrage Tariff No. 4 Series.

[FR Doc.76-29371 Filed 10-5-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Barnegat National Wildlife Refuge, New Jersey, to Hunting of Migratory Game Birds

On August 27, 1976, there was published in the FEDERAL REGISTER (41 FR 36211) a notice of proposed rulemaking adding Barnegat National Wildlife Refuge, New Jersey, to the list of refuge areas which are open for the hunting of migratory game birds. This list is published at 50 CFR 32.11. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that the opening of Barnegat National Wildlife Refuge to public hunting would not be contrary to the provisions of law applicable to the area, would be compatible with the principles of sound wildlife management, would be in the public interest and would not be detrimental to the objectives for which the area was established.

The public was provided a 30-day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection.

Two comments were received on the proposed rulemaking. One comment strongly supported the proposal. The other letter opposing the proposed hunt, expressed several concerns.

The two major concerns were: The conflicts with other public use activities and the potential killing and wounding of nongame species, especially raptors.

The Service has determined that the zoning by space and time requirements of various public use activities, reduces the conflicts to generally acceptable levels. The killing and wounding of nongame species is recognized. However, the loss of an individual or individuals of protected species results in only the temporary reduction in the population, and there are not known cases where regulations permitting migratory bird hunting have resulted in the long-term decrease in a protected species population level.

The number of endangered birds killed by migratory bird hunters is unknown; however, some loss is assumed to result from their activity because of known losses in intensively monitored species. From this information and with normal losses due to natural causes, it is concluded that losses from hunters are not likely to affect long-term perpetuation of any endangered species.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that the hunting of migratory game birds on Barnegat National Wildlife Refuge, New Jersey, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Because of the time limitations involved with the rapid approach of the State hunting season which opens October 9, and that it would be contrary to the public interest to delay the opening of the refuge, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedure Act to expedite the implementation of this rulemaking. Therefore, this rule will become effective on October 9, 1976.

Accordingly, the proposed rule is hereby adopted without change and § 32.11 is amended as set forth below:

§ 32.11 List of open areas; migratory game birds.

NEW JERSEY

BARNEGAT NATIONAL WILDLIFE REFUGE

Effective Date: October 9, 1976.

Dated: October 1, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.76-29285 Filed 10-5-76;8:45 am]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on October 6, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 6 through December 5, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as "Area A" which are available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah, 84138. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) *Steel shot.* The exclusive use of steel shot is required on all days in Area "A" for the entire season. Possession of lead shot on the refuge hunting area is prohibited.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of roadways.

(3) *Hunter Check Station.* Each hunter who enters Area "A" is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of Travel.* To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1976.

NED I. PEABODY,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

SEPTEMBER 29, 1976.

[FR Doc.76-29295 Filed 10-5-76;8:45 am]

PART 32—HUNTING

Wassaw Island National Wildlife Refuge, Georgia

The following special regulations are issued and are effective on November 11, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

WASSAW ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer and raccoon on Wassaw Island National Wildlife Refuge, Georgia, is permitted on the area designated as Wassaw Island proper excluding that area known as the "Home Parcel." This open area, comprising 1,705 acres, is delineated on a map available at Refuge Headquarters, Route 1, Hardeeville, South Carolina 29927, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of deer and raccoon, subject to the following special conditions:

(1) Season: November 11, 12, and 13, 1976.

(2) Bag limit: Two deer of either sex.

(3) During the periods from daylight to 9:30 a.m. and from 3:30 p.m. until sunset daily all hunters must remain on stands.

(4) Weapons: Archery equipment in accordance with State regulations. Firearms prohibited.

(5) Dogs are prohibited.

(6) Camping and fires authorized only in designated area on Pine Island.

(7) Permit holders must check in at Wassaw Refuge Headquarters and leave their boats at the refuge dock.

(8) The refuge will be closed to all forms of public use except hunting from November 11–13, 1976.

(9) Participants may not enter the refuge more than one day prior to the hunt. Hunters will be restricted to the camping area until the morning of November 11, 1976.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(11) Blazing, driving spikes in, painting, applying tape to, or damaging trees and shrubbery in any manner is prohibited. Hunting stands which will damage trees are not allowed.

(12) A refuge permit is required to hunt and camp. Permits are non-transferrable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part

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32, and are effective through November 13, 1976.

CRAYTON J. LANKFORD,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 28, 1976.

[FR Doc.76-29293 Filed 10-5-76;8:45 am]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on October 6, 1976.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84138. Sport fishing extends from January 1 through December 31, 1977, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

NED I. PEABODY,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

SEPTEMBER 29, 1976.

[FR Doc.76-29294 Filed 10-5-76;8:45 am]

PART 32—HUNTING

Barnegat National Wildlife Refuge, N.J.

The following special regulations are issued and are effective from October 6, 1976 through January 31, 1977.

§ 32.12 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

NEW JERSEY

BARNEGAT NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl and coots on the Barnegat National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated on maps available at refuge headquarters, Oceanville, New Jersey, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) On opening days, Saturdays and holidays a Federal permit will be required.

(2) No permanent blinds or pit blinds may be constructed.

(3) The use of steel shot ammunition on the refuge hunting area is required—shotshell limit 25 rounds per hunter per day. No person may have more than 25 steel shotshells or any lead shotshells in their possession while hunting waterfowl.

(4) Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

G. C. BALZER, JR.,
Acting Regional Director, U.S.
Fish and Wildlife Service.

SEPTEMBER 24, 1976.

[FR Doc.76-29608 Filed 10-5-76;12:05 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Opening of Hillside National Wildlife Refuge, Mississippi, to Hunting of Upland Game

Notice is hereby given that it is proposed that 50 CFR Part 32 be amended by the addition of the Hillside National Wildlife Refuge, Mississippi, to the list of refuge areas open for the hunting of upland game, which is published at 50 CFR 32.21.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director may open refuge areas to public hunting upon a determination that it would be in accordance with provisions of all laws applicable to the area, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest and that such use is compatible with the major purposes for which such areas were established. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulations. It is the purpose of this rulemaking to allow the hunting of upland game on Hillside National Wildlife Refuge, which is presently prohibited.

Furthermore, pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C), an environmental assessment has been prepared on this proposal which will help determine whether this rulemaking constitutes a major federal action sigificantly affecting the human environment. A copy of this assessment is available at the address below.

Special circumstances are involved in the promulgation of this rulemaking which limit the time which the Service can allow for public comment. Specifically, because of budget limitations, the refuge was only recently posted and the public informed through news releases that the area was closed to trespass. It was not intended, however, to permanently close the area to regulated use such as the proposed hunting program. The State upland game season begins October 2, 1976. The proposed hunt appears to be noncontroversial and is strongly supported by the State. The Service has determined that it would be contrary to the public interest to delay the opening any longer than necessary and the comment period is therefore shortened to 10 days.

Nevertheless, it is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons may submit written comments, suggestions or objections regarding the proposal to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, by October 11, 1976. All relevant comments received will be considered by the Director prior to the issuance of a final rulemaking.

Accordingly, it is proposed to amend § 32.21 in Title 50 of the Code of Federal Regulations as set forth below:

§ 32.21 **List of open areas; upland game.**

MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

Dated: October 1, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-29286 Filed 10-5-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMAL PROTECTION ACT OF 1972

Definition of "Optimum Sustainable Population"

The National Marine Fisheries Service has recently completed extensive consultations with persons knowledgeable in the field of population dynamics, both within and without the Agency, and as a result of such consultation, proposes to clarify the term "optimum sustainable population," appearing in section 3(9) of the Marine Mammal Protection Act, by amending its regulations as follows.

Accordingly, it is proposed to amend § 216.3 of 50 CFR, Chapter II by adding the following after the definition of "native village or town" and before the definition of "pregnant": "Optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element. "Optimum sustainable population" is a range of population sizes between that population at which a given stock or species realizes its maximum net productivity and that population which is the largest supportable on the average within the ecosystem. Net productivity is the difference between reproduction and natural mortality. Maximum net productivity occurs at that population level at which the given stock or species adds the maximum number of animals to the population on a sustainable basis.

Public comment on this proposal may be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. Comments received on or before November 5, 1976, will be considered before the proposal is adopted as final.

Dated: September 30, 1976.

JACK W. GEHRINGER,
Deputy Director, National
Marine Fisheries Service.

[FR Doc. 76-29268 Filed 10-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 50]

[FRL 626-1]

MEASUREMENT OF PHOTOCHEMICAL OXIDANTS IN THE ATMOSPHERE

Calibration of Reference Methods

The Environmental Protection Agency (EPA) is considering proposal of certain amendments to Appendix D of 40 CFR Part 50, which specifies a measurement principle and calibration procedure for the measurement of photochemical oxidants in the atmosphere. Specifically in question is the prescribed calibration procedure, which is based on determination of ozone (O_3) with 1% neutral-buffered potassium iodide (NBKI). Subsequent to the promulgation of this calibration procedure on April 30, 1971 (36 FR 8186), evidence has accumulated which indicates that there are shortcomings with the NBKI procedure as presently specified, and that a revised version of the potassium iodide procedure or one or more other calibration procedures may be substantially superior to the current procedure. Accordingly, EPA intends to study and evaluate several alternative procedures for calibration of reference methods for photochemical oxidants (see Appendix A to this notice). If the results of these evaluations so indicate, EPA further intends to amend Appendix D of 40 CFR Part 50 to revise the NBKI procedure or to replace it with one or more alternative procedures. Technically, this would constitute a partial "supersession" of reference methods for photochemical oxidants under 40 CFR 53.16 ("Supersession of Reference Methods"), promulgated on March 17, 1976 (41 FR 11252). This course of action and the reasons for it are explained

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more fully below. Comments on any aspect of this matter are solicited. Note that the following is not proposed rulemaking, but merely an advance notice of intent; if rulemaking appears to be appropriate, a notice of proposed rulemaking will be published in a later issue of the FEDERAL REGISTER.

BACKGROUND

When EPA first promulgated the regulations now codified as 40 CFR Part 50 on April 30, 1971 (36 FR 8186), the NBKI calibration procedure specified in Appendix D to that part was considered to be the best available procedure for calibration of methods for measuring photochemical oxidants. Since then, considerable evidence has accumulated to indicate that the NBKI procedure, particularly when used under typical field conditions, results in significant degrees of bias, variability, or both. For example, in June 1974 the "California Air Resources Board Bulletin"(1) reported discrepancies of 25–35% between a 2% NBKI procedure (similar to the EPA-specified 1% NBKI procedure) and a 2% unbuffered postassium iodide titrimetric procedure. This led directly to other studies by EPA(2,3) and the California Air Resources Board(4) which indicated discrepancies and considerable variability between the 1% NBKI procedure and newly developed procedures based on gas phase titration (GPT) and ultraviolet absorption (UV).

As a result of these and other findings, a critical evaluation of the 1% NBKI procedure was conducted by EPA(5). The results indicated the procedure to be vulnerable to error in three major areas: (1) Type of absorber used, (2) purity of potassium iodide, and (3) time for maximum color development. These systematic errors can result in interlaboratory method variability as suggested by the results of an earlier collaborative study(6) in which a significant negative bias of 16 to 37 percent was reported.

Another possible source of the variability observed was identified as ambiguities in the description of the NBKI procedure as it appears in Appendix D of 40 CFR Part 50. In an effort to reduce variability due to this cause, EPA prepared and distributed through its Regional Offices a memorandum dated April 14, 1975, entitled "Clarification of Reference Method for Photochemical Oxidants."(7) In general, this memorandum was not intended to revise the procedure specified in Appendix D but simply to set forth EPA's interpretation of ambiguous provisions in Appendix D, to offer technical guidance on some points not explicitly addressed in Appendix D, and in these ways to help users obtain more uniform, precise, and accurate results with the procedure. For the convenience of users who wish to be guided by the memorandum pending the eventual revision or replacement of the NBKI procedure contemplated by this notice, interpretive and technical guidance based on this memorandum appears in Attachment B of this Notice. Although better results can be obtained with the current NBKI procedure by following the guidance provided in Appendix B of this notice, the procedure still appears to have considerable variability, particularly when used under typical field conditions. This variability limits the accuracy and precision of analyzers calibrated with the NBKI procedure and suggests the desirability of revising it or replacing it with one or more superior procedures.

It should be emphasized that EPA believes the problems discussed above are due specifically to deficiencies in the NBKI calibration procedure and not to deficiencies in the measurement principle (chemiluminescent reaction of O_3 with ethylene) specified in 40 CFR Part 50, Appendix D. Any comments suggesting replacement of that measurement principle should be directed to EPA in accordance with 40 CFR 53.16, promulgated March 17, 1976 (41 FR 11252), entitled "Supersession of Reference Methods."

OZONE CALIBRATION STANDARDS

Calibration of O_3 analyzers is complicated by the lack of Standard Reference Materials (SRM's) for O_3 analogous to those available from and certified by the National Bureau of Standards for sulfur dioxide (SO_2), nitric oxide (NO), and carbon monoxide (CO). The instability of O_3 prohibits the storage of O_3 standards for any practical length of time. Therefore, standard samples of O_3 in air for calibration of O_3 analyzers must be generated and analyzed at the time and place of use. Typically, O_3 concentrations are generated by means of a stable O_3 generator. These concentrations are assayed by some technique to determine the magnitude of the O_3 concentration and then used to calibrate the analyzer. The O_3 assay procedure may be based on one of several different primary standards. In the case of the NBKI procedure, the primary standard is arsenious oxide. Gas phase titration (GPT) procedures (see Attachment A) are based on an NO standard traceable to an NO SRM. Ultraviolet (UV) absorption procedures (Attachment A) are based on the well-established absorption coefficient of ozone at 254 nm.

Ideally, an O_3 analyzer should be calibrated in accordance with a procedure such as one of those given in Attachment A, where the generated O_3 concentrations are individually assayed at the time of the calibration. However, when the O_3 analyzer is located at a site where such an ideal calibration procedure is impractical to carry out, the O_3 analyzer could be calibrated with a transfer standard. One possible type of transfer standard is a stable, accurately calibrated ozone generator. Another type could be a stable, accurately calibrated ozone analyzer (used to assay the output of an ozone generator at the site). Any transfer standard used would have to be calibrated in accordance with Appendix D of 40 CFR Part 50 and would have to meet yet-to-be determined specifications as to stability, ruggedness, and repeatability. However such transfer standards would provide an important alternative to the otherwise required use of a procedure specified in Appendix D at field locations. This would permit consideration of more accurate and precise albeit more complex and expensive procedures for inclusion in Appendix D.

COMPARISON OF NBKI PROCEDURE WITH GPT AND UV PROCEDURES

As noted earlier, GPT techniques are based on an NO standard and UV techniques are based on the ultraviolet absorption coefficient of O_3. These standards are independent from each other and from the arsenious oxide standard used in the NBKI procedure. Calibration procedures based on GPT and UV, similar to the procedures in Attachment A, exhibit consistently good results. (4,8,9,10) A typical comparison by Paur, et al.(8) showed a regression equation slope of 1.001±0.007 for GPT versus UV photometry at O_3 concentration from 0.1 to 0.8 ppm. This demonstrates the very good precision in both procedures as well as the excellent agreement between the two entirely independent standards.

TABLE 1.—*Comparison of NBKI determinations with UV photometry or gas phase titration (GPT)*

Study	Referee procedure	Ratio [1]	O_3 concentration range (parts per million)	Relative humidity (percent)
Baumgardner et al.(2)	GPT	1.01±0.04	0.1–0.5	~0
Baumgardner, Paur(3)	GPT	1.05± .03	0.4	~0
Do.(3)	GPT	1.12± .04	0.4	40–60
CARB, El Monte(4)	UV	1.25	0.1–0.8	~50
Hodgeson(9)	UV	1.11± .01	0.05–10.0	~0
Beard(5)	GPT	1.08± .02	0.08–0.8	~0
Smith(11)	GPT	1.11± .02	0.2–0.4	~0

[1] Ratio of NBKI to referee procedure; tolerance limits are based on ±1 standard deviation.

In contrast, the results of several studies(2,3,4,5,6,9,11) by EPA and other laboratories comparing the 1% NBKI procedure with GPT and UV procedures are shown in Table 1. Here a substantially lower precision (greater variability) and evidence of positive bias can be seen. Since the GPT and UV procedures agree well with each other, the bias (ratio) errors are apparently in the NBKI procedure. Also, the bias varies considerably from one study to another, which suggests some sort of unknown laboratory-dependent variability. All of these data were obtained under carefully controlled conditions; in normal usage the 1% NBKI procedure may well be less precise than is suggested by Table 1.

Based on the evidence shown above indicating the apparent superiority of calibration procedures based on GPT and UV over the NBKI procedure, EPA intends to consider revising the NBKI procedure or replacing it with one or more alternative procedures as soon as testing and evaluation of candidate procedures can be completed.

INTENDED COURSE OF ACTION

EPA intends to pursue the course of action described below to determine whether the existing NBKI procedure should be revised or replaced by a new calibration procedure or procedures for measuring photochemical oxidants. Several preliminary steps have already been taken or are being taken with the publication of this notice. These are: (1) Compilation of available evidence of weaknesses in the NBKI procedure; (2) compilation of available data on performance, comparability, and suitability of alternate calibration procedures; (3) tentative selection of the best alternative procedures; (4) preparation of detailed working drafts of each of the alternative procedures based on latest available information; (5) publication of drafts of the alternative procedures (see Appendix A) and solicitation of comments and data; and (6) publication of interim technical guidance to improve the NBKI procedure, based on the EPA memorandum(7) referred to previously (see Attachment B).

Subsequent to these steps, EPA intends to undertake a comprehensive study of each of the alternative procedures set forth in Appendix A as well as any other procedures which appear favorable.[1] These studies will includes both laboratory and field evaluations and will investigate such aspects as the specification of critical parameters, overall accuracy, suitability for field and laboratory use, complexity, cost of equipment, and comparability. An important part of these studies will be the evaluation of comments and other information submitted by user agencies and other interested persons. Also to be considered are the advantages and ramifications of prescribing two or more calibration procedures rather than one.

If the results of these evaluations so indicate, EPA intends to propose appropriate amendments as necessary to Appendix D of 40 CFR Part 50 to revise the 1% NBKI procedure or to replace it with one or more alternate procedures. If any of the procedures set forth in Attachment A are selected for such proposed rulemaking, those procedures will be revised as appropriate based on the evaluations, comments, and any other available information. The revised procedures will then be published in the FEDERAL REGISTER as a proposed amendment to Part 50 and interested persons or agencies will again be afforded an opportunity to comment on the proposed procedures or on any part of the proposed amendment to Part 50. Following consideration of any comments or information received pertinent to this proposed amendment, the amendment would be revised as appropriate and promulgated by republication in the FEDERAL REGISTER.

As indicated previously, this course of action would technically constitute a partial "supersession" of reference methods for photochemical oxidants under 40 CFR 53.16 ("Supersession of Reference Methods"), promulgated on March 17, 1976 (41 FR 11252). This would ordinarily require cancellation of existing reference and equivalent method designations applicable to methods of measuring photochemical oxidants (see 40 CFR 53.16(e)). In this case, however, the only change contemplated in Appendix D is revision or replacement of the calibration procedure presently specified. This would not affect the design or performance characteristics of existing reference methods for oxidants, although it would require appropriate changes in the applicable operation manuals. Accordingly, rather than proposing to cancel the designations applicable to such methods, EPA would propose to provide a reasonable time for the manufacturers to revise their operation manuals, for EPA to review and approve the revised manuals, and for users of such methods to obtain and follow the revised manuals. This would presumably avoid the necessity of cancelling any of the existing reference method designations. Because no equivalent methods have been designated as yet, the question of cancelling equivalent method designations may not arise.

It should also be noted that certain criteria govern supersession of reference methods under 40 CFR 53.16, including, for example, the potential economic consequences of such action for State and local air pollution control agencies (see 40 CFR 53.16 (a) and (b)). Although comments on these considerations may be premature pending publication of a notice of proposed rulemaking in this matter, any such comments are invited and will be carefully considered.

ALTERNATE PROCEDURES UNDER CONSIDERATION

As noted earlier, Attachment A contains several alternate O_3 calibration procedures. These procedures, as they appear in Attachment A below and as they would be structured if included in Part 50, are written to provide only the formal procedure and essential technical specifications necessary for (1) experienced users to carry out the procedure adequately and (2) equipment manufacturers to produce suitable apparatus for such procedures. For less experienced users who require additional information, EPA intends to publish supplemental guidance for each procedure in the form of "Technical Support Documents." These supplemental documents will provide background and explanatory information on the procedure, the rationale for the specifications, and detailed guidance on how to set up a practical apparatus to carry out the procedure. This approach (separate publication of specifications and supplemental information) has been used in the recently proposed calibration procedure applicable to reference methods for NO_2 (FEDERAL REGISTER, Vol. 41, March 17, 1976, page 11258). Comments on this approach are specifically solicited.

Each of the alternative procedures presented in Appendix A below has certain advantages and disadvantages. For example, Alternative A (GPT with excess NO) is relatively well developed and a similar procedure will likely be in common use for calibration of NO_2 analyzers (40 FR 11258, March 17, 1976). The procedure is based on available NO standards, which can serve double duty in generating NO_2 standards as well. However, the procedure requires an NO analyzer, which may not be readily available when calibrating O_3 analyzers. In addition, the procedure is somewhat complex and requires accurate measurement of several gas flow rates.

The ultraviolet procedure (Alternative B) has the advantage that the procedure is quite easy to carry out, uses a physical measurement, and requires no other gases or critical flow measurements. The measurement is based on the absorption coefficient of O_3 at 254 nm, which has been well established by independent determinations. However, the procedure as applied to the calibration of O_3 analyzers is relatively new and not in general use in the air monitoring community and has not been used extensively to measure ozone in the sub-ppm range needed for ambient ozone analyzer calibration. Relatively little field experience has been accumulated.

The procedure in Alternative C (GPT with excess ozone) is similar to Alternative A but has the advantage that it does not require an NO analyzer. However, this procedure may be more difficult to carry out than Alterantive A, and is still under development.

EPA wishes to emphasize that the procedures appearing in Attachment A below are presented only for the purpose of soliciting comments. Some sections of the procedures are untested or still under development and the Technical Support Documents associated with the procedures have not yet been prepared.

INTERIM USE OF NBKI AND OTHER CALIBRATION PROCEDURES

During the period from the time of the publication of this notice until the final promulgation of appropriate amendments to Appendix D of 40 CFR Part 50, air monitoring agencies are strongly encouraged to follow EPA's interpretation of the NBKI calibration procedure, as reflected in Attachment B of this notice, to calibrate ozone analyzers used for purposes of air quality surveillance under 40 CFR 51.17(a). If followed carefully, EPA's supplemental guidance should minimize some of the variations which have been encountered. The use of other interpretations of the procedures is strongly discouraged. No attempts should be made to correct or adjust previously obtained data because the deficiencies of the 1% NBKI calibra-

[1] Since this notice was written, EPA has learned of a new potassium iodide procedure (using a boric acid buffer) which shows great potential as a candidate alternative procedure and which will be included in the intended studies.

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tion procedure are not consistent from one laboratory to another, making the determination of an acceptable adjustment factor applicable to all data impractical.

Agencies which conduct special air monitoring studies or otherwise collect data for purposes other than 40 CFR 51.17(a) and consider the 1% NBKI procedure inadequate for their needs are encouraged to use a calibration procedure similar to one of the alternative procedures described in Attachment B of this Notice. Such agencies are invited to participate in the evaluation of these procedures by submitting to EPA information obtained from their use of the procedures. Where possible, this information should include details of the procedure as used by the agency, traceability of standards, and the comparability of the data obtained to data obtained by following EPA's interpretation of the 1% NBKI procedure, as reflected in Attachment B of this notice.

Interim Applications for Equivalent Method Determinations

By definition, reference methods for measuring photochemical oxidants must be calibrated by the procedure described in Part 50, Appendix D (see 40 CFR 53.1(e), 53.2(b)). Until such time as that appendix is amended, the 1% NBKI procedure must be the basis for such reference method calibrations. As noted earlier, EPA strongly encourages users to follow EPA's interpretation of the procedure as reflected in Attachment B of this notice.

By contrast, equivalent methods need not be calibrated by the 1% NBKI procedure. However, to be designated as an equivalent method, a candidate method must demonstrate a consistent relationship to a reference method in accordance with the requirements of Part 53 (see 40 CFR 53.3). Since the reference method used for the required tests must be calibrated with the NBKI procedure, there is a possibility that a candidate method calibrated by other means may fail the tests due to possible bias or variability in the NBKI procedure, even when EPA's interpretation of it is followed.

Revision or replacement of the 1% NBKI procedure, as contemplated by this notice, should eliminate the above problem. In the interim, if a candidate equivalent method fails the Part 53 consistent relationship tests and the failure appears to result from this problem, EPA suggests that the applicant consider modification of the candidate method to prescribe the 1% NBKI calibration procedure as interpreted by EPA.

Effect on National Ambient Air Quality Standard for Photochemical Oxidants

EPA has considered the question whether a change in the calibration procedure might affect either the validity or magnitude of the national primary and secondary ambient air quality standard for photochemical oxidants. Currently, EPA believes that revision of the existing NBKI procedure or replacing it with one or more of the alternative procedures given in Attachment A of this notice would require no revision of the standard for the following reasons. While a number of the studies comparing NBKI with GPT and UV show a positive bias, at least one study (6)[2] shows a negative bias. In any event, because of the variability in the NBKI procedure, the exact magnitude of any bias which may exist cannot accurately be determined. Thus no precise quantitative factor is available for use as a basis for revision of the standard. (For the same reason, no factor is available to "correct" or "adjust" previously obtained data.) On the other hand, the comparative studies suggest that the bias between the NBKI procedure and the GPT and UV procedures does not exceed about 10 percent. This degree of bias is not sufficient to warrant revision of the standard and is adequately accounted for within the margin of safety included in the standard at the time of promulgation (36 FR 8186, April 30, 1971). EPA will continue to study health and other effects related to ozone and other photochemical oxidants, using any new calibration procedures which may be promulgated. If any evidence becomes available to indicate that revision of the standard should be considered, EPA will address the issue at that time.

Comments on any of the alternative calibration procedures presented in Appendix A below or on any aspect of EPA's intended action in this matter, including suggestions that procedures other than those described in Attachement A be investigated, are solicited from interested persons or agencies. Such written comments should be submitted in triplicate to the Director, Environmental Monitoring and Support Laboratory, Department E, MD–76, Research Triangle Park, North Carolina 27711. All relevant comments postmarked on or before November 22, 1976, will be considered. All comments received will be available for public inspection during normal business hours at the address specified above as well as at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW, Washington, DC 20460.

Wilson K. Talley,
Assistant Administrator
for Research and Development.

September 21, 1976.

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(2) R. Baumgardner, K. Rehme, R. Paur, W. A. McClenny, and R. K. Stevens, "Ozone Calibration Study," EPA Internal Report, National Environmental Research Center, Research Triangle Park, North Carolina, November, 1974.

(3) R. Baumgardner and R. Paur, "Effects of Relative Humidity on Neutral-Buffered Potassium Iodide Determination of Ozone," EPA Internal Report, National Environmental Research Center, Research Triangle Park, North Carolina, June, 1975.

(4) W. DeMore, "Intersgency Comparison of Iodometric Methods for Ozone Determination," Presented at the ASTM, EPA, NBS Symposium on Calibration in Air Monitoring, Boulder, Colorado, August, 1975.

(5) M. E. Beard, J. H. Marr[illegible], and F. C. Ellis, "An Evaluation of the One Percent Neutral Buffered Potassium Iodide Procedure Used for Calibration of Ozone Monitors," Quality Assurance Branch, Environmental Monitoring and Support Laboratory, Research Triangle Park, North Carolina (to be published).

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(7) J. B. Clements, "Clarification of Reference Method for Photochemical Oxidants," EPA Memorandum, Methods Standardization and Performance Evaluation Branch, Quality Assurance and Environmental Monitoring Laboratory, National Environmental Research Center, Research Triangle Park, North Carolina, April 14, 1975.

(8) R. Paur, W. A. McClenny, and R. K. Stevens, "Comparison of UV Photometry and Gas Phase Titration as Candidate Methods for Absolute Calibration of Ozone Generator Output in the Sub-part-per-million Range," Presented at the ASTM, EPA, NBS Symposium on Calibration in Air Monitoring, Boulder, Colorado, August, 1975.

(9) J. A. Hodgeson, C. L. Bennett, H. L. Kelly, and B[illegible]A. Mitchell, "Ozone Measurements by Iodometry, Ultraviolet Photometry and Gas Phase Titration," Presented at the ASTM, EPA, NBS Symposium on Calibration in Air Monitoring, Boulder, Colorado, August, 1975.

(10) J. E. Higuchi, F. K. V. Leh, and R. D. MacPhee, "Comparison of Oxidant Measurement Methods, Ultraviolet Photometry, and Moisture Effects," Presented at the APCA Technical Speciality Conference on "Ozone/Oxidants—Interaction with the Total Environment," Dallas, Texas, March, 1976.

(11) C. F. Smith and L. J. Purdue, "Comparison of NO_2 Calibration Techiques," EPA Internal Report, National Environmental Research Center, Research Triangle Park, North Carolina, December, 1974.

[2] While this collaborative study included both the chemiluminescent measurement principle as well as the NBKI calibration procedure, extensive experience with chemiluminescent analyzers suggests that substantial bias in the measurement principle is very unlikely. Thus, the bias reported probably arises in the NBKI calibration procedure.

Attachment A

ALTERNATE A—TENTATIVE CALIBRATION PROCEDURE USING GPT WITH EXCESS NO

ALTERNATE B—TENTATIVE CALIBRATION PROCEDURE USING UV PHOTOMETRY

ALTERNATE C—TENTATIVE CALIBRATION PROCEDUBE USING GPT WITH EXCESS O_3

Alternate A—Tentative Calibration Procedure Using Gas Phase Titration With Excess NO

Major equipment required: Stable ozone generator, Chemiluminescent NO analyzer, with strip chart recorder, NO concentration standard.

1. *Principle.* 1.1 The calibration procedure is based upon the rapid gas phase reaction between nitric oxide (NO) and ozone (O_3) as described by the following equation:(*1*)

$$NO+O_3 \rightarrow NO_2+O_2 \quad (1)$$

When O_3 is added to excess NO in a dynamic system, the decrease in NO concentration is equal to the concentration of O_3 added. The NO is obtained from a standard NO cylinder and O_3 is produced by a stable O_3 generator. A chemiluminescence NO analyzer is used to measure the change in NO concentration. The concentration of O_3 added may be varied to obtain calibration concentrations over the range desired. The dynamic system is designed to produce locally high concentrations of NO and O_3 in the reaction chamber, with subsequent dilution, to insure complete O_3 reaction with relatively small chamber volumes.

1.2 This procedure may be used either to calibrate an O_3 analyzer directly, or (more commonly) to calibrate an O_3 generator. In the latter case, the O_3 generator is normally used immediately after calibration and without physical movement, and is recalibrated prior to each use. If the O_3 generator is to be used at other times without recalibration or at other locations as a transfer standard, it must meet the requirements and specifications set forth in Reference (*2*), "Transfer Standards for Ozone Concentrations."

1.3 When this procedure is used directly to calibrate an O_3 analyzer, the O_3 concentration is first established by gas phase titration, then the NO flow is diverted to allow the O_3 concentration to pass to the output manifold.

2. *Apparatus.* Figure 1, a schematic of a typical GPT apparatus, shows the suggested configuration of the components listed below. All connections between components in the calibration system downstream from the O_3 generator should be glass or Teflon®. Additional information regarding the assembly of a GPT calibration apparatus is given in Reference (*3*).

2.1 *Air flow controllers.* Devices capable of maintaining constant air flow within ±2%.

2.2 *No flow controller.* A device capable of maintaining constant NO flow within ±2%. Component parts in contact with the NO must be of a non-reactive material.

2.3 *Air flowmeters.* Properly calibrated flowmeters capable of measuring and monitoring air flows within ±2%.

2.4 *NO flowmeter.* A properly calibrated flowmeter capable of measuring and monitoring NO flows within ±2%. (Rotameters have been reported to operate unreliably when measuring low NO flows and are not recommended.)

2.5 *Pressure regulator for standard NO clylnder.* This regulator must have non-reactive internal parts and a suitable delivery pressure.

2.6 *Ozone generator.* Capable of generating stable levels of O_3 over the range and flow rates required (see 4).

2.7 *Reaction chamber.* A glass chamber for the quantitative reaction of O_3 with excess NO. The chamber should be of sufficient volume (V_{RC}) such that the residence time (t_R) is as specified in 4. For practical reasons, t_R should be less than 2 minutes.

2.8 *Mixing chamber.* A glass chamber of proper design to provide thorough mixing of reaction products and diluent air. The residence time is not critical when the dynamic parameter specifications given in 4 are met.

2.9 *Output manifold.* The output manifold should be constructed of glass or Teflon® of sufficient diameter to insure a minimum pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

2.10 *Chemiluminescence NO analyzer.* The NO channel of a chemiluminescence $NO/NO_2/NO_x$ analyzer which essentially meets the (proposed) performance requirements for reference and equivalent methods for NO_2 (Federal Register, Vol. 41, March 17, 1976, page 11264) may be used.

3. *Reagents.* 3.1 *NO concentration standard.* Cylinder containing 50 to 100 ppm NO in N_2. This standard must be traceable to a National Bureau of Standards NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684) or NO_2 Standard Reference Material (SRM 1629). The cylinder (working standard) should be recertified on a regular basis as determined by the local quality control program (See Reference (*3*).)

3.2 *Zero air.* Air, free of contaminants which will cause a detectable response on the NO or O_3 analyzer or which might react with either NO or O_3 in the gas phase titration. A procedure for generating zero air is given in Reference (*3*). When calibrating a transfer standard, zero air should be obtained from an ambient air source, as other sources of air may vary in oxygen content, which would affect the accuracy of the transfer standard.

4. *Dynamic parameter specifications.* 4.1 The residence time (t_R) in the reaction chamber and the gas flows (F_O and F_{NO}) (see Figure 1) must be adjusted according to the following relationships:

$$P_R=[NO]_{RC}\times t_R \geq 3.75 \text{ ppm-minutes} \quad (2)$$

$$[NO]_{RC}=[NO]_{STD}\left(\frac{F_{NO}}{F_O+F_{NO}}\right) \quad (3)$$

$$t_R=\frac{V_{RC}}{F_O+F_{NO}}<2 \text{ minutes} \quad (4)$$

where:

P_R=Dynamic specification, determined empirically, to insure complete reaction of the available O_3, ppm-minutes

$[NO]_{RC}$=NO concentration in the reaction chamber, ppm

t_R=Residence time in the reaction chamber, minutes

$[NO]_{STD}$=Concentration of the undiluted NO standard, ppm

F_{NO}=NO flow, scm³/min

F_O=Ozone generator air flow, scm³/min

V_{RC}=Volume of the reaction chamber, scm³

4.2 These parameters may be selected according to the following sequence:

(a) Determine F_T, the total flow required at the output mainfold (F_T=analyzer(s) demand plus 10% to 50% excess).

(b) Establish [NO]OUT as the highest NO concentration (ppm) which will be required at the output manifold. [NO]OUT should be approximately equivalent to 90% of the upper range limit (URL) of the O_3 concentration range to be covered.

(c) Determine F_{NO} as

$$F_{NO}=\frac{[NO]_{OUT}\times F_T}{[NO]_{STD}} \quad (5)$$

(d) Select a convenient or available reaction chamber volume. Initially, a trial V_{RC} may be selected to be in the range of approximately 200 to 500 scm³.

(e) Compute F_O as

$$F_O=\sqrt{\frac{[NO]_{STD}\times F_{NO}\times V_{RC}}{3.75}}-F_{NO} \quad (6)$$

(f) Compute t_R as

$$t_R=\frac{V_{RC}}{F_O+F_{NO}} \quad (7)$$

Verify that t_R<2 minutes. If not, select a reaction chamber with a smaller V_{RC}.

(g) Compute F_D as

$$F_D=F_T-F_O-F_{NO} \quad (8)$$

where:

F_D=Diluent air flow, scm³/min

(h) If F_O turns out to be impractical for the desired system, select a reaction chamber having a different V_{RC} and recompute F_O and F_D. For a more detailed discussion of these requirements and other related considerations as well as example calculations, refer to Reference (*3*).

5. *Procedure.* 5.1 Assemble a dynamic calibration system such as shown in Figure 1.

5.2 Establish the dynamic parameters as indicated in 4.

5.3 Insure that all flowmeters are properly calibrated under the conditions of use against a reliable standard such as a soap-bubble meter or wet-test meter traceable to NBS. All volumetric flowrates should be corrected to 25° C and 760 torr. A detailed discussion on proper calibration of flowmeters is given in Reference (*3*).

5.4 Precautions must be taken to remove O_3 and other contaminants from the NO pressure regulator and delivery system prior to the start of calibration to avoid any conversion of the standard NO to NO_2. Failure to do so can cause significant errors in calibration. This problem may be minimized by (1) carefully evacuating the regulator, when possible, after the regulator has been connected to the cylinder and before opening the cylinder valve; (2) thoroughly flushing the regulator and delivery system with NO after opening the cylinder valve; (3) not removing the regulator from the cylinder between calibrations unless absolutely necessary. Further discussion of these procedures is given in Reference (*3*).

5.5 Adjust the diluent air and O_3 generator air flows to obtain the flows determined in step 4.2. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air is pulled into the manifold vent.

5.6 Calibration of the NO analyzer. 5.6.1 Allow sufficient time for the NO analyzer to warm-up and stabilize.

5.6.2 Allow the NO analyzer to sample zero air until a stable NO response is obtained, and make the proper zero adjustments.

5.6.3 Adjust F_{NO} to obtain output concentration of approximately 80% of the upper range limit (URL) of the NO range. The exact concentration is calculated from:

$$[NO]_{OUT}=\frac{F_{NO}\times[NO]_{STD}}{F_{NO}+F_O+F_D} \quad (9)$$

where:

$[NO]_{OUT}$=Diluted NO concentration at the output manifold, ppm

Sample this NO concentration until the NO analyzer response has stabilized. Adjust the NO span control to obtain a convenient recorder response as indicated below:

recorder response (percent scale)

$$=\frac{[NO]_{OUT}}{URL}\times 100 \quad (10)$$

where:

URL=Upper range limit of the NO analyzer, ppm

Record the NO concentration and the analyzer response. The NO analyzer should be spanned to the same range as that of the O_3 analyzer to be calibrated. If substantial adjustment of the span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 5.6.2. and 5.6.3.

5.6.4 Generate several additional NO concentrations (at least five are suggested to verify linearity) by decreasing F_{NO} or increasing F_O. For each NO concentration, calculate the exact NO concentration generated using equation (9) and record the analyzer response. Plot the analyzer response versus the calculated NO concentration and draw the NO calibration curve. This plot should be linear. For subsequent calibrations, this curve may be verified with a two-point calibration.

5.7 *Calibration of the ozone generator.* 5.7.1. Adjust F_O, F_{NO}, and F_D as determined in step 4.2 and generate an NO concentration near 90% of the URL of the NO range. Using the NO analyzer and calibration curve obtained in step 5.6.4, measure and record this NO concentration as $[NO]_{orig}$.

5.7.2 Adjust the O_3 generator to generate sufficient O_3 to produce a decrease in NO concentration equivalent to approximately 80% of the URL. The O_3 concentration must not exceed 90% of the available NO concentration.

5.7.3 Calculate the corresponding O_3 concentration as

$$[O_3]_{OUT}=([NO]_{orig}-[NO]_{rem})\cdot\left(\frac{F_O+F_{NO}+F_D}{F_O+F_D}\right) \quad (11)$$

where:

$[O_3]_{OUT}$=O_3 concentration at the output manifold when F_{NO}=0, ppm

$[NO]_{orig}$=Original NO concentration, ppm

$[NO]_{rem}$=NO concentration remaining after addition of O_3, ppm

Record this O_3 concentration and the corresponding generator settings.

5.7.4 Adjust the O_3 generator settings to obtain other O_3 concentrations over the desired range, using equation (11) to calculate the corresponding O_3 concentrations (5 or more calibration points are recommended). Plot the O_3 concentration versus the generator settings and draw the O_3 generator calibration curve.

5.8 *Calibration of the ozone analyzer.* 5.8.1 Allow sufficient time for the O_3 analyzer to warm-up and stabilize.

5.8.2 Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the O_3 analyzer's zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".

5.8.3 Using the O_3 generator as calibrated above, and the same F_O and F_D, generate an O_3 concentration near 80% of the desired URL of the analyzer.

5.8.4 Allow the O_3 analyzer to sample this O_3 concentration until a stable response is obtained. Adjust the analyzer's span control to obtain a convenient recorder response as indicated below:

recorder response (percent scale)

$$=\left(\frac{[O_3]_{OUT}}{URL}\times 100\right)+Z \quad (12)$$

where:

URL=Upper range limit of the O_3 analyzer, ppm

Z=Recorder response with zero air, % scale

Record the O_3 concentration and the analyzer response. If substantial adjustment of the span control is necessary, recheck the zero and span adjustments by repeating steps 5.8.2 and 5.8.4.

5.8.5 Generate several other O_3 concentrations (at least 5 others are recommended) over the scale range of the analyzer by adjusting the O_3 generator settings (preferably the same settings as used in step 5.7.4). For each O_3 concentration, allow for a stable analyzer response, then record the response and the corresponding O_3 concentration.

5.8.6 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

5.8.7 *Option 1:* The various O_3 concentrations required in step 5.8.5 may be obtained by dilution of the O_3 concentration generated in step 5.8.3. In this case, F_D is increased to various values to decrease the O_3 output concentration, which is calculated as

$$[O_3]'_{OUT}=[O_3]_{OUT}\left(\frac{F_O+F_D}{F_O+F'_D}\right) \quad (13)$$

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where:
F_D = The new diluent air flow, scm³/min.
Since only one O_3 generator setting is used, the generator need be calibrated only at that setting. Or, $[O_3]_{OUT}$ may be calculated from equation (11) without actually calibrating the O_3 generator, if the setting is not changed from that used in steps 5.7.2 and 5.7.3.

5.8.8 *Option; 2* The O_3 analyzer may be calibrated "directly" by GPT without intermediate calibration of the O_3 generator and without changing F_D. Under this option, the various O_3 concentrations required for calibration in steps 5.8.4 and 5.8.5 are obtained by adjusting the O_3 generator settings. For each such adjustment, the O_3 concentration is first established by GPT using equation (11). Then the NO flow is diverted to allow the O_3 to be delivered to the output manifold and sampled by the analyzer.

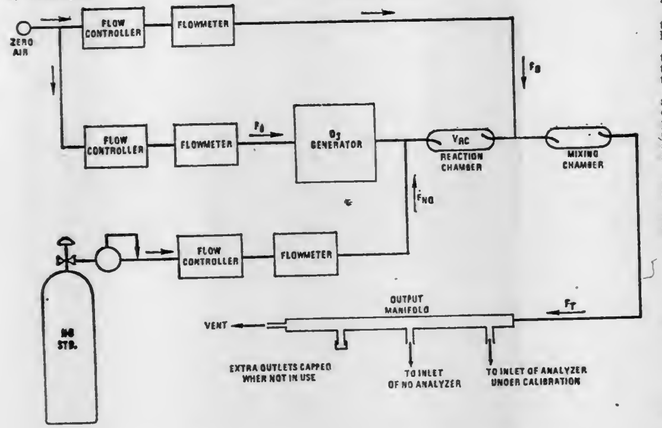


Figure 1. Schematic diagram of a typical GPT calibration system.

Alternate B—Tentative Calibration Procedure Using Ultraviolet Photometry

Major Equipment Required: Stable ozone generator, UV photometer.

1. *Principle.* 1.1 The calibration procedure is based on the photometric measurement of ozone (O_3). The concentration of O_3 in an absorption cell is determined from a measurement of the amount of 254 nm light absorbed by the sample. This determination requires knowledge of the absorption coefficient (α) of O_3, the length (l) of the optical path through the sample, and the transmittance (T) of the sample at 254 nm. The transmittance is defined as the ratio I/I_0, where I is the intensity of light which passes through the cell and reaches the detector when the cell contains a sample and I_0 is the intensity of light which passes through the cell and reaches the detector when the cell is evacuated or contains some reference material. It is assumed that all conditions of the system, except for the contents of the absorption cell, are identical during measurement of I and I_0. The quantities defined above are related by the Beer-Lambert absorption law:

$$T = I/I_0 = e^{-\alpha c l} \quad (1)$$

where:
$c = O_3$ concentration, ppm

The absorption coefficient of O_3 at 254 nm is approximately 3.10×10^{-4} ppm^{-1} cm^{-1} (*1,2,3,4,5*).

A stable O_3 generator is used to produce O_3 concentrations over the range required. Each O_3 concentration is determined by measuring T in a photometer of known pathlength, l. The O_3 concentration is calculated from:

$$c = -\frac{1}{\alpha l} \ln T \quad (2)$$

1.2 This procedure may be used either to calibrate an O_3 analyzer directly, or to calibrate a reproducible O_3 generator. When the procedure is used directly, the O_3 analyzer under calibration and the photometer are allowed to sample O_3 concentrations simultaneously. If the O_3 generator is calibrated prior to the O_3 analyzer, it must meet the requirements and specifications set forth in Reference (*6*), "Transfer Standards for Ozone Concentrations".

2. *Apparatus.* Figure 1, a schematic of a typical dynamic calibration system, shows the suggested configuration of the components listed below. All connections between components in the calibration system

REFERENCES

(*1*) K. A. Rehme, B. E. Martin, and J. A. Hodgeson, "Tentative Method for the Calibration of Nitric Oxide, Nitrogen Dioxide, and Ozone Analyzers by Gas Phase Titration," EPA Publication No. EPA-R2-73-246, Chemistry and Physics Laboratory, National Environmental Research Center, Research Triangle Park, North Carolina, March, 1974.

(*2*) "Transfer Standards for Ozone Concentrations," EPA Publication (to be prepared).

(*3*) "Technical Assistance Document for the Chemiluminescence Measurement of Ozone," EPA Publication (to be prepared).

Figure 1. Schematic diagram of a typical GPT calibration system.

should be glass or Teflon®. Additional information regarding the assembly of a UV photometric calibration apparatus is given in Reference 7.

2.1 *Air flow controllers.* Devices capable of maintaining constant air flow within ±2%.

2.2 *Ozone generator.* Device capable of generating stable levels of O_3 over the required concentration range.

2.3 *Output manifold.* The output manifold should be constructed of glass or Teflon®, and be of sufficient diameter to insure a minimum pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

2.4 *Two-way valve.* Manually actuated, air actuated, or solenoid valve of Teflon® construction.

2.5 *Photometer.* The photometer consists of a low-pressure mercury discharge lamp, collimation optics (optional), an absorption cell, a detector, and signal processing electronics. The length of the light path through the absorption cell must be known with an accuracy of at least 99.5%. The fractional error in the measurement of an O_3 concentration is related to the fractional error in the transmittance measurement by the expression:

$$\frac{dc}{c} = -\frac{dT}{T \ln T} \quad (3)$$

The photometer must be constructed in such a fashion that the standard deviation of the transmittance measurement at a given O_3 concentration causes the standard deviation of the concentration measurement to be no more than 0.005 ppm or 3% of the concentration, whichever is the greater amount.

3. *Reagents*—3.1 *Zero Air.* Air, free of contaminants which will cause a detectable response on the O_3 analyzer. The air should also be free of NO, C_2H_4, and other species which react with O_3. A procedure for generating zero air is given in Reference (*7*). When calibrating a transfer standard, zero air should be obtained from an ambient source, as other sources may vary in oxygen content, which would affect the accuracy of the transfer standard.

4. *Procedure.* 4.1 Assemble a dynamic calibration system such as shown in Figure 1.

4.2 Adjust the flowrate through the photometer absorption cell, F_P, to a convenient value so that the cell can be flushed in a reasonably short period of time (2 l/min is a typical flow). The time required for flushing is related to the precision of the measurement since photometer drift increases with time.

4.3 Adjust the flowrate through the O_3, generator F_O, to a value at least 1 l/min greater than the total flowrate required by the photometer and the analyzer(s) under calibration.

4.4 Adjust the flowrate of zero air, F_Z, to a value at least 1 l/min greater than the flowrate required by the photometer.

4.5 Allow sufficient time for the O_3 analyzer and the photometer to warm-up and stabilize.

4.6 Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the O_3 analyzers zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".

4.7 Adjust the O_3 generator to produce an O_3 concentration of approximately 80% of the desired upper range limit (URL) of the O_3 analyzer.

4.8 Allow the O_3 analyzer to sample this O_3 concentration until a stable response is obtained. During the same time, actuate the two-way valve to allow the photometer to sample this O_3 concentration.

4.9 Record the temperature and pressure of the sample in the photometer absorption cell. (The photometer may be easily constructed in such a manner that the pressure of the sample is within a few tenths of a percent of ambient pressure. When using such a photometer the ambient atmospheric pressure provides a sufficiently accurate measurement of sample pressure.)

4.10 When the O_3 analyzer response has stabilized and the photometer absorption cell is thoroughly flushed, record the measured value of I.

4.11 Actuate the two-way valve to allow the photometer to sample zero air until the absorption cell is thoroughly flushed and record the measured value of I_0.

4.12 Calculate the O_3 concentration from:

$$[O_3]_{OUT} = \left(-\frac{1}{\alpha l} \ln \frac{I}{I_0}\right)\left(\frac{T}{273}\right)\left(\frac{760}{P}\right) \quad (4)$$

where:
$[O_3]_{OUT}$ = O_3 concentration, ppm
α = Absorption coefficient of O_3 at 254 nm = 3.10×10^{-4} ppm^{-1}cm^{-1}
l = Optical pathlength, cm
T = Sample temperature, °K
p = Sample pressure, torr

4.13 Adjust the O_3 analyzer's span control to obtain a convenient recorder response as indicated below:

$$\text{recorder response (percent scale)} = \left(\frac{[O_3]_{OUT}}{URL} \times 100\right) + Z \quad (5)$$

where:
URL = Upper range limit of the O_3 analyzer, ppm
Z = Recorder response with zero air % scale

Record the O_3 concentration and the analyzer response. If substantial adjustment of the span control is necessary, recheck the zero and span adjustments by repeating steps 4.6 and 4.13.

4.14 Generate several other O_3 concentrations (at least 5 others are recommended) over the scale range of the O_3 analyzer by adjusting the O_3 generator settings. Determine each O_3 concentration with the photometer using the procedure given above (steps 4.8 through 4.12). For each O_3 concentration, record the O_3 analyzer response and the corresponding O_3 analyze concentration.

4.15 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

4.16 *Option 1:* The various O_3 concentrations required in step 4.14 may be obtained by dilution of the O_3 concentration generated in step 4.7. With this option accurate flow measurements are required. The dynamic calibration system must be modified as shown in Figure 2 to allow for dilution air to be metered in downstream of the O_3 generator. A mixing chamber between the O_3 generator and the output manifold is also required. The flowrate through the O_3 generator (F_O) and the dilution air flowrate (F_D) are measured with a reliable standard traceable to *NBS*. Each O_3 concentration generated by dilution is calculated from:

$$[O_3]'_{OUT} = [O_3]_{OUT}\left(\frac{F_O}{F_O + F_D}\right) \quad (6)$$

where:
$[O_3]'_{OUT}$ = Diluted O_3 concentration, ppm
F_O = Flowrate through the O_3 generator, scm³/min
F_D = Diluent air flowrate, scm³/min

4.17 *Option 2:* An O_3 generator may be calibrated using the photometric procedure and then used as a transfer standard if it meets the requirements and specifications set forth in Reference (*6*). With this option the O_3 generator output is calibrated at an accurately known flowrate through the O_3 generator (F_O). The O_3 generator is subsequently used with this same flowrate to calibrate

the O_3 analyzer. Since the O_3 output of the generator is dependent on the oxygen content of the zero air, the oxygen content in the zero air during calibration of the generator must be the same as in the zero air used during calibration of the O_3 analyzer. Purified ambient air is recommended and a procedure for zero air generation is given in Reference (*7*).

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(*2*) A. G. Hearn, "Absorption of Ozone in the Ultraviolet and Visible Regions of the Spectrum," Proc. Phys. Soc. (London), 78, 932 (1961).

(*3*) W. B. DeMore and O. Raper, "Hartley Band Extinction Coefficients of Ozone in the Gas Phase and in Liquid Nitrogen, Carbon Monoxide, and Argon," J. Phys. Chem., 68, 412 (1964).

(*4*) M. Griggs, "Absorption Coefficients of Ozone in the Ultraviolet and Visible Regions," J. Chem. Phys., 49, 857 (1968).

(*5*) K. H. Becker, U. Schurath, and H. Seitz, "Ozone-Olefin Reactions in the Gas Phase 1.-Rate Constants and Activation Energies," Int'l. Jour. of Chem. Kinetics, VI, 725 (1974).

(*6*) "Transfer Standards for Ozone Concentrations," EPA Publication (to be prepared).

(*7*) "Technical Assistance Document for the Chemiluminescence Measurement of Ozone," EPA Publication (to be prepared).

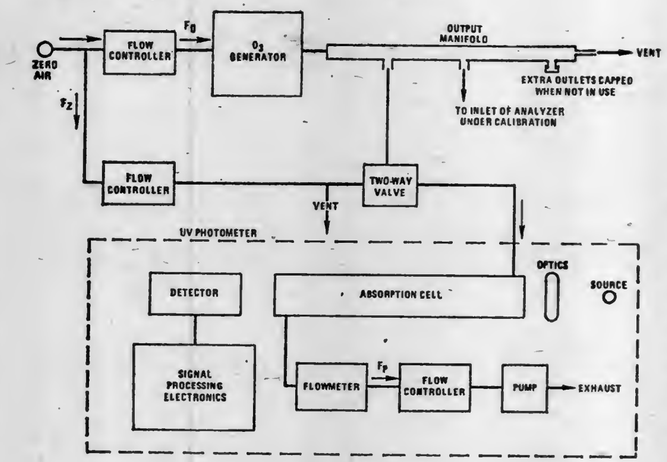


Figure 1. Schematic diagram of a typical UV photometric calibration system.

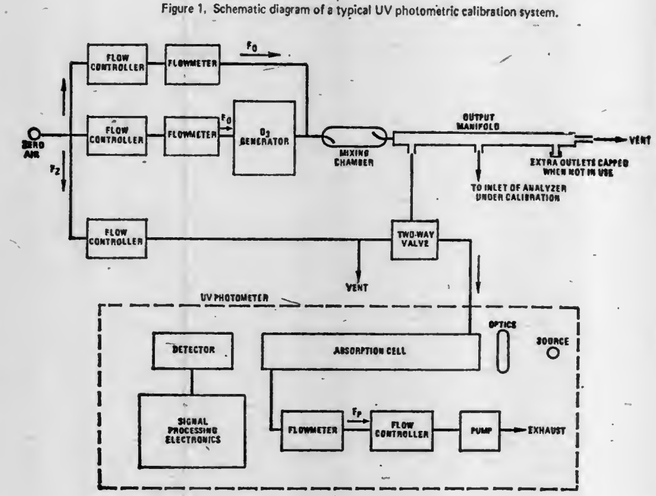


Figure 2. Schematic diagram of a typical UV photometric calibration system (OPTION 1).

Alternate C—Tentative Calibration Procedure Using Gas Phase Titration With Excess O_3

Major Equipment Required: Stable ozone generator, NO concentration standard.

1. *Principle.* 1.1 The calibration procedure is based upon the rapid gas phase reaction between ozone (O_3) and nitric oxide (NO) in accordance with the following equation: (*1*)

$$NO + O_3 \rightarrow NO_2 + O_2 \quad (1)$$

The quantitative nature of this reaction is such that the amounts of NO and O_3 reacted are equivalent. Nitric oxide is added to O_3 in a dynamic system, and the chemiluminescent O_3 analyzer under calibration is used as in indicator of changes in O_3 concentration. The decrease in O_3 response observed on the uncalibrated O_3 analyzer is equivalent to the concentration of NO added. By measuring this decrease in response and the initial response, the O_3 concentration can be determined. Additional O_3 calibration concentrations are generated by a dilution technique. The dynamic system is designed to produce locally high concentrations of O_3 and NO in the reaction chamber, with subsequent dilution, to insure complete NO reaction with relatively small chamber volumes.

2. *Apparatus.* Figure 1, a schematic of a typical GPT apparatus, shows the suggested configuration of the components listed below. All connections between components in the calibration system downstream from the O_3 generator should be glass or Teflon®. Additional information regarding the assembly of a GPT calibration apparatus is given in Reference (*2*).

2.1 *Air flow controllers.* Devices capable of maintaining constant air flow within ±2%.

2.2 *NO flow controller.* A device capable of maintaining constant NO flow within ±2%. Component parts in contact with the NO must be of a non-reactive material.

2.3 *Air flowmeters.* Properly calibrated flowmeters capable of measuring and monitoring air flows within ±2%.

2.4 *NO flowmeter.* A properly calibrated flowmeter capable of measuring and monitoring NO flows within ±2%. (Rotameters have been reported to operate unreliably when measuring low NO flows and are not recommended.)

2.5 *Pressure regulator for standard NO cylinder.* This regulator must have non-reactive internal parts and a suitable delivery pressure.

2.6 *Ozone generator.* Capable of generating a stable level of O_3 at the flow rates required (see 4).

2.7 *Reaction chamber.* A glass chamber for the quantitative reaction of NO with excess O_3. The chamber should be of sufficient volume (V_{RC}) such that the residence time (t_R) is as specified in 4.

2.8 *Mixing chamber.* A glass chamber of proper design to provide thorough mixing of reaction products and diluent air. The residence time is not critical when the dynamic parameter specifications given in 4 are met.

2.9 *Output manifold.* The output manifold should be constructed of glass or Teflon® of sufficient diameter to insure a minimum pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

3. *Reagents*—3.1 *NO concentration standard.* Cylinder containing 50 to 100 ppm NO in N_2. The cylinder must be traceable to a National Bureau of Standards NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684) or NO_2 Standard Reference Material (SRM 1629). The cylinder (working standard) should be recertified on a regular basis as determined by the local quality control program (See Reference (*2*).)

3.2 *Zero Air.* Air, free of contaminants which will cause a detectable response on the O_3 analyzer or which might react with either NO or O_3 in the gas phase titration. A procedure for generating zero air is given in Reference (*2*).

4. *Dynamic parameter specifications.* 4.1 The residence time (t_R) in the reaction chamber and the gas flows (F_O and F_{NO}) (see Figure 1) must be adjusted according to the following relationships:

$$P_R = [O_3]_{RC} \times t_R = 1.5 \text{ ppm-minutes} \quad (2)$$

$$[O_3]_{RC} = [O_3]_{OUT}\left(\frac{F_T}{F_O + F_{NO}}\right) \quad (3)$$

$$t_R = \frac{V_{RC}}{F_O + F_{NO}} \quad (4)$$

where:
P_R = Dynamic specification, determined empirically, to insure complete reaction of NO, ppm-minutes
$[O_3]_{RC}$ = O_3 concentration in the reaction chamber, ppm
t_R = Residence time in the reaction chamber, minutes
$[O_3]_{OUT}$ = 80% URL concentration of O_3 at the output manifold, ppm
F_T = Total flow at the output manifold, scm³/min
F_O = Ozone generator air flow, scm³/min
F_{NO} = NO flow, scm³/min
V_{RC} = Volume of the reaction chamber, scm³

4.2 These parameters may be selected according to the following sequence:

(a) Determine F_T, the total flow required at the output manifold (F_T = analyzer(s) demand plus 10% to 50% excess).

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(b) Determine $[O_3]_{OUT}$ as the 80% URL (upper range limit) concentration required at the output manifold.
(c) Determine F_{NO} as

$$F_{NO}=\frac{0.8\times[O_3]_{OUT}\times F_T}{[NO]_{STD}} \quad (5)$$

where:
$[NO]_{STD}$ = Concentration of the undiluted NO standard, ppm

(d) Select a convenient or available reaction chamber volume. Initially, a trial V_{RC} may be selected to be in the range of approximately 300 to 1500 cm^3.
(e) Compute F_O as

$$F_O=\sqrt{\frac{[O_3]_{OUT}\times F_T\times V_{RC}}{1.5}}-F_{NO} \quad (6)$$

(f) Compute t_R as

$$t_R=\frac{V_{RC}}{F_O+F_{NO}} \quad (7)$$

(g) Compute F_D as

$$F_D=F_T-F_O-F_{NO} \quad (8)$$

where:
F_D = Diluent air flow, scm^3/min.
(h) If F_O turns out to be impractical for the desired system, select a reaction chamber having a different V_{RC} and recompute F_O and F_D. For a more detailed discussion of these requirements and other related considerations as well as example calculations, refer to Reference (2). A procedure for the initial checkout of the GPT system and the dynamic parameter specifications given above is also included in Reference (2).
5. *Procedure.* 5.1 Assemble a dynamic calibration system such as shown in Figure 1.
5.2 Establish the dynamic parameters as indicated in 4.
5.3 Insure that all flowmeters are properly calibrated under the conditions of use against a reliable standard such as a soap-bubble meter or wet-test meter traceable to NBS. All volumetric flowrates should be corrected to 25° C and 760 torr. A detailed discussion on proper calibration of flowmeters is given in Reference (2).
5.4 Precautions must be taken to remove O_3 and other contaminants from the NO pressure regulator and delivery system prior to the start of calibration to avoid any conversion of the standard NO to NO_2. Failure to do so can cause significant errors in calibration. This problem may be minimized by (1) carefully evacuating the regulator, when possible, after the regulator has been connected to the cylinder and before opening the cylinder valve; (2) thoroughly flushing the regulator and delivery system with NO after opening the cylinder valve; (3) not removing the regulator from the cylinder between calibrations unless absolutely necessary. Further discussion of these procedures is given in Reference (2).
5.5 Allow sufficient time for the O_3 analyzer to warm-up and stabilize. Adjust the diluent air and O_3 generator air flows to obtain the flows determined in step 4.2. The total air flow must exceed the demand of the analyzer under calibration to insure that no ambient air is pulled into the manifold vent. Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the analyzer's zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".
5.6 Adjust the O_3 generator to generate an O_3 concentration of approximately 80% of the URL as measured on the uncalibrated O_3 analyzer. When the response has stabilized, record as I_0 (corrected for zero offset, Z).
5.7 Turn the NO flow on and adjust until the O_3 analyzer response has been decreased by 75–80 percent of its original value. For example, if I_0=80 percent of the URL, the NO flow should be adjusted to give a resultant analyzer response of 16–20 percent of the URL. When the resultant response has stabilized, record as I (corrected for zero offset, Z).
5.8 Measure the NO flow and record as F_{NO}.
5.9 Calculate the exact NO concentration from:

$$[NO]=\frac{F_{NO}\times[NO]_{STD}}{F_{NO}+F_O+F_D} \quad (9)$$

where:
[NO]=Diluted NO concentration, ppm
5.10 Calculate the O_3 concentration from:

$$[O_3]_{OUT}=\frac{I_0}{\left(I_0\times\frac{F_O+F_D}{F_{NO}+F_O+F_D}\right)-I}\times[NO] \quad (10)$$

$$\simeq\simeq\frac{I_0}{I_0-I}\times[NO] \quad (11)$$

where:
$[O_3]_{OUT}$ = O_3 concentration, ppm
I_0 = Original O_3 analyzer response, % chart (corrected for zero offset, Z)
I = Resultant O_3 analyzer response after addition of NO, % chart (corrected for zero offset, Z) The correction for flow dilution by NO shown in equation (10) is usually small and may be ignored by using equation (11).]
5.11 Remove the NO flow. The O_3 analyzer response should return to its original value.
5.12 Adjust the analyzer's span control to obtain a convenient recorder response as indicated below:

$$\text{recorder response (percent scale)}=\left(\frac{[O_3]_{OUT}}{URL}\times 100\right)+Z \quad (12)$$

where:
URL = Upper range limit of the O_3 analyzer, ppm
Z = Recorder response with zero air, % scale

Record the O_3 concentration and the analyzer response. If substantial adjustment of the span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 5.5 and 5.12. If the O_3 concentration calculated above is outside the desired range of the analyzer, span the analyzer on the next higher range and then repeat the entire procedure (steps 5.5 through 5.12) on the desired range.
5.13 Calculate the O_3 concentration produced by the O_3 generator from:

$$[O_3]_{GEN}=[O_3]_{OUT}\left(\frac{F_O+F_D}{F_O}\right) \quad (13)$$

where:
$[O_3]_{GEN}$ = O_3 concentration produced by the O_3 generator, ppm

5.14 Generate several other O_3 concentrations (at least 4 are suggested) by increasing F_D, the diluent air flow. Calculate the diluted O_3 concentrations from:

$$[O_3]'_{OUT}=[O_3]_{GEN}\left(\frac{F_O}{F_O+F'_D}\right)$$

where:
$[O_3]'_{OUT}$ = Diluted O_3 concentration, ppm
F'_D = The new diluent air flow, scm^3/min

5.15 Allow the O_3 analyzer to sample each diluted O_3 concentration until a stable response is obtained. For each concentration, record the analyzer response and the corresponding O_3 concentration.
5.16 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

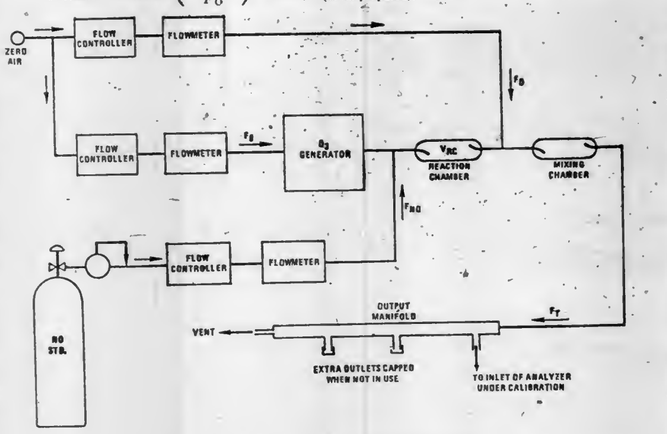


Figure 1. Schematic diagram of a typical GPT calibration system.

ATTACHMENT B—TECHNICAL GUIDANCE FOR OBTAINING IMPROVED PRECISION AND ACCURACY IN USING THE OZONE CALIBRATION PROCEDURE GIVEN IN 40 CFR PART 50, APPENDIX D

The reference method calibration procedure specified in Appendix D of 40 CFR Part 50 allows a moderate degree of flexibility in a number of its provisions. This flexibility arises because some of the equipment and procedural specifications are given in terms which tend to be general or subject to interpretation, rather than highly specific. Such general-type specifications permit variations to accommodate operator preferences and available equipment. However these variations compromise, to some extent, the precision and accuracy of the resulting ozone measurements.

Within certain somewhat general specifications prescribed in Appendix D of 40 CFR Part 50, it is possible to obtain improved precision and accuracy by following more detailed and restrictive procedures. These augmentative procedures and instructions are set forth below for those who wish to obtain improved results. While use of these additional instructions is not required, EPA recommends that they be followed where improved uniformity and accuracy are desired.

1. Section 5.10.1 indicates that "all-glass impingers as shown in Figure D4 are recommended." It is obvious that the intent of this specification is not to exclusively limit the type of absorber used to the exact type or shape shown in Figure D4. A number of other all-glass absorbers are available and are permissible under the intent of section 5.10.1. EPA now believes that the best uniformity and accuracy are obtained by the use of a type of absorber referred to as a "midget impinger". Specifications for this midget impinger are given in Figure B-1.

2. Section 6 indicates the reagents which are required to carry out the procedure. Greater uniformity and accuracy may be obtained if the following reagents are specified as "ACS Reagent Grade": potassium iodide (KI), potassium dihydrogen phosphate (KH_2PO_4), disodium hydrogen phosphate (Na_2HPO_4), sodium hydroxide (NaOH), sulfuric acid (95% to 98% H_2SO_4), starch (soluble), mercuric iodide (HgI_2), iodine (resublimed I_2), and sodium bicarbonate ($NaHCO_3$).

3. Section 6.5 specifies the use of either anhydrous disodium hydrogen phosphate (Na_2HPO_4) or the dodecahydrate salt ($Na_2HPO_4{\cdot}12H_2O$). However the heptahydrate form of this compound ($Na_2HPO_4{\cdot}7H_2O$) is more stable and thus provides improved precision. Since all three of these forms of the compound are absolutely equivalent chemically, the heptahydrate form is recommended. The equivalent quantity of $Na_2HPO_4{\cdot}7H_2O$ is 26.8 grams.

4. Section 6.5 specifies the use of potassium iodide (KI). Some sources of KI—even ACS Reagent Grade—have been reported to contain small amounts of reducing agents. Such impurities can cause an iodine demand which could cause a significant measurement error. Best accuracy is thus obtained with KI which has no significant iodine demand. To determine if this specification is being met, plot the I_2 absorbance (y-axis) versus total μg O_3 (x-axis) calibration curve in Section 8.1.2 as follows:

Plot the five points obtained for the 0.5, 1, 2, 3, and 4 ml of I_2. Do not include zero as a point. Draw the curve or use linear regression analysis. If the intercept is significantly different from zero, the KI has an I_2 demand and should be discarded. Typical intercepts obtained at NARC/RTP are between +0.08 and −0.20 μg O_3. Typical slopes obtained for the I_2 vs Absorbance are between 19.57 and 18.77 μg O_3/Absorbance Units.

5. Section 6.2 specifies "cylinder air, dry grade". This specification is rather ambiguous, but it seems clear that the intent is to require air of a clean, dry, and uniform quality. Air from sources other than compressed gas cylinders can certainly meet and exceed these requirements. Thus this specification can be interpreted to include any source of clean, dry, uniform air. But again, greater precision can be realized if additional specifications are applied to the air. In particular, the air must also be essentially free of ozone, NO, NO_2, reactive hydrocarbons, and any other interferent which may cause a positive or negative bias. While it is not practical to attempt to analyze the air for presence of these various interferents, the following ultra above additional requirements may be produced by appropriate treatment as described below. Either compressed ambient air or cylinder air may be treated. The air is first passed through silica gel for drying, then it is treated with ozone to convert any NO to NO_2. Finally, the air is passed through 6–14 mesh activated carbon and 6–16 mesh type 4A molecular sieve to remove NO_2 and hydrocarbons.

NOTE.—The oxygen content of cylinder air may vary from 18% to 22%, which can cause changes in the calibration of ozone generators. If cylinder air is used, recalibration of the ozone generator with each new cylinder of air is recommended.

6. Sections 8.1.1, 8.2.2.1, and 8.2.2.2 all require measurement of the iodine absorbance "immediately." Best precision is obtained when these measurements are made within 3 minutes after obtaining the material to be measured.

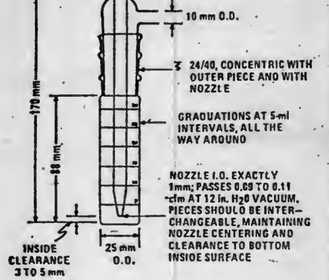


Figure B - 1.

[FR Doc.76-29279 Filed 10-5-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 563 and 570]

[No. 76-758]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Federal Insurance Reserve Accounts

SEPTEMBER 30, 1976.

The Federal Home Loan Bank Board proposes to amend Parts 563 and 570 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 563 and 570) for purposes of clarification and to permit more flexible management of Federal insurance reserve accounts.

Present § 563.11(a) requires insured institutions to establish a Federal insurance reserve account (FIR) to be used solely to absorb losses; prohibits payment of interst or dividends on savings accounts therefrom; and permits an insured State-chartered institution to permanently designate as part of its FIR any reserve account which, under State law, may only be used to absorb losses. Evidence of such designation must be filed with the Corporation.

The proposed revisions to paragraph (a) would describe the establishment and composition of the FIR in subparagraph (a)(1), and the use thereof in paragraph (a)(2). Paragraph (a)(1) would clarify that the FIR must be established and maintained according to §§ 563.12 and 563.13 of this Part. Although the FIR would continue to include permanently designated State loss reserve accounts, other components would henceforth be limited to transfers from net income or net worth accounts other than capital stock or paid-in surplus under conditions specified in proposed paragraph (b) of this section. The Board has determined that pledged savings accounts (presently eligible for earmarking as FIR) will no longer be included in the temporary earmarking category because of the infrequency of applications therefor, and to provide uniformity in loss absorption characteristics among funds comprising FIR.

In the matter of amendment § 64.702 of the Commission rules and regulations, (Computer Inquiry).

1. We have under consideration:

(a) A request filed September 10, 1976, by COMSAT General Corporation (COMSAT GENERAL) that the Commission issue a procedural order with respect to the service of pleadings on participants in the Computer Inquiry;[1]

(b) A motion for extension of time filed on September 20, 1976 by International Business Machines Corporation (IBM), pursuant to § 1.46 of the Commission's rules and regulations, requesting an extension of time for the filing of comments in the Computer Inquiry.

2. COMSAT GENERAL anticipates that extensive comments and replies will be filed in this proceeding by numerous companies from the communications and data processing industries. It submits that identifying all participants and obtaining copies of their filings could be a time consuming and onerous procedure for interested parties, resulting potentially in the protraction of pleading cycles and delay in final Commission action. Accordingly, it requests that the Commission require all parties planning to participate in the Computer Inquiry to file a notice of such intention with the Commission.

3. This procedure would serve the convenience of the interested parties and, at the same time, be conducive to expeditious administration in this proceeding. Accordingly, we will require all parties who intend to participate in the Computer Inquiry to file a notice of their intention with the Commission. Subsequent thereto, the Commission will publish a list of the participants and their addresses in a public notice, and the participants filing pleadings in this proceeding shall serve on each party listed, a copy of all pleadings filed with the Commission.

4. In addition, IBM maintains that the proposed changes in the structure of the computer rules would substantially affect presently unregulated competitive service offerings. IBM states that it intends to submit an analysis showing the extent to which presently unregulated offerings would be affected by the proposed amendments as well as a discussion of the desirability of any such changes. It states, however, that it would not be possible for IBM to complete such an analysis in the time allotted by the Commission. It requests, therefore, that the time for filing comments in this proceeding be extended for at least 90 days, until January 10, 1977, and that the time for reply comments be extended 45 days, until February 24, 1977.

5. In view of the complexity and possible impact that the proposed amendment to § 64.702 might have on regulated common carriers and the non regulated data processing industry, IBM's request for an extension of time appears reasonable.

6. *Accordingly, it is hereby ordered,* Pursuant to § 0.303 of the Commission's Rules on Delegations of Authority, that IBM's request for an extension of time for the filing of all comments in the Computer Inquiry (Docket No. 20828) is granted.

7. *It is further ordered,* That comments in this proceeding shall be filed on or before January 10, 1977, and reply comments shall be filed on or before February 24, 1977.

8. *It is further ordered,* That interested parties intending to participate in the Computer Inquiry shall file a notice of such intent with the Commission by November 1, 1976 stating the name and address of the individual on whom pleadings in this proceeding are to be served.

FEDERAL COMMUNICATIONS COMMISSION,
JOSEPH A. MARINO,
Deputy Chief,
Common Carrier Bureau.

[FR Doc.76-29279 Filed 10-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 20828]

PARTICIPATION IN DATA PROCESSING BY COMMUNICATIONS COMMON CARRIERS

Memorandum Opinion and Order Regarding Computer Inquiry

Adopted: September 30, 1976; Released: October 4, 1976.

[1] Notice of Inquiry and Proposed Rulemaking, FCC 76-745, released August 9, 1976 (Docket No. 20828) (41 FR 33563).

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New paragraph (a)(2) would preserve the ban against payment of interest or dividends on savings accounts from the FIR, clarify that the FIR may be used to establish specific loss reserves or valuation allowances, and permit transfers of amounts from the FIR to other reserve accounts under conditions prescribed in proposed paragraph (e) of this section.

Present paragraph (b)(1) of § 563.11, which permits temporary earmarking of specified net worth accounts with approval of the Corporation, would be revoked and replaced by new paragraph (b)(1) which would permit, with Corporation approval, temporary earmarking as part of an insured insitution's FIR any amount of capital stock or paid-in surplus allowed by State law to be used solely for absorbing losses or establishing specific loss reserves of valuation allowances. The proposal would also provide that Corporation approval would be given only if there is no legal restriction or condition precedent to reduction of the balance available (represented by such stock or paid-in surplus) to absorb losses, and would not be given to meet the requirement in § 563.13(a)(1) that an insured institution must meet its 5 percent benchmark without averaging on one closing date before the 26th anniversary of its insurance of accounts. Additionally, an institution would have to terminate such earmarking as soo nas FIR requirements could be met pursuant to one or more of the other provisions of this section.

New paragraph (b)(2) would retain and modify the provision delegating the Corporation's authority to the Director of the Office of Examinations and Supervision for approval or disapproval of temporary earmarking to conform to the proposed revision of paragraph (b)(1).

Present paragraphs (c) and (d) of this section, describing the general reserves of Federal associations and adjustment for negative net worth account balances, respectively, would be retained; new paragraphs (e), (f) and (g) would be added.

Proposed paragraph (e) of this section would allow insured institutions which have exceeded their required § 563.13(a) FIR levels to release excess amounts therefrom by, terminating existing temporary earmarking of capital stock or paid-in surplus, or if none, then by transferring such excess to other net worth accounts. It is noted that an institution which has met the five percent requirement of § 563.13(a) may not reduce its FIR below that level.

Proposed new paragraph (f) would require insured institutions to maintain clear corporate and accounting records of all components of their FIR for inclusion in semiannual reports to the Corporation as well as reports to the public.

New paragraph (g) would allow (from the date of adoption of these amendments) an institution to transfer previously earmarked accounts to the FIR, or to release such accounts without prior Corporation approval, so long as the FIR balance continues to meet the required § 563.13 (a) level, with recordkeeping of such release or transfer required.

Section 563.13 sets forth requirements for amounts and maintenance of FIR and net worth accounts. The Board proposes to expand this section to include two new paragraphs. Present paragraphs (a)(1) and (a)(2) would not change in substance. Paragraph (a)(2) would be redesignated as paragraph (a)(3). New paragraph (a)(2) would state FIR requirements for the resulting institution in merger situations where one or more of the merging institutions has been insured less than 20 years. This new provision would include definitions of the terms "merger", "merging institutions", and "resulting institution" in paragraph (a)(2)(i). Paragraph (a)(2)(ii) would derive the applicable FIR requirement either by dividing the merging institutions' combined required reserves on the most recent annual closing date by those institutions' aggregate savings and checking account balances on such date, or by averaging such aggregate account balances. The resulting percentage, rounded to the next higher one quarter of one percent (unless already an exact multiple thereof), would be compared with the percentages in the table in paragraph (a)(1) to obtain the corresponding anniversary year for the resulting institution.

New paragraph (a)(4), as proposed, would allow an insured institution to meet its 5% "without averaging" benchmark under § 563.13(a) by a retroactive transfer from retained earnings to the FIR on a selected prior annual closing date, if the institution could have met that benchmark requirement then as well as on all subsequent closing dates prior to the actual transfer. This new provision reflects the Board's recognition of the need for flexibility in meeting the 5% benchmark when fluctuations in the general economy produce periods of high savings inflow and concurrent low operating profits creating business hardship for institutions which must meet the 5% benchmark during such periods.

Present § 563.14 prohibits an insured institution's payment of dividends and interest on savings accounts if the institution's FIR is reduced below its required level by recognizing losses chargeable to the FIR, unless prior written approval is obtained from the Corporation. This section also provides Corporation approval for such payment by an institution which has: (1) been insured at least 20 years, (2) met its 5 percent benchmark, and (3) provided for transfer to FIR of at least 25 percent of net income. The proposal would replace these three requirements with one—that an institution have sufficient surplus and undivided profits to meet interest or dividend payments. This new requirement is intended to liberalize and make uniform the condition under which dividends or interest may be paid. Additionally, the proposal would change the phrase "recognized losses chargeable" to "identifiable losses chargeable" to the FIR to clarify that impending losses are to be absorbed by some net worth account (including the FIR) as soon as the probability of loss has been ascertained.

The Board also takes this opportunity to propose to revoke § 570.3, which would become obsolete should the proposed amendments to § 563.11 be adopted, and to revoke paragraph (c) of § 570.4, which refers to an obsolete provision of the regulations.

Accordingly, the Board hereby proposes to amend § 563.11 by revising paragraph (a), revoking paragraph (b) and adding new paragraphs (b), (e), (f) and (g); to amend § 563.13 by redesignating existing paragraph (a)(2) as (a)(3) and adding new paragraphs (a)(2) and (a)(4); to revoke § 570.3 and paragraph (c) of § 570.4; and to amend § 563.14 to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by November 15, 1976, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

1. Revise paragraphs (a), (b), (e), (f) and (g) of § 563.11 to read as follows:

§ 563.11 Federal Insurance Reserve.

(a) *Establishment, composition, and use of FIR.* (1) *Establishment and composition of account.* Each insured institution shall establish and maintain a Federal insurance reserve account in accordance with Sections 563.12 and 563.13 of this Part. Each insured institution's Federal insurance reserve account may be composed of:

(i) Transfers to such account from the institution's net income or from net worth accounts other than capital stock and paid-in surplus, plus

(ii) All of any loss reserve account established by a State-chartered institution pursuant to State law, which by specific and appropriate corporate action, evidence of which is filed with the Corporation, such institution has permanently designated as part of its Federal insurance reserve account, plus

(iii) Those portions of such institution's capital stock or paid-in surplus which the institution has temporarily earmarked as part of its Federal insurance reserve account in accordance with paragraph (b) of this section.

(2) *Use of account.* Except as otherwise provided in paragraph (e) of this section, an insured institution may use its Federal insurance reserve account (including all earmarked accounts) solely for the purpose of absorbing losses or establishing specific loss reserves or valuation allowances. No insured institution may pay interest or dividends on savings from its Federal insurance reserve account.

(b)(1) *Temporary earmarking of capital stock and paid-in surplus.* An insured institution with a temporarily inadequate Federal insurance reserve account and no balance in any of its other net worth accounts availble for transfer to its Federal insurance reserve account under paragraph (a)(1)(i) of this section may, by specific and appropriate corporate action and with the prior written approval of the Corporation, temporarily earmark as part of its Federal insurance reserve account any amount

of capital stock or paid-in surplus permitted by State law to be used at any time solely for absorbing losses or for establishing specific loss reserves or valuation allowances. Corporation approval of such temporary earmarking will only be given if there is no legal restriction or condition precedent to reduction of the balance available (represented by such stock or paid-in surplus) to absorb losses. Corporation approval will not be given to meet the requirement in § 563.13(a)(1) that an insured institution meet the 5 percent requirement on any one closing date prior to the 26th anniversary of its insurance of accounts. An insured institution which has temporarily earmarked capital stock or paid-in surplus as part of its Federal insurance reserve pursuant to this paragraph shall terminate such earmarking as soon as it can satisfy Federal insurance reserve requirements pursuant to one or more of the other provisions of this section.

(2) The Director of the Office of Examinations and Supervision is authorized to approve or disapprove earmarking under paragraph (b)(1) of this section on behalf of the Corporation. Such Director is also authorized to delegate to any Deputy Director of the Office of Examinations and Supervision the authority conferred by this paragraph (b)(2) under such circumstances and subject to such limitations as the Director may prescribe.

(c) * * *

(d) * * *

(e) *Release of Federal insurance reserve.* If an insured institution has a Federal insurance reserve account balance exceeding the level required by § 563.13(a) of this Part at the close of business on its most recent annual closing date, such excess may be released, first by termination of temporary earmarking of capital stock or paid-in surplus, then by transfers to any of such institution's other net worth accounts. An insured institution which has met the 5 percent requirement of § 563.13(a) of this Part may not reduce its Federal insurance reserve below that level.

(f) *Reporting of Federal insurance reserve.* Each insured institution shall maintain corporate and accounting records which at all times clearly show the accounts or portions of accounts (including those temporarily earmarked pursuant to paragraph (b) of this section) and the amounts thereof included as part of its Federal insurance reserve account under subparagraph (a)(1) of this section. Each insured institution in each semiannual report of financial condition to the Corporation shall appropriately identify and report the total of its accounts included in its Federal insurance reserve account. In all reports to the public the total of an institution's net worth accounts stated as a reserve for losses or general reserves shall not be less than the amount held as its Federal insurance reserve.

(g) *Prior Provisions.* Effective [date of adoption of this regulation], accounts earmarked under prior provisions of this section may be transferred to an insured institution's Federal insurance reserve account or released from temporary earmarking with prior approval of the Corporation: *Provided*, however, that the balance remaining in the Federal insurance reserve account meets the requirements of § 563.13(a). Clear records shall be kept of all transfers or release from earmarking.

2. Revise (a)(2) and (a)(4) of § 563.13 to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

(a) *Federal insurance reserve requirements.* (1) *Minimum required amounts.*

* * * * * *

(2)(i) *Requirements upon merger.* The following reserve requirements apply to mergers of one or more insured institutions. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumptions of savings accounts and other liabilities; "merging institution" means any institution absorbed by merger; and "resulting institution" means the institution which continues its corporate existence after absorbing one or more merging institutions.

(ii) A resulting institution's reserve requirements under paragraph (a)(1) of this section are determined either by dividing the merging institutions' combined required reserves on the most recent annual closing date by such institutions' aggregate savings and checking account balances on such date, or by averaging such aggregate account balances on such closing date and on one or more of the 4 immediately preceding annual closing dates, provided all such dates are consecutive. A resulting percentage which is not an exact multiple of one quarter of one percent shall be increased to the next higher one quarter of one percent. This resulting percentage, or 5 percent, whichever is lower, shall be compared with the percentages in the table in paragraph (a)(1) of this section to obtain the resulting institution's anniversary year, which shall begin on the merger date.

(3) *Maintenance of minimum level.*

* * * * * *

(4) *Retroactive transfer.* An insured institution with insufficient retained earnings available for transfer to its Federal insurance reserve account to meet the 5 percent requirement of § 563.13(a) may select a previous annual closing date for the purpose of a retroactive transfer from retained earnings to the Federal insurance reserve account if such retained earnings (exclusive of temporarily earmarked accounts) were sufficient to have met such 5 percent requirement on that previous date and on all subsequent annual closing dates prior to the actual transfer. Clear records supporting such transfer shall be maintained.

3. Revise § 563.14 to read as follows:

§ 563.14 Payment of dividends and interest where losses are chargeable to the FIR.

Except upon prior written approval of the Corporation, no insured institution with identifiable losses chargeable to its Federal insurance reserve account may declare dividends or pay interest on savings accounts unless such account, after deduction of identified losses, at least equals the amount required under § 563.13(a). The Corporation hereby approves the declaration of dividends or payment of interest on savings accounts by any such institution which has sufficient surplus and undivided profits to meet such dividend or interest payments.

4. Revoke § 570.3 as follows:

§ 570.3 Reserves: Federal insurance reserve: transfers from; undivided profits.

[Revoked]

5. Revoke § 570.4(c) as follows:

§ 570.4 Net Worth.

* * * * *

(c) [Revoked]

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-29320 Filed 10-5-76;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 76-49; General Order 16]

MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE

Enlargement of Time To File Comments

Notice of proposed rulemaking was published in this proceeding September 20, 1976 (41 FR 40504-40505). Council of European and Japanese National Shipowners' Association has requested a 60 day enlargement of time to comment. While a certain enlargement of time is warranted under the circumstances, the requested enlargement appears to be excessive. Accordingly, time within which comments may be filed is enlarged to and including November 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29327 Filed 10-5-76;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

OFFICIAL MAIL

Contractor Use

Under the provisions of 39 CFR 111.3 the Postal Service proposes to revise the restrictions contained in 137.231e and 137.242 of the Postal Service Manual concerning the use of the "postage and fees paid" and "penalty" indicia for official mail. Under existing regulations, Government contractors may be furnished official envelopes and labels for convenience in submitting official information, or for delivery of official matter. In order to prevent the misuse of such envelopes and labels, the proposed regulations establish a licensing procedure to govern this use of official mail.

In recognition of the essential Government interests served by certain

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contractors authorized to mail matter on behalf of Federal agencies, the proposed regulations allow a Government agency to apply for a special permit under which it may authorize printer-mailer contractors to use official envelopes and labels to mail, on behalf of the agency, matter printed at Government expense. Similarly, the proposed regulations allow a Government agency to apply for a special permit under which it may authorize other contractors to use official envelopes and labels for a specified time, or on a specific contract-by-contract basis. Unauthorized contractor use of official envelopes will not be allowed, and an agency will be granted a permit to authorize contractor use of official envelopes only after the agency has made adequate reimbursement arrangements with the Manager, Government Revenue and Examination Branch, Finance Department, United States Postal Service.

The proposed regulations also contain special information provisions to insure that the Postal Service receives adequate compensation for services provided to contractors and other private users of official envelopes and labels. Under the proposal, printer-mailer contractors, other contractors, and Government agencies will furnish information concerning contractor use of official envelopes in the manner and in the form directed by the Manager, Government Revenue and Examination Branch, Finance Department.

Interested agencies and persons who wish to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Government Revenue and Examination Branch, Finance Department, United States Postal Service, Washington, D.C. 20260. All comments received on or before November 8, 1976, will be considered by the Postal Service prior to taking action on the proposed regulations.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of the Postal Service Manual:

PART 137—OFFICIAL MAIL

1. Section 137.231e of the Postal Service Manual is revised to read as follows:

.231 *Postage and fees paid.*

* * * * *

e. Printed envelopes or labels marked "Postage and Fees Paid (name of department or agency)" and bearing the return address of a Federal Government office or officer may be furnished to persons or concerns for convenience in submitting information for official purposes, or for delivery of official matter, subject to the following:

(1) Except as provided in 137.231e(2), e(3), and e(4), an office or officer authorized to use the official mail privilege may not loan or furnish "Postage and Fees Paid" envelopes or labels to any private person, concern, or organization, or permit the use of such envelopes or labels for private benefit.

(2) An office or officer authorized to use the official mail privilege may furnish printed reply envelopes and labels, marked "Postage and Fees Paid (name of department or agency)" and preaddressed to a Federal Government office or officer, to a person, concern, or organization for convenience in submitting information for official purposes. Reply envelopes and labels may not be furnished for the transmission of merchandise, or to enable a person, concern, or organization to send without prepayment of postage report or other information primarily related to the business or benefit of any person, concern, or organization not listed in 137.231a above.

(3) An office or officer authorized to use the official mail privilege may request the Manager, Government Revenue and Examination Branch, Finance Department, to issue a permit for that office or officer to authorize printer-mailer contractors to use envelopes and labels marked "Postage and Fees Paid (name of department or agency)" to mail, on behalf of that office or officer, matter printed at Government expense. Any office or officer requesting a permit must furnish with the request all information the Manager considers necessary.

(4) An office or officer authorized to use the official mail privilege may request the Manager, Government Revenue and Examination Branch, Finance Department, to issue a permit for that office or officer to authorize non-printer-mailer contractors to use envelopes and labels marked "Postage and Fees Paid (name of department or agency)" for the delivery of official matter for a specified time, or in the performance of specific contracts with the office or officer. Any office or officer requesting a permit must furnish with the request all information the Manager considers necessary.

(5) The Manager, Government Revenue and Examination Branch, Finance Department, or his designee, shall review each request under 137.231e(3) or e(4) and permit the office or officer to authorize contractor use of official envelopes and labels for a period of one year if he determines that the office or officer has made adequate arrangements to reimburse the Postal Service for mail service provided to contractors. In making this determination, the Manager, or his designee, shall consider factors including, but not limited to, the following:

(a) Any relevant misuse of the official mail privilege, including previous contractor use of "Postage and Fees Paid" envelopes or labels for the transmission of nonofficial matter;

(b) The quality of previous compliance with official mail reimbursement instructions issued by the Manager under 137.21, including the accuracy of methods for estimating or measuring the volume of official mail;

(c) The practicability of obtaining adequate information to insure full reimbursement for the proposed contractor use of official mail; and

(d) The relative costs and benefits of the proposed contractor use of official mail to the Postal Service and to the office or officer involved.

(6) Official envelopes and labels used by any persons, concern, organization, or contractor, as provided in 137.231e(2), e(3), and e(4) must bear the printed return address of one of the authorized departments or agencies listed in 137.231a over the words "Official Business". No return name and address of a private person, concern, organization, or contractor may be shown. When a special service is required, the envelope or label must be preprinted with the type of special service desired. Users of official envelopes and labels may not add their own markings for these services.

(7) Offices and officers authorized to use the official mail privilege must reimburse the Postal Service for the private use of official envelopes and labels under 137.231e(2), e(3), and e(4), as provided in instructions issued and administered by the Manager, Government Revenue and Examination Branch, Finance Department. Federal Government offices and officers, and any contractors authorized by them to use official envelopes and labels, shall promptly furnish, in the manner and form requested, all information, including but not limited to contractor name, points and dates of mailing, classes, quantities, and single-piece weights of mail matter, the Manager considers necessary to insure accurate reimbursement to the Postal Service for private use of official envelopes and labels.

2. Section 137.242 of the Postal Service Manual is revised to read as follows:

.24 *Use.*

* * * * *

.242 Any office or officer authorized to use the official mail privilege may furnish self-addressed envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U.S. Government department or agency. Reply envelopes may not be furnished to bidders, or to enable a private person or concern to send without prepayment of postage reports or other information primarily related to the business or benefit of any person, concern, or organization not listed in 137.231a above. An office or officer may request the Manager, Government Revenue and Examination Branch, Finance Department, to issue a permit for that office or officer to authorize contractors to use official envelopes and labels as provided in 137.231e.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published after adoption of the proposal.

(39 U.S.C. 401, 3201, 3206, 3209.)

LOUIS A. COX,
General Counsel.

[FR Doc.76-29378 Filed 10-5-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

PRIVACY ACT OF 1974

Adoption of Systems of Records

On August 4, 1976, the Federal Law Enforcement Training Center published for comment by interested persons (41 FR 32614) proposals on two systems of records: FLETC 002 (revised) and FLETC 004 (new).

No comments were received. Accordingly, both systems are adopted as proposed and are republished below.

Dated: September 27, 1976.

ARTHUR F. BRANDSTATTER,
Director, Federal Law Enforcement Training Center.

TREASURY/FLETC 00.002

System name: FLETC Trainee Records and FLETC Instructor Records—Treasury/FLETC.

System location: FLETC Office of Administration, Administration Building, Glynco, Georgia 31520.

Categories and individuals covered by the system: Any person who officially attends a formal FLETC training program and all instructors engaged in teaching the FLETC training programs.

Categories of records in the system: Trainee records: personal background information supplied by the trainee; grades and performance evaluation, student advisory form and relevant public health records. Instructor records: personal background information supplied by the instructor, and teaching qualifications. All records described in this system are other than records described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 4101–4118, Executive Order 11348, Treasury Order No. 217 (Revision 1) dated July 1, 1970, and Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure upon request to the individual himself, the individual's parent agency, and to any other agency or organization at the request of the individual.

To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routine uses; see Appendix AA, 40 FR 56419–56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Magnetic disc storage except for health records which are maintained on paper files.

Retrievability: Name and class number.

Safeguards: Access to these systems of records will be controlled by software and hardware procedures. Software will be used to ensure, in all technically feasible ways, that data cannot be made available to unauthorized persons. User—identifiers and passwords will be used where feasible to protect the data. Physical security will protect all terminals and magnetic disc files from access by unauthorized persons. Offices will be locked except when authorized persons are present.

Retention and disposal: Disposition not yet authorized by the National Archives and Records Service. A formal request is in progress, proposing destruction in annual increments five years from the end of the calendar year in which the record was created. Should the disposition ultimately approved be materially different from the one outlined here, further notice will be made in this publication.

System manager's address: Assistant Director for Administration, Office of Administration, Administration Building, FLETC, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, social security number, date of birth, parent agency, type of course and approximate dates of attendance to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: Trainees. The trainee himself and members of the staff responsible for grading, rating or evaluating the trainee.

Instructors. The instructor himself and staff members responsible for upgrading the instructor's teaching qualifications.

TREASURY/FLETC 00.004

System name: FLETC Employee Records—Treasury/FLETC.

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Categories of individuals covered by the system: Employees, Past Employees, Employee Prospects, Contract Personnel.

Categories of records in the system: Personnel, Health, Training, Vehicle Registration, Equal Employment Opportunity, Locator Cards, Identification Records, and Equipment Control Rosters, consisting of records other than those described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 4101 et seq., Executive Order No. 11348, April 20, 1967, Treasury Order 217 (Revision 1), dated July 1, 1970.

Routine uses of records maintained in the system and the purposes of such uses: Personnel recruitment and management, management of health unit, vehicle control, equipment control, equal employment opportunity program. Disclosure to the individual himself and the individual's parent agency. Health records to the U.S. Department of Labor and the U.S. Department of Health, Education, and Welfare as required by regulation. To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routine uses, see Appendix AA, 40 FR 56419–56420, December 2, 1975.

Policies and practices for storing, retrieving, and disposing of records in the System:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical security, personnel screening and security check lists are all used to prevent unauthorized disclosure of records.

Retention and disposal: Disposition as prescribed by the schedules attached to Treasury Directives Manual chapter TD 80, Section 05.B, 5–12–76, except for health records covered by the General Service Administration's General Records Schedule 1 (GRS 1):

Personnel records	Schedule 1	Item 9	1 yr.
Health records	GRS 1	21	6 yr.
Training records	Schedule 1	25c	1 yr.
Vehicle records	11	4a	3 mo.
Equal Employment Opportunity records	1	20b	1 yr.
Locator records	11	4a	3 mo.
Identification records	11	4a	3 mo.
Equipment control records:			
Property pass files	18	10	3 mo.
Lost, stolen, and found files	18	13b	1 yr.
Key files	18	14b	3 mo.

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System manager and address: Assistant Director for Administration, Office of Administration, Administration Building, FLETC, Glynco, Georgia 31520.

Notification Procedure: The individual must provide full name, date of birth, and dates of employment with the Center to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: The employee on whom the record is maintained, prior employers, and FLETC.

[FR Doc.76-29383 Filed 10-5-76;8:45 am]

Internal Revenue Service

IMPLEMENTATION OF THE TAX REFORM ACT OF 1976

Invitation for Suggestions

The recent enactment of the Tax Reform Act of 1976 (Pub. L. 94-455) will cause a massive undertaking by the Internal Revenue Service to provide guidance to the public for compliance and to its own personnel for administration. As in the past, such actions will include the revision of forms and instructions, the revision of publications and booklets furnished to the public, the drafting of new and amended regulations, and the issuance of news releases. In order to best serve the public, the Internal Revenue Service would appreciate receiving suggestions for actions that should be taken and comments for contents of forms, instructions, regulations, etc. Such suggestions or comments should be submitted in writing (preferably three copies), as follows:

(1) Suggestions for publications and for the content of forms and instructions relating thereto should be sent to the Commissioner of Internal Revenue, Attention: T:FP, Washington, D.C. 20224.

(2) Suggestions for regulations should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

(3) Suggestions for news releases and other actions should be submitted to the Commissioner of Internal Revenue, Attention: PR:L, Washington, D.C. 20224.

Designations of material as confidential or not to be disclosed, contained in suggestions or comments, will not be accepted. Thus, persons submitting written suggestions or comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public.

Suggestions and comments should be submitted as soon as possible. In order to fulfill its obligations to the public on a timely basis, the Internal Revenue Service will not delay completing any pending or contemplated action in order to await the receipt of suggestions or comments.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

OCTOBER 4, 1976.

[FR Doc.76-29544 Filed 10-5-76;9:35 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FOLSOM DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Folsom District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Cameron Park Country Club, 3201 Royal Drive, Shingle Springs, California 96582, on October 26, 1976, at 10 am.

The meeting will be devoted to committee work in the development of recommendations on off-road vehicle regulations, grazing regulations, the South Yuba River Recreation Management Plan, the Fresno-San Benito Management Framework Plan and consideration by the full Board of such recommendations.

The meeting will be open to the public. Time will be made available beginning at 8 am on October 27 for brief statements by members of the public; such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should inform the District manager at the address listed below. Written statements should be filed for the Boards' consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Alan P. Thomson, District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. Telephone (916) 985-4474.

Minutes of the meeting will be available at the Folsom District Office for public inspection and copying thirty days after the meeting.

ALAN P. THOMSON,
District Manager.

[FR Doc.76-29292 Filed 10-5-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DR. KENNETH S. NORRIS

Issuance of Permit for Marine Mammals

On July 12, 1976, notice was published in the FEDERAL REGISTER (41 FR 28566), as clarified on August 18, 1976 (41 FR 35008), that an application had been filed with the National Marine Fisheries Service by Dr. Kenneth S. Norris, University of California, Santa Cruz, Santa Cruz, California 95064, for a scientific research permit to take by inadvertent killing up to 340 porpoises, and to take by tagging up to 590 porpoises, and conduct research on the behavior of porpoises in the yellowfin tuna fishery.

It was estimated that porpoises of the following species might be killed during the proposed research:

Spotted dolphin (*Stenella attenuata*)
Spinner dolphin (*Stenella longirostris*)
Common dolphin (*Delphinus delphis*)
Striped dolphin (*Stenella coeruleoalba*)
Bottlenosed dolphin (*Tursiops truncatus*)
Risso's dolphin (*Grampus griseus*)
Short-finned pilot whale (*Globicephala macrorhynchus*)
Rough toother dolphin (*Steno bredanensis*)
Fraser's dolphin (*Lagenodelphis hosei*)
Pygmy killer whale (*Feresa attenuata*)
Melon-headed whale (*Peponocephala electra*)

Notice is hereby given that, on September 27, 1976 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above described activities to Dr. Kenneth S. Norris, University of California, Santa Cruz, subject to certain conditions set forth herein.

Marine mammals taken as authorized by this Permit will be counted as part of the total number of porpoises which may be taken under quotas prescribed by § 216.24 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) which addresses taking and related acts incidental to commercial fishing operations.

This Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731

Dated: September 27, 1976.

JACK W. GEHRINGER,
National Marine Fisheries Service.

[FR Doc.76-29271 Filed 10-5-76;8:45 am]

MYSTIC MARINELIFE AQUARIUM

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammals Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Mystic Marinelife Aquarium, Mystic, Connecticut 06355, to take five (5) California sea lions (*Zalophus californianus*), three (3) Northern elephant seals (*Mirounga angustirostris*), and two (2) grey seals (*Halichoerus grypus*) for public display.

If available the California sea lions will be chosen from beached or stranded animals nursed back to health by an approved facility.

Otherwise, the animals will be collected by a professional collector by use of hoop or snare nets in areas authorized by the State of California and National Marine Fisheries Service.

The Northern elephant seals will be chosen from beached and stranded stocks held by an approved facility.

The grey seals will be captured by a professional collector in Nova Scotia on Sable Island, the Basque Islands, or the Strait of Canso by means of hoop or seine nets.

The animals will be transported to the Mystic facility by commercial-aircraft and truck.

The requested animals will be housed with other pinnipeds in a new complex consisting of 3 large open pools. Two of the 3 pools, 1600 square feet by 5:5 feet deep and 2250 square feet by 8 feet deep will be used for the requested pinnipeds. Both pools provide a haul-out area of 890 square feet and 1340 square feet, respectively.

In addition there is an enclosed salt water holding pool 100 square feet by 4 feet deep.

The facility is a profit making organization open daily to the public with an estimated 600,000 annual visitors.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before November 5, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 30, 1976.

HARVEY M. HUTCHINGS,
Acting Associate, Director for Resource Management, National Fisheries Service.

[FR Doc.76-29269 Filed 10-5-76;8:45 am]

STEVEN L. SWARTZ

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Mr. Steven L. Swartz, Field Associate, San Diego Society of Natural History, 1592 Sunset Cliffs, San Diego, California 92107, to conduct studies on gray whales (*Eschrichtius robustus*) in San Ignacio Lagoon, Baja California, Mexico.

The study will entail behavioral observations of the gray whale made from a 20 foot tower located near the mouth of the lagoon, observations from various other shore stations and, observations from small rubber boats powered with outboard engines. Included in the observations will be encounters between gray whales and commercial whale-watching boats.

The proposed research is directed toward developing observational techniques for the study of the gray whale in its winter range and provide documentation of encounters between gray whales and commercial whale-watch boats, in addition to collecting data on the distribution and abundance of whales in the lagoon area.

The gray whale (*Eschrichtius robustus*) is on the United States List of Endangered Species. It has been determined that this application is not under the provisions of the Endangered Species Act of 1973 in that the work is to be conducted in the territorial waters of another nation. The Applicant has received a permit from the Government of Mexico to conduct this study.

Documents submitted in connection with this application are available for review in the folowing offices:

Director, National Marine Fisheries Service, 3800 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before November 5, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 28, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-29270 Filed 10-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Cancellation of Meeting

In FR Doc. 76-27829 appearing at page 41773 in the issue for Thursday, September 23, 1976, the October 20 meeting of the "Interagency Committee on Emergency Medical Services" has been cancelled. The meeting will be rescheduled for November, and announcement made in the FEDERAL REGISTER accordingly.

Dated: September 30, 1976.

ARTHUR SCHWARTZ,
Acting Associate Administrator for Management.

[FR Doc.76-29259 Filed 10-5-76;8:45 am]

National Institutes of Health

MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Medical Laboratory Sciences Review Committee, National Institute of General Medical Sciences, on October 13-14, 1976, which was published in the FEDERAL REGISTER on September 23, 1976 (41 FR 41775).

This Committee was to have closed its meeting from 12 noon to 5:00 p.m. on October 14; however, due to an excessive amount of grant applications to be reviewed, this closed portion of the meeting will be extended through October 15.

Dated: September 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-29587 Filed 10-5-76;10:36 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Public Law 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following new and modified notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. The modification consists of an additional routine use to provide for disclosure to state audit agencies, as specified in the notice. This addition pertains to two sys-

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tems, namely, Claims Folders and Post-adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA, SSA PO RSI 0175.04 and Initial and Continuing Disability Determination File HEW SSA, SSA PO DI 0275.02. These systems are currently ongoing and the additional information in the notices is indicated by italics. In addition, the new notice for Service Officer Demonstration Project HEW SSA, SSA EA IRPC 0176.00 is presented. A new system report was filed for the new system with the Director, Office of Management and Budget, the Speaker of the House, the President of the Senate, and the Chairman of the Privacy Protection Study Commission on August 5, 1976.

Prior to the final adoption of the proposed new and additional routine uses of these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before November 5, 1976. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: September 30, 1976.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

SSA–PO–DI–0275.02

System name: Initial and Continuing Disability Determination File HEW SSA.

Security class: None.

System location: Each Disability Determination Services office. The name and address for each State is shown in Appendix B.

Categories of individuals covered by the system: Applicants for disability insurance and black lung benefits and applicants for Supplemental Security Income alleging a disability on whom the Disability Determination Services had made an initial determination and all such beneficiaries on whom the Disability Determination Service has made a determination of continuance (or non-continuance) of disability.

Categories of records in the system: Name and social security number of wage earner, claimant's name and address, sex, date of birth, race, marital status, number of children (if applicable), alleged onset date of disability, diagnosis, beginning and ending of prescribed period of disability, quarters of coverage under Social Security Act, basis for determination, vocational background information, number of years in occupation, education level, reexamination date (if applicable), and date of application. Also, name and title of persons making or reviewing the determination, and certain administrative data. These records are snap-out type forms having multiple carbon copies. One of these copies, designated as the "State Agency Copy", is retained by the Disability Determination Service (formerly known as State agencies).

Authority for maintenance of the system: 5 U.S.C. 301, 20 U.S.C. 923(b) Sections 221, 1633, or 1634 of the Social Security Act, and 42 U.S.C. 421, 1833, 1834 under which each State may enter into an agreement with the Secretary of Health, Education, and Welfare to make determinations as to disability with respect to individuals within that State.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disability Determination Services claims personnel utilize the information after the claims file itself has left the possession of the Disability Determination Service for responding to subsequent inquiries from the claimant, a treating physician, or a component of the Social Security Administration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

State audit agencies utilize this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Carbon copies of Forms SSA–831 and SSA–833 are maintained in sectionalized files.

Retrievability: Filed by social security number or alphabetically by the claimant or beneficiary's name depending on Disability Determination Service preference.

Safeguards (access controls): Assessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

Retention and disposal: May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

System manager(s) and address: Assistant Regional Commissioner, Disability Insurance, at the address shown in Appendix B.

Notification procedure: Disability determination Services Administrator, Disability Determination Services, c/o State in which the individual resides and/or information is likely to be maintained. See Appendix B. Requester should furnish identifying information: name, social security number, address.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedure are in accordance with Department Regulations (45 CFR, 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Sec. 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411).

Record source categories: These records summarize information contained in the file folder, which was obtained from the individual or someone acting on the individual's behalf and from the individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

Systems exempted from certain provisions of the act: None.

SSA PO RSI 0175.04

System name: Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.

Security class: None.

System location: Retirement and survivors Insurance Claims; Claims folders are maintained primarily in the Retirement and Survivors Insurance Program Service Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims; Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A). Black Lung Claims; Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims for benefits based on age—Retirement and Survivors Insurance Program centers (see Appendix A). Claims for Disability or Blind: Benefits—Bureau of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or

branch office information, see Appendix F.

Categories of individuals covered by the system: Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Categories of records in the system: The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to report of changes of address, work status, and other post-adjudicative reports.

Authority for maintenance of the system: Payment of benefits is directed by the following sections: Sections 202(a)–(i), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

Routine uses of record maintained in the system, including categories of users and the purposes of such uses: Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representatives payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services), for investigating alleged theft, forgery, or unlawful negotiation of social security checks, and for purposes of garnishment to provide child support or alimony in accordance with a properly executed garnishment action in accordance with 47 U.S.C. 659.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Phillippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

o. State social security administrators for administration of agreements pursuant to section 218 (State and local).

p. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only.

q. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

r. State Vocational Rehabilitation agencies for rehabilitation services.

s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.

u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administation of provisions of title XVIII.

v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

w. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.

x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

aa. Applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

bb. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

cc. State audit agencies for verifying proper expenditures of Federal funds by the State in support of the Disability Determination Service (DDS).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Claims folders are maintained in file cabinets by service area as set out in Location above.

Retrievability: Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determination as to eligibility to benefits, the amount of benefits, reviewing containing documents for making normal administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record system for Hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program centers. Division of International Operations, or the Bureau of Disability Insurance).

Safeguards (access controls): Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

Retention and disposal: The claims folder is maintained in the reviewing office until the social security number becomes inactive (no one is entitled to benefits). It is then transferred for storage to the Federal Archives and Records Center to await destruction based on predetermined destruction dates; 5-year retention-no record of surviving potential beneficiaries; 20-year retention-withdrawn claims, claims disallowed or lump-sum death payments only; and 55-year retention-potential future claimants indicated in the file. When a subsequent claim is filed on the social security number the claim is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

System manager(s) and address (include ZIP Code):

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.
Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.
Director, Bureau of Disability Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.
Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure: Contact the most convenient social security office (see Appendix F for address and telephone information).

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notifications and access procedures are in accordance with Department Regulations (45 CFR, 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410).

Record access procedures: In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits have not been received, the approximate date and the place the claim was filed; and his return address or his telephone number.

Contesting record procedures: If upon review of the record, the individual wishes to contest any part of it, he may do so at the same office where he accessed the record. Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.7 FEDERAL REGISTER, October 8, 1975, page 47411).

Record source categories: This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

Systems exempted from certain provisions of the Act: None.

SSA EA IRPC 0176.00

System name: Service Officer Demonstration project—HEW, SSA.

Security class (if none, so state): None.

System location: Service Officers' offices, Boston, Massachusetts; Atlanta, Georgia; Seattle, Washington; Dallas, Texas.

Office of the contractor, name and address not yet determined.

Categories of individuals covered by the system: Members of the public who contact the Service Officers about their social security related problems or complaints or who call to ask questions about social security.

Categories of records in the system: Detailed record of contact, relevant information assembled by the Service Officer, survey questionnaires administered to persons contacting the Service Officers and to eligible persons who don't use their services.

Authority for maintenance of the system: Section 205(a), Social Security Act (42USC405(a)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records maintained by the Service officer will be used to document contacts, and resulting follow-up activities by the Service Officer in regards to these contacts. A contractor will conduct surveys of probability samples of users, non-users, etc. The survey data collected will be for statistical reasons. Also, the contractor will process Service Officer generated forms for historical data, statistical and sampling purposes. Therefore, routine disclosure will be made to the contractor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Service Officer generated forms, survey questionnaires, computer tape and cards.

Retrievability: By name and/or social security number, date of contact with Service Officer.

Safeguards (access controls): The records are subject to the same rules and safeguards as all other records created and maintained by SSA. Information collected by the Service Officers can be made available to SSA personnel on a need-to-know basis. All personnel having access to records will be notified of criminal sanctions for unauthorized disclosure on individuals. The contractor will delete identifying information from statistical data tapes. Statistical survey information collected by the contractor will in no way influence a person's entitlement to present or future benefits. The contractor will permit authorized personnel to have access to the data.

Retention and disposal: If a claims folder exists for an individual, duplicates of any Service Officer generated records for that person will be put into his or her claims folder. In all other instances, information containing a personal identifier which may be retained by the Service Officer will be destroyed at the conclusion of the demonstration period.

System manager(s) and address (include zip code):

Director, Office of Intergovernmental Relations and Public Concerns, Office of External Affairs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure: For purposes of notification, write the systems manager: He will need name, social security number and date of contact with the Service Officer, and compliance with regulations on verification of identity. Furnishing the social security number is voluntary but it will make searching for the individual's record easier and avoid delay.

Record access procedures: Same as notification procedure in item 11.

Contesting record procedures: Same as notification procedure in item 11.

Record source categories: The Master Beneficiary Record, the Supplemental Security Income Record, persons contacting the Service Officer, collateral sources, statistical surveys, as well as claims folders and other records maintained by SSA Program Service Centers, District Offices, and other SSA components.

Systems exempted from certain provisions of the act (if none, so state): None.

[FR Doc.76-29266 Filed 10-1-76;11:29 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-365]

MISSOURI

Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 24, 1976, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Missouri is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Missouri. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin, FDAA Region VII, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Adair	Knox
Andrew	Laclede
Audrain	Lafayette
Bates	Lincoln
Benton	Linn
Boone	Livingston
Buchanan	Macon
Butler	Maries
Caldwell	Marion
Calloway	Miller
Camden	Moniteau
Carroll	Monroe
Cass	Montgomery
Chariton	Morgan
Clark	Nodaway
Clay	Osage
Clinton	Pettis
Cole	Phelps
Cooper	Pike
Crawford	Platte
Dallas	Pulaski
Daviess	Ralls
De Kalb	Randolph
Dent	Ray
Franklin	St. Charles
Gasconade	St. Clair
Gentry	St. Louis
Grundy	Saline
Harrison	Schuyler
Henry	Shannon
Hickory	Shelby
Howard	Warren
Jackson	Washington
Jefferson	Worth
Johnson	Wright

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: September 24, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-29283 Filed 10-5-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 36; Notice 76-12]

BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

Delegation of Authority of the Chairman

Pending the designation of an acting Chairman or until further notice, the Executive Secretary of the Department of Transportation Board for Correction of Military Records of the Coast Guard is hereby delegated authority to exercise the functions of the Chairman of the Board.

Effective date. This delegation is effective October 1, 1976.

(10 U.S.C. 1552; (49 U.S.C. 1655(b).)

Issued in Washington, D.C., on October 1, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-29358 Filed 10-5-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 24582 and 29132]

ALLEGHENY AIRLINES, INC. AND PIEDMONT AVIATION, INC.

Order Consolidating and Setting Applications for Hearing in Accordance With Subpart M Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

On April 21, 1975, Allegheny Airlines, Inc. filed a revised application,[1] pursuant to Subpart M of the Board's Rules of Practice, requesting an amendment of its certificate of public convenience and necessity for Route 97 so as to permit the carrier to provide, on a subsidy-ineligible basis, nonstop service between Cincinnati, Ohio, and Washington, D.C.[2] By Order 76-3-105, March 16, 1976, the Board set Allegheny's application for further proceedings pursuant to the provisions of Subpart M.

Answers in support of Allegheny's application have been filed by the Philadelphia, Parties[3] and the Cincinnati Parties.[4] Answers in opposition to Allegheny's application have been filed by American Airlines, Trans World Airlines, and Piedmont Aviation. American, Allegheny, and the Cincinnati Parties have filed replies to the answers.

On April 12, 1976, Piedmont filed an application (Docket 29132) requesting amendment of its certificate of public convenience and necessity for Route 87 so as to authorize it to engage in nonstop air transportation between Washington and Cincinnati, and a motion to consolidate that application with Allegheny's application in Docket 24582. An answer in support of Piedmont's application has been filed by the Norfolk Port and Industrial Authority. American and Allegheny have filed answers in opposition to Piedmont's application and motion to consolidate, and Piedmont has filed a consolidated reply to those answers.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Allegheny's application should be set for hearing under the procedures prescribed by Subpart M, and that the application of Piedmont in Docket 29132 should be consolidated with Allegheny's application in Docket 24582.

[1] Allegheny originally filed for the authority in issue on June 30, 1972. Further procedural steps with respect to that application were stayed pursuant to Order 72-7-46, July 14, 1972. Allegheny's revised application was filed in response to Order 75-3-14, March 6, 1975.

[2] Allegheny's current Cincinnati-Washington authority is subject to a one-stop restriction. Allegheny's certificate does, however, permit nonstop service between Cincinnati and Baltimore, and Allegheny currently provides such service.

[3] The City of Philadelphia and the Greater Philadelphia Chamber of Commerce.

[4] The City of Cincinnati, the Greater Cincinnati Chamber of Commerce, and the Kenton County Airport Board.

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As Allegheny has not submitted sufficient information for us to determine the environmental consequences of its application, we will require Allegheny to file the information set forth in Part 312 of the Board's Procedural Regulations within 25 days of the date of adoption of this order.

Accordingly, it is ordered That: 1. The application of Allegheny Airlines in Docket 24582 be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereinafter designated, as the orderly administration of the Board's docket permits;

2. The motion of Piedmont Aviation to consolidate its application in Docket 29132 with Allegheny Airlines' application in Docket 24582 be and it hereby is granted; and

3. Allegheny Airlines shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 25 days of adoption of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29311 Filed 10-5-76;8:45 am]

[Docket 29666; Order 76-10-3]

BRITISH AIRWAYS

Transatlantic Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of October, 1976.

By tariff revisions filed September 3, 1976, for effectiveness October 3, 1976, British Airways proposes reduced rates for specific commodity item no. 4316 (data processing equipment) from New York to London and Glasgow. The rates, at 94 cents per kilogram, would apply to shipments with a minimum weight of 2,000 kgs. In justification for its filing, British Airways asserts that these rates are necessary to prevent diversion of U.S.-U.K. shipments to indirect routings via continental European points using New York-Paris and New York-Frankfurt high-weightbreak (34,000 and 42,500 kgs.) freight-all-kinds (FAK) rates with a surface backhaul to the U.K.

A complaint requesting suspension pending investigation of the rates has been filed by Seaboard World Airlines, Inc. (Seaboard). Seaboard alleges that computer equipment is a high value commodity which does not require reduced rates to attract more air traffic; that the proposed 2,000 kg. rates reflect a six-percent reduction from existing 1,000-kg. rates for this item, and are unreasonably low compared to rates for similar high-value commodities; that the proposed rates are clearly uneconomic based on a New York-London yield of 24.7 cents per revenue ton-mile (rtm) compared to Seaboard's transatlantic costs of 25.4 cents per rtm for the first quarter, 1976; that comparing the proposed commodity rates with the existing FAK rates is unrealistic since the former are for loose cargo while the latter are container rates and require a minimum density of 10 lbs/cu.ft.; and that, as Seaboard can best determine based on surface rate data available to it in its New York offices, the proposed rates would undercut the combination of U.S.-Europe FAK rates plus Europe-U.K. surface rates they are purported to match.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal, and consequently the request for suspension will be denied and the complaint dismissed.

It does not appear unlikely that shipments of U.S.-U.K. data processing equipment are subject to diversion via third countries using a surface backhaul, considering the volume in which this commodity moves; the disparity between the current item 4316 specific commodity rate ($1.00 pr kg., New York-London/Glasgow) and the high-weightbreak FAK rates (71.79 to 73.89 cents per kg., New York to Paris or Frankfurt and other German points); and the availability of significant all-cargo capacity, including B747-F equipment, to France and Germany. Seaboard has not presented sufficient evidence to refute British Airways' contention that such diversion is, in fact occuring.[1] In presenting an example of a FAK/surface rate combination which Seaboard alleges would be greater than the proposed commodity rate, the carrier has relied solely on a combination over Frankfurt, although the New York-Paris FAK rates are lower than the New York-Frankfurt FAK rates (71.79 versus 73.70 cents per kg. at 42,500 kgs., for example). Because Paris is considerably closer to London than is Frankfurt, the Paris-London surface rate would also be lower than the Frankfurt-London surface rate, and thus Paris would be the more logical combination point. We note further that Cologne and Dusseldorf, which are also closer to London than is Frankfurt and hence presumably take a lesser surface rate to London, are common-rated with Frankfurt for the FAK rates from New York.

As to the reasonableness of the proposed rate levels *per se*, we note that in its analysis of British Airways' 94 cents-per-kg. proposal Seaboard relies solely on the resulting yield as it applies to New York-London but ignores the proposed New York-Glasgow yield of 26.6 cents per rtm which is over seven percent higher and compares favorably with Seaboard's stated cost of 25.4 cents per rtm. British Airways indicates that Glasgow is th primary destination point, not London. Seaboard also compares the proposed rates with the FAK rates which, as noted, are container rates for very high weightbreaks and presumably reflect cost savings not available under the 2,000 kg. bulk commodity rates proposed by British Airways. Were this a case where the filing carrier was simply attempting to match a container rate with a commodity rate which did not reflect the same cost savings, we would be inclined to view the matter in a different light. However, the reasonableness of the FAK rates is currently under investigation and as indicated above there is a likelihood of diversion of U.S.-U.K. traffic via circuitous third country routings; in these circumstances we are reluctant to deny British Airways the opportunity to compete for this U.S.-U.K. traffic. At the same time, the Board expects that in the future all carriers making allegations about diversion of traffic via third country routings will be more forthcoming with accurate, verifiable data on all surface and/or air rates involved in the alleged combinations.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof,

It is ordered that: The complaint of Seaboard World Airlines, Inc., in Docket 29666 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29312 Filed 10-5-76;8:45 am]

[Docket 28744]

CONTINENTAL AIR LINES, INC.

Segment 3, Route 29 Service

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 16, 1976, at 9:30 am (local time), in the City Council Chambers, City Administration Office, 1301 Sixth Street, Wichita Falls, Texas, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 17, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 30, 1976.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76-29310 Filed 10-5-76;8:45 am]

[Docket 21950; Order 76-9-163]

UNITED AIR LINES, INC.

Intercarrier Discussion Authority; Order Extending Discussion Authority and Amending Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

[1] Additionally, to the extent that diversion via France or Germany occurs, Seaboard would not necessarily be aware of it since shipments consigned to the shipper's own agent or to a forwarder in France or Germany would be on-forwarded to London after having passed out of Seaboard's control.

[5] Piedmont has submitted an environmental evaluation for its proposed service in its answer to Allegheny's application.

On August 14, 1976, Congress enacted the *Department of Transportation and Related Agencies Act of 1977*.[1] Section 318 of that Act states:

> Such funds as may be necessary shall be utilized from the appropriations hereinabove made available to the Federal Aviation Administration and to the Civil Aeronautics Board for the preparation of a plan to coordinate as promptly as possible the use of Midway Airport with O'Hare Airport in Chicago, Illinois, for service by airline carriers in order to relieve air traffic congestion and to promote air safety in that area.

Intercarrier discussions regarding the expansion of service at Midway Airport were first authorized by the Board by Order 70-4-40, dated April 8, 1970. Initially, the participants to these discussions were limited to those carriers serving O'Hare Airport (although those carriers serving Chicago only through Midway Airport were permitted to attend as observers), and the scope of the discussions was limited to the proposed transfer of flights from O'Hare to Midway. At the time, the Board found that these discussions were in the public interest in that increased service to Midway would increase the convenience of air travel for a substantial portion of Chicago's local and connecting market and might also alleviate crowded conditions at O'Hare. Moreover, it was concluded that it was unlikely that these desirable results could come from unilateral carrier action.

Pursuant to the above authorization, an agreement was reached whereby the number of daily departures at Midway was increased from 38 to 83 in September of 1970. Although the Board approved this agreement (see Order 70-7-123, dated July 27, 1970), it expressed concern that substantially more flights had not been transferred to Midway and indicated that the carriers had a responsibility in the public interest to increase Midway frequency levels further.

By Order 72-10-85, dated October 26, 1972, the Board authorized a reopening of the Midway discussions and in so doing broadened the basis for these discussions to include the discussion of a "clean-slate" of flights into and out of Midway, as well as the transfer of existing flights from O'Hare. In these discussions, the Board permitted the carriers to disclose traffic data regarding operations at both Midway and O'Hare, including connecting passenger information. However, the Board prohibited discussions aimed at precluding or limiting service at Midway or any other airport.

Thereafter, by Order 73-7-11, dated July 5, 1973, the Midway discussion authority was broadened to include matters dealing with possible limitations on the quantity of service offered at O'Hare as a means of enhancing the pattern of service operated at Midway Airport.[2] However, the carriers were unsuccessful in formulating a scheme aimed at increasing scheduled activity at Midway Airport. Indeed, the economic conditions facing the airline industry in general and the fuel situation at that time, in particular, caused a decrease in the number of scheduled departures at Midway to a level well below that which existed when the discussions first began.[3]

On February 27, 1976, United Air Lines, Inc. (United), petitioned for issuance of an order authorizing the reopening of intercarrier discussions concerning the expansion of service at Midway Airport among those carriers presently serving Chicago through Midway and/or O'Hare International Airports. In its petition, United advised the Board that the Mayor of Chicago recently met with representatives of all the scheduled carriers authorized to serve Chicago and requested that they attempt once again to expand service and schedules at Midway.

In view of the foregoing, United requested that an order be issued authorizing a reopening of the Midway Airport discussions for a period of 90 days. Consistent with the Board's prior authorizations in this regard, United asked that all scheduled carriers authorized to serve Chicago be permitted to participate; that these carriers be permitted to disclose traffic data concerning operations at both Midway and O'Hare, including connecting passenger information; and that the authority permit discussion aimed at producing a workable inter-connecting flight system at Midway, including possible limitations on the quantity of service offered at O'Hare as a means of enhancing the pattern of service operated at Midway Airport.

By Order 76-4-6, dated April 1, 1976, the Board authorized a reopening of intercarrier discussions regarding the expansion of service at Midway Airport for a 90-day period. Subsequently, by Order 76-7-7, dated July 2, 1976, the authority to hold discussions was extended for an additional 90-day period.

Pursuant to this authorization the carriers have held several meetings and United has advised that they have reached general agreement on the following points: (1) the schedules operated in the 1972–1974 period were, with a few exceptions, not profitable; (2) if the 1972–1974 schedules were to be resumed immediately, they would probably be less successful than they were originally; (3) no carrier has information that would induce it to provide Midway schedules in the near term; (4) Midway must be served relatively soon if the airport is to be available for future needs; (5) a Midway schedule pattern must make sense to the carriers and to their customers so that some success, and thus service stability, can be achieved; (6) Midway schedules should be based primarily on local traffic destined to and from Chicago—connecting business may develop but it will not be significant to the design of the basic pattern; and (7) little information about Chicago airport preferences is available and thus, the inducements required to shift present travelers from O'Hare to Midway and the resulting percentage of customers who would be expected to use Midway flights are unknown.

In an effort to shed some light on the latter point, the City of Chicago, through its consultant, and the carriers have undertaken an economic study, the objective of which is a determination of whether sufficient numbers of passengers who now use O'Hare would use Midway and under what circumstances. Within this broad objective, the carriers hope that a definition of passenger motivations, needs, wants, expectations and travel patterns can be determined. The carriers have agreed that a three-phase investigation is in order. It is expected that the initial phase of the study will be completed by September 22, with accomplishment of all phases by December 1, 1976. By the latter date, then, the carriers should have sufficient data on which to base a decision regarding the transfer of flights to Midway.

It appears to the Board that the long-term success of any transfer of flights from O'Hare to Midway must be based upon economic incentives. One of the major problems in the transfer of operations from O'Hare to Midway is the passenger preference for the wide variety of connecting services available at O'Hare. It is these connecting passengers who, along with local traffic, combine to permit economic operations. Without this larger volume of connecting passengers, the economic results of scheduled service at O'Hare would deteriorate. The carriers and the community now apparently recognize this fact and are actively seeking to identify and quantify the economic incentives involved. Therefore, we believe the present carrier discussions hold forth the best opportunity to achieve a long-term solution to the O'Hare-Midway problem.

On the other hand, Congress has expressed its concern with the overall O'Hare-Midway situation and has directed the Board to prepare a plan to coordinate, as promptly as possible, the carrier use of Midway with O'Hare in order to relieve air traffic congestion and to promote air safety in that area. The carriers now feel that they will have by December 1, 1976, the information necessary to make a decision regarding the transfer of flights to Midway. However, assuming the answer is affirmative, a further period of time will be necessary before a plan can actually evolve. Accordingly, upon consideration of all relevant facts, it is concluded that an extension of the instant authority to hold discussions is in the public interest, and it will therefore be extended through January 14, 1977, subject generally to the conditions imposed in previous orders. We shall, in addition, require special reports apprising the Board of the carriers' actions on the matter.

Accordingly, it is ordered that: 1. Authority to engage in intercarrier discussions concerning service to Midway Airport be and it hereby is granted, subject to the following conditions:

[1] Pub. L. 94-387.

[2] The Board indicated, however, that any discussions of flight limitations at O'Hare should deal only with aggregate movements and should not focus on any particular markets or segments.

[3] At the present time Delta Air Lines is the only scheduled carrier providing service at Midway Airport. During the second quarter of 1976, Delta performed 157 of 158 scheduled departures.

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(a) Participation in these discussions shall be open to all scheduled air carriers authorized to serve Chicago;

(b) This authorization shall not be construed to include any discussions of rates, fares, charges, or in-flight or other services offered in connection with air transportation;

(c) The authority granted herein shall not be construed as authorizing discussion of any limitation upon services which may be offered at Midway or any other airport at Chicago or elsewhere;

(d) The Civil Aeronautics Board, the Mayor of the City of Chicago, representatives of the Department of Aviation of the City of Chicago and the Chicago Association of Commerce and Industry, and representatives of any other government agency or person expressing an interest shall be permitted to attend the discussions as observers;

(e) The discussions shall be held in Washington, D.C., or Chicago, Ill., and a notice of each meeting shall be served on all parties eligible to participate therein and on those persons named in (d) above, at least 7 calendar days prior to such meeting;

(f) The air carrier participants in these discussions shall file with the Board's Docket Section:

i. Within 14 days after the close of each meeting, including meetings of any special committees or groups, three copies of transcripts of the meetings (copies of the transcripts shall be made available promptly for purchase by the persons named in (d) above); and

ii. By November 3 and December 3, 1976, and January 5, 1977, three copies of a statement outlining as of the end of the previous month the status of the three-phase investigation, the carriers' conclusions on the data produced by the study, the timetable for such future actions as are contemplated, and a summary of any other pertinent information;

(g) Any agreement reached as a result of these discussions shall be filed with the Board for prior approval under § 412 of the Federal Aviation Act, and a copy thereof shall be served on the parties to the discussions and on those persons named in (d) above; and

(h) The relief granted herein shall expire on January 14, 1977;

2. Copies of this order shall be served on all scheduled carriers authorized to serve the City of Chicago, the Mayor of the City of Chicago, the Department of Aviation of the City of Chicago, and the United States Departments of Transportation and Justice, the Federal Aviation Administration, the United States Postal Service, and the Bureau of Customs;

3. The authority granted herein may be revoked or modified at any time by the Board without notice of hearing;

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29313 Filed 10-5-76;8:45 am]

[1] Minetti and West, Members concurring. Statement filed as part of the original document.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1550-D]

HIGH PERFORMANCE FUEL LABORATORY, HANFORD RESERVATION, RICHLAND, WASHINGTON

Availability of Draft Environmental Statement

Notice is hereby given that the Energy Research and Development Administration (ERDA) has issued the Draft Environmental Statement, ERDA-1550-D, High Performance Fuel Laboratory (HPFL), Hanford Reservation, Benton County, Richland, Washington, pursuant to ERDA's implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of the project which has been included in the ERDA Fiscal Year 1977 Appropriations Act. The statement addresses the potential environmental impacts associated with the construction and operation of the HPFL which will be a pilot scale facility used to support the fuels development effort in the liquid metal fast breeder reactor program.

Copies of the draft environmental statement have been distributed for review and comment to appropriate Federal, Washington State and local agencies and organizations and individuals who are known to have an interest in the project. Copies of the statement are available for public inspection in the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the draft environmental statement are requested from other interested agencies, organizations and individuals. Single copies of the statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, Energy Research and Development Administration, Washington, D.C., 20545, (301) 353-4241. Comments should be sent to the same address.

In accordance with the guidelines of the Council on Environmental Quality, those submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. However, it would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft environmental statement. Emphasis should be placed specifically on the assessment of the environmental impacts of the proposed project, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the proposed action. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments received on the draft environmental statement will be placed in the above referenced public document rooms for inspection and will be considered in the preparation of the final environmental statement if received on or before December 6, 1976.

Dated at Germantown, Md., this 30th day of September 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-29256 Filed 10-5-76;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 795]

SECRETARY TO THE GOVERNOR, SECRETARY AND LEGAL ASSISTANT, AND SECRETARY

Delegation of Authority to Authenticate Documents, Certify Official Records, and Affix Seal

SEPTEMBER 30, 1976.

1. Helen E. McWilliams, Secretary to the Governor, P. Patricia Bonnefond, Secretary, and Legal Assistant, and Barbara V. Mitchell, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective October 1, 1976, and on that date shall supersede Farm Credit Administration Order No. 786, dated May 2, 1975, 40 FR 19873.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.76-29273 Filed 10-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20910, etc.; File No. BR-4723, etc.]

FAULKNER RADIO, INC.

Applications for Hearing; Correction

Released: October 1, 1976.

For Renewal of Licenses for Station WAOA, Opelika, Alabama, Docket No. 20910, File No. BR-4723; Station WFRI (FM), Auburn, Alabama, Docket No. 20911, File No. BRH-2748; Station WBCA, Bay Minette, Alabama, Docket No. 20912, File No. BR-3448; Station WWSM(FM), Bay Minette, Alabama, Docket No. 20913, File No. BRH-1629; Station WGAA, Cedartown, Georgia, and Docket No. 20914, File No. BR-1142; Station WBTR-FM, Carrollton, Georgia, Docket No. 20915, File No. BRH-1705.

In FR Doc. 28447, appearing on page 42975 in the issue of Wednesday, September 29, 1976, on Page 42976, the caption and paragraph 1 is corrected to reflect that Station (WBTR(FM)) is licensed to Carrollton, Georgia.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29278 Filed 10-5-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Boiler Combustion Efficiency Requirements Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, section 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Boiler Combustion Efficiency Requirements Plan requires boiler owners with boilers of a specific size to operate within FEA standards of combustion efficiency.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42, U.S.C. 4332(2)(C)).

Single copies of the environmental assessment of the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IU, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Emergency Boiler Combustion Efficiency Requirements Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29243 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Commuter Parking Management and Carpooling Incentives Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, sections 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Commuter Parking Management and Carpooling Incentives Plan restricts and curtails the available inventory of parking spaces for commuter vehicles and thereby discourages the use of single occupancy vehicles for commuter travel. This measure, directed at both commercial and employer provided parking, is expected to cause a decrease in total commuter vehicle miles traveled.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IW, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Emergency Commuter Parking Management and Carpooling Incentives Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29246 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Heating, Cooling, and Hot Water Restrictions Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, sections 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Heating, Cooling, and Hot Water Restrictions Plan requires public, commercial, and industrial building owner/operators to: (1) maintain thermostats for heating at no higher than 65° F and for cooling at no lower than 80° F and (2) maintain thermostats at no higher than 105° F for heated water used for personal consumption.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA)

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has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42, U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the Emergency Heating, Cooling, and Hot Water Restrictions Plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IX, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment, Emergency Heating, Cooling, and Hot Water Restrictions Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29245 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, section 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting Plan provides for various restrictions on the use of natural gas for outdoor lighting and the use of natural gas or electricity for illumination of advertising signs and window displays.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IT, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment, Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29247 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, section 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions Plan provides for restrictions on the sale of gasoline and diesel fuel on weekends during hours to be specified by FEA at the time of implementation. Commercial and emergency vehicles are exempt from this restriction.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102 (2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IV, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to received full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29244 Filed 10-1-76;9:30 am]

FEDERAL HOME LOAN BANK BOARD

[No. 76-727-A]

CENTRAL CITY FEDERAL SAVINGS AND LOAN ASSOCIATION, LOS ANGELES, CALIFORNIA

Appointment of Conservator

SEPTEMBER 23, 1976.

Notice is hereby given that on September 23, 1976, the Federal Home Loan Bank Board by Resolution No. 76-723 did appoint Fred M. Stone as Conservator for Central City Federal Savings and Loan Association, Los Angeles, California, pending further disposition of said Association and its affairs, and, as such Conservator, to have and exercise all the powers, rights, and privileges, and assume and perform all of the duties and responsibilities of the Conservator accorded or imposed by and subject to the provisions of law, the rules and regulations for the Federal Savings and Loan System, and orders issued by the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-29316 Filed 10-5-76;8:45 am]

[No. AC-18]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF SUMNER COUNTY, WELLINGTON, KANSAS

Approval of Conversion; Final Action

SEPTEMBER 30, 1976.

Notice is hereby given that on September 30, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation by Resolution No. 76-755, approved the application of First Federal Savings and Loan Association of Sumner County, Wellington, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Seventh and Harrrison Streets, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-29319 Filed 10-5-76;8:45 am]

FEDERAL MARITIME COMMISSION

MOORE-MCCORMACK LINES, INC. AND PRUDENTIAL LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Hubert F. Carr, Vice President, Secretary & General Counsel, Moore-McCormack Lines, Incorporated, Two Broadway, New York, New York 10004.

Agreement No. 10263, between Moore-McCormack Lines, Incorporated (Moore-mac) and Prudential Lines, Inc. (PLI), is an agency agreement whereby Moore-mac appoints PLI to act as its agent in the States of California, Washington, Oregon, Idaho, Nevada, New Mexico, Montana and Utah and the Canadian Province of British Columbia on the terms and conditions and to the extent set forth therein.

Dated: October 1, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29326 Filed 10-5-76;8:45 am]

MED-GULF CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 9522-28, among the members of the above-named conference modifies the basic agreement by abolishing the present rate committee covering Puerto Rican traffic. It further establishes two (2) separate Puerto Rican rate committees—one from Spanish ports, including ports north of Portugal, and the other, from ports in the balance of the agreement's European geographic scope. It further clarifies the scope of several advisory committees and deletes one advisory committee.

Dated: October 1, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29325 Filed 10-5-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-526]

EL PASO NATURAL GAS CO.

Application

SEPTEMBER 29, 1976.

Take notice that on September 17, 1976, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-526 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of gas-purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing facilities to connect the facilities of an independent producer or other similar seller, authorized to make a sale for resale of natural gas in interstate commerce, with the system of Applicant or the system of another natural gas company authorized to transport natural gas for the account of or exchange natural gas with Applicant.

Applicant states that the total cost of construction of all facilities would not exceed $5,000,000 and that no single project would exceed a cost of $1,250,000. It is stated that the projects would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

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cordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 76-29365 Filed 10-5-76;8:45 am]

[Docket Nos. ER76-404 and ER76-658]

IOWA POWER & LIGHT CO.

Tariff Change

SEPTEMBER 28, 1976.

Take notice that Iowa Power and Light Company, on September 13, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Volume No. IV, Rate No. 811, for jurisdictional sales and service to the cities of Carlisle and Neola, Iowa, incorporating a revised Energy Cost Adjustment which eliminates the accrual of a reserve established for paying costs of replacement power for power purchased from the Nebraska Public Power District's Cooper Nuclear Station. The Company has requested that the Commission waive its normal 30-day notice requirement and allow this tariff change to be accepted for filing, and to be suspended until September 20, 1976, when it shall become effective subject to refund under the same terms and conditions as set forth in the Commission's Order Accepting For Filing and Suspending Proposed Rates issued July 15, 1976, in this docket.

Copies of the filing were served upon the public utility's jurisdictional customers and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29366 Filed 10-5-76;8:45 am]

[Docket No. ES76-80]

IOWA PUBLIC SERVICE CO.

Application

SEPTEMBER 28, 1976.

Take notice that on September 22, 1976, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of up to 55,000 shares of Common Stock (par value $5 per share) in connection with the operation of the Employees' Stock Ownership Plan of Iowa Public Service Company and Participating Subsidiaries (the "Plan") and the related Employees' Stock Ownership Trust of Iowa Public Service Company and Participating Subsidiaries (the "Trust").

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Under the Plan, the Company and its Participating Subsidiaries will, in each calendar year, contribute cash or common stock of the Company having an aggregate value equal to 1% of the amount of their investment in property for which investment tax credit has been claimed by the Company and its subsidiaries that adopt the Plan (the "Participating Subsidiaries") in their consolidated Federal income tax return for that year. Such cash and common stock will be held in trust under the Trust for the benefit of employees of the Company and its Participating Subsidiaries who are qualified to participate in the Plan. Generally, each employee who has been employed at least three years and who is at least twenty-five years of age, automatically participates in the Plan. Cash contributed under the Plan is to be primarily invested in common stock of the Company and it is intended that such common stock will be newly issued shares. However, the Company presently anticipates that it will ordinarily contribute common stock rather than cash to the Plan. In addition, cash dividends paid on the common stock of the Company held in the Trust, in excess at certain expenses of the Trust, will be reinvested in additional shares of the common stock of the Company. Such additional shares will also be newly issued shares.

It is anticipated that the operation of the Plan through 1977 will require the issuance of up to 55,000 shares of authorized but unissued common stock of the Company. Under the Plan, the value of each share of common stock contributed to the Plan, or purchased by the Trust from the Company with the proceeds of cash contributions, will be an amount equal to the average of closing prices of the Company's common stock on the New York Stock Exchange for the twenty consecutive trading days immediately preceding the date such stock is transferred to the Trust. Other purchases by the Trust of the Company's common stock, for example, from the proceeds of cash dividends received, must be made at fair market value. It is anticipated that such purchases will be made from the Company from an amount equal to the average of the high and low sales prices for the Company's common stock on the New York Stock Exchange on the day the purchase is made (or the next preceding day on which the New York Stock Exchange is open, if it is closed on that day) or, if no trading occurs in the Company's common stock on such day, an amount equal to the average of the reported bid and asked prices for the Company's common stock on such day.

Applicant proposes to use the proceeds from the issuance of the Common Stock to secure funds for construction purposes and to meet expenditures for its construction program and for other corporate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29368 Filed 10-5-76;8:45 am]

[Docket No. ES76-79]

PACIFIC POWER & LIGHT CO.

Application

SEPTEMBER 28, 1976.

Take notice that on September 21, 1976, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue not to exceed $50,000,000 in aggregate principal amount of its First Mortgage Bonds (New Bonds).

The New Bonds are to be issued under and pursuant to Applicant's presently existing Mortgage and Deed of Trust, dated as of July 1, 1947, to Morgan Guaranty Trust Company of New York and R. E. Sparrow, as Trustees, as previously supplemented by thirty supplemental indentures and as proposed to be supplemented by a Supplemental Indenture. The New Bonds will bear interest from December 1, 1976, at a rate per annum to be fixed and will mature on such date or dates as may be determined by Applicant's Board of Directors.

Applicant proposes to sell the New Bonds at competitive bidding in accordance with the applicable requirements of § 34.1a of the Commission's Regulations.

Net proceeds from the issuance and sale of the New Bonds will be used to repay short-term notes prior to or as they mature and to finance, in part, Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29367 Filed 10-5-76;8:45 am]

[Docket Nos. E-8882, ER76-381 and ER 76-687]

PUBLIC SERVICE COMPANY OF COLORADO

Filing of Settlement Agreement and Motion for Approval Thereof

SEPTEMBER 27, 1976.

Take notice that on September 13, 1976, the Public Service Company of Colorado (PSCC) tendered for filing a Stipulation and Agreement of Settlement in the above-referenced dockets, and a motion for Commission approval thereof. PSCC states that approval of the Agreement would dispose of all issues raised in these dockets in their entirety.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29369 Filed 10-5-76;8:45 am]

[Docket No. RP73-92 (PGA76-4)]

RATON NATURAL GAS CO.

Change in Rates

SEPTEMBER 29, 1976.

Take notice that Ration Natural Gas Company (Raton) on September 20, 1976, tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Twelfth Revised Sheet No. 3a. The change in rates is for jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG gas cost increase of $0.23 per MCF of Demand and 8.57¢ per MCF of Commodity results in increased rates to $1.36 per MCF Demand and 80.19¢ per MCF Commodity. The annual revenue increase by reason of the tracking amounts to $115,326.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29364 Filed 10-5-76;8:45 am]

[Docket No. E-9568]

ST. JOSEPH LIGHT & POWER CO.

Audit of Books

HISTORY OF THE CASE

SEPTEMBER 29, 1976.

By letter dated April 15, 1970, the St. Joseph Light and Power Company of Missouri was notified by the Chief Accountant of the Federal Power Commission that the Division of Audits intended to begin an examination of the books and records of the Company on or about May 4, 1970.

The Company responded in a letter dated April 24, 1970, stating that it did "not acknowledge authority for any regulation of these public utility operations by the Federal Power Commission." Adopting the opinion of its counsel, the Company maintained that it was not a "public utility" under the Federal Power Act.

The Company made its disclaimer at that time on the basis of the following assertions:

(1) That it owned no property outside of the State of Missouri and did business solely within such state;

(2) That it made no sales at wholesale for resale either inside or outside the State of Missouri;

(3) That the company was not a member of any power pool;

(4) That the company purchased no firm power from other suppliers, either inside or outside the State of Missouri; and

(5) That no question of wholesale contracts or rates was involved.

An in house review has revealed the following:

1. St. Joseph does not make sales of electric energy for resale to any municipal systems or distribution cooperatives, it does however exchange electricity with interconnected utilities.

2. St. Joseph maintains several direct interconnections with utilities in adjacent states, including one with Omaha Public Power District (OPPD) at the Missouri-Nebraska boundary at 345kv. In its 1975 FPC Form No. 12 St. Joseph reports that it delivered to Omaha Public Power District (Omaha) 158,734,000 kwh and received from Omaha 1,009,686,000 kwh across the state line.

3. St. Joseph has indirect interconnections with other states through its interconnections within the state of Missouri.

4. St. Joseph filed rate schedules or certificates of concurrence to rate schedules filed by others, covering energy transactions at the various interconnections it maintains.[1]

The Company has not submitted to an FPC audit to date and has been advised once again, by a letter dated April 1, 1976, that the Commission intends to conduct an examination of its books and records. In its response of April 7, 1976, the Company continues to claim nonjurisdictional status. We are aware of no significant change in St. Joseph's operating structure occurring since 1970.

JURISDICTION UNDER SECTION 201(b)

Section 201(b) of the Federal Power Act grants jurisdiction to the FPC over "the transmission of electric energy in interstate commerce * * * and the sale of electric energy at wholesale in interstate commerce * * *" Utilities subject to our jurisdiction are required to comply with the rules and regulations of the Federal Power Commission, including the obliga-

[1] See Supplement No. 11 to St. Joseph FPC Rate Schedule No. 12, filed 9/2/76, concurred in by Iowa Power and Light Company.

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tion to submit to periodic audits of their books and records.

As we indicated earlier, St. Joseph has several direct interconnections with utilites in other states. It is clearly engaged in the transmission and sale of electric energy in interstate commerce. *Florida Power & Light*, 404 U.S. 453 (1972), affirmed this Commission's position that our jurisdiction extends to utilities even indirectly interconnected with utilities in other states. Our jurisdiction over utilities directly interconnected across state boundaries is well established. The Supreme Court discusses this point in *Florida Power & Light*, supra:

If FP&L were directly involved in power exchanges with Georgia, there would be no serious question about the resolution of this case. Section 201 of the Federal Power Act owes its origin to the determination of this Court that a direct transfer of power from a utility in Rhode Island to a utility in Massachusetts is in interstate commerce. See *Public Utilities Commission* v. *Attleboro Steam & Electric Co.* 273 U.S. 83, 475 ct. 294, 71 L. Ed. 549(1947). 'Part II [of the Act] is a direct result of Attleboro.' [Citation omitted] There can be no doubt whether § 201 achieves its end and fills the 'Attleboro gap' by giving the FPC jurisdiction over direct exchanges. [citation omitted] *Florida Power & Light*, supra at 458.

St. Joseph has maintained that it is an intrastate operation and should not be subject to federal regulation, yet the legislative history of the Federal Power Act shows that Congress anticipated that "federal accounting requirements would apply to utilities predominantly engaged in local business subject to state regulation." *Florida Power & Light Company*, 37 FPC 544, 555 (1967). Furthermore, our jurisdiction does not depend upon the actual volume flowing in interstate commerce, *Connecticut Light and Power Company* v. *Federal Power Commission*, 324 U.S. 515, 535–536 (1945), though a considerable amount of electric energy must pass between states over St. Joseph's numerous direct interconnections. The foundation for our assertion of jurisdiction could hardly rest on firmer grounds.

The Commission finds: (1) St. Joseph Light and Power Company is a public utility within the meaning of section 201 of the Federal Power Act, subject to the jurisdiction of the Commission.

(2) In view of the foregoing, it is necessary and appropriate for the purposes of the administration of the Federal Power Act, particularly section 201 and 301 thereof, that St. Joseph Light and Power Company be directed to produce all accounts, records of cost accounting procedures, correspondence, memoranda, papers, books and other records as the Commission's Rules and Regulations may prescribe as necessary and appropriate for the audit of St. Joseph Light and Power Company's public utility operations.

The Commission orders: (A) Pursuant to sections 201, 301 and 307 of the Federal Power Act, we command the St. Joseph Light and Power Company, that all business and excuses being laid aside, that you produce at your corporate headquarters at St. Joseph, Missouri, for examination by the Staff of the Federal Power Commission the following described books, papers, documents and tangible things on or before November 23, 1976.

All accounts, records of cost accounting procedures, correspondence, memoranda, papers, books and other records which are germane to an audit of the original cost of plant to December 31, 1975.

(B) And all other accounts, correspondence, memoranda, papers, books and other records in your custody or power relevant to the audit. And for failure to produce the aforesaid documents the Commission will invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the production of books, papers, correspondence, memoranda, contracts, agreements, and other records.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29340 Filed 10-5-76;8:45 am]

[Docket No. CP76-521]

TEXAS GAS TRANSMISSION CORP.

Application

SEPTEMBER 29, 1976.

Take notice that on September 15, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-521 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Anaconda Company, Aluminum Division (Anaconda), an existing industrial customer of Louisville Gas and Electric Company (Louisville), one of Applicant's resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years on an interruptible basis up to 100 Mcf of gas per day and up to 36,500 Mcf on an annual basis for Anaconda. It is stated that Anaconda has entered into a contract with Par Oil Corporation (Par) for the purchase of natural gas for $1.50 per Mcf at 15.025 psia for the first contract year and an additional 3.0 cents for the second contract year, such gas to be produced from certain leasehold interests presently owned or controlled by Par in Athens Field, Claiborne Parish, Louisiana. The gas, it is shown, would be delivered to Applicant at an existing meter station near the site of Block Valve No. 1 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and Applicant would redeliver up to 100 Mcf per day to its existing point or points of delivery with Louisville for the account of Anaconda.

Applicant maintains that in no event would it be obligated to deliver on any day an aggregate amount of more than the contract demand of 239,706 Mcf of gas through all points of delivery of Applicant to Louisville. It is stated that Louisville has agreed to accept up to 100 Mcf per day to be transported and delivered by Applicant to Louisville for the account of Anaconda.

Applicant proposes to charge 18.37 cents per Mcf at 14.73 psia for the transportation service and would retain 9.0 percent of the volumes received for compressor fuel and line loss makeup.

Applicant states that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day, and annual basis. Further, it is indicated that the proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

Applicant maintains that, as advised by Par, if the subject natural gas is not sold to Anaconda, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana, and therefore Applicant does not consider the subject natural gas to be available to it for purchase.

Applicant states that the gas to be transported as described herein would be used as fuel at Anaconda's Louisville Laminating Plant, which supplies laminated foil lining and packaging material for food packaging and oil and frozen juice containers. Applicant maintains that Anaconda has spent $50,000 in a research effort to develop technology for the conversion to a fuel oil but to date has had no success.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in acordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29362 Filed 10-5-76;8:45 am]

[Docket No. ES76-73]

UTAH POWER & LIGHT CO.

Application

SEPTEMBER 29, 1976.

Take notice that on September 23, 1976 Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 and any other applicable Section of the Federal Power Act authorizing the Company, without competitive bidding, to issue and pledge not more than $50,000,000 in principal amount of its First Mortgage Bonds pursuant to proposed financial arrangements with Emery County, Utah (County), whereby (1) the County will issue and sell not more than $50,000,000 in principal amount of its Revenue Bonds, pursuant to negotiations with underwriters who will reoffer the Revenue Bonds to the public, (2) the County will lease from the Company certain pollution control facilities being installed at two of the Company's steam electric generating units now under construction in the County for a rental equal to the proceeds from the sale of the Revenue Bonds, (3) the County will sublease the pollution control facilities to the Company for subrentals sufficient to pay the principal of, and premium, if any, and interest on, the Revenue Bonds and incidental expenses, and (4) the Company will issue and pledge to the trustee under the indenture pursuant to which the Revenue Bonds are proposed to be issued a new series of its First Mortgage Bonds in principal amount equal to the principal amount of, and having terms parallel to, the Revenue Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29363 Filed 10-5-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-401]

SECRETARY OF DEFENSE

Revocation of Delegation of Authority

• 1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in communications proceedings which have been terminated. •

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires September 30, 1976.

4. Revocation. This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-2	Dec. 4, 1964	Delegation of authority to the Secretary of Defense—Regulatory Proceeding.
F-31	Nov. 27, 1968	Do.
F-89	Feb. 26, 1971	Do.
F-104	May 17, 1971	Do.
F-149	Aug. 8, 1972	Do.
F-168	Feb. 20, 1973	Do.
F-170	Feb. 27, 1973	Do.
F-172	Mar. 15, 1973	Do.
F-178	Apr. 20, 1973	Do.
F-189	Aug. 6, 1973	Do.
F-302	Sept. 17, 1974	Do.
F-306	Oct. 11, 1974	Do.
F-315	Dec. 12, 1974	Do.
F-322	Jan. 3, 1975	Do.
F-341	June 10, 1975	Do.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-29111 Filed 10-5-76;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F-402]

SECRETARY OF DEFENSE AND ADMINISTRATOR, ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Revocation of Delegations of Authority

• 1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in utility proceedings which have been terminated. •

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires September 30, 1976.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-139	Mar. 16, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceeding.
F-150	Aug. 9, 1972	Do.
F-169	Feb. 20, 1973	Do.
F-190	Aug. 13, 1973	Do.
F-197	Oct. 30, 1973	Do.
F-199	Nov. 28, 1973	Do.
F-212	Mar. 19, 1974	Do.
F-304	Sept. 25, 1974	Do.
F-334	Mar. 28, 1975	Do.
F-335	Mar. 19, 1975	Do.
F-346	June 27, 1975	Do.
F-366	Dec. 19, 1975	Delegation of authority to the Administrator, Energy Research and Development Administration—Regulatory Proceeding.
F-389	May 24, 1976	Do.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-29112 Filed 10-5-76;8:45 am]

LEGAL SERVICES CORPORATION

EVERGREEN LEGAL SERVICES

Grants and Contracts

SEPTEMBER 30, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project • • •."

The Legal Services Corporation hereby announces publicly that it is considering the application for grant submitted by Evergreen Legal Services of Seattle, Washington.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, NW., Suite 700, Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-29282 Filed 10-5-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-87]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERODYNAMICS AND CONFIGURATIONS

Meeting

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations will meet on October 27-29, 1976, at the NASA Dryden

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Flight Research Center, Edwards, California, 93523. The meeting will be held in Conference Room 2090 of Building 4800. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Dryden Flight Research Center Receptionist in Building 4800.

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations serves in an advisory capacity only. There are 17 members. The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. William S. Aiken, Jr., Area Code 202, 755–2400.

OCTOBER 27, 1976

Time	Topic
9:00 a.m.	Report of the chairman (purpose: to summarize action taken at the July 1976 meeting of the Research and Technology Advisory Council).
9:30 a.m.	Report of the executive secretary (purpose: to brief the committee on recent or proposed changes in NASA organization and in pertinent aeronautics programs).
10:30 a.m.	Ground effect test techniques (purpose: to describe methods of determining the effect of the ground on the aerodynamics of aircraft configurations and typical recent results).
12:30 p.m.	Tour of Dryden Flight Research Center Hangar (purpose: to view the flight hardware referred to in presentations during the meeting).
1:30 p.m.	Status of Highly-Maneuverable Aircraft Technology (HiMAT) and other Remotely-Piloted Vehicle (RPV) programs (purpose: to summarize plans for and results from RPV programs including HiMAT, Firebee II, and the oblique wing).
2:45 p.m.	Correlation of wind-tunnel model and flight-test results (purpose: to inform the committee of recent results indicating the capability of predicting full-scale flight characteristics from wind-tunnel model tests).
3:45 p.m.	Proposed program for Comprehensive Aerodynamic Prediction of Aircraft (CAPAIR) (purpose: to summarize a plan to integrate theoretical and experimental capabilities and provide accurate and complete predictions of aircraft aerodynamics for industry and government users).
4:10 p.m.	Report on Advanced Medium STOL Transport (AMST) and Quiet Short-Haul Research Aircraft (QSRA) programs (purpose: to brief the committee on recent developments in the AMST and QSRA programs).

OCTOBER 28, 1976

Time	Topic
8:30 a.m.	Airframe/Propulsion System Integration program review (purpose: to inform the committee of progress on recently-initiated integration programs including that on two-dimensional, axisymmetric nozzles).
9:50 a.m.	Summary of Proposed Missile Aerodynamics program (purpose: to bring the committee up to date on plans to expand the missile aerodynamic program at the Langley Research Center).
10:30 a.m.	Discussion of NASA Center written reports (purpose: to provide elaboration on items included in the previously-distributed written reports on pertinent aeronautical research areas prepared by the Ames, Langley, and Lewis Research Centers).
12:30 p.m.	Visit to Air Force Advanced Medium STOL Transport (AMST) Hangars (purpose: to examine aircraft being tested in the AMST program).
1:30 p.m.	Member reports on items of interest (purpose: to provide elaboration on items included in the previously-distributed written reports provided by individual members of the committee).
3:15 p.m.	Working group sessions on basic technology, Conventional Take-off and Landing (CTOL), and Vertical and Short Take-off and Landing (V/STOL) aircraft (purpose: to develop draft position statements and recommendations pertaining to the focus and scope of the technical programs reviewed earlier).

OCTOBER 29, 1976

Time	Topic
9:00 a.m.	Committee review of working group reports (purpose: to review inputs from the three working groups and prepare final position statements and recommendations for consideration by the NASA Research and Technology Advisory Council).
10:45 a.m.	Discussion of agenda items for the next meeting (purpose: to obtain and discuss members' suggestions for potential agenda for the next meeting).
11:30 a.m.	Adjournment.

SEPTEMBER 30, 1976.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs National Aeronautics and Space Administration.

[FR Doc.76-29264 Filed 10-5-76;8:46 am]

[Notice (76-86)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON SPACE PROPULSION & POWER

Meeting

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power will meet October 27 and 28, 1976, at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California. The meeting will be held in Room 186–128. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room which is about 25 persons. All visitors must register at the reception desk in Room 186–128.

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power serves in an advisory capacity only. There are 16 members on this Committee. The following list sets forth the approved agenda and schedule for the October 27–28, 1976, meeting of the Committee on Space Propulsion and Power. For further information, please contact Mr. James Lazar, Area Code 202, 755–3280.

OCTOBER 27, 1976

Time	Topic
8:30 a.m.	Opening remarks (purpose: to welcome members and discuss agenda).
8:45 a.m.	Status of solar electric propulsion development program and auxiliary electric propulsion flight experiment (purpose: to brief committee members on NASA's decision concerning the development of solar electric propulsion including phase A study efforts planned for fiscal year 1977 and to brief committee members on the status of a space experiment to flight test an auxiliary electric propulsion system).
9:30 a.m.	Solar sailing review (purpose: to brief committee members on the potential applications of solar sailing for solar system exploration missions and to brief committee members on the status of solar sailing technology).

Time	Topic
10:15 a.m.	Space storable propulsion systems technology program review (purpose: to brief committee members on the space storable propulsion systems technology program).
11:00 a.m.	Advanced solid propulsion and pyrotechnic technology program review (purpose: to brief committee members on the advanced solid propulsion and pyrotechnic technology program).
1:00 p.m.	NASA thermionic research and technology program review (purpose: to brief committee members on the NASA thermionics research and technology program).
2:15 p.m.	NASA nickel cadmium battery program review (purpose: to brief committee members on the NASA nickel cadmium battery program).
3:00 p.m.	Office of aeronautics and space technology's preliminary space propulsion and power program goals and objectives review (purpose: to brief committee members on the goals and objectives of the space propulsion and power program and the implications of these goals and objectives).

OCTOBER 28, 1976

Time	Topic
8:30 p.m.	Preliminary space propulsion and power program goals and objectives review (continued).
9:30 a.m.	Discussion of major issues and preliminary space propulsion and power program goals and objectives (purpose: to establish committee positions on major issues and to establish committee positions on the preliminary goals and objectives of the space propulsion and power program).
12:00 noon	Plans for next meeting (purpose: to set a date and place for the next committee meeting and to discuss possible agenda items).
12:30 p.m.	Adjournment.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space, Administration.

SEPTEMBER 29, 1976.

[FR Doc.76-29265 Filed 10-5-76;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on October 21, 1976.

The purpose of the meeting is to review General Research applications in the field of State, Local and Regional History submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-29257 Filed 10-5-76;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in Room 1130, from 9 am to 5:30 pm on October 29, 1976.

The purpose of the meeting is to review General Research applications in the field of History submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority of Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggestedt hat those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-29258 Filed 10-5-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SENSORY PHYSIOLOGY AND PERCEPTION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Scence Foundation announces the following meeting:

Name: Advisory Panel for Sensory Physiology and Perception.
Date and Time: October 25 and 26, 1976; 9 am–5 pm each day.
Place: National Science Foundation, 1800 G Street NW, Washington, D.C., Room 338.
Type of meeting: Closed.
Contact Person: Dr. Terrence R. Dolan, Program Director for Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 634–1624.
Purpose of Panel: To provide advice and recommendations concerning support for research in sensory physiology and perception.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close Meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 30, 1976.

[FR Doc.76-29308 Filed 10-5-76;8:45 am]

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, October 27, 1976, from 9:30 am–12 noon, at the National Science Foundation, 1800 G Street, NW., Conference Room 543. The theme of this meeting will be the "Programs of U.S. National Commissions in the Information Area: Any Relevance for Improving Federal STI Operations?"

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These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street, NW., Washington, DC 20550, telephone: (202) 632–5836.

LEE G. BURCHINAL,
Director,
Division of Science Information.

OCTOBER 1, 1976.

[FR Doc.76–29307 Filed 10–5–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0317]

BOHLEN CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On August 25, 1976, a Notice of Application for a license as a Small Business Investment Company was published in the FEDERAL REGISTER (41 FR 35912) stating that an Application had been filed with the Small Business Administration (SBA) pursuant to §107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license as a small business investment company by Bohlen Capital Corporation, 30 East 42nd Street, New York, New York 10017.

Interested parties were given until the close of business September 9, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on September 24, 1976, issued License No. 02/02–0317 to Bohlen Capital Corporation to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 27, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate
Administrator for Investment.

[FR Doc.76–29299 Filed 10–5–76;8:45 am]

[Declaration of Disaster Loan Area No. 1276]

CALIFORNIA

Declaration of Disaster Area

As a result of the President's declaration, I find that Imperial and Riverside counties, and adjacent counties within the State of California, constitute a disaster area because of damage resulting from severe storms and flooding beginning on September 10, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 22, 1976, and for economic injury until the close of business on June 21, 1977, at:

Small Business Administration, District Office, 350 S. Figueroa Street, 6th Floor, Los Angeles, California 90071.
Small Business Administration, 880 Front Street, Federal Building Room 4–S–33, San Diego, California 92188.

or other locally announced locations.

Dated: September 27, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76–29298 Filed 10–5–76;8:45 am]

COLUMBIA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Columbia District Advisory Council will hold a public meeting at 10 am, Wednesday, October 20, 1976, at The Carolina Inn, 937 Assembly Street, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Vern F. Amick, U.S. Small Business Administration, 1801 Assembly Street, Columbia, South Carolina 29201, (803) 765–5373.

Dated: September 27, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for
Advisory Councils.

[FR Doc.76–29296 Filed 10–5–76;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at Union Center Plaza, Room 9517, 941 North Capitol Street, NE., Washington, DC, on October 29, 1976, at 10 a.m. The meeting will be open to the public.

Those wishing to attend should contact Mrs. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420 (phone 202–389–5211) not later than October 28, 1976. Any interested person may attend, appear before, or file a statement with the committee. Individuals wishing to make oral statements should please indicate this in a letter to Mrs. Withers in which they fully identify themselves and state the organization or association they represent or are speaking for. Written statements should be filed with Mrs. Withers at the Washington address prior to the meeting. Oral statements will be heard only between 3 pm and 4 pm on October 29, 1976.

Dated: September 30, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76–29305 Filed 10–5–76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

JOB CORPS CENTER, GLENMONT, N.Y.

Decision Not To Issue Environmental Impact Statement

Notice is hereby given that pursuant to the Code of Federal Regulations, Title 40, Chapter V, Part 1500 the Department of Labor has determined that an environmental impact statement is not required in order to establish a Job Corps Center at Our Lady of Angels Seminary in Glenmont, New York. Reasons for this determination are set forth below.

The proposed New York Job Corps Center will be a training center with residential and educational facilities for 275 disadvanted young men and women, ages 16 through 21 who need and can benefit from intensive employment related services. The function of the center and the staff of approximately 100 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The center will be a self-contained facility on a ridge on the westerly slope of the Valley of the Hudson River, approximately four miles from Albany. The facility consists of approximately 11 buildings constructed on concrete and steel with brick exterior walls. The campus is located on a 240 acre wooded tract, next to a commerical area, with no more than 14 families living within four miles of the grounds.

The proposed Job Corps Center at Our Lady of Angels is not one of "major Federal actions significantly affecting the quality of the human environment" within the meaning of § 1500.6(c). The intended purpose is the same as the use of the site by the previous occupants, specifically residential living and instruction in an educational institution.

Sewage facilities are planned to include the installation of an aeration tank and establishment of a settlement area. Provision will be made for chlorination of the effluent. Effluent will be discharged into a basin.

Two wells on the property more than adequately meet the volume requirements and standards for water supply. A third well, chemically treated, will be used as a back-up.

Noise will not be a factor since the center will be located in brick buildings off a highway in an isolated area on 244 acres with abundant trees.

Furthermore, the center will be operated in compliance with 29 CFR 97a.116, the standard Job Corps procedures on environmental health, which include:

(a) Center Directors adhere to Federal, State and local regulations concerning environmental health. Routine environmental health inspections of dormitories, food preparation and serving areas, and water waste treatment facilities, will be performed at least once a week by the center physician or his designee. The Center Director will also arrange for formal environmental health inspections by qualified non-center personnel.

(b) The water supply:

(1) It will be adequate for the center's needs, and shall satisfy the latest U.S. Public Health Services Regulations on Drinking Water Standards (42 CFR 72.201–207).

(2) In case of any construction or renovation of the water supply system, design, specifications, and construction procedures will be conducted in compliance with regulations of State and local or other health authorities and their approval.

(3) The Center Director will maintain records which shall show the amount of water treated, amount of chlorine used, daily free chlorine residual, and other data pursuant to standards set by the EPA and local authorities pertaining to water treatment. The Center Director will arrange for all necessary bacterial and chemical tests to be performed by State and local health authorities with the exception of the daily routine residual chlorine test which shall be done by center staff.

(4) The Job Corps center will comply with the water quality and related standards of the State and with the standards established by the Federal Water Pollution Control Act, 33 U.S.C. 1151 et seq.; by Executive Order 11752; 3 CFR 380, (1974) and by the Environmental Protection Agency.

(5) The Center Director will see that septic tanks are inspected by appropriate non-center personnel at least once a year.

(6) The installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752, 3 CFR 380, (1974) and at 40 CFR, Part 76.

(c) Food handling practices shall meet local and United States Public Health Department Standards; all meat products shall meet U.S. Department of Agriculture standards; and pesticides shall not be used where food is prepared or served.

(d) Insecticides will be used only in conformance with State and Federal pesticide laws including the regulations of the Environmental Protection Agency.

Signed at Washington, DC this 4th day of October, 1976.

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive Employment Development.

[FR Doc.76–29586 Filed 10–5–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 162]

ASSIGNMENT OF HEARINGS

OCTOBER 1, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107295 (Sub No. 821), Pre-Fab Transit Co., now being assigned November 2, 1976 (1 day), at New York, New York, in a hearing room to be later designated.
MC 142083, Specialty Carrier, Inc., now being assigned November 18, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 139089 (Sub No. 5), Freeport Transport, Inc., now being assigned November 18, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 61592 (Sub 378), Jenkins Truck Line, Inc., and MC–F 12693, Jenkins Truck Line, Inc.—Merger—Ratliff & Ratliff, Inc., now being assigned November 16, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC–F–12858, A & B Freight Line, Inc.—Purchase—SMS Transportation Company and MC 120364 (Sub-No. 12), A & B Freight Line, Inc., application dismissed.
MC 11207 Sub 369, Deaton, Inc., now being assigned November 15, 1976 (1 day), at Birmingham, Ala., in a hearing room to be later designated.
MC 121664 Sub 12, G. A. Hornady, Cecil M. Hornady, & B. C. Hornady DBA Hornady Brothers Truck Line, now being assigned November 16, 1976 (2 days), at Birmingham, Ala., in a hearing room to be later designated.
MC 11207 Sub 368, Deaton, Inc., MC 73165 Sub 382, Eagle Motor Lines, Inc., and MC 136828 Sub 5, Cox & Shay Inc., now being assigned November 18, 1976 (2 days), at Birmingham, Ala., in a hearing room to be later designated.
MC 69492 (Sub-No. 50), Henry Edwards d/b/a Henry Edwards Trucking Company, has been continued to October 28, 1976 (2 days) at Nashville, Tennessee; in Room C1–125, Tennessee Public Service Commission, Cordell Hull Building.
MC 136987 (Sub 13), Remington Freight Lines, Inc., now being assigned December 10, 1976 (1 day), at Chicago, Illinois, in a hearing room to be designated.
MC 133146 (Sub 15), International Transportation Service, Inc., now being assigned December 9, 1976 (1 day), at Chicago, Illinois, in a hearing room to be later designated.
MC 133689 (Sub-No. 70), Overland Express, Inc., now assigned November 3, 1976 at Madison, Wisconsin; will be held in Room 404, Hill Farms State Office Building, 4802 Sheboygan Avenue.
MC 135197 (Sub No. 8), Leeser Transportation, Inc., now being assigned November 4, 1976 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.
MC 142060 (Sub No. 1), Nash Trucks, Inc., now being assigned November 5, 1976 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29373 Filed 10–5–76;8:45 am]

[Notice No. 131]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 1, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than October 21, 1976. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 342 TA), filed September 24, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tung oil*, in bulk, in tank vehicles, from Elizabeth and Weehawken, N.J., to Dallas, Tex., for 180 days. Applicant has also

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filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: P.V.O. International, World Trade Center, San Francisco, Calif. 94111. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 4705 (Sub-No. 3 TA), filed September 24, 1976. Applicant: LAWRENCE NEPPL TRUCKING, INC., Halbur, Iowa 51444. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Farmers Cooperative Association, at or near Ralston, Iowa, to Terre Haute, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wayne Seaman, General Manager, Farmers Co-operative Association, Ralston, Iowa 51459. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 16903 (Sub-No. 45 TA), filed September 21, 1976. Applicant: MOON FREIGHT LINES, INC., 120 W. Grimes, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated wood ties*, from Bloomington, Ind. to Ottumwa, Iowa, for for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Indiana Wood Treating Company, 5700 S. Rogers, Bloomington, Ind. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 52460 (Sub-No. 185 TA), filed September 24, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, Okla. 74107. Applicant's representative: Steve Cipich, P.O. Box 9637, Tulsa, Okla. 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Jackson, Ala., to points in Texas, Oklahoma and Missouri, for 180 days. Supporting shipper: Allied Paper Incorporated, P.O. Box 2528, 2030 Portage St., Kalamazoo, Mich. 49001. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 61396 (Sub-No. 317TA), filed September 24, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen and liquid oxygen*, in bulk, in cryogenic tank vehicles, from the plantsite of Airco Industrial Gases, at East Alton, Ill., to Batesville, Ark. Restriction: All service hereunder restricted to traffic originating at the above-named facility and moving in trailers owned by Airco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Supt., Airco Industrial Gases, Chessen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 64100 (Sub-No. 8TA), filed September 21, 1976. Applicant: GEORGE B. UTTER, R.D. No. 2, Oneonta, N.Y. 13820. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, on rail movements, from points outside of the state of New York (including, but not limited to, Lawrenceburg, Ky.; Indianapolis, Ind.; Milwaukee, Wis.; Paris, Ill.; and Kankakee, Ill.), from the railyards in the City of Oneonta, N.Y., to the plantsite of Agway in the Village of Stamford, N.Y., for 180 days. Supporting shipper: Agway, Inc., Stuart Hickett, Manager, Stamford, N.Y. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 71478 (Sub-No. 73 TA), filed September 21, 1976. Applicant: CHIEF FREIGHT LINES COMPANY, 2401 N. Harvard Ave., Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc., at or near Henryetta, Okla., to points in Indiana, Illinois, Iowa, Ohio, Kansas, Missouri and Texas, for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 71642 (Sub-No. 21 TA), filed September 24, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastic and plastic articles, sheets, shapes, forms, rods, tubes, grindings, and pellets*, for the account of Keysor-Century Corporation, between Delaware City Commercial Zone and Newark, Del., on the one hand, and, on the other, Nashville, Tenn., under a continuing contract with Keysor-Century Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Keysor-Century Corp., P.O. Box 311, Delaware City, Del. 19706. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 94265 (Sub-No. 246 TA), filed September 21, 1976. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Harry G. Buckwalter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Waterloo, Iowa, to points in Kentucky, for 180 days. Supporting shipper: The Rath Packing Company, William D. Day, General Transportation Manager, P.O. Box 330, Waterloo, Iowa 50704. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502 Federal Building, 400 North 8th Street, Richmond, Virginia 23240.

No. MC 107162 (Sub-No. 48 TA), filed September 21, 1976. Applicant: NOBLE GRAHM TRANSPORT, INC., Rural Route No. 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction board*, from Port of Entry on the International Boundary Line between the United States and Canada, at or near Sault Ste. Marie, Mich., to points in Michigan, Illinois, Indiana and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: T. W. Hager Lumber Company, 1545 Marquette St., S.W., Grand Rapids, Mich. 49509. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 111401 (Sub-No. 469TA), filed September 24, 1976. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from El Dorado, Kans., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Skelly Oil Company, P.O. Box 1650, Tulsa, Okla. 74102. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 113678 (Sub-No. 638TA, filed September 22, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004 Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Arizona, California, Colorado, Georgia, Idaho, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington and Wyoming, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 115311 (Sub-No. 198TA), filed September 24, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and relating advertising matter*, from Memphis, Tenn., to Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thomas Beverage Co., 2235 DePoor Hills Road, NW., Atlanta, Ga. 30318. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 133095 (Sub-No. 113TA), filed September 17, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapeutic equipment*, in mechanically refrigerated equipment, (1) from McAllen, Tex., to Cinnaminson, N.J., and (2) from Piscataway, N.J., to McAllen, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Erika, Inc., 560 Sylvan Ave., Englewood Cliffs, N.J. 07632. Send protests to: H. C. Morrison, Sr., Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133689 (Sub-No. 82TA), filed September 23, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Ohio, Kentucky, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine and the District of Columbia, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136008 (Sub-No. 78TA), filed September 24, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, from points in Wise County, Tex., to points in Caddo Parish, La., and Miller County, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCabe Minerals and Chemicals Co., Inc., 1519 Third Ave., SW., Ardmore, Okla. 73401. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 140313 (Sub-No. 5TA), filed September 21, 1976. Applicant: J & R TRUCKING, INC., 4104 83rd S.E., Mercer Island, Wash. 98040. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized pipe, furnaces, furnace fittings and parts, air conditioners and air conditioner parts*, from Cincinnati, Ohio, to points in Idaho, Washington and Oregon, for 180 days. Supporting shipper: Williamson Company, 3500 Madison Road, Cincinnati, Ohio 45209. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141164 (Sub-No. 1TA), filed September 20, 1976. Applicant: JOHN E. COX, 120 Lafayette Road, Portsmouth, N.H. 03801. Applicant's representative: Frederick T. McGonagle, 36 Main St., Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil*, in bulk, in tank vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Calais, Houlton, Bar Harbor and Portland, Maine, to Peabody, Mass., for 180 days. Supporting shipper: Bayoil Co., Inc., P.O. Box 806, Peabody, Mass. 01960. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142409 (Sub-No. 1TA), filed September 16, 1976. Applicant: NEVILLE R. MAYES, doing business as MERCHANTS WHOLESALE DISTRIBUTING CO., 924 Rockaway St., Las Vegas, Nev. 89128. Applicant's representative: Don Erik Franzen, 3550 Wilshire Blvd., Suite 1418, Los Angeles, Calif. 90010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and agricultural commodities* otherwise exempt from economic regulation pursuant to Section 203(b)(6) of the Interstate Commerce Act when traveling at the same time and in the same vehicle with foodstuffs, between Los Angeles, Calif., and points in its Commercial Zone as defined by the Commission at 51 M.C.C. 676, 678, on the one hand, and, on the other, Nellis Air Force Base, the Mercury Test Site, and Reynolds Electric, located near Las Vegas, Nev., for 180 days. Supporting shipper: None. Applicant seeks authority in order to submit tender to the U.S. Government Defense Supply Agency. Send protests to: Kenneth Lester, Transportation Specialist, 203 Federal Bldg., 705 North Plaza St., Carson City, Nev. 89701.

No. MC 142417 (Sub-No. 1TA), filed September 20, 1976. Applicant: TWO WAY TRUCKING, No. 4 Ginger Cove Road, Valley, Nebr. 68064. Applicant's repersentative: Dennis I. Olson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible pork fat* (except in bulk, in tank vehicles), from Detroit, Mich., to Waterloo, Nebr., under a continuing contract with Midwest Edible Oil Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard F. Neubauer, Executive Vice-President, Midwest Edible Oil Company, P.O. Box 59, Waterloo, Nebr. 68069. Send protests to: Carroll Russel, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140463 (Sub-No. 2TA), filed September 16, 1976. Applicant: ORREN J. LEE, 2312 Braemer Drive, Sioux Falls, S. Dak. 57105. Applicant's representative: Mark Menard, South Dakota Transport Services, Inc., 5301 N. Cliff Ave., P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* and supplies used in the production and distribution of dairy products, between Sioux Falls, S. Dak., and points in North Dakota, under a continuing contract with Terrace Park Dairy, for 180 days. Supporting shipper: Terrace Park Dairy, 1501 West Tenth St., Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 142473TA, filed September 22, 1976. Applicant: PRYNN LEASING INC., Pier 26 North River, New York, N.Y. 10013. Applicant's representative:

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John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jewelry boxes and wall-decorations and containers in* which the same have been loaded, restricted to shipments having a prior or subsequent movement by water, between Hauppauge, N.Y., on the one hand, and, on the other, points in that part of the New York, N.Y. Commercial Zone as defined in the fifth supplental report in Commercial Zone and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the "exempt zone"), for 180 days. Supporting shipper: London Leather Novelties, Inc., 360 Kings Highway, Hauppauge, N.Y. 11787. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaze, New York, N.Y. 10007.

No. MC 142474TA, filed September 20, 1976. Applicant: W. ROBERT ROCHETTE, doing business as ROCHETTE'S OIL SERVICE, Daniel Webster Highway North, Merrimack, N.H. 03054. Applicant's representative: W. Robert Rochette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Hillsboro, N.H., to Westbrook, Maine, for 180 days. Supporting shipper: Nashua Wood Products, Inc., Caron St., Merrimack, N.H. 03054. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 13301.

No. MC 142476TA, filed September 24, 1976. Applicant: AUTO TRANSPORT, INC., 3151 Hull St., Richmond, Va. 23224. Applicant's representative: Richard J. Lee, 40 O Falstone Road, Richmond, Va. 23234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled automobiles and trucks up to and including 1 ton capacity* (restricted against the use of wreckers), between points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New Jersey, Ohio, New York, Delaware, Maryland, Connecticut, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Tex Auto Parts, Inc., 214 S. Mecklenburg Ave., South Hill, Va., J & W Auto Parts, Inc., 11749 Hull St. Road, Richmond, Va., James W. Combs Auto Sales, 6825 Hull St., Richmond, Va. 23229. Woodfin Auto & Truck Parts, Inc., 12910 Genito Road, Midlothian, Va., Chesterfield Auto Parts Co., Inc., 5111 Old Midlothian Pike, Richmond, Va. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10–502 Federal Bldg., 400 North 8th St., Richmond, Va.

No. MC 142477TA, filed September 23, 1976. Applicant: EARL PIPPIN, doing business as EARL PIPPIN, TRANSPORTER, 211 North Kornegay St., Goldsboro, N.C. 27530. Applicant's representative: J. Russell Kirby, 110 Gold Professional Bldg., P.O. Box 249, Wilson, N.C. 27893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles, boats, and trailers*, in drive-away/tow-away operations, between points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 26711.

No. MC 142478TA, filed September 24, 1976. Applicant: ACE INDUSTRIES, INC., doing business as ACE COURIER & EXPEDITING SERVICE, 309 Valley Road, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between Hagerstown, Md., and its commercial zone on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Virginia, Ohio, and the District of Columbia and its commercial zone, restricted against handling shipments of packages or articles weighing in the aggregate more than 5,000 lbs. from any one consignor to one consignee on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Fairchild Industries, Showalter Road; Mack Trucks, Inc., 1999 Pennsylvania Ave., and Pangborn Division of Carborundum Corporation, Pangborn Blvd., Hagerstown, Md. 21740. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 1413, District Supervisor W. C. Hersman, Washington, D.C. 20423.

No. MC 142481TA, filed September 21, 1976. Applicant: QUIPCO, INC., P.O. Box 532, Littleton, N.H. 03561. Applicant's representative: Rupert J. Blaisdell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*, in bulk, in dump vehicles, from Littleton, N.H., to points in Vermont on and north of Interstate Route 89, under a continuing contract with International Salt Company, for 180 days. Supporting shipper: International Salt Company, Clarks Summit, Pa. 18411. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

PASSENGER APPLICATIONS

No. MC 142475TA, filed September 21, 1976. Applicant: AUTOBUS ST. DENIS INC., St. Denis de Brompton, Quebec. Applicant's representative: Stanley Steinman, 111 King St. West, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: M. Marcel Carignan, Voyages Escapade, 119 Frontenac St., Sherbrooke, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 1301.

No. MC 142479TA, filed September 21, 1976. Applicant: LES AUTOBUS LA-CHANCE INC., P.O. Box 91, St. Martin de Beauce, Quebec. Applicant's representative: Stanley Steinman, 111 King St. West, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Claude Paradis, dba Voyages Claude Paradis Tours, 226 81st St., Charlebourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St. Concord, N.H. 03301.

No. MC 142480TA, filed September 21, 1976. Applicant: LES AUTOBUS DUPONT LTEE, 240 3rd St., Quebec, Quebec. Applicant's representative: Stanley Steinman, 111 King St. West, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada and extending to points in the United States (except Alask and Hawaii), for 180 days. Supporting shipper: Claude Paradis, dba Voyages Claude Paradis Tours, 266 81st St., Charlebourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

By the Commission.

ROBERT S. OSWALD,
Secretary.

[FR Doc.76-29874 Filed 10-5-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications and Letter Notices

OCTOBER 1, 1976.

APPLICATIONS

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before November 5, 1976. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 113855 (Sub-No. 356G), filed August 9, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between points in Wisconsin, on the one hand, and, on the other points in Indiana, Minnesota, Kentucky, Ohio, West Virginia, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland (except points west of Interstate Highway 81), Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazelton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa.

Thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.), and the following described territory in Illinois; that part of Illinois lying south of U.S. Highway 6 and on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. The purpose of this filing is to eliminate the gateways of any points of the Minnesota-Wisconsin State line, Elgin, Ill., Scranton, Reading, and Hazleton, Pa., points in Ohio, and Davenport, Iowa.

(B) Between points in Minnesota, on the one hand, and, on the other, points in Indiana, Ohio, Kentucky, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), Maryland (except points west of Interstate Highway 81), Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, North Carolina (except points west of U.S. Highway 321), the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line, and any points in Minnesota within 25 miles of the Wisconsin-Minnesota State line or the Iowa-Minnesota State line.

(C) Between points in Illinois on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., on the one hand, and, on the other, points in Minnesota, Indiana, Kentucky, Ohio, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Mary-

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land (except points west of Interstate Highway 81), New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, the District of Columbia and the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.), and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line and Davenport, Iowa.

(D) Between points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa Highway 90 through Colfax, Iowa to Des Moines, Iowa on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Maryland (except points west of Interstate Highway 81), Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa.

Thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa., points in Illinois south of U.S. Highway 6 and on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., restricted to service at points in Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, the described portions of Pennsylvania and Illinois south of U.S. Highway 6 and on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, and Davenport, Iowa.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 18, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E9), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) from points in Illinois to points in Arizona, those points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Louisiana State line, California, Colorado; (b) from points in Illinois on, south and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Idaho, Kansas, those points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 69 to junction Missouri Highway 13, to junction Missouri Highway 18, to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line; (c) from points in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 136 to junction Illinois Highway 9, to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line, to points in Nebraska, New Mexico, Nevada; (d) from points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 177 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line, to points in Oklahoma, Utah; (e) from points in Illinois on and south of a line beginning at the Missouri-Illinois State line to junction U.S. Highway 67, to junction Illinois Highway 16, to junction U.S. Highway 66, to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Galena, Kans., Joplin, Mo., Topeka, Kans., Kansas City, Mo., and Kansas City, Kans.

No. MC 40215 (Sub-No. E10), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Indiana to points in Arizona, California, Colorado, those points in Idaho on and south of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 93 to junction Idaho State Highway 21, to junction Idaho State Highway 52, thence along Idaho State Highway 52 to the Idaho-Oregon State line, Iowa, Kansas; (b) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 36 to the Indiana-Ohio State line, to points in Nebraska, those points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 68 to junction Missouri State Highway 13 to junction U.S. Highway 54, to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line, Nevada, New Mexico, those points in Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line, and extending along Oklahoma State Highway 83 to junction U.S. Highway 271, thence along U.S. Highway 271, to the Oklahoma-Texas State line; (c) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 150 to the Indiana-Kentucky State line, to points in South Dakota on and west and south of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 37, to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Iowa State line; (d) from points in Indiana, on and north of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line to points in Texas, Utah; (e) from points in Indiana on and south of a line, beginning at the Illinois-Indiana State line and extending along Interstate Highway 70 to the Indiana-Ohio State line to points in Wyoming. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Topeka, Kans., Kansas City, Mo., Galena, Kans., Kansas City, Kans., Manhattan, Kans., Arkansas City, Kans.

No. MC 40215 (Sub-No. E14), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) from points in Louisiana to points in Colorado, to those points in Iowa on and west of a line beginning at the Minnesota-Iowa State line, and extending along U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, Kansas to those points in Minnesota on and west of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 35 to the Minnesota-Iowa State line, Nebraska, South Dakota; (b) from points in Louisiana on and west and south of a line beginning at the Arkansas-Louisiana State line, and extending along U.S. Highway 165 to junction Louisiana State Highway I to junction Louisiana State Highway 10, thence along Louisiana State Highway 10 to the Louisiana-Mississippi State line, to points in Missouri on and west of a line beginning at the Missouri-Iowa State line, and extending along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Independence, Kans., to Manhattan, Kans, Wichita and Salina, Kans., Galena, Kans., Kansas City Kans.

No. MC 113855 (Sub-No. E460), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marian Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines* (except those which require the use of special equipment), in flatbed trailers only (A) from points in California (except Los Angeles, Orange, San Diego, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sacramento, and San Joaquin Counties), to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, District of Columbia, Delaware, Michigan, and New York. (B) from points in California north and east of Marin, Sacramento, Contra Costa, San Joaquin, Mono, and Tuolumne Counties, and points in Santa Cruz, Stanislaus, and San Francisco counties, to points in Indiana, Kentucky, South Carolina, North Carolina, points in Tennessee on and east of Interstate Highway 65, points in Florida east of Jefferson County, points in Alabama on and north of Alabama Highway 10, points in Virginia on and east of U.S. Highway 52, and points in Georgia on and north of U.S. Highway 280 and on and east of Interstate Highway 75. (C) from points in Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kings, Santa Barbara, San Luis Obispo, Monterey, San Benito, Mono, and Inyo Counties, Calif., to points in North Carolina, Indiana, points in Virginia on and east of U.S. Highway 52 and points in Kentucky on and east of U.S. Highway 231. (D) from points in Kern and Ventura Counties, Calif., and those points in San Bernardino and Riverside counties on and west of U.S. Highway 395, to points in Illinois on and north of U.S. Highway 36 and on and east of U.S. Highway 67, points in Indiana on and north of U.S. Highway 150, those points in North Carolina and Virginia on and east of U.S. Highway 52, and points in Kentucky on, east and north of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, to junction U.S. Highway 421 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114019 (Sub-No. E448), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, (except in bulk), (1) from Rouseville, Reno and Oil City, Pa., to points in Colorado, (the plant site of Pennzoil at Maryland Heights, Mo.)*; (2) from points in that part of West Virginia within 2 miles of the Ohio River, northerly from Sistersville, West Virginia and Fly, Ohio and extending to junction U.S. Highway 40 at Martins Ferry, Ohio, and Wheeling, W. Va., to points in Colorado (Belmont County, Ohio (except Martins Ferry, Bridgeport, Bellaire and Powhatan Point, Ohio); St. Marys, W. Va. and the plantsite of Pennzoil at Maryland Heights, Mo.)* North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, and Indiana (Belmont County, Ohio and St. Marys, W. Va.)* The purpose of this filing is to eliminate the gateway of those marked with asterisks.

No. MC 114019 (Sub-No. E449), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629.

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Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportings *Frozen foods*, and foods not frozen, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (a) from points in Illinois and points in that part of Indiana on and west of a line beginning at Lake Michigan, thence along U.S. Highway 421 to junction U.S. Highway 231 to the Indiana-Kentucky State line, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island; (Chicago, Ill.)*; (b) from points in that part of Illinois on and north of U.S. Highway 36, to points in New Jersey (except points in the New York, N.Y. and Philadelphia, Pa., Commercial Zone); (c) from points in Cook County, Ill., to points in North Dakota, South Dakota, Nebraska, Iowa (Chicago, Ill.)*; (d) from points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to the junction of U.S. Highway 25, to the Ohio-Michigan State line, points in Pennsylvania and New York, and those points in New Jersey in the New York, N.Y., and Philadelphia, Pa., Commercial Zones as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa (Chicago, Ill.*)*, and Minnesota (Chicago, Ill. and Muscatine, Iowa*). The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 115311 (Sub- No. E1), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed (except plywood and veneer), from points in Florida, to points in Tennessee on and east of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 60 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Georgia on, north and east of a line beginning at the Savannah, Ga. and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Blairsville, Ga. and thence along Georgia Highway 11 to the Georgia-North Carolina State line.

No. MC 115311 (Sub-No. E3), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed (except plywood and veneer), from points in Florida, on and east of the Apalachicola River, to points in Tennessee on and bounded by a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Georgia-Tennessee State line, thence west along the Georgia-Tennessee State line to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Georgia on, north and east of a line beginning at Savannah, Ga. and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Blairsville, Ga. and thence along Georgia Highway 11 to the Georgia-North Carolina State line.

No. MC 115311 (Sub-No. E4), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed (except plywood and veneer), from points in Florida, to points in Yadkin, Davidson, Guilford, Almance, Davie, Randolph and Chatham Counties, N.C. The purpose of this filing is to eliminate the gateway of Athens, Ga.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29376 Filed 10-5-76;8:45 am]

[Notice No. 130]

MOTOR CARRIERS TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an appliction may be filed with the field official named in the FEDERAL REGISTER publication no later than October 21, 1976. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTORS CARRIERS OF PROPERTY

No. MC 20992 (Sub-No. 38TA), filed September 21, 1976. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forage boxes, manure spreaders, wagons and related parts*, from the plant and warehouse sites of Forage King Industries, Inc., Ridgeland, Wis., to points in Minnesota, Wisconsin, Illinois, Michigan, North Dakota, South Dakota, Iowa, Missouri, Kansas, Nebraska, Indiana, Ohio, Pennsylvania and New York; and (2) *equipment, materials and supplies* used in the manufacture, production and distribution of the commodities named in (1) above, from points in Minnesota, Wisconsin, Illinois, Michigan, North Dakota, South Dakota, Iowa, Missouri, Kansas, Nebraska, Indiana, Ohio, Pennsylvania, and New York, to Ridgeland, Wis., restricted to traffic originating at or destined to Ridgeland, Wis., for 180 days. Supporting shipper: Forage King Industries, Inc., Ridgeland, Wis. 54763. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 21455 (Sub-No. 43TA) (Correction), filed August 30, 1976, published in the FEDERAL REGISTER issue of September 14, 1976, and republished as corrected this issue. Applicant: GENE MITCHELL CO., 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and dextros*, in packages and containers, from points in Illinois, Indiana, Iowa, Kansas, Minnesota and Missouri, to points in and west of Arkansas, Iowa, Louisiana, Missouri and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Feaster Foods Company, 4223 Center St., Omaha, Nebr. 68105. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add the state of Indiana as an origin point in this proceeding.

No. MC 28088 (Sub-No. 19TA), filed September 22, 1976. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 South Main St., Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from Gransville, Md., to New York, N.Y., and its Commercial Zone, and Trenton, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yoder Meat Co., Grantsville, Md. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 107515 (Sub-No. 1024TA), filed September 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 18584, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 109365 (Sub-No. 41TA), filed September 21, 1976. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P.O. Box 15, Ashdown, Ark. 71822. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and wood pulp*, from points in Washington and West Feliciana Parishes, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 109433 (Sub-No. 23TA), filed September 21, 1976. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, Pa. 18512. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge, dry*, in bulk, from Dunmore, Pa., to Bennington, Vt.; Middletown, Del.; and the International Boundary Line of the United States and Canada at Niagara Falls, N.Y., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gould, Inc., Metals Division, Dunmore, Pa. 18512. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 109891 (Sub-No. 29 TA), filed September 23, 1976. Applicant: INFINGER TRANSPORTATION CO., INC., P.O. Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers *and empty pallets*, between Jacksonville, Fla., on the one hand, and, on the other, North Charleston and Beaufort, S.C., for 180 days. Supporting shipper: Pearistine Distributors, Inc., P.O. Box 10247, Charleston, S.C. 29411. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens, Columbia, S.C. 29201.

No. MC 112617 (Sub-No. 352 TA), filed September 22, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Rohm & Haas Company, in Knoxville, Tenn., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi and Virginia, restricted to shipments originating at Louisville, Ky., and stopped in transit for completion of loading and destined to the above states, for 180 days. Supporting shipper: Douglas A. Perry, Assistant Traffic Manager of Operations, Independence Mall West, Philadelphia, Pa. 19105. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 113267 (Sub-No. 341TA), filed September 20, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 3010 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 North Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 114730 (Sub-No. 5TA), filed September 24, 1976. Applicant: V. VAN DYKE, doing business as VAN DYKE TRUCK LINES, 150 South River St., Seattle, Wash. 98108. Applicant's representative: John Ranquet, 1344 Dexter Horton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traveling cranes and parts thereof*, from Seattle, Wash., to Hollywood, Ala., TVA nuclear reactor construction site, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ederer Incorporated, 2931 1st Ave., South, Seattle, Wash. 98134. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 115162 (Sub-No. 333 TA), filed September 21, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings and accessories* (except in bulk, in tank vehicles), between points in Monroe County, Miss., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: Evansville Plastics, Inc., Box 543, Mt. Vernon, Ind. 47620. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 115379 (Sub-No. 46 TA), filed September 22, 1976. Applicant: JOHN D. BOHR, INC., P.O. Box 217, Annville, Pa. 17003. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, from Wilmington, Del., to points in Pennsylvania, Virginia and Maryland, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. J. Baker & Bro., Inc., 360 Lexington Ave., New York, N.Y. 10017. Send protests to: Robert P. Ameline, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 228 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 115917 (Sub-No. 31 TA), filed September 22, 1976. Applicant: UNDERWOOD AND WELD COMPANY, INC., P.O. Box 247, Crossnore, N.C. 28616. Applicant's representative: Wilmer B. Hill, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mica*, from points in Cleveland County, N.C., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shippers: The English Mica Company; and U.S. Mica Company, Inc., P.O. Box 709, Kings Mountain, N.C. 28086. Send pro-

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tests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516. Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 116967 (Sub-No. 21 TA), filed September 20, 1976. Applicant: WONDAAL TRUCKING CO., INC., 2856 Ridge Road, Lansing, Ill. 60438. Applicants' representative: Samuel Ruff, 2109 Broadway, East Chicago, Ill. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8" equivalents, from the Michigan Vitrified Brick Co., in Corunna, Mich., to their distributor W. E. Olsen Co., 538 Busse Highway, in Park Ridge, Ill., under a continuing contract with W. E. Olsen Co. Applicant intends to tack its existing authority with MC–116967 Sub-20, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. E. Olsen Co., 538 Busse Highway, Park Ridge, Ill. 60068.

No. MC 117119 (Sub-No. 599TA), filed September 22, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188 Elm Spring, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Kansas and Missouri, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Land, Fridley, Minn. 55432. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118989 (Sub-No. 147TA), filed September 20, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the warehouse facilities of Owens-Illinois, Inc., located at or near Toledo, Ohio, to Belleville and Centerville, Ill.; Frankenmuth, Mich., and Ft. Wayne, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 123255 (Sub-No. 13TA) (Correction), filed September 13, 1976, published in the FEDERAL REGISTER issue of September 24, 1976, and republished as corrected this issue. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Corrugated boxes and sheets* and (b) *materials, equipment and supplies* used in the manufacture or distribution of corrugated boxes and sheets (except commodities in bulk), between the plantsite of Boise Cascade Corporation, at or near West Memphis, Ark., on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, Missouri, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215. The purpose of this republication is to add the territorial description in this proceeding.

No. MC 126230 (Sub-No. 2TA), filed September 22, 1976. Applicant: SOUTHERN PACKAGING & STORAGE COMPANY, INC., West Irish St., Greeneville, Tenn. 37743. Applicant's representative: Powell D. Johnson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, unprinted*, in full trailer loads on skids or rolls, from Greeneville, Tenn., to Kingsport, Tenn., under a continuing contract with Westvaco Corporation, for 180 days. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 127820 (Sub-No. 7TA), filed September 21, 1976. Applicant: TRANS-SERVICE, INC., 1943 South Lawn Extension, Coshocton, Ohio 43812. Applicant's representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, Ohio 43220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gloves, boots, products, materials, and supplies* used in the manufacture, sale, and packaging of gloves and boots, and diagnostic equipment and apparatus, from Coshocton and Canton, Ohio, to Benicia, Calif., and (2) *gloves and products, materials, and supplies* used in the manufacture, packaging, and sale of gloves, from Benicia, Calif., to Itasca and Broadview, Ill., and Coshocton, Canton, and Massillon, Ohio, under a continuing contract with Becton, Dickinson and Company and its Edmont-Wilson Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Becton, Dickinson and Company and its Edmont-Wilson Division, Rutherford, N.J. 07070. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 128862 (Sub-No. 24TA), filed September 17, 1976. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: Chirs L. Cecil (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precipitation material*, in bulk, used in a leaching process to extract copper precipitations, from Deming, N. Mex., to Morenci, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M & T Chemicals Company, 335 Gellert Blvd., Daly City, Calif. 94015. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 North First Ave., Phoenix, Ariz. 85025.

No. MC 133566 (Sub-No. 60TA), filed September 23, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Illinois, Indiana, Ohio, Tennessee, Georgia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 133796 (Sub-No. 37TA), filed September 21, 1976. Applicant: GEORGE APPEL, 249 Cairverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from Exeter, Pa., to Tucson, Ariz., and Whittier, Downing, and Long Beach, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jewelcor, Inc., Erie & Susquehanna Ave., Exeter, Pa. 18643. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134599 (Sub-No. 149TA), filed September 23, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Aquariums, aquarium accessories and household pet cages, supplies, and equipment*, from East Paterson and Maywood, N.J., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under a continuing contract with Mattel, Inc., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, Calif. 90250. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 135007 (Sub-No. 58TA), filed September 17, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 F St., Omaha, Nebr. 68127. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, from points in Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Walker, and Whitfield Counties, Ga.; and Hamilton County, Tenn., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. Restrictions: (1) Restricted to transportation of shipments with a stop in transit for partial loading at Dyersburg, Tenn. (applicant presently holds authority to transport traffic for this shipper from Dyersburg, Tenn., to all destinations involved in this application), and (2) Restricted to a transportation service to be provided under a continuing contract with William Volker & Company of Burlingame, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William Volker & Company, W. Paul Tarter, Vice-President-Transportation 945 California Drive, P.O. Box 529, Burlingame, Calif. 94010. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 136332 (Sub-No. 4TA), filed September 22, 1976. Applicant: A. & M. TRANSPORT LTD., P.O. Box 11, Havelock, New Brunswick, Canada EOA 1WO. Applicant's representative: Frederick T. McGonagle, 36 Main St., Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, in bulk, from the ports of entry, located on the International Boundary line between the United States and Canada, located in Aroostook County, Maine, to points in Aroostook County, Maine, under a continuing contract with Havelock Processing, Ltd., and Havelock Lime Works, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Havelock Processing, Ltd., and Havelock Lime Works, Ltd., Havelock, New Brunswick, Canada. Send protests to: Donald G. Weller, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 138000 (Sub-No. 22TA), filed September 22, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., and its commercial zone, to Cumberland, Md., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Malamphy Bottling Works, 605 Fourth St., Cumberland, Md. 21502. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 1413, District Supervisor Hersman, Washington, D.C. 20423.

No. MC 139495 (Sub-No. 169TA), filed September 21, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and wood pulp*, from points in Washington and West Feliciana Parishes, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: M. E. Taylor, District Supervisor, Suite 101–A, Litwin Bldg., 110 North Market, Wichita, Kans. 67202.

No. MC 139999 (Sub-No. 13TA), filed September 22, 1976. Applicant: RED-FEATHER FAST FREIGHT, INC., 2606 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Larry Buckminster (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses (except hides and commodities in bulk), from the plantsite and warehouse facilities of Minden Beef Company, at or near Minden, Nebr., to points in New York and Connecticut, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Michael Smith, Traffic Manager, Minden Beef Co., Box 70, Minden, Nebr. 68959. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141320 (Sub-No. 5TA), filed September 22, 1976. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 6 Ray Court, Melville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, medical test kits and related medical apparatus*, between South Plainfield, N.J., on the one hand, and, on the other, points in Pennsylvania (except the counties of Lehigh, Northampton, Bucks, Montgomery, Delaware and Philadelphia), under continuing contracts with Medi-Physics, Inc.; (2) *radiopharmaceuticals, medical isotopes and medical test kits*, between Carlstadt, N.J., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, Maine, Vermont, New Hampshire and New York, under continuing contracts with Mallinckrodt, Inc.; and (3) *radiopharmaceuticals, medical isotopes and medical test kits*, between North Billerica, Mass., on the one hand, and, on the other, points in New York, New Jersey, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Pennsylvania and Delaware, under continuing contracts with New England Nuclear Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Medi-Physics, Inc., 900 Durham Ave., South Plainfield, N.J. 07080. Malinckrodt, Inc., 463 Barell Ave., Carlstadt, N.J. 07072. New England Nuclear, Atomlight Place, North Billerica, Mass. 01862. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141810 (Sub-No. 2TA), filed September 23, 1976. Applicant: PORTER & KELIN TRANSPORT LTD., 241 Schoolhouse Road, Coquitlam, B.C., Canada. Applicant's representative: Robert G. Gleason, Evergreen Bldg., Suite 217, 15 S. Grady Way, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and lumber*, between points in Oregon and Washington west of the Cascade Mountain range, to points on the International Boundary between the United States and Canada and British Columbia and Alberta, Canada, at or near Blaine, Sumas and Oroville, Wash., and Eastport, Idaho, on traffic originating at or destined to Vancouver, B.C., Edmonton and Calgary, Alberta, Canada under a continuing contract with Cascade Imperial Mills Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Imperial Mills Ltd., 1250 Richards St., Vancouver, B.C., Canada V6B 4H7. Send protests to: L.D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash, 98174.

No. MC 142423 (Sub-No. 1TA), filed September 20, 1976. Applicant: BIG D CARTAGE, INC., 28091 Kingberry Drive, Mt. Clemens, Mich. 48043. Applicant's representative: Robert E. McFarland, 999 W. Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Malt beverages*, from Milwaukee, Wis., to points in Macomb County, Mich., with *empty containers* on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vic Wertz Distributing Co., General Manager, Mitch Housey, 40585 Production Drive, Mt. Clemens, Mich. 48043. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 142435 (Sub-No. 1TA), filed September 21, 1976. Applicant: BRUMMETT ENTERPRISES, INC., 855 Boling St., P.O. Box 9831, Jackson, Miss. 39206. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings* for motels, in room modular concept, from Hinds County, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holiday Inns, Inc., 3796 Lamar Ave., Memphis, Tenn. 38118. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 142451 (Sub-No. 1TA), filed September 21, 1976. Applicant: JAMES L. SMITH AND JERRY ATTKISSON, doing business as SMITH AND ATTKISSON TRUCKING COMPANY, Route 2, Columbia, Tenn. 38401. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica Gravel*, in bulk, in dump vehicles, from points in Franklin County, Ala., to points in Maury County, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Company, Nyala Farm Road, Westport, Conn. 06880. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29375 Filed 10-5-76;8:45 am]

[Ex Parte No. 284]

PERISHABLE COMMODITIES

Investigation Into the Need for Defining Reasonable Dispatch

SEPTEMBER 29, 1976.

Present: A. Daniel O'Neal, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, including the report and order of April 8, 1976 (351 I.C.C. 812), in which (a) certain regulations (49 CFR Part 1038) were conditionally adopted; (b) all interested persons were given an opportunity to show cause, if any there may be, why such regulations should not be made operative and effective; and (c) all parties to this proceeding and all other persons interested in the safe and expeditious transportation of perishable commodities were invited to participate in a shipper-carrier conference for the purpose of identifying problems and exploring possible long-term solutions therefor; and

It appearing, That all pleadings and comments of the parties identified in the appendix hereto, which were submitted in connection with the conditionally adopted regulations referred to in (a) above, have been given due consideration; and that the consensus of said parties is (1) that the regulations referred to should not be made operative and effective at this time, and (2) that a shipper-carrier conference of the nature proposed in the report should be convened;

It further appearing, That in view of the opposition to the conditionally adopted regulations, their taking effect should be postponed until further order of this Commission; and that this Commission therefore should proceed to convene a shipper-carrier conference for the purposes referred to in the report and order of April 8, 1976; and good cause appearing therefor:

It is ordered, That the effective date of the regulations conditionally adopted in this proceeding be, and it is hereby, postponed until further order of this Commission.

It is further ordered, That a shipper-carrier conference be, and it is hereby, called for the purposes described in the report and order of April 8, 1976. Date of commencement of the conference and location of the conference room will be by subsequent notice.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 28th day of September, 1976.

By the Commission, Commissioner O'Neal.

ROBERT L. OSWALD,
Secretary.

APPENDIX

The names of those who submitted comments on the regulations conditionally adopted in this proceeding are listed below. Names indented are those of parties who filed joint statements with parties listed immediately above them.

American Meat Institute
American Trucking Associations, Inc.
National Motor Freight Traffic Association, Inc.
Association of American Railroads
Seaboard Coast Line Railroad Company
Consolidated Rail Corporation
Maine Central Railroad Company
Portland Terminal Company
Southern Railway Company
Chesapeake and Ohio Railway Company
Baltimore and Ohio Railroad Company
Western Maryland Railway Company
Staten Island Railroad Corporation
Atchison, Topeka and Santa Fe Railway Company
Norfolk and Western Railway Company
Burlington Northern, Inc.
Blue Anchor, Inc.
Bureau of Enforcement, Interstate Commerce Commission
California Grape & Tree Fruit League
Colonial Refrigerated Transportation, Inc.
Subler Transfer, Inc.
Coldway Food Express, Inc.
Riggs Food Express, Inc.
Fredonia Express, Inc.
Eli Lilly and Company
Sunkist Growers, Inc.
Swift Dairy & Poultry Company
Swift Edible Oil Company
Swift Fresh Meats Company
Swift Processed Meats Company
Unitech Chemical Inc.
United Fresh Fruit and Vegetable Association
Western Growers Association

[FR Doc.76-29372 Filed 10-5-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 6, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMPREHENSIVE PLANNING ASSISTANCE

Review and Approval Process

VOL. 41 NO. 195 OCT 6 76 UM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 600]

[Docket No. R-76-310]

COMPREHENSIVE PLANNING ASSISTANCE

Review and Approval Process

Notice is hereby given that the Department ("HUD") proposes to amend Chapter VI of Title 24 of the Code of Federal Regulations by amending §§ 600.7(c), 600.65(a) and (b), and 600.67(c) and by adding a new §§ 600.73 to Subpart B—Special Requirements. The new section is added for the purpose of establishing a process whereby an applicant may request approval of the land use and housing elements in its comprehensive plan. Section 701(c) of the Housing Act of 1954 as amended by the Housing and Community Development Act of 1974 provides that a recipient of 701 assistance must carry out an ongoing comprehensive planning process which includes the development of a comprehensive plan which shall include, as a minimum, a housing element and a land use element. Section 701(d) provides that HUD shall make no 701 grant after August 22, 1977, unless HUD is satisfied that an applicant's comprehensive plan includes the housing and land use elements required by Section 701(c). Part 600, 24 CFR was published on August 22, 1975, at 40 FR 36856.

The new section includes:

1. A requirement for submission of a summary statement describing how the requirements of the regulations relating to the land use and housing elements have been satisfied;

2. A requirement for submission of documents evidencing completion of all activities necessary to satisfy the requirements of the regulations relating to the land use and housing elements;

3. A requirement for endorsement of the land use and housing elements by the chief executive officer;

4. A requirement for the submission of the documentation relating to the land use and housing elements to State and regional or metropolitan clearinghouses at least 45 days prior to submission to HUD;

5. A requirement for coordination of the land use element with those programs of HUD and other Federal programs impacting the use of land;

6. A listing of the principal criteria to be considered in the development and HUD review of the housing and land use elements;

7. A requirement for certification by the applicant's chief executive officer that the housing and land use elements are consistent with each other;

8. Identification of HUD officials responsible for approvals and disapprovals of the land use and housing elements;

9. A requirement for certification by new applicants concerning prior participation in the 701 program;

10. Requirements for minimum elements for the State review and approval process to be used in assessing the land use and housing elements of substate applicants; and

11. Provision for HUD review and concurrence on all state actions on housing and land use elements of substate applicants applying to the State on a voluntary basis.

The amendment to § 600.7(c) clarifies the definition of chief executive officer with respect to states and areawide planning organizations.

The amendments to § 600.65(a) and (b) add a requirement that applicants incorporate HUD environmental policies and standards impacting the use of land and provide a statement indicating any proposed deviations from HUD environmental policies and standards.

The amendment to § 600.67(c) adds a definition of "new applicants" after August 22, 1977 for the purpose of making the determination whether an applicant has received a prior 701 grant.

Interested persons are invited to participate in the proposed rulemaking by submitting such written statements or comments as they may desire on or before November 8, 1976. Communications should refer to docket number and date and should be filed with the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A finding that this regulation is not subject to inflation impact statement requirements has also been made in accordance with HUD procedures. A copy of these findings will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

(Sec. 701, Housing Act of 1954, 68 Stat. 640; (40 U.S.C. 461); Secretary's delegation of authority published at 36 FR 5004, effective March 8, 1971.)

Accordingly, it is proposed that 24 CFR Part 600 be amended as follows:

1. The table of contents is amended by adding a new § 600.73 as follows:

Sec.
600.73 Land use and housing elements: Review and approval process.

2. In § 600.7, paragraph (c) is revised as follows:

§ 600.7 Definitions.

• • • • • •

(c) "Chief Executive Officer" means the elected official, or the legally designated official, who has the primary responsibility for the conduct of the governmental affairs of a state, unit of general local government or areawide planning organization. Examples of the "Chief Executive Officer" of a state, unit of general local government or an areawide planning organization may be: The governor of a state; the elected mayor of a municipality; the elected county executive of a county; the chairman of a county commission or board in a county that has no elected county executive; the official designated pursuant to law by the governing body of the unit of general local government; the chairman, governor, chief, or president (as the case may be) of an Indian tribe or Alaskan native village; and the highest policy officer of an areawide planning organization.

• • • • • •

3. In § 600.65, paragraphs (a) (5) and (b) (1) (viii) are added as follows:

§ 600.65 Environmental requirements.

• • • • • •

(a) • • •

(5) Incorporate HUD environmental policies and standards impacting the use of land including those for flood plain management (24 CFR Part 1910), noise abatement and control (Circular 1390.2) and others established from time to time.

(b) • • •

(1) • • •

(viii) A statement indicating any proposed deviations from HUD environmental policies and standards impacting the use of land including those for flood plain management, noise abatement and control and others established from time to time. Measures to achieve conformity and mitigation shall be identified and discussed.

• • • • • •

4. In § 600.67, paragraph (c) is amended by adding the paragraph below after the present paragraph under (c):

§ 600.67 Comprehensive planning requirements.

• • • • • •

(c) *Limitations.* • • •

For the purpose of making the determination whether an applicant has received a prior 701 grant, a 701 grant is defined as (1) the use of 701 funds by or on behalf of a recipient who provides all or a portion of the non-Federal match, or (2) the use of 701 funds to support a recipient's staff regardless of who provides the non-Federal match. Services, financed in whole or in part with 701 funds, provided at no cost to recipients are not considered grants.

5. A new § 600.73 is added to read as follows:

§ 600.73 Land use and housing elements: Review and approval process.

Compliance by applicants, identified in § 600.25 (a) through (f), with the housing and land use elements required by § 600.67(b), and more particularly described in §§ 600.70 and 600.72, shall be determined in accordance with the following:

(a) *Request for approval.* The request for approval shall be by letter from the applicant's chief executive officer. The approval request shall include the following:

(1) Summary statement.

(2) Documents, including coordination mechanisms, implementation tools and environmental and historic preservation assessments, which constitute the element.

(3) A statement by the chief executive officer that the summary statement and documents represent the policy of the chief executive for the jurisdiction with respect to the subject element.

(4) A statement that the CZM program and the land use element are consistent with each other, if applicable.

(5) A statement that the EPA 208 program and the 701 program are, or will be, consistent with each other, if applicable.

(6) A statement that the land use and housing elements are consistent with each other.

(7) A copy of the letter or other document used to transmit the land use and/or housing elements to the legislative body.

(8) A copy of the state and regional or metropolitan clearinghouses comments.

(9) A statement indicating any proposed deviations from HUD environmental policies and standards impacting the use of land.

(b) *Summary statement.* Each applicant shall submit a summary statement, prepared in accordance with paragraph (c) of this section describing how it has complied with the statutory land use and housing element requirements of §§ 600.67(b), 600.70 and 600.72. This summary statement will serve as the primary basis for review by HUD or by the State (in the case of applicants applying to the state for grant assistance) to determine the acceptability of the housing and land use elements. To facilitate review, HUD or the state may also require an oral presentation of data relating to the elements. Applicants may initiate informal consultation with HUD or the state prior to formal submission.

(c) *Summary statement contents.* The summary statement shall contain a brief description of how each requirement of the land use and housing elements have been satisfied including citations to the supporting reports and documents. The requirements should be addressed individually as follows:

(1) *Land use and housing elements. All applicants.* Section § 600.67(b) concerning broad goals, annual objectives, programs designed to accomplish the objectives and procedures and criteria to be used in evaluating programs and activities to determine whether the objectives are being met.

(2) *Land use element*—(i) *States and areawides.* Section 600.72(b) (1) through (4).

(ii) *Large cities, urban counties and localities.* Section 600.72(c) (1) through (4).

(3) *Housing element*—(i) *All applicants.* Section 600.70(a) (1) through (4).

(ii) *States.* Section 600.70(b) (1).

(iii) *Areawide planning organizations.* Section 600.70(b) (2) (i) and (ii).

(iv) *Large cities, urban counties and localities.* Section 600.70(b) (3) (i) through (iii).

(4) *Environmental assessment: All applicants.* Section 600.65(b) (1) (i) through (viii).

(5) *Historic preservation assessment. All applicants.* Section 600.66(d) (1) (i) through (vi).

(d) *Documentation.* Documents, including coordination mechanisms, implementation tools and environmental and historic preservation assessments, shall be submitted with a request for approval of a land use or housing element.

(e) *Endorsement.* The summary statement and documents shall be transmitted to HUD by a letter from the applicant's chief executive officer. The transmittal letter shall include a statement that the summary report and documents represent the policy of the chief executive officer for the jurisdiction with respect to the element in question.

(f) *Interagency coordination.* Pursuant to § 600.67(d), the following procedures must be followed where a state or areawide planning organization is participating in the Coastal Zone Management (CZM) program or Environmental Protection Agency Areawide Waste Treatment Management Planning Assistance (208) program.

(1) *CZM Program participants.* CZM program participants shall include a copy of the completed CZM management program with the submission of its land use element documentation and a statement signed by the chief executive officer that the CZM program and the land use element are consistent with each other or if the CZM program has not been completed that it will be made consistent with the 701 land use element.

(2) *EPA 208 Program participants.* States and areawide planning organizations shall include with the submission of their land use documentation a statement, signed by the chief executive officer, that the land use element prepared to fulfill the requirements of the 701 program, and the EPA (208) program are identical or consistent or that they are inconsistent including the reasons therefore and the steps planned to achieve consistency or if the EPA (208) plan has not been completed that efforts will be made to make it consistent with the 701 land use element.

(g) *Land use and housing element consistency.* The land use and housing element documentation shall include a statement signed by the chief executive officer indicating that the land use and housing elements are consistent with each other. In the event the elements are not submitted simultaneously, the first element submitted need not contain any statement of consistency. When the second element is submitted the chief executive officer shall include a signed statement that such element is consistent with the element previously submitted.

(h) *Notifications.* The following notifications shall be carried out prior to a formal request to HUD to approve a land use or housing element.

(1) *Legislative notification.* The chief executive officer shall submit the summary statement and documents to the legislative body by letter or other appropriate means. The transmittal shall identify areas of potential legislative action and indicate that the summary statement and documents are being submitted to HUD in satisfaction of HUD's land use and/or housing element requirements. In the case of areawide planning organizations, the summary statement and documents shall be approved by the policy body and be officially transmitted to member jurisdictions. The transmittal letter shall identify areas of potential municipal or county legislative or other action and indicate that the summary statement and documents are being submitted to HUD in satisfaction of HUD's land use and/or housing element requirements.

(2) *Clearinghouse notification.* The summary report and documents shall be submitted for review and comment to the state and regional or metropolitan clearinghouses having jurisdiction at least 45 days prior to submission to HUD.

(i) *Review Criteria.* HUD review shall be based principally on the extent to which the applicant meets or exceeds the requirements applicable to the land use and housing elements, as found in:

(1) Section 600.67(b)—Comprehensive plan requirements establishing general requirements applicable to the requisite elements;

(2) Section 600.70—Required housing element describing the components of the housing element;

(3) Section 600.72—Required land use element describing the components of the land use element;

(4) Section 600.65—Environmental requirements describing the environmental assessment required for developmental plans or policies including land use and housing plans and policies. The assessment must encompass the entire element including any portions developed with other Federal or local funds.

(5) Section 600.66—Historic preservation requirements describing the historic preservation assessment required for plans or policies for development which may impact National Register properties including land use and housing plans and policies. The assessments must encompass the entire element including any portions developed with other Federal or local funds.

(j) *Approval and Disapproval.* Approvals and disapprovals shall be made my the HUD Officer designated in the delegations of authority published in the FEDERAL REGISTER.

(1) *Approvals.* Approvals shall be based upon a finding that all of the requirements applicable to the land use and housing elements required of recipients have been met.

(2) *Disapprovals.* A disapproval action shall clearly delineate the reasons for disapproval and specify what corrective actions shall be necessary to obtain approval.

(k) *Timing of Approvals.* Requests for approval may be submitted at the convenience of the applicant. In order to insure continuity in on-going programs, requests for approval after August 22, 1977 should be submitted to HUD at least 90

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days prior to the end of the recipient's project period.

(l) *Certification by new applicants.* New applicants applying directly to HUD or to the State after August 22, 1977 shall submit a certification that they have never received a prior grant.

(m) *State review and approval process.* Pursuant to § 600.115(c), the State overall program design shall describe the review and approval process to be used in determining substate compliance with all program requirements, including the two required elements. Approvals and disapprovals shall be made by the person designated by law or by the governor for approving substate grants. At a minimum the State process shall include:

(1) Chief executive endorsement;

(2) Clearinghouse review and comment;

(3) Interagency coordination;

(4) Compliance with all applicable requirements of this Part;

(5) A clear statement of the reasons for any disapprovals; and

(6) An adequate record of all actions taken.

(n) *HUD review of State approvals of required elements.* HUD, in evaluating State administrative performance, shall review and concur in all State actions on substate plan elements for an applicant applying to the State on a voluntary basis pursuant to § 600.120(j); A state may not award any grants to such an applicant after August 22, 1977 until HUD concurrence has been obtained. When mutually agreeable between HUD and the State, a joint review and approval process may be established to facilitate the review of substate plain elements for applicants applying to the state on a voluntary basis. For monitoring purposes HUD will also selectively review state actions on applicants required to apply to the state.

(o) *Biennial review.* Each applicant whose land use and housing elements are approved pursuant to this section shall submit biennially beginning no later than two years from the date that the last element was approved:

(1) An evaluation of the progress made by it during the previous two years in meeting objectives set forth in its plan, and

(2) A description of any changes in the goals or objectives of the plan.

Issued at Washington, D.C., September 29, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-29284 Filed 10-5-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 6, 1976



PART III:

CONSUMER PRODUCT SAFETY COMMISSION

■

LEAD-BASED PAINT

Consumer Products; Proposed Promulgation and Revocation of Regulation; Extension of Comment Periods

Hearing: Safe Level Determination

V41N195 OCT 6 76 UM

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1150]

LEAD-BASED PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-BASED PAINT

Banned Hazardous Products; Extension of Date for Filing Comments; Extension of Date for Promulgating Rule or Withdrawing Proposed Rule

The purpose of this notice is to announce the extension until April 1, 1977, of the period of time within which the Consumer Product Safety Commission is required to either promulgate or withdraw the consumer product safety rule regarding lead-based paint proposed on August 10, 1976. This notice also announces that the period of time for submitting written comments on the August 10 proposal is extended until October 26, 1976.

In the FEDERAL REGISTER of August 10, 1976 (41 FR 33637), the Commission proposed to establish a regulation (16 CFR Part 1150) under sections 8 and 9 of the Consumer Product Safety Act (15 U.S.C. 2057, 2058) to declare as banned hazardous products (1) lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead, and (3) articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead. An oral hearing on the matter at which all interested persons were given the opportunity to testify was conducted on September 13, 1976. The last date for filing written comments on the proposal was September 24, 1976.

The determination of a safe level of lead will be made in accordance with a separate proceeding under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended (Pub. L. 94-317). This proceeding was also commenced by an announcement in the FEDERAL REGISTER on August 10, 1976, 41 FR 33636, and the period of time for filing written comments relating to that proceeding has also been extended from September 24, 1976 until October 26, 1976 by FR Doc. 76-29321 appearing in this issue of the FEDERAL REGISTER.

As provided in section 9 of the Consumer Product Safety Act, whenever the Commission proposes a rule declaring a product to be a banned hazardous product, it must, within 60 days after publication of the proposal, (1) promulgate the consumer product safety rule if the appropriate findings are made, or (2) withdraw the proposal if it determines that the the rule is not reasonably necessary or not in the public interest. The 60-day period, however, may be extended for good cause if the Commission publishes its reasons for the extension in the FEDERAL REGISTER. In the case of the August 10 proposal, the 60th day falls on October 9, 1976.

With respect to promulgating or withdrawing the consumer product safety rule proposed on August 10, the Commission believes that a reasonable date for publication of the appropriate FEDERAL REGISTER notice is April 1, 1977. As indicated in the August 10 proposal, the Commission intends to establish the maximum level of lead in paint under the Consumer Product Safety Act rule at the level determined to be a safe level under the LBPPPA. Therefore, since the determination under the LBPPPA is required to be made after consideration of available information, including the recommendations of several specific agencies and organizations, and after providing the opportunity for an oral hearing, an extension of the period until April 1 is necessary to permit the Commission to first consider the information available with respect to determining a safe level of lead in paint. Thereafter, the Commission must consider available information with respect to the findings necessary for promulgating the proposed consumer product safety rule. Additional time will also be required to consider and respond to the comments submitted on the proposal and to draft the FEDERAL REGISTER notice establishing the rule.

Regarding the period of time for submitting written comments and information relating to the consumer product safety rule proposed on August 10, the Commission (as in the matter of extending the comment period in the LBPPPA proceeding from September 24 until October 26, 1976, announced elsewhere in this issue of the FEDERAL REGISTER) is also extending the comment period in the instant proceeding until October 26, based on a request submitted by the National Paint and Coatings Association. This is to ensure that the information available is as complete as possible.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (secs. 8, 9, 86 Stat. 1215-17; 15 U.S.C. 2057, 2058), the Commission, for good cause, as stated above, extends the period of time within which it must promulgate or withdraw the consumer product safety rule (16 CFR Part 1150) proposed in the FEDERAL REGISTER of August 10, 1976 (41 FR 33637) until April 1, 1977.

Interested persons may submit written material relevant to the proposal, including data, views, and arguments, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, before the close of business, October 26, 1976. Received submissions may be inspected in the Office of the Secretary, 3rd Floor, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: October 1, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-29322 Filed 10-5-76;8:45 am]

[16 CFR Part 1500]

CERTAIN LEAD-CONTAINING PAINT; TOYS AND OTHER ARTICLES BEARING SUCH PAINT INTENDED FOR USE BY CHILDREN

Proposed Revocation of Regulation; Extension of Time for Submitting Comments

The purpose of this notice is to announce that the comment period on the proceeding to revoke a regulation (16 CFR 1500.17(a)(6)) under the Federal Hazardous Substances Act (FHSA), (15 U.S.C. 1261 *et seq.*), declaring certain lead-containing paint, and toys or other articles intended for use by children bearing such paint, to be banned hazardous substances, has been extended from September 24, 1976, until October 26, 1976.

A notice was published in the FEDERAL REGISTER of August 10, 1976 (41 FR 33636), commencing a proceeding under recent amendments (Pub. L. 94-317) to the Lead-Based Paint Poisoning Prevention Act (LBPPPA) (42 U.S.C. 4801 *et seq.*) for a determination by the Consumer Product Safety Commission of a safe level of lead in paint for residential uses. On the same date a notice was also published proposing a consumer product safety rule under the Consumer Product Safety Act (CPSA) to declare as banned hazardous products paint, similar surface-coating materials, toys, articles intended for use by children, and articles of furniture, containing or bearing lead or paint or other similar surface-coating materials with lead in excess of the level determined safe under the LBPPPA. Since the proposal under the Consumer Product Safety Act would, if promulgated, supplant the FHSA lead paint regulation, a proposal was also published on August 10 (41 FR 33640) to revoke the regulation simultaneous with the promulgation of the consumer product safety rule.

Elsewhere in this issue of the FEDERAL REGISTER, (FR Doc. 76-29322, Proposed Rules and FR Doc. 76-29321, notices) notices have been published extending the period of time for the filing of written comments and information on the LBPPPA and CPSA proceedings from September 24, 1976, until October 26, 1976. This extension was based upon a request submitted by the National Paint and Coatings Association for additional time to submit information. Since the proposed revocation of the regulation under the FHSA is directly related to the proceedings under the LBPPPA and CPSA, it is appropriate to extend the comment period on the FHSA proposal from September 24, 1976, until October 26, 1976, as well.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended by 80 Stat. 1304-05; (15 U.S.C. 1261(f)(1)(A), (q))) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 371(e), (f), (g)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission extends the period of time for submitting written comments on the proposal of August 10, 1976 (41 FR 33640), to revoke 16 CFR 1500.17(a)(6), until October 26, 1976.

Interested persons are invited to submit, on or before October 26, 1976 written comments, regarding this proposal. Written comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 3rd floor, 1111 18th Street N.W., Washington, D.C. during working hours Monday through Friday.

Dated: October 1, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-29323 Filed 10-5-76;8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

LEAD-BASED PAINT

Proceeding To Determine Safe Level; Extension of Comment Period

The purpose of this notice is to announce that the comment period on the proceeding to determine a safe level of lead in paint has been extended from September 24, 1976, until October 26, 1976.

On August 10, 1976, the Consumer Product Safety Commission published a notice in the FEDERAL REGISTER (41 FR 33636) commencing a proceeding under recent amendments (Pub. L. 94–317) to the Lead-Based Paint Poisoning Prevention Act (LBPPPA) (42 U.S.C. 4801 *et seq.*) to determine a safe level of lead in paint for residential uses.

Under the amended LBPPPA the Commission has been directed to determine whether a level of lead in paint which is greater than 0.06 percent, but not over 0.5 percent, is safe. If the Commission makes such a determination the definition of the term "lead-based paint," with respect to paint manufactured after the expiration of the 6-month period beginning on the date of the Commission's determination, means paint containing by weight (calculated as lead metal) in the total non-volatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both, more than the level of lead determined by the Commission to be safe.

If the definition of the term "lead-based paint" has not been established by a Commission determination the term means, with respect to paint which is manufactured after June 22, 1977, paint containing more than 0.06 percent lead by weight. The present definition of the term "lead-based paint" is paint containing more than 0.5 percent lead by weight.

The amended LBPPPA specifies that the Commission determination of a safe level of lead in paint is to be made before December 23, 1976, and is to be based on all available data and information after providing an opportunity for an oral hearing and after considering recommendations of the Secretary of Health, Education, and Welfare (including those of the Center for Disease Control) and of the National Academy of Sciences.

The oral hearing in this matter was conducted on September 13, 1976, and a transcript was made which is available for inspection at the Office of the Secretary, 3rd floor, 1111 18th Street N.W., Washington, D.C. The recommendations of the Department of Health, Education, and Welfare and the National Academy of Sciences as well as other comments and information pertaining to the matter have also been received and are available for inspection in the Office of the Secretary.

The last date for the submission of written information and comments regarding this proceeding had been established by the Commission and announced in the FEDERAL REGISTER notice of August 10, 1976, as September 24, 1976. The National Paint and Coatings Association, however, representatives of which testified at the oral hearing on September 13, has requested that the comment period be extended to provide additional time to submit responses to questions presented at the hearing by counsel for Consumers Union and certain other information. The Commission, after considering this request, believes that it is desirable to have the record for decision as complete as possible, and has therefore decided to extend the comment period to October 26, 1976 for all interested parties. An extension of the comment period to this date is reasonable because it will permit all available information to be evaluated by the Commission prior to its December 22, 1976 deadline for a decision on a safe level of lead in paint.

Accordingly, interested persons may submit relevant written material, including data, views, and arguments, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, before the close of business, October 26, 1976. Received submissions may be inspected in the Office of the Secretary, 3rd floor, 1111 18th St. N.W., Washington, D.C., during working hours Monday through Friday.

Dated: October 1, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76–29321 Filed 10–5–76;8:45 am]

federal register

WEDNESDAY, OCTOBER 6, 1976

PART IV:

FEDERAL ELECTION COMMISSION

POLICY STATEMENTS ON CONTRIBUTIONS

INDEX TO MULTICANDIDATE COMMITTEES

V41 I195 OCT 6 76 UM

FEDERAL ELECTION COMMISSION

[Notice 1976-46]

CONTRIBUTIONS TO POLITICAL COMMITTEES MAKING INDEPENDENT EXPENDITURES ON BEHALF OF A CLEARLY IDENTIFIED CANDIDATE

Policy Statement

The Commission today publishes a policy statement concerning application of the contribution limits in 2 U.S.C. 441a to persons who make contributions to a political committee which makes independent expenditures on behalf of at least one Federal candidate. Also published with this policy statement is a recent response of the Commission to an Advisory Opinion Request which concerns one factual situation involving application of this policy.

Dated: October 1, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

The Commission's proposed regulations, § 110.1(h), provide that a person may contribute $1,000 per election to a candidate (or $5,000 if the contributor is a qualified multicandidate political committee), and also contribute to a political committee which has supported, or anticipates supporting that candidate without violating the contribution limitations contained in 2 U.S.C. 441a(a)(1)(A) and (2)(A): *Provided,* (i) The recipient political committee is not the candidate's principal campaign committee or other authorized committee or a single candidate committee, and (ii) the contributor does not give to the committee with the knowledge that a substantial portion of the contributor's funds will be contributed by the committee to that candidate or expended on behalf of the candidate. Thus, if the donor had contributed the applicable maximum contribution to the candidate, and the requirements of § 110.1(h) were not met, the donor could not contribute any amount to the political committee with respect to the same election. See the Commission's response to Advisory Opinion Request 1976-20 (published as an appendix to this statement). If the political committee satisfied the requirements of § 110.1(h) it could accept, as "any • • • political committee," contributions not exceeding $5,000 per year from both individuals and multicandidate political committees, 2 U.S.C. 441a(a)(1)(C) and (2)(C), including such contributions from those persons who had given their maximum contribution to a candidate the political committee supports.

In the case of the general election campaign of presidential candidates who have accepted full public funding, 26 U.S.C. 9003(b) prohibits the acceptance of a contribution in any amount "by such candidates or any of their authorized committees." The Commission concludes that this section would not prohibit an unauthorized committee making independent expenditures on behalf of such a presidential candidate from accepting contributions limited to $1,000 from an individual donor, or $5,000 from a multicandidate political committee. Although contributions to such an unauthorized committee are made for the benefit of the candidate and therefore counted against the donor's contribution limit to the candidate, the contribution is given, not to the candidate, but to the unauthorized committee. Hence, there is no prohibited acceptance of the contribution by the presidential candidate or any authorized committees of that candidate.

Contributions, by definition, are made for the purpose of influencing a Federal election. That the contribution is made to a committee making independent expenditures does not remve the "purpose" from the contribution. Therefore, the $5,000 and $25,000 contribution limitations apply to contributions made to committees making independent expenditures, and if the committee were a single candidate committee contributions to it would be limited to $1,000 per election, or $5,000 if the donor were a multicandidate political committee (assuming the donor had given no contribution to the candidate the committee supports).

It is further the view of the Commission that expenditures made on behalf of a clearly identified candidate by or through any person who is, or has been, authorized to raise or expend funds; who is, or has been, an officer or an authorized committee of that candidate; or who is, or has been receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent is presumptively not independent, see § 109.1(b)(4) of the proposed regulations.

This policy statement is being issued on an interim basis for guidance to candidates and committees pending final issuance by the Commission of regulations. Proposed regulations were submitted to the Congress on August 3, 1976, and published in the FEDERAL REGISTER of August 25. They may be prescribed only after expiration of thirty legislative days from the date received by Congress and only if neither the House nor the Senate has disapproved the proposed regulations during that period.

Re: AOR 1976-20
MR. CHARLES H. BREECHER,
Delaware Volunteers for Reagan,
133 Columbia Avenue,
Rehoboth Beach, Del. 19971

AUGUST 17, 1976.

DEAR MR. BREECHER: This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in "Buckley v. Valeo," 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. 437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. 431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of $1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§ 431(e) and (f). Under 2 U.S.C. 441a(a)(1)(C) and (a)(2)(C) persons[1] and multi-candidate political committees are limited to contributions not in excess of $5,000 in any calendar year to "any • • • political committee." Therefore, as a general rule a committee within the definition of § 431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one *person* not in excess of $5,000 per calendar year and any contribution from an *individual* would be applied against his or her $25,000 annual contribution limitation contained in 2 U.S.C. 441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the $1,000 limit in 2 U.S.C. 441a(a)(1), or $5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. 441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act to Governor Reagan may contribute *any* amount to Delaware Volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. 441a(a)(1)(A) places a $1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (section 441a(a)(7)(A); expenditures made in consultation with or at the suggestion of the candidate (section 441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (section 441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to a

[1] "Person" is defined in 2 U.S.C. 431(h), and includes an individual, partnership, committee and any other organization or group of persons.

candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

• • • • •

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate. Conference Report, No. 94-1057, pp. 58, 59, April 28, 1976.

The Commission's proposed regulations reflect this Congressional intent in § 110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permit the symbolic expression of support evidenced by a contribution but does not in any way infringe the contributor's freedom to discuss candidates and issues. 96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent[2] expenditures"[3] made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute $1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute $1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate.[3] A person may contribute $5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in § 110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved § 110.1(h) of the proposed regulations.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. 438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-29315 Filed 10-5-76;8:45 am]

[Notice 1976-50]

FAMILY MEMBER CONTRIBUTION LIMITS IN LIGHT OF BUCKLEY v. VALCO AND THE 1976 AMENDMENTS TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Policy Statement

The Commission today publishes a policy statement concerning application of the contribution limits in 2 U.S.C. 441a to contributions made by members of a candidate's immediate family to the related candidate. The policy statement summarizes the legal developments with respect to this issue beginning with the enactment of the 1974 Amendments to the Federal Election Campaign Act of 1971 and concluding with the effect of the 1976 Amendments. As an appendix to the policy statement, the Commission also publishes two advisory opinions relating to this issue, AO 1975-65 and AO 1976-26.

Dated: OCTOBER 1, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

The Commission issues this policy statement under authority granted it by 437c(b)(1) and 437d(a)(9) of Title 2, United States Code, in response to the uncertainty which exists concerning the correct contribution limits for members of a Federal candidate's immediate family.

The applicable limitation on the amount an immediate family member could contribute to a Federal candidate has changed during the period between the enactment of the 1974 and 1976 Amendments to the Federal Election Campaign Act of 1971. Title 18, United States Code 608(a)(1) permitted a candidate to "make expenditures from his personal funds, or the personal funds of his immediate family" up to the amount designated for the Federal office sought. This language was interpreted by the United States Court of Appeals, in August 1975, as replacing the 608(b)(1) $1,000 individual contribution limitation for members of a candidate's immediate family. "Buckley v. Valeo," 519 F. 2d 821, 854 (1975). The Commission adopted the appellate court's interpretation in Advisory Opinion 1975-65 (40 FR 58393, December 16, 1975), which held that an immediate family member could lawfully contribute in excess of $1,000 to a related candidate, so long as his or her total yearly contributions did not exceed $25,000, the annual aggregate limitation on contributions by an individual contained in 18 U.S.C. § 608(b)(3) [now codified as 2 U.S.C. 441a(a)(3)].

Subsequently, on January 30, 1976 the Supreme Court held in "Buckley v. Valeo," 424 U.S. 1, that the expenditure limitations in sections 608(a), 608(c) and 608(e) of Title 18, United States Code were unconstitutional. The Court upheld the limitations on contributions[1] to a Federal candidate, however, and in footnote 57 of the opinion reviewed the legislative history of the individual contribution limitation. The Court strongly suggested that Congress intended such family members to be subject to the $1,000 per election individual limitation on contributions to a Federal candidate.

The $1,000 individual contribution limitation on family members was clearly incorporated into the 1976 Amendments, which went into effect on May 11, 1976. Now codified at 2 U.S.C. 441a(a)(1)(A), the limitation states: "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000." As further evidence of congressional intent, the Commission notes the following language in the Joint Explanatory Statement of the Committee of Conference (Conference Report, No. 94-1057, p. 73): "The conference substitute does not in any way disturb the $1,000 contribution limit applicable to all individuals, *including the immediate family of a candidate.*" (Emphasis added.) Section 110.10(b) of the Commission's proposed regulations, involving expenditures by candidates, illustrates the application of this limita-

[2] "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. § 431(p).

[3] If the person is a multi-candidate committee under 2 U.S.C. § 441a(a)(4) the applicable amount is $5,000 rather than $1,000.

[1] $1,000 from a person, 2 U.S.C. 441a(a)(1)(A); $5,000 from a multicandidate political committee, 2 U.S.C. 441a(a)(2)(A); and $25,000 annual aggregate by an individual, 2 U.S.C. 441a(a)(3).

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tion to family member contributions, by defining "personal funds," in part, as "any assets to which at the time he or she became a candidate the candidate had legal and rightful title * * * and which the candidate had legal right of access to or control over, including funds from immediate family members." (Emphasis added.) It is thus clear that family members are now limited to contributions not in excess of $1,000 per election to related Federal candidates.

In summary, prior to the cited Buckley decision, immediate family members could contribute not in excess of $25,000 to a related Federal candidate; after May 11, 1976 they were limited by the 1976 Amendments to $1,000. During the period between January 30 and May 11, 1976, the law was sufficiently unclear that the Commission will not require refund of any contribution in excess of $1,000 per election, so long as it was within the donor's $25,000 annual contribution limitation. See Advisory Opinion 1976–26. These contributions would be charged, however, against the individual's $1,000 per election contribution limitation after May 11, 1976, since Congress merely incorporated the $1,000 limitation from the 1964 Amendments into the 1976 Amendments. For purposes of this policy an individual's contribution limits with respect to each election would be aggregated. For example, the individual who gave more than $2,000 (or $3,000 if a runoff election was required) to a related candidate in April 1976 could not make any additional contribution after May 11 with respect to any 1976 election in which the candidate was entered or to retire an outstanding debt of that candidate from any 1976 election.

ADVISORY OPINION 1975–65

CONTRIBUTION FROM IMMEDIATE FAMILY FOR SENATE CAMPAIGN

This advisory opinion is rendered under 2 U.S.C. § 437f, in response to a request for an advisory opinion from Congressman Alphonzo Bell which was published as AOR 1975–65 in the FEDERAL REGISTER, September 18, 1975 (40 FR 43162). Interested parties were given an opportunity to submit written comments regarding the request, but none were received.

Representative Bell presents two issues for determination by the Commission: (1) whether the spouses of his children and his wife's brother, sister and parents are members of his "immediate family" for the purpose of limits on contributions from family funds; (2) whether a member of a candidate's immediate family may contribute up to $1,000 (18 U.S.C. § 608(b)(1)) once the candidate has reached the ceiling on permissible expenditures from his or her family's personal funds.

I. MEMBERS OF IMMEDIATE FAMILY

18 U.S.C. § 608(a)(1) provides in pertinent part that:

> No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election to Federal office in excess of, in the aggregate—
>
> (A) $50,000, in the case of a candidate for the office of President or Vice President of the United States;
>
> (B) $35,000, in the case of a candidate for the office of Senator * * * or
>
> (C) $25,000, in the case of a candidate for the office of Representative * * *.

For the purposes of these limitations on contributions/expenditures from personal funds, the term "immediate family" has been unambiguously defined. According to the explicit language of § 603(a)(2),

> "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons.

Therefore, the brother, sister and parents of Representative Bell's wife are not regarded as members of his "immediate family," whereas the spouses of his children come within the purview of § 603(a)(2).

II. CONFLICT OF 18 U.S.C. §§ 608(a)(1) AND 608(b)(1)

Regarding the second issue raised, it is the opinion of the Commission that an immediate family member may contribute more than $1,000 to the related Federal candidate, provided the member does not exceed the $25,000 aggregate limit on contributions by an individual [18 U.S.C. § 608(b)(3)] and, that the candidate does not surpass the ceiling on contributions and/or expenditures from personal or family funds [18 U.S.C. § 608(a)(1)].

On its face, the language of § 608(a)(1) clearly supports the view of the Commission. A candidate is permitted to make campaign expenditures no greater than the amount designated for the office sought "from his personal funds, *or the personal funds of his immediate family* * * *" The Appellate Court in *Buckley* v. *Valeo*, 510 F.2d 821, at 854 (D.C. Cir., 1975), upheld § 608(a) against constitutional challenge, interpreting it as serving "to relax the $1,000 per candidate contribution limit for a candidate and his immediate family."

§ 608(a) does not relax the $25,000 ceiling on all contributions in a calendar year, however. Each donation of a family member to the campaign of a related candidate must be credited against the § 608(b)(3) limit. A family member who has already made contributions aggregating $25,000 may not, therefore, contribute further to the related candidate.

A candidate, however, is not restricted by the § 608(b)(3) ceiling in drawing monies from personal funds in connection with his/her own campaigns. The language of § 608(a) on its face clearly overrides the application of the $25,000 aggregate contribution limits of § 608(b)(3) as to candidates for the offices of President, Vice President, Senator, or Representative from a state which is entitled to only one Representative [18 U.S.C. § 608(a)(1)(A)–(B)].

After a candidate reaches the appropriate § 608(a) aggregate limit, further contributions by any immediate family member are prohibited. If any family member wishes to further contribute to the candidate or to the candidate's campaign committee, the candidate or another family member who has previously given should request a refund in the same amount from the principal campaign committee in order not to violate § 608(a).

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

FEDERAL ELECTION COMMISSION,
Washington, D.C., September 20, 1976.

WAYNE C. MCGARVEY,
Treasurer, Neil Rolde for U.S. Congress, Post Office Box 3786, Portland, Maine 04104.

DEAR MR. MCGARVEY: This letter responds to your letter of April 29, 1976, requesting an opinion reconciling the apparent conflict between Advisory Opinion 1975–65, FEDERAL REGISTER (40 FR 58393, December 16, 1975), and the Supreme Court's discussion of contributions by family members in *Buckley* v. *Valeo*, 424 U.S. 1 (1976).

We regret the delay in answering your inquiry, but subsequent to the Supreme Court's decision in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. 437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. Proposed regulations were sent to the Congress on August 3, 1976.

In AO 1975–65, the Commission concluded that an immediate family member [as defined previously in 18 U.S.C. 608(a)(2)] could contribute more than $1,000 to a related Federal candidate provided that the member did not exceed the $25,000 aggregate limit on contributions by an individual in a calendar year and that the candidate did not surpass the ceiling upon contributions and/or expenditures from personal or family funds [18 U.S.C. 608(a)(1)]. We note that contributions on October 9, 1975, and November 10, 1975, totalling $3,500 were made to the Rolde for Congress Committee by the candidate's father within the period of time in which AO 1975–65 represened the prevailing interpretation of § 608(a). If the $3,500 did not cause Mr. L. Robert Rolde, the candidate's father, to exceed his $25,000 annual contribution ceiling (2 U.S.C. 441a(a)(3)) then the contributions would comport with the Commission's understanding of 18 U.S.C. 608(a) before *Buckley*.

In its opinion in *Buckley*, issued January 30, 1976, the Supreme Court invalidated the ceilings in § 608(a) on campaign expenditures from the candidate's personal funds. Furthermore, in footnote 57, the Court noted, with approval, language from the Conference Report on the 1974 Amendments to the Act which applied the $1,000 limitation on contributions to any candidate [previously 18 U.S.C. 608(b)(1)] to donations by family members.

It is the intent of the conferees that members of the immediate family of any candidate shall be subject to the contribution limitations established by this legislation. If a candidate for office of Senator, for example, already is in a position to exercise control over funds of a member of his immediate family before he becomes a candidate, then he could draw upon these funds up to the limit of $35,000. If, however, the candidate did not have access to or control over such funds at the time he became a candidate, the immediate family member would not be permitted to grant access or control to the candidate in amounts up to $35,000, if the immediate family member intends that such amounts are to be used in the campaign of the candidate. The immediate family member would be permitted merely to make contributions to the candidate in amounts no greater than $1,000 for each election involved. H. Rep. No. 93–1438, p. 58 (1974).

This treatment of expenditures from a candidate's personal funds and of contributions by immediate family members is essentially reflected in the Commission's proposal regulations. I direct you particularly to § 110.10 (copy enclosed) which defines a candidate's "personal funds," from which he/she may spend without limit, as the total assets over which the candidate had, prior to candidacy, both legal and rightful title and access and control.

We understand that L. Robert Rolde, the candidate's father, contributed $2,000 on March 12, 1976, (i.e., after the Supreme Court's prevailing interpretation that the $1,000 limit applied to contributions from immediate family members). Although in excess of the limits now clearly applicable to contributions from members of a candidate's immediate family, the Commission concludes, in view of the uncertainty of the law in this respect during the period between January 30, 1976 and May 11, 1976 (the effective date of the 1976 Amendments), that contributions made during that period by immediate family members need not be returned if they are otherwise in conformity to the holding in AO 1975–65. However, such contributions would be counted against the limits now held to be applicable to family members under the 1976 Amendments and the proposed regulations. This means that L. Robert Rolde could make no further contribution to the candidate with respect to any primary or general election in 1976.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. § 437f.

Sincerely yours,

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

Enclosure.

[FR Doc.76–29316 Filed 10–5–76;8:45 am]

[Notice 1976–51]

MULTICANDIDATE COMMITTEES

Index

The Federal Election Commission today publishes an Index of "Multicandidate Political Committees," which is defined by 2 U.S.C. 441a(a)(4) of the Federal Election Campaign Act of 1971, as amended, to mean a political committee:

> * * * registered under section 433 for a period not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organizations, has made contributions to 5 or more candidates for Federal office.

This Multicandidate Committee list is derived from a review of the reports and statements filed with the Commission, the General Accounting Office, the Clerk of the House, and the Secretary of the Senate, since April 7, 1972. Please note that all committees which had met the qualifications for Multicandidate Committee status prior to January 1, 1975, are determined to have been qualified as of January 1, 1975, the effective date of the 1974 amendments to the Federal Election Campaign Act.

This index does not in any way treat the question of affiliation between political committees, multicandidate or otherwise. (See FEC Proposed Regulations Section 110.3, 41 FR 35949 August 25, 1976.) A consolidated index specifically identifying the status of such affiliated committees will be published at a later date.

The Commission is publishing this Index as prescribed by 2 U.S.C. 438(a)(6), requiring periodic publications in the FEDERAL REGISTER of an Index of Multicandidate Committees, including the date of registration of such committees and the committees' dates of qualification under FEDERAL REGISTER on a periodic basis. Additional copies of this Index are available from the Commission for $0.25 per copy.

Any person who believes that a committee not included on this Index has, in fact, met the qualifications for multicandidate status should so advise the Commission in writing and provide documentation as appropriate, so that the Commission can correct or update its records.

PARA PERSONA DE HABLA ESPANOL

Si usted tiene dificultades en entender el indice, escriba a Federal Election Commission, 1325 K Street, NW, Washington, DC 20463

Dated: October 1, 1976.

VERNON W. THOMSON,
Chairman,
Federal Election Commission.

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QUALIFIED MULTICANDIDATE COMMITTEES

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Action Committee for Rural Electrification	4-17-72	1-1-75
Active Ballot Club, A Department of Retail Clerks International Association	4-17-72	5-21-75
Active Ballot Club, Local 692	5-8-72	1-1-75
Active Ballot Club or Retail Clerks International Association Local 1262 of North New Jersey	4-29-72	1-1-75
AFL-CIO COPE	4-17-72	1-1-75
Agricultural and Dairy Educational Political Trust	4-7-72	1-1-75
Airline Pilots Association Political Action Committee	1-12-76	7-12-76
Alabama Medical Political Action Committee	4-13-72	1-1-75
Amalgamated Political Education Committee	4-18-72	1-1-75
AMCOPE - Amalgamated Meat Cutters & Butcher Workmen Committee on Political Education	4-13-72	1-1-75
American Apparel Manufacturers Political Action Committee	4-14-72	1-1-75
American Book Publishers Political Action Committee	7-24-74	1-24-75
American Dental Political Action Committee	4-13-72	1-1-75
American Family Political Action Committee	4-13-72	6-26-76
American General Political Action Committee	1-15-75	7-9-76
American Hotel Motel Political Action Committee	4-14-72	1-1-75
American Insurance Men's Political Action Committee	4-19-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
American Medical Political Action Committee	4-13-72	1-1-75
American Nursing Home Education and Political Action Committee	4-28-72	1-1-75
American Optometric Association Political Action Committee	5-28-75	1-1-75
American Textile Industry for Good Government	11-5-75	5-5-76
Americans for Constitutional Action	4-11-72	1-1-75
Anaconda Concerned Citizens Fund	10-2-75	5-31-76
Association for Better Citizenship	7-10-72	1-1-75
Association for Responsible Government	7-29-74	1-18-75
Attorneys Congressional Campaign Trust	2-21-75	6-19-76
ATU COPE Political Contributions Committee	11-25-75	5-25-76
Automobile Dealers Political Action Committee	1-22-76	7-22-76
Automobile and Truck Dealers Election Action Committee	7-15-75	4-12-76
Baltimore Regional Joint Board Political Education Committee	10-18-72	1-1-75
Banking Profession Political Action Committee	4-13-72	6-17-75
Boating Information Council Political Action Committee	2-19-74	1-1-75
Bread Political Action Committee	4-8-74	1-1-75
Bricklayers Action Committee	4-17-72	1-1-75
Brooklyn Longshoremen's Political Action & Education Fund	4-18-72	1-1-75
Builders Political Campaign Committee	4-14-72	1-1-75
Burlington Northern Employees Voluntary Good Government Fund	4-18-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Bus Industry Public Affairs Committee	4-18-72	1-1-75
Business Industry Political Action Committee	4-17-72	1-1-75
California Cable Television Political Action Committee	9-10-75	3-10-76
California Dental Political Action Committee	4-20-72	1-1-75
California Medical Political Action Committee	4-17-72	1-1-75
California Rice Fund	8-3-73	5-11-76
Campaign '72	4-14-72	10-29-74
Carpenter's Legislative Improvement Committee	4-14-72	1-1-75
Carpet & Rug Industry Political Action Committee	1-9-76	6-10-76
Cattlemen's Action Legislative Fund	4-17-72	1-1-75
Century Club	4-17-72	1-1-75
Chevron Committee for Political Participation	10-15-75	4-15-76
Chiropractic Political Action Committee of Oregon	11-25-74	5-25-75
Citicorp Employees Voluntary Political Fund	8-4-72	1-1-75
Citizens Action Committee	10-3-75	7-7-76
Civic Trust 80	8-14-72	1-1-75
Coal Miners Political Action Contributions Committee	1-8-74	1-1-75
Committee for Action	4-20-72	1-1-75
Committee for Election of Congressional Candidates	12-1-72	1-1-75
Committee for Good Government (Michigan)	4-17-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Committee for the Advancement of Cotton	9-12-75	3-12-76
Committee for Sensible Government	1-26-75	6-23-76
Committee for the Survival of a Free Congress	7-17-74	1-17-75
Committee for Thorough Agricultural Political Education	4-17-72	1-1-75
Committee of Automotive Retailers	4-19-72	1-1-75
Committee on Agricultural Policy	3-9-73	1-1-75
Committee on American Leadership	4-28-72	1-1-75
Committee on Federal Employee Political Education	8-16-72	1-1-75
Committee on Letter Carriers Political Education	11-5-74	5-5-75
Committee on Political Education (COPE AFL-CIO, Denver)	6-30-72	1-1-75
COPE - Political Contributions Committee	1-30-74	1-1-75
Committee Organized for the Trading of Cotton	2-7-74	6-30-75
Commonwealth Associates "F" Fund	9-11-73	1-1-75
Communications Political Action Committee	4-14-72	1-1-75
Connecticut Republican Federal Campaign Committee	1-22-76	7-22-76
CONPAC	10-16-72	1-1-75
Conservative Victory Fund	8-1-72	1-1-75
Consolidated Executives' Voluntary Non-Partisal Political Fund	10-23-72	1-1-75
Construction Equipment Political Action Committee	8-28-72	1-12-75
Constructive Citizenship Program	5-5-72	1-1-75

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Constructive Congress Committee	1-2-76	7-2-76
COPE Committee for the United Rubber, Cork, Linoleum and Plastic Workers of America	4-13-72	1-1-75
Council for a Liveable World	4-17-72	1-1-75
Credit Union Legislative Action Council	5-25-72	1-1-75
Crown Employees Political Fund	7-2-75	3-15-76
CWA COPE Political Contributions Committee	4-17-72	1-1-75
CWA District 1 Political Action Committee	9-2-75	3-2-76
CWA District 2 Political Action Committee	9-3-75	3-3-76
CWA District 6 Political Action Committee	9-29-75	6-30-76
CWA District 12 Political Action Committee	9-12-75	4-5-76
Davenport Education Association Political Action Committee	7-31-75	1-31-76
D.C. Republican Committee	4-7-72	1-1-75
Del Monte Voluntary Nonpartisan Good Government Fund	7-10-72	1-1-75
Democratic Congressional Campaign Committee	4-14-72	1-1-75
Democratic Party of Arizona	8-7-75	2-7-76
Democratic Executive Committee of Florida	4-19-72	1-1-75
Democratic Party of New Mexico	10-15-74	1-1-75
Democratic Party of Wisconsin	5-24-74	1-1-75
Democratic Republican Independent Voter Education Committee	6-10-72	1-1-75
Democratic Senatorial Campaign Committee	4-7-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Democratic State Central Committee of Colorado	6-26-72	1-28-75
Democratic State Central Committee of Maryland	6-4-74	1-1-75
Democratic State Central Committee of Delaware	4-17-72	1-1-75
Detroit Piping Industry Political Action Committee	5-4-72	1-1-75
District 1199 Political Action Fund	4-10-74	4-4-75
District 2 MEBA - AMO AFL/CIO Voluntary Political Action Fund	4-14-72	1-1-75
DNC Services Corporation	9-25-72	1-1-75
Dow Eastern Employees Political Action Committee	10-21-75	6-30-76
DSG Campaign Fund	4-17-72	1-1-75
The East Ohio Gas Employees Voluntary Good Government Association	2-15-74	1-1-75
Effective Government Association	4-17-72	1-1-75
Employees Political Action Committee (EMPAC) - Central Division Dow Chemical	10-31-75	4-31-76
Employees Rights Campaign Committee	12-31-75	7-1-76
Engineers Political and Education Committee	4-17-72	1-1-75
FED PAC	4-17-72	1-1-75
Federal Campaign Account - Ohio Democratic Party	2-4-75	3-31-76
Federal Citizenship Responsibility Group	4-7-75	10-7-75
F.I.R.E. - P.A.C.	4-19-72	1-1-75
First Associates National	5-15-72	1-1-75
First Wisconsin Civic Affairs Committee	1-5-76	7-5-76

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Florida Agricultural Education Committee	7-2-73	1-1-75
Florida Bankers Political Action Committee	9-10-73	1-1-75
Florida Medical Political Action Committee	5-15-72	1-1-75
Food Industry Good Government Committee	8-1-73	1-1-75
Forest Products Political Committee	4-17-72	1-1-75
Freezers Political Action Committee	10-24-72	1-1-75
Frisco Employees' Committee for Good Government	4-17-72	1-1-75
Fund for Better Government	8-28-72	10-13-75
Fund for Effective Government	9-15-72	1-1-75
Gala Dinner Committee	9-12-75	3-12-76
Gas Employees Political Action Committee	5-12-72	1-1-75
General Telephone Employees Good Government Club	4-19-72	3-6-76
General Telephone Good Government Club (California)	4-15-72	1-1-75
Georgia Medical Political Action Committee	4-17-72	1-1-75
Good Government Committee (San Francisco)	4-17-72	1-1-75
Good Government Fund (San Francisco)	5-13-75	11-13-75
Good Government Group (Trust Co., Georgia)	7-27-72	1-1-75
Government Improvement Group	4-17-72	1-1-75
G-P Employees Fund	5-1-75	11-1-75
Graphic Arts International Union Political Contributions Committee	9-4-75	5-13-76

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Greater Indianapolis Republican Finance Committee	4-17-72	1-1-75
Gun Owners of America - Target '76	9-4-75	5-13-76
Group Practice Political Action Committee	10-2-74	11-12-75
The Hanson Fund	5-23-72	1-1-75
Hawaiian Telephone Employees Good Government Club	9-12-72	1-1-75
House PAC	1-16-76	7-16-76
Hughes Active Citizenship Fund	4-17-72	1-1-75
H. & R.E. & B.I.U. TIP To Insure Progress	4-17-72	1-1-75
ICG Good Government Fund	4-17-72	1-1-75
Idaho State Democratic Central Committee	9-13-74	3-15-75
I.L.G.W.U. Campaign Committee	4-18-72	1-1-75
Illinois Medical Political Action Committee	4-7-72	1-1-75
Illinois Republican State Central Committee	6-12-72	1-1-75
Independent Bankers Political Action Committee	12-15-75	6-15-76
Independent Medicine's Political Action Committee (Tennessee)	4-7-72	1-1-75
Independent Minnesota Political Action Committee	4-17-72	1-1-75
Indiana Medical Political Action Committee	4-13-72	1-1-75
Indiana Republican State Central Committee	4-25-72	1-1-75
Industries Civic Trust	4-21-72	1-1-75
INOPAC	7-14-75	3-3-76

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Insurance Public Affairs Council	9-26-75	4-16-76
International Brotherhood of Electrical Workers Committee on Political Education	5-22-72	1-1-75
International Brotherhood of Firemen and Oilers League	4-19-72	1-1-75
Iowa Medical Political Action Committee	4-17-72	1-1-75
Ironworkers Political Action League	10-6-72	1-1-75
IUE Committee on Political Education	4-24-72	1-1-75
Kansas Democratic State Committee	7-5-73	1-1-75
Kansas Republican State Committee	4-17-72	1-1-75
Kennecot Executive's Citizenship Association	5-7-73	1-1-75
Kentucky Educational Medical Political Action Committee	4-9-74	1-1-75
Kentucky State Democratic Central Executive Committee	11-2-72	1-1-75
Laborer's Political League	5-30-72	1-1-75
League of Conservative Voters	4-17-72	1-1-75
League of Conservative Voters Campaign Fund	4-17-72	1-1-75
Legislative Action Program	4-19-72	1-1-75
Life Underwriters Political Action Committee - D.C.	4-19-72	1-1-75
Litton Employees Political Action Committee	2-3-76	8-3-76
Local 302 Voluntary Political Fund (Seattle)	6-12-72	1-1-75
Lockheed Good Government Program	9-4-75	5-10-76
Los Angeles COPE - Voluntary Political Contributions Committee	3-12-75	1-31-76

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
The LTV Corporation/Vought Corporation Active Citizenship Campaign	6-26-72	1-1-75
Louisiana Medical Political Action Committee	4-14-72	1-1-75
Machinists Nonpartisan Political League	4-17-72	1-1-75
Maine Democratic State Committee	6-10-72	1-1-75
Maine Republican State Committee	4-17-73	1-1-75
Maintenance of Way Political League	4-12-72	1-1-75
Marine Cooks and Stewards Voluntary Defense and Education Fund	1-14-76	7-14-76
Maryland Medical Political Action Committee	4-17-72	1-1-75
Masters Mates and Pilots Pensioners Action Fund	4-19-73	1-1-75
MCU Legislative Action Fund	1-29-73	11-18-75
MEBA Political Action Fund	4-17-72	1-1-75
Meredith Corporation Employees Fund for Better Government	9-18-72	1-1-75
Michigan Doctors Political Action Committee	4-14-72	1-1-75
Michigan State AFL-CIO COPE Voluntary Fund	5-11-72	1-1-75
Mid West Area Political Action Committee	1-13-76	7-13-76
Minnesota D.R.I.V.E.	5-5-72	1-1-75
Minnesota Medical Political Action Committee	4-17-72	1-1-75
Minnesota Republican Finance Committee	4-14-72	1-1-75
Missouri Medical Political Action Committee	4-17-72	1-1-75
Missouri Republican State Committee	6-10-72	1-1-75

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Montana Republican State Central Committee	10-24-72	1-1-75
Montana State Democratic Central Committee	9-5-72	1-1-75
Mortgage Bankers Political Action Committee	4-14-72	1-1-75
National Committee for an Effective Congress	4-17-72	1-1-75
National Education Association Political Action Committee	4-14-72	1-1-75
National Republican Congressional Committee	4-17-72	1-1-75
National Republican Heritage Groups (Nationalities) Council	4-17-72	1-12-75
National Republican Senatorial Committee	4-14-72	1-1-75
National Women's Political Caucus Campaign Support Committee	7-16-75	5-18-76
Nebraska Democratic Central State Committee	4-15-72	1-1-75
Nebraska Republican State Central Committee	4-15-72	1-1-75
New Hampshire Republican State Committee	4-15-72	1-1-75
New Jersey Health Care Political Action Committee	1-20-76	6-30-76
New York Socialist Workers 1976 Campaign Committee	9-15-75	6-30-76
NL Executives Voluntary Nonpartisan Poltical Fund	6-3-75	6-1-76
NLI Testimonial Dinner Committee	10-21-75	6-30-76
NMU Political and Legislative Organization On Watch	1-31-74	1-1-75
Nonpartisan Committee for Good Government	8-31-73	1-1-75
Nonpartisan Political Support Committee (Connecticut)	5-7-75	11-7-75
Nonpartisan Voluntary Political Fund	5-24-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
North Carolina Congressional Club	11-7-74	10-15-75
North Carolina Democratic Executive Committee	4-24-72	1-1-75
North Carolina Medical Political Education and Action Committee	4-7-72	1-1-75
North Dakota Republican State Committee	4-17-72	1-1-75
North Western Officers Trust Account	1-31-73	1-1-75
Nursing Home Administrators Political Action Committee of Texas	2-7-75	12-31-75
OCAW Political and Legislative League	5-23-73	1-1-75
O.E. Local 825 Political Education and Action Committee	5-2-74	1-1-75
Ohio D.R.I.V.E.	6-5-72	1-1-75
Ohio Medical Political Action Committee	4-17-72	1-1-75
Ohio Republican Finance Committee	4-12-72	1-1-75
Oklahoma Republican State Committee	4-16-72	1-1-75
Olin Executives Voluntary Nonpartisan Political Fund	4-17-72	1-1-75
Oral Surgery Political Action Committee	4-19-72	1-1-75
Oregon Democratic State Committee (Central)	10-21-72	1-1-75
Oregon Republican State Central Committee	9-22-72	1-1-75
Pace Political Action for Cooperative Effectiveness	4-17-72	1-1-75
Pacific Lighting Political Assistance Committee	6-13-72	1-1-75
Paine Webber Fund for Better Government	12-27-74	1-1-75
Part IV Freight Forwarders Political Action Committee	2-23-74	5-30-75

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
PATCO	2-14-74	4-8-75
Pennsylvania Medical Political Action Committee	4-18-72	1-1-75
Podiatry Political Action Committee	5-30-72	1-1-75
Political Action Committee - International Union Plant Guard Workers	1-29-73	4-29-76
Political Action Together - Political Committee	4-17-73	1-1-75
Political Awareness Fund	4-14-72	4-21-75
Political Committee for Design Professionals	10-18-72	1-1-75
Political Education Fund of the Building and Construction Trades Department	4-12-72	1-1-75
Political Fund of the American Postal Workers Union AFL-CIO	4-17-72	4-8-75
Public Affairs Fund	8-12-75	3-31-76
Public Employees Organized to Promote Legislative Equality (PEOPLE)	4-20-72	1-1-75
Public Employees Organized to Promote Legislative Equality Qualified Contributions Committee	10-20-72	1-1-75
Pullman Employees Good Government Fund	7-14-75	2-29-76
Railway Clerks Political League	4-14-72	1-1-75
Railway Labor Executives' Association Political League	10-5-72	1-1-75
Realtors Political Action Committee	7-13-72	1-1-75
Recording Arts Political Action Committee	6-29-72	1-1-75
Republican Congressional Boosters Club	4-14-72	1-1-75
Republican Party of Kentucky	3-8-74	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Republican Party of Virginia	7-14-72	1-1-75
Republican Party of Wisconsin	4-19-72	1-1-75
Republican State Central Committee of California	4-17-72	1-1-75
Republican State Central Committee of Colorado	4-17-72	1-1-75
Republican State Central Committee of Iowa	4-17-72	1-1-75
Republican State Central Committee of New Mexico	4-19-72	1-1-75
Republican State Central Committee of South Dakota	3-10-74	1-1-75
Republican State Central and Executive Committee of Ohio	4-17-72	1-1-75
Republican State Committee of Arizona	4-15-72	1-1-75
Responsible Government Association	7-5-72	1-1-75
Restaurateurs Political Action Committee	4-17-72	1-1-75
Rice and Soybean Political Action Committee	12-11-72	1-1-75
Right To Keep And Bear Arms Political Victory Fund	11-12-73	1-1-75
Riverside Civic Association	4-18-72	1-1-75
Sailors Political Fund	11-7-72	1-1-75
Savings Association Political Elections Committee	4-17-72	1-1-75
SAPEC - N.J.	11-1-72	1-1-75
Savings Bankers Nonpartisan Political Action Committee	4-17-72	1-1-75
SB Better Government Committee	10-9-72	1-1-75
Seafarers Political Activity Donation	4-14-72	1-1-75

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Security Pacific Active Citizenship Today Committee	8-21-75	6-28-76
Securities Industries Campaign Committee	4-17-72	1-1-75
Service Employees International Union COPE PCC (SEIU-COPE-PCC)	4-17-72	1-1-75
Sheet Metal and Air Conditioning Contractors' Political Action League	2-1-74	1-1-75
Sheet Metal Workers' International Association Political Action League	5-17-72	1-1-75
Signalmens' Political League	11-3-72	1-1-75
Socialist Workers 1974 National Campaign Committee	4-1-74	1-1-75
Socialist Workers 1976 Campaign Committee (Ohio)	4-15-74	10-1-75
South Carolina Political Action Committee	9-30-74	3-30-75
Southern Pacific Management Officers Good Government Fund	8-10-72	1-1-75
Southern Railway Good Government Fund	7-6-72	1-1-75
Southern Railway Tax Eligible Good Government Fund	7-6-72	1-1-75
Southwest Better Government Committee	6-10-72	1-1-75
Speak Up for Rural Electrification	5-24-72	1-1-75
Special Projects Group	4-17-72	1-1-75
State Democratic Executive Committee of Alabama	4-17-72	1-1-75
Supporters of Engineers Local 3 Federal Endorsed Candidates	10-29-74	11-6-75
The Tacoma Fund	5-23-72	1-1-75
Teamsters Joint Council #13 Political Action Committee	4-17-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Telephone Education Committee Organization	4-14-72	1-1-75
Television and Radio Political Action Committee	8-14-72	1-1-75
Texaco Employees Political Involvement Committee	12-16-75	6-16-76
Texas Committee on Political Education (Texas - COPE)	4-28-72	1-1-75
Texas Medical Political Action Committee	4-14-72	1-1-75
Texas Republican Congressional Committee	2-22-74	1-1-75
Title Industry Political Action Committee	11-12-73	7-6-76
Tobacco People's Public Affairs Committee	8-4-72	1-1-75
Tooling and Machinery Industry Political Action Committee	2-14-73	1-1-75
Transport Workers Union Political Contributions Committee	6-10-72	1-1-75
Transportation Political Education League	4-7-72	1-1-75
Truck Operators Nonpartisan League	4-17-72	1-1-75
Trust for a Special Political Agricultural Community Education	4-17-72	1-1-75
U.A. Political Education Committee	9-7-73	1-1-75
UAW - V - CAP	4-17-72	1-1-75
UFT COPE	4-26-72	1-1-75
Union Camp Political Action Committee	11-7-75	5-7-76
United Congressional Appeal	4-14-72	1-1-75
United Paperworkers International Union Political Education Program	7-17-75	6-2-76

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COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
United Steelworkers of America Political Action Fund	4-14-72	1-1-75
Utah Council for Improvement of Education	2-26-73	1-1-75
Vermont Republican Federal Election Committee	10-20-75	4-20-76
Vermont State Democratic Committee	3-27-75	9-27-75
Virginia Medical Political Action Committee	4-17-72	1-1-75
VNB Good Government Committee	10-21-75	6-30-76
The Voluntary Contributors for Better Government: A Program of International Paper Employees	1-14-76	7-14-76
VOTE COPE	8-26-74	2-18-76
Washington State Republican Federal Campaign Committee	7-14-75	1-14-76
Washington State Democratic Committee	6-28-74	1-1-75
Women's Campaign Fund	3-8-74	1-1-75
Wyoming Democratic State Central Committee	4-20-72	1-1-75
Wyoming State Democratic Committee	4-17-72	1-1-75
Young American's Campaign Committee	4-17-72	1-1-75
1976 Michigan Socialist Workers Campaign Committee	3-17-75	6-30-76
75/76 Socialist Workers Campaign Committee	12-20-74	1-31-76
76 Democratic Campaign Committee - Michigan	7-21-75	3-31-76

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highlights

PART I:

MILITARY TRANSPORTATION
CAB establishes fuel price increases and minimum rate adjustments for Logair and Quicktrans Services (2 documents); effective 10–1–76 44154

PETROLEUM EXPORT RESTRICTIONS
Commerce/DIBA continues existing controls, and establishes controls on naphtha, petroleum coke and Naval Petroleum Reserve Commodities; effective 9–30–76 44155

STEAMED AND CANNED OYSTERS
EPA proposes to exempt shrimp processing facilities which utilize an air flotation treatment system from 1983 effluent limitations, and determine limitations on case-by-case basis; comments by 11–8–76 44194

POINT-TO-POINT RADIO COMMUNICATIONS
FCC expands opportunity to use 450–470 MHz frequencies for secondary operations; effective 10–29–76 44180

SUPPLEMENTAL SECURITY INCOME
HEW/SSA proposes to exclude from countable income certain State payments; comments by 11–22–76 44192

FREEDOM OF INFORMATION
SSS allows legal representative of deceased person to obtain information from person's record, and makes technical changes; effective 10–7–76 44169

HEARING—
Architectural and Transportation Barriers Compliance Board: Recreation for Handicapped Persons; 10–21 through 10–22–76 44208

CHANGED MEETINGS—
OMB/OFPP: Contract Pricing and Profit Policies; 11–4 through 11–8–76 44237

MEETINGS—
Administrative Conference of the United States: Committee on Licenses and Authorizations; 10–22–76 44207
Committee on Ratemaking and Economic Regulation; 10–18–76 44207
Committee on Rulemaking and Public Information; 10–22–76 44208
USDA/FS: Ochoco National Forest Grazing Advisory Board; 11–4–76 44204
Commerce: Commerce Technical Advisory Board; 10–27 through 10–28–76 44206
CTAB Panel on Energy Policy; 10–20 through 10–21–76 44205

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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(Oct. 2, 1976; 90 Stat. 1516)

H.R. 13549..... Pub. Law 94–454
To provide for additional income for the United States Soldiers' and Airmen's Home by requiring the Board of Commissioners of such home to collect a fee from the members of such home and by increasing deductions for the support of such home from the pay of enlisted men and warrant officers, and for other purposes
(Oct. 2, 1976; 90 Stat. 1518)

H.R. 10612..... Pub. Law 94–455
Tax Reform Act of 1976
(Oct. 4, 1976; 90 Stat. 1520)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PETROLEUM ALLOCATION AND PRICE REGULATIONS

Exemption of Naphthas, Gas Oils and "Other Products" From the Mandatory Petroleum Allocation and Price Regulations; Corrections

On July 20, 1976, the Federal Energy Administration ("FEA") issued an amendment providing generally for the exemption of naphthas, gas oils and "other products" from the price and allocation regulations. (41 FR 30096, July 22, 1976) The exemption was effective September 1, 1976 since the amendment was not disapproved by either house of Congress within the prescribed review period under the procedures set forth in section 551 of the Energy Policy and Conservation Act.

This amendment is issued to correct minor errors and omissions in the July 20 amendment and to amend certain pricing provisions incidentally affected to account more precisely for the exemption.

I. "B_i'" FACTOR

In exempting naphthas, gas oils, and certain "other products" in the July 20 amendment, FEA inadvertently failed to correct part of the definition of the "B_i'" factor in § 212.83(c)(2)(iii)(D) of the refiners' price formulae. The definition formerly referred only to costs of purchased *covered* products, but with the exemption from the regulations of a significant gasoline feedstock, naphtha, the reference is no longer appropriate. The costs of all products which are purchased and refined or blended in producing a currently covered product and the costs of which were includable before any deregulation actions were taken are properly includable in the costs of that currently covered product and are so included in this amendment.

II. DEFINITION OF "ADDITIVE"

In addition, in exempting the various covered products, FEA created an ambiguity in the refiners' price formulae as to the treatment of products which are purchased and added to or blended with crude oil or covered products during the refining process and which were formerly covered products. Under the current language of § 212.83(c)(2), such products might conceivably be treated either as included within the "B" factor as purchased products, as intended by FEA, or as "additives" as part of "increased non-product costs." The definition of "additives" should properly make clear that it continues to include only those products which were never covered products and is accordingly so revised.

III. NATURAL GAS LIQUIDS

The July 20 amendment added § 212.56 to Subpart C of Part 212, setting forth which general refinery products had been exempted (by that or earlier amendments). Section 212.56 (and also § 212.83 and § 212.93, as then amended) described these products as all general refinery products other than propane, butane, natural gasoline and aviation gasoline; omitted from that listing were natural gas liquids ("NGL's"). The July 20 amendment did not purport to exempt NGL's; nor had they been exempted in any previous amendment. This amendment corrects the listing in each of the above-named sections. For added clarity, § 212.56 as adopted today sets forth those general refinery products which are and which are not exempt from Part 212 and a new § 212.57 is added to include No. 2 oils among the listed exempt products of Subpart C. The exemption had previously been made effective by a revision in the definition of "covered products."

IV. OTHER TECHNICAL CHANGES

In the July 20 amendment, certain of the revised sections were misnumbered. This amendment incorporates the technical changes necessary to place the amended sections in the proper sequential order with the correct designations. In each case set forth in the next paragraph, the language of the July 20 amended sections is retained; only the designations are changed.

Specifically, the technical changes include the following: First, the amendatory language of 10 CFR 210.35 is redesignated to reflect the addition of paragraphs (d), (e), and (f), rather than the addition of paragraphs (c), (d), and (e) as were added in the July 20 amendment. Secondly, the amendatory language of 10 CFR 211.1 is renumbered to reflect the addition of subparagraphs (7) and (8) to paragraph (b) rather than the addition of paragraphs (6) and (7) as were added in the July 20 amendment. Finally, the amendatory language of 10 CFR 212.93 is redesignated to reflect the addition of subclause (1)(2)(i)(C) rather than the addition of subclause (1)(2)(ii)(B) or subclause (1)(2)(i)(B), either of which, because of ambiguous amendatory language, could be understood to have been added in the July 20 amendment.

V. EFFECTIVE DATE

This amendment is only interpretive in nature and is intended to correct inadvertent omissions or technical errors in the regulations. The Federal Energy Administration finds that good cause exists to issue this amendment, effective as of September 1, 1976, without notice, opportunity for comment, or delay in the effective date of the amendment.

This amendment is a mere extension and refinement of the amendment issued July 20, 1976, and is consistent with and does not change the substance of the original amendment. Before that rule was promulgated, a hearing was scheduled and written comments were solicited. Many oral and written comments were received and those comments have been taken into account in the promulgation of this amendment. The notice and hearing requirements of Subsections 7(i)(1)(B) and (C) of the Federal Energy Administration Act of 1974 (Pub. L. 93–295 as amended by Pub. L. 94–385) have therefore already been satisfied and a further opportunity for the presentation of oral and written views is unnecessary.

In addition, because the present amendment is not a significant departure from the July 20 amendment, the requisite findings have been made and procedures followed pursuant to Sections 455 and 551 of the Energy Policy and Conservation Act (Pub. L. 94–163) and Section 12 of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159 as amended by Pub. L. 94–163 and Pub. L. 94–385).

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C., October 1, 1976, effective September 1, 1976.

DAVID G. WILSON,
Acting General Counsel.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 is revised by adding paragraphs (d), (e) and (f) as follows:

§ 210.35 Exempted products.

• • • • • •

(d) (1) Naphthas as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter except as pertains to allocation of naphtha for synthetic natural gas plant feedstock use.

(2) Naphthas as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

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(e) (1) Gas oils as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Gas oil as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(f) (1) Other products as defined in § 211.202 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Benzene, greases, hexane, lubricant base oil stocks, lubricants, special naphthas (solvents), toluene, unfinished oils, xylene and other finished products, as those terms are defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended in paragraph (b) by adding new subparagraphs (7) and (8) as follows:

§ 211.1 Scope.

(b) • • •

(7) Notwithstanding the provisions of Subpart J of this part, naphthas and gas oils are excluded from this part except with respect to the use of naphtha for synthetic natural gas plant feedstock pursuant to §§ 211.183 and 211.29.

(8) Notwithstanding the provisions of Subpart K of this part, other products as defined in § 211.202 of this part are excluded from this part.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

3. Section 212.56 is revised to read as follows:

§ 212.56 General refinery products.

(a) The following general refinery products are exempt from the provisions of this part: benzene, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, No. 1 heating oil, No. 1–D diesel fuel, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products.

(b) The following general refinery products are not exempt from the provisions of this part: aviation gasoline, butane, natural gas liquids, natural gasoline, and propane.

4. Section 212.57 is added to read as follows:

§ 212.57 No. 2 oils.

The prices charged for No. 2 oils are exempt.

5. The definition of "$B_i{}^t$" in § 212.83 (c) (2) (iii) (D) is hereby amended to read as follows:

§ 212.83 Price rule.

(c) *Allocation of increased costs.*

(2) *Formulae.*

(iii) *Definitions.*

(D) *The "B" factor.*

$$B_i = B_i{}^t + B_i{}^p + B_i{}^r$$

"B_i" [definition unchanged]

$$B_i{}^t = c_i{}^t - c_i{}^o - Y_i\ (q_i{}^t - q_i{}^o)$$

"$B_i{}^t$" is the total increased cost of the specific product or products of the type "$_i$" purchased or landed in the period "t", provided such cost is not included in computing "A_i". The cost of a specific covered product or products of the type "$_i$" shall include the costs of a product or products not of the type "$_i$" that was a covered product as of May 31, 1976, that is purchased and refined or blended, and that is attributable to the production of the covered products of the type "$_i$". The cost and quantity of products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

$c_i{}^o$ = [definition unchanged]
$c_i{}^t$ = [definition unchanged]
$q_i{}^o$ = [definition unchanged]
$q_i{}^t$ = [definition unchanged]
Y_i = [definition unchanged]
"$B_i{}^p$" [definition unchanged]
"$B_i{}^r$" [definition unchanged]

6. Section 212.83(c) (2) (iii) (E) (III) is hereby amended by revising the definition of "additive" as follows:

§ 212.83 Price rule.

(c) *Allocation of increased costs.*

(2) *Formulae.*

(iii) *Definitions.*

(E) *The "N" factor.*

(III) *Additive cost increases.*

"Additive" means those materials and compounds including catalysts and process chemicals, which were not covered products as of May 31, 1976 and which are added to or blended with crude oil or covered products during the refinery process.

7. Section 212.93 is amended in clause (i) of subparagraph (2) of paragraph (l) to add subclause (C) as follows:

§ 212.93 Price rule.

(l) *Reallocation of increased product costs among products.*

(2) • • •

(i) • • •

(C) Beginning on July 1, 1976, no increased costs for general refinery products other than propane, butane, natural gasoline, natural gas liquids, and aviation gasoline may be reallocated to maximum allowable prices for any other covered product.

[FR Doc.76-29391 Filed 10-4-76;9:57 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-EA-53; Amdt. 39-2738]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Bellanca type airplanes.

There had been reports of deterioration in the wooden wing spars of the subject aircraft due to the collection of water in the inboard wing area. On July 14, 1976, an emergency airmail directive was sent to all owners of the subject airplanes in view of the hazard to air safety. That hazard still exists.

Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require a repetitive inspection for deterioration. Thus, in view of the hazard, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive as follows:

Applies to Bellanca CH, CH–300 Pacemaker, 300–W Pacemaker, CH–400 Skyrocket, E Pacemaker, F. Skyrocket, 14–9, 14–9L, 14–12F–3, 14–13, 14–13–2, 14–3–3, 14–13–3–3W, 31–42 Pacemaker Aircraft, certificated in all categories.

To prevent failure of forward or aft wing spars due to wood decay caused by water collecting in the wing, accomplish the following: Prior to the next flight after receipt of this AD unless already accomplished, and at each annual inspection thereafter, perform the following or an approved equivalent inspection:

(a) Using a blunt tool (e.g. screwdriver handle) tap along the entire length of the upper and lower skin directly over the front and rear spars starting inboard of the root rib. A decayed area will emit a sound that has a discernible difference in quality in comparison to an undecayed section. Fabric covered wings can be inspected by depressing the fabric over the spar prior to tapping. A suspected area must be inspected visually through available skin access holes, or cut outs in the skin. The front face of the rear spar and the front spar must also be checked by inserting an awl through the drain holes on the lower surface of the wing and tapping.

(b) Using a light and mirror, inspect the interior of the wings for moisture, water stains, pooled dust or dirt which may indicate previously collected water, wood discoloration, woodchecks, delamination of surfaces and corrosion of metallic surfaces. The inspection will include among other areas:

1. Inboard of root rib including the ends of front and rear spar and spar attachment and the inside surface of top and bottom skin and root rib.

2. Forward face of front spar visible through gap between fuselage and lower wing surface.

3. Forward face of rear spar to root rib, visible through gap between fuselage and lower wing surface.

4. Aft face of rear spar, visible through lightening holes or cut-outs after flaps are removed. For airplanes not equipped with flaps a skin cut-out on the bottom wing may be used.

5. Flap stops for airplanes so equipped.

6. Forward face of front spar in the vicinity of landing light for airplanes so equipped.

7. The plywood wing skin interior for airplanes so equipped.

8. Interior of wing at trailing edge where fabric terminates including the area around the flaps for airplanes so equipped.

9. Inspect for restriction in all drain holes in wing bottom surface.

10. Inspect the seal (e.g. fabric fillet, channel rubber with compatible sealant etc.) at the intersection of the fuselage and top wing skin leading edge fairing.

11. Inspect for serviceability of the seal (e.g. doped fabric fillet, silicone rubber sealant, etc.) between the fuel tank scupper and wing skin.

12. The spar butt ends.

(c) On the exterior surfaces of the wing, inspect for any damage that may allow water entry such as cracks or breaks in the paint, bubbles, discoloration, boils, soft spots or other evidence of fabric deterioration or fabric delamination from wood skin. Include in the inspection the wing root area, top and bottom surfaces of front and rear spars inboard of landing gear, wing walk area for airplanes so equipped and the top and bottom of the fuel tank area.

(d) If any defects set forth in paragraphs (b) and (c) are detected, repairs must be accomplished in accordance with FAA-approved standard practice AC 43–13–1A or an equivalent repair approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(e) All skins that are cut out in accordance with paragraph (a) must be repaired in accordance with paragraph (d).

This amendment is effective October 8, 1976, and was effective upon receipt for all recipients of the airmail directive of July 14, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.J., on September 24, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-29138 Filed 10-6-76;8:45 am]

[Docket No. 76-NW-20-AD; Amdt. 39-2740]

PART 39—AIRWORTHINESS DIRECTIVES

Soloy Turbine Converted Hiller UH–12D and UH–12E Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on September 8, 1976, and made effective immediately as to all known United States operators of Soloy Turbine Converted Hiller UH–12D and UH–12E Helicopters. The directive imposes a limitation prohibiting flight in outside air temperatures of 32 degrees F. or below until certain modifications have been performed to the engine control cables.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations.

HILLER AVIATION. Applies to Model UH–12D and UH–12E Helicopters which have been converted to turbine power in accordance with Soloy Conversions, Limited, STC Nos. SH177WE and SH178WE respectively certificated in all categories. Compliance required as indicated.

To prevent loss of helicopter control due to freezing of the governor cable, throttle cable, and/or anti-ice cable accomplish the following:

(A) Within 15 days time in service after the receipt of this telegraphic AD, install a placard in view of the pilot which states: "Flight in outside air temperature of 32 degrees F. or lower is prohibited."

(B) Within 60 days time in service after the receipt of this telegraphic AD, perform the modifications contained in Soloy Conversions, Ltd., Service Bulletin 01–560 dated September 3, 1976, or later FAA approved revisions.

(C) The operation restriction prescribed in (A) above may be discontinued and the placard may be removed when the control cable modifications required by (B) above have been completed.

(D) Equivalent procedures may be approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, upon the submission of adequate substantiating data.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Soloy Conversions, Limited, P.O. Box 60, Chehalis, Washington 98532. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective on October 7, 1976, for all persons except those to whom it was made effective immediately by telegram dated September 8, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Seattle, Wash., September 24, 1976.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1976.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.76-29137 Filed 10-6-76;8:45 am]

[Airspace Docket No. 76-GL-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 32240 of the FEDERAL REGISTER dated August 7, 1976, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Peoria, Illinois.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 30, 1976.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Ill., on September 15, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (41 FR 440), the following transition area is amended to read:

PEORIA, ILLINOIS

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40°54' N., longitude 89°59' W., to latitude 40°53' N., longitude 89°33' W., to latitude 40°49' N., longitude 89°29' W., to latitude 40°23' N., longitude 89°34' W., to latitude 40°26' N., longitude 90°07' W., to latitude 40°34' N., longitude 90°11' W., to latitude 40°47' N., longitude 90°08' W., to point of beginning.

[FR Doc.76-29136 Filed 10-6-76;8:45 am]

[Airspace Docket No. 76-SW-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On January 2, 1976, FR Doc. No. 75–34219 was published in the FEDERAL REGISTER (41 FR 300). Section 71.181 contained, in part, a description of the Batesville, Ark., 700-foot transition area.

A review of the document revealed that the geographical coordinates describing the location of the Batesville Regional Airport are in error. The coordinates should be latitude 35°43'44" N., longitude 91°38'32" W., in lieu of latitude 35°43'00" N., longitude 91°38'00" W., as shown in the document. Action is taken herein to effect this correction.

As this correction is editorial in nature and imposes no additional burden on any person or persons, notice and public procedures are not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is

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amended, effective immediately, as hereinafter set forth.

In § 71.181 (41 FR 440), the Batesville, Ark., transition area is amended by changing the coordinates of the Batesville Regional Airport to latitude 35°43'-44'' N., longitude 91°38'32'' W.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on September 21, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-29135 Filed 10-6-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-971, Amdt. 53]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for Logair and Quicktrans Domestic Cargo Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 1, 1976.

By ER-959, July 15, 1976, the Board established minimum final rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD) and set forth its intention to monitor fuel price changes and provide appropriate minimum rate adjustments for significant fuel price fluctuations based on a methodology similar to that employed for foreign and overseas MAC services.[1]

In light of the price increases in military-supplied fuel effective October 1, 1976, of approximately 18 percent for JP-4 and 8 percent for JP-5,[2] the Board has evaluated the impact of these prices and the latest available commercial fuel prices—as at September 1, 1976—on the minimum rates for Logair and Quicktrans services established in Part 288 of its Economic Regulations (14 CFR Part 288).

The Appendix [3] sets forth the results of our computations, based upon the application of the "active stations" methodology to the commercial fuel consumption reported for the quarter ended June 30, 1976; and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will establish the fuel surcharge increments applicable to the base linehaul rates effective October 1, 1976, as follows: (a) for the common-rated DC-9-32/L-188C Logair and Quicktrans rates—7.46 and 3.45 percent, respectively; (b) for the L-100-30 Logair and Quicktrans rates—5.02 and 2.52 percent, respectively; and, (c) for the DC-8-32/61/63 Logair and Quicktrans rates—7.81 and 4.12 percent, respectively.

In view of the need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective October 1, 1976, as follows:

Amend § 288.7(b)(2) by adding an additional proviso at the end of subparagraph, the amended paragraph to read as follows:

§ 288.7 Reasonable level of compensation.

• • • • • •

(b) • • •
(2) • • •

Provided, further, That effective October 1, 1976, the minimum linehaul rates per great-circle statute mile and ton-mile, specified in paragraph (b) (1) and (2) of this section, respectively, shall be increased by the following surcharges: (i) for DC-9-32/L-188C aircraft in Logair and Quicktrans services—7.46 and 3.45 percent, respectively; (ii) for L-100-30 aircraft in Logair and Quicktrans services—5.02 and 2.52 percent, respectively; and, (iii) for DC-8-32/61/63 aircraft in Logair and Quicktrans services—7.81 and 4.12 percent, respectively.

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386.)

Effective: October 1, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29530 Filed 10-6-76;8:45 am]

[Reg. ER-972, Amdt. 54]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Fuel Prices for MAC Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 1, 1976.

In accordance with established methodology, the Board has completed its quarterly review of commercial fuel prices for foreign and overseas MAC air transportation services as of September 1, 1976, and military fuel prices effective October 1, 1976; and is herein establishing surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1]

Appendices A and B [2] set forth the results of our computations of reported fuel price changes for commercial fuels as at September 1, 1976, and the military fuel price increases effective October 1, 1976,[3] based upon the application of the "active stations" methodology to the fuel consumption reported for the quarter ended June 30, 1976; and the rate impact for the changes in current average fuel prices from that reflected in the prior surcharge amendments. Inasmuch as the ER-962 rates incorporate the then current fuel surcharges established by ER-955, July 1, 1976, the provisos to § 288.7 which specified those surcharges were unnecessary and, therefore, were eliminated. Accordingly we will establish the fuel surcharge rates applicable to the current interim final rates, effective October 1, 1976, as follows: (a) long-range Category B and Category A rate—2.79 percent; (b) Pacific interisland short-range Category B rate—3.57 percent; and (c) "all other" short range Category B rate—3.57 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective October 1, 1976, as follows:

1. Amend § 288.7(a) by amending subparagraph (2) by revising the proviso following the table as follows:

§ 288.7 [Amended]

• • • • • •

(a) • • •
(2) • • •

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further,* That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight on that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *Provided, however,* That effective October 1, 1976, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for

[1] ER-959, at 5.

[2] Since we were just informally advised of these military fuel price increases on September 24, 1976, the date for comments to our proposed changes in fuel surcharge procedure and methodology; the Board is issuing this fuel surcharge amendment under its established procedure to expedite responsive action to the precipitous changes in military fuel prices so as to provide immediate rate relief to the MAC carriers.

[3] The Appendix was filed as part of the original document.

[1] ER-962, effective August 3, 1976.

[2] Appendices A and B are filed as a part of the original document.

[3] Since we were just informally advised of these military fuel price increases of approximately 18% for JP-4 and 8% for JP-5 on September 24, 1976, the date for comments to our proposed changes in fuel surcharge procedure and methodology; the Board is issuing this fuel surcharge amendment under its established procedure to expedite responsive action to the precipitous changes in military fuel prices so as to provide immediate rate relief to the MAC carriers.

[4] Base price per gallon, base fuel costs as a percent of total economic cost and weighting factors—see Appendix A notes 2, 3 and 4.

(1) services performed with regular jet, wide-bodied jet and DC-8-61/63 aircraft, and (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 2.79 percent, 3.57 percent, and 3.57 percent, respectively.[5]

2. Amend § 288.7(d) (1) and (2) proviso reading as follows:

• • • • • •

(d) • • •
(2) • • •

Provided, That effective October 1, 1976, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 2.79 percent.

• • • • • •

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 49 U.S.C. 1324, 1373, and 1386.)

Effective: October 1, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29531 Filed 10-6-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 377—SHORT SUPPLY CONTROLS

Export Controls on Petroleum and Petroleum Products

I. PURPOSE OF BULLETIN; WAIVER OF PROPOSED RULEMAKING PROCEDURES; INVITATION FOR COMMENT

Export Administration Bulletin No. 159, published in the FEDERAL REGISTER on July 9, 1976 (41 FR 28258), announced the continuation of export controls on petroleum and petroleum products for the Third Quarter 1976 and found that such controls were appropriate and consistent with the national interest and the purposes of the Energy Policy and Conservation Act ("EPCA") (Pub. L. 94-163). The Bulletin also announced that additional regulations were being prepared by the Department pursuant to EPCA and the Naval Petroleum Reserves Production Act of 1976 ("NPRPA") (Pub. L. 94-258). Although the Bulletin invited interested persons to submit written comments on the export controls extended in the Bulletin, no comments have been received.

The Department of Commerce continues to have under review its export control policies relevant to petroleum and other energy-related commodities in light of relevant statutory authorities, including EPCA, and current and projected supply/demand situations related to such commodities. It is anticipated that such review will be completed in the near future and will result in the publication of additional or amended regulations, including regulations relating to exports of natural gas. To the extent that proposed rulemaking procedures will not impair the Department's ability to carry out its statutory responsibilities in a timely and effective manner, it is the Department's intention to publish any such new or amended regulations in proposed form and provide interested persons an opportunity to comment thereon.

In the interim, pursuant to the authorities vested in the Department of Commerce and having consulted with other interested Federal agencies, the Department hereby adopts regulations which generally accomplish the following: (a) Continue the existing controls over the export of petroleum and petroleum products for the Fourth Quarter 1976; (b) establish export controls on two additional petroleum products; (c) establish procedures to implement the export restriction contained in NPRPA; and (d) clarify the Department's regulations dealing with exports of crude oil and partially-refined petroleum.

The requirements for notice of proposed rulemaking and opportunity for comment have been waived by the Department (a) because it has found that compliance with such procedures would seriously impair the Department's ability to impose effective and timely controls on naphtha and petroleum coke and to maintain the controls on petroleum and petroleum products currently in effect, (b) because the interim regulations implementing the export restrictions contained in NPRPA are promulgated under the procedures of the Export Administration Act of 1969, as amended, and are therefore exempt from such requirements, and (c) as otherwise authorized in 5 U.S.C. section 553. The Department has also determined that in order to implement the controls announced herein in an effective and timely manner these regulations will be effective as of 11:59 p.m., e.d.t., September 30, 1976.

Written comments regarding the regulations announced herein are solicited on a continuing basis. Interested parties and government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the United States Department of Commerce, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044. All submissions regarding the interim regulations implementing the restrictions contained in the NPRPA, received on or before October 31, 1976, will be considered prior to the promulgation of final regulations on the subject.

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403); E.O. 11533, 13 CFR 538 (1971), 50 U.S.C. App. 2403 nt. (Supp. IV, 1974), as amended by E.O. 11907, 41 FR 9085 (1976); sec. 103, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6212); Sec. 2, E.O. 11912, 41 FR 15825 (1976); sec. 201, Pub. L. 94-258, 90 Stat. 307 (10 U.S.C. 7420); sec. 101, Pub. L. 93-153 (30 U.S.C. 156); Department Organization Order 10-3, dated Nov. 17, 1975, 40 FR 58876 (1975), as amended; and Domestic and International Business Administration Organization and Function Order 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended)

II. CLARIFICATION OF REGULATIONS APPLICABLE TO THE EXPORT OF CRUDE PETROLEUM

Although exports of crude oil and partially-refined petroleum will continue to be subject to the restrictions currently in effect over such commodities, the regulations have been revised in order to clarify the effect thereon of EPCA and NPRPA.

Generally, exports of crude and partially-refined petroleum will be authorized only when they are consistent with the national interest and the purposes of EPCA.

In addition to meeting these criteria, exports of crude or partially-refined petroleum may be authorized only when (a) the export will be temporary for convenience or increased efficiency of transportation across an adjacent foreign state and reenters the United States, or (b) the export involves an exchange in similar quantity for convenience or increased efficiency of transportation for an equal or greater quantity of the same commodity, or (c) the crude petroleum was not produced from the Naval Petroleum Reserves, and was not and will not be transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, and the export will directly result in an exchange for an equal or greater quantity of other petroleum commodities, which will be sold at prices no higher than would have resulted from the domestic refining of the crude petroleum to be exported and, for compelling economic or technological reasons beyond the control of the applicant, the crude or partially-refined petroleum cannot be reasonably processed within the United States.

Exports of crude or partially refined petroleum *that is* produced from the Naval Petroleum Reserves *or that is* transported by pipeline over federal-rights-of-way, as described above, *may* also be authorized if the President makes and publishes an express finding that the export will not diminish the total quality or quantity of petroleum available to the United States, and is in the national interest and is in accord with the Export Administration Act of 1969, as amended.

III. METHOD OF LICENSING EXPORTS OF NAVAL PETROLEUM RESERVE COMMODITIES

NPRPA prohibits exports of "petroleum" produced from the Naval Petroleum Reserves, except such "petroleum" which is either exchanged in similar quantities for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased effi-

[5] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

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ciency of transportation across parts of an adjacent foreign state and reenters the United States. Other exports may be authorized by the President pursuant to an express published finding. The Act defines "petroleum" as including "crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources".

The Department has identified certain petroleum and petroleum products which have been construed to fall within the definition of "petroleum" as contained in NPRPA. Certain of the commodities identified are currently subject to export restrictions, and require a validated license for export. Others may currently be exported under General License. Thus in order to implement the provisions of NPRPA the Department has amended its regulations to prohibit exports of the identified commodities (both those that heretofore were exportable under General License and those that required a validated license for export) unless:

(a) The exporter is able to establish by documentary evidence, as described in these regulations, that the commodity was not produced from the Naval Petroleum Reserves or derived therefrom; or

(b) The commodity is being exported (i) temporarily for convenience or increased efficiency of transportation across parts of an adjacent foreign state and will reenter the United States or (ii) as part of an exchange in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state or (iii) pursuant to an express, published Presidential finding that the export will not diminish the total quality and quantity of petroleum available to the United States and that it is in the national interest and in accord with the Export Administration Act of 1969, as amended; and

(c) A validated license has been issued, if required.

For purposes of establishing the origin of commodities to be exported, which were derived from raw materials originating from the Naval Petroleum Reserves, it is necessary for an exporter to establish only that the total products of that refinery or petrochemical plant in which such commodities were processed which will be exported within the following 90-day period do not exceed that portion of the refinery's or plant's total product output attributable to the non-Naval Petroleum Reserve raw materials used in that refinery or plant within the preceding 90 days.

General License GLV is revised to implement this policy and a new General License G–NNR is established to permit the export of certain petroleum products that are not produced from a Naval Petroleum Reserve. General License G–DEST may no longer be used for the export of commodities in Petroleum Commodity Group Q as established herein. If an exporter is unable to establish that the commodity did not originate from the Naval Petroleum Reserves, then the export may only be authorized pursuant to paragraph (b) above and only under a validated license.

Exporters are cautioned that the Office of Export Administration may, in appropriate cases, conduct audits of exporters' records in order to verify the presence in those records of documentation establishing the non-Naval Petroleum Reserves origin of any "petroleum" covered by a Shipper's Export Declaration showing that it was exported under either General License G–NNR or GLV.

IV. EXTENSION OF EXPORT CONTROLS ON PETROLEUM AND PETROLEUM AND PETROLEUM PRODUCTS FOR THE FOURTH QUARTER 1976 AND TO COVER NAPHTHA AND PETROLEUM COKE

The Department has reviewed the supply/demand situation with respect to domestic availability of those energy products now subject to export controls. Based upon this review and consultations with FEA and other appropriate agencies, the Department has determined that export controls on petroleum and petroleum products must be continued. Accordingly, the present controls over the export of petroleum and petroleum products are hereby continued for the Fourth Quarter 1976. The Fourth Quarter export quotas for such products are announced herein.

Further, the Department has determined that export controls must be extended to cover naphtha in order: (a) To assure that partly-refined petroleum and gasoline blending agents now subject to export controls under Petroleum Commodity Groups A and C, respectively, are not inadvertently exported outside the restrictions intended to apply to such commodities, and (b) to limit exports of these scarce commodities to their historic levels. Similarly, the Department has decided to extend validated licensing controls to cover petroleum coke, both calcined and uncalcined, in order to assure: (a) That exports of this commodity are for non-energy use, or (b) that exports of this commodity do not increase to the extent additional coke manufacture becomes expedient at the expense of liquid energy materials.

The Department has found that the controls announced herein are appropriate and consistent with the national interest and applicable statutes.

Accordingly, effective 11:59 p.m., e.d.t., September 30, 1976, naphtha and naphtha solvent (Schedule B Nos. 332.9110 and 521.4022), and petroleum coke, calcined (Schedule B No. 332.9410), and petroleum coke, except calcined (Schedule B No. 332.9420), will require a validated license for export. Petroleum coke, both calcined and uncalcined, will be subject to validated licensing but not quota restriction, and applications to export it will be considered upon receipt of a sworn affidavit setting forth the proposed non-energy end use, name, location and type of facility of the end user, or that the quantity of this commodity to be exported for energy use does not exceed the applicant's average quarterly exports of such commodity for energy use during the period January 1, 1974–June 30, 1976.

Naphthas, on the other hand, will be subject to quantitative restriction for export, with quotas established at historical levels based upon exporters' past participation in the export trade in these commodities during the base period January 1, 1974 through June 30, 1976. In order to receive shares of the quotas to be established for the export of naphthas, an exporter must submit, for each such commodity, a statement, in duplicate, on Form DIB–669P—"Past Participation Statement",[1] to the Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C., 20044. These statements must be signed by an authorized representative of the exporter, and must be actually received by such office no later than October 31, 1976, if the exporter is to receive shares of the quotas to be established for the Fourth Quarter 1976. (see § 377.6(a)) Such statement shall indicate (separately by Schedule B Number, month of export, and country of destination) the quantities of naphtha which the exporter exported to each such country during each calendar month of 1974, 1975 and during the first six months of 1976..

The statements will be deemed confidential information under section 7(c) of the Export Administration Act of 1969, as amended.

Exporters are cautioned that the Office of Export Administration may compare statements of past participation against Shipper's Export Declarations on file with the U.S. Bureau of the Census for confirmation of exporter identity as well as the data with respect to destinations, export quantities, and the Schedule B classification of past exports. In appropriate cases, audits will be made of exporters' records, including the firm's copies of Shipper's Export Declarations, Bills of Lading, and/or Waybills, Invoices, Letters of Credit, and other documents. It will be recalled that in 1975 the Department conducted such audits of the records of all exporters of petroleum commodities then subject to quota controls.

Pending the establishment of quotas and the issuance of letters of quota participation, applications to export naphthas, if accompanied by the required documentation, will be issued for the unshipped balance of contracts calling for delivery prior to December 31, 1976. However, quantities licensed under this

[1] Exporters may continue to use the old Form DIB–669P—"Petroleum Products—Past Participation Statement" changing the dates printed thereon so as to correspond with the dates of the base period for these commodities established in Supplement No. 2 to Part 377 as revised herein, until present supplies are exhausted. Thereafter they should use the new Form DIB–669P—"Past Participation Statement". The use of Form DIB 669P has been approved by the Office of Management and Budget through September, 1981.

procedure will be charged against any quota allocations which the exporter hereafter receives. Export quotas for these commodities are established in Supplement No. 2 to Part 377 as revised herein. Exporters will be advised of their individual quota allocations by letter following receipt and evaluation of their Past Participation Statements.

V. ELIMINATION OF VALUE OF DISPOSABLE CONTAINERS TO QUALIFY FOR USE OF GENERAL LICENSE—GLV

The regulations are revised to permit the exclusion of the value of disposable containers in applying GLV value limits. Although the total value of disposable containers and their contents must continue to be shown on the Shipper's Export Declaration, the value of the containers and the value of the contained commodities may be listed separately, and only the contents need be considered in determining whether or not the particular export shipment falls within the applicable GLV value limit.

VI. SAVING CLAUSE

Shipments of commodities removed from general license as a result of changes set forth herein which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export prior to 11:59 p.m., e.d.t. September 30, 1976, may be exported under the previous general license provisions up to and including October 13, 1976. Any such shipment not laden aboard the exporting carrier on or before October 13, 1976, requires a validated license for export.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are revised as follows:

1. Section 371.5 is amended by revising paragraph (b)(1) and adding a new paragraph (d) as follows:

§ 371.5 General License GLV; shipments of limited value.

* * * * *

(b) * * *

(1) *"Net Value"*. The actual selling price of the commodity included in a single entry on the Commodity Control List, less shipping charges, or the current market price of the commodity to the same type of purchaser in the United States, whichever is the larger. In determining the actual selling price or the current market price of the commodity, the value of non-reusable containers in which the commodity is being exported may be excluded. Where the total value of the non-reusable containers and their contents must be shown on Shipper's Export Declarations under one Schedule B Number, the exporter, in effecting a shipment under General License GLV, shall indicate the "net value" of the contained commodity immediately below the description of the commodity.

* * * * *

(d) *Exception.* The provisions of this § 371.5 do not apply to the commodities listed in Supplement No. 3 to Part 377 of this chapter unless, in addition to meeting the other requirements of this § 371.5, the exporter, prior to exporting such commodity, has assembled the documentary evidence described in § 371.16 establishing that the commodity was not produced from a Naval Petroleum Reserve.

2. Part 371 is amended by adding the following new section:

§ 371.16 General license G–NNR: Shipments of certain non-Naval reserve petroleum commodities.

(a) A general license designated G–NNR is established, subject to the provisions of this § 371.16, authorizing the export of any commodity listed in Petroleum Commodity Group Q (See Supplement No. 2 to Part 377 of this chapter) to any destination in Country Groups Q, T, V, W, and Y, and Canada provided that both of the following conditions are met: (1) The commodity is not included in an entry on the Commodity Control List for which the Export Control Commodity number is followed by the code letter "A"; and (2) The exporter must, prior to the export of a commodity under this General License G–NNR, have assembled documentary evidence establishing that the commodity was not produced from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv) of this chapter, or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.11(e) of this chapter, and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 which was made under a Shipper's Export Declaration showing General License G–NNR as the authority for the export. Any commodity listed in Petroleum Commodity Group Q which does not meet the conditions for export under General License G–NNR or GLV may only be exported under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

3. Section 377.1(a) is revised as follows:

§ 377.1 General provisions.

(a) *Statutory requirements.* The Export Administration Act of 1969, as amended, requires the control of commodities to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand. The Energy Policy and Conservation Act contains mandatory and discretionary authority to control exports of energy and energy-related commodities as may be necessary to achieve the purposes of that Act. Furthermore, the Trans-Alaska Pipeline Authorization Act, amending section 28 (u) of the Mineral Leasing Act of 1920, and the Naval Petroleum Reserves Production Act of 1976 contain specific restrictions on the export of certain petroleum and petroleum products. These stautory requirements are implemented chiefly by the provisions set forth below, under the procedures of the Export Administration Act of 1969, including the enforcement and penalty provisions thereof.

* * * * *

4. Section 377.6 is amended as follows:

a. Paragraphs (a), (c), (d)(1) are revised;

b. Subparagraphs (6), (7), and (8) are added to paragraph (d);

c. Subdivision (iv) is added to paragraph (e)(1);

d. Paragraph (e)(2) is revised;

e. Paragraph (e)(7) is added and paragraph (g) is revised to read as follows:

§ 377.6 Petroleum and petroleum products.

(a) *Statement of past participation.* Shares of quarterly quotas for the petroleum commodities listed in Supplement No. 2 as subject to quota restriction are, pursuant to the rules of this section, assigned to exporters who have submitted Form DIB–669P, Past Participation Statement, covering their exports of such commodities during the base period established for such commodities in Supplement No. 2 to this Part 377. To be considered for shares in any particular calendar quarter and, automatically, in all subsequent quarters, exporters must have timely filed a properly executed statement in accordance with the provisions of this paragraph and § 377.2. Such statements must be actually received by the Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044, by the 17th day of the month prior to the start of a calendar quarter in order to be considered timely filed with respect to the allocation of quotas for such quarter and all succeeding quarters; except that statements of past participation for purposes of allocation of Fourth Quarter 1976 quota shares for Petroleum Commodity Group N will be accepted until October 31, 1976. Forms not received by the dates specified herein will be held over until the succeeding quarter in the event quotas are established therefor. The statement on Form DIB–669P shall indicate (separately for each foreign country of destination, including Canada) the quantities (in the units specified in Supplement No. 2) of each petroleum commodity, by Schedule B number, that the exporter exported to each such country during each calendar month of the applicable base period. The statement must be signed by the exporter or his authorized representative. A separate Form DIB–669P shall be submitted for each of the petroleum commodity Schedule B classifications for which the exporter is seeking a quota share.

For purposes of the statement, a party normally shall be considered to have

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been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525–V) filed in accordance with Part 386 of this chapter.

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(c) *Letters of quota participation (Groups B, C, D, E, F, G, K, L, M, and N).* Each exporter who submitted statements of past participation pursuant to the provisions of paragraph (a) of this section shall be eligible to receive shares of the quotas for each quarter against which he will be eligible to apply for licenses to export commodities in Petroleum Commodity Groups B, C, D, E, F, G, K, L, M, and N as established in Supplement No. 2 to this Part 377. Such shares will be determined by the Office of Export Administration pursuant to the provisions of Section 377.2. The base period used for quota determinations is indicated in Supplement No. 2 to this Part 377. Quota shares are based on an exporter's base period exports to specified foreign destinations and, for destinations for which separate quotas have not been established, to "all other countries" (which are for this purpose treated as a single entity). Each eligible exporter shall, upon appropriate verification, be issued a letter of quota participation, and (if appropriate) a revised letter of quota participation, for each quarter, which shall indicate for each of the petroleum commodity groups referred to above for which the exporter is eligible to apply for validated licenses, the total quantity in Schedule B units (e.g., barrels of 42 gallons, pounds, etc.) of his quota share for specific foreign country destinations and for "all other countries". A stated quota share for a specified foreign country destination may be used only for shipment to such country. A quota share for "all other countries" may be used only for shipment to a country or countries not specifically identified in Supplement No. 2 as a destination for which a separate quota has been provided.

(d) *Issuance of export licenses*—(1) *Group A.* The export from the United States of crude petroleum and partly refined petroleum is prohibited, except as provided in this subparagraph. An application for a validated license to export a commodity from Petroleum Commodity Group A, as established in Supplement No. 2 to this Part 377, will be considered under the provisions of this subparagraph if submitted with supporting documentation as required by paragraph (e)(1) of this section, to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, within the time limits specified in Supplement No. 2. Such a license may be issued if it is established to the satisfaction of the Office of Export Administration that such export is consistent with the national interest and the purposes of the Energy Policy and Conservation Act and, in addition, one of the following conditions is met:

(i) The export will be temporary, the commodity being exported for convenience or increased efficiency of transportation across parts of an adacent foreign state and shall reenter the United States in the same form; or

(ii) The export will result directly in the importation into the United States of an equal or greater quantity of that same commodity, such transaction being carried out for convenience or increased efficiency of transportation; or

(iii) If the crude or partially refined petroleum was produced from a Naval Petroleum Reserve or if it has been or will be transported by pipeline over a right-of-way granted pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), the President makes and publishes an express finding that the export(s) will not diminish the total quality or quantity of petroleum available to the United States and that such export(s) are in the national interest and are in accord with the Export Administration Act of 1969, as amended; or

(iv) The commodity was not produced from the Naval Petroleum Reserves and was not and will not be transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, and such commodity will be exported as part of an overall transaction which will result directly in the importation into the United States of a quantity and quality of commodities from Petroleum Commodity Groups other than Group A which is not less than the quantity and quality of such commodities which would be derived from the refining of the commodity for which an export license is sought, and the commodities imported into the United States as part of this overall transaction will be sold at prices no higher than the lowest price at which they could have been reasonably sold had the export not taken place and the Group A commodity been refined at the nearest U.S. refinery capable of processing it within a reasonable period of time, and for compelling economic or technological reasons, beyond the control of the applicant, the Group A commodity cannot reasonably be processed within the United States.

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(5) Exception for national security or foreign policy reasons. When the Secretary of State, in consultation with the Secretary of Defense, as appropriate, has recommended that exports of petroleum or petroleum products be authorized for overriding foreign policy and/or national security reasons, and the Secretary of Commerce has determined that such exports are consonant with the purposes of the Energy Policy and Conservation Act, applications to export such commodities—except crude oil which has been or will be transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920 and petroleum and petroleum products produced from the Naval Petroleum Reserves—as defined in paragraph (d)(6) of this section and listed in Supplement No. 3 to this Part 377—will be considered without regard to established quotas or other provisions of these regulations. With respect to crude oil transported by pipeline over federal rights-of way and petroleum and petroleum products produced from the Naval Petroleum Reserves, exports will be authorized only upon authorization from the President, as described in this § 377.6.

(6) Petroleum and Petroleum Products Produced from the Naval Petroleum Reserves or Which Have Been Exchanged Therefor:

(i) The export of those commodities listed in Supplement No. 3 to this Part 377 which were produced or derived from the Naval Petroleum Reserves or which became available for export as a result of an exchange of a Naval Petroleum Reserves-produced or derived commodity, is prohibited pursuant to the provisions of 10 U.S.C. 7430(e) except as provided in this § 377.6.

(ii) Applications for a validated license to export those commodities listed in Supplement No. 3 to this Part 377 which were produced or derived from the Naval Petroleum Reserves, or which became available for export as a result of an exchange for a Naval Petroleum Reserves-produced or derived commodity, other than a commodity belonging to Petroleum Commodity Group A which is subject to the provisions of paragraph (d)(1) of this section, will be considered under the provisions of this subparagraph if submitted with the supporting documentation required by paragraph (e)(6) of this section. A validated license to export such a commodity may be issued only if it is demonstrated to the satisfaction of the Office of Export Administration [1]:

(*A*) That the commodity will be exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or

(*B*) that the commodity is being exported temporarily for convenience or increased efficiency of transportation across parts of an adjacent foreign state and will reenter the United States, or if

(c) the President has made and published an express finding that such export will not diminish the total quality or quantity of petroleum available to the United States and that such export is in the national interest and is in accord with the Export Administration Act of 1969, as amended.

(7) *Group N.* An application for a validated license to export a commodity from Petroleum Commodity Group N as established in Supplement No. 2 will be considered if submitted with supporting documentation as required by paragraph (e)(2) of this section by the date specified in Supplement No. 2 but only to the extent of such exporter's quota shares for such commodities. Pending establishment of an exporter's quota shares,

[1] Natural gas, and liquified natural gas (L.N.G.) and synthetic natural gas commingled with natural gas (Schedule B No. 341.-1010) require export authorization from the U.S. Federal Power Commission. See § 370.-10(g).

in accordance with paragraph (a) of this section, licenses may be issued for the unfilled balance of contracts calling for delivery prior to December 31, 1976. However, all such licenses issued to an exporter under this licensing system prior to establishment of such exporter's quota shares shall be charged against the quota shares subsequently established for that exporter.

(8) *Group P.* Applications for validated licenses to export a commodity from Petroleum Commodity Group P as established in Supplement No. 2 will be considered without regard to quota limitation if accompanied by the supporting documentation required by paragraph (e)(7) of this section and submitted by the date specified in Supplement No. 2.

(e) • • •

(1) • • •

(iv) A sworn affidavit, signed by an authorized representative of the exporter, reading as follows:

AFFIDAVIT

I, _____, _____ of
(name) (title)
_____: hereby certify that the
(company)
_____ bbls. of _____
I propose to export from the United States were *not* produced from a Naval Petroleum Reserve nor were they derived from any crude oil, gases of all kinds (including natural gas, hydrogen, carbon dioxide, helium, and any others), natural gasoline, and other related hydrocarbons (tar sands, asphalt, propane, butane etc.) or oil shale produced from a Naval Petroleum Reserve, or, if they are the product of a refinery or petrochemical plant utilizing as raw material any resource produced from a Naval Petroleum Reserve, the quantity of the products I propose to export, together with all other products produced in that refinery or petrochemical plant which are to be exported during the next 90 days, do not exceed that portion of the total products of that refinery or petrochemical plant attributable to the non-Naval Petroleum Reserve raw materials used in that plant during the preceding 90 days. Nor did the petroleum commodities I propose to export become available for export as a result of an exchange for a Naval Petroleum Reserves—produced resource or a product(s) derived therefrom as described above.

To the extent that I do not have personal knowledge of the foregoing, I have addressed appropriate inquiries to the producer of the commodity(ies) to be exported, and have been assured by him that these statements are correct. The individual making such representations to me, his position with and the identity of the producer firm, and the date on which he communicated such assurances to me are as follows:

Name _____
Title _____
Company _____
Date _____

_____
(Signature)

(2) *Groups B, C, D, E, F, G, K, L, M, and N.* An application for a validated license to export a commodity from Petroleum Commodity Groups B, C, D, E, F, G, K, L, M, and N must be submitted with the same documentation required by paragraph (e)(1) of this section, except that the affidavit described in paragraph (e)(1)(iii) of this section is not required.

• • • • •

(6) *Petroleum and Petroleum Products produced from the Naval Petroleum Reserves or exchanged therefor.* An application for a validated license to export petroleum or a petroleum product(s) as defined in § 377.6(d)(6) and listed in Supplement No. 3 to this Part 377, must be accompanied by the same documentation required by paragraph (e)(1) of this section, except that the affidavits described in subdivisions (iii) and (iv) shall not be required. In addition, however, the application must be accompanied by a sworn affidavit, signed by the exporter or his authorized representative, together with such supporting evidence as may be appropriate, setting forth either the facts necessary to establish that the conditions prescribed in paragraph (d)(6)(ii) (A) or (B) of this section have been met or the reasons why the exporter believes that the President should be asked to make and publish an express finding that the proposed export will not diminish the total quality or quantity of petroleum available to the United States, and that such export is in the national interest and is in accord with the Export Administration Act of 1969, as amended. In addition to the foregoing, an application for a validated license to export a commodity subject to this subsection whose Export Control Commodity number preceding the Commodity Description in the Commodity Control List (§ 399.1 hereof) is followed by the code letter "A", must be accompanied also by the documentation required by Part 375 of this chapter.

(7) *Group P.* An application for a validated license to export a commodity from Commodity Group P must be submitted with the same documentation required by paragraph (e)(2) of this section, and with the following:

(i) An independent inspector's certificate of analysis of the product to be exported. And,

(ii) A statement, in affidavit format, which either (a) sets forth the name, location, and type of facility of the ultimate end user, and describes in specificity, the nature of the intended non-energy end use; or (b) certifies that the total quantity of this commodity which the applicant has submitted during the current calendar quarter, does not exceed the applicant's average quarterly exports of such commodity during the period January 1, 1974–June 30, 1976.

• • • • • •

(g) *Validity period.* Any license issued pursuant to this section, except those authorizing the export of a Group A commodity, will expire no later than 30 days from the end of the calendar quarter in which it is issued. Requests for extension of the validity period of such licenses will normally not be entertained. A license authorizing the export of a Group A commodity may be issued for a longer period and will remain valid until the date of expiration shown on its face.

• • • • • •

17. Supplement No. 2 to Part 377 is revised as follows:

Petroleum and petroleum products subject to short supply licensing controls

Schedule B No.	Commodity description	Unit of quantity
	Petroleum licensed only in accordance with sec. 377.6(d)(1)	
	GROUP A	
331.0100	Crude petroleum, including tar sands	Barrel.
331.0200	Petroleum partly refined for further refining	Do.
	Petroleum products subject to validated licensing and historical quotas	
	GROUP B	
332.1015	Aviation gasoline	Barrel.
	GROUP C	
332.1030	Gasoline, n.e.c.	Do.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.	Do.
	GROUP D	
332.2010	Kerosene, except kerosense-type jet fuel	Do.
	GROUP E	
332.2020	Jet fuel	Do.
	GROUP F	
332.3000	Distillate fuel oils	Do.
	GROUP G	
332.4000	Residual fuel oils	Do.
	GROUP K	
341.1025	Butane	Do.
	GROUP L	
341.1030	Propane	Do.

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Schedule B No.	Commodity description	Unit of quantity
	GROUP M	
341.1040	Natural gas liquids, including LPG, n.e.c.	Do.
	GROUP N	
332.9110	Naphtha, mineral spirits, solvents, and other finished light petroleum products, n.e.c.	Do.
521.4022	Naphtha solvent	Pound.
	Petroleum products subject to validated licensing but not quotas	
	GROUP H	
332.9160	Carbon black feedstock oil	Barrel.
	GROUP J	
341.1010	Synthetic natural gas[1]	1,000 ft³.
341.2000	Gas, manufactured	1,000 ft³.
	GROUP P	
332.9410	Petroleum coke, calcined	Short ton.
332.9420	Petroleum coke, except calcined	Do.
	Petroleum products subject to provisions of either sec. 371.16 or sec. 377.6(d)(6)	
	GROUP Q	
332.5005	Aviation engine lubricating oil, except jet engine lubricating oil	Barrel.
332.5010	Jet engine lubricating oil	Do.
332.5015	Automotive, diesel, and marine engine lubricating oil	Do.
332.5020	Turbine lubricating oil, including marine	Do.
332.5025	Automotive gear oils	Do.
332.5030	Red and pale oils	Do.
332.5035	Bright stock	Do.
332.5040	Black oils	Do.
332.5045	Steam cylinder oils	Do.
332.5050	Lubricating oils, n.e.c.	Dollar value.
332.5055	Lubricating greases	Pound.
332.6100	Petroleum jelly, petrolatum	Do.
332.6210	Microcrystalline wax	Do.
332.6220	Paraffin wax, crystalline, fully refined	Do.
332.6230	Paraffin wax, crystalline, except fully refined	Do.
362.9120	Insulating or transformer oils	Barrel.
362.9130	Quenching and cutting oils	Do.
362.9140	White mineral oils	Do.
332.9180	Other nonlubricating and nonfuel petroleum oils, n.e.c.	De.
332.9210	Coal-tar asphaltum	Short ton.
332.9220	Pitch, from petroleum refining	Do.
332.9300	Pitch coke	Do.
332.9510	Petroleum asphalt	Do.
332.9520	Petroleum and shale oil residues, n.e.c.	Do.
332.9610	Paving mixtures, bituminous, based on asphalt and petroleum	Dollar value.
332.9620	Asphalt and tar coatings, cements, and pitches	Do.
512.0901	Butylene	Pound.
512.0902	Acetylene	1,000 ft.³
512.0903	Ethylene	Pound.
512.0905	Propylene	Do
512.0916	Methanol, including natural	Gallon.
512.0964	Isoprene	Pound.
512.0991	Butadiene	Do.
513.1305	Helium and mixtures containing helium	Cnt. cubic feet.
513.1350	Hydrogen and rare gases, n.e.c.	1,000 ft.³
513.3880	Carbon monoxide and carbon dioxide	Dollar value.
515.2000	Deuterium	Do.
513.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade	Cnt. Short ton.
513.6120	Ammonia (anhydrous or in aqueous solution) except fertilizer grade	Cnt. Short ton.
521.4010	Benzene, crude	Gallon.
521.4020	Toluene, crude	Do.
521.4027	Xylenes, n.e.c.	Pound.
521.4040	Mineral tar and tar oils, chemicals, and crude products from coal, petroleum, and natural gas, n.e.c.	Do.

[1] Natural gas, and liquefied natural gas (LNG) and synthetic natural gas commingled with natural gas (schedule B No. 341.1010) require export authorization from the U.S. Federal Power Commission. See sec. 370.10(g).

QUANTITIES.—Report commodities in schedule B units as indicated above; where an asterisk appears, report quantity in units commonly used in the trade. Groups A, B, C, D, E, F, G, H, K, and M in barrels of 42 gal; group J in 1,000 ft³; group P in short tons; and schedule B No. 332.9110 of group N in barrels of 42 gal and schedule B No. 521.4022 of group N in pounds.

BASE PERIODS.—Commodity groups B, C, D, E, F, and G: Jan. 1, 1971 through June 30, 1973; commodity groups K, L, and M: Oct. 1, through Dec. 31, 1972; commodity group N: Jan. 1, 1974 through June 30, 1976.

SHIPPING TOLERANCE.—10 pct.

SUBMISSION DATES.—*Applications against historical quotas:* Not prior to the beginning of the applicable quarter and received in the Office of Export Administration not later than the close of business on the 10th day prior to the end of the applicable quarter. *Applications for hardship and all commodities subject to validated licensing but not historical quotas:* At any time.

COUNTRY QUOTAS: FOURTH QUARTER 1976

COUNTRY QUOTAS FOR GROUP B

(Schedule B No. 332.1015, aviation gasoline)

Country:	Quota (barrels)
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,818
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Holland	18,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	13,607
Singapore	14,783
All other countries	165

COUNTRY QUOTAS FOR GROUP C

(Schedule B No. 332.1030, gasline, n.e.c.)

(Schedule B No. 332.1050, gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	Quota (barrels)
Australia	554
Austria	130
Bahamas	872
Belgium	8,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	20,141
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

COUNTRY QUOTAS FOR GROUP D

(Schedule B No. 332.2010, kerosene, except kerosene-type jet fuel)

Country	Quota (barrels)
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,348
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354
Mexico	72
Nigeria	740
Peru	71
Philippines	99
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All other countries	252

COUNTRY QUOTAS FOR GROUP E

(Schedule B No. 332.2020, jet fuel)

Country	Quota (barrels)
Bahamas	31
Canada	42,797
Mexico	58,193

COUNTRY QUOTAS FOR GROUP F

(Schedule B No. 332.3000, distillate fuel oils)

Country	Quota (barrels)
Bahamas	3,125
Canada	113,393
Colombia	86,385
Denmark	22,413
French Pacific Islands	11,616
Holland	58,895
Japan	49,195

Country:	Quota (barrels)
Mexico	260,283
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
United Kingdom	49,195
All other countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, residual fuel oils)

Country:	Quota (barrels)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	838,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	271,601
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands	50,108
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Philippines	862
Poland	2,070
Portugal	19,240
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

COUNTRY QUOTA FOR GROUP K

(Schedule B No. 341.1025, butane)

Country:	Quota (barrels)
Brazil	18,055
Canada	1,346
Mexico	185,206
All other countries	877

COUNTRY QUOTA FOR GROUP L

(Schedule B No. 341.1030, propane)

Country:	Quota (barrels)
Bahamas	10,046
Canada	2,108
Japan	622,447
Mexico	707,695
New Zealand	1,220
All other countries	619

COUNTRY QUOTAS FOR GROUP M

(Schedule B No. 341.1040, natural gas liquids, including liquified petroleum gas (LPG) n.e.c.)

Country:	Quota (barrels)
Canada	41,596
Guatemala	1,901
Mexico	1,855,328
All other countries	1,359

Country quotas for group N

Country	Quota (barrels), schedule B No. 332.9110, naphtha	Quota (pounds), schedule B No. 521.4022, naphtha solvent
Argentina	2,258	8,103
Australia	11,992	1,276,068
Belgium	14,304	172,112
Brazil	27,468	
Canada	83,578	24,759
Chile	84	38,761
Colombia	60	160,646
Costa Rica	307	9,805
France	7,059	641
Germany, Federal Republic of	3,939	646,531
Guatemala	1,540	470
India	9	1,860
Iran	57	3,872
Italy	2,852	326,704
Japan	21,753	15,134
Malaysia	3,808	220,636
Mexico	24,601	832,833
Netherlands	49,476	1,008,504
New Zealand	2,229	
Nicaragua	5,818	
Pakistan	2,841	
Peru	397	1,744
Philippines	6,267	49,076
Republic of South Africa	9,792	207,920
Trinidad	966	
United Kingdom	20,189	
Venezuela	6,188	444,742
All other countries	19,473	228,916

18. The following Supplement No. 3 is added to Part 377:

PETROLEUM AND PETROLEUM PRODUCTS INCLUDED IN THE DEFINITION OF "PETROLEUM" UNDER THE NAVAL PETROLEUM RESERVES PRODUCTION ACT OF 1976[1]

Schedule B number	Commodity description
331.0100	Crude petroleum, including tar sands.
331.0200	Petroleum partly refined for further refining.
332.1015	Aviation gasoline.
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
332.2010	Kerosene, except kerosene-type jet fuel.
332.2020	Jet fuel.
332.3000	Distillate fuel oils.
332.4000	Residual fuel oils.
332.5005	Aviation engine lubricating oil, except jet engine lubricating oil.
332.5010	Jet engine lubricating oil.
332.5015	Automotive, diesel and marine engine lubricating oil.
332.5020	Turbine lubricating oil including marine.
332.5025	Automotive gear oils.
332.5030	Red and pale oils.
332.5035	Bright stock.
332.5040	Black oils.
332.5045	Steam cylinder oils.
332.5050	Lubricating oils, n.e.c.
332.5055	Lubricating greases.
332.6100	Petroleum jelly, petrolatum.
332.6210	Microcrystalline wax.
332.6220	Paraffin wax, crystalline, fully refined.
332.6230	Paraffin wax, crystalline, except fully refined.
332.9110	Naphtha, mineral spirits, solvents and other finished light petroleum products, n.e.c.
332.9120	Insulating or transformer oils.
332.9130	Quenching and cutting oils.
332.9140	White mineral oils.
332.9160	Carbon black feedstock oil.
332.9180	Other non-lubricating and non-fuel petroleum oils, n.e.c.
332.9210	Coal-tar asphaltum.
332.9220	Pitch, from petroleum refining.
332.9300	Pitch coke.
332.9410	Petroleum coke, calcined.
332.9420	Petroleum coke, except calcined.
332.9510	Petroleum asphalt.
332.9520	Petroleum and shale oil residues, n.e.c.
332.9610	Paving mixtures, bituminous, based on asphalt and petroleum.
332.9620	Asphalt and tar coatings, cements and pitches.
341.1010	Natural gas.[2]
341.1025	Butane.
341.1030	Propane.
341.1040	Natural gas liquids, including L.P.G., n.e.c.
512.0901	Butylene.
512.0902	Acetylene.
512.0903	Ethylene.
512.0905	Propylene.
512.0916	Methanol, including natural.
512.0964	Isoprene.
512.0991	Butadiene.
513.1305	Helium and mixtures containing helium.
513.1350	Hydrogen and rare gases, n.e.c.
513.3880	Carbon monoxide and carbon dioxide.
513.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade.
513.6120	Ammonia (anhydrous or in aqueous solution) except fertilizer grade.
515.2000	Deuterium.
521.4010	Benzene, crude.
521.4020	Toluene, crude.
521.4022	Naphtha solvent.
521.4027	Xylenes, n.e.c.
521.4040	Mineral tar and tar oils, chemicals and crude products from coal, petroleum and natural gas, n.e.c.

Applications to export the above will be considered only in accordance with Section 377.

Effective date of action: September 30, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76-29202 Filed 9-30-76;4:15 pm]

[1] Those petroleum and petroleum products whose export is prohibited if produced on a Naval Petroleum Reserve or if they are the product of a resource produced thereon. See Section 377.

[2] Natural gas, and liquified natural gas (L.N.G.) and synthetic natural gas commingled with natural gas (Schedule B No. 341.1010) require export authorization from the U.S. Federal Power Commission. See § 370.10(g).

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING, FEDERAL HOUSING COMMISSIONER

[Docket No. R-76-422]

PART 202—CLASS 3 PROPERTY IMPROVEMENT LOANS

Revocation of Part

The Department of Housing and Urban Development is revoking Part 202 of Subchapter B. This part authorized insurance of lending institutions against losses incurred in making loans for construction of new homes with maturity terms not in excess of 20 years and 5 months.

Section 101 of Pub. L. 475, 81st Congress (81 Pub. L. 475) amended Title I of the National Housing Act (12 U.S.C. 1703) by repealing the authorization for this part, effective March 1, 1950.

There are no longer any loans outstanding under this Part.

Notice and public procedure are unnecessary under the provisions of 5 U.S.C. 553(b) since authority for the Part has been terminated and publication for the 30 day period specified in 5 U.S.C. 553(d) is unnecessary and good cause exists for making the revocation effective October 7, 1976.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. 1246, 12 U.S.C. 1703 as amended by P.L. 81-475.)

Accordingly, 24 CFR Part 202 is hereby revoked.

Issued at Washington, D.C., October 1, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.76-29448 Filed 10-6-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1063]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Federalsburg, Md.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Federalsburg, Maryland under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Federalsburg, Maryland 21632.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Marshyhope Creek	Penn Railroad	14	1,820	100
	Central Ave.	15	880	310

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29339 Filed 10-6-76;8:45 am]

[Docket No. FI-2009]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Mansfield, Mass.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Mansfield, Massachusetts under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, West Street, Mansfield, Massachusetts 02048.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hodges Brook	Oak St.	126	20	110
Wading River	Otis St.	123	85	405
	Balcolm St.	128	100	545
	Williams St.	146	170	120
	West St.	153	80	80
Canoe River	Mill St.	110	970	20
	Bridge at trailer park	114	115	165
Rumford River	Main St.	105	45	40
	Willow St.	129	45	760
	Spring St.	137	405	50
	West St.	146	25	50
	High St.	156	225	60
	Church St.	159	165	45
	County St.	172	180	280

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-29338 Filed 10-6-76;8:45 am]

[Docket No. FI-1148]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Newbury, Mass.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Newbury, Massachusetts under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, 25 High Road, Newbury, Massachusetts 01950.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean and Plum Island Sound.	Old Point Rd.	10	(1)	(1)
	Sunset Dr.	10	(1)	(1)
	Plum Island Turnpike	10	(1)	(1)
Parker River (tidal)	Boston & Maine RR.	9	(2)	2,000
	Newburyport Turnpike	9	100	1,200
	Middle St.	9	1,600	100
	Hay St.	9	600	100
	Hanover St.	9	50	750

[1] Entire road within corporate limits.
[2] To corporate limits.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29337 Filed 10-6-76;8:45 am]

[Docket No. FI-1149]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Salem, Mass.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Salem, Massachusetts under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management

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measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 93 Washington Street, Salem, Massachusetts 01970.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
North River	North St.	11	440	250
South River	Congress St.	11	50	50
Juniper Cove	Bay View Ave.	11	(1)	(1)
South River	Canal St.	11	(2)	(2)
Forest River	Loring Ave.	11	680	50

[1] Entire street from the point 130 ft east of intersection with Fort Ave., eastward to Cheval Ave.
[2] Entire street north of Forest Ave.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–29336 Filed 10–6–76;8:45 am]

[Docket No. FI–2006]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Vassar, Mich.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Vassar, Michigan under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 287 East Huron Street, Vassar, Michigan 48768.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cass River	Pere Marquette R.R.	631	20	20
	Huron St.	633	200	20
	New York Central R.R.	634	20	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–29335 Filed 10–6–76;8:45 am]

[Docket No. FI–1121]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Coon Rapids, Minn.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Coon Rapids under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with §1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 1313 Coon Rapids Boulevard, Coon Rapids, Minnesota 55433.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurance) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Pleasure Creek	East River Rd.	865	50	100
	Evergreen Blvd.	873	275	550
	Coon Rapids Blvd.	885	200	375
	U.S. Highway 10 and U.S. Highway 47.	897	475	350
	University Ave.	897	100	975
Coon Creek	U.S. Highway 10 and U.S. Highway 47 [1].	851	400	100
	Egret St. [2].	840	250	15
	Hanson Blvd.	857	25	125
	Main Highway 242.	858	0	425
	131st Ave. [2].	861	225	350
Sand Creek	Xeon St.	861	75	25
	Burlington Northern R.R.	875	325	1,225
	Olive St.	877	100	250
Epiphany Creek	111th Ave. [2].	855	75	175
Riverview Creek	Mississippi River Blvd.	848	425	300
	105th Ave.	850	175	225
	Direct River Dr.	853	350	0

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–29332 Filed 10–6–76;8:45 am]

[Docket No. FI–1119]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of St. Cloud, Minn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of St. Cloud, Minnesota under § 1917.8 of Title 24 of the Code of Federal Regulations.

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The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 314 St. Germaini Street, St. Cloud, Minnesota 56301.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River	10th St. bridge	989	60	70
	Highway 52 bridge	990	50	50
	Burlington Northern Bridge	991	40	60
Sauk	County road No. 4 bridge	1,041	100	(1)
	Burlington Northern Bridge	1,044	100	(1)

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–29333 Filed 10–6–76;8:45 am]

[Docket No. FI–1120]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Granite Falls, Minn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Granite Falls, Minnesota under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 885 Prentice Street, Granite Falls, Minnesota 56241.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Minnesota River	Burlington RR	915	175	270
	Washington St (extended)	897	50	60
Overflow Channel	13th St	900	(1)	150
	9th St	899	(2)	(2)

[1] To corporate limits.
[2] 300 ft from corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–29334 Filed 10–6–76;8:45 am]

[Docket No. FI–2030]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Clarksville, Mo.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Clarksville, Missouri under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 113 Howard Street, Clarksville, Missouri 63336.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River	Tennessee St	457	(1)	(2)
	Washington St	457	420	(2)

[1] Entire street northeast of the point 150 ft southwest of intersection with 3d St.
[2] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–29329 Filed 10–6–76;8:45 am]

[Docket No. FI–1060]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Pacific, Mo.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Pacific, Missouri under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of

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ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 218 1st Street, Pacific, Missouri 63069.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Thornton Branch	Interstate 44	500	150	130
Thornton Branch and Brush Creek.	Vincent Dr.	480	(1)	(1)
Brush Creek	Missouri Pacific R.R.	480	100	90
	Congress St.	(2)	180	1,000
Monroe Branch	Interstate 44	505	200	250
	Osage St.	496	120	80
	Congress St.	469	300	150
Wild Horse Creek	Park St.	492	110	120
	Sand St.	483	160	90
	Franklin St.	482	270	250
	Osage St.	(3)	660	450
	Elm St.	(3)	50	75
	Neosho St.	465	(3)	(3)
	St. Louis St.	(3)	(4)	(4)
Meramec River	Orleans St.	464	(4)	(4)
	First St.	(5)	(6)	(6)
	Pacific St.	(5)	(7)	(7)
Buch Creek and Meramec River.	4th St.	(5)	(4)	(8)
	St. Louis-San Francisco RR.	(4)	4,230	1,210

[1] Extends 270 ft north of the Missouri Pacific RR.
[2] Varies.
[3] Entire street between Union St. and Osage St.
[4] Entire street between Columbus St. and Olive St.
[5] Entire street east of the St. Louis-San Francisco RR.
[6] Entire street south of the St. Louis-San Francisco RR.
[7] Entire street east of 4th St.
[8] Entire street south of Pacific St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29330 Filed 10-6-76;8:45 am]

[Docket No. FI-2029]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Portage Des Sioux, Mo.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Portage des Sioux under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Portage des Sioux, Missouri 63373.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi	Entire city	439.5		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29328 Filed 10-6-76;8:45 am]

[Docket No. FI-1117]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of St. Charles, Mo.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of St. Charles, Missouri under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 101 South Main Street, St. Charles, Missouri 63301.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Missouri River	I-70	457		1,370
	Highway 115	454		350
	Norfolk & Western RR.	453		2,540
Boonslick Creek	Cunningham Ave.	515	280	80
	Nathan St.	507	100	110
	Rosebrae Dr.	490	70	90
	South 2d St.	463	120	200
Boschert Creek	Elm St.	513	60	210
	West Adams St.	504	60	100
	Park Ave.	501	120	80
	Hawthorn Ave.	496	200	60
	Duchesne Dr.	495	210	480
	Elmwood Dr.	495	240	140
	Concordia Lane	486	80	130
	Elmhurst Dr.	479	120	50
Cole Creek	Droste Rd.	478	180	140
	Runnymede Dr.	466	260	200
	Elm Point Rd.	463	490	1,720
East Branch Cole Creek.	Canary Lane	483	20	70
	Hunter Ridge Rd.	473	50	150
	Briarcliff Dr.	463	180	180
Sandfort Creek	Ehlman Rd.	449	140	40
San Juan Creek	Dennis Dr.	506	60	140
	Sharon Dr.	501	110	100
	Valley Rd.	489	0	120
	South 5th St.	474	180	460
	Rio Vista Dr.	474	80	50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29331 Filed 10-6-76;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1608—PUBLIC INFORMATION

Request for and Disclosure of Information

Whereas, on August 31, 1976, the Director of Selective Service published a notice of proposed amendments to Selective Service Regulations 41 FR 36669 of August 31, 1976; and

Whereas more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. No change in the proposed amendment is made.

Several of the amendments reflect the recent changes of address of the National Headquarters, Selective Service System. Additional and alternate places where information may be obtained are also stated.

Section 1608.13 is revised in the interest of clarity.

Section 1608.18 is revised to authorize the legal representative of a deceased as well as an incompetent person to obtain information from the record of the person to whom it pertains. The authority of the Director now stated in paragraph (d) of this section would be eliminated.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulation, are hereby amended, effective October 7, 1976, as follows:

Section 1608.4 *Available information* is amended as follows: Paragraph (c) is amended and paragraph (i) is added to read as follows:

§ 1608.4 Available information.

* * * * * *

(c) The Registrants Processing Manual may be inspected at any office of the Selective Service System including the National Headquarters.

(i) Whenever an office referred to in this section is closed, the request for information that otherwise would be submitted to it should be submitted to the National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

Paragraph (b), § 1608.5, *Places where information may be obtained* is amended and paragraph (d) is added to read as follows:

§ 1608.5 Places where information may be obtained.

* * * * * *

(b) Requests for information concerning the national administration of the Military Selective Service Act should be directed to the National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

* * * * * *

(d) Whenever an office referred to in this section is closed, the request for in-

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formation that otherwise would be submitted to it should be submitted to the National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

Paragraph (b), § 1608.9 *Review of denials of requests for information* is amended to read as follows:

§ 1608.9 Review of denials of requests for information.

• • • • •

(b) A requester whose request for information or documents has not been satisfied may appeal to the Director of Selective Service, 600 E Street, NW., Washington, D.C. 20435.

Section 1608.13 *Disclosure of requested information to individuals* is amended to read as follows:

§ 1608.13 Disclosure of requested information to the individual to whom it pertains.

Information contained in records maintained on a specific individual and the records pertaining to such individual will be disclosed to or may be examined by the individual to whom it pertains without charge. Copies of such records will be provided to the individual to whom the records pertain upon payment of the fees prescribed in § 1608.22.

Section 1608.18 *Disclosure of record to person other than the individual to whom it pertains* is amended to read as follows:

§ 1608.18 Disclosure of record to persons other than the individual to whom it pertains.

(a) Information contained in records in a registrant's file and records pertaining to a specific individual may be disclosed or furnished to, or examined by, the following in addition to the individual to whom they pertain:

(1) His legal representative duly appointed by a court of competent jurisdiction because of his demise or incompetence.

(2) Any person upon submission to the employee responsible for the system of records of the written consent of the individual to whom the record pertains. The authorization must bear a date not earlier than six months prior to the day of its submission to the Selective Service System and the signature of the individual concerned.

(3) All personnel of the Selective Service System engaged in carrying out the functions of the Selective Service System who have a need for the record in performance of their duties.

(4) A U.S. Attorney and his duly authorized representative including agents of the Federal Bureau of Investigation, whenever a registrant has been reported to the U.S. Attorney for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(b) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

BYRON V. PEPITONE,
Director.

OCTOBER 1, 1976.

[FR Doc.76-29439 Filed 10-6-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Contracts Under the Indian Self-Determination Act—Indian Preference in Training and Employment; Amendment

Notice is given that the Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends sections 3-4.6013 and 3-4.6014, as set out below.

Final regulations governing contracts under section 103 of the Indian Self-Determination Act, P.L. 93-638, 25 U.S.C. 450g were published in the FEDERAL REGISTER on November 14, 1975, adding a new Subpart I to the Indian Health regulations at 42 CFR Part 36 and adding a new Subpart 3-4.60 to the Department's Procurement regulations at 41 CFR Part 3-4. (See 40 FR 53147 and 40 FR 53123 respectively).

Section 36.221 of the above referenced Subpart I, 42 CFR Part 36 requires contracts awarded under the authority of the Indian Self-Determination Act to incorporate a stated clause on Indian Preference in Training and Employment "which is also set forth in 41 CFR 3-4.6013 and 3-4.6014." The required clause, referred to in 41 CFR 3-4.6013 as Clause No. 29, Indian Preference in Training and Employment, was inadvertently omitted from the provisions of that section published on November 14, 1975, at 40 FR 53131. The purpose of this amendment is to correct this error by adding the required clause to section 3-4.6013.

The provisions of 41 CFR 3-4.6013, containing a proposed clause 29 on Indian Preference in Training and Employment, were published as a Notice of Proposed Rulemaking on September 15, 1975, at 40 F.R. 42675, and final regulations, which inadvertently omitted this clause while retaining its listing in the index, were published, in accordance with the requirements of section 107 of P.L. 93-638, 25 U.S.C. 450k and 5 U.S.C. 553. In addition, the Indian preference clause contained in 3-4.6014 (clause 17) is not identical in language with the clause quoted in section 36.221. Clause 17 is revised accordingly to conform to the language of section 36.221. Redundant material in section 3-4.6013 is also deleted.

Since these amendments correct inadvertent omissions and variations and will not in any way change the rights and obligations of any member of the public, the requirements of section 107(c) of P.L. 93-638, 25 U.S.C. 450k(c) governing amendments to regulations under the Indian Self-Determination Act are found to be satisfied. For the same reasons, issuance of this amendment as a Notice of Proposed Rulemaking is found to be impracticable, unnecessary, and contrary to the public interest and good cause exists for making the amendment immediately effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the authority of sections 103 and 107 of P.L. 93-638, 25 U.S.C. 450g and 450k, section 3 of P.L. 83-568, 42 U.S.C. 2003; and 40 U.S.C. 486(c), section 3-4.6013 and section 3-4.6014 of 41 CFR Part 3-4 are amended as set out below.

Effective date: These amendments shall become effective on October 7, 1976.

Dated: September 8, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary.

1. Section 3-4.6013 is amended by adding the following language immediately after clause 28:

§ 3-4.6013 General Provisions for Cost Reimbursement Contracts Under the Indian Self-Determination Act (P.L. 93-638), Title I.

• • • • •

Clause No. 29—Indian Preference in Training and Employment.

(a) The Contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion, or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex, that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(b) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

• • • • •

b. The first reference to clause 28 which immediately follows clause 27 is deleted in its entirety.

2. Clause 17 of 3-4.6014 is amended to read as follows:

§ 3-4.6014 General Provisions for Fixed-Price Contracts Under the Indian Self-Determination Act.

• • • • •

Clause No. 17. Indian Preference in Training and Employment.

(a) The Contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion, or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex, that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(a) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

• • • • •

[FR Doc.76-29480 Filed 10-6-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52a—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR NATIONAL RESEARCH AND DEMONSTRATION CENTERS

On August 2, 1974, final regulations were published in the FEDERAL REGISTER (39 FR 27902) governing the award of grants by the National Heart and Lung Institute under section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)) to plan, establish, strengthen, and support the basic operation of national research and demonstration centers. These regulations are codified in 42 CFR Part 52a.

The Health Research and Health Services Amendments of 1976 (Pub. L. 94-278), which were enacted on April 22, 1976, amended section 415(b) by: (1) Adding "management of blood resources" to the listed activities for which grant support may be provided, and (2) raising the yearly ceiling on non-construction payments to any center from a total of $5,000,000, to $5,000,000 plus indirect costs and increases attributable to rises during said year in the Consumer Price Index. In addition, Pub. L. 94-278 changed the name of the Institute to "National Heart, Lung, and Blood Institute" and the National Heart, Blood Vessel, Lung, and Blood Diseases Program to "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program."

The Department of Health, Education, and Welfare hereby amends Part 52a to reflect the foregoing changes. Also, § 52a.9 of said Part is amended by addition of a standard paragraph calling attention to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which bars discrimination against handicapped individuals in programs or activities receiving Federal financial assistance. Since these amendments are intended simply to conform to statutory changes or are just informational in nature, no purpose would be served by publishing them as a notice of proposed rulemaking, and the Department therefore finds that good cause exists for dispensing with this step.

These amendments shall become effective on October 7, 1976.

Dated: August 26, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary.

Accordingly, Part 52a of 42 CFR is amended by:

1. Deleting "National Heart and Lung Institute" wherever it appears and substituting therefor "National Heart, Lung, and Blood Institute."

2. Deleting "NHLI" wherever it appears and substituting therefor "NHLBI".

3. Deleting "National Heart and Lung Advisory Council" from § 52a.2(d) and substituting therefor "National Heart, Lung, and Blood Advisory Council."

4. Deleting "National Heart, Blood Vessel, Lung, and Blood Disease Program" from § 52a.2(e) and substituting therefor "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program".

5. Revising § 52a.1 to read as follows:

The regulations in this part apply to grants (other than for construction) to plan, establish, strengthen, and support the basic operation of national research and demonstration centers for basic or clinical research into, training in, and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases, as authorized by section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)).

6. Revising § 52a.4(c)(2), § 52a.4(c)(3), and § 52a.4(c)(9) to read as follows:

(2) Any basic or clinical research, training, or demonstration activities in which the applicant is currently engaged relating to the management of blood resources or advanced diagnostic, prevention, or treatment methods for heart, blood vessel, lung, or blood diseases; the sources of funding for such activities; and the relevance of these activities to the National Program;

• • • • • •

(3) The major area or areas (i.e., heart disease, blood vessel disease, lung disease, blood disease, or management of blood resources) on which the applicant would concentrate if awarded a grant under this part;

• • • • •

(9) The proposed support period (not to exceed five years); a detailed budget including a list of other anticipated sources of support; and a justification for the amount of grant funds (not exceeding $5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics);

7. Delete the word "disease" wherever it appears in § 52a.5(a).

8. Revise § 52a.6(b) to read as follows:

(b) All grant awards shall be in writing and shall specify the period of support (not to exceed five years), the total recommended amount of funds for the entire period of support, the approved budget for the initial budget period, and the amount awarded (not in excess of $5,00,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics) for the initial budget period.

9. Add the following new paragraph (d) to § 52a.9:

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Part 52a of Title 42 CFR is revised to read as follows:

Sec.
52a.1 Applicability.
52a.2 Definitions.
52a.3 Eligibility.
52a.4 Application.
52a.5 Program requirements.
52a.6 Grant Awards.
52a.7 Payment.
52a.8 Expenditure of grant funds.
52a.9 Nondiscrimination.
52a.10 Human subjects; animal welfare.
52a.11 Applicability of 43 CFR Part 74.
52a.12 Progress and fiscal records and reports.
52a.13 Grantee accountability.
52a.14 Publications and copyright.
52a.15 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 415(b), 86 Stat. 683 (42 U.S.C. 287d(b)).

§ 52a.1 Applicability.

The regulations in this part apply to grants (other than for construction) to plan, establish, strengthen, and support the basic operation of National research and demonstration centers for basic or clinical research into, training in, and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases, as authorized by section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)).

§ 52a.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLBI," means the Director of the National Heart, Lung, and Blood Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings

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of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council means the National Heart, Lung, and Blood Advisory Council established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program referred to in section 413 of the Act (42 U.S.C. 287b).[1]

§ 52a.3 Eligibility.

To be eligible for a grant under this part, an applicant must be:

(a) a public or nonprofit private hospital or school of medicine, or other public or nonprofit private agency or institution; and

(b) located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 52a.4 Application.

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLBI, may from time to time require.[2] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1–00–30 of the Department of Health, Education, and Welfare Grants Administration Manual,[3] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLBI, may require, each application shall set forth in detail:

(1) The personnel, facilities, and other resources currently available to the applicant with which to initiate and maintain the proposed center program;

(2) Any basic or clinical research, training, or demonstration activities in which the applicant is currently engaged relating to the management of blood resources of advanced diagnostic, prevention, or treatment methods for heart, blood vessel, lung, or blood diseases; the sources of funding for such activities; and the relevance of these activities to the National Program;

(3) The major area or areas (i.e., heart disease, blood vessel disease, lung disease, blood disease, or management of blood resources) on which the applicant would concentrate if awarded a grant under this part;

(4) The names and qualifications of the center director and key staff members who would be responsible for conducting proposed activities of the center;

(5) The proposed center program, including proposed research and demonstration projects and information and education activities, and the relevance of each to the National Program;

(6) The opportunities that would be available for training of professional personnel, including allied health professions personnel;

(7) The availability of community resources necessary to carry out the proposed activities;

(8) The organizational structure of the applicant;

(9) The proposed support period (not to exceed five years); a detailed budget including a list of other anticipated sources of support; and a justification for the amount of grant funds (not exceeding $5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics);

(10) Proposed methods for monitoring and evaluating individual activities and the overall program; and

(11) Proposed methods for coordination of center activities with the National Heart, Lung, and Blood Institute and the National Program.

§ 52a.5 Program requirements.

An approvable application must provide assurances that:

(a) The proposed program will include all of the following components: basic and clinical research relating to the major areas on which the applicant would concentrate; plans for demonstrating the applicability of clinical research findings in such areas; information and education activities pertaining to such areas; and opportunities for training, including training of allied health professions personnel;

(b) The center will be an identifiable organizational unit of the applicant headed by a center director responsible for the center program;

(c) The applicant will have staff, facilities, and other resources available with which to initiate the proposed program; and

(d) Any significant changes in the center's scientific or other activities will be made only with the prior approval of the Director, NHLBI.

§ 52a.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLBI, may award grants to applicants with proposed programs which in his judgment best promote the purposes of section 415(b) of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the overall proposed program and its individual components;

(2) The significance of said program in relation to the goals of the National Program;

(3) The qualifications and experience of the center director and other key personnel;

(4) The extent to which the center activities would be coordinated with the National Heart, Lung, and Blood Institute and the National Program;

(5) The extent to which the various components of the proposed program would be coordinated into one multidisciplinary effort within the center;

(6) The administrative and managerial capability of the applicant;

(7) The reasonableness of the proposed budget in relation to the proposed program;

(8) The adequacy of the methods for monitoring and evaluating the overall program and its components; and

(9) The degree to which the application adequately provides for the requirements set forth in § 52a.5.

(b) All grant awards shall be in writing and shall specify the period of support (not to exceed five years), the total recommended amount of funds for the entire period of support, the approved budget for the initial budget period, and the amount awarded (not in excess of $5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics) for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLBI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

(e) An initial period of support may be extended by the Director, NHLBI, for additional periods not in excess of five years each, after review of the operations of the grantee by an appropriate scientific review group established by the Director, NHLBI, and consultation with the Council, except that if an additional period of support involves only the expenditure of funds previously awarded, consultation with the Council is not required.

§ 52a.7 Payment.

The Director, NHLBI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52a.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLBI, be carried forward and remain available for obligation during the remainder of the period of support and any extensions thereof (approved in accordance with § 52a.6(e)), subject to such limitations as the Director, NHLBI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the final period of support any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52a.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52a.10 Human subjects; animal welfare.

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1–43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

§ 52a.11 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

Subpart
- A General
- B Cash Depositories
- C Bonding and Insurance
- D Retention and Custodial Requirements for Records
- F Grant-Related Income
- G Matching and Cost Sharing
- K Grant Payment Requirements
- M Grant Closeout, Suspension, and Termination
- O Property
- Q Cost Principles

§ 52a.12 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLBI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLBI, may find necessary to carry out the purposes of section 415(b) of the Act and the regulations.

§ 52a.13 Grantee accountability.

(a) All payments made by the Director, NHLBI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved center the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NHLBI, satisfactory evidence of expenditures for direct and indirect cost meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(a) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(b) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52a.14 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from an activity supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from an activity supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 52a.15 Additional conditions.

The Director, NHLBI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc76–29478 Filed 10–6–76;8:45 am]

[1] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[2] Applications and instructions are available from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

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PART 52e—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR PREVENTION AND CONTROL PROJECTS

On October 21, 1975, final regulations were published in the FEDERAL REGISTER (40 FR 49090) governing the award of grants by the National Heart and Lung Institute under section 414 of the Public Health Service Act (42 U.S.C. 287c) for prevention and control projects. These regulations are codified in 42 CFR Part 52e.

The Health Research and Health Services Amendments of 1976 (Pub. L. 94–278), which were enacted on April 22, 1976, changed the name of the Institute to "National Heart, Lung, and Blood Institute" and the title of the National Heart, Blood Vessel, Lung, and Blood Disease Program to "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program."

The Department of Health, Education, and Welfare hereby amends Part 52e to reflect the foregoing changes. Since these changes were made by legislation and are technical in nature, no purpose would be served by publishing such amendments as a notice of proposed rulemaking, and the Department therefore finds that good cause exists for dispensing with this step.

These amendments shall become effective on October 7, 1976.

Dated: August 26, 1976.

JAMES P. DICKSON,
Acting Assistant Secretary for Health.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary.

Accordingly, Part 52e of 42 CFR is amended by:

1. Deleting "National Heart and Lung Institute" wherever it appears and substituting therefor "National Heart, Lung, and Blood Institute".

2. Deleting "NHLI" wherever it appears and substituting therefor "NHLBI".

3. Deleting "National Heart and Lung Advisory Council" from § 52e.2(d) and substituting therefor "National Heart, Lung, and Blood Advisory Council".

4. Deleting "National Heart, Blood Vessel, Lung, and Blood Disease Program" from § 52.2(e) and substituting therefor "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program".

Part 52e of Title 42 CFR is revised to read as follows:

Sec.
52e.1 Applicability.
52e.2 Definitions.
52e.3 Eligibility.
52e.4 Application.
52e.5 Project requirements.
52e.6 Grant awards.
52e.7 Payment.
52e.8 Expenditure of grant funds.
52e.9 Nondiscrimination.
52e.10 Human subjects; animal welfare.
52e.11 Applicability of 45 CFR Part 74.
52e.12 Progress and fiscal records and reports.
52e.13 Grantee accountability.
52e.14 Publications and copyright.
52e.15 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 414, 86 Stat. 682 (42 U.S.C. 287c).

§ 52e.1 Applicability.

(a) The regulations in this part apply to grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) to demonstrate and evaluate the effectiveness of new techniques or procedures for the prevention, diagnosis, or treatment of heart, blood vessel, lung, and blood diseases, (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases, and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

(b) For purposes of this part, treatment may include emergency medical services.

§ 52e.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLBI," means the Director of the National Heart, Lung, and Blood Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart, Lung, and Blood Advisory Council, established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program referred to in section 413 of the Act (42 U.S.C. 287b).[1]

(f) "Emergency medical services means the services utilized in responding to the perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

§ 52e.3 Eligibility.

To be eligible for a grant under this part, an applicant must be a public or nonprofit private agency or institution.

§ 52e.4 Application.

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLBI, may from time to time require.[2] Such an application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1–00–30 of the Department of Health, Education, and Welfare Grants Administration Manual,[3] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLBI, may require, each application shall set forth in detail:

(1) The nature and purpose of the proposed project and the methods to be employed in carrying it out;

(2) The relevance of the proposed project to the National Program;

(3) The defined population to participate in the proposed project and the rationale for its selection;

(4) With respect to applications relating to projects covered by § 52e.1(a)(1), prior research findings on which the proposed project is based;

(5) The personnel, facilities, and other resources, including community resources, available to carry out the proposed project;

(6) Current activities of the applicant involving prevention or control of heart, blood vessel, lung, and blood diseases, the sources of funding for such activities, and the anticipated relationship of these activities to the proposed project;

(7) The names and qualifications of the project director and key staff members who would be responsible for conducting the proposed project;

(8) Proposed methods for monitoring and evaluating the project; and

(9) The proposed project period; a detailed budget, including a list of other anticipated sources of support; and a justification for the amount of grant funds requested.

§ 52e.5 Project requirements.

(a) An approvable application must demonstrate to the satisfaction of the Director, NHLBI, that:

(1) With respect to applications relating to projects covered by § 52e.1(a)(1), the techniques or procedures to be demonstrated and evaluated have been found safe and effective in the research setting and, based upon research findings, appear to have the potential for general applicability to the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases;

(2) With respect to applications relating to projects covered by §§ 52e.1(a)(2) and 52e.1(a)(3), the project will include development and evaluation of one or more methods for educating health practitioners or the public concerning advances in the prevention, diagnosis, or treatment of such diseases; and

(3) The nature of the project is such that its completion may be anticipated within the project period, or such other period as may be specified in the application.

(b) The project must, in the judgment of the Director, NHLBI, be necessary for cooperation by the National Heart, Lung, and Blood Institute with one or more other Federal health agencies, State, local, or regional public health agencies, or nonprofit private health agencies in the diagnosis, prevention, or treatment of heart, blood vessel, lung or blood diseases.

(c) In order for an agency or institution to receive support under this part, the project must be carried out in substantial conformity with the proposal set forth in the approved application.

§ 52e.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLBI, may award grants to applicants with proposed projects which in his judgment best promote the purposes of section 414 of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the proposed project;

(2) The significance of the project in relation to the goals of the National Program;

(3) Whether the project appropriately emphasizes the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases of children;

(4) The qualifications and experience of the project director and other key personnel;

(5) The administrative and managerial capability and fiscal responsibility of the applicant;

(6) The reasonableness of the proposed budget in relation to the proposed project;

(7) The adequacy of the methods proposed for monitoring and evaluating the proposed project; and

(8) The degree to which the application adequately provides for the requirements set forth in §§ 52e.5(a) and 52e.5(b).

(b) All grant awards shall be in writing and shall specify the project period, the total recommended amount of funds for the entire project period; the approved budget for the initial budget period; and the amount awarded for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLBI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

§ 52e.7 Payment.

The Director, NHLBI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52e.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLBI, be carried forward and remain available for obligation during the remainder of the project period, subject to such limitations as the Director, NHLBI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52e.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act (20 U.S.C. 1681) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52e.10 Human subjects; animal welfare.

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1–43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

§ 52e.11 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

Subpart:	*45 CFR Part 74*
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout, suspension, and termination.
O	Property.
Q	Cost principles.

§ 52e.12 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLBI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLBI, may find necessary to carry out the purposes of section 414 of the Act and the regulations.

§ 52.13 Grantee accountability.

(a) All payments made by the Director, NHLBI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the

[1] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[2] Applications and instructions are available from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

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sum total of all amounts paid by presenting or otherwise making available to the Director, NHLBI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the project period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the project period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52e.14 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 52e.15 Additional conditions.

The Director, NHLBI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc.76–29479 Filed 10–6–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–914]

REREGULATION OF RADIO AND TELEVISION BROADCASTING

Order

Adopted: September 28, 1976.

Released: October 8, 1976.

By the Commission: Commissioners Fogarty and White not participating.

1. As a result of its continuing study concerning the reregulation of radio and TV, the Commission has under consideration the matter of amending certain provisions in Parts 1, 13 and 73 of its rules. These amendments will update certain rules, delete parts of others which are no longer necessary and make corrections and revisions where indicated.

2. The following rule changes are made for the reasons shown:

(a) One of the changes which is considered a "major change" in the facilities of an FM or NCE–FM station is that which would result in a change of 50% or more in the area within the station's predicted 1 mV/m field strength contour. This is stated in § 1.573(a)(1)(ii). Note 2, in § 1.573, defines changes in area as the sum of the area gained and the area lost as a percentage of the original area.

The Commission has found that many major-change applicants do not associate Note 2 with subparagraph (a)(1)(ii) of § 1.573. Some applicants have implied that they didn't even know of the Note's existence. This has brought about needless discussion and correspondence in defining an application as major or minor in accordance with the change-in-area definition. To emphasize the complementary relationship between Note 2 and paragraph (a)(1)(ii), we will insert a direct reference to "see Note 2" immediately following these words in (a)(1)(ii): "any change in power, antenna location or height above average terrain (or combination thereof) which would result in a change of 50 percent or more in the area within the station's predicted 1 mV/m field strength contour."

A further correction is made in § 1.573 in paragraph (c) by changing the opening sentence to read, "Except as provided in Note 1 to this section. . . .". Currently, this sentence reads, "Except as provided in the note to this section * * *".

One other modification of this section will move both Notes 1 and 2 to the end of the section following paragraph (e). Paragraphs (d) and (e) were added to the section effective August 8, 1975, and the Notes were left at the former end of the section, following paragraph (c).

(1) Amendments, to accomplish the above changes, are made accordingly.

(b) Section 73.56, Modulation monitors, presently requires, in paragraph (d), that remotely controlled AM stations have a modulation monitor in operation. The rule states that AM stations, operated by remote control, must have a continuous indication, at the control point, of the modulation level, except when taking other meter readings. As an alternative, the licensee may install an "automatic device to limit percent of modulation on negative peaks to 100." Paragraph (d) of § 73.56 is herein amended to conform to § 73.55, Modulation. § 73.55, which was revised earlier, limits the percentage of modulation to no more than "100 percent on negative peaks *of frequent recurrence*, or 125 percent on positive peaks at any time."

Further, paragraph (d) is herein deleted from § 73.56 and moved to the rule section to which it more properly belongs, § 73.67, Remote control operations, as new subparagraph (a)(8). Similar changes are made in the remote control rules for FM and NCE–FM by adding a subparagraph in those services to conform to the new § 73.67(a)(8). It may appear that this addition in FM and NCE–FM is a new and additional requirement, but since it would require no additional equipment for remotely controlled FM and NCE–FM stations, and since the existing rules in the two FM services at present require that remote control systems provide or include all required control and monitoring functions, we conclude there are no new operational or equipment needs or requirements. This FM and NCE–FM amendment would specify only that the total modulation percentage should be observed, except when other meter readings are being made, and that the percentage of modulation shall be limited to the peak levels specified in the modulation sections, § 73.268 and § 73.568, respectively.

Two other refurbishing measures are taken here pertaining to remote control operation. The paragraphs pertaining to calibration of indicating instruments in the remote control rules of AM, FM and NCE–FM, are changed to conform to the specifications for the calibration of instruments as stated in the extension meter rules of those services. (§ 73.70 for AM; § 73.276 for FM; and § 73.574 for NCE–FM.) Lastly, in the AM remote control rules, subparagraph (c)(4) states, in part, "* * * that during the period the tone is being transmitted the total modulation of the carrier does not exceed 100 percent on negative peaks." To conform to § 73.55, Modulation, and new (via this *Order*, see above), § 73.67(a)(8), we change the wording in § 73.67(c)(4) from "* * * the total modulation of the carrier does not exceed 100 percent on negative peaks.", to "* * * the total modulation of the carrier must comply with the requirements of § 73.55."

(1) The rules described above are amended accordingly.

(c) Section 73.186 (Field intensity measurements in allocation; establishment of effective field at one mile.), in paragraph (a)(3), prescribes the method to be used in analyzing field intensity measurement data. This method of analysis, however, has serious deficiencies when applied to data obtained from a *partial* proof of performance (as defined in § 73.154), where the number of measured points per radial is quite insufficient for independent graphical analysis. The method of employing an arithmetic or logarithmic average of the ratios of the partial proof data to the corresponding data from the last *complete* proof is widely used throughout the industry, and has been accepted, even encouraged, by the Commission for years.

In order to reflect this widely used practice in our rules, new subparagraph (a)(5) is added to § 73.186 (and present (a)(5) becomes (a)(6)).

The section headnote of § 73.186 is also changed herein to substitute the designation "strength" instead of "intensity" in describing field measurements. At present, both terms are being used in describing the measurement of electromagnetic fields, but field "strength" is the more acceptable term (IEEE, American National Standard). So, with this revision will begin a change in the term intensity to strength whenever rule revisions are made. Nine changes of intensity to strength are made in the text of this rule section, in addition to the change in the section head.

(1) Amendments to accomplish the above are made accordingly.

(d) Sections 73.10, 73.262, 73.562 and 73.666 provide for "experimental operation" in the AM, FM, NCE–FM and TV services. Experimental operation has two functions: routine testing and maintenance of equipment and special experimentation designed to improve the broadcast technology (which may, at times, require the use of other than standard test transmissions). Although the basic purpose of experimental operation is essentially the same in all three services, the rules pertaining thereto are considerably different in their wording. For example: the AM and FM rules specifically mention use of the experimental operation for tests and maintenance, but the TV rule does not. We know that TV stations *do* on-air testing for maintenance purposes even though the rules, as written, may be construed as *not* permitting it, since they are silent on any reference to it.

The AM, FM and NCE–FM rules define the experimental period as the hours between midnight and 6:00 a.m. The TV rule does not specify an experimental period. There is, of course, a valid reason for restricting AM stations to the prescribed hours for testing, because of the potential interference that could be caused to other licensees, and to allow daytime stations to conduct on-air testing as necessary. These same *technical* problems of possible interference do not occur in the testing of FM and NCE–FM (and TV) stations, and therefore there is no reason why the Commission should restrict routine testing of FM or NCE–FM stations to a specified experimental period. There is no useful need to require that permittees, constructing FM and NCE–FM stations, obtain special authority to conduct equipment tests during daytime and evening hours. Deleting the requirement that equipment tests during construction and tests for routine maintenance be conducted between midnight and 6:00 a.m. would be of particular benefit to small market and educational broadcasters. The requirement allowing FM and TV stations "upon informal application" to conduct experimental testing with other than standard type signals at any hour (so long as their minimum operating schedule is maintained) would remain unchanged. However, the requirement is removed to render "prior notification" of testing for maintenance purposes to the Commission and the Engineer in Charge of the radio district in which the station is located. In so doing, we relieve both the licensee and the Commission staff of an unnecessary administrative workload.

(1) Amendments in §§ 73.262, 73.562 and 73.666 are made accordingly.

(e) In § 73.265, Operator requirements, the rule requires fulltime employment of a first-class radiotelephone operator at FM stations with transmitter output power in excess of 25 kilowatts. For a station with transmitter output power of 25 kilowatts or less, the rule allows first-class radiotelephone operators in full-time or *part-time* employment. The rule is herein revised to allow part-time first-class radiotelephone operators at FM stations regardless of transmitter output power, because: no problems have arisen, pursuant to field inspections, in stations with part-time first-class radiotelephone operators vis-a-vis stations with full-time operators; the licensee's inability, in certain cases, to hire full-time operators has apparently caused these licensees to defer upgrading transmitters, thereby delaying optimal service to the public (e.g., reception improvement, via conversion to circular polarization which can increase transmitter output power to over 25 kilowatts); there are relatively few FM stations broadcasting with a single transmitter operating in excess of 25 kilowatts (the License Division estimates "100 to 200" out of 3655 licensed FM stations); and in so doing we will rectify a contradiction between the letter and the spirit of the rule, wherein the Commission follows the letter of the rule in requiring a full-time first-class radiotelephone operator for any transmitter over 25 kilowatts of transmitter output power, but approves supervision by a part-time operator or contract operator in the operation of dual transmitters, in parallel, whose *separate* transmitter output power is 25 kilowatts or less, but whose total radio frequency power output is in excess of 25 kilowatts.

(1) Amendments are made herein to modify § 73.265(d) to allow licensees of FM broadcast stations with transmitter output power in excess of 25 kilowatts to operate with part-time, as well as full-time first-class radiotelephone operators. (See paragraph (2)(f) of this *Order* for parallel amendments in the noncommercial educational FM rules.)

Changes are also made in § 1.547, Application for permission to use lesser grade operators, to conform the changes made in §§ 73.265(d) and 73.565(d).

(f) The operator requirements in Subpart C, Noncommercial educational FM broadcast stations (§ 73.565), are amended to conform to the revisions pertaining to commercial FM stations described in paragraph (2)(e) herein.

Also, we add to the noncommercial educational FM rules, via this *Order*, the permission, as a further relaxation, to use operators holding third-class permits without broadcast endorsement or holding restricted radiotelephone operator permits, to be employed at noncommercial educational FM stations of 10 watts or less subject to these restrictions: (1) such operators may make adjustments only of external controls necessary to turn the transmitter on and off and maintain the modulation to a normal level; and (2) the transmission system must be equipped with an automatic device to prevent modulation peaks in excess of 100%.

(1) Amendments are made accordingly in Part 73 (§ 73.565, Operator requirements); and in Part 13 (§ 13.62, Special privileges).

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That, pursuant to section 4 and 303 of the Communications Act of 1934, as amended, Parts 1 and 73 of the Commission's Rules and Regulations are amended as set forth below, effective October 13, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

PART 1—PRACTICE AND PROCEDURE

1. In § 1.547, subparagraph (c)(4) is amended to read as follows:

§ 1.547 Application for permission to use lesser grade operators.

* * * * *

(c) * * *

* * * * *

(4) A showing that at least one operator of the class required pursuant to §§ 73.93(b), 73.265(b) or 73.565(b)(1), (2) and (3) will be employed full-time or on a contract basis for those stations using contract operators, and that such operator will be available on call at all times in the event of equipment failure. If this operator is incapacitated temporarily, appointment of a qualified operator on a pro-tem basis is allowed. He must be available on call at all times in the event of equipment failure.

* * * * *

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2. In Section 1.573, reference to Note 2 is added to subparagraph (a)(1)(ii); reference to Note 1 is added to paragraph (c); and Notes 1 and 2 are moved to follow paragraph (e), instead of paragraph (c).

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

(a) • • •

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. A major change is, in the case of stations authorized under Part 73 of this chapter, (i) any change in frequency, station location or class of station, or (ii) any change in power, antenna location or height above average terrain (or combination thereof) which would result in a change of 50 percent or more in the area within the station's predicted 1 mV/m field strength contour. (See Note 2 to this section.) In the case of FM translator stations authorized under Part 74 of this chapter, it is any change in frequency (output channel), primary stations, or authorized principal community or area: *Provided, however,* That the Commission may, within 15 days after the acceptance for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of §§ 1.580 and 1.1111 pertaining to major changes.

• • • • • •

(c) Except as provided in Note 1 to this section, if, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application for FM broadcasting facilities (Class A, Class B, Class C or noncommercial educational), the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.593 will be followed.

(d) • • •

(e) • • •

Note 1: • • •

Note 2: • • •

PART 13—COMMERCIAL RADIO OPERATORS

3. In § 13.62, present paragraph (d) is redesignated paragraph (e) and a new paragraph (d) is added as follows:

§ 13.62 Special privileges.

• • • • • •

(d) The holder of a third-class operator permit, without broadcast endorsement, or a restricted radiotelephone operator permit may operate a noncommercial educational FM broadcast station with a transmitter output power of 10 watts or less under the following conditions:

(1) That adjustments of the transmitting equipment, except when under the immediate supervision of a radiotelephone first or second class operator shall be limited to those necessary to turn the transmitter on and off and to maintain the modulation at a normal level.

(2) The transmission system is equipped with an automatic device to prevent modulation peaks in excess of 100%.

(e) When an emergency action condition is declared, a person holding any class of radio operator license or permit, who is authorized thereunder to perform limited operation of a broadcast station, may make any adjustments necessary to effect operation in the emergency broadcast system in accordance with the station's National Defense Emergency Authorization: *Provided,* That the station's responsible first-class radiotelephone operator(s) (or second-class radiotelephone operator(s), for noncommercial educational FM broadcast stations with transmitter output power not exceeding 1 kilowatt), shall have previously instructed such person(s) in the adjustments to the transmitting system which are necessary to accomplish operation in the Emergency Broadcast System.

PART 73—RADIO BROADCAST SERVICES

§ 73.56 [Amended]

4. Section 73.56 is amended by deleting paragraph (d).

5. In Section 73.67, Remote control operation, subparagraph (a)(5) is revised, subparagraph (a)(8) is added, and subparagraph (c)(4) is revised as follows:

§ 73.67 Remote control operation.

(a) • • •

• • • • • •

(5) Calibration of required indicating instruments at each remote control point shall be made against their corresponding instruments at the transmitter site as often as necessary to insure their accuracy, but in no event less than once a week, and:

(i) The results of such calibrations shall be entered in the station's maintenance log;

(ii) In no event shall a remote control meter be calibrated against another remote control meter;

(iii) Each remote control meter shall be accurate within 2 percent of the value read on its corresponding meter at the transmitter site.

• • • • • •

(8) The modulation percentage shall be continuously monitored at the remote control point, except when the readings are being taken, or the transmission system shall be equipped with an automatic device to limit the modulation to peak levels as specified in § 73.55.

• • • • • •

(c) • • •

• • • • • •

(4) Measures shall be employed to insure that during the periods the tone is being transmitted, the total modulation of the carrier must conform with the requirements of § 73.55.

• • • • • •

6. In Section 73.186, the headnote and paragraphs (a), (a)(1), (a)(5), (b)(1), (b)(3), (b)(5) and (b)(7) are amended and a new subparagraph (a)(6) is added to read as follows:

§ 73.186 Field strength measurements in allocation; establishment of effective field at one mile.

(a) Section 73.45 provides that certain minimum field strengths are acceptable in lieu of the required minimum physical vertical heights of the antennas proper. Also, in other allocation problems, it is necessary to determine the effective field at 1 mile. The following requirements shall govern the taking and submission of data on the field strength produced:

(1) Beginning as near to the antenna as possible without including the induction field and to provide for the fact that a broadcast antenna is not a point source of radiation (not less than one wave length or 5 times the vertical height in the case of a single element, i.e., nondirectional antenna or 10 times the spacing between the elements of a directional antenna), measurements shall be made on eight or more radials, at intervals of approximately one-tenth mile up to 2 miles from the antenna, at intervals of approximately one-half mile from 2 miles to 6 miles from the antenna, at intervals of approximately 2 miles from 6 miles to 15 or 20 miles from the antenna, and a few additional measurements if needed at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, these shall be as many as 18 or 20 measurements on each radial. However, where the antenna is located in a city where unobstructed measurements are difficult to make, measurements shall be made on each radial at as many unobstructed locations as possible, even though the intervals are considerably less than stated above, particularly within 2 miles of the antenna. In cases where it is not possible to obtain accurate measurements at the closer distances (even out to 5 or 6 miles due to the character of the intervening terrain), the measurements at greater distances should be made at closer intervals. (It is suggested that "wave tilt" measurements may be made to determine and compare locations for taking field strength measurements, particularly to determine that there are no abrupt changes in ground conductivity or that reflected waves are not causing abnormal field strengths.

• • • • • •

(5) In analyzing the results of a partial proof of performance as defined in § 73.154 when the data are insufficient for independent graphical analysis, either of two analysis methods may be used. In such cases, either the arithmetic average or logarithmic average of the ratios of field strength at each measurement point along each radial to the corresponding field strength in the latest complete proof of performance may be utilized to establish the inverse distance fields. (The logarithmic average for each radial is the antilogarithm of the mean of the logarithms of the ratios of field strength (new to old) for each measurement location along a given radial.)

(6) The antenna power of the station shall be maintained at the authorized level during all field strength measurements. The power determination requires a knowledge of the antenna or common point resistance which must be accurately measured in accordance with § 73.54, and the current, measured with a ammeter of acceptable accuracy (see §§ 73.58 and 73.1215).

(b) • • •

(1) Tabulation by number of each point of measurement to agree with the map required in (2) below, the date and time of each measurement, the field strength (E), the distance from the antenna (D) and the product of the field strength and distance (ED) (if data for each radial are plotted on semilogarithmic paper, see above) for each point of measurement.

(2) • • •

(3) Description of method used to take field strength measurements.

(4) • • •

(5) The curves drawn for each radial and the field strength pattern.

• • • • • •

(7) Antenna current or currents maintained during field strength measurements.

• • • • • •

7. In Section 73.262, paragraphs (a) and (b) are amended to read as follows:

§ 73.262 Experimental operation.

(a) FM broadcast stations may be used for experimental purposes in testing and maintaining apparatus on their assigned frequencies and not in excess of their authorized power at any time, without specific authorization from the Commission.

(b) FM broadcast stations may obtain, upon informal application, authority to conduct technical experimentation directed to the improvement of technical phases of operation, and for such purposes may utilize a signal other than the standard FM signal, subject to the following conditions:

• • • • • •

8. In § 73.265, paragraph (d) and (d)(1) are amended to read as follows:

§ 73.265 Operator requirements.

• • • • • •

(d) A station with authorized total transmitter output power in excess of 25 kilowatts may employ first-class radiotelegraph operators, second-class radiotelegraph and radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation, for routine operation of the transmitting system, if the station has in full-time employment at least one first-class radiotelephone operator, or as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission. The licensee must comply with the following:

(1) One first-class radiotelephone operator shall be designated as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

• • • • • •

9. In Section 73.275, subparagraph (a)(5) is revised and new (a)(8) is added as follows:

§ 73.275 Remote control operation.

(a) • • •

• • • • • •

(5) Calibration of required indicating instruments at each remote control point shall be made against their corresponding instruments at the transmitter site as often as necessary to insure their accuracy, but in no event less than once a week, and:

(i) The results of such calibrations shall be entered in the station's maintenance log;

(ii) In no event shall a remote control meter be calibrated against another remote control meter;

(iii) Each remote control meter shall be accurate within 2 percent of the value read on its corresponding meter at the transmitter site.

• • • • • •

(8) The total modulation percentage shall be continuously monitored at the remote control point, except when the readings are being taken, or the transmission system shall be equipped with an automatic device to limit the modulation to peak levels as specified in § 73.268.

• • • • • •

10. In Section 73.562, paragraphs (a) and (b) are amended as follows:

§ 73.562 Experimental operation.

(a) Noncommercial educational FM broadcast stations may be used for experimental purposes in testing and maintaining apparatus on their assigned frequencies and not in excess of their authorized power at any time, without specific authorization from the Commission.

(b) Noncommercial educational FM broadcast stations may (upon informal application) conduct technical experimentation directed to the improvement of technical phases of operation, and for such purposes may utilize a signal other than the standard FM signal, subject to the following conditions:

• • • • • •

11. In § 73.565, paragraphs (b) and (d) and subparagraph (d)(1) are amended; new paragraph (e) is added and present paragraphs (e) through (h) are redesignated (f) through (i):

§ 73.565 Operator requirements.

• • • • • •

(b) With the exceptions set forth in paragraph (f) of this section, adjustments of the transmitting system and inspection, maintenance, and required equipment performance measurements shall be performed only by an operator holding the class of license specified below, or during periods of operation when the transmitter is in the charge of an operator of the specified class, by or under the direction of a broadcast consultant regularly engaged in the practice of broadcast station engineering.

• • • • • •

(d) A noncommercial educational FM station with authorized total transmitter output power in excess of 25 kilowatts may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has in full-time employment at least one first-class radiotelephone operator or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission. The licensee must comply with the following:

(1) One first-class radiotelephone operator shall be designated as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

• • • • • •

(e) A noncommercial educational FM broadcast station with authorized transmitter output power of 10 watts or less may employ operators holding third-class radio operator permits (without endorsement for broadcast station opera-

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tion) or restricted radiotelephone operator permits in addition to, and under the same conditions as, the employment of the operators specified in paragraph (c): *Provided*, That (1) such operators may make adjustments only of external controls necessary to turn the transmitter on and off and maintain the modulation to a normal level and (2) the transmission system is equipped with an automatic device to prevent modulation peaks exceeding 100%.

. . . . . .

12. In Section 73.573, subparagraph (a)(5) is revised and new (a)(8) is added as follows:

§ 73.573 Remote control operation.

(a) . . .

. . . . . .

(5) Calibration of required indicating instruments at each remote control point shall be made against their corresponding instruments at the transmitter site as often as necessary to insure their accuracy, but in no event less than once a week, and:

(i) The results of such calibration shall be entered in the station's maintenance log;

(ii) In no event shall a remote control meter be calibrated against another remote control meter;

(iii) Each remote control meter shall be accurate within 2 percent of the value read on its corresponding meter at the transmitter site.

. . . . . .

(8) The total modulation percentage shall be continuously monitored at the remote control point, except when the readings are being taken, or the transmission system shall be equipped with an automatic device to limit the modulation to peak levels as specified in § 73.568.

. . . . . .

13. Section 73.666 is revised to read as follows:

§ 73.666 Experimental operation.

(a) Television broadcast stations may be used for experimental purposes in testing and maintaining apparatus on their assigned frequencies and not in excess of the authorized power at any time, without specific authorization from the Commission.

(b) Television broadcast stations may obtain, upon informal application, authority to conduct technical experimentation directed to the improvement of technical phases of operation, and for such purposes may utilize a signal other than the standard television signal, subject to the following conditions:

(1) That the licensee complies with the provisions of § 73.651 with regard to the minimum number of hours of transmission with a standard television signal.

(2) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmission of a standard television signal by other television broadcast stations.

(3) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

[FR Doc.76-29455 Filed 10-6-76;8:45 am]

[Docket No. 20815; FCC 76-898]

COMMISSION'S RULES TO EXPAND THE SECONDARY FIXED USE OF BASE/MOBILE FREQUENCIES IN THE 450–470 MHz BAND

Report and Order

Adopted: September 28, 1976.

Released: October 8, 1976.

By the Commission: Commissioners Fogarty and White not participating.

Amendment of Parts 89, 91, and 93 of the Commission's Rules to expand the secondary fixed use of base/mobile frequencies in the 450–470 MHz band.

1. On May 25, 1976, the Commission released a notice of inquiry and Notice of Proposed Rulemaking in the above entitled matter (41 FR 22096). Comments were filed by the City of Pompano Beach; Land Mobile Section of the Communications Division of the Electronics Industries Association (EIA); GTE Service Corporation (GTE); Central Committee on Telecommunications of the American Petroleum Institute (API); Utilities Telecommunications Council (UTC); Indianapolis Power and Light Company; Special Industrial Radio Service Association, Inc. (SIRSA), Tillamook People's Utility District; Ark Valley Electric Cooperative Association, Inc.; and Northwest National Gas Company. Reply comments were filed by Puget Sound Power and Light Company, International Municipal Signal Association (IMSA), and the California Mobile Radio Association (CMRA).

2. The Notice of Proposed Rulemaking sought comments on the Commission's proposal to expand the availability of the frequencies allocated in the Public Safety, Industrial and Land Transportation Radio Services in the 450–470 MHz band for secondary point-to-point (fixed) operations. This was to be done by expanding the areas where point-to-point communications in this band would be authorized. The rules now permit such operations in areas located 100 miles or more miles (75 miles or more with reduced power) from the center of the largest 87 urbanized areas (200,000 population, 1960 census). Our proposal would expand this area to include areas located 100 miles (75 miles with reduced power) beyond the center of the largest 40 urbanized centers (1970 census). We also asked for comments as to whether the 100 or 75 mile radius protection circles could be reduced.

3. The response to our proposal varied. EIA, API, UTC, SIRSA, and IMSA supported our basic proposal. They generally cited the absence of problems or interference in the shared use of frequencies by fixed and mobile systems in areas beyond the largest 87 urban centers, and pointed out the secondary nature of fixed operations in that band. On the other hand, the comments filed on behalf of the Police Department of the City of Pompano Beach, Florida, opposed the proposal, arguing that "licensing secondary users in areas of light population density may serve to inhibit future primary use in those areas, when such primary use is mandated by population growth". CMRA, in reply comments, expressed concern over possible interference problems in the Business Radio Service in California from fixed systems located at high elevations and argued that the need for such additional point-to-point usage in the Business Radio Service has not been demonstrated. CMRA urged that the proposed relaxation should not be applied in the Business Radio Service in California. Finally, GTE recommended that the proposal should not be adopted until "guidelines are developed on the allowable degree of impact of secondary use on the primary use . . ."

4. We have considered the comments carefully and we have concluded that the public interest would be served by expanding the opportunity to use the 450–470 MHz frequencies for secondary point-to-point operations, as proposed. This would allow many licensees to accommodate important communications requirements but without substantial impact on the availability of these frequencies for present or future land mobile communications systems.

5. Our proposal to relax the restrictions against fixed operations in the 450–470 MHz band was based largely on our experience in licensing radio systems in this band and on a limited study of frequency assignments in a number of the 87 urbanized areas. With some exceptions not pertinent here, the frequencies in the 450–470 MHz band are used more heavily in the larger urban centers. Their use decreases almost proportionately with the size of the urban areas involved. It appeared to us that beyond the 40th largest urban area (600,000 or more population) the current usage of these frequencies in mobile systems and the growth pattern of such systems indicate that a reasonable number of point-to-point operations can be accommodated there without significantly depleting the frequency resource that will be needed for the anticipated mobile system growth in the foreseeable future. It should also be noted that point-to-point operations will be authorized only on a secondary basis. This means at least two things. First, should a point-to-point station cause interference to a mobile station operated in accordance with the rules, the licensee of the fixed station will either have to eliminate the interference promptly or will have to discontinue operations. Secondly, should the frequencies occupied by fixed stations be needed for mobile stations, the licensees of fixed stations will be required to vacate the needed frequencies, also promptly. Therefore, if we have underestimated the future need for mobile communication systems in urban areas of less than 600,000 population, the provision for secondary fixed use, would provide the needed safeguard.

6. In reaching this conclusion, we have considered carefully the request of CMRA that we exempt the Business Radio Service in the State of California from the proposed new rule. However, while we recognize the topography in that state, we do not believe that a more restrictive rule should be applied there. The prohibition against the use of 450–470 MHz frequencies for point-to-point operations will continue to apply in most of the state. Also, to the extent there will be some relexation, the need to coordinate point-to-point assignments and the protection of mobile systems against any harmful interference from fixed systems would prevent any serious adverse impact (of our proposal) on mobile radio systems in that state. Therefore, CMRA's request has been denied.

7. There were also differences of opinions as to whether the 100/75 mileage restrictions should be reduced. SIRSA proposed reducing the mileage restrictions to 75 and 50 miles, respectively. API recommended that secondary fixed operations be permitted beyond 30 miles from the center of the 40 protected urbanized areas where the proposed fixed station would not produce a signal exceeding one microvolt at a typical mobile unit's antenna at a 30 mile radius from the center of the protected area. IMSA in its reply comments agreed with API's suggestion but also stated if the Commission did not consider API's proposal feasible, then the SIRSA proposal should be adopted. UTC, EIA, GTE, and the City of Pompano Beach all opposed any reduction in the mileage protection criteria at this time.

8. We have considered these comments carefully also. We must note, however, that neither those who suggested changing the mileage restrictions nor those who urged that we retain the present ones supported their position with engineering analyses or with technical data. Therefore, significant changes cannot be made on the basis of the comments. But we have decided to reduce those mileage restrictions somewhat; namely, to 85 and 65 miles, respectively. We believe that at these distances and with the facilities usually expected to be employed at fixed stations, we can provide reasonable protection to the normal land mobile radio operating environment in each urban area, or to 25 to 35 miles from the center. This will assure co-existence between fixed and mobile systems in the vast majority of situations, although these separations would not apply to all cases. Our aim here is not to provide criteria for engineering specific assignments on a case-by-case basis, but to protect an area where land mobile systems are expected to grow. API's and SIRSA's suggestions therefore would be inconsistent with this objective and, consequently are denied.

9. In the Notice, we stated that we did not plan to allow non-conforming point-to-point systems beyond the present November 1, 1976, cut-off date. The comments filed by the public utility entities mentioned above, asked that we permit them to continue their own non-complying operations and, in the case of Indianapolis Power and Light Company, that its operation be allowed to continue for a period of nine months following a decision in this proceeding. We will deny these requests. This, of course, is not an appropriate proceeding to consider specific waiver requests. In any event, our purpose here was to establish new, less restrictive rules to apply across the board so as to avoid having to consider the large number of individual cases. We followed this approach in granting an extension in this matter previously, and we have allowed sufficient time for amortization of the equipment involved.[1] We are not persuaded that a further substantial extension should be granted. However, in order to avoid abrupt disruptions, we will grant an across-the-board extension until May 31, 1977, by which date all non-complying point-to-point operations now authorized under Rule Parts 89, 91, and 93 in the 450–470 MHz will be discontinued.

10. Finally, as requested by SIRSA, we want to urge full and complete cooperation among the various industry frequency advisory committees which must (except for Business) coordinate, on an interservice basis the selection of frequencies in the 450–470 MHz for point-to-point systems. In addition, it seems to us that responses to coordination requests should be made as promptly as possible, and that the absence of a reply with specific objections within a reasonable period of time, such as three weeks, may be taken to be an affirmative response.

11. In view of the foregoing, the Commission concludes that the public interest will be served by adopting the rule amendments as set forth in Appendix B. Authority for these amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Under the authority of 5 U.S.C. 553(d) and Section 1.427(b) of the Commission's Rules for good cause found we are reducing the required effective date provisions in order to make the new rules become effective before the November 1, 1976 cutoff date.

13. Accordingly, it is ordered, That Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended effective October 29, 1976, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[1] The original cut-off date, established in 1968, was November 1, 1971. This was extended to November 1, 1976. Thus, licensees of non-complying fixed systems have had at least eight years during which to amortize their facilities.

APPENDIX A.—Urbanized areas protected

Rank:	*Urbanized area*
1	New York, N.Y.-Northeastern New Jersey.
2	Los Angeles-Long Beach, Calif.
3	Chicago, Ill.-Northwestern Indiana.
4	Philadelphia, Pa.-New Jersey.
5	Detroit, Mich.
6	San Francisco-Oakland, Calif.
7	Boston, Mass.
8	Washington, D.C.-Maryland-Virginia.
9	Cleveland, Ohio.
10	St. Louis, Mo.-Illinois.
11	Pittsburgh, Pa.
12	Minneapolis-St. Paul, Minn.
13	Houston, Tex.
14	Baltimore, Md.
15	Dallas, Tex.
16	Milwaukee, Wis.
17	Seattle-Everett, Wash.
18	Miami, Fla.
19	San Diego, Calif.
20	Atlanta, Ga.
21	Cincinnati, Ohio-Kentucky.
22	Kansas City, Mo.-Kansas.
23	Buffalo, N.Y.
24	Denver, Colo.
25	San Jose, Calif.
26	New Orleans, La.
27	Phoenix, Ariz.
28	Portland, Ore.-Washington.
29	Indianapolis, Ind.
30	Providence - Pawtucket - Warwick, R.I.-Massachusetts.
31	Columbus, Ohio.
32	San Antonio, Tex.
33	Louisville, Ky.-Indiana.
34	Dayton, Ohio.
35	Fort Worth, Tex.
36	Norfolk-Portsmouth, Va.
37	Memphis, Tenn.-Mississippi.
38	Sacramento, Calif.
39	Fort Lauderdale - Hollywood, Fla.
40	Rochester, N.Y.

Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 is amended as follows:

1. Section 89.101(p) is amended as follows:

§ 89.101 Frequencies.

. . . . . .

(p) The following frequencies may be assigned to fixed stations in the Public Safety Radio Services on a secondary non-interference basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services. All such use of these frequencies for fixed systems is limited to locations 35 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 600,000 or more population are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between

Cities in the United States." Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Vol. 1, Table 20, Page 1–74.

• • • • • •

PART 91—INDUSTRIAL RADIO SERVICES

II. Part 91 is amended as follows:

1. Section 91.254(b)(26) is amended as follows:

§ 91.254 Frequencies available.

• • • • • •

(b) • • •

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations on the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

• • • • • •

2. Section 91.304(b)(29) is amended as follows:

§ 91.304 Frequencies available.

• • • • • •

(b) • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

• • • • • •

3. Section 91.354(b)(29) is amended as follows:

§ 91.354 Frequencies available.

• • • • • •

(b) • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

• • • • • •

4. Section 91.504(b)(26) is amended as follows:

§ 91.504 Frequencies available.

• • • • • •

(b) • • •

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

• • • • • •

6. Section 91.730(b)(14) is amended as follows:

§ 91.730 Frequencies available.

• • • • • •

(b) • • •

(14) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

• • • • • •

7. Section 91.754(b)(10) is amended as follows:

§ 91.754 Frequencies available.

• • • • • •

(b) • • •

(10) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226 of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

• • • • • •

III. Part 93 of the Rules is amended as follows:

1. Section 93.101(b) is amended as follows:

§ 93.101 Frequencies.

• • • • • •

(b) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Service on a secondary non-interference basis to land mobile stations in the Public Safety and Industrial Radio Services. All such use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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[FR Doc.76-29456 Filed 10-6-76;8:45 am]

PART 97—AMATEUR RADIO SERVICE

List of Emission Types; Correction

Order. In the matter of editorial Amendment of § 97.61 of the Commission's rules to correct the list of emission types authorized in the Amateur Radio Service.

Adopted: September 30, 1976.

Released: October 4, 1976.

1. On April 2, 1974, the Commission adopted an Order which was published in the FEDERAL REGISTER on April 10, 1974 (39 FR 12995), which amended the information contained in § 97.61(a) of the Commission's Rules for the Amateur Radio Service to conform with the Table of Frequency Allocations in Part 2 of the rules.

2. Through an error, type F2 emission was unintentionally omitted from the list of emission types authorized in the 50.1–54.0 MHz band. This Order is issued to correct that error and to appropriately amend the table contained in § 97.61(a) of the rules.

3. Because this amendment relates to editorial revisions to correct a previous error, prior notice of rule making public procedure and effective date provisions are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553.

4. *Accordingly, it is ordered,* Pursuant to sections 4(i), 5(d) and 303 of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, that effective October 15, 1976, § 97.61 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 97.61(a) the table is amended to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) • • •

Frequency band	Emissions	Limitations (see par. (b))
•	•	•
megahertz		
•	•	•
50.1–54.0	A2, A3, A4, A5, F1, F2, F3, F5	
•	•	•

[FR Doc.76-29280 Filed 10-6-76;8:45 am]

Title 49—Transportation

CHAPTER XI—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 320]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Special Procedures for Making Findings of Market Dominance as Required by Railroad Revitalization and Regulatory Reform Act of 1976

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 30th day of September 1976.

It appearing, that the Commission, by notice and order served March 10, 1976, instituted this rulemaking proceeding under authority of section 202 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210) to establish standards and procedures for determining whether and when a rail carrier possesses market dominance over a service rendered or to be rendered at a particular rate or rates;

It further appearing, that by said notice of proposed rulemaking all interested parties were invited to make representations with regard to the proposed rules; and that notice to all interested parties was given through publication in the FEDERAL REGISTER of March 16, 1976;

It further appearing, that various parties submitted their views and suggestions regarding the proposed regulations, that the Commission has considered all representations filed, and, on August 23, 1976, served its interim report setting forth its conclusions, findings, reasons therefor, and its decision that the regulations set forth therein should be adopted, pending further comment of the parties;

It further appearing, that the Commission, upon consideration of all the comments filed, has, on the date hereof, made and filed its report setting forth its conclusions, findings, reasons therefor, and its decision that the regulations set forth below should be adopted, which report is hereby referred to and made a part hereof;

It further appearing, That, except to the extent modified herein, the conclusions, findings, and reasons therefor set forth in the interim report served August 23, 1976, are hereby adopted and made a part hereof;

Wherefore, and for good cause:

It is ordered, That the Commission hereby adopts the regulations as set forth below.

It is further ordered, That Part 1109 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding the regulations as set forth below.

It is further ordered, That this order shall become effective forthwith.

It is further ordered, that this proceeding shall remain open, so that refinements and modifications of adopted standards and procedures may be made in the light of actual experience.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,
Secretary.

§ 1109.1 Requirements and procedures relating to a determination of market dominance with regard to rates challenged as unreasonably high.[1]

(a) In order that the Commission may determine whether a rail carrier proposing a rate increase possesses market dominance over the service to be rendered under a proposed rate, there shall be included in the carrier's statement notifying the Commission that it wishes to have the proposed rate considered pursuant to section 15(8)(c) of the Interstate Commerce Act, evidence upon which the Commission may base a determination with regard to market dominance, to the extent available, and including but not limited to the following information:

(1) Descriptions of involved commodities and full seven-digit STCC number(s);

(2) Descriptions of involved points or areas and mileage(s), stated in terms of short line mileage by rail;

[1] As used in this section, the term rates includes fares and charges.

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(3) The variable cost of the service to which the rate applies;

(4) Whether and to what extent the rate in issue has been docketed, discussed, considered, or approved before a rate bureau acting under an agreement filed with and approved by the Commission pursuant to section 5a or 5b of the Interstate Commerce Act; application number(s), date proposal docketed with rate bureau, and final disposition of proposal and date thereof; and the share of the market, or an estimate thereof, presently held by such participating carriers;

(5) Tonnage of the involved traffic transported between the involved points or areas by the proponent carrier and its affiliates during the preceding year, and the rates charged therefor during the same time period;

(6) Names of any known originating for-hire carriers of any mode offering interchangeable service between the involved points or areas, the tonnage transported, and the rates charged therefor during the preceding year;

(7) The extent to which the proponent rail carrier has taken general increases approved by the Commission in the preceding two years.

(8) Any other relevant information.

(b) In all proceedings involving a request for suspension of a proposed rate on the ground that it is unreasonably high there shall be included in the verified complaint seeking suspension of the schedule containing the proposed rate,[a] evidence upon which the Commission may base a determination with regard to market dominance, including the information outlined in paragraphs (a)(1)–(7) of this section, to the extent available and not previously furnished by the rail carrier, and including but not limited to the following information:

(1) Characteristics of the involved traffic or movement affecting the ease or difficulty with which transportation services of other carriers or modes may be substituted for the service to be performed under the rate in issue;

(2) Tonnage of the involved traffic transported between the involved points or areas by any known for-hire carriers, other than those in paragraph (a)(5) of this section, during the preceding year, and the rates charged therefor during the same time period;

(3) Any other relevant information.

(c) Any reply to a verified complaint seeking suspension should contain any information required by § 1109.1(a) and (b), to the extent not previously furnished by complainant. Whether or not a reply to a verified complaint seeking suspension is filed, the proponent rail carrier on or before the due date for filing a reply, must provide the Commission with the information required by § 1109.1(a) to the extent available and not previously submitted by another party.

(d) A formal complaint containing an allegation that an existing rail rate is unreasonably high shall contain verified evidence upon which the Commission may base a determination with regard to market dominance, including, to the extent available, the information outlined in § 1109.1 (a) and (b). The answer to a formal complaint shall be verified and shall contain the information outlined in § 1109.1(a) to the extent not previously furnished. Replies limited to the issues of market dominance raised by any verified answer, may be filed within 10 days of the due date for the filing of such answer.

(e) Upon notification of a proceeding instituted upon the Commission's own initiative to investigate whether an existing or proposed rate is unreasonably high, the interested carrier or carriers shall file, within 20 days from the service date of the order instituting said investigation, a verified statement containing, to the extent available and if not previously furnished by the carrier(s), evidence upon which a market dominance determination may be based, including but not limited to the information outlined in § 1109.1 (a) and (b). Replies, if any, directed to the issue of market dominance, should be filed within 20 days of the due date for the filing of the carrier statement.

(f) In a proceeding involving a determination as to market dominance wherein the evidence adduced establishes that the rate in issue has been discussed, considered or approved under a rate bureau agreement filed with the Commission pursuant to section 5a or 5b of the Interstate Commerce Act, a rebuttable presumption will arise that a carrier participating in the rate or in such discussion or consideration does not provide effective competition to the proponent rail carrier for the involved traffic or movement.

(g) In a proceeding involving a determination as to market dominance wherein the evidence adduced establishes one of the following situations, a rebuttable presumption that the carrier whose rate is in issue has market dominance over the involved traffic or movement will arise:

(1) Where the proponent carrier has handled 70 percent or more of the involved traffic or movement during the preceding year; the market share of the proponent will be deemed to include the share of any affiliates, and of any carrier participating in the rate or with whom the proponent carrier has discussed, considered, or approved the rate in issue;

(2) Where the rate in issue exceeds the variable cost of providing the service by 60 percent or more; and,

(3) Where affected shippers or consignees have made a substantial investment in rail-related equipment or facilities which prevents or makes impractical the use of another carrier or mode.

[FR Doc.76-29518 Filed 10-6-76;8:45 am]

[a] Section 15(8)(d) of the Interstate Commerce Act as amended requires that complainants seeking suspension of a proposed rate be verified. See 49 CFR 1100.42(f).

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period October 15, 1976 through October 16, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with primitive firearms on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with primitive firearms on the Deer Hunting Area is permitted only on October 15 through October 16.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 50.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must possess a valid firearms qualification card. This qualification test will consist of placing three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of firearm used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 16, 1976.

HARRY BISHOP,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 1, 1976.

[FR Doc.76-29402 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period November 12, 1976 through November 17, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions.

(1) Hunting with shotguns on the deer hunting area is permitted only on November 12, 13, 15 and 17, 1976.

(2) A Federal permit is required to hunt on the Deer Hunting Area and may be obtained by applying to the refuge manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present one hour prior to the start of legal shooting time on the date of the reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to standby hunters by lottery one-half hour before the start of legal shooting time. Permits must be surrendered prior to departure from the refuge.

(3) The number of hunters admitted to the open area at one time will be restricted to 50.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must possess a valid firearms qualification card. The qualification test consists of placing three consecutive slugs in a six-inch bullseye at 30 yards from the offhand position.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1976.

HARRY BISHOP,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 1, 1976.

[FR Doc.76-29404 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period October 15, 1976 through January 31, 1977.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer by means of primitive firearms and shotgun on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open deer hunting area, comprising approximately 2,320 acres, is delineated on a map available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Primitive firearm and shotgun hunters must possess a valid firearms qualification card. The test for muzzleloaders will consist of placing three consecutive rounds in a 12-inch bullseye at 50 yards, firing from the offhand position. The test for shotgun hunters will consist of placing three consecutive slugs in a 6-inch bullseye at 30 yards, firing from the offhand position.

(2) Permits are required for all deer hunting. These permits are available free of charge at refuge headquarters.

(3) The number of shotgun hunters admitted to the open area will be restricted to 25 preselected hunters per day.

(4) Permits must be returned to the refuge office by the end of the deer hunting seasons.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HARRY BISHOP,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 1, 1976.

[FR Doc.76-29403 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.; Correction

In FR Doc. 76-25650, appearing on page 37106 of the issue for Thursday, September 2, 1976, §§ 26.34 is in error and should read § 32.22.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota.

SEPTEMBER 23, 1976.

[FR Doc.76-29405 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota; Correction

In FR Doc. 76-27915, appearing on page 41704 of the issue for Thursday, September 23, 1976, § 26.34 is in error and should read § 32.32. Special regulations; big game; for individual wildlife refuge areas.

Subparagraph (1) should read as follows:

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1 through November 14, both dates inclusive. No taking of black bear or bow hunting is permitted on any portion of the Refuge.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota.

SEPTEMBER 30, 1976.

[FR Doc.76-29474 Filed 10-6-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Beef Research and Information Act

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to add delegations of authority to the Assistant Secretary for Marketing and Consumer Services and to the Assistant Secretary for International Affairs and Commodity Programs, to redelegate said functions to the Administrators of the Agricultural Marketing Service, the Agricultural Stabilization and Conservation Service, and the Foreign Agricultural Service, and to make miscellaneous corrections as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and the Director of Agricultural Economics

1. Section 2.17 is amended by adding a new paragraph (a)(3)(xxxi) to read as follows:

§ 2.17 Delegations of Authority to the Assistant Secretary for Marketing and Consumer Services.

* * * * * * *

(a) *Related to agricultural marketing.* * * *

(3) * * *

(xxxi) Beef Research and Information Act (7 U.S.C. 2901–2918), except as delegated to the Assistant Secretary for International Affairs and Commodity Programs in § 2.21(a)(33) and § 2.21(d)(10).

* * * * * * *

2. Section 2.21 is amended by adding a new paragraph (a)(33) and by revising paragraph (d)(10) to read as follows:

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

* * * * * * *

(a) *Related to agricultural stabilization and conservation.* * * *

(33) Conduct producer referendums required under Section 9 of the Beef Research and Information Act (7 U.S.C. 2908).

* * * * * * *

(d) *Related to foreign agriculture.* * * *

(10) Plan and carry out programs and activities under the foreign market promotion authority of the Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101–2118); Section 610 of the Agricultural Act of 1970 (7 U.S.C. 2119); the Potato Research and Promotion Act (7 U.S.C. 2611–2627); the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); the National Wool Act of 1954, as amended (7 U.S.C. 1781–

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1787); and the Beef Research and Information Act (7 U.S.C. 2901–2918). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

• • • • •

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

3. Section 2.50 is amended by renumbering paragraph (a)(3)(xxx) as (a)(3)(xxxi), by adding paragraph (a)(3)(xxx) which was erroneously omitted upon codification and by adding paragraph (a)(3)(xxxii) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) *Delegations* • • •

(3) • • •

(xxx) Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), relating to inspection of eggs and egg products.

(xxxi) Egg Research and Consumer Information Act (7 U.S.C. 2701–2718), except as delegated in § 2.68(a)(10).

(xxxii) Beef Research and Information Act (7 U.S.C. 2901–2918), except as delegated in § 2.65(a)(33) and § 2.68(a)(10).

• • • • •

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

4. Section 2.65 is amended by adding a new paragraph (a)(33) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) Delegations • • •

(33) Conduct producer referendums required under Section 9 of the Beef Research and Information Act (7 U.S.C. 2908).

• • • • •

5. Section 2.68(a)(10) is amended to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) Delegations • • •

(10) Plan and carry out programs and activities under the foreign market promotion authority of the Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101–2118); Section 610 of the Agricultural Act of 1970 (7 U.S.C. 2119); the Potato Research and Promotion Act (7 U.S.C. 2611–2627); the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); the National Wool Act of 1954, as amended, (7 U.S.C. 1781–1787); and the Beef Research and Information Act (7 U.S.C. 2901–2918). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

• • • • •

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Effective date:

For Subpart C:

Dated: September 27, 1976.

EARL L. BUTZ,
Secretary of Agriculture.

For Subpart F:

Dated: September 30, 1976.

JOHN DAMGARD,
Assistant Secretary for Marketing and Consumer Services.

For Subpart H:

Dated: September 27, 1976.

RICHARD E. BELL,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.76-29443 Filed 10-6-76;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegations of Authority Regarding Hearing Clerk

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to revise the reporting procedures of Th. Hearing Clerk from the Judicial Officer to the Chief Administrative Law Judge.

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

1. Section 2.25(a) is amended to authorize the Assistant Secretary for Administration to exercise responsibility with regard to the Hearing Clerk, as follows:

§ 2.25 Delegations of Authority to the Assistant Secretary for Administration.

• • • • •

(a) *Related to administrative law judges.* • • •

(3) Maintain overall responsibility and control over the Hearing Clerk's activities which include the custody of and responsibility for the control, maintenance, and servicing of the original and permanent records of all USDA administrative proceedings conducted under the provisions of Sections 7 and 8 of the Administrative Procedures Act:

(i) Receiving, filing and acknowledging the receipt of complaints, petitions, answers, briefs, arguments, and all other documents that may be submitted to the Secretary or the Department of Agriculture in such proceedings.

(ii) Receiving and filing complaints, notices of inquiry, orders to show cause, notices of hearing, designations of Administrative Law Judges or presiding officers, answers, briefs, arguments, orders, and all other documents that may be promulgated or issued by the Secretary or other duly authorized officials of the Department of Agriculture in such proceedings.

(iii) Supervising the service upon the parties concerned of any documents that are required to be served, and where required, preserving proof of service.

(iv) Keeping a docket record of all such documents and proceedings.

(v) Filing a stenographic record of each administrative hearing.

(vi) Preparing for certification and certifying under the Secretary's facsimile signature, material on file in the Hearing Clerk's office.

(vii) Performing any other clerical duties with respect to the documents relative to such proceedings as may be required to be performed.

(viii) Cooperating with the Office of Operations in the letting of contracts for stenographic and reporting services; and forwarding vouchers to appropriate agencies for payment.

(ix) Receiving and compiling data, views or comments filed in response to notices of proposed standards or rules or regulations.

(x) Performing upon request the following services with respect to any hearings in such proceedings:

(*a*) Arranging for suitable hearing place.

(*b*) Arranging for stenographic reporting of hearings and handling details in connection therewith.

(xi) Preparation of Agricultural Decisions.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

§ 2.32 [Amended]

2. Section 2.32 is amended by deleting paragraph (k).

3. Section 2.35 is amended by revoking and reserving paragraph (b) as follows:

§ 2.35 Delegations of Authority to the Judicial Officer.

• • • • •

(b) [Reserved]

• • • • •

4. Section 2.41 is amended to include delegations to the Chief Administrative Law Judge as follows:

§ 2.41 Designation and Delegations of Authority to the Office of Administrative Law Judges.

The following designations and delegations of authority are made by the Secretary of Agriculture to the Office of Administrative Law Judges:

• • • • •

(b) The Chief Administrative Law Judge is delegated the following administrative responsibilities subject to the guidance and control of the Assistant Secretary for Administration (See 2.25(a)):

(1) Exercise general responsibility and authority for all matters related to the administrative activities of the Office of Administrative Law Judges.

(2) Direct the functions of the Hearing Clerk as set out in § 2.25(a)(3).

Since these amendments involve an organizational realignment within the Office of the Secretary, it is not believed that public comment would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found that notice and public procedure is unnecessary, and good cause is found to make the amendment effective less than 30 days after publication.

Effective date. These amendments shall become effective on October 7, 1976.

Dated: October 1, 1976.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.76-29442 Filed 10-6-76;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES)

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

United States Standards for Grades of Walnuts (Juglans Regia) in the Shell [1]

On page 30026 of the FEDERAL REGISTER of July 21, 1976, there was published a notice of proposed rulemaking to amend these grade standards by lowering the total tolerance for kernel defects in the U.S. No. 2 grade from 20 to 15 percent. Serious damage tolerance would be reduced from 10 to 8 percent.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State Laws and regulations.

Interested persons were given until September 15, 1976, to submit written data, views, or arguments regarding the proposal. No objections have been received and the proposed revised standards are hereby adopted without change and are set forth below.

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 Tolerances for grade defects.

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for nuts which fail to meet the requirements of the respective grades as indicated. Terms in quotation marks refer to color classifications illustrated on the color chart.

Tolerances for grade defects

Grade	External (shell) defects	Internal (kernel) defects	Color of kernel
U.S. No. 1...	10 pct, by count for splits, 5 pct, by count, for other shell defects, including not more than 3 pct seriously damaged.	10-pct total by count, including not more than 6 pct which are damaged by mold or insects or seriously damaged by other means, of which not more than 2½ or 5 pct may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70 pct of "light amber" kernels or the required 40 pct of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.
U.S. No. 2...	10 pct, by count, for splits, 10 pct, by count, for other shell defects, including not more than 5 pct serious damage by adhering hulls.	15 pct total, by count, including not more than 8 pct which are damaged by mold or insects or seriously damaged by other means, of which not more than 5½ or 5 pct may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60 pct or any specified larger percentage of "light amber" kernels, or any specified percentage of "light" kernels.
U.S. No. 3..	Same as above tolerance for U.S. No. 2.	Same as above tolerance for U.S. No. 2.	No tolerance to reduce any percentage of "light amber" or "light" kernel specified.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Dated: October 1, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-29380 Filed 10-6-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 548]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 8–14, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.848 Valencia Orange Regulation 548.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues good. Prices f.o.b. for the week ending September 30, were $3.93 per carton on 765 cars as compared with $3.85 per carton on 819 cars during the prior week. Track and rolling supplies at 463 cars were up 96 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

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section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 5, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 8, 1976, through October 14, 1976, are hereby fixed as follows: (i) District 1: 360,000 cartons; (ii) District 2: 440,000 cartons; (iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: October 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–29794 Filed 10–6–76;12:35 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Effective Administrative and Functioning of Marketing Program

The proposed amendment would revise rules and regulations issued under the order to provide for more effective administration and functioning of the marketing program.

Notice is hereby given that the Department is considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 907.100–907.142) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment of the rules and regulations was proposed by the Navel Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 15, 1976. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would: (1) Simplify the definition of carload and define regular meeting day; (2) delete nonessential reference to the nomination of initial committee members; (3) require that handlers furnish more information relating to the growers' oranges under their control, when applying for a prorate base and allotment; (4) revise the procedure for computing the weekly shipment allocation schedules for the districts; (5) require that handlers furnish additional information relating to oranges shipped in containers other than cartons or bags to enable the committee to accurately determine the amount of oranges shipped; (6) provide a schedule for filing for early maturity and freeze damage allotments when the committee meets on days other than the regular meeting day, and change the method of computing early maturity allotments to afford handlers among districts equal shipping opportunity; (7) tighten the safeguards relating to the issuance of exemptions under § 907.67, and delete reference to "district" in § 907.130; (8) require exporters to furnish additional proof indicating that oranges for export are actually exported, and stipulate that only exporters approved by the committee may export oranges exempt from allotment to Mexico; and (9) require producers who apply for exemption to sell their oranges direct to the consumer, furnish to the committee additional information relating to their marketing plans, and exempt oranges furnished as gifts or for exhibits from regulations.

The proposed amendments are as follows:

1. In § 907.100 *Definitions* revise paragraph (e) and add a new paragraph (h) reading as follows:

§ 907.100 Definitions.

• • • • • •

(e) Pursuant to § 907.17, the quantity of oranges comprising a carload, as such term is therein defined, means a quantity of oranges equivalent to 1,000 cartons of oranges.

• • • • • •

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Los Angeles. Whenever the committee determines that its meeting should be at another place or on a day other than the regular weekly meeting day, it shall advise handlers by notice mailed not less than five days before such meeting.

2. Revise the first two sentences of paragraph (a) in § 907.102 *Nomination procedure* to read as follows:

§ 907.102 Nomination procedure.

(a) The time of nominating grower and handler members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee. The manner of nominating members and alternate members of said committee shall be as follows:

• • • • • •

3. Revise paragraph (a) of § 907.108 *Prorate bases and allotments* to read as follows:

§ 907.108 Prorate bases and allotments.

(a) *Application to be filed.* Each person who has oranges available for current shipment and desires to handle such oranges shall submit to the committee upon request, on N.O.A.C. Form No. 1, an application for a prorate base and allotments. Such application shall contain the information required pursuant to § 907.53(b) and a certification to the U.S. Department of Agriculture and the Navel Orange Administration Committee by the handler that the information in the application is true and that he has control, for all purposes relating to this part, of the oranges described in the application. Such application shall be supported by a list of growers, on N.O.A.C. Form No. 1–A, whose oranges the applicant controls for all purposes relating to the marketing order showing for each listed grower's oranges, the name and address of the grower and the location, acreage, tree count, year in which trees were planted for trees less than eight years in the ground, and estimated yield of each grove or portion thereof as may be designated by the committee.

• • • • • •

4. In § 907.110 *Equity of marketing opportunity* revise paragraphs (c), (d), (e) and subparagraph (2) of paragraph (f) to read as follows:

§ 907.110 Equity of marketing opportunity.

• • • • • •

(c) Following any or all marketing policy meetings for the districts, the committee may review and make equitable modifications, as it deems advisable in the equity factor and weekly shipping schedules.

(d) The committee shall develop a weekly shipment allocation schedule for each district commencing the week that regulation other than early maturity allotment is first recommended for the district and continuing through the remainder of the season. The quantities of oranges shown for each week shall be the cars appearing on the then effective shipping schedule for that week for the district, plus a proportionate amount of the quantities appearing on such weekly shipping schedule during weeks when no regulation or early maturity allotment was in effect for such district. Whenever two or more districts are shown on such weekly shipment allocation schedule, the committee shall combine into a weekly total the quantity of oranges shown thereon for each week and the weekly quantity for a district shall be converted into a percentage of the said weekly total. The percentage shall be known as the percentage allocation to such district.

(e) Insofar as practicable, the committee shall, pursuant to § 907.51(a), base its weekly recomendations for the

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allocation of general maturity allotments and of freeze damage allotments among the prorate districts upon the percentage allocations for the districts provided for in § 907.110(d) of this subpart.

(f) * * *

* * * * *

(2) Adjust the weekly shipment allocation schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipment allocation schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity and freeze damage allotment.

* * * * *

5. Add the following sentence to the end of § 907.112.

§ 907.112 Assignment of allotment certificates.

* * * If the shipment contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates, and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the assignment of allotment certificate.

6. Revise paragraphs (a) and (c) of § 907.113 *Early maturity allotments* to read as follows:

§ 907.113 Early maturity allotments.

(a) *Applications to be filed.* On or before 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day, any handler controlling early maturity oranges who desires to receive allotment therefor for use during the following week must request such allotment from the committee by telephone or telegram, or by an application on N.O.A.C. Form No. 9 delivered to the committee at any of its designated offices. Telephone and telegram requests shall be confirmed either by (1) delivering to the committee not later than the meeting day a duly executed N.O.A.C. Form 9 or (2) by mailing to the committee such N.O.A.C. Form No. 9 postmarked not later than the meeting day. Requests for early maturity allotment, or for changes in requests previously made, shall not be considered by the committee if received subsequent to 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or if received subsequent to the time prescribed by the committee whenever the weekly meeting is held other than on the regular meeting day or is preceded by a holiday. Each application, and each confirmation, on N.O.A.C. Form No. 9 shall indicate the name and address of the applicant, the general location of early maturity oranges for which allotment is desired, the number of cartons of allotment desired, and such other pertinent information as the committee may from time to time request.

* * * * *

(c) Early maturity allotments shall be allocated to handlers on the basis of requests whenever the committee deems it advisable to grant the full amount of such requests. Whenever the committee deems it inadvisable to grant the full amount of early maturity allotments requested by all handlers, the requests of each handler shall be granted in the same proportion as the handler's tree crop is to the tree crop of all requesting handlers without regard to districts, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests in the same proportion as aforesaid, but not in excess of the amount requested. District allotments shall be the sum of allotments allocated to handlers within each district as determined according to the foregoing procedure.

7. Revise paragraph (c) of § 907.117 *Freeze damage allotments* to read as follows:

§ 907.117 Freeze damage allotments.

* * * * *

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing N.O.A.C. Form No. 35 on or before 12 o'clock noon of the day preceding the regular weekly meeting of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day. Such request may be made at any of the offices of the committee. N.O.A.C. Form No. 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed N.O.A.C. Form No. 35 shall be confirmed by delivery to the committee at any of the offices, not later than the meeting day, a properly completed N.O.A.C. Form No. 35 or by mailing a properly completed form to the committee not later than the meeting day.

* * * * * *

8. Revise § 907.130 *Exemptions under § 907.67* to read as follows:

§ 907.130 Exemptions under § 907.67.

The exemptions authorized by § 907.67 apply only to oranges handled by the initial handler direct for the purpose stated. Except as specifically provided in this subpart, any transaction wherein the oranges are handled by a third party, such party is not entitled to exemption thereunder.

9. Revise § 907.132 *Oranges for export to Mexico* to read as follows:

§ 907.132 Export of oranges.

(a) *Oranges exported.* Except for the handling of oranges to an exporter for export to Mexico as provided in this section, any person who packs oranges and forwards such oranges directly to the destination for export, and who shows proof of export by submitting to the committee a copy of a signed dock receipt, a signed car bill of lading or other documents acceptable to the committee covering the shipment of such oranges to export, no later than 48 hours following such shipment, shall be deemed to have exported such oranges within the meaning of § 907.67.

(b) *Handling oranges to an exporter for export to Mexico.* No person shall be eligible for an exemption under § 907.67 for handling oranges to an exporter for export to Mexico unless the exporter is approved as prescribed in paragraph (c) of this section.

(c) *Approved exporter to Mexico.* Any person who desires to become an approved exporter eligible to handle exempt oranges to Mexico shall submit to the committee an application on N.O.A.C. Form No. 36 which shall contain the following information: (1) The name and home address of the applicant; (2) the applicant's business address; (3) the applicant's permit, identification, or border crossing number; (4) the approximate quantity of oranges to be handled each week for export to Mexico; (5) a certification to the United States and to the Navel Orange Administrative Committee that the oranges obtained for export to Mexico will not be placed in the current of commerce in the Continental United States, Canada, or Alaska; and (6) an agreement that the applicant will deposit with the U.S. Customs Inspector at the Mexican border within 36 hours after handling oranges for export to Mexico by purchase or otherwise, a copy of N.O.A.C. Form No. 16, Certificate of Purchase of Oranges For Export to Mexico, or file such certificate with the committee as provided in paragraph (d) of this section; and based upon information provided in the application, the investigation thereof by the committee and its staff, and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed on the approved list of exporters to Mexico. Should the applicant at any time fail to abide by the terms of his agreement with the committee, his name shall be removed from the list of approved exporters to Mexico.

(d) *Mexican export certificate.* With respect to each export shipment of oranges to Mexico, the handler shall obtain from the purchaser at time of delivery of such oranges, a certification on N.O.A.C. Form No. 16 to the United States Department of Agriculture and the Navel Orange Administrative Committee that such oranges are to be exported to Mexico and will not re-enter the Continental United States or be re-

shipped to Canada or Alaska. Such certificate shall state the date of shipment, the quantity of oranges included in such shipment, the truck license number or other identification of the carrier of such oranges, the purchaser's permit, identification, or border crossing number, the name of the packinghouse from which the oranges were purchased, the destination of such oranges, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and the original shall be forwarded by the handler to the committee at the close of each day's business. The duplicate and triplicate copy shall accompany such oranges, and within 36 hours of the time they were purchased, the purchaser shall deposit the duplicate copy with the U.S. Customs Inspector at the Mexican Border, or, in lieu thereof, shall mail the duplicate copy to the committee in an envelope mailed from Mexico.

10. Revise the title of and paragraphs (a) and (c) in § 907.133 *Minimum quantities and types of shipments* to read as follows:

§ 907.133 Other exemptions.

(a) Any producer whose principal occupation is not that of food distribution may apply to the committee on its N.O.A.C. Form No. 18 for an exemption to sell oranges produced by him direct to consumers without regard to volume or size regulation. Such application shall show: (1) The name and address of the producer; (2) the location of the producer's grove, the acreage in such grove, and the estimated production thereon; (3) the estimated quantity of oranges which producer desires to sell to consumers under the exemption; (4) the location at which producer will sell his oranges to consumers, and the name of the facility employed therein, if any; (5) the name of the person or persons who will sell the oranges, and, if the oranges are to be sold by a person other than the applicant, the nature of the selling agreement between such person and the applicant including information as to the extent to which applicant has control over the sale of the oranges; and (6) evidence that his principal occupation is not that of food distribution. The committee shall determine the extent to which the application should be granted on the basis of its evalution of the information provided therein, other available information, and its judgment as to the manner in which granting the application will effect the purposes of the marketing order. In making such determination, the committee shall consider: (i) The extent to which other handlers will be adversely affected in the marketing of their oranges in regular channels, if the exemption is granted; and (ii) the degree of risk that the oranges covered by the exemption will re-enter non-exempted channels of trade, if the exemption is granted. The producer shall be notified in writing of the action taken by the committee on his application. Upon approval of the application, the producer may sell oranges produced by him direct to a consumer without regard to the restrictions of volume or size prescribed pursuant to Order No. 907. This exemption shall not apply to sales of oranges made at a packinghouse.

* * * * *

(c) Any handler who desires to furnish, at his own expense, oranges for gifts, exhibits, or for experimental or research work by a university or other similar research institution, which does not involve the sale of such oranges in fresh fruit channels, may do so without regard to volume and size regulations then in effect. Any such oranges shall be reported to the committee on N.O.A.C. Form No. 4, Report of Weekly Orange Movement, and shall show the quantity of oranges furnished, and the name and address of the university or other research institution.

11. Add the following sentence to the end of § 907.141.

§ 907.141 Manifest reports.

* * * If the shipment was by rail and contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates, and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the manifest report.

Dated: October 4, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29441 Filed 10-6-76;8:45 am]

[7 CFR Part 981]

[Docket No. AO-214-A6]

ALMONDS GROWN IN CALIFORNIA

Hearing on Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Notice is hereby given of a public hearing to be held October 13, 1976, in Room 3410, Federal Building—U.S. Court House, 650 Capitol Mall, Sacramento, California, beginning at 10:00 a.m. (local time) with respect to proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended, regulating the handling of almonds grown in California.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and the order, as amended.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to the proposals.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE INEDIBLE CONTROL COMMITTEE OF THE ALMOND BOARD OF CALIFORNIA

PROPOSAL NO. 1

Revise § 981.42(a) to read as follows:

§ 981.42 Quality control.

(a) *Incoming.* Except as provided in this paragraph, each handler shall cause to be determined, through the inspection agency, and at handler expense, the percent of inedible kernels in each variety received by him, and shall report the determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, shall constitute a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. The Board, with the approval of the Secretary, may change this percentage for any crop year, may authorize additional outlets, may exempt bleaching stock from inedible kernel determination or obligation and may establish rules and regulations necessary and incidental to the administration of this provision, including the method of determining inedible kernel content and satisfaction of the disposition obligation. The Board for good cause may waive portions of obligations for those handlers not generating inedible material from such source as blanching or manufacturing.

* * * * *

PROPOSAL 2

Further clarify rule making authority provided for in § 981.42(a).

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service.

PROPOSAL 3

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 255507, Sacramento, CA 95825, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 1, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-29440 Filed 10-6-76;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Proposed Exclusions From Countable Income of State Payments Under Pub. L. 94–202

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Subpart K, Income and Exclusions, which have been in process since February 1976 and do not have major program significance, concern the treatment as exclusions from countable income of certain State payments under sec. 9 of P.L. 94–202. Interested parties are given 45 days from the date of publication of this notice in which to submit any data, views or arguments to the Social Security Administration, Department of Health, Education, and Welfare.

Sec. 9 of Public Law 94–202 amends sec. 1612(b)(2) of the Social Security Act (42 U.S.C. 1382a(b)(2)) by providing an additional exclusion in determining countable income for individuals claiming benefits under the supplemental security income program. The amending legislation and the proposed regulations provide for the exclusion from income but not resources of monthly (or other periodic) payments received by any individual, under a program established prior to July 1, 1973, if such payments are made by the State and if eligibility of any individual for such payments is not based on need and is based solely on attainment of age 65 and duration of residence in such State and not on need. The regulations also provide that these payments will not be considered income for the purpose of deeming under §§ 416.1185 and 416.1190.

Currently, only the State of Alaska makes payments of this nature under a program established prior to July 1, 1973, which are commonly referred to as the Alaska Longevity Bonus Payments.

An exclusion from income and resources of the Alaska Longevity Bonus Payments under a three-year demonstration project was granted under the authority of sec. 1115(a) of the Social Security Act, effective January 1973, the first month of the bonus payment. On effectuation of the Supplemental Security Income program in January 1974, a new waiver of certain provisions under title XVI of the Social Security Act (and related regulations) became necessary. This was granted in May 1974 under the authority of sec. 11 of Public Law 93–233, and was given retroactive effect to January 1, 1974. As this waiver was terminable on December 31, 1975, it was renewed for a period of six months, expiring June 30, 1976, to provide time to capture data that had been lost on account of the delay in approving the renewal of the original waiver. The waiver provides for exclusion of income and resources (if payments are retained into a subsequent quarter) and remains in effect through June 30, 1976, unless terminated sooner.

The effective date for this proposed regulation is January 2, 1976, the effective date of section 9 of P.L. 94–202.

In keeping with the spirit and intent of the Secretary's regulation development policies announced on July 25, 1976, publication of this notice will provide ample and adequate notice to all interested individuals and organizations.

If there are any questions concerning these regulations, you may contact Henry D. Lerner, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone—(301) 594–7336. Mr. Lerner will respond to questions but will not accept comments on these regulations.

Prior to final adoption of these proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before November 8, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 1102, 1612, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1468 and 1475; 42 U.S.C. 1302, 1382a and 1383; sec. 9 of P.L. 94–202, 89 stat. 1140)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

It is hereby certified that these proposals have been screened pursuant to Executive Order No. 11821, and do not require an Inflation Impact Evaluation.

Dated: August 26, 1976.

THOMAS C. PARROTT,
Acting Commissioner of Social Security.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1145 is amended by adding paragraph (b)(5–a) to read as follows:

§ 416.1145 Exclusions from income; order of application.

• • • • • •

(b) • • •

• • • • • •

(5–a) Periodic payments made by a State to any individual under a program where such payments are based solely on attainment of age 65 and duration of residence in such State and not on need (§ 416.1158).

• • • • • •

2. Section 416.1158 is added to read as follows:

§ 416.1158 State payments based on age and residence.

Monthly (or other periodic) payments received by any individual under a program established prior to July 1, 1973, shall not be considered in determining countable income under § 416.1115 or in determining income to be deemed under §§ 416.1185 and 416.1190 if: (a) Such payments are made by the State of which the individual receiving such payments is a resident, and (b) eligibility of any individual for such payments is not based on need and is based solely on attainment of age 65 and duration of residence in such State by such individual.

[FR Doc.76–29481 Filed 10–6–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76–CE–2–AD]

BEECH MODELS 99, 99A, A99A, B99, 100, A100 & 200 SERIES AIRPLANES

Proposed Airworthiness Directive; Withdrawal

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech Models 99, 99A, A99A, B99, 100, A100 and 200 series airplanes, was published in the FEDERAL REGISTER on January 27, 1976 (41 FR 3878). The proposed AD would have required initial and repetitive inspections of the landing gear motor controller on these aircraft.

Subsequent to the issuance of this proposal the FAA has been advised of endurance testing accomplished by the motor controller manufacturer which establishes that this part should operate satisfactorily on the affected airplanes. These testing results coupled with in-service performance records leads the FAA to conclude that the one failure which prompted the notice of proposed rulemaking was an isolated case. Accordingly, based on the foregoing the agency has determined that the proposed AD is not required at this time.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from taking future rule making action regarding this matter, or commit the agency to any future course of action.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), the proposed AD published in the FEDERAL REGISTER January 27, 1976 (41 FR 3878), is hereby withdrawn.

Issued in Kansas City, Mo., on September 24, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76–29134 Filed 10–6–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–EA–64]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Manahawkin, N.J., transition area.

A new VOR instrument approach procedure developed for Manahawkin Airport, Manahawkin, N.J., requires designation of a transition area to provide controlled airspace for IFR arrivals and departures at that airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 8, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures, Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Manahawkin, N.J., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Manahawkin, New Jersey Transition Area as follows:

MANAHAWKIN, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 39°42'00" N., 74°16'36" W. of Manahawkin Airport, Manahawkin, N.J.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on September 21, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76–29139 Filed 10–6–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–WE–26]

TEMPORARY CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new temporary control zone at Anaheim, California.

To provide controlled airspace for the handling of large numbers of helicopters participating in a convention at Disneyland, a part-time temporary control zone is proposed for the Disneyland Heliport, Anaheim, California. The control zone would be effective during the time period of February 3 through 12, 1977. A temporary tower will be in operation during the convention and will be staffed during peak operational hours.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before November 8, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (41 FR 355) the following temporary control zone is added:

ANAHEIM, CALIFORNIA (DISNEYLAND HELIPORT)

Within a 3-mile radius of Disneyland Heliport (latitude 33°48'40" North, longitude 117°55'30" West), excluding that airspace within the Fullerton and Long Beach, California airport control zones. This control zone is effective during the time period of February 3, 1977 through February 12, 1977.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on September 24, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76–29140 Filed 10–6–76;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 76–WA–13]

RESTRICTED AREA AND FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would reduce the airway width and realign a portion of V–2 Hawaii and V–21 Hawaii and reduce Restricted Area R–3104 A/B/C, Island of Kahoolawe, Hawaii.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before November 22, 1976, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–320, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendments would: (1) Align V–2 Hawaii and V–21 Hawaii via the Lanai, Hawaii, 095° M (106° T) radial in lieu of the Lanai, Hawaii, 096° M (107° T) radial. This proposed action would increase the minimum enroute altitude from 10,000 feet MSL to 12,000 feet MSL; (2) Reduce the segment of V–2 Hawaii and V–21 Hawaii between the 22 NM fix on the south side of the Lanai, Hawaii, 095° M (106° T) radial and the 28NM fix from a standard width of 4 nautical miles to an authorized nonstandard width of 3 nautical miles; (3) Redefine the northern boundary of Restricted Area R–3104 A/B/C via the Kahoolawe shore line. This proposed action

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would allow simultaneous use of both areas by providing sufficient distance between V–2/21 Hawaii and Restricted Area R–3104 A/B/C.

The proximity of the two areas is cited in a petition for rule making filed by Mayor Elmer F. Carvalho, for revocation of Restricted Area R–3104, Kahoolawe, Hawaii, as one of the reasons for his petition. That petition is still under review. The actions proposed herein will not prejudice, or in any way affect the FAA's review of, or response to, that petition.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 29, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–29141 Filed 10–6–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20936; FCC 76–899]

SSB EQUIPPED VESSELS OPERATING SOLELY IN ALASKA WATERS

Proposed Exemption From Mandatory VHF Capabilities

Adopted: September 28, 1976.

Released: October 6, 1976.

1. Notice of Proposed Rule Making in the above-entitled matter is hereby given.

2. It has been brought to the attention of the Commission that the VHF coverage by public coast and U.S. Coast Guard stations along the more than 33,000 miles of Alaska coastline is extremely sparse. A study by the Commission's staff of the Alaska VHF coverage verifies this information and indicates that only a small per cent of the Alaska coastline is adequately covered by these classes of stations.

3. In its Report and Order in Docket 18307, the Commission required that all single sideband (SSB) equipped vessels have the capability to operate on the VHF frequencies by January 1, 1977. It was anticipated that by this time, there would practically be total coverage on all U.S. waterways and coastlines, and that mandatory VHF capability would greatly enhance marine communications and safety. While this type of VHF coverage has in fact occurred in the contiguous 48 states, the installation of VHF land stations in Alaska has been slow in developing and as a result such coverage is sparse at best. The terrain in Alaska makes the installation of complete VHF coverage very difficult.

4. Since Alaska boat users are faced with a January 1, 1977, date for VHF, and the benefits to be derived are extremely limited due to the sparse VHF land station coverage, it is proposed to extend the mandatory VHF capability date to January 1, 1982, for all Alaska registered vessels which operate solely in Alaska waters. It is anticipated that this five year period will see the establishment of additional public coast and U.S. Coast Guard stations.

5. The proposed amendment, as set forth below is issued pursuant to the authority contained in Sections 4(i) and 303 (b), (e), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in Section 1.415 of the rules, interested persons may file comments on or before October 15, 1976, and reply comments on or before October 26, 1976. Section 1.419 of the rules requires the original and 11 copies of comments or reply comments to be filed. Comments and reply comments received in response to this Notice of Proposed Rule Making will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 83.351(c)(3)(i) is amended to read as follows and the note deleted.

§ 83.351 Frequencies available.

* * * * * * *

(c) * * *

(3) * * *

(i) The ship station is equipped for use of F3 emissions on frequencies in the band 156–162 MHz, except for vessels bearing Alaska registration or documented vessels with a home port in Alaska and operating solely in waters off Alaska until January 1, 1982.

* * * * * * *

[FR Doc.76–29459 Filed 10–6–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 626–7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Emergency Level, Photochemical Oxidants

On May 31, 1972 (37 FR 10842), the Administrator approved the Alabama plan to attain and maintain the national ambient air quality standards in that State. The original Alabama implementation plan provided for the prevention of air pollution emergency episodes in accordance with the provisions of Appendix L of 40 CFR Part 51. On August 20, 1975 (40 FR 36330), the Administrator revised 40 CFR Part 51 by changing the emergency level for photochemical oxidants from 1200 micrograms/m³ to 1000 micrograms/m³, one-hour average.

The Alabama Air Pollution Control Commission on March 30, 1976, amended its regulation to reflect this change, and the amendment was submitted to EPA on April 23, 1976. Copies of the information submitted by the State are available for public inspection during normal business hours at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, Atlanta, Georgia 30309.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

Public Information Reference Unit, Library Systems Branch, PM 213, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Interested persons are encouraged to participate in this rulemaking by submitting written comments on the proposed Alabama plan revision on or before November 8, 1976. After relevant comments have been weighed, along with other available information, the Administrator will act on the proposal.

Dated: September 29, 1976.

JOHN A. LITTLE,
Deputy Regional Administrator.

[FR Doc.76–29387 Filed 10–6–76;8:45 am]

[40 CFR Part 408]

[FRL 626–6]

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Steamed and Canned Oyster Processing

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR Part 408, Canned and Preserved Seafood Processing Point Source Category; Subpart AA—Steamed and Canned Oyster Processing Subcategory, § 408.273 as set forth below.

40 CFR Part 408 was promulgated on December 1, 1975, (40 FR 55770) pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(b) and (c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et. seq.; Pub. L. 92–500.

The American Shrimp Canners Association and the National Canners Association contend that the Agency did not fully evaluate the effect of the 1983 regulations for the steamed and canned (mechanically shucked) oyster processing subcategory (Subpart AA) on those multiproduct shrimp canning processing facilities which also mechanically shuck oysters. The 1983 effluent limitations are based on dissolved air flotation treatment systems for shrimp processing effluents and aerated lagoons for mechanized oyster shucking effluents. The industry maintains that the facilities which install air flotation systems to meet the 1983 shrimp processing effluent limitations will suffer an undue economic burden if aerated lagoons also must be installed to meet the 1983 effluent limitations for steamed and canned oyster processing.

The Agency assessed the economic impact of the 1983 regulations for the steamed and canned oyster processing subcategory for those plants which are primarily engaged in oyster processing. The analysis did not specifically evaluate the effects of the regulation for mechanized oyster processing on those shrimp processing facilities which also process oysters as a secondary product during the off season for shrimp.

In order to mitigate the potential adverse economic impact, the proposed amendment modifies the applicability of the 1983 steamed and canned oyster processing limitations so that any shrimp processing facility which utilizes an air flotation treatment system to meet the 1983 shrimp processing effluent limitations shall be exempt from the 1983 steamed and canned oyster processing limitations. Effluent limitations for such facilites are to be determined on a case-by-case basis.

The economic impact for the steamed and canned oyster processing subcategory was presented with the promulgation of the regulations on December 1, 1975. The "Economic Analysis of Effluent Guidelines—Seafood Processing Industry: Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone" (October, 1975; NTIS PB# 247–307/AS), contains the complete results of the study and is available at a cost of $7.50 from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. However, the multiproduct shrimp and oyster processing plants were not included in the Economic Impact Analysis for the promulgated regulations. Therefore, the proposed exemption does not affect the previously estimated cost of achieving the effluent limitations. Consequently, the economic impact is the same as previously estimated.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

Comments on all aspects of the proposed amendment are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying. All comments received on or before November 8, 1976, will be considered.

RUSSELL E. TRAIN,
Administrator.

Dated: September 30, 1976.

Subpart AA—Steamed and Canned Oyster Processing Subcategory

Subpart AA is proposed to be amended by adding an additional phrase to the first sentence of § 408.273, as follows: * * * Except for those steamed and canned oyster processing facilities which utilize air flotation treatment systems to meet the shrimp processing effluent limitations guidelines under §§ 408.113, 408.123, or § 408.133 and for which effluent limitations should be derived on a case-by-case basis, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

* * * * * *

[FR Doc.76–29386 Filed 10–6–76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE EIGHTH NATIONAL BANK REGION

Meeting

A Regional Advisory Committee Meeting for the Eighth National Bank Region will be held October 29, 1976 at the Royal Orleans Hotel, New Orleans, Louisiana. The meeting will begin at 9:00 a.m. and adjourn at 2:00 p.m. It will be open to the public and interested members of the public will be admitted on a first come basis.

Topics to be discussed will include the implementation of the new examination procedures, CBCTs, consumer protection and other items of interest in the Region.

Persons or groups planning to make statements please submit three copies to Mr. John Shaffer, Regional Administrator of National Banks, Eighth National Bank Region, 165 Madison Avenue, Memphis, Tennessee 38103, prior to October 20, 1976.

Dated: September 30, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-29452 Filed 10-6-76;8:45 am]

Customs Service

CERTAIN FISH FROM CANADA

Prelimiary Countervailing Duty Determination

On July 27, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 31240). The notice indicated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Government of Canada upon the manufacture, production, or exportation of certain fish from Canada constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Fish imports covered by this investigation are classifiable under items 110.3560, 110.3565, and 110.5545, Tariff Schedules of the United States (TSUS).

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by Canadian exporters of certain fish which may constitute bounties or grants within the meaning of the Act. These benefits include payments to fishermen and processors for catches and production of first quality fish and fish products under the Groundfish Temporary Assistance Program. A program for financial assistance toward the construction of certain fishing vessels built and registered in Canada has been preliminary determined not to constitute a bounty or grant within the meaning of § 303 based on the information presently available. It is noted that payments to fishermen and processors are not made on unprocessed fish which are exported and on fresh fillets which are exported. A final decision in this case is required on or before April 1, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, DC 20229, in time to be received by his office not later than November 8, 1976.

This preliminary determination is published pursuant to § 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303 (a)).

OCTOBER 1, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved.
PETER O. SUCHMAN,
Acting Assistant Secretary.

[FR Doc.76-29429 Filed 10-6-76;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 4]

DRAKE INSURANCE CO. OF NEW YORK

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $461,000 has been established for the company.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE, AND STATE IN WHICH INCORPORATED

DRAKE INSURANCE COMPANY OF NEW YORK
NEW YORK, NEW YORK
NEW YORK

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remains qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 28, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-29438 Filed 10-6-76;8:45 am]

Internal Revenue Service

PRIVACY ACT OF 1974

Proposed Establishment of a New System of Records

Correction

In FR Doc. 76-27992 appearing at page 42680 in the FEDERAL REGISTER of Tuesday, September 28, 1976 the following correction should be made:

On page 42680, in the middle column, fourth paragraph, the eighth and ninth lines should read "ington, D.C. on or before October 28, 1976. All written comments".

Office of the Secretary

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Antidumping; Extension of Investigatory Period

On March 16, 1976, information was received in proper form that metal-walled above-ground swimming pools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of an industry in the United States.

Notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within 6 months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)), will, therefore be made within no more than 8 months.

The reasons and basis for the above conclusion are as follows:

The need for the collection of additional data and the verification of supplemental submissions, along with the need for analysis of all submissions and the need for resolution of technical issues that have arisen in connection therewith, makes it inadvisable to take tentative action at this time.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

JERRY THOMAS,
Under Secretary of the Treasury.

OCTOBER 1, 1976.

[FR Doc.76-29417 Filed 10-6-76;8:45 am]

PARTS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA

Antidumping Proceeding Notice

On September 3, 1976, information was received in acceptable form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel for Blaw-Knox Construction Equipment, Inc., Mattoon, Ill., a domestic manufacturer of construction equipment, and the Colwell Equipment Co., Inc., Canton, Mich., a distributor of Blaw-Knox' products, indicating that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. This evidence indicates substantial margins of underselling by the subject imports from Canada, the extent of which underselling is made possible by the alleged sales at less than fair value. That underselling has apparently contributed to declining sales and market share which the petitioners have suffered in recent years. In addition, by reason of the alleged less than fair value sales, Blaw-Knox may have experienced a declining return on investment, increased excess plant capacity and increased unemployment.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold or offered for sale, for exportation to the United States are, or are likely to be, less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury.

OCTOBER 1, 1976.

[FR Doc.76-29430 Filed 10-6-76;8:45 am]

DEPARTMENT OF DEFENSE

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 4, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Aeronomy will hold a meeting on November 17, 1976 from 8:00 a.m. to 5:00 p.m. at the Space and Missile Systems Organization, Los Angeles, California.

The Committee will conduct informal classified discussions and working sessions on Aeronomy.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,
Directorate of Administration.

[FR Doc.76-29451 Filed 10-6-76;8:45 am]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 4, 1976.

The USAF Scientific Advisory Board Science and Technology Advisory Group Standing Committee on Research, Air Force Systems Command, will hold a meeting on October 27, 1976 from 8:00 a.m. to 4:45 p.m. and on October 28, 1976 from 8:00 a.m. to 3:30 p.m. at the Air Force Weapons Laboratory, Kirtland Air Force Base, New Mexico, in Building 497.

The Group will receive classified briefings and participate in classified discussions relating to selected Air Force Weapons Laboratory Programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,
Directorate of Administration.

[FR Doc.76-29449 Filed 10-6-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 4, 1976.

The USAF Scientific Advisory Board Guidance and Control Panel will hold a meeting on November 11, 1976 from 9:00 a.m. to 5:00 p.m. at Wright-Patterson Air Force Base, Ohio.

The Panel will receive classified briefings from the Air Force on the aspects of Inertial-Global Positioning System Integration. The Panel will meet in Executive Session to discuss future efforts/tasks.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,
Directorate of Administration.

[FR Doc.76-29450 Filed 10-6-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Land Management Bureau

[N-13249]

BEN PARKER CO.

Nevada

Airport Lease Application

SEPTEMBER 29, 1976.

1. Notice is hereby givent that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Ben Parker Co. has applied for an airport lease for the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 20 E.,
Sec. 1, E½ of lots 1 and 2 of NW¼NE¼;
T. 16 N., R. 20 E.,
Sec. 36, SE¼SW¼, SE¼SE¼;
T. 15 N., R. 21 E.,
Sec. 6, W½ of lots 1 and 2 of NW¼;
T. 16 N., R. 21 E.,
Sec. 31, lots 3 and 4.

2. The purpose of this notice is to inform the public that the filing of this application segregates the described lands from all other forms of appropriation under the public land laws.

3. Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, 801 North Plaza, Carson City, Nevada 89701.

CHARLES E. HANCOCK,
Acting Chief, Division of Technical Services.

[FR Doc.76-29462 Filed 10-6-76;8:45 am]

[23293]

COLORADO

Notice of Pipeline Application

Western Slope Gas Co.

SEPTEMBER 29, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., PO Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 12-inch natural gas pipeline and other related facilities in the following townships:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 S., R. 75 W.,
Secs. 19 and 20.
T. 1 S., R. 76 W.,
Secs. 19 through 24.
T. 1 S., R. 77 W.,
Secs. 18 through 24, 26, 27, 28.
T. 1 S., R. 76 W.,
Secs. 10 through 13, 15 through 18, 20, 28, 29, 33 and 34.
T. 2 S., R. 78 W.,
Secs. 3, 10, 11, 14, 23, 26, 34 and 35.
T. 3 S., R. 78 W.,

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Secs. 3, 4, 9, 16, 21, 27, 28, 34 and 35.
T. 4 S., R. 78 W.,
Secs. 2, 11, 14, 15, 23, 26 and 35.
T. 5 S., R. 78 W.,
Secs. 1, 2, 11, 12, 14, 22, 23 and 27.
T. 1 S., R. 79 W.,
Secs. 6, 7, 8, 9, 13, 14, 15 and 16.
T. 1 N., R. 79 W.,
Sec. 31.
T. 1 N., R. 80 W.,
Secs. 19, 20, 27, 28, 29, 34, 35 and 36.
T. 1 N., R. 81 W.,
Secs. 3, 4, 10, 11, 13, 14 and 24.
T. 1½ N., R. 81 W.,
Sec. 32.
T. 2 N., R. 81 W.,
Secs. 31 and 32.
T. 1 N., R. 82 W.,
Secs. 1, 2, 9, 10, 11, 16, 17 and 18.
T. 2 N., R. 82 W.,
Sec. 36.
T. 1 N., R. 83 W.,
Secs. 2 through 6, 11, 12, and 13.
T. 1 N., R. 84 W.,
Secs. 1, 4, 5, 6, 9, 10, 11 and 12.
T. 2 N., R. 84 W.,
Sec. 31.
T. 2 N., R. 85 W.,
Secs. 5, 6, 8, 9, 16, 21, 22, 26, 27, 35 and 36.
T. 3 N., R. 86 W.,
Secs. 17, 18, 20, 21, 22, 25, 26, 27 and 36.
T. 3 N., R. 85 W.,
Sec. 31.
T. 3 N., R. 87 W.,
Secs. 2, 3, 11, 12 and 13.
T. 4 N., R. 87 W.,
Secs. 31, 32, 33 and 34.
T. 4 N., R. 88 W.,
Secs. 28, 29, 31 through 36.
T. 4 N., R. 89 W.,
Secs. 31 through 36.
T. 3 N., R. 90 W.,
Secs. 2 through 6.
T. 4 N., R. 90 W.,
Secs. 31, 35 and 36.
T. 3 N., R. 91 W.,
Secs. 1, 2, 3, 5, 6, 7 and 8.
T. 4 N., R. 91 W.,
Secs. 31, 35 and 36.
T. 3 N., R. 92 W.,
Secs. 12, 13, 23, 24, 26, 27, 33 and 34.
T. 2 N., R. 92 W.,
Secs. 4, 5, 8, 17, 18 and 19.
T. 2 N., R. 93 W.,
Secs. 13, 14, 19 through 24.
T. 2 N., R. 94 W.,
Secs. 23, 24, 26, 27 and 34.
T. 1 N., R. 94 W.,
Secs. 3, 4, 5, 6 and 7.
T. 1 N., R. 95 W.,
Secs. 12 through 15, 21, 22, 28, 31, 32 and 33.
T. 1 S., R. 95 W.,
Sec. 6
T. 1 S., R. 96 W.,
Secs. 1, 2, 3, 10, 15, 21, 22, 28, 32 and 33.
T. 2 S., R. 96 W.,
Secs. 5, 7 and 8.
T. 2 S., R. 97 W.,
Secs. 12 through 16, 19, 20 and 21.
T. 2 S., R. 98 W.,
Secs. 23, 24, 26, 27, 28, 32 and 33.

The pipeline will convey natural gas from a point near the town of Rio Blanco, Colorado to a point near Fraser, Colorado. Its purpose is in meeting present and future needs of current users.

Public meetings regarding this proposed line will be held at times and locations to be anounced in the near future.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of an Environmental Analysis Report (EAR) pursuant to the National Environmental Policy Act of 1969 for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, on or before November 8, 1976.

MERRILL G. ANDERSON,
Acting Chief, Branch of Land Operations.

[FR Doc.76-29400 Filed 10-6-76; 8:45 am]

[NM 28941]

EL PASO NATURAL GAS CO.

New Mexico

Notice of Application

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 24 E.,
Sec. 34, SE¼;
Sec. 35, SW¼SW¼.

This pipeline will convey natural gas across .720 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Measurement, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29467 Filed 10-6-76;8:45 am]

[NM 28942]

EL PASO NATURAL GAS CO.

New Mexico

Notice of Application

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 12 W.,
Sec. 36, W½SE¼.

This pipeline will convey natural gas across .382 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29469 Filed 10-6-76;8:45 am]

[NM 28943]

EL PASO NATURAL GAS CO.

New Mexico

Notice of Application

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 2 W.,
Sec. 21, W½SE¼.

This pipeline will convey natural gas across .254 of a mile of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29468 Filed 10-6-76;8:45 am]

[NM 28944]

EL PASO NATURAL GAS CO.

New Mexico

Notice of Application

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 9, SE¼SW¼.

This pipeline will convey natural gas across .153 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29465 Filed 10-6-76;8:45 am]

[Wyoming 56763]

Federal-American Partners of Riverton

WYOMING

Notice of Application

SEPTEMBER 28, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Federal-American Partners of Riverton, Wyoming, filed an application for a right-of-way to construct a 3 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 89 W.,
Sec. 3, lot 1, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 9, SE¼SE¼;
Sec. 10, W½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 21, E½NE¼, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 28, E½W½ and SW¼SW¼;
Sec. 32, S½NE¼;
Sec. 33, W½NW¼.
T. 34 N., R. 89 W.,
Sec. 34, E½SE¼.

The pipeline will transport natural gas from a point in sec. 34, T. 34 N., R. 89 W., Natrona County to points in secs. 32 and 33, T. 33 N., R. 89 W., Fremont County, for use in mining and maintenance of operations of Federal-American Partners and Western Nuclear Incorporated who are engaged in the production of uranium oxide to be used in generation of electrical power for residential and commercial use.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, PO Box 2834, Casper, Wyoming 82601, or District Manager, Bureau of Land Management, 1300 Third Street, PO Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29399 Filed 10-6-76;8:45 am]

[NM 28947]

NATURAL GAS PIPELINE CO. OF AMERICA

New Mexico

Notice of Application

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. of America has applied for three 4-inch natural gas pipelines and a meter site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 24 E.,
Sec. 1, E½SE¼.
T. 20 S., R. 25 E.,
Sec. 6, lot 3 and SE¼SW¼.
T. 20 S., R. 26 E.,
Sec. 10, E½SW¼ and SW¼SW¼;
Sec. 15, W½NW¼.
T. 21 S., R. 27 E.,
Sec. 21, E½NE¼, SW¼NE¼ and SE¼NW¼;
Sec. 22, N½NW¼.

These pipelines will convey natural gas across 2.59 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.76-29466 Filed 10-6-76;8:45 am]

[Wyoming 55737]

WYOMING

Northern Gas Co.

Notice of Application

SEPTEMBER 28, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Co. filed an amended application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 90 W.,
Sec. 18, lot 4;
Sec. 19, lots 3, 4.
T. 26 N., R. 91 W.,
Sec. 13, E½E½;
Sec. 24, NE¼NE¼.

The pipeline will transport natural gas from wells in the Bull Springs Field to an existing pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, PO Box 670, 1300 Third Street, Rawlins, Wyoming.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29401 Filed 10-6-76;8:45 am]

[NM 28956 and 28962]

New Mexico

NORTHWEST PIPELINE CORP.

Notice of Applications

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼.
T. 32 N., R. 8 W.,
Sec. 23, NE¼SE¼;
Sec. 24, W½SW¼;
Sec. 25, W½NE¼, N½NW¼ and SE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 22, lots 3 and 4.

These pipelines will convey natural gas across 1.555 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29464 Filed 10-6-76;8:45 am]

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[Wyoming 56834]

WYOMING

Phillips Petroleum Co. of Denver

Notice of Application

SEPTEMBER 28, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Phillips Petroleum Co. of Denver Colorado filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPLE MERIDIAN, WYOMING

T. 49 N., R. 76 W.,
Sec. 8, N½SW¼;
Sec. 9, NE¼NE¼ and SW¼NW¼;
Sec. 10, NW¼NE¼ and N½NW¼.

The pipeline will transport natural gas from a point in the N½S½ of section 36, T. 46 N., R. 77 W., Johnson County, Wyoming to a point in the NE¼SE¼ of section 5, T. 44 N., R. 73 W., Campbell County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their views should do so promptly. Pre- to the District Manager, Bureau of Land Management, 100 East "B" Street, PO Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-29396 Filed 10-6-76;8:45 am]

[N-13238]

SANDY VALLEY LAND CO.

Nevada

Airport Lease Application

SEPTEMBER 29, 1976.

1. Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Sandy Valley Land Co. has applied for an airport lease for the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

A strip of land lying within:
T. 25 S., R. 56 E.,
Sec. 1, lot 5;
T. 25 S., R. 57 E.,
Sec. 6, lots 5, 6, 7, 8 and 9;
Sec. 7, lots 1, 2 and 3;
Sec. 8, lot 1.

2. The purpose of this notice is to inform the public that the filing of this application segregates the described lands from all other forms of appropriation under the public land laws.

3. Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, 4765 Vegas Drive, Las Vegas, Nevada 89108.

CHARLES E. HANCOCK,
Acting Chief, Division of Technical Services.

[FR Doc.76-29463 Filed 10-6-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-318]

ARKANSAS ENTERPRISES

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Arkansas Enterprises has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The coal seam is 36 to 48 inches in height.

2. The seam has a rolling bottom and uses half headers and roof bolts to support the roof.

3. The equipment operator is in a cramped position if canopies are installed.

4. Installation of canopies creates a hazard and is unsafe.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 30, 1976.

[FR Doc.76-29406 Filed 10-6-76;8:45 am]

[Docket No. M 76-284]

FRED BANKS COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Fred Banks Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one Paul's roof bolting machine which is 26 inches in height and one Elkhorn scoop which is 28 inches in height.

3. The No. 1 Mine is in the No. 7 seam which ranges from 34 to 47 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The Kentucky Department of Mines and Minerals has advised Petitioner not to use canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 29, 1976.

[FR Doc.76-29407 Filed 10-6-76;8:45 am]

[Docket No. M 76-294]

HELLIER FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Hellier Fuel Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one Paul's roof bolting machine which is 26 inches in height and one Elkhorn scoop which is 28 inches in height.

3. The No. 1 Mine is in the No. 7 seam which ranges from 34 to 47 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The Kentucky Department of Mines and Minerals has advised Petitioner not to use canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 29, 1976.

[FR Doc.76-29408 Filed 10-6-76;8:45 am]

[Docket No. M 76-252]

LOGAN LUCAS COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Logan Lucas Coal Corp., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Mescher tractors, one Kersey tractor, two Acme roof bolting machines, and Long-Airdox loading machine, and one 12 BU Joy loading machine.

3. The No. 5 Mine is in the No. 3 Elkhorn seam which ranges from 34 to 72 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch ver-

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tical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 29, 1976.

[FR Doc.76-29409 Filed 10-6-76;8:45 am]

[Docket No. M 76-324]

WRIGHT COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Wright Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1 and 2 Mines, both located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the equipment in its mines would create a hazard to the equipment operators.

2. This petition is in reference to canopies on haulage equipment, a mining machine, and a roof bolting machine at the No. 1 Mine and to identical equipment at the No. 2 Mine.

3. The No. 1 Mine is in the Lower Elkhorn seam which ranges from 37 to 44 inches in height. The No. 2 Mine is also in the Lower Elkhorn seam and ranges from 37 to 45 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mines.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 30, 1976.

[FR Doc.76-29410 Filed 10-6-76;8:45 am]

Office of the Secretary

COMMITTEE ON FUTURE ENERGY PROSPECTS NATIONAL PETROLEUM COUNCIL

Meeting

Notice is hereby given for the following meeting:

The National Petroleum Council's Committee on Future Energy Prospects will meet on October 26, 1976, at 10:00 a.m., in the Arlington Room of the Madison Hotel, 15th and M Streets, N.W., Washington, D.C.

The agenda includes the following items for review and discussion:

1. Progress of development of assigned analytical papers.

2. Timetable for completion of assigned analytical papers.

3. Any other matters pertinent to the overall assignment of the Committee on Future Energy Prospects.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343-6226).

Dated: October 1, 1976.

ROBERT L. PRESLEY,
Staff Assistant-Emergency Preparedness Office of the Assistant Secretary-Energy and Minerals.

[FR Doc.76-29475 Filed 10-6-76;8:45 am]

Assistant Secretary—Energy and Minerals

INDUSTRY ADVISORY COMMITTEE TO THE DEFENSE ELECTRIC POWER ADMINISTRATION

Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Industry Advisory Committee to the Defense Electric Power Administration will be held between 8:30 am and 12 noon, on Wednesday, November 10, 1976, in Room 5160, U.S. Department of the Interior, 18th & C Streets, NW., Washington, D.C.

The Committee was established by the Secretary of the Interior to advise and assist the Secretary and the Administrator of the Defense Electric Power Administration in planning for continuing supplies of power during attack emergencies as well as major natural disasters and other peacetime catastrophies.

Frank H. King (Chairman), Holyoke, Massachusetts
W. Reid Thompson (Vice-Chairman), Washington, D.C.
T. Louis Austin, Jr., Dallas, Texas
John F. Bonner, San Francisco, California
Albert Carlsen, Boise, Idaho
David M. Heskett, Bismarck, North Dakota
Donald P. Hodel, Portland, Oregon
E. Allan Hunter, Salt Lake City, Utah
Donald C. Lutken, Jackson, Mississippi
John P. Madgett, LaCrosse, Wisconsin
Marshall McDonald, Miami, Florida
Charles S. McNeer, Milwaukee, Wisconsin
William G. Meese, Detroit, Michigan
Richard O. Newman, Tulsa, Oklahoma
Robert T. Person, Denver, Colorado
James D. Phillips, Colorado Springs, Colorado
Lelan F. Sillin, Jr., West Springfield, Massachusetts
T. Graham Wells, Jr., Chattanooga, Tennessee
G. W. Penebaker (Co-Chairman), Washington, D.C.

The purpose of the meeting is to discuss the following items:

(1) FBI report on assistance to power companies in terrorist attacks; (2) proposed deletion of the electric power facilities from the Key Facilities List; (3) powerplant productivity and national energy policy as viewed by FEA; (4) progress of research and development affecting the electric power industry.

The meeting will be open to the public, commencing at 8:30 a.m. through 12 noon. Facilities and space are limited to accommodate 30 people at the meeting.

Further information concerning this meeting may be obtained from G. W. Penebaker, Administrator of the Defense Electric Power Administration, at AC 202–343–7521. Minutes of the meeting will be available for public inspection two weeks after the meeting at the office of the Defense Electric Power Administration, U.S. Department of the Interior, Room 3620, 18th & C Streets, NW., Washington, D.C.

Dated: September 29, 1976.

RAYMOND A. PECK, Jr.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-29397 Filed 10-6-76;8:45 am]

Office of the Secretary

INTERIOR COAL ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of 5 U.S.C. 552(a)(1), and section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1). Following consultation with the Office of Management and Budget Secretariat, notice is hereby given that the Secretary of the Interior is establishing an Interior Coal Advisory Committee. The committee's objective is to render advice and recommend positions for policy formulation and implementation leading to increase the domestic production and use of coal, consistent with national energy, economic and environmental goals. The committee will advise the Secretary and make recommendations to him concerning appropriate means whereby domestic coal production and use can be increased efficiently, safely, and without undue environmental harm in order to help the Nation achieve energy self-sufficiency. Major areas of concern are public lands, coal extraction research and development, and health and safety research. Such advice is consistent with enhancing the missions of the Department of the Interior. The certification of establishment is published below.

CERTIFICATION

I hereby certify that the Interior Coal Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior in the conservation and development of the Nation's natural resources by the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a); the Organic Act of May 16, 1910 (30 U.S.C. 1, 3, 5–7), as amended, which established the Bureau of Mines; the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801); the Mineral Leasing Act of 1920 (41 Stat. 438; 30 U.S.C. 201–209), as amended; and the Acquired Land Act (61 Stat. 913; 30 U.S.C. 351–359)

THOMAS S. KLEPPE,
Secretary of the Interior.

August 23, 1976.

[FR Doc.76-29419 Filed 10-6-76;8:45 am]

DEPARTMENT OF STATE

[CM–6/109]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The Department of State Advisory Committee on Transnational Enterprises will hold its sixth meeting on Thursday, October 28 at 9:30 a.m. in Room 7516 of the Deparment of State, 2201 C Street, N.W., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the ongoing work in international fora in regard to questionable payments, and codes of conduct relating to transfer of technology and transnational enterprises.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the State Department building.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: October 1, 1976.

STEPHEN R. BOND,
Executive Secretary.

[FR Doc.76-29357 Filed 10-6-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BLACKTAIL PLANNING UNIT LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Blacktail Planning Unit, Forest Service Report Number USDA–FS–R1(04)–FES–Adm–76–13.

The environmental statement concerns a proposed land use plan for Blacktail Planning Unit, Bonner County, Idaho. Approximately 88,010 acres are included in the planning unit of which 21,890 acres are National Forest land. This plan allocates resources and specifies land use prescriptions for National Forest land only. Resource information for lands in other ownership is also included for owners/managers to use as they wish.

Consisting of higher elevations and more inaccessible areas, much of the National Forest ownership is broken and scattered with one major exception: a continuous portion of the rugged west shore line of Lake Pend Oreille. The proposed plan emphasizes recreation, wildlife habitat, and high scenic quality on key areas. Timber, forage, and water uses would also be provided to the extent possible without deterioration of the emphasized values. Fisheries habitat and most wildlife habitat would be maintained or (in some cases) improved. There would be a decrease in the small amount of lands that could be managed for primitive or back country recreation. No lands in the Blacktail Planning Unit meet the Region One (U.S. Forest Service) criteria for roadless and undeveloped areas.

This final environmental statement was filed with CEQ on September 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Idaho National Forest, 218 North 23rd Street, Coeur d'Alene, ID 83814.
USDA, Forest Service, Sandpoint Ranger District, Federal Building, Sandpoint, ID 83864.

A limited number of single copies are available upon request to:

USDA, Forest Service, Sandpoint Zone Planning, P.O. Box 490, Sandpoint, ID 83864.

Copies of this final environmental impact statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

RALPH W. KIZER,
Forest Supervisor Idaho Panhandle National Forests Northern Region, Forest Service.

SEPTEMBER 27, 1976.

[FR Doc.76-29395 Filed 10-6-76;8:45 am]

East Deer Creek Planning Unit Land Use Plan

COLVILLE NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of

V41196 OCT 7 76 UMI

1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the East Deer Creek Planning Unit Land Use Plan, USDA–FS–R–6–FES(Adm.)75–20.

The environmental statement concerns a proposed land use plan for the East Deer Creek Watershed which provides municipal water for the unincorporated town of Orient, Ferry County, Washington. The land use plan identifies eight management areas and outlines broad management guidelines for each area. General policies and guidelines for water quality protection are proposed that permit limited development and logging within the unit.

This final environmental statement was transmitted to CEQ on September 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th & Independence Ave., SW., Washington, DC 20250.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.
Colville National Forest, 695 S. Main, Colville, Washington 99114.

A limited number of single copies are available upon request to: Robert B. Terrill, Forest Supervisor, Colville National Forest, Federal Building, Colville, Washington 99114.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

ROBERT B. TERRILL,
Forest Supervisor.

SEPTEMBER 29, 1976.

[FR Doc.76–29461 Filed 10–6–76;8:45 am]

OCHOCO NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., November 4, 1976 in the Forest Supervisor's Office, Federal Building, Prineville, Oregon.

The purpose of this meeting is to select officers, discuss bylaws, rules for public participation, and subjects concerning management and administration presented by board members, permittees, and the general public.

The meeting will be open to the public. Persons who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; phone 447–6247. Written statements may be filed with the committee before or after the meeting.

JACK H. ROYLE,
Acting Forest Supervisor.

OCTOBER 1, 1976.

[FR Doc.76–29472 Filed 10–6–76;8:45 am]

TWISP-WINTHROP-CONCONULLY PLANNING UNIT

Land Use Plan

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Twisp-Winthrop-Conconully Planning Unit Land Use Plan, USDA–FS–R6–FES(Adm.)–76–5.

The environmental statement concerns a proposed land use plan for the National Forest lands administered by the Twisp, Winthrop and Conconully Districts of the Okanogan National Forest.

This Final environmental statement was transmitted to CEQ on October 1, 1976.

Copies are available for inspection during regular work hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW., Washington, DC 20250.
U.S. Forest Service, Multnomah Bldg., 319 S.W. Pine St., Portland, Oregon 97204.
Okanogan National Forest Supervisor's Office, 219 Second Avenue South, Okanogan, Washington 98840.
Ranger District Offices in: Okanogan, Washington 98840; Tonasket, Washington 98855; Twisp, Washington 98856; Winthrop, Washington 98862.
Mt. Baker-Snoqualmie National Forest Supervisor's Office, 1601 Second Avenue Building, Seattle, Washington 98101.

A limited number of single copies are available upon request to:

Forest Supervisor, Okanogan National Forest, P.O. Box 950, Okanogan, Washington 98840.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing and Budgeting.

[FR Doc.76–29393 Filed 10–6–76;8:45 am]

SOUTH SLOPE UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the South Slope Unit Plan, Chattahoochee-Oconee National Forest, USDA–FS–R8–DES (Adm.) 76–14.

This unit contains 129,000 acres of National Forest land located in Dawson, Fannin, Habersham, Lumpkin, Towns, Union, and White Counties, Georgia. Major actions are harvesting timber products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This draft environmental statement was transmitted to CEQ September 30, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Street, NW., Rm. 804, Atlanta, Georgia 30309.

A limited number of single copies are available upon request to Forest Supervisor, Chattahoochee-Oconee National Forests, PO Box 1437, Gainesville, Georgia 30501.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Chattahoochee-Oconee National Forests, PO Box 1437, Gainesville, Georgia 30501. Comments must be received by December 6, 1976 in order to be considered in the preparation of the final environmental statement.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

SEPTEMBER 30, 1976.

[FR Doc.76–29394 Filed 10–6–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SUBCOMMITTEE ON EXPORT ADMINISTRATION OF THE PRESIDENT'S EXPORT COUNCIL

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Tuesday, October 26, 1976, at 9:30 am, in Room 4832, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC

The Subcommittee advises the Secretary of Commerce on ways to enable the Government to deal realistically and effectively with the problems of the business community regarding export licensing as affected by national security and foreign policy considerations.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Report on legislation and plans for implementation.
(3) Discussion of Implementation of the Recommendations of the President's Task Force to Improve Export Administration Licensing Procedures.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and CoCom export control program.

The General Session, at which a limited number of seats will be available, is open to the public. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to Agenda item 4, the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 9, 1976, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. Materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the General Session will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, DC 20230.

The Complete Notice of Determination to close portions of the series of meetings of the Subcommittee on Export Administration of the President's Export Council is printed below.

For further information, contact Edward P. Kemp, Confidential Assistant to the Director, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377–5334.

EDWARD H. STROH,
Acting Deputy Assistant Secretary for East-West Trade.

OCTOBER 1, 1976.

DEPARTMENT OF COMMERCE

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

SUBCOMMITTEE ON EXPORT ADMINISTRATION PRESIDENT'S EXPORT COUNCIL

Notice of Determination

The Subcommittee on Export Administration was established by the Secretary of Commerce as a subordinate committee of the President's Export Council, pursuant to Section 3 of Executive Order 11753, to advise the Department of Commerce on matters pertinent to those portions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 *et seq.*), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The Subcommittee, which currently has seventeen members representative of U.S. industry engaged in export trade, will terminate no later than January 5, 1977, unless extended by proper authority by appropriate action. All members of the Subcommittee have the appropriate security clearances for access to classified information.

The Subcommittee's activities are conducted in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), and Office of Management and Budget Circular A–63 (Revised), "Advisory Committee Management", effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in 5 U.S.C. 552(b), which provides, *inter alia*, that information may be withheld from public disclosure if it concerns matters that are "specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and are in fact properly classified pursuant to such Executive order."

On order to provide advice to the Department under the terms of its charter, the Subcommittee will hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the commodities and technical data subject to the CoCom control list, of the foreign availability of controlled commodities and technical data, and of other specific matters regarding export administration, much of the information relating to which is now or will be properly classified for national security or foreign policy reasons, pursuant to Executive Order 11652, 3 C.F.R. 339 (1974). In order for the Subcommittee to provide required advice to the U.S. Government, it will be necessary to provide the Subcommittee with such classified material. Therefore, the portions of the series of meetings of the Subcommittee that will involve discussions of matters specifically authorized under criteria established by Executive Order 11652 to be kept secret in the interest of national security or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Subcommittee dealing with the aforementioned classified materials shall be exempt, for the period September 15, 1976, to January 5, 1977, from the provisions of Section 10 (a)(1) and (a)(3) of that Act, relating to open meetings and public participation therein, because the Subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552(b)(1). The remaining portions of the meetings will be open to the public.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

SEPTEMBER 9, 1976.

ALFED MEISUER,
Assistant General Counsel for Administration.

SEPTEMBER 3, 1976.

[FR Doc.76–29431 Filed 10–6–76;8:45 am]

National Oceanic and Atmospheric Administration

DRAFT ENVIRONMENTAL IMPACT STATEMENT; COASTAL ZONE MANAGEMENT PROGRAM OF THE STATE OF CALIFORNIA

Postponement of Public Hearing

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, is postponing the two public hearings which were to be held October 26 and 27, 1976, in Los Angeles and San Francisco, respectively, for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) for the Coastal Zone Management Program of the State of California, published in the FEDERAL REGISTER, Vol. 41, No. 187—Friday, September 24, 1976.

The Office of Coastal Zone Management (OCZM) has reevaluated its DEIS on the State of California Coastal Zone Management Program. In light of the recent passage of SB 1277, The California Coastal Act of 1976, it has been determined a revision to the DEIS is now required to clarify the California Coastal Zone Management Program which now differs in part from the California Coastal Plan as described in the DEIS.

Therefore, OCZM is hereby postponing the public hearings on the California DEIS until at least 30 days after this revised DEIS can be circulated. Further notice of the rescheduled dates for these hearings will be published in the FEDERAL REGISTER and the California news media, and individual notices will be mailed to all agencies and parties from which comments have been requested on the DEIS.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.76–29396 Filed 10–6–76;8:45 am]

CTAB PANEL ON ENERGY POLICY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the next meeting of the Department of Commerce Technical Advisory Board (CTAB) Panel on Energy Policy will be held on Wednesday, October 20, from 9:00 A.M. to 6:00 P.M., and Thursday, October 21, from 8:30 A.M. to 5:00 P.M. in Room 7000 A and B, of the Department of Interior Building,

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18th and C Streets, NW., Washington, D.C.

The Panel has been established to assess the current energy situation from a private sector point of view and to provide an experienced and independent voice to assist the further development of a national energy program.

The entire two-day meeting will be devoted to the following business:

(1) Presentation and review of the following Ad Hoc Policy Development Reports:

Conservation
Fuel Substitution
Coal
Oil and Natural Gas
Nuclear
Electric Utilities
Synthetic Fuels and Shale Oil
New Energy Sources
National Energy Goals

(2) Development by the Panel of preliminary policy positions.

The meeting will be open to public observation. The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. Comments shall be directly relevant to the above agenda items. Questions at the meeting may be propounded only by members of CTAB, DOC officials and invited participants. A limited number of seats will be available for the public and to the press on a first-come first-serve basis.

Copies of minutes will be made available for copying, 30 days after the meeting, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring further information on the Panel or on individual meetings should contact Mr. William Dorn, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–3668.

BETSY ANKER-JOHNSON,
Assistant Secretary for Science and Technology.

OCTOBER 1, 1976.

[FR Doc.76-29516 Filed 10-6-76;8:45 am]

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Wednesday, October 27, 1976, from 9:00 A.M. to 5:00 P.M. and Thursday, October 28, 1976, from 8:30 A.M. to 12:00 Noon, in Room 4833 of the Main Department of Commerce Building, 14th and E Streets, NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. The agenda for the meeting is as follows:

The entire first day of the meeting will be devoted to the following topic: "The Role of Technological Innovation in U.S. Productivity, Foreign Trade, and General Welfare of Society." Resource speakers and panelists will include Betsy Ancker-Johnson, Michael Boretsky, Paul Samuelson, Peggy Musgrave, Fred Bergstrom, and John W. Kendrick. The entire second day will be devoted to a discussion of the Implementation of the Defense Science Board Task Force Report on Export Controls. The discussion will be initiated with a briefing by J. Fred Bucy, Chairman of the DSB Task Force on Export of U.S. Technology.

The meeting will be conducted in a manner to facilitate the orderly flow of business. Practical considerations may dictate alterations in the above agenda or schedule.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. Such communications shall be directly relevant to the above agenda items. Only comments and questions from members of the Board, DOC officials and invited participants will be entertained at the meeting. A limited number of seats will be available to the public and to the press on a first-come first-serve basis.

Copies of minutes or tape and materials distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce Central Reference and Inspection Facility, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3865, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377–5065 after October 11, 1976.

BETSY ANKER-JOHNSON,
Assistant-Secretary for Science and Technology.

OCTOBER 4, 1976.

[FR Doc.76-29515 Filed 10-6-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Expiration

The Education Professions Development Act (Pub. L. 90–35) expired September 30, 1976. The National Advisory Council on Education Professions Development (section 502) also expired September 30, 1976. Offices of the Council are located at 1111 20th Street, NW, Suite 306, Washington, D.C. 20036 (telephone 202–653–6169) and are scheduled to close about October 29, 1976. All inquiries after that date should be addressed to Committee Management Staff, U.S. Office of Education, Washington, DC 20202 (telephone 202–245–6081) which also will receive the records of the Council.

Signed at Washington, D.C. on September 30, 1976.

GEORGE ARNSTEIN,
Executive Director.

[FR Doc.76-29470 Filed 10-6-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–307; FDAA–3014–EM]

WISCONSIN

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Wisconsin, dated June 17, 1976, and amended on July 29, 1976, and on September 7, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrope declared an emergency by the President in his declaration of June 17, 1976, and to make emergency assistance available to these additional counties effective the date of this amended Notice:

THE COUNTIES OF

Calumet	Marinette
Columbia	Menominee
Florence	Oconto
Grant	Outagamie
Green Lake	Richland
Jackson	Winnebago

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: September 30, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-29447 Filed 10-6-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 130—"RELIABILITY SPECIFICATIONS FOR AIRBORNE ELECTRONIC SYSTEMS"

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 130—"Reliability Specifications for Airborne Electronic Systems" to be held October 27–28, 1976, RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C., 20006, commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of Fourth Meeting held June 22–23, 1976; (2) Report of Chairman of Informal Working Group; (3) Consideration of FAA Definitions; and (4) Consideration of Draft Final Report.

Attendance is open to the interested public but limited to space available.

With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on September 28, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-29277 Filed 10-6-76;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76–12W; Notice 4]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver for Girth Welds; Public Hearing

The purpose of this notice is to announce that:

(1) There has been placed in Docket No. 76–12W for public inspection a preliminary report on the National Bureau of Standards (NBS) analysis and assessment of (i) fracture mechanics as that analytical technique may be applicable for determining the effects of defects in girth welds on the structural integrity of the trans-Alaska pipeline system and the alternative maximum allowable weld defect sizes proposed by Alyeska Pipeline Service Company, (ii) weld defect and arc burn sizes submitted by Alyeska in support of its petition for exemptions from certain welding requirements of 49 CFR Part 195 for individual welds in the main line pipe of the trans-Alaska pipeline system, and (iii) methodologies for measuring the depth of those defects and arc burns;

(2) The docket has been reopened to receive additional written comments until the close of business on October 28, 1976; and

(3) The Deputy Secretary of Transportation will conduct a public hearing in this matter commencing at 8:30 a.m., Thursday, October 28, 1976, in the third floor auditorium of Federal Building 10A at 800 Independence Avenue SW., Washington, D.C.

As stated in the initial notice in this proceeding (41 FR 34375; October 13, 1976), the NBS is serving as technical consultant to the OPSO with the specific task of preparing an analysis of test procedures and methodology and an assessment of the adequacy of the statistical base upon which Alyeska has based its petition. On October 1, 1976, the NBS briefed the Deputy Secretary and other concerned Department of Transportation officials describing the information obtained and the status of the NBS analysis and assessment through September 30, 1976. A final report is expected about mid-October at which time it will be placed in the docket for public inspection and review. When that occurs, the OPSO will so announce in the FEDERAL REGISTER. Meanwhile, to assist those who may be interested in commenting on the NBS final report, the NBS has prepared a written preliminary report which is a summary of its October 1 briefing. A copy of that preliminary report has been placed in the docket and copies are being sent to each of those persons who has requested to be placed on the notice mailing list for the docket.

The hearing on October 28 will be for the purpose of receiving the views of interested persons as to (1) whether a fracture mechanics analysis can properly serve as an alternative to the standards set forth in Subpart D of 49 CFR Part 195 for determining the integrity of girth welds in the main line of the trans-Alaska crude oil pipeline system and (2) if so, whether the docketed technical information provides a valid basis for applying a fracture mechanics analysis to the particular girth welds for which Alyeska seeks waivers of the 49 CFR standard.

The hearing will be informal. It will not be an adversary or evidentiary-type hearing. Public participants will be permitted a maximum of 15 minutes for each presentation. Written copies of presentations are requested but not required. The docket will remain open until the close of business on the day of the hearing for the benefit of those who may wish to supplement their oral presentations.

Persons desiring to make presentations at the hearing should write to or telephone the Docket Clerk (Ms. Peggy Hammond), Office of Pipeline Safety Operations (Alyeska Docket No. 76–12 W), 2100 Second Street SW., Washington, D.C. 20590 (telephone 202–426–0135) to be received not later than noon, Tuesday, October 26, 1976, giving the following information:

(1) Name.
(2) Address.
(3) Phone number during normal working hours.
(4) Capacity in which presentation will be made (e.g. private citizen, public interest group, public official, standard-setting group, private business firm together with the name of group, firm or particular interest concerned).
(5) Position—pro or con on each of the two issues stated above.
(6) Time (maximum 15 minutes) desired for presentation.

A schedule will be prepared listing the participants in the order in which their presentations will be made. If more requests to testify are made than the time allotted will permit, we will attempt to obtain prior agreement on time allotments, or will allot time through the drawing of names by lot. The public and the press are invited to the hearing. The hearing will be transcribed electronically. The transcription and all written submissions will become a part of the record in this proceeding.

(18 U.S.C. 831–835, 49 CFR 1.53(g).)

Issued in Washington, D.C., on October 6, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-29787 Filed 10-6-76;11:55 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON LICENSES AND AUTHORIZATIONS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 11:00 a.m., October 22, 1976 in the offices of O'Melveny & Myers, 1800 M Street, N.W., Washington, D.C.

The Committee will meet to consider progress report on study of dual system of banking regulation.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C., 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Philip J. Harter (202–254–7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 4, 1976.

[FR Doc.76-29514 Filed 10-6-76;8:45 am]

COMMITTEE ON RATEMAKING AND ECONOMIC REGULATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 10:00 a.m., October 18, 1976 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, NW., Suite 500, Washington D.C.

The Committee will meet to consider "Statement on Procedures to Deal with Emergency Shortages of Natural Gas".

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Philip J. Harter (202–254–7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 4, 1976.

[FR Doc.76-29513 Filed 10-6-76;8:45 am]

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COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 1 pm, October 22, 1976 in the conference room of the Administrative Conference on the lower level, the Gelman Building, 2120 L Street, NW, Suite 500, Washington, DC.

The Committee will meet to discuss the legislative control of agency rulemaking project being conducted by Dean Ernest A. E. Gellhorn and Professor Harold H. Bruff, and other Committee business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (202–254–7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 29, 1976.

[FR Doc.76–29392 Filed 10–6–76;8:45 am]

ARCHITECTURAL AND TRANSPORTATION CARRIERS COMPLIANCE BOARD

RECREATION FOR HANDICAPPED PERSONS

Public Hearing

Notice is hereby given, under section 502 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 29 U.S.C. 792, as amended), that a National Hearing on Recreation for Handicapped Persons will be held on October 21–22, 9:00 a.m., at the Sheraton Boston Hotel, Prudential Center, Boston, Massachusetts.

The hearing will be open to the public. On each day, testimony will be given by witnesses invited from state and federal agencies, advocacy groups, industry, and consumers. Each testimony will be followed by questions from a board of examiners consisting of Mr. Stanley B. Thomas, Jr., Assistant Secretary for Human Development, Department of Health, Education, and Welfare and Chairman of the Architectural and Transportation Barriers Compliance Board; Mr. Albert C. Zapanta, Assistant Secretary for Management, Department of Interior and member of the Architectural and Transportation Barriers Compliance Board; Mr. James S. Jeffers, Executive Director, Architectural and Transportation Barriers Compliance Board; Ms. Helen Hillman, Director, Programs for the Mentally Retarded and Physically Handicapped, District of Columbia Department of Recreation; and Mr. David Park, Coordinator for Therapeutic Recreation, George Washington University.

Oral testimony may be given only by invited witnesses, however written testimony will be welcomed from all interested parties. Persons and organizations interested in attending the hearing or submitting written testimony should contact Mr. Larry Allison, Architectural and Transportation Barriers Compliance Board, Room 1010, Mary E. Switzer Building, 330 C Street, SW, Washington, D.C. 20201, telephone (202) 245–1591.

Dated: October 4, 1976.

STANLEY B. THOMAS, JR.,
Chairman.

[FR Doc.76–29477 Filed 10–6–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28173; Order 76–9–171]

ALLEGHENY AIRLINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

On August 13, 1975, Allegheny Airlines filed an application under Subpart M of Part 302 of the Board's Procedural Regulations seeking nonstop authority between Buffalo and St. Louis. Currently, these cities are on Allegheny's single segment Route 97. Condition 4 of the applicant's certificate provides that the carrier must make at least one stop between the two points.

On March 16, 1976, by Order 76–3–109, the Board set Allegheny's application for further proceedings under Subpart M rules and directed that revised exhibits be submitted within 25 days. In addition, normal Subpart M procedures were suspended until receipt of the requested information. On April 12, 1976, Allegheny submitted revised exhibits.

Answers in support of Allegheny's updated application were filed by the City of St. Louis and jointly by the Niagara Frontier Transportation Authority, the City of Buffalo and the Buffalo Area Chamber of Commerce. An answer opposing and requesting that the application be denied on the grounds that Allegheny's proposal is not economically viable was filed by American.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Allegheny's application should be set for hearing under procedures prescribed by Subpart M. By a Notice of Environmental Rejection, contemporaneously issued with this order, the Chief, Legal Division, Bureau of Operating Rights, after an analysis of the environmental evaluation provided with Allegheny's application, has found, pursuant to section 312.13 of the Board's Procedural Regulations, that the proceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). However, that conclusion is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor are we foreclosed from consideration of environmental facts resulting from the possible licensing actions in issue in this proceeding, which, although of a lesser magnitude than those required to trigger further procedures under the requirements of NEPA and Part 312 of the Board's Rules, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Docket 28173, be and it hereby is set for hearing before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–29529 Filed 10–6–76;8:45 am]

[Docket No. 28173]

ALLEGHENY AIRLINES, INC.

Notice of Environmental Rejection

By Order 76–3–109, March 16, 1976, the Board directed the applicant in the above-captioned proceeding to file an environmental evaluation in conformance with section 312 of the Board's Procedural Regulations.

Allegheny's calculations are based upon the assumption that one additional Buffalo-St. Louis nonstop round trip would be operated. In addition, the calculations assume that all operations would be conducted with BAC–1–11's.

The operations statistics used by Allegheny appear accurate for the airports involved. In analyzing the evaluation, we compared the base period with the forecast period for each city, in order to judge the potential impact of new services.

Pursuant to §§ 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluation and other available information with respect to the application described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such application would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., September 30, 1976.

BARBARA A. CLARK,
Chief, Legal Division,
Bureau of Operating Rights.

[FR Doc.76–29528 Filed 10–6–76;8:45 am]

COMMISSION ON CIVIL RIGHTS

MAINE ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the meeting of the Maine Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on Friday, September 3, 1976, on page 37392 (FR Doc. 76–25927) is hereby amended to show change of meeting dates. The meeting will be held on October 8–9, 1976. The meeting place and time will remain the same.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76–29666 Filed 10–6–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

On March 22, 1976, the Environmental Protection Agency (EPA), by notice published in the FEDERAL REGISTER (41 FR 11876), announced a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter the "Act") (42 U.S.C. 1857f–6a(b)). That hearing was called to consider a request by the State of California that the Administrator waive application of section 209(a) of the Act with respect to the California hydrocarbon emission standards and accompanying enforcement procedures applicable to 1978 and subsequent production year motorcycles. Section 209(b) of the Act requires the Administrator to grant such waiver, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed to be consistent with section 202(a) if adequate technology exists with which to meet them and adequate lead time is, or appears to be, available in which to implement that technology, or if technology does not exist but there is, or appears to be, adequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame.

The public hearing was held in Los Angeles California, on May 27, 1976. The record was kept open until June 11, 1976, for the submission of written material, data or arguments by interested persons. I have determined that I cannot make the findings required for denial of the waiver under section 209(b), and therefore that I am compelled to grant the requested waiver of Federal preemption for 1978 and subsequent production years. If more stringent Federal standards are subsequently promulgated for any such model year, at that time I may have to reconsider the question of whether this California waiver will remain in effect. The record of the hearing and the other evidence available to me clearly reveal that compelling and extraordinary conditions exist in the State of California, and that adequate technology will be available, when considered in the context of the available lead time, to meet the California hydrocarbon standards for 1978 and subsequent production years.

II. BACKGROUND

It has long been recognized by the EPA that motorcycles contribute significantly to the hydrocarbon and carbon monoxide pollution in certain Air Quality Control Regions. In fact, certain limitations on the operation and registration of motorcycles were proposed as part of the rule making for the Approval and Promulgation of Implementation Plans for the States of Arizona and New Jersey, and promulgated as part of the rule making for the Approval and Promulgation of the Implementation Plan for the State of California. As a result of these proposed limitations, the motorcycle industry met with representatives of the EPA and expressed their desire for the promulgation of emission standards for motorcycles as a means of eliminating the need for the proposed restrictions. As a general proposition the industry stated that motorcycle emission control technology was available and could be implemented, with allowance for reasonable production lead time.

On January 17, 1974, the EPA published an advance notice of proposed rulemaking (39 FR 2108) for the control of emissions from motorcycles. This was published to provide notice of EPA's intention to promulgate emission standards for motorcycles, and to seek comments from any interested persons regarding the issues involved. The comments received by the EPA were carefully analyzed, and on October 22, 1975, a notice of proposed rulemaking was published (40 FR 49496). In this notice the EPA proposed both exhaust and crankcase emission standards for motorcycles produced on or after January 1, 1978. At the present time these proposed regulations have not yet been promulgated in final form.

Against this background, on July 15, 1975, the California Air Resources Board (CARB) adopted hydrocarbon (HC) emission standards and tests procedures for 1978 and subsequent production year motorcycles. The California standards are to be implemented in three stages of increasing stringency. The standards are:

10 grams HC per kilometre for 1978 and 1979 production years (motorcycles manufactured after January 1, 1978),
5 grams HC per kilometre for 1980 and 1981 production years (motorcycles manufactured after January 1, 1980),
1 gram HC per kilometre for 1982 and subsequent production years (motorcycles manufactured after January 1, 1982).

On September 2, 1975, California requested a waiver of Federal preemption for these standards and accompanying enforcement procedures. It is that waiver request which is the subject of this decision.

III. DISCUSSION

Legal Criteria and Legislative History. Section 209 was added to the Clean Air Act by the Air Quality Act of 1967, Pub. L. 90–148, 81 Stat. 501, and has been preserved in the Clean Air Act essentially unamended since then. It prohibits any State from adopting or enforcing emission standards for new motor vehicles, unless such State had adopted emission standards (other than crankcase emission standards) prior to March 30, 1966. Only California meets this test. California may seek a waiver from the prohibitions of section 209(a) and may thereby adopt or enforce emission standards unless the Administrator of the EPA, after notice and opportunity for a hearing, finds either that California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

These provisions must be read in the light of their unusually detailed and explicit legislative history in order to understand the intent of Congress in enacting section 209(b). The legislative history is discussed at some length in the prior waiver decision of May 28, 1975 (40 FR 23102, 23103). The major points that emerged are summarized below.

At the time the California waiver provision was adopted, Congress believed that "compelling and extraordinary conditions" existed in California, and the waiver provision was specially tailored to meet this situation. Congress meant to ensure by the language it adopted that the Federal government would not second-guess the wisdom of State policy in the area of emission standards. Congress intended to preserve the California emission control program and allow California to continue to act as a pioneer in this field. Even in the two areas of section 209(b) which specifically allow for Federal judgment, Congress intended that the standard of EPA review of the State decision be a narrow one.

This Congressional intent has shaped EPA's approach to all California waiver decisions. As stated by (then) Administrator Ruckelshaus in the waiver decision of August 31, 1971 (36 FR 17458):

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The law makes it clear that the waiver request cannot be denied unless the specific findings designated in the statute can properly be made. The isue of whether a proposed California requirement is likely to result in only marginal improvement in California air quality not commensurate with its cost or is otherwise an arguably unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution in California.

Accordingly, I do not subscribe to certain arguments that were advanced with regard to this waiver decision as reasons for denying the California waiver. Arguments concerning the wisdom of California's actions with regard to motorcycles, the cost effectiveness of the motorcycle standards, the marginal improvements in air quality that will allegedly result, and the question of whether these particular standards are actually required by California all fall within the broad area of public policy. The EPA practice of leaving the decision on such controversial matters of public policy to California's judgment is entirely consistent with the Congressional intent behind the California waiver provision.

Technology and lead time. This issue has traditionally been the key issue in previous waiver decisions, and once again technology and lead time are the crucial questions in the motorcycle situation. This issue arises from the fact that section 209(b) of the Act refers to whether the California standards and accompanying enforcement procedures are "consistent with section 202(a)." Section 202(a)(2) states that the standards "shall take effect after usch period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." It should be pointed out that in order to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appears to be sufficient to permit the development and application of that technology.

While section 209(b) requires consideration of whether the adoption of standards by California is consistent with section 202(a), nevertheless, my discretion in determining whether to deny the waiver is considerably narrower than my discretion to act or not to act in the context promulgating Federal standards under section 202(a). 113 Cong. Rec. H 14405 (Cong. Holifield) (daily ed. Nov. 2, 1967); see also 40 FR 23104 (May 28, 1975). I would therefore feel compelled to approve a California approach to the regulation of motorcycle emissions which I might choose not to adopt at the Federal level.

In that connection I should state that, although I have concluded from today's state of information that achievement of the 1978, 1980 and 1982 California hydrocarbon standards is technologically feasible, I interpret the statute such that I could have drawn conclusions of technological feasibility on the basis of less information when the deadline for compliance is farther away. This is inherent in the whole approach of the Clean Air Act which, as I said in last year's waiver decision, "is to force the development of new types of emission control technology where that is needed." 40 FR 23104 (May 28, 1975). As Mr. Justice Frankfurter said two decades ago, "Especially when the incentive is great, invention can rapidly upset prevailing opinions of feasibility." "Radio Corp. of America v. United States," 341 U.S. 412, 427 (1951). There may well be new technology developed for motorcycle emission control which we cannot foresee at the present and which, in the absence of firm deadlines, will not be developed. As Senator Cooper said during debate on the adoption of section 202 of the Clean Air Act of 1970, without the stimulation of deadlines and strict standards, "such innovation is not likely to be forthcoming." 116 Cong. Rec. 33317 (1970).

With regard to the 1978 standard of 10 grams per kilometre (g/km), only two stroke motorcycles with engine sizes greater than approximately 170 cc will require reductions in HC emissions. Of these two stroke motorcycles, those of 500 cc and greater are expected to have the most difficulty in meeting the 10 g/km HC standard. Essentially all four stroke motorcycles already meet the 10 g/km standard in their present uncontrolled state, and so do most of the smaller two stroke motorcycles.

As for those two stroke motorcycles of 170 cc or larger, the information available to EPA leads to the conclusion that these models will be able to meet the 1978 California standard with the application of emission control technology. Kawasaki testified that they are aware of technology that would allow these two stroke motorcycles to meet the standard, but they contend that the resulting motorcycles would be unsafe and unreliable and would therefore not be offered to the public. See Transcript of Public Hearing on California's Request for Waiver of Federal Preemption with Respect to 1978 and Subsequent Production Motorcycle Exhaust Emission Standards and Test Procedures, May 27, 1976, at 152 (hereinafter "Transcript"). The EPA has tested a controlled 250 cc two stroke which emitted only 3.92 g/km HC, a 73 percent reduction from the current uncontrolled production model. See Whitmeyer, A., "Exhaust Emissions and Fuel Economy of Three Prototype Honda Motorcycles," EPA Technical Report, April, 1976. Data presented in Honda's comments to the EPA Notice of Proposed Rule Making for motorcycles (40 FR 49496) (hereinafter NPRM) showed HC reductions of 21 to 32 percent for a 550 cc and a 750 cc two stroke. These reductions were obtained using only carburetor recalibration. While this percentage reduction may not result in some of the largest two stroke models achieving the standard, my technical staff believes that additional modifications such as port timing, improved ignition, and possibly the use of a partial catalyst will provide the necessary reductions to meet a 10 g/km standard without the safety and reliability problems Kawasaki alluded to. See Whitmeyer, *supra*; "Summary Technical Report on Honda Motorcycle Emission Control (Phase 1 Level)," Prepared by Honda Motor Co., Ltd. for EPA, March, 1976. The partial catalyst uses the oxygen from the short circuited fuel mixture to oxidize approximately twenty percent of the total uncontrolled HC emissions. The cost of this device is estimated to be approximately five dollars, as was related by representatives of members of my technical staff.

An alternative to the emission control technology approach for the manufacturers of the larger two stroke motorcycles, however, is conversion to four stroke technology. Four stroke technology is a technology that is available to meet the California standards. As noted earlier, essentially all four stroke motorcycles already meet the 10 g/km standard in their present uncontrolled state. The major manufacturers of large two stroke motorcycles (Kawasaki, Suzuki, and Yamaha) are aware of this option of converting to four stroke engines, and they have already initiated the implementation of this approach. In fact, for 1976 Kawasaki has replaced their 750 cc two stroke with a 750 cc four stroke motorcycle, and their largest two stroke motorcycle currently offered is 500 cc. Suzuki testified at the public hearing that it has decided to convert some models to four stroke engines, and in fact has already introduced its first four stroke motorcycle, a 750 cc model.

Assuming, in the worst case, that all two stroke motorcycles above 500 cc will not be able to meet the 10 g/km standard, that they would therefore not be offered for sale in California in 1978, and that no four stroke motorcycles would take their place, this would restrict total California sales by less than five percent. See "New Motorcycle Registrations, 1975", R. L. Polk & Co. I believe that the basic demand for motorcycles would be satisfied in 1978 even in that worst case. As noted, however, some models of four stroke motorcycles being offered as replacements by those manufacturers currently producing the larger two stroke models will alleviate even this slight effect on the market.

In addition to the issue of the technological feasibility of the 1978 California standard, various witnesses testified that there were lead time problems associated with the California test procedures for certification, especially the durability testing requirement. Some manufacturers further argued that the California test procedures were not specific enough to allow them to perform certification tests. Although the manufacturers claim that the test procedures are not sufficiently specific, California stated its belief that these procedures are sufficient to satisfy their own needs with respect to being able to issue certificates to the manufacturers. In addition, the California test procedures are similar in degree of specification to the procedures currently in effect for light duty vehicles. The CARB has also indicated to motorcycle manufacturers that they will handle any requests for clarification of particular items on a case by case basis. See Letter of March 15, 1976, from Thomas Austin of CARB to Alan Isley of the Motorcycle Industry Council. Furthermore, my technical staff has concluded that the dynamometers and related emission testing equipment currently in the possession of the manufacturers will in general be sufficient for purposes of the California testing requirements. See also Transcript at 50–51.

In order to properly discuss the question of available lead time associated with certification testing, use should be made of the knowledge gained by EPA in the process of attempting to develop Federal certification procedures for motorcycles. The primary differences between the California and EPA procedures (those which the EPA technical staff has developed in connection with the EPA rulemaking for motorcycles) which affect lead time or distance (mileage) accumulation for durability testing, and the California requirement of separate data and durability motorcycles. For the EPA procedure it was estimated that the minimum time required for distance accumulation would be nine to twenty-one days depending on the engine displacement class. See Analysis of Issues for "Exhaust Emission Regulations for New Motorcycles," Volume 1, Appendix E, "Summary and Analysis of NPRM Comments" at E–85 (hereinafter "Analysis of Comments"). Since the California procedure requires a longer soak time and twice the distance accumulation of this EPA procedure, the estimate of the minimum time required for the California distance accumulation is twenty-one to fifty-one days. In the lead time schedule developed for EPA's procedure, two months were allotted for distance accumulation since all models produced by large manufacturers would be required to accumulate distance. California, however, only requires distance accumulation from one fourth of the durability motorcycles, and therefore the pressure on the use of dynamometers and test track facilities should be reduced. As a result, a conservative estimate of the time required for California distance accumulation is three months, or one month longer than EPA's estimate of the lead time required under the EPA procedure. As for the remainder of the certification process, EPA's analysis concluded that an allowance of twelve months would be sufficient to permit a manufacturer to complete the requirements. See "Analysis of Comments" at E–19. Based upon the similarity of the California and EPA procedures in these remaining aspects, the same twelve month period is a reasonable estimate for the time required under California's certification procedure. Using this estimate, the total time required for California certification, including distance accumulation, is fifteen months. Therefore, in order for a manufacturer to complete the certification process by January 1, 1978, the process could begin as late as October 1, 1976. As a result of this analysis, I have concluded that there is sufficient lead time available for manufacturers to complete the California certification process.

Looking at the estimated cost of complying with the 1978 California requirements, the only cost increase for the four stroke and smaller two stroke motorcycles (below 170 cc) will be the cost of certification, which will be discussed below. The larger two stroke motorcycles offered for sale in 1978 will require the use of some emission control technology, and the corresponding average retail price increase per motorcycle (based upon data supplied to EPA by the manufacturers) is estimated to be forty-three dollars for the medium (170 to 279 cc) and ninety dollars for the larger (greater than 279 cc) two strokes. These cost increases include hardware, research and development, quality control, production equipment, warranty, taxes, and dealer and distributor mark-up cost, but they do not include costs associated with certification. Competitive pressure from the medium size four strokes may force a reduction in the amount of the price increase for medium size two strokes. The large two stroke motorcycles currently retail for seventy-five to one hundred dollars less than a comparable four stroke, and so the price increase may tend to eliminate the present price advantage. Offsetting this price increase, however, are improvements in fuel economy which are likely to result from the use of emission control technology (e.g., leaner fuel-air mixtures, and minimization of intake-exhaust port short circuiting). The discounted lifetime fuel savings are estimated by EPA to range from seventeen dollars to fifty-seven dollars, depending upon engine size. These fuel savings are based on fuel economy improvements reported by the manufacturers in their comments to the NPRM. For further discussion of costs, see Analysis of Issues for "Exhaust Emission Regulations for New Motorcycles," Volume 1, Appendix D, "Economic Impact Analysis" (hereinafter "EPA Cost Analysis").

The cost per motorcycle of certification depends largely on the sales volume of a manufacturer (manufacturers with less than 10,000 annual nationwide sales are entitled to reduced testing). Certification costs per motorcycle have been estimated by my technical staff at ten dollars to fifty-seven dollars for the large manufacturers. These values assume that the total certification cost is solely written off against California sales. Estimated certification costs for a manufacturer with three models, California sales of 1000, and nationwide sales of less than 10,000 would be forty to fifty dollars per unit. Certification costs for smaller manufacturers would be proportionately higher. The greatest amount of uncertainty in these estimates is related to the personnel required to support the manufacturer's certification effort. As a result of the estimated certification costs, manufacturers with extremely low sales might have to drop California as a market, or might have to distribute the certification cost over nationwide sales.

Using the above estimates, complying with the 1978 California standard will result in a price increase of approximately five to ten percent of the retail price for the large manufacturers' models which require controls, and less for those without controls. These large manufacturers account for over 90 percent of total California sales. As for the smaller manufacturers, the certification costs per motorcycle will be higher unless the cost is distributed over nationwide sales.

With regard to the technological feasibility of the 1980 California standards of 5 g/km, most uncontrolled four stroke motorcycles already meet this standard. Thus, as mentioned earlier, the obvious technology required to meet this standard is four stroke technology. In addition, however, most two stroke motorcycles with engine sizes of 250 cc or less can meet a 5 g/km HC standard using engine modifications and possibly using partial catalysts. This has been verified by a 250 cc two stroke motorcycle tested by EPA. See Whitmeyer, A., "Exhaust Emissions and Fuel Economy of Three Prototype Honda Motorcycles," EPA Technical Report, April, 1976. The driveability of this vehicle was acceptable, and data submitted by the manufacturer indicate no durability problems. See "Summary Technical Report on Honda Motorcycle Emission Control (Phase I Level)," Report Prepared by Honda Motor Company, Ltd. for EPA, March, 1976. The only problems in meeting the 5 g/km standard in 1980 should be experienced by two stroke motorcycles with engine sizes greater than 250 cc (those motorcyles which did not require conversion in order to meet the 1978 standard). An obvious option for the manufacturers of these models is to convert to four stroke technology.

In the past few years, a significant number of new large four stroke models have been introduced. A review of the 1976 product lines of the three major two stroke manufacturers (Yamaha, Kawasaki, and Suzuki) plus the reported introduction of some new four strokes shows that by 1978 none of these manufacturers will have more than two large two stroke models for which there is not a similar size and function four stroke also offered. Thus at most two conversions to four stroke engines would be required, assuming this technology is utilized. Lead time estimates for conversion to four strokes provided by Yamaha indicate 3.5 years are required for conversion of two models. See Yamaha Additional Comments to ANPRM, May 14, 1974, at 27. Using 1976 as a base, the conversion could therefore be completed by the 1980 production year. In addition, since the United States is only a small part of the total sales of the major manufacturers (10 to 15 percent for Suzuki, for example), we do not expect the existing two stroke designs to be abandoned.

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I therefore conclude from the above the technology does exist with which to meet the 1980 standard within the available lead time. This can be accomplished by using demonstrated engine modifications for two strokes of 250 cc or less, and by converting the remaining two stroke models to four stroke engines.

Looking at the costs associated with meeting the 1980 standard (costs above those associated with meeting the 1978 standard), four stroke motorcycles will probably not require any control devices and therefore will not involve any additional price increase. The small two strokes (less than 170 cc) will require controls estimated to cost forty-two dollars at the retail level (this is the first stage of control; no control was required for this class for the 10 g/km standard). Based upon data submitted by manufacturers in response to the EPA NPRM, the medium size two strokes (170 to 279 cc) will require additional controls estimated to have an incremental cost of approximately ten dollars, and which consist primarily of the use of partial catalysts. To meet 5 g/km standard, most large two strokes (those which have not previously been converted) are expected to convert to four stroke designs at an incremental cost increase of about one hundred dollars. See "EPA Cost Analysis" at D–9.

Finally, with regard to the technological feasibility of the 1982 California standard of 1 g/km, the situation is somewhat different. Yamaha stated that it was too early to accurately assess the technological feasibility of the 1982 standard. Honda, however, presented data on a 360 cc four stroke using after-treatment devices that showed HC levels of less than 0.2 g/km. A 250 cc two stroke had HC emissions of 0.89 g/km. It was emphasized that these were only prototype models and that durability and driveability problems had yet to be solved. Catalyst manufacturers have been working on motorcycle aftertreatment devices for several years. I believe it is reasonable to conclude that given five years of development time, after-treatment devices for four stroke motorcycles can be further developed which will allow certification at the 1 g/km level for HC.

The more difficult question is whether the large majority of two stroke models will be able to meet the 1 g/km standard. Most manufacturers testified that this will not be possible. If the manufacturers are correct, the technology available to meet a standard of 1 g/km is conversion to four stroke engines. Based upon the estimates provided by Yamaha concerning the time required for conversion, and based upon a total of seven models requiring conversion, the shift to four stroke designs for the complete product line could be completed by January 1, 1982. See Yamaha Additional Comments to ANPRM, May 14, 1974, at 27. (Analysis of the current model lines indicate that with a small amount of consolidation of motorcycles with similar engine displacements, the major manufacturers would have to convert between five and seven models each; this includes conversion of one or two large two strokes required to meet the 1980 standard.) Although some of the manufacturers have claimed additional time would be required, it can be concluded that, at a minimum, most of the models could be converted by 1982 (see *id.*), and that with model consolidation, a full line of motorcycles satisfying the basic market demand and meeting the 1 g/km standard could be offered. Small manufacturers, lacking the capital required for conversion to new four stroke designs, may have difficulty complying with a 1 g/km standard, and it is therefore likely that some small manufacturers would not sell on-road motorcycles in California in 1982. However, since these manufacturers account for less than 10 percent of total California sales, the basic demand could be met by the larger manufacturers. (The approximate percentages of 1975 new California motorcycle registrations for the five largest manufacturers, based on data compiled by R.L. Polk & Co., are: Honda–50, Kawasaki–15, Yamaha–15, Suzuki–7, and AMF–5.)

Based upon this analysis, I have concluded that four stroke technology (including the use of aftertreatment devices) can be developed and applied within the available lead time to permit four stroke motorcycles to meet a HC standard of 1 g/km by January 1, 1982. The lead time required to develop new small and medium size four strokes to replace two stroke models is such that most, if not all current models could be converted by January 1, 1982.

Concerning the cost of complying with a standard of 1 g/km by 1982, since little or no control will be required for the small and medium size four strokes, the associated costs are expected to be small. The large four strokes will probably require some after-treatment device. Based on manufacturers' data, the EPA technical staff estimates the retail cost increase to be sixty to one hundred dollars per unit. The estimated cost of converting from a two stroke model to a four stroke model is one hundred dollars per production motorcycle.

Objections to granting the waiver. One of the arguments raised by various manufacturers at the hearing (both through oral testimony and written submissions) was that the "total life" concept being used by California is inconsistent with section 202(a). The manufacturers took the position that since section 202(a) states that the emission standards "shall be applicable to * * * vehicles and engines for their useful life (as determined under subsection (d))," then in order to be consistent with section 202(a) any emission standard set by California must be related to a vehicle's "useful life." The manufacturers further contended that "useful life" in the meaning of section 202(a) must equal half of the vehicle's expected total life. As a result, the manufacturers contended that the California waiver request must either be denied or appropriately limited.

I have determined, however, that the manufacturers' position is not a correct interpretation of the Clean Air Act. It is not at all clear from the legislative history of section 202 that the 5-year/50,000 mile requirement for light duty vehicles was based simply on a half-total-life concept, that motorcycles are necessarily light duty vehicles, or that standards for vehicles other than light duty vehicles must be applicable for half the total life. However, even if these were the case, I am not persuaded that Congress meant to require California to adopt the same period of applicability. In effect, the length of time a vehicle must meet the standard is merely one way of affecting the stringency of the standard. The longer the amount of time or distance for which the manufacturers will have to comply with the standard, the lower will have to be the motorcycle's designed initial emission level (if it is assumed that emission performance deteriorates with time and use). I therefore consider this issue to be really one of determining the stringency of the California standard. Allowing California to adopt their total life concept is fully in keeping with the Congressional intent behind section 209, which is to permit California to pursue its own stringent emission control program.

Furthermore, the total life concept is not in violation of the requirement in section 209(b) that the California standards and accompanying enforcement procedures be consistent with section 202(a). The concept of being "consistent with section 202(a)" relates in this case to whether the standards are technologically feasible within the available lead time, giving appropriate consideration to the cost of compliance within this time frame. It is, therefore, in the framework of technology and lead time that California's use of total life has entered into the waiver decision, especially in analyzing durability data supplied by the manufacturers and in determining the lead time requirements for distance accumulation during certification.

An additional argument against granting the waiver was raised by the Motorcycle Industry Council and Yamaha, who contended that the CARB had violated due process when adopting their standards, by not allowing the manufacturers a fair and full opportunity to present their views at a State hearing. If this argument has any validity, the EPA waiver hearing is not the proper forum in which to raise it. Section 209(b) does not require that EPA insist on any particular procedures at the State level. Furthermore, a complete opportunity was provided at the EPA waiver hearing for the presentation of views.

A further objection to granting the waiver was raised by Suzuki, who claimed that if the California standards resulted in the elimination of two stroke motorcycles from the California market, this would be contrary to the result in "International Harvester v. Ruckelshaus," 478 F.2d 615 (D.C. Cir. 1973). I cannot agree. While California's emission standards may severely limit the number of two stroke motorcycles which may be sold in California in the future, this will not result in the unavailability of motorcycles which are substantially similar in size and function to the current two strokes. Two stroke and four stroke engines merely represent two different types of engines for the same general class of motorcycles.

I am not deciding here that the "basic demand" test of "International Harvester" is applicable in the context of a California waiver. However, as I stated in the May 28, 1975, (40 FR 23102) California waiver decision, I do believe that if the test were to be applied, it would not be applicable to its fullest stringency due to the degree of discretion given to California in dealing with its mobile source pollution problems. In addition, the court's approach in "International Harvester" is fully consistent with the potential outcome of eliminating some or all two stroke engines from the California motorcycle market. As the court stated:

> We are inclined to agree with the Administrator that as long as feasible technology permits the demand for new passanger automobiles to be generally met, the basic requirements of the Act would be satisfied, even though this might occasion fewer models and a more limited choice of engine types. The driving preferences of hot rodders are not to outweigh the goal of a clean environment. (478 F.2d at 640)

Findings. Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings.

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles.

2. The California State emission standards applicable to 1978 and subsequent production year motorcycles are more stringent than applicable Federal standards, of which none are currently in effect.

3. Compelling and extraordinary conditions continue to exist in the State of California. The testimony of the representatives of the CARB revealed that the State oxidant pollution problem continues to be the worst in the nation. This situation exists in spite of the fact that the latest available data reveal that there has been a decrease in the frequency with which the one-hour oxidant standard has been exceeded in Los Angeles and San Francisco. California continues to struggle with an air pollution problem of unique proportions, and the recently indicated improvement in air quality is only a small step in the right direction.

4. I cannot find that the California hydrocarbon standards applicable to 1978 and subsequent production year motorcycles, and accompanying enforcement procedures, are not consistent with section 202(a) of the Clean Air Act, since, taking into account the cost of compliance, sufficient lead time to permit the development and application of the requisite technology is clearly available for the 1978 and 1980 standards, and appears to be available to meet the 1982 standard.

IV. Decision

Based upon the above discussion and findings, I hereby waive the application of section 209(a) to the State of California with respect to Section 1958 of Title 13, California Administrative Code, and "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles," adopted July 15, 1975, as amended February 20, 1976. If more stringent Federal standards are hereafter promulgated for 1978 or any subsequent model year, at that time I may have to reconsider the question of whether this California waiver will remain in effect.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1120 Q Street, Sacramento, California 95814.

Dated: October 1, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76–29390 Filed 10–6–76;8:45 am]

[OPP–50261; FRL 627–6]

FISONS CORP. AND MONSANTO

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 10065–EUP–5 and No. 10065–EUP–8. Fisons Corporation, Bedford, Massachusetts 01730. These experimenal use permits allow the use of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate to evaluate control of weeds in grass seed crops. Permit No. 10065–EUP–5 will use 3,000 pounds of the herbicide; Permit No. 10065–EUP–8 will use 1,040 pounds. A total of 3,040 acres are involved; both programs are authorized only in the States of Idaho, Oregon, and Washington. The experimental use permits are effective from September 10, 1976, to September 10, 1977. These permits are being issued with the limitation that all the treated grasses will be used for seed production only. None of the treated grass will be used for forage, feed, or grazing of livestock.

No. 524–EUP–24. Monsanto Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 737.5 pounds of the herbicide isopropylamine salt of glyphosate on cotton and soybeans to evaluate control or destruction of most herbaceous plants; the herbicide will be applied only through recirculating spray system applicators. A total of 2,950 acres is involved; the program is authorized only in the States of Alabama, Arkansas, North Carolina, South Carolina, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Iowa, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Virginia, Arizona, California, and New Mexico. The experimental use permit is effective from September 9, 1976, to September 9, 1977. Temporary tolerances for residues of the active ingredient in or on cotton forage, cottonseed, soybean grain, forage and hay, liver, kidney of cattle, goats, hogs, horses, poultry, and sheep have been established; a food additive tolerance for residues of the active ingredient in soybean hulls has also been established.

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–29535 Filed 10–6–76;8:45 am]

[PF49; FRL 627–7]

MOBAY CHEMICAL CO. ET AL.

Pesticide Petition; Notice of Filing

Pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP6F1835. Chemagro Agricultural Div., Mobay Chemical Co., Kansas City MO 64120. Proposes that 40 CFR 180.183 be amended by establishing a tolerance for residues of the insecticide *O,O*-diethyl *S*-[2(ethylthio)ethyl] phosphorodithioate in or on the raw agricultural commodities grass, grass chaff, and grass straw at 35 parts per million (ppm). Proposed analytical method for determining residues is a thermionic emission gas chromatographic procedure. PM15 (202/426–9425)

PP6F1859. Elanco Products Co., Division of Eli Lilly and Co., Indianapolis IN 46206. Proposes that 40 CFR 180.304 be amended by the establishment of a tolerance for combined residues of the herbicide oryzalin (3,5-dinitro-N⁴,N⁴-dipropylsulfanilamide) at 0.05 ppm in or on the raw agricultural commodity groups citrus fruits, pome fruits, small fruits, and stone fruits, and in or on the raw agricultural commodities avocados, kiwi fruit,

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olives, pomegranates, pistachios, figs, and almond hulls. The proposed analytical method for determining residues involves formation of the dimethyl derivative of oryzalin and analysis of the derivative by a gas-liquid chromatographic technique using an electron capture detector. PM25 (202/755–7012)

PP6F1860. Merck and Co. Inc., Rahway NJ 07965. Proposes that 40 CFR 180.242 be amended by the establishment of a tolerance for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on the raw agricultural commodity sugar beets at 4.0 ppm. Proposed analytical method for determining residues is a spectrophotofluorometric procedure in which the excitation wave length is 300 nm and the emission wave length is 360 nm. PM21 (202/426–2454)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH–569) Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain.

Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–29536 Filed 10–6–76;8:45 am]

[OPP–50260; FRL 627–5]

NOR-AM AGRICULTURAL PRODUCTS, INC. AND ELANCO PRODUCTS CO.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751, 7 U.S.C. 136(a) et seq.) experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2139–EUP–23. Nor-Am Agricultural Products, Inc., Woodstock, Illinois 60098. This experimental use permit allows the use of 7.5 pounds of the plant regulator *N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea to defoliate cotton. A total of 36 acres is involved; the program is authorized only in the States of California, Georgia, Mississippi, South Carolina, and Texas. The experimental use permit is effective from September 14, 1976, to September 14, 1977. This permit is being issued with the limitation that all treatd cottonseed will be used for seed purposes only.

No. 1471–EUP–59. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 112.5 pounds of the herbicide oryzalin on transplant burley and dark tobacco to evaluate control of annual grasses and broadleaf weeds. A total of 150 acres is involved; the program is authorized only in the States of Kentucky, Maryland, Ohio, and Wisconsin. The experimental use permit is effective from September 10, 1976, to September 10, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–29534 Filed 10–6–76;8:45 am]

[OPP–50259; FRL 627–4]

PPG INDUSTRIES INC., AND ZOECON CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 748–EUP–14. PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. This experimental use permit allows the use of 750 pounds of the fungicide sodium azide on chrysanthemums to evaluate control of Fusarium, Phizoctona, and Pythium. A total of 10 acres in involved; the program is authorized only in the State of Florida. The experimental use permit is effective from September 21, 1976, to September 21, 1977.

No. 20954–EUP–7. Zoecon Corporation, Palo Alto, California 94304. This experimental use permit allows the use of 36 pounds of the insecticide methoprene on stored tobacco to evaluate control of tobacco moth and cigarette beetle. Approximately 3,600 hogshead of stored tobacco will be treated; the program is authorized only in the States of California, Connecticut, Kentucky, North Carolina, Pennsylvania, South Carolina, Virginia, and Wisconsin. The experimental use permit is effective from September 21, 1976, to September 21, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/775–4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc. 76–29533 Filed 10–6–76;8:45 am]

[FRL 626–8]

PROPOSED AIRCRAFT NOISE ABATEMENT REGULATIONS

Submittal to FAA

Section 611(c)(1) of the Federal Aviation Act (the Act) of 1958, 49 U.S.C. 1431, as amended by section 7(b) of the Noise Control Act of 1972, 86 Stat. 1239, requires that the Administrator of the Environmental Protection Agency submit to the Federal Aviation Administration (FAA) proposed regulations to provide such control and abatement of aircraft noise and sonic boom including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations as EPA determines is necessary to protect the public health and welfare.

In compliance with the Act, the EPA submitted to the Administrator of the FAA on October 1, 1976, the proposed regulation on "Noise Levels for Turbojet Powered Airplanes and Large Propeller Driven Airplanes".

This proposed regulation has been submitted to the Federal Aviation Administration under the authority of 49 U.S.C. 1431.

ROGER STRELOW,
Assistant Administrator for
Air and Waste Management.

Dated: September 30, 1976.

[FR Doc.76–29388 Filed 10–6–76;8:45 am]

[OPP–50258; FRL 627–3]

UNIROYAL CHEMICAL

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 400–EUP–53. Uniroyal Chemical, Bethany, Connecticut 06525. This experimental use permit allows the use of 15 pounds of the defoliant 2,3-Dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide on cotton as a harvest aid. A total of 30 acres is involved; the program is authorized only in the States of Arkansas, California, Georgia, and Mississippi. The experimental use permit is effective from September 14, 1976 to September 14, 1977. This permit is issued with the limitation that all treated cottonseed be destroyed.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–29532 Filed 10–6–76;8:45 am]

[OPP—33000/466; FRL 627–8]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of a new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755–9315
PM 21 & 22—202/426–2454
PM 24—202/755–2196
PM 31—202/426–2635
PM 33—202/755–9041
PM 15, 16, & 17—202/426–9425
PM 23—202/755–1397
PM 25—202/755–7012
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/466)

EPA Reg. No. 100–549. Agr. Div., Ciba Geigy Corp., PO Box 11422, Greensboro NC 27409. COTORAN 80 WP. Active Ingredients: Fluometuron 1,1-dimethyl-3-(a,a,a-trifluoro-m-tolyl) urea 80%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New use—aerial application on cotton. PM25

EPA Reg. No. 148–689. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DU-TER PL–47. Active Ingredients: Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 148–1195. Thompson-Hayward Chemical Co. DU-TER FUNGICIDE. Active Ingredients: Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 239–2211. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 241–31. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. MALATHION 25% WETTABLE POWDER INSECTICIDE. Active Ingredients: Malathion 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 241–32. American Cyanamid Co. MALATHION 5% DUST INSECTICIDE. Active Ingredients: Malathion 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 241–33. American Cyanamid Co. MALATHION 4% DUST INSECTICIDE. Active Ingredients: Malathion 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. No. 337–57. Lester Laboratories, Inc., 2370 Lawrence St., Atlanta GA 30344. LESTER BAC–20. Active Ingredients: 2,2-Dibromo - 3 - nitrilopropionamide 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 352–342. E. I. du Pont de Nemours & Co., Inc., Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE FOR USE ON PEPPERS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 352–342. E. I. du Pont de Nemours & Co., Inc. METHOMYL INSECTICIDE FOR USE ON LETTUCE. Active Ingredients: Methomyl S-methyl N-[methylcarbamoyl) o x y] thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352–370. E. I. du Pont de Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON LETTUCE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352–370. E. I. du Pont de Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON PEPPERS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

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EPA File Symbol 359–AIE. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. RHOMENE-R. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–365. Rhodia, Inc. RHOMENE. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 359–AIG. Rhodia, Inc. CHIPTOX-R. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 359–170. Rhodia, Inc. CHIPTOX. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 464–LUN. Dow Chemical, U.S.A., PO Box 1706, Midland MI 48640. MCP AMINE HERBICIDE. Active Ingredients: 2-methyl-4-chlorophenoxyacetic acid, dimethylamine salt 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 476–2108. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. DEVRINOL 50–WP SELECTIVE HERBICIDE. Active Ingredients: 2-(alpha-naphthoxy)-N,N-diethylpropionamide 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amendment. PM25

EPA Reg. No. 476–2150. Stauffer Chemical Co. DEVRINOL 2–E. Active Ingredients: 2-(alpha-naphthoxy) - *N,N* - diethylpropionamide 21.8%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amendment. PM25

EPA Reg. No. 538–130. Scotts, Marysville, OH 43040. SCOTTS TURF BUILDER PLUS MOSS CONTROL. Active Ingredients: Ferrous Ammonium Sulfate (hexahydrate) 14.67%; Pentachlorophenol 1.85%; Tetrachlorophenol 0.25%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM23

EPA File Symbol 675–GR. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug, Inc., Distr., 225 Summit Ave., Montvale NJ 07645. ROCCAL MIST AIR SANITIZER ODOR NEUTRALIZER MODULE. Active Ingredients: Triethylene glycol 8.0%; Dipropylene glycol 2.0%; Alkyl dimethyl benzyl ammonium chloride 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 912–24. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. MCP AMINE WEED KILLER. Active Ingredients: 2-Methyl-4-Chlorophenoxyacetic Acid, Dimethylamine salt 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1159–183. Seacoast Laboratories, Inc., 257 Hwy. 18, PO Box 157, East Brunswick NJ 08816. BENOMYL TURF FUNGICIDE. Active Ingredients: Benomyl [Methyl 1-(butyl-carbamoyl)-2-benzimidazolecarbamate] 1.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM22

EPA Reg. No. 1911–198. Carolina Chemicals, Inc., Box 118, West Columbia SC 29169. 5% MALATHION DUST. Active Ingredients Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1339–79. Cotton States Chemical Co., Inc., Box 157, West Monroe LA 71291. COTTON STATES 5% MALATHION DUST. Active Ingredients: Malathion 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 1471–RNA. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206, U.S.A. SWARD 50W. Active Ingredients: Prosulfalin (*N*-[[(4-dipropyl-amino)-3,5 - dinitrophenyl] - sulfonyl]-S,S-dimethylsulfilimine 50%. Method of Support: Application proceeds under 2(a) of interim policy. PM24

EPA File Symbol 1471–RNT. Elanco Product Co. PROSULFALIN TECHNICAL. Active Ingredients: Prosulfalin, *N*-[[(4-dipropylamino)-3,5-dinitrophenyl]-sulfonyl] - S,S-dimethylsulfilimine 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 1638–RN. Geo. L. Williams Co., 5700 Train Ave., Cleveland OH 44102. WJW–1975. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 1839–71. Onyx Chemical Co., Div. of Millmaster-Onyx Corp., 190 Warren St., Jersey City NJ 07302. BTC–E 8248–80%. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80.0%; Isopropyl Alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 1842–81. Triangle Chemical Co., Box 4528, Macon GA 31208. TRIANGLE MALATHION 25% WETTABLE POWDER. Active Ingredients: 0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1842–110. Triangle Chemical. TRIANGLE 5% MALATHION DUST. Active Ingredients: 0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 5%. Method of Support: Application proceeds under 2 (b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1842–151. Triangle Chemical. TRIANGLE 10% MALATHION DUST. Active Ingredients: 0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 1990–GIE. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. PROPACHLOR—ATRAZINE WETTABLE POWDER. Active Ingredients: 2-Chloro-N-isoproylacetanilide 48.1%; Atrazine (2-Chloro-4-(ethylamino)-6-(isopropylamino)-s-triazine) 20.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 3286–43. Ferd Staffel Co., 331 Burnet St., San Antonio TX 78298. MALATHION 25% WETTABLE POWDER. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 3442–559. U.S.S. Agri-Chemicals, Div. of United States Steel Corp., PO Box 1685, Atlanta GA 30301. USS VERTAGREEN TRADEMARK CRABGRASS PREVENTER. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 7.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3743–207. Southern Agricultural Chem., Inc., PO Box 527, Kingstree SC 29556. STORED GRAIN DUST M–1. Active Ingredients: Malathion (0,0-Dimethyl dithiophosphate of diethylmercaptosuccinate) 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4581–230. Agchem Div., Pennwalt Corp., PO Box C, King of Prussia PA 19406. ZIRAM F–4. Active Ingredients: Ziram (Zinc dimethyldithiocarbamate) 41.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA File Symbol 4621–U. Mozel Chemical Products Co., 4003 Park Ave., St. Louis MO 63110. MOZEL SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 4822–RLG. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403 JOHNSON BUGGY WHIP DUAL ACTION ROACH BAIT. Active Ingredients: Chloropyrifos [0,0-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 4823–16. Maintenance Supply Service Corp., PO Box 498, Huntersville NC 28078. NORTHWOODS PINE ODOR DISINFECTANT DEODORANT CLEANSER. Active Ingredients: Soap 10.00%; Pine Oil 8.60%; Isopropyl Alcohol 8.00%; O-benzyl-p-chlorophenol 11.00%; Disodium ethylene diamine tetraacetate 0.50%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.76–29537 Filed 10–6–76;8:45 am]

[FRL 627–1]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Environmental Pollutant Movement and Transformation Advisory Committee of the Science Advisory Board will be held on October 28, 1976 at 2:00 p.m. to 4:30 p.m. at the Environmental Research Laboratory of the United States Environmental Protection Agency at Research Triangle Park, North Carolina. The address is located at the intersection of Highway N.C. 54 and T. W. Alexander Drive. The meeting is in conjunction with a visit of the Committee to laboratories studying problems in air chemistry, physics and meteorology.

The agenda includes status of upcoming Science Advisory Board activities with regard to lead, catalytic converters, and problems of sulfates research; future committee activities with regard to the evaluation of data from large scale atmospheric and oceanographic studies; and topics on ecological modeling strategies within the Office of Health and Ecological Effects related to future joint activities of the Ecology Advisory Committee and the Environmental Pollutant Movement and Transformation Advisory Committee; and items of Member interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Joel L. Fisher, Executive Secretary of the Environmental Pollutant Movement and Transformation Advisory Committee by close of business October 20, 1976 at (703)–557–7710.

THOMAS D. BATH,
Staff Director,
Science Advisory Board (A–101).

OCTOBER 1, 1976.

[FR Doc.76–29389 Filed 10–6–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–897]

ESTABLISHING A BOARD OF COMMISSIONERS

Order

Adopted: September 28, 1976.

Released: October 6, 1976.

By the Commission: Commissioners Fogarty and White not participating.

1. To assure the continuity of Commission operations during pre-election period until November 3, 1976, and to enable the Commission to handle political broadcasting matters, in an expedited manner, we are hereby establishing a Board of Commissioners, to function during that period whenever a quorum of the Commission is not present and able to act.

2. Authority for this action is contained in section 5(d) of the Communications Act, 47 U.S.C. 155(d). Subject to the provisions of section 5(d), the Board shall have the authority of a Board established under § 0.212 of the Rules and Regulations, 47 CFR 0.212.

3. In view of the foregoing, it is hereby Ordered, effective September 29, 1976, that a Board of Commissioners composed of all Commissioners present and able to act, is established to function during the pre-election period in accordance with the provisions of this Order when a quorum of Commissioners is not present.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–29460 Filed 10–6–76;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent ocean freight forwarder license No. 1030–R]

ADVANCE SHIPPING CO.

Order of Revocation

By letter dated September 1, 1976, Mr. Lorenzo Rodriguez, Advance Shipping Company, 7251 Clinton, Houston, TX 77020 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1030–R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 1, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Advance Shipping Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1030–R issued to Advance Shipping Company be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1030–R be and is hereby revoked effective October 1, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Advance Shipping Company.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76–29484 Filed 10–6–76;8:45 am]

[Independent ocean freight forwarder license No. 559]

P & R FORWARDING CO.

Revocation Notice

By certified letter dated December 5, 1973, Mrs. Angelea J. Ryan, P & R Forwarding Co., 127 Pollak Place, Hicksville, New York 11801, was notified that pursuant to Section 44(c), Shipping Act, 1916, and Section 510.9 of the Commission's General Order 4, License No. 559 issued to P & R Forwarding Co., would be automatically revoked January 3, 1974 unless a valid surety bond was filed with the Commission on or before that date.

P & R Forwarding Co. failed to file a surety bond with the Federal Maritime Commission and therefore, in accordance with said notice, revocation of License No. 559 became effective January 3, 1974. Through inadvertence, however, notice of such revocation of P & R Forwarding Co.'s License No. 559 was not published in the FEDERAL REGISTER pursuant to Section 510.9 of the Commission's General Order 4 (46 C.F.R. 510.9).

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 20, 1975, notice is hereby given that License No. 559, issued to P & R Forwarding Co., was revoked effective January 3, 1974 for failure to maintain a valid surety bond required under Section 44(c), Shipping Act, 1916.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76–29483 Filed 10–6–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76–116—RP76–134]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Compliance With Commission Order

SEPTEMBER 30, 1976.

Alabama-Tennessee Natural Gas Company, Arkansas-Louisiana Gas Company, Cities Service Gas Company, Columbia Gas Transmission Corporation, East Tennessee Natural Gas Company, Eastern Shore Natural Gas Company, El Paso Natural Gas Company, Lawrenceburg Gas Transmission Corporation, Louisiana-Nevada Transit Company, Mid-Louisiana Gas Company, Northwest Pipeline Corporation, Panhandle Eastern Pipe Line Company, Tennessee Natural Gas Lines, Inc., Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Trunkline Gas Company, United Gas Pipe Line Company, Texas Eastern Transmission Corporation, Docket Nos. RP76–116, RP76–117, RP 76–118, MP76–119, RP76–120, RP76–121, RP76–122, RP76–123, RP76–124, RP76–125, RP76–126, RP76–127, RP76–128, RP76–129, RP76–130, RP76–131, RP76–132, RP76–133, RP76–134.

The Commission by order issued on September 15, 1976, in the above-styled proceedings directed that the Commission Staff on or before September 28, 1976, prepare and incorporate into the Commission's official files copies of the collated data developed from FPC Form No. 69 and FEA Form Nos. G–101–Q–O and G–101–P–O. In addition the Commission directed that five copies of this material be placed in the Office of Public Information for inspection by interested parties.

The Commission staff has prepared the aforementioned material and has had copies of it incorporated into the Commission's official files and has made five copies of this material available in the Office of Public Information of the Commission for inspection by interested parties.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29487 Filed 10–6–76;8:45 am]

[Docket No. RP72–110 (PGA76–6)]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 30, 1976.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on September 27, 1976, tendered for filing Twenty-First Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Al-

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gonquin Gas states that the rate change is being filed to reflect a change in purchased gas costs under revised tariff sheets proposed to be put into effect by Algonquin Gas' supplier, Texas Eastern Transmission Corporation (Texas Eastern), on October 27, 1976, pursuant to the Commission's Opinion No. 770 issued July 27, 1976.

The proposed effective date of Twenty-First Revised Sheet No. 10 is October 27, 1976, in order to coincide with the effective date of the change in Algonquin Gas' cost of purchased gas under Texas Eastern's underlying rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29488 Filed 10-6-76;8:45 am]

[Docket Nos. AR61-2 etc.]

AREA RATE PROCEEDINGS ET AL.

Proposed Plan of Refund

SEPTEMBER 29, 1976.

Area Rate Proceedings, et al., (Southern Louisiana Area), Docket Nos. AR61-2 and AR69-1, et al.; United Gas Pipe Line Company, Docket Nos. G-9547, et al., RP61-18, RP63-1, RP65-1, RP70-13 and RP71-41.

Take notice that United Gas Pipe Line Company (United), on April 6, 1976, tendered for filing, in accordance with the Commission's Order Directing Disbursement and Flow Through of Refunds issued on August 19, 1975, its proposed plan of refund to flow through monies received from producers pursuant to Opinion No. 598.

United proposes to flow through to its jurisdictional customers the jurisdictional portion of producer refunds received totaling $1,323,291, including interest.

A copy of this filing has been served upon each interested State commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29497 Filed 10-6-76;8:45 am]

[Docket No. ER76-913]

BOSTON EDISON CO.

Termination of Rate Schedule

OCTOBER 1, 1976.

Take notice that on September 22, 1976, Boston Edison Company tendered for filing a Notice of Termination of its Rate Schedule FPC No. 109 with New England Power Company. The termination is proposed to be effective as of November 1, 1976, which Boston Edison states is the termination date established by the terms of the contract.

Boston Edison states that a copy of the notice has been sent to New England Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29509 Filed 10-6-76;8:45 am]

[Docket No. ER76-338]

CAROLINA POWER & LIGHT CO.

Certification of Settlement Agreement

OCTOBER 1, 1976.

Take notice that on September 20, 1976, Presiding Administrative Law Judge Samuel Kanell certified to the Commission a proposed settlement of the rate in the above-captioned docket.

Any person wishing to do so may file comments concerning the proposed settlement agreement. All such comments should be submitted in writing to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 15, 1976. The Commission will consider all comments in determining the proper action to be taken.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29508 Filed 10-6-76;8:45 am]

[Docket No. RP 72-142 (PGA76-8)]

CITIES SERVICE GAS CO.

Proposed Changes in Gas Tariff; Amendment

SEPTEMBER 30, 1976.

The "Notice of Proposed Changes In FPC Gas Tariff", issued September 23, 1976 in the above-referenced docket, is hereby supplemented so as to give public notice of the fact that the proposed changes filed herein by Cities Service Gas Company will result in an annual increase in jurisdictional revenues of $28,081,649, based on sales volumes for the twelve month period ended July 22, 1976. In light of this supplemental information, the time for filing of all petitions to intervene or protests will be extended from October 6, 1976 to October 15, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29491 Filed 10-6-76;8:45 am]

[Docket No. ER76-887]

DAYTON POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets and Establishing Procedure

SEPTEMBER 30, 1976.

On September 1, 1976, Dayton Power and Light Company (Dayton) submitted for filing revised tariff sheets to its FPC Electric Tariff under which fourteen municipal customers are served. The proposed rate change would increase revenues by approximately $988,273 (12.41%) for the twelve-month period following the proposed effective date of October 1, 1976.

Dayton presently serves its tariff customers under settlement rates which were filed in Docket No. E-9216 and approved by Commission order issued August 30, 1976. The rate contains a two-step kVa demand charge and three-step energy charge. It is subject to a fuel adjustment clause, a tax adjustment clause, minimum monthly charge provisions, and a high voltage discount.

The new rate design is considerably simplified and contains a demand charge based on kW and a reactive demand charge. The number of demand blocks are reduced from two to one and the energy blocks from three to one. The proposed rates also contain a revised high voltage discount provision.

The company's case-in-chief is based on a test period consisting of the 12-months ended April 30, 1976. The proposed rates would increase revenues for this period by approximately $993,603 (12.3%) based on a comparison with the proposed settlement rates in Docket No. E-9216 which were certified to the Commission by the presiding Administrative Law Judge on January 23, 1976. The company's Statement N for this period indicates that the proposed rate increase will result in an earned rate of return of 9.93 percent.

Public notice of the filing was issued on September 10, 1976, with comments, protests or petitions to intervene due on or before September 30, 1976. Although this order is issued prior to expiration of the period for comment, protest or petition to intervene, any such comments, protests or petitions timely filed will be given due consideration.

The Commission's review of Dayton's proposed rate charges indicates that Dayton's proposed rate increases have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, the proposed rate increase should be accepted for filing and suspended for one month.

The Commission finds. Dayton's proposed rate increase should be accepted for filing and suspended for one month.

The Commission orders. (A) Dayton's proposed rate increase is hereby accepted for filing and use thereof suspended for one month, or until November 2, 1976, at which time it may become effective, subject to refund, pending the outcome of the litigation thereon.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in Dayton's FPC Electric Tariff MRS as proposed to be revised by the subject filings.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose. (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) Dayton shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission regulations, 18 CFR 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on the wholesale customers of Dayton.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29495 Filed 10-6-76;8:45 am]

[Docket No. RP71-15 (PGA76-5)]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

SEPTEMBER 30, 1976.

Take notice that on September 27, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Seventeenth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on October 27, 1976.

East Tennessee states that the purpose of this revised tariff sheet is to adjust East Tennessee's rates pursuant to the PGA provision of section 22 of the general terms and conditions to reflect increased purchased gas costs resulting from a rate increase filed September 27, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which is based solely on producer filings made pursuant to Opinion No. 770. The annualized amount of claimed purchased gas cost increases is $21,157,621 or 36.54 cents per Mcf.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene: *Provided, however,* That any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29501 Filed 10-6-76;8:45 am]

[Docket No. RP76-142]

EL PASO NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff; Correction

SEPTEMBER 24, 1976.

In FR Doc. 76-27805 appearing on page 41753 in the issue of Thursday, September 23, 1976, in the first paragraph, lines 1 and 2 change August 27, 1976, to read August 26, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29511 Filed 10-6-76;8:45 am]

[Docket Nos. CS66-126, *et al.*]

FIRST NATIONAL BANK IN DALLAS, EXECUTOR OF THE ESTATE OF ROSS R. BICKEL

Notice of Applications for "Small Producer" Certificates [1]

SEPTEMBER 28, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein in the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No.	Date filed	Applicant
CS66-126..	Aug. 27, 1976	First National Bank in Dallas, executor of the estate of Ross R. Bickel,[1] P.O. Box 6031, Dallas, Tex. 75283.
CS73-135..	Sept. 20, 1976[2]	Wainoco, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS72-307..	Aug. 27, 1976[3]	Western Petroleum Co., Inc., 809 Philtower Bldg., Tulsa, Okla. 74103.
CS76-956..	Sept. 13, 1976[4]	R. J. Sullivan, d.b.a. Sullivan & Co., 1801 NBT Bldg., Tulsa, Okla. 74103.
8C76-1135.	Sept. 17, 1976	Echo Oil Corp., P.O. Box 3096, Casper, Wyo. 82602.
CS76-1136.....	do.....	Bradshaw Field Joint Venture, 3600 South Yosemite, Suite 910, Denver, Colo. 80237.
CS76-1137.	Sept. 16, 1976	Mercantile National Bank at Dallas, trustee of the Rose S. Van Wert Trust, Mercantile National Bank at Dallas, Mercantile National Bank Bldg., Dallas, Tex. 75201.
CS76-1138.	Sept. 20, 1976	Ozona Gas Co., 1014 Lane Bldg., Shreveport, La. 71101.
CS76-1139.....	do.....	Venture 1200, P.O. Box 504, Fairview, Okla. 73737.
CS76-1140.....	do.....	Commonwealth Exploration, Inc., P.O. Box 361, Owensboro, Ky. 42301.
CS76-1141.....	do.....	Viking Exploration, Inc., Suite 820, 1776 Lincoln St., Denver, Colo. 80203.
CS76-1142.....	do.....	Primos Production, P.O. Box 2864, Monroe, La. 71201.
CS76-1143.....	do.....	Sinclair Investment Co., Ltd., 1241 Glenbrook Dr., Oklahoma City, Okla. 73118.
CS76-1144.....	do.....	Tom Sinclair, 1241 Glenbrook Dr., Oklahoma City, Okla. 73118.
CS76-1145.....	do.....	Clover Jeweler's Blvd., Inc., 3498 Maryland Parkway, Las Vegas, Nev. 89109.
CS76-1146.....	do.....	Alma Beamon Anderson, 5211 Briar Dr., Houston, Tex. 77056.
CS76-1147.....	do.....	Sandor S. Hirsch, 10 East 79th St., New York, N.Y. 10021.
CS76-1149.	Sept. 22, 1976	Dr. Helen-Cheung, 201 East 79th St., New York, N.Y. 10021.
CS76-1150.....	do.....	Pachuta Corp., 1102 Western Bank Bldg., Houston, Tex. 77056.

[1] Being renoticed to reflect the estate as the certificate holder.

[2] Being renoticed as an amendment of applicant's small-producer certificate to include sales from Lockridge Field, Ward County, Tex., to Natural Gas pipeline Co. of America thereunder and for cancellation of both the certificate issued to Wainoco in docket No. CI68-1231 and the corresponding gas rate schedule No. 1.

[3] Being renoticed to amend the certificate issued in docket No. CS72-307 to include Western Petroleum Co., Inc., as coholder along with Western Petroleum Co., operator. Applicant further requests that the Sun Calvert interests acquired by Dundee Oil & Supply, Inc., be covered by the small-producer certificate issued in docket No. CS72-307.

[4] Being renoticed to include requested information.

[FR Doc.76-29360 Filed 10-6-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Postponing Procedural Dates

SEPTEMBER 28, 1976.

On September 3, 1976, Michigan Wisconsin Pipe Line Company filed a motion to postpone the procedural dates established by order issued October 31, 1975, as most recently modified by notice issued July 27, 1976, in the above-designated proceeding.

Notice is hereby given that the procedural dates in the above-designated matter are postponed pending Commission action on the proposed Stipulation and Agreement in this proceeding.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29496 Filed 10-6-76;8:45 am]

[Docket No. CP76-255, etc.]

MICHIGAN WISCONSIN PIPE LINE COMPANY, ET AL.

Order Consolidating Proceedings, Issuing Temporary Certificates, Granting Interventions, Scheduling Formal Hearing and Establishing Procedures; Correction

SEPTEMBER 23, 1976.

In FR Doc. 76-26869 appearing at page 39081 in the issue of Tuesday, September 14, 1976 on page 39081, add the finding paragraph to read as follows:

(10) Emergencies exist on the systems of NNG, and Natural such that temporary certificates should be issued in Docket Nos. CP76-271 and CP76-325 authorizing the transportation of natural gas to permit the redeliveries of stored natural gas volumes to their respective customers; and on page 39081, add the Ordering paragraph to read as follows:

(H) Temporary certificates are issued to NNG and Natural authorizing the redelivery of stored natural gas volumes as proposed in Docket Nos. CP76-271 and CP76-325, respectively.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29510 Filed 10-6-76;8:45 am]

[Docket No. ER76-585]

MISSOURI PUBLIC SERVICE CO.

Order Accepting in Part and Rejecting in Part Proposed Rate Changes

SEPTEMBER 30, 1976.

On March 30, 1976, Missouri Public Service Company (MPSC) tendered for filing revised rate schedules for service to seven wholesale municipal customers.[1] In its filing MPSC requested waiver of Section 35.13(b)(4)(iii) of the Commission's Regulations under the Federal Power Act, in order to permit the Company's use of Period I data ending 11 months prior to the March 30, 1976, filing date. By letter dated April 30, 1976, the Commission Secretary denied MPSC's waiver request and required MPSC to submit revised Period I data ending not more than seven months prior to the March 30, 1976, filing date, together with testimony and exhibits and other data required by the Commission's Regulations. In addition, the Secretary noted that preliminary review also revealed that certain of the Company's contracts incorporated specific rate review procedures, and therefore requested that MPSC show it had obtained all requisite agreement by the Cities of Odessa, El Dorado Springs, and Harrisonville for the proposed rate schedules, pursuant to Section 35.13(a) of the Regulations.

On August 2, 1976, MPSC tendered for filing the requested information including updated Period I data for a test year ended December 31, 1975. The filing also included an executed contract under the same rate schedule for an additional municipal customer not previously served.[2] The proposed revised rates would increase jurisdictional revenues by $203,908 (25%) annually. MPSC requests an effective date of October 1, 1976.

Public notice of MPSC's filings[3] were issued on April 5 and August 20, 1976, with comments, protests, or petitions to intervene due on or before April 26 and September 1, 1976, respectively. On May 3, 1976, the Board of Aldermen and the Mayor of Galt, Missouri, filed an "objection" and "informal protest" to the proposed rate increase.

In its original filing of March 30, 1976, MPSC noted that the filing was accompanied by newly executed contracts with the Cities of Liberal and Rich Hill. MPSC stated further that it expected to sign new contracts with El Dorado Springs[4] and Harrisonville within the next two weeks and that negotiations were still underway to obtain newly executed contracts with the Cities of Odessa, Galt and Gilman City. MPSC thereby requested that the proposed rates be permited to become effective to all current contracts or to new contracts that may have been finalized in the few weeks that followed. MPSC claimed that new contracts were not necessary to effectuate the proposed increased rates inasmuch as "all of our existing contracts with municipalities for wholesale power are subject to rates effectively approved (permitted to become effective) by the Federal Power Commission."

Our review indicates that all of the existing contracts provide for fixed rates over fixed terms, with no reservation of power to change unilaterally the existing rates. We find that all references to the rates being subject to "approval" of the Federal Power Commission do not establish rights to change unilaterally the rates but merely recognize our regulatory jurisdiction over such wholesale rate schedules. Pursuant to the *Mobile-Sierra* doctrine,[5] we must therefore re-

[1] Cities of El Dorado Springs, Galt, Gilman City, Harrisonville, Liberal, Odessa, and Rich Hill, Missouri.

[2] City of Pleasant Hill, Missouri.

[3] The assigned filing date of the instant docket is August 2, 1976, on which date the deficiencies in the March 30, 1976, filing were cured.

[4] On April 13, 1976, MPSC supplemented its filing by tendering a new contract executed by the City of El Dorado Springs.

[5] *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

ject MPSC's filing as it applies to those customers[6] who have not executed new contracts consenting to the change in rates. As to those customers[7] who have executed new contracts and to the new customer, Pleasant Hill, we shall accept the proposed rate schedule for filing and permit them to become effective October 1, 1976. We note that all of the proposed contracts contain the following restrictive language:

Energy delivered hereunder shall be used by Customer solely for the purpose of resale to its customers. The Customer shall not sell or deliver the electricity purchased from the Company to any customer, company, or person to be used outside of Customer's city limits, without written consent of Company.

Accordingly, we shall direct MPSC to revise its rate schedules so as to remove this restrictive language.

The Commission finds: (1) Good cause exists to reject MPSC's filing with respect to the Cities of Galt, Gilman City, Harrisonville and Odessa.

(2) Good cause exists to accept for filing as designated in the attached Appendix, the proposed rate schedules for the Cities of Liberal, Rich Hill, El Dorado Springs and Pleasant Hill and to permit them to become effective October 1, 1976.

(3) Good cause exists to require MPSC to omit the resale restriction provisions discussed hereinabove.

The Commission orders: (A) With respect to the Cities of Galt, Gilman City, Harrisonville and Odessa, MPSC's filing is hereby rejected.

(B) With respect to the Cities of Liberal, Rich Hill, El Dorado Springs and Pleasant Hill, the proposed rate schedules are hereby accepted for filing as designated in the attached Appendix, to become effective October 1, 1976.

(C) Within 30 days of the issuance of this order, MPSC shall file revised rate schedule sheets omitting the resale restriction provisions discussed hereinabove.

(D) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

MISSOURI PUBLIC SERVICE COMPANY

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS DOCKET NO. ER76-585

Filed: August 2, 1976 (Date of Completion of Filing).
Dated: July 27, 1976 (completed filing).
Effective: October 1, 1976.

Designations	*Descriptions*
(1) FPC electric rate schedule No. 34 (Pleasant Hill).	Initial wholesale service agreement.
(2) Supplement No. 1 to electric rate schedule FPC No. 34 (municipalities - resale).	Initial rate schedule for the city of Pleasant Hill.
(3) FPC electric rate schedule No. 35 (Eldorado Springs — supersedes FPC Electric rate schedule No. 27).	Eldorado Springs signed new wholesale service agreement to replace fixed-rate contract.
(4) Supplement No. 1 to FPC electric rate schedule No. 35 (municipalities - resale).	Eldorado Springs new service agreement includes a rate increase over that of superseded contract.
(5) Supplement No. 5 to FPC electric rate schedule No. 30 (municipalities - resale — supersedes supplements Nos. 1, 3, and 4 to FPC electric rate schedule No. 30).	Wholesale rate increase for the city of Liberal.
(6) Supplement No. 5 to FPC electric rate schedule No. 32 (municipalities - resale—supersedes supplements No. 1, 3, and 4 to FPC electric rate schedule No. 32).	Wholesale rate increase for the city of Rich Hill.

[FR Doc.76-29485 Filed 10-6-76;8:45 am]

[Docket No. RP72-149 (PGA 76-14, 76-15, 76-16)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Tariff Change

OCTOBER 1, 1976.

Take notice that Mississippi River Transmission Corporation (MRT) on September 27, 1976, tendered for filing the following Revised Sheet Nos. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective on the dates indicated below:

Tariff Sheet No.	*Effective date*
Forty-Seventh Revised Sheet No. 3A	Oct. 9, 1976
Forty-Eighth Revised Sheet No. 3A	Oct. 27, 1976
Forty-Ninth Revised Sheet No. 3A	Nov. 1, 1976

MRT states that the instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to track the increased cost of gas associated with (1) a general rate increase application of United Gas Pipe Line Co. (United) at Docket No. RP76-84, proposed to become effective October 9, 1976, (2) increases in the cost of gas purchased from producers, United and Natural Gas Pipeline Co. of America associated with increases in the national rate as a result of Opinion No. 770, which are to become effective October 27, 1976, and (3) an increase in the cost of gas purchased from Trunkline Gas Company (Trunkline) which is also associated with increases resulting from Opinion No. 770, and which Trunkline has proposed to become effective November 1, 1976.

MRT states that it submitted schedules containing computations supporting such various rate changes. MRT states that copies of its filings were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29506 Filed 10-6-76;8:45 am]

[Docket No. RP-74-96]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Proposed Settlement

SEPTEMBER 30, 1976.

Take notice that on September 22, 1976, Natural Gas Pipeline Company of America (Natural) filed with the Commission in the referenced docket a "Motion for Approval of Settlement Agreement" together with a "Settlement Agreement" which constitutes a proposal of settlement.

The Motion recites that the proposed settlement was prepared by Natural and circulated to the participants herein. The proposed settlement would dispose of all issues herein relating to advance payments made to Mesa Petroleum Co. and Mobil Oil Corporation.

Any person wishing to do so may submit written comments concerning the proposed settlement agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before October 29, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29503 Filed 10-6-76;8:45 am]

[Docket No. RP71-107 (PGA76-3)]

NORTHERN NATURAL GAS CO.

Amendment of Purchased Gas Cost Adjustment Rate Change

SEPTEMBER 30, 1976.

On September 23, 1976, the Acting Secretary issued notice of a purchased gas cost adjustment rate increase tendered by Northern Natural Gas Company (Northern) on August 27, 1976. That notice stated that the purchased gas cost adjustment rate increase would increase annual jurisdictional market area gas

[6] Cities of Galt, Gilman City, Harrisonville, and Odessa.

[7] Cities of Liberal, Rich Hill and El Dorado Springs.

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sales revenues by approximately $4,270,215 for the last two months of 1976 and $142,634 for field area sales. Northern further states that total annual net increase in cost of purchased gas attributable to Opinion Nos. 770 and 742-A is $48,659,629 based on producers increases to be effective July 27, 1976 and October 1, 1976 (one cent escalation).

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29504 Filed 10-6-76;8:45 am]

[Docket No. RP72-154 (PGA76-6)]

NORTHWEST PIPELINE CORP.

Change in Rates

OCTOBER 1, 1976.

Take notice that Northwest Pipeline Corporation, on September 27, 1976, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Such change in rates is for the purpose of tracking producer and leasehold production gas cost increases to the national base rate levels prescribed in the Commission's Opinion No. 770 and Order in Docket No. RM75-14 issued on July 27, 1976.

The current PGAC adjustment, for which notice is given herein, aggregates an increase of .802¢ per therm in all rate schedules affected by and subject to the PGAC. As shown in Enclosure No. 1, Schedule A, such current adjustment is comprised of an annualized increase in purchased gas costs and leasehold production costs of .630¢ per therm and a surcharge adjustment of .172¢ per therm representing producer increases and leasehold production cost increases for the period of July 27, 1976 through October 26, 1976, plus a nine percent (9%) carrying charge during the duration of the surcharge. The annualized amount of claimed purchased gas cost increases under Opinion No. 770 is $25,515,779. The proposed surcharge to recover unrecovered purchased gas costs attributable to Opinion No. 770 is $6,507,763. Carrying charges on the unrecovered purchased gas costs are $306,968. The total amount claimed is $32,330,510, of which $32,041,858 is applicable to jurisdictional sales and services.

Northwest is requesting that waiver be granted of Northwest's PGAC provisions and applicable Commission Regulations, as necessary, to permit recovery of the increased leasehold production gas costs from wells commenced on or after January 1, 1973, on leases acquired prior to October 7, 1969, as proposed herein, and to permit the acceptance and effectiveness of the proposed change in rates as of October 27, 1976, as specified in Opinion No. 770.

Northwest states that a copy of this filing is being served upon all parties of record in Docket No. RP72-154 and otherwise, upon all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29507 Filed 10-6-76;8:45 am]

[Docket No. ER76-826]

PENNSYLVANIA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Intervention and Establishing Procedure

SEPTEMBER 30, 1976.

On July 30, 1976, Pennsylvania Power & Light Company (PP&L) submitted for filing a proposed increase in rates for firm power service to its fifteen wholesale customers.[1] The proposed rates result in an estimated increase of $930,598 (9.1%) for the twelve-month period following the proposed effective date of October 1, 1976.

[1] See table below:

Designations	Other party
Supp. No. 9 to rate schedule FPC No. 28 (supersedes supp. No. 6).	Borough of Watsontown.
Supp. No. 10 to rate schedule FPC No. 28 (supersedes supp. No. 8).	Do.
Supp. No. 9 to rate schedule FPC No. 32 (supersedes supp. No. 6).	Borough of Duncannon.
Supp. No. 10 to rate schedule FPC No. 32 (supersedes supp. No. 8).	Do.
Supp. No. 7 to rate schedule FPC No. 45 (supersedes supp. No. 4).	Borough of Blakely.
Supp. No. 8 to rate schedule FPC No. 45 (supersedes supp. No. 6).	Do.
Supp. No. 7 to rate schedule FPC No. 50 (supersedes supp. No. 4).	Borough of Weatherly.
Supp. No. 8 to rate schedule FPC No. 50 (supersedes supp. No. 6).	Do.
Supp. No. 7 to rate schedule FPC No. 51 (supersedes supp. No. 4).	Borough of Schuylkill Haven.
Supp. No. 8 to rate schedule FPC No. 51 (supersedes supp. No. 6).	Do.
Supp. No. 5 to rate schedule FPC No. 54 (supersedes supp. No. 2).	Borough of Perkasie.
Supp. No. 6 to rate schedule FPC No. 54 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 55 (supersedes supp. No. 2).	Borough of Mifflinburg.
Supp. No. 6 to rate schedule FPC No. 55 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 56 (supersedes supp. No. 2).	Borough of Saint Clair.
Supp. No. 6 to rate schedule FPC No. 56 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 57 (supersedes supp. No. 2).	Borough of Catawissa.
Supp. No. 6 to rate schedule FPC No. 57 (supersedes supp. No. 4).	Do.

The Company's case-in-chief is based on a test period consisting of the 12 months ended December 31, 1975. The proposed rates would increase revenues for this period by approximately $964,890 (11.4%). The Company's Statement N for this period indicates that the proposed rate increase will result in an earned rate of return of 7.73% for customers served at transmission level and 8.64% for customers served at primary distribution.

Public notice of the filing was issued on August 12, 1976, with comments, protests or petitions to intervene due on or before September 10, 1976. Timely petitions to intervene were filed by the Boroughs of Ephrata, Quakerstown, Watsontown, Perkasie, Saint Clair, Hatfield, Catawissa, Lehighton, Weatherly and Schuylkill Haven and by Citizens Electric Company of Lewisburg, Pa. (Citizens' Electric).

Citizens' Electric states that the rates and charges proposed by PP&L are unjust and unreasonable, would subject petitioner and its customers to undue prejudice or disadvantage and therefore would be unlawful if permitted to become effective. Citizens' Electric therefore requests to intervene in this proceeding. In particular, Citizens' Electric contends that (1) PP&L's allocations methods and procedures are incorrect, (2) the Pennsylvania gross receipts tax is improperly allocated to transmission resale customers, including Citizens' Electric, and (3) a five month suspension is warranted to more fully protect Citizens' Electric's 3,900 residential customers where refund might be difficult.

Designations	Other party
Supp. No. 5 to rate schedule FPC No. 58 (supersedes supp. No. 2).	Borough of Ephrata.
Supp. No. 6 to rate schedule FPC No. 58 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 59 (supersedes supp. No. 2).	Borough of Hatfield.
Supp. No. 6 to rate schedule FPC No. 59 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 60 (supersedes supp. No. 2).	Borough of Quakertown.
Supp. No. 6 to rate schedule FPC No. 60 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 61 (supersedes supp. No. 2).	Citizens Electric Co. of Lewisburg.
Supp. No. 6 to rate schedule FPC No. 61 (supersedes supp. No. 4).	Do.
Supp. No. 6 to rate schedule FPC No. 63 (supersedes supp. No. 3).	Borough of Lehighton.
Supp. No. 7 to rate schedule FPC No. 63 (supersedes supp. No. 5).	Do.
Supp. No. 2 to rate schedule FPC No. 65 (supersedes supp. No. 1).	Borough of Olyphant.
Supp. No. 3 to rate schedule FPC No. 65 (supersedes supp. No. 1 to supp. No. 1).	Do.

The Boroughs of Ephrata, Quakertown, Watsontown, Perksie, Saint Clair, Hatfield, Catawissa, Lehighton, Weatherly and Schuylkill Haven contend that (1) the proposed increase is anti-competitive, (2) PP&L's allocation methods and procedures are incorrect, (3) the Pennsylvania gross receipts tax applies only to sales outside borough limits and PP&L has charged gross receipts tax for sales within the city, (4) the fuel clause is improper in that it purports to establish a fuel cost of June 30, 1970, which is not the current fuel cost, and (5) if the fuel clause revenues are excluded, the proposed increase is 18% and not 11.4%, as represented by the Company.

The Commission's review of PP&L's proposed rate charges indicates that PP&L's proposed rate increases have not been shown to be just and reasonable and, therefore, they may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. The proposed rate increase will produce only 1.75% of PP&L's total revenues, however each rate schedule subject to such increase represents the total electric requirements of the various wholesale customers. The relative impact of the rate schedule on the parties concerned, together with the arguments advanced have been given due consideration. Accordingly, the proposed rate increases should be accepted for filing and suspended for one month, or until November 2, 1976.

The Commission finds: (1) PP&L's proposed rate increases should be accepted for filing and suspended for one month.

(2) Good cause exists to allow Citizens' Electric and the Boroughs of Ephrata, Quakertown, Watsontown, Perkasie, Saint Clair, Hatfield, Catawissa, Lehighton, Weatherly and Schuylkill Haven (Boroughs) to intervene in this proceeding.

The Commission orders: (A) Supplement Nos. 9 and 10 to Rate Sohedule FPC No. 28, Supplement Nos. 9 and 10 to Rate Schedule FPC No. 32, Supplement Nos. 7 and 8 to Rate Schedule FPC No. 45, Supplement Nos. 7 and 8 to Rate Schedule FPC No. 50, Supplement Nos. 7 and 8 to Rate Schedule FPC No. 51, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 54, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 55, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 56, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 57, Supplement Nos. 5 & 6 to Rate Schedule FPC No. 58, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 59, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 60, Supplement Nos. 5 & 6 to Rate Schedule FPC No. 61, Supplement Nos. 6 and 7 to Rate Schedule FPC No. 63 and Supplement Nos. 2 and 3 to Rate Schedule FPC No. 65 are hereby accepted for filing and use thereof suspended for one month, or until November 2, 1976, at which time they may become effective, subject to refund, pending the outcome of the litigation thereon.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in PP&L's FPC Electric Tariff MRS as proposed to be revised by the subject filings.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) PP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increase rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(F) Citizens' Electric and the Boroughs are hereby permitted to intervene in this proceeding, *Provided, however*, that participation by them shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of these parties shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on the wholesale customers of PP&L.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29486 Filed 10-6-76;8:45 am]

[Docket No. CP76-533]

PEOPLES NATURAL GAS AND NORTHERN NATURAL GAS CO.

Application

SEPTEMBER 30, 1976.

Take notice that on September 22, 1976, Peoples Natural Gas Division of Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-533 an application pursuant to section 1(c) of the Natural Gas Act for an order declaring exempt from the provisions of the Natural Gas Act and the Regulations of the Commission pertaining thereto certain intrastate facilities of Applicant and natural gas transported in such facilities and distributed therefrom, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Applicant owns, operates and maintains an extensive intrastate natural gas distribution system in Southeast Colorado which provides retail natural gas service to urban customers in several communities including Lamar, Springfield, Holly, Walsh, and Granada, and to rural customers in the countries of Prowers, Bent, Baca, and Kiowa. It is said that Applicant obtains the gas sold to its customers in Southeast Colorado from three supply sources: Colorado gas wells in the same area, which are owned and operated by others; Colorado Interstate Gas Company's (CIG) pipeline through delivery points located in Bent County and Baca County, Colorado; and a part of the Hugoton field in Western Kansas. Further, it is stated that the gas furnished by CIG is provided under an exchange agreement between CIG and Applicant, with Applicant delivering the exchange gas into CIG's system in Kearny County, Kansas.

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The application shows that the Hugoton field will, at times during the year, flow into Applicant's Southeast Colorado gas distribution system through three segments of pipeline connecting that system with Applicant's gathering facilities in Western Kansas. Applicant asserts, however, that none of the gas from Applicant's Colorado supply sources does flow or can flow into Kansas because Applicant has installed equipment consisting of check values to prevent any such flows; thus, all gas received into Applicant's Southeast Colorado facilities is consumed in Colorado. A certificate from the Colorado Public Utilities Commission which is attached to the application shows that the facilities of Applicant and the rates charged for gas sold and services rendered by Applicant in connection with sales of gas are subject to the regulatory jurisdiction of the Colorado Public Utilities Commission and that the Colorado Commission is exercising such jurisdiction.

Accordingly, Applicant requests an order declaring exempt from the provisions of the Natural Gas Act the facilities, transportation, delivery, and sale of natural gas involved in the above-described operations of its Southeast Colorado facilities located within Prowers, Baca, Bent, and Kiowa Counties, Colorado.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29500 Filed 10-6-76;8:45 am]

[Docket No. RI76-136]

PETROLEUM CORP. OF TEXAS

Order Granting Special Relief

Issued September 29, 1976.

On July 6, 1976, Petroleum Corporation of Texas (Petitioner) filed a petition for special relief pursuant to Section 2.76[1] of the Commission's General Policy and Interpretations for sales of gas to Northern Natural Gas Company (Northern) from the Thonhoff "A" and "C" units Meade County, Kansas. Petitioner is a small producer and was granted a small producer certificate in Docket No. CS70-37.

[1] 18 C.F.R. § 2.76.

Petitioner states that at the present contract rate of 18.00 cents per Mcf, the capital expenditures necessary to continue to obtain additional production from the subject wells would be uneconomical. Petitioner avers that an acidizing treatment and the installation of a compressor are needed in order to prevent abandonment of the Thornhoff units.

Petroleum Corporation seeks a rate of 67.00 cents per Mcf at 14.65 psia. By contract amendment dated May 14, 1976, Northern agrees that it will purchase the subject gas at the requested price level.

Notice of the petition was issued July 29, 1976. A timely petition to intervene in support of the petition for special relief was filed by Northern on August 19, 1976.

Staff has reviewed the cost data submitted by petitioner.[2] Based thereon Staff life of the well. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Petroleum Corporation's petition.

The Commission finds: The petition for special relief filed by Petroleum Corporation meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above-stated reasons, the petition for special relief of Petroleum Corporation is hereby granted. Petroleum Corporation is authorized to collect a total rate of 67.00 cents per Mcf at 14.65 psia for all gas produced from the subject wells effective on the date that the proposed compressor is installed and made operative and the remedial work is completed, or the date of issuance of this Commission order, whichever is later, subjective to the following conditions: (1) Petroleum Corporation must file, in Docket No. RI76-136, a statement signed by Northern, setting forth the date that the proposed work has been completed and 2) said statement is to be filed within 30 days of the date the equipment is made operative.

(B) Petroleum Corporation's May 14, 1976, contract amendment with Northern and the related rate increase filing are hereby accepted as Supplement Nos. 4 and 5, respectively, to Petroleum Corporation's FPC Gas Rate Schedule No. 44, effective as of the date of issuance of this order.

(C) Northern is permitted to intervene in this proceeding for relief subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

[SEAL] LOIS D. CASHELL,
Acting Secretary.

[2] Staff's cost of service is attached hereto. has estimated that 187,309 Mcf of reserves remain to be produced over the

APPENDIX A.—*Petroleum Corp. of Texas, Docket No. RI76-136, Thonhoff A and C units, Meade County, Kans.*

CALCULATION OF UNIT COST OF GAS

Line No.	Description (a)	Volume (b)	Total cost (c)
1	Volumes (n.w.i.):		
2	Gas—1,000 ft³ at 14.65 lb/in²a	158,774	
3	Liquids—Barrels	0	
4	Average rate base:		
5	Average net investment		$20,350
6	Average working capital allowance		866
7	Average rate base		21,216
8	Cost of production:		
9	Return on rate base		$33,415
10	Production expense		72,716
11	D.D. & A. expense		39,452
12	Total cost of production		145,583
13	Unit cost of gas (cents):		
14	Cost of production (per 1,000 ft³)		91.69
15	Production tax		.09
16	Total cost of gas (per 1,000 ft³)		91.78

NOTE.—The above costs are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserves estimate of 187,309 Mcf[3] of gas and no liquids (at 14.65 lb/in²a). The production curve shown on sheet 3 is expected.

Line 1: Gross working interest is 84.765620 pct.
Line 5: From sheet 2, line 5.
Line 6: (Sheet 2, line 9×12.5 pct) divided by 10.5 yr production life.
Line 9: (Line 7×15 pct) times 10.5 yr production life.
Line 10: From sheet 2, line 9.
Line 11: From sheet 2, line 4, minus $4,384 expected salvage value.
Line 14: Line 12 divided by line 2.

SUMMARY OF APPLICANT'S FILED DATA

Line No.	Description (a)	Total cost (b)
1	Investment (Petroleum Corp.'s n.w.i.):	
2	Present net book value	$8,986
3	Proposed new investment	34,850
4	Total project investment	43,836
5	Petroleum Corp.'s average net project investment	20,350
6	Production costs (Petroleum Corp.'s n.w.i.):	
7	Operating and maintenance expense	72,398
8	Regulatory expense	318
9	Total production expense	72,716

Line 5: From line 13, sheet 3.
Line 8: Regulatory expense as adopted in opinion No. 770 at 0.2¢/M ft³×158,774 M ft³.

Line No.	Year No.	Estimated production (1,000 ft³)	Reserves remaining at midyear (percent)	Middle of year average investment
1	1	22,363	92.96	$41,059
2	2	20,462	79.47	35,737
3	3	18,673	67.15	30,876
4	4	16,996	55.91	26,442
5	5	15,542	45.67	22,402
6	6	14,200	36.30	18,705
7	7	12,970	27.15	15,095
8	8	11,852	19.93	12,247
9	9	10,846	12.78	8,426
10	10	9,840	6.27	6,858
11	11	5,030	1.58	5,007
12 Total		158,774		223,854

[1] Petroleum Corp.'s average net project investment $20,350.
NOTICE.—Estimated production is from staff's reserve estimate. Depreciable investment is $39,452 based on total project investment (sheet 2, line 4) minus Petroleum Corp.'s $4,384 estimated salvage value.
Line 12: Summation of lines 1 through 11.
Line 13: Line 12 divided by 11.

[FR Doc.76-29359 Filed 10-6-76;8:45 am]

[Docket No. E-7795, E-7989]

PHILADELPHIA ELECTRIC CO.

Order Denying Petition To Reopen Record and Setting Procedural Dates for Filing Briefs on Exceptions

SEPTEMBER 30, 1976.

On June 4, 1974, the Commission issued an order,[1] pursuant to court remand,[2] which instituted an investigation under Section 206(a) of the Federal Power Act, 16 U.S.C. 824e(a), concerning the question whether the fixed-rate contract[3] between Philadelphia Electric Company (PE) and the Borough of Lansdale, Pennsylvania, (Lansdale) was "so low as to adversely affect the public interest." "FPC v. Sierra Pacific Power Co.", 350 U.S. 348, 355 (1956). Said investigation resulted in the issuance of an initial decision by the Presiding Administrative Law Judge on June 28, 1976. The Presiding Judge found that the subject contract and the rates therein "are so low as to conflict with and adversely affect the public interest."[4] Based upon this conclusion, the Presiding Judge then "determine[d] the just and reasonable rate * * * to be thereafter observed and in force * * * fix[ing] the same by order." 16 U.S.C. 824e(a). The parties to this proceeding were permitted under the Commission's regulations to file exceptions to this initial decision on or before July 28, 1976. It is expected that substantive objections to any initial decision be voiced through the exceptions procedure.

However, on July 7, 1976, Lansdale petitioned the Commission to reopen the instant investigation, inter alia, for the receipt of evidence and further hearings on "the Conway issue."[5] In support of its petition, Lansdale complains that it "has not been afforded a reasonable opportunity to initiate discovery and/or to make a comprehensive and complete 'price squeeze' presentation." Petition, pg. 3. Lansdale further requested by concurrent motion that the procedural dates for filing exceptions to the initial decision be deferred pending the Commission's disposition of its petition to reopen.[6] On July 21, 1976, PE answered Lansdale's petition, contending that the recent decision by the Supreme Court in "FPC v. Conway Corp.", —— U.S. ——, (June 7, 1976), does not represent a change in the law such as is required under the Commission's regulations, 18 CFR 1.33(d), to support the reopening of the record in a proceeding.[7] PE, moreover, contends that the instant record contains ample material of an evidentiary nature to support the conclusions of the Presiding Judge. Answer, pg. 2-3. Lansdale filed a reply to PE's answer on July 26, 1976, which reasserts the validity of its grounds for requesting a reopening of this record.[8]

I. A brief review of the initial decision is necessary and critical to an understanding of Lansdale's petition. The Presiding Judge was charged with the investigation of the PE-Lansdale fixed rate contract to determine whether the public interest requires an abrogation of such contract and the rates incorporated therein. The Presiding Judge starts from the premise that:

> In a business affected with a public interest, such as Philadelphia's [footnote omitted] it would seem self evident that any contract rate so low as not to cover the utility's out-of-pocket cost of service is in conflict with that interest. (Initial Decision, pg. 28)

After analyzing the evidence and concluding that "Philadelphia sales to Lansdale under existing rates do not meet Philadelphia's out-of-pocket costs," Initial Decision, pg. 27, the Presiding Judge proceeded to detail the financial position of PE, ultimately concluding that "Philadelphia's financial status is not such that the Lansdale out-of-pocket loss operation can be countenanced as consistent with the public interest." Initial Decision, pg. 31; See also, Id. at 35.

The Presiding Judge also found that "[t]he Lansdale rate is unduly discriminatory and preferential * * * as appears from the most superficial comparison of the average rate paid by Lansdale with that paid by similar sized direct retail (HT) industrial customers." Initial Decision, pg. 37. The Presiding Judge found support for the propriety of a comparison between jurisdictional wholesale rates and direct industrial

[1] "Order In Compliance With Court Mandate," Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, June 4, 1974.

[2] See, Borough of Lansdale v. FPC, 494 F. 2d 1104 (D.C. Cir. 1974).

[3] Philadelphia Electric Co. FPC Rate Schedule No. 41, dated November 12, 1971. This contract is effective for an initial term of five years. By its own terms this fixed-rate contract will expire on July 26, 1977, if requisite notice is tendered.

[4] "Initial Decision In Section 206(a) Proceeding To Determine Whether Or Not Rate Schedule Contained In Agreement Is In The Public Interest," Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, June 28, 1976, mimeo, pg. 46. (Initial Decision).

[5] "Petition To Reopen Record and Motion For Stay of Procedural Dates Pending Commission Disposition * * *" Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, July 7, 1976. (Petition)

[6] See n. 5, *supra*. The procedural dates for filing exceptions were deferred by notice of the Commission's Secretary, issued July 28, 1976, pending Commission action on Lansdale's petition. On August 27, 1976, PE filed a petition for rehearing or reconsideration of the deferral of procedural dates. Our disposition herein effectively moots PE's petition of August 27, 1976, and it is, therefore, dismissed.

[7] "Answer of Philadelphia Electric Company to Lansdale Petition To Reopen Record And Motion For Stay Of Procedural Dates Pending Commission Disposition," Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, July 21, 1976 (Answer).

[8] "Reply of the Borough of Lansdale to the Answer of Philadelphia Electric Company * * *," Philadelphia Elec. Co., Docket No. E-7795 and E-7989, July 26, 1976. (Reply).

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rates for purposes of proving a discriminatory effect in the recent Conway decision by the Supreme Court. FPC v. Conway Corp., —— U.S. —— (1976), 44 U.S.L.W. 4777 (Decided June 7, 1976). Apparently, upon evidence showing an unduly discriminatory rate differential between that rate charged Lansdale and those charged similarly-situated companies, the Presiding Judge found further support for the necessity to abrogate the subject fixed-rate contract in the interest of the public.

II. We are not at this time called upon to rule on the merits of the Presiding Judge's analysis or the sufficiency of the evidentiary record for purposes of Lansdale's instant petition and we do not do so. Lansdale argues that the record in this proceeding must be reopened because the Presiding Judge "based his conclusion" in this section 206(a) investigation on the Conway decision. Petition, pg. 2. Lansdale contends that there is no evidence in this record to support the Presiding Judge's reliance on the so-called Conway principle. Our reading of the initial decision does not indicate that the Presiding Judge based his conclusion on the Conway decision; rather, it appears that Conway was merely relied upon to support the propriety of a particular evidentiary comparison. To the extent that Lansdale argues that the Presiding Judge's legal conclusion is not supported by the evidentiary record, it is proper under the Commission's regulations, 18 C.F.R. 1.31, that this substantive objection be presented to the Commission via the exceptions procedure.

Our regulations require that petitions seeking to reopen proceedings "shall set forth clearly the facts claimed to constitute grounds requiring reopening * * *, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing." 18 CFR 1.33(a). Lansdale presents no material change of fact which would compel further receipt of evidence in this proceeding. As far as the evidentiary record discloses, the opportunity was available at hearing in this case for any party to submit material and relevant evidence on the issue of discrimination. If certain evidentiary submittals were erroneously excluded by the Presiding Judge, the opportunity is available on exceptions to object to the initial decision on this ground. Lansdale does not contend that a material change of fact has occurred with respect to evidence introduced into, incorporated within, and, presumably, considered by the Presiding Judge as part of the evidentiary record. Consequently, Lansdale's petition proffers insufficient reasons to indicate that the public interest would be served by a reopening of this record for further receipt of evidence.

Furthermore, the Supreme Court's decision in Conway, supra, cannot be considered a material change in the law which might support further evidentiary presentations. Conway held that:

> The Commission must arrive at a rate level deemed by it to be just and reasonable, but in doing so it must consider the *tendered allegations* that the proposed rates are discriminatory and anticompetitive in effect. (Conway, Slip Op. at 7, emphasis supplied)

It appears that Lansdale alleges in its instant petition for the first time that "the new rate adopted by [the Presiding Judge] under cost of service principles creates a price squeeze against Lansdale vis-a-vis the Company's large industrial HT rate." Petition, pg. 3. At hearing Lansdale was bound to anticipate that PE might sustain its burden on the threshold Sierra question and that the Presiding Judge would be obligated to "determine the just and reasonable rate * * * to be thereafter observed and in force." 16 U.S.C. 824e(a). Both PE and Commission staff presented evidence related to a "just and reasonable" rate for service to Lansdale. The opportunity was available for Lansdale to test such evidence and introduce rebuttal evidence tending to support a different "just and reasonable" remedial rate from the recommended by the other parties. If Lansdale failed to offer evidence of PE's industrial rates at hearing, it cannot now cure this defect through reopening this proceeding for the receipt of further evidence. On the other hand, if an offer of proof by Lansdale was erroneously ruled in admissible by the Presiding Judge—and, hence, not considered by the Judge in determining the appropriate remedial rate—Lansdale may except to the decision in this regard. The Conway case, in our view, does not undermine the validity of Commission decisions supported by evidentiary records where all parties were provided a full and complete opportunity to introduce all material evidence. Lansdale, insofar as we are able to determine at this time, has not preserved a right to introduce further evidence of PE's industrial rates because such opportunity was denied during hearing by the Presiding Judge or the Commission. It cannot now complain, therefore, that the Presiding Judge failed to consider evidence which was not at least offered during the hearing. In any event, the latter argument would run to the merits of the initial decision, and accordingly would properly be presented through the exceptions procedure.

III. We conclude that Lansdale's instant petition does not present good cause to reopen this proceeding for further hearing or receipt of evidence. Accordingly, it is necessary to establish new procedural dates for excepting to the initial decision in this proceeding. Briefs on exceptions to the Initial Decision shall be filed with the Commission on or before October 15, 1976, and shall conform in all respects to the Commission's regulations. Briefs opposing exceptions shall be filed on or before November 4, 1976. PE has argued that any delay in the resolution of this proceeding is prejudicial to its interest because it is in the nature of any section 206(a) proceeding that a remedy is prospective only. Answer, pg. 3–4. The lengthy record in this proceeding and the repeated delays which are evinced on the face of the record is of concern to this Commission. Therefore, no further delay in the expeditious resolution of this proceeding will be tolerated. All parties are expected to proceed in accordance with the procedural schedule set forth herein.

The Commission finds. The Borough of Lansdale, Pennsylvania, has failed to demonstrate material changes of fact or law sufficient to warrant a reopening of this proceeding for further hearings or receipt of evidence.

The Commission orders. (A) The Petition to Reopen Record, filed by the Borough of Lansdale, Pennsylvania, is denied.

(B) Briefs on exceptions, if any, to the Initial Decision in this proceeding shall be filed on or before October 15, 1976, with the Commission's Secretary and in conformance with the Commission's applicable regulations.

(C) Briefs opposing exceptions, if any, to the Initial Decision in this proceeding shall be filed on or before November 4, 1976, with the Commission's Secretary and in conformance with the Commission's applicable regulations.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29512 Filed 10-6-76;8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Order on Petitions for Rehearing

SEPTEMBER 30, 1976.

By order issued June 1, 1976, the Commission held that the Town of Williamsport, Maryland's contract with Potomac Edison Company (Edison) is a fixed rate contract and established an investigation pursuant to section 206 of the Federal Power Act to determine the appropriate rate to be applied prospectively. The June 1, 1976, order also found that Edison's contracts with the Cities of Hagerstown and Thurmont, Maryland, and Mont Alto, Pennsylvania, permitted the proposed rate increase to become effective as to those customers under section 205 of the Act. In addition, Edison's proposed increase was permitted to become effective for service over 15,000 kw to the Borough of Chambersburg, Pennsylvania.

On July 1, 1976, petitions for rehearing were filed by Edison and by Chambersburg, Mont Alto, Hagerstown and Thurmont. For the reasons stated below, the Commission will grant Edison's petition for rehearing and will grant in part and deny in part the petition for rehearing filed by Cities.

In its petition for rehearing, Edison states that the Electric Service Agreement between Edison and Williamsport dated July 1, 1964, contains language which permits unilateral rate increase

filings.[2] Edison relies upon the holding in Memphis[3] for the authority that the seller (Edison) had expressly reserved its right to make a unilateral change in the contract. Moreover, Edison adds that the Commission's determination with respect to Williamsport is inconsistent with Commission interpretation of similar language in other contracts as not requiring Commission action prior to placing rates into effect.[4]

Edison's point is well taken. The existing service agrement between Edison and Williamsport filed August 9, 1965, the pertinent language of which appears in footnote[1] *supra*, permits unilateral rate filings by the Company. Williamsport relies upon its refusal to sign a proposed contract amendment in 1972, which it alleges would have removed the fixed rate feature of its 1964 contract, as probative evidence of the intent of the parties not to construe the existing 1964 contract provision regarding regulatory change as permitting a unilateral rate increase.[5] For that reason, Cities urge that the Williamsport agreement with Edison has the status of a Mobile-Sierra contract. Edison's reason for proposing the 1972 revision to the Williamsport contract, however, is not the proper focus of attention. We find no ambiguity in the contract. Edison's reason for proposing examine the conduct of the parties. Even assuming, *arguendo*, that we were permitted to look to the conduct of the parties in construing their agreement, Edison's tender of the contract amendment in 1972 is not *prima facie* evidence that the Company under the existing agreement could not file unilaterally to increase its rates. Accordingly, we shall grant Edison's request on rehearing and modify the June 1, 1976, order herein to accept for filing and permit the rate increase to become effective as to Williamsport, subject to refund, as of April 14, 1976.

The Cities seek rehearing of that portion of the June 1, 1976, order which permits Edison's rate increase to Chambersburg to take effect subject to refund for deliveries over 15,000 kw. Cities argue that the Commission's determination is based upon misleading statements of Edison in its petition for rehearing of the March 12, 1976, order. Specifically, Cities disavow Edison's interpretation of a resolution adopted by the town council of Chambersburg on May 10, 1972,[6] which suggests that Chambersburg intended to abandon its Mobile-Sierra rights. Chambersburg states the resolution was adopted only for the purpose of permitting Edison to reflect the increase in rates it was seeking to become effective June 1, 1972, without undergoing a proceeding pursuant to section 206 of the Federal Power Act. Moreover, Cities object to Edison's "attempt to bootstrap itself based on the City's internal resolution * * *". Finally, Cities point to Edison's amendment providing for additional capacity which was prepared and executed but not filed with the Commission. Cities question Edison's execution of that amendment if acceptance by Chambersburg of a new regulatory change provision was an essential condition for the provision of additional power. Chambersburg provided consideration, they argue, by voluntarily not contesting the higher rates to avoid a Section 206 proceeding and by paying the higher rates. Cities contend that Edison may not now disavow the executed agreement providing for additional power up to 25,000 kw, notwithstanding the fact that the amendment is not on file with the Commission.[8]

The resolution of Chambersburg's town council limits the scope of Chambersburg's agreement to the particular rate increase Edison was seeking in May of 1972. Chambersburg could submit to a specific rate increase without thereby abrogating its protection from subsequent unilateral rate filings by Edison or amending the terms of its contract with Edison. However, irrespective of the resolution of the Chambersburg town council, Edison and Chambersburg executed an agreement to increase the capacity limit of the service rendered by Edison to Chambersburg from 15,000 kw to 25,000 kw. That amendment provided that Edison would make available to Chambersburg the additional 10,000 kw for which Chambersburg would of course pay Edison. There is no reason to look beyond the agreement for additional, implied consideration. The amendment effectuated simply an increase in the ceiling capacity to which Chambersburg would be entitled. The remainder of the contract has remained in effect and unaffected by the change in volume. The fixed-rate[7] nature of the contract governs the entire capacity to Chambersburg up to 25,000 kw.[9] Edison's failure to file the executed agreement for the additional power is not relevant to the binding contractual effect of the agreement between the parties.[9] The fixed-rate contract[10] between Edison and Chambersburg prevents the proposed rate increase from becoming effective as to any of the capacity taken by Chambersburg up to 25,000 kw. Accordingly, Cities' request for rehearing of the June 1, 1976, order will be granted in that respect.

The Cities' second basis for rehearing is that the service to Hagerstown, Thurmont, Chambersburg (over 15,000 kw), and Mont Alto should be afforded the same treatment as the service to customers with fixed-rate contracts. Cities argue that the Supreme Court's decision in the Conway[11] proceeding supports the elimination of the alleged discrimination which those customers experience as the result of the difference between their contractual arrangements with Edison vis-a-vis Chambersburg, Williamsport and Front Royal. Cities contend it would be discriminatory to permit Edison to increase its rates to certain members of its municipal wholesale customers' class when other members of the same class have long term, fixed-rate contracts. Section 205(b) of the Federal Power Act prohibits such discrimination, Cities argue, as was described in the *Otter Tail*[12] case. Because all the contract terms among Edison's wholesale customers were executed at approximately the same time and because Edison has treated all of the municipals in the same class, it would be a violation of section 205(b), Cities argue, for the Commission to permit Edison to charge some members of the class a higher rate at an earlier date than others.

The discrimination which Cities allege to exist among the members of the mu-

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[1] Fourth:—That the Customer agrees to receive, and use the electric energy of the Company, for its own general use and for resale at the hereinbefore mentioned location, and to pay for the same under terms and conditions similar to those set forth in the Company's Rate Schedule "WS–LV", a copy of which is attached to and made a part of this Agreement, or any other rate that is applicable to the Customer's electric load, and such revisions and reissues thereof that the Company may file with the Commission having jurisdiction over public service corporations, or which the said commission may from time to time publish or approve; anything herein to the contrary notwithstanding. [Emphasis added]

[2] United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[3] See Order on Rehearing issued May 7, 1976, in Illinois Power Company, Docket No. E–9520; Order Denying Rehearing issued June 25, 1976.

[4] See Cities' petition for rehearing filed on April 12, 1976.

[5] "Now, be it *resolved*, That Borough does hereby indicate its willingness to execute the amendments to its Electric Service Agreements with Edison to reflect the increase in rates proposed to become effective June 1, 1972 and does hereby authorize the proper officers of the Borough to execute such agreements upon approval of the increase in rates by the Federal Power Commission, and does further indicate that it will not interpose any objection to such increases before the Federal Power Commission; and

"Be it further *resolved*, that Borough does hereby agree to amend its present Electric Service Agreements so as to increase the amount of electric current which Borough may purchase from Edison to 25 MVA and does hereby authorize its officers to join with Edison in obtaining the approval of the Federal Power Commission to such electric current, and to execute amendments to the Electric Service Agreements accordingly."

[6] Borough of Lansdale v. FPC, 494 F. 2d 1104 (D.C. Cir. 1975).

[7] The phrase "fixed-rate contract" used herein means one which permits applications pursuant to section 206 of the Federal Power Act to set the just and reasonable rate prospectively, without the need to meet the Sierra test, which requires as a prerequisite to any change in rate a showing that the utility's existing rates are so low as to affect adversely the public interest.

[8] Gulf States Utilities Company, 518 F. 2d 450, (D.C. Cir. 1975).

[9] Borough of Lansdale, supra.

[10] Paragraph 9 of the agreement states as follows:

"9. *Regulatory Jurisdiction.* This agreement is subject to the jurisdiction of any governmental authority or authorities having the jurisdiction in the premises and may be changed from time to time upon duly authorized order entered by said authority or authorities."

[11] F.P.C. v. Conway Corp., — U.S. —, 44 U.S.L.W. 4777 (1976).

[12] Otter Tail Power Company, 2 F.P.C. 134 (1940).

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nicipal wholesale customer class is simply a rate difference which arises from the fact that certain municipalities (Hagerstown, Thurmont and Mont Alto) executed amendments to their contracts to permit unilateral filings by Edison, thereby relinquishing their former status under the Mobile-Sierra doctrine. It cannot be concluded from these facts alone that such differences constitute undue discrimination. Therefore, Cities' petition for rehearing will be denied in this regard.

The Commission finds. (1) Good cause exists to grant Edison's petition for rehearing of the June 1, 1976, order in this proceeding.

(2) Good cause exists to grant in part and to deny in part Cities' petition for rehearing of the June 1, 1976, order in this proceeding.

The Commission orders. (A) Edison's petition for rehearing of the Commission's order of June 1, 1976, is hereby granted. Accordingly, the June 1, 1976, order is modified to recognize the legality of Edison's filing of the proposed rate increase pursuant to Section 205 of the Act. The rate increase filed by Edison as to Williamsport is accpted for filing and made effective as prescribed by the Commission's order of March 12, 1976.

(B) Cities' petition for rehearing of the Commission's order of June 1, 1976, is hereby granted in part. The June 1 order is modified to recognize that a fixed-rate contract exists between Edison and Chambersburg as to the latter's entire capacity requirement to 25,000 kw. Accordingly, a section 206 investigation is hereby initiated to determine the just and reasonable rate for prospective application to Chambersburg for service to 25,000 kw, irrespective of the 15,000 kw limitation. Moreover, within thirty days of the date of issuance of this order, Edison shall refund to Chambersburg any revenues collected heretofore for service between 15,000 kw and 25,000 kw above the amount which Edison is entitled to collect under the existing service agreement, with interest at 9 percent per annum.

(C) In all other respects, Cities' petition for rehearing is denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29493 Filed 10-6-76;8:45 am]

[Docket No. ID-1634]

ROBERT J. HURSTAK

Amendment to Application

SEPTEMBER 30, 1976.

On August 30, 1976, Robert J. Hurstak filed an application pursuant to section 305(b) of the Federal Power Act seeking authorization to hold interlocking positions on the boards of Orange and Rockland Utilities, Inc., Rockland Electric Company and Pike County Light and Power Company. Notice of this application was issued on September 7, 1976, indicating that responses or protests were due on or before September 28, 1976.

On September 9, 1976, Applicant filed a letter amending its application to include the information that Applicant presently serves as Director of Clove Development Corporation, a wholly-owned subsidiary of Orange and Rockland. Clove Development is neither a public utility, bank, trust company, banking association or firm authorized by law to underwrite or participate in the marketing of securities, nor is it a supplier of electrical equipment.

Response or protest to Mr. Hurstak's amended application is extended as follows:

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29489 Filed 10-6-76;8:45 am]

[Docket Nos. RP74-6, RP72-74]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 30, 1976.

Take notice that Southern Natural Gas Company (Southern), on August 23, 1976, tendered for filing substitute revised sheets to its FPC Gas Tariff, Sixth Revised Volume No. 1.

Southern states that the substitute tariff sheets reflect a minor shift in its Index of Requirement between Priority-of-Service Categories for two customers with no resulting net change in total requirements.

The proposed effective date of the enclosed tariff sheets is September 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers, interested state commissions, and the parties of record in Docket Nos. RP74-6 and RP72-74.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29492 Filed 10-6-76;8:45 am]

[Docket No. RP72-98 (PGA76-8)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in Gas Tariff

SEPTEMBER 30, 1976.

Take notice that Texas Eastern Transmission Corporation on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Twenty-third Revised Sheet No. 14.
Twenty-third Revised Sheet No. 14A.
Twenty-third Revised Sheet No. 14B.
Twenty-third Revised Sheet No. 14C.
Twenty-third Revised Sheet No. 14D.

These sheets are being issued pursuant to Ordering Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976 in Docket No. RM75-14 and Order Modifying Opinion No. 770 increases in Texas Eastern's cost of purchased gas from producer and pipeline suppliers including a special surcharge designed to recover over the twelve-month period, October 27, 1976—October 26, 1977, the cost associated with Opinion No. 770 increases from producers prior to October 27, 1976 with carrying charges at nine percent. The proposed effective date of the above tariff sheets is Octoebr 27, 1976. The annual increase in jurisdictional revenues under the revised PGA adjustment amounts to approximately $236 million and the surcharge increase amounts to approximately $40 million.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29494 Filed 10-6-76;8:45 am]

[Docket Nos. RP72-156, etc. (PGA76-3b)]

TEXAS GAS TRANSMISSION CORP.

PGA Filing

SEPTEMBER 30, 1976.

Take notice that on September 20, 1976, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Substitute Fifteenth Revised Sheet No. 7 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1. Texas Gas states that Substitute Revised Sheet No. 7 as filed on September 20, 1976 reflects the level of rates prescribed for small producers in Opinion No. 742-A.

Texas Gas requests that Substitute Fifteenth Revised Sheet No. 7 be permitted to become effective on August 1, 1976. South Texas states that copies of its filing have been served upon Texas Gas' jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29499 Filed 10-6-76;8:45 am]

[Docket No. RP75-75 (AP No. 76-11)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting Filing Subject to Refund

SEPTEMBER 30, 1976.

On August 13, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets[1] containing an increase in rates reflecting increases in the level of advance payments[2] made by Transco to producers of natural gas. The proposed effective date is October 1, 1976. The filing is made pursuant to the terms of the settlement agreement approved by the Commission in Docket No. RP75-75. Because the advances may not be reasonable and appropriate, procedures will be established to undertake their review. In accordance with the terms of the settlement agreement the increase will be accepted for filing and the rates made effective without suspension but subject to refund.

Transco filed a 0.5¢ per Mcf rate increase, amounting to $3,338,286 annually. Transco's proposed increase reflects an increase of $24,246,586 in the advance payments amount over the level imbedded in Transco's rates which became effective September 1, 1976, subject to refund. This entire amount reflects additional advances less repayments received under agreements reflected in the presently effective rates. During July 1976 Transco had additions of $24,751,182, less repayments of $504,596, for an outstanding account balance as of July 31, 1976, of $312,128,120.

Public notice of Transco's filing was issued September 1, 1976, with protests and petitions to intervene due on or before September 13, 1976.

Based on its review of the proposed advance payments, the Commission believes that the advances may not be reasonable and appropriate for rate base treatment, in that they may be in excess of the costs for exploration, development and production incurred by the producer within a reasonable time as required by Order Nos. 465 and 499. In addition, the advance payment agreements may not comply with Order Nos. 529 and 529-A, as well as Order Nos. 410, 410-A, 441, 465 and 499. Accordingly, the Commission shall accept the sheets to become effective October 1, 1976, subject to refund, and shall establish hearing procedures to determine their lawfulness.

The Commission finds. (1) Transco's rate increase, filed August 13, 1976, has not been shown to be just and reasonable, in that the advance payments upon which it is based have not been shown to be reasonable and appropriate.

(2) The Commission should convene a hearing concerning the lawfulness of the advances contained in the instant filing.

The Commission orders. (A) Transco's filing is accepted for filing to become effective October 1, 1976, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 to determine the lawfulness of Transco's proposed rate increase attributable to additional advance payments.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding on October 14, 1976, at 9:30 a.m. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(D) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29494 Filed 10-6-76;8:45 am]

[Docket No. CP76-530]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

SEPTEMBER 30, 1976.

Take notice that on September 20, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-530 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Philip Morris Incorporated (Philip Morris), an existing industrial customer of Commonwealth Natural Gas Corporation (Commonwealth), one of Applicant's resale customers served under rate schedule CD-2, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis for a two-year period up to 1,320 Mcf of gas per day that Philip Morris has purchased from Tribal Oil Corporation and six other sellers to be produced from the North Starks Field, Calcasieu Parish, Louisiana. The gas would be delivered to a mutually agreeable point on Applicant's main line system in Calcasieu Parish and Applicant would redeliver the gas to the existing points of delivery to Commonwealth for the account of Philip Morris, it is said.

Applicant proposes to charge 22 cents per Mcf of gas at 14.7 psia for the transportation service, and would retain 3.8 percent of the volumes transported as make-up for compressor fuel and line loss.

Applicant asserts that since the volumes to be transported under this and any similar transportation arrangements with customers of the distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and an annual basis. Further, it is said that the proposed transportation service would have no impact on Applicant's ability to provide system-wide deliveries for Priority 1 markets.

[1] Thirtieth Revised Sheet No. 5 and Twenty-Fifth Revised Sheet No. 6 to First Revised Volume No. 1 and Second Alternate Twenty-Third Revised Sheet No. 52, Second Alternate Eleventh Revised Sheet No. 121, Second Alternate Nineteenth Revised Sheet No. 321, Second Alternate Fifteenth Revised Sheet No. 416 and Second Alternate Fourteenth Revised Sheet No. 495 to Original Volume No. 2.

[2] 18 C.F.R., Chapter 1, Part 201, Acc't 166.

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Applicant maintains that the subject natural gas supply was not secured as part of Applicant's system gas supply because of the producers' unwillingness to sell such gas for resale in interstate commerce.

The application indicates that the gas to be transported would be used for Priority 2 process in Philip Morris' Blended Leaf Plant located in Richmond, Virginia, and that no alternate fuel can be used for that process.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29498 Filed 10-6-76;8:45 am]

[Docket No. ES76-66]

UTAH POWER & LIGHT CO.

Order Authorizing the Issuance of Short-Term Promissory Notes

SEPTEMBER 30, 1976.

Utah Power & Light Company (Applicant) on August 20, 1976, filed an Application with the Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale of promissory notes to commercial banks and dealers in commercial paper during the period October 1, 1976, through September 30, 1977, in an amount aggregating not more than $125,000,000.

Applicant is incorporated under the laws of State of Utah, with its principal business office at Salt Lake City, Utah, and is qualified to do business as a foreign corporation in the states of Colorado, Idaho, New Mexico and Wyoming. Applicant is engaged principally in the business of generating and selling electric energy in southeastern Idaho, Utah and southwestern Wyoming.

The net proceeds from the issuance and sale of the promissory notes will be applied to the construction program of Applicant.

Notes issued to commercial banks will be payable not more than nine months after the day thereof or September 30, 1977, whichever shall be earlier, and may be paid in whole or in part at any time prior to maturity. Notes maturing prior to September 30, 1977, will be renewable at the option of the Applicant. Each note will bear interest from the date thereof until paid at the rate per annum which shall be the prime commercial rate in effect from time to time for unsecured loans at the bank to which the note is issued. The rate of interest of each note shall change on the date of each change in the prime commercial rate at the bank to which the note is issued.

The Applicant also proposes, during the period October 1, 1976 through September 30, 1977, to issue and sell an aggregate principal amount of commercial paper which, in combination with the above-described bank borrowings; will not exceed $125 million at any one time outstanding and in such amounts that the principal amount of commercial paper outstanding at any time does not exceed 25 percent of the total revenues of the Company during the twelve calendar months preceding the date of issue thereof. Such commercial papers will be sold by the Applicant directly to A. G. Becker & Company, Incorporated, a dealer in commercial paper, in denominations of not less than $100,000. The commercial paper will have varying maturities of not exceeding 270 days and will not be repayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper. However, the commercial paper Dealer will offer and sell the commercial paper at a discount rate of ⅛ of 1 percent per annum less than the prevailing discount rate to the Company.

Written notice of the application has been given to the Wyoming Public Service Commission, the Utah Public Service Commission, the Idaho Public Utilities Commission and to the Governor of each of those States. Notice was also given by publication in the FEDERAL REGISTER, stating that any person with reference to said application should on or before September 21, 1976, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No petition, protest or request to be heard in opposition to the granting of the application has been received.

The Commission finds. (1) The Applicant, a corporation, is a public utility within the meaning of Section 204 of the Federal Power Act, subject to the jurisdiction of the Commission.

(2) The proposed issuance and sale of not to exceed $125 million of short term promissory notes, as described above, will constitute an issuance of securities within the purview of section 204 of the Federal Power Act.

(3) Applicant is not organized and operating in a State under the laws of which the security issue here involved is regulated by a State Commission within the meaning of section 204(f) of the Act; and the proposed issuance of securities is, therefore, not exempt by virtue of that Section from the requirements of section 204 of the Act.

(4) The proposed issuance of short-term promissory notes not exceeding $125 million aggregate principal amount, all as described, will be in excess of 5 percent of the par value of the other securities of the Applicant now outstanding, and therefore, will not be exempt by virtue of section 204(e) from the requirements of 204(a).

(5) The proposed issuance of promissory notes will be exempt from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act by reason of § 34.1a(2) thereof.

(6) The proposed issuance of securities, as hereinafter authorized, will be for a lawful object within the corporate purposes of the Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance of service by Applicant as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

The Commission orders. (A) The proposed issuance and sale of short-term promissory notes to commercial banks and dealers in commercial paper during the period October 1, 1976, through September 30, 1977, in an amount aggregating not more than $125 million outstanding at any one time, upon the terms and conditions and for the purposes set forth in the application, all as described above, is hereby authorized, subject to the provisions of this order.

(B) This authorization is expressly conditioned upon all promissory notes maturing not later than September 30, 1977.

(C) This authorization is expressly conditioned upon the aggregate principal amount of short-term promissory notes outstanding at any one time not exceeding $125 million.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any other matter whatsoever now pending or which may come before his Commission.

(E) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

By the Commission.

LOUIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29502 Filed 10-6-76;8:45 am]

[Docket No. RP72-41 (PGA76-2)]

WESTERN TRANSMISSION CORP.

Proposed Changes in Gas Tariff

OCTOBER 1, 1976.

Take notice that Western Transmission Corporation (Western) on September 27, 1976, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following sheet:

Second Revised Sheet No. 3A, superseding First Revised Sheet No. 3A.

This sheet is issued pursuant to Western's Purchased Gas Cost Adjustment provision as set forth in section 18 of its FPC Gas Tariff, Original Volume No. 1 and FPC Opinion No. 770. This change in Western's rates reflects a Cost of Gas Adjustment to track increased purchased gas costs and appropriate estimated surcharge (including a 9 percent carrying charge) due to FPC Opinion No. 770.

The proposed effective date of the above tariff sheet is October 27, 1976.

Copies of the filing were served upon the company's sole jurisdictional customer, Colorado Interstate Gas Company.

The proposed purchased gas cost adjustment provides for increased annual jurisdictional revenues of approximately $1.7 million and the surcharge provides for revenues of approximately $312,000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29505 Filed 10-6-76;8:45 am]

FEDERAL TRADE COMMISSION

ENERGY EFFICIENCY LABELING RULES

Opportunity To Provide Comments Concerning the Range of Comparability for Certain Appliances

Correction

In FR Doc. 76-28388 appearing in the FEDERAL REGISTER of Thursday, September 30, 1976 on page 43250, the following corrections should be made:

1. On page 43251 the table should read as follows:

(1) *Refrigerators:*

Manufacturer's rated total refrigerated volume in cubic feet	*Ranges of comparability of total refrigerated volume in cubic feet*
Less than 2.5	3.5 and less.
2.5 to 3.4	1.5 to 4.5.
3.5 to 4.4	2.5 to 5.5.
4.5 to 5.4	3.5 to 6.5.
5.5 to 6.4	4.5 to 7.5.
6.5 to 7.4	5.5 to 8.5.
7.5 to 8.4	6.5 to 9.5.
8.5 to 9.4	7.5 to 10.5.
9.5 to 10.4	8.5 to 11.5.
10.5 to 11.4	9.5 to 12.5.
11.5 to 12.4	10.5 to 13.5.
12.5 to 13.4	11.5 to 14.5.
13.5 to 14.4	12.5 to 15.5.
14.5 to 15.4	13.5 to 16.5.
15.5 to 16.4	14.5 to 17.5.
16.5 and over	15.5 and over.

SOURCE: Department of Commerce, Voluntary Energy Conservation Specification for Refrigerators, 40 FEDERAL REGISTER 32426, August 1, 1975.

2. On page 43252, the table in the 3rd column should be corrected to read as follows:

(7) *Room air conditioners:*

Manufacturer's rated cooling capacity of model to be labeled Btu per hour	*Comparability range of cooling capacity for use on label Btu per hour*
Up to 4,799	Up to 5,100.
4,800 to 5,299	4,500 to 5,600.
5,300 to 5,799	5,000 to 6,100.
5,800 to 6,299	5,800 to 6,600.
6,300 to 6,799	6,000 to 7,100.
6,800 to 7,299	6,500 to 7,600.
7,300 to 7,799	7,000 to 8,100.
7,800 to 8,299	7,500 to 8,600.
8,300 to 8,799	8,000 to 9,100.
8,800 to 9,299	8,500 to 9,600.
9,300 to 9,799	9,000 to 10,100.
9,800 to 10,299	9,500 to 10,600.
10,300 to 10,799	10,000 to 11,100.
10,800 to 11,299	10,500 to 11,600.
11,300 to 11,799	11,000 to 12,100.
11,800 to 12,299	11,500 to 12,600.
12,300 to 12,799	12,000 to 13,100.
12,800 to 13,299	12,500 to 13,600.
13,300 to 13,799	13,000 to 14,100.
13,800 to 14,299	13,500 to 14,600.
14,300 to 14,799	14,000 to 15,100.
14,800 to 15,299	14,500 to 15,600.
15,300 to 15,799	15,000 to 16,100.
15,800 to 16,499	15,500 to 16,800.
16,500 to 17,499	16,200 to 17,800.
17,500 to 18,499	17,200 to 18,800.
18,500 to 19,499	18,200 to 19,800.
19,500 to 20,499	19,200 to 20,800.
20,500 to 21,499	20,200 to 21,800.
21,500 to 22,499	21,200 to 22,800.
22,500 to 24,499	22,000 to 25,000.
24,500 to 26,499	24,000 to 27,000.
26,500 to 28,499	26,000 to 29,000.
28,500 to 30,499	28,000 to 31,000.
30,500 to 33,499	30,000 to 34,000.
33,500 to 36,000	32,500 to 36,000.

SOURCE: Department of Commerce, Voluntary Energy Conservation Specification for Room Air Conditioners, 41 FEDERAL REGISTER 14404, April 5, 1976 amended revisions.

GENERAL SERVICES ADMINISTRATION

Federal Preparedness Agency

STOCKPILE GOAL ACTION 77-1

Pursuant to Section 2(a) of Public Law 520 (79th Congress), Reorganization Plan No. 1 of 1958, as amended, Executive Ordcr 11051, Executive Order 11725, and GSA Delegation of Authority Manual, ADM P 5450.39A dated November 5, 1974, I have this date determined the following stockpile goals:

Materials and units:	*Quantities*
Aluminum oxide, fused crude—ST	147, 615
Aluminum oxide, abrasive grain—ST	75, 000
Antimony—ST	20, 130
Asbestos, amosite—ST	26, 291
Asbestos, chrysotile—ST	0
Bauxite, metal Jamaica—TH LDT	523
Bauxite, metal Surinam—TH LDT	0
Alumina—TH ST	11, 532
Aluminum—TH ST	0
Bauxite, refractory—TH LCT	2, 083
Beryl ore—ST—11-percent BEO concentrates	0
Beryllium copper master alloy—ST	16, 710
Beryllium metal—ST	895
Bismuth—TH LBS	771
Cadmium—TH LBS	24, 701
Castor oil, sebacic, acid—TH LBS	0
Chromite, chemical—TH ST	734
Chromite, metallurgical, ORE—TH ST gross weight	2, 550
Chromium, ferro, high carbon—TH ST	236
Chromium, ferro, low carbon—TH ST	124
Chromium, ferro, silicon—TH ST	69
Chromium, metal—TH ST	10
Chromite, refractory—TH ST gross weight	642
Cobalt—TH LBS contained	85, 415
Columbium concentrates, contained CB—TH LBS	3, 131
Columbium carbide powder, contained CB—TH LBS	0
Columbium, ferro, contained CB—TH LBS	0
Columbium, metal, contained CB—TH LBS	0
Copper—TH ST	1, 299
Cordage fibers, abaca—MIL LBS	24
Cordage fibers, sisal—MIL LBS	114
Diamond dies, small—number	0
Diamond, industrial bort—TH KT	14, 974
Diamond, industrial stone—TH KT	5, 559
Feathers and down—TH LBS	6, 494
Fluorspar, acid grade—TH ST	1, 594
Fluorspar, metallurgical—TH ST	1, 914
Graphite, natural, Ceylon—ST	6, 271
Graphite, natural, Malagasy—ST	20, 472
Graphite, other—ST	34, 748
Iodine—TH LBS	3, 333
Jewel bearings—TH of units	224, 623
Lead—TH ST	865
Manganese, battery natural—ST	12, 736
Manganese, battery, synthetic dioxide—ST	19, 105
Manganese ore, chemical—SH tons	247, 136
Manganese ore, metallurgical—TH ST	2, 052
Manganese, ferro, high carbon—TH ST	439

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Materials and units:	Quantities
Manganese, ferro, low carbon—TH ST	0
Manganese, ferro, medium carbon—TH ST	99
Manganese, ferro silicon—TH ST	81
Manganese metal, electrolytic—TH ST	15
Mercury—76 LBS/flask	54,004
Mica, muscovite block—TH LBS	6,188
Mica, muscovite film, 1 and 2 quality—TH LBS	90
Mica, muscovite splittings—TH LBS	12,631
Mica, phlogopite block—LBS	206,064
Mica, phlogopite splittings—TH LBS	932
Molybdenum disulphide—TH LBS contained molybdenum	0
Molybdenum ferro—TH LBS contained molybdenum	0
Nickel—ST contained	204,335
Opium, gum—LBS	0
Opium, salt—LBS	75,000
Platinum group, iridium—TR OZ	97,761
Platinum group, palladium—TH TR OZ	2,450
Platinum group, platinum—TH TR OZ	1,314
Pyrethrum—LBS	377,851
Quartz crystals—TH LBS	0
Quinidine—TH AV OZ	6,841
Quinine—TH AV OZ	3,045
Rubber—LT	513,134
Rutile—ST	173,928
Sapphire and ruby—TH KT	0
Shellac—TH LBS	8,529
Silicon, carbide, crude—ST	306,628
Silver—TH TR OZ	0
Talc, steatite block and lump—ST	104
Tantalum minerals, contained TA—TH LBS	5,452
Tantalum carbide powder, contained TA—TH LBS	889
Tantalum metal, contained TA—TH LBS	1,650
Thorium nitrate—tons of THO_2	418
Tin—LT	32,499
Titanium sponge—ST	131,503
Tungsten ores and concentrates—TH LBS contained	8,823
Tungsten carbide powder—TH LBS contained	12,845
Tungsten, ferro—TH LBS contained	17,769
Tungsten, metal powder—TH LBS contained	3,290
Vanadium ferro—ST	10,095
Vanadium pentoxide—ST	2,576
Vegetable tannin, chestnut—LT	6,942
Vegetable tannin, quebracho—LT	37,998
Vegetable tannin, wattle—LT	20,208
Zinc—TH ST	1,313

Dated: October 1, 1976.

LESLIE W. BRAY, Jr.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.76-29473 Filed 10-6-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE ON ADOLESCENCE AND COMMITTEE ON LEGISLATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Committee on Adolescence and the Committee on Legislation of the National Advisory Council on the Education of Disadvantaged Children will meet on Friday, October 29, 1976. The Committee on Adolescence will hold a Seminar from 9:30 a.m.-4:00 p.m. at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004; and, the Committee on Legislation will me from 10:00 a.m. to 4:00 p.m. in New York City at the LaGuardia Airport, UIP Room, Allegheny Airlines.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to adverse the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the Seminar of the Committee on Adolescence is to hear from various representatives of organizations and agencies involved in issues relating to serving the disadvantaged population.

The Committee on Legislation is meeting to review the preliminary draft of legislative issues and to further develop issues to be used in their section of the 1977 Annual Report.

Because of limited space, all persons wishing to attend should call for reservations by October 22, 1976, Area Code 202/382-6945.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on October 1, 1976.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.76-29445 Filed 10-6-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MEMORY AND COGNITIVE PROCESSES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory and Cognitive Processes.
Date & time: October 27 and 28, 1976, 9:00 a.m. each day.
Place: Rm. 421, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Part Open—Open—9 a.m. to 12 noon on Oct. 27, Closed—Balance of the meeting.
Contact person: Dr. Joseph L. Young, Program Director for Memory and Cognitive Processes, Rm 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 634-1583.
Summary Minutes (Open Portion): May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248 National Science Foundation, Washington, D.C. 20550.
Purpose of panel: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.
Agenda: October 27, 9 a.m.-12 noon—Open. General discussion of the current status and future plans of the Memory and Cognitive Processes Program. October 27—12 noon-5 p.m. and October 28—9 a.m.-5 p.m.—Closed.

The panel will be reviewing and evaluating research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determination by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 4, 1976.

[FR Doc.76-29454 Filed 10-6-76;8:45 am]

ADVISORY PANEL FOR SOCIAL AND DEVELOPMENTAL PSYCHOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Developmental Psychology.
Date and time: October 25 and 26, 1976; 9:00 am-5:00 pm each day.
Place: National Science Foundation, 1800 G Street N.W., Washington, D.C., Room 511.
Type of meeting: Closed.
Contact person: Dr. Allen I. Teger, Program Director for Social and Developmental Psychology, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 632-5714.
Purpose of panel: To provide advice and recommendations concerning support for research in social and developmental psychology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 4, 1976.

[FR Doc.76-29453 Filed 10-6-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

BOSTON EDISON CO., ET AL., (PILGRIM NUCLEAR GENERATING STATION, UNIT NO. 2)

Order Regarding Evidentiary Hearing

It is ordered, That: The evidentiary hearing will resume to consider MWF contentions on October 18, 1976, at 1 p.m. at the Blue Room, Memorial Hall, 83 Court Street, Plymouth, Massachusetts, and will continue at that location through October 20, 1976; the place of hearing will be at the Middlesex County Bar Association Meeting Room, Middlesex County Superior Courthouse, 40 Thorndike Street, East Cambridge Massachusetts, on October 21 and 22, 1976.

Dated at Bethesda, Md., this 30th day of September 1976.

THE ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-29549 Filed 10-6-76;8:45 am]

[Docket No. PRM-50-16A]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Filing of Petition for Rule Making

Notice is hereby given that Edward J. Morris, Esq., and William G. Cohen, Esq., by letter dated September 8, 1976, have filed with the Nuclear Regulatory Commission a petition for rule making on behalf of the Pennsylvania Public Utility Commission, Room 118, North Office Building, Harrisburg, Pennsylvania, requesting amendment of the Commission's regulations "Licensing of Production and Utilization Facilities," 10 CFR Part 50 and "Physical Protection of Plants and Materials," 10 CFR Part 73.

The petitioner requests the Commission to amend 10 CFR Part 50 by adding the following at the end of § 50.34(c), *Physical security plan.:*

At multi-unit stations, each application to construct a production or utilization facility shall include a physical security plan for portions of the facility under construction from which access to an operating facility can be gained. The physical security plan for such facilities under construction shall consist of the same Parts I and II as the physical security plans for operational units.

The petitioner also requests the Commission to amend 10 CFR Part 73 by adding the following at the end of § 73.40, *Physical protection: General requirements at fixed sites.:*

At multi-unit stations, each production or utilization facility under construction shall provide physical protection against industrial sabotage and against theft of special nuclear material, if applicable, for those portions of the facility contiguous to an operational facility or from which access to an operational facility can be gained.

The petitioner also requests the Commission to issue a regulation under which the Commission would exercise discretion to conduct investigations of labor disputes which threaten security.

The petitioner states that the requested amendments would apply to production and utilization facilities under construction at multiple unit nuclear power plant sites, where a unit under construction is adjacent to, or shares common facilities with, an operational unit. The petitioner states that at various sites around the nation, nuclear reactors are being constructed so as to share fuel-handling and storage areas with nuclear power plants already in operation; access to the operational plants may be gained more readily via the shared area than would otherwise be the case; and the proposed amendments would require physical security for the plants under construction to the same degree as for the plants under operation.

The petitioner states that the requested rule pertaining to investigations of labor disputes which threaten security would set forth the policy that in any labor dispute which threatens or tends to threaten the security of an operational nuclear power plant the Commission could in its discretion convene an investigation for the purpose of enabling it better to exercise its authority. The petitioner states also that at such an investigation the Commission would be authorized to take testimony under oath or affirmation and to require the attendance of persons and the production of documents; the investigation would not interfere with the jurisdiction of the National Labor Relations Board.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by December 6, 1976.

Dated at Washington, D.C., this 1st day of October 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-29551 Filed 10-6-76;8:45 am]

[Docket Nos. STN 50-546, STN 50-547]

PUBLIC SERVICE COMPANY OF INDIANA, INC., (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to a Second Prehearing Conference

The Board stated at the prehearing conference in January 1976 that other prehearing conferences would be scheduled prior to the evidentiary hearing. It now appears appropriate to the Board to have a prehearing conference to consider consolidation of parties, to plan for future scheduling and to resolve other matters the parties may bring to the attention of the Board.

A prehearing conference will be held in the auditorium of the Madison-Jefferson Public Library, 420 West Main Street, Madison, Indiana commencing at 9:30 a.m. (local time) on October 21, 1976. Since all matters may not conclude in one day, the parties should make themselves available for the 21st and 22nd.

The public is invited to attend. No limited appearance statements will be accepted at this segment of the proceeding but will be called for at the evidentiary hearing to be scheduled at a later date.

Dated at Bethesda, Md., this 30th day of September 1976.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.76-29553 Filed 10-6-76;8:45 am]

SECURITY AGENCY STUDY

Availability of the Report

In furtherance of the provisions of section 204(b)(2)(C) of the Energy Reorganization Act of 1974 (Pub. L. 93-438), notice is hereby given that the Security Agency Study Report (NUREG-0015) to the Congress, prepared by the U.S. Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards, is available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and the NRC's five Regional Offices. The Regional Offices' addresses are as follows: U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406; U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region II, 230 Peachtree Street, NW., Suite 818, Atlanta, Georgia 30303; U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137; U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012; and U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region V, Suite 202, 1990 N. California Boulevard, Walnut Creek, California 94596.

The Energy Reorganization Act of 1974 (the Act), established within the United States Nuclear Regulatory Commission an Office of Nuclear Material Safety and Safeguards. Section 204(b)(2)(C) of the Act directed the Director of the Office of Nuclear Material Safety and Safeguards to assess the need for

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and the feasibility of establishing a security agency within that office for the performance of safeguards functions. This requirement had its genesis in several earlier studies and in subsequent Congressional hearings in which substantive questions about the adequacy of safeguards were raised, and in which it was suggested that the seriousness of the situation might dictate direct federal involvements in security forces. The Security Agency Study Report presents the results of the Assessment of the need for and feasibility of establishing a security agency within the Office of Nuclear Material Safety and Safeguards which the Congress mandated.

The Security Agency Study concluded that there is no need at this time to create a federal security agency within NRC to protect commercial nuclear facilities from sabotage and nuclear materials from theft or diversion. Furthermore, the Study concludes that creation of a special security force within NRC would not result in a higher degree of guard force effectiveness that can be achieved through the use of private guards who have been properly trained and certified. The Study identifies means by which guard forces could be upgraded through imposition of new requirements under current authority and identifies actions for which new legislative authority might be required.

The projected nuclear industry covered by the Security Agency Study consists of privately and publicly owned facilities, most of which are involved in the production and use of nuclear materials as fuel for electric generating plants. It also includes related transportation activities.

More than 300 persons contributed to the Congressionally-mandated Study. In additon to a survey of available literature, the Study group used special consultants and contractors to prepare reports on various aspects of the safeguards problem. Additional information was supplied by other Federal Agencies. Unclassified portions of the contractors' reports are publicly available at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

A limited number of copies of the Executive Summary are presently available and can be obtained by writing to the U.S. Nuclear Regulatory Commission, Division of Document Control, Washington, D.C. 20555. When this limited supply is exhausted, copies may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 29th of September 1976

For the U.S. Nuclear Regulatory Commission.

KENNETH R. CHAPMAN,
Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc.76-29550 Filed 10-6-76;8:45 am]

[Docket Nos. STN-50-483, STN 50-486]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Order Regarding Oral Argument

SEPTEMBER 30, 1976.

This Board will convene to hear oral argument at 9:00 a.m. on Wednesday, October 13, 1976, on Joint Intervenors' motion to suspend the Callaway construction permit and for other relief. The argument will be held in the Board Room (room 208), City Hall, 12th and Market Streets, St. Louis, Missouri.

Each party will be allowed one hour for argument, which will be heard in the following order: Applicant; Staff; Joint Intervenors. The Applicant and Staff may reserve a portion of their time for rebuttal.

In addition to points the respective parties deem significant, counsel are to be prepared to discuss the relevance for this case of the decision rendered today by another Appeal Board in Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-349, Docket Nos. 50-443 and 50-444.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-29552 Filed 10-6-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP., (VERMONT YANKEE NUCLEAR POWER STATION)

Order Convening Prehearing Conference

The Atomic Safety and Licensing Board has inquired of the parties active in this proceeding for their availability for a prehearing conference respecting the matters specified by the Nuclear Regulatory Commission in its Memorandum and Order (Order) dated August 16, 1976 in this proceeding. That Order referred to the Commission's General Statement of Policy on the environmental effects of the uranium fuel cycle. The precise issue to be considered as specified by the Commission is whether the full term license previously issued to the Vermont Yankee Nuclear Power Corporation "* * * should be continued, modified, or suspended until an interim fuel cycle rule has been made effective."

The Regulatory Staff of the Commission and the Intervenor New England Coalition on Nuclear Pollution have indicated their availability for a prehearing conference on October 14, 1976 in Brattleboro, Vermont. The Licensing Board assumes that the Licensee will be available in order to promptly consider the issue prescribed by the Commission.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission, particularly 10 CFR 2.752 thereof, that a prehearing conference shall convene at 9:00 a.m., (e.d.t.) on Thursday, October 14, 1976 in the Courtroom (which is room number 200) of the United States District Court Courthouse, 205 Main Street, Brattleboro, Vermont.

Issued: September 29, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-29554 Filed 10-6-76;8:45 am]

[Dockets 50-346A, 50-500A, 50-501A 50-440A and 50-441A.]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO. ET AL. (DAVIS-BESSE NUCLEAR POWER STATION, UNITS 1, 2 AND 3) (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Order

OCTOBER 5, 1976.

This Special Board has now received the brief of the City of Cleveland in opposition to the motion filed on August 26, 1976 by Squire, Sanders & Dempsey moving the Special Board to dismiss the disqualification proceedings pending in this matter.[1] Answers to the SS&D dismissal motion by the Applicants and by the NRC Staff have also been filed. Upon examination of the motion and the responses thereto we have concluded that oral argument is warranted.

Inquiry has been made of the attorneys respecting a convenient date for calendaring the argument and October 15, 1976 has been agreed upon as suitable by counsel for each of the parties.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that oral argument on the motion of Squire, Sanders & Dempsey to dismiss the disqualification proceedings pending in this matter, is calendared for 11:00 a.m. on Friday, October 15, 1976, in the NRC Public Hearing Room, 5th Floor, East-West Towers, 4350 East/West Highway, Bethesda, Maryland.

Issued at Bethesda, Maryland this 5th day of October, 1976.

For the Atomic Safety and Licensing Special Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 76-29760 Filed 10-6-76;10:03 am]

[1] By order of September 1, 1976, the time for the filing of the answer by the City of Cleveland to the SS&D dismissal motion was extended to September 15, 1976. The time for filing the answers by the NRC Staff and the Applicants was extended to September 24, 1976.

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-41]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report. The fatal, emergency landing last February 8 of a Mercer Airlines Douglas DC-6 has been investigated by the National Transportation Safety Board. The aircraft crashed on a golf course 1 mile short of the Van Nuys (California) Airport. In its report No. NTSB-AAR-76-17, released September 28, the Board determined that the probable cause of the accident was the degraded performance of the aircraft after two engines failed. The dual failure was precipitated by the in-flight failure of the No. 1 blade of the No. 3 propeller assembly. The failure of the propeller blade resulted from a fatigue crack which originated in the leading edge under the deicer boot. The crack had not been detected during an improperly performed overhaul.

As a result of investigation of this accident, the Safety Board recommended on June 3 that the Federal Aviation Administration (1) review propeller overhaul manuals for requirements to insure detection of cracks beneath deicer boots, (2) remind air carriers of their responsibility for adequate maintenance even when it is performed by an outside repair station, and (3) review its procedures for surveillance of certificated repair stations. (Safety recommendations A-76-77 through A-76-79; see 41 FR 23487, June 10, 1976.)

In response to these three recommendations, FAA, by letter dated August 30, told the Board that during October it will issue a notice to emphasize the need for field inspectors to assure that repair stations and operators are using complete and current data in inspection, maintenance, and overhaul, placing special emphasis on data used for metal, sheath, or deicer equipped propeller blades. FAA further stated that a notice, N8320.196—Metal Propellers Used in Air Carrier Service, issued July 16, requires principal inspectors to review operators' maintenance and overhaul manuals to assure adequate instructions, to emphasize operator's responsibility for assuring airworthiness, to review certificated repair stations' technical data to determine that the manufacturers' manuals reflect the most recent information available, and to advise FAA Headquarters within 30 days of receipt of the notice whether the certificate holders' manuals are adequate.

Railroad/Highway Accident Report. Investigation of the collision of a Baltimore and Ohio freight train with a pickup truck last February 7 at Beckemeyer, Illinois, is now complete, and the Board has issued its report. The report, NTSB-RHR-76-3 released September 30, indicates that the probable cause of the accident was the failure of the truckdiver to see the approaching train and to stop his vehicle short of the tracks. The lack of active grade crossing signals at the crossing probably contributed to his failure to perceive the train. Of the 16 persons in the truck, 12 were killed and 3 were injured.

Also on September 30, by separate letter, the Safety Board recommended that the Federal Highway Administration: Develop models, formulae, and criteria to assess the hazard levels of grade crossings and to produce an output which indicates the need to consolidate and upgrade crossings or to close certain crossings (recommendation H-76-31); and publish these models, formulae, and criteria, make them available to each State and to the operating railroads, and urge their use in assessing grade crossings (H-76-32). Both recommendations are Class II, for priority followup.

Pipeline Safety Recommendations. Six Class I, urgent followup recommendations were issued by letter of October 2 to the Mayor of Phenix City, Alabama, following investigation of the explosion and fire which, last March 27, destroyed a two-story building in Phenix City and killed six persons.

The Board's investigation disclosed that natural gas at 20-psig pressure had leaked from a cracked, 3-inch cast iron main located 12 feet from the building under concrete steps leading from the street up to the sidewalk. The 3-inch pipe was cracked circumferentially, and gas leaked from this crack was trapped from above by the concrete steps. Consequently, gas seeped into a vaulted area under the sidewalk and into the basement of the building through holes in the wall, where it was ignited by an unknown source.

The Board recommended that the Utilities Board of Phenix City: Inspect its cast iron piping system through a random sampling program to determine whether other areas are covered sufficiently to prevent damage from external loads, if piping in other areas is graphitized to a degree that it should be removed from service, and to rectify any potentially hazardous conditions found (recommendation P-76-67); perform tests after repairing a leak to assure adequacy of repairs and to assure that no other source of gas was contributing to the leak area (P-76-68); assure that when a cast iron caulked bell and spigot joint is exposed, a leak clamp is installed as required by 49 CFR 192.753(b) (P-76-69); train gas system personnel in the use of available leak detection equipment to locate areas of gas leakage and to pinpoint the leakage source (P-76-70); test leak detection equipment and, if necessary, recalibrate it periodically to assure proper operation (P-76-71); and correct promptly all outstanding deficiencies documented by the Alabama Public Service Commission (P-76-72).

Also as a result of investigation of the Phenix City accident, the Board issued on October 2 a recommendation letter addressed jointly to the U.S. Department of Transportation and to DOT's State Agent, the Alabama Public Service Commission, asking that actions taken by officials of Phenix City be monitored to determine the degree of compliance and to institute necessary corrective action. Priority followup is requested for this Class II recommendation, No. P-76-73.

Responses to Safety Board Recommendations. Addressees of earlier recommendations have recently supplied the Board with letter responses as follows:

Federal Aviation Administration, on September 22, answered the Safety Board's letter of August 26, regarding recommendations A-76-59 through A-76-64, wherein the Board asked why FAA considers it unnecessary to apply Advisory Circular AC 33-1A bird ingestion tests on the General Electric CF6 engine. (See 41 FR 14954, April 8, 1976, for recommendations, and 41 FR 34125, August 12, 1976, for FAA's initial response dated July 26.) FAA's September 22 letter states, "Advisory circulars are not regulatory and only provide advisory information on what is considered an acceptable means of showing compliance with a specific regulation. Such means are often modified in order to be appropriate for a particular application." FAA also notes that it has accepted the test program proposed by General Electric which involved a volley of 20 small birds rather than 16, and 6 medium birds fired at 5 critical areas rather than random firing of 10 birds. The rationale for this, according to FAA, was covered in detail at the Safety Board's hearings held in New York last March and deposition given at Evendale, Ohio, in May. FAA concludes, "In view of the dynamic structural testing conducted by General Electric to demonstrate the effectiveness of the changes now being implemented by airworthiness directives, we do not believe that a requirement for further bird testing would be justified."

FAA's letter of September 24 concerns recommendations A-76-95 and A-76-96 directed to the use of the word "beacon" in the air traffic control system. (See 41 FR 31625, July 29, 1976.) FAA states that by Air Traffic Technical Bulletin 76-2 dated June 1976, it has alerted air traffic control personnel to the possibility that "beacon" could be misunderstood when used without a qualifying prefix. FAA further notes that the various meanings of the word "beacon" in the Pilot/Controller Glossary will appear in Handbooks 7110.65, Change 4, and 7110.10D, effective January 1977, and in the Airman's Information Manual, effective February 1977.

Federal Highway Administration, by letter of September 24, responds to recommendations H-76-12 through H-76-14 which were issued following investigation of the collapse of the Yadkin River Bridge near Siloam, North Carolina, February 23, 1975, after an automobile impacted a vital structural member of the bridge. (See 41 FR 20747, May 20, 1976.) FHWA states that actions proposed by recommendation H-76-12 are now partially covered by requirements of the National Bridge Inspection Standards, 23 CFR 650.311, which reads, "Newly completed structures or any modifica-

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tion of existing structures which would alter previously recorded data on the inventory forms shall be entered in the State's records within 90 days." FHWA states that if requirements were expanded to require analysis and evaluation within a specified time period, it would be necessary to define within carefully prescribed limits the methods to be used and need for corrective action. FHWA adds that since issuance of the standards, the States have been using the information gained from the inspections and inspection reports in a most responsible manner, and that issuance of additional regulations are not warranted at this time.

Re recommendation H–76–13, FHWA indicates that the action proposed will require special legislation or the modification of the existing Federal-Aid Highway Act of 1968, 23 U.S.C. 116, to include the inspection of bridges off the Federal-aid highway system. Any proposed legislation for the inspection of off-system bridges will be ineffective and unimplementable if not adequately funded, according to FHWA. FHWA is reviewing proposed legislation which, if enacted, would consolidate all safety programs, both on and off the Federal-aid highway system. Administration of such a provision would permit inspection of off-system bridges before establishing replacement priorities, FHWA comments. FHWA considers that no further action is necessary in view of this proposed legislation.

Re H–76–14, FHWA comments that the various State highway departments are now investigating catastrophic bridge failures, and remarks that it would be "counterproductive and unjustifiable on a cost effective basis for the States and FHWA to organize multidisciplinary accident investigating teams for the limited number of bridge collapses occurring nationwide each year." According to FHWA, States experiencing bridge collapses are advised to retain the service of engineering firms nationally recognized in the field of bridge failure investigations. FHWA believes that the time to investigate a structure is prior to the collapse. FHWA is now organizing a multidisciplinary team that would be made available to the States on request to investigate primary bridge members that have fractured in order to document information helpful in preventing major failures.

U.S. Coast Guard, by letter of September 24, updates response to recommendation M–74–21, issued as a result of investigation of the explosion and fire on board the *M/V Venus* on the St. Lawrence River, May 4, 1972. Coast Guard notes completion of the recommended inspection of the *Venus* and similar tank vessels operating on the Great Lakes to correct inadequacies concerning the prevention of entry of flammable vapors into the deckhouses as revealed by investigation of the accident. Coast Guard states that the deficiencies have been corrected.

U.S. Department of Commerce, by letter of September 16, responds to recommendations I–76–7 and I–76–8 concerning the September 1, 1975, Rock Island tank car derailment near Des Moines, Iowa. (See 41 FR 37166, September 2, 1976.) The letter indicates that Commerce Department's National Fire Prevention and Control Administration is well aware of the problems faced by emergency forces in controlling transportation accidents involving hazardous materials but that very limited funds and numbers of personnel have prevented a more direct attack on the problem through research and development and delivery of training programs to the fire service. Commerce notes that NFPCA has, however, been working with the Department of Transportation, which also has responsibility in this area, and has assisted in formulating a project to develop and test a hazardous materials training course for the fire service and other emergency personnel. Work with DOT and its contractor for this project, the National Fire Protection Association, will continue. Through NFPCA's National Academy for Fire Prevention and Control, delivery of training courses to emergency service personnel will be provided, and other initiatives will be undertaken as soon as resources permit, according to the Commerce letter.

Bay Area Rapid Transit District (BART), by letter of September 24 concerning recommendations R–76–42 through R–76–44 (41 FR 34125, Aug. 12, 1976), indicates that current BART Operations Rules and Procedures prohibit the dispatch of a training with malfunctioning automatic train control (ATC from a yard or terminal zone into revenue service. Procedures also are in effect requiring removal of trains experiencing ATC malfunctions at the nearest yard or storage area. BART notes that in this circumstance, passengers are not immediately off-loaded but are allowed to remain on board until the train is removed from mainline operations. BART states that the train experiencing ATC malfunction can only be operated in the "manual mode" which limits the maximum speed of the train to 25 mph by an automatic feature of the on-board equipment. Additionally, all manual movement of trains is strictly enforced and controlled by the Central Train Controller, with issuance of formal movement instructions to the Train Operator specifying the track or tracks to be used, routes through interlocking as required, and the operating limits which shall not be exceeded.

BART considers its communication facilities to be adequate and dependable, and notes that procedures are in effect to govern Train Operators in the event of radio failure anywhere on the System.

Chicago Transit Authority (CTA) letter of September 21 concerns recommendations R–76–35 through R–76–41 which relate to the collision of two CTA trains in Chicago last January 9. (See 41 FR 37168, September 2, 1976.) Accompanying the letter are copies of CTA statements released to the public during August 1976. The release of August 23 reports steps taken by CTA to implement each of the subject recommendations.

Re recommendation R–76–35, CTA indicates that its procedures concerning the operation of trains with defective cab signals have been steadily improved and are now in compliance. Re R–76–36, CTA states that predeparture general checkout of cab signal and train telephone equipment has been instituted at all CTA rapid transit terminals, and that a CTA-developed comprehensive checkout system, which completely cycles the cab signal equipment, has been tested successfully at the Jefferson Park terminal. CTA is seeking Government funding to install comprehensive checkout equipment at all other appropriate locations. Re R–76–37, the CTA cab signaling maintenance program has been intensified, procedures have been improved where necessary to detect failures of nonvital functions, and components replaced on a preventive maintenance basis.

To implement R–76–38, CTA has intensified maintenance procedures for both carborne and wayside train phone equipment and has made a survey of train phone signal strength over all trackage, which has led to the installation of additional wayside equipment. Also, CTA states, a radio system is being designed to supplement the existing train phone system which operates over the electrified power rail. Re R–76–39, CTA notes that a thorough revision of the rail operating rule book is now underway to provide a better understanding of titles and functions. In accord with R–76–40, all training programs and the methods by which CTA measures their effectiveness are being strengthened. Topics for special emphasis include alertness, sensitivity to imperfect equipment, troubleshooting, and responsibilities when emergency procedures are in effect.

With reference to R–76–31, CTA notes that its safety department, which had reported below the division level, now reports directly to the general manager. Line safety functions within the operations division have been reorganized for greater effectiveness and to provide a more direct liaison with the staff safety function, according to CTA. Also, a safety and system assurance study is to be undertaken with funding from the U.S. Urban Mass Transportation Administration. CTA states that its safety department has been asked to participate in the development of the U.S. Department of Transportation's new safety and system assurance program for rapid transit nationwide.

The accident reports and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 4, 1976.

[FR Doc.76–29517 Filed 10–6–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

CONTRACT PRICING AND PROFIT POLICIES

Public Meeting

The Notice of Public Meeting to consider major issues pertinent to the adoption of Government-wide profit policies on negotiated procurements published in the FEDERAL REGISTER of September 17, 1976, 40238 is revised as follows.

At the completion of the hearings on November 4, 1976, the public meeting will be recessed until 10:00 a.m. on November 8, 1976. Any interested person, organization, or Government agency desiring to make an oral presentation should indicate in their request to be heard which of these two dates their oral presentation will be made.

The Notice is further revised to substitute the word "explicit" for "implicit" in the third and fourth sentences of paragraph 5.

Dated: September 30, 1976.

HUGH E. WITT,
Administrator.

[FR Doc.76–29476 Filed 10–6–76;8:45 am]

[Docket No. MC76–5]

POSTAL RATE COMMISSION

BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Rescheduling of Prehearing Conference

SEPTEMBER 30, 1976.

Notice is hereby given that the Presiding Officer has rescheduled the prehearing conference previously scheduled in the above-designated proceeding for Tuesday, October 5, 1976, to Monday, October 18, 1976 at 9:30 a.m., in the Commission's Hearing Room, Suite 500, 2000 L Street, NW., Washington, D.C.

JAMES R. LINDSAY,
Secretary to the Commission.

[FR Doc.76–29411 Filed 10–6–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12836; File No. SR–Amex–76–20]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The rescission of Rule 23 and the Commentary thereto will eliminate the requirement that any member or member organization who has purchased from off the Floor any security on the Exchange for personal or firm account, in order to establish or increase a position, at a price above the previous day's close on a "plus" or "0-plus" tick, except a "0-plus" tick on the bid, shall not sell such security until at least the same time as the time of execution on the following trading day. A copy of Rule 23 and the Commentary thereto is annexed hereto as Exhibit A.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this rule rescission is to permit off-Floor members and member organizations to liquidate positions in Amex traded stocks previously acquired pursuant to off-Floor orders at a price above the previous day's close on a "plus" or "zero plus" tick without the 24 hour limitation presently imposed on such sales.

This rule rescission will also eliminate the competitive discrimination currently existing against Amex members and member organizations since the restrictions embodied in Rule 23 and the Commentary thereto are not imposed upon members of any other exchange or market where Amex stocks are traded, and are no longer imposed upon New York Stock Exchange members or member organizations with regard to securities traded thereon (SR–NYSE–76–27, effective August 27, 1976).

The proposed rule change is authorized by section 6(b) and 11A of the Securities Exchange Act, as amended by the Securities Acts Amendments of 1975, and relates to subsection (a)(v)(D) of Item 4 hereof by promoting equal regulation and fair competition among brokers and dealers, and among exchange and non-exchange markets.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that the proposed rescission of Rule 23 and the Commentary thereto will not impose any burden on competition. In addition, it will eliminate the competitive disadvantage presently imposed solely upon Amex members and member organizations.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 28, 1976.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission has recently approved the rescission of a similar New York Stock Exchange rule (Securities Exchange Act Release No. 12739 (August 26, 1976), 41 FR 37863 (September 8, 1976)). Interested persons were given the opportunity to comment on the rescission of these types of restrictions on members' off-floor trading at that time.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 28, 1976.

EXHIBIT A.—AMERICAN STOCK EXCHANGE, INC.

The following Rule and Commentary are deleted in their entirety:

MEMBERS' OFF-FLOOR TRADING

Rule 23. (a) A regular or associate member or regular or associate member organization who shall purchase any security on the Exchange for his or its account to establish or increase a position, pursuant to an order entered from off the Floor, at or above the previous day's closing price on a "plus" or a "zero plus" tick, except a "zero plus" tick on the bid, shall not sell such security until at least the same time as the time of execution on the following trading day, unless such liquidating transaction is at a loss of not less than the minimum fraction of trading permitted in such security, calculated on a "first in, first out" (FIFO) basis.

(b) The provisions of this rule do not apply to:

(1) any bona fide arbitrage transaction or any transaction which is part of a purchase and sale or sale and purchase of securities of companies involved in a publicly announced merger, acquisition, tender offer, etc.;

(2) any transaction made with the prior approval of a Senior Floor Official to permit the member or member organization to contribute to the maintenance of a fair and orderly market in a security;

(3) any transaction which is on the opposite side of a block order being executed by the member or member organization for the account of its customer and the transaction is made to facilitate the execution of such order;

(4) any transaction to offset a transaction made in error;

(5) any transaction for the account of a member or member organization registered as a specialist on another securities exchange in a security in which the member or member organization is so registered, if such transaction is effected in connection with the performance by such member or member

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organization of his or its function as a specialist on such other exchange;

(6) any purchase or sale of a security against which a member organization has sold a call and bought a put endorsed by such member organization (conversion account);

(7) any transaction for an individual member on which a commission is charged unless the member or member organization shall have been notified by the Exchange that this exemption shall not apply to it;

(8) "held" orders entered before the opening of the Exchange or prior to the establishment of the day's first quotation in a particular security.

COMMENTARY

.01 Rule 23 is applicable to regular and associate members and member organizations, provided, however, that the rule shall also be applicable to any allied member if the Exchange shall have determined that it is in the interest of the Exchange to make the rule applicable to such allied member and shall have so informed such allied member.

.02 Every order entered from off the Floor for the purchase or sale of a security for the account of a regular or associate member or a regular or associate member organization, and every such order entered for the account of an allied member who has been notified by the Exchange that he is subject to the provisions of Rule 23, shall be designated with the letters "OF."

.03 Every regular and associate member and every regular and associate member organization, and every allied member who has been notified by the Exchange that he is subject to the provisions of Rule 23, who shall effect purchases or sales on the Exchange for his or its account amounting to 500 shares or more of any security during any trading session shall report such transactions to the Exchange on a weekly basis on a form prescribed by the Exchange. Such reports shall be due not later than 10:00 a.m. on Tuesday of each week with respect to all such transactions effected during the previous week. No report need be filed with respect to a week in which no such transactions were effected or with respect to which all such transactions were exempt under the provisions of paragraph (b) of Rule 23.

.04 A broker executing a buy order which is marked pursuant to paragraph .02 of this Commentary must record any purchase of 500 shares or more which he effects with respect to such order on a card designated for such purpose if the purchase is on a "plus" or "zero plus" tick at or above the previous day's closing price, except for a "zero plus" tick on the bid. This card shall be posted in such place and according to such procedure as the Exchange shall direct.

.05 In order to avail himself or itself of the exemption provided in subparagraph (5) of paragraph (b) of Rule 23, a member or member organization must file with the Exchange a current schedule of the securities in which he is registered as a specialist on another securities exchange.

[FR Doc.76-29428 Filed 10-6-76;8:45 am]

[812-4001]

AXE-HOUGHTON FUND A, INC. ET AL.

Filing of Application for an Order of Exemption From Provisions

Notice is hereby given that Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., and Axe-Houghton Stock Fund, Inc. (collectively referred to as the "Funds"), 400 Benedict Avenue, Tarrytown, New York 10591, open-end, diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Axe Securities Corporation ("Axe Securities"), the principal underwriter of each of the Funds (collectively referred to with Funds as "Applicants"), filed an application on August 2, 1976, pursuant to section 6(c) of the Act, for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of each of the Funds are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased.

Each of the Funds proposes to offer to shareholders of each of the other Funds who have open accounts in the offering Fund, or who simultaneously establish such open accounts, the option of having the capital gain distributions or both the income dividends and capital gain distributions, paid to them by either or both of the other Funds, automatically reinvested on the payment date of such dividend or distribution in shares of the offering Fund at net asset value without the payment of a sales charge (the "Reinvestment Privilege"). In addition, shareholders of each of the other Funds who have open accounts in the offering Fund, or simultaneously establish such open accounts, would be permitted to return any cash dividend or distribution received by them from either or both of the other Funds within 30 days after the payment thereof for reinvestment in shares of the offering Fund at net asset value without a sales charge (the "Distribution Return Privilege"). Prospectuses of all the Funds will be available upon request from Axe Securities, and one will be sent to shareholders who notify Axe Securities of their desire to establish such an open account.

No sales commission would be received by Axe Securities or any dealer on any such reinvestment or return, and there will be no service charge. A shareholder will be permitted to cancel either privilege by written notice to the Funds' transfer agent. Axe Securities and the Funds' transfer agent reserve the right to cancel such privileges on thirty days written notice.

Pursuant to the Reinvestment Privilege distributions, or dividends and distributions, would be reinvested at the net asset value per share of the Fund whose shares were being acquired (the "offering Fund") on the payment date for the dividend or distribution of the Fund whose dividend or distribution is used to make the investment (the "paying Fund"). Pursuant to the Distribution Return Privilege, cash dividends or distributions would be reinvested at the net asset value per share of the offering Fund on the day the reinvestment is received by the Funds' transfer agent or on the next day the New York Stock Exchange is open for trading if such Exchange is closed on the day the money is received. None of the Funds would bear any expense pursuant to the proposed privileges other than transfer agency costs and the costs of furnishing prospectuses of the offering Funds.

Applicants assert that the purpose of the proposed privileges is to give Fund shareholders the oportunity to invest their dividends and distributions at no sales charge in the shares of any other Fund in which they have or simultaneously establish an open account; thus, each shareholder using the option will already have selected the shares of the offering Fund as an investment medium and may make additional investments in the shares of the offering Fund while maintaining his initial investment in the shares of the paying Fund.

Applicants state that the shareholders of each of the Funds could, in effect, accomplish the result proposed by this exemption request by electing to receive distributions, or dividends and distributions, in additional shares of the paying Fund and then exchanging such additional shares for shares of the offering Fund pursuant to the exchange privilege described in the Fund's current prospectuses. The proposed privilege would permit such reinvestment without the delay caused by the cumbersome procedure associated with such exchanges.

Applicants propose to make such privileges available to the shareholders of each Fund coincident with the first income dividend or capital gain distribution issued by each such Fund following receipt of the order requested hereby.

Section 6(c) of the Act provides, in pertinent part, that the Commission upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of the Act or of any Rule or Regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairiv intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally

or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29420 Filed 10-6-76;8:45 am]

[SR-CBOE-76-17]

CHICAGO BOARD OPTIONS EXCHANGE

Order Approving Proposed Rule Change

On August 9, 1976, the Chicago Board Options Exchange, Inc. ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend a number of sections of the CBOE Constitution relating to the composition of the Exchange's Nominating Committee and Appeals Committee, and to an expansion of the number of subjects which may be considered at the Annual Election Meeting of the Exchange Membership.

Notice o fthe proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12726, (August 23, 1976)) and by publication in the FEDERAL REGISTER (41 FR 36272 (August 27, 1976)).

On September 15, 1976 the CBOE filed an amendment to its rule filing which stated that the changes proposed to existing section 4.1 of the CBOE Constitution were withdrawn. The language of section 4.3 of the CBOE Constitution as proposed was amended through the deletion of reference to section 4.1. The CBOE Special Meeting of Members held on September 13 and 14, 1976 resulted in the approval of those changes relating to the conduct of business at the Annual Election Meeting and to the creation of the Appeals Committee as an elected body. The proposed changes to the sections of the CBOE Constitution dealing with the Nominating Committee were defeated.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6, the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on August 9, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29421 Filed 10-6-76;8:45 am]

[812-3961]

CONTINENTAL INDIVIDUAL RETIREMENT TRUST AND CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO, TRUSTEE

Filing of Application for an Order of Exemption From All Provisions

Notice is hereby given that Continental Individual Retirement Trust ("CIRT") and Continental Illinois National Bank and Trust Company of Chicago ("Continental Bank") (collectively referred to as "Applicants"), 231 South LaSalle Street, Chicago, Illinois 60693, have filed an application on June 1, 1976, and amendments thereto on August 16 and September 21, 1976, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting CIRT from all provisions of the Act except sections 36(a) and 36(b) thereof. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, CIRT is a collective investment trust, as described in Regulation 9.18(a)(2) of the regulations of the Comptroller of the Currency (the "Comptroller"), 12 CFR § 9.18(a)(2), for the investment of assets of self-employed retirement plans and trusts ("H.R. 10 Plans") meeting the requirements for qualification under section 401 of the Internal Revenue Code of 1954, as amended (the "Code"), established with Continental Bank as trustee. CIRT states that it has filed a registration statement with the Commission under the Securities Act of 1933 ("1933 Act"), but that it presently is exempt from the provisions of the Act by reason of section 3(c)(11) thereof, which, in part, excepts from the definition of "investment company" • • • "any collective trust fund maintained by a bank consisting solely of assets of (any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Code) • • •. Continental Bank states in the application that it maintains three funds within CIRT with separate investment policies, and that they are referred to as the Money Market Fund, the Equity Fund, and the Fixed Income Fund.

Continental Bank proposes to permit a person who establishes an individual retirement account ("IRA('s)") as described in section 408 of the Code, with Continental Bank as trustee, to direct the trustee to manage the assets contributed to his account in the funds of CIRT. Applicants state that IRA's are provided for by the Employee Retirement Income Security Act of 1974 ("ERISA"), and assert that the Conferance Report to ERISA reflects the intention of its drafters that banks be authorized to utilize collective investment trusts as a funding medium for IRA's and to pool assets of IRA's in such trusts with assets of other plans qualified under Code section 401(a), i.e., H.R. 10 plans and qualified corporate pension and profit-sharing plans. (H.R. Rep. No. 93-1280, 93d Cong., 2d Sess. 337-38 (1974)). Applicants further asset that diversification of investment of assets of employee benefit plans is a fundamental objective of ERISA which cannot be achieved by the trustee of an IRA without such pooling because of the generally small asset value of such accounts.

Although Applicants do not concede that the exception provided by section 3(c)(11) would no longer be applicable to CIRT under their proposal, it appears that CIRT would then no longer be comprised solely of assets of trusts qualified under Section 401 of the Code, and that the provisions of the Act might, therefore, be applicable to Applicants.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class of classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Continental Bank states that it does not consider CIRT an appropriate subject of registration under the Act. In addition, the Applicants assert that the Commission's granting of the requested order will exempt CIRT from provisions of the Act with which it cannot, in any event, comply and from provisions with which compliance is possible but which, Applicants submit, merely duplicate requirements and restrictions to which they are already subject. Continental Bank submits that, for reasons set forth in the application and summarized below, it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to issue the requested order.

Applicants state that CIRT is managed by Continental Bank, as trustee, through its trust department, that CIRT has no board of directors, and that it does not have an "investment adviser," all investment advisory services being provided by Continental Bank as the trustee. Applicants contend that units in the funds of CIRT do not have the characteristics of

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shares of stock in a corporation or a mutual fund, since they are not transferable, are not evidenced by certificates, and do not entitle the holder to a vote or otherwise to participate in the management of the funds.

Coninental Bank states that it does not recognize separate interests, as such, in CIRT, but that, for convenience, the value of a participant's account in CIRT is computed as his pro-rata, portion, expressed in units, of the current market value of the investment portfolio of the fund of CIRT in which the assets of his account are managed, less any liabilities of such fund. Continental Bank states that it does not issue certificates or any other document evidencing a unit or other interest in a fund, nor does it permit a participant to transfer or pledge a unit or other interest in a fund to any person.

According to the application, Continental Bank, as trustee, retains exclusive management and investment discretion over the assets of CIRT, and, in exercising this authority, Continental Bank is subject to the requirements of ERISA, Regulation 9 of the Comptroller, the Illinois Common Trust Fund Act, and fiduciary obligations imposed under Illinois common law. In addition, Applicants state, Continental Bank's investment discretion is prescribed as to each fund of CIRT by the terms of the Declaration of Trust by which it was established, and the investment policies stated in the Declaration of Trust may be amended by Continental Bank only after a minimum of 30 days' notice to participants.

According to the application, Continental Bank's present fees for managing CIRT and participating H.R. 10 Plans are fully set forth in the prospectuses included as a part of CIRT's Registration Statement under the 1933 Act, which prospectuses are incorporated in and made a part of the Application. Continental Bank represents in the application that fees charged to establish and administer a participating IRA will be no greater than those charged to a participant in an H.R. 10 Plan established in the form of the prototype Continental Self-Employed Retirement Plan and Trust for creating and administering his separate account, but that a lesser fee structure may be adopted for IRA's established in the form of a prototype plan established by agreement with an employer or association of employees for use by its employees or members. Continental Bank states that it currently charges an annual fee of one-half of one percent of the net asset value of the funds of CIRT for its services as trustee.

Continental Bank states that, following its current practice with respect to persons covered by H.R. 10 plans participating in CIRT, it will provide each IRA participant, within 45 days after the close of each calendar quarter, with a statement of the value of his account showing the amount held in savings accounts, in certificates of deposit, and in a fund of CIRT, specifically identifying the number of units in a fund so held and the value of a unit. At the same time, except with respect to the fourth quarter, Continental Bank states that it will provide each participant with an unaudited quarterly financial report covering the results of Continental Bank's management of CIRT, and that it will also distribute to each participant by March 30 its annual report to the Comptroller on the investments and results of operations of CIRT. Applicants state that such report is audited and certified by an independent public accounting firm, currently Peat, Marwick, Mitchell and Co.

The Applicants assert that, if CIRT were required to register under the Act, it would require, at a minimum, exemptions from the following provisions of the Act: Sections 10(a), 10(b)(2), 10(b)(3), and 10(c), which in part, restrict the affiliations of directors, principal underwriters, and, by reason of section 10(h) of the Act, directors of depositors of registered investment companies; and sections 13(a), 15(a), 16(a), and 32(a) of the Act, which, in part, concern shareholder voting in the areas of investment policies, advisory contracts, and election of directors and independent public accountants.

With respect to the provisions of Section 10, Applicants assert that the abuses against which its restrictions are directed are regulated by provisions contained in ERISA, Regulation 9 of the Comptroller, and the Code, and that those statutes and regulations will therefore provide an adequate substitute for the protections afforded by section 10.

Regarding shareholder voting rights, Applicants assert that the nature of the relationship between the participant and the collective investment trust should make such rights unnecessary. In support of this assertion, Applicants state that a person who establishes an IRA with Continental Bank is, in effect, purchasing Continental Bank's fiduciary services, and that, should he become dissatisfied with Continental Bank's performance, he is free to remove it as trustee and to direct that the assets held for his account be withdrawn from the collective trust and transferred to a successor trustee. Furthermore, Applicants state, such a transfer is not a taxable event and continental Bank does not exact any charge for such withdrawal.

Applicants contend that interjecting voting rights into this relationship would do no more than permit the holders of a majority of the beneficial interests in CIRT to achieve what the individual participant can achieve on his own behalf by removing Continental Bank as trustee of his account. Furthermore, Continental Bank states that it cannot operate a collective investment trust under the federal banking laws unless it has "exclusive management" thereof, and that, if the holders of a majority of the beneficial interests in CIRT, through election of independent directors, or rejection of a change in investment policy proposed by the trustee, should interfere with its "exclusive management", Continental Bank would be forced to withdraw as trustee. Thus, it argues, imposition of the voting rights provisions of the Act on CIRT actually would lessen a participant's rights, since, absent the right to vote, he would have the continuing option of retaining or removing the trustee. With voting rights, the holders of a majority of the beneficial interests in CIRT could determine to remove Continental Bank as trustee over the objections of the minority. Applicants state that this is inappropriate, and that the trust relationship exists between the trustee and each participant, not between the trustee and the assembled body of participants.

Applicants contend that the difficulties encountered in applying the above-mentioned provisions of the Act which regulate the relationship between a registered investment company and its board of directors, investment adviser, underwriter and voting stockholders to a bank sponsored collective investment trust which has none of these features demonstrate the inappropriateness of any application of the Act to CIRT.

Applicants state further that other provisions of the Act, specifically section 17(a), which generally deals with purchases and sales of securities or other property between a registered investment company and its affiliates, section 17(d) which generally concerns joint transactions involving registered investment companies and their affiliates, or principal underwriters, and sections 30(a), (b) and (d), which generally concern periodic and other reporting by registered investment companies, might be applied to CIRT. However, Applicants assert, for reasons stated in the application and summarized below, that the application of these provisions to CIRT would not serve to increase materially the protections currently afforded participants in CIRT by other regulations and laws covering the same subject matter to which Continental Bank already is subject in its administration of CIRT.

Regarding section 17 of the Act, Applicants state that, if applied to CIRT, its visions of Regulation 9, ERISA, and Illinois common law fiduciary principals dealing with conflicts of interest and prohibited transactions. Applicants submit that the resulting tangle of sometimes conflicting regulation is unnecessary and would be adverse to the public interest, and that whatever incremental advantage may accrue to participants in CIRT from the application of section 17 would be inadequate to justify the burden of the imposition of additional regulatory control over a fund already subject to scrutiny under other regulations.

With respect to the reporting requirements of section 30 of the Act, applicants state that, in light of the reporting requirements of the Commission and the Comptroller, to which Continental Bank is already subject, the imposition of section 30 of the Act would result in little additional information to the Commission or to CIRT participants.

In addition, Continental Bank undertakes in the application to provide the Commission with information similar to

that which would be required by Item 1 (relating to changes in portfolio securities) and Item 3 (relating to changes in policies with respect to securities investments) of the Commission's Form N–1Q.

Section 36(a) of the Act generally authorizes the Commission to bring an action alleging that a person serving or acting as an officer or director of a registered investment company or as its investment advisor, depositor, or, with respect to certain types of companies, as its principal underwriter, has engaged or is about to engage in any practice constituting a breach of fiduciary duty involving personal misconduct in respect of such company.

Section 36(b) generally authorizes the Commission and each security holder of a registered investment company to bring an action on behalf of such company against the company's investment adviser, its affiliated persons, or any other person enumerated in section 36(a) of the Act who has a fiduciary duty with respect to the receipt of compensation for services or payments of a material nature made by such investment company or the security holders thereof, for breach of fiduciary duty with respect to such compensation or payments.

Continental Bank states that it presently is subject to the enforcement jurisdiction of the Secretary of Labor pursuant to ERISA and of the Comptroller pursuant to 12 USC § 1818 with respect to certain aspects of its fiduciary management of CIRT. Nonetheless, Applicants do not include sections 36(a) and 36(b) among the provisions of the Act from which exemption is sought.

According to the Applicants, the legislative history of ERISA supports the view that IRA's were regarded as substantially equivalent to H.R. 10 Plan trusts with a single owner-employee participant, and that the labor and tax-writing committees having jurisdiction over the bill envisioned that IRA's could be funded in collective trust funds on the same basis as H.R. 10 Plans.

Applicants further state that, in the Senate version of ERISA, IRA's would have been tax-exempt under section 501(a) of the Code as employee benefit plans described in section 401(a) of the Code, but that Section 401 is a complex provision, made even more so by ERISA, which covers corporate as well as H.R. 10 Plans. Many of its requirements, Applicants state, and those of other Code sections which refer to section 401, are inappropriate to the relatively simple IRA concept, and thus the House-Senate conferees on ERISA adopted the less complex approach of the House version of the bill, and created a new Code section 408 exclusively for IRA's. Nevertheless, Applicants argue, the conferees stated it to be their intention that assets of IRA's may be pooled with assets of qualified Code section 401(a) trusts and that a collective trust including the assets of both 408 and 401 plans should itself be tax-exempt.

Applicants further state that the Treasury Department has implemented that intent of the conferees by issuing Revenue Ruling 75–530, 1975–49 I.R.B. 7, which refers to this history and holds that a collective trust fund consisting of the assets of Code section 401 and 408 trusts shall continue to be exempt *pro tanto* under each section, and that the Comptroller has also recognized that assets of IRA's may be commingled with assets of Code section 401 trusts under the provisions of Regulation 9.

Applicants state that, prior to 1970 amendments to the Act, which gave specific recognition to an exemption for employee benefit plans and collective trusts therefor in section 3(c)(11), and which tied the exemption to section 401 of the Code, the Commission had nevertheless recognized the exemption for H.R. 10 Plans qualified under Code section 401, even though the Act, prior to such amendment, contained an outdated reference to section 165 of the Internal Revenue Code of 1939, under which section H.R. 10 trusts had never been tax-exempt.

Finally, Applicants contend that, in light of the above-mentioned legislative history of IRA's, and the Commission's administrative recognition of an exemption for H.R. 10 trusts prior to 1970 amendments to the Act, the Commission should issue the requested order under the authority of section 6(c) of the Act. In so doing, Applicants argue, the Commission would afford substantially the same exempt status to CIRT as is presently afforded by section 3(c)(11) of the Act to collective trusts consisting exclusively of assets of trusts meeting the requirements for qualification under Code section 401.

Notice is further given that any interested person may, not later than October 25, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29422 Filed 10–6–76;8:45 am]

[File No. 500–1]

KMS INDUSTRIES, INC.

Suspension of Trading

SEPTEMBER 28, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of KMS Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:00 p.m., (e.d.t.). on September 28, 1976 through October 7, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29424 Filed 10–6–76;8:45 am]

[File No. 81–215]

KANSAS CITY STAR CO.

Notice of and Order for Hearing on Application for Exemption From Requirements

SEPTEMBER 28, 1976.

Notice is hereby given that The Kansas City Star Company (the "Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Exchange Act") for an order exempting the Applicant from the provisions of sections 12(g) and 15(d) of the Act. Exemption from such sections would have the effect of exempting the Applicant from sections 13 and 14 of the Exchange Act and any officer, director or ten percent beneficial owner of the Applicant's securities from section 16 thereof.

Section 12(g) of the Act requires the registration of the securities of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the Exchange Act in respect of a security registered pursuant to section 12 of the Exchange Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any

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issuer or class of issuers from the registration, periodic reporting, proxy solicitation and other provisions of the Exchange Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issues, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part:

1. The Applicant, a Missouri corporation, and its subsidiaries are primarily engaged in the publication of newspapers, the manufacture of fine paper, and the distribution of paper and paper products in several states, and as of December 31, 1975 owned total assets of approximately $78,000,000.

2. Beneficial ownership of the Applicant's common stock is represented by two classes of securities:

(a) Participating Certificates held only by Applicant's employees and retired employees which holders comprised in excess of 500 person as of December 31, 1975; and

(b) Beneficial Units held by Applicant's employees, retired employees and members of their immediate families which holders comprised less than 500 persons as of December 31, 1975.

Both classes of securities are restricted as to ownership and disposition.

3. The Applicant has been subject to the periodic reporting requirements of section 15(d) of the Exchange Act since 1968.

4. No public trading activity exists in either class of securities and none will develop.

5. The Participating Certificates, which unlike the Beneficial Units have full voting rights, are held by persons who are all knowledgeable of the Applicant's operations.

6. Compliance with the requirements of sections 13, 14 and 16 of the Exchange Act would involve significant and burdensome expenses and would not produce countervailing benefits for the protection of the public interest.

It is ordered, Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of The Kansas City Star Company be held on November 3, 1976 at 10:00 a.m. at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Room 776, Washington, D.C.

The purpose of such hearing shall be to consider whether an exemption from the provisions of sections 12(g) and/or 15(d) of the Securities Exchange Act of 1934 should be granted *in toto*, should be granted subject to any specified conditions or should be denied. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by Rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration in this proceeding:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in the Applicant's securities, justify the requested exemption;

2. Whether the nature and extent of the Applicant's activities or the Applicant's income or assets are such to justify the requested exemption;

3. Whether the information concerning the Applicant which is or may be available to investors and/or the association of investors with the Applicant are adequate to justify the requested exemption;

4. Whether representations by the Applicant provide adequate protection to justify the requested exemption; and

5. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to The Kansas City Star Company and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29423 Filed 10-6-76;8:45 am]

[SR-PSE-76-21]

PACIFIC STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

On June 21, 1976, the Pacific Stock Exchange Incorporated ("PSE") 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to expand its option program by up to ten (10) additional classes of call options.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12613 (July 9, 1976)) and by publication in the FEDERAL REGISTER (41 FR 29497 (July 16, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on July 21, 1976, be, and it hereby is, approved.

For the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29425 Filed 10-6-76;8:45 am]

[SR-PSE-76-27]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

On July 27, 1976, the Pacific Stock Exchange, 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change which would accommodate proposed amendments to Rule 15c3-1(b)(2) within Exchange Rule V, Section 1.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12701 (Aug. 12, 1976)) and by publication in the FEDERAL REGISTER (41 FR 33592 (Aug. 23, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on July 27, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29426 Filed 10-6-76;8:45 am]

[812-3923]

UNIVERSE TANKSHIPS, INC.

Filing of Application for Order of the Act Declaring Presumption of Control Created by That Section Rebutted by Evidence

Notice is hereby given that Universe Tankships, Inc. ("Applicant"), 30 Broad Street, Monrovia, Liberia, has filed an application on March 10, 1976, and amendments thereto on April 29, 1976, and June 28, 1976, pursuant to section 2(a)(9) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Applicant does not control St. John D'el Rey Mining Company, Limited ("St. John D'el Ray"), a closed-end, non-diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, St. John D'el Rey has two classes of voting shares, each of which is entitled to one vote per share: (1) "Ordinary Stock," of which there are 3,982,655 shares outstanding, and (2) "Preference Stock," of which there are 100,000 shares outstanding. Applicant states that it owns 28.25 percent of the outstanding Ordinary Stock and none of the Preference Stock, and that, accordingly, Applicant owns 27.60 percent of the outstanding voting securities of St. John D'el Rey. Applicant further states that the shares of Ordinary Stock owned by it do not have any special rights and that Applicant has no option to purchase additional shares.

It appears from the application that Hanna Mining Company ("Hanna"), through a wholly-owned subsidiary, owns 66.3 percent of the Ordinary Stock and none of the Preference Stock; that, accordingly, Hanna owns 64.7 percent of the outstanding voting securities of St. John D'el Rey; and that all of the directors of St. John D'el Rey are employees or nominees of Hanna.

Applicant states that the only asset of St. John D'el Rey is a 49 percent stock interest in Mineracoes Brasileiras Reunidas S.A. ("MBR"), and that the remaining 51 percent of MBR is owned by Emprendimentos Brasileiros de Mineracaosa ("EBM"), 19 percent of the outstanding stock of which, in turn, is owned by Applicant. Applicant further states that it does not control EBM, and that 51 percent of the stock of EBM is owned, either directly or through a subsidiary, by Companhia Auxiliar de Empresas de Mineracao.

Section 2(a)(9) of the Act (1) defines the term "control" to mean the power to exercise a controlling influence over the management or policies of a company (unless such power is solely the result of an official position with such company), and (2) provides further, in part, that any person who owns beneficially more than 25 percent of the voting securities of a company shall be presumed to control such company.

Applicant acknowledges that, by virtue of its ownership of 27.60 percent of the voting securities of St. John D'el Rey, it is presumed to control St. John D'el Rey by reason of the aforementioned provisions of section 2(a)(9). However, Applicant asserts that it does not in fact control St. John D'el Rey, and requests a declaratory order of the Commission to that effect in order to avoid any such question being raised in the future.

In support of the application, Applicant makes the following assertions: (1) That Hanna, through its ownership of 64.7 percent of the voting securities of St. John D'el Rey, effectively controls St. John D'el Rey; (2) that there is no written contract or oral understanding between Applicant and Hanna regarding the exercise of control over the business affairs or operations of St. John D'el Rey; and (3) that neither Applicant nor its officers and directors own any shares of Hanna and are not employed by Hanna in any capacity. Applicant asserts further that it purchased and holds its shares of St. John D'el Rey as an investment; that it was not a founder of St. John D'el Rey and has never nominated persons to sit on the latter's Board of Directors; and that it has no authority to elect any such members to that Board.

Section 2(a)(9) also provides, in part, that the presumption of control described above may be rebutted by evidence, but shall continue until a determination to the contrary has been made by order of the Commission, on application by an interested person.

Notice is further given that any interested person may, not later than October 25, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29427 Dated 10-6-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

CLARKSBURG DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Clarksburg District Advisory Council will hold a public meeting at 9:30 a.m., Friday, October 29, 1976, at Oglebay Park, Wheeling, West Virginia, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Isaac R. Mayfield, 109 North Third Street, Clarksburg, West Virginia 26301, (304) 623-3461, extension 365.

Dated: September 30, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29412 Filed 10-6-76;8:45 am]

LOWER RIO GRANDE VALLEY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Lower Rio Grande Valley District Advisory Council will hold a public meeting at 9:30 a.m., Tuesday, November 16, 1976, at Pan American University, Edinburg, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call James R. Woodall, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550, (512) 734-4533.

Dated: September 28, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29413 Filed 10-6-76;8:45 am]

NEWARK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Newark District Advisory Council will hold a public meeting at 9:30 a.m., Friday, October 29, 1976, at the La Concha Hotel, 3101 Boardwalk, Atlantic City, New Jersey, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Andrew P. Lynch, U.S. Small Business Administration, 970 Broad Street, New Jersey 07102, (201) 645-3580.

Dated: September 28, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29414 Filed 10-6-76;8:45 am]

SAN FRANCISCO DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration San Francisco District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, October 21, 1976, at the Presidio of San Francisco, Officer's Club, San Francisco, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Don McMahon, U.S. Small Business Administration, 211 Main Street, San Francisco, California 94105, (415) 556-7490.

Dated: September 28, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29415 Filed 10-6-76;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. 175, Amdt. 1; R. S. O. No. 904]

ARIZONA EASTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 175 (San Diego and Arizona Eastern Railway Company), and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 175 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 28, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-29521 Filed 10-6-76;8:45 am]

[Notice No. 163]

ASSIGNMENT OF HEARINGS

OCTOBER 4, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 73165 (Sub-No. 386), Eagle Motor Lines, Inc. now assigned November 30, 1976 at Dallas, Texas is cancelled, application dismissed.

MC 118178 (Sub-No. 25), Bill Meeker, now assigned November 4, 1976, at Kansas City, Mo. is cancelled and application dismissed.

MC 58923 (Sub-No. 33), Georgia Highway Express, Inc. and MC 58923 (Sub-No. 42), Georgia Highway Express, Inc., now assigned November 8, 1976 at Tallahassee, Florida; will be held in the Holiday Inn Downtown, 316 West Tennessee Street.

MC 106149 (Sub-No. 2), American Holiday Van Lines, Inc., now being assigned continued hearing December 6, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141736, James A. Jana, dba Jana Cartage Company now being assigned November 30, 1976 (3 days) at Columbus, Ohio in a hearing room to be later designated.

MC 115841 Sub 519, Colonial Refrigerated Transportation, Inc., now being assigned December 6, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 1924 (Sub 11), Wallace-Colville Motor Freight, Inc. now assigned November 29, 1976 at Boise, Idaho is cancelled and reassigned November 29, 1976 (3 weeks) at Lewiston, Idaho and will be held at the Elks Temple, 3565 Snake River Avenue.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29523 Filed 10-6-76;8:45 am]

[Rule 19, Ex Parte No. 241; Exemption No. 126, Amdt. 1]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 126 issued June 28, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 126 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1976.

This amendment shall become effective September 30, 1976.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS, *Agent.*

[FR Doc.76-29519 Filed 10-6-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 95, Amdt. 7]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

To: Bessemer and Lake Erie Railroad Company, Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire December 31, 1976.

This amendment shall become effective September 30, 1976.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS, *Agent.*

[FR Doc.76-29520 Filed 10-6-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 127, Amdt. 1]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 127 issued June 29, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 127 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1976.

This amendment shall become effective September 30, 1976.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-29522 Filed 10-6-76;8:45 am]

[AB 31 (Sub-No. 3)]

GRAND TRUNK WESTERN RAILROAD CO.

Abandonment Between Imlay City and Caseville, in Lapeer, Tuscola and Huron Counties, Michigan

SEPTEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*

The comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone 202–275–7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29524 Filed 10-6-76;8:45 am]

[AB2 (Sub-No. 11)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between Rowland and Lancaster in Lincoln and Garrard Counties, Kentucky

SEPTEMBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commisison's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*

The comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone 202–275–7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29525 Filed 10-6-76;8:45 am]

[Volume No. 51]

PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); RAILROAD ABANDONMENTS; ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

OCTOBER 1, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 12960 (Notice of filing of petition for modification of brokers license), filed September 20, 1976. Petitioner: AUTO CLUB SERVICES, INC., Thirteenth & LaSalle Ave., Minneapolis, Minn. 55403. Petitioner's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Petitioner holds a license to engage in operations as a *broker* in interstate or foreign commerce, at Minneapolis, Minn., in No. MC 12960, issued June 11, 1971, in arranging the transportation by motor vehicle of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska, but excluding Hawaii. By the instant petition, petitioner seeks to add St. Louis Park, Minn. as an additional point at which it is authorized to engage in the above operations.

No. MC 65802 (Sub-Nos. 32 and 41) (Notice of filing of petition to renew explosives authority), filed August 10, 1976 and September 20, 1976, respectively. Petitioner: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, Wash. 98264. Petitioner's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Petitioner holds motor *common carrier* Certificates in No. MC 65802 (Sub-Nos. 32 and 41), issued December 18, 1975 and June 17, 1976, respectively, which with respect to its explosives authority, expired July 14, 1976 and September 11, 1976, respectively, authorizing transportation (1) in 65802 (Sub-No. 32) over irregular routes, as pertinent, of *classes A and B explosives*, between Seattle, Wash., on the one hand, and, on the other, points in Alaska, restricted to shipments moving to or from Alaska; and (2) in MC 65802 (Sub-No. 41) over irregular routes, as pertinent, of *classes A and B explosives*, between the port of entry on the United States-Canada (British Columbia) boundary line, located approximately 35 miles north of Prince Ruppert, B. C., on the one hand, and, on the other, points in Alaska, restricted to the transportation of traffic moving from, to or through Prince Ruppert, B.C. By the instant petition, petitioner seeks in both of the above Sub-Nos. to renew its authority to transport explosives for an additional five years.

No. MC 102616 (Sub-No. 875) (notice of filing of petition to modify restriction), filed September 13, 1976. Petitioner: COASTAL TANK LINES, INC., P.O. Box 5555, 250 Cleveland-Massillon Rd., Akron, Ohio 44313. Petitioner's representative: Donald B. Levine, 39 South LaSalle St., Chicago, Ill. 60603. Petitioner holds a motor *common carrier* certificate in No. MC 102616 (Sub-No. 875), issued November 29, 1973, authorizing transportation, over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the above restriction to include Car-Mi, Inc. as an additional origin plantsite.

No. MC 110420 (Sub-No. 669) (notice of petition) (correction), filed August 27, 1976, published in the FEDERAL REGISTER issue of September 16, 1976, and republished as corrected this issue. Petitioner: QUALITY CARRIERS, INC., I–94 County Highway C, Bristol, Kenosha Co., Wis. 53104. Petitioner's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. The purpose of this partial republication is to indicate the correct docket number assigned to this proceeding as MC 110420 Sub-No. 669), in lieu of MC 11040 (Sub-No. 669) as was previously published. The rest of the publication remains as previously published.

No. MC 115353 (Sub-No. 11) (notice of filing of petition to add additional plantsites), filed September 7, 1976. Petitioner: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* Permit in No. MC 115353 (Sub-No. 11), issued August 3, 1976, authorizing transportation over irregular routes, of *building materials, gypsum* and *gypsum products, paint* and *paint products, lime* (except liquid in bulk), and such *materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned commodities (except commodities in bulk), between Stony Point, N.Y., Lisbon Falls, Maine, Boston, Mass., Philadelphia, Pa., Baltimore, Md., Kearny, and Woodbridge Township (Middlesex County), N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of cement, from and to Lisbon Falls, Maine, Boston, Mass., Philadelphia, Pa., and Baltimore, Md., and further restricted against the transportation of stone, gravel, slag, sand, lime, limestone, limestone products, fly ash, and bituminous concrete, in dump vehicles, from Philadelphia Pa., to points in Mercer County, N.J., and those points in that part of New Jersey on and south of New Jersey Highway 33, and to points in Delaware, Maryland, and the District of Columbia, under a continuing contract, or contracts, with United States Gypsum Company of Chicago, Ill. By the instant petition, petitioner seeks to modify its Permit by adding the additional base points of Genoa and Gypsum, Ohio and South Plainfield, N.J.

No. MC 124190 (Notice of filing of petition to change contract shippers), filed September 20, 1976. Petitioner: GRIFFIN MOBILE HOME TRANSPORTING CO., 9015 S.E. 29th St., Oklahoma City, Okla. 73130. Petitioner's representative: I. E. Chenoweth (same address as petitioner). Petitioner holds a motor *contract carrier* Permit in No. MC 124190, issued May 19, 1976, authorizing transportation over irregular routes, of *home trailers*, between points in Oklahoma, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, under a continuing contract, or contracts, with B & B Mobile Homes, Oklahoma City, Okla.; Baker Mobile Home Sales, Inc., Oklahoma City, Okla.; George Lane Mobile Homes, Oklahoma City, Okla.; Redman Industries, Inc., of Tulsa, Okla.; Atkinson Enterprises, Inc., of Midwest City, Okla.; and Chickasha Mobile Homes, Inc., of Chickasha, Okla. By the instant petition, petitioner seeks to eliminate B & B Mobile Homes, Inc. from the above Permit as a contract shipper and substitute in lieu thereof, Coach Sales, Inc., of Tulsa, Okla.

No. MC 135033 (notice of filing of petition for modification of permit), filed August 10, 1976. Petitioner: SILVEY RE-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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FRIGERATED CARRIERS, INC., Gifford Rd. & So. Omaha Bridge Rd., Council Bluffs, Iowa 51501. Petitioner's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Petitioner holds a motor *contract carrier* Permit in No. MC 135033, issued August 18, 1976, authorizing transportation over irregular routes, of *such commodities* as are dealt in by retail department stores (except foodstuffs), (1) from points in Alabama, Connecticut, Georgia, Illinois, Kentucky, (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cleveland, Cincinnati, and Toledo and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., under a continuing contract, or contracts, with the following shippers: J. L. Brandeis & Sons, Inc.; Pamida, Inc.; Brinn & Jensen Company; Westside Supply Company, and Richmand Gordman Stores, Inc., all of Omaha, Nebr.; and (2) from points in Alabama, Connecticut, Georgia, Illinois, Kentucky (except Louisville and points in its commercial zone), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee (except Loudon, Ripley, and Pulaski), Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, and Toledo and points in their respective commerical zones, as defined by the Commission), to Omaha, Nebr., restricted to the transportation of shipments destined to the facilities of J. L. Brandeis & Sons, Inc., Pamida, Inc., Brinn & Jensen Company, Westside Supply Company, Richmand Gordman Stores, Inc., Sidles Distributing Co., and Midlands Automotive Warehouse, Inc., all located at Omaha, Nebr., under a continuing contract, or contracts, with Sidles Distributing Co., and Midlands Automotive Warehouse, Inc., both of Omaha, Nebr., subject to the right of the Commission, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks (a) to include Louisville, Ky., Cincinnati, Cleveland and Toledo, Ohio, and points in their four respective commercial zones as defined by the Commission, and points in Arkansas, Delaware, Indiana, Louisiana, Michigan, Mississippi, Missouri, Rhode Island, and Wisconsin, as origin points to the territorial descriptions stated in Parts (1) and (2) above; and (b) to add *"candy, confectioneries and nuts"* to the encompassing commodity description for Parts (1) and (2) above.

No. MC 139349 (Sub-No. 2) (notice of filing of petition to add contracting shipper and base points), filed September 9, 1976. Petitioner: JAYMAR TRUCKING CO., INC., 134 Garfield Avenue, Jersey City, N.J. 07305. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 139349 (Sub-No. 2), issued November 8, 1974, authorizing transportation, as pertinent, over irregular routes of (1) *Lamps, lighting fixtures, and equipment, materials and supplies* used or sold by lighting fixture manufacturers, between Jersey City, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, N.Y., Fairfield County, Conn., and Philadelphia, Pa., (2) *lighting fixtures and lamps*, and *equipment, materials, and supplies* used in their manufacture and sale (except commodities in bulk), between Jersey City and Kearney, N.J., on the one hand, and, on the other, points in Louisiana, Minnesota and Texas, and those points in the United States east of the Mississippi River, (1) and (2) above are under a continuing contract, or contracts, with Lightoller, Inc., of Jersey City, N.J. By the instant petition, petitioner seeks (I) to add Duro-Test Corporation, of North Bergen, N.J. as an additional contracting shipper; and (II) to add Clifton, North Bergen, and Secaucus, N.J., as additional base points to the authority in (2) above.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC-F-6487 (Reopened on Reconsideration) filed December 31, 1956. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). By order dated August 1, 1963 and served September 9, 1963 in No. MC-C-3568, *Consolidated Copperstate Lines, Inc., et al.* v. *Navajo Freight Lines, Inc.*, 92 M.C.C. 516, the Commission in General Session, reopened for reconsideration the purchase in No. MC-F-6487, *Navajo Freight Lines, Inc.—Purchase—Arizona Nevada Express*, 75 M.C.C. 517, which rights are now embraced in Navajo's Certificate No. MC 76032 (Sub-No. 132), issued March 3, 1961. The Commission found therein that the prior report and order at 75 M.C.C. 517 should be modified to eliminate a restriction "to traffic moving to or from points north and west of Kingman, Ariz." on intermediate points service over U.S. Highways 89 and 66 between Phoenix and Kingman, Ariz., and that a modified certificate should be granted 30 days after publication in the FEDERAL REGISTER of a notice of the authority actually granted.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1 (Sub-No. 7), filed August 27, 1976. Applicant: ESCHENBACH & RODGERS TRUCKING, INC., 232 Division Street, Kingston, Pa. 18704. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Port Jervis, N.Y., and extending in a northeasterly direction through Wurtsboro to Ellenville, N.Y., thence in a northwesterly direction through Margaretville to Davenport Center, N.Y., thence west through Oneonta to Ithaca, N.Y., thence in a southwesterly direction through Alpine, Painted Post, Addison, and Woodhull, to Troupsburg, N.Y., thence in a southwesterly direction to North Fork, Pa., thence in a southeasterly direction through Sabinsville, Gaines, Loganton, Livonia, Millerstown, and Newport, to Clarks Ferry, Pa., thence in a northeasterly direction through Lockdale, Fredericksburg, Bethel, Schubert, Shartlesville, Hamburg, New Tripoli, Neffs, Moorestown, Windgap, Bangor, and Mont Bethel, to Portland, Pa., thence along the west bank of the Delaware River to Matamoras, Pa., and thence across the river to Port Jervis, including the points named, and (b) between points in (a) above, on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, Edgewater and Trenton, N.J., and Philadelphia, Pa.; and (2) *fruits vegetables, farm products, poultry, and seafood*, in the respective seasons of their production, from points in New York, New Jersey, Pennsylvania, and Delaware, to points in (1) (a) above.

NOTE.—Applicant states that the purpose of this filing is to convert its contract carrier authority to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at Wilkes-Barre, Pa.

No. MC 1328 (Sub-No. 22), filed Aug. 16, 1976. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool and rock wool products*, from Rock Wool Industries, Inc., Missouri Division, at Cameron, Mo.; Rock Wool Industries, Pueblo, Colorado Division; and Rock Wool Industries, Belton, Texas Division, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Rock Wool Industries, Cameron, Missouri Division; Rock Wool Industries, Pueblo, Colorado, Division; and Rock Wool Industries, Belton, Texas Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Denver, Colo.

No. MC 1328 (Sub-No. 23), filed September 1, 1976. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bags, from Drybranch and Savannah, Ga.; Mayfield, Ky.; and Sledge, Miss., to the plantsite of Johns-Manville Sales Corp., located at Alexandria, Ind., under a continuing contract, or contracts, with Johns-Manville Sales Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Denver, Colo.

No. MC 4963 (Sub-No. 50), filed September 2, 1976. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street and Schuylkill Rd., Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 501 Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Regular: Serving the plantsite of Fairfield Graphics located at Fairfield, Pa., as an off-route point in connection with carriers presently authorize regular-route operations; Irregular: (2) between the plantsite of Fairfield Graphics located at Fairfield, Pa. and Kingsport, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 29130 (Sub-No. 107), filed Aug. 9, 1976. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a Corporation, 2744 S.E. Market St., P.O. Box 1355, Des Moines, Iowa 50305. Applicant's representative: B. C. Spitzer, LaSalle Street Station, 139 West Van Buren Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Between junction of Kansas Highway 9 and U.S. Highway 75, at or near Netawaka, Kans., on the one hand, and, on the other, Omaha, Nebr. From junction Kansas Highway 9 and U.S. Highway 75, thence over U.S. Highway 75 to Omaha and return over the same route, serving no intermediate points (except Fairview and Sabetha, Kans., which are authorized points of service on applicant's Route 14) as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 30844 (Sub-No. 573), filed August 18, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite of Mid-Continent Underground Storage, located at or near Kansas City, Kans., to points in Georgia, Kentucky, Tennessee, Virginia, West Virginia, and Little Rock, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 33919 (Sub-No. 15), filed August 16, 1976. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Materials and supplies*, used in the manufacture of glass containers, corrugated fiber containers and corrugated fiber roll stock, from points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, to the plantsites of Owens-Illinois, Glass Container Division, at or near Oakland, Tracy, Los Angeles and San Jose, Calif., and at or near Portland, Oreg. and (b) *empty* pallets, on return, from the destination points to the origin points named in (1) (a) above; and (2) (a) *glass containers and plastic containers, and caps, tops and closures therefor*, from the aforementioned plantsites of Owens-Illinois, Glass Container Division, in California and Oregon, to points in California, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming; and (b) *empty pallets*, on return, from the destination points to the origin points named in (2) (a) above; and (3) *glass containers* and *closures therefor, glass manufacturing molds and empty pallets*, between the aforementioned plantsites of Owens-Illinois, Glass Container Division, in California and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 48958 (Sub-No. 130), filed August 23, 1976. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative:

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Morris G. Cobb, P.O. Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), Serving the plantsite and facilities of American Cotton Growers, located at or near Littlefield, Tex., as an off-route points in connection with applicant presently authorized regular route operations to and from Lubbock, Tex., and Clovis, N. Mex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Dallas, Tex.

No. MC 52869 (Sub-No. 96), filed September 8, 1976. Applicant: NORTHERN TANK LINE, a Corporation, P.O. Box 970, Miles City, Mont. 59301. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from McKenzie County, N. Dak., to points in Montana, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 52979 (Sub-No. 17), filed September 3, 1976. Applicant: HUNT TRUCK LINES, INC., West High Street, P.O. Box 72, Rockwell City, Iowa 50579. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Rockwell City, Iowa, and Chicago, Ill., serving all intermediate points in Calhoun, Greene and Boone Counties, Iowa, and the off-route points of Audubon, Armstrong, Buffalo Center, Cherokee, Danbury, Denison, Harlan, Holstein, Ida Grove, Le Mars, Mapleton, Marcus, Quimby, and Remsen, Iowa, and off-route points in Buena Vista, Calhoun, Carroll, Greene, Humboldt, Kossuth, Palo Alto, Pocahontas, Sac and Webster Counties, Iowa: From Rockwell City over U.S. Highway 20 to junction Iowa Highway 4, thence over Iowa Highway 4 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction Iowa Highway 4, thence over Iowa Highway 4 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 56, thence over Illinois Highway 56 to Chicago, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 53965 (Sub-No. 118), filed August 23, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Great Bend and Topeka, Kans., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 59457 (Sub-No. 31), filed August 31, 1976. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture and preparation of dated, printed publications and parts thereof, between Lancaster, Pa.; Albany and New York, N.Y.; Bridgeport, Bethan, and Old Saybrook, Conn., on the one hand, and, on the other, Albany, New York, Hauppauge and Carle Place, N.Y., and points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 61592 (Sub-No. 394), filed August 30, 1976. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. Devine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (except commodities in bulk), between points in California, Colorado, Idaho, Montana, Oregon and Washington, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Chicago, Ill.

No. MC 74321 (Sub-No. 124), filed September 1, 1976. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Cheery Creek Ctr., Suite 140, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials, and equipment* used in the manufacture of aluminum and aluminum products (except in bulk) (1) between the plantsites of Alumax, Inc., located at Decatur, Ala., Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Chicago and Morris, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevidoe, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between Twin Falls, Idaho, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Arizona, California, Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington and Wyoming).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Chicago, Ill.

No. MC 76032 (Sub-No. 320), filed August 2, 1976. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Farmland Industries, Inc., located at Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Denver, Colo.

No. MC 79267 (Sub-No. 1), filed August 30, 1976. Applicant: P & D WAREHOUSING & CARTAGE, INC., 7636 Canton Center Drive, Baltimore, Md. 21224. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses, syrup, cleaning, scouring and washing compounds, soap, soap powders and softeners, lard substitutes, drugs, chemicals, and toilet preparations*, from Baltimore, Md., to Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 80430 (Sub-No. 158) (correction), filed July 27, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, and republished as corrected this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: Drew L. Carraway, 501 Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Iuka, Miss. and Memphis, Tenn. serving all intermediate points on U.S. Highway 72 from Iuka to junction Mississippi Highway 15: From Iuka, Miss. over U.S. Highway 72 to Memphis, Tenn., and return over the same route; (2) Between Columbus, Miss. and Corinth, Miss. serving all intermediate points: (a) From Columbus over U.S. Highway 45 to Corinth, Miss., and return over the same route; and (b) From Columbus over U.S. Highway 82 to junction U.S. Highway Alternate 45, thence over U.S. Highway Alternate 45 to junction U.S. Highway 45 and return over the same route: (3) Between Columbus, Miss. and Brownfield, Miss. serving all intermediate points: From Columbus, Miss. over U.S. Highway 82 to junction Mississippi Highway 15, thence over Mississippi Highway 15 to Brownfield, Miss., and return over the same route: (4) Between Columbus, Miss. and Iuka, Miss. serving all intermediate points: From Columbus, Miss. over U.S. Highway 45 to junction Mississippi Highway 25, thence over Mississippi Highway 25 to Iuka, Miss., and return over the same route.

(5) Between junction Mississippi Highway 15 with Mississippi Highway 32, and junction Mississippi Highway 32 with U.S. Highway Alternate 45, serving all intermediate points: From junction Mississippi Highway 15 and Mississippi Highway 32, thence over Mississippi Highway 32 to junction Mississippi Highway 32 and U.S. Highway Alternate 45, and return over the same route; and (6) Between Tremont, Miss. and Atlanta, Ga., serving no intermediate points: From Tremont, Miss. over U.S. Highway 78 to junction U.S. Highway 278 via Hamilton, Ala. thence over U.S. Highway 278 to junction Alabama Highway 5 via Natural Bridge, Ala., thence over Alabama Highway 5 to junction U.S. Highway 78 via Jasper, Ala., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route; serving as off-route points in connection with applicant's regular route operations requested in (1) through (6) above, all points in that part of Mississippi bounded on the east by the Mississippi-Alabama State line, on the north by the Mississippi-Tennessee State Line, on the west by Mississippi Highway 15, and on the south by U.S. Highway 82, including points on the indicated portions of Mississippi Highway 15 and U.S. Highway 82.

NOTE.—The purpose of this republication is to correct applicant's requested authority. Applicant presently holds authority to serve some of the requested points over irregular routes in its Sub-No. 152. Applicant indicates it does not seek duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Tupelo, Miss. and Orlando, Fla.

No. MC 82101 (Sub-No. 15), filed August 30, 1976. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, Mass. 02090. Applicant's representative: Harry J. Jordan, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and general merchandise and food business houses, and in connection therewith, *equipment, materials and supplies*, used in the conduct of such businesses, from points in New York and Pennsylvania, to Readville, Mass., and New Haven, Conn., under contract or contracts, with Stop and Shop Companies, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 83539 (Sub-No. 439), filed August 27, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products and millwork*, between points in California, Idaho, Montana, Nevada, Oregon, and Washington, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Seattle, Wash.

No. MC 94350 (Sub-No. 364), filed July 22, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in Hamilton, Merrick, and Scotts Bluff Counties, Nebr., to points west of the Mississippi River (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 95876 (Sub-No. 191), filed September 9, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe, pipe fittings, pipe joints, and accessories, materials, and supplies* used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation located at or near Carol Stream, Ill., to points in Minnesota, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Minneapolis, Minn.

No. MC. 101075 (Sub-No. 122), filed September 3, 1976. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, liquid fertilizer ingredients, liquid fertilizer solutions and anhydrous ammonia*, in bulk, (1) from points in North Dakota, to points in Minnesota, North Dakota, South Dakota and Wisconsin; and (2) from points in Minnesota, on and west of U.S. Highway 71, to points in Iowa, Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 103926 (Sub-No. 51), filed August 18, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite and facilities of Hewitt-Robins, Inc., located in Richland County, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 105813 (Sub-No. 214), filed August 19, 1976. Applicant: BELFORD TRUCKING CO., INC., 1759 SW. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to oper-

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ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk, in tank vehicles), in mechanically refrigerated equipment, in mixed loads with meats, meat products, meat by-products, and articles distributed by meat packinghouses, from the plantsite of Oscar Mayer & Co., Inc., at or near Goodlettsville, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina restricted to shipments originating at the above facilities and destined to points in states named; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, sale or distribution of foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses, from points in states named in (1) above, to the plantsite and storage facilities utilized by Oscar Mayer & Co., at or near Goodlettsville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107064 (Sub-No. 116), filed August 20, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen compounds*, from Eddy County, N. Mex., to points in and west of Colorado, Montana, New Mexico and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 826), filed August 20, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating cement* (except in bulk), from Kalamazoo, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 1042), filed August 18, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, (a) from Grant, Nebr., to points in Iowa, Missouri and North Dakota; (b) from Whiting, Iowa, to points in Minnesota, Nebraska and South Dakota; (c) from Salida, Colo., to points in Nebraska; and (d) from the storage facilities of Farmland Industries, Inc., located at or near Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 107496 (Sub-No. 1044), filed August 18, 1976. Applicant: RUAN TRANSPORT CORPORATION 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, *from* Laramie County, Wyo., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Omaha, Nebr.

No. MC 107496 (Sub-No. 1045), filed September 2, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, (a) from Sterling, Colo., to points in Colorado, Kansas, Montana, Nebraska, South Dakota and Wyoming; and (b) from Memphis, Tenn., to points in Alabama, Arkansas, Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Des Moines, Iowa.

No. MC 108341 (Sub-No. 52), filed September 8, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials and lime* (except liquid in bulk), and such *materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned commodities (except commodities in bulk), between Plasterco, Va., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 762), filed August 30, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can coatings, paint and resins*, from Milwaukee, Wis., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 110563 (Sub-No. 187), filed August 16, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Colo., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Las Vegas, Nev.

No. MC 111375 (Sub-No. 81), filed August 20, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing and scouring compound*, from points in Illinois, to points in California, Colorado, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 111375 (Sub-No. 82), filed August 20, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., County CV and Arker Road, P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Colorado, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co. located at or near Knoxville, Iowa, restricted to traffic originating at the named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Des Moines, Iowa.

No. MC 111375 (Sub-No. 83), filed August 30, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanical refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company located at or near Decatur, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 111611 (Sub-No. 29) filed September 9, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass rods or brass unfinished shapes*, in straight or mixed loads, from the plantsites of Cerro Metal Products located at or near Bellefonte, Pa., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Harrisburg, Pa.

No. MC 113267 (Sub-No. 337), filed September 3, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Pischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets, and materials and supplies* used in the manufacturing, assembling and distribution thereof, from the plantsites, storage facilities and warehouses utilized by, and the suppliers of, the Atlantic Southern Corporation, located at points in Newton and Walton Counties, Ga., to points in Iowa, Minnesota, Nebraska, Oklahoma, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Memphis, Tenn.

No. MC 113362 (Sub-No. 302), filed September 7, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue, SE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sweetened condensed whole milk* (except in bulk), from Rice Lake, Wis., to Covington, Tenn. and Freehold, N.J.; and (2) *sweetened condensed whole milk and candy, candy equipment, materials and supplies* used in the manufacture of candy (except in bulk), from the plant site and storage facilities of Charms Candy Co., located at Covington, Tenn., to Freehold, N.J., restricted in (1) and (2) above to traffic originating at the above-named origins and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 109), filed September 2, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry acrylic resin*, from ports of entry on the International Boundary line between the United States and Canada located in New York and Michigan, to Buffalo, N.Y.; Sheffield, Mass.; Anderson, Ind.; Perkasie, Pa.; Edison and Linden, N.J.; Chicago and Franklin Park, Ill.; Saline, Mich.; Addison, Tex.; and Sandusky, Columbus and Xenia, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 113678 (Sub-No. 635), filed August 17, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities owned and operated by Archer Daniels Midland Company, located in Decatur, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113828 (Sub-No. 240), filed September 1, 1976. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite ore*, in bulk, from points in Buckingham and Prince Edward Counties, Va., to points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 448), filed August 30, 1976. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company located in Decatur, Ill., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Dallas, Tex.

No. MC 114118 (Sub-No. 4), filed September 7, 1976. Applicant: MARSHALL MCFARLAND, 145 Neville Street, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Circleville, Ohio, to points in Maryland and West Virginia, under a continuing contract or contracts with the Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 114273 (Sub-No. 259), September 2, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 207 and 276 (except oilfield commodities as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, and *commodities* which because of size or weight require special handling and/or special equipment, from Granite City, Ill. to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114284 (Sub-No. 74), filed August 23, 1976. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Stockyards Station, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities of MBPXL Corporation located at or near Friona, Tex., to points in Illinois and Iowa; and (2) from the plantsite and storage facilities of MBPXL Corporation located at or near Plainview, Tex., to points in Arizona, California, Illinois, and Iowa, and Las Vegas and Reno, Nev., restricted to the transportation of shipments originating at the plantsites and storage facilities of MBPXL Corporation located at or near Friona and Plainview, Tex., and destined to the named destinations.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Dallas, Tex.

No. MC 114293 (Sub-No. 4) (Correction), filed August 4, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, and republished as corrected this issue. Applicant: SOUTHARD TRUCKING CO., INC., P.O. Box 326, Clinton, Ind. 47842. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from points in Clark County, Ill., to points in Clay, Park, Sullivan, Vermillion and Vigo Counties, Ind.

NOTE.—The purpose of this republication is to indicate the correct commodity sought. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 114552 (Sub-No. 122), filed August 26, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling and acoustical systems, parts* thereof, and *accessories* therefor (except in bulk), from the facilities of Acoustiflex Corporation located at or near Plainfield, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 147), filed September 2, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes, and related items*, from Minneapolis, Minn., Buffalo, N.Y., and points in Allegany County, Md., to points in Nebraska and Pottawattamie County, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Washington, D.C.

No. MC 114604 (Sub-No. 46), filed August 20, 1976. Applicant: CAUDELL TRANSPORT, INC., Building 33 State Farmers Market, P.O. Drawer I, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the plantsite and warehouse facilities of Saluto Foods Corporation, located in Montgomery County, Ala., on the one hand, and, on the other, points in Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 114604 (Sub-No. 47), filed September 2, 1976. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer "I", Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feed* (except in bulk, in tank vehicles), from Red Bay, Ala. and Tupelo, Miss. to points in Florida, Georgia, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Birmingham, Ala.

No. MC 115311 (Sub-No. 197), filed September 1, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor evhicle, over irregular routes, transporting: *Composition board*, from the plantsites of Champion International Corporation located at or near Oxford, Miss., to points in Kentucky, Louisiana and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Atlanta, Ga.

No. MC 115730 (Sub-No. 18), filed August 27, 1976. Applicant: THE MICKOW CORP., 113 East 1st St., Ankeny, Iowa 50021. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muffler clamps, tailpipe hangers, U-bolts, and metal articles* (except commodities the transportation of which because of their size or weight, require the use of special equipment), between the plantsites of Emco Industries, Inc. located in Polk County, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, Pennsylvania, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Washington, D.C.

No. MC 115860 (Sub-No. 11), filed September 9, 1976. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: Raymond M. Kelly, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (except cement), from points in Chaffee, Fremont and Pueblo Counties, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 115904 (Sub-No. 59), filed September 2, 1976. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, gaskets and related commodities*, used in the installation of plastic pipe and plastic conduit (except commodities as described in *Mercer Extension, Oilfield Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation, located at or near Columbia, Mo., to points in the United States in and west of Iowa, Kansas, Oklahoma, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115904 (Sub-No. 60), filed September 2, 1976. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation* made from recyclable newspaper, chemically treated, from Denver, Colo., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic from the facilities of Fuelproof, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 116763 (Sub-No. 356), filed August 30, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk, in tank vehicles), from Allentown, Pa., to Boston, Mass.; Cleveland, Columbus and Cincinnati, Ohio; and points in West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 117068 (Sub-No. 70), filed September 8, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe;* and (2) *fittings, cast iron manhole covers, jute, caulking leads, fire hydrants, and waterwork valves*, when moving in mixed loads with cast iron pipe, from the plantsite and storage facilities of Clow Corporation, located at or near Coshocton, Ohio, to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 117119 (Sub-No. 596), filed September 9, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Campbell Soup Company located at or near Clayton, Del., to the facilities of the Campbell Soup Company located at Modesto and Sacramento, Calif.; Paris, Tex.; Fayetteville, Ark.; Napoleon, Ohio; and Chicago, Ill., restricted to the transportation of traffic originating at and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 117119 (Sub-No. 597), filed September 3, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deodorants, disinfectants, cleaning compounds, chemicals, packing materials and equipment* used in processing and packaging of above (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Carlstadt, N.J. to points in California, Texas, Colorado, Washington, and Oregon; and (2) from St. Peters, Mo. to points in California, Texas, Colorado, Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 118142 (Sub-No. 133), filed September 1, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs* (except commodities in bulk, in tank vehicles); and (2) *frozen meats and meat byproducts* unfit for human consumption (except commodities in bulk, in tank vehicles), from the facilities of Wiscold, Inc., located at or near Beaver Dam, and Milwaukee, Wis., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 118468 (Sub-No. 48), filed September 3, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos wallboard, insulation board, cement pipe and roofing materials* (except commodities in bulk and those which because of size or weight require the use of special equipment), from the facilities of Johns-Manville Sales Corporation, located at or near Waukegan, Ill., and Johns-Manville Perlite Corporation, located at or near Joliet, Ill., to points in Kansas and North Dakota, under a continuing contract, or contracts, with Johns-Manville Sales Corporation.

NOTE.—Applicant holds common carrier authority in No. MC 124813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119670 (Sub-No. 25), filed Aug. 16, 1976. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, P.O. Box 32115, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cincinnati, Ohio, to points in Kentucky east and south of a line beginning at the Kentucky-Tennessee line over U.S. Highway 31-E to Bardstown, Ky., thence over U.S. Highway 150 to junction with Kentucky Highway 52 east of Danville, Ky., thence over Kentucky Highway 52 to Richmond, Ky., thence over Kentucky Highway 388 to junction with Kentucky Highway 627, thence over Kentucky Highway 627 to Winchester, Ky., thence over U.S. Highway 60, to Mt. Sterling, Ky., thence over Kentucky Highway 11 to the Kentucky-Ohio line at Maysville, Ky. (except points in Mason and Boyd Counties, Ky., and the Commercial Zones of Bardstown, Danville, Mt. Sterling, and Winchester, Ky.), and points in West Virginia (except points in Brooke, Cabill, Hancock, Kanawha, Ohio, and Wood Counties, W. Va.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 119789 (Sub-No. 299), filed August 30, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood printing paper*, in rolls, from the plantsite and warehouse facilities of Kimberly-Clark Corporation located in Talledega County, Ala., to points in Arkansas, Kansas, Louisiana (except New Orleans and points in New Orleans Commercial zone), Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Dallas, Tex.

No. MC 119864 (Sub-No. 67), filed September 9, 1976. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plant and warehouse facilities of Owens-Illinois located in Lucas and Wood Counties, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 119988 (Sub-No. 94) (Amendment) filed June 16, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, and republished as amended this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass products*, (1) from the Ford Motor Company Glass Plant, at or near Tulsa, Okla., to points in New Mexico, Texas, Arizona, Colorado, Utah, Nevada, Washington, Idaho, Montana, and Wyoming, restricted to the transportation of shipments originating at said plantsite; (2) from Seattle, Wash., to points in New Mexico, Texas, Oklahoma, Arizona, Colorado, Utah, Nevada, Idaho, Montana, and Wyoming; and (3) from Denver, Colo., to points in New Mexico, Texas, Oklahoma, Arizona, Utah, Nevada, Washington, Idaho, Montana, and Wyoming.

NOTE.—The purpose of this amendment is to indicate the modification of the territorial description, and to add Texas as a destination point. Applicant holds contract carrier authority in MC 140271, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 119988 (Sub-No. 99), filed August 26, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils*, in containers, from the plantsite and warehouses of the Mobil Oil Corporation located at or near Beaumont, Tex., to points in Arkansas, Louisiana, Oklahoma and New Mexico; and (2), *empty containers*, from points in

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Arkansas, Louisiana, Oklahoma, and New Mexico, to Port Arthur, Tex.

NOTE.—Applicant holds contract carrier authority in No. MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 120098 (Sub-No. 29), filed August 30, 1976. Applicant: UINTAH FREIGHTWAYS, a corporation, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well drilling compounds*, between points in Colorado, Idaho, Nevada, Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 120761 (Sub-No. 15), filed August 27, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard products and materials and supplies* used in connection with the installation thereof; and (2) *roofing materials and supplies*, from the warehouse distribution center and storage facilities of Masonite Corporation located at or near Grand Prairie, Tex., to points in Kansas, Louisiana, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 123255 (Sub-No. 82), filed September 9, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic foam products*, from Latrobe, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite and warehouse facilities of Toyad Corporation located at or near Latrobe, Pa. and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123263 (Sub-No. 6), filed August 17, 1976. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a partnership, doing business as WANGERIN TRUCKING CO., Rural Route No. 2, Stephenson, Mich. 49887. Applicant's representative: Michael S. Varda, 121 South Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bags, from points in Dickinson County, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Green Bay, Wis. or Escanaba, Mich.

No. MC 123424 (Sub-No. 6), filed September 3, 1976. Applicant: POSA, INC., 122-24 Kingsland Avenue, Brooklyn, N.Y. 11222. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, between the plantsite and storage facilities of Midland Glass Company, Inc., located at Cliffwood, N.J., and points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 701), filed September 3, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron ore dust compound*, from the facilities of Reiss Viking Corporation, located at or near Monongah, W. Va., to points in Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 124078 (Sub-No. 702), filed September 2, 1976. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk in tank vehicles, from the plantsite of Flint Ink Corporation, at or near New Albany, Ind., to Glen Burnie, Md.

NOTE.—Applicant holds contract carrier authority in MC 113833 Sub 68, therefore dual operation may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Indianapolis, Ind.

No. MC 125950 (Sub-No. 11) (Correction), filed August 9, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, republished as corrected this issue. Applicant: C.B.S. TRANSPORTATION, INC., 1207 Columbus Circle, Wilmington, N.C. 28401. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable containers*, from the facilities of Corbett Package Company, at Wilmington, N.C., and Pierpont-Corbett Box Company, at Savannah, Ga., to points in Tennessee on and east of U.S. Highway 231 (except points in Hamilton County, Tenn.).

NOTE.—The purpose of this republication is to indicate the points in Tennessee are located on and east of U.S. Highway 231. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 126899 (Sub-No. 104), filed September 3, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in containers, from Paducah, Ky., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, Texas and those in Illinois on and south of U.S. Highway 136.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Paducah, Ky.

No. MC 126899 (Sub-No. 105), filed September 1, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, in tank vehicles, from Muscatine and Clinton, Iowa, and Atchison, Kans., to Paducah, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville or Paducah, Ky.

No. MC 126899 (Sub-No. 106), filed September 2, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton, Rd., P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Milwaukee, Wis., and Peoria, Ill., to Akron, Ohio; and (2) *empty malt beverage containers*, on return, from Akron, Ohio, to Milwaukee, Wis., and Peoria, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Akron or Columbus, Ohio.

No. MC 126904 (Sub-No. 18), filed August 19, 1976. Applicant: H. C. PARISH TRUCK SERVICE, INC., a corporation, RFD No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: D. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, Clayton, Ohio 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers*, from the plantsite of Weyerhaeuser Company, located at Omaha, Nebr. to Valmeyer, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo.; Chicago, Ill. or Washington, D.C.

No. MC 127187 (Sub-No. 16), filed June 24, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed ingredients and animal and poultry health products*, (1) between points in Minnesota, Montana, North Dakota and Wisconsin, on the one hand, and, on the other, points in Arkansas, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming and the upper peninsula of Michigan; and (2) between points in Iowa, Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Nebraska and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 133542 (Sub-No. 11), filed August 6, 1976. Applicant: FLOYD WILD, INC., P.O. Box 91, Route 2, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, in shipper owned or leased trailers, from ports of entry on the International Boundary line between the United States and Canada, at or near Pembina or Portal, N. Dak., to Regina, Saskatchewan, Canada, under contract with Midcontinent Millwork, Inc., at Cottonwood, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133689 (Sub-No. 81), filed September 8, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core compounds, adhesives and chemicals* (except in bulk), from Bainbridge, N.Y., to points in Illinois, Indiana, Michigan, Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133706 (Sub-No. 3), filed September 3, 1976. Applicant: ROBERT L. HARROLD, 215 West Adams Street, Taylorville, Ill. 62568. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying and storage equipment and component parts thereof, and harrows*, from Taylorville, Ill., to points in the United States (except Alaska, Georgia, Hawaii, Iowa, Missouri, Minnesota, North Dakota, South Carolina, and Tennessee), for the account of, and under a continuing contract, or contracts with, Baughman-Oster, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 134970 (Sub-No. 8), filed August 17, 1976. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, doors, building woodwork and materials* used in the installation thereof, (1) from the Caradco Co., Division of Scovill, located at or near Rantoul, Ill., to points in Illinois; and (2) from points in Illinois, to the Caradco Co., located at or near Rantoul, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 135018 (Sub-No. 8), filed August 30, 1976. Applicant: SEAHORSE TRANSPORT, INC., P.O. Box 3707, Brownsville, Tex. 78520. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* utilized in the manufacture, production and distribution of electrical electromechanical, and electronic components (except commodities in bulk, in tank vehicles), from Cairo, Ga. and Selmer, Tenn. to Fayette, Miss. and Brownsville, Tex., restricted to the transportation of traffic either originating at, or destined to the facilities of ITT-Automotive Electrical Products Division and further restricted to service under a continuing contract, or contracts, with ITT-Automotive Electrical Products Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Houston, Tex.

No. MC 135052 (Sub-No. 10), filed August 19, 1976. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, other than expanded, and *materials, equipment and supplies* used in the manufacture and distribution thereof, between the facilities of PPG Industries, located at or near Columbus, Ind., and Newton, N.C., on the one hand, and, on the other, points in Arkansas, Delaware, Illinois, Iowa, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 135082 (Sub-No. 35), filed August 31, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, N.E., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, furnace or kiln, refractory products*, and *commodities* incidental to the installation thereof (except commodities in bulk moving in tank vehicles), between points in Audrain and Callaway Counties, Mo., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 135751 (Sub-No. 8), filed August 16, 1976. Applicant: ATLANTIC CARRIERS, INC., P.O. Box 284, Atlantic, Iowa 50022. Applicant's representative: A. L. Ross (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Joseph Schlitz Brewing Co. located at Milwaukee, Wis., to Ace Distributing Co., Inc. located at Atlantic, Iowa, under a continuing contract, or contracts, with Ace Distributing Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr.; Kansas City, Kans.; Minneapolis, Minn. or Chicago, Ill.

No. MC 136321 (Sub-No. 2), filed August 30, 1976. Applicant: JK EQUIPMENT CORPORATION, 151 Fulton Avenue, White Plains, N.Y. 10606. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nails, hardboard, ceiling tile, plywood, insulation board, reinforcing rods, reinforcing mesh, wire, aluminum rolls and sheets, copper rolls and sheets, construction hardware, and hardware cloth*, from points in the New York Commercial Zone, to White Plains and Kingston, N.Y., for the account of, and under a continuing contract, or contracts, with, Miller Supply Corp. and Guardian Purchasing Corp., restricted to the transportation of traffic having a prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either White Plains or New York, N.Y.

No. MC 138328 (Sub-No. 30), filed July 14, 1976. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr.

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68501. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except commodities in bulk, in tank vehicles), (1) between points in Kansas and Nebraska, on the one hand, and on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington; (2) between points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri and Wisconsin, on the one hand, and, on the other, points in Arizona, California, and Nevada; and (3) from points in Iowa and Minnesota, to points in Arkansas, Oklahoma and Texas: the service sought herein is restricted as follows: (a) against the transportation of soybean meal from Nebraska to points in Idaho and Utah; (b) against the transportation of di-calcium phosphate from Weeping Water, Nebr., to points in Idaho and Utah; and (c) against the transportation of dry feed and feed ingredients from Buhl, Idaho, to points in Nebraska.

NOTE.—Applicant holds contract carrier authority in No. MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Des Moines, Iowa.

No. MC 138328 (Sub-No. 31 (correction), filed August 11, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished as corrected this issue. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPISES, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap metal*, from points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming, to the Nucor Steel Mill, located at or near Norfolk, Nebr.

NOTE.—The purpose of this republication is to indicate the above named plantsite as applicant's destination point. Applicant holds contract carrier authority in No. MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138536 (Sub-No. 2), filed August 18, 1976. Applicant: METROPOLITAN VAN & STORAGE, INC., 635 Escobar Street, P.O. Box 829, Martinez, Calif. 94553. Applicant's representative: Keith V. Estates (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in California, restricted to the transportation of traffic having a prior or subsequent movement beyond said point in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Oakland, Calif.

No. MC 139017 (Sub-No. 3), filed September 2, 1976. Applicant: HEAD ENTERPRISES, INC., Route 2, Box 88, Adairsville, Ga. 30103. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic child resistant prescription bottles and plastic caps*, from the plantsite of M & M Plastics, Inc., at Chattanooga, Tenn., to Escondido and North Hollywood, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139139 (Sub-No. 3), filed September 8, 1976. Applicant: LESTER GRAY, P.O. Box 372, Bemidji, Minn. 56601. Applicant's representative: Leseer Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and rails*, from Kelliher, Minn., to points in Illinois (except Chicago), Iowa (except Des Moines, Dubuque, Fort Madison, Mason City, and Waterloo), Nebraska, North Dakota (except Bismarck, Fargo and Grand Forks), South Dakota (except Aberdeen and Sioux Falls), and to Fort Smith and Little Rock, Ark.; Michigan City, Ind.; Kansas City, Mo.; Billings, Mont.; Oklahoma City and Tulsa, Okla.; Memphis, Tenn.; Dallas and Fort Worth, Tex.; and Eau Clair and La Crosse, Wis., restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Duluth, Minn. or Grand Forks, N. Dak.

No. MC 139219 (Sub-No. 3), filed August 12, 1976. Applicant: LANE TRUCKING, INC., 2230 North Range, Dothan, Ala. 36301. Applicant's representative: William K. Martin, 57 Adams Avenue, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in open dump trucks and dump trailers, (1) from the plant sites of Montevallo Limestone Sales, Inc. and Southern Stone Company, Inc., located at or near Maylene (Shelby County), Ala., to points in Calhoun, Jackson, Holmes, Okaloosa, and Santa Rosa Counties, Fla., and points in Calhoun, Decatur, Dougherty, Early, Grady, Miller, Mitchell, Quitman, Randolph, and Seminole Counties, Ga., (2) from points in Lee County, Ala., to points in Colhoun, Dougherty, Early, and Seminole Counties, Ga., and points in Jackson County, Fla.; and (3) from points in Jackson and Santa Rosa Counties, Fla., to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Pike, and Russell Counties, Ala., restricted against the transportation of ground dolomitic limestone and ground calcium limestone from Dixie Lime & Stone Company, Jackson County, Fla., to points in Alabama.

NOTE.—Applicant states it intends to tack the requested authority above with its existing irregular route authority in Sub No. (1). (A) at Albany, Ga. to transport the requested commodities above (a) from the plantsites of Montevallo Limestone Sales, Inc., and Southern Stone Company, Inc., located at or near Maylene (Shelby County), Ala., to points in Calhoun, Holmes, Jackson, Okaloosa, and Santa Rosa Counties, Fla., and Calhoun, Decatur, Dougherty, Early, Grady, Quitman, Mitchell, Miller, Randolph, and Seminole Counties, Ga.; and (b) from points in Lee County, Ala., to points in Calhoun, Dougherty, and Early Counties, Ga. and Jackson County, Fla.; and (B) at Dothan, Ala. to transport the requested commodities above, from Jackson and Santa Rosa Counties, Fla. to points in Barbour, Bullock, Coffee, Crenshaw, Covington, Dale, Geneva, Henry, Houston, Pike and Russell Counties, Ala. If a hearing is deemed necessary, the applicant requests it be held at either Dothan, Montgomery or Birmingham, Ala.

No. MC 139482 (Sub-No. 7), filed August 31, 1976. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, County Rd. No. 29 West, New Ulm, Minn. 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulating board, ceiling tile* and *accessories relating thereto, and materials and supplies, used in the installation thereof*, between Macon, Ga., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 139495 (Sub-No. 165), filed August 30, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, connectors and valves*, from Temple, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Boston, Mass.

No. MC 139495 (Sub-No. 166), filed August 30, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from the plantsite and storage facilities of Hartz Mountain Corporation

located at or near Wrens, Ga., to points in Illinois, Kansas, Kentucky, Michigan, Missouri, Texas, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140389 (Sub-No. 9), filed August 31, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets and textile products*, from points in Georgia, to points in Arizona, California and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., San Francisco, Calif. or Washington, D.C.

No. MC 140421 (Sub-No. 8), filed August 5, 1976. Applicant: ACTION MOTOR EXPRESS, INC., 8303 Old Gentilly Road, P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from New Orleans, La. and its Commercial Zone, to Memphis, Tenn. and its Commercial Zone, under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 140421 (Sub-No. 9), filed August 12, 1976. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags and packages and *condiments*, in individual servings, from New Orleans and Arabi, La., and from the warehouse facilities of Amstar Corporation, located at Kenner, La., to points in Alabama, Arkansas, Mississippi and Tennessee, under a continuing contract, or contracts, with Amstar Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 140829 (Sub-No. 16), filed July 19, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk, in tank vehicles); and (2) *equipment, materials and supplies* used in restaurants and cafeterias (except in bulk, in tank vehicles), from points in the United States on and east of Interstate Highway 25, and Interstate Highway 90, between its junction with Interstate Highway 25 and Interstate Highway 15, thence to Interstate Highway 15 between its junction with Interstate Highway 90, and the Canadian border, to Denver, Colo., and Albuquerque, N. Mex.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141247 (Sub-No. 5), filed September 3, 1976. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Jeffrey Kohlman, 1447 Peachtree Street, N.E., Suite 400, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated lumber, and plywood*, from Thomson, Ga., to points in Alabama, Florida, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia, under a continuing contract with Dixie Wood Preserving Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta or Savannah, Ga.

No. MC 141266 (Sub-No. 4), filed September 7, 1976. Applicant: WILLIAM T. AMERSON, doing business as BILL AMERSON TRUCKING, Route 1, Box 305, Georgetown, S.C. 29440. Applicant's representative: Mitchel King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products and supplies*, between the facilities of Oneita Knitting Mills, located at or near Andrews, S.C., on the one hand, and, on the other, the facilities of Porter Mills, division of Oneita Knitting Mills, located at or near Cullman, Ala., under a continuing contract, or contracts, with Oneita Knitting Mills located at or near Cullman, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 141402 (Sub-No. 3), filed August 27, 1976. Applicant: LINCOLN FREIGHT LINES, INC., Indiana State Highway 32, P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures and corrugated boxes*, from the plantsite of Star City Glass Company, Universal Glass Products Division, at Joliet, Ill., to St. Louis, Mo., and points in Indiana and Kentucky, under contract with Star City Glass Company, Universal Glass Products Division, at Joliet, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 141748 (Sub-No. 1), filed August 23, 1976. Applicant: JENSON-WILCKEN, INC., P.O. Box "R", Pocatello, Idaho 83201. Applicant's representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Metal cans and can ends*, from Ogden, Utah, to points in Ada, Bingham, Bonneville, Canyon, Cassia, Jefferson, Madison, Minidoka and Twin Falls Counties, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 141860 (Sub-No. 1), filed August 11, 1976. Applicant: C. A. CARTER, INC., 239 Broadturn Road, West Scarborough, Maine 04074. Applicant's representative: C. A. Carter (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals*, (1) from points in Maine, to points in Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) from points in Connecticut, New Hampshire, Massachusetts, Rhode Island, and Vermont, to Saco, Maine, restricted to a transportation performed in (1) and (2) above under a continuing contract or contracts with Saco Steel Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine or Boston, Mass.

No. MC 141907 (Sub-No. 3), filed September 3, 1976. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, P.O. Box 3148, Yakima, Wash. 98901. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices*, in cans and bottles, from points in Yakima County, Wash., to Portland, Oreg., and points in Arizona and California, under a continuing contract, or contracts, with Tree Top, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 123556 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141912 (Sub-No. 7), filed August 30, 1976. Applicant: MIDWEST TRANSPORT, INC., 65 State Street, Hutchinson, Kans. 67505. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc. located at or near Henryetta, Okla., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota,

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Oklahoma, South Dakota, Tennessee, Texas, Wisconsin and Wyoming.

NOTE.—If a hearipg is deemed necessary, the applicant requests it be held on a consolidated record with (10) other shippers at either Oklahoma City, Okla. or Tulsa, Okla.

No. MC 141991 (Sub-No. 2), filed September 7, 1976. Applicant: JAMES R. BLACKMON, doing business as BLACKMON HAULERS, Rt. 1, Box 169, Calera, Ala. 35040. Applicant's representative: James R. Blackmon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural lime, sand, gravel, crushed stone and coal*, in dump vehicles, between points in Alabama, on the one hand, and, on the other, points in Georgia, Florida, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 142109 (Sub-No. 1), filed August 20, 1976. Applicant: BRUCE MATTILA TRUCKING, 5601 E. Glenmore Road, Minnetonka, Minn. 55343. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and zinc waste and scrap, flux and silicon*, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Dakota, South Dakota, and Wisconsin, to Rosemount, Minn.; and (2) *recycled aluminum and zinc* (except commodities moving in dump vehicles), from Rosemount, Minn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with Spectro Alloys Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 142204 (Sub-No. 3), filed September 7, 1976. Applicant: ROBERT R. GUNVILLE, JR., P.O. Box 27, Iron Mountain, Mich. 49801. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Escanaba and Gladstone, Mich., to Niagara, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 142208 (Sub-No. 1), filed August 20, 1976. Applicant: CLIFFORD J. McINTOSH, 29678 Vlaeminck Road, Rt. 8, Elkhart, Ind. 46514. Applicant's representative: Clifford J. McIntosh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and fifth wheel trailers* via towaway, from Bristol, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Wayne or Indianapolis, Ind.

No. MC 142212 (Sub-No. 1), filed August 17, 1976. Applicant: COUTURE TRANSPORT, INC., Box 279, Saranac, N.Y. 12981. Applicant's representative: Neil D. Breslin, 99 Washington Ave., Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum poles and related parts*, between the Village of Champlain, N.Y., on the one hand, and, on the other, points in Connecticut, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas and Wisconsin, under a continuing contract or contracts with Pole-Lite Industries Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 142227 (Sub-No. 2), filed August 13, 1976. Applicant: W. EARL HUMPHRIES, doing business as BUS-PAK, 212 East Daniel Morgan Avenue, Spartanburg, S.C. 29301. Applicant's representative: W. Earl Humphries (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Spartanburg County, S.C., in packages not to exceed 200 pounds in weight, restricted against the transportation of packages or articles weighting in the aggregate more than 1,000 pounds.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spartanburg or Greenville, S.C.

No. MC 142245, filed July 6, 1976. Applicant: NATIONWIDE TRUCK BROKERS, INC., 2101 Martindale Ave., S.W., Wyoming, Mich. 49509. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice and apple cider* in bottles, jars, and cans, from Fremont, Mich., to Rogers, Ark.; Delta and Denver, Colo.; Albert Lea, Hopkins, Minneapolis, Roseville, St. Paul, and Thief River Falls, Minn.; Kansas City, Hazelwood and Springfield, Mo.; Bismarck and Fargo, N. Dak.; Milwaukee and Stevens Point, Wis. and Chicago, Ill., under a continuing contract or contracts with Speas Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 142251, filed June 7, 1976. Applicant: ILL-MO AIR FREIGHT, INC., 9339 Woodson Terrace Industrial Court, St. Louis, Mo. 63134. Applicant's representative: Daniel A. Gallagher, Suite 2210, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between O'Hare International Airport, Chicago, Ill.; Lambert Field, St. Louis, Mo., and Kansas City International Airport, Kansas City, Mo.; points in Adams, Brown, Schuyler, Pike, Cook, Scott, Morgan, Cass, Mason, Menard, Logan, De Witt, Macon, Platt, Champaign, Vermilion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill., and points in Warren, St. Louis, St. Charles, Franklin, Jefferson, Ste. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bolinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunkin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Glasconade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, and Platte Counties, Mo., restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or at St. Louis, Mo.

No. MC 142258, filed June 16, 1976. Applicant: DALE BLAND TRUCKING, INC., R.R. No. 1, Switz City, Ind. 47465. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and dry commodities*, in bulk, between the Southwind Maritime Centre, at or near Mount Vernon (Posey County), Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Washington, D.C.; or Chicago, Ill.

No. MC 142279 (Sub-No. 1), filed August 10, 1976. Applicant: RAY A. REICH, an Individual, doing business as RAY REICH TRUCKING CO., Route 1, Box 133F, Forest Hill, La. 71430. Applicant's representative: Wallace H. Nations, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products; wood and wood products, forest products and mill work; lumber, timbers, piling, poles, posts and cross ties*, treated and untreated, between points in Rapides Parish, La., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi and Texas, under a continuing contract or contracts with Roy O. Martin Industries, Inc., and its subsidiaries, Dura-Wood Treating Company and Colfax Creosoting Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge or New Orleans, La., or Dallas, Tex.

No. MC 142342 (Sub-No. 1), filed September 8, 1976. Applicant: AGGREGATE TRANSPORT, INC., P.O. Drawer P, Albany, Ga. 31702. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree Street, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Atlanta, Eden and Thomasville, Ga., to points in Alabama, Florida, Kentucky, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 142354 (Sub-No. 1), filed September 2, 1976. Applicant: ALL-WAYS TRUCKING CO., INC., 7737 Hampton Blvd., Norfolk, Va. 23505. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, in containers having a subsequent movement by water, from the facilities of the Hoerner Waldorf Corporation located at Roanoke Rapids, N.C., to Norfolk, Va.; and (2) *empty containers*, from Norfolk, Va., to the facilities of the Hoerner Waldorf Corporation located at Roanoke Rapids, N.C., under a continuing contract or contracts with the Hoerner Waldorf Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 142382 (Sub-No. 2), filed September 3, 1976. Applicant: SCHIERDING CO., 3690 W. Clay, St. Charles, Mo. 63301. Applicant's representative: James E. Schierding (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty return containers*, between the facilities of the Pabst Brewing Co., located at Peoria, Ill., on the one hand, and, on the other, St. Charles, Union and St. Louis, Mo., under a continuing contract, or contracts, with Ed Windler & Sons Inc.; Quality Beverage Distributing Co.; and Jim's Distributing Co.

NOTE.—If a hearing is deemed necesary, the applicant requests it be held at either St. Louis or Jefferson City, Mo.

No. MC 142386 (Sub-No. 1), filed August 24, 1976. Applicant: HEDLEY BENNETT TRUCKING LIMITED, 1681 Pension Lane, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet brewers' grain*, in bulk, in sealed, dump vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Buffalo, N.Y., and Detroit and Port Huron, Mich., to points in New York and Michigan, under a continuing contract, or contracts, with Miracle Feeds, A Division of Ogilvie Mills, Ltd., located in Ontario, Canada, restricted to foreign commerce and to traffic originating at the facilities of Labatt Breweries Ontario Limited, located at Toronto, Ontario, Canada, and London, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 142400, filed August 16, 1976. Applicant: NICHOLS TRUCKING, INC., 295 Broad St., Manchester, Conn. 06040. Applicant's representative: Gerald A. Joseloff, 80 State St., Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transpotring: *New tires and tire tubes*, from Memphis, Tenn., to Manchester and West Haven, Conn.; Cranston, R.I.; Everett, East Earl and Franconia, Pa., and Clinton, Md., under a continuing contract or contracts with Mohawk Rubber Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Washington, D.C.

No. MC 142404, filed August 19, 1976. Applicant: BAYSIDE MOVING & STORAGE, INC., 316 West 30th Street, National City, Calif. 92050. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Riverside, Los Angeles, Orange, San Bernadino, Ventura, Imperial and San Diego Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142407, filed August 19, 1976. Applicant: ROLL-ON, INC., P.O. Box 1962, Clovis, N. Mex. 88101. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, and articles* distributed by meat packing houses (except hides and commodities in bulk), from the plantsite of Great Western Meat Company, located near Morton, Tex., to points in the United States (except Alaska and Hawaii), for export only, under continuing contract, or contracts, with Great Western Meat Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lubbock, Tex. or Clovis, N. Mex.

No. MC 142413 (Sub-No. 1), filed August 20, 1976. Applicant: ROBERT STEVEN IRWIN, 422 Connell Road, Valdosta, Ga. 31601. Applicant's representative: John H. Wilbur, 1700 Barnett Bank Building, Jacksonville, Fla. 32201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof and floor joists, and materials, accessories and completed products thereof*, from Valdosta, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas; and (2) *lumber, plywood, metal materials and supplies*, used in the manufacture, packaging, transporting and distribution of the commodities named in (1) above, on return, under a continuing contract, or contracts, with Trus Joint Corporation, and restricted in (1) and (2) above to traffic moving on shipper-owned trailers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Valdosta, Ga.

No. MC 142416 (Sub-No. 1), filed August 7, 1976. Applicant: HAMILTON TRANSFER STORAGE & FEEDS, INCORPORATED, Highway 26 West, Torrington, Wyo. 82240. Applicant's representative: Rufus Paul Brott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Cheyenne, Wyo. and Casper, Wyo.: From Cheyenne over Interstate Highway 25 to Casper, serving all intermediate points and serving off route points of Natrona County Airport approximately ten miles west of Casper over U.S. Highway 26 including intermediate points; Wardell Airfield site approximately ten miles north of Casper, Wyo., over Interstate Highway 25, including all intermediate points; and Paradise Valley approximately ten miles southwest of Casper over U.S. Highway 220 including all intermediate points; and the off route points of the Exxon Company U.S.A. ten miles north of Douglas, Wyo. on Wyoming State Highway 59, including all intermediate points; (2) Between Cheyenne, Wyo. and Torrington, Wyo.: From Cheyenne over U.S. Highway 85 to Torrington, serving all intermediate points, and serving all off route points in Laramie County east of U.S. Highway 85 and all points in Goshen County; (3) Between Torrington, Wyo. and Junctions of U.S. Highway 26 and Interstate Highway 25 west of Dwyer, Wyo.: From Torrington over U.S. Highway 26 to Junctions of U.S. Highway 26 and Interstate Highway 25,

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serving all intermediate points and all off route points in Platte County, Wyo., east of Interstate Highway 25; and (4) Between Lingle, Wyo. and Orin Junction, Wyo., via Lusk, Wyo.: From Lingle over U.S. Highway 85 to Lusk, and thence over U.S. Highway 20 to Orin Junction, serving all intermediate points and off route points of Lance Creek, Wyo., including in (1) through (4) above the commercial zones of all points proposed to be served.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Casper or Cheyenne, Wyo.

No. MC 142420 (Sub-No. 1), filed August 30, 1976. Applicant: INTERNATIONAL TRAFFIC DEVELOPMENT, INC., 2000 N.W. 70th Avenue, Miami, Fla. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles, which, because of size or weight require special handling and special equipment, Classes A and B explosives, commodities requiring refrigeration, household goods, livestock, and commodities in bulk), between Miami, Fla., and the Miami, Fla. Commercial Zone, having a prior or subsequent movement by water, under contract with Florida International Forwarders, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 142424, filed September 1, 1976. Applicant: EUGENE F. LADE, 728 Plymouth Street, Holbrook, Mass. 02343. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food service equipment*, uncrated, from Boston, Mass., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Serve-O-Lift Corporation and Eastern Steel Rack Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141426 (Sub-No. 1), filed September 1, 1976. Applicant: WHEATON CARTAGE CO., a corporation, Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, metal, plastic, paper, wax, and wood products, foodstuffs, anti-pollution and bio-chemical apparatus products* used in radiological research, *organic chemistry, kits, clay, talc, feldspar, clay products, feldspar products, candles, pottery, chinaware, ceramics, gifts, items, materials and supplies* used in the repair and maintenance of boats, *machinery and machine parts, presses, molders, bottle coating systems, parts and accessories* for all the above-described commodities, and *materials, equipment and supplies* used or useful in the production, fabrication, sale, distribution, assembly, finishing, coating, pressing, maintenance, and molding of the above-named commodities, between the facilities utilized by Wheaton Industries, Dorchester, Industries, Inc., and Decora, Inc., located in Atlantic, Cape May, Cumberland, Gloucester, Mercer and Ocean Counties, N.J., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington, restricted against the transportation of commodities in bulk, in tank vehicles; and further restricted to a service to be performed under a continuing contract or contracts with Wheaton Industries, Dorchester Industries, Inc., both of Millville, N.J. and Decora, Inc., of Williamstown, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142428, filed August 26, 1976. Applicant: CENTRAL DISPATCH, INC., 650 Manhattan Street, Harvey, La. 70058. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine and motor parts, and equipment and parts thereof*, used on ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels, between points in the Parishes of Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, East Baton Rouge, Iberville, West Baton Rouge, and Calcasieu Parish, La., points in Harrison County, Miss., Orange and Jefferson Counties, Tex., and Bay Town, Houston, Galveston, Corpus Christie, Texas City and Freeport, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 142433, filed August 31, 1976. Applicant: F. V. T. TRUCKING, INC., 106 Howard Drive, Williamstown, N.J. 08094. Applicant's representative: L. Agnew Myers, Jr., Suite 406–08 Walker Building, 734–15th Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material*, viz: mineral wool, from the plant facilities and warehouse locations of Certain-Teed Products Corporation, CSG Group, located at points in Carbon, Lackawanna, Luzerne and Schuylkill Counties, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 142438, filed August 23, 1976. Applicant: MIDLAND CARRIERS, INC., R.D. No. 3, Alverton, Pa. 15612. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit outlet boxes, structural braces and components* used in the installation thereof, electrical plugs and receptacles and parts, (1) from the plantsite and warehouse facilities of Midland-Ross Corporation, Electrical Products Division, located at Pittsburgh, Pa., and Leetsdale, Pa., to Atlanta, Ga.; Cincinnati, Ohio; Broadview, Ill.; Carteret, N.J.; and Boston, Mass.; (2) from the named plantsite located at Athens, Tenn., to Atlanta, Ga.; Cincinnati, Ohio; Broadview, Ill.; Carteret, N.J.; Pittsburgh and Leetsdale,, Pa.; and Boston, Mass., under a continuing contract, or contracts, with Midland-Ross Corporation, Electrical Products Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 142442, filed September 1, 1976. Applicant: CUSTOM SKIN COMPANY, 2800 North Bell Street, San Angelo, Tex. 76901. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and skins and pieces thereof*, (1) from Brownwood, Tex., Denver and Greeley, Colo., Cedar Rapids, Iowa, Albert Sea, Minn., Scottsbluff, Nebr., and Chino, Calif., to the plantsite of A. C. Lawrence Leather Company, located at or near Winchester, N. H.; (2) from Brownwood, Tex., to San Angelo, Tex., Denver, Colo., Scottsbluff, Nebr., and ports of entry on the International Boundary line betwen the United States and Canada, located at points in Michigan and New York; (3) from Scottsbluff, Nebr. and Sioux Falls, S. Dak., to the plantsite of Southern Wool & Skin Company, located at or near San Antonio, Tex.; (4) from the plantsite of Southern Wool & Skin Company, located at or near San Antonio, Tex., to the plantsite of Southern Wool and Skin Company, located at or near Boston, Mass.; (5) from Chino, Calif., and Denver, Colo., to the Plantsite of Trietel & Co., located at or near San Antonio, Tex.; (6) from Columbus, Ohio; Denver, Colo., Philadelphia, Pa., St. Paul, Minn., Fort Wayne, Ind., Cedar Rapids, Iowa, Emporia, Kans., to the ports of entry on the International Boundary line between the United States and the Republic of Mexico located at points in Texas, and to Houston, Tex., and Los Angeles, Calif., for export only; (7) from a line bounded by the Texas-Oklahoma Boundary line and U.S. Highway 83 in a southerly direction to its junction with U.S. Highway 380, thence west along U.S. Highway 380 to the Texas-New Mexico Boundary line, to points in Houston, Tex. and Los Angeles, Calif., for export only; (8) from Brownwood, Tex., and Denver, Colo., to the

plantsite of Henry S. Grossman & Company, located at or near Los Angeles, Calif.; and (9) from Brownwood, Tex., Chino, Calif., and Denver, Colo., to the plantsite of Great Lakes Tanning Co., located at or near Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Austin or Dallas, Tex.

No. MC 142446, filed August 27, 1976. Applicant: K & T TRANSPORT, INC., R.R. No. 1, Wyalusing, Pa. 18853. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of J. V. Taylor, Inc., at Wyalusing, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142447, filed August 20, 1976. Applicant: LOUISIANA – PACIFIC TRUCKING COMPANY, P.O. Drawer AB, New Waverly, Tex. 77358. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, pine and hardwood chips*, from points in Louisiana and Texas to points in Calcasieu Parish, La., under a continuing contract, or contracts, with Louisiana Pacific Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applican requests it be held at New Orleans, La.

No. MC 142449, filed August 26, 1976. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, Ind. 46624. Applicant's representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Indiana on and north of U.S. Highway 40 (except Indianapolis, Ind.), on the one hand, and, on the other, rail ramps presently situated at Elkhart and Fort Wayne, Ind., and Chicago, Ill., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either South Bend or Indianapolis, Ind.

No. MC 142452, filed September 1, 1976. Applicant: RIMAR TRANSPORT, a corporation, 850 Curie Road, North Brunswick, N.J. 08902. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic foam insulating material*, from Linden, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Apache Foam Products Division of Millmaster Onyx Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 142463, filed August 9, 1976. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, P.O. Box 567, Sioux City, Iowa 51102. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides*, from Sioux City, Iowa and its Commercial Zone, to points in Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin; (2) *hides*, from Minnesota, North Dakota and South Dakota, to Sioux City, Iowa and its Commercial Zone; and (3) *iron and steel, iron and steel products and articles, metal conduit, copper wiring, copper tubing, fiber glass products, and aluminum and aluminum products*, from points in Colorado, Illinois, Indiana, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin, to Sioux City, Iowa and its Commercial Zone, restricted in (1), (2) and (3) above to the transportation of traffic originaing at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 135117 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Omaha, Nebr.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 219), filed August 24, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) Between the junction of Interstate Highway 94 and Business Route Interstate Highway 94 east of Benton Harbor, Mich. and the junction of Interstate Highway 94 and Business Route Interstate Highway 94 south of St. Joseph, Mich., serving all intermediate points: From the junction of Interstate Highway 94 and Business Route Interstate Highway 94 over Interstate Highway 94 to its junction with Business Route Interstate Highway 94 and return over the same route. (2) Between the junction of Interstate Highway 94 and Business Route Interstate Highway 94 east of Benton Harbor, Mich., and Benton Harbor, Mich. serving all intermediate points: From the junction of Interstate Highway 94 and Business Route Interstate Highway 94 over Business Route Interstate Highway 94 to Benton Harbor, Mich., and return over the same route. (3) Between the junction of Interstate Highway 94 and Michigan Highway 139 and Benton Harbor, Mich., serving all intermediate points: From the junction of Interstate Highway 93 and Michigan Highway 139 over Michigan Highway 139 to its junction with unnumbered highway, thence over unnumbered highway to Benton Harbor, Mich., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Benton Harbor, Mich.

No. MC 61335 (Sub-No. 14), filed September 2, 1976. Applicant: TRANSBRIDGE LINES, INC., P.O. Box 146, Phillipsburg, N.J. 08865. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in Lehigh, Monroe, and Northampton Counties, Pa., and points in that part of Bucks County, Pa., on and east of U.S. Highway 611 from Doylestown, Pa. to the county line near Riegelsville, Pa., and on and north of U.S. Highway 202 from Doylestown, Pa. to New Hope, Pa., and extending to the plantsite of the New Jersey Sports and Exposition Authority, located at or near East Rutherford, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Allentown, Pa.

No. MC 125076 (Sub-No. 8), filed August 31, 1976. Applicant: SUPERIOR BUS SERVICE, INCORPORATED, doing business as TRAVELINES UNITED, 4450 Newbern Drive, New Acres, Knotts Island, N.C. 27950. Applicant's representative: Michael A. Inman, Suite 211 Pembroke Four Bldg., Pembroke Office Park, Virginia Beach, Va. 23462. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at Chesapeake, Norfolk, Portsmouth, Virginia Beach, Hampton, and Newport News, Va., and Gibbs (Currituck County), N.C., and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Norfolk or Chesapeake, Va.

No. MC 140390 (Sub-No. 3), filed September 8, 1976. Applicant: DAVID P. DUBERSTEIN, doing business as DAYBROOK BUS LINES, 4178 Saylor Street, Dayton, Ohio 45416. Applicant's representative: Edgar M. Hymans, 1567 Elizabeth Place, Cincinnati, Ohio 45237. Authority sought to operate as a *common*

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carrier, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Passengers and their baggage, and express and newspapers* in the same vehicle as passengers, (1) Between Dayton, Ohio and Xenia, Ohio, serving all intermediate points: From Dayton, Ohio, over the Dayton-Xenia Pike, to junction U.S. Highway 35, and thence over U.S. Highway 35 Xenia, Ohio; and (2) Between Dayton, Ohio and Lewisburg, Ohio, serving all intermediate points: From Dayton, Ohio over Wolf Creek Pike to Stillwater Junction, thence over Olive Road to Trotwood, Ohio, thence over Free Pike and Main Street to junction with Wolf Creek Pike, thence over Wolf Creek Pike to Brookville, Ohio, thence over Arlington Pike to junction U.S. Highway 40 (the National Road) to Lewisburg, Ohio. (B) Irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round-trip charter and group operations, (1) from all points on the two (2) above described regular routes (except Dayton and Xenia, Ohio), to points in the United States (except Alaska and Hawaii); (2) from points in Madison and Perry Townships, and Montgomery County, Ohio, on and north of Little Richmond Road, to points in the United States (except Alaska and Hawaii); and (3) from points in Preble County, Ohio, on and north of U.S. Highway 40, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dayton or Columbus, Ohio.

No. MC 141875 (Sub-No. 2), filed August 19, 1976. Applicant: CURRIE BUS LINES, LTD., P.O. Box 1300, Merritt, British Columbia, Canada V0K 2B0. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and round-trip sightseeing and pleasure tours, and round-trip charter operations, between ports of entry on the International Boundary line between the United States and Canada, located at points in Idaho and Washington, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at or destined to Merritt or Princeton, in the Providence of British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bellingham or Seattle, Wash.

No. MC 142089, filed May 20, 1976. Applicant: GOOD NEWS TAXI SERVICE INC., 64 Ransier Drive, West Seneca, N.Y. 14224. Applicant's representative: James M. Lanzerio, 261 North Seine Drive, Cheektowaga, N.Y. 14227. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, who are railroad crews, and their baggage*, limited to the transportation of not more than 5 passengers in any one vehicle, not including the driver thereof, between points in Erie County, N.Y., on the one hand, and, on the other, Altoona, Bradford, Erie, Ronova, and Sayre, Pa.; Cleveland, Ashtabula, and Arkon, Ohio, and the port of entry on the International Boundary line between the United States and Canada, located at Buffalo, N.Y., under contract with Consolidated Rail Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., New Haven, Conn., or Albany, N.Y.

No. MC 142259, filed June 21, 1976. Applicant: JACK D. STEEL, 322 East Mountain View Drive, Sheridan, Wyo. 82801. Applicant's representative: Robert Connor, Jr., 40 South Main St., Sheridan, Wyo. 82801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, round-trip, sightseeing, and pleasure tours, beginning and ending in Wyoming and extending to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sheridan or Casper, Wyo.

BROKER APPLICATIONS

No. MC 130395, filed June 23, 1976. Applicant: TOUR WEST, INC., 270 South State St., Orem, Utah 84057. Applicant's representative: Byron L. Stubbs, 530 East Fifth South, Salt Lake City, Utah 84102. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Orem, Utah, to sell or offer to sell the transportation of *Passengers and their baggage*, in groups, in special and charter operations, by motor carrier, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 130403, filed August 17, 1976. Applicant: EDNA J. LAWTON, doing business as LAWTON'S TRAVEL SERVICE, 103 Ingalls Road, Fort Monroe, Va. 23651. Applicant's representative: Edna J. Lawton (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Fort Monroe, Va., to sell or offer to sell the transportation of individual *passengers and their baggage*, in charter operations, in sightseeing and pleasure tours, by motor, air, water, and rail carriers, beginning and ending at Hampton, Va. and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond or Norfolk, Va.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carrier or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12986. Authority sought for control and merger by ALL-AMERICAN, INC., 900 West Delaware, Sioux Falls, S.D., 57104, of the operating rights and properties of MID-CONTINENT FREIGHT LINES, INC., 2711 Fairview Avenue, North St. Paul, MN 55113. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle Street, Chicago, IL 60603 and William R. Busch, 803 Degree of Honor Bldg., St. Paul, MN 55101. Operating rights and properties sought to be controlled and merged: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes serving Portage, Ind., as an off-route point in connection with carrier's regular-route operations to and from Chicago, Ill., *General commodities*, except those of unsual value, classes A and B Explosives and ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between El Reno, Okla. and Tulsa, Okla., between Tulsa, Okla. and Kansas City, Mo., between Tulsa, Okla. and junction U.S. Highways 169 and 160, near Cherryvale, Kans., between junction U.S. Highway 66 and Alternate U.S. Highway 66, and Chicago, Ill., between Oklahoma City, Okla. and Kansas City, Mo., between El Reno, Okla. and Pond Creek, Okla., between Pond Creek, Okla. and Bartlesville, Okla.; between Lincoln, Ill. and Savanna Ordnance Depot or Proving Ground, Ill.; between Peoria, Ill. and Rock Island, Ill.; between Dallas, Tex. and Oklahoma City, Okla.; between Duncan, Okla. and El Reno, Okla.; between Kansas City, Mo. and junction U.S. Highway 69 and 65, near Albert Lea, Minn.; between junction U.S. Highways 69 and 65 at or near Albert Lea, Minn. and St. Paul, Minn.; between Chicago, Ill. and St. Paul, Minn.; between Green Bay, Wis. and St. Paul, Minn.; between Chicago, Ill. and Green Bay, Wis.; between junction U.S. Highways 66 and 24 near Cheno, Ill. and Kansas City, Mo.; between Cheno, Ill. and junction U.S. Highway 66 and Alternate U.S. Highway 66; between Rock Island, Ill. and St. Paul, Minn.; between Augusta, Kans. and Wichita, Kans. The service authorized over the above regular routes is as follows:

(a) Between Enid, Ponca City, Bartlesville, and Oklahoma City, Okla. on the one hand, and, on the other, Dallas, Tex., serving no other points, intermediate or terminal, except the intermediate points specified in (b) below. (b) Between points in Oklahoma on the above-described routes on the one hand, and, on the other, Kansas City, Mo., Wichita, and Augusta, Kans., Chicago, Joliet, Rock Island, and Peoria, Ill., St. Paul, Minn., Green Bay, Manitowoc, La Crosse, and Milwaukee, Wis., serving no other points intermediate or terminal. Serving on Route No. 10 is limited to service at Ardmore, Pauls Valley, and Norman, Okla. (c) The above-described rights shall be restricted to preclude the transportation of any traffic between the two terminal points of Dallas, Tex. and St. Louis, Mo., and between St. Louis and Dallas on the one hand, and, on the other, Tulsa and Oklahoma City, Oklahoma. Alternate routes for operating convenience only: *General commodities*, except those of unusual value, classes A and B explosives, and ammunities and component parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U.S. Highways 66 and 24, near Chenoa, Ill. and Dallas, Tex., in connection with carrier's regular-route operations, serving no intermediate points; between Minneapolis, Minn. and Tulsa, Okla., in connection with carrier's regular-route operations, serving no intermediate points; between Tulsa, Okla. and Dallas, Tex., in connection with carrier's regular-route operations, serving no intermediate points; between Minneapolis, Minn. and Dallas, Tex., in connection with Carrier's regular route operations, serving no intermediate points; between Rock Island, Ill. and junction U.S. Highways 61 and 24 at or near Taylor, Mo., in connection with carrier's regular-route operations, serving no intermediate points, and serving the junction U.S. Highways 61 and 24 near Taylor as a point of joinder only; between Rock Island, Ill. and Chicago, Ill., in connection with carrier's regular-route operations, serving no intermediate points; between Rock Island, Ill. and Milwaukee, Wis., in connection with Carrier's regular-route operations, serving no intermediate points with restrictions. *Glass containers* over irregular routes from Sand Springs, Okla., to points in Missouri (except Joplin, St. Louis, and Springfield, Mo.), and Illinois (Except Flora, Salem, Vandalia, and Effingham, Ill.) with no transportation for compensation on return except as otherwise authorized. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. *General commodities*, with exceptions between points in that part of Illinois on and north of U.S. Highway 36.

General commodities, with exceptions between Minneapolis, St. Paul, St. Louis Par, Hopkins, Robbinsdale, Columbia Heights, Golden Valley, Fort Snelling, Brooklyn Center, McCarron's Lake Richfield, New Brighton, Morningside, Fridley, Edina, Redrock, Browndale, North St. Paul, South St. Paul, West St. Paul, Invergrove Heights, St. Paul Park, Mendota, State Fair Grounds, Newport, and points in Rose Township, Ramsey County, Minn., with restrictions. *General commodities*, with exceptions over regular routes serving the facilities of Western Electric Company, Inc., at or near Goddard, Kans., as an off-route point in connection with carrier's authorized regular-route operations between Augusta and Wichita, Kans. Vendee is authorized to operate as a common carrier in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-12983. Authority sought for purchase by TIMBER TRUCKING, INC., 4235 South 300 West, Salt Lake City, UT 84107, of a portion of the operating rights of F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104, and for acquisition by DAVID R. DAVIDSON, JR., 4641 Holly Lane, Salt Lake City, UT 84117, of control of such rights through the purchase. Applicants' attorney: Miss Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Operating rights sought to be transferred: *Salt and Salt products*, as a *common carrier* over irregular routes from Flux, Lake Point, and Saltair, Utah, to points in Oregon and Washington, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *contract carrier* in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-12982. Authority sought for control by JOHN SCHMITZ and JEFFREY MAYNARD, individuals, 338 South 17th Street, Milwaukee, WI 53233, of LANG CARTAGE CORP., 338 South 17th Street, Milwaukee, WI 53233. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Operating rights sought to be controlled: General commodities, with exceptions as a *contract carrier* over irregular routes from Milwaukee, Wis., to dealers of Stanley Home Products, Inc., located at points in Door, Oconto, Shawano, Brown, Dodge, Racine, Outagamie, Winnebago, Manitowoc, Calumet, Waukesha, Kewaunee, Fond du Lac, Sheboygan, Washington, Ozaukee, Milwaukee, Waupaca, Kenosha, Jefferson, Walworth, Rock Marquette, Waushara, Portage, Columbia, Green Lake, Menomonie, Marathon, Langlade, Dane, Green, and Sauk Counties, Wis., with no transportation for compensation on return except as otherwise authorized. *Such merchandise* as is dealt in by retail mail order houses, from La Crosse, Wis., to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., and *Returned shipments* of the next above described commodities, from points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., to La Crosse, Wis., with restrictions. *Such merchandise* as is dealt in by wholesale business houses (except in bulk, in tank vehicles), from the plant site and storage facilities of McKesson & Robbins Drug Co., at West Allis, Wis., to points in Boone, De Kalb, Du Page, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill., with no transportation for compensation on return except as otherwise authorized, with restrictions. John Schmitz and Jeffrey Maynard holds no authority from this Commission. However, John Schmitz is a controlling stockholder of Hennes Erecting Company, Inc., a Wisconsin Corporation, under certificate No. MC 141785, which is authorized to operate as a common carrier in Wisconsin and Illinois. John Schmitz also owns 25% interest in Hennes Trucking Co., an Ohio corporation under certificate No. MC 111862 and various subs which is authorized to operate as a contract carrier in Ohio, West Virginia, Indiana, Kentucky, Pennsylvania, Iowa, Arkansas, Illinois, Kansas, Michigan, Missouri, Oklahoma, Tennessee, Wisconsin, Nebraska, South Dakota, North Dakota, and Minnesota. Application has not been filed for temporary authority under Section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights applications are filed in connection with pending finance application under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

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No. MC 2229 (Sub-No. 196), filed August 20, 1976. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bernalillo, Colfax, Curry, DeBaca, Guadalupe, Harding, Las Alamos, McKinley, Mora, Quay, Rio Arriba, Rossevelt, Sandoval, San Juan, San Miguel, Santa Fe, Scocorro, Taos, Torrance, Union, and Valencia Counties, N. Mex., restricted (a) against service between Albuquerque and Belen, N. Mex., and (b) to the transportation of packages or articles weighing 500 pounds or less.

NOTE.—The purpose of this filing is to join (by tacking) the separate paragraphs of the vendor's authority which is the subject of the directly related finance application in No. MC-F-12953 published in the FEDERAL REGISTER issue of September 16, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 69512 (Sub-No. 11), filed August 20, 1976. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22nd Avenue, Phoenix, Ariz. 85009. Applicant's representative: Russell R. Sage, Overlook Bldg., Suite 400, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Between points in the Los Angeles, Calif. Commercial Zone and the Los Angeles Harbor, Calif. Commercial Zone, as defined by the Commission, and Indio, Calif. serving no intermediate points beyond the eastern boundary of the Los Angeles, Calif. Commercial Zone, and serving Indio for joinder only with applicant's existing authority between Indio, Calif. and Phoenix, Ariz.: From points in the Los Angeles, Calif. Commercial Zone and the Los Angeles Harbor, Calif. Commercial Zone, over Interstate Highway 10 to Indio, and return over the same route.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12953, published in the FEDERAL REGISTER issue of September 16, 1976. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142268 (Sub-No. 1), filed July 22, 1976. Applicant: GORSKI BULK TRANSPORT, INC., Box 700, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Alcoholic beverages*, in bulk, in tank vehicles, from points on the United States-Canada boundary line at or near Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; and located on the Niagara and St. Lawrence Rivers, to Hartford, Conn.; (2) *alcoholic beverages*, in containers, from Allen Park, Mich., to points in Alabama, Arkansas, Kentucky (except Louisville, Ky. and points in its commercial zone, as defined by the Commission), Louisiana, Mississippi, Missouri and Tennessee; (3) *plastic resins* (except in bulk), from Washington, W. Va., and Ottawa, Ill., to ports of entry on the United States-Canada boundary line located at or near Rouses Point and Champlain, N.Y.; and Derby Line and Newport, Vt.; and points located on the St. Clair, Detroit, Niagara and St. Lawrence Rivers; (4) *methylene diphenyl diisocyanate*, in bulk, in tank vehicles, from Elizabethport, N.J. and Geismar, La., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; (5) *synthetic rubber*, from Buffalo, N.Y. and Geismar, La., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.

(6) *Synthetic latex*, in bulk, in tank vehicles, from Naugatuck, Conn., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; (7) *plastic resins*, in bulk, from Detroit, Mich., to ports of entry on the United States-Canada boundary line located on the Detroit and St. Clair Rivers; (8) *plastic resins*, from Baton Rouge, La., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; Champlain, Rouses Point and Trout River, N.Y. and Derby Line and Newport, Vt.; (9) *chemicals*, from Painesville, Ohio, to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; (10) *chemicals* (except in bulk), from points on the United States-Canada boundary line at or near the Niagara, Detroit and St. Clair Rivers, to points in that part of the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except to Detroit, Mich., and points in its commercial zone, as defined by the Commission, and points in Wayne, Oakland, and Macomb Counties, Mich., within eight (8) miles of Detroit, Mich.); (11) *crude ammonia liquor*, in bulk, in tank vehicles, from the plantsite of the Semet-Solvay Division of the Allied Chemical and Die Corporation located at or near Buffalo (Harriet), N.Y., to the port of entry on the United States-Canada boundary line at or near Buffalo, N.Y.; and from Cleveland, Ohio to the port of entry on the United States-Canada boundary line at or near Detroit, Mich.; (12) *sodium bichromate*, in containers, from the plantsite of Allied Chemical Corporation located at Baltimore, Md., to the port of entry on the United States-Canada boundary line at Detroit, Mich.; (13) *sodium bisulphate waste*, in drums, and *scrubber liquor*, in bulk, in tank vehicles, from the port of entry on the United States-Canada boundary line at Detroit, Mich., to the plantsite of Allied Chemical Corporation located at Baltimore, Md.; (14) *ammonium sulfide solution*, in bulk, in tank vehicles, from Phillipsburg, N.J., to the port of entry on the United States-Canada boundary line at Detroit, Mich.; and

(15) *Alcoholic beverages* (except wines), in bulk, in tank vehicles, between the port of entry on the United States-Canada boundary line located at or near Detroit, Mich., and Peoria, Ill.; and *empty bottles and barrels*, between Hillsboro and Peoria, Ill., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line located at or near Detroit, Mich.

NOTE.—The purpose of this application is to convert a Permit to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12898 published in the FEDERAL REGISTER issue of August 19, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, or Lansing, Mich., or Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 48958 (Deviation No. 75), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, Colo. 80216, filed September 20, 1976. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway 287 to junction U.S. Highway 54 (near Stratford, Tex.), thence over U.S. Highway 54 to junction Interstate Highway 35 (near Wichita, Kans.), thence over Interstate Highway 35 to Topeka, Kans., thence over U.S. Highway 75 to junction Nebraska Highway 2 (Near Nebraska City, Nebr.), thence over

Nebraska Highway 2 to Lincoln, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex., thence over New Mexico Highway 39 to junction New Mexico Highway 58, thence over New Mexico Highway 58 to junction U.S. Highway 85, thence over U.S. Highway 85 to Denver, Colo., thence over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, Nebr., and return over the same route.

No. MC 76032 (Deviation No. 34), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed September 20, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction New York Highway 5 and Interstate Highway 81 at Syracuse, N.Y., over Interstate Highway 81 to junction Interstate Highway 80 near Saint Johns, Pa., thence over Interstate Highway 80 to junction Interstate Highway 76 near Mineral Ridge, Ohio, thence over Interstate Highway 76 to junction Interstate Highway 71 near Wadsworth, Ohio, thence over Interstate Highway 71 to junction Interstate Highway 70 near Columbus, Ohio, thence over Interstate Highway 70 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction New York Highway 5 and Interstate Highway 81 at Syracuse, N.Y., over New York Highway 5 to Buffalo, N.Y., thence over U.S. Highway 62 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over Ohio Highway 2 to junction unnumbered highway near Stryker, Ohio, thence over unnumbered highway to junction U.S. Highway 127 near Pulaski, Ohio, thence over U.S. Highway 127 to junction Ohio Highway 2 near Bryan, Ohio, thence over Ohio Highway 2 via Hicksville, Ohio to the Ohio-Indiana state line, thence over Indiana Highway 37 to Ft. Wayne, Ind., thence over U.S. Highway 24 to Huntington, Ind., thence over Indiana Highway 9 via Anderson, Ind., to junction U.S. Highway 36, thence over U.S. Highway 36 to Indianapolis, Ind., and return over the same route.

No. MC 112713 (Deviation No. 40), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed September 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway 287 to junction U.S. Highway 54 at Stratford, Tex., thence over U.S. Highway 54 to junction Kansas Highway 61 near Pratt, Kans., thence over Kansas Highway 61 to junction U.S. Highway 50 near Parridge, Kans., thence over U.S. Highway 50 to Ottawa, Kans., thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is persently authorized to transport the same commodities, over a pertinent service route as follows: From Amarillo, Tex., over U.S. Highway 66 to Oklahoma City, Okla., thence over Oklahoma Highway 77 (formerly U.S. Highway 66) to Edmond, Okla., thence over Oklahoma Highway 66 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 69, thence over U.S. Highway 69 to Kansas City, Mo., and return over the same route.

No. MC 30504 (Deviation No. 16), TUCKER FREIGHT LINES, P.O. Box 3144, South Bend, Ind. 46619, filed September 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to junction Interstate Highway 55, thence over Interstate Highway 55 to Springfield, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 40 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Ill., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 715), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 5 and Figueroa Street, over Interstate Highway 5 to junction California Highway 2, thence over California Highway 2 to junction California Highway 134, thence over California Highway 134 to Pasadena, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over Figueroa Street to junction unnumbered highway (York Boulevard, Junction), thence over unnumbered highway to Pasadena, Calif., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Florida Docket No. 760660–CCT, filed September 16, 1976. Applicant: BUCCANEER MOVING AND STORAGE CO., INC., 315 N. 2nd Street, Fernandina Beach, Fla. 32034. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except commodities in bulk, heavy hauling, explosives, and commodities requiring special equipment), between points in Jacksonville, Fla. and its Commercial Zone as now defined and points in Nassau County, Fla. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760666–CCT, filed September 17, 1976. Applicant: STEPHENS VAN TERMINAL, INC., 9500 N. W. 27th Avenue, Miami, Fla. 33147. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Motor Vehicles*, to, from, and between all points and places in the state of Florida, restricted however, that the applicant shall not transport more than three (3) motor vehicles at any one time. In-

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trastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T9422, filed September 8, 1976. Applicant: DEWITT HOMES, INC., Rt. 104, Sodus, N.Y. 14551. Applicant's representative: Douglas DeWitt (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Mobile homes*, between all points in Cayuga, Monroe, Ontario and Wayne Counties, N.Y. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12232 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29377 Filed 10-6-76;8:45 am]

federal register

THURSDAY, OCTOBER 7, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS

Proposed Rulemaking

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 101]

STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS

Appointment and Performance of Functions

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart S, entitled "Statewide Professional Standards Review Councils," to Part 101 of Title 42, Code of Federal Regulations.

The purpose of the present proposal is to implement section 1162 of the Social Security Act (42 U.S.C. 1320c–11), which provides for the appointment and performance of functions of Statewide Professional Standards Review Councils (Statewide Councils) in any State where three or more Professional Standards Review Organizations (PSROs) are established.

The proposal provides that the membership of each Statewide Council will be appointed by the Secretary. One representative designated by each PSRO in the State will be appointed. Four physicians will be appointed. The Secretary will request that the association representing the largest number of doctors of medicine in the State designate two members. However, since the statute gives specific recognition to doctors of osteopathy, in those States where the ratio of osteopathic physicians to total physician population is equal to or greater than the ratio of osteopathic physicians to total physician population in the United States, the Secretary will request that the membership association representing the largest number of doctors of medicine designate one physician, and that the membership association representing the largest number of doctors of osteopathy designate one physician. The Secretary will request that the association representing the largest number of hospitals in the State designate two physicians. Finally, four public members will be appointed from nominations of the Governor and the general public. At least two of the four public members must be chosen from the nominations of the Governor.

The proposal requires the Statewide Councils to perform a number of functions, including:

(1) Coordination of PSRO activities in the State;

(2) Dissemination of information;

(3) Assistance to the Secretary in the development of uniform data gathering and operating procedures;

(4) Assistance to the Secretary in the evaluation of PSROs;

(5) Assistance to the Secretary in replacing PSROs;

(6) Assistance in obtaining provider and practitioner compliance with obligations;

(7) Review of PSRO reconsiderations; and

(8) Review of PSRO reports and recommendations on sanctions.

The proposed regulations provide that in performing these functions the Statewide Council must maintain the confidentiality of the data which is confidential under section 1166 of the Act. Since Statewide Councils are required, under Title XI, Part B of the Act, to review PSRO decisions, sanction reports and other PSRO data and since the data so acquired by any Statewide Council will be, essentially, the data acquired by the PSRO, it must be protected as PSRO data, for purposes of section 1166 of the Act.

It should be noted that because Statewide Councils provide "professional counsel or services" to PSROs, within the meaning of section 1167(b) of the Act, it is the view of the Department that such Councils, their members and employees, would come within the protection of section 1167(b) of the Act limiting the liability of individuals who disclose information to PSROs.

In these proposed regulations, the section on review of PSRO reconsiderations (§ 101.1904(g)) makes reference to Subpart N rather than specifying how appeals are to be handled. Interim hearings and appeals regulations published in final form in the FEDERAL REGISTER on February 20, 1976, require review by the Statewide Council of adverse PSRO determinations where the matter in controversy is $100 or more. Public comment on this regulation has been received to the effect that the Statewide Council should review only cases where a party has requested a review, rather than reviewing every adverse PSRO determination. The issue is under consideration and will be addressed when the interim hearings and appeals regulations are amended.

Organizational and operational requirements for Statewide Councils are made under this proposal, and Statewide Councils are to enter into agreements with the Secretary under which they will be reimbursed for their reasonable expenses in performing their functions.

The new regulations policies of the Department issued July 25, 1976, require that this notice of proposed rulemaking (NPRM) have an implementation plan prepared prior to its issuance. In compliance with these requirements, an implementation plan was forwarded to the Secretary and he has authorized the issuance of this NPRM without the use of a Notice of Intent (NOI) which would otherwise be required by the new policies because:

1. There is an urgent requirement for these regulations.

2. Over an extended period of time there has been significant interaction between the Department and organizations and individuals in the development of this NPRM which has satisfied the spirit and intent of the NOI.

These proposed regulations, which have been under development for more than 2 years, have received extensive public exposure and discussion through several National Professional Standards Review Council meetings and through numerous meetings of interested parties which were held in individual States specifically to discuss developing regulations. Issues raised during this process have been thoroughly discussed and researchd and suggestions for change have been incorporated wherever possible.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed regulations to the Director, Bureau of Quality Assurance, Health Services Administration, Room 16A–55, 5600 Fishers Lane, Rockville, Maryland 20852, on or before December 6, 1976. All comments received in timely response to this Notice will be considered and will be available for public inspection at the above-described office during regular business hours.

It is proposed to make this regulation effective upon republication in the FEDERAL REGISTER.

It is proposed to issue a new Subpart S of Part 101 of Title 42 as set out below.

Dated: August 20, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: September 29, 1976.

MARJORIE LYNCH,
Acting Secretary.

Subpart S—Statewide Professional Standards Review Councils

Sec.

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101.1908 Statewide council agreements.

AUTHORITY: Sec. 1162, Social Security Act, sec. 249F(b) of Pub. L. 92–603, 86 Stat. 1440–1441 (42 U.S.C. 1320c–11); sec. 1102 of the Social Security Act, 49 Stat. 647, as amended (42 U.S.C. 1302).

Subpart S—Statewide Professional Standards Review Council

§ 101.1901 Scope.

Section 1162(a) of the Social Security Act, 42 U.S.C. 1320c–11, provides that a Statewide Professional Standards Review Council shall be established in any State in which there are located three or more Professional Standards Review Organizations. This subpart establishes the requirements for such Statewide Professional Standards Review Councils.

§ 101.1902 Definitions.

As used in this subpart:

(a) "Act" means the Social Security Act, as amended (42 U.S.C. Chapter 7).

(b) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee to whom the authority involved has been delegated.

(c) "Physician" means an individual licensed to engage in the practice of medicine and surgery or in the practice of osteopathic medicine and surgery.

(d) "Statewide Council" means a Statewide Professional Standards Review Council.

(e) "PSRO" means a Professional Standards Review Organization, either conditionally or unconditionally designated.

§ 101.1903 Establishment and membership.

(a) *Establishment.* In each State in which there are located three or more PSROs, the Secretary will establish a Statewide Council.

(b) *Membership.* The membership of a Statewide Council shall consist of:

(1) One representative from each PSRO in the State;

(2) Four physician representatives; and

(3) Four persons knowledgeable in health care selected as representatives of the public in the State.

(c) *Selection and Qualifications of Statewide Council Members.* Statewide Council members will be appointed by the Secretary in the following manner:

(i) *PSRO representatives.* The Secretary will request that the governing body of each PSRO within the State designate a person as a representative to the Statewide Council, who is:

(A) A member of the designating PSRO; and

(B) Willing and able to discharge the responsibilities of membership in the Statewide Council. A person so designated will be appointed by the Secretary.

(2) *Physician representatives.* Four physician representatives of the Statewide Council will be designated in the following manner and appointed by the Secretary:

(i) *Designation by State medical society.*—The Secretary will request that the membership association or organization representing the largest number of doctors of medicine in the State designate two physicians performing professional activities within the State and willing and able to discharge the responsibilities of membership on the Statewide Council, to be members of the Statewide Council, except where the ratio of osteopathic physicians to total physician population in the State is equal to or greater than the ratio of osteopathic physicians to total physician population in the United States as determined by the Secretary. In such cases, the Secretary will request that the membership association or organization representing the largest number of doctors of osteopathy in the State designate one such physician to be a member of the Statewide Council and the membership association representing the largest number of doctors of medicine designate one such physician to be a member of the Statewide Council.

(ii) *Designation by State hospital association.*—The Secretary will request that the membership association or organization representing the largest number of hospitals in the State designate two physicians performing professional activities in the State and willing and able to discharge the responsibilities of membership on the Statewide Council to be members of the Statewide Council.

(iii) *Appointment of physician representatives.*—Physicians so designated in accordance with the preceding subparagraphs will be appointed to the Statewide Council by the Secretary.

(3) *Public representatives.* Four public representatives to the Statewide Council will be nominated in the following manner and appointed by the Secretary:

(i) *Nomination by the Governor of the State.*—The Secretary will request that the Governor of the State recommend persons qualified to be public representatives on the Statewide Council. At least two of such nominees will be appointed by the Secretary.

(ii) *Other nominations.*—The Secretary will solicit additional nominations for Statewide Council public representatives from other interested persons and organizations in the State by giving notice in the FEDERAL REGISTER as well as in other publications within the State, by informing those who are on a list of interested persons, and by other acceptable and practicable forms of notice.

(iii) *Qualifications of public representatives.*—Each public representative shall be:

(A) Knowledgeable by education and/or experience about health care in the State which is provided under Titles V, XVII, and/or XIX of the Act;

(B) Willing and able to represent the interest of the public; and

(C) Willing and able to discharge the responsibilities of membership in the Statewide Council.

The Governor shall, in nominating, and the Secretary will, in appointing, public representatives to the Statewide Council, give special consideration to qualified representatives of organizations and groups other than those whose representation on the Statewide Council is required by law (section 1162 (a) and (b) (1) and (2) of the Act; § 101.1903(b) (1) and (2) (PSRO Representatives and Physician Organization Representatives) of this Subpart) or which are represented on the Statewide Council Advisory Group (section 101.2202 of Subpart V of this part).

(d) Response to Secretary's Request for Designations and Nominations. Names of designees of PSROs, State medical societies, and State hospital associations and names of nominees from the Governor shall be forwarded to the Secretary within 60 days of the Secretary's official request for such nominees, unless an extension is granted by the Secretary for cause.

(e) *Terms.* In a Statewide Council's first year of operation, members shall be appointed for initial terms of 2 or 3 years and for terms of 3 years thereafter. There shall be an equal number of 2 and 3-year term positions in each of the three categories of representatives and, in the case of any category containing an odd number of representatives, there shall be an extra 3-year term position. Statewide Council members shall serve no more than two consecutive terms.

(f) *Termination of appointments.* (1) A Statewide Council member may resign his appointment at any time upon written notification to the Secretary.

(2) The Secretary may terminate the appointment of a Statewide Council member at any time for good cause.

(i) Good cause is defined for purposes of this section as failure to continue to meet membership qualifications specified in § 101.1903(c); serious professional and/or public misconduct, such as conviction for a felony offense; continued and substantial failure to perform the duties and functions required of Statewide Council members; and any breach of confidentiality, as defined in applicable regulations of this part.

(ii) Prior to termination of a Statewide Council member for good cause, the Secretary shall seek the advice and consider the recommendations of the Statewide Council.

(iii) Upon a determination that a Statewide Council member should be terminated for good cause, the Secretary will send written notification at least 30 days prior to the effective date of the termination, to the member, which will set forth the grounds for the termination, afford the member the right, prior to such effective date, to submit a statement and to request an informal meeting with an official designated by the Secretary. If no such statement or request is received prior to the effective date, the termination will be final on the effective date. If a request for a meeting with a designated official is timely made, the Secretary may postpone the effective date of the termination in order to enable the meeting to be held. Upon completion of the meeting, the designated official shall promptly recommend to the Secretary whether or not such termination should become effective. If the Secrtary, taking into consideration any information submitted and the recommendation of the designated official, if any, determines that good cause for termination does not exist, he will withdraw the notice of termination and notify the member of his decision.

(g) *Vacancy.* Where a vacancy on the Statewide Council occurs, whether by reason of expiration of membership term, death, resignation or removal, the Secretary will fill the vacancy in accordance with the applicable procedures specified in § 101.1903(c). If a vacancy occurs for reasons other than expiration of membership term, appointment will be made for the remainder of the unexpired term.

§ 101.1904 Duties and functions.

(a) *Coordination of PSRO activities.* Each Statewide Council shall coordinate the activities of the PSROs in its State to assure efficient PSRO operations and to support combined PSRO efforts in activities of mutual concern to the PSROs in the State. This activity shall involve identifying where cooperative efforts between or among PSROs are needed, determining with the PSROs the appropriate mechanisms for coordination, and assuring that the necessary support services for implementation are provided.

(b) *Dissemination of information.* Each Statewide Council shall disseminate information and data, with reason-

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able frequency and in a reasonable form, among the PSROs in its State. Dissemination may include both data and information which is available from other agencies and organizations and is relevant to PSRO operations, and also data and information generated within the PSRO program, consistent with section 1166 of the Act and applicable confidentiality regulations of this part. This activity shall involve identifying the information and data desired by PSROs, the sources of such information and data, and the appropriate methods of making such information and data available, and assuring that the necessary support services are provided so that the dissemination occurs in an effective manner.

(c) *Data gathering procedures and operating procedures.* Each Statewide Council shall assist the Secretary at his request or the request of the PSROs in developing and coordinating effective uniform PSRO data collection and processing procedures among the PSROs in the State and in coordinating PSRO data activities in the State with other programs of the Department of Health, Education, and Welfare, including Cooperative Health Systems, Health Systems Agencies, and the programs under Title V, XVIII, and XIX of the Act.

(d) *Evaluation.* Each Statewide Council shall assist the Secretary at his request in evaluating the performance of the PSROs in its State according to criteria and procedures developed by the Secretary in consultation with the Statewide Council.

(e) *Replacement of a PSRO.* Where the Secretary finds it necessary to replace a PSRO in a State where a Statewide Council exists, the Statewide Council in such state shall assist in developing and arranging for a qualified replacment PSRO.

(f) *Assistance in compliance with obligations of practitioners and providers.* Each Statewide Council shall, in accordance with section 1160(c) of the Act, use such authority or influence as it may possess as a professional organization, and shall enlist the support of other professional or governmental organizations to assure that practitioners and providers who provide health care services in its State for which payment may be made in whole or in part under the Act comply with all obligations imposed under section 1160(a) of the Act. Each Statewide Council shall use educational and other appropriate means and shall work cooperatively with the PSROs in its State in carrying out these responsibilities.

(g) *Appeals.* Where an adverse PSRO determination has been reconsidered and reaffirmed pursuant to section 1159(a) of the Act and where the amount in controversy is $100 or more, the professional members of each Statewide Council shall review such determination pursuant to the requirements of Subpart N of this part.

(h) *Sanctions.* Each Statewide Council shall receive reports and recommendations from PSROs under section 1157 of the Act concerning violations of obligations under 1160(a) of the Act and shall promptly transmit such reports to the Secretary together with any comments or recommendations the Statewide Council deems appropriate in accord with applicable regulations of this part.

(i) *Confidentiality of data.* Any PSRO data or information acquired in the exercise of the PSRO duties and functions by a Statewide Council in the exercise of its duties and function under Title XI, Part B of the Act and this subpart which is confidential information under section 1166 of this Act, and sanction reports and recommendations of the Statewide Council made pursuant to sections 1157 and 1160(b) of the Act, shall be held in confidence and shall not be disclosed to any person except (1) to the extent that may be necessary to carry out the purposes of Title XI, Part B of the Act and this subpart, or (2) in such cases and under such circumstances as the Secretary shall, by applicable regulations on confidentiality of this part, provide to assure adequate protection of the rights and interest of patents, health care practitioners or providers of health care.

§ 101.1905 Organizational requirements.

(a) *Organization.* (1) Each Statewide Council shall be a private, nonprofit corporation established under applicable State law.

(2) Membership in the corporation shall be limited to members of the Statewide Council.

(3) The Board of Directors shall consist of all persons appointed by the Secretary as members of the Statewide Council.

(b) *Articles of incorporation.* The Articles of Incorporation of each Statewide Council and any subsequent amendments thereto, shall be approved by the Secretary prior to filing and shall be in conformance with State law, Title XI, Part B of the Act, and the requirements of this subpart.

(c) *Bylaws.* Bylaws of each Statewide Council shall be in conformance with the requirements of this subpart.

(d) *Purposes.* The purposes of the Statewide Council shall be limited to those duties and functions specified in § 101.1904, except where other functions related to such purposes shall be specifically approved by the Secretary.

(e) *Income.* The sole source of income of each Statewide Council shall be the funds received from the Secretary pursuant to the provisions of section 1162 (d) of Title XI of the Act, except as such other sources of funding may be approved by the Secretary. Neither the whole, nor any portion of the assets or income of the Statewide Council shall be used for objects or purposes other than those set forth in § 101.1904 or those specifically approved by the Secretary.

(f) *Officers.* Each Statewide Council shall elect a chairperson and such other officers from its membership as it deems necessary.

(g) *Committees.* (1) Each Statewide Council shall establish an Advisory Group Nominating Committee as provided for under § 101.2202(b) (1) of Subpart V of this part.

(2) A Statewide Council may establish an Executive Committee which shall consist of members of the Statewide Council including at least one PSRO representative, one physician representative, and one public representative.

(3) The composition, selection, powers, duties, and membership terms of each standing committee of a Statewide Council shall be defined in its bylaws. The bylaws shall specify a procedure for the establishment of ad hoc committees.

(4) A Statewide Council may appoint non-Statewide Council members to ad hoc committees, but non-Statewide Council members may not serve as members of Statewide Council standing committees.

(h) *Advisory Group.* Each Statewide Council shall actively seek advice from its Statewide Council Advisory Group, established pursuant to Subpart V of this part, with regard to the Statewide Council's activities.

(i) *Planning PSROs.* In States in which there are located organizations which have an agreement with the Secretary, pursuant to section 1169 of the Act, to prepare to meet the requirements of this part for designation as Professional Standards Review Organizations, the Statewide Council may seek advice and assistance from such organizations with regard to the Statewide Council's activities.

(j) *Executive Secretary.* The Statewide Council shall select and appoint an Executive Secretary to be employed upon either a full or part-time basis.

§ 101.1906 Operational requirements.

(a) *Calling of meetings.* (1) The Chairperson of each Statewide Council shall convene a meeting of its members as often as necessary in order to perform those functions specified in § 101.1904, and in any event, not less than four times a year.

(2) Each Statewide Council shall establish a method for the calling of a special meeting of the full Statewide Council.

(3) Meetings shall be held at a reasonable time and at a reasonable place with an adequate amount of space to allow for public access to, and participation in, said meetings to the extent not inconsistent with the provisions of paragraph (a) of this section.

(b) *Quorum and voting.* (1) Each Statewide Council shall determine quorum and voting requirements for meetings of the whole Statewide Council and for meetings of the committees consistent with the provisions of State law applicable to the corporation.

(2) There shall be no proxy voting, whereby the voting privilege of one member is exercised by another person, on Statewide Council matters.

(c) *Notice of meetings.* Each Statewide Council shall provide public notice of each regular meeting of the full Statewide Council and, to the extent practicable, for each special meeting. Such notices shall contain, at a minimum, the time and date of the meeting, the place of the meeting, the purpose of the meeting, and the extent to which the public will be permitted to attend or participate in the meeting. If the meeting or any portion thereof will be closed to the public, the notice shall state the reason for closing.

(d) *Public participation at meetings.* (1) Meetings, or any portion thereof, of a Statewide Council shall be open to the public, except when the meeting concerns review of: (i) Sanction reports or recommendations forwarded to the Statewide Council pursuant to section 1157 of the Act; (ii) review of PSRO reconsiderations pursuant to section 1159 (a) of the Act; (iii) internal administrative and personnel matters of the Statewide Council; (iv) information relating to commercial or proprietary matters; and (v) information the disclosure of which would constitute an invasion of personal privacy.

(2) Before or after a meeting, members of the public shall be permitted to file written statements with the Statewide Council.

(3) To the extent that the time available for an open meeting permits, and subject to the approval for such participation from the chairperson, members of the public may be permitted to make oral statements during the meeting.

(e) *Conflicts of interest.* (1) No Statewide Council director or committee member shall be permitted to review (i) health care services provided to a patient if the member was directly or indirectly involved in providing such services, or (ii) health care services provided in or by an institution, organization or agency, if the member or any member of the family of such member has, directly or indirectly, any financial interest in such institution, organization or agency as defined in applicable hospital review regulations of this part. The restrictions in this paragraph shall be construed in accord with the applicable regulations of this part concerning conflicts of interest for PSRO reviewers.

(2) A procedure for announcing and deciding upon conflicts of interest shall be specified in the bylaws.

(f) *Summaries of proceedings.* (1) Summaries of proceedings of all meetings of the Statewide Council and of meetings of its standing and ad hoc committees, shall be prepared promptly. Such summaries shall be available to the public for inspection and copying at the office of the Statewide Council during regular business hours consistent with the confidentiality requirements of section 1166 of the Act and the applicable regulations of this part.

(2) The completed summaries shall be certified by the chairperson of the Statewide Council or the chairperson of the committee, as appropriate, for accuracy within a reasonable time after each meeting.

§ 101.1907 Reporting requirements.

(a) Each Statewide Council shall prepare and submit to the Secretary annually a report containing the following information:

(1) Any changes in the organizational structure of the Statewide Council made during the year for which the report is made.

(2) The Statewide Council's activities for the year including a summary of meetings, a description of specific projects, and any recommendations.

(3) Description of goals and projects for the coming year.

(4) Other pertinent information which the Secretary may reasonably require.

(b) Each Statewide Council shall make such regular and special reports, in addition to the report required by paragraph (a) of this section, in such form and containing such information as the Secretary may reasonably require.

§ 101.1908 Statewide Council Agreements.

(a) The Secretary will enter into a Statewide Council agreement with each organization whose members have been appointed as Statewide Council members pursuant to § 101.1903, which is organized in accordance with § 101.1905 and which has offered assurances that it will perform the duties and functions of a Statewide Council under § 101.1904 in accordance with the operational requirements of § 101.1906.

(b) Each Statewide Council agreement shall provide that:

(1) The organization is designated by the Secretary as the Statewide Council for a particular State;

(2) The organization shall perform all the duties and functions of Statewide Council under Title XI, Part B of the Act and the applicable regulations of this part;

(3) The Secretary will make payments to such Statewide Council equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary and under applicable reimbursement policies of the Secretary, by such Statewide Council in carrying out the duties and functions provided in this section;

(4) The organization shall establish an advisory group pursuant to Subpart V of this part; and

(5) The agreement may be terminated by the Secretary upon 90 days notice to the Statewide Council.[1]

[FR Doc.76-29267 Filed 10-6-76;8:45 am]

[1] Attention is called to the requirements of Executive Order 11246 (42 U.S.C. 2000e) which prohibits discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. Regulations implementing such Executive Order 11246, which are applicable to Statewide Councils under this subpart, have been issued by the Secretary of Labor (41 CFR Chapter 60).

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federal register

THURSDAY, OCTOBER 7, 1976



PART III:

OFFICE OF MANAGEMENT AND BUDGET

■

PRIVACY ACT OF 1974

Systems of Records

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OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Notice of Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Office of Management and Budget hereby publishes the Systems of Records as currently maintained by this agency. The Systems were originally published in the Federal Register on September 2, 1975, 40 F.R. 40493.

Additional changes not previously published are listed below:

1. A new system of records has been added—Clearance Office Information System—this system of records contains information concerning requests for clearance under the Federal Reports Act.

2. The "Routine Uses" has been changed to reflect the disclosure to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Under categories of records for the system "Personnel Summary" the term occupational code was added to reflect additional information available on each employee.

These Systems of Records will be effective 30 days from the date of this publication (November 8, 1976). Written comments are invited within the 30 days, addressed to the Assistant to the Director for Administration, Office of Management and Budget, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503.

Velma N. Baldwin,
Assistant to the Director for Administration.

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OMB/SPD/01

System name: Clearance Office Information System

Security classification: None

System location: Office of Management and Budget, Clearance Office, Statistical Policy Division, Room 10201 New Executive Office Building, 726 Jackson Place, N.W., Washington, DC 20503.

Categories of individuals covered by the system: Employees of the Executive Office of the President and employees of agencies subject to the provisions of the Federal Reports Act who are reviewing or who have submitted for review requests for clearence under the Federal Reports Act.

Categories of records in the system: These records contain a docket number for every request for clearance under the Federal Reports Act; all materials submitted by the agency requesting clearance, including the names of agency employees directly responsible for the request and the names of those authorized to submit it; all material received from interested persons, including the names of the persons; records of all consultations including names of persons consulted; minutes of any public meeting or hearings, including the names of persons attending; a worksheet containing OMB reviewer notes and recommended action; a copy of the OMB action signed by the Clearance Officer; and copies of the approved materials. They also include computer-generated records and reports which show the name of the OMB employee assigned to the review of each pending request for clearance; the name of the employee assigned to the review of each completed review; the name of each agency clearance officer; summary reports of the number of reviews assigned to and completed by each employee for the last completed month and for the year to date; and a record of each docket borrowed by an OMB employee with the name, room number and phone number of the borrower.

Authority for maintenance of the system: 44 U.S.C. 3501-3511.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in three electric-powered rotary files, on a reference table within the Clearance Office, and in the OMB Records Depository. In addition, docket information is stored on computer disk for use in preparing inventory and control reports and listings. Materials stored on the reference table for immediate access consist of the current inventory of reporting and record-keeping requirements cleared by OMB under the Federal Reports Act, the inventory of requests for clearance under the Federal Reports Act presently under review, and the inventory of OMB completed clearance actions for the current and preceding months.

Retrievability: Records are filed by OMB docket number except for some computer generated records which may be retrieved by agency clearance officers or the OMB reviewer number. Access to materials in the Records Depository is limited to the staff of the OMB Records Unit. There are no restrictions on access to materials in the rotary files except that no docket may be withdrawn from the file except by a member of the Clearance Office staff or by a member of the OMB staff or a member of an agency staff working under the instruction of a member of the Clearance Office staff. Except as provided below (see Safeguards) there are no restrictions to access of the material that is stored on the reference table for immediate use. Material processed in the OMB computer center is released only to authorized Clearance Office staff.

Safeguards: All records are under the immediate surveillance of Clearance Office staff during working hours. The materials in the rotary files are locked at all other times. The Records Depository is locked during nonoffice hours. The Computer Center is in a secured area.

Retention and disposal: Active dockets are retained in the Clearance Office Information System until the period of time for which they have been cleared expires. They are then transferred to the OMB Records Depository for destruction or transfer to National Archives under existing regulations.

System manager(s) and address: Clearance Officer, Statistical Policy Division, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

Notification procedure: Requests to be notified whether the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th and Pennsylvania Avenue, N.W., (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations, (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from material submitted by agency requesting clearance and internal OMB work plans.

Systems exempted from certain provisions of the act: Not applicable.

OMB/LIBRY/01

System name: Library Circulation System

Security classification: None

System location: Office of Management and Budget Library, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Employees of the Executive Office of the President.

Categories of records in the system: These records contain titles and other identifying data on materials borrowed from the OMB Library; name, room number, organization, and telephone number of borrower; and the return date for each item borrowed.

Authority for maintenance of the system: Federal Property and Administrative Services Act, Title II, Sec. 202(b)(1), 40 U.S.C. 483(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored at the circulation desk of the OMB Library.

Retrievability: Records are arranged alphabetically by last name of borrower, by title of item borrowed, by organization to which borrower belongs, and by order of input into the system.

Safeguards: Access to records is under constant surveillance by Head of Reference and Loan Section during normal working hours. Secured in locked room after work hours.

Retention and disposal: Records are retained on individual library loans only until the item is returned to the Library. Reports on the status of loans are generated daily; current and preceding day's reports are retained.

System manager(s) and address: Librarian, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from individual to whom it pertains and from physical examination of materials borrowed.

Systems exempted from certain provisions of the act: Not applicable.

OMB/BUDGO/01

System name: Payroll and Leave Records

Security classification: None

System location: Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Former and current employees of the Office of Management and Budget, the Domestic Council, and the Council of Economic Advisers.

Categories of records in the system: These records contain information relating to the individuals name, Social Security number, age, sex, marital status, appointment, tenure, employment status, and occupation series. These records also contain data as of the year to date and the most recent pay period with regard to leave earned, used, and balances, withholdings, and allotments to financial institutions.

Authority for maintenance of the system: 5 U.S.C. 301, 31 U.S.C. 66a, 44 U.S.C. 3101, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are filed in a file cabinet in the Payroll Office or in Federal Records Center Boxes in the OMB Records Depository.

Retrievability: Records are filed in chronological order by calendar year and by name. Access is limited to the staff of the Budget and Management Office and the Records Unit, and the appropriate supervisory officials, the Assistant to the Director for Administration, the Deputy Director, and the Director.

Safeguards: Only Budget and Management Office staff and the Records Unit staff have access on a regular basis. Both the Budget and Management Office and the Records Depository are locked during nonworking hours and under visual surveillance during working hours.

Retention and disposal: Temporary records subject to General Accounting Office audit are retained until completion of the audit which generally occurs every 2-4 years. Permanent records, Comprehensive Listing of Employee Master File (Form TUS 404), are retired to National Archives after 6 years.

System manager(s) and address: Budget and Management Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from employees application for employment, and withholding statements prepared by the employee.

Systems exempted from certain provisions of the act: Not applicable.

OMB/BUDGO/03

System name: Personnel Summary

Security classification: None

System location: Budget and Management Office, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

Categories of individuals covered by the system: Current employees of the Office of Management and Budget, regardless of their type of appointment. A record of the employment as of the end of the preceding fiscal year is also maintained.

Categories of records in the system: These records contain the following information on each employee: (a) name, (b) date of birth, (c) sex, (d) minority status, (e) degree, (f) date employee entered on duty with OMB or BOB, (g) type of appointment, (h) status of employment, (i) division and branch where employed, (j) occupational classification, (k) professional or nonprofessional identification, (l) grade and step, (m) annual salary, (n) daily rate, (o) service computation date, (p) date of last promotion, (q) person years of employment, and (r) occupation code.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is maintained on a computer from a commercial time-sharing firm under contract with OMB.

Retrievability: Access from the computer is restricted by an access code and is limited to two employees in the Budget and Management Office. The record, which is updated monthly is distributed to the Assistant to the Director for Administration and the staffs of the Budget and Management Office and the Personnel Office. Upon request a copy is made available to OMB's Equal Employment Opportunity Officer or his/her designee.

Safeguards: Access and distribution is limited as described above. In addition the terminals by which access can be obtained are located in the Budget and Management Office which is locked during nonworking hours. Copies of the record that are distributed internally as specified above are secured in a locked room or locked file cabinet during nonworking hours.

Retention and disposal: The record covering the most recent pay period and a record as of the end of the fiscal year are maintained. Prior copies are destroyed.

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System manager(s) and address: Budget and Management Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. Must provide building pass or some other form of verification that the individual is current or former employee of OMB. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations, (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from employees application (SF 171) and subsequent Notification of Personnel Actions (SF 50).

Systems exempted from certain provisions of the act: Not applicable.

OMB/LEGIS/01

System name: Private Relief Legislation

Security classification: Generally none.

System location: Legislative Information Center, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Individuals who are the subject of proposed or enacted private relief legislation.

Categories of records in the system: The information contained in these records consists of only those private relief bills requiring Office of Management and Budget review as specified in OMB Circular No. A-19, Revised. The information maintained may include copies of a draft bill proposed by an agency as defined in the Circular, copies of bills introduced in the Congress, and, if applicable, Congressional committee reports, agency memorandums and letters, OMB memorandums and letters, and other documents as may be needed in connection with the legislative coordination and clearance process. Certain individual records may also contain correspondence from and to the individual about whom the information is maintained.

Authority for maintenance of the system: Office of Management and Budget Circular No. A-19, Revised July 31, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in an electronically powered rotary file.

Retrievability: Information is retrieved by name of individual, bill number, or private law number. Access is limited to the Director, Deputy Director, General Counsel, staff of the Legislative Reference Division, OMB program analysts and their supervisors.

Safeguards: Rotary power file is locked during nonworking hours and under visual surveillance during working hours.

Retention and disposal: Permanent records are maintained on private relief bills introduced during the current and prior two sessions of Congress and then transferred to the National Archives.

System manager(s) and address: Supervisor, Legislative Information Center, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165). State name, date of birth, private relief bill number, if known, or the approximate date the bill was introduced and a general statement of the relief requested or granted.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: See item 06.

Systems exempted from certain provisions of the act: Not applicable.

OMB/PERSL/01

System name: Recruiting and Applicant Records.

Security classification: None

System location: Personnel Office, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Persons who have applied for employment consideration or otherwise seeking an association with the Office of Management and Budget; individuals referred for consideration by a variety of organizations and persons; and current and former college or university students exploring placement opportunities with the Office.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions for offenses against the law; results of written tests; appraisal of potential; honors, awards, or fellowships; military service, veterans preference, birthplace; birth date; social security number; names of relatives who are employed in the Federal service; legal residence; and home address of persons who have applied for employment with the Office of Management and Budget or have been referred for employment consideration by the Office of Management and Budget.

Authority for maintenance of the system: Title 5 U.S.C., Section 3109, 3301, 3302, 3304, 3309, 3318, 3319, and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on cards, lists, and forms.

Retrievability: Records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Applications are located in metal file cabinets in a secured room.

Retention and disposal: The records are maintained in the Personnel Office up to two years and are retired to the Records Section for retention for three additional years and then disposed under the GSA general records schedule 1.

System manager(s) and address: Personnel Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Individuals should contact the Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5 Code of Federal Regulations (40 F.R. 34165).) The request should be made in writing, giving full name, date of birth, social security number, the approximate date of most recent application, or when and where contact with an OMB representative was most recently made, if appropriate.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; results of examination which are made known to applicants and vouchers supplied by references.

Systems exempted from certain provisions of the act: None.

OMB/RECDS/01

System name: Researcher Request File

Security classification: None

System location: Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Persons who have requested to examine official records or reference materials prepared by the Bureau of the Budget or the Office of Management and Budget.

Categories of records in the system: This system of records contains the initial letter submitted by individuals asking to examine the official agency records, including a statement as to the nature and purposes of the research, their present occupation, home and/or place of employment. Brief descriptions and locations of the records reviewed, examined and copied are also maintained in the file.

Authority for maintenance of the system: 5 U.S.C. 301, Title 44, U.S.C. 3101-3103, 3105, 3106.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and on index cards located in the OMB Records Depository.

Retrievability: The records are indexed and alphabetically arranged by names of individuals and cross-referenced by record or research subject. Access is restricted to the Assistant to the Director for Administration and the Records Unit.

Safeguards: Records Depository is locked during nonworking hours and is under the visual surveillance of Records Unit staff during working hours.

Retention and disposal: Files are retained for a period of eight years and then destroyed.

System manager(s) and address: Records Officer, Office of Management and Budget, 726 Jackson Place, Washington, D.C. 20503.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Personal information is received only from the individual. No additional data concerning the individual is added to the file.

Systems exempted from certain provisions of the act: Not applicable.

OMB/ADSER/01

System name: Staff Directory Card

Security classification: None.

System location: Administrative Services, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Current OMB employees.

Categories of records in the system: This system of records contains information on each employee consisting of name, address, person to notify in an emergency, home address, residence telephone number, office room number, Division or unit symbol, and office telephone extension.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms are maintained in a metal file cabinet specially adapted for directory cards.

Retrievability: Records are filed in alphabetical order. Access to the record is restricted to Administrative Services Office and Budget and Management Office employees. In emergency situations, the records may be accessed by the employee's supervisor.

Safeguards: The Administrative Services Office is locked during nonoffice hours.

Retention and disposal: Record is destroyed when employee terminates employment with OMB.

System manager(s) and address: Administrative Services Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165). Supply name and building pass.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information contained in the system is obtained from the employee.

Systems exempted from certain provisions of the act: Not applicable.

OMB/ADSER/02

System name: Staff Parking Application File

Security classification: None

System location: Administrative Services, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: OMB employees who have applied for parking permits during the previous year and individuals employed by other agencies and private concerns who are riders in their carpools.

Categories of records in the system: The system contains completed OMB Forms 73 submitted by OMB employees who desire a parking permit. The form contains the following information on person making the application: name, GS grade, office or divison, room number, telephone extension, years of Federal service, home address, home telephone number, zip code, make of car and for each rider, name, home address, employer, and years of Federal service, if applicable.

Authority for maintenance of the system: General Services Administration Federal Management Circular 74-1, Suppl. 2 dated November 15, 1974 and Office of Management and Budget Office Memorandum No. 75-23.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms are maintained in a three-ring binder.

Retrievability: Records are kept in numerical order by parking permit number and by name. Access is limited to the Assistant to the Director for Administration, staff of the Administrative Services Office, and upon request, the individual to which the information pertains.

Safeguards: Administrative Services Office is locked during nonworking hours.

Retention and disposal: The file is maintained for one year following the close of the parking year (March 1).

System manager(s) and address: Administrative Services Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C.

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20503. (See also Chapter III, Part 1302 of Title 5 Code of Federal Regulations (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information contained in the system was obtained from the individual to whom record pertains.

Systems exempted from certain provisions of the act: Not applicable.

OMB/BUDGO/02

System name: Staff Travel Records

Security classification: None.

System location: Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Employees (current and former) of the Office of Management and Budget, the Domestic Council, and the Council of Economic Advisers regardless of type of appointment, and other individuals, who have performed travel at government expense on official business.

Categories of records in the system: These records contain the approved travel authorization, the travel vouchers submitted by the individual, memos of approval for special conveyance or actual subsistence, and receipts as may be required by the Federal Travel Regulations (FPMR 101-7).

Authority for maintenance of the system: 31 U.S.C. 66a, 44 U.S.C. 3101, 3102, 3301, 3309, and General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 8, Chapter 2, Sections 4 and 5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Current records are maintained in folders in metal file cabinets. Noncurrent records are filed in Federal Records Center Boxes in the OMB Records Depository.

Retrievability: Records are alphabetically arranged by name according to fiscal year. Access to the records described herein is restricted to staff of the Budget and Management Office, the appropriate supervisory officials, the Assistant to the Director for Administration, the General Counsel, or his designee, the Deputy Director, Director, Executive Director, Domestic Council, and Chairman, Council of Economic Advisers.

Safeguards: Only Budget and Management Office staff and the Records Unit staff have access on a regular basis. Both the Budget and Management Office and the Records Depository are locked during nonworking hours and under visual surveillance during working hours.

Retention and disposal: Current records are maintained in the Budget and Management Office until they have been audited by the General Accounting Office. Noncurrent records are maintained by the Records Unit for 6 years following which time they are disposed of in accordance with the Records Disposition Schedules established by the General Services Administration General Schedule No. 9.

System manager(s) and address: Budget and Management Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations, (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Content of records is obtained from the individual to whom the information pertains. Additional information may be added by the Budget and Management Office staff as a result of an internal audit.

Systems exempted from certain provisions of the act: Not applicable.

OMB/CAVAD/01

System name: Veterans Education and Training Load Model

Security classification: None

System location: Office of Management and Budget Computer Center, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system: Veterans and other eligibles using VA GI Bill education benefits.

Categories of records in the system: These records contain beneficiary name, address, identification number, as well as the name and address of the training institution, type of training, amount of training, and number of dependents, date of separation from the armed forces, remaining eligibility, remaining entitlement, and other accounting data.

Authority for maintenance of the system: Budget and Accounting Act, 1921 (31 U.S.C. 1-24)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual and to officers and employees of OMB in connection with the performance of their official duties for the agency (See 'Retrievability').

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are on magnetic tape, provided by the VA, and when not being used on the computer for the extract run, are in a tape storage area.

Retrievability: Records are arranged in numerical sequence by identification number, usually Social Security number.

Safeguards: Data is on tape, therefore there is no direct access. The tapes are locked in the computer room when not actually being used by the machine and are accessible only to one computer job. The tapes are removed from NEOB back to VA when the job is completed.

Retention and disposal: Upon completion of the extract run, the tapes are returned to the VA.

System manager(s) and address: Veterans Unit, CVA Division, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedure: Since this file is only a duplicate of the VA Master Education File, no changes can be made at this site which will affect the utility of any of the records. For notification of whether the system contains data on a particular individual, inquiry should be made to the Assistant to the Director for Administration, Office of Management and Budget, Old Executive Office Building, 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20503. (See also Chapter III, Part 1302 of Title 5, Code of Federal Regulations (40 F.R. 34165).)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from individual applicant for training, the training institution, and the appropriate branch of the armed services.

Systems exempted from certain provisions of the act: Not applicable.

[FR Doc.76-28975 Filed 9-29-76;2:32 pm]

federal register

THURSDAY, OCTOBER 7, 1976



PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET DEFERRALS

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OFFICE OF MANAGEMENT AND BUDGET

BUDGET DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report 33 deferrals of funds totalling $761.7 million. The deferrals are primarily routine in nature and do not, for the most part, affect program levels. The details of each deferral are contained in the attached reports.

Gerald R. Ford

THE WHITE HOUSE, October 1, 1976.

Summary of Proposed Deferrals
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President:	
D77-1	Emergency refugee and migration assistance fund	8,640
	Agriculture:	
	Foreign Agricultural Service:	
D77-2	Salaries and expenses (special foreign currency program)	1,610
	Agricultural Stabilization and Conservation Service:	
D77-3	Commodity Credit Corporation	2,919
	Forest Service:	
D77-4	Miscellaneous permanent appropriations Expenses, brush disposal	22,321
D77-5	Miscellaneous permanent appropriations, Licensee programs	146
	Commerce:	
	National Oceanic and Atmospheric Administration:	
D77-6	Promote and develop fishery products and research pertaining to American fisheries	1,771
D77-7	Fisheries loan fund	5,799
D77-8	Offshore shrimp fisheries fund	59
D77-9	Fishermen's guaranty fund	356
	Defense-Military:	
D77-10	Military construction	76,483
	Defense-Civil:	
	The Panama Canal	
D77-11	Capital outlay	146
D77-12	Miscellaneous permanent accounts-Wildlife conservation, etc., military reservations	363
	Health, Education, and Welfare:	
	Assistant Secretary for Health:	
D77-13	Scientific activities overseas (special foreign currency program)	1,113
	Office of Education:	
D77-14	Higher education	31,702

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Deferral #	Item	Budget Authority
	Social Security Administration:	
D77-15	Limitation on construction	17,272
	Interior:	
	Bureau of Land Management:	
D77-16	Oregon and California grant lands	5,426
	Bureau of Outdoor Recreation:	
D77-17	Land and water conservation fund	30,000
	National Park Service:	
D77-18	Road construction	3,245
	Geological Survey:	
D77-19	Payments from proceeds, sale of water, Mineral Leasing Act of 1920	30
	Bureau of Mines:	
	Miscellaneous appropriations:	
D77-20	Drainage of anthracite mines	3,525
	Justice:	
	Federal Prison System:	
D77-21	Buildings and facilities	1,900
	State:	
	Administration of Foreign Affairs:	
D77-22	Acquisition, operation, and maintenance of buildings abroad	14,225
	Transportation:	
	Coast Guard:	
D77-23	Acquisition, construction, and improvements	22,581
	Federal Aviation Administration:	
D77-24	Civil supersonic aircraft development termination	464
D77-25	Facilities and equipment (Airport and airway trust fund)	276,101
	Treasury:	
	Office of the Secretary:	
D77-26	State and local government fiscal assistance trust fund	113,732 1/
D77-27	State and local government fiscal assistance trust fund	10,000 1/
D77-28	State and local government fiscal assistance trust fund	81,500
	General Services Administration:	
D77-29	Rare silver dollar program	1,709
	Other Independent Agencies:	
	Foreign Claims Settlement Commission:	
D77-30	Payment of Vietnam prisoner of war claims	10,833

1/ Outlays only

3

Deferral #	Item	Budget Authority
	American Revolution Bicentennial Administration:	
D77-31	Salaries and expenses	1,346
	Interstate Commerce Commission:	
D77-32	Payments for directed rail service	13,700
	National Commission on the Observance of International Women's Year:	
D77-33	Salaries and expenses	680
	Total, deferrals	761,697

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Deferral #	Item	Budget Authority
	Social Security Administration:	
D77-15	Limitation on construction	17,272
	Interior:	
	Bureau of Land Management:	
D77-16	Oregon and California grant lands	5,426
	Bureau of Outdoor Recreation:	
D77-17	Land and water conservation fund	30,000
	National Park Service:	
D77-18	Road construction	3,245
	Geological Survey:	
D77-19	Payments from proceeds, sale of water, Mineral Leasing Act of 1920	30
	Bureau of Mines:	
	Miscellaneous appropriations:	
D77-20	Drainage of anthracite mines	3,525
	Justice:	
	Federal Prison System:	
D77-21	Buildings and facilities	1,900
	State:	
	Administration of Foreign Affairs:	
D77-22	Acquisition, operation, and maintenance of buildings abroad	14,225
	Transportation:	
	Coast Guard:	
D77-23	Acquisition, construction, and improvements	22,581
	Federal Aviation Administration:	
D77-24	Civil supersonic aircraft development termination	464
D77-25	Facilities and equipment (Airport and airway trust fund)	276,101
	Treasury:	
	Office of the Secretary:	
D77-26	State and local government fiscal assistance trust fund	113,732 1/
D77-27	State and local government fiscal assistance trust fund	10,000 1/
D77-28	State and local government fiscal assistance trust fund	81,500
	General Services Administration:	
D77-29	Rare silver dollar program	1,709
	Other Independent Agencies:	
	Foreign Claims Settlement Commission:	
D77-30	Payment of Vietnam prisoner of war claims	10,833

1/ Outlays only

3

Deferral #	Item	Budget Authority
	American Revolution Bicentennial Administration:	
D77-31	Salaries and expenses	1,346
	Interstate Commerce Commission:	
D77-32	Payments for directed rail service	13,700
	National Commission on the Observance of International Women's Year:	
D77-33	Salaries and expenses	680
	Total, deferrals	761,697

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1977
(amounts in thousands of dollars)

	Rescissions	Deferrals
Third special message:	---	761,697
Previous special messages:	134,100	---
Total amount proposed in special messages	134,100 (in 4 rescission proposals)	761,697 (in 33 deferrals)

NOTE: All amounts listed represent budget authority except for $123,731,858 consisting of two general revenue sharing deferrals (of outlays only).

Deferral No: D77-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President
Bureau:

Appropriation title & symbol:
Emergency Refugee and Migration Assistance Fund

11X0040

OMB identification code: 1/
11-0040-0-1-151

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year _____ (expiration date)
☒ No-year

New budget authority (P.L. _____) $ _____
Other budgetary resources 10,000,000
Total budgetary resources 10,000,000

Amount to be deferred:
Part of year $ 8,640,000
Entire year _____

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other _____

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other _____

Justification Section 501(a) of the Foreign Relations Authorization Act, Fiscal Year, 1976, P.L. 94-141, amended section 2(c) of the Refugee and Migration Assistance Act by authorizing a fund not to exceed $25 million to enable the President to provide emergency assistance for unexpected, urgent refugee and migration needs. The fund was authorized in lieu of the President's previous authority under section 2(c) to transfer up to $10 million of foreign assistance funds in any fiscal year to meet similar needs.

All authorities of the amended section 2(c) are vested in the President. In Executive Order No. 11922, the President allocated all funds appropriated under authority of section 2(c) to the Secretary of State, but he retained the authority to determine which refugee and migration needs are to be provided assistance. The Second Supplemental Appropriation Act, 1976, (P.L. 94-303) provided $10 million, available until expended, to the fund. To date, the President has determined that of these funds $300,000 could be used to assist Soviet refugees going to countries other than Israel (P.D. TQ-2), $150,000 could be used to assist Kurdish refugees from Iraq (P.D. TQ-4) and $910,000 could be used to assist stateless Christian refugees from Lebanon (P.D. TQ-5). These funds have been released accordingly by reapportionment action. In keeping with the President's reservation of authority and to achieve the most economical use of appropriations (31 U.S.C. 665(c)(1)), the remaining availability of the fund is deferred. Reapportionments will be made case-by-case during 1977 as the President determines the refugee assistance needs to be financed by the fund.

Estimated Effects None

Outlay Effect No effect on outlays results from this deferral action.

1/ The OMB identification code that appeared in the FY 1977 budget was 04-30-0040-0-1-801.

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Deferral No: D77-2

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. _____) $ _____
Bureau Foreign Agricultural Service	Other budgetary resources 2,109,608
Appropriation title & symbol Special Foreign Currency Program 12X2901	Total budgetary resources 2,109,608
	Amount to be deferred: Part of year $ _____ Entire year 1,609,608
OMB identification code: 12-2901-0-1-352 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

Title I, Sec. 104 of P.L. 480, the Agricultural Trade Development and Assistance Act of 1954 authorizes the use of foreign currencies (acquired from the sale of U.S. farm products under Title I) to carry out programs for developing new markets for U.S. agricultural commodities. The funds appropriated are used to purchase excess foreign currencies necessary to carry out the program. The funds are available until expended, and the unused balance is carried over into the next year. The amount of funds used each year is dependent upon the availability of the U.S.-owned currencies and the availability of worthwhile market development projects in the foreign countries. Current indications are that no more than $500 thousand of the reserved balances brought forward can be utilized effectively in FY 1977. This deferral action is taken under provisions of the Antideficiency Act (31 USC 665) that authorize the establishment of reserves for contingencies.

Estimated Effects

No programmatic or budgetary impact results from this deferral action. Since the funds are used to purchase currencies already owned by the U.S., any outlays shown under this account would be offset by the receipt of a like amount in another account.

Outlay Effects

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ The OMB indentification code that appeared in the FY 1977 budget was 05-51-2901-0-1-352.

Deferral No: D77-3

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. _____) $ _____
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources 41,220,000
Appropriation title & symbol Commodity Credit Corporation Administrative Expenses, 1977-1274336	Total budgetary resources 41,220,000
	Amount to be deferred: Part of year $ 2,919,000 Entire year _____
OMB identification code: 12-4336-0-3-351 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☒ Other P.L. 94-351
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

The Agriculture Appropriation Act (Commodity Credit Corporation, Limitation on Administrative Expenses) provides that not less than 7 percent of the total authorization for administrative expenses of the CCC shall be placed in reserve and used only in such manner and at such time as may be necessary to carry out program operations.

Estimated Effects

This deferral will have no programmatic impact and its economic and budgetary impact will be negligible.

Outlay Effects

No effect on outlays results from this deferral action.

1/ The OMB identification code that appeared in the FY 1977 budget was 05-66-4336-0-3-999.

Deferral No: D77-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency **Department of Agriculture**	New budget authority (P.L. 16 USC 490) $33,000,000 Other budgetary resources 22,321,000 Total budgetary resources 55,321,000
Bureau **Forest Service**	
Appropriation title & symbol **Expenses, Brush Disposal** 12X5206	Amount to be deferred: Part of year $_____ Entire year 22,321,000
OMB identification code: 12-5206-0-2-302 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification

Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. An apportionment of $33.0 million has been made to the Forest Service for this program in the current fiscal year compared with $32.0 million in 1976 and $25.9 million in 1975. The current fiscal year reserve of $22.3 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $25.1 million in 1976 and $24.1 million in 1975.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus seasonal factors frequently require deferring use of deposits until the following fiscal year.

Estimated Effects

There are no programatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

1/ The OMB identification code that appeared in the FY 1977 budget was 05-96-9999-0-2-302.

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Outlays Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

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Deferral No: D77-5

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 18 USC 711) $280,000
Bureau: Forest Service	Other budgetary resources 140,665
Appropriation title & symbol: Licensee Programs, Forest Service 12X5214	Total budgetary resources 420,665
	Amount to be deferred: Part of year $; Entire year 145,665
OMB identification code: 12-5214-0-2-302 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification:

Royalties collected under licenses for use of the characters "Smokey Bear" and "Woodsy Owl" are permanently appropriated and utilized for furthering the nationwide forest fire prevention campaign and promoting the wise use of the environment as provided by the Act of May 23, 1952 (18 USC 711), and for Woodsy Owl, 31 USC 488b-3--6. The total budgetary resources available in this program for fiscal year 1977 consist of $140,665 in estimated receipts earned in fiscal year 1976 and transition quarter and $280,000 in receipts anticipated for fiscal year 1977. In keeping with routine financial management practices maintained over the years, $145,665 of the total budgetary resources available has been reserved. The reserve is justified on two grounds.

First, the reserve contributes to a consistent, stable program level from year to year which, in turn, promotes more efficient operations. The fiscal year 1977 program is being funded, in part, from reserved balances carried forward from last year. The 1978 program will be partially funded by the estimated receipts being deferred in fiscal year 1977.

1/ The OMB identification code that appeared in the FY 1977 budget was 05-96-9999-0-2-302.

Second, reservation of funds is required to avoid the possibility of a violation of the Antideficiency Act (31 USC 665, (a), (b), (h)). A violation of the sections cited could occur if all the estimates of receipts now deferred were made available and obligated while estimated receipts were not fully realized.

This reserve action is taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies (31 USC 665(c) (2)).

Estimated Effects:

The funds made available are sufficient to carry out 1977 program objectives. If the deferred funds were made available for use and obligated in 1977, the 1978 program level would be below that conducted in the current year because some portion of 1977 receipts normally carried forward into the next fiscal year would not be available.

Release of deferred funds would necessitate development of a plan for an expanded 1977 program.

Outlay Effect

No effect on outlays results from this deferral action.

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Deferral No: D77-6

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 94-362) $ 7,990,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 2,349,716
Appropriation title & symbol: Promote and Develop Fishery Products and Research Pertaining to American Fisheries; 13X5139	Total budgetary resources 10,339,716
	Amount to be deferred: Part of year $ ____
	Entire year 1,770,716
OMB identification code: 13-5139-0-2-403 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [X] Other 7 U.S.C.612C

Justification:

An amount equal to 30% of the gross receipts from customs duties on fishery products is appropriated for fishery products resources research and assessment and American fisheries resource management and development. These funds supplement monies appropriated to National Oceanic and Atmospheric Administration for the same purposes under the appropriation "Operations, research, and facilities." The amount requested for deferral, $1,770,716 represents the excess amount of receipts over the cost of currently planned program activities in FY 1977. Because no plans have been developed for use of these funds, they are requested for deferral at this time.

Estimated Effects:

This deferral action has no effect on the program as currently planned in FY 1977.

Outlay Effects:

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ The OMB identification code that appeared in the FY 1977 budget was 06-48-5139-0-2-403.

Deferral No: D77-7

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ____) $ ____
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 6,438,711
Appropriation title & symbol: Fisheries Loan Fund; 137/04317	Total budgetary resources 6,438,711
	Amount to be deferred: Part of year $ ____
	Entire year 5,798,711
OMB identification code: 13-4317-0-3-403 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual; [X] Multiple-year September 30, 1980 (expiration date); [ ] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [X] Other 16 U.S.C. 742c

JUSTIFICATION

This fund was established pursuant to the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c). Its purpose is to provide funds for loans to segments of the fishing industry unable to obtain commercial loans on reasonable terms for financing the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used fishing vessels or gear.

In 1965, the Act was amended to require the National Oceanic and Atmospheric Administration (NOAA) to pay interest on the cumulative amount of appropriations available as capital to the fund less the average undisbursed cash balance in the fund during the year. The current program covers the estimated FY 1977 interest liability of $620,000 and $20,000 for care and preservation of collateral. Of the total budgetary resources in the fund, only these amounts are presently planned for expenditure in 1977.

On February 20, 1973, the Administrator of NOAA declared a moratorium on accepting further loan applications effective March 1, 1973, due to a level of loans outstanding and loan applications pending which exceeded the Fund's capital. Additionally, the General Accounting Office concluded in a report issued February 22, 1973, that loans made from the Fisheries Loan Fund (1) allowed the continued use of inefficient vessels rather than improving vessels and equipment for more efficient and profitable fishing, and (2) maintained or added vessels to segments of the fishing industry which were considered to have excess, but not necessarily efficient harvesting capacity. GAO recommended that the Secretary of Commerce develop criteria for evaluating vessel efficiency and priorities for directing these program funds.

The Department has determined that legislative clarification of the Act is needed to establish criteria for directing the Fund. Draft legislation is being prepared.

1/ The OMB identification code that appeared in the FY 1977 budget was 06-48-4317-0-4-403.

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Estimated Effects:

The deferral will have no effect on planned Fisheries Loan Fund activities during FY 1977. Should revised legislation be enacted, the balance of the fund will be available to meet resulting needs.

Outlay Effect:

No outlay effect results from this deferral action.

Deferral No: D77-8

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce Bureau: National Oceanic and Atmospheric Administration Appropriation title & symbol: Offshore Shrimp Fisheries Fund 13X4316	New budget authority (P.L. _____) $ _____ Other budgetary resources 59,250 Total budgetary resources 59,250 Amount to be deferred: Part of year $ _____ Entire year 59,250
OMB identification code: 13-4316-0-3-403 1/ Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other P.L.93-242(Jan 2, 1974)

Justification:
On December 2, 1975 the President signed a new Shrimp Fisheries Agreement providing for U.S. Shrimp Fisheries off Brazil through December 1976. The agreement specifies that compensation to the Government of Brazil for enforcement expenses will be $361,000 for each of the calendar years 1975 and 1976. Payment for calendar 1975 has been made and the payment for calendar 1976 is in process. The $59,250 is the remaining balance of the account after the payments to Brazil for calendar years 1975 and 1976. The balance could be made available should further agreements be reached.

Estimated Effects:
No program is currently planned and the deferral will, therefore, have no effect on the program.

Outlay Effects:
No outlay effects result from this deferral action.

1/ The OMB identification code that appeared in the FY 1977 budget was 06-48-4316-0-3-403.

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Deferral No: D77-9

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

ency: Department of Commerce	New budget authority (P.L. 94-362): $ 61,000
eau: National Oceanic and Atmospheric Administration	Other budgetary resources: $ 537,550
Appropriation title & symbol: Fishermens Guaranty Fund	Total budgetary resources: 598,550
	Amount to be deferred: Part of year: $; Entire year: 355,550
13X4318	Legal authority (in addition to sec. 1013): [x] Antideficiency Act; [ ] Other
OMB Identification Code: 13-4318-0-3-403 1/	
Grant program: [ ] Yes [x] No	Type of budget authority: [x] Appropriation; [ ] Contract authority; [ ] Other
Type of account or fund: [ ] Annual; [ ] Multiple-year (Expiration date); [x] No-Year	

Justification:

This fund, established pursuant to the Fishermen's Protective Act of 1967, as amended, provides compensation to vessel owners and crews for financial losses resulting from the seizure of United States fishing vessels by foreign governments on the high seas or on the basis of foreign rights or claims to territorial waters not recognized by the United States. Losses payable are generally limited to the market value of fish caught before seizure which were spoiled or confiscated and up to 50% of gross income lost as a direct result of such seizures. Capital for this fund is derived from fees paid by vessel owners at rates established by the Secretary of Commerce and appropriations from the general fund.

The current program will finance the administrative expenses of this fund and payment of all outstanding claims, leaving $355,550 that can be deferred, pending future seizures and resulting claims.

Estimated Effects:

Deferral of these funds will have no effect on the Fishermen's Guaranty Fund program as currently planned for the FY 1977.

1/ The OMB identification code that appeared in the FY 1977 budget was 06-48-4318-0-3-403.

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Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

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Deferral No: D77-10

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense	New budget authority (P.L. 94-367): $1,433,341,000
Bureau:	Other budgetary resources: 3,362,332,683 1/
Appropriation title & symbol: See Coverage section below	Total budgetary resources: 4,795,673,683
	Amount to be deferred: Part of year: $76,483,201
	Entire year:
OMB identification code: See Coverage section below	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: [X] Annual; ☐ Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; ☐ Contract authority; ☐ Other

Coverage

Account title	Appropriation Symbol	OMB identification code 2/	Amount deferred
Military Construction, Army	21X2050	21-2050-0-1-051	$48,501,201
Military Construction, Navy	17X1205	11-1205-0-1-051	-0-
Military Construction, Air Force	57X3300	57-3300-0-1-051	-0-
Military Construction, Defense Agencies	97X0500	97-0500-0-1-051	20,638,000
Military Construction, Army National Guard	21X2085	21-2085-0-1-051	-0-
Military Construction, Air National Guard	57X3830	57-3830-0-1-051	-0-
Military Construction, Army Reserve	21X2086	21-2086-0-1-051	-0-
Military Construction, Naval Reserve	17X1235	17-1235-0-1-051	-0-
Military Construction, Air Force Reserve	57X3730	57-3730-0-1-051	-0-
Family Housing, Defense	97X0700	97-0701-0-1-051	7,344,000
Family Housing, Defense	9770700	97-0701-0-1-051	-0-
			$76,483,201

Justification

The above amounts in the listed no-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

1/ Total budgetary resources exclude $2,018,292,000 due to lack of authorizing legislation.

2/ The OMB identification code that appeared in the 1977 budget for these accounts can be obtained by substituting "07-25" for the first two digits of the new codes listed here for all military construction accounts and "07-30" for the two family housing, defense accounts listed.

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Due to the long period of time required to construct facilities, the Congress makes appropriations for this purpose available until expended. The above funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

Estimated effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available.

Outlay Effect:

There is no outlay effect resulting from this deferral since the funds could not be used if made available.

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Deferral No: D77-11

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Panama Canal	New budget authority (P.L. 94-387): $3,150,000
Bureau: Canal Zone Government	Other budgetary resources: 1,008,000
Appropriation title & symbol: Capital Outlay 38X0118	Total budgetary resources: 4,158,000
	Amount to be deferred: Part of year: $; Entire year: 146,000
OMB identification code: 38-0118-0-1-806 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification:

This program is funded by appropriations made in the Department of Transportation and Related Agencies Appropriation Act of 1977 (P.L. 94-387) and those Acts of prior years. These appropriations are available until expended. This deferral action has been taken at the request of the Canal Zone Government until project inspection charges and certain other services to be performed by the Panama Canal Company are rendered. The reserve has been established under the provisions of the Antideficiency Act (31 USC 665) to insure fund availability for project inspection and certain other services provided by the Panama Canal Company which are essential for the completion of projects.

Estimated Effects:

The amount deferred could not be used if made available in the current year because of the scheduling of the planned construction program. Thus, the deferral action has no programmatic or budgetary effect.

Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ The OMB identification code that appeared in the FY 1977 budget was 08-25-0118-0-1-806.

Deferral No: D77-12

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense	New budget authority (16 U.S.C. 670f (a)): $823,000
Bureau:	Other budgetary resources: 362,600
Appropriation title & symbol: See Coverage section below	Total budgetary resources: 1,185,600
	Amount to be deferred: Part of year: $; Entire year: 362,600
OMB identification code: 1/ 97-5095-0-2-303	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [XX] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Coverage

Wildlife Conservation, etc., Military Reservations, Army	21X5095	$338,600
Wildlife Conservation, etc., Military Reservations, Navy	17X5095	15,000
Wildlife Conservation, etc., Military Reservations, Air Force	57X5095	9,000
		$362,600

Justification

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law - to carry out a program of natural resource conservation.

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the

1/ The OMB identification code that appeared in the FY 1977 budget was 08-30-5095-0-2-303.

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winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect

There is no outlay effect of this deferral because the funds could not be used if made available.

Deferral No: D77-13

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare Bureau Office of the Assistant Secretary for Health	New budget authority $ ____ (P.L. ____) Other budgetary resources 14,920,000 Total budgetary resources 14,920,000
Appropriation title & symbol 75X1102 -- Scientific Activities Overseas (Special Foreign Currency Program)	Amount to be deferred: Part of year $ ____ Entire year 1,113,000
OMB identification code: 1/ 75-1102-0-1-552	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

Appropriation Acts for the Department of Health, Education, and Welfare have provided funds for the Scientific Activities Overseas Program to "remain available until expended." Funding for this program comes from foreign currencies owned by the United States that have been determined by the Treasury Department to be in excess of normal U.S. needs in the countries concerned. There are now seven countries (Egypt, Burma, Guinea, India, Pakistan, Poland, and Tunisia) that the Treasury Department has designated "excess currency" countries in accord with its internal Treasury Department guidelines. The Treasury Department releases these funds to the Department of Health, Education, and Welfare (HEW) to use for scientific research projects in those countries; and the funds remain available to HEW until expended.

The amount of funds to be obligated during 1977 and the amount to be deferred to 1978 was determined after a careful review of the scientific merit of project proposals in the limited number of excess currency countries. HEW has decided which research projects in those countries will contribute to U.S. scientific needs and thus should be funded. The amount being deferred is in excess of current program requirements and is thus reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C.,665).

1/ The OMB identification code that appeared in the FY 1977 budget was 09-37-1102-0-1-552.

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Estimated Effects:

No programmatic or outlay impact results from this action. This deferral reflects the budgetary resources that will remain available after meritorious scientific projects have been funded in fiscal year 1977.

Outlay Effect

There is no outlay effect of this deferral because the funds could not be used if made available.

Deferral No: D77-14

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare	New budget authority (P.L. _____) $ _____
Bureau: Office of Education	Other budgetary resources 309,546,680
Appropriation title & symbol: Higher Education 75X0293	Total budgetary resources 309,546,680
	Amount to be deferred: Part of year $ _____
	Entire year 31,701,606
OMB identification code: 75-0293-0-1-502 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

	Total budgetary resources available	Amount to be deferred
1. Construction:		
(a) Subsidized construction loan: --Annual interest grants.....	$ 49,200,530	$27,200,530
(b) Graduate facilities grants...	2,976,408	2,976,408
2. Subsidized Insured Student Loan:		
(a) Interest payments and special allowance (subsidies).....	255,095,074	---
(b) Reserve fund advances (loans)	2,274,668	1,524,668
Total.....	309,546,680	31,701,606

1/ The OMB identification code that appeared in the FY 1977 budget was 09-40-0293-0-1-502.

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Construction:

A. Annual interest grants--A change in method of accounting for subsidized construction loans caused a substantial amount of prior year appropriations to be de-obligated during fiscal year 1974. Obligations are not recorded now until payments are due. Funds on hand are more than adequate to cover anticipated obligations on annual interest grant contracts signed in prior years and no new starts are authorized or planned. Of the estimated $49,200,530 available on October 1, 1976, about $22,000,000 will be utilized in 1977. The remaining $27,200,530 in unobligated funds will be needed in 1978 to pay continuation costs on subsidized loans.

B. Graduate facilities--The amount shown as deferred resulted from adjustments of prior year obligations. As projects are completed the estimated obligations are adjusted to reflect actual experience. No new funds have been appropriated for this program since 1969, and there are no program plans to utilize the funds. It is possible that such funds may be needed to cover obligation adjustments.

Subsidized insured loans--Reserve fund advances--These funds were appropriated in 1969 to make advances to guarantee agencies that could not meet reserve requirements. It is estimated that no more than $750,000 will be needed during 1977.

Estimated Effects

This action has no program effect, since it only reflects an estimate that the funds cannot be legally obligated during 1977. It does not reflect a program constraint.

Outlay Effect

There is no outlay effect of this deferral because the funds could not be used if made available.

Deferral No: D 77-15

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. _____) $ _____
Bureau: Social Security Administration	Other budgetary resources 26,210,304
Appropriation title & symbol: Limitation on Construction 75X8705	Total budgetary resources 26,210,304
	Amount to be deferred: Part of year $ _____
	Entire year 17,271,878
OMB identification code: 75-8006-0-7-601 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION

Funds provided under the Limitation on Construction of the Social Security Administration remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. A total of $17,271,878 is to be deferred for FY 1977. The amounts involved fall into two categories, discussed below.

Funds Reprogrammed for Headquarters Construction

The Social Security Administration, in the 1977 President's Budget Justification, requested approval of the Congress to use $2.1 million previously authorized for district office construction for the headquarters construction activity. This amount is needed to cover General Services Administration project management costs through completion of the two headquarters buildings--the computer building in Woodlawn and the Metro-West building in downtown Baltimore. These buildings are being constructed under the purchase contract method but purchase contract funds do not cover project management. Normally such costs are paid from GSA's Federal Buildings Fund and recovered by GSA through the Standard Level User Charge. Since the Congress has indicated that SSA should pay only actual costs--no SLUC, SSA is

1/ The OMB identification code that appeared in the FY 1977 budget was 09-60-8006-0-7-601

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billed directly for these charges. In FY 1977, $550,000 will be obligated. The remaining $1,608,945 will be obligated as needed, until the buildings are completed, and thus must be deferred for 1977.

Unused Balance of Funds Provided for District Office Construction

A total of $15,662,933 provided for district office construction is being proposed for obligation after 1977 and hence, is to be deferred. These funds are available from prior year appropriations that have produced an unobligated balance estimated to be available on September 30, 1976, of $21,075,416.

The district office construction program has been in a period of reevaluation since the offices constructed with funds appropriated prior to 1968 were started. New starts in the construction of district office buildings have lagged in recent years because the new Supplemental Security Income program changed the workload patterns and introduced a greater element of uncertainty in planning for district office space needs. Further, due to rapid expansion of field facilities to meet the immediate needs of the SSI program, SSA had to acquire space quickly through lease rather than the longer time frame required for construction. SSA now plans to resume the district office construction program and is working on procedures to shorten the time involved in site selection and construction.

The $15.7 million available for obligation after 1977 will be used to expand existing offices, for site acquisitions, and design and construction of new offices.

ESTIMATED EFFECTS

The funds intended to be apportioned for obligation in FY 1977 will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize, and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in FY 1977.

OUTLAY EFFECT

There is no outlay effect of this deferral because the funds could not be used if made available.

Deferral No: D-77-16

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 94-373): $41,250,000 1/
Bureau: Bureau of Land Management	Other budgetary resources: 8,176,000
Appropriation title & symbol: 14X5136 Oregon and California Grant Lands	Total budgetary resources: 49,426,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 5,426,000
OMB identification code: 2/ 14-5136-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [X] Other Appropriated receipts

Justification The Interior and Related Agencies Appropriation Act for 1977 includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on the receipts collected in the same period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned not only to cushion fluctuating receipt levels but also because funds cannot be used effectively during the current fiscal year even if made available for obligation. This deferral is taken pursuant to the Anti-Deficiency Act (31 U.S.C. 665).

1/ Estimated. The appropriation is for "an amount equivalent to 25 percent centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grants lands".

2/ The OMB identification code that appeared in the FY 1977 budget was 10-04-5136-0-2-302.

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Receipts for FY 1977 are now estimated at $165 million , thus making $41,250,000 in new budget authority available under terms of the appropriation. The estimated unobligated balance to be carried into FY 1977 is $8,176,000. Total resources for this program are $49,426,000.

The current obligation program of $44 million is based on the current higher receipt estimate of $165 million. The deferral (required for prudent fiscal management) of $5,426,000 is within the range recommended by both the House and Senate Appropriations Committees in their reports on the FY 1976 appropriation bill.

Estimated Effects

There will be no programmatic impact in FY 1977 since the receipts will continue to accrue but will remain unobligated until such time as the amount available can be used more effectively.

Outlay Effect

There is no outlay effect of this deferral because the funds could not be used if made available.

Deferral No: D-77-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 16 USC 460L) $427,056,000
Bureau Bureau of Outdoor Recreation	Other budgetary resources 46,901,000
Appropriation title & symbol Land and Water Conservation Fund 14X5005	Total budgetary resources 473,957,000
	Amount to be deferred: Part of year $ ____ Entire year 30,000,000
OMB identification code: 1/ 14-5005-0-2-303	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual (The deferred funds have a one year availability) ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other ____

Justification Under the law (16 USC 460L (10a)) $30,000,000 of contract authority becomes available each fiscal year. This is in addition to the $397,056,000 appropriation enacted for FY 1977. Fund availability is limited to one fiscal year. This authority is made available by the Congress for use specifically as an anti-escalation measure in purchasing authorized Federal recreation land (P.L. 90-401 ; Senate Report 90-1071, to accompany S.1401). This authority was last used in 1969 and 1970. Thus, the contract authority has lapsed in fiscal year 1971-1976. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of congressional intent.

In accordance with provisions of the Anti-deficiency Act (31 USC 665), the $30,000,000 has been deferred. This contract authority lapses at the end of each fiscal year in which it is not used. An equal amount becomes available at the beginning of the next fiscal year.

The other funds in this account are the FY 1977 appropriation and estimated prior-year balances of direct appropriations (no-year funds) that have been made available for obligation.

Estimated Effects

This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforeseeable circumstances.

1/ The OMB identification code that appeared in the FY 1977 budget was 10-16-5005-0-2-303.

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Outlay Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

Deferral No: D77-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. _____) $ _____
Bureau: National Park Service	Other budgetary resources 55,986,788*
Appropriation title & symbol: Road Construction 14X1037	Total budgetary resources 55,986,788
	Amount to be deferred: Part of year $ _____
	Entire year 3,245,397
OMB identification code: 1/ 14-1037-0-1-303	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual	Type of budget authority: ☐ Appropriation
☒ Multiple-year Sept. 30, 1978 (expiration date)	☒ Contract authority
☐ No-year	☐ Other _____

Justification

Contract authority (CA) is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate CA has been appropriated. Appropriated funds are not being deferred by this action. What is being deferred is authority to obligate funds before appropriation.

Contract authority in this account results from multi-year authorization under the Federal-Aid Highway Act. The total amount of CA authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but represents an upper limit for an on-going road, trail, and parkway construction effort derived from long term estimates of future road building plans. The estimated total amount of CA available for 1977 is $55,986,788*, of which $52,741,391 is to be apportioned in 1977. The deferred balance of $3,245,397 is unprogrammed contract authority not needed for obligation in 1977.

Funds in this account are used for building new roads and trails, for rehabilitating existing roads and trails, and for advance planning of projects. The current system includes about 10,200 miles of roads including parkways, and about 9,700 miles of trails. The 1977 program ($52,741,391) includes elements reviewed and approved by the Congress in previous years ($36,123,391 estimated) and new proposals for 1977 ($16,618,000 Reserving CA not scheduled for use in the current fiscal year is consistent with the

*Excludes $118,995,000 which is rescinded as of October 1, 1976, in accordance with the Interior and Related Agencies Appropriations Act, 1977, (P.L. 94-373) approved July 31, 1976.

1/ The OMB identification code that appeared in the FY 1977 budget was 10-24-1037-0-1-303.

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current financial plan and the appropriation request currently before the Congress.

Estimated Effects

If all authorized CA were made available for obligation now there would be little, if any, program or outlay effect because it is not likely the funds would be obligated for projects without review by the Congress. This is because, in this account, the obligation program traditionally has been based on a project-by-project review by the appropriation committees.

Outlay Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

Deferral No: D77-19

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 30 U.S.C. 229a): $ --
Bureau: Geological Survey	Other budgetary resources (Est.): 30,000
Appropriation title & symbol: Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920, Sec. 40(d) 14X5662	Total budgetary resources (Est.): 30,300
	Amount to be deferred: Part of year: $ --
	Entire year: 30,300
OMB identification code: 14-5662-0-2-301 1/	1/Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other permanent, indefinite, special

Justification

Section 40(d) of the Mineral Leasing Act of 1920 [30 U.S.C. 229(a)] provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about $1,500 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000. It is estimated that by the start of fiscal year 1977 the unobligated balance will be $30,300. None of these receipts have been obligated over the past ten years and none are planned for obligation in fiscal year 1977 because the total available is too small to be put to practical use for the purpose designated by law. Deferral is planned because funds could not be used effectively during the current period even if made available for obligation. This reserve action is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

There will be no programmatic impact in fiscal year 1977 since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used for effective purposes.

Outlay Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ The OMB identification code that appeared in the FY 1977 budget was 10-28-5662-0-2-301.

Deferral No: D77-20

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. ____): $ None
Bureau: Bureau of Mines	Other budgetary resources: 3,725,248
Appropriation title & symbol: Drainage of Anthracite Mines, Bureau of Mines 14X0956	Total budgetary resources: 3,725,248
	Amount to be deferred: Part of year: $ None
	Entire year: 3,525,248
OMB identification code: 14-9911-0-1-306 1/	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other Matching grant provision of PL 84-219 (69 Stat 460)
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification -$200,000 has been apportioned for this account to match funds anticipated to be made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public health and safety projects. The remaining unobligated balance has been deferred because the Commonwealth of Pennsylvania is not expected to provide further matched funding during the year.

Estimated Effects - No FY 77 program impact will result from deferral. A change in the matching provision of the original legislation would be required if the Congress desired to make available the funds currently being deferred. This is proposed for deferral through September 30, 1977.

Outlay Effect

There is no outlay effect of this deferral because the funds could not be used if made available.

1/ The OMB identification code that appeared in the FY 1977 budget was 10-32-9999-0-1-306.

Deferral No: D77-21

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 94-362): $ 56,980,000
Bureau: Bureau of Prisons	Other budgetary resources: 34,207,000
Appropriation title & symbol: Buildings and Facilities 15x1003 New Construction: Northeast Adult facility (Otisville, New York)	Total budgetary resources: 91,187,000
	Amount to be deferred: Part of year: $ 1,900,000
	Entire year: _____
OMB identification code: 1/ 15-1003-0-1-753	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

The Bureau of Prisons has been offered the opportunity to lease (with option to purchase) from the State of New York, the former Narcotics Rehabilitation Center at Otisville, New York, located adjacent to the site for the Otisville Federal Correctional Institution. The President has requested supplemental appropriation language to transfer $1.9 million to "Salaries and expenses," to obtain, staff, and operate this facility as a 400-bed minimum security Federal prison camp. Because of the Center's proximity to the Otisville Federal Correctional Institution construction site, the existing sewage treatment plant, road networks and laundry at the Center would be available for co-use of both facilities. In addition, the availability of the Center make unnecessary the 100-bed adjoining facility which is included in the project costs for the Otisville, New York, Federal Correctional Institution. As a result, the construction project costs for the Otisville, New York, Federal Correctional Institution could be reduced by $1.9 million (the amount requested for transfer to the Salaries and expenses account), if the Bureau could obtain and operate the Center. In addition, $20 million that would be needed to construct a minimum-security facility in the Northeast would not be necessary. If the transfer to Salaries and expenses is disallowed, these savings, of course, will not be available.

1/ The OMB identification code that appeared in the FY 1977 budget was 11-20-1003-0-1-753.

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If the transfer to the Salaries and expenses account is enacted, the deferred funds will move out of the construction account. If, as mentioned earlier, the transfer request is disallowed, the deferred funds will be released and reapplied to the Otisville New York, Federal Correctional Institution required construction project costs.

Estimated Effects

The availability of the former Rehabilitation Center will provide immediate relief to the Bureau's institutional overcrowding in the northeast region. Moreover, it will reduce, by one, the planned number of new correctional facilities required in this region resulting in savings of approximately $20.7 million - the estimated cost (current dollars) of a medium security facility that the Bureau would otherwise plan to build within the next several years.

The deferral represents savings against the Otisville, New York, Federal Correctional Institution construction project costs, available only if the transfer to Salaries and expenses to obtain, staff and operate the Center is enacted. As previously mentioned, disallowance of the transfer must nullify the effect of the deferral. Otherwise, the Otisville, New York, Federal Correctional Institution construction project would be deficient in funding.

Outlay Effect

There are no outlay savings directly related to the amount deferred. Savings would result, however, from the substitution of the former Rehabilitation Center for new construction.

Deferral No: D77-22

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. 94-362) $67,200,000
Bureau	Other budgetary resources 54,840,000
Appropriation title & symbol: Acquisition, operation, and maintenance of buildings abroad 19X0535	Total budgetary resources 122,040,000
	Amount to be deferred: Part of year $ ____ Entire year 14,225,000
OMB identification code: 19-0535-0-1-152 1/	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☒ Other (Sales proceeds)

Justification The Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-301), empowers the Secretary of State to acquire by purchase, construction, long-term lease, or exchange buildings, residences, and grounds in foreign countries for the use of the U.S. Government and its employees and to operate and maintain such facilities. The Act also authorizes appropriations for these purposes and empowers the Secretary to apply the proceeds from the sale of property acquired under the Act toward the acquisition or construction of other overseas facilities or other purposes authorized by the Act.

The 1977 budget proposed an appropriation of $67,200,000 for this account. Of this amount, $30,000,000 was for the first phase of constructing a complex of office, residential, and service facilities in Moscow, and $37,200,000 was for operation and maintenance activities throughout the world. These funds were appropriated by the Congress as requested (Public Law 94-362, approved July 14, 1976) and have been apportioned for use during fiscal year 1977.

The January budget also estimated that $14,225,000, representing almost all of the proceeds from the sale of old properties in 1977, would not be used during fiscal 1977. These funds were planned for use in 1978 to meet part of that year's acquisition program. The deferral will hold 1977 program outlays down to minimum levels.

1/ The OMB identification code that appeared in the FY 1977 budget was 14-05-0535-0-1-152.

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Estimated Effects

Office and housing facilities that could be acquired in 1977 to replace properties now rented or owned by the Government will be acquired instead in 1978. However, the program will maintain the capability to meet priority program needs.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Outlay estimate for 1977	41.8
2. Outlay savings, if any, included in the budget outlay estimate	10.0
Current outlay estimates for 1977:	
3. Without deferral	60.8
4. With deferral	46.8
5. Current outlay savings (line 3 - line 4)	14.0
Outlay savings for 1978	-14.0

Deferral No: D77-23

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 94-387): $236,000,000
Bureau: U.S. Coast Guard	Other budgetary resources: 75,435,000
Appropriation title & symbol: Acquisition, Construction, and Improvements 697/90240	Total budgetary resources: 311,435,000
	Amount to be deferred: Part of year: $ ____ Entire year: 22,581,000
OMB identification code: 69-0240-0-1-406 1/	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1979 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The Fisheries Conservation and Management Act of 1976 (Public Law 94-265) extends U.S. fisheries jurisdiction on March 1, 1977, to 200 miles for all species except highly migratory fish such as tuna. Of the funds appropriated to this account for 1977, $70,000,000 was provided based on patrolling the known active fishing areas (about 500,000 square miles) to assure foreign compliance with the new law, plus random surveillance of the remaining portion (about 1.7 million square miles) of the 200 mile fisheries conservation zone, to detect changes in fishing fleet operations and elicit fisheries support activities. Historic fishing grounds in the active fishing areas are currently patrolled by Coast Guard under existing laws and treaties. The deferral of $20,676,000 will not affect the planned increase in Coast Guard activity in the active fishing areas, but will defer random surveillance patrols in the non-fishing areas pending actual experience with the foreign response to extended U.S. fisheries jurisdiction. Depending on foreign response, the deferred funds could be used to meet other fisheries enforcement requirements.

In addition to the deferral associated with the new 200 mile fisheries jurisdiction, funds totalling $1,905,000 are deferred to complete, outfit and furnish projects that will be completed after 1977. Funds in this account remain available through fiscal year 1979.

1/ The OMB identification code that appeared in the FY 1977 budget was 21-15-0240-0-1-406.

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Estimated Effects

The level of enforcement in the active fishing areas will be augmented with additional aircraft and ship patrols. Increased activity outside these areas will be deferred pending actual experience with foreign response to the 200 mile limit.

The routine deferral of $1,905,000 will have no programmatic, fiscal, or economic impact.

Outlay Effects (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1977	129.1
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1977:	
3. Without deferral	210.0
4. With deferral	195.0
5. Current outlay savings (line 3 - line 4)	15.0
Outlay Savings for 1978	7.6

Deferral No: D77-24

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. _____) $ _____
Bureau: Federal Aviation Administration	Other budgetary resources 499,585
Appropriation title & symbol: Civil Supersonic Aircraft Development Termination, 69X0106; Civil Supersonic Aircraft Development, 69X1358	Total budgetary resources 499,585
	Amount to be deferred: Part of year $ _____
	Entire year 463,585
OMB identification code: 69-0106-0-1-405 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

Coverage	Total Budgetary Resources	Amount Deferred
Civil Supersonic Aircraft Development Termination	52,655	16,655
Civil Supersonic Aircraft Development	446,930	446,930
	499,585	463,585

Justification

This account finances the termination of the supersonic transport development program. The total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated by the Department of Transportation and Related Agencies Appropriation Acts, 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests.

Estimated Effects

This deferral action has no programmatic effect.

Outlay Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ The OMB identification code that appeared on the 1977 budget was 21-20-0106-0-1-405.

Deferral No: D77-25

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 94-387): $200,000,000
Bureau: Federal Aviation Administration	Other budgetary resources: 283,501,000
Appropriation title & symbol: Facilities and equipment (Airport and airway trust fund) 69X8107 695/78107 696/88107 697/98109	Total budgetary resources: 483,501,000
	Amount to be deferred: Part of year: $; Entire year: 276,101,000
OMB identification code: 69-8107-0-7-405 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual 695/78107 Sept 30, 1977 2/ 696/88107 Sept 30, 1978; [X] Multiple-year 697/98109 Sept 30, 1979 (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification

Funds from this account are used to procure specific Congressionally-approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the enroute airway control system, and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1977 and prior years. The estimated total cost for each project is traditionally included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

1/ The OMB identification code that appeared in the FY 1977 budget was 21-20-8107-0-7-405.

2/ None of these funds are deferred.

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Estimated Effects

This deferral action is consistent with normal operations for this program. The amount deferred could not be economically used if made available in fiscal 1977 because of the planned multi-year procurement, construction and installation cycle.

Outlay Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

Deferral No: D77-26

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512 ___): $1,619,695,000
Bureau: Office of the Secretary	Other budgetary resources: 81,500,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources: 1,701,195,000
	Amount to be deferred: 1/ Part of year: $113,731,858
	Entire year: - 0 -
OMB identification code: 2/ 20-8111-0-7-851	/Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other Civil Action No. 74-248
Type of account or fund: ☐ Annual ☒ Multiple-year Appropriation 12/31/76 (expiration date) ☒ No-year Fund	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. Scheduled payments to State and local governments are made on a quarterly basis. In FY 1975 and FY 1976, six regularly scheduled payments to the city of Chicago have been deferred by the U.S. District Court, D. C. (Civil Action No. 74-248), for noncompliance with nondiscrimination requirements.

Estimated Effect

The U.S. District Court, Northern Illinois, issued an order which will release 25% of the withheld funds on October 5, 1976 ($28,332,958). The remainder of the funds will be released by July 1977. The release of the funds is contingent upon the city of Chicago adhering to the compliance timetable in the court order.

Outlay Effect

There is no outlay effect of this deferral because all the funds are expected to be released and outlayed this fiscal year.

1/ Outlays only.
2/ The OMB identification code that appeared in the FY 1977 budget was 15-70-8111-0-7-851.

Deferral No: D77-27

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512 ___): $1,619,695,00
Bureau: Office of the Secretary	Other budgetary resources: 81,500,00
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources: 1,701,195,00
	Amount to be deferred: Part of year 1/: $10,000,000
	Entire year: - 0 -
OMB identification code: 20-8111-0-7-851 2/	/Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other Sec. 212 & Sec. 123, P.L. 92-51
Type of account or fund: ☐ Annual ☒ Multiple-year ____ (expiration date) ☒ No-year Fund	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

In FY 1977, it is estimated that scheduled quarterly payments to 2,800 local jurisdications will be deferred by the Secretary of the Treasury because local officials will have failed to submit required reports and assurances or certifications of compliance with provisions of the law.

Estimated Effect

If the local jurisdictions do not comply with the requirements of the law by December 31, 1976, each case will be analyzed to determine whether or not the payments are to be waived by the Office of Revenue Sharing. If they are waived, the funds will be allocated to the level of government required by the Act (usually the next higher level) during the third week of January 1977.

Outlay Effect

There is no outlay effect of this deferral because the funds will be made available this fiscal year.

1/ Outlays only.
2/ The OMB identification code that appeared in the FY 1977 budget was 15-70-8111-0-7-851.

Deferral No: D77-28

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority (P.L. 95-512) $1,619,695,000
Bureau Office of the Secretary	Other budgetary resources 81,500,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources 1,701,195,000
	Amount to be deferred: Part of year $ 4,500,000
	Entire year 77,000,000
OMB identification code: 20-8111-0-7-851 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[X] Multiple-year Appropriation 12/31/76	[ ] Contract authority
[X] No-year Fund	[ ] Other

Justification

The Secretary of the Treasury must hold a portion of this account in reserve to meet valid claims from State and local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of 39,000 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing has withheld from obligation an amount equal to one-half of one percent of the amounts appropriated for each entitlement period through FY 1975.

This cumulative unobligated reserve, totaling $81.5 million, is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. The unobligated amount retained in the Trust Fund will be reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of a regular distribution.

Estimated Effect

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

1/ The OMB identification code that appeared in the FY 1977 budget was 15-70-8111-0-7-851.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:

1. Budget outlay estimate for FY 1977	6,548.5 2/
2. Outlay savings, if any, included in the budget outlay estimate	- 0 -
Current Outlay Estimates for FY 1977	
3. Without deferral	6,658.9
4. With deferral	6,581.9
5. Current outlay savings (line 3 - line 4)	+77.0
Outlay savings for FY 1978	-77.0

2/ Includes $3,405.3 M from current program under P.L. 92-512 and $3,143.2 M from proposed legislation to amend the State and Local Fiscal Assistance Act of 1972.

Deferral No: D77-29

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: General Services Administration	New budget authority (P.L. ____): $ ____
Bureau:	Other budgetary resources: 2,109,000
Appropriation title & symbol: Rare Silver Dollar Program 47X0701	Total budgetary resources: 2,109,000
	Amount to be deferred: Part of year: $ 1,709,000
	Entire year: ____
OMB identification code: 47-5255-0-2-999 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification

This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 655), which authorizes the establishment of reserves for contingencies. Funds were appropriated in 1972 and 1973, without fiscal year limitation, for operating costs for disposal of rare silver dollars. To date, roughly $60.4 million (gross receipts) of silver dollars have been sold, with approximately $26.5 million still available for sale. However, current sales procedures severely restrict the amount of remaining coins which may be sold under the existing appropriation.

The contingency of $1,709,000 reflects revised disposal plans suspending all coin sales until legislation is passed revising current sales methods. Sales using past procedures are no longer deemed economically feasible, and consideration is being given to the effects of alternative terms and conditions on future Government sales of the coins as well as on the coin market in general.

Estimated Effects

The deferral of funds for operating expenses will have no adverse effect on the silver dollar sales program since current sales procedures have limited the amount of marketable coins. New legislation has been proposed to provide revised sales methods.

1/ The OMB identification code that appeared in the FY 1977 budget was 23-30-5255-0-2-999

D77-29

2

Outlay Effects (estimated in millions of dollars)

Comparison with President's 1977 budget:

1. Budget outlay estimate for 1977	1.0
2. Outlay savings, if any, included in budget outlay estimate	
Current outlay estimates for 1977:	
3. Without deferral	2.1
4. With deferral	.4
5. Current outlay savings (line 3 minus line 4)	1.7
Outlay savings for 1978	-1.7

Deferral No: D77-30

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Foreign Claims Settlement Commission Bureau:	New budget authority (P.L. ___ ___ ___): $ ___ Other budgetary resources: 11,233,368 Total budgetary resources: 11,233,368
Appropriation title & symbol: Payment of Vietnam Prisoner of War Claims 79X0104	Amount to be deferred: Part of year: $ ___ Entire year: 10,833,000
OMB identification code: 79-0104-0-1-152 1/ Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ___
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification Public Law 91-289, approved June 24, 1970, authorizes the Foreign Claims Settlement Commission to adjudicate and certify for payment the claims of American military and civilian prisoners of war held during the Vietnam conflict, or their survivors. Before claims can be certified for payment by the Commission, the appropriate military services must determine the individual's POW status and, in the case of claims by the survivors of missing persons where evidence of captivity exists, it must also determine the date of death. By court order, however, the Secretaries of the respective military services cannot make a final status determination without affording the right of due process to MIA survivors, which requires considerable time and has significantly reduced the rate at which final determinations are being made.

A total of $16,565,000 was appropriated during 1971, 1972, and 1973 for the Vietnam POW claims program to remain available until expended. The Commission now has certified $5,331,632 of payments for the claims of returned POWs and of most survivors of other missing persons for whom evidence of captivity was found and a date of death has been established. Because approximately 900 Americans remain in a missing status in Southeast Asia and because of the difficulty in many cases in establishing evidence of captivity, only $400,368 of the $11,233,368 remaining available for obligation has been apportioned for obligation in 1977; the balance of $10,833,000 has been reserved. This deferral of 1977 budgetary resources is necessary to achieve the most economical use of appropriations (31 U.S.C. 665(c)(1)) and to provide for contingencies after 1977 (31 U.S.C. 665(c)(2)).

1/ The OMB identification code that appeared in the FY 1977 budget was 30-88-0104-0-1-152.

D77-30
2

Estimated Effects No savings result from the deferral, since claims cannot be adjudicated or certified for payment by the Commission until final status determinations are made by the military services.

Outlay Effect No effect on outlays results from this deferral action.

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Deferral No: D77-31

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency American Revolution Bicentennial Administration	New budget authority (P.L. 93-179) $4,100,000
Bureau c/o Department of Interior Office of the Secretary	Other budgetary resources 4,845,874
Appropriation title & symbol: Commemorative Activities Fund 76X5077-AR	Total budgetary resources 8,945,874
	Amount to be deferred: Part of year $1,345,874
	Entire year
OMB identification code: 76-5077-0-2-806 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [ ] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-year	[X] Other Permanent Indefinite, Special Fund

Justification

Funds are being deferred prior to an accounting of all outstanding debts of the American Revolution Bicentennial Administration (ARBA) which must be paid from this account before ARBA is dissolved in FY 1977. Such debts include the costs of production and distribution of ARBA medals, which will continue on sale in calendar 1976, and whose revenues will not be fully accounted for until after ARBA is dissolved. In addition, this fund will finance most closing out activities of ARBA in FY 1977, whose estimated costs are subject to change.

Estimated Effects

None; all funds not necessary to cover outstanding and future ARBA obligations, for commemorative sales activities and necessary salaries and expenses, will be available for grant purposes to the maximum extent possible prior to ARBA's dissolution.

Outlay Effect

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ The OMB identification code that appeared in the FY 1977 budget was 31-03-5077-0-2-806.

Deferral No: D77-32

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Interstate Commerce Commission	New budget authority (P.L.) $
Bureau	Other budgetary resources 14,610,000
Appropriation title & symbol: Directed Rail Service 30X0103	Total budgetary resources 14,610,000
	Amount to be deferred: Part of year $
	Entire year 13,700,000
OMB identification code: 30-0103-0-1-404 1/	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other

Justification

The directed rail service program provides subsidy funds to maintain rail service for up to eight months over the lines of any carrier not able to provide service due to bankruptcy or other reasons. The funds to be deferred would be used for continuation of Rock Island rail service (or other railroads). Subsidy funds are payable 90 days following completion of the service; therefore, the funds are not expected to be needed until FY 1978 since the Rock Island remains operational at this time. (Section 1(16) (b) of the Interstate Commerce Act.)

Estimated Effects

There will be no programmatic, fiscal, budgetary or economic impact since the budget authority may only be utilized at the direction of the Commission when rail carriers discontinue service. No such discontinuations are anticipated at this time, but should the need arise, there would be a lead time of 11 months prior to required outlay of these funds. This budget authority was sought on a contingency basis to allow the Commission to enter into subsidy obligations when and if necessary.

Outlay Effect

There is no outlay effect of this deferral because the funds are not expected to be needed.

1/ The OMB identification code that appeared in the FY 1977 budget was 31-20-0103-0-1-404.

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Deferral No: D77-33

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency National Commission on the Observance of International Women's Year, 1975 Bureau	New budget authority (P.L. _____) $ _____ Other budgetary resources 4,427,000 Total budgetary resources 4,427,000
Appropriation title & symbol Salaries and Expenses, National Commission on the Observance of International Women's Year, 1975. 48X2500	Amount to be deferred: Part of year $ _____ Entire year 680,500
OMB identification code: 1/ 48-2500-0-1-806 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification The National Commission on the Observance of International Women's Year, 1975 was established by Executive Order No. 11832 on January 9, 1975, to promote the national observance in the United States of International Women's Year and "to focus attention on the need to encourage appropriate and relevant cooperative activity in the field of women's rights and responsibilities." The Executive Order authorized agencies of the Executive branch to provide the Commission with administrative services and funds necessary for its activities.

Public Law 94-167, approved December 23, 1975, extended the life of the Commission to March 31, 1978, and directed the Commission to organize and convene a National Women's Conference to be preceded by State or regional meetings conducted in preparation for the National conference. The statute authorized to be appropriated, without fiscal year limitation, such sums, but not to exceed $5,000,000, as may be necessary to carry out the provisions of the Act. The Second Supplemental Appropriations Act, 1976 (P.L. 94-303), approved June 1, 1976, appropriated $5,000,000, to remain available until expended, to carry out the activities of the Commission.

The Commission estimates that the total amount that can be utilized in fiscal 1977 from the $4,427,000 estimated to remain available on October, 1976, is $3,746,500. The remaining balance of $680,500 is reserved to achieve the most economical use of appropriations.. This amount will be released for obligation in fiscal year 1978 to

1/ The OMB identification code that appeared in the FY 1977 budget was 33-12-2500-0-1-806.

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2

cover costs of the Commission's final report and other expenses of the Commission until its expiration on March 31, 1978.

Estimated Effects There are no programmatic effects that result from this deferral action.

Outlay Effect There is no outlay effect of this deferral. The funds would not be used if made available.

[FR Doc.76-29602 Filed 10-5-76;11:00 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1976)

Title 29—Labor (Parts 1900–1919) ---------- $7.55

Title 29—Labor (Parts 1920–end) ---------- 4.05

Title 30—Mineral Resources ---------- 4.80

Title 32—National Defense (Parts 40–399) ---------- 6.50

Title 32—National Defense (Parts 400–589) ---------- 5.20

Title 32—National Defense (Parts 700–799) ---------- 7.85

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

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FRIDAY, OCTOBER 8, 1976

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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(For Details, See 41 FR 22997, June 8, 1976)

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PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 10–16, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.361 Lemon Regulation 61.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is improved this week. Average f.o.b. price was $5.90 per carton the week ended October 2, 1976, compared to $6.16 per carton the previous week. Track and rolling supplies at 75 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regeffectuate the declared policy of the act effecuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 5, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 10, 1976, through October 16, 1976, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: October 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–29934 Filed 10–7–76;11:27 am]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses, Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $25,930 by the Northwest Fresh Bartlett Pear Marketing Committee, under Marketing Order No. 931, for the 1976–77 fiscal period and fixes a rate of assessment of $0.01 per standard western pear box of Bartlett pears handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1975–76.

On September 14, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 39043) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1976, through June 30, 1977, and carryover of unexpended 1975–76 assessment income, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This notice allowed interested persons until September 30, 1976, to submit written data, views, or arguments pertaining to these proposals. No such material was submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Northwest Fresh Bartlett Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 931.211 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1976, through June 30, 1977, will amount to $25,930.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 931.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1976, be carried over as a reserve in accordance with the applicable provisions of § 931.42.

(d) *Terms.* Terms used in the marketing agreement and order shall, when

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used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of Bartlett pears grown in Oregon and Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1976, and said rate of assessment will automatically apply to all such pears beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: October 5, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29673 Filed 10-7-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Special Assistant to the Secretary (Public Affairs) is excepted under Schedule C.

Effective October 8, 1976, § 213.3305 (a) (69) is added as set forth below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(69) One Special Assistant to the Special Assistant to the Secretary (Public Affairs).

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-29255 Filed 10-7-76;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Director of Intergovernmental Relations is excepted under Schedule C.

Effective on October 8, 1976, § 213.3388 (n) (1) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • • •

(n) *Office of Intergovernmental Relations and Special Programs.* (1) Director of Intergovernmental Relations.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-29668 Filed 10-7-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

VETERINARY BIOLOGICS CONTROL PROGRAM

Deletion of Use of Special Licenses

• *Purpose.* To simplify the licensing procedures used in the veterinary biologics control program by deleting the use of special licenses. •

Statement of considerations. The term "special" license is presently used to designate a product about which the Deputy Administrator desires additional information, and over which the Deputy Administrator desires to exert periodic review until a regular license can be issued or the product is removed from the market.

The term "special" is deleted from the regulations because it has been found that it has led to confusion and misunderstandings among persons licensed under the regulations, as well as other affected members of the public. The use of the term has, among other things, created the mistaken belief that the term "special" refers to the quality of the product involved, rather than merely being an administrative term.

The deletion of this term from the regulations is administrative only and does not make any substantive changes in the requirements presently imposed by these regulations. Therefore, these amendments remove references to a special license by deletion or revision from § 101.2(m), § 101.2(u), § 102.1, § 102.2, § 102.4(c), § 102.4(f), § 102.6, § 105.1(a), § 105.1(b), § 105.4, § 112.2(a)(3), § 113.163(d)(2), and § 123.1(i). Section 102.2 is further revised for the purpose of clarifying its provisions.

All words in the heading for § 113.163 are to be capitalized.

Section 102.5 is amended by revising paragraph (b) to include items which are to appear on all product licenses.

Section 102.5 is further amended by adding a new paragraph (e) with subparagraphs (1), (2), (2)(i), and (2)(ii). The authority now given to the Deputy Administrator under § 102.5(b) to prescribe restrictive conditions on some product licenses at the time they are issued is restated in the new paragraph (e) of § 102.5. Some restrictions which have been imposed on products prepared under special licenses and will be imposed on some products under a regular product license are restated in the new paragraph (e) of § 102.5.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Parts 101, 102, 105, 112, 113, and 123, Subchapter E, Chapter I of Title 9 of the Code of Federal Regulations are amended by making the following administrative changes:

PART 101—DEFINITIONS

1. Part 101 is amended by revising § 101.2(m) and (u) to read:

§ 101.2 Administrative terminology.

• • • • • •

(m) *Licensee.* A person to whom an establishment license and at least one product license has been issued.

• • • • • •

(u) [Reserved]

• • • • • •

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

2. Part 102 is amended as follows:

a. The Table of Contents is amended to read:

Sec.
102.1 Licenses issued by the Deputy Administrator.
102.2 Licenses required.
102.3 License applications.
102.4 U.S. Veterinary Biologics Establishment License.
102.5 U.S. Veterinary Biological Product License.
102.6 [Reserved]

AUTHORITY: 37 Stat. 832–833; (21 U.S.C. 151–158).

b. Section 102.1 is revised to read:

§ 102.1 Licenses issued by the Deputy Administrator.

The Deputy Administrator shall issue a U.S. Veterinary Biologics Establishment License for each qualified establishment maintained to produce biological products, and a U.S. Veterinary Biological Product License for each biological product authorized to be produced in a licensed establishment.

c. Section 102.2 is revised to read:

§ 102.2 Licenses required.

Every person who prepares biological products subject to the Virus-Serum-Toxin Act shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biologics Establishment License and at least one unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License issued by the Deputy Administrator to prepare a biological product other than an autogenous biologic in such establishment: *Provided*, That, if the applicant for an establishment license wishes to prepare an autogenous biologic, then a nonautogenous biological product must be licensed for production in such establishment in order to meet the requirements of this section.

d. Paragraphs (c) and (f) of § 102.4 are revised to read:

§ 102.4 U.S. Veterinary Biologics Establishment License.

• • • • • •

(c) U.S. Veterinary Biologics Establishment Licenses shall be numbered and shall be in the following form:

U.S. VETERINARY BIOLOGICS ESTABLISHMENT LICENSE

No. ------,

Washington, D.C., ----------

This is to certify that, pursuant to the terms of the Act of Congress approved March 4, 1913 (37 Stat. 832) governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals ---------- is hereby authorized to maintain at ---------- an establishment for the preparation of biological products specified in one or more unexpired, unsuspended, and unrevoked product licenses and designated to be produced in this establishment. This license is subject to termination as provided in the regulations made under the authority contained in said Act, and to suspension of revocation if the licensee violates or fails to comply with said Act or the regulations made thereunder.

Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

• • • • • •

(f) When a licensee no longer holds an unexpired, unsuspended, or unrevoked product license authorizing the preparation of a biological product other than an autogenous biologic, any establishment license and any product licenses for autogenous biologics shall be submitted to the Deputy Administrator for termination.

• • • • • •

e. Section 102.5 is amended by revising paragraph (b) and by adding a new paragraph (e) to read:

§ 102.5 U.S. Veterinary Biological Product License.

• • • • • •

(b) The U.S. Veterinary Biologics Establishment License Number for the establishment in which the product is packaged and labeled as required by the regulations and from which the product is released for marketing shall appear on the U.S. Veterinary Biological Product License with the true name of the product, the product code number, the date of issuance, and any restrictions designated by the Deputy Administrator under paragraph (e) of this section. When necessary to comply with paragraph (e)(2) of this section, the termination date shall also appear on the product license.

• • • • • •

(e) When the Deputy Administrator determines that the nature of a product necessitates the restriction of its use for the protection of domestic animals, or the public health, interest, or safety, or both, the product shall be subject to such additional restrictions as are prescribed on the license. Such restrictions may include, but not be limited to, those provided in this paragraph.

(1) The biological product may be restricted for use by veterinarians, or under the supervision of veterinarians, or both.

(2) Subject to the conditions in subparagraphs (2)(i) and (ii) of this paragraph, production of a licensed biological product may be restricted to a predetermined time period, in which case, the termination date for the license shall be established at the time of issuance.

(i) Immediately prior to the termination date, the licensee may request reissuance of the license. At that time, the licensee shall be given an opportunity to substantiate such request with all available data and information obtained since the license was issued.

(ii) After reviewing the matter with the licensee and considering all data and information obtained from any source, the Deputy Administrator shall either reissue the product license or allow it to terminate.

f. Section 102.6 is reserved as follows:

§ 102.6 [Reserved]

PART 105—SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

3. Part 105 is amended by revising the introductory portion of § 105.1(a), and by revising paragraph 105.1(b) and § 105.4 to read:

§ 105.1 Suspension or revocation.

(a) An establishment license, product license, or permit issued under the Virus-Serum-Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this subchapter if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said Act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

• • • • • •

(b) In case of willfulness or where the public health, interest, or safety so required the Secretary may, without hearing, informally suspend such establishment license, product license, or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this subchapter for suspension or revocation of the license or permit.

• • • • • •

§ 105.4 Termination of licenses for inactivity.

If a licensed biological product has not been prepared by the licensee for a period of 5 years, the Deputy Administrator may require that the licensee show intent to resume production within 6 months or the product license be terminated.

PART 112—PACKAGING AND LABELING

4. Section 112.2 is amended by revising paragraph (a)(3) to read:

§ 112.2 Final container label, carton label, and enclosure.

(a) • • •

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms respectively: "U.S. Veterinary License No. ----," or "U.S. Vet. License No. ----," or "U.S. Vet Lic. No. ----," or "U.S. Veterinary Permit No. ----," or "U.S. Permit No. ----."

• • • • • •

PART 113—STANDARD REQUIREMENTS

5. Section 113.163 is amended by revising paragraph (d)(2) to read:

§ 113.163 Fowl Laryngotracheitis Vaccine.

• • • • • •

(d) • • •

(2) *Safety test.* Final container samples of completed product from each serial of modified live virus vaccine shall be tested for safety as provided in this paragraph. Live virus vaccine not prepared with modified live virus shall be tested for safety as provided in the filed Outline of Production.

• • • • • •

PART 123—RULES OF PRACTICE

6. Part 123 is amended by revising § 123.1(i) to read:

§ 123.1 Definitions.

• • • • • •

(i) *Licensee.* A person to whom an establishment license and at least one product license has been issued.

• • • • • •

(21 U.S.C. 151 and 154, FR 28477; 38 FR 19141)

These amendments provide administrative changes in the licensing procedures used in the veterinary biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately; except that label changes necessitated by these amendments shall be made by all licensees at their next printing of labels to which these changes apply following the effective date of these amendments, but in all cases not later than April 8th, 1977.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective October 8th, 1976.

Done at Washington, DC, this 4th day of October 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-29686 Filed 10-7-76;8:45 am]

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment Increasing Permissible Inventory Accumulation of Propane and Butane by Industrial Users

The Federal Energy Administration (FEA) hereby amends, effective immediately, the Mandatory Petroleum Allocation Regulations concerning permissible inventory accumulation of propane and butane by industrial users.

On August 29, 1975, FEA issued amendments to the Mandatory Petroleum Allocation and Price Regulations concerning propane and butane imports other than from Canada (40 FR 40821; September 4, 1975). Two of the amendments changed §§ 211.86(g) and 211.96 (e) regarding inventory accumulation by industrial users of propane and butane, respectively. The changes adopted were designed primarily to permit industrial users to acquire non-Canadian imported propane and butane free of the inventory limitations imposed by those sections.

In adopting these amendments, FEA did not intend to modify the limitation on inventory accumulation of Canadian and domestic propane and butane, which was 120 percent of the volumes used for all industrial uses during the period April 1, 1972 through March 31, 1973. However, the language adopted altered the limitation to 120 percent of the volumes used for all industrial uses during the base period. Since the base period for propane and butane is a calendar quarter (10 CFR 211.82 and 211.92), these changes inadvertently resulted in a substantial lessening of the volumes of propane and butane industrial users could accumulate in inventory. The effect of these amendments was not appreciated at the time of their issuance because most industrial users had already filled their propane and butane inventories for use in the 1975–1976 heating season. The impact of these provisions, however, became apparent in mid-August of 1976.

The problems for industrial users presented by the changes in §§ 211.86 and 211.96 have been aggravated by increasing difficulties for some propane and butane suppliers to make deliveries during the winter months. In 1972, suppliers had relatively little problem in making deliveries during the winter. However, the growing number of natural gas curtailments has resulted in an increased demand for propane and butane during the heating season. This development makes it difficult and costly for suppliers to make deliveries throughout the winter heating season, especially in the southeastern United States. Suppliers have the ability to make large volume deliveries of propane and butane to industrial users during the summer and early fall, because there is relatively small demand placed on the distribution system at that time of year. Hence, it is desirable to allow industrial users to fill their inventories during this period. However, under the limitations imposed by the previous amendments to §§ 211.86 and 211.96, many industrial users could not purchase the large volumes of propane and butane when they were readily available for placement into inventory without exceeding the inventory accumulation limitations. By changing the reference period for inventory accumulation from the quarterly base period to the 12-month period April 1, 1972–March 31, 1973, most industrial users will be able to place sufficient volumes of propane and butane into inventory, without exceeding the inventory accumulation limitations, during the summer and early fall, when there is relatively little problem in suppliers' making deliveries.

In view of these considerations, FEA is amending 10 CFR 211.86 and 211.96, effective October 1, 1976, to correct its prior inadvertent change in those regulations as they affect inventory accumulations by industrial users of propane and butane. The amendments issued today limit inventory accumulation to 120 percent of the volumes used during the period April 1, 1972 through March 31, 1973.

It should be noted that the amendments adopted today only affect the permissible inventory accumulation of propane and butane by industrial users. Such users remain limited in the volume of propane and butane they may use during a base period. That limitation is 100 percent of base period use pursuant to 10 CFR 211.10(g) (8).

FEA has concluded that these amendments must be made effective immediately and prior to opportunity for comment, because under the previous limitations industrial users could not acquire sufficient inventories of propane and butane before the start of the 1976–1977 heating season (approximately November 1, 1976). Accordingly, the provisions of section 7(1)(B) of the Federal Energy Administration Act of 1974 (FEAA), as amended (Pub. L. 93–275), with respect to notice and opportunity for comment, are hereby waived upon a finding that strict compliance therewith would cause serious harm and injury to the public welfare.

As required by section 7(c)(2) of the FEAA, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The amendments adopted today have been reviewed in accordance with Executive Order 11821 and Office of Management and Budget Circular No. A–107 and have been determined not to require evaluation of their inflationary impact as provided for therein.

Because these amendments are being issued on an emergency basis, an opportunity for oral presentation of views is not possible prior to the implementation of these amendments. A public hearing, however, will be held beginning at 9:30 a.m., on October 28, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., October 22, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 27, 1976. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.s.t., October 26, 1976, and must submit 50 copies of his or her statement to Office of Allocation Regulation Development, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 9:00 a.m., e.s.t., October 26, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., October 21, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answers.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to these emergency amendments to Executive Communications, Federal Energy Administration, Box JC, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Limitation on Inventory Accumulation of Propane and Butane." Fifteen copies should be submitted. All comments received by October 21, 1976, and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133; Pub. L. 94–163, Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385; E.O. 11790 (39 FR 23185).)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective October 1, 1976.

Issued in Washington, D.C., October 5, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 211.86 is amended by revising subparagraph (3) of paragraph (g) to read as follows:

§ 211.86 Method of allocation.

• • • • •

(g) *Inventory accumulation.* • • •

(3) Industrial users (including petrochemical feedstock users and refinery fuel users) may accumulate propane in inventory pursuant to paragraph (g) (1) of this section but only up to an amount equal to one hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during the period April 1, 1972 through March 31, 1973, except that propane imported other than from Canada pursuant to § 211.12(g) shall not be subject to this limitation.

• • • • •

2. Section 211.96 is amended by revising subparagraph (3) of paragraph (e) to read as follows:

§ 211.96 Method of allocation.

• • • • •

(e) *Inventory accumulation.* • • •

(3) Industrial users (including petrochemical feedstock users and refinery fuel users) may accumulate butane in inventory pursuant to paragraph (e)(1) of this section but only up to an amount equal to one hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during the period April 1, 1972 through March 31, 1973, except that butane imported other than from Canada pursuant to § 211.12(g) shall not be subject to this limitation.

• • • • •

[FR Doc.76-29767 Filed 10-6-76;10:03 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. AA; Docket No. R–0056]

PART 227—UNFAIR OR DECEPTIVE ACTS OR PRACTICES

Consumer Complaint Procedure; State Member Banks

The Federal Trade Commission Act as amended (Pub. L. 93–637) requires each of the Federal bank supervisory agencies to establish a separate division of consumer affairs and to institute a procedure for handling consumer complaints regarding unfair or deceptive acts or practices of banks under their jurisdiction. Pursuant to section 18(f) of that Act, the Board of Governors has instituted a procedure for receiving and handling consumer complaints regarding State-chartered banks that are members of the Federal Reserve System.

In August 1974, in anticipation of the passage of Pub. L. 93–637, the Board established a separate Office of Saver and Consumer Affairs which administers the consumer legislation for which the Board has been given responsibility. Among these statutes are the Truth in Lending Act, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Equal Credit Opportunity Act, the Federal Trade Commission Act as amended, and the Home Mortgage Disclosure Act.

The Board instituted a formal System-wide procedure for handling consumer complaints regarding State member banks in January 1976. The procedure is designed to serve two purposes. First, it assures consumers of prompt and responsive action on their complaints involving State member banks. Second, it provides a mechanism for identifying those acts or practices of commercial banks that may require further investigation and possible regulatory action by the Board. In order to provide the Board with comprehensive current information on complaints against commercial banks not under its direct supervision, the other two Federal bank supervisory agencies (the Comptroller of the Currency and the Federal Deposit Insurance Corporation) have established ongoing procedures by which the Board receives quarterly reports on the number and substance of complaints against national and insured nonmember State banks.

The Board's complaint procedure is not limited to those persons who are customers of the State member bank in question or to those acts or practices that are already the subject of Federal regulation. Any person with knowledge of an act or practice of a State member bank that the person considers unfair or deceptive may utilize the complaint procedure. Similiarly, while a consumer complaint may arise under an existing Federal statute or Board regulation, a complaint may also be directed at an act or practice that is either expressly authorized or not prohibited by current Federal or State laws or regulations. However, the complaint procedure does not apply to requests for general information or publications such as statistical data. Nor does it apply to complaints regarding such matters as monetary policy, fiscal agency functions, or Treasury issues.

Complaints regarding State member banks should be addressed to the Director, Office of Saver and Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Such complaints may also be addressed to the Federal Reserve Bank serving the district in which the State member bank is located. The locations of these Federal Reserve Banks and names and addresses to whom complaints may be addressed follow:

Mr. Luther M. Hoyle, Jr., Vice President, Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Massachusetts 02106.
Mr. Edward F. Kipfstuhl, Manager, Bank Regulations Department, Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045.
Mr. Lawrence C. Murdoch, Jr., Vice President and Secretary, Federal Reserve Bank of Philadelphia, 100 North 6th Street, Philadelphia, Pennsylvania 19105.
Mr. Harry Huning, Vice President, Federal Reserve Bank of Cleveland, 1455 East Sixth Street, Cleveland, Ohio 44101.
Mr. James Slate, Assistant Counsel, Federal Reserve Bank of Richmond, 100 North Ninth Street, Richmond, Virginia 23261.
Mr. Harris C. Buell, Jr., Assistant Vice President, Federal Reserve Bank of Chicago, 230 South La Salle Street, Chicago, Illinois 60690.
Mr. Harold E. Uthoff, Vice President, Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Missouri 63166.
Mr. Sheldon Azine, Assistant Counsel and Assistant Secretary, Federal Reserve Bank of Minneapolis, 250 Marquette Street, Minneapolis, Minnesota 55480.
Mr. Robert Scott, Chief Examiner, Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198.
Mr. George C. Cochran III, Vice President, Federal Reserve Bank of Dallas, 400 South Akard Street, Dallas, Texas 75222.
Mr. Jack Sicard, Assistant Vice President, Federal Reserve Bank of Atlanta, 104 Marietta Street, NW., Atlanta, Georgia 30303.
Mr. Oscar Celli, Credit and Consumer Affairs Officer, Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120.

Complaints regarding banks other than State member banks are not sub-

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ject to the Board's consumer complaint procedures. Such complaints should be addressed to the agency having jurisdiction with respect to that institution. Following is a list of the appropriate Federal agencies to which complaints should be addressed and the types of institutions for which the agencies are responsible:

NATIONAL BANKS

Comptroller of the Currency, Washington, D.C. 20219.

NONMEMBER INSURED BANKS

Federal Deposit Insurance Corporation Regional Director for the Region in which the nonmember insured bank is located.

The provisions of 5 U.S.C. 553 with respect to notice of proposed rulemaking, opportunity for comment, and delayed effective date are deemed inapplicable to this rule because it constitutes a rule of agency organization, procedure or practice, within the meaning of 5 U.S.C. 553 (b) (A). The rule is effective immediately.

Pursuant to section 18(f) of the Federal Trade Commission Act as amended by Pub. L. 93-637, the Board hereby amends 12 CFR Chapter II by adding a new Part 227, to read as follows:

Sec.
227.1 Definition.
227.2 Consumer complaint procedure.

AUTHORITY: Sec. 18(f), Federal Trade Commission Act, as amended by Pub. L. 93-637.

§ 227.1 Definitions.

For the purposes of this Part,[1] unless the context indicates otherwise, the following definitions apply:

(a) "Board" means the Board of Governors of the Federal Reserve System.

(b) "Consumer complaint" means an allegation by or on behalf of an individual, group of individuals, or other entity that a particular act or practice of a State member bank is unfair or deceptive, or in violation of a regulation issued by the Board pursuant to a Federal statute, or in violation of any other Act or regulation under which the bank must operate.

(c) "State member bank" means a bank that is chartered by a State and is a member of the Federal Reserve System.

(d) Unless the context indicates otherwise, "bank" shall be construed to mean a "State member bank," and "complaint" to mean a "consumer complaint."

§ 227.2 Consumer complaint procedure.

(a) *Submission of complaints.* (1) Any consumer having a complaint regarding a State member bank is invited to submit it to the Federal Reserve System. The complaint should be submitted in writing, if possible, and should include the following information:

(i) A description of the act or practice that is thought to be unfair or deceptive, or in violation of existing law or regulation, including all relevant facts;

(ii) The name and address of the bank that is the subject of the complaint; and

(iii) The name and address of the complainant.

(2) Consumer complaints should be made to:

(i) The Director, Office of Saver and Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551; or

(ii) The Federal Reserve Bank of the District in which the bank is located. The addresses of the Federal Reserve Banks are as follows:

Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Massachusetts 02106.
Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045.
Federal Reserve Bank of Philadelphia, 100 North 6th Street, Philadelphia, Pennsylvania 19105.
Federal Reserve Bank of Cleveland, 1455 East Sixth Street, Cleveland, Ohio 44101.
Federal Reserve Bank of Richmond, 100 North Ninth Street, Richmond, Virginia 23261.
Federal Reserve Bank of Chicago, 230 South La Salle Street, Chicago, Illinois 60690.
Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Missouri 63166.
Federal Reserve Bank of Minneapolis, 250 Marquette Street, Minneapolis, Minnesota 55480.
Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198.
Federal Reserve Bank of Dallas, 400 South Akard Street, Dallas, Texas 75222.
Federal Reserve Bank of Atlanta, 104 Marietta Street NW., Atlanta, Georgia 30303.
Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120.

(b) *Response to complaints.* Within 15 business days of receipt of a written complaint by the Board or a Federal Reserve Bank, a substantive response or an acknowledgment setting a reasonable time for a substantive response will be sent to the individual making the complaint.

(c) *Referrals to other agencies.* Complaints received by the Board or a Federal Reserve Bank regarding an act or practice of an institution other than a State member bank will be forwarded to the Federal agency having jurisdiction over that institution.

By order of the Board of Governors, September 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-29625 Filed 10-7-76;8:45 am]

[1] The words "this part," as used herein, mean Title 12, Chapter II, Part 227 of the Code of Federal Regulations, cited as 12 CFR Part 227 and designated as Regulation AA.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950.....)

Subpart C—Basic Computation of Benefits and Lump Sums

On March 23, 1976, there was published in the FEDERAL REGISTER (41 FR 12018) a notice of proposed rulemaking with a proposed revision of Subpart C of 20 CFR Part 404 (Regulations No. 4 of the Social Security Administration). The proposed amendments reflected current policies and procedures relating to computations and the amendments to the Social Security Act made by sections 201 and 202 of Pub. L. 92-336, which provide for cost-of-living increases in monthly benefit amounts; and by sections 101, 103, 104, 120, 134, and 142 of Pub. L. 92-603, which provide for additional types of benefit recomputations and recalculations. These proposed amendments provided the first comprehensive revision of Subpart C of Regulations No. 4 since 1955. For ease of reference, this subpart was organized into four divisions: Introduction, Current Methods of Computing Benefits, Current Methods of Recomputing Benefits, and Special Computations and Recomputations with Limited Current Applicability.

The major substantive changes in this subpart were as follows:

1. Definitions of the most common terms used throughout this subpart were provided in the introductory material.

2. An explanation was provided as to how an insured individual's basic benefit (called a "primary insurance amount") is determined from a table in section 215(a) of the Social Security Act based either upon: (a) the individual's average monthly wage over the years from 1951 through the year before he or she reaches retirement age (disregarding five low earnings years, years before age 22, and years of disability); or (b) the individual's basic benefit under a formula applied to the individual's average monthly wage over the years from 1937 through the year before he or she reaches retirement age (also disregarding five low earnings years, years before age 22, and years of disability).

3. A provision was added to reflect a provision of the 1972 Amendments to the Social Security Act, which permits a special minimum "primary insurance amount" of up to $180 to be computed without regard to an individual's average monthly wage. Under this provision an individual's "primary insurance amount" equals $9.00 times the number of years in which he or she earned at least one-fourth the yearly maximum amount creditable for social security purposes (but disregarding the first ten such years).

4. A provision was added to reflect provisions of the 1972 Amendments which reduced the retirement age for men who attained age 62 after 1974, and deemed men who attained age 62 in 1973 or 1974 to have attained retirement age in 1975 for such purposes.

5. A description was provided of how benefits are increased by the percentage rise in the cost-of-living over a base period when certain conditions are met.

6. A provision was added to explain how an individual's "primary insurance amount" is automatically recomputed to include in the computation of this amount earnings which were not included when the "primary insurance amount" was previously computed. Essentially, the individual's "primary insurance amount" is computed again as if he or she were filing for retirement insurance benefits in the year in which the recomputation is made. Instead of waiting for the automatic recomputation, an individual may request that the recomputation be made as soon as the year in which he or she had additional earnings ends.

7. A description was provided of certain special computations and recomputations which may apply when an individual has military service, compensation for railroad employment, or credits for internment during World War II in a United States facility for interning United States citizens of Japanese ancestry.

8. A description was provided of "delayed retirement credits" which individuals may qualify for, if they were eligible for retirement insurance benefits between age 65 and age 72, but were not paid such benefits because of continued work and earnings, or because of failure to file a timely application for the benefits. The "delayed retirement credit" equals ½ of 1 percent of the individual's primary insurance amount for each month in such a period for which the individual could have received a retirement insurance benefit but did not for one of these reasons.

Interested parties were given the opportunity to submit, within 60 days, data, views, and arguments with regard to the proposed changes. No adverse comments were received. Since these amendments were published with a Notice of Proposed Rule Making and there were no comments, the spirit and intent of the Secretary's policies regarding the development of regulations, announced July 25, 1976, have been complied with. Further participation by the public does not appear to be warranted. Therefore, the proposed amendments are hereby adopted except for changes to correct typographical errors and an editorial change in § 404.278(c)(1), and are set forth below.

Effective date. These amendments shall be effective October 8, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security-Disability Insurance and 13.803, Social Security-Retirement Insurance.)

Dated: August 26, 1976.

THOMAS C. PARROTT,
Acting Commissioner of Social Security.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Subpart C of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart C—Basic Computation of Benefits and Lump Sums

INTRODUCTION

Sec.
404.201 Scope of this subpart.
404.203 Definition of terms.

CURRENT METHODS OF COMPUTING BENEFITS

404.205 General.
404.207 Use of table to determine primary insurance amounts.
404.209 Use of average monthly wage to determine primary insurance amounts.
404.211 Computing an individual's average monthly wage.
404.213 Computing an individual's primary insurance benefit.
404.215 Special rules for computing primary insurance benefits under prior law which may still apply.
404.217 Determining current primary insurance amount from primary insurance amount previously in effect.
404.219 Special minimum primary insurance amounts.
404.221 Cost-of-living benefit increases.
404.223 Table for determining primary insurance amounts and maximum family benefits after May 1975.
404.225 Table for determining primary insurance amounts and maximum family benefits for June 1974 through May 1975.
404.227 Table for determining primary insurance amounts and maximum family benefits for March 1974 through May 1974.

CURRENT METHODS OF RECOMPUTING BENEFITS

404.240 General.
404.242 When a recomputation applies.
404.244 "Automatic" recomputations.
404.246 Request for immediate recomputation.
404.248 Waiver of recomputation.
404.250 Continued applicability of certain recomputations in effect prior to the 1965 amendments.

SPECIAL COMPUTATIONS AND RECOMPUTATIONS WITH LIMITED CURRENT APPLICABILITY

404.270 General.
404.272 Recalculation of primary insurance amount.
404.274 Recalculations and recomputations to include compensation for railroad service.
404.276 Recalculations and recomputations to include military service credits.
404.278 Recalculation to include wage credits for individuals interned during World War II.
404.280 Special recomputations when certain old-age insurance beneficiaries die before age 65.
404.282 Increases in old-age insurance benefits due to delayed retirement credits.

AUTHORITY: Secs. 202, 205, 215, and 1102, Social Security Act, 49 Stat. 623, as amended; 53 Stat. 1368, as amended; 64 Stat. 506, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 415, and 1302.

INTRODUCTION

§ 404.201 Scope of this subpart.

This subpart describes how an insured individual's basic benefit amount, called the "primary insurance amount," is computed under current law. The primary insurance amount determines the amount of all monthly benefits payable on the earnings record of an insured individual—except for benefits for transitionally insured individuals (§ 404.113(a)) and payments for certain uninsured individuals age 72 or older (§ 404.374). Also described in this subpart is the way in which an individual's primary insurance amount is recomputed or recalculated to consider additional earnings not used in the previous computation or to make necessary corrections in that computation. In addition, an explanation of the way in which a primary insurance amount is increased due to rises in the cost of living is provided, as well as a description of how an individual's old-age insurance benefit is increased due to "delayed retirement credits" (which are increments for each month an individual was entitled to a full old-age insurance benefit between age 65 and 72, but was not paid the benefit because the individual's earnings were too high to permit payment under the retirement test described in Subpart E of this part or was eligible for such benefits in this period but did not file application for them).

§ 404.203 Definition of terms.

(a) *Primary insurance amount.* The primary insurance amount, which is an amount computed on the basis of a worker's "average monthly wage," is the measure for determining the amounts of all benefits payable under title II of the Act except for benefits for transitionally insured individuals (§ 404.113a) and special payments to certain uninsured individuals age 72 or over (§ 404.374). It is equal to the monthly old-age insurance benefit to which an eligible individual can be entitled when such benefit is not reduced because of entitlement before age 65 (§ 404.412) or increased because of delayed retirement credits (§ 404.282).

(b) *Primary insurance benefit.* The primary insurance benefit is the amount which is used to determine the primary insurance amount when earnings prior to 1951 are used in computing the "average monthly wage." Prior to September 1950 it was the direct measure for determining the amounts of benefits payable under title II of the Act. It is now used for purposes of conversion to a corresponding primary insurance amount.

(c) *Average monthly wage.* The average monthly wage is the monthly average determined by dividing the total creditable earnings in the "benefit computation years" by the total number of months in those years. (See §§ 404.209-404.211.)

(d) *Benefit computation years.* Benefit computation years are the actual years which must be used in computing the average monthly wage.

(e) *Computation base years.* Computation base years are the years from which benefit computation years can be selected.

(f) *Elapsed years.* Elapsed years are those years, determined on the basis of a worker's date of birth, date of disability, date of death, and "retirement age," which fix the number of benefit computation years which must be used in computing the average monthly wage.

(g) *Retirement age.* For purposes of this Subpart C, retirement age is 62 for all women and for men who attain age

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62 in 1975 or later. Men who attained age 62 in 1973 or 1974 are deemed to have attained retirement age in 1975 for such purposes. For men who attained age 62 before 1973, retirement age is 65.

(h) *Recomputation.* Recomputation is the computing of a primary insurance amount which was previously computed. It must be specifically authorized by statute, can only be used to increase the amount previously determined, and is made in accordance with the law and facts as applicable at the time of such recomputation.

(i) *Recalculation.* Recalculation is made to reopen and correct a previous computation or recomputation of a primary insurance amount. Unlike the recomputation, the recalculation may or may not be specifically provided for by law, can be used to either decrease or increase the previous primary insurance amount, and is made as though it were being made at the time of the initial computation or recomputation.

(j) *Years of coverage.* For purposes of computing the special minimum primary insurance amount (under § 404.219), an individual's "years of coverage" is the sum of:

(1) The individual's total credited wages before 1951 divided by $900, plus

(2) The number of the computation base years after 1950 in which the individual's earnings were at least one-fourth of the maximum amount creditable under § 404.209(c).

(k) *Cost-of-living increases.* Cost-of-living increases are the increases in primary insurance amounts and family maximum amounts payable on an individual's earnings record due to rises in the cost of living as measured by the Department of Labor's Consumer Price Index. (See § 404.221.)

(l) *Delayed retirement credits.* Delayed retirement credits (see § 4004.282) are increments, amounting to one-twelfth of one percent of the "primary insurance amount" for each month that the individual: (1) was entitled to a full old-age insurance benefit from age 65 to 72 but did not receive payment because the individual's earnings were too high to qualify for such payment under the retirement test described in Subpart E of this part; or (2) was eligible for such benefits for months in this period but did not file application for them.

CURRENT METHODS OF COMPUTING BENEFITS

§ 404.205 General.

Since the original Social Security Act was enacted in 1935 (Pub. L. 74–271), the methods of computing benefits have been substantially modified by: The Amendments of 1939 (Pub. L. 76–379); the Amendments of 1950 (Pub. L. 81–734); the Amendments of 1952 (Pub. L. 82–590); the Amendments of 1954 (Pub. L. 83–761); the Amendments of 1956 (Pub. L. 84–880); the Amendments of 1958 (Pub. L. 85–840); the Amendments of 1960 (Pub. L. 86–778); the Amendments of 1965 (Pub. L. 89–97); the Amendments of 1967 (Pub. L. 90–248); and the Amendments of 1972 (Pub. L. 92–603). In the following sections, only the methods of computing benefits which are currently applicable are described. Under these methods, an individual's primary insurance amount (the basic benefit amount from which all other benefits are derived) is determined from a table appearing (or deemed to appear) in section 215(a) of the Act, or by the individual's coverage years under the special minimum provision (§ 404.219). (In the case of certain transitionally insured individuals, see § 404.113(a).)

§ 404.207 Use of table to determine primary insurance amounts.

(a) *General.* Unless an insured individual's primary insurance amount computed under the special minimum provision (§ 404.219) would be higher, the individual's primary insurance amount is determined from the applicable table in section 215(a) of the Act (or deemed to appear in that section under the cost-of-living provision—see § 404.221). For purposes of determining primary insurance amounts for months beginning after May 1975, the "applicable" table is the table in § 404.223(a) and the extension of this table appearing in § 404.223(b); for primary insurance amounts beginning June 1974 and ending May 1975, the "applicable" table is the table in § 404.225; for primary insurance amounts for months beginning with March 1974 and ending with May 1974, the "applicable" table is the table in § 404.227. For the "applicable" table for months prior to March 1974, see the appropriate sections of the amendments to the Act referred to in § 404.205.

(b) *How the applicable table is used.* The primary insurance amount for an individual is determined from the "applicable" table (as defined in paragraph (a) of this section) by finding the largest of the following amounts:

(1) The amount in column IV of the applicable table (see paragraph (a) of this section) on the same line on which the individual's average monthly wage as computed under § 404.211 appears in column III;

(2) The amount in column IV of the applicable table (see paragraph (a) of this section) on the same line on which the individual's primary insurance amount as computed for the month immediately preceding the first month for which the new table is effective, appears in column II (see § 404.217);

(3) The amount in column IV of the applicable table (see paragraph (a) of this section) on the same line on which the individual's primary insurance benefit as computed under § 404.213 appears in column I.

§ 404.209 Use of average monthly wage to determine primary insurance amounts.

(a) *General.* The average monthly wage is converted directly to a primary insurance amount under the table provided in section 215(a) of the Act except when it is based, at least in part, upon earnings prior to 1951. In such a case, the average monthly wage is first used to determine the primary insurance benefit which is then converted to a primary insurance amount under the table provided in section 215(a) of the Act. For certain situations in which an average monthly wage is "deemed" for veterans of World War II, see paragraph (d) of this section.

(b) *Earnings considered in determining the average monthly wage.* In determining an individual's average monthly wage to establish the individual's primary insurance amount or primary insurance benefit, the following kinds of earnings may be considered, subject to the limitations in paragraph (c) of this section:

(1) All wages and self-employment income creditable under the provisions of Subparts I and K of this part;

(2) All compensation certified to the Social Security Administration by the Railroad Retirement Board under section 5(k)(3) of the Railroad Retirement Act of 1937 or section 7(b)(7) of the Railroad Retirement Act of 1974 if the compensation is otherwise creditable under Subpart O of this part;

(3) All wages deemed paid to an individual for the individual's service in the active military or naval service of the United States after September 15, 1940, if otherwise creditable under sections 217 and 229 of the Act and Subpart N of this part;

(4) All wages deemed paid to an individual who was interned within the United States in a U.S. Government facility for interning United States citizens of Japanese ancestry, for any period of time from December 7, 1941, through December 31, 1946, if otherwise creditable under section 231 of the Act;

(5) All wage credits which have become conclusive pursuant to section 205(c) of the Act (see § 404.804); *and*

(6) All wage credits established or preserved pursuant to section 2(b) of the Act of June 14, 1948 (62 Stat. 438—see § 404.813).

(c) *Limitations on earnings which may be considered in determining the average monthly wage.* In determining an individual's average monthly wage, the following earnings will not be considered:

(1) Any portion which is not within the individual's "computation base years" (see § 404.203(f)).

(2) Any portion which is entirely within a period of disability unless all periods of disability established for an individual are disregarded (see § 404.312).

(3) Any portion which is in excess of the statutorily-established annual earnings limitations referred to in §§ 404.1027(a) and 404.1068(b).

(d) *Deemed average monthly wage of certain World War II veterans.* If entitlement to any monthly insurance benefit or lump sum is based upon the guaranteed insured status granted a veteran of World War II under section 217(b) of the Act (see § 404.1315), the average monthly wage of the veteran is deemed to be $160.

(e) *Rounding the average monthly wage.* Effective September 1, 1950, an individual's average monthly wage is rounded to the next lower multiple of $1 if it is not already a multiple of $1. Prior to that date, the average monthly wage was not rounded.

§ 404.211 Computing an individual's average monthly wage.

(a) *General.* As explained in § 404.207, an insured individual's primary insurance amount may be determined directly from the individual's average monthly wage by use of a table. Generally, the average monthly wage is computed under the formula provided in section 215(b) of the Act as in effect at the time the insured individual died or became entitled to old-age or disability insurance benefits. However, if the necessary requirements are met for the use of a formula for computing an individual's average monthly wage under the Act as currently in effect and for the use of a formula which was previously in effect, the individual's primary insurance amount is computed under whichever of the two formulas yields the largest amount. The basic formula for computing the average monthly wage of an insured individual who becomes entitled to old-age or disability benefits after 1965 or who dies after 1965 without being so entitled provides than an individual's average monthly wage is the quotient obtained by dividing:

(1) The highest total earnings credited to such individual for the same number of "computation base years" (see paragraph (b) of this section) as that of "elapsed years" determined under paragraph (c) of this section less five (however, in no case may the number of "computation base years" be less than two); *by*

(2) The number of months in the number of all "computation base years" determined under paragraph (a)(1) of this section.

(b) *Determining the "computation base years."* (1) Except as provided in paragraph (b)(2) of this section, an individual's "computation base years," for purposes of computing an individual's average monthly wage under paragraph (a) of this section, includes any calendar year which is after 1950 and before the earlier of:

(i) The year containing the first month for which the individual was entitled to old-age insurance benefits; or

(ii) The year immediately following the year in which the individual died.

(2)(i) Any calendar year which is wholly within a period of disability may not be included as a computation year.

(ii) In determining an individual's primary insurance amount for months for which the individual is entitled to disability insurance benefits, the individual is considered to attain retirement age (as defined in § 404.203(g)) in:

(*a*) The first month of the individual's waiting period (see § 404.308(a)), or

(*b*) If no waiting period is involved (see § 404.308(c)), the first month for which the individual is entitled to disability insurance benefits.

(iii) Where such individual's retirement age is 62, the individual's period of disability ends on the last day of the 36th month following the month described in paragraph (b)(2)(ii) (*a*) or (*b*) of this section, because the individual is considered to attain age 65 in the month immediately following such 36th month. In the case of an individual whose retirement age is 65, since the month described in paragraph (b)(2)(ii) (*a*) or (*b*) of this section is the month in which the individual is considered to attain age 65, there is no period of disability excluded as a computation base year.

(c) *Determining the "elapsed years."* (1) For the purpose of determining an individual's average monthly wage under paragraph (a) of this section, "elapsed years" are years after 1950; or, if later, after the year the individual attains age 21; and before:

(i) The year in which the individual died, or

(ii) If it occurred earlier but after 1960, the year in which the individual attained or is deemed to have attained retirement age as defined in § 404.203(g).

(2) A year any part of which is within a period of disability is not considered an elapsed year unless all periods of disability established for the individual are being disregarded (see § 404.312).

(d) *Procedure for computing average monthly wages.* The following example shows how the rules in paragraphs (a)–(c) of this section for computing average monthly wages are applied:

Example. A, an insured worker, files application for old-age insurance benefits in June 1975, the month in which he attains age 62. His elapsed years are the years beginning with 1951 and ending with 1974 (the year before he attains retirement age). The total number of years in this period is 24; 5 years of low earnings are disregarded so that the actual number of elapsed years used in this computation is 19 (24 less 5). Since his elapsed years to be actually used number 19, only earnings in his 19 highest "computation base years" may be used to determine his "average monthly wage." The years thus selected are his "benefit computation years." Each year from 1951 through 1974 is reviewed and the 19 highest earnings years are determined to be 1953, 1955, and 1958 through 1974. The total earnings for these years is $40,000. To determine the average monthly wage, this total ($40,000) is divided by the number of months in the 19 years (228). This yields an average monthly wage of $175. Using the table in § 404.223(a), his primary insurance amount is found to be $174.10 (the amount in column IV on the same line as the $175 average monthly wage figure in column III of the table).

§ 404.213 Computing an individual's primary insurance benefit.

(a) *General.* As explained in § 404.207, an insured individual's primary insurance amount may be determined by first computing the individual's primary insurance benefit and then converting this benefit to a primary insurance amount by use of a table. Individuals who had substantially higher earnings before 1951 than afterward may be entitled to a higher primary insurance amount under this method of computation. The basic formula for computing the primary insurance benefit of an individual who becomes entitled to old-age or disability insurance benefits after January 1968, or who dies after that month without being so entitled, is explained in paragraphs (b), (c), and (d) of this section. When the requirements for use of this formula are met, the primary insurance benefit is equal to 45.6 percent of the first $50 of the individual's average monthly wage (as computed under paragraph (c) of this section) plus 11.4 percent of the next $200. When the requirements for use of this formula are not met, see § 404.215.

(b) *Requirements for use of basic formula.* (1) To compute an individual's average monthly wage for the purpose of determining his primary insurance benefit under paragraph (a) of this section, the formula in paragraph (c) of this section is used if the individual:

(i) Has at least one quarter of coverage (see § 404.103) before 1951; and

(ii)(*a*) Attained age 22 after 1950 and has less than 6 quarters of coverage after that year, or

(*b*) Attained such age before 1951; and

(iii)(*a*) Becomes entitled to old-age or disability insurance benefits after January 2, 1968, or

(*b*) Dies after such date without being so entitled, or

(c) Has a primary insurance amount required to be recomputed as an "automatic" recomputation (§ 404.244), a railroad survivor's recomputation (§ 404.274), or a recalculation to include wage credits for certain World War II internees (§ 404.278).

(2) If these requirements are not met, see § 404.215.

(c) *Computing the average monthly wage.* When the requirements in paragraph (b) of this section are met, an individual's average monthly wage for establishing the individual's primary insurance benefit under paragraph (a) of this section is the quotient obtained by dividing the individual's highest total earnings as determined under paragraph (d) of this section by the same number of "computation base years" as the number of "elapsed years" minus five (however, in no case totaling less than two). For purposes of this paragraph (c), "computation base years" are determined in the manner described in § 404.211(b) except that they are years after 1936 (instead of after 1950), or after the year in which the individual attains age 21 if later than 1936 but before 1951.

(d) *Earnings used under the basic formula.* An individual's creditable earnings (see § 404.209(b) for years prior to 1951) for purposes of the basic formula described in paragraph (c) of this section for computing the individual's average monthly wage are deemed to have been credited as follows:

(1) If the individual's total creditable earnings prior to 1951 are $27,000 or less, such total is deemed to have been credited in equal parts to 9 of the years after 1936 and prior to 1951.

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(2) If the individual's total creditable earnings prior to 1951 are more than $27,000 but less than $42,000, such total is deemed to have been credited for as many of the years after 1936 and prior to 1951 as such total permits at the rate of $3,000 per year. Any remainder which is not a multiple of $3,000 is deemed to have been credited to an additional year in such period.

(3) If the individual's total creditable earnings prior to 1951 are $42,000 or more, such total is deemed to have been credited at the rate of $3,000 for each of the 14 years after 1936, and prior to 1951.

(e) *Procedure for computing an individual's primary insurance benefit.* The following example shows how the rules in paragraph (a)–(d) of this section on computing an individual's primary insurance benefit are applied.

Example. A, an insured worker, files application for old-age insurance benefits in June 1975, when she attains age 62. Her earnings before 1951 total $30,000, but after 1950 total only $22,800 ($3,600 for each year 1951 through 1954 and $4,200 for each year 1955 through 1956). Depending upon which computation would be most favorable, her computation base years and elapsed years may be selected either from the years 1937 through 1974 or from the years 1951 through 1974. *If the computation base years and elapsed years are selected from 1951 through 1974,* her total earnings of $22,800 are divided by the number of months in her elapsed years (there are 24 years from 1951 through 1974; when 5 years of low earnings are subtracted, the result equals 19, and 19 years times 12 months per year equals 228). This result yields an average monthly wage of $100. (This total is low because, although 19 years of high earnings can be considered, she has earnings for only 6 years after 1950.) From the applicable table in section 215(a) of the Act, the $100 average monthly wage results in a primary insurance amount of $130.50. *If the computation base years and elapsed years are selected from 1937 through 1974,* her total earnings are $52,800 ($30,000 before 1951 plus $22,800 for years after 1950). There are only six possible computation base years after 1950 to be considered; to determine how many computation base years there are from 1937 through 1950, the total for this period ($30,000) is divided by $3,000 and yields 10 years. Although earnings for 19 years can be considered, she has earnings for only 16 years (10 years before 1951 and six thereafter). The total of $52,800 for these 16 years is then divided by the number of months in the elapsed years, which total is 396 months (i.e., there are 33 years in the period 1937 through 1974 and when 5 years of low earnings are disregarded, the result is 33 years; and 33 years times 12 months per year equals 396). The resulting total is an average monthly wage of $133. Applying 45.6 percent to the first $50 of this figure yields $22.80 which added to $9.46 (11.4 percent of the remainder of $83 ($133 less $50)) makes the total primary insurance benefit equal $32.26. When the applicable table in § 404.223 (a) is used, the primary insurance amount is found to be $165.50, the amount in column IV of the table which is on the same line as the $32.26 primary insurance benefit in column I.

§ 404.215 Special rules for computing primary insurance benefits under prior law which may still apply.

(a) *General.* When the requirements for computing an individual's primary insurance benefit under the basic formula described in § 404.213 are not met, the individual's primary insurance benefit may be computed under the formula provided by the 1965 amendments if the requirements specified in paragraph (b) of this section are met. Under such formula, the individual's actual earnings credited before 1951 (instead of the deemed earnings described in § 404.213 (d)) are used. The primary insurance benefit for purposes of the tables referred to in § 404.207 is obtained by adding 40 percent of the individual's average monthly wage (according to paragraph (c) of this section) to $20 (10 percent of the next $200) and adding to the resulting total 1 percent of such total for each "increment year." "Increment years" are years after 1936 and prior to 1951 in which the individual had at least $200 in creditable earnings.

(b) *Requirements for use of 1965 formula.* To compute an individual's average monthly wage for the purpose of determining the individual's primary insurance benefit under paragraph (a) of this section, the formula in paragraph (c) of this section is used if the individual:

(1) Does not meet the requirements for use of the basic formula for computing the individual's primary insurance amount described in § 404.213; and

(2) Has at least one quarter of coverage (see § 404.103) before 1951; and

(3) Has less than six quarters of coverage after 1950 if the individual attained age 21 after that year; and

(4) Becomes entitled to old-age or disability insurance benefits after 1965 or dies after 1965 without being so entitled.

(c) *Computing the average monthly wage.* When the requirements in paragraph (b) of this section are met, an individual's average monthly wage is determined in the same way as described in § 404.213 except that actual earnings credited to the individual's computation base years are used instead of the deemed earnings amounts provided for in that section.

§ 404.217 Determining current primary insurance amount from primary insurance amount previously in effect.

As explained in § 404.207, an insured individual's primary insurance amount may be determined by converting the individual's primary insurance amount computed under a table in the Act which was previously in effect. This is done by use of a table which supersedes such table. When an individual was entitled to benefits based upon a primary insurance amount in effect for the month immediately preceding the month for which the new table is effective, the new primary insurance amount is determined directly from the table since it appears on the same line with the prior primary insurance amount shown in column II of the table. In other cases, the prior primary insurance amount is determined from the individual's average monthly wage under the provisions of the Act which were in effect at whichever of the following is later: the time at which the individual died, or the time at which the individual became entitled to old-age or disability insurance benefits, or the time at which the individual's primary insurance amount was last computed or recomputed. The prior primary insurance amount is then converted by use of any tables provided in section 215(a) of the Act which were subsequently in effect, until the converted primary insurance amount is the amount which would have been in effect in the month immediately preceding the month for which the new table is effective (which amount appears in column II of that table).

§ 404.219 Special minimum primary insurance amounts.

(a) *General.* The 1972 amendments provided for a special computation of primary insurance amounts as an alternative to the method described in § 404.209 and § 404.213. Under such provision, for monthly benefits payable after December 1972 and for lump-sum payments for deaths occurring after such month, an insured individual's primary insurance amount is equal to $8.50 multiplied by the number of the individual's "years of coverage" (see paragraph (b) of this section) in excess of 10 but not more than 30. The 1973 amendments modified this provision so that for monthly benefits payable after February 1974 and for lump-sum payments for deaths occurring after that month, an insured individual's primary insurance amount is equal to $9.00 multiplied by the number of the individual's "years of coverage" (see paragraph (b) of this section) in excess of 10 but not more than 30. The maximum primary insurance amount under this special minimum computation is $180 for months after February 1974 ($170 for January 1973 through February 1974). These amendments did not provide any additional increase or change in this provision for months after May 1974. The special minimum PIA provision is applicable only when it produces a PIA which is greater than the PIA determined under §§ 404.209 and 404.213.

(b) *Years of coverage.* In computing an insured individual's primary insurance amount under the special minimum provision described in paragraph (a) of this section, the number of the individual's "years of coverage" is equal in number to the sum of the following, up to a maximum of 30:

(1) The number obtained by dividing the individual's total creditable earnings (see § 404.209(b)) for years after 1936 and before 1951 by $900 and disregarding any remainder which is not a multiple of $900; *plus*

(2) The number of "computation base years" after 1950 (see § 404.211(b)) in which the individual's creditable earnings for the year were not less than 25 percent of the maximum creditable amount for that year (see § 404.1027 and § 404.1068).

(c) *Procedure for computing the special minimum primary insurance amount.* The following example shows how the special minimum primary insurance amount is computed under the rules provided in paragraphs (a)–(b) of this section:

Example. A, an insured worker, attains age 62 in June, 1975, and files an application for old-age insurance benefits. He has earnings of $12,000 for the period 1937 through 1950. Each year from 1951 through 1962, he had earnings equal to one-fourth the maximum creditable amount for that year (i.e., for the period 1951 through 1954 when the maximum creditable amount was $3,600 per year, he had $900 earnings per year; for the period 1955 through 1958 when the maximum creditable amount was $4,200 per year, he had $1,050 earnings per year; for the period 1959 through 1962 when the maximum creditable amount was $4,800 per year, he had $1,200 earnings per year). He had no earnings after 1962.

Under the regular benefit computation methods described in § 404.209 and § 404.213, A's highest primary insurance amount would be $130.50. Under the special minimum primary insurance amount provision, A would be credited with 18 coverage years for the period 1937 through 1950 ($12,000 divided by $900, with any remainder disregarded) plus 12 coverage years for the period 1951 through 1962. Total coverage years thus equal 25. From the total of 25 coverage years, 10 years are subtracted. The balance of 15 years is then multiplied by $9 to yield a special minimum primary insurance amount of $135, which is higher than the primary insurance amount of $130.50 computed under the regular benefit computation methods.

§ 404.221 Cost-of-living benefit increases.

(a) *General.* (1) Section 215(i) of the Act (added by section 202 of Pub. L. 92–336) permits the Secretary to provide a cost-of-living increase in primary insurance amounts, benefits for the transitionally insured (§ 404.113(a)), and payments for certain uninsured individuals at age 72 (§ 404.374). However, no cost-of-living increase may be made in special minimum primary insurance amounts (see § 404.231). The 1973 amendments (Pub. L. 93–233) provided that the first increase could be effective no earlier than June 1975. Such cost-of-living increase shall be made by the Secretary when he determines that the first calendar quarter of a year is a "cost-of-living computation quarter."

(2) The first calendar quarter of a year is a "cost-of-living computation quarter" if:

(i) Such calendar quarter is in a year after 1974; and

(ii) Such calendar quarter is not in a year immediately following a year in which a general benefit increase was enacted or became effective; and

(iii) The Consumer Price Index prepared by the Department of Labor for such calendar quarter is at least 3 percent higher than the Index was for the later of: (a) the last "cost-of-living computation" quarter; or (b) the last calendar quarter in which a general benefit increase was effective. (The Index for any calendar quarter is deemed to be the arithmetical mean for the months in that quarter.)

(3) For purposes of paragraph (a)(2)(ii) of this section, the benefit increases provided by the 1973 amendments are not considered "general benefit increases." Accordingly, the first possible "cost-of-living computation quarter" under this provision is the quarter ending March 31, 1975.

(b) *Method of providing cost-of-living benefit increases.* When the Secretary determines that the first calendar quarter of any year is a "cost-of-living computation quarter" under paragraph (a) of this section, he computes the amount of the cost-of-living increase. The amount of increase is determined by applying to the appropriate benefits the same percentage (rounded to the nearest one-tenth of 1 percent) by which the Consumer Price Index for the "cost-of-living computation quarter" increased over the last "cost-of-living computation quarter" or, if later, the last calendar quarter in which a general benefit increase was effective. Such increase will be rounded to the next higher multiple of $0.10 if it is not a multiple of $0.10. The Secretary publishes in the FEDERAL REGISTER within 45 days of the close of the "cost-of-living computation quarter" the fact that such an increase is due, the amount of the increase, the increased benefit amount for the transitionally insured, and the increased payment amount for certain uninsured individuals at age 72 (which amounts shall be deemed to appear in sections 227 and 228 of the Act, respectively), and a revised table showing the increased primary insurance amounts which shall be deemed to appear in section 215(a) of the Act. The increased amounts shall be effective beginning with June of the year in which the "cost-of-living computation quarter" occurs.

Example. Assume that the calendar quarter ending March 31, 1977, was used in determining that a 4-percent cost-of-living benefit increase was due effective June 1977 (i.e., the March 31, 1977, calendar quarter was a "cost-of-living" computation quarter"). As a consequence of that increase, A's primary insurance amount of $200 was raised to $208 ($200 times 1.04 percent) effective June 1977. Following the March 31, 1978, calendar quarter, the Consumer Price Index shows that the average cost-of-living for that quarter was 5 percent higher than the average cost-of-living for the March 31, 1977, calendar quarter. Accordingly, A's primary insurance amount of $208 will be increased by 5 percent to $218.40 ($208 times 1.05 percent) effective June 1978.

§ 404.223 Table for determining primary insurance amounts and maximum family benefits after May 1975

(a) Beginning June 1975.

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I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$93.80	----------	$76	$101.40	$152.10
$16.21	16.84	95.30	$77	78	103.90	154.50
16.85	17.60	97.50	79	80	105.30	158.10
17.61	18.40	99.30	81	81	107.30	161.00
18.41	19.24	101.10	82	83	109.20	163.90
19.25	20.00	103.20	84	85	111.50	167.30
20.01	20.64	105.10	86	87	113.60	170.40
20.65	21.28	106.80	88	89	115.40	173.10
21.29	21.88	108.90	90	90	117.70	176.60
21.89	22.25	110.80	91	92	119.70	179.60
22.29	22.68	112.60	93	94	121.70	182.60
22.69	23.08	114.40	95	96	123.40	185.40
23.09	23.44	116.50	97	97	125.90	188.80
23.45	23.76	118.50	98	99	128.00	192.10
23.77	24.20	120.80	100	101	130.50	195.80
24.21	24.60	122.50	102	102	132.30	198.60
24.61	25.00	124.50	103	104	134.50	201.80
25.01	25.48	126.80	105	106	137.00	205.50
25.49	25.92	128.50	107	107	139.20	208.80
25.93	26.40	130.90	108	109	141.40	212.20
26.41	26.94	132.90	110	113	143.60	215.40
26.95	27.46	134.80	114	118	145.60	218.40
27.47	28.00	136.90	119	122	147.90	221.90
28.01	28.68	138.90	123	127	150.10	225.20
28.69	29.25	141.10	128	132	152.40	228.70
29.26	29.68	143.00	133	136	154.50	231.80
29.69	30.36	144.90	137	141	156.60	234.90
30.37	30.92	147.10	142	146	158.90	238.40
30.93	31.36	149.10	147	150	161.10	241.70
31.37	32.00	151.00	151	155	163.10	244.70
32.01	32.60	153.20	156	160	165.50	248.30
32.61	33.20	155.10	161	164	167.60	251.40
33.21	33.88	157.30	165	169	169.80	254.70
33.89	34.50	159.20	170	174	172.00	258.10
34.51	35.00	161.20	175	178	174.10	261.20
35.01	35.80	163.40	179	183	176.50	264.80
35.81	36.40	165.20	184	188	178.60	267.80
36.41	37.08	167.60	189	193	180.90	271.60
37.09	37.60	169.50	194	197	183.10	274.80
37.61	38.20	171.40	198	202	185.20	277.80
38.21	38.12	173.70	203	207	187.60	281.50
39.13	39.68	175.70	208	211	189.80	284.70
39.69	40.33	177.40	212	216	191.60	287.40
40.34	41.12	179.60	217	221	194.00	291.00
41.13	41.76	181.60	222	225	196.20	294.30
41.77	42.44	183.90	226	230	198.60	297.90
42.45	43.20	185.80	231	235	200.70	301.10
43.21	43.76	188.10	236	239	203.20	304.80
43.77	44.44	189.90	240	244	205.10	309.10
44.45	44.88	191.70	245	249	207.10	315.50
44.89	45.60	194.10	250	253	209.70	320.60
----------	----------	196.10	254	256	211.80	326.90
----------	----------	197.70	259	263	213.60	333.10
----------	----------	200.10	264	267	216.20	338.20

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------		202.10	268	272	218.30	344.60
----------		204.20	273	277	220.60	350.80
----------		206.20	278	281	222.70	355.90
----------		208.20	282	286	224.90	362.30
----------		210.40	287	291	227.30	368.70
----------		212.20	292	295	229.20	373.60
----------		214.40	296	300	231.60	379.90
----------		216.40	301	305	233.80	386.30
----------		218.30	306	309	235.80	391.40
----------		220.50	310	314	238.20	397.70
----------		222.40	315	319	240.20	404.10
----------		224.30	320	323	242.30	409.20
----------		226.50	324	328	244.70	415.50
----------		228.50	329	333	246.80	421.80
----------		230.80	334	337	249.30	426.90
----------		232.50	338	342	251.10	433.10
----------		234.50	343	347	253.30	439.50
----------		236.80	348	351	255.80	444.50
----------		238.70	352	356	257.80	450.80
----------		240.90	357	361	260.20	457.20
----------		242.80	362	365	262.30	462.30
----------		244.70	366	370	264.30	468.60
----------		246.90	371	375	266.70	474.80
----------		248.90	376	379	268.90	480.10
----------		251.10	380	384	271.20	486.40
----------		252.90	385	389	273.20	492.60
----------		254.90	390	393	275.30	497.70
----------		257.10	394	398	277.70	504.10
----------		259.00	399	403	279.80	510.50
----------		261.30	404	407	282.30	515.40
----------		263.00	408	412	284.10	521.80
----------		264.90	413	417	286.10	528.10
----------		266.80	418	421	288.20	533.10
----------		268.90	422	426	290.50	529.40
----------		270.70	427	431	292.40	545.80
----------		272.40	432	436	294.20	552.10
----------		274.70	437	440	296.70	554.60
----------		276.30	441	445	298.50	557.90
----------		278.20	446	450	300.50	561.00
----------		280.30	451	454	302.80	563.50
----------		282.10	455	459	304.70	566.60
----------		284.00	460	464	306.80	569.70
----------		285.80	465	468	308.70	572.40
----------		288.00	469	473	311.10	575.50
----------		290.60	474	478	312.80	578.70
----------		291.50	479	482	314.90	581.30
----------		293.60	483	487	317.10	584.50
----------		295.40	488	492	319.10	587.70
----------		297.30	493	496	321.10	590.20
----------		299.40	497	501	323.40	593.30
----------		301.10	502	506	325.20	596.40
----------		303.00	507	510	327.30	599.00
----------		304.90	511	515	329.30	602.10
----------		306.90	516	520	331.50	605.40
----------		308.70	521	524	333.40	607.80
----------		310.60	525	529	335.50	611.00
----------		312.70	530	534	337.80	614.10
----------		314.40	535	538	339.60	616.70
----------		316.20	539	543	341.70	619.90
----------		318.40	544	548	343.90	623.00
----------		320.20	549	553	345.90	626.20
----------		322.10	554	556	347.90	628.10
----------		323.60	557	560	349.50	630.70
----------		325.40	561	563	351.50	632.60
----------		327.10	564	567	353.30	635.10
----------		328.80	568	570	355.20	637.00
----------		330.40	571	574	356.90	639.40
----------		332.20	575	577	358.80	641.50
----------		333.70	578	581	360.40	643.80
----------		335.50	582	584	362.40	645.80
----------		337.00	585	588	364.00	648.40
----------		338.90	589	591	366.10	650.20
----------		340.60	592	595	367.90	652.80
----------		342.30	596	598	369.70	654.00
----------		343.90	599	602	371.50	657.30
----------		345.50	603	605	373.30	659.20
----------		347.30	606	609	375.10	661.50
----------		349.00	610	612	377.00	663.60
----------		350.70	613	616	378.80	666.10
----------		352.40	617	620	380.60	668.70
----------		354.00	621	623	382.40	670.50
----------		355.70	624	627	384.20	672.10
----------		357.40	628	630	386.00	675.40
----------		358.90	631	634	387.80	678.70
----------		360.80	635	637	389.70	681.90
----------		362.60	638	641	391.70	685.20
----------		364.10	642	644	393.30	688.20
----------		365.90	645	648	395.20	691.60
----------		367.50	649	652	396.90	694.60
----------		368.60	653	656	398.10	696.60
----------		369.60	657	660	399.20	698.50
----------		370.90	661	665	400.60	701.10
----------		372.20	666	670	402.00	703.60
----------		373.60	671	675	403.50	706.00
----------		374.90	676	680	404.90	708.60
----------		376.20	681	685	406.30	711.10

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I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	----------	377.60	686	690	407.90	713.60
----------	----------	378.90	691	695	409.30	716.20
----------	----------	380.20	696	700	410.70	718.70
----------	----------	381.60	701	705	412.20	721.20
----------	----------	382.90	706	710	413.80	723.60
----------	----------	384.20	711	715	415.00	726.20
----------	----------	385.60	716	720	416.50	728.70
----------	----------	386.90	721	725	417.90	731.20
----------	----------	388.20	726	730	419.30	733.80
----------	----------	389.50	731	735	420.70	736.30
----------	----------	390.90	736	740	422.20	738.80
----------	----------	392.20	741	745	423.60	741.40
----------	----------	393.50	746	750	425.00	743.80
----------	----------	394.70	751	755	426.30	746.00
----------	----------	395.80	756	760	427.50	748.10
----------	----------	396.90	761	765	428.70	750.20
----------	----------	398.00	766	770	429.90	752.30
----------	----------	399.10	771	775	431.10	754.40
----------	----------	400.20	776	780	432.30	756.40
----------	----------	401.30	781	785	433.50	758.50
----------	----------	402.40	786	790	434.60	760.60
----------	----------	403.50	791	795	435.80	762.70
----------	----------	404.60	796	800	437.00	764.80
----------	----------	405.80	801	805	438.30	767.00
----------	----------	406.90	806	810	439.50	769.00
----------	----------	408.00	811	815	440.70	771.20
----------	----------	409.10	816	820	441.90	773.20
----------	----------	410.20	821	825	443.10	775.40
----------	----------	411.30	826	830	444.30	777.40
----------	----------	412.40	831	835	445.40	779.60
----------	----------	413.50	836	840	446.60	781.60
----------	----------	414.60	841	845	447.80	783.80
----------	----------	415.70	846	850	449.00	785.70
----------	----------	416.90	851	855	450.30	787.90
----------	----------	418.00	856	860	451.50	790.00
----------	----------	419.10	861	865	452.70	792.10
----------	----------	420.20	866	870	453.90	794.20
----------	----------	421.30	871	875	455.10	796.30
----------	----------	422.40	876	880	456.20	798.40
----------	----------	423.50	881	885	457.40	800.50
----------	----------	424.60	886	890	458.60	802.60
----------	----------	425.70	891	895	459.80	804.80
----------	----------	426.80	896	900	461.00	806.80
----------	----------	428.00	901	905	462.30	809.00
----------	----------	429.10	906	910	463.50	811.00
----------	----------	430.20	911	915	464.70	813.20
----------	----------	431.30	916	920	465.90	815.10
----------	----------	432.40	921	925	467.00	817.30
----------	----------	433.50	926	930	468.20	819.30
----------	----------	434.60	931	935	469.40	821.50
----------	----------	435.70	936	940	470.60	823.50
----------	----------	436.80	941	945	471.80	825.70
----------	----------	437.90	946	950	473.00	827.80
----------	----------	439.10	951	955	474.30	829.90
----------	----------	440.20	956	960	475.50	832.00
----------	----------	441.30	961	965	476.70	834.10
----------	----------	442.40	966	970	477.80	836.20
----------	----------	443.50	971	975	479.00	838.30
----------	----------	444.60	976	980	480.20	840.30
----------	----------	445.70	981	985	481.40	842.40
----------	----------	446.80	986	990	482.60	844.50
----------	----------	447.90	991	995	483.80	846.70
----------	----------	449.00	996	1,000	485.00	848.70
----------	----------	450.00	1,001	1,005	486.00	850.50
----------	----------	451.00	1,006	1,010	487.10	852.50
----------	----------	452.00	1,011	1,015	488.20	854.30
----------	----------	453.00	1,016	1,020	489.30	856.30
----------	----------	454.00	1,021	1,025	490.40	858.10
----------	----------	455.00	1,026	1,030	491.40	860.10
----------	----------	456.00	1,031	1,035	492.50	861.90
----------	----------	457.00	1,036	1,040	493.60	863.90
----------	----------	458.00	1,041	1,045	494.70	865.70
----------	----------	459.00	1,046	1,050	495.80	867.60
----------	----------	460.00	1,051	1,055	496.80	869.40
----------	----------	461.00	1,056	1,060	497.90	871.40
----------	----------	462.00	1,061	1,065	499.00	873.20
----------	----------	463.00	1,066	1,070	500.10	875.20
----------	----------	464.00	1,071	1,075	501.20	877.00
----------	----------	465.00	1,076	1,080	502.20	879.00
----------	----------	466.00	1,081	1,085	503.30	880.90
----------	----------	467.00	1,086	1,090	504.40	882.70
----------	----------	468.00	1,091	1,095	505.50	884.60
----------	----------	469.00	1,096	1,100	506.60	886.50
----------	----------	470.00	1,101	1,105	507.60	888.30
----------	----------	471.00	1,106	1,110	508.70	890.30
----------	----------	472.00	1,111	1,115	509.80	892.10
----------	----------	473.00	1,116	1,120	510.90	894.10
----------	----------	474.00	1,121	1,125	512.00	896.00
----------	----------	475.00	1,126	1,130	513.00	897.90
----------	----------	476.00	1,131	1,135	514.10	899.70
----------	----------	477.00	1,136	1,140	515.20	901.60
----------	----------	478.00	1,141	1,145	516.30	903.50
----------	----------	479.00	1,146	1,150	517.40	905.40
----------	----------	480.00	1,151	1,155	518.40	907.20

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	----------	$481.00	$1,156	$1,160	$519.50	$909.20
----------	----------	482.00	1,161	1,165	520.60	911.00
----------	----------	483.00	1,166	1,170	521.70	913.00
----------	----------	484.00	1,171	1,175	522.80	914.80

(b) *Beginning January 1976.*[1]

[1] This table is an extension of the table in paragraph (a) of this section prepared in accordance with section 215(1) of the Act to reflect the increase in the contribution and benefit base effective January 1976.

----------	----------	$1,176	$1,180	$532.80	$916.70
----------	----------	1,181	1,185	524.80	918.40
----------	----------	1,186	1,190	525.80	920.20
----------	----------	1,191	1,195	526.80	921.90
----------	----------	1,196	1,200	527.80	923.70
----------	----------	1,201	1,205	528.80	925.40
----------	----------	1,206	1,210	529.80	927.20
----------	----------	1,211	1,215	530.80	928.90
----------	----------	1,216	1,220	531.80	930.70
----------	----------	1,221	1,225	532.80	932.40
----------	----------	1,226	1,230	533.80	934.20
----------	----------	1,231	1,235	534.80	935.90
----------	----------	1,236	1,240	535.80	937.70
----------	----------	1,241	1,245	536.80	939.40
----------	----------	1,246	1,250	537.80	941.20
----------	----------	1,251	1,255	538.80	942.90
----------	----------	1,256	1,260	539.80	944.70
----------	----------	1,261	1,265	540.80	946.40
----------	----------	1,266	1,270	541.80	948.20
----------	----------	1,271	1,275	542.80	949.90

§ 404.225 Table for determining primary insurance amounts and maximum family benefits for June 1974 through May 1975.

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$84.50	----------	$76	$82.80	$140.20
$16.21	16.84	85.80	$77	78	95.20	143.00
16.85	17.60	87.80	79	80	97.50	146.20
17.61	18.40	89.40	81	81	98.30	149.00
18.41	19.24	91.00	82	83	101.10	151.70
19.25	20.00	92.90	84	85	103.20	154.80
20.01	20.64	94.60	86	87	105.10	157.70
20.65	21.28	96.20	88	89	106.80	160.20
21.29	21.88	98.10	90	90	108.00	163.40
21.89	23.28	99.80	91	92	110.80	166.20
22.29	22.68	101.40	93	94	112.60	169.00
22.69	23.08	103.00	95	96	114.40	171.60
23.09	23.44	104.90	97	97	116.50	174.80
23.45	23.76	106.70	98	99	118.50	177.80
23.77	24.20	108.80	100	101	120.80	181.20
24.21	24.60	110.30	102	102	122.50	183.80
24.61	25.00	112.10	103	104	124.50	186.80
25.01	25.48	114.20	106	106	126.90	190.30
25.49	25.92	116.00	107	107	128.80	193.20
25.93	26.40	117.90	108	109	130.90	196.40
26.41	26.94	119.70	110	113	132.90	199.40

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I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$26.95	$27.46	$121.40	$114	$118	$134.80	$202.20
27.47	28.00	123.30	119	122	136.90	205.40
28.01	28.68	125.10	123	127	138.90	208.40
28.69	29.25	127.10	128	132	141.10	211.70
29.26	29.68	128.80	133	136	143.00	214.50
29.69	30.36	130.50	137	141	144.90	217.40
30.37	30.92	132.50	142	146	147.10	220.70
30.93	31.36	134.30	147	150	149.10	223.70
31.37	32.00	136.00	151	155	151.00	226.50
32.01	32.60	138.00	156	160	153.20	229.80
32.61	33.20	139.70	161	164	155.10	232.70
33.21	33.88	141.60	165	169	157.20	235.80
33.89	34.50	143.40	170	174	159.20	238.90
34.51	35.00	145.20	175	178	161.20	241.80
35.01	35.80	147.20	179	183	163.40	245.10
35.81	36.40	148.80	184	188	165.20	247.80
36.41	37.08	150.90	189	193	167.50	251.40
37.09	37.60	152.70	194	197	169.50	254.40
37.61	38.20	154.40	198	202	171.40	257.10
38.21	39.12	156.40	203	207	173.70	260.60
39.13	39.68	158.20	208	211	175.70	263.60
39.69	40.33	159.80	212	216	177.40	266.10
40.34	41.12	161.80	217	221	179.60	269.40
41.13	41.76	163.60	222	225	181.60	272.40
41.77	42.44	165.50	226	230	183.80	275.70
42.45	43.20	167.30	231	235	185.80	278.70
43.21	43.76	169.40	236	239	188.10	282.20
43.77	44.44	171.00	240	244	189.90	286.20
44.45	44.88	172.70	245	249	191.70	292.10
44.89	45.60	174.80	250	253	194.10	296.80
----------	----------	176.60	254	258	196.10	302.60
----------	----------	178.10	259	263	197.70	308.40
----------	----------	180.20	264	267	200.10	313.10
----------	----------	182.00	268	272	202.10	319.00
----------	----------	183.90	273	277	204.20	324.80
----------	----------	185.70	278	281	206.20	329.50
----------	----------	187.50	282	286	208.20	335.40
----------	----------	189.50	287	291	210.40	341.30
----------	----------	191.10	292	295	212.20	345.90
----------	----------	193.10	296	300	214.40	351.70
----------	----------	194.90	301	305	216.40	357.60
----------	----------	196.60	306	309	218.30	362.40
----------	----------	198.60	310	314	220.50	368.20
----------	----------	200.30	315	319	222.40	374.10
----------	----------	202.00	320	323	224.30	378.80
----------	----------	204.00	324	328	226.50	384.70
----------	----------	205.80	329	333	228.50	390.50
----------	----------	207.90	334	337	230.80	395.20
----------	----------	209.40	338	342	232.50	401.00
----------	----------	211.20	343	347	234.50	406.90
----------	----------	213.30	348	351	236.80	411.50
----------	----------	215.00	352	356	238.70	417.40
----------	----------	217.00	357	361	240.90	423.30
----------	----------	218.70	362	365	242.80	428.00
----------	----------	220.40	366	370	244.70	433.80
----------	----------	222.40	371	375	246.90	439.60
----------	----------	224.20	376	379	248.90	444.50
----------	----------	226.20	380	384	251.10	450.30
----------	----------	227.80	385	389	252.90	456.10
----------	----------	229.60	390	393	254.90	460.80
----------	----------	231.60	394	398	257.10	466.70
----------	----------	233.30	399	403	259.00	472.60
----------	----------	235.40	404	407	261.30	477.20
----------	----------	236.90	408	412	263.00	483.10
----------	----------	238.60	413	417	264.90	488.90
----------	----------	240.30	418	421	266.80	493.60
----------	----------	242.20	422	426	268.90	499.40
----------	----------	243.80	427	431	270.70	505.30
----------	----------	245.40	432	436	272.40	511.20
----------	----------	247.40	437	440	274.70	513.50
----------	----------	248.90	441	445	276.30	516.50
----------	----------	250.60	446	450	278.20	519.40
----------	----------	252.50	451	454	280.30	521.70
----------	----------	254.10	455	459	282.10	524.60
----------	----------	255.80	460	464	284.00	527.50
----------	----------	257.40	465	468	285.80	530.00
----------	----------	259.40	469	473	288.00	532.80
----------	----------	260.90	474	478	289.60	535.80
----------	----------	262.60	479	482	291.50	538.20
----------	----------	264.50	483	487	293.60	541.20
----------	----------	266.10	488	492	295.40	544.10
----------	----------	267.80	493	496	297.30	546.40
----------	----------	269.70	497	501	299.40	549.30
----------	----------	271.20	502	506	301.10	552.20
----------	----------	272.90	507	510	303.00	554.60
----------	----------	274.60	511	515	304.90	557.50
----------	----------	276.40	516	520	306.90	560.50
----------	----------	278.10	521	524	308.70	562.70
----------	----------	279.80	525	529	310.60	565.70
----------	----------	281.70	530	534	312.70	568.60
----------	----------	283.20	535	538	314.40	571.00
----------	----------	284.90	539	543	316.30	573.90
----------	----------	286.80	544	548	318.40	576.80
----------	----------	288.40	549	553	320.20	579.80

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	----------	$290.10	$554	$556	$322.10	$581.50
----------	----------	291.50	557	560	323.60	583.90
----------	----------	293.10	561	563	325.40	585.70
----------	----------	294.60	564	567	327.10	588.00
----------	----------	296.20	568	570	328.80	589.80
----------	----------	297.60	571	574	330.40	592.00
----------	----------	299.20	575	577	332.20	593.90
----------	----------	300.60	578	581	333.70	596.10
----------	----------	302.20	582	584	335.50	597.90
----------	----------	303.60	585	588	337.00	600.30
----------	----------	305.30	589	591	338.90	602.00
----------	----------	306.80	592	595	340.60	604.40
----------	----------	308.30	596	598	342.30	606.10
----------	----------	309.80	599	602	343.90	608.60
----------	----------	311.30	603	605	345.60	610.30
----------	----------	312.80	606	609	347.30	612.50
----------	----------	314.40	610	612	349.00	614.40
----------	----------	315.90	613	616	350.70	616.70
----------	----------	317.40	617	620	352.40	619.10
----------	----------	318.90	621	623	354.00	620.80
----------	----------	320.40	624	627	355.70	623.20
----------	----------	321.90	628	630	357.40	625.30
----------	----------	323.40	631	634	359.00	628.40
----------	----------	325.00	635	637	360.80	631.30
----------	----------	326.60	638	641	362.60	634.40
----------	----------	328.00	642	644	364.10	637.30
----------	----------	329.60	645	648	365.90	640.30
----------	----------	331.00	649	652	367.50	643.10
----------	----------	332.00	653	656	368.60	645.00
----------	----------	332.90	657	660	369.60	646.70
----------	----------	334.10	661	665	370.90	649.10
----------	----------	335.30	666	670	372.20	651.40
----------	----------	336.50	671	675	373.60	653.70
----------	----------	337.70	676	680	374.90	656.10
----------	----------	338.90	681	685	376.20	658.40
----------	----------	340.10	686	690	377.60	660.70
----------	----------	341.30	691	695	378.90	663.10
----------	----------	342.50	696	700	380.20	665.40
----------	----------	343.70	701	705	381.60	667.70
----------	----------	344.90	706	710	382.90	670.00
----------	----------	346.10	711	715	384.20	672.40
----------	----------	347.30	716	720	385.60	674.70
----------	----------	348.50	721	725	386.90	677.00
----------	----------	349.70	726	730	388.20	679.40
----------	----------	350.90	731	735	389.50	681.70
----------	----------	352.10	736	740	390.90	684.00
----------	----------	353.30	741	745	392.20	686.40
----------	----------	354.50	746	750	393.50	688.70
----------	----------	355.50	751	755	394.70	690.70
----------	----------	356.50	756	760	395.80	692.60
----------	----------	357.50	761	765	396.90	694.60
----------	----------	358.50	766	770	398.00	696.50
----------	----------	359.50	771	775	399.10	698.50
----------	----------	360.50	776	780	400.20	700.30
----------	----------	361.50	781	785	401.30	702.20
----------	----------	362.50	786	790	402.40	704.20
----------	----------	363.50	791	795	403.50	706.20
----------	----------	364.50	796	800	404.60	708.10
----------	----------	365.50	801	805	405.80	710.10
----------	----------	366.50	806	810	406.90	712.00
----------	----------	367.50	811	815	408.00	714.00
----------	----------	368.50	816	820	409.10	715.90
----------	----------	369.50	821	825	410.20	717.90
----------	----------	370.50	826	830	411.30	719.80
----------	----------	371.50	831	835	412.40	721.80
----------	----------	372.50	836	840	413.50	723.70
----------	----------	373.50	841	845	414.60	725.70
----------	----------	374.50	846	850	415.70	727.50
----------	----------	375.50	851	855	416.90	729.50
----------	----------	376.50	856	860	418.00	731.40
----------	----------	377.50	861	865	419.10	733.40
----------	----------	378.50	866	870	420.20	735.30
----------	----------	379.50	871	875	421.30	737.30
----------	----------	380.50	876	880	422.40	739.20
----------	----------	381.50	881	885	423.50	741.20
----------	----------	382.50	886	890	424.60	743.10
----------	----------	383.50	891	895	425.70	745.10
----------	----------	384.50	896	900	426.80	747.00
----------	----------	385.50	901	905	428.00	749.00
----------	----------	386.50	906	910	429.10	750.90
----------	----------	387.50	911	916	430.20	752.90
----------	----------	388.50	916	920	431.30	754.70
----------	----------	389.50	921	925	432.40	756.70
----------	----------	390.50	926	930	433.50	758.60
----------	----------	391.50	931	935	434.60	760.60
----------	----------	392.50	936	940	435.70	762.50
----------	----------	393.50	941	945	436.80	764.50
----------	----------	394.50	946	950	437.90	766.40

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I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$395.50	$951	$965	$430.10	$768.40
		396.50	956	960	440.20	770.30
		397.50	961	965	441.80	772.20
		398.50	966	970	442.40	774.20
		399.50	971	975	443.50	776.20
		400.50	976	980	444.60	778.00
		401.50	981	985	445.70	780.00
		402.50	986	990	446.80	781.90
		403.50	991	995	447.90	783.90
		404.50	996	1,000	449.00	785.80
			1,001	1,005	450.00	787.50
			1,006	1,010	451.00	789.30
			1,011	1,015	452.00	791.00
			1,016	1,020	453.00	792.80
			1,021	1,025	454.00	794.50
			1,026	1,030	455.00	796.30
			1,031	1,035	456.00	798.00
			1,036	1,040	457.00	799.80
			1,041	1,045	458.00	801.50
			1,046	1,050	459.00	803.30
			1,051	1,055	460.00	805.00
			1,056	1,060	461.00	806.80
			1,061	1,065	462.00	808.50
			1,066	1,070	463.00	810.30
			1,071	1,075	464.00	812.00
			1,076	1,080	465.00	813.80
			1,081	1,085	466.00	815.50
			1,086	1,090	467.00	817.30
			1,091	1,095	468.00	819.00
			1,096	1,100	469.00	820.80
			1,101	1,105	470.00	822.50
			1,106	1,110	471.00	824.30
			1,111	1,115	472.00	826.00
			1,116	1,120	473.00	827.80
			1,121	1,125	474.00	829.50
			1,126	1,130	475.00	831.30
			1,131	1,135	476.00	833.00
			1,136	1,140	477.00	834.80
			1,141	1,145	478.00	836.50
			1,146	1,150	479.00	838.30
			1,151	1,155	480.00	840.00
			1,156	1,160	481.00	841.80
			1,161	1,165	482.00	843.50
			1,166	1,170	483.00	845.30
			1,171	1,175	484.00	847.00

§ 404.227 Table for determining primary insurance amounts and maximum family benefits for March 1974 through May 1974.

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$84.80		$76	$90.50	$135.80
$16.21	16.84	85.80	$77	78	91.90	137.90
16.85	17.60	87.80	79	80	94.00	141.00
17.61	18.40	89.40	81	81	95.70	143.60
18.41	19.24	91.00	82	83	97.40	146.10
19.25	20.00	92.90	84	85	99.50	149.30
20.01	20.64	94.60	86	87	101.30	152.00
20.65	21.28	96.20	88	89	103.00	154.50
21.29	21.88	98.10	90	90	105.00	157.50
21.89	22.28	99.80	91	92	106.80	160.20
22.29	22.68	101.40	93	94	108.50	162.90
22.69	23.08	103.00	95	96	110.30	165.50
23.09	23.44	104.90	97	97	112.30	168.50
23.45	23.76	106.70	98	99	114.20	171.40
23.77	24.20	108.80	100	101	116.50	174.80
24.21	24.60	110.30	102	102	118.10	177.20
24.61	25.00	112.10	103	104	120.00	180.00
25.01	25.48	114.20	106	106	122.20	183.30
25.49	25.92	116.00	107	107	124.20	186.30
25.93	26.40	117.90	108	109	126.20	189.30
26.41	26.94	119.70	110	113	128.10	192.20
26.95	27.45	121.40	114	118	129.90	194.90
27.47	28.00	123.30	119	122	132.00	198.00
28.01	28.68	125.10	123	127	133.90	200.90

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$28.09	$29.25	$127.10	$128	$132	$136.00	$204.10
29.26	29.68	128.80	133	136	137.90	206.90
29.69	30.36	130.50	137	141	139.70	209.50
30.37	30.92	132.50	142	146	141.80	212.80
30.93	31.36	134.30	147	150	143.50	215.70
31.37	32.00	136.00	151	155	145.60	218.40
32.01	32.60	138.00	156	160	147.70	221.60
32.61	33.20	139.70	161	164	149.50	224.30
33.21	33.88	141.60	165	169	151.60	227.40
33.89	34.50	143.40	170	174	153.50	230.30
34.51	35.00	145.20	175	178	155.40	233.10
35.01	35.80	147.20	179	183	157.60	236.40
35.81	36.40	148.80	184	188	159.30	239.00
36.41	37.08	150.90	189	193	161.50	242.30
37.09	37.60	152.70	194	197	163.40	245.20
37.61	38.20	154.40	198	202	165.30	248.00
38.21	39.12	156.40	203	207	167.40	251.10
39.13	39.68	158.20	208	211	169.30	254.00
39.69	40.33	159.80	212	216	171.00	256.50
40.34	41.12	161.90	217	221	173.20	259.80
41.13	41.76	163.80	222	225	175.10	262.70
41.77	42.44	165.50	226	230	177.10	265.70
42.45	43.20	167.30	231	235	179.10	268.70
43.21	43.76	169.40	236	239	181.30	272.00
43.77	44.44	171.00	240	244	183.00	275.00
44.45	44.88	172.70	245	249	184.80	281.60
44.89	45.60	174.80	250	253	187.10	286.10
		176.60	254	258	189.00	291.70
		178.10	259	263	190.60	297.30
		180.20	264	267	192.90	301.80
		182.00	268	272	194.80	307.50
		183.90	273	277	196.80	313.10
		185.70	278	281	198.70	317.60
		187.50	282	286	200.70	323.30
		189.50	287	291	202.80	329.00
		191.10	292	295	204.50	333.50
		193.10	296	300	206.70	339.00
		194.90	301	305	208.60	344.70
		196.60	306	309	210.40	349.30
		198.60	310	314	212.60	355.00
		200.30	315	319	214.40	360.60
		202.00	320	323	216.30	365.10
		204.00	324	328	218.30	370.80
		205.80	329	333	220.30	376.50
		207.90	334	337	222.50	381.00
		209.40	338	342	224.10	386.50
		211.20	343	347	226.00	392.20
		213.30	348	351	228.30	396.70
		215.00	352	356	230.10	402.40
		217.00	357	361	232.20	408.00
		218.70	362	365	234.10	412.50
		220.40	366	370	235.90	418.20
		222.40	371	375	238.00	423.80
		224.20	376	379	239.90	428.50
		226.20	380	384	242.10	434.00
		227.80	385	389	243.80	439.70
		229.60	390	393	245.70	444.20
		231.60	394	398	247.90	449.90
		233.30	399	403	249.70	455.50
		235.40	404	407	251.90	460.00
		236.90	408	412	253.50	465.70
		238.60	413	417	255.40	471.30
		240.30	418	421	257.20	475.80
		242.20	422	426	259.20	481.40
		243.80	427	431	260.90	487.10
		245.40	432	436	262.60	492.80
		247.40	437	440	264.80	495.00
		248.90	441	445	266.40	497.00
		250.60	446	450	268.20	500.70
		252.50	451	454	270.20	502.90
		254.10	455	459	271.90	506.70
		255.80	460	464	273.80	506.60
		257.40	465	468	275.50	510.00
		259.40	469	473	277.60	513.60
		260.90	474	478	279.20	516.50
		262.60	479	482	281.00	518.80
		264.50	483	487	282.10	521.70
		266.10	488	492	284.50	524.50
		267.80	493	496	286.60	526.70
		269.70	497	501	288.60	529.50
		271.20	502	506	290.20	532.30
		272.90	507	510	292.10	534.50
		274.60	511	515	293.90	537.40
		276.40	516	520	295.80	540.30
		278.10	521	524	297.60	542.40
		279.80	525	529	299.40	545.20
		281.70	530	534	301.50	548.10
		283.20	535	538	303.10	550.50
		284.90	539	543	304.90	553.20
		286.80	544	548	306.90	556.00
		288.40	549	553	308.60	558.90
		290.10	554	556	310.50	560.50
		291.60	557	560	312.00	562.90
		293.10	561	563	313.70	564.60
		294.60	564	567	315.30	566.80

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I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		296.20	568	570	317.00	568.50
		297.90	571	574	318.50	570.70
		299.20	575	577	320.20	572.50
		300.60	578	581	321.70	574.60
		302.20	582	584	323.40	576.40
		303.60	585	588	324.90	578.70
		305.30	589	591	326.70	580.30
		306.80	592	595	328.30	582.70
		308.30	596	598	329.90	584.30
		309.80	599	602	331.50	586.50
		311.30	603	605	333.10	588.30
		312.80	606	609	334.70	590.50
		314.40	610	612	336.50	592.30
		315.90	613	616	338.10	594.40
		317.40	617	620	339.70	596.80
		318.90	621	623	341.30	598.40
		320.40	624	627	342.90	600.70
		321.90	628	630	344.50	602.80
		323.40	631	634	346.10	606.80
		325.00	635	637	347.80	608.60
		326.50	638	641	349.50	611.50
		328.00	642	644	351.00	614.20
		329.60	645	648	352.70	617.20
		331.00	649	652	354.20	619.90
		332.00	653	656	355.30	621.70
		332.90	657	660	356.30	623.40
		334.10	661	665	357.50	625.70
		336.30	666	670	358.80	627.90
		336.50	671	675	360.10	630.20
		337.70	676	680	361.40	632.40
		338.90	681	685	362.70	634.70
		340.10	686	690	364.00	636.90
		341.80	691	695	365.20	639.20
		342.50	696	700	366.50	641.40
		343.70	701	705	367.80	643.70
		344.90	706	710	369.10	645.90
		346.10	711	715	370.40	648.10
		347.30	716	720	371.70	650.40
		348.50	721	725	372.90	652.60
		349.70	726	730	374.20	654.90
		350.90	731	735	375.50	657.10
		352.10	736	740	376.80	659.40
		353.30	741	745	378.10	661.60
		354.50	746	750	379.40	663.90
		355.50	751	755	380.40	665.80
		356.50	756	760	381.80	667.60
		357.50	761	765	382.60	669.50
		358.50	766	770	383.60	671.40
		359.50	771	775	384.70	673.30
		360.50	776	780	385.80	675.10
		361.50	781	785	386.90	677.00
		362.50	786	790	387.90	678.90
		363.50	791	795	389.00	680.80
		364.50	796	800	390.10	682.60
		365.50	801	805	391.10	684.50
		366.50	806	810	392.20	686.30
		367.50	811	815	393.30	688.20
		368.50	816	820	394.30	690.10
		369.50	821	825	395.40	692.00
		370.50	826	830	396.50	693.80
		371.50	831	835	397.60	695.80
		372.50	836	840	398.60	697.60
		373.50	841	845	399.70	699.50
		374.50	846	850	400.80	701.30
		375.50	851	855	401.80	703.20
		376.50	856	860	402.90	705.10
		377.50	861	865	404.00	707.00
		378.50	866	870	405.00	708.80
		379.50	871	875	406.10	710.70
		380.50	876	880	407.20	712.60
		381.50	881	885	408.20	714.50
		382.50	886	890	409.30	716.30
		383.50	891	895	410.40	718.20
		384.50	896	900	411.50	720.10
		385.50	901	905	412.50	722.00
		386.50	906	910	413.60	723.80
		387.50	911	915	414.70	725.70
		388.50	916	920	415.70	727.60
		389.50	921	925	416.80	729.50
		390.50	926	930	417.90	731.30
		391.50	931	935	418.90	733.20
		392.50	936	940	420.00	735.00
		393.50	941	945	421.10	737.00
		394.50	946	950	422.20	738.80
		395.50	951	955	423.20	740.70
		396.50	956	960	424.30	742.60
		397.50	961	965	425.40	744.40
		398.50	966	970	426.40	746.30
		399.50	971	975	427.50	748.20
		400.50	976	980	428.60	750.00
		401.50	981	985	429.70	751.90

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$402.50	$986	$990	$430.70	$763.80
		403.50	991	995	431.80	755.70
		404.50	996	1,000	432.90	757.50
			1,001	1,005	433.90	759.40
			1,006	1,010	434.90	761.10
			1,011	1,015	435.90	762.90
			1,016	1,020	436.90	764.60
			1,021	1,025	437.90	766.40
			1,026	1,030	438.90	768.10
			1,031	1,035	439.90	769.90
			1,036	1,040	440.90	771.60
			1,041	1,045	441.90	773.40
			1,046	1,050	442.90	775.10
			1,051	1,055	443.90	776.90
			1,056	1,060	444.90	778.60
			1,061	1,065	445.90	780.40
			1,066	1,070	446.90	782.10
			1,071	1,075	447.90	783.90
			1,076	1,080	448.90	785.60
			1,081	1,085	449.90	787.40
			1,086	1,090	450.90	789.10
			1,091	1,095	451.90	790.90
			1,096	1,100	452.90	792.60

CURRENT METHODS OF RECOMPUTING BENEFITS

§ 404.240 General.

Recomputation of an individual's primary insurance amount is the computing of such amount as if it were being established for the first time, although, in fact, it was determined previously. Recomputation is permitted only if it results in an increase in the primary insurance amount. That is, the recomputation is made as if the individual were first filing for and becoming entitled to monthly benefits in the year in which the recomputation is made. Recomputation of an individual's primary insurance amount was first provided for by the 1946 amendments. However, recomputations of an individual's primary insurance amount were made only upon application by the individual; or, if deceased, by someone entitled to monthly benefits based upon that primary insurance amount. The 1965 amendments eliminated the requirement that an application for recomputation be filed.

§ 404.242 When a recomputation applies.

A recomputation is usually effected to permit consideration of one or more of the following:

(a) Earnings which could not be included in the initial computation of the primary insurance amount because evidence of such earnings was then unavailable; or

(b) Earnings which were earned after the primary insurance amount was first determined; or

(c) A computation method or formula provided by an amendment to the Act which was not in effect when the primary insurance amount was first determined; or

(d) An earlier ending date for the computation period as where the ending date which was used in initially determining the individual's primary insurance amount was based upon attainment of retirement age in a future year and death occurs prior to such year.

§ 404.244 "Automatic" recomputations.

(a) *General.* (1) Since 1966, "automatic" recomputations are made by the Social Security Administration at times designated by the Secretary. An individual is no longer required to file an application requesting recomputation of his primary insurance amount. The Social Security Administration examines for each year the wage and self-employment records which it maintains for those who are entitled to monthly benefits (see Subpart I of this part for discussion of these records). When this examination indicates that recomputation of an individual's primary insurance amount is possible, the recomputation is made and any resulting increase in benefits paid (if otherwise due).

(2) The automatic recomputation provision is effective for recomputations of primary insurance amounts for individuals entitled to old-age insurance benefits for any month after December 31, 1964. However, the 1967 amendments provided that recomputation of the primary insurance amount for individuals entitled to old-age insurance benefits for months after 1965 may be made only if the individual has creditable wages or self-employment income for the year with respect to which such recomputation is made.

(b) *Method of recomputation.* (1) Under the 1965 amendments "automatic" recomputations were made as provided in § 404.211, as though the year for which the wage and self-employment records were examined was, in fact, the last "computation base year" (see § 404.211(b)) for purposes of computing the primary insurance amount. However, if such year was not the first year in which the individual was entitled to old-age insurance benefits or the year immediately preceding that year, only the method described in § 404.211 for establishing the primary insurance amount directly from the average monthly wage could be used (and not the methods described in § 404.213 or in § 404.215 for establishing the primary insurance amount from the primary insurance benefit). Increases in monthly benefits under this provision of the 1965 amendments were effective with January of the year immediately following the year considered to be the last "computation base year" under the preceding sentences of this section but: (i) no earlier than January 1966; or, (ii) if the individual died in the year considered to be the last "computation base year" under the preceding sentences, no earlier than the month in which the individual died.

(2) The 1967 amendments permitted the primary insurance amount to be recomputed under the methods described in § 404.213 or in § 404.215 when the conditions in paragraph (a) of this section were satisfied even though the year considered to be the last "computation base year" was later than the first year in which the individual was entitled to old-age insurance benefits. Such provision was effective for recomputations made after January 2, 1968. The 1972 amendments permit consideration of the special minimum primary insurance amount described in § 404.219 as an alternative computation when an individual's primary insurance amount is recomputed to increase benefits after December 1972.

(c) *Procedure for computing the recomputation.* The following example shows how the "automatic" recomputation is made under the rules in paragraphs (a) and (b) of this section.

Example. A, an insured worker, attains age 65 in June 1974, stops working, and files application for old-age insurance benefits in the same month. His primary insurance amount effective June 1974 is determined to be $304.90, based upon total earnings of $110,400 for the 18 "computation base years" (see § 404.211(b)) from 1956 through 1973. A's year with the lowest earnings which is included in this total is 1956 with $4,200. Although A's earnings for the first 5 months of 1974 total $13,200, these earnings may not be used in the initial computation since earnings in the year in which an individual is first entitled to old-age insurance benefits must be excluded from the initial computation. However, in 1975, A's earnings for 1974 may be used in recomputing his primary insurance amount. The number of "computation base years" used in the initial computation (18) remains unchanged for purposes of the recomputation. However, his 1974 earnings may be used in lieu of a "computation base year" which has lower earnings, such as the year 1956 in which he had only $4,200 in earnings. By making such a substitution in "computation base years", A's total earnings are increased to $119,400 ($110,400 minus $4,200 for 1956 plus $13,200 for 1974) and his primary insurance amount is increased to $320.20. This increased amount becomes effective with January 1975 (the first month of the year following the last "computation base year" used in the recomputation).

§ 404.246 Request for immediate recomputation.

As explained in § 404.244, an "automatic" recomputation of an individual's

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primary insurance amount is made, if applicable, after the individual's earnings are reviewed each year. However, if the individual requests in writing that a recomputation be made prior to the time when the annual examination of earnings records is made, the individual's request may be honored if acceptable evidence of any creditable earnings not considered in the initial computation of his primary insurance amount is provided and consideration of these earnings would increase this amount. If these conditions are met, the Social Security Administration recomputes the individual's primary insurance amount, based upon the individual's request, prior to the time for the "automatic" examination of its annual earnings records.

§ 404.248 Waiver of recomputation.

(a) If an individual requests that an "automatic" recomputation of the primary insurance amount *not* be made, the individual's request to waive recomputation is honored if:

(1) The request is made in writing; and

(2) One of the following conditions is satisfied:

(i) The recomputation would result in decreasing the total amount of benefits payable on the basis of the primary insurance amount; or

(ii) The recomputation would result in a disadvantage to each individual entitled to benefits payable based upon that primary insurance amount, other than the disadvantage specified in paragraph (a)(2)(i) of this section; or

(iii) All other individuals entitled to benefits payable based upon that primary insurance amount consent to waiver of such recomputation.

(b) Waiver of a recomputation as described in paragraph (a) of this section does not preclude any subsequent recomputation of the individual's primary insurance amount.

§ 404.250 Continued applicability of certain recomputations in effect prior to the 1965 Amendments.

To insure that an individual eligible for retroactive benefit increases under the recomputation methods in effect prior to the Social Security Amendments of 1965 will not be disadvantaged, any individual who would have been entitled to a recomputation if the individual had filed an application on or before January 1, 1966, is deemed to have filed such application on the earliest date that it could have been filed but no earlier, in any case, than July 30, 1965.

SPECIAL COMPUTATIONS AND RECOMPUTATIONS WITH LIMITED CURRENT APPLICABILITY

§ 404.270 General.

Sections 404.272 through 404.282 deal with special provisions of the Act which still apply to cases involving individuals:

(a) Whose primary insurance amount is recalculated to correct previous errors in a prior calculation; or

(b) Whose primary insurance amount is recalculated or recomputed to include special credits for military service, internment during World War II, or compensation for work covered under the Railroad Retirement Act; or

(c) Whose old-age insurance benefits are subject to increase because of delayed retirement credits.

§ 404.272 Recalculation of primary insurance amount.

(a) "Recalculation" with respect to an individual's primary insurance amount means the subsequent computation of such amount under the computation methods or formulas which were in effect at the time that the previous computation was made. "Recalculation" may result in either an increase or decrease in the primary insurance amount and need not be specifically provided for in the Act.

(b) Ordinarily, a "recalculation" is made to:

(1) Correct a previous computation of the primary insurance amount where correction is permitted under § 404.957; or

(2) Permit including in the computation of the primary insurance amount, earnings which could not be included when such amount was previously computed.

§ 404.274 Recalculations and recomputations to include compensation for railroad service.

(a) *Individual has railroad service but is ineligible for railroad annuity*—(1) *General.* The 1951 Amendments to the Railroad Retirement Act provided that an individual's compensation for railroad service could be credited for social security purposes if such service did not total 10 years or more. If an individual had at least 10 years of railroad service and met certain other requirements, the individual could qualify for an annuity under the Railroad Retirement Act as amended in 1951 (see Subpart O of this part). Formerly, all compensation for railroad service was disregarded for social security purposes.

(2) *Conditions for recalculation.* As a consequence of these amendments, the primary insurance amount of an individual entitled to old-age insurance benefits is recalculated if the individual:

(i) Became entitled to old-age insurance benefits before November 1951; and

(ii) Was alive throughout the month of November 1951; and

(iii) Was not a railroad annuitant; and

(iv) Had less than 10 years of railroad service; and

(v) Had a primary insurance amount which had been computed without consideration of the individual's compensation for railroad service.

(3) *Formula.* When the requirements in paragraphs (a)(2)(i)–(v) of this section are met, the individual's primary insurance amount shall be recalculated to include the individual's compensation for railroad service, using the same computation formula or method that was used in the last computation of the individual's primary insurance amount.

(4) *Effective date.* Any increase in old-age insurance benefits based upon such recalculation is effective November 1951.

(b) *Deceased individual had railroad service but survivor is ineligible for railroad survivor's annuity*—(1) *General.* The Social Security Amendments of 1951 provided that a deceased individual's compensation for railroad service could be credited for social security purposes if there was no person who would be entitled to an annuity under section 5, or a lump-sum payment under section 5(f)(1), of the Railroad Retirement Act. These amendments further provided that where an individual's railroad compensation became creditable for social security purposes upon the individual's death and the individual had been entitled to old-age insurance benefits, the individual's primary insurance amount could be recomputed to include the compensation. This permitted the use of an individual's compensation to increase benefits payable to the individual's survivors although such compensation could not be used in computing the individual's old-age insurance benefits because it was paid for 10 years or more of railroad service (see paragraph (a) of this section).

(2) *Conditions for recomputation.* An individual's primary insurance amount is recomputed according to this paragraph (b) if:

(i) The individual died after August 31, 1950; and

(ii) The individual was paid compensation for railroad service which could be credited under section 205(o) of the Act (because no person was entitled to a survivor's annuity or lump-sum payment under the Railroad Retirement Act); and

(iii) Following the individual's death, another individual becomes entitled to monthly benefits or a lump-sum death payment based upon the deceased individual's primary insurance amount.

(3) *Formula.* A recomputation under this paragraph is made by using the same computation formula or method that was used in the last computation of the individual's primary insurance amount except that the individual's compensation for railroad service is included in the computation.

(4) *Effective date.* Any increase in monthly benefits based upon this paragraph (b) is effective beginning with the month in which the individual died.

(5) *Recomputation for individuals who died after December 31, 1958, and before January 2, 1966*—(i) *General.* For individuals who died after December 31, 1958, and before January 2, 1966, the primary insurance amount is recomputed under the computation method which was in effect in the month of death, using railroad compensation and previously creditable earnings for the same years which were included in the last computation. Under the "automatic" recomputation provisions described in § 404.244, recomputations to include railroad compensation paid to the deceased individual are made under the computation method which is in effect in the month in which the individual dies.

(ii) *Effective date.* Any increase in monthly benefits based upon such recomputation is effective beginning with the month in which the individual died.

(6) *Recomputation for individuals who died after 1967*—(i) *Requirements.* The primary insurance amount of an individual is recomputed to give credit for the individual's railroad compensation even though the individual had no earnings after 1965, if:

(a) Such individual died after 1967;

(b) Such individual had been entitled to an old-age or disability insurance benefit;

(c) Such individual had railroad compensation; and

(d)(1) Another individual was entitled to survivors' benefits or a lump-sum death payment for October 1972 or later based on the wage record for the deceased individual; or

(2) A determination is made on or after October 30, 1972, that another individual is entitled to such benefits or a lump-sum death payment for a month prior to October 1972.

(ii) *Effective date.* Any increase in monthly benefits based upon such recomputation is effective beginning with the later of:

(a) The month in which the individual died; or

(b) The twelfth month prior to the month in which an application for such benefits was filed.

§ 404.276 Recalculations and recomputations to include military service credits.

(a) *"Deemed" military wage credits for years after 1956.* The Social Security Amendments of 1967 provided that wage amounts would be deemed to have been paid to members of the uniformed services (as defined in section 210(m) of the Act) for each calendar quarter after 1967 for which such persons were actually paid for their services. The amount of these "deemed" wage amounts was $100 for each calendar quarter if the wages actually paid such person for the quarter was $100 or less; $200 for each calendar quarter if the wages actually paid for the quarter was over $100 and less than $201; or $300 for each calendar quarter if the wages actually paid for the quarter exceeded $200. The Social Security Amendments of 1972 provided that the "deemed" wage amount is $300 per calendar quarter, regardless of the amount of wages actually paid in such quarter, and that such $300 is deemed to have been paid to members of the uniformed services for each quarter of service after 1956. Recalculation of an individual's primary insurance amount to include "deemed" wage amounts is made only upon the filing of a written request for the recalculation. The recalculation is performed using the computation methods or formulas which are in effect at the time that the request is filed. Increases in benefits based upon such recalculation can be effective no earlier than January 1973 or the twelfth month before the month in which the request is filed, whichever is later.

(b) *Recomputation and recalculation to provide military service credits for years before 1957.*—(1) *General.* The Social Security Amendments of 1946 provided for deeming a World War II veteran to have died fully insured for social security purposes with an average monthly wage of $160 if the individual died within 3 years after separation from the military or naval service after a period of service amounting to at least 90 days during the World War II period (September 16, 1940, through July 24, 1947) under the conditions described in §§ 404.1315—404.1321. Recomputation of an individual's primary insurance amount was permitted under such amendments if an application for recomputation was filed within 6 months of enactment (August 10, 1946) by any person who is or can be entitled to benefits based upon such individual's primary insurance amount. The Social Security Amendments of 1950 provided that, effective September 1, 1950, a World War II veteran was deemed to have been paid $160 in wages for each month the individual served in active military or naval service during World War II (September 16, 1940, through July 24, 1947—see § 404.1308). The period for which $160 per month wage credits could be deemed paid was extended from July 25, 1947, through December 31, 1956, by subsequent amendments to the Act. An individual's primary insurance amount can be recomputed when the individual's widow or child waives entitlement, after December 1956, to a survivor's Federal Civil Service annuity based upon the individual's military or naval service from July 25, 1947, through December 31, 1956. (See § 404.1310(c)(2).) The Social Security Amendments of 1958 broadened the definition of World War II veteran to include any individual who served in the active military or naval service of a country which was on September 16, 1940, at war with a country with which the United States was also at war during World War II (see § 404.1304(a)(4)).

(2) *Formula.* Recalculation or recomputation under the 1950 amendments and subsequent amendments are computed by reopening the last computation of the individual's primary insurance amount and recalculating the amount, including the military wage credits, under the computation method or formula in effect at the time of the last computation or recomputation.

(3) *Application.* An application for such a recomputation is not required unless:

(i) An individual was a commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and became entitled to an old-age insurance benefit or died before January 1, 1957; or,

(ii) Such individual's widow or child waived a Federal Civil Service annuity based upon the individual's military or naval service from July 25, 1947, through December 31, 1956 (see § 404.1310(c)(2)); or

(iii) Such individual had active military or naval service during World War II for a country which was on September 16, 1940, at war with a country with which the United States was also at war during World War II; and became entitled to an old-age or disability insurance benefit before September 1, 1958, or died before September 1, 1958; or

(iv) Such individual or other person is entitled to benefits based upon such individual's primary insurance amount for August 1952. (However, the application for recomputation in such case must be filed before January 1, 1961.)

(4) *Effective date.* Benefit increases based upon such recomputation or recalculation are effective with the month of enactment of the pertinent amendments except that an individual is deemed to be insured under the 1946 amendments whether the individual died before, on, or after enactment; and in the case of an individual entitled to recomputation under paragraphs (b)(3)(i) and (ii) of this section, any increase is effective for a maximum of 12 months before an application is filed but not before January 1957; and in the case of an individual entitled to a recomputation under paragraph (b)(3)(iii) of this section, any increase is effective for a maximum of 12 months before an application is filed but not earlier than September 1958; and in the case of an individual who is entitled to a recomputation under paragraph (b)(3)(iv) of this section, an increase is effective no earlier than August 1952.

§ 404.278 Recalculation to include wage credits for individuals interned during World War II.

(a) *General.* The Social Security Amendments of 1972 provide for "deemed" wages for certain individuals who were interned within the United States during World War II.

(b) *Conditions for recalculation.* Recalculation of such an individual's primary insurance amount is made if:

(1) The individual was interned during any portion of the period from December 7, 1941, through December 31, 1946, at any place within the United States which was operated by the Government of the United States as a place of internment of United States citizens of Japanese ancestry; and

(2)(i) The individual files an application for recalculation and is entitled to an old-age or disability insurance benefit; or

(ii) The individual died without becoming entitled to old-age or disability insurance benefits and an application for benefits based upon the individual's primary insurance amount is filed on or after October 30, 1972; and

(3) No individual is entitled to another benefit payable by any agency or wholly-owned instrumentality of the United States which is based (in whole or in part) on the individual's internment as described in paragraph (b)(1) of this section, during any part of the period from December 7, 1941, through December 31, 1946. (However, a lump-sum payment made in commutation of, or a sub-

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stitute for, a periodic payment is not considered a "benefit" for this purpose.); and

(4) The inclusion of such "deemed" wages would result in higher monthly benefits or a higher lump-sum death payment becoming payable on the individual's earnings record.

(c) *Amount of deemed wages.* If the requirements in paragraphs (b)(1)—(4) of this section are met, an individual will be "deemed" to have been paid wages (in addition to wages actually paid the individual), for each full week during the period in which the individual was 18 or older and was an internee,

(1) At the weekly rate of 40 times the minimum hourly rate or rates in effect at such time under section 206(a)(1) of Title 29, United States Code; or

(2) If the individual was employed before that period, 40 times the highest hourly rate the individual received while employed before that period, if higher.

(d) *Effective date.* Any increase based upon a recalculation under this section shall be effective no earlier than January 1973.

§ 404.280 Special recomputations when certain old-age insurance beneficiaries die before age 65.

(a) *General.* Under the 1960 amendments, computations of an individual's primary insurance amount were based upon the number of "elapsed years," ending with the year in which the individual attained retirement age or died. At that time, "retirement age" was 62 for women and 65 for men. The 1961 amendments provided that men could become entitled to old-age insurance benefits as early as the month in which they attained age 62; however, primary insurance amounts for men were to be based upon "elapsed years" counted up to the year in which they became age 65 or died (if earlier).

(b) *Conditions for recomputation of a man's primary insurance amount.* The 1961 amendments provided for recomputation of a man's primary insurance amount if:

(1) He attained age 65 and was entitled to old-age insurance benefits before the month in which he attained age 65, or

(2) He died before the month in which he attained age 65 and was entitled to old-age insurance benefits before the month in which he died.

(c) *Effective dates.* See paragraphs (d)(1) and (d)(2) of this section for month in which the recomputations described in paragraphs (a) and (b) are first effective. Effective January 2, 1966, when the "automatic" recomputation provisions became effective, such recomputations were no longer provided for. However, effective on and after January 3, 1968, a recomputation is made when a man who has been entitled to old-age insurance benefits dies before age 65, but has had no earnings after 1965 (see § 404.244(b)), under the conditions described in paragraph (b)(2) of this section.

(d) *Method of recomputation.* (1) When the conditions described in paragraph (b)(1) of this section were met, prior to the 1965 amendments, an individual's primary insurance amount was recomputed as if he had become entitled to old-age insurance benefits in the month in which he attained age 65, except that the year in which he became 65 could be considered as a "computation base year" (see § 404.211(b)). Increases in benefits based upon such a recomputation were effective beginning with the month in which the individual attained age 65.

(2) When the conditions described in paragraph (b)(2) of this section are met on or before January 1, 1966, or on or after January 3, 1968, an individual's primary insurance amount is recomputed as if he became entitled to old-age insurance benefits in the month in which he died, except that the year in which he died and any later year is not considered to be an "elapsed" year (see § 404.211(c)). Increases in benefits based upon such a recomputation are effective beginning with the month in which the individual died.

§ 404.282 Increases in old-age insurance benefits due to delayed retirement credits.

(a) *General.* The 1972 amendments to the Act provided that beginning with months of entitlement after December 1972, an individual's old-age insurance benefit could be increased because of "delayed retirement credits." To qualify for these "credits," an individual must:

(1) Have become first entitled to old-age insurance benefits in the month in which the individual attained age 65 or a later month; or

(2) Have an old-age insurance benefit for the month in which the individual attains age 65, which is not reduced for months of entitlement before age 65 under §§ 404.410–404.413.

(b) *Amount of delayed retirement credit.* (1) If the requirements in (a)(1) and (2) of this section are met, an individual's old-age insurance benefit is increased (before any increase under this section) by 1/12 of 1 percent for each month after December 1970 in which the individual:

(i) Is age 65 but not age 72;

(ii) Is fully insured (§ 404.108); *and*

(iii) Is not entitled to old-age insurance benefits; or is so entitled but, pursuant to § 404.415, a full deduction is imposed against the individual's benefit.

(2) Such increases are added to the individual's old-age insurance benefit and rounded upward, if necessary, to the next higher multiple of $0.10 if such total is not a multiple of $0.10.

Example. A is an insured worker when he reaches age 65 in January 1974, but decides not to file application for old-age insurance benefits immediately because he is still working. When he becomes 66 years old in January 1975, he stops working and files application for these benefits beginning with the same month. Based upon his earnings, his primary insurance amount is $224.30 and his full monthly old-age insurance benefit amount would be the same without considering any delayed retirement credits. However, he is not entitled to old-age insurance benefits for 12 months from the month in which he became 65 until the first month in which he became entitled to benefits. Therefore, his monthly old-age insurance benefit is increased by 1 percent (1/12 of 1 percent times 12 months) to yield a total of $226.54, which is rounded upward to the next highest $0.10 to equal $226.60.

(c) *When determinations of delayed retirement credits are made.* The number of delayed retirement credits an individual is due is determined after the end of each calendar year. Any increase due to delayed retirement credits is effective with January of the year in which the determination is made—unless the individual attained age 72 in the year preceding the year the determination is made. In this latter case, the increase due to delayed retirement credits is effective with the month in which the individual attained age 72.

Example. A is entitled to old-age insurance benefits in the month in which she attains age 65, June 1974. However, no benefits are paid to her in 1974, because full deductions are imposed against her benefits due to her continued work and earnings. Effective January 1975, she is entitled to an increase in her benefits because of delayed retirement credits for months in 1974 for which she was entitled to benefits because she was age 65 or over but had full deductions imposed. There were 6 such months in 1974. Therefore, effective January 1975, her monthly old-age insurance benefit is increased one-half of 1 percent (i.e., 1/12 of 1 percent for 6 months).

[FR Doc.76-29482 Filed 10-7-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76N-0388]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Combinations of Nutritive and Nonnutritive Sweeteners in Canned Fruits; Revocation

The Food and Drug Administration is revoking the statement of policy that no regulatory action would be recommended against canned fruits sweetened in part with saccharin and in part with nutritive sweeteners; effective October 8, 1976.

Specifically, § 3.78 *Combinations of nutritive and nonnutritive sweeteners in canned fruits* (21 CFR 3.78) is being revoked. This section was published in the FEDERAL REGISTER of July 21, 1970 (35 FR 11620), after the banning of the use of cyclamates in foods and pending the establishment of standards of identity for such canned fruits.

Section 3.78 was established to remain in effect for a period of 1 year after publication in the FEDERAL REGISTER, unless extended for good reason. No requests for an extension of this section have been received, and no good reason is evident for an extension.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 403, 701 (a), 52 Stat. 1047–1048, as amended, 1055 (21 U.S.C. 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)): *It is ordered,* That Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 3 by revoking § 3.78 *Combinations of nutritive and nonnutritive sweeteners in canned fruits.*

Effective date: This revocation shall be effective October 8, 1976.

(Secs. 403, 701(a), 52 Stat. 1047–1048, as amended, 1055 (21 U.S.C. 343, 371(a)).)

Dated: September 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-29484 Filed 10-7-76;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0220]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food; Adhesives

The Food and Drug Administration is amending the food additive regulations to provide for the safe use of pentaerythritol tetrabenzoate as a component of food-packaging adhesives; effective October 8, 1976; objections by November 8, 1976.

Notice was given in the FEDERAL REGISTER of July 8, 1976 (41 FR 27995) that a petition (FAP 6B3211) had been filed by the Velsicol Chemical Corp., 341 E. Ohio St., Chicago, IL 60611, proposing that § 121.2520 (21 CFR 121.2520) be amended to provide for the safe use of pentaerythritol tetrabenzoate as a component of food-packaging adhesives.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2520 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1)) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 121.2520 is amended in paragraph (c)(5) by alphabetically adding a new item to the list of substances, to read as follows:

§ 121.2520 Adhesives.

* * * * * * *

(c) * * *

(5) * * *

Components of adhesives

Substances	*Limitations*
* * *	* * *
Pentaerythritol tetrabenzoate [CAS registry No. 4196-86-5].	

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 8, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This amendment shall be effective October 8, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: September 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-29435 Filed 10-7-76;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0293]

PART 430—ANTIBIOTIC DRUGS: GENERAL

Amphotericin B

The Food and Drug Administration (FDA) is designating a new master standard for amphotericin B; effective October 8, 1976.

A study was conducted by FDA to evaluate the stability of the current master standard for amphotericin B. The data from the study demonstrated that the master standard is subpotent. A portion of the current working standard, which is the same lot as the U.S. Pharmacopeia standard, has been set aside and designated as the master standard for amphotericin B. The use of this different material requires a change in the factor to be used in calculating micrograms.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 430 is amended in § 430.6 by revising paragraph (b)(12) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(12) *Amphotericin B.* The term "microgram" applied to amphotericin B means the amphotericin B activity (potency) contained in 1.014 micrograms of the amphotericin B master standard when dried for 3 hours at 60° C and a pressure of 5 millimeters or less.

* * * * * *

Since the amendment is merely technical, presents no significant points of controversy, and is necessary for accuracy in manufacturing and testing the drug, thus enhancing safety, notice and public procedure are unnecessary; interested persons may, on or before November 8, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this regulation. Comments should be filed in quintuplicate (except that individuals may submit single copies) and be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office during working hours Monday through Friday. Any changes in this order justified by such comments will be the subject of a further order amending the regulation.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Effective date: This amendment is effective October 8, 1976.

Dated: October 4, 1976.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.76-29615 Filed 10-7-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lasalocid Sodium

The Food and Drug Administration approves a new animal drug application (96-298V) filed by Hoffmann-La Roche, Inc., Nutley, NJ 07110, proposing safe and effective use of lasalocid sodium in the manufacture of a complete feed for broiler or fryer chickens for the prevention of coccidiosis and the establishment of an appropriate tolerance for residues of the drug in the edible products of treated animals. The approval is effective October 8, 1976.

The Commissioner is amending Parts 556 and 558 (21 CFR Parts 556 and 558) to reflect this approval.

Upon evaluation of the data before him, the Commissioner of Food and Drugs concludes that a tolerance limitation of 0.05 part per million (ppm) total lasalocid sodium residue is required to assure that edible tissues of chickens treated with the drug are safe for human consumption.

The application includes residue and metabolic data obtained by radiotracer and other studies permitting the deter-

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mination of marker substances, target tissue, and residue depletion curves. From these data, the relationship of marker-substance persistence in target tissue to total residue depletion curves in edible tissues was established. Marker substance in the target tissues of skin and fat was measured by a bioautographic assay. Total residue depletion curves in edible tissues were obtained by a radiotracer method. The submitted toxicological data support a tolerance of 0.05 ppm for total residues in edible tissues. A tissue residue assay measuring microbiologically active residues in the target tissues, skin and fat, with a sensitivity of 0.01 ppm serves to monitor the total residue in edible tissues at the 0.05 ppm level.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the Food and Drug Administration environmental impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 556 by adding new § 556.347 to read as follows:

§ 556.347 Lasalocid sodium.

A tolerance of 0.05 part per million is established for total residues of lasalocid sodium in the edible tissues of chickens. A tissue residue assay measuring microbiologically active residues in the target tissues, skin and fat, with a sensitivity of 0.01 ppm, serves to monitor the total residue in edible tissues at the 0.05 ppm level.

2. In Part 558 by adding new § 558.311 to read as follows:

§ 558.311 Lasalocid sodium.

(a) *Specifications.* Lasalocid sodium is the crystalline substance produced by the fermentation of *Streptomyces lasaliensis*. A minimum of 90 percent lasalocid sodium activity is derived from lasalocid A sodium.

(b) *Approvals.* Premix level of 68 grams per pound of lasalocid sodium activity is granted to No. 000004 in § 510.600(c) of this chapter.

(c) *Assay limits.* Finished feed, 75 to 125 percent of labeled amount.

(d) *Related tolerance.* See § 556.347 of this chapter.

(e) *Conditions of use.* It is used in feed for broiler or fryer chickens as follows:

(1) *Amount per ton.* 68 grams (0.0075 percent).

(2) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

(3) *Limitations.* For broiler or fryer chickens only; feed continuously as the sole ration; withdraw 5 days before slaughter.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Effective date: This regulation shall be effective October 8, 1976.

Dated: October 5, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-29783 Filed 10-7-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2363]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).•

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) or the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Iowa	Fremont	Thurman, town of	Sept. 27, 1976, emergency	Apr. 16, 1976	190394
Pennsylvania	Clearfield	Ferguson, township of	do	Jan. 3, 1975	422380
Do.	Armstrong	Madison, township of	do	Nov. 22, 1974	421308
Do.	Dauphin	Williams, township of	do	Dec. 18, 1974	421601
•	•	•	•	•	•
Iowa	Story	Zearing, city of	Sept. 28, 1976, emergency	July 19, 1974	190260A
				Apr. 9, 1976	
Kansas	Republic	Belleville, city of	do	Feb. 15, 1974	200287A
				Oct. 31, 1975	
•	•	•	•	•	•
Iowa	Fayette	Maynard, town of	Sept. 29, 1976, emergency	Sept. 19, 1975	190377
Louisiana	Winn	Calvin, village of	do	Aug. 29, 1975	220266
Wisconsin	Brown	Wrightstown, village of	do	Aug. 22, 1975	550025
•	•	•	•	•	•
Illinois	Lee	Nelson, village of	Sept. 30, 1976, emergency	July 23, 1976	170418
Do.	do.	Sublette, village of	do	July 25, 1975	170421
Oklahoma	Okmulgee	Hoffman, town of	do	June 25, 1976	400285
•	•	•	•	•	•
California	Kern	Tehachapi, city of	Oct. 1, 1976, emergency	July 30, 1976	060064
New York	Greene	Hunter, village of	do	Aug. 16, 1974	360236A
				June 11, 1976	
Ohio	Fairfield	Thurston, village of	do	Jan. 31, 1975	390690

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-29356 Filed 10-7-76;8:45 am]

[Docket No. FI-2032]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Calhoun, Ga.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Calhoun, Georgia under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Calhoun, Georgia 30701.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Oostanaula River	Georgia Rt. 143 (upstream side of route)	627	1,150	1,410
Oothcalooga Creek	Oak St. (extended)	627	410	1,620
Tributary No. 2	S. Industrial Blvd.	632	240	1 400

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29340 Filed 10-7-76;8:45 am]

[Docket No. FI-1094]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Ray City, Ga.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Ray City, Georgia under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations.

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Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Ray City, Georgia 31615.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mill Race	Park St.	178	310	180
	Georgia 125	183	270	250
	Pauline Ave.	188	360	70
Tributary 1	Georgia 37, U.S. 129	191	240	90
	Jones St.	196	190	90
Cat Creek	Georgia 37	176	570	[1] 80
Tributary 2	Georgia 125, U.S. 129	179	340	670
	Georgia & Florida RR.	182	[1] 280	380

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-29341 Filed 10-7-76;8:45 am]

[Docket No. FI-1096]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Atlantic Beach, Fla.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Atlantic Beach, Florida under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Atlantic Beach, Florida 32233.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width approximate distance in feet from corporate limit to boundary of 100-yr flood, facing downstream from extended road locations to the west
Intracoastal Waterway	Atlantic Blvd.	6	540
	West 1st St.	6	240
	West 3d St.	6	880
	West Plaza	6	120
	West 14th St.	6	380

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29342 Filed 10-7-76;8:45 am]

[Docket No. FI-1127]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Jacksonville Beach, Fla.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the city of Jacksonville Beach, Florida under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 11 North 3rd Street, Jacksonville Beach, Florida 32250.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Approximate width in feet of the boundary of the 100-yr flood
Atlantic Ocean	25th Ave. South	9	From State Road 203 to 1st St.
	16th Ave. South	9	From 540 ft west of State Road 203 to 520 ft east of State Road 203.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29343 Filed 10-7-76;8:45 am]

[Docket No. FI-1095]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Neptune Beach, Fla.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the city of Neptune Beach Florida under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Neptune Beach, Florida 32233.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hopkins Creek	Florida Blvd	5	120	90
	Forest Ave	5	90	170
	Kings Rd	5	190	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29344 Filed 10-7-76;8:45 am]

[Docket No. FI-1128]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Fort Walton Beach, Fla.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Fort Walton Beach under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Fort Walton Beach, Florida 32548.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary
Santa Rosa Sound	Robinswood Dr	7	Street section between points 460 ft and 900 ft south of intersection with Hollywood Blvd.
Choctawhatchee Bay	Ferry Rd	8	Street section between points 450 ft west and 280 ft east of the intersection with Hughes St., respectively.
Choctawhatchee Bay	Bay Dr	8	Entire street south of the point 80 ft north of the intersection with Brooks St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 20, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29345 Filed 10-7-76;8:45 am]

[Docket No. FI-2010]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Temple Terrace, Fla.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Temple Terrace, Florida under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 113 North Glenarven, Temple Terrace, Florida.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hillsborough River	Flower Ave	36	640	
	Whiteway Dr	35	200	
	Temple Terrace Rd. (Bullard Parkway)	31	40	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 20, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29346 Filed 10-7-76;8:45 am]

[Docket No. FI-1144]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Valparaiso, Fla.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Valparaiso, Florida under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Valparaiso, Florida 32580.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Boggy Bayou	Tennessee Ave	7	810	
	Mississippi Ave	7	50	
	Florida Ave	7	160	
Tom's Bayou	John Sims Parkway	6	150	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-29347 Filed 10-7-76;8:45 am]

[Docket No. FI-2149]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of San Dimas, Calif.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of San Dimas, California under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 245 East Bonita Avenue, San Dimas, California 91773.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
San Dimas Wash	San Dimas Canyon Rd	1,062	(1)	150
	Romola Rd	1,089	(2)	150
	San Dimas Canyon Rd	1,199	100	100

[1] Entire road to 350 ft. north of junction with Romola Road.
[2] Entire road to junction with San Dimas Canyon Road.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-29348 Filed 10-7-76;8:45 am]

[Docket No. FI-1123]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Cumberland, Harlan County, Ky.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Cumberland, Harlan County, Kentucky under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review on the Bulletin Board at Cumberland City Hall, 414 West Main Street.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Poor Fork	West corporate limits	1,417	(1)	170
	Bush St. (extended)	1,421	(1)	185
	River St. (extended)	1,422	(1)	265
	Beale St. (extended)	1,422	(1)	290
	Billips Ave	1,425	165	400
	Freeman St	1,430	175	610
	Issac St. (extended)	1,430	140	500
	Main St	1,434	150	210
	Louisville-Nashville RR	1,436	225	200
	U.S. 119	1,437	1,770	120
	do	1,441	1,070	190
	Oak St. (extended)	1,447	(1)	350
	O'Rinke St. (extended)	1,448	120	565
	Bride St	1,449	240	175
	East corporate limits	1,450	(1)	(1)
Looney Creek	U.S. 119	1,441	1,260	1,270
	Blair St	1,443	850	200
	Central St. (extended)	1,443	845	220
	Howard St. (extended)	1,448	720	120
	Wright St. (extended)	1,445	810	115
	Sheperd St	1,447	655	125
	1st St. (extended)	1,456	210	230
	2d St. (extended)	1,458	140	380
	3d St. (extended)	1,462	55	435
	4th St. (extended)	1,465	50	490
	5th St. (extended)	1,467	30	505
	6th St. (extended)	1,469	75	455
	7th St. (extended)	1,470	85	485
	East corporate limits	1,473	80	470
Cloverlock Creek	Footbridge	1,427	110	520
	South Ave. (extended)	1,431	(1)	170
	1st St. (extended)	1,437	(1)	150
	South corporate limits	1,447	(1)	200

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29353 Filed 10-7-76;8:45 am]

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[Docket No. FI-1104]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Sheboygan, Sheboygan County, Wis.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Sheboygan, Sheboygan County, Wisconsin under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Lobby of City Hall, 828 Center Avenue, Sheboygan.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Sheboygan River	Lake Michigan shoreline	584	0	0
	Virginia Ave. (extended) east of 7th St.	584	0	0
	Pennsylvania Ave. east of 13th St.	584	0	0
	14th St.	585	0	0
	Pennsylvania Ave. (extended) west of 15th St.	587	300	0
	New Jersey Ave.	587	120	30
	South 22d St. (extended)	589	1,710	40
	Western corporate limits	598	0	220
Pigeon River	Northern corporate		0	540
	Calument Dr.		670	260
	Western corporate limits		1,730	850

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Lake Michigan	Northern corporate limit	584	0
	Columbus Ave. (extended)	584	0
	Clement Ave. (extended)	584	0
	Vollrath Blvd. (extended)	584	0
	Superior Ave. (extended)	584	0
	Ontario Ave. (extended)	584	0
	Pennsylvania Ave. (extended)	584	0
	Alabama Ave. (extended)	584	0
	High Ave. (extended)	584	0
	Ashland Ave. (extended)	584	0
	Wilson Ave. (extended)	584	0
	Southern corporate limits	584	0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29354 Filed 10-7-76;8:45 am]

[Docket No. FI-1079]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Howard County, Md.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for Howard County, Maryland under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the County must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the County Executive Office, Room 206, 3450 Court House Drive, Ellicott City.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Little Patuxent River	County boundary	131	2,100	850
	Route 1	145	10	720
	Unnamed road	149	20	100
	Vollmerhausen Rd	236	100	130
	Route 95 north	248	20	60
	Route 95 south	251	40	80
	Route 32	274	400	120
	Berger Rd. (extended)	275	300	200
	All View Dr. (extended)	282	500	800
	Ferndale Dr. (extended)	286	500	100
	Owen Brown Rd.	296	380	130
	Route 29	300	1,000	420
	Old Columbia Rd.	307		800
	Little Patuxent Parkway	312	600	120
	Whetstone Rd. (extended)	316	600	150
	Route 108	327	290	360
	Old Annapolis Rd.	329	320	290
	Riverside Circle (extended)	332	200	150
	Old National Pike	346	350	250
	Baltimore National Pike	351	200	460
	Bethany Lane	356	390	250
	Unnamed road	387	80	240
	Turf Valley	410	50	50
Dorsey Run	County boundary	157	1,000	900
	Dorsey Run Rd	168	340	860
	Route 1	195	30	70
	Route 95 north	230	120	120
	Route 95 south	225	10	20
	Little Patuxent Parkway	277	160	50
	Lark Brown Rd.	285	140	120
	Montgomery Rd.	335	40	180
Red Hill Branch	Private road	330	50	880
	Route 29	330	20	20
Plum Tree Branch	Chatham Rd.	336	340	110
	Dunloggin Rd. (extended)	341	20	190
	Old National Pike	355	30	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29355 Filed 10-7-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7438]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

War Veterans Organizations

This document finalizes amendments to the Income Tax Regulations (26 CFR Part 1) under sections 501(c)(19) and 512(a)(4) of the Internal Revenue Code of 1954, relating to war veterans organizations, which were published in proposed form in the FEDERAL REGISTER on June 16, 1975 (40 FR 25476).

The reason for these amendments is to make changes in the regulations under section 501(c)(19) and section 512(a)(4), so as to reflect the revision of sections 501 and 512 by the Act of August 29, 1972 (Pub. L. 92-418, 86 Stat. 656); exempting certain war veterans organizations from income tax; and exempting from the unrelated business income tax certain insurance set asides of such organizations.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In view of the foregoing, and after consideration of all such relevant material as was presented by interested persons regarding the proposed rules, the amendments so proposed are adopted subject to the changes set forth as follows:

PARAGRAPH 1. Paragraphs (b)(1) and (e)(1) of § 1.501(c)(19)-1 as set forth in paragraph (1) of the notice of proposed rulemaking are changed to read as set forth below.

PAR. 2. Section 1.1512(a)-4 as set forth in the notice of proposed rule making is changed by revising pargaraphs (a) and (b) (1) and (2) to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917 (26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: September 28, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

Part 1 of 26 CFR Chapter I, is amended as follows:

1. The following new sections are added immediately after § 1.501(c)(18)-1:

V 41 N 197 OCT 8 76 UM

§ 1.501(c)(19) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; war veterans organizations.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

• • • • •

(19) A post or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization—

(A) Organized in the United States or any of its possessions,

(B) At least 75 percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows, or widowers of war veterans or such individuals and

(C) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

[Sec. 501(c)(19) as added by the Act of August 29, 1972 (Pub. L. 92-418, 86 Stat. 656).]

§ 1.501(c)(19)-1 War veterans organizations.

(a) *In general.* (1) For taxable years beginning after December 31, 1969, a veterans post or organization which is organized in the United States or any of its possessions may be exempt as an organization described in section 501(c)(19) if the requirements of paragraphs (b) and (c) of this section are met and if no part of its net earnings inures to the benefit of any private shareholder or individual. Paragraph (b) of this section contains the membership requirements such a post or organization must meet in order to qualify under section 501(c)(19). Paragraph (c) of this section outlines the purposes, at least one of which such a post or organization must have in order to so qualify.

(2) In addition, an auxiliary unit or society described in paragraph (d) of this section of such a veterans post or organization and a trust or foundation described in paragraph (e) of this section for such post or organization may be exempt as an organization described in section 501(c)(19).

(b) *Membership requirements.* (1) In order to be described in section 501(c)(19) under paragraph (a)(1) of this section, an organization must meet the membership requirements of section 501(c)(19)(B) and this paragraph. There are two requirements that must be met under this paragraph. The first requirement is that at least 75 percent of the members of the organization must be war veterans. For purposes of this section the term "war veterans" means persons, whether or not present members of the United States Armed Forces, who have served in the Armed Forces of the United States during a period of war (including the Korean and Vietnam conflicts).

(2) The second requirement of this paragraph is that at least 97.5 percent of all members of the organization must be described in one or more of the following categories:

(i) War veterans,

(ii) Present or former members of the United States Armed Forces,

(iii) Cadets (including only students in college or university ROTC programs or at Armed Services academies), or

(iv) Spouses, widows, or widowers of individuals referred to in paragraph (b)(2)(i), (ii) or (iii) of this section.

(c) *Exempt purposes.* In addition to the requirements of paragraphs (a)(1) and (b) of this section, in order to be described in section 501(c)(19) under paragraph (a)(1) of this section an organization must be operated exclusively for one or more of the following purposes:

(1) To promote the social welfare of the community as defined in § 1.501(c)(4)-1(a)(2).

(2) To assist disabled and needy war veterans and members of the United States Armed Forces and their dependents, and the widows and orphans of deceased veterans,

(3) To provide entertainment, care, and assistance to hospitalized veterans or members of the Armed Forces of the United States,

(4) To carry on programs to perpetuate the memory of deceased veterans and members of the Armed Forces and to comfort their survivors,

(5) To conduct programs for religious, charitable, scientific, literary, or educational purposes,

(6) To sponsor or participate in activities of a patriotic nature.

(7) To provide insurance benefits for their members or dependents of their members or both, or

(8) To provide social and recreational activities for their members.

(d) *Auxiliary units or societies for war veterans organizations.* A unit or society may be exempt as an organization described in section 501(c)(19) and paragraph (a)(2) of this section if it is an auxiliary unit or society of a post or organization of war veterans described in paragraph (a)(1) of this section. A unit or society is an auxiliary unit or society or such a post or organization if it meets the following requirements:

(1) It is affiliated with, and organized in accordance with, the bylaws and regulations formulated by an organization described in paragraph (a)(1) of this section,

(2) At least 75 percent of its members are either war veterans, or spouses of war veterans, or are related to a war veteran within two degrees of consanguinity (i.e., grandparent, brother, sister, grandchild, represent the most distant allowable relationships),

(3) All of its members are either members of an organization described in paragraph (a)(1) of this section, or spouses of a member of such an organization or are related to a member of such an organization, within two degrees of consanguinity, and

(4) No part of its net earnings inures to the benefit of any private shareholder or individual.

(e) *Trusts or foundations.* A trust or foundation may be exempt as an organization described in section 501(c)(19) and paragraph (a)(2) of this section if it is a trust or foundation for a post or organization of war veterans described in paragraph (a)(1) of this section. A trust or foundation is a trust or foundation for such a post or organization if it meets the following requirements:

(1) The trust or foundation is in existence under local law and, if organized for charitable purposes, has a dissolution provision described in § 1.501(c)(3)-1(b)(4).

(2) The corpus or income cannot be diverted or used other than for the funding of a post or organization of war veterans described in paragraph (a)(1) of this section, for section 170(c)(4) purposes, or as an insurance set aside (as defined in § 1.512(a)-4(b)).

(3) The trust income is not unreasonably accumulated and, if the trust or foundation is not an insurance set aside, a substantial portion of the income is in fact distributed to such post or organization or for section 170(c)(4) charitable purposes, and

(4) It is organized exclusively for one or more of those purposes enumerated in paragraph (c) of this section.

2. Section 1.512(a)-1 is amended by revising paragraph (a) to read as follows:

§ 1.512(a)-1 Definition.

(a) *In general.* Except as otherwise provided in § 1.512(a)-3, § 1.512(a)-4, or paragraph (f) of this section, section 512(a)(1) defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain modifications referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, therefore, expenses, depreciation, and similar items not only must qualify as deductions allowed by chapter 1 of the Code, but also must be directly connected with the carrying on of unrelated trade or business. Except as provided in paragraph (d)(2) of this section, to be "directly connected with" the conduct of unrelated business for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

• • • • •

3. Section 1.512(a) is amended by adding a new paragraph (4) to section 512(a) and by revising the historical note. The new provisions read as follows:

§ 1.512(a) Statutory provisions; unrelated business taxable income; special rule applicable to organizations described in section 501(c)(19).

Sec. 512. *Unrelated business taxable income*—(a) For purposes of this title—

• • • • •

(4) *Special rule applicable to organizations described in section 501(c)(19). In the* case of an organization described in section 501(c)(19), the term "unrelated business taxable income" does not include any amount attributable to payments for life, sickness, accident, or health insurance with respect to members of such organization or their dependents which is set aside for the purpose of providing for the payment of insurance benefits or for a purpose specified in section 170(c)(4). If an amount set aside under the preceding sentence is used during the taxable year for a purpose other than a purpose described in the preceding sentence, such amount shall be included, under paragraph (1), in unrelated business taxable income for the taxable year.

(Sec. 512(a)(4) as added by the Act of August 29, 1972 (Pub. L. 92-418, 86 Stat. 656).)

4. A new § 1.512(a)-4 is added immediately before § 1.512(b) to read as follows:

§ 1.512(a)-4 Special rules applicable to war veterans organizations.

(a) *In general.* For taxable years beginning after December 31, 1969, this section provides special rules for the determination of the unrelated business taxable income of an organization described in section 501(c)(19). In general, the rules contained in sections 511 through 514 which are applicable to any organization listed in section 501(c) apply in determining the unrelated business taxable income of an organization described in section 501(c)(19). However, that amount which is paid by members to the organization for the purpose described in paragraph (b)(1) of this section, if set aside from other organizational monies and accounts in an insurance set aside, may be excluded from the unrelated business taxable income of the organization. The insurance set aside shall be used exclusively for providing insurance benefits, for the purposes specified in section 170(c)(4) of the Code, for the reasonable costs of administering the insurance program that are directly related to such set aside, or for the reasonable costs of distributing funds for section 170(c)(4) purposes. If an amount so set aside is used for any purposes other than those described in the preceding sentence, it shall be included in unrelated business taxable income without regard to any modifications provided by section 512(b), in the taxable year in which it is withdrawn from such set aside. Amounts will be considered to have been withdrawn from an insurance set aside if they are used in any manner inconsistent with providing insurance benefits, paying the reasonable costs of administering the insurance program for section 170(c)(4) purposes and for costs of distributing funds for section 170(c)(4) purposes. An example of a use of funds which would be considered a withdrawal would be the use of such funds as security for a loan.

(b) *Insurance set aside*—(1) *Purpose of payments by members.* Payments by members (including commissions on such payments earned by the set aside as agent for an insurance company) into an insurance set aside must be for the sole purpose of obtaining life, sick, accident or health insurance benefits from the organization or for the reasonable costs of administration of the insurance program, except that such purpose is not violated when excess funds from an experience gain are utilized for those purposes specified in section 170(c)(4) or the reasonable costs of distributing funds for such purposes. Funds for any other purpose may not be set aside in the insurance set aside.

(2) *Income from set aside.* In addition to the payments by members described in paragraph (b)(1) of this section, only income from amounts in the insurance set aside (including commissions earned as agent for an insurance company) may be so set aside. Moreover unless such income is used for providing insurance benefits, for those purposes specified in section 170(c)(4), or for reasonable costs of administration, such income must be set aside within the period described in paragraph (b)(3) of this section in order to avoid being included as an item of unrelated business taxable income under section 512(a)(4).

(3) *Time within which income must be set aside.* Income from amounts in the insurance set aside generally must be set aside in the taxable year in which it would be includible in gross income but for this section. However, income set aside on or before the date prescribed for filing the organization's return of unrelated business taxable income (whether or not it had such income) for the taxable year (including any extension of time) may, at the election of the organization, be treated as having been set aside in such taxable year.

(4) *Computation of income from set aside.* Income from amounts in the insurance set aside shall consist solely of items of investment income from, and other gains derived from dealings in, property in the set aside. The deductions allowed against such items of income or other gains are those amounts which are related to the production of such income or other gains. Only the amounts of income or other gain which are in excess of such deductions may be set aside in the insurance set aside.

(5) *Requirements for set aside.* An amount is not properly set aside if the organization commingles it with any amount which is not to be set aside. However, adequate records describing the amount set aside and indicating that it is to be used for the designated purpose are sufficient. Amounts that are set aside need not be permanently committed to such use either under state law or by contract. Thus, for example, it is not necessary that the organization place these funds in an irrevocable trust. Although set aside income may be accumulated, any accumulation which is unreasonable in amount or duration is evidence that the income was not accumulated for the purposes set forth. For purposes of the preceding sentence, accumulations which are reasonably necessary for the purpose of providing life, sick, health, or accident insurance benefits on the basis of recognized mortality or morbidity tables and assumed rates of interest under an actuarially acceptable method would not be unreasonable, even though such accumulations are quite large and the time between the receipt by the organization of such amounts and the date of payment of the benefits is quite long. For example, an accumulation of income for 20 years or longer which is determined to be reasonably necessary to pay life insurance benefits to members, their dependents or designated beneficiaries, generally would not be an unreasonable accumulation. Income which has been set aside may be invested, pending the action contemplated by the set aside, without being regarded as having been used for other purposes.

[FR Doc.76-29546 Filed 10-7-76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Procedures for Purchase of Training and Services From Job Corps Centers

Notice is hereby given that the Department of Labor, Employment and Training Administration, is amending the regulations under the Comprehensive Employment and Training Act of 1973, as amended. The Department is amending the table of contents at 29 CFR 94.3 and is adding a new section at 29 CFR 98.29a in order to provide procedures for the purchase of training and services from Job Corps centers by grantees funded under Titles I, II, III, and VI of the Act.

The Department is providing for this Job Corps "buy-in" program by regulation in order to relieve Title I; II, III, and VI grantees of certain restrictions contained in the regulations at 29 CFR Parts 95, 96, 97 and 99. For example, under this regulation such grantees will be allowed to use grant money to transport program participants to and from Job Corps centers, even when such centers are outside the grantees' jurisdiction.

Since this regulation primarily involves the relaxation of prior restrictions, and since the Department believes that it is the public interest to allow grantees to make use of the buy-in procedures as soon as possible after the beginning of FY 1977, October 1, 1976. The regulation changes set forth in this document shall become effective 30 days after the publication of this document in the FEDERAL REGISTER.

Nevertheless in keeping with the spirit of the Administrative Procedure Act, interested persons are invited to submit comments, arguments and data on the regulation until November 8, 1976, to the Assistant Secretary for Employment and Training, U.S. Department of Labor, 6th and D Streets, NW., Washington, D.C. 20213, Attention: Pierce A. Quinlan, Director, Office of Comprehensive Employment Development.

Any comments received will be reviewed to determine whether the regulation should be amended in any way.

Accordingly, 29 CFR Parts 94 and 98 are amended as follows:

§ 94.3 [Amended]

1. In § 94.3 *Consolidated table of contents for Parts 94–99*, the table of contents for Part 98 is amended to add:

98.29a Job Corps training opportunities for CETA grantees.

Part 98 is amended by adding the following new section:

§ 98.29a Job Corps training opportunities for CETA grantees.

(a) Grantees under Titles I, II, III, and VI of the Act, including contractors under § 303 of the Act, may purchase services and training authorized under their titles of the Act from a Job Corps center; such a transaction shall be called a buy-in.

(b) In participating in the buy-in program, grantees shall make expenditures in accordance with the regulations under their appropriate titles of the Act except as otherwise permitted by paragraph (f) of this section. In participating in the buy-in program, Job Corps shall make expenditures in accordance with the provisions of Part 97a of this subtitle.

(c) A buy-in plan shall be established by a negotiated agreement between a grantee and a center operator. Prior to execution of the agreement by the Job Corps center operator, the center operator must obtain the written approval of the appropriate ETA office.

(d) Two types of buy-in plans may be negotiated:

(1) *Job Corps Enrollee (Residential and Nonresidential).* Participants who meet the eligibility criteria for Job Corps under Title IV of the Act, as well as the eligibility criteria of the grantee's title of the Act, may be fully enrolled in Job Corps as residents or nonresidents. Such enrollees shall be treated as and receive the same services, protections, allowances, etc., as regular corpsmembers except as otherwise provided in paragraph (f) of this section.

(2) *Trainees (Nonresidential).* Participants ("trainees") who are not eligible for, or who do not want or require residential services must meet the eligibility criteria of the grantee's title of the Act only, and may receive training from the Job Corps center operator under the following options:

(i) *Vocational Trainees.* These will be trained in the requisite entry-level skills for the vocation designated in the buy-in agreement.

(ii) *Basic Education and GED Trainees.* These will be individually assessed for reading, arithmetic, job-seeking skills and general education development and trained to meet entry-level requirements for specified job clusters and/or a GED certificate, as appropriate.

(iii) *Combined Basic Education-Vocational Trainees.* These will receive both specified vocational and education training.

(iv) Other options include:

(A) Grantee use of center facilities, including nights or weekends.

(B) Grantee use of centers for training youths during the summer with charges to the grantee based on the pro rata hourly costs.

(e) *Allocation of funds.* Slots available for purchase by grantees shall be over and above the current budgeted center capacity. Funds received by the Job Corps center operator through the buy-in agreement shall be allocated as specified in the Job Corps center contract or program operating plan.

(f) *Prime Sponsor Responsibility.* In addition to paying for training at Job Corps centers, grantees shall be responsible for spending funds received under their own titles of the Act to recruit enrollees and trainees, provide them with support services prior to their arrival at centers and following the completion of training, provide their transportation to and from the center, and provide job placement assistance. Grantees shall also supply associated administrative services in accordance with the regulations under this Part as agreed upon with the center. In addition, grantees are authorized to pay any transportation costs for buy-in enrollees and trainees in excess of that allowed by § 98.12(g)(6).

(g) The terms of a buy-in agreement involving trainees shall state the amount and system of payment, and shall include provisions that:

(1) Pay and allowances for trainees shall be borne by the grantee and paid in accordance with regulations under the grantee's title of the Act;

(2) The center will assure that its liability insurance covers the trainees;

(3) Trainees shall be covered by the workers' compensation required by the regulations under the grantee's title of the Act;

(4) As appropriate, the center shall provide trainees with first aid, emergency health care, and initial outpatient visits. First aid and emergency health care shall mean care provided by professionals or lay persons to prevent death or aggravation of serious illnesses or injury, including ambulance service. Initial outpatient visits shall mean single visits to the dispensary or sick call for the purpose of the initial evaluation of an acute health condition. Treatment will be limited to that which can be given by the center staff at the time of the visit. Any additional evaluation, diagnosis or treatment must be obtained through other arrangements by the prime sponsor or the trainee; and

(5) Every trainee under the age of majority shall furnish a statement from a parent or legal guardian agreeing to permit Job Corps to provide the health care set forth in the agreement. Trainees who are over the age of majority shall themselves sign a similar statement.

(h) *Accounting.* For buy-ins involving trainees, the center shall maintain separate accounts for funds received under each title of the Act. Contract centers shall report all buy-in funds received on the Job Corps Form MA 2–111, Center Financial Status Report, and on Form MA 2–223A, Center Financial Report under "Other Income (identify separately by source)." CCC's shall report funds on Form MA 2–223B, Center Financial Report. Grantees shall account for funds expended in support of a Job Corps buy-in in accordance with current CETA procedures and cost categories.

(i) *Reporting Credits.* Grantees participating in the buy-in plan will receive credit for the recruiting, training, placement, and support services provided trainees and enrollees and will report activity under the buy-in agreement in accordance with current CETA procedures on reporting and accountability provided in this part. The Job Corps centers will provide the data required by the grantee data system to allow the reports for credit to be completed. The Job Corps center will report on total center population as currently required and will, thus, receive credit for serving enrollees and trainees.

Signed at Washington, D.C., this 1st day of October 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–29732 Filed 10–7–76;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 133—TOLLS FOR USE OF CANAL

Increase in Panama Canal Tolls

On May 14, 1976, the Panama Canal Company published in the FEDERAL REGISTER (41 FR 19981) a notice of proposed changes in the rates of tolls for use of the Panama Canal prescribed by 35 CFR 133.1. The proposed action was to increase the rates of tolls from $1.08 to $1.29 per Panama Canal net vessel ton for most laden vessels, from 86 cents to $1.03 per Panama Canal net ton on vessels in ballast, and from 60 cents to 72 cents per displacement ton for warships and certain other floating craft.

In the notice of May 14, 1976, interested parties were invited to submit written data, views or arguments regarding the proposal at any time not later than July 16, 1976 and to present supplementary data at a public hearing on the proposal in New York on August 23, 1976. Notices of the exact time and place of the August 23, hearing were published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27978) and August 9, 1976 (41 FR 33307).

Written comments opposing the proposed increases in rates of tolls were received from two U.S. flag line operators (United States Lines and Sea-Land Services, Inc.), a steamship company based in India (Scindia), two associations representing U.S. flag shipping companies (American Institute of Merchant Shipping) and Japanese shipping companies (Japanese Shipowners' Association) using the canal, an association representing passenger line operators using the canal (International Committee of Passenger Lines), an association representing North Atlantic ports (North Atlantic Ports Association), an association representing employers in North Atlantic ports (Council of North Atlantic Shipping Association) and a labor union representing employees in those ports (International Longshoremen's Association, AFL–CIO).

At the hearing on August 23, supplementary comments and arguments in opposition to the proposed increase in rates of tolls were submitted by United States Lines and Sea-Land Services, Inc., the American Institute of Merchant Shipping, Japanese Shipowners' Association, and International Committee of Passenger Lines. All the parties appearing at the hearing submitted additional written data following the hearing in part in response to questions raised at the hearing.

Opposition to the proposed increase in rates of tolls was based on contentions that certain costs of operation of the Panama Canal should be extluded from costs recovered from tolls, that without an increase in the rates revenues from tolls would exceed the estimates used in calculating the proposed rates, and that the proposed increases would result in diversion of traffic from the Panama Canal, principally to the Far East Minilandbridge, with resulting losses in revenue to the Panama Canal, the ship operators using the canal, the North Atlantic ports and the employers and employees in those ports. It was contended that the proposed increases in rates of tolls would be detrimental to U.S. foreign and domestic commerce, and to the economies of the United States, Japan and the world.

No comment was received expressing disagreement with the conclusion of the Environmental Assessment, made available to interested parties along with the Proposal to Increase Tolls, that the proposed increases would not adversely affect the quality of the human environment.

A four-member panel appointed by the Board of Directors to conduct the hearing submitted a detailed report to the Board of Directors, transmitting all comments of interested parties along with the views and recommendations of the panel and recommending adoption of the proposed increase in rates.

After consideration of the proposal, the environmental assessment, the views and comments of interested parties submitted in the rulemaking proceeding, the report of the panel that conducted the hearing, and other relevant material, the Board of Directors voted to adopt the amendment of 35 CFR 133.1, increasing the rates of tolls for use of the Panama Canal as shown below, subject to approval by the President of the United States.

The basis for the increase in tolls is section 412 of title 2 of the Canal Zone Code (76A Stat. 27). The purpose of the increase is to establish tolls at rates sufficient to cover the costs of operation of the Panama Canal and related facilities and appurtenances as required by the statute.

The amended regulation becomes effective upon approval by the President of the United States but not earlier than November 15, 1976, the end of the statutory notice period prescribed by section 411 of title 2 of the Canal Zone Code.

The full text of 35 CFR 133.1, upon approval by the President, will be amended to read as follows:

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.29 per net vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with Part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, $1.03 per net vessel ton.

(c) On other floating craft, including warships, other than transports, colliers, hospital ships, and supply ships, $.72 per ton of displacement.

Dated: October 2, 1976.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.76–29539 Filed 10–7–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 613–2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the Massachusetts Plan

On May 31, 1972 (38 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implement Plan for the attainment of national ambient air quality standards. Included in this approval were the Regulations for the Control of Air Pollution in the six Massachusetts Air Pollution Control Districts. Regulation 50—Variances was disapproved by EPA on July 16, 1973 (38 FR 18874) and EPA substituted a new regulation, 40 CFR 52.1131 (38 FR 18880). Since this disapproval, the United States Supreme Court in *"Train v. NRDC"* 421 U.S. 60 (1975) interpreted the Clean Air Act to allow EPA and the State agencies more flexibility in granting variances as revisions to the State Implementation Plan. The States may grant and submit individual source variances to EPA as plan revisions, if it can be demonstrated that the variances will not interfere with the attainment and maintenance of the national ambient air quality standards. Sources requesting variances are subject to existing requirements until such time as the variance is finally approved by both the State and EPA. This publication contains the Administrator's approval of a revision to specified portions of the plan previously disapproved and revocation of substitute regulations promulgated by him.

The proposed revision was submitted by the Governor on November 14, 1974. On February 26, 1975 (40 FR 8228), the revision was published as proposed rulemaking and opportunity was provided for the public to comment on the approvability of the revision. No comments were received.

After evaluation of the State's submittal, the Administrator has determined that the regulation, as modified, meets the substantive and procedural requirements of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation and Submittal of Implementation Plans. This regulation is approved as a revision to the Massachusetts Implementation Plan, and disapproval of Regulation 50 and the substitute regulation previously promulgated by EPA set forth in 40 CFR 52.1131(a), published in the FEDERAL REGISTER on July 16, 1973 are hereby revoked.

The revision becomes effective November 8, 1976.

(Sec. 110, Clean Air Act as amended (42 U.S.C. 1857c–5).)

Dated: October 4, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120 is amended by inserting the date "November 14, 1974" in proper chronological order.

[FR Doc.76–29706 Filed 10–7–76;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 628–5; PP6E1772/R113]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium Chlorate

On August 6, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 32899) a notice of proposed rulemaking pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, which proposed that 40 CFR 180.1020 be amended by exempting residues of the pesticide chemical sodium chlorate from the requirement of a tolerance in or on the raw agricultural commodities rice and rice straw, when it is used with urea as a fire retardant in accordance with good agricultural practice as a desiccant in rice production.

This notice of proposed rulemaking was issued in response to a pesticide

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petition (PP 6E1772) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Louisiana and Texas. No comments or requests for referral to an advisory committee were received with regard to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.1020 should be adopted as proposed. This amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before November 8, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 8, 1976 40 CFR 180.1020 is amended as set forth below.

Dated: October 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart D, § 180.1020 is amended by revising paragraph (b) to include the raw agricultural commodities rice and rice straw as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

• • • • •

(b) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage and rice and rice straw, when used with urea as a fire retardant, in accordance with good agricultural practice as a desiccant in the production of grain sorghum and rice.

• • • • •

[FR Doc.76-29706 Filed 10-7-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 77-3]

PART 7-7—CONTRACT CLAUSES

Abortion-Related Activities

This notice contains the following amendments to the AID procurement regulations (41 CFR):

1. The amendment of § 7-7.5003-3, Abortion-related activities, to require that the clause "Abortion-Related Activities" shall be included in all subcontracts, subgrants, purchase orders, or other subordinate agreements.

2. The amendment of § 7-7.5202-2, Abortion-related activities, to effect a correction in the AIDPR reference there to § 7-7.5003-3.

Subpart 7-7.50—Clause for Cost Reimbursement Type Contracts

Section 7-7.5003-3, *Abortion-related activities.* The clause therein which commences after the opening paragraph, is amended to read as follows:

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• • • • • •

(5) The Contractor shall insert all of the above provisions of this clause, and shall include this paragraph, in all subcontracts, subgrants, purchase orders, and any other subordinate agreements hereunder.

Subpart 7-7.52—Basic Ordering Agreement for Participant Training

Section 7-7.5202-2, Abortion-Related Activities, is amended by deleting the reference "AIDPR 7-7.5003-2" and substituting the reference "AIDPR 7-7.5003-3".

(41 CFR 7-1.104.4.)

Effective date: This AIDPR Notice is effective November 1, 1976.

Dated: September 28, 1976.

JOHN F. OWENS,
Deputy Assistant Administrator for Program and Management Services.

[FR Doc.76-29684 Filed 10-7-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

PART 82—CERTIFICATION OF INDUSTRIAL SOUND LEVEL METER SETS

On April 16, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 17029) to amend Title 42, Code of Federal Regulations, by adding a new Part 82 to establish in the National Institute for Occupational Safety and Health (NIOSH) a program for the evaluation and certification of industrial sound level meter sets—instruments used for measuring noise levels in employee working environments.

Interested parties were invited to submit, within 30 days, written comments, suggestions, or objections regarding the proposed regulations. All public comments have been considered with the result that some changes have been made in the regulations which were proposed. The major comments and changes are discussed below:

1. *Fees.* As indicated by several submitted comments, there was some confusion concerning the fees to be rendered in accordance with §§ 82.20, 82.21, and 82.22 of the proposed rulemaking. Changes have been made in § 82.20 and § 82.21 to clarify this situation. These revisions obviate the need for § 82.22 of the proposed rule which has been deleted and § 82.23 has been redesignated as § 82.22.

It is to be noted that § 82.20 pertains to those industrial sound level meter sets which exhibit only the normal microphone configuration and to alternate acoustical calibrators submitted as part of an industrial sound level meter set. As stipulated in § 82.20(a), the indicated fees will be the maximum charged for the examination, inspection, and testing for certification of these devices. A new § 82.20(b) has been added which is pertinent only to submissions made in accordance with § 82.20(a). Specifically, § 82.20(b) provides that should the time required to complete the examination, inspection, and testing for certification be less than that estimated time upon which the fees of § 82.20(a) are based, a refund would be issued to the applicant based upon the computation rate designated.

Fees for submissions other than those specified in § 82.20(a) are governed by § 82.21. Further pertinent comments dealing with fee assessment, as outlined in § 82.22 of the original notice of proposed rulemaking, expressed concern that the computation rate of $50.00 per manday expended by the Institute staff could be construed as an "open-ended fee" amounting to a "blank check." The purpose of this provision was to permit a refund to the applicant should the time required to complete the evaluation be less than that normally anticipated—where a submission is made to modify a certificate—and also in anticipation of instances where unique problems might demand additional investment of personnel time. The Institute recognizes the concern of the commentators in this regard and a new § 82.21(c) has been added which provides that, for those submissions made in accordance with § 82.21 (a) and (b), only upon mutual consent of the applicant and the Institute will testing proceed beyond that point at which the submitted deposit will have been depleted based upon the indicated computation rate. Section 82.21(d) details the procedure for total cost assessment for submissions covered under § 82.21 (a), (b), and (c).

Finally, some users were under the erroneous impression that each purchased sound level meter must be submitted for certification, accompanied by the indicated fee. The NIOSH certification program is designed to pertain primarily to manufacturers of the instrument. Once a manufacturer has had a particular model certified, production of that model may be marketed with the certification seal attached so long as the devices are manufactured according to the drawings and specifications upon which the certificate is based. Under this procedure, users will be able to purchase a certified device.

2. *Uncertified instrumentation already marketed.* Of major concern to several persons was the disposition of those industrial sound level meters already marketed or in use at the time the NIOSH certification program is initiated. Since the NIOSH regulation has an integral mechanism for quality control, etc., it would be impossible to apply such controls to equipment already marketed.

3. *Trade secrets.* A number of comments were received in regard to possible dissemination of proprietary information submitted to the Institute upon application for certification. Section 82.14 of the regulations provides that information which is designated as and, on request, demonstrated to the Institute by the applicant to be a trade secret will be held confidential. The Freedom of Information Act exempts trade secrets from mandatory disclosure and HEW Departmental regulations prohibit disclosure of trade secrets.

4. *Quality control.* Comments were received indicating concern for the type of quality control program to be established by the applicant. It is not the intent of the regulations to force a given quality control plan on a manufacturer. Rather, § 82.41(b) as an alternative provides for the submission of a manufacturer's plan for NIOSH evaluation and approval. Concern has been expressed for the Institute's decision to interview the applicant's employees or agents. It is emphasized that such interviews will be with personnel responsible for quality control at the facility, and § 82.43 has been modified to reflect this intent.

5. *Private branded sets.* Another matter that elicited comment is the treatment accorded "private branded" industrial sound level meter sets. It is to be noted that the applicant, whether manufacturer, distributor, or other party, is responsible for fulfilling all requirements for certification including quality control in the manufacturing process. If the applicant is someone other than the manufacturer, the applicant must submit evidence that the manufacturer will conform with the certification requirements. Any modifications which the applicant should make to the manufactured device would necessarily be included in the submitted quality control plan. An alternative would be for the manufacturer to apply for certification of its device and subsequently, to apply for a modification of certificate (should its original device be certified) to embody the changes or modifications being made by the distributor. In either case, it is a cooperative effort of the parties involved, with either one serving as the applicant for certification.

6. *Pretesting by applicant.* In order not to impose any unnecessary restrictions in so far as exact duplication of NIOSH test equipment or facilities, § 82.52(a) has been modified to allow greater latitude for applicants in satisfying pretesting requirements. Also § 82.52(c), which provided for validation of an applicant's test results as a condition to certification, has been deleted as unnecessary; the conditions of satisfying testing requirements prior to issuance of certification are adequately covered in § 82.30 (a).

7. In the first sentence of § 82.64 the phrase, "submitted for certification," has been inserted to clarify that the tests which follow are those to be performed by the Institute on instruments submitted in accordance with the application for certification. This is to clarify the misconception that all of the following tests must be performed on each meter coming off the production line.

8. In § 82.64(b), the following sentence has been inserted: "Testing shall be performed with no observer present in the anechoic chamber."

9. Modification has been made to § 82.64(e) in order to accommodate wide range sound level meters.

Therefore, a new Part 82, as set forth below, is added to Title 42, Code of Federal Regulations, October 8, 1976.

Dated: January 20, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: September 29, 1976.

MARJORIE LYNCH,
Acting Secretary.

Subpart A—General Provisions

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Subpart G—Detailed Certification Requirements and Tests for Industrial Sound Level Meter Sets

82.60 Compliance with ANSI S1.4-1971.
82.61 Requirements for industrial sound level meter sets.
82.62 Requirements for industrial sound level meter set instruction manuals.
82.63 Requirements and tests for acoustical calibrators.
82.64 Requirements and tests for industrial sound level meters.

AUTHORITY: Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

Subpart A—General Provisions

§ 82.1 Purpose.

The regulations in this part set forth the requirements and fees for the certification of industrial sound level meter sets which are used to measure the noise levels in employee working environments.

§ 82.2 Lists of certified industrial sound level meter sets.

The Institute will publish and otherwise make available lists of industrial sound level meter sets that have been tested and certified as meeting the minimum requirements of this part.

§ 82.3 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) "Institute" means the National Institute for Occupational Safety and Health, established under the Act.

(c) "Testing and Certification Laboratory" means the Testing and Certification Laboratory of the National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

(d) An "Industrial Sound Level Meter" is a device designed to measure the noise levels to which employees are exposed in the working environment.

(e) An "Acoustical Calibrator" is a device compatible with the microphone of an industrial sound level meter which emits one or more pure tones at one or more sound pressure levels thus providing a check on the general operation and the means for maintaining the calibration of an industrial sound level meter.

(f) An "Industrial Sound Level Meter Set" consists of an industrial sound level meter, compatible acoustical calibrator(s), and instruction manual(s).

(g) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or markets an industrial sound level meter set and which seeks a certificate therefor.

(h) A "Certificate" is a formal document, issued by the Institute, stating that an individual industrial sound level meter set has met the minimum requirements of this part, and that the applicant is authorized to use and attach a seal to any device manufactured or assembled in conformance with the plans and specifications upon which certification was based as evidence of such certification.

(i) "Incoming Inspection" means the manufacturer's activity of receiving, examining, and accepting only those components and materials whose quality conforms to specification requirements.

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(j) "In Process Inspection" means the control of products at the source of production and at each step of the manufacturing process, so that departures from specifications can be corrected before defective components or materials are assembled into the finished product.

(k) "Final Inspection" means an inspection of a product after all manufacturing and assembly operations are completed to insure completeness and adherence to performance and other specifications, including satisfactory appearance.

(l) "Fully Graduated Scale" means that portion of the scale of the indicating instrument of an industrial sound level meter which is graduated in steps of one decibel.

(m) "Full Scale Deflection" means a setting of the indicating instrument pointer at the upper limit of the fully graduated scale.

(n) "Microphone Configuration" means the physical attachment and support for the microphone, as well as any environmental shield or screen used to cover the microphone during operation, and also includes the selection of a particular microphone if the sound level meter is designed to be used with an assortment of microphones.

(o) "Normal Microphone Configuration" means that the microphone is physically located on the industrial sound level meter body and is not covered by a windscreen or other environmental shield.

(p) "MIL-STD" means a specific military standards document approved by the U.S. Department of Defense.

§ 82.4 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the following technical publications to which reference is made in this part are hereby incorporated by reference and made a part hereof:

ANSI Y14.5–1973, "Dimensioning and Tolerancing of Engineering Drawings (issued November 1, 1973).

ANSI S1.4–1971, "Specifications for Sound Level Meters (issued April 27, 1971).

ANSI S1.10–1966, "Methods for the Calibration of Microphones (issued March 14, 1966).

Military Standard 105–D, "Sampling Procedures and Tables for Inspection by Attributes (issued April 29, 1963).

Military Standard 414, Sampling Procedures and Tables for Inspection by Variables for Percent Defective (issued June 11, 1957).

The referenced American National Standards Institute (ANSI) documents can be purchased from ANSI, 1430 Broadway, New York, N.Y. 10018, and the referenced military standards are available to the public without charge from the U.S. Naval Publications and Forms Center, 1501 Tabor Avenue, Philadelphia, PA 19120. These documents are also available for examination at the Testing and Certification Laboratory and the Regulations Office, National Institute for Occupational Safety and Health, Rm 3–32 Park Bldg., 5600 Fishers Lane, Rockville, MD 20852. Incorporation by reference provisions approved by the Director of the Federal Register on October 29, 1975.

Subpart B—Application for Certification

§ 82.10 Application procedures.

(a) Inspection, examination, and testing leading to certification of industrial sound level meter sets shall be undertaken by the Institute only pursuant to a written application filed in accordance with the requirements of this subpart. Such application shall be in the English language except as provided in § 82.11(a).

(b) The application and all related materials and correspondence concerning it shall be sent to the Testing and Certification Laboratory and shall be accompanied by a check, bankdraft, or money order in the amount specified in Subpart C of this part, payable to the National Institute for Occupational Safety and Health.

(c) Except as provided in § 82.52, the examination, inspection, and testing of all industrial sound level meter sets shall be under the sole direction and control of the Institute.

(d) Applicants, manufacturers, or their representatives may visit or communicate with the Testing and Certification Laboratory in order to discuss the requirements for certification of any industrial sound level meter set or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued to applicants, manufacturers, or their representatives by the Institute as a result of such consultation.

§ 82.11 Contents of application.

Each application for certification shall contain:

(a) A complete written description of the industrial sound level meter set for which certification is requested, together with classification of defects (as prescribed in § 82.41(d)), drawings, schematics (diagrams of electrical circuitry), and specifications (and indices of such drawings, schematics, and specifications) showing full details of construction and of the materials used. Classification of defects, drawings, schematics, and specifications (and indices thereof) shall be submitted in triplicate.

(1) Drawings and schematics shall be titled, numbered, and dated; any revision shall be shown on the drawings and schematics. The purpose of each revision shall be shown on the drawing or schematic or attachments thereto.

(2) Drawings may be dimensioned either in metric or English units. However, where non-English words are used on such drawings, the foreign language call-outs on drawings must be translated either directly on the drawings or on overlays. Drafting symbols not specified by American National Standards Institute standard drafting practices ANSI Y14.5–1973, "Dimensioning and Tolerancing of Engineering Drawings", must be interpreted in the English language.

(b) A plan for quality control which meets the minimum requirements set forth in Subpart E of this part. The quality control plan shall be submitted in triplicate.

(c) A statement that the industrial sound level meter set has been pretested by the applicant as prescribed in § 82.52, a description of the test methods employed, and the results of such tests together with a statement that, based on the test results, the industrial sound level meter set meets the applicable requirements of this part.

(d) A statement that the industrial sound level meter set submitted is either (1) a prototype, or (2) made on regular production tooling, with no operation, test, inspection, or calibration included which will not be incorporated in regular production processing.

(e) A sketch or description of the proposed location of the certification seal required by the Institute.

(f) A plot of the nominal free field relative response level of the industrial sound level meter, at an angle specified by the applicant, versus frequency. The frequency range shall be at least from 31.5 Hz to 8000 Hz and the specified angle shall be no greater than 90° relative to the forward axis of the microphone. This angle shall be chosen so that the response approximates random-incidence response. The applicant shall also indicate on this plot the manufacturer's tolerances which must be satisfied to ensure that the industrial sound level meter set complies with the requirements of paragraphs (a) and (b) of § 82.64. If the industrial sound level meter set for which certification is sought is provided with several optional microphone configurations, then similar plots shall be provided for each optional microphone configuration.

§ 82.12 Delivery of test material by applicant.

(a) Each applicant will, when an application is filed pursuant to § 82.10, be advised in writing by the Institute of the total number of industrial sound level meters, acoustical calibrators, instruction manuals, and accessories required for testing.

(b) The applicant shall deliver, at his own expense, the test material specified in paragraph (a) of this section to the Testing and Certification Laboratory within 90 days after being advised of the required test material.

(c) Industrial sound level meter sets submitted for certification must be made from materials specified in the application.

§ 82.13 Withdrawal of application.

Any applicant may, upon written request submitted to the Institute, withdraw any application for certification or modification of certificate for an industrial sound level meter set. Fees shall be in accordance with § 82.22.

§ 82.14 Public record.

After the testing of an industrial sound level meter set pursuant to application filed under this part, the application and matters relating to the industrial sound level meter set, including all test results, shall be public records and available for public inspection. However, any such information which is designated by the applicant as a trade secret will be held confidential, provided that the applicant demonstrates to the Institute, upon request, that the information is a trade secret.

§ 82.15 Material required for record.

(a) Only completely assembled industrial sound level meter set certified under the provisions of this part will be retained without cost by the Institute as a record of the performance investigation; material not required for the record will be returned to the applicant at his own expense, upon written request within 30 days after certification. If no such request is made, the test material will be disposed of by the Institute in such manner as it deems appropriate.

(b) When an industrial sound level meter set fails to meet the requirements for certification set forth in this part, or when an application for certification or for modification of certificate is withdrawn, all test material delivered by the applicant in accordance with § 82.12 will be returned to the applicant at his own expense, upon written request to the Institute within 30 days after notice of denial of certification or withdrawal of application. If no such request is made, the test material will be disposed of by the Institute in such manner as it deems appropriate.

Subpart C—Fees and Deposits

§ 82.20 Fees.

(a) The Institute will charge a maximum fee of $600 for the examination, inspection, and testing for certification of an industrial sound level meter set with the normal microphone configuration. An additional maximum fee of $200 will be charged for each alternate acoustical calibrator submitted as part of an industrial sound level meter set. These fees shall be submitted as part of an application for certification as prescribed in § 82.10(b).

(b) The fees stipulated in paragraph (a) of this section are based upon estimated man-hours necessary to complete certification. Upon completion of all examinations, inspections, and testing for certification of instruments submitted under this section, the Institute will compute the total man-hours expended by the Institute staff. If the total expenditure, computed at the rate of $50 per man-day, is less than the amount submitted under § 82.20(a), the balance will be refunded to the applicant.

§ 82.21 Deposits.

(a) An applicant shall submit a deposit of $600 to the Institute under the following circumstances:

(1) Upon applying for the certification of industrial sound level meter sets with microphone configurations other than the normal microphone configuration, or with several optional microphone configurations.

(2) Upon applying for examination, inspection, and testing of a prototype.

(3) Upon submitting an industrial sound level meter set made on regular production tooling subsequent to testing as a prototype.

(4) Upon applying for retesting of an industrial sound level meter set subsequent to denial of certification.

(b) The following deposits shall be submitted to the Institute for examination, inspection, and testing of component parts leading to a modification of certificate:

(1) Industrial sound level meter	$350
(2) Acoustical calibrator (each)	200
(3) Instruction manual	50

(c) Deposits stipulated in paragraphs (a) and (b) of this section shall be submitted as part of the application for certification as prescribed in § 82.10(b) and will be credited by the Institute toward actual certification costs based on a fee computation rate of $50 per man-day expended by the Institute staff. Only upon mutual consent of the applicant and the Institute will testing proceed beyond that point at which the deposit submitted under this section will have been depleted based on the fee computation rate.

(d) Upon completion of all examinations, inspections, and tests of industrial sound level meter sets or component parts, submitted under § 82.21 the Institute will compute the total fee using the computation rate in § 82.21(c). The Institute will then advise the applicant in writing of the total cost assessed and the additional amount, if any, which shall be paid to the Institute prior to the issuance of the certificate or other action by the Institute. If the total cost is less than the deposit, the Institute will refund the overpayment upon issuance of the certificate, modification of certificate, prototype testing results, or notice that the set or component fails to comply with the applicable requirements of this part.

§ 82.22 Settlement of fees upon withdrawal of application.

Upon receipt of a written request for the withdrawal of an application, the Institute will determine the total man-days expended and the amount due for services already performed during the course of any examinations, inspections, or tests conducted pursuant to such application. The total amount due shall be computed at a rate of $50 per man-day expended by the Institute staff and assessed against the deposits or fees submitted by the applicant. The Institute will then refund or request payment as appropriate.

Subpart D—Certification and Denial of Certification

§ 82.30 Issuance of certificates.

(a) The Institute will issue certificates pursuant to the provisions of this subpart only for individual, completely assembled industrial sound level meter sets which have been examined, inspected, and tested and which meet the requirements set forth in this part.

(b) The Institute will not issue certificates for any component part.

(c) The Institute will not issue informal certificates. However, if the application submitted in accordance with § 82.11 states that the submitted industrial sound level meter set is a prototype, the Institute will examine, inspect, and test the prototype in accordance with the provisions of this part. Upon completion of such examinations, inspections, and tests, the Institute will inform the applicant, in writing, of the results of the examinations, inspections, and tests. If it is found that the prototype meets the minimum requirements set forth in this part, the Institute will then require the applicant to submit industrial sound level meter sets made on regular production tooling, with no operations, tests, inspections, or calibrations included which will not be incorporated in regular production processing, for further examination, inspection and testing, prior to issuance of a certificate.

(d) Applicants required to submit industrial sound level meter sets made on regular production tooling, subsequent to testing as a prototype, shall be charged additional fees in accordance with § 82.21.

§ 82.31 Certificate contents.

Every certificate issued under this part will:

(a) Contain a description of the industrial sound level meter set for which it is issued.

(b) Specifically set forth any restrictions or limitations on the industrial sound level meter set's use in work places.

(c) Be accompanied by indices of drawings, schematics, and specifications submitted by the applicant in accordance with § 82.11. These listed drawings, schematics, and specifications shall be incorporated by reference in the certificate and shall be maintained by the applicant. The drawings, schematics, and specifications listed in each certificate shall set forth in detail the design and construction requirements which shall be met by the applicant in producing the industrial sound level meter set commercially.

(d) Be accompanied by a fullscale reproduction of the certification seal design as provided in § 82.33.

(e) Incorporate by reference the approved quality control plan as specified in Subpart E.

§ 82.32 Notice of denial of certification.

(a) If, upon completion of examinations, inspections, and tests required to be conducted in accordance with the provisions of this part, it is found that the industrial sound level meter set does not meet the minimum requirements set forth in this part, the Institute will issue a written notice so advising the applicant.

(b) Each such notice will be accompanied by all pertinent data or findings with respect to the deficiencies in performance of the industrial sound level meter set for which certification was

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sought with a view to possible correction of such deficiencies.

(c) If, after receiving a notice of denial of certification, the applicant corrects the deficiencies, the applicant may submit the industrial sound level meter set for retesting. Application may be made for a certificate as specified by Subpart B of this part. Deposits and fee computation shall be in accordance with § 82.21.

§ 82.33 Certification seals.

(a) Each certified industrial sound level meter set shall be marked with a certification seal designed by the Institute. The seal shall appear on the industrial sound level meter, acoustical calibrator(s), and instruction manual(s) which comprise the set and shall bear the applicant's name, the Institute's name, the seal of the Department of Health, Education, and Welfare, and a certification number consisting of the letters TC, followed by the numeral 51, and a certificate number (e.g. TC–51–197).

(b) The seal required in paragraph (a) of this section shall be applied in a permanent manner such that it cannot be readily defaced or removed without leaving evidence of its presence. The seal shall not in any way interfere with the operation of the industrial sound level meter set.

(c) The Institute will where necessary, notify the applicant when modification or addition of seals, labels, markings, or instructions is required.

(d) Certification seals shall only be used by the applicant to whom they were issued.

(e) Use of the Institute's certification seals obligates the applicant to whom they are issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to assure that the certified industrial sound level meter set is manufactured according to the drawings and specifications upon which the certificate is based.

(f) Each certified industrial sound level meter and acoustical calibrator(s) shall also be labeled to show the lot number, serial number, or approximate date of manufacture.

§ 82.34 Withdrawal of certification.

(a) The Institute may, after affording the certificate holder reasonable notice in writing and an opportunity to present his views or evidence, withdraw, for cause, any certificate which the Institute has issued under the provisions of this part. Such causes for withdrawal include, but are not limited to, misuse of certification markings, misleading advertising, and failure to maintain or cause to be maintained the quality control requirements of the certificate.

(1) The views and evidence of the holder of the certificate shall be presented in writing unless the Institute determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether cause exists for the withdrawal of the certificate.

(b) Effective upon receipt by the applicant of the Institute's written notice of intent to withdraw certification, the applicant shall cease to manufacture, market, or distribute for sale industrial sound level meter sets bearing the certification seal for those industrial sound level meter sets for which notice of intent to withdraw certification has been given.

§ 82.35 Changes after certification.

Prior to changing any feature of a certified industrial sound level meter set or of a component thereof, the applicant shall obtain the certification of the Institute pursuant to the following procedures:

(a) Application may be made at any time as for an original certificate as specified by Subpart B of this part. The application shall request that the existing certificate be extended to encompass the proposed change.

(b) The application and accompanying material will be examined by the Institute to determine whether testing of the modified industrial sound level meter set will be required. The Institute will inform the applicant whether such testing is required and, if so, when the modified device may be submitted for testing.

(c) The fees charged by the Institute for examination, inspection, and testing leading to a modification of the certificate shall be as specified by § 82.21 (b), (c), and (d).

(d) If the proposed modification meets the requirements of this part, a modified certificate will be issued, accompanied, where necessary, by a list of new and revised drawings, schematics, and specifications covering the change(s) and any revised certification markings.

Subpart E—Quality Control

§ 82.40 Filing requirement for quality control plans.

A quality control plan, written in the English language, shall be filed by the applicant as a part of each application submitted pursuant to § 82.10. The plan shall be designed to assure the accuracy of sound level measurement provided by the industrial sound level meter set for which certification is sought.

§ 82.41 Contents of quality control plans.

(a) Each quality control plan shall contain provisions for the management of quality, including: (1) Requirements for the production of quality data and the use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and test equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication and assembly work conducted in the applicant's plant; (6) audit of final inspection of the completed product; and, (7) the organizational structure necessary to carry out these provisions.

(b) Each provision for incoming and final inspection in the quality control plan shall include a procedure for the selection of a sample of industrial sound level meters, acoustical calibrators, and the components thereof for testing and/or inspection, in accordance with procedures set forth in MIL–STD–105D, "Sampling Procedures and Tables for Inspection by Attributes", or MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", or an approved equivalent sampling procedure, or an approved combination of sampling procedures.

(c) The sampling procedure shall include a list of the characteristics to be tested and/or inspected by the applicant or his agent.

(d) The characteristics listed in accordance with paragraph (c) of this section shall be classified according to the potential effect of such defect and grouped into the following classes:

(1) *Major.* A defect that is likely to result in reduced performance; and

(2) *Minor.* A defect that (i) is not likely to reduce the usability of the industrial sound level meter set for its intended purpose, or (ii) is a departure from established manufacturer's specifications and has little bearing on the effective use of the industrial sound level meter set.

(e) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested and/or inspected shall be described in detail.

(f) Each complete industrial sound level meter set manufactured shall be 100 percent inspected for specific major defects to be selected by the manufacturer and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect so classified by the applicant shall be:

(1) Major, 0.65 percent; and (2) Minor, 2.5 percent.

(h) Inspection level II as described in MIL–STD–105D, or inspection level IV as described in MIL–STD–414, shall be used for major and minor characteristics except that 100 percent inspection shall be used for specific major characteristics selected by the manufacturer.

§ 82.42 Approval of quality control plans.

(a) Each quality control plan submitted in accordance with this subpart will be reviewed by the Institute to determine its effectiveness in insuring the quality of performance of the industrial sound level meter set for which a certificate is sought.

(b) If the Institute determines that the quality control plan submitted by the applicant will not insure adequate quality control, the Institute will require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate.

(c) Approved quality control plans shall constitute a part of and be considered incorporated into any certificate issued by the Institute, and compliance with such plans by the applicant shall be a condition of certification.

§ 82.43 Review of quality control records.

(a) The applicant shall maintain quality control inspection records sufficient to carry out the procedures required in MIL–STD–105D or MIL–STD–414, or an approved equivalent sampling procedure, for each batch or lot, for not less than 4 years following acceptance or rejection of the batch or lot.

(b) The Institute shall have the right, at reasonable times, to have its representatives enter the applicant's facilities to survey the applicant's quality control system, inspection and test methods, equipment, and records. The representatives may interview any of the applicant's employees or agents concerned with the quality control program regarding the quality control system and equipment.

Subpart F—General Construction and Test Requirements

§ 82.50 General construction requirements.

(a) Industrial sound level meter sets will not be accepted by the Institute for examination, inspection, and testing unless they are designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

(b) Any industrial sound level meter set certified by the Institute for use in mines where "permissibility" is required shall meet the requirements for electric permissibility and intrinsic safety set forth in Part 18 of Title 30 CFR (Bureau of Mines Schedule 2G)—as tested and approved by the Mining Enforcement and Safety Administration.

§ 82.51 Minimum construction requirements for component parts.

The component parts of each industrial sound level meter set shall be:

(a) Designed and constructed to insure against creation of any hazard to the user.

(b) Assembled in a manner which permits access for inspection and repair of functional parts.

(c) Assembled in a manner which permits easy access to parts which require periodic maintenance.

§ 82.52 Pretesting by applicant.

(a) Prior to filing any application for certification or modification of a certificate, the applicant shall conduct sufficient tests and evaluations which in the judgment of the applicant would verify that the sound level meter set meets the performance requirements of this part.

(b) The Institute may, upon written request by the applicant, provide drawings and descriptions of its test equipment and otherwise render technical assistance to the applicant in establishing a test laboratory or securing the services of a testing agency.

§ 82.53 Assistance by applicant; observers; public demonstrations.

(a) The Institute may, as a condition of certification, require the assistance of the applicant or agents of the applicant during the assembly, disassembly, preparation or operation of any industrial sound level meter set prior to or during testing.

(b) Only Institute personnel, persons assisting the Institute pursuant to paragraph (a) of this section and such other persons as are requested by the Institute or the applicant to be observers, shall be present during any examination, inspection, or test conducted prior to the issuance of a certificate by the Institute for the equipment under consideration.

(c) Following the issuance of a certificate for an industrial sound level meter set, the Institute shall have the right to conduct such public tests and demonstrations of the certified device as are deemed appropriate.

Subpart G—Detailed Certification Requirements and Tests for Industrial Sound Level Meter Sets

§ 82.60 Compliance with ANSI S1.4–1971.

Except as otherwise required by this subpart, the requirements and tests set forth in § 82.61–§ 82.64 shall be in accordance with the indicated sections of American National Standards Specification for Sound Level Meters, S1.4–1971.

§ 82.61 Requirements for industrial sound level meter sets.

Each industrial sound level meter set shall, at a minimum, have the following features:

(a) An A-weighting network.

(b) A "SLOW" response meter characteristic.

(c) The capability of measuring, on the fully graduated scale, a sound level from at least 80 dBA to 115 dBA.

(d) An indicating instrument graduated in steps of one decibel over a range of at least 15 decibels.

(e) A means of checking battery voltage for both the industrial sound level meter and its associated acoustical calibrator(s).

(f) An instruction manual(s) detailing the operation, intended use, and limitations of the industrial sound level meter set.

(g) A compatible acoustical calibrator of the coupler type.

§ 82.62 Requirements for industrial sound level meter set instruction manuals.

(a) An industrial sound level meter set submitted to the Institute for certification shall contain an instruction manual which meets the requirements of this section. If the instruction manuals for the sound level meter and acoustical calibrator are separate, they will be considered as one for certification inspection.

(b) The instruction manual submitted for certification as part of an industrial sound level meter set shall at a minimum contain the following information:

(1) A general description of the industrial sound level meter, including its construction, principles of operation, and intended use.

(2) An explanation of the calibration procedure necessary to maintain the industrial sound level meter accuracy specified in § 82.64 of this subpart and the information required in section 9.2 (3) and 9.2(7) of ANSI S1.4–1971 to the extent that such information relates to acoustical calibrators of the coupler type. The sound pressure level(s) generated by the acoustical calibrator shall be stated.

(3) The reference sound pressure required by section 9.2(1) of ANSI S1.4–1971.

(4) A description of the A-weighting curve and its effect on sound pressure level measurements.

(5) The information relating to thermal sensitivity required by section 9.2(8) of ANSI S1.4–1971. Also included shall be the effect of temperature on the acoustical calibrator.

(6) The information required in section 9.2(9) of ANSI S1.4–1971 relating to battery life.

(7) The information required in section 9.2(10) of ANSI S1.4–1971. As used in ANSI S1.4–1971, the word "instrument" means both the industrial sound level meter and the acoustical calibrator.

(8) The information required in section 9.2(11) of ANSI S1.4–1971 relating to relative humidity range including the range of relative humidity over which there is less than 0.5 decibel variation in sensitivity.

(9) The information required in section 9.2(12) of ANSI S1.4–1971. As used in ANSI S1.4–1971 the phrase "complete apparatus" shall mean the industrial sound level meter.

(10) The effect of variations in the atmospheric pressure on the acoustical calibrator and the industrial sound level meter and corrections, if any, necessary to compensate for these variations.

(11) The information required in section 9.2(20) and section 3.3.4 of ANSI S1.4–1971 as applies to A-weighting.

(12) The information required in section 9.2(4) of ANSI S1.4–1971 including a discussion of the effects of background noise on measurements.

(13) A listing of the microphone configurations of the industrial sound level meter which have been certified under this part (e.g. (1) industrial sound level meter with normal microphone configuration, (2) industrial sound level meter with microphone extension cable, (3) industrial sound level meter with windscreen, (4) industrial sound level meter with windscreen and extension cable, etc.). The manual shall also state if some alternate microphone configurations have not been certified.

(14) The information relating to the microphone extension cable required in section 9.2(18) of ANSI S1.4–1971, if applicable.

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(15) The information relating to directional response required in section 9.2 (19) of ANSI S1.4–1971.

(16) A description of any periodic maintenance that is expected to be performed by the user to maintain the effectiveness of the industrial sound level meter set.

(17) The information relating to stability precautions required in section 6.1 of ANSI S1.4–1971.

(18) The information required in section 9.2(6) of ANSI S1.4–1971 as applies to "SLOW" response, including the nominal undershoot and overshoot in decibels when tested as described in § 82.64 (1) of this part.

(19) The information relating to output connections required in section 8.2 of ANSI S1.4–1971, if applicable.

(20) The information relating to the microphone required in section 9.2(17) of ANSI S1.4–1971.

(21) The information relating to internal noise required in section 3.3.1 of ANSI S1.4–1971.

(22) The date of the most recent revision of the instruction manual.

§ 82.63 Requirements and tests for acoustical calibrators.

(a) Each acoustical calibrator intended for use as part of an industrial sound level meter set shall meet the requirements of section 6.2.5 of ANSI S1.4–1971. The acoustical calibrator shall be of the pure-tone, coupler type and be compatible with the industrial sound level meter with which it is to be certified as a set.

(b) If the acoustical calibrator operates at more than one frequency, means shall be provided to indicate which frequency is in use. The accuracy of the calibration frequency of the acoustical calibrator shall be within ±5 percent of the frequency stated by the applicant.

(c) If the acoustical calibrator operates at more than one sound pressure level, means shall be provided to indicate which sound pressure level is in use. The accuracy of the calibration sound pressure level of the acoustical calibrator shall be accurate to within ±1 dB, utilizing any corrections for atmospheric pressure specified by the instruction manual.

(d) If the acoustical calibrator is battery operated, means shall be provided to indicate whether battery voltage is adequate to maintain the performance specified for the acoustical calibrator. The requirements described in paragraphs (b) and (c) of this section shall be tested under minimally adequate battery voltage (i.e., the minimum battery voltage necessary to ensure adequate operation).

(e) The tests of frequency and sound pressure level shall be made with a compatible microphone whose calibration has been transferred from a laboratory standard microphone calibrated by the reciprocity technique described in ANSI S1.10–1966, "Method for the Calibration of Microphones".

(f) If the acoustical calibrator operates at multiple sound pressure levels or frequencies, then the preferred frequency and sound pressure level, if any, shall be specified by the applicant for use in calibrating the industrial sound level meter for testing for compliance with the requirements of § 82.64.

§ 82.64 Requirements and tests for industrial sound level meters.

Each industrial sound level meter submitted for certification shall meet the following requirements and tests. All tests shall be performed with the industrial sound level meter set to A-weighted, "SLOW" response unless otherwise specified.

(a) The industrial sound level meter shall have an A-weighting-network with the frequency characteristics and design specified for Type 2 sound level meters in sections 3.1, 3.1.1, and 3.1.3. of ANSI S1.4–1971. The A-weighted response of the sound level meter shall be verified by the tests described in paragraph (b) of this section.

(b) The total tolerance limits of the industrial sound level meter for sound at random incidence shall be as specified for Type S2A sound level meters in section 3.2.1 of ANSI S1.4–1971. Testing shall be performed in an anechoic chamber to determine if the industrial sound level meter meets the required frequency response characteristics and total tolerance limits. The method of test shall be as described in sections 4.1 and 4.2.1 of ANSI S1.4–1971. Testing shall be performed with no observer present in the anechoic chamber. Tests to determine that the industrial sound level meter meets acoustic low frequency response tolerances will be performed using a low frequency calibration chamber at the Testing and Certification Laboratory. Supplementary diffuse field or free-field tests will be performed by the Testing and Certification Laboratory as required to verify overall random incidence response tolerance limits.

(c) The maximum deviation of the free-field relative response level as a function of angle of incidence with respect to the random-incidence relative response level shall be as specified for Type S2A sound level meters in section 4.2.2 of ANSI S1.4–1971. Testing shall be performed in an anechoic chamber with no observer present in the chamber.

(d) The sensitivity range attenuator of the industrial sound level meter, if provided, shall meet the requirements specified for Type 2 sound level meters in section 3.2.2 of ANSI S1.4–1971. The accuracy of the settings of the sensitivity range attenuator shall be determined by inserting a sinusoidal voltage of adjustable amplitude in series with the microphone of the industrial sound level meter. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The test shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

(e) The internal noise of those industrial sound level meters supplied with amplifier output connections shall meet the Type 2 sound level meter requirements specified in section 3.3.1 of ANSI S1.4–1971. However, in order to properly test sound level meters having very wide scale spans, the last sentence of section 3.3.1 of ANSI S1.4–1971 shall be modified and interpreted as follows: "In addition, the internal noise equivalent sound level, when measured in octave bands for all range attenuator settings that include any portion of the range 80 dBA to 115 dBA, shall not exceed either of the following: (i) 40 decibels below full scale, (ii) 20 decibels below the lower limit of the fully graduated scale. Each octave band level shall be expressed relative to a sinusoidal signal, centered in the octave band, having full scale level."

(f) In an acoustic environment in which the sound level is less than 30 dBA, the industrial sound level meter reading shall not exceed 55 dBA if the industrial sound level meter has a sensitivity range attenuator setting to allow such a measurement within the fully graduated scale. If such a sensitivity range attenuator setting is not provided, the industrial sound level meter, when placed on its most sensitive range attenuator setting, shall indicate a reading less than 1 dBA above the lower limit of the fully graduated scale.

(g) The amplified distortion of the industrial sound level meter shall meet the requirements for Type 2 sound level meters specified in section 3.3.3 of ANSI S1.4–1971. The response to electrical sine waves shall be determined by inserting a sinusoidal voltage in series with the microphone of the industrial sound level meter to produce a full scale deflection reading. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The signal shall then be increased until the electrical signal is 10 dBA above the voltage equivalent of full scale deflection. Any deviation from linearity in the response of the industrial sound level meter shall be noted. The test shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

(h) The amplifier overload distortion of the industrial sound level meter shall meet the requirements of section 3.3.4 of ANSI S1.4–1971 except that the specified data shall be required only for the A-weighting mode.

(i) The industrial sound level meter scale marking and accuracy shall meet the requirements specified for Type 2 sound level meters in Section 5.1 of ANSI S1.4–1971. In section 5.1.3 of ANSI S1.4–1971 the phrase "full scale" shall mean the upper limit of the fully graduated scale. Table I below provides the permitted error for scales graduated from −5 decibels to +10 decibels as required by section 5.1.3 of ANSI S1.4–1971. If the scale is graduated otherwise, the formula specified for Type 2 sound level meters in section 5.1.3 of ANSI S1.4–1971 is to be applied to obtain a similar table. The accuracy of the indicating instrument scale shall be determined by inserting a sinusoidal voltage in series with the microphone of the industrial sound level meter. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The amplitude of the inserted signal shall be adjusted so that the indicating instrument reads full scale deflection. Then the signal shall be attenuated so as to reduce the indicated sound level in one decibel steps. The required attenuation shall be precisely measured and used to determine the accuracy of the indicating instrument. The test shall be performed at least at the frequency of 1000 Hz.

TABLE I.—*Permitted scale error*

Scale marking:	Permitted error (dBA)
+10	Reference
+9	±0.23
+8	±0.26
+7	±0.29
+6	±0.32
+5	±0.35
+4	±0.38
+3	±0.41
+2	±0.44
+1	±0.47
0	±0.50
−1	±0.53
−2	±0.56
−3	±0.59
−4	±0.62
−5	±0.65

(j) The indicating instrument of the industrial sound level meter shall meet the requirements for Type 2 sound level meters specified in Section 5.2 of ANSI S1.4–1971. The requirement of section 5.2 shall be verified by the Rule of Combination Measurement Procedure described in Appendix B of ANSI S1.4–1971 but with the following modifications:

(1) One-third octave bands of noise shall be used. Octave bands of noise shall not be used.

(2) The voltage developed across the resistor shall be applied as an electrical input to the industrial sound level meter in series with the microphone, with the acoustic pickup made negligible.

(3) Only A-weighting shall be used in the measurement procedure.

(4) Only the "SLOW" meter characteristic of the industrial sound level meter shall be used in the measurement procedure.

(k) The industrial sound level meter shall employ an indicating system equally responsive to instantaneous sound pressures both above and below ambient static pressure (i.e., full-wave or true square law rectification shall be employed).

(l) The industrial sound level meter shall have the slow dynamic characteristic specified for Type 2 sound level meters in Section 5.4 of ANSI S1.4–1971, with the exception of section 5.4.4 which need not apply. The phrase "full-scale reading" in section 5.4.3 of ANSI S1.4–1971 means the upper limit of the fully graduated scale. If the scale of the meter is not graduated from −5 decibels to +10 decibels, suitable testing levels other than that specified in section 5.4.3 of ANSI S1.4–1971 may be chosen by the Institute. The test described in section 5.4.2 of ANSI S1.4–1971 shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

(m) The industrial sound level meter shall have a battery indicator, if battery operated, as specified in section 5.5 of ANSI S1.4–1971. The accuracy of the industrial sound level meter with minimally adequate battery voltage shall be checked by first inserting a sinusoidal signal in series with the microphone with normal battery voltage and then with the minimally adequate voltage. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The variation in the meter reading shall not exceed ±.5 dBA. If the industrial sound level meter has more than one battery, the various combinations of minimally adequate battery voltages will be used to perform the above test.

(n) Each industrial sound level meter shall meet the requirements specified in section 6.2.2 of ANSI S1.4–1971 except that the industrial sound level meter, as part of a set, shall be designed so that its sensitivity can be checked with an acoustical calibrator of the coupler type.

(o) The industrial sound level meter shall meet the temperature requirements specified in section 7.1 of ANSI S1.4–1971. The effect of temperature on the electronic circuitry of the industrial sound level meter shall be determined by placing the industrial sound level meter in a temperature controlled chamber and then inserting a sinusoidal voltage in series with the microphone to produce a steady meter reading 6 decibels down from full scale deflection. If the scale of the indicating instrument is not graduated from −5 decibels to +10 decibels, other suitable testing levels may be chosen by the Institute. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The temperature shall then be varied and the deviation in reading noted. The test shall be performed at least at the temperatures −10° C, 10° C, 30° C, and 50° C. The effect of temperature upon the entire instrument including the microphone shall also be determined. The test just described shall be repeated, utilizing an acoustical tone in place of electrical insertion. If the industrial sound level meter is battery operated, the tests shall be performed under battery power.

(p) The industrial sound level meter shall meet the humidity requirements for Type 1 sound level meters specified in section 7.2 of ANSI S1.4–1971 except that the range of relative humidity over which there is less than 0.5 decibel variation in sensitivity shall be that stated by the applicant. The effect of humidity on the industrial sound level meter operation shall be determined by using an acoustical tone to produce an indicated sound level 6 decibels down from full scale deflection. If the scale of the indicating instrument is not graduated from −5 decibels to +10 decibels, other suitable testing levels may be chosen by the Institute. The relative humidity shall then be varied and the deviation in reading noted.

(q) The industrial sound level meter shall meet the vibration requirements for Type 1 sound level meters specified in section 7.3 of ANSI S1.4–1971 except that the tests shall be performed and the manufacturer shall be required to state readings for the A-weighting network only. The symbol "0.1g," in ANSI S1.4–1971 means that the root-mean-square acceleration shall be 0.1g where g=9.80 m/sec². The tests shall be performed by placing the industrial sound level meter in contact with a vibrating surface. The surface shall be vibrated at least at the frequencies 63 Hz, 250 Hz, and 1000 Hz.

(r) The industrial sound level meter shall meet the requirements for magnetic fields specified in section 7.5 of ANSI S1.4–1971 except that:

(1) Tests shall be performed and the manufacturer shall be required to state the magnetic field sensitivity for the A-weighting network only.

(2) Testing shall be performed using 60 Hz and 400 Hz magnetic fields.

(3) The A-weighted levels (in decibels) for 1 oersted, 60 Hz and 400 Hz magnetic fields shall be stated for each sensitivity range attenuator setting, if provided. If no sensitivity range attenuator is provided, the indicated reading under these test conditions shall be stated.

(s) The industrial sound level meter shall, if provided with output connections, meet the requirements for output connections specified in Section 8.2 of ANSI S1.4–1971. The test shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

[FR Doc.76-29444 Filed 10-7-76;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER D—VESSEL FINANCING ASSISTANCE

PART 297—TRANSACTIONS AND OPERATIONS IN FEDERAL SHIP MORTGAGE INSURANCE FUND DEBENTURES

Revocation of Part

The heading of Subchapter D of Title 46, Code of Federal Regulations, is hereby amended to read as shown above, and Part 297 thereunder is hereby revoked.

Dated: September 30, 1976.

By order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary,
Maritime Subsidy Board.

[FR Doc.76-29687 Filed 10-7-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Oologah, Oklahoma

Report and order—Proceeding Terminated. In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Stations (Oologah, Oklahoma), Docket No. 20830, RM–2630.

Adopted: October 1, 1976.

Released: October 5, 1976.

1. The Commission has under consideration its notice of proposed rulemaking, adopted May 27, 1976, 41 FR 23209, inviting comments on a proposal to assign FM Channel 291 (Class C) to

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Oologah, Oklahoma. This proceeding was instituted on the basis of a petition filed by William L. Wright (petitioner). Supporting comments were filed by petitioner. No oppositions were filed.

2. Oologah, a community of 458 [1] population, in Rodgers County (pop. 28,425), is located approximately 48 kilometers (30 miles) northeast of Tulsa, Oklahoma. Oologah has no local broadcast transmission service.

3. Petitioner asserts that Oologah's population has almost doubled in the last five years. In supporting comments, he states that the President of the Lakeside Bank of Oologah informed him that the bank which opened recently was projected to reach $2 million in assets by the end of the first year, and that the Public Service Company power station, located one mile south of Oologah is presently undergoing a $300 million expansion which will result in the employment of additional workers. Petitioner states that he fully intends to apply for the channel, if assigned, and to build a station if authorized.

4. The Notice requested the petitioner to submit showings as to whether or not alternate channels were available for assignment to the communities in the precluded areas which had a population of 1,000 or greater. Responding to the Notice, petitioner noted numerous alternate Class A channels that were available for assignment to the communities in question, with populations varying from 1,414 to 6,811 persons. The petitioner claimed that an FM station operating as proposed would provide a first FM service to 4,271 persons in an area of approximately 453 square kilometers (175 square miles) and a second FM service to 31,204 persons in an area of approximately 2,629 square kilometers (1,015 square miles). It would also provide a second aural service to 6,570 persons in an area of approximately 531 square kilometers (205 square miles).

5. Ordinarily a Class A channel would be assigned to a community the size of Oologah. However, since Channel 291 is the only FM channel that can be assigned to that community without making other changes in the FM Table, thereby providing Oologah with its first local FM service, and since alternate Class A channels are available for assignment to communities located in the precluded area, and an FM station would provide significant first and second FM services, the public interest would be served by assigning Channel 291 to Oologah, Oklahoma.

6. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations.

7. *Accordingly, it is ordered,* That effective November 15, 1976, the Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the city listed below:

City:	Channel No.
Oologah, Okla.	[2] 291

[2] Any application for this channel must specify at least an effective radiated power of 100 kW and antenna height of 122 meters (400 ft) above average terrain or equivalent.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-29656 Filed 10-7-76;8:45 am]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Pennsylvania, California and Minnesota

Report and order—Proceeding Terminated. In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Saegertown, Pennsylvania; Carpinteria, California; Two Harbors, Minnesota; Grass Valley, California), Docket No. 20812, RM-2647, RM-2660, RM-2671, RM-2672.

Adopted: September 28, 1976.

Released: September 30, 1976.

1. The Commission has before it the notice of proposed rulemaking, adopted May 13, 1976 (41 FR 21365), inviting comments on a number of changes in the FM Table of Assignments § 73.202(b) of the rules). The communities, channel assignments proposed, and petitioning parties are as follows:

RM-2647—Channel 232A to Saegertown, Pennsylvania (Corry Broadcasting, Inc.).
RM-2660—Channel 269A to Carpinteria, California (Israel Sinofsky).
RM-2671—Channel 269A to Two Harbors, Minnesota (FM Station Atlas).
RM-2672—Channel 221A to Grass Valley, California (Mother Lode Broadcasting Co.).

2. In each of the above cases, the petitioner seeks the assignment of a first Class A FM channel without requiring any additional changes in the FM Table of Assignments. The petitioning parties for the proposed assignments to Seagertown, Pennsylvania, and Grass Valley, California, filed supporting statements reiterating their intention to apply for the channels, if assigned, and to build stations if authorized. All population data are taken from the 1970 U.S. Census. Petitioners for the proposed assignments to Two Harbors, Minnesota, and Carpinteria, California, filed no supporting comments or statements. All proposals were unopposed except that concerning Seagertown, Pennsylvania, which was opposed by Regional Broadcasters, Inc., licensee of AM Station WMGW and FM Station WZPR (Channel 262), Meadville, Pennsylvania. The merits of the Grass Valley, California, and Seagertown, Pennsylvania, proposals will be discussed below. In the absence of any interest in a channel for the other two communities, no further discussion of these proposals is required. Both will be denied.

3. Saegertown, Pennsylvania (RM-2647). Corry Broadcasting, Inc. (petitioner) filed a petition proposing the assignment of Channel 232A to Saegertown, Pennsylvania. Saegertown (pop. 1,348) is located in Crawford County (pop. 81,342) and is situated in the northwestern part of Pennsylvania.

4. Petitioner states that Saegertown's principal industries are component parts for radio and television, electrical components, soft drinks, bolt and screw parts, molding and equipment, manufacturing of bonded adhesives, and tool and die operations. It points out that the community has no broadcast station or newspaper so the residents of Saegertown have to rely on the Meadville Tribune, published in Meadville, eight miles away. In supporting comments, petitioner reaffirmed his intention to make application for the channel if it is assigned and to construct a station expeditiously following a grant of a construction permit.

5. In response to the Notice, Regional Broadcasters, Inc. (Regional), licensee of AM Station WMGW (Class IV), and WZPR(FM) (Channel 262), filed an opposition contending that both Stations WMGW and WZPR(FM) provide Saegertown and its environs with a strong signal. Regional submitted an engineering statement to show that both of its stations render primary service to not only Meadville, but also to the adjacent areas including Saegertown. It asserts that Saegertown has no unsatisfied needs or problems which justify the assignment of an FM channel to it. It contends that various programs on its stations provide coverage of Saegertown's needs and problems. It states that the facilities of both stations are readily made available to Saegertown organizations of every character and are utilized by these organizations. Regional further contends that the public interest would not be served by the assignment of an FM channel to Saegertown which, in its view, is neither of sufficient size or importance nor has sufficient advertisers to support an FM station and whose transmission and reception needs are being satisfied by the Meadville stations.

6. In reply comments, petitioner states that Regional submitted engineering support to show that the signal of Station WMGW reaches Saegertown during daytime hours of operation, but that no showing was made of the nighttime service that might be provided to Saegertown by Station WMGW. Petitioner contends that the obvious answer is that WMGW does not provide nighttime service to Saegertown.

7. Regional reiterates in its reply comments that its stations in Meadville serve the transmission and reception needs of Saegertown. As further evidence of the absence of any need or demand for an FM station in Saegertown, Regional attached to its reply comments a letter from the Administrator of the Crawford County Home and Hospital certifying complete satisfaction with the signal and service provided by the Meadville stations and affirming the belief that no need exists for the establishment of a radio station in Saegertown.

8. Even if nearby stations do provide coverage of Saegertown and even if they offer some programming directed to Saegertown, this is not a basis for refusing to provide a community with an opportunity to acquire a first broadcast outlet for local expression. An FM channel assignment here would provide for a local station which could broadcast programs directed to meeting the special needs, interests and problems of Saegertown and the surrounding area. No station, owing its primary obligation to another locality, could be expected to provide the equivalent of such local service.

9. Grass Valley, California (RM-2647). Mother Lode Broadcasting Co. filed a petition on March 16, 1976, proposing the assignment of Channel 221A to Grass Valley, California. Grass Valley (pop. 5,149) is located in Nevada County (pop. 26,346) and situated about 80 kilometers (50 miles) northeast of Sacramento. There is no local broadcast transmission service in Grass Valley or Nevada County.

10. In the Notice, we set out economic and other information pertaining to the need for a first assignment in Grass Valley. Based on that information, we believe the public interest would be served by assigning Channel 221A to Grass Valley, California, to provide a first local broadcast service in this community. It would also represent the first service in Nevada County in which it is located.

11. Based on the foregoing considerations, we are of the view that the public interest would be served by assigning FM channels to the communities listed below.

12. *Accordingly, it is ordered,* That effective November 11, 1976, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the cities listed below as follows:

City:	Channel No.
California, Grass Valley	221A
Pennsylvania, Saegertown	232A

13. Authority for the amendments adopted herein is found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations.

14. *It is further ordered,* That the petition (RM-2660) filed by Israel Sinofsky, for assignment of Channel 269A to Carpinteria, California, is denied.

15. *It is further ordered,* That the petition (RM-2671) filed by FM Station Atlas for assignment of Channel 269A to Two Harbors, Minnesota, is denied.

16. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-29657 Filed 10-7-76;8:45 am]

[1] All population figures are taken from the 1970 U.S. Census.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-7 (Sub-No. 1)]

PART 1048—COMMERCIAL ZONES

Washington, D.C.; Order on Reconsideration

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 28th day of September 1976.

It appearing, that on August 2, 1976, the Commission, Review Board Number 2, made and filed its report and order on petition in 125 M.C.C. 276, in this proceeding, denying in whole the relief sought (inclusion of an area .49 square miles into the Washington, D.C., commercial zone) as contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8) and 49 CFR 1048.4);

It further appearing, that by petition for reconsideration, filed September 13, 1976, Montgomery County, Md., seeks reconsideration of the prior report and order at 125 M.C.C. 276, so as to have included within the present commercial zone boundaries of Washington, D.C., and, in addition, an area encompassing the new Montgomery County Service Park (comprising a total of .49 square miles);

It further appearing, that the facts as enumerated by the review board in its report and order at 125 M.C.C. 276 are correct in all material respects and are affirmed and adopted as our own;

It further appearing, that the area sought to be included within the present zone boundaries comprises a new facility (the Montgomery County Service Park) intended to house a number of area facilities (the Montgomery County Department of Liquor Control Warehouse, the Montgomery County Department of Transportation Maintenance Yard, the Maryland-National Capital Park and Planning Commission Maintenance Yard, the Montgomery County Board of Education Maintenance Yard, and the Shady Grove METRO facility, among others) which had previously been located within the present commercial zone boundaries; that the area sought to be included is immediately adjacent to the present zone boundaries, comprises but .49 square miles, and is presently connected to the present zone boundaries by a private access road; that there presently exists a substantial daily traffic flow between the new liquor warehouse, presently in operation, and points within the District of Columbia; that electric power and telephone service are supplied to both the new facility and the Washington, D.C., metropolitan area by the same companies; that the area sought to be included herein is part of the Washington Metropolitan Area Transit Authority which provides public transportation between Washington, D.C., and the new county facility (and to points beyond); that the special circumstances presented by the petition and evidence in support thereof (the fact that: The area sought to be included is small, the relocated county facilities were previously within the zone, the area sought to be included is presently connected to the existing zone by a private road, and the redefinition will clarify and correct certain presently existing ambiguities in the presently defined zone), in their totality, demonstrates a nexus between the area sought to be included and Washington, D.C., itself; and that the area described in the notice accompanying this order is, in fact, economically and commercially a part of Washington, D.C.:

Wherefore, and good cause appearing therefor:

It is ordered, That this proceeding be, and it is hereby, reopened for reconsideration.

It is further ordered, That the report and order entered in Ex Parte No. MC-7 (Sub-No. 1) on August 2, 1976, be, and it is hereby, vacated and set aside to the extent it is inconsistent herewith, and the revision in the notice accompanying this order, which revision is subject to prior publication in the FEDERAL REGISTER of the accompanying notice of the limits of the commercial zone, shall be substituted in lieu of the present commercial zone limits as defined in 49 CFR 1048.4.

It is further ordered, That this order shall become effective on November 1, 1976, and shall continue in effect until further order of the Commission.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

ROBERT L. OSWALD,[1]
Secretary.

The Interstate Commerce Commission has modified § 1048.4 of the Code of Federal Regulations by the redefinition of the commercial zone limits of Washington, D.C. This action stems from a petition filed by Montgomery County, Md., on June 1, 1976, requesting that the commercial zone limits of Washington, D.C., be redefined to include the Montgomery County Service Park, an area of .49 square miles, which area would be exempt from the Commission's economic regulation under section 203(b)(8) of the Interstate Commerce Act.

This rule is issued under authority of 49 Stat. 543, as amended 544, as amended 546, as amended 49 U.S.C. 302, 303, and 304.

Issued in Washington, D.C., this 28th day of September 1976.

Accordingly, this action revises 49 CFR 1048.4 as follows:

§ 1048.4 Washington, D.C.

The zone adjacent to and commercially a part of Washington, D.C., within which

[1] By the Commission, Division 1, Acting as an Appellate Division, Commissioners Murphy, Gresham, and Christian, Commissioner Murphy dissenting. Dissenting statement filed as part of the original document.

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transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and it is comprised of all as follows:

Beginning at the intersection of MacArthur Boulevard and Falls Road (Maryland Highway 189) and extending northeasterly along Falls Road to its junction with Scott Drive, thence west on Scott Drive to its junction with Viers Drive, thence west on Viers Drive to its junction with Glen Mill Road, thence northeast on Glen Mill Road to its junction with Maryland Highway 28, thence west on Maryland Highway 28 to its junction with Shady Grove Road, thence northeasterly on Shady Grove Road to its junction with Briardale Road, thence southeasterly on Briardale Road to its junction with Redland Road, thence southwesterly on Redland Road to Crabbs Branch, thence southeasterly along the course of Crabbs Branch to Rock Creek, thence southerly along the course of Rock Creek to Viers Mill Road (Maryland Highway 586), thence southeasterly along Viers Mill Road approximately 0.3 mile to its junction with Aspen Hill Road, thence northeasterly along Aspen Hill Road to its junction with Brookeville Road (Maryland Highway 97), thence southeasterly along Brookeville Road to its junction with Maryland Highway 183, thence northeasterly along Maryland Highway 183 to Colesville, Md., thence southeasterly along Beltsville Road to its junction with Powder Mill Road (Maryland Highway 212), thence easterly over Powder Mill Road to its junction with Montgomery Road, thence northeasterly along Montgomery Road, approximately 0.2 mile, to its junction with an unnumbered highway extending northeasterly to the north of Ammendale Normal Institute, thence along such unnumbered highway for a distance of about 2.2 miles to its junction somewhat north of Virginia Manor, Md., with an unnumbered highway extending easterly through Muirkirk, Md., thence along such unnumbered highway through Muirkirk to its junction, approximately 1.8 miles east of the Baltimore and Ohio Railroad, with an unnumbered highway, thence southwesterly along such unnumbered highway for a distance of about 0.5 mile to its junction with an unnumbered highway, thence southeasterly along such unnumbered highway through Springfield and Hillmeade, Md., to its junction with Defense Highway (U.S. Highway 50), thence southwesterly along Defense Highway approximately 0.8 mile to its junction with Enterprise Road (Maryland Highway 556), thence southerly over Enterprise Road to its junction with Central Avenue (Maryland Highway 214), thence westerly over Central Avenue about 0.5 mile to its crossing of Western Branch, thence southerly down the course of Western Branch to Maryland Highway 202, thence westerly approximately 0.3 mile along Maryland Highway 202 to its junction with White House Road, thence southwesterly along White House Road to its junction with Maryland Highway 221, thence southeasterly along Maryland Highway 221 to its junction with Maryland Highway 4, thence westerly along Maryland Highway 4 to the boundary of Andrews Air Force Base, thence south and west along said boundary to Brandywine Road (Maryland Highway 5), thence northwesterly along Maryland Highway 5 to its junction with Maryland Highway 337, thence southwesterly along Maryland Highway 337 to its junction with Maryland Highway 224, thence southerly along Maryland Highway 224 to a point opposite the mouth of Broad Creek, thence due west across the Potomac River to the west bank thereof, thence southerly along the west bank of the Potomac River to Gunston Cove, thence up the course of Gunston Cove to Pohick Creek, thence up the course of Pohick Creek to Virginia Highway 611, thence southwesterly along Virginia Highway 611 to the Fairfax-Prince William County line, thence along said county line to Virginia Highway 123, thence northerly along Virginia Highway 123 to its junction with Virginia Highway 636, thence northeasterly along Virginia Highway 636 to its junction with Virginia Highway 638, thence northwesterly along Virginia Highway 638 to its junction with Virginia Highway 620, thence westerly along Virginia Highway 620 to its junction with Virginia Highway 655, thence northeasterly along Virginia Highway 655 to its junction with U.S. Highway 211, thence westerly along U.S. Highway 211 to its junction with Virginia Highway 608, thence northerly along Virginia Highway 608 to its junction with U.S. Highway 50, thence westerly along U.S. Highway 50 to the Fairfax-Loudoun County line, thence northeasterly along said county line to its intersection with Dulles International Airport, thence along the southern, western, and northern boundaries of said airport to the Fairfax-Loudoun County line (at or near Dulles Airport Access Road) thence northeasterly along said county line to its junction with Virginia Highway 7, thence southeasterly along Virginia Highway 7 to its junction with Virginia Highway 193, thence along Virginia Highway 193 to its junction with Scott Run Creek, thence northerly down the course of Scott Run Creek to the Potomac River, thence due north across the river to MacArthur Boulevard to its junction with Maryland Highway 189, the point of beginning.

[FR Doc.76-29701 Filed 10-7-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Horicon National Wildlife Refuge; Wis.

The following special regulation is issued and is effective October 8, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and rabbits on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period November 20 through November 28, 1976, with designated firearms, and during the period December 4 through December 31, 1976 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

JACK TOLL,
Refuge Manager,
Horicon National Wildlife Refuge.

OCTOBER 1, 1976.

[FR Doc.76-29674 Filed 10-7-76;8:45 am]

PART 32—HUNTING

Horicon National Wildlife Refuge; Wis.

The following special regulation is issued and is effective October 8, 1976.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period October 20 through November 28, 1976, with designated firearms, and during the period December 4 through December 31, 1976 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JACK TOLL,
Refuge Manager,
Horicon National Wildlife Refuge.

OCTOBER 1, 1976.

[FR Doc.76-29675 Filed 10-7-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of the Filbert Control Board and Rate of Assessment for the 1976–77 Fiscal Year

Notice is given of a proposal regarding expenses of the Filbert Control Board, and rate of assessment, for the 1976–77 fiscal year, under §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has recommended for the 1976–77 fiscal year beginning August 1, 1976, a budget of expenses in the total amount of $41,014. Based on the volume of filberts estimated to be subject to this regulatory program during the 1976–77 fiscal year, an assessment rate of 0.226 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 26, 1976. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 982.321 Expenses of the Filbert Control Board and rate of assessment for the 1976–77 fiscal year.

(a) *Expenses.* Expenses in the amount of $41,014 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1976, for its maintenance and functioning and for such purposes as the Secretary may, under this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for this fiscal year, payable by each handler under § 982.61, is fixed at 0.226 cent per pound of filberts.

Dated: October 5, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.76-29672 Filed 10-7-76;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 160, 161]

VETERINARY TECHNICIANS BY ACCREDITED VETERINARIANS

Proposed Requirements and Standards for Use

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, section 10 of the Act of August 30, 1890, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, the Act of May 31, 1920, sections 3 and 11 of the Act of July 2, 1962, sections 12–19 and 21 of the Federal Meat Inspection Act (21 U.S.C. 105, 111–113, 114, 114a, 114a–1, 116, 120, 121, 125, 134b, 134f, 612–619 and 621), and section 9 of the Horse Protection Act of 1970 (15 U.S.C. 1828), the Animal and Plant Health Inspection Service, is considering amending Parts 160 and 161, Title 9, Code of Federal Regulations, to provide for accredited veterinarians, in States which authorize such procedures, to employ and utilize the services of veterinary technicians in carrying out certain functions required by regulations and cooperative State-Federal program standards.

Statement of considerations. Current regulations which set forth the standards for accredited veterinarians require that all official functions be performed by an accredited veterinarian personally. With the increased traffic in livestock, and the decline in the number of veterinarians available for service relating to cooperative disease eradication programs in recent years, it has become virtually impossible for an accredited veterinarian to personally perform all of the tasks required.

Recently, the utilization of veterinary technicians to perform certain tasks under the supervision of veterinarians has gained wide acceptance, by State and Federal animal health regulatory agencies and within the veterinary profession. Several States have adjusted, or are considering adjusting, their veterinary practice acts or similar authorities to provide for the employment and use of technicians by veterinarians in private practice.

Specific tasks such as drawing blood samples for brucellosis testing, vaccinating for brucellosis, preparation of test charts and vaccination reports, and identifying animals as required by regulations and cooperative program standards can be performed properly by technicians under the supervision and guidance of an accredited veterinarian. Such utilization of technicians in States where it is authorized would greatly benefit cooperative program needs, and free accredited veterinarians to perform those tasks which require the personal attention of an accredited veterinarian.

This proposal is not intended to lessen the responsibilities of an accredited veterinarian in regard to compliance with the standards for either the accredited veterinarian or for the technicians employed and supervised by him. Further, this proposal would not relieve the accredited veterinarian of his responsibility for any of the functions performed by the veterinary technician under his supervision.

Therefore, Parts 160 and 161 would be amended in the following respects:

1. In § 160.1, a new paragraph (h) would be added to read:

§ 160.1 Definitions.

* * * * * *

(h) *"Veterinary technician."* A person licensed or otherwise authorized by the State in which the functions set forth in § 161.2(1) are to be performed, and who is employed and supervised by an accredited veterinarian who takes full responsibility for the performance of such functions.

2. § 161.2, a new paragraph (l) would be added to read:

§ 161.2 Standards for accredited veterinarians.

* * * * * *

(l) Notwithstanding the provisions of this section, an accredited veterinarian may, when such procedure is authorized by the State in which the veterinarian is accredited, employ veterinary technicians for the purposes of drawing blood samples for brucellosis testing, administering brucella vaccine (Strain 19), branding of reactors and exposed animals, and preparing related records and reports. The accredited veterinarian shall personally sign all such records and reports and he shall assume full responsibility, and his accreditation shall be subject to suspension or revocation under § 161.3, for any failure of a veterinary technician in his employ to comply with any provisions of the standards for veterinary accreditation as set forth in this section.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before November 10, 1976.

All written submissions made pursuant to this notice will be made available for

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public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8:00 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of September 1976.

R. P. JONES,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-29526 Filed 10-7-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 298]

VESSEL FINANCING ASSISTANCE

Proposed Rulemaking Regarding Obligation Guarantees

Notice is hereby given that the Maritime Administration, Department of Commerce proposes to revise Part 298, Title 46, Code of Federal Regulations.

The revision proposed herein provides comprehensive regulations relating to the operation of the program of Obligation Guarantees (Title XI program) authorized by Title XI of the Merchant Marine Act, 1936, as amended (the Act), 46 U.S.C. 1271–1279. The proposed revision implements the extensive technical changes in the form of vessel financing assistance effected by the Federal Ship Financing Act of 1972, Pub. L. 92–507 (86 Stat. 909). These regulations are not applicable to the Title XI program for commercial fishing vessels, which is administered by the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. Regulations relating to the Fishing Vessel Obligation Guarantee Program Procedures promulgated by NOAA, appear at 50 CFR Part 255.

Under the Title XI program as it existed prior to the 1972 amendment, the Government insured a loan or mortgage agreement. This procedure required each purchased of ship financing bonds (or a trustee), the borrower, and the Government to be party to numerous security agreements, including the mortgage. The 1972 amendment to Title XI was enacted to simplify the form of Government assistance in the financing of vessel construction, reconstruction and reconditioning. After approval of an application for assistance, the United States, represented by the Secretary of Commerce (Secretary), guarantees the payment of the principal of, and interest on one or multiple debt instruments (obligations) issued by the legal owner of the vessel (obligor), who is or will become the mortgagor of one or more vessels, which are to be the principal security to the Secretary for issuing and continuing the guarantees. The guarantee of the United States is endorsed on the face of each obligation by an authorized agent of the Secretary (authenticating agent). All security for the guarantees runs directly to the Secretary, and is provided for in the mortgage, security agreement and other agreements. Holders of the obligations (obligees) rely only on the guarantees as security for their loans to the obligor.

Some of the most significant provisions of these regulations are the following:

(1) Unique terms relating to the identity, duties, rights and responsibilities of the various participants in a vessel financing under the Title XI program are defined (§ 298.2). There are also financial definitions (§ 298.13(b)). Other terms of importance appear in parentheses, with headings in capital letters, after being described in the text. "Depreciated actual cost" is explained in the context of the limitation on the amount of guarantees (§ 298.21(g)).

(2) A procedure is set forth for an applicant to claim, at the time of application, that certain information contained in the application is exempt from production pursuant to a request based on provision of the Freedom of Information Act (5 U.S.C. 552). Unless the applicant makes such a timely claim and receives a favorable determination, the Maritime Administration will not oppose a subsequent request for production of any information contained in the application. This procedure allows the Maritime Administration to carry out the mandate of the Freedom of Information Act by giving consideration to the applicant's assertion of exemption at the time of application, prior to an actual request for public disclosure. The proposed provisions afford guidance to applicants who might be concerned about the possible public disclosure of sensitive information required to be included in the application (§ 298.3).

(3) An applicant for guarantees must pay a non-refundable filing fee of $1,000 at the time of application for a commitment by the Secretary to execute guarantees (§ 298.3).

Within 30 days after a conditional commitment is issued by the Secretary (letter commitment), the applicant must pay an additional fee for the investigation of the project described in the application (§ 298.15). The base fee is $1,000 for the first $300,000 of obligations, plus one-eighth of one percent of the balance of obligations, if guarantees are to be issued after completion of the project. An additional 10 percent of this sum is charged if the guarantees are to be issued prior to completion of the project. If, for any reason the Secretary disapproves the application, one half of the investigation fee is due and payable. An additional investigation fee is imposed for any amendment to an application representing a "substantial change", examples of which are given. The additional investigation fee is $3,000, if the application amendment occurs prior to review of the documentation, and one-half of the base investigation fee, with a maximum of $50,000, if the amendment is made after review of the documentation. The filing fee of $1,000 is credited against the investigation fee.

(4) The applicant and any other person who is or will be the legal or beneficial owner of a vessel financed under the Title XI program, or who will have any interest in the vessel, must be United States citizens, within the meaning of section 2 of the Shipping Act, 1916, as amended, (46 U.S.C. 801–842), unless the Secretary approves a non-citizen participation under authority of section 9, 37 and 41 of that Act. Persons required to be United States citizens must submit proof of citizenship to the Secretary, in the form and manner prescribed in 46 CFR Part 355 (§ 298.10).

(5) Each vessel which is to be security for guarantees must satisfy numerous specified criteria, including domestic origin of materials and components, where practicable. Guarantees will not be executed for the purpose of financing the reconstruction or reconditioning of a vessel unless, in the opinion of the Secretary, the reconstruction or reconditioning will increase the useful life of the vessel by at least five years (§ 298.11).

(6) The applicant for a commitment to execute guarantees must demonstrate to the satisfaction of the Secretary that the owner of a vessel to be security for guarantees will meet either primary or alternative working capital and equity requirements at the date of the initial closing (defined). If the vessel owner is not to be the operator, at the initial closing the vessel operator must satisfy the working capital requirements, while the owner and the operator must satisfy different equity requirements. The vessel owner or operator is also the party (company) required to enter into a Title XI Reserve Fund and Financial Agreement to provide further security to the Secretary for the guarantees. It establishes continuous and additional restrictions (covenants) placed on the company's activities and its responsibility to make reserve fund deposits under the agreement, which vary, depending on whether the company is subject to and is in compliance with the primary or alternative financial requirements at closing (§ 298.35).

(7) The Secretary may approve guarantees for obligations issued to refinance existing debt (whether or not receiving assistance under Title XI), so long as the existing debt was issued for one of the purposes specified in section 1104(a)(1)–(3) of the Act, within the time limitation prescribed in section 1104(a)(1). The Secretary will allow refinancing of such debt which is not receiving Title XI assistance only if satisfied, by information furnished by the applicant, that the average annual payment of interest on the obligations to be issued for purposes of refinancing will be at least 20 percent less than the average annual payment of interest on the debt to be refinanced (§ 298.21).

(8) The Secretary may approve guarantees for obligations secured by a delivered or redelivered vessel and issued to finance the construction, reconstruction or reconditioning of a vessel or to finance facilities or equipment pertaining to marine operations. Such facilities or equipment must be of a specialized nature, used principally for servicing vessels and in handling waterborne cargo in the close proximity of the vessel berthing area, excluding over the road equipment (other than chassis and containers), permanent or semi permanent structures and real estate (§ 298.22).

(9) The interest rate of each obligation of a stated maturity must be determined by the Secretary to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary.

(10) The Secretary will not issue guarantees unless satisfied that the documentation provides adequate security for the guarantees. Most important is the execution and delivery to the Secretary of a performed mortgage on one or more vessels (§ 298.31). Required assignments of rights and covenants from the obligor to the Secretary are specified (§ 298.32).

(11) With respect to the escrow fund, authorized and described in section 1108 of the Act, specific requirements are given concerning deposits to, disbursements from and investment of the fund (§ 298.33). By application of a formula, there may be a requirement of a deposit of proceeds from the sale of obligations in a construction fund (§ 298.34). The escrow and construction funds are security for the Secretary.

(12) As further security to the Secretary, provision is made for the creation of a fund (reserve fund) to which deposits may be required by a company from income attributable (by use of a formula) to the operation of one or more vessels financed with the assistance of the guarantees (§ 298.35). So long as the guarantees are in effect, a company must make annual deposits to a special joint depository account unless, as of the close of its accounting year, it is subject to and is in compliance with the primary financial requirements at closing, or the amount in the reserve fund is at least 50 percent of the principal amount of outstanding obligations. Detailed rules are provided concerning the computation of the annual deposit, withdrawals from and investment of the fund.

(13) An annual fee (guarantee fee) is charged by the Secretary to the obligor at a rate applied to the average principal amount of obligations outstanding during the annual period. The range of rates is ¼ to ½ of 1 percent before delivery or redelivery and ½ to 1 percent thereafter. Generally, within those ranges, the actual rate charged varies inversely with the ratio of the equity to long term debt of the participant in the financing considered by the Secretary to be the primary source of credit in the transaction (credit source).

Although the promulgation of regulations regarding the Title XI program is exempt from the notice requirements of 5 U.S.C. 553, the Maritime Administration is publishing the regulations in proposed form. Comments from interested persons are invited with respect to the proposed revision of Part 298, and may be submitted to the Secretary, Maritime Administration, Washington, D.C. 20230. All material received on or before November 30, 1976, will be considered. All comments in response to the proposed revision will be available for public inspection during normal business hours in Room 3900–B, Department of Commerce.

The proposed revision of Part 298 has been reviewed pursuant to E.O. 11821 and OMB Circular A–107, and it has been determined to have no major inflationary impact.

Part 298 of Title 46, Code of Federal Regulations, is proposed to read as follows:

PART 298—OBLIGATION GUARANTEES

Subpart A—Introduction

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298.1 Purpose.
298.2 Definitions.
293.3 Applications.

Subpart B—Eligibility

298.10 Citizenship.
298.11 Vessel requirements.
298.12 Operating qualifications.
298.13 Financial requirements.
298.14 Economic soundness.
298.15 Investigation fee.
298.16 Substitution of participants.

Subpart C—Guarantees

Sec.
298.20 Term of guarantees.
298.21 Limits.
298.22 Amortization of obligations.
298.23 Refinancing.
298.24 Facilities and equipment related to marine operations.
298.25 Financing repayment of construction-differential subsidy.
298.26 Excess interest or other consideration.
298.27 Lease rates.

Subpart D—Documentation

298.30 Nature and content of obligations.
298.31 Mortgage.
298.32 Required provisions.
298.33 Escrow fund.
298.34 Construction Fund.
298.35 Reserve fund and financial agreement.
298.36 Annual guarantee fee.
298.37 Examination and audit.

Subpart E—Defaults, Reporting Requirements, Applicability of Regulations

298.40 Defaults.
298.41 Remedies after default.
298.42 Reporting requirements-financial statement.
298.43 Applicability of regulations.

AUTHORITY: Sec. 204(b) and 1109, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1279(b), Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91–469 (84 Stat. 1036), and Department of Commerce Organization 10–8 (38 FR 19707, July 23, 1973).

Subpart A—Introduction

§ 298.1 Purpose.

This part prescribes regulations implementing the provisions of Title XI of the Merchant Marine Act, 1936, as amended by Public Law 92–507 (46 U.S.C. 1271–1279), governing Federal ship financing assistance.

§ 298.2 Definitions.

For the purpose of this part—

(a) "Act" means the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294).

(b) "Actual Cost" of a Vessel means, as of any specified date, the aggregate, as determined by the Secretary, of all amounts paid by or for the account of the Obligor on or before that date and all amounts which the Obligor is then obligated to pay thereafter, for the construction, reconstruction or reconditioning of such vessel.

(c) "Affiliate" or "Affiliated" means any Person directly or indirectly controlling, controlled by or under common control with another Person.

(d) "Authenticating Agent" means a bank or other financial institution which, pursuant to an agreement with the Secretary, is authorized to endorse the Guarantee of the United States on each Obligation (authentication), and where there is a divisible single Obligation, is responsible for making proper demand, on behalf of the Obligees, for payment under the Guarantees if a default occurs.

(e) "Closing" means a meeting of various participants or their representatives in a Title XI financing, at which a commitment to issue Guarantees is executed, all or part of the Obligations are authenticated and issued and the proceeds are made available for a purpose set forth in section 1104(a) of the Act, or which occurs when a Vessel is delivered and a Preferred Mortgage is executed as security to the Secretary.

(f) "Depository" means a bank or other financial institution organized and doing business under the laws of the United States, any State or territory thereof or the District of Columbia, which is authorized under such laws to exercise corporate trust powers, is a member of the Federal Deposit Insurance Corporation and accepts deposits for purposes of implementing the program authorized by Title XI of the Act.

(g) "Documentation" means all or any part of the agreements relating to an entire Title XI financing, subject to the approval of the Secretary, irrespective of whether the Secretary is a party to each agreement.

(h) "Guarantee" means the contractual commitment of the United States of America, represented by the Secretary, endorsed on the face of each Obligation, to make payment to the Obligee or an agent, upon demand, of the unpaid interest on, and the unpaid balance of the principal of such Obligation, including interest accruing between the date of default (described in § 298.40 of this part) and the date of payment.

(i) "Guarantee Fee" means the annual fee payable to the Secretary in consideration for the continuing Guarantees.

(j) "Indenture Trustee" means a bank with corporate trust powers or a trust company, approved by the Secretary,

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with a combined capital and surplus of at least $3,000,000, which has duties under the terms of a Trust Indenture, entered into with the Obligor that include issuing and registering the ownership and transfer of Obligations, holding funds in trust and disbursing such funds to redeem and make payments of interest and principal with respect to Obligations, making demand for payment under the Guarantees in the event of default and remitting payments received to Obligees, and which shall also endorse the Guarantees, pursuant to a specific authorization of the Secretary.

(k) "Letter Commitment" means a letter from the Secretary to an applicant for Guarantees, setting forth specific determinations made by the Secretary with respect to the applicant's proposed project, as required by the Act and regulations of this part, and stating the Secretary's commitment to execute Guarantees, subject to compliance by the applicant with any conditions specified therein.

(l) "Maritime Administration" means that agency created within the Department of Commerce by Reorganization Plan No. 21 of 1950 (64 Stat. 1273), amended by Reorganization Plan No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036).

(m) "Mortgage" includes a Preferred Mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any Vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank Vessel of less than twenty-five gross tons), and a mortgage on such a Vessel which will become a Preferred Mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended.

(n) "Obligation" means any note, bond, debenture, or other evidence of indebtedness, as defined in section 1101 (c) of the Act, issued for one of the purposes specified in section 1104(a) of the Act.

(o) "Obligee" means the holder of an Obligation.

(p) "Obligor" means any party primarily liable for payment of principal of or interest on any Obligation.

(q) "Paying Agent" means any Person appointed by the Obligor to pay the principal of or interest on the Obligations on behalf of the Obligor.

(r) "Person" means any individual, estate, foundation, corporation, partnership, limited partnership, joint venture, association, joint-stock company, trust, unincorporated organization, government, or any agency or political subdivision thereof.

(s) "Preferred Mortgage" means a Mortgage which is recorded, endorsed and otherwise in compliance with the requirements of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911-984).

(t) "Secretary" means the Secretary of Commerce, acting by and through the Assistant Secretary of Commerce for Maritime Affairs, the Maritime Administrator or any official of the Maritime Administration to whom is duly delegated the authority, from time to time, to perform the functions of the Secretary or the Maritime Administrator.

(u) "Secretary's Note" means a promissory note from the Obligor to the Secretary in an amount equal to the aggregate amount of the Obligations, which is issued simultaneously with the Guarantees.

(v) "Security Agreement" means the primary contract between the Obligor and the Secretary, providing for the transfer to the Secretary by the Obligor of all right, title and interest of the Obligor in property (including rights under contracts in existence or to be entered into), and containing other provisions relating to representations and responsibilities of the Obligor to the Secretary as security for the issuance of Guarantees.

(w) "Vessel" means all types of vessels, whether in existence or under construction, including passenger, cargo and combination passenger-cargo carrying Vessels, tankers, tugs, towboats, barges and dredges which are or will be documented under the laws of the United States, floating drydocks which have a capacity of at least thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls, and oceanographic research or instruction or pollution treatment, abatement or control Vessels which are owned by citizens of the United States.

§ 298.3 Applications.

(a) *Form and time of filing.* Each application for a commitment to execute Guarantees shall be made on Form MA 163 to the Secretary, Maritime Administration, United States Department of Commerce, Washington, D.C. 20230, and be certified in the manner prescribed on said form. All required information shall be included on the form or in exhibits and schedules submitted with the application. Each exhibit and schedule shall contain a statement, on the first page thereof, clearly identifying the document as an attachment to an application for Obligation Guarantees, stating the name of the applicant and the date of the application. The applicant shall not satisfy requirements to furnish specific information by making reference on the application, or on any attachment, to any document that the applicant has previously submitted to the Maritime Administration with respect to any other matter. The Secretary will not process the application until the applicant has submitted all required information. Each completed application shall be filed with the Maritime Administration at least 120 days prior to the anticipated date by which the applicant requires a Letter Commitment. An applicant to whom a Letter Commitment has been issued shall comply with the guidelines for Documentation, a copy of which is attached to Form MA 163.

(b) *Filing Fee.* Each application must be accompanied by a filing fee in the amount of $1,000, which will be nonrefundable, irrespective of whether the Secretary subsequently issues a Letter Commitment.

(c) *Confidential information.* If the application, including attachments thereto, contains information which the applicant considers to be trade secrets and commercial or financial information and privileged or confidential, or otherwise exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the applicant shall assert a claim of exemption at the time of application. If no claim of exemption is made when the application is filed, the Maritime Administration shall not oppose any request subsequently made for disclosure, pursuant to the Freedom of Information Act, of any information contained in the application. Any claim of exemption shall be made in a memorandum or letter contained in a sealed envelope marked "Confidential Information", addressed to the Secretary, Maritime Administration, and shall be subscribed by the applicant, or with respect to a corporate applicant, a responsible corporate officer of the applicant. The applicant shall specifically and separately designate each part of the application, including attachments thereto, to which exemption from disclosure is claimed by noting "Confidential Information" thereon, and shall place each page in the sealed envelope. The applicant shall state in the memorandum or letter the bases, in detail, for each assertion of exemption, including but not limited to statutory and decisional authority. The Secretary, Maritime Administration, shall make a determination as to each assertion made by the applicant, and shall advise the applicant in writing of these determinations. If the Secretary, Maritime Administration, makes a determination favorable to the applicant as to any item of information in the application, the applicant will be advised that the Maritime Administration will honor that determination in the event of any request for production of such information made pursuant to the Freedom of Information Act. If a determination unfavorable to the applicant is made as to any item of information in the application, the applicant will be advised that unless a request for return of such information is made by registered mail to the Secretary, Maritime Administration, postmarked within 30 days of the date of the letter advising the applicant of the unfavorable determination, the information shall be associated with the balance of the application for processing, and shall be subject to disclosure by the Maritime Administration upon receipt of any request for disclosure under the Freedom of Information Act. If a request for return of information is made, the Maritime Administration will retain no copies of such information, and will process the application based only on the information that has not been returned.

Subpart B—Eligibility

§ 298.10 Citizenship.

(a) *Initial qualification.* The applicant and any other Person who is or will be

the legal or beneficial owner of a vessel being financed under Title XI of the Act, or who will have any interest in the Vessel, including, but not limited to, settlors, owner trustees, bareboat charterers, time or other charterers (including, without limitation, those under drilling contracts and contracts of affreightment), or Persons having any fiduciary relationship therein, and shipbuilders who retain title to a Vessel during the period of construction, shall be citizens of the United States, within the meaning of section 2 of the Shipping Act, 1916 (1916 Act), as amended (46 U.S.C. 801-842), sections 37 and 38 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 861-889), and, as applicable, section 905(c) of the Act, unless the Secretary approves a noncitizen participation under the authority of sections 9, 37 and 41 of the 1916 Act.

(b) *Proof.* The applicant and any Person identified in the application who has or will have an interest in the Vessel shall, prior to the issuance of the Letter Commitment, establish United States citizenship in the form and manner prescribed in 46 CFR Part 355.

(c) *After letter commitment.* Any Person who has become identified with the project after the issuance of the Letter Commitment promptly shall establish in accordance with the guidelines for Documentation, United States citizenship in the form and manner prescribed in 46 CFR Part 355.

(d) *Supplemental proof.* At least 10 days prior to the Closing, all persons identified with the project who have established United States citizenship shall submit pro forma supplemental affidavits of citizenship or any other form of proof of citizenship acceptable to the Secretary, and on the date of such closing shall submit to the Secretary on forms approved by the Secretary, executed proof of continuing citizenship, bearing the date of Closing.

§ 298.11 Vessel requirements.

Each Vessel that is to be security for Guarantees shall meet the following criteria:

(a) *United States construction.* Be constructed, reconstructed or reconditioned entirely in a shipyard or shipyards of the United States, within the meaning of section 505 of the Act, and where practicable, only from articles, materials and supplies of the growth, production or manufacture of the United States, as defined in section 1401(h) of the Tariff Act of 1930 (19 U.S.C. 1401(h)). If an applicant for Guarantees elects to use foreign-source materials or components in the Vessel, the cost thereof shall not be included in the Actual Cost of the Vessel used as the basis for determining the amount of Guarantees, as set forth in § 298.21, except if the Secretary shall approve an application for waiver upon determining that:

(1) The article, material or supply is not customarily grown, produced or manufactured in the United States; or

(2) With respect to other than major components of the hull or superstructure, and any material used in the construction thereof, compliance with the United States origin requirement of this section would unreasonably delay completion of a Vessel beyond its contract delivery date, provided that the applicant submits evidence satisfactory to the Secretary that due diligence was employed to obtain materials of United States origin.

(b) *Competitive bids.* Be constructed, reconstructed, or reconditioned after solicitation of competitive bids for the work shown in the contract specifications, except if:

(1) It can be shown to the satisfaction of the Secretary that there are compelling reasons for not soliciting competitive bids, including, but not limited to, time factors, cost considerations and prior experience of the shipbuilder with respect to performance of similar projects; or

(2) Negotiation is permitted under Title V of the Act. Regardless of the basis for the contract award, the applicant's estimated construction contract price must be determined to be fair and reasonable by the Secretary. The Secretary will make this determination by means of an independent estimate of the cost of the Vessel, as described in the contract specifications, based upon existing average cost levels of material, labor and overhead expense for that type of Vessel. The estimate may include escalation (excluding material costs and other costs not expected to escalate) for the anticipated construction period of the Vessel, based upon considerations more fully described in § 298.21(e).

(c) *Class, condition and operation.* Be constructed, maintained and operated so as to meet the highest classification, certification, rating and inspection standards for vessels of the same age and type imposed by the American Bureau of Shipping (ABS), or such other standards as may be approved by the Secretary, and comply with all applicable laws, rules and regulations as to condition and operation, including, but not limited to, those administered by the United States Coast Guard, Environmental Protection Agency, Federal Communication Commission, Public Health Service, or their respective successors, and all applicable treaties and conventions to which the United States is signatory, including, but not limited to the International Convention for Safety of Life at Sea. All Vessels (including tugs, tug/supply Vessels, supply Vessels and crew boats) whether for hire or not, shall be inspected by the United States Coast Guard.

(d) *Reconstruction or reconditioning.* Be reconstructed or reconditioned in the opinion of the Secretary, to increase the useful life of the Vessel by at least five years. Repairs necessary for the Vessel to meet the classification standards approved by the Secretary, or any regulatory body, or because of previous inadequate maintenance and repair, shall not constitute reconstruction or reconditioning within the meaning of this paragraph. An applicant for Guarantees secured by a Vessel to be reconstructed or reconditioned shall make the Vessel available at a time and place acceptable to the Secretary for a condition survey to be conducted by representatives of the Secretary. The applicant shall pay the cost of the condition survey. The scope and extent of the condition survey shall not be less effective than that required by the last ABS special Survey completed (if the Vessel is classified), next due or overdue, whichever date is nearest in accordance with the Vessel's age. The Vessel shall meet the standard of the survey necessary for retention of Class (if the Vessel is classified) and the operating records of the Vessel shall reflect normal operation of the Vessel's main propulsion and other machinery and equipment consistent with accepted commercial experience and practice.

§ 298.12 Operator's qualifications.

No Letter Commitment shall be issued by the Secretary without a prior determination that the applicant, the bareboat charterer, or other Person identified in the application as the operator of the Vessel, possesses the necessary experience, ability and other qualifications to properly operate and maintain the Vessel or Vessels which serve as security for the Guarantees, and otherwise to comply with all requirements of this part.

§ 298.13 Financial requirements.

(a) *In general.* To be eligible for Guarantees, the applicant and other participants in the project must submit at the time of application, and as subsequently required by the Secretary, financial information satisfactory to the Secretary that financial resources are or will be available to support the project which is the subject of the Title XI application.

(b) *Financial definitions.* For the purpose of this part—

(1) "Company" means any Person subject to financial requirements imposed under paragraphs (d) and (e) of this section and paragraphs (b) and (c) of § 298.35.

(2) "Working Capital" means the difference between current assets and current liabilities, both determined in accordance with generally accepted accounting principles, adjusted as follows:

(i) Current assets shall be reduced with respect to:

(A) Amounts in or required to be set aside in any reserve fund that is being maintained pursuant to an agreement covering a Vessel owned or leased by the Company and financed with the assistance of insurance or Guarantees by the Secretary, or in another similar fund required under any other mortgage, indenture or other agreement to which the Company is a party;

(B) Any securities, or other instruments of indebtedness of an Affiliate of the Company or of any stockholder, director, officer or employee (or any member of the family) of the Company or of such Affiliate, except reasonable advances to Agents required for the normal current operation of the Company's Vessels and receivables outstanding for

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not more than 60 days, arising out of the ordinary course of business; and

(C) An amount equal to any excess of unterminated voyage revenue over unterminated voyage expense.

(ii) Current liabilities shall be increased by the amounts of Rentals payable within the next twelve months.

(3) "Equity" (net worth) means, as of any date, the total of paid-in-capital stock, paid-in-capital, retained earnings and all other amounts that would be included in Equity in accordance with generally accepted accounting principles, but exclusive of (i) any receivables from an Affiliate of the Company or any stockholder, director, officer, or employee (or any member of the employee's family) of the Company, or of an Affiliate of the Company (other than current receivables arising out of the ordinary course of business and not outstanding for more than 60 days) and (ii) any increment resulting from the reappraisal of assets.

(4) "Rentals" means, as of any date, that portion of non-capitalized and noncancellable leases, charters and other similar commitments relating to Vessels, equipment or facilities leased, chartered or otherwise to be used by the Company for a term of more than one year, and shall be determined as the greater of the following:

(i) The amount included in Long Term Debt as determined under generally accepted accounting principles; or

(ii) The aggregate present values of the minimum Rentals, relating to major categories of properties, e.g., real estate, Vessels and equipment. Present values shall be computed by discounting net Rentals (after subtracting, if practicable, estimated or actual amounts, if any, applicable to taxes, insurance, maintenance and other operating expenses) at an interest rate implicit in the term of each Rental at the time of entering into the Rental. If the interest rate is unknown, either the weighted average interest rate (based on present value), range of rates or specific interest rates shall be utilized.

(5) "Long Term Debt" means, as of any date, the total notes, bonds, debentures, equipment obligations and other evidence of indebtedness that would be included in Long Term Debt in accordance with generally accepted accounting principles, less the balance of Escrow Fund deposits attributable to the principal of Obligations sold, where deposits are required in accordance with § 298.33. There shall also be included any Rentals and any guarantee or other liability for the debt of any other Person (except fees and expenses of an Indenture Trustee or Authenticating Agent and endorsements for deposits of checks and other negotiable instruments acquired in the ordinary course of business). Deferred income taxes shall not be included in Long Term Debt.

(6) "Capitalizable Cost" means the aggregate of the Actual Cost of the Vessel and those other items which customarily would be capitalized as Vessel costs under generally accepted accounting principles.

(7) "Depreciated Capitalizable Cost" means the Capitalizable Cost of a Vessel, depreciated on a straight line basis over the same useful life of the Vessel as determined by the Secretary for Actual Cost, and depreciated as required by § 298.21(g).

(c) *Applicability.* The financial resources shall be adequate to meet the Equity requirements in the project and existing Working Capital requirements, as set forth in paragraphs (d) and (e) of this section.

(1) The various financial requirements shall be met by the owner of the Vessel or Vessels to be security to the Secretary for the Guarantees, except that if the owner is not the operator, the overall financial requirements shall be allocated among the owner, the operator and other parties as determined by the Secretary.

(2) The Company shall satisfy the applicable financial requirements, in addition to any other financial requirements already imposed or which may be imposed upon it in connection with other Vessels financed under the Title XI program.

(3) A determination as to whether the Company has satisfied all financial requirements shall be based on the assumption that the projected financing has been completed. Accordingly, a pro forma balance sheet shall be submitted at the time of the application, reflecting any adjustment made pursuant to paragraph (d)(1)(i) of this section, and a revised pro forma balance sheet, reflecting the completion of the projected financing, shall be submitted at least five business days before the initial Closing.

(d) *Primary financial requirements at Closing.* Where the primary minimum financial requirements at Closing are satisfied and the Company is required to enter into a Title XI Reserve Fund and Financial Agreement, the financial covenants in § 298.35(b) are applicable. Primary financial requirements can apply to one or more Companies, and are determined as follows:

(1) *Owner as operator.* Where the owner is to be the Vessel operator, minimum requirements at Closing usually are as follows:

(i) *Working Capital.* The Company's Working Capital shall not be less than one dollar. This Working Capital requirement is based on the premise that the Company engages in a service-type activity with only normal Vessel inventory. If Working Capital includes other inventory, in addition to such normal Vessel inventory, the Secretary may adjust the requirement as considered appropriate. Also, if the Secretary determines that the Company's Working Capital includes accounts receivable that it reasonably could not expect to collect within one year, the Secretary may make adjustments to the Working Capital requirements.

(ii) *Long Term Debt.* The Company's Long Term Debt, which must include the Obligations (less the current portion thereof), shall not be greater than twice its Equity.

(iii) *Equity (net worth).* The Company's Equity shall be the greater of (A) 50 percent of its Long Term Debt or (B) 90 percent of its Equity as shown on the last audited balance sheet, dated not earlier than six months before the date of issuance of the Letter Commitment.

(2) *Lessee of charterer as operator.* Where a lessee or charterer is to be the Vessel operator, minimum requirements at Closing usually are as follows:

(i) *Working Capital.* The operator's Working Capital requirement shall be the same as that imposed on the owner as operator under paragraph (d)(1)(i) of this section and based on the same premise stated therein.

(ii) *Long Term Debt.* The operator's Long Term Debt shall not be greater than twice its Equity.

(iii) *Equity (net worth).* Different Equity requirements shall be imposed on the owner and operator of the Vessel, respectively, as follows:

(A) The owner's Equity shall at least be equal to the difference between the Capitalizable Cost or Depreciated Capitalizable Cost of the Vessel (whichever is applicable) and the total amount of the Guarantees.

(B) The operator's Equity shall be the same as that which is required of the owner as operator under paragraph (d)(1)(iii) of this section.

(e) *Alternative financial requirements at Closing.* If the applicant is unable to demonstrate to the satisfaction of the Secretary that there is or will be compliance with the primary financial requirements at Closing set forth in paragraph (d) of this section, eligibility for Guarantees shall be based upon satisfaction of alternatives minimum financial requirements, in which the financial covenants imposed and the requirements for maintenance of a Title XI Reserve Fund shall be as provided for in § 298.35(c). Alternative financial requirements are as follows:

(1) *Owner as operator.* Where the owner is to be the Vessel operator, the alternative requirements at Closing usually are as follows:

(i) *Working Capital.* The Company's Working Capital, which may be adjusted by the Secretary in accordance with the provisions set forth in paragraph (d)(1)(i) of this section, shall be an amount at least equal to the sum of the following (less the current portion of the Obligations):

(A) Eight percent of the estimated Capitalizable Cost of a Vessel to be financed upon delivery (redelivery in the case of a reconstructed or reconditioned Vessel), or eight percent of the estimated Depreciated Capitalizable Cost of a Vessel to be financed or refinanced after delivery. With respect to a reconstructed or reconditioned Vessel, the estimated Capitalizable Cost or Depreciated Capitalizable Cost, whichever is applicable (depending upon when financing occurs), shall be that related only to the cost of work performed in the reconstruction or reconditioning;

(B) One year's premium for Vessel insurance including Hull, Machinery, Protection and Idemnity, and War Risk coverage; and

(C) One year's Guarantee Fee.

(ii) *Equity (net worth).* The Company's Equity shall be at least equal to 90 percent of the Equity as shown on the last audited balance sheet dated not earlier than six months before the issuance of the Letter Commitment, but not less than the sum of the following:

(A) The difference between (1) the estimated Capitalizable Cost of a new Vessel to be financed upon delivery, the estimated Capitalizable Cost of the work to be performed in reconstructing or reconditioning a Vessel, the Depreciated Capitalizable Cost of an existing Vessel to be refinanced or the Depreciated Capitalizable Cost of a new Vessel to be financed after delivery, and (2) the amount of the Guarantees; and

(B) The amount of Working Capital as determined in accordance with the provisions of paragraph (e)(1)(i) of this section.

(2) *Lessee or charterer as operator.* Where the lessee or charterer is the Vessel operator, the alternative financial requirements at Closing usually are as follows:

(i) *Working Capital.* The Company shall have Working Capital in an amount determined in accordance with the provisions of paragraph (e)(1)(i) of this section, applicable where the owner is the operator.

(ii) *Equity (net worth).* Different Equity requirements shall be imposed on the operator and the owner, respectively as follows:

(A) The operator shall have Equity at least equal to 90 percent of the Equity shown on the last audited balance sheet dated not earlier than six months before the issuance of the Letter Commitment, but no less than its Working Capital requirement.

(B) The owner shall have Equity in an amount determined in accordance with the provisions of paragraph (e)(1)(ii)(A) of this section.

(f) *Adjustments to financial requirements at Closing.* If the owner, although not operating a Vessel, assumes any of the operating responsibilities, the Secretary may adjust the respective Working Capital and Equity requirements of the owner and operator, otherwise applicable under paragraphs (d) and (e) of this section, by increasing the requirements of the owner and decreasing those of the operator by the same amount.

(g) *Subordinated debt considered to be equity.* With the consent of the Secretary, all or part of the Equity requirements applicable under paragraphs (d) and (e) of this section, except any part representing the difference between the Capitalizable Cost of the Vessel and the amount of the Obligations, may be satisfied by debt, fully subordinated as to the payment of principal and interest on the Secretary's Note and any claims secured as provided for in the Security Agreement or the Mortgage. Repayment of subordinated debt may be made only from funds available for payment of dividends or for other distributions, in accordance with requirements of the Reserve Fund and Financial Agreement (described in § 298.35). Such subordinated debt shall not be secured by any interest in property that is security for Guarantees or Mortgage insurance under Title XI, unless the Obligor and the lender enter into a written agreement, satisfactory to the Secretary, providing, among other things, that if any Title XI financing or advance by the Secretary to the Obligor shall occur in the future, such security interest of the lender shall become subordinated to any indebtedness incurred by the Obligor and any security interest obtained by the Secretary in that property, or other property, with respect to the subsequent indebtedness.

(h) *Modified requirements.* The Secretary may waive or modify the financial requirements otherwise applicable under the provisions of paragraph (d) and (e) of this section, upon determining that there is substantial security for the Guarantees in addition to that usually required in the Security Agreement, e.g., guarantees of payment on the Secretary's Note by another Person or a long term charter by the Company to a Person considered by the Secretary to be in excellent financial condition, or may impose similar financial requirements on the Person providing the additional security for the Guarantees.

§ 298.14 Economic soundness.

No Letter Commitment for Guarantees shall be given by the Secretary without finding that the proposed project, with respect to which the Vessel or Vessels are to be financed under Title XI, will be economically sound. In making the economic soundness finding, the Secretary shall consider, together with other factors, the market potential for the employment of the Vessel or Vessels over the life of the Guarantees, projected revenues and expenses of the operation, the length of the Guarantee period and any charters, contracts of affreightment, transportation agreements or similar agreements which will assure the employment of the Vessel or Vessels.

§ 298.15 Investigation fee.

(a) *In general.* Within 30 days after the date of the Letter Commitment the applicant shall pay an Investigation Fee, computed as hereinafter provided, to the Secretary in the amount stated in the Letter Commitment. The Secretary may cancel the Letter Commitment if timely payment of the fee is not received. This fee is imposed to pay for the investigation of the project described in the application and the participants in the project, the appraisal of properties offered as security, Vessel inspection during construction, reconstruction or reconditioning (where applicable), and other administrative expenses. If, for any reason, the Secretary shall subsequently disapprove the application, one-half of the Investigation Fee shall be due and payable.

(b) *Maximum.* The Investigation Fee, including any amount imposed pursuant to paragraph (d) of this section, shall not exceed one-half of one percent of the aggregate amount of Obligations to be issued. The $1,000 filing fee previously paid upon filing the original application (described in § 298.3) shall be credited against the Investigation Fee.

(c) *Base fee.* The base fee shall be as follows:

(1) *After Vessel completion.*—If Guarantees are issued after construction, reconstruction or reconditioning of the Vessel or Vessels that serve as security for the Guarantees, the fee shall be $1,000 for the first $300,000 of Obligations plus one-eighth of one percent of the balance of the Obligations.

(2) *Before Vessel completion.*—If Guarantees are issued before completion of the project, the base fee shall be 110 percent of that charged with respect to a completed project.

(d) *Amendment of application.*—An amendment may be made to an application for a commitment to execute Guarantees by written notice to the Secretary, Maritime Administration, United States Department of Commerce, Washington, D.C. 20230. To be effective, an amendment must contain a statement on the first page thereof clearly identifying the document as an amendment to an application for Obligation Guarantees, stating the name of the applicant and the date of the original application. The applicant shall sign, date and certify the amendment at the end thereof. Additions to the base fee shall be imposed under the following circumstances:

(1) *Before Documentation reviewed.* There shall be an additional charge of $3,000 to pay the cost of processing an amendment made after the Letter Commitment has been issued, but before review of the Documentation by the Maritime Administration, if the Secretary determines that the amendment represents a substantial change in the application. A substantial change would include, but not be limited to, a change from an ownership to a sale and leaseback arrangement, drastic alteration of Vessel design, large cost increases or other changes that affect the basic economics of the project.

(2) *After Documentation reviewed.* If an amendment is made after review of the Documentation and prior to the sale of any Obligation, and the Secretary determines that the amendment represents a substantial change in the Documentation, there shall be an additional charge of one-half of the Investigation Fee charged pursuant ot paragraph (c) of this section, but not more than $50,000. A substantial change would include, but not necessarily be limited to, a basic change in the structure of the financing, such as a change from an ownership to a sale and leaseback arrangement, or

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a substitution of parties resulting in a basic change affecting the credit risk of the financing. Ordinary changes in the Documentation such as cost changes, assignments, simple substitutions of parties, not affecting the basic credit or structure of the transaction, and other similar changes shall not be construed to be a substantial change.

§ 298.16 Substitution of participants.

Application may be made to the Maritime Administration for permission to substitute participants to a Mortgage and/or Security Agreement in a financing that is receiving assistance authorized by Title XI of the Act, both prior and subsequent to amendment by Pub. L. 92–507. A non-refundable fee shall be imposed, payable at the time of application. This fee shall be in addition to the Annual Guarantee Fee or annual premium charge for Mortgage insurance, whichever is applicable, as follows:

(a) *Mortgage assignment.* A mortgagee applying for permission to assign an insured Mortgage to another Person shall pay a fee of $1,500 to defray the costs of processing and reviewing the application.

(b) *Mortgage assumption.* Payment of a $3,000 fee shall be required to defray all costs of processing and reviewing a joint application by a mortgagor and/or Obligor and a proposed transferee of a Vessel, which is security for Title XI debt, if the proposed transferee is to assume the Mortgage and/or the Security Agreement.

Subpart C—Guarantees

§ 298.20 Term of Guarantees.

(a) *In general.* To be eligible for Guarantees, Obligations shall have a maturity date satisfactory to the Secretary, but in no event to occur later than:

(1) Twenty-five years from the date of delivery from the shipbuilder of a new Vessel which is to be security for Guarantees;

(2) Twenty-five years from the date of delivery from the shipyard of the last of multiple Vessels which are to be security for the Guarantees, if the applicant agrees to reduce the amount of Obligations to be issued to an amount less than the maximum Guarantees allowable under section 1103(c) of the Act. If such agreement does not exist, a maturity date for all the Obligations will be determined by the Secretary by taking a weighted average of the remaining useful lives of all the vessels which are to be security for the Guarantees; or

(3) Twenty-five years from the date of delivery of a reconstructed or reconditioned Vessel which is to be security for the Guarantees, or at the expiration of the remaining useful life of the Vessel, as determined by the Secretary.

(b) *Required redemptions.* Where multiple Vessels are to be used as security for the Guarantees, as set forth in paragraph (a) of this section, the Secretary may require payments of principal prior to maturity (redemptions) with respect to all related Obligations, as may be deemed necesary to maintain adequate security for the Guarantees.

(c) *Interest rate.* The interest rate of each Obligation of a stated maturity must be determied by the Secretary to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary.

§ 298.21 Limits.

(a) *Actual cost basis.* Obligations may not be in an amount greater than 75 percent or 87½ percent, whichever is applicable under the provisions of section 1104(b)(2) of the Act, of the Actual Cost of the Vessel or Vessels. Where existing debt is being refinanced, as provided for in section 1104(a)(4) of the Act, the amount of new Obligations may not exceed the lesser of:

(1) The amount of outstanding debt being refinanced (whether or not receiving assistance under Title XI); or

(2) 75 or 87½ percent, whichever is applicable, of the Depreciated Actual Cost of the Vessel concerned (described in paragraph (g) of this section).

(b) *Actual Cost items.* Actual Cost is comprised of those items which would customarily be capitalized as Vessel construction costs under generally accepted accounting principles, such as designing, engineering, constructing (including performance bond premiums approved by the Secretary), inspecting, outfitting and equipping. There shall be included those cost items usually specified in Vessel construction contracts, e.g., changes and extras, cost of owner furnished equipment, and commitment fees and interest on the Obligations or other borrowings during the construction period (excluding interest paid or subordinated debt considered to be Equity, and incurred during the construction period), and less income realized from investment of Escrow Fund deposits during the construction period. Actual Cost items must also be determined by the Secretary to be fair and reasonable. In determining a fair and reasonable Actual Cost, the Secretary will consider all pertinent factors, weighing each factor according to importance under the particular circumstances, including, but not limited to the following:

(1) Contractor's cost of material;

(2) Contractor's cost of labor;

(3) Contractor's cost of overhead, including allocation of facilities used or acquired;

(4) Geographical location of construction and projected area of planned operations;

(5) Risk to the contractor;

(6) Competition and availability of alternate contractors;

(7) Anticipated profit; and

(8) Delivery date.

(c) *Items excludible from Actual Cost.* Actual Cost shall not include any other costs such as the following:

(1) Legal fees or expenses;

(2) Accounting fees or expenses;

(3) Commitment fees or interest other than those specifically allowed;

(4) Fees, commissions or charges for granting or arranging for financing;

(5) Fees or charges for preparing, printing and filing an application for Title XI Guarantees and supporting documents, for services rendered to obtain approval of the application and for preparing, printing and processing documents relating to the application for Guarantees;

(6) Underwriting or trustee's fees;

(7) Federal documenary tax stamps;

(8) Investigation Fee determined in accordance with section 1104(f) of the Act and § 298.15 of this part;

(9) Guarantee Fees determined in accordance with the provisions of section 1104(e) of the Act and § 298.36;

(10) Predelivery Vessel operating expenses, Vessel insurance premiums and other items which may not be properly capitalized by the owner as costs of the Vessel under generally accepted accounting principles;

(11) The cost of the condition survey required by § 298.11(e) of this part and all work necessary to meet the standards set forth therein;

(12) The cost of all items of material installed in the Vessel which are of foreign origin unless the Secretary has granted a waiver, as provided for in § 298.11(a);

(13) Any amount payable to the shipyard for early delivery of the Vessel; and

(14) The cost to the shipowner of a Vessel which is to be reconstructed or reconditioned, e.g. cost of acquisition or repair work.

(d) *Substantiation of Actual Cost.* Prior to payment from the Escrow Fund or Construction Fund (described in § 298.33 and 298.34, and prior to the final Actual Cost determination for each Vessel, the applicant shall submit to the Secretary documents substantiating all claimed costs. These documents may include, but need not be limited to copies of invoices, change orders, subcontracts and, where required by the Secretary, statements from independent certified or independent licensed public accountants that the costs for which payment or reimbursement is sought were actually paid or are payable with respect to the construction of a Vessel. These documents must be summarized, indexed and arranged according to cost categories, pursuant to directions contained in forms prescribed by the Secretary.

(e) *Escalation as part of Actual Cost.* Escalation clauses in construction contracts shall be subject to approval by the Secretary. After a review of the base contract price and the escalation clauses, the Secretary shall, in order to estimate the Actual Cost amount to be stated in the Letter Commitment, add to the base contract price the amount of escalation estimated by the applicant. The Secretary will determine if the amount of escalation claimed by the applicant as Actual Cost is fair and reasonable, by the application of selected Bureau of Labor Statistics indices, or other indices considered to be appropriate, and a method of calculation as follows:

(1) *Information required.* (i) Contract or base date from which escalation is to be calculated; and

(ii) Base dollar amounts for material and fully allocated labor costs to which escalation will be applied.

(2) *Examples of indices to be used.* (i) *Steel.*—Bureau of Labor Statistics Wholesale Indices for Carbon Steel, Type A–36, 1013–0246.01;

(ii) *Outfit and machinery.*—Bureau of Labor Statistics Index of Wholesale Prices—Industrial Commodities; and

(iii) *Labor.*—Bureau of Labor Statistics Index for Labor for Steel Vessels (Base: 1962–100).

(3) *Method of calculation.* The monthly figures based on use of the above indices will be averaged by calendar quarters. The increase will be computed for each calendar quarter in which material or equipment shipments are made or in which labor hours are expended on the contract Vessel, based on construction schedules approved by the Secretary, by dividing the calendar index average by the contract base date index figure and subtracting 1.0. The resultant decimal factor will be multiplied by the amount of material shipped or the amount of labor expended in each calendar quarter to determine the allowable escalation for that quarter. The total of such quarterly figures for all quarters during the construction period will determine the total allowable escalation.

(4) *Disagreement with Secretary's determination.* Should an applicant disagree with the above indices or method of calculation and present a claim for escalation cost based upon other indices and methods of calculation which are considered to be more appropriate by the applicant, the Secretary shall review such claim, and may modify the amount of allowable escalation, if considered appropriate.

(f) *Moneys received in respect of construction of the Vessels.* If the Obligor or any Person acting in behalf of the Obligor shall from time to time receive moneys due in respect of construction of the Vessel (described in the Security Agreement) from the shipbuilder, guarantors, surety or other Person, the Obligor shall give written notice of such fact to the Secretary. The Obligor or other recipient shall promptly make deposit of these moneys in a Depository with a written notice that the Depository shall hold such moneys on deposit until it receives written instructions from the Secretary as to their disposition. The Secretary shall determine the extent to which Actual Cost is to be reduced with respect to these moneys. In no event shall Actual Cost be reduced with respect to payments by the shipyard to the Vessel owner of liquidated damages for late delivery of the Vessel.

(g) *Depreciated Actual Cost.* After a Vessel has been delivered or redelivered (in the case of reconstruction or reconditioning), the limitation on the amount of Guarantees shall be 75 or 87½ percent, whichever is applicable, of the Depreciated Actual Cost of the Vessel. This means the Actual Cost of the Vessel, as defined in § 298.2(b) (less a residual value of 2½ percent of United States shipyard construction cost), depreciated on a straight line basis over the useful life of the Vessel as determined by the Secretary, not to exceed twenty-five years from the date the Vessel was delivered by the shipbuilder or, if the Vessel has been reconstructed or reconditioned, the Actual Cost of the Vessel depreciated on a straightline basis from the date the Vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, on the basis of the original useful life of the Vessel, and from the date of said reconstruction on a straightline basis and on the basis of a useful life of the Vessel determined by the Secretary, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning, depreciated on a straightline basis and on the basis of a useful life of the Vessel determined by the Secretary.

§ 298.22 Amortization of obligations.

Generally, after Vessel delivery, and until maturity of the Obligations, the Obligor shall be required by provision of the Trust Indenture or other part of the Documentation to make periodic payment of interest on and principal of the Obligations. Usually, the payment of principal (amortization) shall be made semi-annually, but in no event, less frequently than on an annual basis, and in either case shall be in equal parts (straightline basis), unless the Secretary consents to the periodic payment of a constant aggregate amount, comprised of both interest and principal components which are variable in amount (level debt basis). No other proposed method of amortization will be allowed which would reduce the amount of periodic amortization below that determined under the straightline or level debt basis at any time prior to maturity of the Obligations, except where:

(a) The Obligor can demonstrate to the satisfaction of the Secretary that there will be adequate funds to discharge the Obligations at maturity; or

(b) The Obligor establishes a fund acceptable to the Secretary in which the Obligor deposits an equal annual amount necessary to redeem the outstanding Obligations at maturity.

§ 298.23 Refinancing.

(a) *In General.* The Secretary may approve Guarantees with respect to Obligations to be secured by one or more Vessels and issued to refinance existing debt, whether or not covered by Mortgage insurance or Guarantees, as long as the existing debt had been issued for one of the purposes set forth in section 1104(a)(1)–(3) of the Act. In accordance with the provision in section 1104(a)(1), the refinancing of debt that was incurred more than one year after delivery of the Vessel will be permitted only if:

(1) Any security lien on the Vessel is discharged immediately prior to the placing of a Mortgage on the Vessel by the Secretary; and

(2) The debt being refinanced was incurred in financing the cost of construction, reconstruction or reconditioning of other vessels or of facilities or equipment pertaining to marine operations (described in § 298.24).

The applicant must satisfy all the eligibility requirements set forth in Subpart B of this part. The limitation on the amount of Guarantees is governed by § 298.21. The maturity date of the Obligations shall not be later than the expiration of the remaining useful life of the Vessel, as determined by the Secretary.

(b) *Reduced interest payment.* The Secretary shall approve an application for refinancing only if the applicant demonstrates to the satisfaction of the Secretary that the average annual payment of interest to maturity on the Obligations to be issued will be at least 20 percent less than the average annual payment of interest to maturity on the debt that the applicant proposes to refinance.

§ 298.24 Financing facilities and equipment related to marine operations.

The Secretary may approve Guarantees secured by one or more Vessels and issued to finance the construction, reconstruction or reconditioning of facilities or equipment pertaining to marine operations. Such facilities or equipment shall be of a specialized nature, used principally for servicing Vessels and in handling waterborne cargo in the close proximity of the Vessel berthing area, excluding over the road equipment (other than chassis and containers), permanent or semipermanent structures and real estate.

§ 298.25 Financing repayment of construction-differential subsidy.

The Secretary may approve Guarantees with respect to Obligations secured by one or more Vessels and issued to finance the repayment to the United States of the whole or any part of construction-differential subsidy (CDS) which has been paid under the provisions of Title V of the Act. The repayment of CDS may be related to Vessel operation in the domestic trade, within the meaning of section 506 of the Act, or any other purpose authorized by the Secretary.

§ 298.26 Excess interest or other consideration.

The Secretary shall not execute Guarantees if any agreement in the Documentation directly or indirectly provides for the payment to an Obligee of any consideration other than interest at the rate approved, or grants security, in addition to the Guarantees, to any Person.

§ 298.27 Lease payments.

If the project receiving Title XI assistance involves the use of a lease, any lease payments shall be subject to the approval of the Secretary.

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Subpart D—Documentation

§ 298.30 Nature and content of Obligations.

An Obligation, whether issued in the form of a note, bond of any type or other debt instrument, shall include on its face, if the Obligation is engraved, printed or lithographed, the name of the Obligor, the principal sum, the rate of interest, the date of maturity, and the Guarantee of the United States, authenticated by the Indenture Trustee or other Authenticating Agent. If the Obligation is typewritten, the Guarantee of the United States and the authentication certificate of the Indenture Trustee or other Authenticating Agent may appear at the end of the typewritten Obligation. The instrument which is evidence of indebtedness shall also contain all information necessary to apprise the Obligees of their rights and responsibilities with respect thereto, including, but not limited to time and manner for payment of principal and interest, redemptions, default procedure and notification (in case of registered Obligations) of sale or other transfer of the instruments.

§ 298.31 Mortgage.

(a) *In general.* Under normal circumstances, a Guarantee shall not be endorsed on any Obligation until the Secretary receives satisfactory evidence of a security interest in one or more Vessels, in favor of the Secretary. During construction of a new Vessel, the security interest may be perfected by a filing under the Uniform Commercial Code or by the recording of any form of mortgage in a jurisdiction where the Uniform Commercial Code has not been enacted. The Security Agreement shall provide that upon delivery of the new Vessel, or at the time Guarantees are issued with respect to an existing Vessel, a Preferred Mortgage shall be executed in favor of the Secretary. The Preferred Mortgage shall be recorded with the United States Coast Guard at the Vessel's home port, endorsed upon the Vessel's document (or provision made for said endorsement) and delivered to the Secretary.

(b) *Mortgage secured by multiple Vessels.* When two or more Vessels are to be security for Guarantees, the Security Agreement may provide that one Mortgage relating to all the Vessels (Fleet Mortgage) shall be executed, perfected and delivered to the Secretary by the Obligor. If the Fleet Mortgage relates to undelivered Vessels, the Fleet Mortgage shall be executed upon delivery of the first Vessel. At the time of each subsequent Vessel delivery, the Obligor shall execute a supplement to the Fleet Mortgage which makes that Vessel subject to the Secretary's Mortgage lien. The Fleet Mortgage shall provide that payment by the Obligor of the entire amount of Obligations covered or to be covered by Guarantees shall be required to discharge the Fleet Mortgage, regardless of the amount of the Secretary's Note or Notes issued and outstanding at the time of execution and delivery of the Fleet Mortgage or the number of Vessels covered by the Fleet Mortgage. The discharge date of the Fleet Mortgage shall be the maturity date of the Secretary's Note. The Secretary may require, as authorized by section 1104(c)(2) of the Act, such payments of principal prior to maturity (redemptions), with respect to all related Obligations, as deemed necessary to maintain adequate security for the Guarantees. Each Fleet Mortgage shall provide that in the event of constructive total loss, requisition of title or sale of any Vessel covered by the Fleet Mortgage, indebtedness represented by the Obligations shall be paid and the Vessel shall be discharged from the Mortgage lien. The Fleet Mortgage shall also contain a provision, satisfactory to the Secretary, for discharge of any property, other than a Vessel, which may be subject to the Fleet Mortgage.

§ 298.32 Required provisions, in documentation.

(a) *Performance under shipyard and related contracts.* Generally, shipyard and related contracts shall contain provisions for:

(1) Furnishing by the shipyard of satisfactory insurance and a satisfactory performance bond where Obligations are issued during the construction period, except that if the shipyard demonstrates to the satisfaction of the Secretary that it has sufficient financial resources and operational capacity to complete the project, posting of a bond will not be required;

(2) Allowing access to the Vessel and to all related work projects being performed by the contractor and subcontractors, to a representative of the Secretary, at all reasonable times, to inspect performance of the work and to observe trials and other tests for the purpose of determining that the Vessel is being constructed, reconstructed or reconditioned in accordance with contract plans and specifications approved by the Secretary;

(3) Submitting to the Secretary, upon request, one set of selected microfilm of shipyard plans for the Vessel as built;

(4) Making periodic payments for the work in accordance with an agreed schedule, submitted by the shipyard in a form acceptable to the Secretary, based on percentage of completion, after such percentage and satisfactory performance are certified by the Obligor, shipyard and a representative of the Secretary as to each payment. For Vessels of 2500 gross tons or less, the shipyard may substitute a schedule of events, satisfactory to the Secretary, in lieu of the schedule of percentage of completion;

(5) Prohibiting the use of proceeds from the sale of Obligations for the payment of work performed outside the shipyard, unless the Secretary consents in writing to such use; and

(6) Requiring the use in Vessel construction of only articles, materials and supplies of the growth, production of manufacture of the United States, as defined in section 1401(h) of the Tariff Act of 1930 (19 U.S.C. 1401(h)).

(b) *Assignments and general covenants from Obligor to Secretary.* The Obligor shall assign rights and covenant with the Secretary, as required by the Secretary, including, but not limited to the following:

(1) Assignment of all right, title and interest under the construction contract and related contracts, except those rights expressly reserved therein by the Obligor relating to such things as patent infringement and liquidated damages;

(2) Assignment of rights to receive all moneys which from time to time become due with respect to Vessel construction;

(3) Assignment, where applicable, of the bareboat charter, time charter, contracts of affreightment or other agreements relating to the use of the Vessel and all hire payable to the Obligor, and delivery to the Secretary of required consents by appropriate parties to any such assignments;

(4) Covenants relating to satisfactory evidence of continuing United States citizenship, in accordance with 46 CFR Part 335; warranty of Vessel title free from all liens other than those specifically excepted; maintaining United States registry of the Vessel; compliance with the provisions of the Ship Mortgage Act of 1920; Notice of Mortgage; payment of all taxes (except if being contested in good faith); annual financial statements audited by independent certified or independent licensed public accountants; prohibition of sale, mortgage, demise charter or transfer of the Vessel without the Secretary's prior written consent; Vessel condition and maintenance; material changes in the Vessel; access to Vessel cargo and papers; annual No Default Certificate; and further security filings; and

(5) Covenants to keep records of construction costs paid by or for the Obligor's account and to furnish to the Secretary a detailed statement of those costs, distinguishing between:

(i) Items paid or obligated to be paid, attested to by independent certified or independent licensed public accountants; and

(ii) Costs of American and foreign materials (including services).

(6) Covenants to maintain Marine and War Risk Hull and Machinery insurance on the vessel in an amount equal to 110% of the outstanding Obligations or up to the full commercial value of the Vessel, whichever is greater; Marine and War Risk Protection and Indemnity insurance; Interim War Risk Binders for Hull and Machinery and Protection and Indemnity coverages underwritten by the Maritime Administration as authorized by Title XII of the Act; and such additional insurance as may be required by the Secretary. All insurance required to be maintained shall be placed with the United States Government and American and/or British (and/or other foreign, if permitted by the Secretary by prior written notice) insurance companies, underwriters' associations or underwriting funds approved by the Secretary through maritime insurance brokers and/or underwriting agents approved by the Secretary. All insurance required to be maintained shall be placed under the latest (at the time of issue) forms of American Institute of Marine Underwriters policies approved by the Secretary and/or under such other forms of policies which the Secretary may approve in writing and/or policies issued by or for the Maritime Administration insuring the Vessel against the usual risks provided for under such forms, including such amounts of increased value and other forms of "total loss only" insurance permitted by the Hull and Machinery insurance policies.

§ 298.33 Escrow fund.

(a) *Circumstances requiring deposits.* The Obligor may be required to establish a fund with the Secretary (Escrow Fund) in accordance with section 1108 (a) of the Act and the Security Agreement.

(b) *First sale of obligations.* The deposit with the Secretary of cash or Federal Reserve Bank funds shall consist of the sum of:

(1) The aggregate principal amount of the Obligations sold less 75 or 87½ percent (whichever is applicable under section 1104(b)(2) of the Act) of the amount of Actual Cost or Depreciated Actual Cost determined by the Secretary to have been paid, as of the date of the deposit, by or for the account of the Obligor for construction, reconstruction or reconditioning of the Vessel; and

(2) Interest on this aggregate principal amount, computed at the same rate borne by the Obligations, for one interest payment period, unless the Secretary shall accept other consideration from the Obligor as security in lieu of the interest deposit. If the Obligations issued and sold bear more than one rate of interest, the amount of interest required to be deposited shall be based upon the weighted average of such interest rates.

(c) *Subsequent sales of obligations.* A deposit shall be made in the same manner as for the first sale of Obligations in the sum of:

(1) The aggregate principal amount of the Obligations sold less 75 or 87½ percent (whichever is applicable under section 1104(b)(2) of the Act) of the amount of Actual Cost or Depreciated Actual Cost determined by the Secretary to have been paid, as of the date of the deposit, by or for the account of the Obligor for construction, reconstruction or reconditioning of the Vessel; and

(2) Interest on this aggregate principal amount, computed at the same rate borne by the Obligations, for one interest payment period, unless the Secretary shall accept other consideration from the Obligor as security in lieu of the interest deposit. If the Obligations issued and sold bear more than one rate of interest, the amount of interest required to be deposited shall be based upon the weighed average of such interest rates.

(d) *Principal deposit—Multiple vessels.* If multiple Vessels are security for the Guarantees at the time of a sale of Obligations, the aggregate deposit of principal amount in the Escrow Fund will be computed on an individual Vessel basis by prorating the proceeds of the sale of Obligations, within the meaning of the proviso in section 1108(a) of the Act, based on the ratio of the Vessel's Actual Cost or Depreciated Actual Cost, to the total Actual Cost and Depreciated Actual Cost of all Vessels which are security for the Guarantees.

(e) *Disbursements prior to termination date.* Unless the Guarantees shall become payable prior to the Termination Date (described in paragraph (h) of this section) of the Escrow Fund, the Secretary shall, subject to the satisfaction of any applicable conditions contained in the Security Agreement, and within a reasonable time after written request from the Obligor, make disbursements from the fund directly to the Indenture Trustee or any Paying Agent for the payment of interest on the Obligations, for periods prior to Vessel delivery or redelivery and to the shipbuilder, the Obligor or to any other Person entitled thereto, with respect to costs included in Actual Cost. Also, the Secretary may disburse to the Obligor, upon request made at least 10 business days prior to, and no earlier than 30 days after the date on which the payment of interest on the Obligations is due, any excess, as determined by the Secretary, of required interest on deposit in the Escrow Fund on the date of disbursement. However, no payment or reimbursement shall be made from the Escrow Fund to any Person until:

(1) The Construction Fund (described in § 298.34) where provided for in the Security Agreement, has been exhausted;

(2) At least 12½ or 25 percent (whichever is applicable) of the Actual Cost or Depreciated Actual Cost has been paid by or for the account of the Obligor from sources other than the proceeds of the Obligations, provided, however, that where the Obligor is required to pay in 25 percent of the Actual Cost or Depreciated Actual Cost, and demonstrates to the Secretary's satisfaction the ability to pay in such 25 percent, after the Obligor has paid 12½ percent of the Actual Cost or Depreciated Actual Cost, the Obligor may be permitted to withdraw moneys from the Escrow Fund, up to 50 percent of such Actual Cost or Depreciated Actual Cost, and withdraw the remainder of the Escrow Fund moneys after paying in the next 12½ percent of Actual Cost or Depreciated Actual Cost; and

(3) The Secretary has determined that the Actual Cost items are fair and reasonable and that amounts for which reimbursement is requested have been paid, except where the Secretary has specifically consented to an alternative procedure.

(f) *Where guarantees become payable.* If, prior to the Termination Date of the Escrow Fund, the Guarantees shall become payable by the Secretary, all amounts in the Escrow Fund at such time (including interest and realized income which have not yet been paid to the Obligor) shall be paid into the Federal Ship Financing Fund, created by section 1102 of the Act, and be credited against any amounts due or to become due to the Secretary from the Obligor with respect to all Guarantees.

(g) *Requisition of title, termination of construction contract or total loss of vessel.* In the event of requisition of title to or seizure of forfeiture of the Vessel, termination of the construction contract (unless the Obligor and the Secretary elect to have the Vessel completed) or the construction-differential subsidy contract (where applicable), or the actual or constructive total loss of the Vessel, all moneys remaining on deposit in the Escrow Fund may be disbursed by the Secretary for any of the following purposes:

(1) Redemption or payment of Obligations and accrued interest thereon to the date of redemption or payment, in accordance with the applicable provisions of the Documentation relating to such redemption or payment, where there is no existing default;

(2) Payment to the Obligor, if all outstanding Obligations are retired and paid other than by payment of the Guarantees, and all amounts payable to the Secretary and secured by the Mortgage have been paid; and

(3) Payment in accordance with the priorities set forth in § 298.41; if a default has occurred and if the Secretary shall have paid the Guarantees.

(h) *Disbursement upon termination date.* The Escrow Fund shall terminate on a date agreed upon by the Obligor and the Secretary as set forth in the Security Agreement (Termination Date). If on such Termination Date the full amount of Actual Cost of the Vessel has not been paid by or for the account of the Obligor, or is not then due and payable, the Obligor and the Secretary may extend the Termination Date by agreement. When the Secretary makes a final determination of Actual Cost at the written request of the Obligor, or at the instance of the Secretary if the Termination Date has occurred without such a request, the Termination Date shall be deemed to be the date of such final determination of Actual Cost. If payments under the Guarantees have not become due prior to the Termination Date, then on or immediately after said Termination Date, any balance in the Escrow Fund shall be disbursed by the Secretary in the following manner:

(1) Where the principal amount of the Obligations issued less the principal amount of Obligations which have been retired or paid on or before such Termination Date, and not availed of as a credit against any mandatory redemptions otherwise required to be made on or before such Termination Date, shall be in excess of 75 or 87½ percent (whichever is applicable) of the Actual Cost or Depreciated Actual Cost of the Vessel as finally determined by the Secretary as of the Termination Date, the Secretary shall pay such excess to the Indenture Trustee or any Paying Agent in accordance with the provisions of the Documentation relating to such payment. A written notice from the Secretary and

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the Obligor shall accompany such payment, stating the Termination Date and directing the Indenture Trustee or Paying Agent to redeem an equal amount of Obligations.

(2) An amount equal to interest accrued to the date to be fixed for redemption of the principal amount of Obligations to be redeemed, in accordance with the written notice of redemption to be issued, shall be remitted to the Indenture Trustee or any Paying Agent by the Obligor to be applied to the payment of interest to the date to be fixed for redemption.

(3) Any balance of the Escrow Fund shall be paid to the Obligor.

(i) *Investment and liquidation of the escrow fund.* The Secretary may invest and reinvest deposits to the Escrow Fund in securities which are obligations of the United States and with maturities such that sufficient cash will be reasonably available to the Escrow Fund as required to make periodic authorized disbursements. The Secretary shall deposit the Escrow Fund into a special Treasury Department account with instructions, pursuant to an agreement with the Obligor, for the investment, reinvestment and liquidation of the Escrow Fund.

(j) *Income on the escrow fund.* If the Guarantees shall not have become due, after receiving notice that the Treasury Department has deposited income earned on the Escrow Fund into the special account, the Secretary shall authorize the payment of such income to the Obligor. Income shall include the excess of the cash received from the sale of securities or the payment of securities at maturity (less any losses from the sale of securities not made up by payments by the Obligor pursuant to provisions of the Security Agreement) over the cost thereof, and interest received with respect to the securities.

(k) *Redeposit.* If, at any time, the Secretary shall have determined that there has been an improper disbursement from the Escrow Fund, the Secretary shall give written notice to the Obligor of the amount improperly disbursed, the amount to be redeposited into the Escrow Fund on account thereof and the reasons for such determination. The Obligor shall thereafter promptly redeposit such amount into the Escrow Fund.

§ 298.34 Construction fund.

(a) *Deposit.* Where the Security Agreement provides for an Escrow Fund deposit, usually a provision shall also be included therein for establishing Construction Fund deposits. Under the terms of this provision, at the time of each sale of Obligations the Obligor shall deposit with a Depository, in a special account subject to the joint control of the Obligor and the Secretary, cash equal to the principal amount of the Obligations issued at such time less the sum of (1) the aggregate principal amount then required to be in the Escrow Fund and (2) the amount in excess of 12½ or 25 percent of Actual Cost (whichever is payable under § 298.33(e)) which the Secretary determines has been paid by or for the account of the Obligor.

(b) *Withdrawals.* The Secretary shall, subject to the satisfaction of any applicable Conditions contained in the Security Agreement, periodically approve disbursements from the Constitution Fund directly to the Indenture Trustee or any Paying Agent for the payment of interest on the Obligations for periods prior to Vessel delivery and to the shipbuilder, the Obligor, or to any other Person entitled thereto with respect to costs included in Actual Cost. The Secretary shall not authorize any disbursement from the Construction Fund unless payments have been made by or for the account of the Obligor from sources other than the Obligations, in accordance with the requirements of subdivisions (2) and (3) of § 298.33(e).

(c) *Redeposit.* If, at any time, the Secretary shall have determined that there has been an improper disbursement from the Construction Fund, the Secretary shall give written notice to the Obligor of the amount improperly disbursed, the amount to be redeposited into the Construction Fund on account thereof and the reasons for such determination. The Obligor shall thereafter promptly redeposit such amount into the Construction Fund.

§ 298.35 Reserve fund and financial agreement.

(a) *Purpose.* In order to provide further security to the Secretary and to insure payment of the interest and principal due on the Obligations, the Company shall be required to enter into a Title XI Reserve Fund and Financial Agreement (Agreement). The Secretary may waive or modify provisions of the Agreement based on an evaluation of the aggregate security for the Guarantees.

(b) *Financial covenants for companies meeting primary financial requirements.* Covenants shall be imposed on the Company which is subject to compliance with the primary financial requirements at Closing, set forth in § 298.13(d), as follows:

(1) *Continuous covenants.* So long as Guarantees are in effect the Company, pursuant to agreements with the Secretary in the Documentation, shall not, without the prior written consent of the Secretary, take any actions, including, but not limited to those of the following nature:

(i) Pay dividends or make distributions in excess of 40 percent of its net income after tax for the latest prior fiscal year (noncumulative), unless, after giving effect to each payment or distribution, the Company's Long Term Debt does not exceed its Equity;

(ii) Enter into a service, management or operating agreement with respect to a Vessel financed with the assistance of Title XI Guarantees;

(iii) Sell, transfer or demise charter the Vessel; or

(iv) Sell or transfer a substantial part of its assets, enter into a merger or consolidation, engage in new business activities not directly connected with marine operations or guarantee (or otherwise be liable for) debts of other Persons.

(2) *Additional covenants which may become applicable.* If the Company shall at any time no longer satisfy the primary financial requirements, or such condition would occur after giving effect to any of the proposed transactions set forth below, the Company, pursuant to agreements with the Secretary in the Documentation, shall not, without the prior written consent of the Secretary, take any actions, including, but not limited to those of the following nature:

(i) Withdraw or redeem capital, convert capital into debt, pay dividends or make distributions (unless the Company is a party to an operating-differential subsidy agreement which provides for paying dividends or making distributions);

(ii) Make loans, advances, investments in or repayments of existing debts to Affiliates, stockholders, officers or directors;

(iii) Acquire fixed assets, become liable for Rentals, incur indebtedness or become subject to any liens, except if necessary in the ordinary course of existing business;

(iv) Pay salaries in excess of amounts specified in the Agreement, pay subordinated indebtedness or make loans; or

(v) Invest in securities other than those that qualify as Eligible Investments (described in paragraph (h) of this section) for the Title XI Reserve Fund.

(c) *Financial covenants for companies meeting the alternative financial requirements.* Covenants shall be imposed on the Company which is subject to the alternative financial requirements at Closing, set forth in § 298.13(e), as follows:

(1) *Continuous covenants.* So long as the Guarantees are in effect the Company, pursuant to agreements with the Secretary in the Documentation, shall not, without the prior written consent of the Secretary, take any action, including, but not limited to those of the following nature:

(i) Enter into a service, management or operating agreement for a Vessel financed with the assistance of Title XI Guarantees;

(ii) Sell, transfer or demise charter the Vessel;

(iii) Sell or transfer a substantial part of its assets, enter into a merger or consolidation, engage in any new business activities not directly connected with marine operations or guarantee (or otherwise become liable for) debts of other Persons;

(iv) Acquire fixed assets, become liable for any Rentals, incur indebtedness or become subject to any liens, except if necessary in the ordinary course of existing business;

(v) Make any loans or invest in any securities other than Eligible Investments for the Title XI Reserve Fund; or

(vi) Pay any subordinated indebtedness other than in accordance with a

subordination agreement approved by the Secretary.

(2) *Additional covenants which may become applicable.* If the Company shall at any time no longer satisfy the alternative financial requirements (after including the current portion of the Obligations or Rentals related to the Obligations, whichever may be applicable, as a current liability in computing Working Capital), or such condition would occur after giving effect to any proposed transaction set forth below, the Company, pursuant to agreements with the Secretary in the Documentation, shall not, without the prior written consent of the Secretary, take any action, including, but not limited to those of the following nature:

(i) Withdraw or redeem capital, convert capital into debt, pay dividends or make distributions (unless the Company is a party to an operating-differential subsidy agreement which provides for paying dividends or making distributions);

(ii) Make loans, advances, investments or prepayments of existing debts to Affiliates, stockholders, officers or directors, or invest in the securities of any Affiliates; or

(iii) Pay salaries in excess of amounts specified in the Agreement.

(3) *Covenants where Company's financial condition improves to meet primary financial requirements.* Whenever the Company, based on a review of its financial position, determines that it meets the primary financial requirements set forth in § 298.13(d), the Company shall promptly inform the Secretary of this fact, and shall submit such financial statements and all additional information which the Secretary shall consider necessary to verify compliance with such financial requirements. With the consent of the Secretary, the Company shall thereafter be subject to covenants applicable to a Company which had satisfied the primary financial requirements at Closing.

(d) *Title XI Reserve Fund Net Income.* The agreement shall provide that within 90 days after the end of its accounting year, the Company shall compute its net income attributable to the operation of one or more Vessels that were constructed, reconstructed reconditioned or refinanced with Title XI financing assistance (Title XI Reserve Fund Net Income). The computation involves using a ratio, expressed as a percentage, and applying this percentage to the Company's net income after taxes. The numerator of the ratio shall be the total original capitalized cost of all Company Vessels which were constructed, reconstructed, reconditioned or refinanced with the assistance of Guarantees. The denominator shall be the total original capitalized cost of all the Company's fixed assets. Such original capitalized costs shall include, where applicable, present values of Rentals, described in § 298.13(b)(4). The net income after taxes, computed in accordance with generally accepted accounting principles, shall be adjusted as follows:

(1) The depreciation expense applicable to the accounting year shall be added back.

(2) There shall be subtracted:

(i) An amount equal to the principal amount of debt required to be paid or redeemed, and actually paid or redeemed by the Company (other than from the Title XI Reserve Fund) during the year; and

(ii) The principal amount of Obligations retired or paid (as defined in the Security Agreement), prepaid or redeemed, in excess of the required redemptions or payments which may be used by the Company as a credit against future required redemptions or other required payments with respect to the Obligations.

(e) *Deposits.* Unless the Company, as of the close of its accounting year, was subject to and in compliance with the primary financial requirements set forth in § 298.13(d), the Company shall make one or more deposits to a special joint Depository account with the Secretary (the Title XI Reserve Fund) to be established pursuant to an agreement in writing (Depository Agreement) at the time the first deposit is required to be made. The amount of deposit as to any year, or period less than a full year, where applicable, shall be determined as follows:

(1) If the Company is the owner of the Vessel, an amount (pro rated for a period of less than a full year) that is equal to 10 percent of the Company's aggregate original Equity investment in the Vessel or Vessels shall be deducted from Title XI Reserve Fund Net Income.

(2) 50 percent of the Title XI Reserve Fund Net Income, adjusted where applicable, in accordance with paragraph (e)(1) of this section, shall be deposited into the Title XI Reserve Fund.

(3) There shall also be deposited any additional amounts that may be required, pursuant to provisions of the Security Agreement or any other agreement in the Documentation to which the Company is a party.

(4) Irrespective of the Company's deposit requirement as stated in preceding paragraph (e)(1)–(3) of this section, the Company shall not be required to make any deposits into the Title XI Reserve Fund if any of the following events shall have occurred:

(i) The Company shall have discharged the Obligations and related Secretary's Note and shall have paid other sums secured under the Security Agreement and Preferred Mortgage;

(ii) All Guarantees with respect to outstanding Obligations shall have terminated pursuant to the provisions of the Security Agreement; or

(iii) The amount in the Title XI Reserve Fund, (including any securities at market value), is equal to, or in excess of 50 percent of the principal amount of outstanding Obligations.

(f) *Fund in lieu of Title XI Reserve Fund.* If the Company has established a Capital Construction Fund (CCF), pursuant to section 607 of the Act, whether interim or permanent, at any time when a deposit would otherwise be required to be made into the Title XI Reserve Fund and the Company elects to make such deposits to the CCF, the Company shall enter into an agreement, satisfactory to the Secretary, providing that all such deposits of assets therein shall be segregated in the CCF and shall be security (CCF Security Amount) to the United States in lieu of the Title XI Reserve Fund. The deposit requirements of the Title XI Reserve Fund and Financial Agreement shall be deemed satisfied by deposits of equal amounts in the CCF, and withdrawals of the CCF Security Amount shall be subject to the same conditions as withdrawals from the Title XI Reserve Fund. If for any reason the CCF terminates prior to the payment of the Obligations, the Secretary's Note and all other amounts due under or secured by the Security Agreement or Mortgage, the CCF Security Amount shall be deposited or redeposited in the Title XI Reserve Fund.

§ 298.36 Annual guarantee fee.

(a) *Rates in general.* For annual periods, beginning with the date of the Security Agreement and prior to the delivery date of a Vessel, the Secretary shall charge the Obligor an annual fee (Guarantee Fee) at a rate of not less than ¼ of 1 percent and not more than ½ of 1 percent of the excess of the average principal amount of the Obligations to be outstanding during the annual period covered by said Guarantee Fee over the average principal amount, if any, on deposit in the Escrow Fund during said annual period (Average Principal Amount of Obligations Outstanding). For annual periods beginning with the delivery date of the Vessel, the Guarantee Fee shall be imposed at an annual rate of not less than ½ of 1 percent and not more than 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by the Guarantee Fee. The Obligor shall be responsible for payment of the Guarantee Fee.

(b) *Rate calculation.* The Guarantee Fee rate generally shall vary inversely with the ratio of Equity to Long Term Debt to the Person considered by the Secretary to be the primary source of credit in the transaction (Credit Source), e.g., the long term time charterer (where the charter hire represents the source of payment of interest and principal with respect to the Obligations), the guarantor of the Obligations, Obligor or the bareboat charterer. Where the ratio of Equity to Long Term Debt (Variable Rate) is used, the Secretary may make such adjustments to the computation of Equity and Long Term Debt considered necessary to reflect more accurately the financial condition of the Credit Source. The Guarantee Fee rate shall be subject to annual redetermination by the Secretary in accordance with the tests set forth in paragraphs (c) and (d)

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of this section, and the Secretary shall promptly give notice to the Obligor of a rate change for such annual period. The determination of Equity and Long Term Debt shall be based on information contained in forms or statements on file with the Secretary prior to the date on which the Guarantee Fee is to be paid. With the consent of the Secretary, there shall be included in Equity, but excluded from Long Term Debt, any subordinated indebtedness representing loans to the Credit Source, evidence of which has been delivered to the Secretary. The Secretary may establish a fixed rate or other method of calculation of the Guarantee Fee, upon an evaluation of the aggregate security for the Guarantees.

(c) *Variable Rate prior to vessel delivery.* For annual periods beginning prior to the delivery date of a Vessel being constructed, reconstructed or reconditioned, the Guarantee Fee shall be determined as follows:

(1) If the Equity is less than 15 percent of the Long Term Debt, the annual Guarantee Fee rate shall be ½ of 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(2) If the Equity is at least 15 percent of the Long Term Debt, but less than the Long Term Debt, the annual Guarantee Fee rate shall be ⅜ of 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(3) If the Equity is equal to or exceeds the Long Term Debt, the annual Guarantee Fee rate shall be ¼ of 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(d) *Variable Rate after Vessel delivery.* For annual periods beginning on or after the Vessel delivery date, the Guarantee Fee shall be determined as follows:

(1) If the Equity is less than 15 percent of the Long Term Debt, the annual Guarantee Fee rate shall be 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(2) If the Equity is less than 60 percent of the Long Term Debt but equal to or greater than 15 percent of the Long Term Debt, the annual Guarantee Fee rate shall be ¾ of 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(3) If the Equity is less than the Long Term Debt but equal to or greater than 60 percent of the Long Term Debt, the annual Guarantee Fee rate shall be ⅝ of 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(4) If the Equity shall equal or exceed the Long Term Debt, the Guarantee Fee rate shall be ½ of 1 percent of the Average Principal Amount of Obligations Outstanding during the annual period covered by said Guarantee Fee.

(e) *Payment of guarantee fee.* The initial Guarantee Fee covering the 12-month period commencing with the date of the Security Agreement shall be paid to the Secretary concurrently with the execution and delivery of said Agreement. The Guarantee Fee for each subsequent annual period must be paid to the Secretary at least 65 days prior to each anniversary of said payment. The Secretary shall refund the prepaid Guarantee Fee if the Guarantees shall have terminated, other than by reason of default, prior to the anniversary date.

(f) *Adjustment of guarantee fee.* If the Secretary at any time determines that the amount of any Guarantee Fee should be adjusted for any reason, the Secretary shall promptly give written notice thereof, specifying the correct amount, the basis for computation thereof and the amount of the deficiency or excess. With respect to any deficiency, payment shall be made to the Secretary within 30 days after receipt of such notice. Any excess payment shall, except if a default has occurred and has not been cured, be refunded by the Secretary.

(g) *Increase in guarantee fee due to security default.* If a Security Default, as described in § 298.40(c), shall have occurred and be continuing, the Secretary, after giving written notice to the Obligor of such Security Default, may increase the existing Guarantee Fee rate, if less than the maximum allowed under paragraph (a) of this section, to the maximum rate at the expiration of 60 days after receipt of notice by the Obligor, except if the Obligor shall have cured such Security Default or the Secretary shall have waived the Security Default during the 60-day period.

(h) *Proration of guarantee fee.* The Guarantee Fee shall be prorated where Vessel delivery is scheduled to occur during the annual period with respect to which payment of said Guarantee Fee is being made, as follows:

(1) *Undelivered vessel.* If the Guarantee Fee relates to an undelivered Vessel, the predelivery rate is applicable to the Average Principal Amount of Obligations Outstanding for the period from the date of the Security Agreement to the delivery date, and the delivered Vessel rate is applicable for the balance of the annual period.

(2) *Multiple vessels.* If the Guarantee Fee relates to more than one Vessel, the amount of outstanding Obligations shall be allocated to each Vessel in the manner prescribed in § 298.33(d), and an amount shall be determined for each Vessel by using the rate that is applicable under paragraph (c) or (d) of this section and the proration as set forth above. The Guarantee Fee shall be the aggregate of the amounts calculated for each Vessel.

§ 298.37 Examination and Audit.

The Secretary shall have the right to examine and audit the books, records (including original logs, cargo manifests and similar records) and accounts of the Obligor, bareboat charterer, time charterer or any other Person participating in the project receiving financing assistance under Title XI of the Act, as well as records of Affiliates and domestic agents connected with such Person, and shall have full, free and complete access thereto at all reasonable times. Also, the Secretary shall have full, free and complete access at all reasonable times to each Vessel with respect to which Guarantees or an insurance contract is in force. When the Vessel is in port or undergoing repairs, the Secretary may make photostatic or other copies of any books, records and other relevant documents or papers being examined or audited. Adequate office space and other facilities reasonably required by any representatives of the Secretary engaged in an examination, audit or inspection shall be furnished without charge by the Person in control of the premises where the examination or audit is being conducted.

Subpart E—Defaults and Remedies, Reporting Requirements, Applicability of Regulations

§ 298.40 Defaults.

(a) *In general.* Provisions concerning the existence and declaration of a default and demand for payment of the Obligations (described in paragraphs (b) and (c) of this section) shall be included in the Security Agreement and in other parts of the Documentation.

(b) *Payment default.* In the case of any default in the payment of principal or interest with respect to the Obligations, the following procedures shall be applicable:

(1) No demand shall be made for payment under the Guarantees unless the default shall have continued for 30 days (Payment Default).

(2) After the expiration of said 30-day period, demand for payment of all amounts due under the Guarantees must be made no later than 60 days thereafter (or such lesser time as provided for in the Guarantees or related agreements).

(3) After demand for payment is made by or on behalf of the Obligees, the Secretary shall make payment under the Guarantees, except if the Secretary determines, before payment of the Guarantees, that a Payment Default has not occurred or that such Payment Default has been remedied prior to demand being made.

(c) *Security Default.* If a default occurs under the Security Agreement which is other than a Payment Default, (Security Default), the Secretary, as provided in section 1105(b) of the Act, shall have the sole discretion to declare such default a Security Default and may notify the Obligee or agent of the Obligee of such Security Default, stating that demand for payment under the Guarantees must be made no later than 60 days (or lesser time as provided for in the Documentation) after the date of such notification.

(d) *Payment of Guarantees.* If demand for payment of the Guarantees is made, the Secretary shall, no later than 30 days after the date of such demand (or such lesser time as may be provided for in the Documentation), make payment to the Obligees, Indenture Trustee or any other agent of the unpaid principal amount of Obligations and unpaid interest accrued and accruing thereon up to, but not including, the date of payment.

§ 298.41 Remedies after default.

(a) *In general.* Provisions governing remedies after a default, which relate to rights and duties of the Obligor, the Secretary and other Persons (where appropriate), shall be included in the Security Agreement or in other parts of the Documentation.

(b) *Action by Secretary.* Before making payment required under the Guarantees, the Secretary make take the Vessel and hold, lease, charter, operate or use the Vessel, accounting only for the net profits to the Obligor. After making payment required under the Guarantees, the Secretary may initiate or otherwise participate in legal proceedings of every type, or take any other action considered appropriate, to protect rights and interests granted to the Secretary by sections 1105(c), 1105(e) and 1108(b) of the Act, the Security Agreement or other applicable provisions of law and of the Documentation.

(c) *Security Proceeds to Secretary.* The Secretary's interest in proceeds realized from the disposition of or collection with respect to security granted to the Secretary in consideration for the Guarantees (except proceeds from the sale, requisition, charter or other disposition of property purchased by the Secretary at a foreclosure or other public sale, which proceeds shall belong to and vest exclusively in the Secretary), shall be an amount equal to, but not in excess of, the sum of (in order of priority of application of the proceeds):

(1) Guarantee Fees, if any, due the Secretary under the Security Agreement;

(2) All moneys due and unpaid and secured by a Mortgage or Security Agreement;

(3) All advances by the Secretary, pursuant to the Security Agreement and all reasonable charges and expenses of the Secretary;

(4) The accrued and unpaid interest on the Secretary's Note;

(5) The accrued and unpaid balance of the principal of the Secretary's Note.

(d) *Security proceeds to obligor.* The Obligor shall be entitled to share in the proceeds from the sale or other disposition of security, described in paragraph (c) of this section, if and to the extent that the proceeds realized are in excess of:

(1) The aggregate of payments made pursuant to the Guarantees; and

(2) The actual expenses of collection of security proceeds, or a specific amount provided for in the Documentation.

§ 298.42 Reporting requirements-financial statement.

The accounts of the Company shall be audited at least annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants. The accountants shall be certified or licensed by a regulatory authority of a State or other political subdivision of the United States, and may be the regular auditors of the Company.

(a) *Reports of company and other persons.* Except as otherwise required by the Secretary, the Company shall file a semiannual financial report and an annual financial report, prepared in accordance with generally accepted accounting principles, with Maritime Administration representatives, as specified in the Documentation. Included shall be the balance sheet and a statement of paid-in-capital and retained earnings at the close of the required reporting period, a statement of income for the period and any other statement that the Secretary shall consider necessary to accurately reflect the Company's financial condition and the results of its operations. By letter to the Company, the Secretary shall specify the form required for reporting and the number of copies to be submitted. The Secretary may, by notice to the Company, also require the Company to submit financial statements of any other Person, directly or indirectly participating in the project, if the financial condition of that Person affects the Secretary's security for the Guarantees. The required financial report for the annual period shall be due within 90 days after the close of each fiscal year of the Company, commencing with the first fiscal year ending after the date of the Security Agreement. The required semiannual report shall be due within 90 days after each semiannual period, commencing with the first semiannual period ending after the date of the Security Agreement. The annual and semiannual reports, respectively, shall be in the form prescribed or approved by the Secretary. The annual report shall be certified by the public accountants after audit. Certification of the semiannual report by the accountants may be required by the Secretary. Where independent certification is not required, a responsible corporate officer shall attach a certification that such report is based on the accounting records and, to the best of that officer's knowledge and belief, is accurate and complete.

(b) *Leveraged lease financing.* If the method of financing involved is a leveraged lease financing, or a trust is the owner of the vessels, the requirements for annual and semi-annual accounting reports of the Obligor may be modified accordingly by the Secretary.

§ 298.43 Applicability of the regulations.

(a) *Applicable generally; exceptions.* The regulations in this part shall be in effect as to all applications for commitments for Guarantees issued pursuant to section 1104(a) of the Act. These regulations supersede those issued under Part 298 of this title (23 FR 384) as of the effective date hereof, but shall not affect any commitment for Guarantees, Guarantees or contracts of insurance in existence on the effective date of these regulations. The regulations in this part may be amended, but said amendments shall have no effect upon any existing Guarantees, insurance contracts, commitment for Guarantees or documents.

(b) *Applicability to United States.* Nothing in the regulations in this part shall be deemed to impose any requirement on the United States or the Secretary in addition to those contained in Title XI of the Act or other provisions of law or the Guarantees, insurance contracts and commitments for Guarantees entered into under the Authority of Title XI.

AUTHORITY: Sections 204(b), 1109, Merchant Marine Act 1936, as amended (46 U.S.C. 1114(b), 1279b). Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Dated: September 30, 1976.

By order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary,
Maritime Subsidy Board.

[FR Doc.76-29688 Filed 10-7-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1000]

[Docket No. 76N-0383]

RADIATION SAFETY CRITERIA FOR MERCURY VAPOR LAMPS

Proposed Recommendations and Notice of Intent To Develop Performance Standards

The Food and Drug Administration (FDA) is proposing recommendations for mercury vapor discharge lamp radiation safety criteria and is announcing its intent to develop a radiation safety performance standard for these lamps. Interested persons may submit comments until December 7, 1976.

Under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, secs. 356, 358 (42 U.S.C. 263d, 263f)), the Secretary of the Department of Health, Education, and Welfare is charged with the responsibility of establishing and implementing an electronic product radiation control program designed to protect the public health and safety from electronic product radiation. In carrying out this responsibility, the Secretary is authorized to make recommendations relating to such radiation hazards and control as he considers appropriate, and to develop and administer performance standards to control the emission of electronic product radiation. This authority has been delegated to the Commissioner of Food and Drugs pursuant to § 5.1 of Chapter I of Title 21 of the Code of Federal Regulations (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)). Notice is hereby given that the Commissioner is proposing to amend the regulations by adding new § 1000.60

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(21 CFR 1000.60), which would prescribe the radiation safety performance criteria recommended for mercury vapor lamps used for illumination.

The Commissioner also announces that he may issue a proposal to add a performance standard for mercury vapor lamps to Part 1040, Performance Standards for Light-Emitting Products (21 CFR Part 1040), if the submitted data and information on proposed § 1000.60 warrant such action.

Because of high efficiency and long life as compared with other types of light sources, (e.g., incandescent and fluorescent lights), mercury vapor lamps are becoming important energy-saving sources of illumination. They are widely used for lighting, including street lighting and lighting school gymnasiums, sports arenas, commercial stores, and industrial facilities. Estimates are that more than 25,000,000 such lamps are currently installed in this country. These lamps basically consist of an inner gas discharge tube surrounded by an outer hard borosilicate glass envelope. Considerable shortwave ultraviolet (UV) radiation is transmitted through the inner quartz tube, but it is usually blocked by the outer glass envelope during the normal operation of the lamps. The Bureau of Radiological Health of the Food and Drug Administration (hereinafter, the Bureau) has found that the outer envelope of a 400-watt mercury vapor lamp reduces the irradiance of the UV radiation in the wavelength range of 250 to 320 nanometers by about a factor of 4,000. Therefore, with the outer envelope intact, the UV radiation from such lamps does not normally pose a radiation safety problem. If the outer glass envelope is removed, however, some lamps continue to operate for a period of time before burning out. Injury reports and laboratory testing confirm the risk of injury from human exposure to the shortwave UV radiation if the lamps continue to operate after breakage or removal of the outer envelope.

It is well known, yet not generally recognized by the public, that human exposure to UV radiation can have damaging biological effects. The possible effects on human skin include erythema (reddening), sunburn, changes that are interpreted as signs of "aging," and premalignant and maligant skin tumors. For the eye, the most marked reaction to UV radiation occurs in the cornea, conjunctiva, and lens. Photokeratitis (inflammation of the eye) appears to be the most frequent damage to the eye; erythema seems to be the most conspicuous short-term change in the skin. Response to UV radiation also varies with each person. More sensitive persons may respond to extremely low energy levels over a broad portion of the UV spectrum. Because a mercury vapor lamp with a broken outer envelope may emit intense shortwave UV radiation, exposure to such radiation is likely to be particularly hazardous to sensitive persons.

The Bureau first received reports of injuries in November 1974, to some persons in the gymnasium of a Montgomery County, Maryland, public school. A subsequent review of the report verified that the outer envelope of a mercury vapor discharge lamp had been broken, thus eliminating the outer envelope as a filter for the lamp emissions. Several exposed persons suffered reversible, but painful, photokeratitis and/or erythema, which lasted for several days. Having determined the likely source of the UV light and verified the nature of the injuries that could result from such exposure, the Bureau wrote the Montgomery County Superintendent of Schools and explained the problem and how it could be avoided. A copy of that letter was sent, with a cover communication, to all State health officers, to State radiation control agencies, and to FDA regional and district offices. The Bureau recommended that the State agencies disseminate the information and recommendations for avoiding the problem to concerned State officials, which would include the school officials. Since then, more than 60 persons have been reported as injured in this country as a result of accidents similar to the one reported in Maryland. Recognizing the need for information to prevent further incidents, the Bureau asked manufacturers of mercury vapor discharge lamps to attend an open meeting for an exchange of information; the meeting was held on February 13, 1975. Although many aspects of the problem were discussed by participants from industry, government, and the general public, the meeting did not provide a definitive means by which continued safe use of such lamps could be assured.

Therefore, in March 1975, the Bureau requested additional information from lamp manufacturers and discussed possible alternatives to improve the radiation safety performance of lamps to be manufactured in the future. It was suggested that a regulatory standard might not be necessary if industry meets a voluntary standard developed according to certain specified conditions, including the provision "that continued operation of the lamps after the outer bulb was broken could not occur or would not result in hazardous exposure." The voluntary approach is presently acceptable only if the voluntary standard is provided in a timely fashion, is effective in protecting the public health, and is endorsed and adhered to by all manufacturers of such lamps. The Food and Drug Administration must, in fulfillment of the requirement of its statutory mandate, consult the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) before establishing any electronic product performance standard under the Radiation Control for Health and Safety Act of 1968. At the 13th meeting on September 18, 1975, the Committee expressed support of the efforts toward a voluntary standard, but asked FDA to continue parallel efforts toward a formal regulatory standard in the event the voluntary consensus standard is not achieved in a timely manner.

The Food and Drug Administration has since consulted closely with the American National Standards Institute (ANSI) in developing a voluntary standard. Following a November 25, 1975 open meeting of the ANSI task group and the Bureau's technical staff, a draft standard was prepared by the ANSI task group. The latest revised version of the draft standard was presented at the 14th TEPRSSC meeting on April 1, 1976. The radiation safety criteria in this proposed recommendation are based in part upon the ANSI draft standard, recommendations received from the TEPRSSC members, comments of other persons during and after the TEPRSSC meeting, and other public health considerations. Although there has been substantial progress toward developing appropriate performance criteria for new lamps, FDA is investigating other steps that could be taken to prevent injuries from lamps currently in use. The Bureau recently reissued its earlier warning and preventive recommendations in May 1976, upon learning of another UV radiation exposure incident involving mercury vapor lamps in a public school in the State of New York. The Commissioner would welcome further information and comments on steps that could be taken to prevent injuries from existing lamps.

Proposed § 1000.60(a) defines the scope of the applicability of the recommended criteria to include all high-intensity mercury vapor discharge lamps for general illumination, such as roadway, dusk-to-dawn, area, industrial, and commercial lighting. Suggestions have been made that the safety criteria be applied only to the use situations where abnormal failure of the lamp can occur and exposure of personnel to UV radiation from the inner arc tube can become hazardous. Because the use of mercury vapor lamps is essentially unrestricted, control measures for every different use condition would be extremely difficult to define and implement. The Commissioner believes that, until the interchangeability of the use of one type of lamp for another can be precluded, it is in the best interest of the public to apply the radiation safety criteria to the manufacture of all types of mercury vapor lamps that may be used for general illumination regardless of their particular applications.

The two steps for implementation of the performance criteria are also described in proposed § 1000.60(a): (1) Lamps manufactured 90 days after the final publication of the criteria should meet the criteria for a minimum of 1,000 hours of operation, and (2) lamps manufactured 2 years after final publication of the criteria should meet the criteria for the useful life of the product. The two-phase implementation plan is designed to encourage mercury vapor lamp manufacturers to introduce into commerce new lamps with the safety devices before they can complete the necessary life testing of such lamps, which should occur within a period of approximately 2 years. However, lamps manufactured thereafter that are designed to meet the criteria during the 2-year life-testing period should be expected to improve their performance according to the progress having been made to date in the life-testing program.

Proposed § 1000.60(b) recommends that the electric arc discharge of a mercury vapor lamp be permanently extinguished within not more than 2 minutes of operation when the outer envelope is broken or removed, whether such breakage or removal occurs before lamp starting or during lamp operation. The recommended maximum extinguishing time is based upon biological data and consideration of the normal use conditions of mercury vapor lamps. Although FDA knows of no research that would enable an exact quantification of the potential hazard associated with the use of such lamps, biological data do support a very low permissible dose of UV radiation. For example, extrapolation of the tumor-inducing dose of 313-nanometer radiation in mice indicates that the actual radiation level at 254 nanometers implicated to be tumorigenic is only 16 J/m² (joule per square meter). Tests at the Bureau also show that, at the distance of 1 meter, some typical mercury vapor lamps exceed, within a period of about 20 seconds to 6 minutes, the criteria for occupational exposure recommended by the National Institute for Occupational Safety and Health and the American Conference of Governmental Industrial Hygienists. However, persons injured in the incidents described previously were exposed for more than 2 hours (2 to 5 hours), and the light sources involved were usually located at a distance of about 4 to 8 meters from the injured persons. The Commissioner believes that, under most conditions of use, the risk of human injury from incidental exposure of less than 2 minutes is very unlikely. The 2-minute termination time was suggested by the agency to the ANSI task group at the public meeting of November 25, 1975. The presentations of several representatives of the manufacturers of such lamps indicated during the 14th TEPRSSC meeting on April 1, 1976, that such a termination time is technically feasible.

Proposed § 1000.60 sets forth in paragraph (c) the test conditions for determining compliance with paragraph (b) for all products under paragraph (a) of the same section. Paragraph (c)(1) recommends that in testing for compliance with the 2-minute extinguishing time, the lamp be started and operated on a reference ballast at the starting current specified in the appropriate ANSI standard for the power and operating potential ratings of the lamp under test that results in the maximum extinguishing time for the discharge arc. This recommendation is associated with the possibility of using different ballasts to control the current at the start and during the operation of such lamps, that might result in a different termination time for the same lamp. In order that a lamp in actual use would not exceed the 2-minute limit, the Commissioner believes it is reasonable and necessary to start and operate the lamp under test on a reference ballast that would yield the longest extinguishing time. To avoid the disturbing effect of air movement and to further ensure that the performance criteria are applied under the same test procedures, it is proposed in paragraph (c)(2) that the test be performed with the lamp initially at 25° C in still air at the time of lamp start-up. If the tests are performed in an enclosure, the lamp should be placed at a distance not less than 50 centimeters from any enclosure surface.

These proposed recommendations are intended to improve the radiation safety performance of lamps manufactured to meet the criteria under current use conditions and thereby achieve the protection of the public from exposure to unnecessary UV radiation from broken mercury vapor lamps. Alternative actions to the proposed performance criteria also have been carefully considered. Some lamp manufacturers suggested incorporation of shielding into the fixture so as to prevent the breakage of the outer envelope of the lamp. This approach was not supported by the available information from fixture manufacturers. One fixture manufacturer estimated that installation of a shield such as a glass plate over the fixture would reduce the light output efficiency of the lamp by about 10 percent. As a result, to maintain the illumination at the same level could mean a proportional increase of the number of both lamps and fixtures at a given installation. It could also lead to an increase of energy consumption and maintenance costs. Further, if the protective shielding breaks, as it sometimes does, protection is no longer provided. The Commissioner therefore concludes that it would be inappropriate in this case to issue recommendations applicable to a fixture, unless the fixture and lamp are manufactured and distributed by the same manufacturer.

The Commissioner is required under the act to prescribe performance standards for electronic products to control the emission of electronic product radiation from such products if he determines that such standards are necessary for the protection of the public health and safety. The proposed criteria embody the basic concepts that would likely be contained in a formal regulatory performance standard. The promulgation of a regulatory standard will require additional time for the agency to collect further documentation and to meet the requirements of the Administrative Procedure Act (5 U.S.C. 553), the National Environmental Policy Act (42 U.S.C. 4332), and Executive Order No. 11821 of 1974 on inflation impact of proposed actions. This regulatory action may not be taken if there is convincing information to demonstrate that the final recommended criteria are endorsed and vigorously adhered to by manufacturers, and the criteria are adequate to protect the public health and safety. The Commissioner welcomes the submission of written data; views, or arguments concerning the need, the subject matter, and impacts of a possible regulatory standard.

Information and comments are specially invited relative to the following topics:

1. Reports of injuries or alleged injuries from mercury vapor lamps, and comments or recommendations on steps, including those discussed herein, that should be taken to prevent injuries from such lamps currently in use.

2. Comments and information about the need for a regulatory standard for mercury lamps.

3. The appropriate class(es) of products to which a mercury vapor lamb performance standard should be applicable.

4. The types of radiation safety performance requirements that would be appropriate for this type of lamp.

5. Appropriate quality control programs, including methods and conditions of measurement.

6. Appropriate radiation safety warning labels, and user and service instructions.

7. The possible environmental impact of such a regulatory standard, including factors such as reduction in radiation exposure injuries, injury costs, and economic consequences in relation to the availability of such products or major business losses through a prohibitive price increase.

8. The possible inflation impact of such action, including factors such as cost increases to industry, government and consumers; substantial changes in the competitive structure of the lamp industry; increases in the number of employees to sustain current levels of production; shortage in supply of important service and/or materials; and increase of usage or decrease of energy availability.

Persons or organizations who want to receive further information or publications on this topic may have their names placed on the mailing list by writing to: Division of Compliance (HFX-440) Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Pertinent background data on these proposed radiation safety criteria are on file in the office of the Hearing Clerk, Food and Drug Administration (adress below). Therefore, under the public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, sec. 356, 82 Stat. 1174–1176 (42 U.S.C. 263d)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes to amend Subchapter J of Chapter I of Title 21 of the Code of Federal Regulations in Part 1000 by adding new § 1000.60 to Subpart C, to read as follows:

§ 1000.60 Radiation safety criteria for high-intensity mercury vapor lamps.

(a) *Applicability.* The criteria specified in paragraph (b) of this section should apply to all high-intensity mercury vapor discharge lamps that are designed, intended, or promoted for general

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illumination, including roadway, dusk-to-dawn, area, industrial, and commercial lighting through the following two steps:

(1) Lamps manufactured after (date 90 days after date of publication of the final recommendation in the FEDERAL REGISTER) should meet the criteria at least for the first 1,000 hours of operation; and

(2) Lamps manufactured after (date 2 years after date of publication of the final recommendation in the FEDERAL REGISTER) should meet the criteria for the useful life of the product.

(b) *Maximum extinguishing time.* When the outer glass envelope of the lamp is broken or removed before lamp start-up or during lamp operation resulting in the emission of radiation having the potential of creating a significant risk of injury, the electric arc discharge between the main electrodes of the lamp should be permanently extinguished within not more than 2 minutes of operation.

(c) *Test conditions.* Lamps under test for compliance with paragraph (b) of this section should be:

(1) Started and operated on a reference ballast at the starting current specified in the appropriate standard of the American National Standards Institute for the power and operating potential ratings of the lamp under test, that results in the maximum extinguishing time for the electric arc.

(2) Started in still air that has a temperature of 25°±5°C. If the glass envelope is broken or removed following lamp start-up, the removal or breakage should occur at any time after start-up that results in the maximum extinguishing time for the electric arc. The heating and generation of thermal convection of the air by the lamp during the test is permitted. Other means for changing the temperature and circulation of air during the test are not permitted. If the tests are performed in an enclosure, the lamp should be placed at a distance no less than 50 centimeters from any enclosure surface.

Interested persons may, on or before December 7, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-29436 Filed 10-7-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 250]

[EDR-303A/296C; Dockets 29776; 29139; dated October 5, 1976]

OVERBOOKINGS AND OVERSALES BY AIR CARRIERS

Extension of Time for Comments

In the matter of construction, publication, filing and posting of tariffs of air carriers and foreign air carriers and priority rules, denied boarding compensation tariffs and reports of unaccommodated passengers.

On September 14, 1976, the Board, by notices EDR–296B and EDR–303, set the date of October 11, 1976, for the receipt of public comments in response to its advance notice of proposed rulemaking EDR–296 (41 FR 16478, April 18, 1976) in Docket 29139 and its notice of proposed rulemaking EDR–303 (41 FR 40500, September 20, 1976) in Docket 29776. EDR–296 asked for comments on the wide range of issues relating to the Board's policies with respect to deliberate overbooking and oversales by air carriers. EDR–303 proposed that air carriers having on file tariffs describing their deliberate overbooking practices also be required to give certain actual notice, and requested comments on the specific interim proposed rules accompanying that notice.

October 11, 1976 is a Federal holiday and the Board's usual practice is to allow the filing of documents due on weekends or holidays on the next business day. In order to avoid confusion on the part of those members of the public who may not be aware of this practice, however, this notice is being issued to specifically extend the due dates for these public comments to October 12, 1976.

Since EDR–296 was issued, the Board has changed its practice in rulemaking cases to require the submission of 20 copies of such comments rather than 12. Interested persons, other than individual consumers, are therefore requested to file 20 copies of such comments. Individual members of the general public who wish to express their interest as consumers are required to file only one copy of their comments.

Accordingly, the date of October 12, 1976, is hereby set for the receipt of comments in response to notices EDR–296 and EDR–303.

This action is taken pursuant to delegated authority (14 CFR 385.20(d)). Petitions seeking review may be filed in accordance with the provisions of the Board's Organizational Regulations (14 CFR 385.50 et seq.).

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324(a).)

SIMON J. EILENBERG,
Associate General Counsel, Rules.

[FR Doc.76-29679 Filed 10-7-76;8:45 am]

[14 CFR Part 252]

[EDR–306, Docket No. 29044, Dated October 5, 1976]

PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS

Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 252 of the Economic Regulations (14 CFR Part 252) to prohibit the smoking of cigars and/or pipes aboard aircraft operated by certificated air carriers (both route and supplemental), to effect improved segregation of cigarette smokers on such aircraft, and to require pertinent changes in the employee manuals of certificated air carriers. The proposals are described in the Explanatory Statement and the proposed amendments are set forth in the Proposed Rules. The Board is also specifically inviting comments to focus on the possible adoption of rules completely prohibiting smoking aboard aircraft operated by certificated air carriers.

The rules are proposed under the authority of sections 204(a), 404(a), and 407 of the Federal Aviation Act of 1958, as amended, (72 Stat. 743, 760, 766 (as amended); 49 U.S.C. 1324, 1374, 1377).

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 8, 1976, and reply comments received on or before November 23, 1976, will be considered by the Board before taking final action on the proposed rule.

Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

Those persons planning to file comments and/or responsive comments who wish to be served with the comments filed by others, and are willing to undertake service of their own comments on others, shall file with the Docket Section at the above address by October 18, 1976, a request to be placed on the service list in Docket 29044. The service list will be prepared by the Docket Section and sent to the persons named thereon. The persons on the service list are to serve each other with their comments and/or responsive comments at the time of filing, and are to include appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)) with each filing.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding, may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

Part 252 of the Board's Economic Regulations, adopted in 1973, requires certificated direct air carriers to provide a "no-smoking" area or areas for each class of service, and for charter service, and to insure that there are a sufficient number of seats in "no-smoking" areas to accommodate persons wishing to sit there. It further enjoins each such carrier to insure that there is in fact no smoking in "no-smoking" areas, to enforce the rules required by Part 252 with respect to segregation of passengers in "smoking" and "no-smoking" areas, and to maintain and file with the Board an employees manual containing its rules for smoking by passengers aboard aircraft.

The Action on Smoking and Health (ASH) and Paul R. Kaiser have filed a petition for rulemaking to amend Part 252. The petition seeks no change with respect to smoking of cigarettes but requests a total prohibition of cigar and pipe smoking. No answers to the petition have been filed.[1]

Although petitioners refer to the "safety" of passengers, they appear to use this term in the sense of physical well-being rather than, more conventionally, with reference to hazards such as fire, which might be caused by the smoking of cigars or pipes. In any event, this type of conventional safety consideration is within the jurisdiction of, and has been considered by, the Federal Aviation Administration.[2]

The health aspects of smoking have also been examined by the Federal Aviation Administration and that agency, finding no persuasive evidence that smoke in concentrations likely to occur in transport aircraft is injurious to the health of non-smokers, withdrew its Advance Notice of Proposed Rulemaking in July, 1973.[3] Inasmuch as the Federal Aviation Administration has already asserted jurisdiction of the health question under its authority to promote safety of flight, we think it appropriate to continue to defer to that agency on this issue. In any event, on the basis of the material cited and submitted by petitioners, we are not persuaded that the smoking of cigars and/or pipes should be banned on the ground of injury to the health of passive smokers.[4] Our consideration of the instant petition will accordingly be limited to the question of passenger comfort and whether the smoking of cigars and/or pipes by passengers on certificated air carriers so discomforts non-smokers that carriers which permit it are failing to provide "adequate service" or observe "reasonable practices" within the meaning of section 404(a) of the Act.

Petitioners contend that cigar and pipe smoke differs from cigarette smoke in quality and quantity and causes more discomfort. Their contention is that the smoking of cigars and pipes results in more pollution than the smoking of cigarettes because the smoker, inhaling less, produces relatively unfiltered mainstream smoke, as well as a relatively larger quantity of sidestream smoke, which contains a higher concentration of noxious elements.[5] Petitioners further urge that cigar and pipe smoke causes more discomfort because it is more alkaline, thicker, more voluminous, and difficult to dissipate. And they suggest that cigars and pipes are not habit forming as are cigarettes and, accordingly, that abstention would not impose hardship or discomfort on smokers in the course of "what is generally a relatively short airline flight."[6]

The question of cigar and pipe (as distiguished from cigarette) smoking was not explored at the time Part 252 was adopted, and the Board has no expertise on the technical questions involved. Petitioners seek to support a distinction between cigar and pipe versus cigarette smoke by citation of medical literature and submission of individual letters and of responses to a very informal ASH survey of flight attendants. They also point to the opinion of an ICC Administrative Law Judge which would ban pipe and cigar smoking on trains except in cars which have been allocated as smoking areas in their entirety.[7]

The recommended decision of the ICC Administrative Law Judge has now been adopted by the Commission.[8] But while the railroad rule on pipes and cigars is of interest, its relevance to the question before us here is limited since the situation with respect to aircraft is different from that on trains where entire cars can be designated for smoking.

Literature cited by petitioners indicates that in certain test situations, the smoking of one cigar produced considerably more pollutants than the smoking of a number of cigarettes.[9] Several of the cited authorities appear to place pipes in the same category as cigars with respect to production of pollutants.[10] The cited medical authorities do not establish that pipe and cigar smoke in fact produces more irritation or discomfort in passive smokers.[11] And none of these cited tests

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[1] Although no formal answers have been filed, a letter in opposition to the petition has been received from William L. Sullivan, Jr., who complains that the proposed rule discriminates against cigar and pipe smokers. A letter of August 31, 1976, from the Airline Passengers Ass'n, Inc., appears to indicate association support for Mr. Sullivan's position. These letters will be placed in the correspondence file of the docket. The issue of discrimination is among those which will be considered in this proceeding.

[2] Dockets 10012, 10033, Notice 70–14, 35 FR 5045, March 25, 1970.

[3] 38 FR 19048, July 17, 1973.

[4] Passive smoking is the term used in the literature to refer to the inhalation of smoke by nonsmokers in the vicinity of persons who are smoking.

[5] Mainstream smoke emerges from the tobacco product after being drawn through the tobacco during puffing. Sidestream smoke rises from the burning cone of tobacco. Mainstream and sidestream smoke contribute different concentrations of many substances to the atmosphere for several reasons: Different amounts of tobacco are consumed in the production of mainstream and sidestream smoke; the temperature of combustion differs for tobacco during puffing or while smoldering; and certain substances are partially absorbed from the mainstream smoke by the smoker. Department of Health, Education, and Welfare, "Health Consequences of Smoking" 1975, p. 92.

[6] While petitioners thus refer to the length of flights, their proposal would ban all cigar and pipe smoking without regard to this factor.

[7] The ICC Administrative Law Judge found "adequate data to demonstrate that pipe and cigar smoke is a substantially more lasting and obnoxious imposition on 'passive smokers' than cigarette smoke." He noted a higher content of carbon monoxide in cigar and pipe smoke and stated that since these materials tend to be burned for longer periods of time per usage in the case of pipes and cigars, they also tend to generate more total pollutants per smoking incident.

[8] The newly adopted ICC rule reads: 1124.21 (Regulation 21) Allocation of space for nonsmokers and smokers.

a. Smoking shall not be permitted on trains except in appointed areas with fire-resistant materials and equipped with ventilation systems adequate to exchange air completely in reasonably short periods of time.

b. In train cars meeting the above requirement, smoking may be permitted as follows:

(1) Smoking may be permitted in private sleeping cars.

(2) Smoking is not permitted in any dining car, snack car, or other car where food is served, unless the train consist has alternative smoking and nonsmoking cars offering such food services.

(3) Smoking may be permitted in up to one-half of the space in any other car which is the sole one of its type in the consist, or if there is more than one car of this type in the consist, unreserved coach, reserved coach, parlor car, dome car, and lounge car shall each be considered a separate "type" of car.

(4) Pipe and cigar smoking is not permitted on board trains, except in cars which have been allocated as smoking areas in their entirety.

[9] One study is said to have indicated that the carbon monoxide generated by one cigar was double that generated by three cigarettes smoked simultaneously. Epstein, "Effects of Tobacco Smoke Pollution on the Eyes of the Non-Smoker," Paper presented to Third World Conference on Smoking and Health, June 4, 1975, New York, p. 2. And a 1970 (Hartke) study showed that the smoking in an unventilated room of 9 cigars in 30 minutes polluted the air as much as the smoking of 42 cigarettes in 16–18 minutes. 118 Cong. Rec. No. 72, Attachment 5 to petition.

[10] The 1970 Hartke study concluded that pipe smoking in the same unventilated room produced less carbon monoxide and nictotine than either cigarette or cigar smoking. More recent general statements, however, appear to classify pipe and cigar smoke together with respect to producing pollutants. Epstein, note 9 supra; Steinfeld, "Health Consequences of Smoking," Talk presented June 2, 1975, 3rd World Conference on Smoking and Health, New York, and Doyle, "Pipe and Cigar Smoking—Is It Safe?" American Lung Ass'n. Bulletin, March 1974.

[11] Compare Doyle, note 10 supra, at p. 13 with "Report of an Expert Group," Practitioner, 210 (1259): 645, 651, May, 1973.

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and experiments took place in aircraft conditions.[12]

Individual letters of complaint submitted by petitioners describe severe nausea and respiratory discomfort said to have been caused by pipe and cigar smoke on particular flights but would not in themselves form sufficient basis for adoption of a blanket prohibition on cigars and pipes. No survey of passengers is offered, petitioners submitting instead a miscellaneous collection of responses to a questionnaire distributed to flight attendants. The different forms of this questionnaire and the replies make tabulation difficult and petitioners have made no effort at systematic compilation. It does, however, appear that a majority of the responding flight attendants are more affected by cigar and/or pipe smoke[13] than by cigarette smoke. Study of the responses nevertheless shows that, in terms of their effect on the comfort of flight attendants, the distinction between cigars and pipes, on the one hand, and cigarettes on the other, may not be as clear cut as the instant petition would suggest.

Thus, a substantial number of attendants would distinguish pipes from cigars; some found cigars and cigarettes more of a problem than pipes; a few noted that cigarettes are the real problem because they are used more frequently. On the longer questionnaire form where room was available, a substantial proportion of attendants, in response to the question concerning cigars or pipes, took pains to point out that all smoking affected them. Furthermore, of those attendants advocating a ban on smoking, more favored a total ban than a ban limited to cigars and pipes. Factors mentioned as relevant to annoyance caused by smoking are type of aircraft and length of flight. Letters received from individual members of the public show a pattern somewhat similar to that of the attendants' responses. While most of the letters emphasize cigar and pipe smoking—many complaining of nausea and allergic reactions a substantial number urge a full ban on all smoking now, or as the next regulatory step.

While the material presented by petitioners is not conclusive, it does indicate that the smoking of cigars and pipes by airline passengers may cause particular discomfort per smoking incident.[14] At the time Part 252 was originally considered, the carriers themselves appeared to believe that a distinction between cigars, pipes, and cigarettes might exist. And employee manuals on file with the Board indicate that some carriers do in fact ban the use of cigars and/or pipes. We are interested in the reasons why these rules have been adopted, and in carrier experience with the rules.

Whatever our ultimate conclusion as to the adoption of a ban on cigar and/or pipe smoking, the responses of flight attendants and of members of the public already received, as well as the Board's experience with Part 252 over the last three years, lead us tentatively to find that some amendment of the present provisions of Part 252 is in any event desirable. While some of the surveyed attendants complain of difficulties in requiring passengers to comply with existing regulations, passengers comment on the need for better enforcement. Entirely apart from this rulemaking, the Board has received a large number of complaints with respect to effectuation of Part 252, and a number of enforcement proceedings have resulted.[15]

Complaints filed with the Board generally have raised such problems as insufficiency of seats in no-smoking areas, lack of clear boundaries between smoking and no-smoking areas, and lack of enforcement by airline personnel. It appears that some carriers have failed to provide their employees with sufficient guidance in respect to the regulation or to employ adequate measures to insure compliance by company employees. In the circumstances and on the basis of this experience, we tentatively find a need for the proposed amendments of Part 252 so as to provide more detailed guidance to carriers, and to insure that specific instructions are given to carrier employees.

Amendment of the rule also appears needed to improve segregation of smokers from non-smokers when some configurations are used. Section 252.2 presently requires that carriers subject to the Part provide a "no-smoking" area for each class of service. It does not explicitly prohibit the provision of more than one smoking area per class of service. As a general rule, carriers which provide only first-class and coach service (normally in separate parts of the aircraft) have provided one "smoking" area and one "no-smoking" area per class, and thus per compartment. However, certain carriers which have offered more than one class of service per aircraft compartment have had difficulty in segregating smokers from non-smokers. They have usually been faced with the choice of allotting the forward and rear quarter of the aircraft compartment to one group, i.e., either smokers or non-smokers, and the center half to the other. In those instances in which the center half of the compartment has been allotted to smokers, the Board has received few if any complaints. However, when the converse configuration has been employed so that non-smokers are seated in the center half between two "smoking" sections, the Board has received both formal and informal complaints alleging that such configurations provide ineffective segregation.[16] Based on this experience, we tentatively find that § 252.2 should be amended explicitly to prohibit more than one smoking area per aircraft compartment.

In addition to comments on a ban of cigar and/or pipe smoking and on the specific proposed amendments to Part 252, we are interested in comments on whether or not and under what circumstances there should be a total ban on all smoking by passengers on commercial aircraft. We rejected such a solution at the time Part 252 was adopted since we, at that time, did not believe that an absolute ban was the only reasonable solution to the discomfort problem. However, the material submitted by petitioners and other individual members of the public as well as the volume of complaints with respect to Part 252 suggest that public tolerance of smoking has further decreased since the adoption of the Part. That tolerance has markedly declined in the past five years is confirmed by a recent official publication of the Department of Health, Education, and Welfare.[17] In the present circumstances, it might be best to consider the entire question of smoking on aircraft and the conditions under which it should be banned or permitted, rather than to explore the question on a piecemeal basis, one step at a time.

In addition to the specific proposed amendments, we would be interested in

[12] Aircraft conditions have generally been found to be very favorable due to the rapid changes of air.

It has, however, been suggested that low atmospheric pressure in aircraft puts air crew at a disadvantage when exposed to carbon monoxide. Howlett and Shephard, "Carbon Monoxide as a Hazard in Aviation," 15 Journal of Occupational Medicine 874, November, 1973.

[13] All forms of questionnaire employed in ASH's survey of flight attendants inquired whether the attendants are bothered by cigar and/or pipe smoke on passenger flights, how it affects their health, comfort and job performance, and whether it affects them more than cigarette smoke. One form of questionnaire referred to "cigars and pipes" while another referred to "cigars or pipes."

[14] We have no information as to the relative frequency of pipe and cigar smoking on commercial aircraft generally. The study sample employed at the time Part 252 was adopted involved 20 MAC flights to Europe and Asia carrying 3,073 passengers and eight "domestic flights" with a total of 265 passengers. Of the 3,073 passengers on MAC flights, 1,604 smoked, of whom 28 smoked cigars and 37 pipes. Of 265 passengers on domestic flights, 83 smoked, of whom one smoked cigars and 5 pipes.

[15] One cease and desist order has been issued. Order 76-4-160, April 28, 1976.

[16] The Board has also received complaints against carriers which offer only one class of service but provide two "smoking" areas and one "no-smoking" area. This has been found to be ineffective segregation. See Order 76-4-160, note 15, supra. A third party complaint has been filed against Piedmont Aviation for employing the same type of configuration. *Libow* v. *Piedmont Aviation*, Third-Party Complaint, Docket 28288.

[17] Of 12,010 people interviewed in 1975, 70 percent (including more than half of those who themselves smoke) agreed that the smoking of cigarettes should be allowed in fewer places than it now is. The comparable figure for 1970 was 57 percent. "Adult Use of Tobacco—1975," pp. 7-8, Department of Health, Education, and Welfare, June 1976.

comments directed to the following issues:

1. Should all passenger smoking on commercial aircraft be prohibited?

2. Should any prohibition with respect to passenger smoking on commercial aircraft (whether limited or all-inclusive, as to type of smoke) be applicable on all passenger flights on all aircraft operated by certificated air carriers?

3. Should any prohibition with respect to passenger smoking on commercial aircraft be conditioned on: (a) Type of aircraft, (b) Length of flight, or (c) Other (*e.g.*, number of stops)?

4. Should there be "no-smoking" flights and, if so, in what markets and under what circumstances should they be provided? and

5. Should the "no-smoking" area be prescribed as a minimum percentage of sets on the aircraft, e.g., 40 percent?

PROPOSED RULES

It is proposed to amend Part 252 of the Board's Economic Regulations, Provision of Designated "No-Smoking" Areas Abroad Aircraft Operated by Certificated Air Carriers (14 CFR Part 252), as follows:

PART 252—PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS; PROHIBITION OF CIGAR AND PIPE SMOKING

1. Amend the part heading to read as set forth above.

2. Amend the Table of Contents by adding new §§ 252.1a and 252.1b to the table, so that the table as amended reads in pertinent part as follows:

Sec.
252.1 Applicability.
252.1a Definitions.
252.1b Carriers to prohibit smoking of cigars and pipes aboard aircraft.
252.2 Carrier to provide specially designated "no-smoking" areas in which smoking is prohibited.

* * * * *

3. Revise § 252.1 to read as follows:

§ 252.1 Applicability.

This part provides for the prohibition of cigar and pipe smoking abroad aircraft and for the provision of specially designated areas in which smoking of cigarettes is prohibited (hereinafter "no-smoking" areas). This part shall apply to each direct air carrier which holds a certificate of public convenience and necessity issued pursuant to section 401 of the act authorizing the transportation of persons. Nothing in the regulation shall be deemed to require such carrier to permit the smoking of cigarettes aboard aircraft.

4. Add a new § 252.1a to read as follows:

§ 252.1a Definitions.

For purposes of this part:

(a) "Compartment" means any portion of a passenger cabin separated by a bulkhead or other partition.

(b) "Row" means an entire horizontal line of seats including both sides of any intervening aisles.

5. Add a new § 252.1b to read as follows:

§ 252.1b Carriers to prohibit smoking of cigars and pipes aboard aircraft.

Each carrier subject to this part shall prohibit the smoking of cigars and pipes by passengers aboard aircraft, whether in scheduled or charter service.

6. Revise § 252.2 to read as follows:

§ 252.2 Carriers to provide specially designated "no-smoking" areas in which smoking is prohibited.

Carriers subject to this part shall provide a "non-smoking" area or areas for each class of service and for charter service: *Provided, however*, That there shall be no more than one "smoking" area per aircraft compartment. Each carrier shall adopt procedures, pursuant to this section, which shall insure that a sufficient number of seats in the "no-smoking" areas of the aircraft are available to accommodate all persons who wish to be seated in such areas. Such procedures shall include specific provision for expansion of the "no-smoking" area to meet passenger demand and in no case shall any "no-smoking" area consist of less than two rows of seats.

7. Revise § 252.3 to read as follows:

§ 252.3 Carrier to insure smoking of cigars and pipes not permitted aboard aircraft, to insure smoking of cigarettes not permitted in "no-smoking" areas, and to enforce its rules for the segregation of smokers and nonsmokers.

Each carrier shall take such action as is necessary to insure that smoking of cigars and pipes is not permitted aboard aircraft, to insure that smoking of cigarettes is not permitted in "no-smoking" areas, and to enforce its rules with respect to the segregation of passengers in "smoking" and "no-smoking" areas. Such action shall include requiring that the following procedures be carried out by carrier employees:

(a) For flights on which seat selection is available, each passenger shall be offered, upon check-in, a choice of "no-smoking" or "smoking" accommodation;

(b) For all flights, whether or not seat selection is available, all passengers shall be informed of the boundaries of the "no-smoking" and "smoking" areas and pre-boarding and pre-departure announcements shall explain that, in accordance with Civil Aernautics Board regulations, all passengers are entitled to seating in the appropriate "no-smoking" areas on request;

(c) (1) In cases of cigarette smoking in a "no-smoking" area:

(i) An attempt to reseat the passenger in the appropriate "smoking" area;

(ii) In the absence of seats in the appropriate "smoking" area, a request that the passenger refrain from smoking while in the "no-smoking" area;

(iii) If this request is ineffective, notice to the passenger that he is subject to disembarkation at the next scheduled point;

(iv) If this notice is ineffective, disembarkation of the passenger at the next scheduled point.

(2) In cases of cigar or pipe smoking aboard aircraft:

(i) A request that the passenger refrain from smoking;

(ii) If this request is ineffective, notice to the passenger that he is subject to disembarkation at the next scheduled point;

(iii) If this notice is ineffective, disembarkation of the passenger at the next scheduled point.

[FR Doc.76-29680 Filed 10-7-76;8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM BROADCAST STATIONS IN NAPLES AND NORTH NAPLES, FLA.

Proposed Table of Assignments and Memorandum Opinion and Order

Adopted: September 28, 1976.
Released: October 1, 1976.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Naples and North Naples, Florida), Docket No. 20935, RM-2653, RM-2690. FM Broadcast Stations in Naples and North, Naples, Fla.

1. *Petitioner, proposal and comments.* (a) The Commission has before it, and will consider jointly, the petitions of Sunshine Broadcasters, Ltd. (RM-2690) and Donald W. Miles, Harold M. Kneller, Jr. and David P. West (hereinafter "Miles") (RM-2653), regarding Naples and North Naples, Florida, respectively.

(b) The petition of Sunshine Broadcasters, filed April 21, 1976, requests the assignment of FM Channel 276A to Naples. Oppositions have been received from Sterling Communications Corporation, the Deltona Corporation, and Collier Broadcasting Company. A reply comment was filed by the petitioner.

(c) The petition of Miles, filed February 4, 1976, requests the assignment of FM Channel 288A to North Naples, Florida. An opposition was submitted by Sterling Communications Corporation and a reply has been received from the petitioner.

2. *Demographic Data.* (a) *Location.*—Naples, the county seat of Collier County, is located in southwest Florida, 160 kilometers (100 miles) west of Miami. North Naples is an unincorporated area of Collier County stretching from Naples, north approximately 16 kilometers (10 miles) to the county line.

(b) *Population.* — Naples — 12,042;[1] North Naples—3,201; Collier County—38,040.

(c) *Present aural services.*—Naples is served by three FM stations: WRGI-FM (Channel 288A), licensed to Collier Broadcasting Co.; WNTU(FM) (Channel 249A), permit issued to Sterling Communications Corp.; and WCVU(FM) (Channel 233), licensed to Palmer

[1] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

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Broadcasting Co.; and one AM station, WNOG (unlimited-time), also licensed to Palmer Broadcasting Co. In addition one UHF-TV Station WEVU-TV (Channel 26) serves Naples. North Naples is unserved by local stations. Collier County has, in addition to the Naples' stations, Station WRGI(AM) and unoccupied FM Channel 266, Marco, and Station WKEM (AM), Immokalee.

3. *Preclusion considerations.* The assignment of Channel 276A to Naples would result in preclusion on that channel in an area which is largely swampland and lacks significant population. The assignment of Channel 288A to North Naples would result in preclusion on the co-channel affecting an area which includes the following communities—Immokalee (pop. 3,764); East Naples (pop. 6,152); Mt. Myers Beach (pop. 4,305), and Bonita Springs (pop. 1,932). However local aural service is already provided to Bonita Springs by Station WLEQ(FM) (Channel 240A), to Immokalee by Station WKEM(AM) and a petition to assign Channel 257A to Ft. Myers Beach (RM-2736) was received on July 23, 1976. Only East Naples is without such service.

4. *Community Data—Naples (RM-2690).* According to petitioner, Sunshine Broadcasters, Naples has been listed by a "National Advertising" magazine as the top growth area in the state of Florida. Detailed information is provided by petitioner to demonstrate that Naples is a sizable community that provides all the important services and facilities normally desired in a city. It also alleges that the 1970 population figure for the Naples area is 27,000, with "Florida state figures" for 1972, totalling over 30,000 persons, and at the present growth rate it is projected that the 1980 population will be from 65,000 to 75,000 persons. In a supplemental filing, petitioner provided more recent population data for the city and county. According to estimates furnished through local county and city agencies and the University of Florida, the 1975 population of Naples is 17,224 persons and of Collier County is 59,700 persons. The 1980 projections for Naples is 23,861 persons and for Collier County is 80,000 persons.

5. *Responsive Comments.* Sterling Communications Corp., permittee of Station WNTU(FM) (Channel 249A), Naples, Florida, states that the petitioner has not shown any special circumstances to justify another departure from the Commission's population guidelines.[2] Sterling argues that Naples is well served by existing stations and any proposal to add another station would represent an inefficient use of the radio spectrum contrary to section 307(b) of the Communications Act of 1934, as amended, Collier Broadcasting Co., licensee of Station WRGI-FM, Naples, and AM Station WRGI, Marco, makes substantially the same argument. In reply comments, petitioner argues that the primary consideration regarding its proposal is a technical one rather than an economic one and since there is no FCC policy or rule which would preclude adoption of its proposal, it urges that we view the opponents pleadings as an attempt to keep competition out. Therefore it requests that we take cognizance of the rapid growth in the Naples area by assigning Channel 276A to Naples.

DISCUSSION

6. We do not doubt the substantial growth that has taken place in Naples. However, even assuming large gains in population and a corresponding increase in need for aural service, the assignment of a fourth channel is not necessarily justified. Our population criteria are premised upon the mandate of section 307(b) of the Communications Act of 1934, as amended, "* * * the Commission shall make such distribution of * * * frequencies * * * among the several States and communities as to provide a fair, efficient and equitable distribution of radio service to each of the same." The formulation of criteria based upon population reflects our belief that there is indeed a limit beyond which it is neither fair, efficient nor equitable to allocate additional channels to a particular community of a particular size. Our guidelines which impose a limit of 2 channels for communities under 50,000 population, of course, are not immutable[3] but have yielded to special circumstances such as provision for anticipated future growth,[4] or where channel availability is such that due to the absence of adverse effects elsewhere a fair distribution would result.[5] We have assigned a third channel to communities which have populations between 40,000 and 50,000 where there appears to be a substantial increase from the last census.[6] But we can find no case in which our population guidelines have been stretched as far as petitioner requests. To the contrary, we have denied the assignment of even a third channel to large communities in other situations.[7] Contrary to petitioner's assertion that our only consideration is a technical one, i.e., whether the requested channel can be assigned in accordance with our engineering rules, we believe that section 307(b) of the Act dictates that our determination consider the fairness of the distribution. This evaluation is not based primarily on economics nor the lack of significant preclusion but, due to the scarcity of frequencies that might be allocated to this area of Florida, the retention of flexibility is an important factor. In a recent case, Bend, Oregon, 40 F.R. 53597 (1975), recons. den. FCC 76-436, Mimeo No. 40524, released May 20, 1976, a request for a third FM channel to a community of 13,710 (1970 U.S. Census) was denied. Population projections for the city included a 1974 estimate—17,215 and for the urban area—25,690 and a 1985 city prediction of 45,000. The Commission stated that these projections were far short of the guidelines, that no nighttime first or second aural service would be provided and that the community was adequately served by four existing stations. Thus no special circumstances could be found to warrant a departure from the guidelines and it was emphasized that a lack of preclusion in itself was not such a significant consideration. In the present situation, we also fail to find sufficient special circumstances to justify pursuing the request for a fourth FM channel to a community this size (pop. 12,042) even with the predicted growth to a population 23,861 for 1980. We believe that our previous grant of a third FM channel to the community which exceed our criteria was designed to accommodate the future increase in needs for aural service. Thus we believe that this petition must be denied.

7. *Community Data—North Naples (RM-2653).* According to petitioner Miles, the term, North Naples, is "used to describe almost all of the unincorporated part of Collier County, Florida, which lies directly north of the City of Naples." It is purported to include Naples, Park, an unincorporated community of 1,522 persons, Palm River Estates, Palm River Shores, Vanderbilt Beach, Vanderbilt Beach Estates, Poinciana Village, Forest Lakes and other residential developments. Petitioner alleges that Collier County is, according to the 1970 U.S. Census, one of the five fastest growing areas in the United States and that substantial growth is indicated for the county. Petitioner avers that this substantial growth taking place in Collier County is to be found in the unincorporated areas surrounding Naples. It is conceded by petitioner, that the county still considers North Naples as an "unincorporated area" and that it lacks a "city hall," and its own post office. Nevertheless, they argue that based on growth indicators provided plus the existence of various facilities such as an industrial park, shopping center, and numerous residential developments, that a community of interest exists. Among the existing indicators of community status for North Naples that petitioner points to are the "North Naples Fire District" designation given to it by the county; the

[2] The guidelines limit communities under 50,000 population to one to two stations. In 1974, a third FM channel was assigned to Naples "even though it exceeds the quota set forth in the FM assignment policy guidelines." Naples, Florida, 49 F.C.C. 2d 1266, 1269 (1974).

[3] Melbourne and Satellite Beach, Florida, 47 F.C.C. 2d 717 (1974); Colorado Springs, Colorado, 44 F.C.C. 2d 1047, 1053 (1974); Yakima, Washington, 42 F.C.C. 2d 548 (1973); Fresno, California, 38 F.C.C. 2d 525 (1972); San Antonio, Texas, 7 F.C.C. 2d 836 (1967).

[4] Alexandria, Louisiana, 51 F.C.C. 2d 498 (1975); Albuquerque, New Mexico, 35 F.C.C. 2d 230 (1972).

[5] Key West, Florida, 45 F.C.C. 2d 142 (1974). Cf. Atlanta, Georgia, 49 F.C.C. 2d 1270, 1274 (1974); recons. den. 55 F.C.C. 2d 62 (1975).

[6] See Danville, Indiana, 40 Fed. Reg. 52029 (Docket No. 19928) (1975); Valdosta, Georgia, and Perry, Florida, 52 F.C.C. 2d 234 (1975); Alexandria, Louisiana, supra.; Melbourne and Satellite Beach, Florida, supra.; see also Yakima, Washington, supra.

[7] See Bend, Oregon, 40 FR 53597 (Docket No. 20481) (1975); recons. den. (1975); Bangor, Maine, 55 F.C.C. 2d 282, recons. den. Mimeo No. 65775, released June 3, 1976; Santa Maria, California, 8 F.C.C. 2d 402 (1967); Kingston, New York, 5 R.R. 2d 1548 (1965).

"Water Management District Number Seven"; and "Water Sewer District A" which comprise the area regarded as North Naples. The County Sheriff Department's dispatches refer to North Naples, according to petitioner and at least five county voting precincts are situated within the area, while numerous other services lie, at least in part, within the designated boundaries of North Naples. In an attached letter written by the president of the Naples Park Area Association, we are told that the area consists of many named communities which have new homes, schools, banks, golf clubs and a drive-in theatre under construction. The president further states that the area should be considered as a single unit because—it is served by one fire district; most of the area is located in the sewer district and a new state park offers a central place for recreation. In addition he refers to the rapid increase in service facilities and a new shopping center to show that residents of this area have become independent of the facilities offered by Naples.

8. *Responsive Comments.* Sterling Communications Corp., permittee of Channel 249A at Naples, contends that petitioner has failed to make a threshold showing that North Naples is a distinct community in need of a separate aural service and that therefore petitioner is realistically seeking another Naples facility. It points to a statement from the Chairman of the County Commissioner which states that North Naples has no autonomous governing body nor definite boundaries, that the area relies on the city of Naples for its water supply and on the county for sewers and police protection. He further notes that no major shopping centers or civic associations identify themselves with the North Naples area at large. In addition, Sterling argues that North Naples is well served by 5 existing stations and another potential station in the area. Moreover, preclusion would be significant, according to Sterling in that 3 communities with larger populations and without any assignments would be affected. In reply petitioner argues that it is committed to serving North Naples rather than Naples and that its proposed community of assignment has grown considerably since the U.S. Census was taken in 1970. In response to Sterling's allegation that North Naples does not have an organization which speaks for the community at large, petitioner comments that its proposal seeks to provide that specific function by operating a local station. It concedes that there are no definite boundaries nor local government, but asserts that no such requirement exists for assignment purposes.

9. *Discussion.* Based on the information thus far provided, we have some serious reservations about the petition to assign a first FM channel to North Naples but for reasons to be discussed we believe that the request should be pursued in a rule making proceeding. First, the status of North Naples as a community is unclear. In Seven Locks Broadcasting Co., 37 F.C.C. 2d 82, 83 (1964), we described the term "community" as "an identifiable population grouping separate and distinct from all others." The test that has been formulated in this regard is whether the residents function as and conceive of themselves as residents of a community, around which their interests coalesce.[8] Included in the evidence offered to support community status in North Naples is the designation of the "North Naples Fire District" and the "Water Management District No. Seven" and "Water Sewer District A". These designations are demographic in nature indicating only that the county, not the residents, recognizes a geographic area known as North Naples. However, the type of information that we require for the purposes of community status, as used by the Act, include civic organizations, clubs, local newspapers, shopping centers, etc., such that it appears the interest of the residents coalesce into community facilities or services to satisfy some common needs of these residents. We have been told that there are some facilities such as a new shopping center and more residential construction in existence. However we need to know in what way each existing facility or organization is designated and what needs of the community's residents as opposed to the county's residents, they seek to fulfill. In order to allow petitioner or some other party to provide information on this issue, we will pursue the request to assign Channel 288A to North Naples. Regarding the delineation of boundaries for North Naples, petitioner is wrong in asserting that no such requirement exists.[9] Therefore we expect petitioner, in its comments, to show the boundaries of the community to be served. As to Sterling's contention that a North Naples station would in reality seek to serve the larger community of Naples, we believe that the commitment given by petitioner is sufficient provided an adequate showing can be made that North Naples is a distinct and viable community including information regarding the availability of business activity such a station would look to for its source of advertising.

10. Accordingly, the Commission proposes, pursuant to sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules) as follows:

City	Channel No. Present	Channel No. Proposed
North Naples, Fla.		288A

11. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures and filing requirements are contained below and are incorporated herein.

12. Interested parties may file comments on or before November 12, 1976, and reply comments on or before December 2, 1976.

13. *Further, it is ordered,* That the petition of Sunshine Broadcasters to assign Chanel 276A to Naples, Florida, (RM-2690), is denied.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this *notice of proposed rulemaking.*

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be

[8] Yorktown, Virginia, 38 F.R. 6695 (Notice) (1973); Sierra-Pacific Radio Corp. (KOSO), 7 F.C.C. 2d 61 (1967). In Jensen Beach, Florida, 47 F.C.C. 2d 54 (1974) it was shown that a community existed since there was an independent fire department, ambulance service, Chamber of Commerce, commercial bank, a variety of services for residents and tourists, a local newspaper, several organizations and the residents had started a drive to seek incorporation. See also Holliday, Florida, 41 F.R. 20663 (1976).

[9] See Yorktown, Va., supra; Seven Locks Broadcasting Co., 37 F.C.C. 82 (1964). Such information is needed, among other reasons, so as to determine community coverage from a proposed transmitter site under the Commission's rules. See § 73.315(a).

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served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commissions' Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-29655 Filed 10-7-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 720]

PRIVACY ACT OF 1974

Specific Exemptions of Systems of Records

Under authority of sections 120(a) and 209(a)(11) of the Federal Credit Union Act (12 U.S.C.A. 1766(a), 1789 (a)(11)), and pursuant to section (k) of the Privacy Act of 1974 (5 U.S.C. 552a (k)), the Administrator of the National Credit Union Administration (NCUA) hereby proposes to revise 12 CFR 720.35, as set forth below.

Section 720.35 is NCUA's regulatory provision by which certain of its systems of records are exempted from provisions of the Privacy Act in accordance with section (k) thereof. Section 720.35 does not presently identify those systems of records for which exemptions are claimed. Rather, it describes the effects of the exemptions claimed and refers the reader to NCUA's public notices of systems of records to determine the specific systems exempted. Based upon a reconsideration of section (k) of the Act, it is now considered more appropriate that § 720.35 identify both those systems of records for which exemptions are claimed and the provisions of the Act from which they are exempted. This proposed revision will accomplish that purpose.

Interested persons are hereby invited to submit written data, views or arguments on this proposal, to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. Comments received on or before November 12, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

C. AUSTIN MONTGOMERY,
Administrator.

SEPTEMBER 30, 1976.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C 1789)

§ 720.35 Exemptions.

(a) The Administration maintains three systems of records which are exempted from some of the provisions of the Privacy Act of 1974. In paragraphs (b) and (c) of this section, those systems of records are identified (by System Name and System Number as stated in the Administration's "Notice of Systems of Records," published in the FEDERAL REGISTER) and the provisions from which each system is exempted and the reasons therefor are set forth.

(b) System NCUA–2, entitled "Federal Employee Security Investigations Containing Adverse Information," consists of adverse information about Administration employees which has been obtained as a result of routine Civil Service Commission security investigations. System NCUA–17, entitled "Security Clearance Records Concerning NCUA Personnel Who Occupy Critical Sensitive Positions," consists of records obtained as a result of investigations conducted by the Civil Service Commission and/or the Bureau of Federal Investigation to determine qualifications of NCUA officials for security clearances. To the extent that the Administration maintains records in either of these systems pursuant to Civil Service Commission guidelines which require or may require retrieval of information by use of individual identifiers, those records are encompassed by and included in the Civil Service Commission's Government Wide System of Records Number 4, entitled "Personnel Investigations Records," and thus are subject to the applicable specific exemptions promulgated by the Commission at 5 CFR § 297.117. Additionally, in order to ensure the protection of properly confidential sources, particularly as to those records which are not maintained pursuant to such Civil Service Commission requirements, the records in these systems of records are exempted, pursuant to section k(5) of the Act (5 U.S.C. 552a(k)(5)), from section (d) of the Act (5 U.S.C. 552a(d)). As a result, to the extent that disclosure of a record would reveal the identity of a confidential source, the Administration need not grant access to that record by its subject. Information which would reveal a confidential source shall, however, whenever possible, be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(c) System NCUA–4, entitled "Investigative Reports Involving Possible Felonies and/or Violations of the Federal Credit Union Act," consists of a limited number of records about individuals suspected of involvement in felonies or infractions under the Federal Credit Union Act (12 U.S.C. 1751, et seq.). These records are maintained in an overall context of general investigative information concerning crimes against credit unions, the bulk of which does not pertain to and is not identifiable to individual persons. To the extent that individually identifiable information is maintained, however, for purposes of protecting the security of any investigations by appropriate law enforcement authorities and promoting the successful prosecution of all actual criminal activity, the records in this system are exempted, pursuant to section k(2) of the Act (5 U.S.C. 552a(k)(2)), from sections (c)(3) and (d) of the Act (5 U.S.C. 552a (c)(3), (d)). As a result, the Administration need not make an accounting of previous disclosures of a record in this system of records available to its subject, and the Administration need not grant access to any records in this system of records by their subject. Further, whenever an individual requests records about himself and maintained in this system of records, the Administration shall, to the extent necessary to realize the above stated purposes, neither confirm nor deny the existence of that record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified. However, should a review of the information reveal that it has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law, the individual shall be advised of the existence of the information and shall be provided the information except to the extent it would identify a confidential source. Information which would identify a confidential source shall, if possible, be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(d) For the purposes of this section, a "confidential source" means a source who furnished information to the Government under an express promise that the identity of the source would remain confidential, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

[FR Doc.76-29548 Filed 10-7-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 118]

HANDICAPPED ASSISTANCE LOANS

Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in Section 5 of the Small Business Act, 15 U.S.C. 631, et seq., it is proposed to amend, as set forth below, § 118.71 of Part 118 of Chapter I, Title 13 of the Code of Federal Regulations.

Prior to the final adoption of such amendment, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, on or before October 28, 1976.

Information. The proposed amendment creating a new paragraph (b) to § 118.71 liberalizes a part of the definition of "associate" set forth in § 120.1(d)(3) of Part 120. It would make SBA financial assistance available to HAL–1 organizations whose officers, directors, trustees or members may also be officers, directors, or shareholders of the prospective lender, provided such person does not participate in the lender's decision on a loan to the HAL–1 organization. This liberalization is being proposed because applicable provisions of Parts 120 and 122 of this chapter apply to both HAL–1 and HAL–2 loans.

It is proposed to amend § 118.71 by adding new paragraph (b) thereto which will read as follows:

§ 118.71 Applicability of other SBA regulations.

* * * * *

(b) For the purpose of determining the eligibility of a nonprofit organization, as defined in § 118.2(e) to receive financial assistance from SBA under 7(h) of the Small Business Act, as amended, such organization shall not be deemed an associate of the lender solely because one or more of its officers, directors, or members may also be officers, directors, or holders of ten percent or more of the lender's stock, unless such person has participated in the lender's decision to make a loan in participation with SBA to the said nonprofit organization.

(Catalog of Federal Domestic Assistance Program No. 59,021, Small Business loans.)

Dated: OCTOBER 1, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-29683 Filed 10-7-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Army

SPECIAL COMMISSION ON THE U.S. MILITARY ACADEMY

Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of committee: The Special Commission on the United States Military Academy.

Date of meeting: 27–29 October 1976.

Place: United States Military Academy, West Point, New York.

Time: 1300—1700, 27 October 1976. Open Session; 1700–2100, 27 October 1976, Closed Session (unless deferred to permit greater public participation); 28 October–29 October, Closed Session.

Proposed agenda: The Commission will meet from 1300–1700 hours to receive public evidence concerning the eight questions posed by the Secretary of the Army (FR Sept. 3, 1976). This portion of the meeting will be open to the public; however, in order to assure adequate space accommodations, it is necessary for all persons wishing to attend, appear before or file statements with the Commission during the session to advise the Executive Director of the Commission in writing not later than 22 October 1976 at the following address: Executive Director, Special Commission, United States Military Academy, West Point, New York. This portion of the meeting will remain open to the public as long as is required on 27 October to permit all persons having expressed an interest in appearing before or in filing statements with the Commission to do so. Persons appearing before the commission are asked to limit their presentations to a reasonable period of time, the length of which will be determined by the Executive Director of the Commisison, based upon the number of persons wishing to appear.

2. The Commission will recess its session at 1700 hours 27 October, 1976 unless public participation determines that the closed session will be deferred as stated above. The Commission will immediately reconvene in closed sessions from 1700 to 2100 hours 27 October 1976, or as soon thereafter as public participation in open session has been concluded, but not later than 2000 hours, 27 October 1976. The Commission will remain in closed session until such time as may be determined by the Secretary of the Army or his designee, but not later than 29 October, 1976. These sessions will be closed to the public since the Commission will be addressing matters directly involved with the Electrical Engineering 304 cheating incident and the alleged Honor Code Violations resulting therefrom. An integral and inseparable portion of the subject matter of the closed sessions will involve discussions and review of personnel and similar files as well as personal interviews of individuals, many of whom have cases still pending. The public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy of the individuals concerned. Further, investigatory records compiled in connection with investigation of the cheating incident will also be reviewed during these sessions. The disclosure of this information will constitute a clearly unwarranted invasion of personal privacy. These matters are exempt from public disclosure under Title 5, U.S.C. 552(b)(6). Accordingly, it has been determined necessary to close these portions of the 27–29 October 1976 meeting to the public pursuant to Section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act.

3. Persons wishing additional information on the above scheduled meeting may write the Executive Director at the address given above or may telephone the Executive Director at 914–938–3005.

Dated: October 6, 1976.

By authority of the Secretary of the Army.

R. S. SEEBERG,
LTC, U.S. Army, Acting Director, Administrative Management, TAGGEN.

[FR Doc.76–29758 Filed 10–7–76;8:45 am]

Department of the Navy

ACADEMIC ADVISORY BOARD TO THE SUPERINTENDENT, UNITED STATES NAVAL ACADEMY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy will meet on November 15, 1976, at the conference room 301 (Rickover Hall Conference Room), Rickover Hall, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:00 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of the midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and submit their proposals to the Superintendent to aid him in improving educational standards and in solving academy problems.

Dated: OCTOBER 1, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General, (Civil Law).

[FR Doc.76–29670 Filed 10–7–76;8:45 am]

BOARD OF VISITORS TO THE UNITED STATES NAVAL ACADEMY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on November 29 and 30, 1976, at the conference room 301 (Rickover Hall Conference Room), Rickover Hall, United States Naval Academy, Annapolis, Maryland. The session to be held on November 29 will commence at 8:30 a.m. and terminate at 6:30 p.m., and the session to be held on November 30 will commence at 9:00 a.m. and terminate at 1:30 p.m.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

Dated: October 1, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76–29669 Filed 10–7–76;8:45 am]

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Advisory Committee will meet on October 27 and 28, 1976, at the Pentagon, Washington, D.C. The meeting will be closed to the public. The sessions will commence at 8:30 a.m. and terminate at 5:30 p.m. each day of the meeting.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including intelligence briefings of Soviet strategic and general purpose forces, naval operations, and research and development. Presentations will also cover

United States naval command, control and communications, and strategic planning. The Secretary of the Navy has therefore determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

OCTOBER 1, 1976.

[FR Doc.76–29671 Filed 10–7–76;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON PATRIOT VULNERABILITY

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Patriot Vulnerability will meet in closed session on 26, 27, and 28 October 1976 at Fort Bliss, Texas.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The task force will provide an analysis of the Patriot vulnerability to current and projected threats and provide related guidance and advice regarding R. & D. action considered appropriate within the Department of Defense.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this task force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

OCTOBER 4, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.76–27007 Filed 10–7–76;8:45 am]

DEFENSE SCIENCE BOARD

Notice of Advisory Committee Meeting

The Defense Science Board will meet in closed session on 4–5 November 1976 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 4–5 November 1976 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Com-Technology issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 4, 1976.

[FR Doc.76–29605 Filed 10–7–76;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at Headquarters, Strategic Air Command, Offutt Air Force Base, Nebraska on:

Thursday and Friday, 2–3 December 1976

The entire meetings commencing at 0830 hours are devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 4, 1976.

[FR Doc.76–29606 Filed 10–7–76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on August 3, 1976, Applied Science Laboratories, Inc., 139 North Gill Street (Box 440), State College Park 16801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Mescaline	I
Lysergic Acid Diethylamide	I

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than November 12, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: October 4, 1976.

FREDERICK RODY,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76–29612 Filed 10–7–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD

Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A–63, Revised.

The Outer Continental Shelf Advisory Board will meet during the period 9:00 a.m. to 5:00 p.m., November 8, 1976, at Dunfey's, West End Circle, Hyannis, Massachusetts.

The meeting will cover the following principal subjects:

1. OCS Schedule
2. OCS Legislation, including Coastal Energy Impact Program
3. OCS Order 15
4. Information Clearinghouse
5. Pipelines
   a. State of the art
   b. Proposed actions, corridor studies
   c. Experience in Gulf of Mexico and Alaska

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6. Report by the OCS Environmental Studies Advisory Committee
   a. Role of and problems with the studies program
   b. Resolution concerning baseline data collection relative to lease schedule
7. Nearshore-onshore Studies
8. Coast Guard Briefings
   a. Oil spill clean up procedures
   b. Conflicts between marine traffic and fixed OCS structures
   c. Enforcement of 200-mile fishing limit
9. Archeological Surveys
   a. Terms under which industry conducts
   b. Release of data to the States
10. Contract Study with the State University System of Florida Institute of Oceanography (SUSIO)
11. Procedural Matters
   a. Role of vice-chairman
   b. Role of agenda steering committee
12. Resolution on Commercial Fisheries and OCS Development
13. Lease Termination Provision
14. Other Items

The meeting is open to the public. Interested persons may make oral or written presentations to the committee. Such requests sohuld be made no later than November 3 to: Alan Powers, Office of OCS Program Coordination, Department of the Interior, Washington, D.C. 20240, 202/343–9311.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, NW., Washington, D.C.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

OCTOBER 5, 1976.

[FR Doc.76-29314 Filed 10-7-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order No. 905–7 CFR Part 905]

SHIPPERS ADVISORY COMMITTEE MEETING

Public Meeting

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A.B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m. on October 26, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: October 6, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-29835 Filed 10-7-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON FOREIGN ANIMAL DISEASES

Meeting

A meeting of the Advisory Committee on Foreign Animal Diseases with Consultants to the Plum Island Animal Disease Center will be held at 8:30 a.m. on October 27, 1976, in the Emergency Programs Information Center, Federal Building, 7th Floor, United States Department of Agriculture, Hyattsville, Maryland 20782.

The purpose of the committee is to advise the Secretary of Agriculture regarding program operations or measures to prevent, suppress, control, or eradicate an outbreak of food-and-mouth disease (FMD) or other destructive foreign animal disease in the event such diseases should enter this country.

The purpose of this meeting is to review policies of the Department regarding the stockpiling of FMD vaccine and to discuss guidelines for utilization of such vaccines during an outbreak of FMD in the United States.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316–E, Washington, D.C. 20250, Area Code (202) 447–3668.

Dated: October 1, 1976.

F. J. MULHERN,
Vice Chairman.

[FR Doc.76-29527 Filed 10-7-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DEPARTMENT OF AGRICULTURE—PASADENA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00374. Applicant: U.S. Department of Agriculture, Fruit and Vegetable Chemistry Laboratory, 263 South Chester Avenue, Pasadena, California 91106. Article: Nuclear Magnetic Resonance Spectrometer System, Model No. JNM–EX–60. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for studies of natural products isolated from plant or microbial sources, or derivatives prepared from these products. They include bitter constituents of citrus, sweeteners derived from these bitter constituents, carotenoid pigments, and bioregulators. Research will be carried out to determine the chemical structures of these materials or to determine how they bind to proteins and enzymes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 30, 1975). Reasons: The foreign article provides the capability for proton homonuclear and heteronuclear decoupling. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 15, 1976 that the capability of the article described above is pertinent to the applicant's intended purposes. HEW also advises that (1) the most closely comparable domestic instrument is the Model CFT–20 manufactured by Varian Instrument Division (Varian) and (2) the CFT–20 did not provide the pertinent capability satisfied by the article at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29581 Filed 10-7-76;8:45 am]

FREDERICK CANCER RESEARCH CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00431. Applicant: Frederick Cancer Research Center, Post Office Box 'B', Frederick, Maryland 21701. Article: Cryokit, Model LKB 14801–1, Set of tools and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the localization of subviral proteins in normal and infected tissue culture cells. These proteins are immunochemically tagged and frozen thin sections offer retention of antigen sites. Frozen thin sections will be prepared of cells and virus pellets and specifically prepared tags will be reacted to these sections.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 16, 1976 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29583 Filed 10-7-76;8:45 am]

HARTFORD HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00418. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, Connecticut 06115. Article: EMI Scanner with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used for clinical studies, the results of which will be the subject or papers to be presented at hospital, state, and national medical societies and publications pertinent to the field of medicine. The article will also be used in an educational activity formulated at the following levels of organization:

1. Brain Scanner Operation—Teaching the theory of scanner and actual operation to technicians, radiologist, and repair personnel.

2. Brain Scanning—Teaching and training radiology residents, radiologists, neurologists, and neurosurgeons to interpret brain scanner images for medical diagnosis.

3. Brain Scanning—Teaching practical application so that staff completing the program will be capable of operation of a scanning unit.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 17, 1975).

Reasons: This application is a resubmission of Docket Number 76–00214–33–90000 which was denied without prejudice to resubmission on March 8, 1976 for informational deficiencies. At the time of order the foreign article was a newly developed system designed to provide precise transverse axial X-ray tomography. The Department of Health, Education and Welfare (HEW) advises in its memorandum dated September 15, 1976 that the sensitivity and non-invasive methodology of the article are pertinent to applicant's intended purposes. Although comparable domestic instruments are now available, HEW advises that it knows of no domestic instruments of equivalent scientific value to the foreign article for such purposes as the article is intended to be used which was commercially available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29580 Filed 10-7-76;8:45 am]

NORTH CAROLINA STATE UNIVERSITY

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific Articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00398. Applicant: North Carolina State University, Geosciences Department, Withers Hall, Raleigh, NC 27607. Article: Deep Sea Reversing Thermometers & Case. Manufacturer: Watanabe Keiki Manufacturing Co. Ltd., Japan. Intended use of article: The article is intended to be used to measure and record deep ocean water temperatures and, in addition, provide the means by which the depth of measurement can be determined. Application received by Commissioner of Customs: May 6, 1976. Advice submitted by National Oceanic and Atmospheric Administration on: June 22, 1976. Article ordered: January 2, 1976.

Docket Number: 76–00399. Applicant: North Carolina State University, Geosciences Department, Withers Hall, Raleigh, North Carolina 27607. Article: Deep Sea Reversing Thermometers & Case. Manufacturer: Watanabe Keiki Manufacturing Co. Ltd. Intended use of article: The article is intended to be used to measure and record deep ocean water temperatures and, in addition, provide the means by which the depth of measurement can be determined. Application received by Commissioner of Customs: May 6, 1976. Advice submitted by National Oceanic and Atmospheric Administration on: June 22, 1976. Article ordered: January 2, 1976.

Docket Number: 76–00400. Applicant: North Carolina State University, Geosciences Department, Withers Hall, Raleigh, North Carolina 27607. Article: Deep Sea Reversing Thermometers & Case. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd. Intended use of article: The article is intended to be used to measure and record deep ocean water temperatures and, in addition, provide the means by which the depth of measurement can be determined. Application received by Commissioner of Customs: May 6, 1976. Advice submitted by National Oceanic and Atmospheric Administration on: June 22, 1976. Article ordered: January 2, 1976.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications denied. An instrument or apparatus of equivalent scientific value to each foreign article, for such purposes as these articles are intended to be used, was being manufac-

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tured in the United States at the time the articles were ordered.

Reasons: In response to Question 9, in each of the foregoing applications, the applicant states that to its knowledge no deep sea reversing thermometers are being manufactured in the United States. At the time each foreign article was ordered, however, there were two known U.S. manufacturers of such instruments providing specifications comparable to each foreign article, i.e., Kahl Scientific Instruments Corporation and Walter H. Kessler Company Incorporated. In response to Question 8, the applicant alleges in each application that the unique structure of the reversing thermometers (articles) is designed to accomplish each of the stated purposes for which each article is intended to be used. The National Oceanic and Atmospheric Administration advised in its respectively cited memoranda that domestic instruments manufactured by these two firms are scientifically equivalent to each foreign article cited above for each applicant's intended purposes.

For these reasons, we find that at the time the articles were ordered, the domestic deep sea reversing thermometers were of equivalent scientific value to each of the foreign articles cited above for such purposes as these articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29584 Filed 10-7-76;8:45 am]

NORTHWESTERN UNIVERSITY MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00423. Applicant: Northwestern University Medical School, Dept. of Anesthesia, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Four Choice Reaction Tester and accessory unit. Manufacturer: Kneesworth Electronics, United Kingdom. Intended use of article: The article is intended to be used for studies of the reaction times of subjects following a number of experimental conditions of anesthetic exposure. The objectives pursued in the course of investigation will be confined to establishing the normal reaction time, using this test system, of normal subjects to the flashing light display. The subject will then be studied following a variety of anesthetic exposure conditions, in order to determine how long it takes to return to the normal, baseline, reaction time level.

Comments: No comments have been received with respect to this application:

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is specifically designed for the applicant's research studies and is portable enough to be carried from room-to-room. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 15, 1976 that the capability described above is pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29579 Filed 10-7-76;8:45 am]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00354. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, New Mexico 87115. Article: Picosecond and manosecond pulse YAG generator. Manufacturer: Quantel, France. Intended use of article: The article is intended to be used in three different areas of research:

Fusion Research. Studies of the compressibility and conductivity of deuterium and gold at high temperatures.

X-ray Laser Studies. Laser pulses produced by the article will be amplified and focused on metallic targets in order to generate ultrasoft high power X-ray pulses.

Laser Damage Studies. Laser pulses produced by the article will be used to test the optical strength of a number of optical materials.

In addition, the article will be used to educate researchers of the Physics Department in some recently developed laser techniques incorporated in the article.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a high power level of 10 megajoules and selectable pulse widths of 25, 50, 100 and 200 picoseconds as well as adjustable pulse widths over a 2-10-nanosecond range. The National Bureau of Standards advises in its memorandum dated September 14, 1976 that the specifications described above are pertinent to the applicant's intended purposes. NBS also advises it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29577 Filed 10-7-76;8:45 am]

UNIVERSITY OF GEORGIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Education, Scientific, and Cultural materials importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00168-85-40600. Applicant: University of Georgia, Department of Geology, Athens, Georgia 30602. Article: Isotope Radio Mass Spectrometer, Model 602C and accessories. Manufacturer: V. G. Micromass, United Kingdom. Intended use of article: The article is intended to be used for the following projects:

(1) Examination of the influence of surface meteoric waters upon subsurface volcanic processes. This feature will be studied through analyses of the $^{18}O/^{16}O$ in rocks and minerals from samples obtained from various localities in Antarctica.

(2) Measurement of $^{18}O/^{16}O$ variations of rocks and minerals for the purpose of ascertaining temperatures attained within major thrust sheets of the northern and central Rocky Mountains.

(3) Examination of $^{18}O/^{16}O$ variations of foraminifera from deep sea cores obtained from the Caribbean Sea. These analyses will be utilized for the purposes of obtaining stratigraphic correlation with already analyzed cores at different localities, and

(4) Examinations of $^{18}O/^{16}O$ and $13_C/12_C$ variations from rocks and minerals related to the iron ore deposits of S.E. Missouri. This study will be conducted for the purpose of obtaining information about the source of waters and the temperatures involved in deposit of these ore bodies.

The article will also be used as an educational tool for students in geology and in other scientific fields such as archeology, chemistry and biology.

Comments: No comments have been received with respect to this application. A letter received from Nuclide Corporation (Nuclide) on December 9, 1975 is being treated as an offer to provide additional information.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 75-00401-85-40600 which was denied without prejudice to resubmission on July 10, 1975 for informational deficiencies. In response to Question 8 the applicant lists the following allegedly pertinent specifications:

(a) Precision of ±0.0025 percent.

(b) All metal bakeable sample inlet system.

(c) Vacuum pressure of 10^{-9} torr and

(d) Sample size of 0.01 atm cm^3.

The National Bureau of Standards (NBS) advises in its memorandum dated April 30, 1976 that the Model 6-60-RMS ratio mass spectrometer manufactured by Nuclide is the most closely comparable domestic instrument. NBS states that the Nuclide letter received by the Department on December 9, 1976, had been considered "for the factual information provided."

In connection with the alleged pertinent features listed by the applicant, in the order listed above, NBS provided the following advice:

(a) The 6-60-RMS has an internal precision of up to +0.0002% for specified ratio differences and Nuclide was able to provide the required precision at the time this article was ordered (December 30, 1974).

(b) The specific choice of materials of which the inlet system is made is a design feature and is not pertinent. A bakeable inlet system is pertinent to the applicant's intended purposes. Nuclide's Model 6-60-RMS was available at the time of order with an optional inlet system bakeout oven with a temperature capability of 450 degrees centigrade. (The Department also notes that NBS advised in its memorandum relating to Docket Number 76-00076-88-40600 which is analogous to this application in this and in other respects that Nuclide could provide an all metal bakeable inlet system at the time the article to which that application related was ordered (September 6, 1974).)

(c) Nuclide's 6-60-RMS was available at the time of order with ion pumps capable of producing a vacuum of 10^{-9} torr.

(d) Nuclide was able to provide the desired sample size at the time this article was ordered.

NBS further advises that the Model 6-60-RMS provides all the features found pertinent within the meaning of § 301.2(n) of the regulations. In this connection, NBS notes that it is normal practice for manufacturers of complex instrument systems, e.g., ratio mass spectrometers, to quote on specifications not listed in their general catalogue literature. We note that Nuclide was not afforded a formal opportunity to bid on the applicant's technical requirements.

NBS concludes with the finding that the Nuclide 6-60-RMS ratio mass spectrometer is scientifically equivalent to the foreign article for the applicant's intended uses. For these reasons, we find that the Model 6-60-RMS is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29585 Filed 10-7-76;8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00076-88-40600. Applicant: University of Miami, Coral Gables, Florida 33124. Article: Mass Spectrometer, Model 602C. Manufacturer: VG-Micromass, United Kingdom. Intended use of article: The article will be used to study the high frequency variation of climate by applying the oxygen isotope method of paleotemperature analysis to sections of deep sea sediments.

Comments: No comments have been received with respect to this application. A letter received from the Nuclide Corporation (Nuclide) on October 20, 1975 is being treated as an offer to provide additional information. Nuclide alleges inter alia that it could have quoted the applicant without any hesitation the 3-60-RMS with a bakeable metal inlet system. A letter was also received from the applicant on October 20, 1975. The applicant's letter is also being treated as an offer to provide additional information. The applicant alleges inter alia that Nuclide could not provide an all metal inlet system.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 75-00252-88-40600 which was denied without prejudice to resubmission on May 13, 1975 for informational deficiencies.

The applicant claims that the following features of the article are pertinent to his purposes and are not available in a domestic instrument:

(a) All metal bakeable inlet system;

(b) Capability of handling small samples with the greatest possible accuracy;

(c) Background pressure in the 10^{-9} torr range;

(d) Permanent magnet;

(e) Maximum reproducibility, and

(f) high precision (±0.002%).

The National Bureau of Standards (NBS) advises in its memorandum dated March 15, 1976 that the Model 6-60-RMS ratio mass spectrometer manufactured by Nuclide is the most closely comparable domestic instrument.

In connection with the alleged pertinent features listed by the applicant in this and the initial submission, NBS provided the following advice, keyed to the features set forth above:

(a) Bakeable inlet systems were available for Nuclide in both glass and metal and all-metal designs at the time the article was ordered.

(b) Nuclide was able to provide this feature (which the applicant termed "most crucial") at the time the article was ordered.

(c) Nuclide could provide ion pumps capable of producing better than 10^{-9} torr at the time the article was ordered.

(d) Nuclide could provide an optional permanent magnet at the time the article was ordered.

(e) Nuclide was, at the time of order, able to provide instruments capable of satisfying this feature.

(f) The Model 6-60-RMS could be provided with an internal precision of up to ±0.002%.

NBS further advises that the Model 6-60-RMS provides all the features found pertinent within the meaning of § 301.2(n) of the regulations. In this connection, NBS notes that it is normal practice for manufacturers of complex instrument systems such as ratio mass spectrometers to quote on specifications not listed in their general catalogue literature. We note that Nuclide was not afforded a formal opportunity to bid on the applicant's technical requirements.

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NBS concludes with the finding that the Nuclide 6–60–RMS ratio mass spectrometer is scientifically equivalent to the foreign article for the applicant's intended use.

For these reasons, we find that the Model 6–60–RMS is of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29582 Filed 10-7-76;8:45 am]

UNIVERSITY OF TEXAS MEDICAL BRANCH

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00426. Applicant: University of Texas Medical Branch, Marine Biomedical Institute, 200 University Blvd., Galveston, Texas 77550. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of embryonic marine fish larvae, particularly the leptocephalous larvae of eels and related fishes. Experimental investigation will center on tracing the development of embryonic cells as they transform to adult organs with specific function. The development throughout will be studied both at the cellular level in the electron microscope and at the tissue and organ level in the light microscope. The objectives pursued in the course of the investigation will be to identify the phylogenetic position of the Anguilliform leptocephali. Special emphasis will be placed on the ultrastructure and function of their osmoregulatory system. Another group of fishes under study are the ceratioid or deep-sea angler fishes. Special attention will be given to the ultrastructure of this light organ and to the intracellular bacteria contained therein.

Application received by Commissioner of Customs: May 28, 1976. Advice submitted by the Department of Health, Education, and Welfare on: September 16, 1976. Article ordered: May 15, 1974.

Docket Number: 76–00430. Applicant: Northwestern University Medical School, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the factors modifying the development of cancer and elucidating the biological and functional role of peroxisomes, which are cytoplasmic organelles. The materials used for this research include liver, kidney, pancreas, parotid, testicular interstitial tissue, and isolated cultured liver cells. The article will also be used in the courses designed to teach principles of cell biology, patholobiology and ultrastructural pathology for undergraduates, and graduate students. Also interns and residents in pathology, who participate in research training will be using the article.

Application received by Commissioner of Customs: May 28, 1976. Advice submitted by the Department of Health, Education, and Welfare on: September 16, 1976. Article ordered: May 13, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69–00665–33–46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70–00077–33–46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29578 Filed 10-7-76;8:45 am]

UNIVERSITY OF VERMONT

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an appliction for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00408. Applicant: University of Vermont, Waterman Building, Burlington, Vermont 05401. Article: High Pressure Calorimeter. Manufacturer: Lunds Universitetet, Sweden. Intended use of article: The article is intended to be used in determining thermodynamic parameters for the absorption (desorption) of hydrogen by a series of representative intermetallic compounds that have potential usefulness for energy (hydrogen) storage. Among the systems that will be investigated are $LaCO_2/H_2$, $LaNi_5/H_2$, $LaCO_5/H_2$, and $FeTi/H_2$. It is proposed to determine thermodynamic absorption parameters by direct calorimetry and from pressure-composition-temperature (p-c-t) relationships. The two types of measurements will be performed concomitantly in a single apparatus that mates a precision calorimeter to a gas-handling system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides operation at pressures of 0–60 atmospheres and temperatures between 20 and 100° Centigrade. The National Bureau of Standards (NBS) advises in its memorandum dated September 21, 1976 that specifications described above are pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic high pressure calorimeter of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-29576 Filed 10-7-76;8:45 am]

Maritime Administration

[Docket No. S–515]

FREDERICKSBURG SHIPPING CO.

Application

Notice is hereby given that Fredericksburg Shipping Company, 611 Wilmington Trust Building, 100 West 10th Street, Wilmington, Delaware 19801, has filed an application dated September 15, 1976, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1976, to operate the *SS Fredericksburg*, 28,050 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before October 18, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated October 4, 1976.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-29538 Filed 10-7-76;8:45 am]

National Bureau of Standards

COMPUTER NETWORKING STANDARDS FOR LIBRARY AND INFORMATION SCIENCE COMMUNITY TASK FORCE

Meeting

A task force has been established to address the problem of developing high-level computer-to-computer protocols for the nationwide interchange of information among existing and planned library and information science networks.

Members of the task force were designated by the National Commission on Libraries and Information Science on the basis of their recognized experience and knowledge in the area of computer-to-computer data interchange for this class of application, and their competence in developing related computer networking standard protocols. The task force receives technical support from the NBS Institute for Computer Sciences and Technology.

The results of the task force effort, expected to be completed in about one year, will be provided directly to the American National Standards Institute, the American Library Association, and the American Society for Information Science for their respective consideration in development and adoption of standards directed specifically to the library and information science community.

All meetings of this task force will be open to the public; the purpose of this public notice is to announce the second task force meeting which will be held on November 10, 11, and 12, 1976, in Room 2010, New Executive Office Building, 17th and H Street, NW., Washington, D.C. The session on November 10 will convene at 10 a.m., and on the following days the session will convene at 9 a.m. Future meetings of this task force will be announced in the Federal Register.

For further information, interested members of the public may contact John L. Little, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone: 301/921–3723.

Dated: October 4, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-29626 Filed 10-7-76;8:45 am]

National Oceanic and Atmospheric Administration

SEA GRANT ADVISORY PANEL

Partially Closed Meeting

The Sea Grant Advisory Panel will meet from 9:00 a.m. to 4:00 p.m. on October 28, 1976, and from 8:15 a.m. to 4:00 p.m. on October 29, 1976, in the Penthouse, Page Building #1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

The Panel was established in 1967, and advises the Secretary of Commerce on (a) policy with respect to the establishment and operation of a national network of Sea Grant Colleges and programs; major individual program and project proposals requesting financial support, and plans and policies governing execution of the National Sea Grant Program, under the National Sea Grant College and Program Act of 1966, as amended (33 U.S.C. 1121–1124).

The Panel's meeting agenda is as follows:

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OCTOBER 28, 1976 (CLOSED SESSION: 9:00 A.M.–3:00 P.M.)

9 a.m.——— Preliminary Remarks and
9:15 a.m.——— A. Institutional and Coherent Area Program Discussions: University of Southern California, University of Alaska, Mississippi/Alabama Sea Grant Consortium, Virginia Institute of Marine Science, New York Sea Grant Institute, University of Florida, University of North Carolina, University of Maine/University of New Hampshire, University of Washington, University of Maryland, University of Michigan.
B. Sea Grant College Candidate Discussion.

OCTOBER 28, 1976 (OPEN SESSION: 3:00–4:00 P.M.)

3 p.m.——— C. Sea Grant Participation in the Extended Jurisdiction Program.

OCTOBER 29, 1976 (OPEN SESSION: 8:15 A.M.–4:00 P.M.)

8:15 p.m.——— D. Action on Panel Recommendation.
E. New Authorization Legislation, National Projects, International Programs, Fellowships, Panel Organization and Membership.
F. Appropriation, Legislation, Budget Increase Language.
G. Discussion of NACOA Report.
12 noon——— Lunch.
1 p.m.——— H. Discussion with Sea Grant Directors.
3 p.m.——— I. USC Journal of Marine Education.
J. State and Federal Interaction Between CZM Programs and Sea Grant.
4 p.m.——— Adjourn.

Agenda items A and B will deal with matters listed in 5 U.S.C. 552(b)(5).

Agenda items C on October 28 and D through J on October 29 will be open to public attendance. Approximately thirty seats will be available to the public on a first-come, first-served basis. If time permits before the scheduled adjournment the chairman will solicit oral comments by the attendees. Written statements may be submitted at any time before or after the meeting.

With respect to agenda items A and B, the Assistant Secretary for Administration, with the concurrence of the Assistant General Counsel for Administration formally determined on September 28, 1976 pursuant to section 10(d) of the Federal Advisory Committee Act, that these items should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552(b)(5), i.e., interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. (A copy of the determination is available for public inspection and copying).

Minutes of the open portion of the meeting will be available 30 days thereafter on written request addressed to the National Sea Grant Program, 3300 Whitehaven Street, Washington, D.C. 20235.

For further information, contract Mr. Arthur G. Alexiou, Associate Director of Programs, at above address. Telephone: (202) 634–4019.

Dated: October 1, 1976.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

NOTICE OF DETERMINATION FOR PARTIAL CLOSURE OF AN ADVISORY COMMITTEE MEETING

The Sea Grant Advisory Panel, established in 1967, advises the Secretary of Commerce on (a) policy with respect to the establishment and operation of a national network of Sea Grant colleges and programs; (b) major individual program and project proposals requesting financial support; and (c) plans and policies governing execution of the National Sea Grant Program, under the National Sea Grant College and Program Act of 1966, as amended (33 U.S.C. 1121–1124).

The Panel currently has 18 members appointed by the Secretary of Commerce, with a balanced representation of interests, including those from industry and the academic community.

The Panel's activities are conducted in accordance with the provisions of the aforesaid Act and the Federal Advisory Committee Act (5 U.S.C. App. I).

The Sea Grant Advisory Panel is scheduled to hold its next meeting on October 28 and 29, 1976, in the Penthouse, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C. As its first agenda item on October 28, the Panel will review, evaluate, and make recommendations with respect to specific grant proposals and applications submitted to the Office of Sea Grant for financial assistance, for institutional and coherent area programs. As the second agenda item on October 28, the Panel will review, evaluate, and make recommendations concerning grant proposals and applications of candidates for designation as Sea Grant Colleges. The Panel will consider during these two agenda items such matters as: evaluation of details relating to the type or design of work performed or to be performed, adequacy of the applicant's facilities, competence of the applicant's staff, budget data, and other information on the applicant's financial situation.

For such consideration in its deliberative process, the Panel will also be presented with and discuss evaluative information and data contained in written reports submitted to the Office of Sea Grant by individual consultants (special employees of the Department), devoted to evaluations and ranking of applicants involved in the two agenda items. These reports contain detailed and candid analyses and expressions of opinion essential for complete and effective evaluation and ranking, and were prepared for review by the Panel and ultimate decision by the Office of Sea Grant.

In the interest of maintaining the utility of consultants' evaluations, and encouraging the candid expression of opinion at the Panel meeting concerning the relatives merits of the various proposals, the Administrator, National Oceanic and Atmospheric Administration, has recommended that these agenda items be closed to the public because the items discussed and the documents referred to will be concerned with matters listed in section 552(b)(5) of title 5, United States Code.

In view of the considerations enumerated above, I hereby determine, pursuant to section 10(d) of Public Law 92–463, that the above two agenda items of the forthcoming Sea Grant Advisory Panel meeting on October 28 shall be exempt from the open meeting provisions of the Federal Advisory Committee Act, because the Panel discussions will be concerned with documents exempt from disclosure under matters listed in 5 U.S.C. 552(b)(5), and it is essential to close these portions of the meeting to avoid undue interference with agency and committee operations. The remaining portions of the meeting (the third agenda item on October 28 and all those on October 29) will be open to the public.

Dated: September 28, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary of Administration.

Dated: September 24, 1976.

ALFRED MEISSNER,
Assistant General Counsel for Administration.

[FR Doc.76-29545 Filed 10-7-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of November 1976:

DRUG ABUSE PREVENTION REVIEW COMMITTEE

Date and time: November 3–5; 9:30 a.m.
Place: Conference Room 873, Rockwall Building, Rockville, Maryland.
Open—November 3, 9:30–11:00 a.m.
Closed—Otherwise.
Contact Mr. John R. Olsen, Rockwall Building, Room 752, 11400 Rockville Pike, Rockville, Md. 20852, 301–443–2450.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to drug abuse prevention activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.
Agenda: From 9:30 to 11:00 a.m., November 3, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

Date and time: November 3–5; 9:00 a.m.
Place: Thomas Paine Room, Sheraton Park Hotel, 2660 Woodley Road, NW., Washington, D.C.
Open—November 3, 9:00–9:30 a.m.
Closed—Otherwise.
Contact Mr. Joel Goldstein, Parklawn Building, Room 10–95, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3936.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social sciences research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 9:30 a.m., November 3, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. Law. 92–463 (5 U.S.C. Appendix I).

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

Date and time: November 4–6; 9:00 a.m.
Place: North Scott Room, Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C.
Open—November 4, 9:00–10:00 a.m.
Closed—Otherwise.
Contact Mrs. Edna M. Hardy Hill, Parklawn Building, Room 7–102, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3724.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., November 4, the meeting will open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

Date and time: November 5–7; 9:00 a.m.
Place: New York Room, Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C.
Open—November 5, 9:00–10:00 a.m.
Closed—Otherwise.
Contact Shirley Maltz, Parklawn Building, Room 10C–06, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3942.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., November 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Date and time: November 8–9; 9:00 a.m.
Place: Shoreham-American Hotel, Board Room, 2500 Calvert Street, NW., Washington, D.C.
Open—November 8, 9:00–10:00 a.m.
Closed—Otherwise.
Contact Antionette C. Simms, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3568.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., November 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

Date and time: November 11–13; 9:00 a.m.
Place: Kalorama Room, Washington Hilton Hotel, Connecticut Avenue at Columbia Road, NW., Washington, D.C.
Open—November 11, 9:00–9:30 a.m.
Closed—Otherwise.
Contact Mrs. Vi Kemp, Parklawn Building, Room 10–104, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4843.
Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda. From 9:00 to 9:30 a.m., November 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

ALCOHOL TRAINING REVIEW COMMITTEE

Date and time: November 15–16; 9:00 a.m.
Place: Conference Room B, Parklawn Building, Rockville, Mrayland.
Open—November 15, 9:00–11:00 a.m.
Closed—Otherwise.
Contact Dr. Melvin Davidoff, Parklawn Building, Room 16C–26, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–1056.
Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda. From 9:00 to 11:00 a.m., November 15, the Committee will be open for reports and announcements of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

Date and time: November 18–20; 9:00 a.m.
Place: Mary Custis Lee Room, Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Virginia
Open—November 16, 9:00–10:00 a.m.
Closed—Otherwise
Contact Mrs. Harriet German, Parklawn Building, Room 10C–25, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4707
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., November 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

MENTAL HEALTH SMALL GRANT COMMITTEE

Date and time: November 18–20; 1:00 p.m.
Place: Parlor A and the Oak Room, Burlington Hotel, 1120 Vermont Avenue, NW., Washington, D.C.

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Open—November 18, 4:00–5:00 p.m.
Closed—Otherwise
Contact Ms. Mary E. Enyart, Parklawn Building, Room 10C–14, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4437
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 4:00 to 5:00 p.m., November 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, NIAAA, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3306. The NIDA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Joshua Hammond, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–6548. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3600.

Dated: October 4, 1976.

CAROLYN T. EVANS,
Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 76–29613 Filed 10–7–76;8:45 am]

Food and Drug Administration

[Docket No. 76N–0289]

METHADONE

Proposed Withdrawal of New Drug Applications; Opportunity for Hearing

The Food and Drug Administration is amending the notice of opportunity for hearing on the proposed withdrawal of approval of certain new drug applications (NDA's) for methadone.

The Commissioner of Food and Drugs issued the notice in the FEDERAL REGISTER of July 9, 1976 (41 FR 28342) in response to the decision of the United States District Court for the District of Columbia in *American Pharmaceutical Association* v. *Weinberger*, 377 F. Supp. 824 (1974). The notice stated that approval of NDA's for methadone would be withdrawn unless the holders of currently approved NDA's for methadone submitted supplemental NDA's requesting approval for the manufacture and distribution of methadone under §§ 310.304 (b) and 310.505 (21 CFR 310.304(b) and 310.505) to conform with the District Court's decision. The notice stated that the principal change required by the amended regulations related to labeling, and that the Commissioner "will permit existing stocks of methadone to bear the labeling specified in currently approved new drug applications, and will permit future shipments to be made using such labeling until October 7, 1976."

A manufacturer of methadone has recently advised the Commissioner that prohibiting shipments of methadone bearing previously approved NDA labeling after October 7, 1976, might require the retrieval and repackaging of existing stocks of methadone in the possession of intermediaries. It was suggested that this would be wasteful and unnecessary, and that the purpose of the notice would be served adequately if the prohibition on shipments of methadone with previously approved labeling were made to apply only to methadone packaged after October 7, 1976.

The Commissioner agrees. The July 9 notice emphasized that references in previously approved methadone labeling to "[a]ny limitation on the shipment to, or the receipt of dispensing by, any duly licensed pharmacy of methadone for analgesic use shall be disregarded." There is no reason why such references cannot be disregarded in the labeling of methadone packaged before, but shipped after, October 7, 1976, and little purpose is served by requiring manufacturers to retrieve and repackage drugs solely to eliminate from labeling a reference that the agency has made clear is to have no effect.

Accordingly, the Commissioner is permitting the use of previously approved labeling on any methadone packaged on or before October 7, 1976, even though it may be shipped after that date. References in such labeling to limitations on the shipment to, or the receipt or dispensing by, duly licensed pharmacies of methadone for analgesic use shall be disregarded. Methadone packaged after October 7, 1976, must, when shipped, bear labeling in conformity with supplemental new drug applications approved pursuant to the July 9 notice.

Dated: October 5, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–29764 Filed 10–7–76;8:45 am]

[Docket No. 76F–0280]

RUMINANT NITROGEN PRODUCTS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (MF–3555) has been filed by Ruminant Nitrogen Products Co., 2347 Science Parkway, Okemos, MI 48864, proposing that § 121.209 *Anhydrous ammonia* (21 CFR 121.209) be amended to provide for the addition of anhydrous ammonia to water to be mixed with corn silage prior to ensiling as a source of nonprotein nitrogen for cattle.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistance Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76–29437 Filed 10–7–76;8:45 am]

Health Resources Administration

HEALTH CARE TECHNOLOGY STUDY SECTION

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

HEALTH CARE TECHNOLOGY STUDY SECTION

Date and time: October 27–29, 1976, 9:00 a.m.
Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open—October 27, 9:00 a.m.–10:30 a.m.
Closed for remainder of meeting.
Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: Agenda items for the open portion of the meeting will cover administrative matters and reports; minutes of previous meeting; and establish future meeting dates. The remainder of meeting will be closed to the public to hear a preliminary report on the study of medical information systems being conducted by the Offices, in accordance with the provisions set gress, and for the review of research grant applications relating to the delivery, organization, and financing of health servvices, in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Alan E. Mayers, Room 15–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–2950.

Agenda items are subject to change as priorities dictate.

Dated: October 1, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 76–29614 Filed 10–7–76;8:45 am]

BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

Notice of a Study of National Needs

Section 473 of the Public Health Service Act, 42 U.S.C. 2891–2, as added by Section 103 of Pub. L. 93–348, Title I, the National Research Service Award Act of 1974 (and amended by Section 205 of Title II, Pub. L. 94–278, Health Research and Health Services Amendments of 1976), requires the Secretary of Health, Education, and Welfare to undertake studies respecting the Nation's needs for biomedical and behavioral research personnel and provides that the Secretary shall request the National Academy of Sciences to conduct such studies. Studies are now in progress for use in developing the Academy's report which will be submitted to Congress not later than September 30, 1977. Information concerning either the conduct of these studies or the procedure for submission of views for consideration by the Academy may be obtained from Dr. Herbert B. Pahl, Staff Director, Commission on Human Resources, National Research Council, National Academy of Sciences, 2101 Constitution Avenue, Washington, D.C. 20418.

Dated: September 20, 1976.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc.76–29589 Filed 10–7–76;8:45 am]

CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Office, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: Clearinghouse on Environmental Carcinogens.
Dates: November 8, 1976; 8:30 a.m.–5:00 p.m.
Place: Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.
Times: Open for the entire meeting.
Agenda: To review the function of the Clearinghouse and NCI Bioassay Program.
Executive secretary: Dr. James M. Sontag.
Address: Landow Building, Room A306, National Institutes of Health.
Phone: 301–496–5471.
Name of committee: Clearinghouse on Environmental Carcinogens Subgroup on Chemical Selection.
Dates: November 9, 1976; 9:00 a.m.–3:00 p.m.
Place: Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.
Times: Open for the entire meeting.
Agenda: To consider criteria and procedures to be used in selecting chemicals to be tested for carcinogenicity.
Executive secretary: Dr. James M. Sontag.
Address: Landow Building, Room A306, National Institutes of Health.
Phone: 301–496–5471.
Name of committee: Virus Cancer Program Advisory Committee.
Dates: November 11, 1976; 1:30 p.m.–adjournment.
Place: Hershey Motor Lodge, Hershey, Pennsylvania.
Times: Open for the entire meeting.
Agenda: To review and discuss the overall direction of the Virus Cancer Program.
Executive secretary: Dr. L. R. Sibal (Acting).
Address: Building 37, Room 1A15, National Institutes of Health.
Phone: 301–496–2796.

Dated: September 24, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29592 Filed 10–7–76; 8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart, Lung, and Blood Institute, November 8, 1976, Landow Building, Conference Room A309, Bethesda, Maryland.

This meeting will be open to the public on November 8, 1976, from 8:30 a.m. to 5:00 p.m. when plans for new initiatives in cardiovascular disease prevention and demonstration will be discussed. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland, 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland, 20014, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Date: September 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29598 Filed 10–7–76;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, November 22–23, 1976; at the Holiday Inn, Bethesda, Maryland, on November 22, and at the National Institutes of Health, Building 31, Conference Room 9 on November 23. This meeting will be open to the public from 8:00 p.m. to 8:30 p.m. on November 22, 1976, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on November 22, 1976 from 8:30 p.m. to adjournment and from 8:30 a.m. to adjournment on November 23, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications and individual contract proposals. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications and individual contract proposals containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Earl W. Gardner, Review Branch, Division of Extramural Affairs, NHLBI, Westwood Building, Room 653, phone (301) 496–7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13,837, National Institutes of Health.)

Dated: September 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29595 Filed 10–7–76;8:45 am]

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COMMITTEE ON CANCER IMMUNOLOGY, ET AL.

Meetings for the Review of Research Contract Proposals

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: Committee on Cancer Immunotherapy.
Dates: November 4, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times:
Open: November 4, 1:00 p.m.–1:30 p.m.
Closed: November 4, 1:30 p.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. George M. Steinberg.
Address: Building 10, Room 4B09, National Institutes of Health.
Phone: 301–496–1791.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)
Name of committee: Virus Cancer Program Scientific Review Committee *B*.
Dates: November 8, 1976; 9:00 a.m.
Place: Hershey Motor Lodge, Hershey, Pennsylvania.
Times:
Open: November 8, 9:00 a.m.–9:30 a.m.
Closed: November 8, 9:30 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Wilna A. Woods.
Address: Landow Building, Room C306, National Institutes of Health.
Phone: 301–496–4533.
(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)
Name of committee: Joint Meeting of the Cancer Control Supportive Services Review Committee and the Cancer Control Intervention Programs Review Committee.
Dates: November 12–13, 1976; 8:30 a.m.
Place: Building 31B, Conference Room 5, National Institutes of Health.
Times:
Open: November 12, 8:30 a.m.–3:00 p.m.
Agenda/Open Portion: A general discussion of progress on ongoing contracts.
Closed: November 12, 3:00 p.m.–5:00 p.m.
Closed: November 13, 8:30 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Carlos E. Caban.
Address: Blair Building, Room 7A07, National Institutes of Health.
Phone: 301–427–7943.
(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)
Name of committee: Breast Cancer Diagnosis Committee.
Dates: November 21, 1976; 10:00 a.m.
Place: Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times:
Open: November 21, 10:00 a.m.–10:30 a.m.
Closed: November 21, 10:30 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Bernice T. Radovich.
Address: Landow Building, Room B404, National Institutes of Health.
Phone: 301–496–6774.
(Catalog of Federal Domestic Assistance Number 13.394 National Institutes of Health.)
Name of committee: Breast Cancer Treatment Committee.
Dates: November 23, 1976; 6:30 p.m.
Place: Washington Hilton Hotel, Chevy Chase Suite, Washington, D.C.
Times:
Open: November 23, 1976; 6:30 p.m. 7:00 p.m.
Closed: November 23, 1976; 7:00 p.m.—adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mary E. Sears, M.D.
Address: Landow Building, Room A404, National Institutes of Health.
Phone: 301–496–6773.
(Catalog of Federal Domestic Assistance Number 13.395 National Institutes of Health.)
Name of committee: Developmental Therapeutics committee.
Dates: November 30, 1976; 8:30 a.m.
Place: Blair Building, Room 110, 8300 Colesville Rd., Silver Spring, Md. 20910.
Times:
Open: November 30, 8:30 a.m.–9:00 a.m.
Closed: November 30, 9:00 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. J. A. R. Mead.
Address: Blair Building, Room 5A03, National Institutes of Health.
Phone: 301–427–7263.
(Catalog of Federal Domestic Assistance Number 13.395 National Institutes of Health)

Dated: September 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29590 Filed 10–7–76;8:45 am]

National Institutes of Health

EXPERIMENTAL THERAPEUTICS STUDY SECTION

Amended Meeting

Notice is hereby given of a change in the meeting date of the following National Institutes of Health Study Section which was published in the FEDERAL REGISTER on August 23, 1976 (41 FR 35552). The Experimental Therapeutics Study Section will meet as scheduled, October 21–23, 1976, at the Kenwood Club, Maryland Room, Bethesda, Maryland. However, they will hold an additional session on October 20, 1976 at 1:00 p.m. until adjournment at the Kenwood Club, Bethesda, Maryland. This session will be closed to the public. Then open portion of this meeting will be held on October 21, 1976 at 8:30 a.m. for approximately one hour.

Dated: October 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29800 Filed 10–7–76;8:45 am]

HEART AND LUNG RESEARCH REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Heart and Lung Research Review Committee A, National Heart, Lung and Blood Institute, November 12–13, 1976, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public on November 12, 1976, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting of the Heart and Lung Research Review Committee A will be closed to the public on November 12, 1976, from 9:30 AM until the adjournment on November 13, 1976, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Westwood Building, Room 552, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.837, 13.838, and 13.839 National Institutes of Health.)

Dated: September 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29597 Filed 10–7–76;8:45 am]

HEART AND LUNG RESEARCH REVIEW COMMITTEE B

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Heart and Lung Research Review Committee B, National Heart, Lung, and Blood Institute, November 12, 1976, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public on November 12, 1976, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Heart and Lung Research Review Committee B will be closed to the public on November 12, 1976, from 9:30 AM until the adjournment on November 12, 1976, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry G. Roscoe, Executive Secretary, NHLBI, NIH, Westwood Building, Room 550, phone (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.837, 13.838, and 13.839 National Institutes of Health.)

Dated: September 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29596 Filed 10–7–76;8:45 am]

SINGLE DONOR PLATELET TRANSFUSIONS: SCIENTIFIC, LEGAL, AND ETHICAL CONSIDERATIONS

Availability of DHEW Publication No. (NIH) 76–1059

The Division of Blood Diseases and Resources of the National Heart, Lung, and Blood Institute wishes to announce the availability of Single Donor Platelet Transfusions: Scientific, Legal, and Ethical Considerations, DHEW Publications No. (NIH) 76–1059. This publication covers the proceedings of a conference held June 16 and 17, 1975, jointly sponsored by the Division and the Puget Sound Blood Center in Seattle.

The purpose of the conference was to review the scientific basis of platelet transfusion therapy and to identify the complex issues involved in the development of programs for long-term platelet support of patients with damaged bone marrows. Specific topics included: HL–A typing and platelet crossmatching for compatible donor selection; the current status of plateletpheresis; existing platelet donor programs; and ethical and legal aspects of platelet donor motivation, education, and consent. Single copies of the publication may be obtained, free of charge, by writing to:

The Puget Sound Blood Center, Terry at Madison, Seattle, Washington 98104.

Dated: September 22, 1976.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 76–29588 Filed 10–7–76; 8:45 am]

INFLUENZA VACCINE WORKSHOP

Meeting

Notice is hereby given of the Influenza Vaccine Workshop sponsored by the National Institute of Allergy and Infectious Diseases, on October 22, 1976, in Building 31, Conference Room 4, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

The entire meeting will be open to the public from 9:00 a.m. to adjournment to present the results of the NIAID sponsored clinical trials of inactivated influenza A/New Jersey vaccines in young adults and children. Attendance by the public will be limited to space available.

Dr. George J. Galasso, Chief, Infectious Disease Branch, NIAID, Building 31, Room 7A–10, Bethesda, Maryland 20014, (301) 496–5105 will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.857, National Institutes of Health)

Dated: October 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29799 Filed 10–7–76;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, November 15–16, 1976, National Institutes of Health, Building 31, Conference Room 6.

The entire meeting will be open to the public from 9:00 a.m. to adjournment. Agenda items include presentations and discussions in the areas of the NCI carcinogenesis programs, clinical activities, including laminar air flow and transfusion methodologies, the NCI diet and nutrition program, and cancer control activities. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide summaries of the meeting, substantive program information, and rosters of Board members.

Dated: September 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–29593 Filed 10–7–76;8:45 am]

NATIONAL CANCER INSTITUTE COMMITTEES

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92–463, 86 Stat. 770–776), The Director, National Institutes of Health, announces the renewal by the Director, NCI, of the following committees:

Committee	*Termination date*
Cancer Control and Rehabilitation Advisory Committee	Sept. 29, 1978.
Cancer Control Community Activities Review Committee	Do.
Cancer Control Intervention Programs Review Committee (renamed Cancer Control Intervention Programs *A* Review Committee)	Do.
Cancer Control Supportive Services Review Committee (renamed Cancer Control Intervention Programs *B* Review Committee)	Do.
Clinical Cancer Education Committee	Do.

Authority for these committees will expire on the dates indicated, unless renewed by appropriate action as authorized by law.

Dated: September 28, 1976.

THOMAS E. MALONE,
Acting Director, National Institutes of Health.

[FR Doc.76–29594 Filed 10–7–76;8:45 am]

NATIONAL PANCREATIC CANCER PROJECT WORKING CADRE ET AL.

Meetings for the Review of Research Grant Applications

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

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These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6) of title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of Commitee: National Pancreatic Cancer Project Working Cadre.
Dates: November 6, 1976; 8:30 a.m.
Place: Continental Plaza Hotel, Regent I Room, Chicago, Illinois 60611.
Times: Open—November 6, 8:30 a.m.-9:30 a.m. Closed—November 6, 9:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. William Straile (Acting), address: Westwood Building, Room 853, National Institutes of Health, phone: 301-496-7194.
(Catalog of Federal Domestic Assistance Number 13.393; 13.394; 13.395, National Institutes of Health.)
Name of Committee: Cancer Control Grant Review Committee.
Dates: November 8-9, 1976; 8:30 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open—November 8, 8:30 a.m.-9:00 a.m. Closed—November 8, 9:00 a.m.-5:00 p.m. Closed—November 9, 8:30 a.m.-adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. John E. Lane, Address: Blair Building, Room 7A07, National Institutes of Health, phone: 301-427-7941.
(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)
Name of Committee: Cancer Clinical Investigation Review Committee.
Dates: November 8-10, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open—November 8, 8:30 a.m.-10:00 a.m. Open—November 9, 9:00 a.m.-12:00 noon.
Agenda/Open Portion: A Mini-Symposium on Prevention and Treatment of Infection in the Cancer Patient will be held on November 9.
Closed—November 8, 10:30 a.m.-5:00 p.m. Closed—November 9, 1:00 p.m.-5:00 p.m. Closed—November 10, 8:30 a.m.-adjournment.
Closure Reason: To review research grant application.
Executive Secretary: Mr. Clare W. White, address: Blair Building, Room 123, National Institutes of Health, phone: 301-427-8086.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)
Name of Committee: Cancer Special Program Advisory Committee.
Dates: November 8-10, 1976; 9:00 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Times: Open—November 8, 9:00 a.m.-10:00 a.m. Closed—November 8, 10:00 a.m.-5:00 p.m. Closed—November 9, 8:30 a.m.-5:00 p.m. Closed—November 10, 8:30 a.m.-adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. William R. Sanslone, address: Westwood Building, Room 805, National Institutes of Health, Phone:
(Catalog of Federal Domestic Assistance Number 13,392, National Institutes of Health.)
Name of Committee: National Prostatic Cancer Project Working Cadre.
Dates: November 11-13, 1976; 8:30 a.m.
Place: Research Study Center, Room 402, Roswell Park Memorial Institute, Buffalo, New York 14263.
Times: Open—November 11, 1:00 p.m.-5:00 p.m. Open—November 12, 8:30 a.m.-adjournment. Closed—November 11, 8:30 a.m.-12:00 noon.
Agenda/Open Portion: Program Review.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. Andrew Chiarodo, address: Westwood Building, Room 865, National Institutes of Health, phone: 301-496-7194.
(Catalog of Federal Domestic Assistance Number 13.393; 13.394; 13.395; National Institutes of Health.)
Name of Committee: National Cancer Advisory Board's Subcommittee on Centers and Construction.
Date: November 14, 1976; 7:00 p.m.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open—November 14, 7:00 p.m.-9:00 p.m. Closed—November 14, 9:30 p.m.-adjournment.
Agenda/Open Portion: To review the Intrainstitute Committee for Cancer Centers; Cancer Centers Profile, and existing Comprehensive Cancer Centers.
Closure Reason: To review grant applications.
Executive Secretary: Dr. William A. Walter, address: Westwood Building, Room 826, National Institutes of Health, phone: 301-496-7427.
(Catalog of Federal Domestic Assistance Number 13.312, National Institutes of Health.)
Name of Committee: Cancer Center Support Grant Review Committee.
Dates: November 19-20, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open—November 19, 8:30 a.m.—10:00 a.m. Closed—November 19, 10:00 a.m.-6:00 p.m.
Closed—November 20, 8:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Robert L. Manning, address: Room 803, Westwood Building, National Institutes of Health, phone: 301-496-7721.
(Catalog of Federal Domestic Assistance Number 13.397 National Institutes of Health.)
Name of Committee: Joint Meeting of the Cancer Control Community Activities Review Committee and the Cancer Control Grant Review Committee.
Dates: November 28-29, 1976, 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open—November 28, 8:30 a.m.-9:00 a.m. Closed—November 28, 9:00 a.m.-5:00 p.m. Closed—November 29, 8:30 a.m.-adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. Vernoica L. Conley, address: Blair Building, Room 7A07, National Institutes of Health, phone: 301-427-7941.
(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)

Dated: September 30, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-29591 Filed 10-7-76;8:45 am]

Office of the Assistant Secretary for Health, Public Health Service

NATIONAL IMMUNIZATION; POLICIES ETC.

Meeting

Notice is hereby given of the intention to hold a public meeting on November 12, 13, and 14, 1976, to discuss our national immunization effort, including policies, priorities, implementation, liability and indemnification, informed consent, and potentials for new vaccines.

Sponsor: Office of the Assistant Secretary for Health, Public Health Service, Department of Health, Education, and Welfare.
Time: 9 a.m. to 5 p.m., November 12, 13, and 14, 1976.
Place: Main (Masur) Auditorium, Clinical Center, Building 10, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public and public participation is expected and encouraged. There will be solicited formal presentations with panel discussion and audience participation.

In addition, those wishing to address the conference may do so by submitting a text of comments to the address given below. Such written submissions may be of any length. Oral presentations will be limited to five (5) minutes. Those who wish may submit only written comment.

The sponsor reserves the right to limit the number of oral presentations in consideration of time available. In general, every attempt will be made to accept participants in the order that submissions are received. To be considered, copy of a text must be received before November 5, 1976. All submissions will be acknowledged.

Address inquiries and submit text to:

Mr. John Blamphin, Director of Public Affairs, Room 731G-2, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-6867.

CHARLES U. LOWE,
Special Assistant for Child Health Affairs.

OCTOBER 5, 1976.

[FR Doc.76-29667 Filed 10-7-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-461]

CERTAIN HUD EMPLOYEES IN OEO ATLANTA REGIONAL OFFICE, REG. IV

Redelegation of Authority To Administer Oaths and Verify Complaints

SECTION A. *Authority to Administer Oaths and Verify Complaints.* The incumbents of the following positions in the Department of Housing and Urban Development, Atlanta Regional Office, Office of Equal Opportunity, are hereby authorized to administer oaths under section 811 (a) of Title VIII (Fair Housing) of the Civil Rights Act of 1968, Pub. Law 90-284 (42 U.S.C. 3611 (a)) and to verify complaints filed under the Civil Rights Act of 1968:

1. Director, Equal Opportunity Compliance Division.
2. Director, Field Evaluation and Support Division.
3. Equal Opportunity Specialists.
4. Equal Opportunity Compliance Specialists.

SECTION B. *Supersedure.* This redelegation of authority supersedes the redelegation effective September 1, 1971 (38 FR 2344, January 24, 1973).

(Redelegation of Authority by the Regional Administrator effective May 1, 1976 (41 FR 41137, Sept. 21, 1976).)

Effective date. This redelegation of Authority shall be effective May 1, 1976.

CHARLES E. CLARK,
Assistant Regional Administrator for Equal Opportunity, Atlanta Regional Office.

[FR Doc.76-29653 Filed 10-7-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28992; Order 76-10-16]

AIR TRANSPORT ASSOCIATION OF AMERICA

Order Regarding Application For Authority To Discuss Administration of the Dimensional Weight Rule Filed by Carrier

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of October, 1976.

By Order 76-5-100, May 21, 1976, the Board denied an application by members of the Air Transport Association of America (the carriers) for permission to hold discussions on carrier administration of the dimensional weight rule (cube rule).[1]

On June 14, 1976, the carriers submitted a petition for reconsideration of that order. The petitioners assert, inter alia, that the Board has inappropriately applied the standards enunciated in the Local Cartage Agreement Case (Cartage case), 15 C.A.B. 850 (1952), since the matters to be discussed would not be "plainly repugnant" to established anti-trust principles because the discussions would pertain only to enforcing currently effective rules and regulations, and would not impose new ones; and that, even under the Cartage case criteria, the discussions should be permitted, inasmuch as there is no "more serious transportation need * * * than that shippers pay the rates and charges specified in carrier tariffs."

The carriers also assert that Order 76-5-100 precluded their participation in meetings held by the Board's Bureau of Enforcement (BOE) on May 26, 1976, for the purpose of initiating "affirmative action" programs to eliminate alleged deviations from air freight tariff requirements, including the cube rule (Dockets 27933 and 29223). Accordingly, they request that, if the Board does not reconsider its denial of the discussion authority requested, it should at a minimum permit the carriers to meet with BOE for the foregoing purpose.

An answer in opposition to the petition has been filed by the Air Freight Forwarders Association (AFFA), which claims, inter alia, that the carriers have given no reasons why each one cannot separately enforce its own tariffs, and that the sole reason for the carriers' request for discussions is to shift the burden of complying with carrier tariffs from the carriers to the forwarders. AFFA also maintains that the Board should not allow the airlines "to hide behind the cloak" of BOE to obtain their objectives; that there is no reason why BOE cannot discuss affirmative action plans with each of the carriers separately; and that the Board should not permit an industrywide action plan without the consent and participation of shippers and forwarders.

In their original application, the carriers indicated they wished to discuss more than mere compliance with tariffs. The carriers' original application stated that they wished to discuss "possible alternatives" to dimensional weight rule application and added that there might be possible solutions that could require "industry-wide procedures directed to institute expanded cooperation of the shipper." In their petition for reconsideration, however, the carriers limit their request to discussions of effective compliance with the tariff rules and, if that is refused, permission to meet with BOE on affirmative action programs.

In view of the foregoing and all other relevant factors, the Board has decided to reconsider its denial of the carriers' prior application and to permit the discussions, subject to conditions. Clearly, the matter is now presented on a narrower basis and is limited to tariff enforcement. Accordingly, the request will be granted. Discussion of the dimensional weight rule shall be restricted to an interchange of ideas on administrative techniques and devices for implementing existing tariffs in such a way as not to add new or different conditions of any kind upon the tariffs' application. The discussions will be authorized for a period of 90 days from the date of this order.

We will also condition our approval to permit interested shippers, including indirect carriers, to express their views during the course of the discussions and prior to the conclusion of any final agreement. Our approval will also require that the attendance of Board observers be permitted.

The Board also wishes to make it clear that, while the approval granted herein is limited to the carriers' request to discuss compliance with the existing cube rule tariff provisions, the carriers are also free to engage in discussions initiated by the Board's Bureau of Enforcement for the purpose of establishing "affirmative action" programs designated to bring the carriers into conformity with their existing air freight tariffs.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. The petition for reconsideration of Order 76-5-100 filed by the members of the Air Transport Association of America in Docket 28992 is granted;

2. The carrier members of the Air Transport Association are authorized for a period of 90 days from the date of this order to engage in discussions on administration of the dimensional weight rule that will be strictly limited to the interchange of ideas on administrative techniques and devices for implementing existing tariffs in such a way as not to add new or different conditions of any kind upon the tariffs' application;

3. An agenda of matters to be discussed shall be filed with the Board's Docket Section in this docket at least 10 calendar days in advance with respect to any meeting called pursuant to this order;

4. Any shipper (including indirect air carrier) or shipper organization may advise the Air Transport Association that it is interested in the discussions and thereafter all meeting notices and agendas shall be mailed to any such shipper or shipper organization, with such notice to include an invitation to submit comments upon the agenda matters and to arrange for personal appearances at the carriers' meeting;[3]

[1] The participating carriers include all members of the Air Transport Association except Aloha Airlines, Inc.

[2] AFFA requests that joint discussions with BOE not be permitted without forwarder participation. However, any enforcement settlement agreed to by BOE is ultimately reviewable by the Board. The agreement of BOE to an affirmative action plan incorporated in such a settlement is done under a delegation of authority from the Board. Interested third persons such as AFFA may petition the Board for review of such matters. The Board, therefore, will not at this time circumscribe or expand the proposed enforcement discussions. In addition, BOE is not precluded from holding joint discussions with carriers, be it with air freight forwarders or direct air carriers, with or without an enforcement proceeding.

[3] If the direct carriers so desire, they may appoint a secretary to represent them for the purposes of preparing meeting notices, agendas, minutes of meetings, and the filing of agreements.

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5. The Director of the Bureau of Economics shall be given at least five business days' notice of the time and place of any meetings called pursuant to the authority granted herein;

6. The Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

7. Complete and accurate minutes shall be kept of all meetings and a true copy thereof filed with the Board's Docket Section not later than two weeks after the conclusion of each meeting;

8. Any agreement or agreements reached as a result of such discussions shall be filed with the Board for advance approval in accordance with section 412 of the Federal Aviation Act of 1958; and

9. This order will be served upon the Air Transport Association of America, the Air Freight Forwarders Association, and the Hawaii Air Cargo Shippers Association, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29677 Filed 10-7-76;8:45 am]

ALASKA FARES INVESTIGATION

[Docket 29198]

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 17, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry M. Switkay.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to tach party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before October 22, 1976, and the other parties on or before November 5, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 1, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29678 Filed 10-7-76;8:45 am]

[Docket 29879, 22859, 26838; Order 76-10-74]

CONTINENTAL AIR LINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of October, 1976.

By tariff revisions[1] posted September 2 and marked to become effective October 17, 1976, Continental Air Lines, Inc. (Continental) proposes to increase all mainland bulk and container general and specific commodity rates and charges, small package rates and charges, and priority reserved air freight rates and charges by approximately 8 percent. In addition, bulk general commodity minimum charges per shipment are to be increased by $1.00 to a level of $13.00 per shipment.

In support of its proposal, Continental asserts, inter alia, that the proposed rate increases are more than justified on a cost basis; that for the year ended June 30, 1976, the carrier incurred an operating loss of $4.6 million from its mainland freight operations; that the proposal is expected to generate an estimated $3 million in additional revenue in 1977, or 5.8 percent of carrier's forecasted freight revenue for its entire system; that the proposed increase would about eliminate the deficit return on investment of its mainland freight operations; and that the proposal will help maintain rate and service parity with surface carriers in the small shipment market.

The proposed rates and charges come within the scope of either the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, or the Priority Reserved Air Freight Rates Investigation (PRAFRI), Docket 26838, and their lawfulness will be determined in these proceedings. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board concludes that a number of the priority reserved freight rates may be excessive inasmuch as they are above 130 percent of the otherwise applicable regular service general or specific commodity rates or charges and should not be permitted to become effective pending investigation. Although at one time the Board permitted Continental (as well as certain other carriers) to establish such priority general commodity rates at levels exceeding 130 percent of the otherwise applicable rates, the Board subsequently found that a 30-percent premium over the applicable rates (whether general or specific commodity) was the highest that should be permitted pending final decision in PRAFRI (e.g., see Orders 75-11-8, 75-3-116, and 75-1-80). Our action herein is consistent with that taken with respect to priority rates proposed by other carriers as well as in Order 75-12-28, December 5, 1975, by which the Board suspended priority reserved rate increases proposed by Continental in the same markets. Other increases in priority rates do not exceed appropriate levels and will be allowed.

Upon consideration of all relevant factors, the Board finds that the rate increases, to the extent that they apply to priority reserved rates and charges set forth in detail in Appendix A,[1a] should be suspended. The remaining portions of the proposal do not appear excessive in relation to costs,[2] and the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges and provisions described in Appendix A hereto are suspended and their use deferred to and including January 14, 1977, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special provision of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon Continental Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29676 Filed 10-7-76;8:45 am]

[Docket 27918; Order 76-10-12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic Fares Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of October, 1976.

By Order 75-6-42, the Board instituted an all-encompassing investigation of the North Atlantic fare structure for scheduled serivce. The purpose is to ascertain the cost of offering the many types of service now available and to develop standards upon which to base evaluation of future fare agreements reached by the member carriers of the International Air Transport Association (IATA). In that order, the Board also set in motion the recurrent filing by U.S. carriers of basic cost and statistical data to facilitate the building of a meaningful historical record.

The purpose of this order is to set forth the procedures for undertaking the investigation instituted in Order 75-6-42, and to dispose of various petitions for reconsideration.

Order 75-6-42, which articulated the general scope of this investigation, contemplated that the Board would conduct its evaluation of North Atlantic fares on the basis of a full-scale evidentiary proceeding with hearings before an administrative law judge. Upon further reflection, however, the Board has determined that an adjudicatory investigation of North Atlantic fares is unnecessary and inefficient in light of the policy objectives that the proceeding is intended to achieve. Accordingly, the Board has determined to forego, at this time, the formal hearings contemplated in Order 75-6-42 and to follow rulemaking procedures.

The objective of this investigation, as set forth in Order 75-6-42, is the "establishment of reasonable guidelines and standards for evaluating passenger fares for scheduled services provided between U.S. points, except points in the Pacific Ocean and Puerto Rico, on the one hand, and points in Europe and the Middle East (as defined by IATA Resolutions 012 and 021b), on the other hand." At the outset, it is abundantly clear that there is no statutory requirement that the Board conduct a hearing in order to formulate such policies and that the question of how best to proceed lies solely within the Board's discretion. For the following reasons, we prefer rulemaking. To begin with, since North Atlantic fare levels are reviewed periodically in connection with the Board's evaluation of IATA fare agreements, it is not our intention that this proceeding should embark on a massive overall inquiry into fare levels, per se. To the contrary, the Board's limited powers to prescribe rates and fares in foreign air transportation persuade us that the real value of this investigation lies not in determining the economic corrections of a set of fares and costs at any one particular point in time, but rather in establishing reasonable fare policies which will endure over the longer term and which will move the IATA carriers toward a more rational fare structure than that which is currently in effect and which, it is hoped, will be useful to foreign governments in their own inquiries into these matters. Thus, the principal objection of this investigation is to establish reasonable standards and guidelines evaluating both fare level and fare structure, on a recurrent basis, in the context of North Atlantic fare agreements that are reached in IATA Traffic Conferences and are filed with the Board for its approval. In our judgment, rulemaking, which affords the additional benefit of facilitating broader public participation, is at least as effective for this purpose as a formal hearing and may result in considerable savings of time and resources, not only for the Board but for the public and the industry as well. In this connection, the conventional trial process has much to commend it, and there is no question that the expertise of an experienced administrative law judge in the refinement of issues, synthesization of data, and other functions is of invaluable assistance to the Board in the conduct of its formal proceedings. However, this process would appear to be of less importance in a case in which the principal issues are not so much questions of fact, as they are judgments as to policy.

Moreover, even were the Board to hold hearings in this investigation, there is no reason at this time to believe that the record developed on that basis would be of significantly higher quality than that which will be developed on the basis of the rulemaking instituted herein. The Board, by virtue of the recurrent reports filed pursuant to Order 75-6-42, and supplemented by data in the carriers' accounting reports, already has at its disposal most of the information necessary to conduct a reasonably thorough analysis of the North Atlantic cost structure and no logical need is perceived at this time to go beyond these data to develop the evidentiary basis for the proposed rule.

By employing these data (as supplemented by the data requested herein) it will be possible to develop reasoned policies on the basic cost-structure issues, including the identification of any distinguishable cost differences between fares for the various categories of service. Although this analysis will, out of necessity, proceed on the basis of U.S. carrier data only, it is believed that the structure of costs, particularly the cost taper, for these carriers should not be sufficiently dissimilar to that of the foreign carriers so as to provide distorted results. In any event, the proposed policy statement, as well as its underlying analytical base, will be subject to challenge in the responsive comments of interested persons. With full opportunity to comment by all interested persons, we believe that the rulemaking is sufficiently flexible to establish a North Atlantic fare policy in which all relevant points of view have been considered.

It is the Board's intention to issue a notice of rulemaking setting forth its analysis of the structure of costs, including the cost of through point-to-point service and cost taper. This notice will also articulate the Board's tentative views on what constitutes a reasonable North Atlantic fare structure, including, but not necessarily limited to: (a) the relationship between normal economy fares and costs, including seating and load-factor considerations; (b) the proper relationships between normal economy fares and fares for other basic classes of service; (c) the relationship between peak, off-peak, and/or shoulder fares for the normal-fare classes of service; (d) the relevant definition of "trip" for the purpose of determining normal fares (i.e., including the extent to which stopovers are to be permitted without extra charge); and (e) the relationships which should obtain between normal and promotional fares.

It should be pointed out that the Notice of Proposed Rulemaking will not address two matters placed in issue by Order 75-6-42, namely, the proportional fares used to construct fares to/from nongateway U.S. points and the division of joint fares. Both issues would require voluminous data from foreign carriers and U.S. domestic carriers and their consideration along with the more basic policy issues could only serve to delay the adoption of reasoned policies for North Atlantic fares. In any event, since the evaluations of the fare structure will be predicated on existing proportionals and divisions, we should gain considerable insight into this and will then be in a better position to decide what further action is appropriate in that regard.

As previously indicated, Order 75-6-42 required the recurrent filing by U.S. carriers of special reports showing their cost and traffic data for transatlantic scheduled combination aircraft services, and various passenger statistics by fare category. In order that the staff may properly conduct the cost analysis discussed above, it is necessary that these data be augmented with the additional North Atlantic entity data specified in the Appendix attached, and their provision will be ordered herein. These additional data consist primarily of cost inputs not included in the currently filed reports and more particularized information on discount fares. A special passenger survey is also being requested to determine, by fare category, the amount of revenue dilution attributable to the division of joint fares for the various circuitous routings and stopovers that are available under the present North Atlantic fare structure. Although, for the reasons discussed above, the rulemaking will not address the appropriate means by which joint fares should be divided, submission of this survey data is being required to assess the extent to which North Atlantic fares are affected by existing divisions. While, like the earlier reported data, we are ordering these supplemental data to be filed by U.S. carriers, we repeat our previous invitation to the foreign air carriers to provide similar data in the same or comparable format.

We turn next to the requests for reconsideration. Petitions for reconsideration have been filed by Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and the United States Department of Transportation (DOT).[3] The essential thrust of all three is that the investigation should be expanded to include in issue the reasonableness of passenger charter rates in the North Atlantic market, with particular focus on the costs of providing the various types of charter service now offered. Pan American further requests that, if this issue is included, the U.S. supplemental carriers be made parties to the investigation and be required to furnish the same type of detailed cost and traffic information required of the U.S. scheduled carriers.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169, 227 and 235.

[1a] Appendix A filed as part of the original document.

[2] Industry-average costs as adopted by the administrative law judge in DAFRI, and revised to reflect cost increases through the 12-month period ended June 1976.

[3] DOT also requests that the scope of the investigation be expanded to include re-evaluation of the basic underlying IATA machinery which, it alleges, is responsible for the resolutions submitted as agreements which the Board must act upon. However, the scope of investigation is the determination of the appropriate structure of North Atlantic fares, and the issue of the IATA machinery is not germane to that determination.

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It is alleged that any investigation of North Atlantic fares would be incomplete without consideration of charter rates; that the cost of providing transatlantic charter service has never been fully examined and that this proceeding provides a unique opportunity to do so; that there is a distinct interrelationship between charter rates and fares on scheduled services; and that, absent investigation of charter costs, the Board would not be in a position to regulate charter rates and hence to evaluate the reasonableness of scheduled service fares. Pan American, in addition, requests that the investigation go beyond the question of the cost of providing charter service and into the appropriate interrelationship between per-passenger charter rates and fares on scheduled services. Pan American contends that the Board has acknowledged the interplay between charter and scheduled-service pricing and that the fare structure on scheduled service reflects a necessary competitive response to charter activity.

Finally, TWA requests clarification as to the public availability of data to be submitted during the course of this proceeding, and contends that certain ordered reporting requirements constitute an undue burden on the carriers since the data are already routinely submitted to the Board. TWA also requests that the Board modify its timing requirement for submission of profit and loss statements and investment and revenue data.

Answers in opposition to the petitions for reconsideration have been filed by the Airlines Charter Tour Operators Association (ACTOA), Capitol International Airways, Inc. (Capitol), Davis Agency, Inc. (Davis), Overseas National Airways, Inc. (ONA), Spantax, S.A. (Spantax), and Trans International Airlines, Inc. (TIA). An answer in support of the petitions to incorporate charter rate levels in issue has been filed by British Caledoian Airways Limited (BCAL). With the exception of BCAL, these parties contend that the Board's order was clearly directed toward the reasonableness of fares in scheduled service and that expanding the scope of the proceeding to include charter rates would involve undue complexity to the point that it would become unmanageable. It is alleged that such an expansion of the issues would divert the focus of the case from the Board's primary intention—an examination into the fare structure of scheduled service on the North Atlantic. The respondents refer to the Board's previous statements that charter services do not appear to have diverted traffic unduly from scheduled services, and they contend that consumers have benefited from expanding levels of service at inexpensive rates, and that the scheduled carriers' problems stem from operation of overcapacity and illegal rebating. ONA suggests that, if the reasonableness of North Atlantic charter rates is to be pursued, it should be in the context of the rulemaking proceeding in Docket 25875.

Upon consideration of the petitions, the answers thereto, and other relevant matters, the Board has decided to deny the requests that rates and costs of providing charter service on the North Atlantic be included in issue in this proceeding.

In substance, charter services and scheduled services have inherently different characteristics which involve separate and distinct costing and pricing considerations. Thus, charter rates are based on the economics of full-planeload operations whereas scheduled services are priced in relation to anticipated load factors. In the Board's opinion, inclusion of charter costs in this proceeding would unduly complicate development of the record and unnecessarily deter our most immediate objective of developing a definitive policy for North Atlantic scheduled service fares.

In Docket 25875, the Board sought to ascertain the cost of charter services and to arrive at a regime which would be equitable to both the charter and scheduled carriers. This did not prove feasible in the context of that proceeding. We recognize as we did then that, as a practical matter, charter services have an important bearing upon the fares which the IATA carriers agree upon for their scheduled services. However, this is essentially a matter of relative price. Our primary interest in this proceeding is to analyze the North Atlantic fare structure and develop reasoned policies by which to evaluate future passenger-fare agreements.

It cannot, of course, be denied that the level of charter prices will have an effect upon the level of fares which the carriers will wish to offer in scheduled service at the lower end of the spectrum. This is a factor which cannot realistically be ignored in the market place. The impact of charter rates on pricing of scheduled service, of course, is a factor which will be examined in this proceeding. On the other hand, we perceive on mandate of law or policy which would require the establishment of charter prices on the basis of some artificial relationship to scheduled service prices. In the Board's opinion, inclusion of the issue of the cost of charter service, which by its nature involves significantly different facts and circumstances, would unduly complicate an already extremely complex proceeding. Accordingly, we will deny the petitions.

TWA requests an extension of time for filing the required profit and loss statement, and investment data for scheduled North Atlantic service on the grounds that such data can only be developed after preparation of the regular Form 41 reports. The 20 days requested beyond the date for filing Form 41 reports is acceptable to the Board. Also, we will permit the carriers to accumulate their monthly fare usage data by quarter and submit these data simultaneously with the quarterly profit and loss and investment data described above. This, in substance, meets TWA's need for additional time to file these data.[2] However, we are unable to accept TWA's request that traffic and capacity statistics be eliminated from the special reporting requirements in the Appendix to Order 75–6–42 because these materials are already submitted to the Board. We are not persuaded that the effort which is involved will constitute an undue burden. The reporting which has been required is an obligation of the carriers to the development of a useful record in this proceeding.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 412, 414, and 1002 thereof,

It is ordered, That:

1. The petitions of Pan American World Airways, Inc., Trans World Airlines, Inc., and the Department of Transportation for reconsideration of Order 75–6–42, to the extent not granted herein, be and they hereby are denied;

2. The motions filed by Department of Transportation to expedite proceedings in this Docket be and they hereby are dismissed;

3. Ordering paragraph 4 of Order 75–6–42 is hereby amended to read as follows:

"National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc. shall supply in this Docket the following information:

"(1) a quarterly report showing the profit and loss, and investment data for scheduled North Atlantic service outlined in Appendix B of this order; and

"(2) a quarterly report showing, by month, the fare usage data (i.e., passengers enplaned, revenue passenger-miles, and passenger revenue for each fare category in the North Atlantic structure) specified on page four of this order.

These data shall be submitted 20 days after the date for filing Form 41 reports covering the same time period."

4. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc. shall supply in this Docket the North Atlantic entity data specified in the attached Appendix,[4] these data to be submitted as follows: (1) the data required in paragraphs A, B, and C shall be reported for the 12-month period ending June 30, 1976, and each year ended June 30 thereafter, and shall be submitted by the following December 1; *Provided, however*, That the data for the year ending June 30, 1976 shall be submitted by November 1, 1976; and (2) the passenger survey data required in paragraph D shall be accumulated on a quarterly basis and submitted simultaneously with the data reported pursuant to Order 75–6–42;[5] and

5. The reporting requirements as set forth in the Appendix to Order 70–2–124 be and hereby are terminated.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29681 Filed 10-7-76;8:45 am]

[Docket 29845; Order 76–10–21]

EL AL ISRAEL AIRLINES LTD.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September, 1976.

By tariff revisions filed September 8, 1976, for effectiveness October 8, 1976, El Al Israel Airlines Ltd. (El Al) proposes a special 50-percent reduction from the U.S.-Israel normal economy fares "for members of the official national teams participating in the Chess Olympic Games and members of the Official National Delegations to the congress, traveling from a point in the U.S.A. or Canada to Israel." The fares would be available from October 14 through November 21, 1976, and were filed pursuant to an order of the Government of Israel.

Upon consideration of all relevant matters, the Board has concluded that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

Extension of a special discount to a limited group of U.S. residents based on their membership in a specific cultural or other organization clearly presents a prima facie case of unjust discrimination which is inconsistent with the statute. Were the Board to approve this filing, we could reasonably expect to receive numerous requests for special discounts for other groups. Moreover, the discount fares available on an equal basis to all members of the traveling public, adopted by the members of the International Air Transport Association (IATA), including both the U.S. and Israel flag carriers and approved by both governments, would appear to provide an adequate facility for the carriage of participants in the Chess Games.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Rule 298–B, on 16th Revised Page 82–J, to Passenger Fares Tariff No. PF–4, C.A.B. No. 44, issued by Air Tariffs Corporation, Agent, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in paragraph 1 above are suspended and their use deferred from October 8, 1976 to and including October 7, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[1] and shall become effective on October 8, 1976;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and be served upon El Al Israel Airlines Ltd.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29682 Filed 10-7-76;8:45 am]

CIVIL SERVICE COMMISSION

ADVISORY COMMITTEE ON ADMINISTRATIVE LAW JUDGES

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Advisory Committee on Administrative Law Judges will meet at 9:30 a.m. on Friday, October 29, 1976. This meeting will be held in Room 5323 of the U.S. Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Advisory Committee's agenda will consist of a discussion of recruitment and selection procedures for Administrative Law Judges, including the nature of the application process and information required at the various stages in the selection process. There will be further discussion of the qualifications criteria; application of Veterans Preference Act requirements; experience required; the use of personal investigation and the vouchering system; the desirability of continuing selective certification procedures; and, such other matters as members of the Advisory Committee may wish to discuss including issues to be considered at future meetings.

This meeting will be open to the public.

Inquiries regarding this notice may be addressed to Arthur L. Burnett, Assistant General Counsel, Legal Advisory Division, Office of General Counsel, Civil Service Commission, 1900 E Street NW, Washington, D.C. 20415, telephone: Area Code 202–632–5421 or 632–5422.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-29905 Filed 10-7-76;10:01 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the exeepted service the position of Director for Policy and Program Development (Civilian), Directorate for Policy and Program Development (Civilian), ODASD (Equal Opportunity), OASD (Manpower and Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-29254 Filed 10-7-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Assisted Housing, Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-29253 Filed 10-7-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS FROM MALAYSIA

Adjustment of Import Levels

Correction

In FR Doc. 76–28051, appearing in the issue for Friday, September 24, 1976, and corrected at 41 FR 43440, October 1, 1976, the letter that was contained in the above document should have read as set forth below. Please note the footnotes and their references.

[1] This order was submitted to President on September 29, 1976.

[2] Inasmuch as the monthly reporting on North Atlantic passenger traffic by fare category required by Order 75–6–42 duplicates the information being provided by Pan American and TWA in response to Order 70–2–124, the filing requirement with respect to the latter order will be terminated.

[3] The Department of Transportation has filed two separate motions to expedite the proceedings instituted in Order 75–6–42. However, in view of the action taken herein to establish the procedural framework of the investigation, these motions have become moot and will be dismissed.

[4] Appendix filed as part of original document.

[5] The initial survey report shall include a description of the basis for the sampling method employed in accumulating the data, including full source references and notes.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 21, 1976.

DEAR MR. COMMISSIONER: On December 22, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 5 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 24, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to amend the levels of restraint established for Categories 22/23 and 26 to the following amounts:

Category:	*Amended twelve-month level of restraint* [2]
22/23	2,824,800 square yards.
26	6,474,600 square yards.

[2] The levels of restraint have not been adjusted to reflect any entries made after December 31, 1975.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

ESTABLISHING IMPORT LEVELS FOR CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILES

Products From the Republic of Korea, Effective October 1, 1976

Correction

In FR Doc. 76–29089, appearing at page 43440 in the issue for Friday, October 1, 1976, the levels of restraint in the table and the footnotes should read as set forth below:

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 29, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on October 1, 1976 and for the twelve-month period extending through September 30, 1977, entry into the United States for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26, 22/23, part of 26, 39, 42/43/62 pt., 45/46/47, 48, 49, 50/51, 52, 62 pt., and 63; wool textile products in Categories 104, 116/117, 120, 121 and 124; and man-made fiber textile products in Categories 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 in excess of the following levels of restraint:

Category:	*Twelve-month level of restraint*
9/10	6,583,024 square yards.
18/19/26 (printcloth)[1]	5,235,626 square yards.
22/23	3,604,345 square yards.
26 (duck)[2]	21,943,401 square yards.
39	311,880 dozen pairs.
42/43 and part of 62[3]	3,200,000 square yards equivalent.
45/46/47	3,186,797 square yards equivalent.
48	22,453 dozen.
49	51,039 dozen.
50/51	192,817 dozen (of which not more than 102,184 dozen shall be in Category 50 and not more than 138,309 dozen shall be in Category 51).
52	70,727 dozen.
pt. 62[4]	195,652 pounds.
pt. 63 (T.S.U.S.A. Nos. 380.3980 and 382.3380)	1,086,957 pounds.
pt. 63[5]	1,086,957 pounds.
104	2,200,000 square yards.
116/117	470,815 pounds.
120	320,448 numbers.
121	193,920 numbers.
124	1,010,000 numbers.
208	18,000,000 square yards (of which not more than 8 million square yards shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036).
210	1,750,000 square yards.
218	897,790 dozen.
219	4,082,036 dozen.
221	2,801,092 dozen.
222	1,025,100 dozen.
pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143).	41,333 dozen.
pt. 224[6]	48,485 dozen.
228	4,358,974 pounds.
229	881,517 dozen.
234	752,455 dozen.
235	3,845,407 dozen.
237	1,422,840 dozen.
238	155,555 numbers.
	218,013 dozen.

[1] In Category 26 the T.S.U.S.A. Numbers for printcloth are: 320.—34, 321.—34, 322.—34, 326.—34, 327.—34, 328.—34.

[2] In Category 26 the T.S.U.S.A. Numbers for duck fabric are: 320.—01 through 04,06,08, 321.—01 through 04,06,08, 322.—01 through 04,06,08, 326.—01 through 04,06,08, 327.—01 through 04,06,08, 328.—01 through 04,06,08.

[3] In Category 62, only T.S.U.S.A. Nos.: 380.0024, 380.0027, 382.0002, 382.0605, 382.0610, 382.3904, 382.6904.

[4] In Category 62, all T.S.U.S.A. Numbers not listed in Footnote 3.

[5] In Category 63, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.3980 and 382.3380.

[6] In Category 224, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.0402, 480.0420, 380.8103 and 380.8143.

In carrying out this directive, entries of cotton, wool and manmade fiber textile products in the foregoing categories, produced in the Republic of Korea and exported to the United States prior to October 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1975 through September 30, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Group I may be exceeded by 10 percent; within Group II, by 7 percent; and within Group III, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1976, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR. 54742) of the commodities listed below were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29472) and July 23, 1976 (41 FR. 30380).

After consideration of all the relevant data presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under Pub. L. 92–26, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Class 7530

Pad, Writing Paper (IB)
7530–00–285–3083 (for GSA Region 8 and Franconia Depot in GSA Region 3 only)
7530–00–285–3088 (for GSA Region 5 only)

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–29617 Filed 10–7–76;8:45 am]

PROCUREMENT LIST 1976

Deletions From Procurement List

Notice of Proposed Deletions from Procurement List 1976, November 25, 1975 (40 FR 54742), was published in the FEDERAL REGISTER on August 6, 1976 (41 FR 32943) and August 13, 1976 (41 FR 34350).

Pursuant to the above notices the following commodity and military resale items are deleted from the Procurement List:

Class 7510

Pointer, Pencil
7510–00–237–4926

Military Resale Item and Number

906 Broom, corn
921 Mop, self-wringing
927 Mophead, wet
929 Mop, dusting
930 Applicator, wax
931 Refill, wring easy mop
938 Refill, wax applicator
939 Refill, mophead, dusting
942 Cloth, dish
943 Cloth, dishwashing
953 Scrubber, plastic
967 Bag, laundry
981 Cloth, all purpose
982 Cloth, polishing
984 Cloth, wash
985 Bib, terrycloth
992 Mat, floor
997 Duster, all purpose

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–29618 Filed 10–7–76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 27 through October 1, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 22, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Deer Island Unit Plan, Gallatin National Forest, Alaska, September 28: Proposed is a land management plan for the 9,100-acre Deer Island Management Unit, Tongass N.F., on Ernest Sound, Alaska. The plan calls for construction of 8 to 10 miles of access road and initiation of timber harvest within 8,290 acres of forest containing an estimated 200 million board feet of timber. For the 5-year period of 1977 through 1981, 14 million board feet of timber is to be harvested, followed by a rotating harvesting period averaging from 90 to 120 years. The conversion of old-growth stands to second groth stands will modify the wildlife habitat, and the area will no longer be suitable for Wilderness classification. (190 pages). (ELR Order No. 61421.)

Vernon Unit Plan, Kisatchie National Forest, Vernon County, La., September 27: Proposed is a 10-year management plan for the Vernon Unit, Kisatchie National Forest. The 84,874-acre unit is divided into 2 zones according to the degree of military use, ranging from "Intensive" to "Limited Use." This statement proposes timber management on 573 acres, site preparation on 433 acres, thinning on 2,500 acres, prescribed burning on 14,500 acres, and development of range facilities and trails. Adverse impacts include soil movement, stream siltation, and effects caused by timber harvesting. (118 pages). (ELR Order No. 61416.)

Mount Hebgen Management Alternatives, Gallatin County, Mont., September 28: Proposed is the issuance of a special use permit to Ski Yellowstone, Inc., to develop ski facilities on Mount Hebgen, Montana. The plan consists of the construction of a mountain-top restaurant, an 8,300-foot long gondola, and 11 double chair lifts serving 637 acres of ski slopes and trails. The facility, to be built over a 10-year period, will have a capacity of 6,500 skiers. Negative impacts include minor slope instability, soil erosion, increased demands on existing facilities, and degradation of air due to increased automobile emissions. (206 pages). (ELR Order No. 61420.)

Final

Pioneer Mountains Unit, Challis and Sawtooth National Forest, Custer, Blaine, and Butte counties Idaho, September 28: The statement concerns a land use plan for the 695,964-acre Pioneer Mountain Planning Unit of Sawtooth and Challis National Forest. Two percent of the land is owned by the State of Idaho or private interests. The new plan differs from the existing one in that it provides for the construction of 16 miles of public access road into Meridian Creek and East Pass Creek, the increase of study areas from 106,200 acres to 180,300 acres, the availability of 243,000 of the existing 543,000 acres of roadless area for timber harvests, the intense management of livestock allotments, the increase of the capacity for recreation sites, and the artificial rehabilitation of 1300 acres. (336 pages). Comments made by: EPA, DOI, AHP, DOC, HUD, State and local agencies, and concerned citizens. (ELR Order No. 61422.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Gamerco Coal Mine, McKinley County, N. Mex., October 1: Proposed is the development, by Arizona Electric Power Cooperative, Inc., of 8,011 acres of land, located approximately 3 miles northwest of the City of Gallup, as a coal stripmine facility. Associated with the mine will be a proposed coal washing plant with associated settling and freshwater holding ponds, coal loadout facility, 2.1 mile railroad spur, 116 one-hundred-ton coal railroad cars, shops and offices, deepwater well, haul roads, and substation. Adverse effects include disturbances to topography, soils, air quality, and archeological resources. (345 pages). (ELR Order No. 61441.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn:

V41 I197 OCT 8 76 UM

DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Final

New River and Phoenix City Streams, Maricopa County Ariz., September 27: The project is the second phase of a 5-phase plan designed to serve as a framework for flood control in the Phoenix area. Three flood control dams, to be located on Cave Creek, Skunk Creek, and New River, will be constructed. A 17 mile long diversion channel, containing both earth and concrete sections will be constructed immediately north of and parallel to the Arizona Channel. Adverse impacts include the loss or alteration of 410 acres of riparian habitat, the alteration or destruction of 3 archaeological sites, the urbanization of 310 acres of open space, and the relocation of 288 homes and 38 businesses (Los Angeles District (323 pages). Comments made by: USDA, HEW, EPA, DOI, DOT, DOC, and State and local agencies, and concerned citizens. (ELR Order No. 61442.)

Calleguas Creek Flood Control, Ventura County Calif., September 27: Proposed is the development of a flood control project in Simi Valley. The project includes flood control channels, a total of 253 acres of park and trail development, and flood plain management for both Simi Valley and Moorpark. Adverse impacts include the loss of 62 acres of riparian wildlife, and the urbanization of 185 acres of open space and agricultural land. (Los Angeles District). (158 pages). (District). (80 pages). Comments made by: USDA, HEW, HUD, DOI, DOT, EPA, FPC, and State and local agencies, and concerned citizens. (ELR Order No. 61415.)

Bear River Flood Protection Plan, Yuba County, Calif., September 28: Proposed is a flood protection plan for the Bear River Basin area, in Yuba County, California. The project includes use of 3,300 acres of flowing easements; enlargement of Linda Drain; and construction of new flood channels, levees, a pumping plant, and recreation facilities. Low-yield crop and pastureland, future residential land, and reaches of existing stream channel will be converted for project levees and channels. The major impact will be loss of about one acre of natural stream section. (Sacramento District). (76 pages). Comments made by: DOI, EPA, HEW, DOT, and State and local agencies, and concerned citizens. (ELR Order No. 61424.)

Morrison Creek Stream Group, Sacramento, Calif., September 30: Proposed is a flood control project for the southern Sacramento metropolitan area. Included are an 11,000 acre-foot reservoir, 25.8 miles of levees, 66.3 miles of channel works, and a 7,800 acre flood retardation basin. There may be water quality problems in the reservoir. Approximately 3,085 acres will be committed to project structures, with 460 of the amount being permanently inundated and 1,600 acres being intermittently inundated; 50.9 miles of natural stream will be converted to excavated trapezoidal cross section; 7,800 acres will be acquired for the retention basin. (150 pages). Comments made by: USDA, DOC, HEW, DOI, DOT, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 61433.)

Nearman Creek Generating Station, Wyandotte County, Kans., October 1: Proposed is the construction of a 246 Megawatt coal-fired steam-electric generating facility and appurtenant structures on and in the Missouri River between River Miles 377 and 379 in the City of Kansas City, Kans. The proposed powerplant would convert approximately 725 acres of agricultural land and wildlife habitat to industrial use, and plant operation would result in the release of waste by-products of combustion and a heated discharge into the Missouri River. (Kansas District). (382 pages). Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, EPA, AHP, and State and local agencies, and concerned citizens. (ELR Order No: 61437.)

Grand Isle and Vicinity, Jefferson County La., September 30: Proposed is the construction of a 2,600 foot stone jetty at Caminada Pass, in order to stabilize the western end of Grand Isle; and a 7.5 mile sandfill dune and berm to protect the island's gulf shore from beach erosion and hurricane waves. There will be adverse impact to aesthetics and to marine biota. (New Orleans District). (90 pages). Comments made by: DOI, DOC, HEW, USCG, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 61432.)

Wears Creek, Jefferson Creek Flood Control, Cole County Mo., September 28: Proposed is the construction of a flood protection project consisting of enclosing the lower reaches of Wears Creek in a covered conduit and filling the surrounding area with hydrolic fill dredged from the Missouri River. The project will displace 135 residences and 70 businesses, and will result in the loss of recreational potential of the natural Wears Creek setting, relocation of five historic buildings, and removal and relocation of some railway transportation facilities which serve area industry. (Kansas City District). (172 pages). Comments made by: USDA, HUD, DOI, DOT, USCG, EPA, FPC, AHP, and State and local agencies, and concerned citizens. (ELR Order No. 61423.)

Flathead Flood Control, Kalispell, Flathead County Mont., September 27: Proposed is a project for flood control for the Flathead River near Kalispell. The plan includes construction of a 6.25-mile setback levee and appurtenant structures on the bank of Flathead River, addition of flap gates to two existing culverts, and local flood plain zoning. Adverse impacts include the possible lowering of water quality, loss of agricultural potential, loss of wildlife habitat, increased potential damages to communities should an extremely great flood occur, and possible loss of archaeological information. (Seattle District). (170 pages). Comments made by: USDA, EPA, HEW, DOI, DOT, and State and local agencies, and concerned citizens. (ELR Order No. 61413.)

New Jersey Coastal Inlets and Beaches, Barnegat to Longport, Ocean County N.J., September 27: The proposed action consists of the construction of jetties, groins, bulkheads, beach berms, sand bypassing and the placement of beachfill and dunefill for the purpose of meeting beach erosion control, storm protection, and navigation needs of the inlets and beaches between Great Egg Harbor Inlet and Barnegat Inlet. The project includes dredging the channel at Barnegat Inlet and Absecon Inlet. Dredging at ocean borrow sites will cause turbidity and benthic disruption. (Philadelphia District). (175 pages). Comments made by: EPA, DOI, HEW, DOT, HUD, and State and local agencies, and concerned citizens. (ELR Order No. 61411.)

New Jersey Coastal Inlets and Beaches (2), N.J., September 30: The statement refers to the proposed construction of jetties, groins, bulkheads, and a breakwater, and the placement of beach and dune fill for the purposes of meeting beach erosion control, storm protection, and navigation needs of the inlets and beaches between Hereford Inlet and the Delaware Bay entrance of the Cape May Canal. Adverse impact will occur to marine biota. There will be malodorous gases from polluted beach fill, and increases in the pollution levels of the backbays due to increased use of motorboats. (Philadelphia District). (63 pages). Comments made by: EPA, DOI, HEW, HUD, and State and local agencies, and concerned citizens. (ELR Order No. 61431.)

Beach Erosion Control, Presque Isle Peninsula, Pa., September 27: The proposed project is the construction of three partial breakwaters alone the north shore of Presque Isle State Park, to control beach erosion. The breakwaters along the north shore of Presque segments located 100 feet apart in 10 feet of water 1,000 feet offshore. An initial 1,600,000 cubic yard beach sand replenishment will be required. The project will destroy some lake bottom habitat, disrupt recreation, and affect the litoral drift of sandspits at Gull Point. (Buffalo District). (220 pages). Comments made by: USDA, DOC, EPA, DOI, DOT, and State and local agencies, and concerned citizens. (ELR Order No. 61409.)

Hay Creek Flood Control Project, Birdsboro, Pa., September 27: The project involves the construction of approximately 4,150 linear feet of levees and floodwalls along portions of Hay Creek. The East Main and East First Bridges will be raised by 6 and 4 feet respectively, to accommodate the levees and floodwalls. The Penn Central Railroad Bridge is to be modified by moving the center pier 16 ft. eastward so that it would be out of the Hay Creek channel. There will be temporary adverse effects of construction including traffic congestion, noise, and turbidity. (Philadelphia District.) (78 pages.) Comments made by: USDA, DOI, and State and local agencies, and concerned citizens. (ELR Order No. 61410.)

Neches River Salt Water Barrier, Jefferson County, Tex., September 27: The proposed action consists of the maintenance of a permanent barrier across the Neches River at the city of Beaumont to prevent intrusion of salt water to upstream freshwater supply intakes. The proposed barrier will consist of a gated dam in the river, a gated navigation bypass channel, an auxiliary dam in a small tributary bayou, an access road and service bridge, and other related works. Fifty-seven acres of land will be lost, and closure of the barrier will impede upstream migration of estuarine animals. (Galveston District.) Comments made by: USDA, HEW, DOI, EPA, DOT, State and local agencies, and concerned citizens. (ELR Order No. 61412.)

Richmond Flood Protection Measures, Va., September 30: Proposed is a flood protection plan for Richmond, Virginia. The statement recommends the construction of 2 floodwalls to protect the Shockoe Creek area and the South Side industrial and commercial area, designed for 39.5 feet m.s.l. at the Great Ship Lock or City Lock. A portion of the old Libby Prison site would be permanently covered by the wall on the north side, and a concrete gravity wall will cover an area of river bottom 900' x 50'. (Norfolk District). (60 pages). Comments made by: EPA, USDA, DOI, AHP, and State and local agencies, and concerned citizens. (ELR Order No. 61429.)

Virginia Beach Streams Canal No. 2, Va., September 30: Proposed is the improvement of the drainage canal between the Eastern Branch of the Lynnhaven River and Shipps Corner. The proposal consists of improving 2.3 miles and maintaining 2.2 miles of existing canal. Environmental impacts include loss of 7 acres of marsh, loss of benthos, temporary turbidity, potential alteration of salinity distribution, and alteration of succession in cypress-gum swamps of West Neck Creek. (Norfolk District). (63 pages). Comments made by: EPA, DOI, USDA, DOT, and State and local agencies, and concerned citizens. (ELR Order No. 61430.)

U.S. Route 209 Relocation, Pa., DWGNRA (S-1), Monro County, Pa., September 30: Proposed is the construction of Relocated U.S. 209, a four-lane, limited access highway to be constructed in two phases. Phase I consists of a two-lane, limited access facility having at-grade intersection. Phase II will result in construction of an additional two lanes when traffic conditions warrant and funds become available. Relocated U.S. 209 will start from near Bushkill, Pa. northward for 23 miles to its terminus near the U.S. Route 6 interchange with Interstate Route 84 just west of Milford, Pa. The highway relocation is authorized by Congress as part of the Tocks Island Lake Project. (Philadelphia District). (95 pages). (ELR Order No. 61434.)

NAVY

Supplement

Dredge R. Channel, USN Submarine Base, New London (S-2), Suffolk County, Conn., October 1: This statement supplements a final EIS filed in 1972. It describes continued dredging requirements of the Navy to insure the successful introduction of the new deep-draft SSN 688 class submarines at the USN Submarine Base, and also corrects deficiencies noted in the decision of the U.S. Circuit Court of Appeals in National Resources Defense Council et al. v. Callaway et al., dated September 9, 1975. Navy dredging requirements in support of the SSN 688 class submarines are projected over a ten-year period. (1800 pages). (ELR Order No. 61438.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, SW., Washington, D.C. 20460, 202-755-0780, (stop 460).

Supplement

Lead-Deadwood Sanitary Facilities (S-2), S. Dak., October 1: This statement supplements a final EIS filed with CEQ in 1972. Proposed is the construction of an advanced waste treatment facility and interceptor collector system for the Lead and Deadwood areas in the Black Hills. The plant will consist of secondary treatment plus ammonia and chlorine removal, and will provide the sewage treatment facilities the town currently lacks. Sludge disposal will be by truck haul to a landfill area near the Black Hills. Adverse effects include leaching problems, minor odors, and a variety of construction related impacts (Region VII) (310 pages). (ELR Order No. 61436.)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Draft

High Performance Fuel Laboratory, Hanford Reservation, Benton County, Wash., October 1: Proposed is the construction of a High Performance Fuel Laboratory (HPFL) at the ERDA Hanford Reservation in Richland, Washington. The HPL will provide a pilot scale facility to support the liquid metal fast breeder reactor program, and will be used to develop manufacturing processes for fuels comprising oxides of plutonium and uraniuu. The project will result in limited release of chemicals to waste ponds, loss of wildlife habitat, and degradation of air. (500 pages). (ELR Order No. 61440.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-275-4791.

Draft

Santee-Cooper Project No. 199, several counties, S.C., September 27: Proposed is the granting of a new license for the continued operation of South Carolina Public Service Authority's constructed Santee-Cooper Project No. 199, located on the Santee and Cooper Rivers in Berkely, Calhoun, Clarendon, Organgeburg, and Sumter Counties, South Carolina. The project consists of 110,600 acre Lake Marion impounded by Santee Dam on the Santee River, a 7.5 mile long Diversion Canal connecting Lake Marion to Lake Moultrie, and adjacent 60,400 acre reservoir impounded by Pinopolis Dam and several dikes, and a 4.5 mile long Tailrace Canal discharging into the Cooper River. Continued operation would perpetuate conditions modified over 35 years ago. (275 pages). (ELR Order No. 61418.)

Supplement

Alaska Natural Gas Transportation Systems (S-2), September 27: This supplement presents the results of a revised economic analysis, including the Northwest proposal, for the Alaska Natural Gas Transportation Systems, Alcan Pipeline Project. This work is based upon an improved model for estimating gross benefits that eliminates some of the deficiencies of the final ELS model. (21 pages). (ELR Order No. 61408.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7628, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Monte Brisas Development, Fajardo, Puerto Rico, September 29: Proposed is the approval of the third section of the Monte Brisas Development, Fajardo. This third and final section calls for the construction of 396 units on a 63.85 acre tract of land over a period of approximately 3 years. The project will also contain active and passive park areas, cultural and recreational facilities, and supporting community commercial facilities. Adverse effects include construction disruption, and increased solid waste collection and disposal activity. (ELR Order No. 61426.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

Timber Management Program, September 27: Proposed is a 10-year timber management program on 22.9 million acres of forest land in the Western United States. Only the program thrust of the major area, western Oregon, is described in the statement. The plan includes harvest of mature timber, road construction, salvage of dead trees, commercial thinning of marketable trees, site preparation and reforestation, and mechanical and chemical forms of protection for the trees. Adverse impacts include massive soil movements due to clearcutting and partial cutting, interruption of natural succession of forest vegetation, and disruption of aquatic life due to stream channel changes. (594 pages). Comments made by: EPA, USDA, HEW, AHP, DOI, and State and local agencies, and concerned citizens. (ELR Order No. 61414.)

BUREAU OF RECLAMATION

Draft

Savery-Pot Hook Project, Colorado & Wyoming, September 28: The proposed Savery-Pot Hook Project would involve the construction of two earthfill dams and two conveyance systems in the Little Snake River Basin in south-central Wyoming and northwest Colorado. It would supply water for irrigation and benefit fisheries, recreation, and flood control. A 6-year construction period is anticipated. Adverse effects include the inundation of good stream fisheries, and intrusion upon the natural setting by man-made structures. Three families would be required to relocate. (205 pages). (ELR Order No. 61419.)

Final

Dallas Creek Project, several counties Colo., September 28: The proposed project calls for the construction of two earthfill dams and water collection and delivery systems in the Uncompahgre River Basin, Colorado. This project would supply water for irrigation, municipal, and industrial use, as well as benefit fisheries, recreation, and flood control. Adverse effects include the reduction of wildlife habitat and hunting opportunities by the inundation of 1,030 acres of land and the acquisition of 1,000 acres of land for an intensive wildlife management area. (410 pages). Comments made by: AHP, HEW, HUD, DOI, USDA, COE, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 61425.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, (301) 492-7373.

Final

Manufacture of Floating Nuclear Power Plants, Sept. 30: The statement is the second of two separately prepared environmental statements relating to the proposed siting and operation of floating nuclear power plants in the coastal waters of the Atlantic Ocean and the Gulf of Mexico. The previous statement covered the siting and operation of the offshore facility located at Blount Island, and this generic statement concerns the environmental considerations of siting and operation of floating nuclear power plants in general. Adverse impacts discussed include only those unique to offshore siting, specifically dredging and once-through cooling systems. (550 pages). Comments made by: AHP, USDA, COE, DOC, HUD, DOI, DOT, TREA, ERDA, OEO, and State and county agencies, and concerned citizens. (ELR Order No. 61435.)

Marble Hill Nuclear Generating Station, Units 1 and 2, Jefferson County, Indiana, Sept. 27: The proposed action is the issuance of construction permits to the Public Service Company of Indiana, Inc., for the construction of the Marble Hill Nuclear Generating Station, Units 1 and 2. The MH 1 & 2 stations will employ two pressurized water reactors to produce up to 3425 MWt and 2360 MWe each. The exhaust steam will be cooled by mechanical draft cooling towers with make-up water obtained from and discharged to the Ohio River. Construction of the plant will disturb 250 acres of forest and cropland, and transmission lines constructed by the applicant will require about 3475 acres of land for the corridors. (375 pages). Comments made by: USDA, AHP, COE, DOC, HEW, HUD, DOT, ERDA, EPA, FPC, FEA, and State and local agencies and concerned citizens. (ELR Order No. 61417.)

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TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755-2002.

Draft

Phipps Bend Nuclear Plant, Units 1 & 2, Hawkins County, Tennessee, Sept. 30: Proposed is the construction and operation of a 2-unit nuclear plant in Hawkins County, Tennessee. Operation of the closed-cycle cooling towers will result in evaporation of water and release of heat and minor amounts of particulates into the air. A small amount of land will be converted from agricultural to industrial use. (370 pages). (ELR Order No. 61428.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Schuyler Municipal Airport, Nebraska, Colfax County, Nebraska, Sept. 29: Proposed is the approval of an airport site and a 20-year development plan for a general utility airport at Schuyler, Nebraska. Land (370 acres) will be taken out of crop production for airport use. Adverse effects include increases in noise and emission levels in the immediate area of the airport, and the displacement of some wildlife. (130 pages). (ELR Order No. 61427.)

Final

Harry S. Truman, Airport, St. Thomas, Virgin Islands, Sept. 28: The proposed project involves the construction of a new Runway 9-27, 7,000×150 feet with parallel taxiway and attendant facilities, 1,200 feet of extended safety areas, installation of lighting and landing aids, a commercial terminal and cargo area on hydraulic fill, new general aviation facilities, construction of access road, fencing, and the removal of obstructions to air navigation. Construction of the project will alter the configuration, esthetics and ecology of Brewer's Bay. The associated dredging and filling operation will impact a total of 408 acres of the marine environment. (614 pages). Comments made by: DOI, EPA, COE, FHWA, HEW, HUD, DOC, State and local agencies, and concerned citizens. (ELR Order No. 61407.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-29616 Filed 10-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 628-8; OPP-30122A]

ELANCO PRODUCTS CO.

Application To Register Pesticide Product Containing New Active Ingredient

On September 20, 1976, the Environmental Protection Agency (EPA) announced (41 FR 40550) that Elanco Products Co., Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206, had submitted an application to register the pesticide product SWARD 50W (EPA File Symbol 1471-RNA), containing 50 percent of the active ingredient prosulfalin [N-[[(4-dipropylamino)-3,5-dinitrophenyl] sulfonyl]-S,S-dimethylsulfilimine] which has not been included in any previously registered pesticide products. The application received from Elanco Products Co. proposed that the product be classified for general use as a turf herbicide.

Application for registration of the technical grade product had not been submitted by Elanco Products. Co. prior to their application with regard to SWARD 50W. Therefore, notice is given at this time that Elanco Products Co. has submitted an application to register PROSULFALIN TECHNICAL (EPA File Symbol 1471-RNT), which contains 95% of the active ingredient prosulfalin, which has not been included in any previously registered pesticide products. PROSULFALIN TECHNICAL is intended for use in the formulation of other pesticide products.

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.), and the regulations thereunder. Notice of receipt of this application is given in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal Agency or other interested persons are invited to submit comments on these applications to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before November 4, 1976, and should bear the EPA file symbols cited. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the applications. Specific questions concerning these applications should be directed to Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone at 202/755-2196.

Notice of approval or denial of these applications to register PROSULFALIN TECHNICAL and SWARD 50W will be announced in the FEDERAL REGISTER. The labeling furnished by Elanco Products Co., as fell as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 4, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-29709 Filed 10-7-76;8:45 am]

[FRL 628-2]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., October 28-29, 1976, in the Administrator's Conference Room (Room 1101), Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

This is the tenth meeting of the Ecology Advisory Committee. The agenda includes a report on the Science Advisory Board's activities; review of EPA's National Ecology Research Plan 1978-1982; response to the Committee's September 13, 1976, Advisory Statement, "Ecosystem Research Can Save Money"; discussion of the feasibility study of the possible containment or removal of kepone contaminants in the James River; ecological problems in the Office of Water and Hazardous Materials; discussion of items for the Committee's future consideration; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

OCTOBER 1, 1976.

[FR Doc.76-29703 Filed 10-7-76;8:45 am]

[FRL 628-1]

ENVIRONMENTAL MEASUREMENTS ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Measurements Advisory Committee will be held beginning at 8:30 am November 1 and 8:00 am November 2, 1976, in the auditorium of the U.S. Environmental Protection Agency's Environmental Research Center, Research Triangle Park, North Carolina.

This is the third meeting of the Committee. The agenda includes current activities of the Science Advisory Board; presentations by laboratory and program directors of the Center describing current measurement, instrumentation, and monitoring activities; comments on an interim method of determining the asbestos content of water samples; progress toward the establishment of a subcommittee to provide advice and assistance in the study of emissions from automotive catalytic exhaust control devices; a briefing on the activities of agency Standing Working Groups on Air and Water Monitoring; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain additional information should contact Dr. A. F. Forziati, Executive Secretary, Environmental Measurements Advisory Committee, (703) 557-7720 by close of business on October 28, 1976.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

OCTOBER 1, 1976.

[FR Doc.76-29702 Filed 10-7-76;8:45 am]

[FRL 628-4]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9 am on November 3 and 4, 1976, at the U.S. Environmental Protection Agency, Region IX, Conference Rooms A, B, and C (2nd floor), 100 California Street, San Francisco, California 94111.

The purpose of the meeting will be to discuss two New Source Performance Standards to be proposed under sec. 111 of the Cleah Air Act—hydrocarbon emissions from degreasing facilities and revision to the nitrogen oxide standard for fossil fuel-fired steam generators. A third item on the agenda will be a discussion of simplifying the data collection and technical documentation in the development of the new source performance standards.

Also on the agenda is a discussion of the revision of the standard of performance for primary aluminum reduction plants, which was promulgated on January 26, 1976 (41 FR 3826). In August 1976, the Anaconda Co., Aluminum Division, submitted to the Administrator information on fluoride emissions and a request to revise the standard of performance. Based on information submitted in support of this request and a preliminary Environmental Protection Agency investigation at an Anaconda aluminum plant, the Agency is reconsidering the standard of performance. Petitions for review of this standard of performance filed by the Aluminum Co. of America, National Steel Corp., Kaiser Aluminum and Chemical Corp., and Revere Copper and Brass Inc. are also currently pending in the United States Court of Appeals of the District of Columbia.

All meetings are open to the public. Anyone wishing to attend or submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The area code and telephone number are (919) 688-8146, extension 271.

Date: October 1, 1976.

ROGER STRELOW,
Assistant Administrator for
Air and Waste Management.

[FR Doc.76-29704 Filed 10-7-76;8:45 am]

[FRL 629-1]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Pursuant to Public Law 92-423, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Public Law 93-523, the "Safe Drinking Water Act," will be held at 9:00 a.m., October 27, 1976, in Room 402, and at 8:30 a.m., October 28, 1976, in Room 436, Statler Hilton Hotel, Park Square at Arlington Street, Boston, Massachusetts 02203.

The purpose of the meeting will be to discuss the status of the Environmental Protection Agency's current work on organics in drinking water and the responses to EPA's Adanvce Notice of Proposed Rule Making for the control of organics in drinking water. The background, purpose, and public comments on EPA's proposed Underground Injection Control Regulations will be discussed. In addition, regional water supply problems will be addressed.

The meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of the meeting time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH-550), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The telephone number is: Area Code 202/426-8847.

EDWIN L. JOHNSON,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.76-29797 Filed 10-7-76;8:45 am]

[FRL 628-6; OPP-33000/468]

PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

V 41 1976 OCT 8 76 UM

PM 11, 12, & 13—202/755–9315	PM 15, 16, & 17—202/426–9425
PM 21 & 22—202/426–2454	PM 23—202/755–1397
PM 24—202/755–2196	PM 25—202/426–2632
PM 31—202/426–2635	PM 32—202/426–9486
PM 33—202/755–9041	PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before December 7, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before November 8, 1976.

Dated: October 5, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/468)

EPA Reg. No. 16–58. Dragon Chemical Corp., PO Box 7311, Roanoke VA 24019. DRAGON 5% MALATHION DUST. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 59–119. Cooper Div., Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park NC 27709. 4% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 100–455. Ciba-Geigy, Agricultural Div., PO Box 11422, Greensboro NC 27409. MILOGARD 80W. Active Ingredients: Propazine: 2-chloro-4,6-bis (isopropylamino)-s-triazine 80%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 148–359. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. MALATHION DUST NO. 5. Active Ingredients: Malathion 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 148–1016. Thompson-Hayward Chemical Co. 4% MALATHION DUST. Active Ingredients: Malathion 4.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 148–1120. Thompson-Hayward Chemical Co. DED–WEED MCPA AMINE SALT. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 148–REAG. Thompson-Hayward Chemical Co. DED–WEED MCPA—RICE AMINE SALT. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 228–143. Riverdale Chemical Co., 220 E. 17th St., Chicago Heights IL 60411. RIVERDALE MCP. Active Ingredients: Dimethylamine Salt of 2-methyl-4-chlorophenoxyacetic acid 52.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 239–1281. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHO DIBROM 8 EMULSIVE. Active Ingredients: Naled 58%; Xylene 20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 239–2410. Chevron Chemical Co. ORTHO MCP 4 WEED KILLER. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 264–47. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDAR MCPA CONCENTRATE. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 264–GNR. Amchem Products, Inc. WEEDAR MCPA CONCENTRATE. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 264–55. Amchem Products, Inc. WEEDAR SODIUM MCPA. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 264–GNE. Amchem Products, Inc. WEEDAR SODIUM MCPA. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 264–240. Amchem Products, Inc. WEEDONE MCPA ESTER. Active Ingredients: Butoxyethanol ester of 2-methyl-4-chlorophenoxyacetic acid 66.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 264–GNG. Amchem Products, Inc. WEEDONE MCPA ESTER. Active Ingredients: Butoxyethanol ester of 2-methyl-4-chlorophenoxyacetic acid 66.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 299–105. C. J. Martin Co., 606 W. Main St., Nacogdoches TX 75961. 5% MALATHION DUST. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 449–104. Techne Corp., c/o Farmland Industries, Inc., Box 7305, Kansas City MO 64116. TECHNE DRI–DUST INSECTICIDE. Active Ingredients: Malathion (O,O-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.0%; Sulphur 17.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 550–45. Van Waters & Rogers, Box 3200 Rinconannex, San Francisco CA 94119. GUARDSMAN MALATHION 5% DUST. Active Ingrdeients: Malathion [O,-O-dimethyl dithiophosphate of diethyl mercaptosuccinate] 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. No. 595–161. Haviland Agricultural, 1845 Sterling, N.W., Grand Rapids MI 49504. HAVILAND MALATHION DUST NO. 4. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 595–222. Haviland Agricultural. HAVILAND MALATHION DUST NO. 5. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 606–23. The Corn King Div., King Castle, Inc., PO Box 189, Marion IA 52302. CORN KING DRY INSECTICIDE. Active Ingredients: Malathion 4.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 677–GGT. Diamond Shamrock Corp., Agricultural Div., Union Commerce Bldg., Cleveland OH 44114. DACONIL 2787 FUNGICIDE (75% WETTABLE POWDER) FOR ORNAMENTAL TURF AND ORNAMENTALS. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 677–229. Diamond Shamrock Corp. BLAZON FUNGICIDE (75% WETTABLE POWDER). Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 677–282. Diamond Shamrock Corp. BRAVO W–75 (75% WETTABLE POWDER) AGRICULTURAL FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 677–326. Diamond Shamrock Corp. CHLOROTHALONIL FLOWABLE 2.88. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 2.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA File Symbol 707–RGE. Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105. KATHON WT. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one 8.6%; 2-Methyl-4-isothiazolin-3-one 2.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 802–138. The Chas. H. Lilly Co., 7737 N.E. Killingsworth, Portland OR 97218. MILLER'S MCP AMINE 4. Active Ingredients: Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic acid 52%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 829–69. Southern Agricultural Insecticides, Inc., PO Box 218, Palmetto FL 33561. SA BRAND 50 4% MALATHION DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 829–75. Southern Agricultural Insecticides, Inc. SA BRAND 50 25% MALATHION WETTABLE SPRAY CONCENTRATE. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 908–42. Capitol Chemical Co., 5455 Butler Rd., Washington DC 20016. CAPITOL DDVP–CONCENTRATE. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate 46.5%; Related Compounds 3.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM13

EPA Reg. No. 1023–23. Upjohn Co., 7171 Portage Rd., Kalamazoo MI 49001. ENIDE 50W DIPHENAMID. Active Ingredients: Diphenamid (N,N - Dimethyl - 2,2 - diphenylacetamide) 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1023–38. The Upjohn Co. ENIDE DICHONDRA & ORNAMENTAL WEED CONTROL. Active Ingredients: Diphenamid (N,N - dimethyl - 2,2 - diphenylacetamide) 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1145–127. Amoco Oil Co., 200 E. Randolph Dr., Chicago IL 60601. AMOCO MCPA WEED KILLER–M. Active Ingredients: Dimethylamine salt of 2-Methyl-4-Chlorophenoxyacetic acid—MCPA 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1159–189. Seacoast Laboratories, Inc., 257 Highway 18, PO Box 157, East Brunswick NJ 08816. TWIN LIGHT GRANULAR TURF FUNGICIDE CONTAINS CHLOROTHALONIL. Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 1159–115. Seacoast Laboratories, Inc. TWIN LIGHT MALATHION 4% DUST. Active Ingredients: Malathion 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1159–119. Seacoast Laboratories, Inc. TWIN LIGHT MALATHION 25% WETTABLE POWDER. Active Ingredients: Malathion 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1202–83. Puregro Co., 1025 W. 6th St., Los Angeles CA 90017. MALATHION 25W. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1202–119. Puregro Co., 1111 W. 6th St., Los Angeles CA 90017. PHOSDRIN 2 DUST. Active Ingredients: Alpha Isomer of 2 - Carbomethoxy - 1 - Methylvinyl Dimethyl Phosphate 1.2%; Related Compounds 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1202–155. Puregro Co., 1052 W. 6th St., Los Angeles CA 90017. PUREGRO MALATHION 4 DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

[FR Doc.76–29707 Filed 10–7–76;8:45 am]

[FRL 628–7; OPP–50262]

ROHM AND HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 707–EUP–80. Rohm and Haas Company, Philadelphia, Pennsylvania 19105. This experimental use permit allows the use of 9,000 pounds of the herbicide 2,4-dichlorophenyl p-nitrophenyl ether on wheat to evaulate control of various weeds. A total of 2,925 acres is involved; the program is authorized only in the States of Arizona, California, and Oregon. The experimental use permit is effective from September 23, 1976, to October 4, 1977. A temporary tolerance for residues of the active ingredient in or on wheat has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 5, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–29708 Filed 10–7–76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

PUBLIC HEARING

OCTOBER 5, 1976.

The National Commission on Supplies and Shortages hereby announces the date, time, and location of its previously-announced public hearing. The hearing will be held on Wednesday, October 13, in Room 2010, New Executive Office Building, 726 Jackson Place, NW, Washington, DC. The hearing will begin at 9:30 am and run through 5:30 pm with a break for lunch. The tentative list of witnesses and the subjects they will cover are as follows:

General Issues

9:30–11:30 — Mr. Edgar R. Fiedler, Vice President, Economic Research, The Conference Board.
Mr. Jack Carlson, Salt Lake City, Utah (Former Assistant Secretary for Energy and Minerals, Department of Interior).
Ms. Jocelyn Gutchess, Senior Associate, Ruttenberg, Friedman, Kilgallon, Gutchess and Associates, Inc.

The International Perspective

11:30–12:30 — Dr. Timothy Stanley, President, International Economic Policy Association.
Dr. C. Fred Bergsten, Senior Fellow, The Brookings Institution.

Materials Information

1:30–3:30 — Dr. William L. Fisher, Assistant Secretary for Energy and Minerals, Department of the Interior.
Dr. James Boyd, President, Materials Associates.
Michael West, Editorial Director, Mining Journal.

Economic Stockpiling

3:30–4:30 — Mr. Paul E. Kindig, Manager, Material Resource and Traffic Operation, General Electric Company.
Mr. R. D. Coursen, Director, The Malayan Tin Bureau.
Mr. William Lawrence, Vice President, Willking International.

OTA Studies

4:30–5:00 — Mr. Emilio Q. Daddario, Director, Office of Technology Assessment.

Recycling

5:00–5:30 — Mr. A. Blakeman Early, Environmental Action, Inc.

The above list is subject to change. A final witness list will be made available on the day of the hearing.

Several individuals have expressed a desire to submit statements for the record. The Commission welcomes such statements and will accept any received on or before Wednesday, October 20, 1976. All written statements plus a summary of the hearing transcript will be published by the Commission as an addendum to its final report.

GEORGE C. EADS,
Executive Director.

[FR Doc.76–29685 Filed 10–7–76;8:45 am]

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NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

MEETING

A meeting of the National Commission on New Technological Uses of Copyrighted Works will be held at 10 a.m. on October 21, and 9 a.m. on October 22, 1976, at the offices of the Commission, located in Room 910, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. The proceedings will be devoted to the presentation of testimony providing information relating to the problems of photocopying of copyrighted materials.

Various invited witnesses will testify on their ongoing activities relating to this subject. This is the first in a number of fact-finding hearings which will be held on the photocopying issue. The hearings will be open to the public.

All members of the public, including representatives of groups concerned, are invited to submit requests to present testimony in future hearings on this subject. Such request should be accompanied by brief written statements identifying the individual or group requesting to testify on the issue of photocopying of copyrighted materials and the evidence desired to be given.

All such requests should be addressed to Robert W. Frase, Assistant Executive Director, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director.

[FR Doc.76-29746 Filed 10-7-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FEDERAL POLICY ON LIQUEFIED NATURAL GAS (LNG) IMPORTS

Public Hearing

The Federal Energy Administration (FEA), on behalf of the Energy Resources Council (ERC), hereby announces it will conduct public hearings and receive public comments on selected issues associated with Liquefied Natural Gas (LNG) imports.

In his energy message of February 26, 1976, the President stated imports of liquefied natural gas (LNG) could be expected to grow to supplement our declining domestic supply of natural gas and directed the ERC to implement a new national policy which would balance energy needs with the assurance that the United States would not become overly dependent on LNG imports.

The ERC established an inter-agency task force to investigate various aspects of LNG imports, including such issues as the potential world market in LNG, the implications of dependence upon LNG imports on various regions of the U.S., and the impact of domestic energy decisions on LNG import policy.

Upon completion of this initial effort, the ERC, on August 5, 1976, issued a policy statement elaborating on the President's LNG policy. This statement included guidance on such issues as import dependency, pricing, government financing of LNG projects, and contingency planning in the event of supply cutoff.

The ERC also identified certain additional issues which would require further analysis and directed the Task Force to investigate these issues and report its findings to the ERC. These additional issues are (1) the procedures and problems associated with the siting and safety of LNG terminals and (2) the design dimensions and implementation of supply contingency plans.

In conducting its analysis, the ERC is interested in obtaining input from all interested persons. To this end the ERC and FEA are particularly interested in obtaining at the hearing, data, views and arguments on the following questions:

1. Procedures & Problems Associated with LNG Terminal Siting and Safety.—What are the major procedural and substantive problem areas in obtaining full approval for terminal sites and what actions could be taken to mitigate them?

To the extent that overlaps or gaps in authority exist among Federal agencies, and between Federal and state/local agencies, what is the impact?

How can the LNG import site approval process be streamlined?

What has been the impact of delays in obtaining approval for these LNG import projects?

What are the major unresolved questions or problems with respect to safety, and what may be needed to resolve them?

Would a uniform set of criteria or guidelines or increased Federal analytical efforts assist in the resolution of some or all of these problems?

How do safety issues affect the siting of facilities?

Should LNG facilities be concentrated in a few sites or should they be dispersed?

2. *Supply Contingency Plans.*—What specific techniques or procedures should be included in a supply contingency plan? Interested parties should address the following:

Length of supply interruption for which a contingency plan should be designed.

Establishing additional gas reserves (either LNG or gas storage).

Mandatory exchange agreements with pipeline interconnections where such interconnections do not exist or are inadequate as to size or location.

Stand-by mandatory authority for allocating gas supplies among gas pipeline and distribution systems.

Use of SNG or propane/air plants to provide contingency supplies.

Methodology for planning, designing and operating a contingency plan, including who is to bear that cost.

What would be the effect of requiring such plans on proposed LNG projects?

The public hearings will be held at 9:30 a.m., e.d.s.t. on October 26, 1976, and will continue, if necessary, on October 27, 1976, in Room 3000A, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

Any person who has an interest in this proceeding, or who is a representative of a group or class of persons that has an interest in it may make a written request for an opportunity to make an oral presentation at the hearing. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t. on October 15, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why she or he is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 22. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.s.t., October 18 and should submit 100 copies of his or her statement to FEA, Room 3309, 12th and Pennsylvania Avenue, N.W., before 4:30 p.m., e.d.s.t., on October 22.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings, and there will be no cross-examination of persons presenting statements.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Interested persons who do not intend to participate in the hearings, or who wish to submit additional information, are invited to submit written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Such written comments should specify Box JG, at the address set forth above, and should be identified on the outside of the envelope and on documents submitted with the designation, "LNG Import Policy."

Fifteen copies should be submitted. All comments received by October 26, 1976, and all relevant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to the determination.

Issued in Washington, D.C., October 6, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29792 Filed 10-7-76;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

CROSS REFERENCE: For a document regarding the priorities assistance and allocations support under the Defense Production Act of 1950, as amended, for the development and production of Alaska North Slope oil resources, see FR Doc. 76-29543 appearing in the Notices Section of this issue.

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

OCTOBER 4, 1976.

Pursuant to section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, November 29, 30, and December 1, 1976. The meeting will commence at 9 a.m. on November 29, at 9 a.m. November 30, and 9 a.m. December 1. The locations of the meetings are listed below.

MONDAY, NOVEMBER 29

9:30 a.m., Valley Forge Room, Hyatt Regency Washington.
The intent of present insurance regulations relative to:
1. Market value appraisal.
2. The accounting treatment of loss reserves under the AICPA Audit Guide.
3. The effect if FASB-12 Market Value Accounting is expanded to include debt securities.
FHL Bank Board investment in service corporations financing low and moderate income projects.
Review of service charges on savings accounts.
Up-date on Mortgage Corporation regarding inner city lending and multi-family advance commitments.
Federal Home Loan Bank Board responsibilities under Federal Home Loan Mortgage Disclosure Act, Truth in Lending Act, Fair Credit Reporting Act, Flood Insurance Act, and similar acts.
2 p.m., Federal Home Loan Bank Board Building.
Role of holding companies in the S&L industry.
Expansion of list of securities eligible as liquid assets.
Review of scheduled items:
a. Real estate transferred to service corporations.
b. Mobile homes "slow loans."
c. Modification of construction loans on 1-4 unit properties.
d. Slow loan definition—time element.
Restatement of the importance of the FHLB System to the housing industry.
Federal Home Loan Banks' dividend policy.
Capital adequacy.
Establish farm loan category.

TUESDAY, NOVEMBER 30

9 a.m., Federal Home Loan Bank Board Building.
Continued discussion of Monday afternoon topics.
2 p.m., Columbia Room A, Hyatt Regency Washington.
General Discussion.

WEDNESDAY, DECEMBER 1

9 a.m., Columbia Room C, Hyatt Regency Washington.
General Discussion.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

GARTH MARSTON,
Acting Chairman.

[FR Doc.76-29654 Filed 10-7-76;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTICA, S.P.A. CONSORTIUM

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 25, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C.

Agreement No. 9958-3, among the members of the above-named agreement, previously appeared in the FEDERAL REGISTER of July 8, 1976, Vol. 41, No. 132, page 28011. This amendatory agreement has now been modified to delete Canadian Pacific Steamship Limited as a party and to add to the geographic scope of the basic agreement. French ports in the Bay of Biscay from Les Sables d'Olonne to the Spanish border.

By Order of the Federal Maritime Commission.

Dated: October 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29665 Filed 10-7-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR Part 542.

Certificate No.	*Owner/operator and vessels*
01011---	Aktieselskabet Det Ostasiatiske Kompagni: *Morella.*
01015---	A/S Rederiet Odfjell: *Bow Star.*
01233---	Buries Markes Limited: *La Cumbre.*
02163---	J. Lauritzen A/S. *Evita Dan.*
02243---	Astramar Compania Argentina de Navegacion Sociedad Anonima Comercial: *Astrapatricia.*
02295---	The Great Eastern Shipping Co. Ltd.: *Jag Dharma.*
02436---	Alexander Shipping Company Limited: *Lynton Grange.*
02610---	Peter Dohle Schiffahrts K.G.: *Sagitta.*
02727---	Societe Maritime Des Petroles BP: *Chaumont.*
02734---	Italia Societa Per Azioni Di Navigazione: *Acadia, Andrea Gritti.*
02889---	Showa Kaiun K.K.: *Sensho Maru.*
02959---	Kokuyo, Kaiun K.K.: *Chitosegawa Maru.*
02976---	Arthur-Smith Corporation: *Star Shamrock.*
03064---	Societe Navale Gaennaise: *Phryne, Antee*
03280---	Det Forenede Dampskibs-Selskab A/S: *Drachenfels.*
03432---	Hinode Kisen K.K.: *Kasuga Maru.*
03477---	Nissui Shipping Corporation: *Matsushima Maru, Matsushima Maru No. 2, Matsushima Maru No. 3, Nippon Maru, Nippon Maru No. 3, Amazon Maru, Sachikaze Maru, Kazushima Maru, Suzukaze Maru.*
03484---	Sanko Kisen K.K.: *Hakko Maru, Bunko Maru, Shuko Maru.*
03636---	Smith-Rice Company: *Super Scoop.*
03744---	Ocean Fisheries Inc.: *South Pacific.*

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No.	Owner/operator and vessels
	Cumbre.
03836---	Spicena Piovba: *Maribor.*
03837---	N.M. Paterson & Sons Limited: *Soodoc.*
03865---	Oceanic Navigating Co., Ltd.: *Frigora.*
04099---	Waterways Marine of Memphis, Inc.: *JIH–44.*
04173---	Foss Launch & Tug Co.: *Foss 180.*
04196---	Otto Candies Inc.: *OC–254, OC–255.*
04242---	Astro Dichoso Compania Naviera S.A.: *Dirphys II.*
04276---	Rivtow Straits Limited: *Powell Carrier.*
04299---	Erie Navigation Company: *Atlas Traveler.*
04793---	Snam S.P.A.: *Agip Monfalcone, Agip Lazio.*
05208---	Gaelic Tugboat Company: *Court-Land.*
05271---	Compania Chilena De Navegacion Interoceanica: *Aysen.*
05577---	Far Eastern Shipping Company: *Khudozhnik Zhukov, Yuriy Savinov.*
05631---	Manson Construction & Engineering Co.: *Manson 40.*
05636---	Takashiromaru Kaiun Kabushiki Kaisha: *Takashiro Maru No. 28.*
06130---	Northern Shipping Co.: *Kapitan Glazachev.*
06248---	Commercial Corporation "Sovrybflot": *Zharkij.*
06676---	Overseas Maritime Limited: *Grace Boeing.*
07255---	Teh Tung Steamship Co. Ltd.: *Splendid Albatross.*
07550---	Erato Shipping Inc.: *Golden Pine.*
07598---	Vroon Shipping (Liberia) Limited: *Merino Express.*
07640---	Exxon Company U.S.A.: *CTCO 190–7, CTCO 192–7, Exxon Barge No. 331.*
07880---	Logicon, Inc.: *Logicon 2701.*
08045---	Nagan (Panama) S.A.: *Attica.*
08172---	Teleglobe Canada: *John Cabot.*
08377---	Tri-Ocean Shipping Corporation Ltd.: *Oji Gloria.*
09003---	Vtg Vereinigte Tanklager und Transportmittel Gmbh: *Burgtor.*
09371---	Bilbo E. Williamson: *GTC–5.*
09786---	Rederij H. & P. Holwerda *Roelof Holwerda.*
10260---	Hollywood Marine, Inc.: *Hollywood 7001.*
10303---	Almare Societa Di Navigazione S.P.A.: *Almare Quarta.*
10433---	Estonian Shipping Company: *Andrej Andreev.*
10434---	Chelsea Navigation Co., Inc.: *Paola X.*
10460---	Steelside Navigation Co., Ltd. S.A.: *Katori.*
11065---	M.R.L. Barge Service Inc.: *MMS 101, MMS 102.*
11289---	Sajo Industrial Co. Ltd.: *Oryong No. 32.*
11391---	Atunera Del Golfo, S.A.: *Moby Dick III*
11489---	Maritime Shipping Corporation: *Ytai.*
11518---	Sabah Pacific Shipping Co., S.A.: *Loi Kim.*
11519---	Pan-Arab Shipping Co.: *Abulfeda.*
11569---	Jorgen P. Jensen Rederi A/S: *Wangkoll, Wangli, Wangskog.*
11574---	Arctic Transportation Ltd.: *Arctic Taglu, Arctic Hooper.*
11580---	Polyegos Shipping Co. Inc.: *Kate A.*
11581---	Berenice Compania Naviera S.A.: *Andria.*
11603---	Charterhouse Shipping Co. Ltd.: *Nafsika.*
11615---	Naviera Devalmar C.A.: *San Cayetano.*
11617---	Dampskibsaktieselskabet Laly: *Leal.*
11650---	Action Shipping Co. S.A.: *Astoria.*
11657---	Megaron Shipping Ltd.: *Ridgeway.*
11658---	Costonco Compania Naviera S.A.: *Soula C.*
11661---	Excelsior Maritime Limited: *Spirit of 77.*
11667---	Ingram Transportation Co.: *Clarence G. Frame, 1B1102B, 1B1103B, 1B2003L, 1B2004T, 1B2005L, 1B2006T, 1B2302B, 1B2303B.*
11677---	Aegean Sky Inc.: *Blue Zoe.*
11689---	Kawasaki (HK) Ltd.: *Taiwan Phoeniz, Hongkong Phoeniz, Korea Phoeniz.*
11691---	Estrella Verde S.A.: *Corinthian Star.*
11692---	Eleftheria Niki Companla Naviera S.A.: *Eleftheria Niki.*
11695---	Trans World Seaway Co. Ltd.: *World Hercules.*
11699---	Tanaga Shipping Co. S.A.: *Despina R.*
11700---	CF Petroleum Company: *Gary.*
11701---	Chi Ho Navigation S.A.: *Chi Ho.*
11703---	Aichi Ken: *Aichimaru.*
11704---	Marinsigne Armadora S.A.: *Pentalon.*
11705---	Valera Compania Naviera S.A.: *Areti S.*
11706---	Kepmount Shipping (PTE) Ltd.: *Kahikatea.*
11707---	Akraris Shipping Corp. S.A.: *Akra Sigri.*
11709---	Kalamaras Shipping Inc.: *Ceuta.*
11711---	Simon Mokster: *Hystein.*
11717---	Republic Marine Carriers Inc.: *C.R. Clements, Sam B. Thomas.*
11718---	Sotiras Maritime Corp.: *Kalliopi.*
11719---	Captain Steven Scott, Inc.: *Caribe.*
11720---	Komiton S.A.: *Ilena.*
11721---	Tepeleni Compania Naviera S.A.: *Poseidon.*
11722---	Sami Maritime Corp.: *Nikos.*
11726---	Oceanic Princess Maritime Co. S.A.: *Princess I.*
11727---	Highseas Navigation Corp. S.A.: *Nanwu.*
11728---	Taiko Suisan Kabushiki Kaisha: *Taiko Maru No. 11.*
11731---	Fredericksburg Shipping Co.: *Fredericksburg.*
11732---	Alavuden Puunjalostustehdas Oy: *Kuurtanes.*
11733---	East Seas Shipping Inc.: *Newton.*
11736---	Bayolena Compania Naviera S.A.: *Vasilis.*
11739---	Midas Shipping Corp.: *Midas Arrow.*
11740---	Midas Maritime Corp.: *Midas Prince.*
11741---	Midas Navigation Corp.: *Midas Rhein.*
11747---	Irish Sea Operators: *Kerry.*
11748---	Lindinger Ruby K/S: *Lindinger Ruby.*
11749---	Pactolus Compania Naviera S.A.: *Cleanthes.*
11752---	Seaways Oil Transport Ltd.: *Andros Tanker.*
11753---	Interessentskapet Grey Master: *Grey Master.*
11754---	Perca Asiatica S.A.: *Toyu Maru.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29662 Filed 10-7-76;8:45 am]

[Docket No. 76-55]

MATSON NAVIGATION CO.

Petition for Declaratory Order

Notice is hereby given that Matson Navigation Company has petitioned the Commission for a declaratory order regarding capitalization of the cost of funds used to finance the construction of a new vessel.

Matson Navigation Company (Matson") is a common carrier of property by water, operating, among other routes, between ports of the Pacific Coast of the United States and ports of the State of Hawaii. Matson has a new containership under construction by Bath Iron Works Corporation under a contract contemplating progress payments during construction.

Matson Navigation Company ("Mat-

(1) Authorizing it to capitalize, as a part of the capital cost of the vessel, the cost to Matson, during the construction period, of funds used to finance the construction of such new containership;

(2) Stating that such capitalized cost of funds will be recognized by the Commission as part of Matson's investment in the vessel for ratemaking purposes;

(3) Stating that such ruling will be applicable to any subsequent use by Matson of funds used for construction of other vessels, subject to such amendment or modification thereof as may be made by the Commission from time to time.

Matson requests that the Commission determine the cost of funds to be capitalized as (a) actual interest paid on funds borrowed to meet construction costs, and (b) income foregone by Matson on other funds used to meet construction costs, calculated at the average rate earned during the preceding calendar month on funds from which such other funds are withdrawn. Matson requests, however, that the Commission defer ruling as to the capitalization of income foregone on funds representing deferred income taxes.

By means of this notice interested persons, including the Commission's Bureau of Hearing Counsel, are invited to comment on the petition. Any such comments, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before October 26, 1976. Any person desiring a hearing on the petition shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. A copy of any such comments shall be forwarded to counsel for petitioner, David F. Anderson, 100 Mission Street, San Francisco, California 94105.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L St., NW., Room 11409; or may inspect the petition at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29664 Filed 10-7-76;8:45 am]

[Docket No. 69-75; Agreement No. T-2336]

NEW YORK SHIPPING ASSOCIATION COOPERATIVE WORKING ARRANGEMENT

Action; Correction

OCTOBER 4, 1976.

In the Commission's notice served in this proceeding September 20, 1976 and published in the FEDERAL REGISTER September 23, 1976 (41 FR 41749) the word "divided" which appears in the third sentence should read "multiplied".

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29663 Filed 10-7-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-9947, et al.]

ASHLAND OIL, INC., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 28, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applictions in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-9947 ..... C 9-20-76 [1]	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Camrick Field, Texas and Beaver Counties, Okla.	[2] 58¢	14.65
CI70-917 ..... C 6-25-76, 9-20-76	Phillips Petroleum Co., 5 C4 Phillips Building, Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., Douglas Plant, Powder River Basin Area, Converse and Campbell Counties, Wyo.	(3)	14.73
CI74-528 ..... C 9-20-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[4] $1.6791	14.65
CI76-564 ..... C 9-22-76	Arkla Exploration Co., P.O. Box 1126, Shreveport, La. 71163.	Arkansas-Louisiana Gas Co., West Wilburton Field, Pittsburg County, Okla.	[2] 151.9979¢	14.65
CI76-677 ..... A 9-20-76	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	El Paso Natural Gas Co., Penrose Federal No. 1 Well (Drinkard) Lea County, N. Mex.	[5] 76.5¢	14.73
CI76-748 ..... A 9-7-76 [6]	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	[7] 0.6110487¢	15.025
CI76-749 ..... A 9-7-76	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	Southern Natural Gas Co., Vermillion Block 22, offshore Louisiana.	[2] 184.275	15.025
CI76-750 ..... A 9-7-76	Northern Natural Gas Producing Co., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Basin (Chacra) Field, San Juan County, N. Mex.	[2] 155.17¢	14.73
CI76-751 ..... A 9-3-76	Zapata Exploration Co., 3000 One Shell Plaza, Houston, Tex. 77002.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timbalier Area, Gulf of New Mexico.	[2] 156.072	15.025
CI76-752 ..... A 9-7-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 117, offshore Louisiana.	[2] 174.56¢	15.025
CI76-753 ..... A 9-3-76	Tenneco Oil Co., 3000 One Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., Eugene Island Block 367, offshore Lonisiana.	[8] $1.453539	15.025
CI76-754 ..... A 9-3-76	Tenneco Exploration, Ltd., 3000 One Shell Plaza, Houston, Tex. 77002.	Tenneco Oil Co., Eugene Island Block 367, offshore Louisiana.	[8] $1.453539	15.025
CI76-755 ..... A 9-3-76	Tenneco Exploration II, Ltd	Tenneco Oil Co., Eugene Island Block 367, offshore Louisiana.	[8] $1.453539	15.025
CI76-756 ..... A 9-3-76	Tenneco Oil Co	Tennessee Gas Pipeline Co., Eugene Island Block 367 and Ship Shoal Block 343, offshore Louisiana.	[8] $1.453539	15.025
CI76-757 ..... B 9-7-76	Frio Production Co., et al., P.O. Drawer 290, Alice, Tex. 78332.	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	(9)	----------
CI76-758 ..... A 9-10-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Transco Gas Supply Co., Brazos Area (south addition), Block A-133, offshore Louisiana.	[2] $1.75	15.025
CI76-759 ..... A 9-10-76	Getty Oil Co	Brazos Area (south addition), Block A-70, offshore Louisiana.	[2] $1.75	15.025
CI76-760 ..... B 9-13-76	Camp Oil Co. (operator) et al., 1115 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Hostetter Field, McMullen County, Tex.	(10)	----------
CI76-761 ..... A 9-13-76	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	[11] $1.8422	14.73
CI76-763 ..... A 9-13-76	Exxon Corp	Trunkline Gas Co., West Cameron Block 616, offshore Louisiana.	[2] $1.90	15.025
CI76-764 ..... A 9-13-76	Stephens Production Co., P.O. Box 248, Fort Smith, Ark. 72901.	Arkansas Louisiana Gas Co., Witcherville, Sebastian County, Ark.	65¢	14.65
CI76-766 ..... A 9-13-76	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Transco Gas Supply Co., OCS Lease G-2219, Block 480, West Cameron Area, offshore Louisiana.	[2] $1.4484	15.025
CI76-767 ..... A 9-13-76	Skelly Oil Co	Transco Gas Supply Co., block 137, High Island Area, offshore Texas.	$1.5268	14.65
CI76-768 ..... A 9-13-76	do	Transco Gas Supply Co., blocks 110, 111, 138 (N/2), High Island Area, offshore Texas.	[2] $1.5268	14.65
CI76-769 ..... A 9-13-76	Phillips Petroleum Co	El Paso Natural Gas Co., Jicarilla 28-3 No. 1 well, Rio Arriba County, N. Mex.	[2] 142.0¢	14.73
CI76-770 ..... A 9-15-76	Amoco Production Co., P.O. Box 5910-A, Chicago, Ill. 60680.	Tennessee Gas Pipeline Co. and Columbia Gas Transmission Corp., block 617, West Cameron Area, offshore Louisiana.	[2] $1.82994¢	15.025
CI76-771 ..... B 9-15-76	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Second Bayou Field, Cameron Parish, La.	(10)	----------
CI76-772 ..... A 9-15-76	Phillips Petroleum Co	Transcontinental Gas Pipe Line Corp., block 154 field, High Island Area, offshore Jefferson County, Tex.	[12] $1.63	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V 41 1976 OCT 8 76 UM

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI76-773..... A 9-14-76	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., platform "G," block 309, Eugene Island Area, offshore Louisiana.	[2] [13] $1.75	15.025
CI76-774..... D 9-14-76	Houston Oil & Minerals Corp., 1212 Main St., Houston, Tex. 77002.	United Gas Pipe Line Co., Sardis Church Field, Caldwell Parish, La.	[(15)]	.....
CI76-775..... A 9-17-76	Tenneco Exploration II, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., block N667 E070 of the Mobile South No. 1 Area, offshore Louisiana.	[2] [8] $1.453539	15.025
CI76-776..... A 9-17-76	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., block N667 E070 of the Mobile South No. 1 Area, offshore Louisiana.	[2] [8] $1.453539	15.025
CI76-777..... B 9-22-76	John H. Wallace, d/b/a Coastal Equipment Co., (operator), P.O. Box 940, McAllen, Tex. 78501.	United Gas Pipeline Co., Keemac Field Area, Jim Wells County, Tex.	[(16)]	.....
CI76-778..... A 9-22-76	Shell Oil Co.	Transcontinental Gas Pipe Line Corp., Vermilion Block 22, offshore Louisiana.	[2] [14] 184.275¢	15.025
CI76-779..... A 9-22-76	Champlin Petroleum Co., P.O. Box 1257, Englewood, Colo. 80110.	McCulloch Interstate Gas Corp., Manning Field, Converse County, Wyo.	[2] $1.7895	14.65
CI76-780..... A 9-22-76	Shell Oil Co.	Florida Gas Transmission Co., Vermilion Block 22, offshore Louisiana.	[2] [13] 184.275	15.025
CI76-781..... B 9-10-76	Mitchell Energy Corp., 12th floor, Houston Club Bldg., Houston, Tex.	Natural Gas Pipeline Co. of America, Boonsville/Bend Conglomerate, Wise County, Tex.	[(18)]	.....
CI76-782..... A 9-21-76	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas-Louisiana Gas Co., Kiowa Southwest Field, Pittsburg County, Okla.	[2] [17] 151.0979¢	14.65
CI76-783..... A 9-21-76	do.	Arkansas-Louisiana Gas Co., Stonewall Field, DeSota Parish, La.	[2] $1.30	15.025
CI76-785..... A 9-22-76	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, Ward County, Tex., University 10-18 No. 3 Well, NW/4, sec. 10, block 18, University Land Survey.	[2] [12] [18] $1.5268 [2] [12] [19] $1.5375 [2] [12] [20] $1.5414	14.65 14.65 14.65

[1] Acreage previously covered under Gas Rate Schedule No. 187.
[2] Subject to upward and downward British thermal unit adjustment.
[3] 10¢ per 1,000 ft³ for 2.9 1,000,000 ft³ per day and 142¢ per 1,000 ft³ with 1¢ per 1,000 ft³ quarterly escalations commencing Oct. 1, 1976, for 1.06 1,000,000 ft³ per day pursuant to opinion No. 770.
[4] Includes 13.74¢ Btu adjustment and 1.49¢ gathering.
[5] Plus British thermal unit adjustment.
[6] Applicant is filing to cover its own interest heretofore authorized in docket No. CS76-73 to become a large producer.
[7] Applicant is willing to accept certification at an initial rate equal to the applicable nationwide area rate fixed in opinion No. 699-H, including any increases in such rate prescribed by the Commission, provided that applicant shall be entitled to file increases to any higher contractually authorized price in accordance with the Natural Gas Act.
[8] Includes 0.51¢ gathering.
[9] Production ceased.
[10] Depleted.
[11] Subject to upward British thermal unit adjustment.
[12] Applicant is willing to accept a certificate conditioned to a rate determined in accordance with opinion No. 770.
[13] Nonproductive.
[14] Includes 9.275¢ Btu estimated at 1,053 Btu per cubic feet.
[15] Includes 9.275¢ Btu.
[16] Well released from the gas sales contract by the purchaser.
[17] National rate established by opinion No. 770 effective July 27, 1976, for wells commenced on or after Jan. 1, 1975.
[18] Includes $0.1145 tax.
[19] Includes $0.1153 tax.
[20] Includes $0.1161 tax.

[FR Doc.76-29361 Filed 10-7-76;8:45 am]

LANDS WITHDRAWN IN PROJECT NO. 1261

Finding and Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act

SEPTEMBER 29, 1976.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawal for transmission line Project No. 1261 be vacated insofar as it pertains to lands within the Roosevelt National Forest, thereby requiring Commission consideration under Section 24 of the Federal Power Act. This order pertains to all lands withdrawn for Project No. 1261. The lands affected by the withdrawal are listed in the Attachment hereto.

Project No. 1261 consisted of several 13 kV lines with an aggregate length of 5.7 miles, near the towns of Gold Hill, Salina, Sugarloaf, and Switzerland Park, in Boulder County, Colorado. The 30-year license for the project, held by the Public Service Company of Colorado, expired on February 15, 1967.

By letter dated April 6, 1967, the staff advised the Public Service Company of Colorado that the subject transmission lines were not primary lines or part of a "project" as defined in Section 3(11) of the Federal Power Act and, therefore, were not within the licensing authority of the Commission. Consequently, the Company obtained authorization from the Bureau of Land Management and the Forest Service for the continued occupancy of the Federal lands traversed by the lines.

The Commission finds, that the land withdrawal for Project No. 1261 no longer serves a useful purpose and should be vacated in its entirety.

The Commission orders, the land withdrawal for Project No. 1261 is hereby vacated in its entirety.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

PROJECT NO. 1261—COLORADO
PUBLIC SERVICE COMPANY OF COLORADO
SIXTH PRINCIPAL MERIDIAN, COLORADO

Portions (totaling about 73 acres) of the following described lands were withdrawn pursuant to the filing on November 28, 1933, as supplemented March 6, 1936, of an application for license for Project No. 1261 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated March 26, 1936.

T. 1 N., R. 71 W.,
Sec. 7, NW¼SW¼, S½SW¼;
Sec. 8, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, N½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼;
Sec. 19, E½E½, NW¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼.
T. 1 N., R. 72 W.
Sec. 1, SE¼SW¼, SW¼SE¼;
Sec. 12, W½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 13, SE¼SW¼, SW¼SE¼;
Sec. 24, N½NE¼, SE¼NE¼;
Sec. 25, W½W½;
Sec. 34, SE¼SW¼, SE¼;
Sec. 35, NE¼, NE¼NW¼, S½NW¼, NE¼SE¼;
Sec. 36, SE¼NW¼, N½SW¼.
T. 1 S., R. 72 W.,
Sec. 4, NE¼NE¼, NE¼SW¼, SW¼SW¼, NW¼SE¼.

[FR Doc. 76-29628 Filed 10-7-76;8:45 am]

LANDS WITHDRAWN IN PROJECT NO. 1093

Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act

SEPTEMBER 29, 1976.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawal for Project No. 1093 be vacated in its entirety, thereby requiring Commission consideration under Section 24 of the Federal Power Act.

By letter dated May 26, 1930, the Commission gave notice to the General Land Office (now Bureau of Land Management) of the withdrawal of the following described land pursuant to the filing by L. P. Starkey of Fort Collins, Colorado, on May 21, 1930, of an application for license for Project No. 1093:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 7 N., R. 73 W.,
Sec. 20, NE¼SW¼.
(40 acres.)

A re-examination of our records shows that only 1.63 acres within said subdivision were affected by the project.

Project No. 1093 was an 18-horsepower diversion-conduit development on Fall Creek, a small tributary of the South Fork Cache la Poudre River, near the north boundary of Rocky Mountain National Park, in Laramie County, Colorado. The last of three 10-year licenses for the project expired on August 25, 1960, and an incomplete application for a fourth license was dismissed by Commission order issued August 12, 19764. The Forest Service reports that power development was discontinued many years ago and that the Federal land involved has been restored to a satisfactory condition.

The Commission finds, that the land withdrawal for Project No. 1093 no longer serves a useful purpose.

The Commission orders, that the land withdrawal for Project No. 1093 is hereby vacated in its entirety.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29629 Filed 10-7-76;8:45 am]

[Docket No. ER76-911]

ARIZONA PUBLIC SERVICE CO.

Cancellation and Termination of Rate Schedule

SEPTEMBER 30, 1976.

Take notice that, effective September 30, 1976, Supplement No. 11 to Arizona Public Service Company Rate Schedule FPC No. 6 is to be cancelled, pursuant to notice received by the Company from Navajo Tribal Utility Authority.

Take further notice that, effective September 30, 1976, Navajo Tribal Utility Authority will cease furnishing electric service for the construction needs at the Navajo Generating Station, and that therefore Supplement No. 10 to the wholesale Power Supply Contract between Arizona Public Service Company and Navajo Tribal Utility Authority will, by its own terms, expire on September 30, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29633 Filed 10-7-76;8:45 am]

[Docket No. RP75-105]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 1, 1976.

Take notice that on September 24, 1976 Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing Second Substitute Twenty-Second Revised Sheet No. 7 to its FPC Gas Tariff, original Volume No. 1.

Columbia Gulf states that this tariff sheets represents its settlement rates in the referenced docket, and is filed in accordance with ordering Paragraph (C) of the Commission's Order issued September 13, 1976 in the proceeding.

Columbia Gulf states that copies of the filing were made on Columbia Gas Transmission Corporation.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 19, 1976. Comments will be considered by the Commission in determinining the appropirate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29646 Filed 10-7-76;8:45 am]

[Docket No. CP76-523]

COLUMBIA GAS TRANSMISSION CORP.

Application

OCTOBER 1, 1976.

Take notice that on September 16, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP76-523 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Gas Transport, Inc. (Gas Transport), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to receive into its Lines Q-217 and C-106 in Barlow Township, Washington County, Ohio, all of the gas delivered by Gas Transport, which gas would be purchased under the gas purchase agreement between Gas Transport and Dolph Anderson (Anderson), a small producer, by which Gas Transport would pay Anderson $1.42 per Mcf of gas at 14.7 psia, increasing one cent per Mcf every three months starting October 1, 1976. It is stated that Applicant would redeliver such gas to an existing point of delivery to Anchor Hocking Corporation (Anchor Hocking) at Lancaster, Ohio, for the account of Gas Transport. Applicant proposes to charge for such transportation 21.99 cents per Mcf of gas at 14.4 psia and would retain for company-use and unaccounted-for gas 3.6 percent of the total volume of gas delivered into its system by Gas Transport.

Applicant proposes to transport gas delivered by Gas Transport in the Ohio counties of Sciota, Jackson, Lawrence, Gillia, Meigs, Athens, Vinton, Hocking, Fairfield, Perry, and Muskingum, on a best efforts basis subject to the limitation that all gas received from Gas Transport and all other existing transportation and exchange agreements between Applicant, Gas Transport and/or Anchor Hocking would not result in a total delivery to Anchor Hocking at Lancaster, Ohio, in excess of 12,000 Mcf per day.

It is stated that the transportation obligation of Applicant hereunder would be subject to the limits of its pipeline capacity and to its customer service obligations, and that transportation charges would be subject to adjustment as reflected in pending and future FPC rate filings.

The application further states that the facilities of Gas Transport are physically located in an area of declining natural gas production, and to supplement its gas supply, Gas Transport became a wholesale customer of Applicant, which supplies approximately 75 percent of Gas Transport's daily requirements. In the winter season of 1975-76, it is indicated, Columbia Transmission curtailed its normal delivery to Gas Transport by 56 percent and has estimated that curtailment for the winter period of 1976-77 to Gas Transport would be 68 percent of normal delivery. The application states that due to a dwindling supply of its own gas and severe curtailment by Applicant, Gas Transport has expanded its operations into geographic regions of greater natural gas potential, and has several opportunities either to purchase or develop natural gas reserves in the twelve-county area hereinbefore enumerated.

Applicant asserts that the transportation of gas as requested herein would permit utilization of existing pipeline facilities, making it unnecessary for Gas Transport to undertake major duplicative pipeline construction in the same area.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this appli ation if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29649 Filed 10-7-76;8:45 am]

VOL 41 NO 197 OCT 8 1976 UM

[Docket No. CP76–534]

EASTERN SHORE NATURAL GAS CO.

Application

OCTOBER 1, 1976.

Take notice that on September 22, 1976, Eastern Shore Natural Gas Company (Applicant), 201 East Main Street, Salisbury, Maryland 21801, filed in Docket No. CP76–534 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a special service to any person to whom it normally sells or for whom it normally transports natural gas or who, although he may not normally receive service from Applicant, requires such service to meet an emergency on his system or to offset curtailments to high-priority customers, but only where pre-existing high-priority users would otherwise be without natural gas supply due to emergency situations or curtailment, and Applicant would so condition its sales agreement to any such purchaser, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes that the rate schedule under which such emergency service would be provided (SG–1) would apply to all natural gas which Applicant may have available from time to time, and from whatever source, which it is willing to sell on an interruptible basis and at an incremental price to offset curtailment or alleviate emergencies on the system of any buyer. It is said that sales made hereunder would be of short-term duration, would be made on such basis as may be mutually agreeable to buyer and Applicant and in such manner as to meet the stated emergency but not to impair Applicant's ability to render service to its other customers. Sales for resale would be at rates satisfactory to the Federal Power Commission, to whom copies of all agreements covering such sales would be submitted, it is stated, and any agreements so submitted would be accompanied by relevant cost data, including the cost of the purchased gas, and cost of transportation, necessary to demonstrate the manner in which the proposed service is consistent with the public interest.

Applicant asserts that it is a natural-gas company within the meaning of the Natural Gas Act only by virtue of its unique geographic location on the Delmarva Peninsula where its facilities cross the borders of several states, and that it has no storage facilities of its own and is unable on its own behalf to accommodate major fluctuations in gas supply.

It is maintained that difficulties encountered during the 1975–76 winter compel Applicant to seek the authorization requested herein, so that it may be protected against the economically precarious situation in which it found itself as a result of its efforts to offset an impending shortage during the past winter.

Applicant explains that on October 15, 1975, in Docket Nos. RP71–121 and RP72–21 Applicant submitted a report as to how projected shortages would impact on its system, how it planned to deal with such shortages, and the flexibility it and its customers might call upon in dealing with these supply deficiencies.

It is stated that in that report, Applicant indicated that it purchases its entire supply of natural gas from Transcontinental Gas Pipe Line Corporation (Transco), that its entitlement for November 1, 1975, through March 31, 1976, was expected to be 1,206,986 Mcf of gas based upon Transco's existing, flowing gas supply, and that this entitlement represented sharp curtailment of supply and indicated that Applicant would have to curtail deliveries to jurisdictional customers, including some sales in Priority 1.

Further, it is stated that Applicant also submitted curtailment projections based upon its receipt from Transco of an entitlement of 2,424,000 Mcf of gas, which entitlement assumed that Transco would be able to effectuate emergency gas purchases and was not based on Transco's existing, flowing gas supply. Even on the basis of that entitlement, it is said, Applicant's customers were expected to be curtailed by approximately 220,085 Mcf, but only large, industrial nonjurisdictional customers would be affected.

Applicant indicates that because of this threatened adverse impact on its market area, preliminary negotiations were completed on October 6, 1975, with McCormick Oil and Gas Corporation (McCormick) for the purchase of gas on a 60-day emergency basis from the North Johnson Bayou Prospect and from the Carter Well, Kings Bayou, both in Cameron Parish, Louisiana. It is said that these emergency purchases, each in the amount of some 3,000 Mcf per day, were to be for the benefit of Applicant's direct industrial customers and that the transportation was to be provided by Texas Eastern Transmission Corporation (Tetco) and Transco.

It is stated that Applicant was to pay McCormick $1.40 per Mcf for all gas thus delivered and was to pay any expenses to be incurred in connection with the transportation and delivery of the gas, including the cost of building field laterals which would be required to transport the gas from the wells in question to the facilities of Transco and Tetco plus all related taxes. The sales and deliveries of such gas were expected to commence on or about January 1, 1976, it is said.

Further, it is stated that on September 9, 1975, in Docket No. RP76–9, Applicant tendered for filing tariff sheet revisions to its FPC Gas Tariff which provided for an excess and emergency service which would have facilitated the sale of gas purchased on an emergency basis to all classes of customers on a nondiscriminatory basis.

It is shown that on September 30, 1975, the Commission issued an order rejecting the aforementioned revised tariff sheets, presumably because of earlier Commission disapproval of Transco's efforts to be saved harmless in selling emergency gas it might purchase at prices in excess of the National Area Rate.

While Applicant was thus aware of the fact that it might be faced with certain difficulties in disposing of gas to high-priority customers for which it had agreed to pay $1.40 per Mcf plus transportation charges, Transco's projected curtailment was of such magnitude that it is maintained that Applicant regarded its exposure as minimal, and in due course consummated the agreement to purchase the gas from McCormick. However, it is shown that the unusually warm weather of the 1975–76 winter, plus Transco's ability to reduce its projected curtailments, resulted in Applicant's having available to it sufficient gas to meet the high-priority requirements of its market area. Thus, Applicant states that the McCormick gas was no longer needed for its intended purpose.

It is stated that since the Commission's order of April 30, 1975, denied Applicant the opportunity to dispose of such gas for high-priority uses, Applicant's only choice was either to sell this gas on an interruptible basis for boiler fuel or to cancel the McCormick contract, which Applicant chose to do to its financial detriment.

It is said that Transco's curtailment impact study for the period November 1, 1976, through October 31, 1977, indicates that Applicant's annual period allotment would be 2,730,000 Mcf for Priority 1 and Priority 2A, with a winter period allotment of 1,123,000 Mcf. Applicant asserts that since Transco is Applicant's exclusive pipeline supplier, Applicant would once again have to locate supplies of gas elsewhere if it is to meet the high-priority requirements of its market. It is maintained that Applicant must assume that such gas can only be obtained at relatively high prices and that this application is submitted in an effort to assure Applicant's full recovery of all costs incurred in providing the emergency service in the event it goes forward once more to meet its service obligations to its market.

Applicant indicates that it does not intend to consummate emergency gas purchases again unless it receives some assurance that it can lawfully recoup the additional costs of such gas. Applicant lieves that, with such assurance, it can purchase sufficient volumes of emergency gas to offset curtailment of high-priority customers during this coming winter-heating season and the service herein proposed is designed to enable it to meet that objective.

Applicant states that no additional facilities would be required to effectuate such service.

It is stated that the Commission itself has, in Section 2.79 of its General Policy and Interpretations, recognized that certain customers should be accorded an opportunity to purchase natural gas directly in the intrastate market for their own use and obtain the transportation of that gas by interstate pipelines. Inherent in the policy of Section 2.79, it is said, is the conclusion that certain customers can obtain significant benefits by paying incremental prices for supplies of natural gas not available through traditional pipeline sources and should

be permitted to do so. Applicant asserts that its proposal brings the benefit of this policy to those customers who are too small in and of themselves to utilize the procedures of Section 2.79 by permitting the pipeline itself to purchase a short-term supply of gas to be sold to those customers desiring such service at incremental rates. It is maintained that approval of this application would avoid the alternatives of inflationary alternative fuel supplies or unemployment and attendant economic dislocation produced by the unavailability of a needed energy source. Further, it is said that the service could be rendered promptly and on a basis which would make it subject to close Commission scrutiny.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29637 Filed 10–7–76;8:45 am]

[Docket No. ER76–902]

EDISON SAULT ELECTRIC CO. CLOVERLAND ELECTRIC COOPERATIVE, INC.

Filing

SEPTEMBER 30, 1976.

On September 10, 1976, Edison Sault Electric Company (Edison Sault) and Cloverland Electric Cooperative, Inc. (Cloverland) submitted for filing supplemental agreement No. 5(a) to Rate Schedule FPC No. 2 between the two parties. This contract has been executed pursuant to a contract between Edison Sault and the Secretary of the Army, Contract DA–20–064–ENG–632, a contract to which Cloverland is a third party beneficiary.

The contract filed herein relates to currently effective wheeling and demand charges for energy delivered to Cloverland. Cloverland has filed a Certificate of Concurrence. Such charges become effective within 30 days from the date of filing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29630 Filed 10–7–76;8:45 am]

[Docket Nos. G–2730, *et al.*]

HILDA B. WEINERT, ET AL.

Intent To Act

OCTOBER 1, 1976.

On August 31, 1976, Natural Gas Pipe Line Company of America and Transcontinental Gas Pipe Line Corporation filed a renewal of a joint motion for an order approving a settlement agreement in this docket certified on November 11, 1974. The settlement proposes an arrangement for dividing the remainig production from the La Gloria Field, Jim Wells and Brooks Counties, Texas, between the two pipelines. The settlement has been effectuated up to now on a temporary basis subject to payback conditions pursuant to temporary authorizations issued November 15, 1974, January 17 and August 19, 1975, and March 31, 1976, pending submission of new gas sales agreements and agreement amendments conforming to the settlement terms by all the La Gloria Field producers subject to the present proceeding.

The present joint motion advises that all producers have made the the necessary submissions. In view of the numerous submisisons that are involved, additional time is required for review beyond the thirty days provided for action on the present motion by Section 1.12(e) of the Commission's Rules of Practice and Procedure.

The Commission finds: It is necessary and in the public interest to extend the time limit for action on the renewed joint motion.

The Commission orders: The joint motion shall not be deemed denied by the passage of time.

By Direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29647 Filed 10–7–76;8:45 am]

[Docket No. RP73–14 (PGA76–4)]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Change in Rates

OCTOBER 1, 1976.

Take notice that on September 27, 1976, Michigan Wisconsin Pipe Line Company (Mich Wis) tendered for filing a revised tariff sheet to its FPC Gas Tariff, Second Revised Volume No. 1, seeking increased rates under the purchased gas cost adjustment provision of its tariff and Commission Opinion No. 770. The increase reflects an increase in annual jurisdictional rates of $212 million reflecting increased costs of purchased gas based on increases resulting from Commission Opinion Nos. 770 and 749 and an increase in the cost of gas imported from Canada; a regular surcharge to recover approximately $29 million; and a special surcharge to recover increased costs as a result of the effect of Opinion No. 770 for the period July 27 through October 31, 1975, of $22.9 million.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29642 Filed 10–7–76;8:45 am]

[Docket No. RP71–16 (Southern System) (PGA76–6)]

MIDWESTERN GAS TRANSMISSION CO.

PGA Filing Pursuant to Opinion No. 770

OCTOBER 1, 1976.

Take notice that on September 27, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing Second Substitute Fifteenth Revised Sheet No. 5 to Third Revised Volume No. 1 to its FPC Gas Tariff to be effective on October 27, 1976.

Midwestern states that the purpose of this revised tariff sheet is to adjust Midwestern's rates for its Southern System pursuant to the PGA provision of Article XVII of the General Terms and Conditions to reflect increased purchased gas costs resulting from the rate increase

filed September 27, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which is based solely on producer filings made pursuant to Opinion No. 770. The annualized amount of claimed purchased gas cost increases is $64,554,462 or 36.45 cents per Mcf

Midwestern requests waiver of Sections 1.2 and 1.3 of Article XVII of its FPC Gas Tariff in order to make the revised tariff sheet effective on October 27, 1976. Midwestern states that the proposed effective date is in accord with Opinion No. 770 which specifically allows such PGA increases to become effective on that date.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29640 Filed 10-7-76;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

OCTOBER 1, 1976.

Take notice that on September 24, 1976, Mississippi River Transmission Corporation ("Mississippi") tendered for filing six (6) copies of Substitute Forty-Fourth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective September 27, 1976, and six (6) copies of Substitute Forty-Sixth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1976.

Mississippi states that the instant tariff sheets are being submitted to adjust Mississippi's effective base tariff rates to reflect the appropriate level of transportation costs associated with Mississippi's purchases of gas in the Mills Ranch Field. Mississippi notes that in accordance with the terms of its transportation agreement with Natural Gas Pipeline Company of America ("Natural"), Natural transports natural gas for Mississippi from the Mills Ranch Field in consideration for the right of Natural to purchase one-third (⅓) of the subject gas at eighty-five percent (85%) of the actual cost of such gas to Mississippi. Accordingly, the cost to Mississippi of such transportation services varies directly with the cost of the natural gas being transported. As a result, Mississippi states that Article V of the Stipulation and Agreement settling Mississippi's last general rate increase proceeding at Docket No. RP75-20 provides for the filing of adjustments to Mississippi's effective base tariff rates to reflect the appropriate level of Mills Ranch Field transportation costs.

The instant tariff sheets serve to adjust Mississippi's base tariff rates which will be effective as of September 27, 1976, and October 1, 1976, to reflect the increase in transportation costs associated with Mississippi's purchases of gas in the Mill Ranch Field due solely to the increase in the wellhead price of natural gas as a result of Opinion No. 770. Mississippi requests waiver of the notice requirements of the Commission's Regulations and all other applicable provisions of the Commission's Regulations as may be necessary in order that the subject tariff sheets become effective as of the dates proposed. Mississippi also requests waiver of the notice requirements and the filing dates contained in the aforementioned Stipulation and Agreement at Docket No. RP75-20.

Mississippi has submitted work papers containing computation supporting the proposed rate changes. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previdusly been filed. Copies of the filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29650 Filed 10-7-76;8:45 am]

[Docket No. RP71-125 and RP75-108 (PGA76-8a)]

NATURAL GAS PIPELINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

OCTOBER 1, 1976.

Take notice that on September 20, 1976 Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective September 1, 1976:

Second Substitute Twenty-ninth Revised Sheet No. 5
Second Substitute Fourth Revised Sheet No. 5A

Natural states that it filed a PGA unit adjustment on July 16, 1976, to be effective September 1, 1976, which the Commission by order issued August 31, 1976, accepted for filing, but suspended the effective date until September 2, 1976, when it would become effective subject to refund. Ordering Paragraph (B) of said order authorized Natural to file a revised PGA unit adjustment to become effective September 1, 1976 which would reflect the elimination of (a) that portion of 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770 and (b) those costs associated with non-jurisdictional purchases.

Natural also states that on September 9, 1976, it filed an Application for Reconsideration or Rehearing in which it stated that its rates as filed on July 16 did not reflect any 60-day emergency purchases at prices in excess of Opinion No. 770 after adjustment for production tax reimbursement as provided for in that Opinion, and that further, the only cost associated with the non-jurisdictional purchase was, in fact, a refund which was credited to the Deferred Purchased Gas Cost Account which had the effect of reducing the level of the PGA unit adjustment filed for.

Therefore, pursuant to Ordering Paragraph (B) and taking into consideration the facts relative to emergency and non-jurisdictional purchases as set out in Natural's Application for Reconsideration or Rehearing, Natural requested that the Commission accept the PGA unit adjustment as set out on the filed tariff sheets to be effective September 1, 1976, without any refund obligation. The PGA unit adjustment as filed reflects the level ordinarily filed on July 16, 1976. Natural also revised Sheet No. 5A to reflect the rate level for Rate Schedules MS-3 and LS-1 which have previously been accepted by the Commission to be effective on May 21, 1976 by letter order issued August 24, 1976 (Docket No. CP76-325) and July 1, 1976 by letter order issued August 18, 1976 (Docket No. CP75-256) respectively.

Natural states that it does not believe any waivers of the Commission's Regulations are necessary but respectfully requested the Commission to grant such waivers as it may deem necessary to accept the filed tariff sheets to be effective September 1, 1976.

Copies of this filing were mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29651 Filed 10-7-76;8:45 am]

LIQUEFIED NATURAL GAS IMPORTATION AND STORAGE TERMINALS

[Docket No. RM76-13]

Answer to Petition To Intervene; Acceptance of Filing

OCTOBER 1, 1976.

On September 17, 1976, the States of New Jersey, Pennsylvania, and Delaware, the Attorney General of New York, the Public Advocate of New Jersey, the Township of Woodbridge, New Jersey, and the Honorable John M. Murphy, United States Representative, filed a motion for acceptance of the late-filed answer to petitions to intervene.

Upon consideration, notice is hereby given that the answer to petitions to intervene has been accepted as timely filed.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29652 Filed 10-7-76;8:45 am]

PACIFIC POWER AND LIGHT CO.

Commission License Term Policy for Projects Where Taum Sauk Is the Basis for Commission Jurisdiction

OCTOBER 5, 1976.

Public notice is hereby given that, in a September 24, 1976, Order Issuing License (Major) for Pacific Power & Light Company's Big Fork Project No. 2652, the Commission enunciated a license term policy for unlicensed, non-Federal hydroelectric projects where the Taum Sauk decision, *FPC* v. *Union Electric Co.*, 381 U.S. 90 (1965), provides the basis of Commission jurisdiction. That order requires the publication of an appropriate notice in the FEDERAL REGISTER.

The Commission spelled out a three-pronged policy designed to encourage compliance with the Federal Power Act, provide incentives for owners of unlicensed projects to review the jurisdictional status of these projects and to file applications in conformance with the Act, conserve the Commission's administrative resources, eliminate the inequities in the Commission's previous policy without sacrificing the desirable features of that previous policy, and give appropriate consideration to unauthorized post-1935 construction. First, for license applications on file with the Commission as of September 24, 1976, the Commission stated that licenses for these projects would, except as noted below, terminate twenty-five years from the date of issuance of a Commission licensing order. Second, for those Taum Sauk projects where no license application has been filed, the Commission stated that, for all owners of these projects who, within 90 days of notification by the Secretary of this order, file with the Secretary a reasonable schedule for the filing of license applications, not to exceed three years, and subsequently file applications consistent with that schedule, any license issued for that project would terminate twenty-five years from the date of filing of the license application. Third, in cases where license applications cannot be processed (for failure to file or timely file an application acceptable for processing or requested information) or where the Commission incurs substantial administrative, investigative, or litigative expense directly related to the project owner's recalcitrance, a license issued for that project would terminate fifty years from the date of any unauthorized post-1935 construction or September 1, 2001, whichever is earlier.

All owners of unlicensed, non-Federal hydroelectric projects should review the jurisdictional status of their projects and other matters discussed in the order. The September 24, 1976, order is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29636 Filed 10-7-76;8:45 am]

[Docket No RP73-36 (PGA76-4)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

OCTOBER 1, 1976.

Take notice that on September 2?, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Eighteenth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1, such sheet proposed to be effective November 1, 1976.

The Company submits that this revised sheet is filed in accordance with Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976, as modified by FPC order issued September 22, 1976, and pursuant to the provisions of the General Terms and Conditions of Panhandle Eastern Pipe Line Company's FPC Gas Tariff.

Panhandle states that the revised tariff sheet reflects only those increases in purchase gas costs as authorized by the Commission in Opinion No. 770 to be effective July 27, 1976. No other increases in purchase gas costs are included in the filing. In accordance with the Commission's order of September 22, 1976, Panhandle has elected to file for a surcharge (including a nine (9) percent carrying charge) to recover costs incurred as a result of Opinion No. 770 from July 27, 1976 to November 1, 1976, such surcharge to be effective for the twelve (12) month period commencing November 1, 1976. Panhandle shall maintain a separate account relating to such surcharge amounts and any imbalance in the account at the end of the twelve (12) month period shall be transferred to the Deferred Purchased Gas Cost Account maintained in accordance with Section 18.3 of the General Terms and Conditions of Panhandle's tariff.

The annualized amount of claimed purchased gas cost increases under Opinion No. 770 is $67,291,580. The proposed surcharge to recover unrecovered purchased gas costs attributable to Opinion No. 770, including carrying charges, is $13,172,065.

Also, the revised tariff sheet reflects the flow through of amounts resulting from Trunkline Gas Company's rate adjustment to be effective November 1, 1976, which Trunkline is filing concurrently herewith. Trunkline's rate adjustment is also filed in accordance with the provisions of Opinion No. 770. The annualized amount of the Trunkline increase is $76,270,955, including surcharge and carrying charges.

The Company submits that the purchased gas cost increases by reason of Opinion No. 770 rates effective July 27, 1976, which Panhandle has included in its rates herein, have been calculated on the basis of producer filings with the Commission. To the extent that the amounts filed by the producers are subject to refund, the related amounts included in Panhandle's rates shall also be subject to refund in accordance with Section 18.5 of the General Terms and Conditions of Panhandle's tariff.

To the extent required, if any, Panhandle has requested that the Commission waive those sections of the regulations and provisions of Opinion No. 770 as it may deem necessary for the acceptance of this filing to become effective November 1, 1976.

Copies of this filing were served on Panhandle's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29638 Filed 10-7-76;8:45 am]

[Docket No. ER76-909]

PHILADELPHIA ELECTRIC CO.

Revised Schedules of EHV Transmission System Agreement

SEPTEMBER 30, 1976.

Take notice that on September 17, 1976, Philadelphia Electric Company

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(PECO) tendered for filing revised Schedules 2.03, 3.03, 4.03, 6.02, and 8.04 modifying the EHV Agreement which is on file with the Commission according to PECO. PECO states that the parties to this Agreement are:

Public Service Electric and Gas Company
Philadelphia Electric Company
Atlantic City Electric Company
Delmarva Power & Light Company
Pennsylvania Power & Light Company
Baltimore Gas and Electric Company
Potomac Electric Power Company
Pennsylvania Electric Company
Metropolitan Edison Company
Jersey Central Power & Light Company
UGI Corporation

PECO states that the parties to the EHV Agreement have approved PECO's filing.

PECO states that the revised Schedules update the description of two transmission lines covered by the EHV Agreement. PECO states that there is no provision for any change in the monthly rate for excess of investment over investment responsibility as previously filed.

PECO states that the changes have an effective date of November 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29634 Filed 10-7-76;8:45 am]

[Docket No. ER76-912]

PUGET SOUND POWER & LIGHT CO.

Notice of Filing of Contract

SEPTEMBER 30, 1976.

Take notice that on September 20, 1976, Puget Sound Power & Light Company (Puget) tendered for filing a Power Sales Contract between it and the City of Pasadena, California. Puget states that the contract provides for sales from its share of certain coal fired generation for the months of August through April each year through 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29635 Filed 10-7-76;8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Filing of Proposed Settlement Agreement

SEPTEMBER 30, 1976.

Take notice that on September 17, 1976, South Georgia Natural Gas Company (South Georgia) tendered for filing a proposed Stipulation and Agreement.

South Georgia states that the Stipulation and Agreement is the product of discussions among the parties to the proceeding and that the Stipulation and Agreement is fully supported by all parties. In view of the support of all parties for the Stipulation and Agreement, South Georgia requests that the period for comments be shortened to fifteen days.

South Georgia requests, further, that the Commission accept for filing South Georgia FPC Gas Tariff, First Revised Volume No. 1, with Original Sheet Nos. 1 through 44 to be effective as of April 10, 1976, with First Revised Sheet No. 4 to be effective May 14, 1976, and with Second Revised Sheet No. 4 to be effective July 2, 1976, all of which sheets are filed in conjunction with the Stipulation and Agreement.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 4, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29632 Filed 10-7-76;8:45 am]

[Docket No. RP73-49 (PGA76-6)]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

OCTOBER 1, 1976.

Take notice that on September 27, 1976, South Georgia Natural Gas Company (South Georgia) tendered for filing Twenty-first Revised Sheet No. 3A to Original Volume No. 1 of its FPC Gas Tariff.

South Georgia states that the above sheet represents a rate change under its PGA clause for the purpose of tracking a rate increase filing made by Southern Natural Gas Company on September 27, 1976. South Georgia states that the instant filing will increase South Georgia's jurisdictional rates by $5,084,696. An effective date of October 27, 1976 is proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29644 Filed 10-7-76;8:45 am]

[Docket No. RP76-53]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Motion To Place Proposed Rates Into Effect

SEPTEMBER 30, 1976.

Take notice that on August 31, 1976, South Texas Natural Gas Gathering Company (South Texas) filed a motion, pursuant to Section 4(e) of the Natural Gas Act and Section 154.67 of the Commission's Regulations, that the proposed tariff sheets filed by South Texas on January 12, 1976, as supplements to South Texas' FPC Gas Rate Schedule Nos. 1 and 2 go into effect, subject to refund, as of August 31, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29631 Filed 10-7-76;8:45 am]

[Docket No. RP73-64 (PGA76-4)]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 1, 1976.

Take notice that Southern Natural Gas Company (Southern), on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective October 27, 1976. Southern claims such filing is pursuant to and in accordance with the Commission's Opinion No. 770 and Order Modifying Opinion No. 770 issued September 22, 1976.

Southern states that the filing provides for an increase in Southern's rates for the current cost of gas of 24.331¢ per Mcf, or $131,014,729 annually, and a surcharge adjustment of 3.624¢ per Mcf to recover an estimated $18,000,000 which was paid to producers for the period July 27, 1976 through October 26, 1976. Southern states that such surcharge adjustment includes an estimated amount for carrying costs at 9% in the amount of .188¢ per Mcf, or approximately $984,000.

Southern states that copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29641 Filed 10-7-76;8:45 am]

[Docket No. RP73-114 (PGA 76-4)]

TENNESSEE GAS PIPELINE CO.

Proposed PGA Filing Pursuant to Opinion No. 770

OCTOBER 7, 1976.

Take notice that on September 27, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing Substitute Thirteenth Revised Sheet Nos. 12A and 12B to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on October 27, 1976.

Tennessee states that the sole purpose of these revised tariff sheets is to reflect an increase in its rate of 36.02 cents per Mcf based solely on increases in its purchased gas cost resulting from producer rate increases pursuant to Opinion No. 770. Tennessee further states that this increase is based on a twelve-month amortization period for its Unrecovered Purchased Gas Cost Account and the inclusion of a 9% annual carrying charge on the balance in that account resulting from Opinion No. 770 in accord with the Commission's order issued September 22, 1976, in Docket No. RM75-14.

The annualized amount of claimed purchased gas cost increases under Opinion No. 770 is $316,076,818. The proposed surcharge to recover unrecovered purchased gas costs attributable to Opinion No. 770 for the period July 27, 1976, through October 26, 1976, is $77,775,762. Carrying charges on the unrecovered purchased gas costs are $4,182,209. The total amount claimed is $398,034,789.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition.

Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29645 Filed 10-7-76;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

OCTOBER 1, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 10, 1976 tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Such tariff sheets reflect a 0.1¢ reduction in the commodity portion of the rates which are currently effective (July 1, 1976) and those filed on July 16, 1976 to be effective on September 1, 1976. This reduction is being filed to eliminate the rate effect of separate compression charges reserved in Article XI of Transco's Settlement Agreement in Docket No. RP75-75. Transco states that because the acquisition agreement with Union Oil supersedes the letter agreement which provides that Transco pay a separate compression charge and because Transco expects to make similar arrangements with the other two producers, the issue has become moot and consequently, a rate reduction is appropriate. Transco also states that it will refund to its customers, with interest, on or about August 13, 1976 the amounts collected under Article XI of the Settlement Agreement in the instant docket which relates to the reserved issue on compression charges.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29643 Filed 10-7-76;8:45 am]

[Docket Nos. RP75-3 and RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

OCTOBER 1, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 30, 1976 tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Such tariff sheets reflect a 0.5¢ reduction in the commodity portion of the rates to be effective August 1, 1976, September 1, 1976 and October 1, 1976. Transco states that this reduction is being filed to eliminate the rate effect of all costs related to the naphtha gasification study. In addition to the rate reduction, Transco also states that it will refund to its customers, with interest, on or about September 3, 1976 the amounts collected during the period February 1, 1975 through July 31, 1976.

In the approved settlement agreement in Docket Nos. RP74-48 and RP75-3, there was deferred for separate disposition in Article III, Section 8, the "Propriety of Inclusion of Costs Related to Expenditures in the Unsuccessful Search for Alternate Gas Supplies." Also, such issue was deferred in the approved settlement agreement in Docket No. RP75-75 (Article VII) pending the disposition in Docket No. RP75-3. Included in the costs labeled "unsuccessful search for alternate gas supplies", are costs related to a naphtha gasification study. In its Motion for Approval of Attached Offer of Settlement filed July 2, 1976 in Docket Nos. RP74-48 and RP75-3, Transco proposed among other things, to remove from cost of service in that case all costs related to the naphtha gasification study since the proposed naphtha gasification plant has obtained renewed vitality. Now that Transco is moving forward on this project, the propriety of inclusion in Transco's rates of costs related to the naphtha gasification study has become moot. Consequently, a rate reduction and refunds to eliminate such costs are appropriate.

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The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29648 Filed 10-7-76;8:45 am]

[Docket No. RP76-35 (PGA76-3)]

UTAH GAS SERVICE CO.

Proposed Change in FPC Gas Tariff

OCTOBER 1, 1976.

Take notice that Utah Gas Service Company, on September 24, 1976, tendered for filing a Notice of Rate Change pursuant to the Purchased Gas Cost Adjustments provision of its Special Rate Schedule No. X-1 under which surplus gas is sold to Northwest Pipeline Corporation.

The purpose of the filing is to recover the jurisdictional portion of the increase in purchased gas costs resulting from Opinion No. 770. Based on estimated sales in the 12-month period ended July 31, 1976 the increase in revenues on an annual basis would be $342,395, subject to Btu adjustment. In addition, the filing provides for a surcharge to permit recovery of increases in the cost of purchased gas delivered prior to October 27, 1976, in an estimated amount of $114,589 including carrying charges.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *October 14, 1976*. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29639 Filed 10-7-76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ARABIAN CORP.

Formation of Bank Holding Company

The First Arabian Corporation, Paris, France, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of more than 25 per cent of the voting shares of Bank of the Commonwealth, Detroit, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 5, 1976.

Board of Governors of the Federal Reserve System, October 1, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29619 Filed 10-7-76;8:45 am]

FIRST NATIONAL BANCORPORATION, INC.

Order Approving Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of The First National Bank of Montrose, Montrose, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Attorney General of the State of Colorado and by the Comptroller of the Currency,[1] in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the largest banking organization in Colorado, controls 11 banks (including the largest bank in the State) with aggregate deposits of $1.2 billion, representing approximately 16 per cent of the total deposits held by commercial banks in that State.[2] Colorado currently has 10 multi-bank holding companies that collectively control approximately 67 per cent of the total deposits and 34 per cent of all the banks in the State. The five largest banking organizations (all multi-bank holding companies) control approximately 57 per cent of total deposits and 25 per cent of all the banks in Colorado. Acquisition of Bank[4] by Applicant would contribute to some extent to increasing deposit concentration in Colorado; however, the Board regards the effects upon concentration to be only slight inasmuch as Applicant's share of State deposits would increase by no more than approximately four-tenths of one per cent.

Bank (deposits of $30 million) is the larger of two banks[4] in the relevant banking market[5] and controls approximately 63 percent of the total deposits in that market. Applicant has no subsidiaries operating in the relevant banking market, and its closest bank subsidiary to Bank is located 61 miles to the northwest of Montrose. It appears that no meaningful competition currently exists between Bank and any of Applicant's subsidiary banks, and that it is unlikely that significant competition between these institutions would develop in the future in view of the distances involved. On the basis of the facts of record, the Board concludes that consummation of the proposal would not have any significant adverse effect upon existing competition in the relevant banking market.

Applicant, as the largest banking organization in Colorado, appears to possess the financial and managerial resources necessary to establish a *de novo* bank in the relevant market and, thereby, to increase the number of banking alternatives operating therein. Although population per banking office for the market is 7,800,[6] compared to 9,300 for the State, and deposits per bank in the market[7] are below the average deposits per bank for the entire State, Montrose is growing rapidly and exhibits good prospects for continued growth in population, income, and employment opportunities.[8] As a result, the Montrose banking market may be regarded as marginally attractive for *de novo* entry in the future. In light of the future economic prospects for the Montrose area and Applicant's ability to effect an alternative means of entry into the area, consummation of this proposal would eliminate Applicant as a potential *de novo* entrant into the relevant market. However, the effects of this elimination are minimized by the existence of several other potential entrants into the relevant market, including several Colorado multi-bank holding companies that have not entered the market but have the resources to do so. Inasmuch as the relevant market is only marginally attractive for *de novo* entry in the future and there exist other potential entrants into that market, it is the Board's judgment that, on balance, consummation of Applicant's proposal would have only slightly adverse effects upon potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are considered to be generally satisfactory based upon information in the record, including all bank examination information available to the Board. In addition, Applicant's overall financial condition will enable it to augment the capital of any of its subsidiaries should there be a need to do so in the future. Accordingly, the Board regards the banking factors as being consistent with approval of the application.

Affiliation of Bank with Applicant would enable Bank to receive Applicant's financial and managerial expertise and would provide a variety of additional services to the market. In view of the increase in economic activity that is expected in the Montrose area, it appears that the provision of these additional services by Applicant, through Bank, will have some beneficial effect upon the area in providing for its convenience and needs for banking services. Accordingly, the Board concludes that the considerations relation to the convenience and needs of the community to be served lend weight toward approval of the application and are sufficient to outweigh any slightly adverse effects that the proposal may have on potential competition. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record,[9] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[10] effective September 30, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29620 Filed 10-7-76;8:45 am]

[1] In a letter to the Board, dated March 30, 1976, the Comptroller of the Currency recommended approval of this application stating that it was in the public interest. The Attorney General of Colorado, in a letter to the Board, dated March 17, 1976, while not recommending denial of the application, requested that the Board consider issues pertaining to concentration in the Colorado banking industry, competition in both the State and relevant banking markets, convenience and needs of the community to be served, and public benefits to be derived from consummation of the proposal. The Boards' conclusions with respect to these issues as they relate to this application are herein set forth.

[2] All banking data are as of June 30, 1975, unless otherwise indicated.

[3] Bank is the 18th largest independent bank and the 50th largest of the 277 banks in Colorado.

[4] The smaller bank is a subsidiary of the second largest banking organization in Colorado. In addition, a new bank opened on August 30, 1976, in Olathe, which is ten miles north of Montrose.

[5] The relevant banking market is approximated by the eastern portion of Montrose County, which is divided in half by the Uncompahgre Forest.

[6] This figure is reduced to 5,200 when the new bank in Olathe is taken into account.

[7] Nevertheless, the market's average for deposits per bank is nearly double that of any of the three adjacent counties.

[8] From 1970–1975, the populations of Montrose County and town, respectively, increased 13.6 and 25.9 percent. In addition, the average household income for Montrose County increased 85.6 percent during the same period.

[9] Dissenting Statement of Governor Coldwell filed as part of the original document. Copies are available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Kansas City.

[10] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, and Lilly. Voting against this action: Governor Coldwell. Absent and not voting: Chairman Burns and Governor Partee.

FIRST NATIONAL CHARTER CORP.

Proposed Acquisition of Charter Bankers Life Insurance Company

First National Charter Corporation, Kansas City, Missouri, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Charter Bankers Life Insurance Company, Kansas City, Missouri. Notice of the application was published on August 11, 1976, in "The Kansas City Star," a newspaper circulated in Kansas City, Missouri.

Applicant states that the proposed subsidiary would engage in the activities of underwriting credit life and credit accident and health insurance directly related to extensions of credit by its credit-granting subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 3, 1976.

Board of Governors of the Federal Reserve System, September 30, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29621 Filed 10-7-76;8:45 am]

FIRST OKMULGEE CORP.

Formation of Bank Holding Company

First Okmulgee Corporation, Okmulgee, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of First National Bank and Trust Company, Okmulgee, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 2, 1976.

Board of Governors of the Federal Reserve System, October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29622 Filed 10-7-76;8:45 am]

LISCO STATE CO.

Order Approving Formation of a Bank Holding Company

Lisco State Company, Lisco, Nebraska ("Applicant"), has applied for the Board's approval pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 225.3(a) of Regulation Y (12 CFR 225.3(a)) to become a bank holding company through the acquisition of 89 percent or more of the voting shares of Lisco State Bank, Lisco, Nebraska ("Bank").

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (41 FR 30068). Time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Upon acquisition of Bank (deposits of $3.6 million), Applicant would control the 356th largest bank in Nebraska, holding .05 percent of total deposits in commercial banks in the State.[1] Bank is the smallest of the three banks located in Garden County, which approximates the relevant banking market, and controls 20.52 percent of deposits therein. Acquisition of Bank would result in no immediate change in banking services available in the relevant market.

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

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Applicant's principal shareholder has ownership interests in one Colorado and two Nebraska one-bank holding companies. The subsidiary banks of these holding companies are located considerable distances from Bank and operate in different banking markets. Inasmuch as the proposal to form a bank holding company represents a restructuring of the existing ownership of Bank into corporate form, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on other banks in the trade area.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank, are considered satisfactory and consistent with approval. The debt to be incurred by Applicant appears to be serviceable from the income derived from Bank without having an adverse effect on the financial condition of either Applicant or Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application.

Although consummation of the proposal would cause no changes in the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 1, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29623 Filed 10-7-76;8:45 am]

SANTA ANA BANCORP., INC.

Formation of Bank Holding Company

Santa Ana Bancorp., Inc., St. Ann, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Bank of St. Ann, St. Ann, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 29, 1976.

Board of Governors of the Federal Reserve System, October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29624 Filed 10-7-76;8:45 am]

[2] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

GENERAL SERVICES ADMINISTRATION

Proposed Policy Revision

FEDERAL AGENCY HOUSING AND COMMUNITY PLANNING

Opportunity for Comment

Notice is hereby given that the General Services Administration is considering a revision to its policy on Federal agency housing and community planning to reflect, among other things, criteria by which Federal building construction proposals would be developed. The proposed change is presented as it would appear in Chapter 4, Public Buildings and Space, of the GSA Policy Manual.

Any person who wishes to submit written data, views, or objections pertaining to the proposed policy may do so by filing them, in duplicate, with the Commissioner, Public Buildings Service, (P), General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, on or before December 8, 1976. This notice is being published at the request of the Office of Management and Budget.

Dated: October 6, 1976.

TERRY CHAMBERS,
Acting Administrator.

CHAPTER 4. PUBLIC BUILDINGS AND SPACE

PART 1. FEDERAL AGENCY HOUSING AND COMMUNITY PLANNING

1. *Federal Agency Housing.*

a. *Basic Policy.* The General Services Administration (GSA) will satisfy the long range space requirements of Federal agencies through the most cost effective methods practicable with full consideration given to such factors as compatibility with local plans for development or redevelopment and the socioeconomic impact of the proposed actions. The term "Federal agencies" includes all establishments for which GSA provides space as defined in the Public Buildings Act of 1959. Long range plans for housing Federal agencies shall be developed after careful analysis of appropriate housing alternatives, including continued use of Government-owned or leased space; major alterations, conversions, and/or extensions to existing Government-owned space; new construction; acquiring lease space; the purchase of privately owned buildings; or a combination of these.

b. *Operating Policy.* (1) GSA will maintain a system for monitoring the short range and long range housing requirements of Federal agencies. (2) In order to properly evaluate Federal construction as an alternative in satisfying agency space requirements, direct Federal construction proposals shall be developed according to the following criteria:

(a) Federal construction projects will be developed based on their comparative urgency of need with due regard for the eqiutable distribtuion of public buildings throughout the Nation.

(b) Proposals with a unitized cost significantly greater than existing housing shall require substantial justification.

(c) Proposed projects shall result in effective consolidation of agency activities. Priority shall be given to consolidation of related activities of individual agencies and to consolidating agencies with similar program missions. General consolidation of unrelated Federal activities shall be given a lower priority.

(d) The construction of the proposed project will provide for the consolidation of Federal activities and will result in significantly improved delivery of Government services and convenience to the public.

(e) The project proposal will be compatible with, to the greatest extent practicable, local plans for growth and development.

(f) The construction of the proposed project will result in expanded socioeconomic benefits to the community. This criterion shall be considered satisfied when the community for which the project is proposed has experienced a recent history of high and/or persistent unemployment in its genearl economy and in the construction industry, and the delineated area for the proposed project contains an urban development or redevelopment area or it is considered a low income area.

(g) Adequate low and moderate income housing will be available and accessible on a nondiscriminatory basis to the Federal employees to be housed in the proposed project.

(3) In unique situations such as international border station facilities as one example, Federal construction may be the only viable option for satisfying agency requirements. In such circumstances, the criteria listed in (2) above may be waived, subject to those established by applicable laws, orders, or directives.

(4) When the leasing of privately owned space is determined to be the preferred method of satisfying agency requirements, suitable space shall be acquired at rental rates commensurate with prevailing price levels for comparable space in the rental market of the community where the project will be located.

2. *Community Planning.*

a. *Basic Policy.* Federal space requirements shall be determined through continuous surveys and investigations of agency space needs in communities throughout the Nation. Plans for housing Federal agencies shall be developed pursuant to the requirements established by the Public Buildings Act of 1959, as amended; Executive Order 11512; Intergovernmental Cooperation Act of 1968; National Environmental Policy Act of 1969; and other applicable laws, orders, and directives.

b. *Operating Policy.* (1) Basic community planning data will be assembled in the development of Federal projects to ensure their compatibility with local planning objectives. Federal projects are defined as public building construction projects and lease construction projects required to be authorized in accordance with, or in the manner provided by, the provisions of the Public Buildings Act of 1959, as amended, and projects involving a significant change in the use of Federally owned property or property to be acquired by exchange in connection with a public buildings project authorized under the provisions of the Public Buildings Act of 1959, as amended, or in the Federal Property and Administrative Services Act of 1949, as amended.

(2) In the conduct of space surveys and planning studies, GSA will take care to avoid any implication to Federal, State, or local officials or others that the planning survey will lead to a Federal project in the community.

(3) In developing long range housing plans for Federal agencies, maximum use shall be made of existing Government-owned buildings (including excess property) which are adequate or economically adaptable to the space needs of agencies. In determining whether to retain or excess an existing Government-owned building, its historical and/or architectural significance and the development or redevelopment plans of the community shall be given consideration in the planning analysis.

(4) In determining the need for development or redevelopment, the availability of low and moderate income housing, and other socio-economic conditions in connection with planning studies for particular communities, GSA will also consult with and receive advice from the Departments of Housing and Urban Development; Health, Education, and Welfare; Commerce; and others, as appropriate.

(5) Planning proposals shall reflect the objective of promoting the efficient performance of the missions and programs of the executive agencies with due consideration given to convenience to the public, beneficial socioeconomic impact, and safe and healthful working conditions for employees and the public.

(6) Because of the importance of the Federal interest in the National Capital Region and in order that the effect of the Federal Government's activities will be consistent with and directed in a manner which will foster the implementation of modern planning concepts, GSA, in collaboration with other Federal agencies, will be guided by the development policies and guidelines issued by the National Capital Planning Commission in its Comprehensive Plan for the Washington, D.C., area. The feasibility of decentralizing services or activities which can be carried on elsewhere in the Nation without excessive costs or significant loss of efficiency shall be considered in accordance with the general criteria promulgated under the Office of Management and Budget Circular A-60, Criteria for Decentralizing Federal Activities from the National Capital Region.

(7) In the development of planning proposals for particular communities, contact shall be made with the United States Postal Service (USPS) at the earliest practicable date in the planning process so as to ensure effective coordination between GSA and USPS in satisfying Government space requirements.

[FR Doc.76-29868 Filed 10-7-76;8:45 am]

[Federal Procurement Rgs.; Temporary Rg. 40]

NEGOTIATED CONTRACTS INCLUDING ADMINISTRATION OF COST ACCOUNTING STANDARD 414

Pricing Policy

• 1. *Purpose.* This FPR Temporary Regulation provides interim policies and procedures to implement the Cost Accounting Standards Board (CASB) Part 414—Cost Accounting Standard (CAS), Cost of money as an element of the cost of facilities capital. •

2. *Effective date.* This regulation is effective October 1, 1976.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* a. Subpart 1-3.12 prescribes policies and procedures with respect to the application of regulations and standards of the CASB to both negotiated national defense contracts and negotiated nondefense contracts, effective as promulgated by the CASB. CAS 414, which is effective October 1, 1976, establishes criteria for the measurement and allocation of the cost of capital committed to facilities. The computation is required on each CAS-covered contract (defense and nondefense) in accordance with a form (CASB-CMF) and instructions stipulated in the standard. This technique takes explicit account of the varying capital asset commitments among contracts and therefore provides improved understanding of this factor in pricing determinations.

b. Present FPR pricing policy requires that capital asset commitments should be considered in determining profit or fee in all contracts; i.e., § 1-3.808-2 (d), (e), and (f), respectively, extent of Government assistance, extent of the contractor's investment, and character of contractor's business.

c. Until the publication of Defense Procurement Circular (DPC) Number 76-3, effective October 1, 1976, the Armed Services Procurement Regulation (ASPR) also considered capital asset commitments as factors in determining profit or fee. Additionally, for many contracts negotiated under cost analysis techniques, the ASPR utilizes a structured methodology (Weighted Guidelines) to arrive at the Government's going-in profit objective.

d. DPC 76-3 makes changes in this structured profit policy to provide more specifically that the level of facility investment, as measured by CAS 414 techniques, will be recognized in reaching the prenegotiation profit objective. The DPC also provides that the imputed costs measured and allocated in accordance with CAS 414 are to be allowable costs on most negotiated DOD contracts which are priced on the basis of cost analysis. The DPC provides for a profit objective offset of the allowed imputed cost both (1) in the formula under the Weighted Guidelines structure, and (2) by an appropriate reduction in the profit objective to compensate for CAS 414 allowed costs where other methods (nonstructured) are used to establish a profit objective.

e. The Office of Federal Procurement Policy (OFPP) is actively considering the issues raised by CAS 414, particularly in relation to the Commission on Government Procurement recommendations A-28, A-30, and A-35 concerning Government-wide principles on cost allowability, uniform guidelines for equitable profit objectives, and stimulation of contractor acquisition of production facilities. It is anticipated that the policies and procedures expressed in this temporary regulation will be superseded by policies evolving from OFPP initiatives.

5. *Agency action.* a. Agencies may employ, during the term of this regulation, pricing policies consistent with the rules and regulations of the Cost Accounting Standards Board (CASB), the Federal Procurement Regulations, and this temporary regulation. In this regard, five options are provided by subparagraphs (1) through (5) of this paragraph 5.

(1) *Option 1.* Agencies may elect not to change pricing policies. If this option is elected, the following pricing policies are applicable:

(a) Recognition of contractor investment will continue as a factor in determination of profit or fee (§ 1-3.808-2 (d), (e), and (f)).

(b) Negotiated contracts which are subject to the provisions of Subpart 1-3.12, Cost Accounting Standards, both defense and nondefense (§ 1-3.1203(a)(1) and (2), respectively), require measurement and allocation of the cost of money as an element of the cost of facilities capital in accordance with CAS 414 (CAS 414 imputed costs).

(c) CAS 414 imputed costs, for contracts subject to Subpart 1-3.12, shall be treated in accordance with CAS 405, Accounting for unallowable costs, and will be considered in accordance with subparagraph (a) above.

(2) *Option 2.* Agencies may elect to withdraw the applicability of CAS 414 to nondefense contracts. If this option is elected, the following pricing policies are applicable:

(a) Recognition of contractor investment will continue as a factor in determination of profit or fee (§ 1-3.808-2 (d), (e), and (f)).

(b) Negotiated defense contracts (§ 1-3.1203(a)(1)) which are subject to the provisions of Subpart 1-3.12, Cost Accounting Standards, require measurement and allocation of the cost of facilities capital in accordance with CAS 414 (CAS 414 imputed costs).

(c) CAS 414 imputed costs for defense contracts subject to Subpart 1-3.12 shall be treated in accordance with CAS 405, Accounting for unallowable costs, and will be considered in accordance with subparagraph (a) above.

(d) Negotiated nondefense contracts otherwise subject to CASB rules will not be subject to CAS 414. This status shall be reflected by contract clause (see subparagraph d) recognition in each affected contract.

(3) *Option 3.* Agencies may elect to withdraw the applicability of CAS 414 to nondefense contracts and to make CAS 414 imputed costs allowable only for CAS-covered defense contracts. If this option is elected, agencies shall modify their profit policies applicable to defense CAS-covered contracts to take into consideration the explicit recognition of CAS 414 imputed costs; i.e., on an overall agency basis, a policy objective shall be that aggregate prices will not increase. Defense CAS-covered contracts shall include contract clause (see subparagraph e) recognition for progress payment or cost reimbursement purposes. Nondefense CAS-covered contracts shall include contract clause (see subparagraph d) recognition of CAS 414 withdrawal.

(4) *Option 4.* Agencies may elect to make CAS 414 imputed costs allowable for both defense and nondefense CAS-covered contracts. If this option is

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elected, agencies shall modify their profit policies applicable to both defense and nondefense CAS-covered contracts to take into consideration the explicit recognition of CAS 414 imputed costs; i.e., on an overall agency basis, a policy objective shall be that aggregate prices will not increase. CAS-covered contracts shall include contract clause (see subparagraph e) recognition for progress payment or cost reimbursement purposes.

(5) *Option 5.* Agencies may elect to make CAS 414 imputed costs allowable for contracts subject to cost accounting standards pursuant to Subpart 1–3.12 and also to any other negotiated contracts. Agencies shall modify their profit policies which are applicable to contracts for which CAS 414 imputed costs have been made allowable so that the policies take into consideration the explicit recognition of CAS 414 imputed costs; i.e., on an overall agency basis, a policy objective shall be that aggregate prices will not increase. Such contracts shall include contract clause (see subparagraph e) recognition for progress payment or cost reimbursement purposes.

b. Agencies shall ensure that subcontract flow-down provisions are compatible with agency pricing policy elections.

c. If an agency now utilizes a structured pricing policy and elects to make CAS 414 imputed costs allowable, the agency shall take into consideration the explicit recognition of such costs; i.e., on an overall agency basis, a policy objective shall be that aggregate prices will not increase.

d. The following contract clause is suggested for use when an agency elects Options 2 or 3: .

COST ACCOUNTING STANDARD WITHDRAWAL

Cost Accounting Standard 414—Cost of money as an element of the cost of facilities capital—is withdrawn from application to the provisions of the clauses in this contract entitled "Cost Accounting Standards" and "Administration of Cost Accounting Standards."

e. The following contract clause is suggested for use when an agency elects Options 3, 4, or 5:

FACILITIES CAPITAL COST OF MONEY

Costs defined, measured, and allocated in accordance with Cost Accounting Standard 414—Cost of money as an element of the cost of facilities capital—qualify as costs incurred for purposes of the "Allowable Cost, Fee, and Payment" or "Progress Payments" clause of this contract.

f. With reference to the content of CAS 414, the purpose of Form CASB–CMF is to accumulate capital values and convert them to cost of money factors. Additional computation is required to determine facilities capital employed for a specific contract. It is suggested that agencies consider use of DD Form 1861 (July 30, 1976) and accompanying instructions for this purpose. This information is contained on pages 36 and 37 of DPC 76–3, 1 September 1976.

g. Agencies shall furnish a copy of each policy action issued pursuant to this temporary regulation to the General Services Administration (FV), Washington, DC 20406.

Dated: October 1, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–29541 Filed 10–7–76;8:45 am]

[GSA Bulletin FPMR D–143]

SMOKING IN GSA-CONTROLLED BUILDINGS AND FACILITIES

Guidelines

SEPTEMBER 17, 1976.

1. *Purpose.* This bulletin notifies Federal agencies of the guidelines established by the General Services Administration for controlling smoking in public areas and large working areas in GSA-controlled buildings and facilities.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* a. During the past several years, GSA has received numerous letters from nonsmokers requesting that smoking be prohibited either altogether or in certain areas of buildings under GSA jurisdiction. Answers to these letters emphasized the vast number of buildings and amount of space therein managed by GSA, involving hundreds of thousands of employees and visitors, and the impracticability of controlling smoking except in areas where inherent dangers are obvious.

b. In view of the continuing concern about this matter, further consideration was given in November 1973, to the finding of the Surgeon General, as reflected on each pack of cigarettes and in advertising, that cigarette smoking is dangerous to one's health and to studies by the Department of Health, Education, and Welfare showing that an atmosphere contaminated with tobacco smoke can contribute to the discomfort of many individuals. GSA Bulletin FPMR D–102, Smoking in GSA-controlled buildings, was issued November 27, 1973, setting forth guidelines.

4. *Rights of employees.* GSA recognizes the right of individuals working or visiting in GSA-controlled buildings or space to an environment which is reasonably free from contaminants. Consideration should also be given to the right of an employee to smoke under reasonable conditions as determined by the supervisor of the organizational unit to which he or she is assigned.

5. *Action by agency officials and employees.* a. GSA requests that the agency head in each building take affirmative action to implement the guidelines set forth in this bulletin.

b. The full cooperation of all supervisors and employees is requested in ensuring that an equitable balance is maintained between the rights of nonsmokers and those of smokers in implementing or enforcing the smoking guidelines set forth in par. 6.

6. *Guidelines.* Occupant agency officials are requested to observe the following guidelines:

a. *Auditoriums and conference rooms.* Smoking is not permitted in auditoriums. Action will be taken by each GSA buildings manager to post no smoking signs outside the entrances to auditoriums and to place receptacles for cigarette butts outside all entrances to auditoriums. Smoking may be permitted in conference rooms only (1) if they are properly ventilated, as jointly determined by each buildings manager and/or each area manager and each local head of each occupant agency, or (2) if they are equipped with mechanical air cleaners. If not, smoking should be prohibited in these areas, and signs and receptacles should be placed outside the entrances.

b. *Cafeterias.* No smoking areas should be established in cafeterias contracted by GSA. These areas should be designated by each GSA buildings manager in collaboration with the heads of occupant agencies based on an estimate of the relative number of smoking and nonsmoking patrons served, which may be adjusted on the basis of local experience. The no smoking areas should be identified by appropriate signs.

c. *Elevators.* Elevators should be designated as no smoking areas. No smoking signs should be posted in all elevators.

d. *Shuttle vehicles.* Smoking will be prohibited in shuttle vehicles under the jurisdiction of GSA. No smoking signs will be posted in all such vehicles.

e. *Work areas.* The establishment of no smoking work areas in large open space with many employees (e.g., engineering and drafting offices, typing pools, and card punch areas) should be thoroughly investigated. Supervisors should plan work space in such a way that employees who desire a no smoking area can be accommodated, provided that: (1) Efficiency of work units will not be impaired; (2) additional space will not be required; and (3) costly alterations to the space or procurement of additional office equipment will not be necessary. The no smoking areas should be identified by appropriate signs. In establishing and continuing a smoking policy in work areas under their jurisdiction, supervisors should strive to maintain an equitable balance between the rights of nonsmokers and those of smokers.

f. *Medical care facilities.* In medical clinics and employee health units, smoking should be restricted to visitor waiting areas, staff lounges, private offices, and specially designated areas. If possible and practical, waiting areas should be divided into smoking and no smoking areas.

7. *Cancellation.* GSA Bulletin FPMR D–102, issued November 27, 1973, is canceled.

NICHOLAS A. PANUZIO,
Commissioner,
Public Buildings Service.

[FR Doc. 76–29542 Filed 10–7–78;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

This notice amends the General Services Administration and Federal Energy Administration notices of December 30, 1974 (40 FR 26), and January 31, 1975 (40 FR 5409), which notices amended that of September 23, 1974 (39 FR 34608). Together, these notices, subject to the terms and conditions contained therein, authorize priorities assistance and allocations support under the Defense Production Act of 1950, as amended, for the development and production of Alaska North Slope oil resources.

This action is necessary because the construction schedule for the third flow station and associated facilities (Increment 3) on the east field has been delayed pending resolution of issues relating to unitization of the Prudhoe Bay field. In addition, severe weather conditions and uncertain transportation capability constitute an added threat to the timely delivery of equipment and supplies.

In the formulation of this notice, there was consultation with representatives of industry receiving the priorities and allocations suport, and consideration has been given to their recommendations. Further consultation with other industries, including trade associations, was rendered impracticable because this notice applies to numerous trades and industries.

By virtue of the authority vested in the President by Title I of the Defense Production Act of 1950, as amended, and delegated pursuant to Executive Orders 10480 of August 14, 1953, 11725 of June 27, 1973, and 11790 of June 25, 1974, the General Services Administration and the Federal Energy Administration notices of December 30, 1974, and January 31, 1975, are ameded to revise the expiration date appearing in those notices to read December 1, 1976. These notices are further amended to limit the use of the priorities assistance and allocations support to the construction schedule for the third flow station and associated facilities on the east field of the North Slope, for the materials and equipment to be shipped to Prudhoe Bay through the summer of 1978.

This notice is effective as of October 1, 1976.

Dated: October 4, 1976.

FRANK G. ZARB,
Administrator.
Federal Energy Administration.

LESLIE W. BRAY, JR.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.76–29543 Filed 10–7–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Mathematical Sciences.
Date and Time: October 28 and 29, 1976; 9:00 am each day.
Place: Room 321, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Part Open—Open 10/28 all day. Closed 10/29—9:00 a.m.–10 a.m., open remainder of meeting.
Contact person: Dr. William H. Pell, Head, Mathematical Sciences, Section, Rm. 802, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–7377.
Summary minutes (open Portion): May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 214, National Science Foundation, Washington, D.C. 20550.
Purpose of panel: To provide advice and recommendations concerning support for research in the mathematical sciences.

AGENDA

THURSDAY, OCTOBER 28

9:00 a.m.	Introduction and Opening Remarks—Dr. William H. Pell, Head, Mathematical Sciences Section.
9:15 a.m.	Recapitulation of FY 1976 and FY 1976 Transition Quarter Operations—Dr. William H. Pell and Dr. Alvin I. Thaler, Program Director for Algeb.
10:00 a.m.	Remarks on the NSF FY 1977 Budget—Dr. John R. Pasta, Director, Division of Mathematical and Computer Sciences.
10:45 a.m.	The Peer Review System—Section Staff.
11:30 a.m.	The Mathematical Sciences in China—Dr. G. F. Carrier, T. Jefferson Coolidge Professor of Applied Mathematics, Harvard University.
12:15 p.m.	Recess.
1:30 p.m.	Review of the Applied Mathematics Program—Mr. B. R. Agins, Program Director for Applied Mathematics.
5:00 p.m.	Adjourn.

FRIDAY, OCTOBER 29

9:00 a.m.	(Closed) Review and Evaluation of Research Proposals—Staff.
10:00 a.m.	Future Plans: The Mathematics Research Institute—Dr. Pasta and Section Staff.
11:30 a.m.	Discussion of possible Replacements of Rotators.
12:30 p.m.	Adjourn.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act. Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 5, 1976.

[FR Doc.76–29712 Filed 10–7–76;8:45 am]

ADVISORY PANEL FOR METABOLIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.
Date and time: October 28, and 29, 1976; 9:00 a.m. each day.
Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C., Room 511.
Type of meeting: Closed
Contact person: Dr. Elijah B. Romanoff, Program Director for Metabolic Biology, Room 331, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–4312.
Purpose of panel: To provide advice and recommendations concerning support for research in Metabolic Biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is, thus, subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

OCTOBER 5, 1976.

M. REBECCA WINKLER,
Acting Committee Maagement Office.

[FR Doc.76–29713 Filed 10–7–76;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Renewal

Pursuant to the Federal Advisory Committee Act, P.L. 92–463, I have hereby determined that the renewal of the Advisory Panel on Science Education Projects is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A–63, Revised.

Authority for this advisory panel shall expire on October 8, 1978, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,
Acting Director.

OCTOBER 5, 1976.

[FR Doc.76–29711 Filed 10–7–76;8:45 am]

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS; SUBPANEL ON UNDERGRADUATE RESEARCH PARTICIPATION PROGRAM

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Undergraduate Research Participation Program, Advisory Panel for Science Education Projects.

Dates and times: October 28–30, 1976—9 a.m. to 5 p.m. each day.

Place: Sheraton-Park Hotel, 2660 Woodley Road, N.W., Washington, D.C. and simultaneously at Quality Inn Downtown, Massachusetts Avenue and Thomas Circle, N.W., Washington, D.C.

Type of meeting: Closed.

Contract person: Dr. Lafe R. Edmunds, Coordinator, Student-Oriented Programs, Room W–400, National Science Foundation, Washington, D.C. 20550, tel: (202) 282–7150.

Purpose of subpanel: To provide advice and recommendations concerning support in the Undergraduate Research Participation Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 5, 1976.

[FR Doc.76–29714 Filed 10–7–76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

UNITED STATES INMARSAT PREPARATORY COMMITTEE WORKING GROUP

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) and the Office of Management and Budget (OMB) Circular No. A–63, and after consultation with OMB, the Director of the Office of Telecommunications Policy has determined that the establishment of the U.S. INMARSAT Preparatory Committee Working Group is in the public interest in connection with the performance of duties imposed on this Office by Sec 2(d) of Executive Order 11556, 3 CFR 956 (1970).

The Working Group will advise the Director on the various positions to be taken by the U.S. Government on issues under consideration by the INMARSAT Preparatory Committee. That Preparatory Committee was established by the Second Session of the International Conference on the Establishment of an International Maritime Satellite System (INMARSAT) to conduct economic and technical studies and to prepare draft organizational structure and financial and staff regulations. The Office of Telecommunications Policy will continue to require the advice of the Working Group until such time as the INMARSAT Preparatory Committee is replaced by a fully functioning INMARSAT organization.

The Working Group will consist of approximately 25 members. In order to provide for an adequate balancing of views, representatives will be appointed from all entities having an interest in INMARSAT, including but not limited to those parties who participated in the initial INMARSAT negotiations.

The Working Group will report and be responsible to the Director and will function solely as an advisory body in compliance with the Federal Advisory Committee Act and OMB Circular A–63. Copies of its charter shall be filed under the Act on or before October 26, 1976.

Interested persons are invited to submit comments regarding the establishment of the U.S. INMARSAT Preparatory Committee Working Group. Such comments, as well as related inquiries, may be addressed to Mr. L. Daniel O'Neill, Advisory Committee Management Officer, Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C. 20504, 202–395–5174.

THOMAS J. HOUSER,
Director.

OCTOBER 6, 1976.

[FR Doc.76–29914 Filed 10–7–76;10:14 am]

SMALL BUSINESS ADMINISTRATION

FARGO DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Fargo District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, October 21, 1976, at the Ramada Inn, Jamestown, North Dakota, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call E. Maine Shafer, U.S. Small Business Administration, Federal Office Building—Room 218, P.O. Box 3086, Fargo, North Dakota 58102, (701) 783–5131.

Dated: October 5, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76–29599 Filed 10–7–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on September 29, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Test study of paid leave provisions:
Single-time, private establishment employing 50 or more employees, Strasser, A., 395–5867.

DEPARTMENT OF COMMERCE

National Bureau of Standards:
Private sector R & D management interview Guide, NBS–1069, single-time, private sector R & D performers and manufacturers, Ellett, C. A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Data collection forms in response to section 437, GEPA, calendar 1976 collection, single-time, 50 states, Washington, D.C. 2 regional offices, Kathy Wallman, 395–6140.

Food and Drug Administration:
Effects on offspring of high level exposure to microwave radiation, single-time, armed forces personnel exposed to radar, Richard Eisinger, 395–6140.

Social Security Administration:
Hospital, hospital-skilled nursing facility complex, cost, SSA–2551, 2551 A through, annually, hospitals, skilled nursing facilities, Caywood, D.P., 395–3443.
Individualized service plan (short form, extended form 1 and 2), SSA–3407, 34 3407B, on occasion, all medicare-certified clinical psychologists, Caywood, D. P., 395–3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy development and research:
Survey of Landlords-Section 8 program, single-time, landlords in 90 SMSA's, housing, veterans and labor division, Sunderhauf, M. B., 395–3532.

Contract H–2555 Community Issues Dialog Northwest Regional Foundation, Spokane, Wash., single-time, individuals, housing, veterans and labor division, information systems division, 395–3532.

Housing Management:
Field Office Inventory of Deferred Maintenance on Capital Improvement Needs; Regional Office Summary, HUD–53002, HUD–53002–A, single-time, selected public housing agencies, housing, veterans and labor division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration:
Regulations Governing Applications Under Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, on occasion, railroads and other persons, Strasser, A., 395–5867.
Regulations Governing Applications Under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, on occasion, railroads and other persons, Strasser, A., 395–5867.

Federal Highway Administration:
Highway Needs and State Revenues From Energy Resource Activities, single-time, State highway departments, Strasser, A., 395–5867.

REVISIONS

VETERANS ADMINISTRATION

Physician's Approval for Hypodermic Injections, 5–3986, on occasion, private physicians, Warren Topelius, 395–5872.

DEPARTMENT OF COMMERCE

Bureau of Census:
(Part of 1980 Decennial Census of Population and Housing) Prelist Address Register DE 101, DE 102, single-time, housing units in test area not covered by commission mailing list, George Hall, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Statement Regarding School Attendance, SSA–1372, on occasion, full-time students between 18–22, Caywood, D. P., 395–3443.

DEPARTMENT OF LABOR

Employment and Training Administration:
Claims and Payment Activities, ES–213, monthly, State employment security offices, Strasser, A., 395–5867.
Interstate Arrangement for Combining Employment and Wages, MA5–86, quarterly, State employment security offices, Strasser, A., 395–5867.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Forms for use by Displaced Persons in Applying for Benefits Under the Uniform Relocation Assistance and Real Property Act, SF 260, on occasion, individuals, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Bureau of Census:
Asphalt and Tar Roofing and Siding Products-Monthly Shipments, MA–29A, monthly, manufacturers, Cynthia Wiggins, 395–5631.
Hardwood Plywood (Consumption of Selected Materials, Production and Shipments) Annual Report, MA–24F, annually, manufacturers, Cynthia Wiggins, 395–5631.
Annual Report on Shipments and Production of Industrial Gases, MA–28E.2, annually, manufacturers, Cynthia Wiggins, 395–5631.
Electric Housewares and Fans, MA 36E, annually, manufacturers, Cynthia Wiggins, 395–5631.
Cotton, Man-Made Fiber Staple and Raw Linters Consumption and Stocks, MA–22P, annually, manufacturing plants consuming raw cotton and manmade fiber, Cynthia Wiggins, 395–5631.
Commercial Steel Forgings, MA34C, annually, manufacturers, Cynthia Wiggins, 395–5631.
Selected Industrial Air-Pollution Equipment—Annual Manufacturers Report, MA–35J, annually, manufacturing establishments, Ellett, C. A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Federal Assistance (Short Form)—Section 1203 HEA Comprehenaive Planning Grants, OE 1279, annually, State Commission, Caywood, D. P., 395–3443.

Center for Disease Control:
A Research Action Evaluation Program for Venereal Disease in Los Angeles, CDC 1107, single-time, VD clinic patients and VD clinic personnel, George Hall, 395–6140.

Social Security Administration:
Home Health Agency Statement of Reimbursable Cost—Hospital Based Home Health Agency Statement of Reimbursable Cost, SSA–1728, annually, health care providers, Caywood, D. P., 395–3443.
Notice of Change in School Attendance, SSA–1383, on occasion, student beneficiaries, Warren Topelius, 395–5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Application for Tenant Eligibility Under the Section 236 Program, FHA 3131, on occasion, low and moderate income households, Housing, Veterans and Labor Division, 395–3532.
Biennial Certification of Family Income and Composition Under The Section 236 Program, FHA 3132, on occasion, low and moderate income households, Housing, Veterans and Labor Division, 395–3532.

DEPARTMENT OF JUSTICE

Offices, Boards, Divisions:
Short Form Registration Statements of Individuals (Foreign Agents) (OBD Criminal), LEAA–66, on occasion, individuals, Warren Topelius, 395–5872.
Exhibit A to Registration Statement (Foreign Agents), DJ–306, on occasion, individuals, Warren Topelius, 395–5872.
Exhibit B to Registration Statement, DJ–304, on occasion, individuals, Warren Topelius, 395–5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–29771 Filed 10–7–76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farms and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or cility upon the local labor market, with facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this Fourth day of October, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

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Applications received during the week ending Oct. 1, 1976

Name of applicant	Location of enterprise	Principal product or activity
The Village Motel	White Sulphur Springs, W. Va.	Rental of rooms and apartments.
Brogdon Industries, Inc. (tenant of town of Andrews).	Andrews, S.C.	Manufacture of fishing rods, radio antennas and other fiberglass and cellulose products.
Bonders, Inc. (tenant of city of Dunn)	Dunn, N.C.	Manufacture of ladies' coats.
J. & C. Co.	Newbern, Tenn.	Building and leasing of facility for agricultural implement sales.
Gibson Products Co. of Cordele, Inc.	Americus, Ga.	Retailing general merchandise.
Shallco, Inc	Smithfield, N.C.	Manufacture of audio attenuators and rotary switches.
Shallcross Investment Realty Co	do	Leasing factory.
Hipps Produce Inc. (tenant of North Carolina Department of Agriculture) Asheville, N.C.	Asheville, N.C.	Wholesale produce and trucking.
C. & J. Produce (tenant of North Carolina Department of Agriculture).	do	Wholesale produce.
Omega Development	Eveleth, Minn	Rental of land and buildings.
Quandahl Associates, Inc	Sparta, Wis.	Manufacture and sales of kitchen cabinets, counter tops, and floor coverings.
Lake County Nursery Exchange, Inc.	Perry, Ohio	Nursery stock.
Thurman L. Warren	Marlin, Tex.	Grocery and washateria.
Sprinkles-Perkins	do	Automobile and farm equipment sales and service.
Park Control, Inc	Phoenix, Ariz.	Manufacture of parking equalizers.
Adamson's Inc	Carey, Idaho	Sale of petroleum products, auto parts, farm machinery, and other products.

[FR Doc.76-29603 Filed 10-7-76;8:45 am]

JOB CORPS CENTER, GLENMONT, N.Y.

Decision Not To Issue Environmental Impact Statement

Notice is hereby given that pursuant to the Code of Federal Regulations, Title 40, Chapter V, Part 1500 the Department of Labor has determined that an environmental impact statement is not required in order to establish a Job Corps Center at Our Lady of Angels Seminary in Glenmont, New York. Reasons for this determination are set forth below.

The proposed New York Job Corps Center will be a training center with residential and educational facilities for 275 disadvanted young men and women, ages 16 through 21 who need and can benefit from intensive employment related services. The function of the center and the staff of approximately 100 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The center will be a self-contained facility on a ridge on the westerly slope of the Valley of the Hudson River, approximately four miles from Albany. The facility consists of approximately 11 buildings constructed on concrete and steel with brick exterior walls. The campus is located on a 240 acre wooded tract, next to a commerical area, with no more than 14 families living within four miles of the grounds.

The proposed Job Corps Center at Our Lady of Angels is not one of "major Federal actions significantly affecting the quality of the human environment" within the meaning of § 1500.6(c). The intended purpose is the same as the use of the site by the previous occupants, specifically residential living and instruction in an educational institution.

Sewage facilities are planned to include the installation of an aeration tank and establishment of a settlement area. Provision will be made for chlorination of the effluent. Effluent will be discharged into a basin.

Two wells on the property more than adequately meet the volume requirements and standards for water supply. A third well, chemically treated, will be used as a back-up.

Noise will not be a factor since the center will be located in brick buildings off a highway in an isolated area on 244 acres with abundant trees.

Furthermore, the center will be operated in compliance with 29 CFR 97a.116, the standard Job Corps procedures on environmental health, which include:

(a) Center Directors adhere to Federal, State and local regulations concerning environmental health. Routine environmental health inspections of dormitories, food preparation and serving areas, and water waste treatment facilities, will be performed at least once a week by the center physician or his designee. The Center Director will also arrange for formal environmental health inspections by qualified non-center personnel.

(b) The water supply:

(1) It will be adequate for the center's needs, and shall satisfy the latest U.S. Public Health Services Regulations on Drinking Water Standards (42 CFR 72.201-207).

(2) In case of any construction or renovation of the water supply system, design, specifications, and construction procedures will be conducted in compliance with regulations of State and local or other health authorities and their approval.

(3) The Center Director will maintain records which shall show the amount of water treated, amount of chlorine used, daily free chlorine residual, and other data pursuant to standards set by the EPA and local authorities pertaining to water treatment. The Center Director will arrange for all necessary bacterial and chemical tests to be performed by State and local health authorities with the exception of the daily routine residual chlorine test which shall be done by center staff.

(4) The Job Corps center will comply with the water quality and related standards of the State and with the standards established by the Federal Water Pollution Control Act, 33 U.S.C. 1151 et seq.; by Executive Order 11752; 3 CFR 380, (1974) and by the Environmental Protection Agency.

(5) The Center Director will see that septic tanks are inspected by appropriate non-center personnel at least once a year.

(6) The installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752, 3 CFR 380, (1974) and at 40 CFR, Part 76.

(c) Food handling practices shall meet local and United States Public Health Department Standards; all meat products shall meet U.S. Department of Agriculture standards; and pesticides shall not be used where food is prepared or served.

(d) Insecticides will be used only in conformance with State and Federal pesticide laws including the regulations of the Environmental Protection Agency.

Signed at Washington, DC this 4th day of October, 1976.

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive Employment Development.

[FR Doc.76-29586 Filed 10-5-76;8:45 am]

NOTE: This document is reprinted without charge from the issue of Wednesday, October 6, 1976.

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Redesignation

On February 10, 1976 the Office of Federal Contract Compliance Programs published a notice in the FEDERAL REGISTER, 41 FR 5880, designating Leonard J. Biermann as Executive Secretary of the Federal Advisory Committee for Higher Education Equal Opportunity Programs. Dr. David G. Speck, is hereby designated as the Executive Secretary, and will replace Leonard J. Biermann who has served as Executive Secretary of the Committee since its inception. Any persons wishing to correspond with or submit documents to the Committee may do so by sending them to the redesignated Executive Secretary:

Dr. David G. Speck, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room C3325, Washington, D.C. 20210.

Signed at Washington, D.C., this 5th day of October, 1976.

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76-29913 Filed 10-7-76;10:19 am]

Occupational Safety and Health Administration

COLORADO STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 12, 1973, notice was published in the FEDERAL REGISTER (38 FR 25172) of the approval of the Colorado plan and the adoption of Subpart M to Part 1952 containing the decision.

The Colorado plan provides for the adoption of Federal standards as State standards after public hearings. Section 1952.193 of Subpart M of 29 CFR Part 1952 sets forth the State's schedule for the adoption of Federal standards. By letter dated June 15, 1976, from Norman L. Sothan, Chief of Labor Services, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted Supplement No. 1, Rules and Regulations for Construction Standards which are comparable to the Construction Safety and Health Standards of 29 CFR 1926, as published in FEDERAL REGISTER (39 FR 22801) dated June 24, 1974. These standards, which are contained in the Colorado Occupational Safety and Health Rules and Regulations for Construction, were promulgated after hearings which were held on July 26, 1974, October 17, 1974, and October 9, 1975, and with resolutions adopted by the Colorado Occupational Safety and Health Standards Board on December 19, 1974, April 3, 1975, and October 30, 1975, pursuant to Section 8-11-104, Colorado Revised Statutes 1973.

2. *Decision.* The State submission having been reviewed in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards as of June 24, 1974. In addition, the State standards are more specific in several areas, particularly with respect to the rules and regulations which apply to Illumination, Warning Vests, Material Hoppers, Chutes, Bins and Tank Openings, Tar Kettles, Specific Excavation Requirements, Flooring Requirements and Structural Steel Assembly.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Office of the Chief for Labor Services, 1313 Sherman Street, Room 414, Denver, Colorado 80203; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Colorado State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment, and further public participation would be repetitious.

This decision is effective October 8, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Denver, Colorado, this twentieth day of August 1976.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc.76-29715 Filed 10-7-76;8:45 am]

Office of the Secretary

[TA-W-1091]

AMERICAN ATHLETIC SHOE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 23, 1976 the Department of Labor received a petition dated September 2, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of American Athletic Shoe, Inc., Ware, Massachusetts (TA-W-1091).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hockey skates and baseball shoes produced by American Athletic Shoe, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment assistance, at the address shown below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29716 Filed 10-7-76;8:45 am]

[TA-W-993]

BIENEN-DAVIS, INC.

Certification Regarding Eligibilty To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-993; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 19, 1976 in response to a worker petition received on July 19, 1976 which was filed on behalf of workers and former workers producing ladies' handbags at Bienen-Davis, Inc. located in New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31957). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bienen-Davis, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 11.5 percent from 1973 to 1974 and then declined 13.0 percent from 1974 to 1975. Employment declined 28.6 percent in the first four months of 1976 compared to the first four months of 1975. Employment of all workers was terminated in April 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of handbags by Bienen-Davis declined 16.6 percent in value from 1973 to 1974 and 24.4 percent from 1974 to 1975. Sales declined 34.1 percent in the first four months of 1976 compared to the first four months of 1975.

INCREASED IMPORTS

Imports of leather handbags increased 56.8 percent in quantity from 1971 to 1972. Imports declined 8.6 percent from 1972 to 1973 and 40.9 percent from 1973 to 1974. Imports increased 28.7 percent from 1974 to 1975 and increased 36.8 in the first quarter of 1976 compared to the first quarter of 1975. Domestic production and consumption figures for leather handbags are not separately identifiable from total handbag production and consumption figures.

Imports of all handbags increased 18.5 percent in quantity from 1971 to 1972. Imports declined 0.3 percent from 1972 to 1973 and 18.8 percent from 1973 to 1974. Imports increased 6.4 percent from 1974 to 1975 and increased 52.9 percent in the first quarter of 1976 compared to the first quarter of the previous year. The ratios of imports to domestic production and consumption increased from 93.9 percent and 48.8 percent, respectively, in the first quarter of 1975 to 122.7 percent and 55.8 percent, respectively, in the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Bienen-Davis have indicated that they have reduced purchases from Bienen-Davis and increased purchases of imported handbags. The price differential between domestic and imported handbags was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' handbags produced by Bienen-Davis, Inc. contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of handbags at Bienen-Davis, Inc. of New York, New York who became totally or partially separated from employment on or after July 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of September 1976.

JAMES F. TAYLOR,
Director, Officer of Management, Administration and Planning.

[FR Doc.76-29718 Filed 10-7-76;8:45 am]

[TA-W-1094]

B & M SHRIMP CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 27, 1976 the Department of Labor received a petition dated September 21, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of B & M Shrimp Company, Tampa, Florida (TA-W-1094).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by B & M Shrimp Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29717 Filed 10-7-76;8:45 am]

[TA-W-987]

CARDINAL SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-987: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 8, 1976 in response to a worker petition received on that date which was filed by workers and former workers producing women's footwear at Cardinal Shoe Corporation, Lawrence, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on July 27, 1976 (41 FR 31275). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cardinal Shoe Corporation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the first and second criteria have not been met.

Employment and average weekly hours worked at Cardinal increased in each quarter from the first quarter of 1975 through the second quarter of 1976 when compared to the same quarter of the previous year.

From the first quarter of 1975 through the second quarter of 1976, both sales and production of women's footwear at Cardinal increased in each quarter when compared to the same quarter of the previous year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Cardinal Shoe Corporation have not become, and are not threatened with becoming, totally or partially separated from employment at the firm, and that neither sales nor production of women's footwear at Cardinal Shoe Corporation, Lawrence, Massachusetts have decreased obsolutely as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29719 Filed 10-7-76;8:45 am]

[TA-W-1,095]

GE-RIC, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 27, 1976 the Department of Labor received a petition dated September 21, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Ge-Ric, Incorporation, Tampa, Florida (TA-W-1,095).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Ge-Ric, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29720 Filed 10-7-76;8:45 am]

[TA-W-1,092]

J. BASS CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 23, 1976 the Department of Labor received a petition dated August 20, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of J. Bass Company, Inc., West Hazleton, Pennsylvania (TA-W-1,092).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the printing and dyeing of materials by J. Bass Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29721 Filed 10-7-76;8:45 am]

[TA-W-1,096]

JAN, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 27, 1976 the Department of Labor received a petition dated September 21, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Jan, Incorporated, Tampa, Florida (TA-W-1,096).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Jan, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a

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substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29722 Filed 10-7-76;8:45 am]

[TA-W-992]

JONELL SHOE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-992: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 19, 1976 in response to a worker petition dated July 2, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's casual canvas shoes at Jonell Shoe Company, Lawrence, Massachusetts, a subsidiary of Morse Shoe Company, Canton, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31959). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jonell Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

The investigation revealed that although criteria one and two were met, criteria three and four were not met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Jonell declined 6.3 percent from 1973 to 1974 and declined 23.5 percent from 1974 to 1975. In the first six months of 1976, the average number of production workers increased 8.1 percent compared to the first six months of 1975.

Average weekly hours worked declined 0.3 percent from 1973 to 1974 and declined 12.4 percent from 1974 to 1975. In the first six months of 1976, average weekly hours worked increased 9.5 percent compared to the first six months of 1975.

The average number of salaried workers remained stable from 1973 to 1974 and from 1974 to 1975. In the first six months of 1976 the average number of salaried employees declined 5.9 percent compared to the first six months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of sales of women's canvas shoes by Jonell increased 8.3 percent from 1973 to 1974 and then declined 4.8 percent from 1974 to 1975. In the first six months of 1976 the value of sales increased 12.4 percent compared to the first six months of 1975.

Production of women's canvas shoes at Jonell declined 8.0 percent from 1973 to 1974 and declined 22.1 percent from 1974 to 1975. In the first six months of 1976, production increased 6.4 percent compared with the first six months of 1975.

INCREASED IMPORTS

Imports of canvas footwear declined absolutely and relatively from 1971 to 1972 and then increased absolutely and relatively from 1972 to 1973 and from 1973 to 1974. Imports declined absolutely from 1974 to 1975, and in the first quarter of 1976 compared with the first quarter of 1975. The ratios of imports to domestic production declined from 18.2 percent in 1974 to 17.8 percent in 1975 and declined from 18.9 percent in the first quarter of 1975 to 15.6 percent in the first quarter of 1976.

The category canvas footwear (SIC 30212) consists largely of traditional styles of sneakers and includes women's casual canvas shoes with rubber soles. Import data for women's casual shoes could not be isolated from the basket category.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers reduced purchases of women's canvas shoes from Jonell in 1975. The customers agreed that the shoes were not selling as well as anticipated. Consequently, purchases were reduced because the retailers were overstocked with JoneH's shoes.

Several customers indicated, however, that they were increasing purchases from Jonell in 1976. None of the customers purchased imports of this type of shoe.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's casual canvas shoes produced at Jonell Shoe Company, Lawrence, Massachusetts did not contribute importantly to the total or partial separations of workers of that plant.

Signed at Washington, D.C., this 29th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29723 Filed 10-7-76;8:45 am]

[TA-W-985]

LOWELL SHOE COMPANY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-985: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 14, 1976 in response to a worker petition dated June 8, 1976 which was filed on behalf of workers and former workers producing women's duty shoes at Lowell Shoe Company, Incorporated, Lowell, Massachusetts, a subsidiary of Morse Shoe Company, Inc., Canton, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30418). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lowell Shoe Company, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (1) and (2) have not been met.

The evidence developed in the Department's investigation reveals that sales and production by Lowell Shoe Company, Incorporated increased 20 percent in 1975 from 1974. Production increased 5 percent in the first six months of 1976 compared to the first six months of 1975. When compared to the same quarter of the previous year, production increased during eight consecutive quarters from the second quarter of 1974 through the first quarter of 1976.

Employment of production workers at Lowell Shoe Company, Incorporated increased 7 percent in 1975 from 1974 and increased 1 percent in the first 5 months of 1976 compared to the first 5 months of 1975. The average weekly hours worked by production workers increased 6 percent in 1975 from 1974 and increased 3 percent in the first 5 months of 1976 compared to the first five months of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Lowell Shoe Company, Incorporated, Lowell, Massachusetts are not threatened with becoming, totally or partially separated from employment at the firm, and that neither sales or production of women's duty shoes at Lowell Shoe Company, Incorporated, Lowell, Massachusetts have decreased absolutely as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29724 Filed 10-7-76;8:45 am]

[TA-W-957]

LEISURE MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-957: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 29, 1976 in response to a worker petition received on June 29, 1976 which was filed on behalf of workers and former workers producing women's boat deck sandals at Leisure Manufacturing Company, Haverhill, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29515). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leisure Manufacturing Co., its customers, the U.S. Department of Commerce, U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important that any other cause.

The Department's investigation revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of production workers declined 33 percent in 1975 compared to 1974. The average number of production workers declined 33 percent in the first six months of 1976 compared to the first six months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

A fire at the Leisure plant in January 1975 destroyed all records prior to that period and closed the plant from January through March 1975.

Production at Leisure prior to January 1975 was estimated by company officials. Production at Leisure based on these estimates declined 37.6 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of women's and misses' non rubber footwear, including sandals, increased absolutely each year from 1971 through 1975 with the exception of 1974. While the ratio of imports to domestic production decreased from 102.6 percent in 1974 to 101.0 percent in 1975 and increased from 134.1 percent in the first quarter of 1975 to 113.7 percent in the first quarter of 1976, imports increased absolutely from 187.6 million pairs in 1974 to 190.7 million pairs in 1975 and increased from 55.5 million pairs in the first quarter of 1975 to 66.6 million pairs in the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that Leisure Manufacturing Company produces a specialized women's non-skid boat deck sandal. These sandals are sold primarily to stores located in boating marinas in Florida. Leisure's customers stated that they have never carried any imported women's boat deck sandals.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's boat deck sandals produced by Leisure Manufacturing Company did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 30th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29729 Filed 10-7-76;8:45 am]

[TA-W-1097]

M & B SHRIMP CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 27, 1976 the Department of Labor received a petition dated September 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of M & B Shrimp Co., Tampa, Florida (TA-W-1097).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by M & B Shrimp Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assist-

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ance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29730 Filed 10-7-76;8:45 am]

[TA-W-982]

MINI SHOE COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-982: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 9, 1976 in response to a worker petition dated June 4, 1976 which was filed on behalf of workers and former workers producing canvas uppers for casual footwear at Mini Shoe Company, Incorporated, Lowell, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30419). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mini Shoe Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Mini Shoe Company, Incorporated declined 19 percent from 1974 to 1975 and increased 24 percent in the first six months of 1976 compared to the first six months of 1975. Average weekly hours for production workers were reduced 50 percent during May-August 1975 and from March 1976 to the present time.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Mini Shoe Company, Incorporated decreased 24 percent in 1975 from 1974. All sales to the customer accounting for 95 percent of sales by Mini in 1975 were terminated in February 1976, resulting in a sharp decline in output by Mini Shoe Company in the first hal fof 1976.

INCREASED IMPORTS

Most shoe uppers of foreign construction enter the United States as component parts of completed shoes; imported canvas shoe uppers are therefore not separately identifiable within the Tariff Schedules of the United States. After declining from 1971 to 1974, imports of cotton shoe uppers—including canvas—increased 12 percent from 1.3 million pounds in 1974 to 1.5 million pounds in 1975. Imports increased 19 percent in the first seven months of 1976 compared to the same period of 1975.

CONTRIBUTED IMPORTANTLY

A customer accounting for 95 percent of sales by Mini Shoe Company terminated all orders from Mini in February 1976 and began ordering instead from a foreign source. Imports by the customer, which entered the United States for the first time in July 1976, contributed to a 35 percent increase in U.S. imports of cotton shoe uppers in July 1976 compared to July 1975. Reduced sales due to the loss of its major customer resulted in the separation of the workers of Mini Shoe Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with canvas shoe uppers produced at Mini Shoe Company, Incorporated, Lowell, Massachusetts contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Mini Shoe Company, Incorporated, Lowell, Massachusetts who became totally or partially separated from employment on or after June 4, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29725 Filed 10-7-76;8:45 am]

[TA-W-1007]

QUAKER KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1007: investigation regarding certification of eligibility to apply for work adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 30, 1976 in response to a worker petition received on July 30, 1976 which was filed on behalf of workers and former workers producing men's sweaters at the Quaker Knitting Mills, Berlin, New Jersey, a division of Warnaco, Inc., Bridgeport, Connecticut.

The notice of investigation was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34393). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Warnaco, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Plant employment declined 23.5 percent in 1975 compared to 1974 and declined 18.9 percent in the last six months of 1975 compared to the like period in 1974. All workers were laid off on or before December 5, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant production of men's sweaters declined 31.0 pecent in 1975 compared to 1974 and declined 25.7 percent in the last six months of 1975 compared to the like 1974 period. The plant ceased production in November 1975.

The Berlin, New Jersey plant produces men's sweaters which are distributed by the Men's Sportswear Division of Warnaco. Division sales of men's sweaters declined 28.0 percent in 1975 compared to 1974 and declined 13.6 percent in the last six months of 1975 compared to the like 1974 period.

INCREASED IMPORTS

Imports of men's sweaters increased 84.2 percent from 5.7 million units in the January through June period of 1975 to 10.5 million units for the like 1976 period.

CONTRIBUTED IMPORTANTLY

A geographic sampling of the customers of Warnaco's Men's Sportswear Division indicates that customers who have reduced purchases of men's sweaters from Warnaco, have increased their purchases of imported men's sweaters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of men's sweaters have contributed importantly to the total or partial separation of workers at Quaker Knitting Mills, Berlin, New Jersey a division of Warnaco, Inc., Bridgeport, Connecticut. In accordance with the provisions of the Act, I make the following certification:

All employees at Quaker Knitting Mills, Berlin, New Jersey a division of Warnaco, Inc., who became totally or partially separated from employment on or after July 26, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29726 Filed 10-7-76;8:45 am]

[TA-W-949]

STRIDE RITE SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-949: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 21, 1976 in response to a worker petition dated June 10, 1976 which was filed on behalf of workers and former workers producing children's footwear at the Newburyport, Massachusetts plant of the Stride Rite Manufacturingg Corp., Boston, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 27804) on July 6, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Stride Rite Manufacturing Corp., its customers, the American Footwear Industries Assn., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that although the third criterion has been met, the first, second, and fourth criteria have not been met.

Significant total or partial separations. From 1974 to 1975, the average number of production workers at the Newburyport plant increased six percent, and average weekly hours decreased one percent. In the first half of 1976 employment and weekly hours were 14 percent and three percent above respective levels in the same period of 1975.

Sales or production, or both, have decreased absolutely. Production at the Newburyport plant rose in quantity by 21 percent from 1973 to 1974 and by three percent from 1974 to 1975. In the first half of 1976 plant production was 15 percent above that in the like period of 1975.

Increased imports. Imports of nonrubber footwear for infants and babies declined in volume each year from 1972 through 1974 and then increased in 1975 over 1974. Imports rose in volume in the first quarter of 1976 compared to the like period in 1975.

Imports of children's nonrubber footwear decreased in volume each year from 1972 through 1975 and increased in the first quarter of 1976 compared to the same period in 1975.

Imports of nonrubber footwear for youth and boys decreased in volume each year from 1972 through 1974 and rose in 1975 over 1974. Imports increased in volume in the first quarter of 1976 compared to the like period of 1975.

Imports of misses' nonrubber footwear declined in volume each year from 1972 through 1975 and increased in the first quarter of 1976 compared to the same period in 1975.

Contributed importantly. A survey of customers who bought children's footwear from the Stride Rite Manufacturing Corp. indicated that those customers who reduced their purchases from Stride Rite did not switch to imports. Customers indicated that Stride Rite's footwear had higher quality than and were generally price competitive with imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the children's footwear produced at the Newburyport, Massachusetts plant of the Stride Rite Manufacturing Corp. did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 30th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29727 Filed 10-7-76;8:45 am]

[TA-W-905]

SUPERIOR PLASTICS, INC.

Negative Determination Regarding Eligibility for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-905: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition dated May 12, 1976 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers formerly producing custom molded plastic parts for televisions at the Chicago, Illinois plant of Superior Plastics, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 26771) on June 29, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Superior Plastics, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, and U.S. Department of Labor files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

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(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, criteria (3) and (4) have not been met.

Significant total or partial separations. The average number of production and salaried workers declined 29 percent from 1973 to 1974 and fell 38 percent from 1974 to 1975. Average employment then rose 7 percent in the first quarter of 1976 compared to the first quarter of 1975. Average weekly hours worked fell 5 percent from 1973 to 1974 and then fell 10 percent from 1974 to 1975. Average weekly hours worked increased 11 percent in the first quarter of 1976 compared to the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Sales declined 27 percent from 1973 to 1974 and 24 percent from 1974 to 1975. Sales increased 56 percent in the first quarter of 1976 compared to the first quarter of 1975. Production fell 24 percent from 1973 to 1974, and 23 percent from 1974 to 1975. Production increased 72 percent in the first quarter of 1976 compared to the same quarter, previous year.

Increased imports. Imports of custom molded plastic parts for televisions fell both absolutely and relative to domestic production and consumption in each year from 1971 through 1975. Imports fell from 0.07 percent and 0.08 percent of domestic production and consumption, respectively, in 1974 to 0.06 percent of each domestic production and consumption in 1975. The ratio of imports to each domestic production and consumption fell to 0.05 percent in the first quarter of 1976 from 0.06 percent in the same quarter of the previous year. From 1974 through the first quarter of 1976, imports comprised an insignificant percentage of domestic production and consumption, never exceeding one tenth of one percent.

According to Department of Labor industry analysts, domestic production, exports, and imports of custom molded plastic parts for stereos all follow the same pattern as production, exports and imports of plastic parts for television.

Contributed importantly. The Department's investigation indicated that customers of Superior Plastics did not switch from purchases of plastic products made by Superior to purchases of imported plastic products.

A major customer decreased purchases of component parts from Superior Plastic because of a shift in production of complete television sets. Production of custom molded plastic parts for television sets are a local adjunct to complete television set production.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with plastic products, including plastic parts for televisions and stereos, produced at the Chicago, Illinois plant of Superior Plastics, Inc., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C. this 30th day of September 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-29728 Filed 10-7-76;8:45 am]

[TA-W-1,098]

TARA LOU, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 27, 1976 the Department of Labor received a petition dated September 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Tara Lou, Inc., Tampa, Florida (TA-W-1,098). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Tara Lou, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210.

Signed in Washington, D.C. this 27th day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-29731 Filed 10-7-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 76-886]

AMERICAN TELEPHONE & TELEGRAPH CO., LONG LINES DEPARTMENT

Memorandum Opinion and Order Terminating Proceedings Regarding Revisions of Tariff FCC No. 260 Private Line Service, Series 5000 (TELPAK)

Adopted: September 23, 1976.

Released: October 1, 1976.

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KEY TO REFERENCE ABBREVIATIONS

Brief	Br.
Brief in Reply to Exceptions	BRE
Brief in Support of Exceptions	BSE
Exhibit	Exh.
Exception(s)	Expt.
Page	p.
Paragraph	par.
Paragraphs	pars.
Proposed Findings	P.F.
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Reply to Exceptions	RE
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I. INTRODUCTION AND SUMMARY

1. The issues involved in this proceeding can be traced to the early 1960's with the inception of Docket 14251 (the original TELPAK investigation) and Docket 14650 (an inquiry into Western Union's domestic telegraph and other services). Docket 18128 originally concerned the lawfulness of TELPAK rate increases of March 25, 1968. However, through consolidation of certain issues extant in Docket 16258 (which concerned appropriate interstate service revenue contributions) and Docket 18684 (which concerned revised video transmission rates), the scope of this proceeding now includes the issue of the general lawfulness of overall rate levels[1] and interservice rate level relationships of Bell's major categories of interstate service. (Findings in this proceeding apply to those services of Western Union which exhibit matching rate levels.) Implicit in the determination of appropriate earnings relationships of Bell's services is our parallel determination of the proper methodology by which each service's contribution to total earnings is to be measured.

2. It is Bell's position that each category of service should yield revenues, at a minimum, to cover its forward looking, long-run incremental costs (LRIC). Actual rates should exceed such minimums so that aggregate revenues from all services yield the overall interstate revenue requirement. Bell has employed a "basic service philosphy" with regard to determining how total revenue requirements are to be recovered by its private line and monopoly services (MTS and WATS). That is, private line service rates are to yield an "optimum" contribution to earnings above minimum LRIC levels. MTS and WATS rates are to cover residual revenue requirements not met by private line service revenues. Bell has proposed an incremental, prospective "burden test" allegedly to show that its rates are free from cross-subsidization, and a "retrospective accountability" test for purposes of providing comparative information concerning forecast and actual results.

3. The Chief of the Common Carrier Bureau released a Recommended Decision (RD) herein on January 19, 1976. The case is before us on exceptions filed to the RD. The RD did not accept Bell's LRIC-oriented basic service philosophy, but supported Fully Distributed Costs (FDC) Method 1 to determine each service's relevant costs. The RD relied on individual service deviations from the Method 1 computed return on investment as an indication of the existence of cross-subsidization and to determine the lawfulness of rate levels and rate level relationships. (The RD held that MTS rates should be designed so as to yield earnings no more than the lesser of Bell's maximum allowed rate of return, or the overall rate of return actually being realized. Private line categories of service rates should be designed to yield no less than the minimum allowable overall rate of return).

4. We find it encumbent to select the costing methodology which best reflects our statutory mandate (see Section VIII). Our prior policy supports the position that actual costs of providing service underline the statutory requirement that rates be just, reasonable, and nondiscriminatory, albeit this does not mean that costs are the only criterion useful in determining whether rates are lawful under the Act. Further, we conclude that the public interest is not generally served by interservice cross-subsidization, but recognize that statutory and social policies may lend sanction to some intraservice subsidies. Finally, we make findings regarding proper cost standards, measures of cross-subsidization, and acceptable departures from cost of service as a criterion of the justness and reasonableness of return levels and relationships.

5. We hold that Bell's use of LRIC and, generally, its basic service philosophy do not satisfy the constructs of true marginal cost pricing principles. Indeed, we note that it is not possible to make a strict translation from neoclassical marginal costing theory to the pragmatic world of telecommunications. On the basis of these determinations, we have concluded that no "optimal" social welfare or beneficial public interest characteristics could be imputed to Bell's costing methodology. To the contrary, we find Bell's basic service philosophy merely a variant of a full costing approach.

6. We determine that an FDC costing approach is most consistent with our objectives and responsibilities under the Act, and should be the basic standard by which the justness and reasonableness of rates will be judged. Of the seven FDC methods of record, Method 7's historical cost causation basis of allocating costs is determined to be most consistent with our mandate to ensure just, reasonable and nondiscriminatory rates. However, we recognize that such factors as demand fluctuations and varying growth patterns between services could cause distortions between historical causation and actual cost patterns. For this reason, we require that revised Method 1 data be filed concurrent with that of revised Method 7 to document comparative current relative use cost patterns, and to establish the veracity of the cost patterns determined under the historical cost causation approach. Revisions are found to be necessary in the case of both Method 1 and Method 7 to correct certain infirmities in these methods as they have previously been implemented. These revisions are to be made before these methods are used as the basis of revised interstate rates, supportive data for subsequent rate changes, or continuing surveillance.

7. We find that Method 1 and Method 7, full cost data currently available from the record provide an adequate "zone of reasonableness" for purposes of drawing conclusions concerning the unlawfulness of Bell's past and present rate levels. On the basis of a zone of reasonableness defined by Method 1 and Method 7, data, we find the current WTS return level lawful under section 201(b), and that since 1969, at least, MTS has earned a level of return that has not been unduly excessive. Present WATS return levels appear, on the data in this record, excessive and indicative of the presence of cross-subsidization. Past WATS levels of return likewise appear excessive, inclusive of the period from the Seven-Way Cost Study (1964) to the present. However, as we note below, we are uncertain as to the actual costs of providing WATS and will await a refiling and cost justification of new WATS rates in accordance with our re-

[1] "Rate levels" and "return levels" are generally used interchangeably herein.

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cent WATS decision. We also find that the present return levels for Bell's other services (Private Line Telephone, Private Line Telegraph, Audio/Radio, Television, and the "Other" services classifications) are deficient, and, as such, are being subsidized by other services. Past return levels for these services are generally also found to have been unlawfully low, although in some years the return level of certain services could have been considered to have approached the zone of reasonableness.

8. We have investigated the lawfulness of Bell's rate levels for its interstate services under section 202(a). Consistent with the Commission's TELPAK decision we find that the RD correctly recognized that competitive necessity may justify what might otherwise be considered as unlawfully discriminatory rates. However, we disagree with the RD's conclusion, relying on the Telpak Sharing proceeding, that discriminatory pricing based on competitive necessity is permissible only if the carrier meets the three criteria enunciated in that proceeding. We also depart from the RD by concluding that the competitive necessity criteria need not be applied to all Private Line Services.

9. We find that only two of the three competitive necessity criteria are pertinent and should be applied to Bell's TELPAK offering to determine if there are violations of section 202(a): (1) That those benefitting from the discrimination have an alternative supply source which will be utilized in the absence of discrimination and, (2) that the discrimination benefits users discriminated against. We find the record shows that the threat from private microwave and indeed from competing terrestrial and satellite carriers has not and still does not warrant the extent of discrimination manifested by Bell in its TELPAK category of service. There has been no showing that this specific TELPAK bulk rate response is commensurate with any real competitive threat. Nevertheless, we recognize that a bulk rate offering of some other nature and magnitude may be warranted. We therefore order Bell to refile its TELPAK offering.

10. Under our guidelines, we direct Bell to assign all extant facilities to its services to provide a facility "datum." Such a datum will provide the distributive basis for related cost assignments, and will ensure carrier accountability and nondiscriminatory treatment of all users. Nevertheless, we conclude that certain demand and supply conditions may warrant the offering of less than full cost ("discount") rates. This might be permissible if the carrier can make a definitive and clear showing of recovery of full recorded costs by the service involved within a reasonable time certain, and if such departures are in the public interest and consistent with the Commission's basic mandate. Further, we have directed Bell to develop acceptable forecasting techniques in conjunction with the Bureau Staff for use in Method 7 procedures, and that the Staff, in consultation with Bell, revise Method 7 and Method 1 procedures to correct certain infirmitives. These revisions will permit the use of these methods as the foundation of our basic evaluative procedures. Finally, we direct the staff to complete the methodological revisions within three months, and, direct Bell to file rates for all its services based on a revised Method 7 analysis (supplemented by revised Method 1 data) within eight months, both from the effective date of this order.

II. History of the Proceedings

11. This docket is an outgrowth and consolidation of several significant and complex proceedings before the Commission over the past fifteen years. Consequently, we believe it helpful to present an abridged case history to facilitate an understanding of its evolution. We note that the RD contains a more elaborate history.

12. On September 7, 1961, we instituted Docket No. 14251, an investigation into Bell's original TELPAK tariff.[3] TELPAK, a bulk private line offering, was filed in anticipation of competition from private microwave arising from our Above 890 decision.[4] On March 18, 1964, we issued our Tentative Decision in Docket 14251, concluding that:

(a) Services furnished under the TELPAK tariff and those furnished under the various other private line tariffs are like communications services.

(b) There are no material cost differences attributable to furnishing a number of channels of one customer under TELPAK as opposed to furnishing the same number of channels to several customers under the other private line tariffs.

(c) There is no justification for TELPAK A and TELPAK B in terms of competitive necessity, inasmuch as the rates for the equivalent number of channels offered under ordinary private line tariffs are reasonably competitive with the costs of private microwave systems.

(d) There is apparent justification for TELPAK C and D classifications in terms of meeting competition from private microwave systems having channel capacities comparable to those offered by such TELPAK classifications. However, we are unable to determine on this record that the rates for TELPAK C and D classifications are compensatory in relation to the costs of furnishing the services offered thereunder, and therefore are unable to find that the other users of AT&T services will benefit and not be burdened by the application of such rates.[5]

We affirmed these conclusions by a final decision, adopted December 23, 1964. However, we held that the record should be reopened to allow Bell to furnish probative cost data showing that the TELPAK C (60 voice-grade channels)[6] and TELPAK D (240 voice-grade channels) offerings are compensatory and do not burden other users of Bell's services. We ordered Bell to file tariffs to eliminate the unlawful discrimination found to exist between TELPAK A (12 voice-grade channels) and TELPAK B (24 voice-grade channels) and private line rates.[7]

13. In 1962, while the TELPAK proceeding was underway, we instituted Docket No. 14650, a broad inquiry into Western Union's domestic telegraph and other services.[8] In response to allegations by Western Union that Bell had historically used its monopoly voice services, to subsidize its competitive services, the Commission's Telephone and Telegraph Committees requested Bell to perform a study to ascertain Bell's interstate investment, revenues, and expenses, and net earnings among its seven categories of service: MTS, wide area telephone service (WATS), teletypewriter exchange service (TWX), private line telephone service, private line telegraph service, TELPAK, and all others.[9]

14. Bell submitted study results known as the "Seven-Way Cost Study," on September 10, 1965. The study showed that for the twelve month period ending August 31, 1964, the return on Bell's investment ranged from 10.1 percent for WATS to 0.3 percent for TELPAK. Further, Bell's return on its competitive services were significantly below its system-wide average, while its return on monopoly services, MTS and WATS, were above the average.[9] However, the Commission did not address the questions of compensativeness and cross-subsidy in Docket 14650.

15. As a result, in part, of the Seven-Way Cost Study we instituted Docket No. 16258 on October 27, 1965.[10] This proceeding was a general investigation into the rate levels and rate level relationships existing with respect to Bell's interstate services. We noted the importance of such investigation, stating that:

> Certain of the services involved are furnished by the Bell System in direct competition with services offered by other carriers. To the extent that these services may be underpriced by the Bell System, this may have a competitive impact on such other carriers.[11]

16. Following affirmation of our *Telpak* decision,[12] we terminated Docket No. 14251 and amended our designation order in Docket No. 16258 to include the issue of whether TELPAK C and D were compensatory. We ordered the record in Docket No. 14251 incorporated by reference into Docket No. 16258. We also stressed that if Bell were to submit additional tariff filings with respect to its TELPAK offerings, such filings should

[2] FCC 61–1039 (1961).
[3] 27 FCC 359 (1959); reconsideration denied, 29 FCC 825 (1960).
[4] 38 FCC 270, 395 (1964).
[5] The bandwidth of a single voice-grade channel is generally regarded as 4 kHz.
[6] 37 FCC 1111, 1117–1118 (1964), aff'd sub. nom., American Trucking Assn. v. FCC, 377 F.2d 121 (1966), cert. denied, 386 U.S. 943 (1967).
[7] FCC 62–533.
[8] Report of the Telephone and Telegraph Committees in the Domestic Telegraph Investigation, Docket No. 14650, p. 200.
[9] Id. at 200–204.
[10] 2 FCC 2d 871 (1965).
[11] Id. at 872.
[12] *American Trucking Assn. v. FCC*, 377 F. 2d 121 (1966), cert. denied 396 U.S. 943 (1967).

be examined in a separate proceeding, not as a part of the general issues of Docket No. 16258.[13]

17. On March 25, 1968, Bell filed certain rate increases in its interstate private line TELPAK tariffs. By Order adopted April 10, 1968, we suspended such revised tariffs for the statutory period and instituted Docket No. 18128, an investigation into the lawfulness of the tariff increases.[14] By subsequent Order, adopted July 10, 1968, we further delineated the scope of this proceeding, distinguishing it from those issues in Docket No. 16258 (then designated as Phase 1–B) which was to establish a basis for the formulation of principles to govern the establishment and maintenance of overall rate levels for each of Bell's interstate services.[15] Additionally, we broadened the issues herein:

> Because TELPAK service is, in essence, a rate classification within the family of private line services offered by (Bell) appropriate consideration of the reasonableness of TELPAK rates requires simultaneous and coordinate consideration of respondents' private line tariffs. Accordingly, our Order herein will specify the issues in Docket No. 18128 to embrace all of the private line tariffs, except audio and video program transmission services, but including the charges for teletypewriter station equipment.[16]

Thus, while Docket No. 16258 was concerned with the general issue of the appropriate revenue contribution to be made by each interstate service to the overall revenue requirement, Docket No. 18128 was concerned with the lawfulness under sections 201(b) and 202(a) of the Act of each private line category, except audio and video. Additionally, at that time we imposed an accounting order and held the hearings in Docket No. 18128 in abeyance, pending the determination in Docket No. 16258 of appropriate ratemaking principles and resolution of the TELPAK sharing proceedings in Docket No. 17457.[17] Finally, the scope of this proceeding was broadened by further Order of the Commission on July 24, 1968 suspending tariff rate increases for Western Union's teleprinter station equipment. The issues related to the lawfulness of AT&T's rates were found applicable to Western Union's rates.[18]

18. As Docket No. 16258 proceeded, the Commission, acting through its Telephone Committee, initiated conferences among the parties in order "to facilitate the possibility of resolution of some or all of the pending issues by mutual agreement." [19] As a result of these conferences, the parties and the Chief, Common Carrier Bureau agreed to a "Statement of Ratemaking Principles and Factors." This "Statement," which was issued on May 28, 1969, declared certain ratemaking principles and factors to be acceptable to the parties and the Bureau.[20] It also suggested procedures to effectuate the ratemaking principles, including new studies to be made by AT&T, and possible rate changes, in conformity therewith. On July 29, 1969, we took note of the "Statement," without necessarily approving it, and adopted the recommended procedures except for the recommendation that the "Telpak Sharing" proceeding be reopened and consolidated with the proceedings herein. At the same time, we incorporated the record of Phase 1–B of Docket No. 16258, including the record of the original Telpak proceeding, Docket No. 14251, into this docket.[21] Thus, by July 1969, Docket 18128 had grown from the original investigation into the lawfulness of TELPAK rate increases to a general investigation of AT&T's and Western Union's private line tariffs, other than program transmission services, including issues as to the overall revenue contribution that should be made by each service and whether TELPAK C and D were compensatory.

19. As a result of the "Statement of Ratemaking Principles and Factors," Bell filed new proposed TELPAK tariff rate increases on October 1, 1969, based on updated studies. On October 29, 1969, these tariffs were suspended and set for hearing in this proceeding.[22] Additionally, we directed that the hearings herein be removed from deferred status and that they proceed as expeditiously as possible. Western Union matched AT&T's TELPAK increases; these rates were also suspended and set for hearing herein.[23]

20. On February 18, 1970, Phase 1–B of Docket No. 16258 was procedurally terminated. However, we stated that the various rate revisions made by Bell, allegedly in conformity with the "Statement of Ratemaking Principles," and the lawfulness of the rate levels of each of AT&T's service categories including MTS and WATS, would be reviewed in the context of this proceeding and in Docket No. 18684.[24]

21. Docket No. 18684 was instituted on September 24, 1969 as an investigation into the lawfulness of AT&T's revisd video transmission rates.[25] Bell also filed revised tariffs on September 25, 1969, for its audio program transmission service. These too, were set for hearing in Docket No. 18684.[26] Through informal conferences the issues concerning the audio services were resolved.[27] However, the lawfulness of the video private line services continued unresolved. On June 10, 1970, we consolidated Docket No. 18684 with this proceeding in order to "view the totality of costs for all of AT&T's interstate services so that the question of interstate burden can be examined and if necessary corrected * * *."[28] Hearings commenced on September 28, 1970 following three prehearing conferencse.

22. On November 20, 1970 AT&T filed tariffs designed to increase rates for MTS in order to achieve a higher overall return on total investment. At our request, Bell postponed the effectiveness of these tariff revisions pending an expedited rate hearing. As an interim measure the Commisison granted special permission to AT&T to file lesser rate increases. These were suspended and set for hearing with an accounting order in Docket No. 19129.[29] However, certain of the issues raised by the MTS rate increases were designated as issues to be determined herein. In particular, Bell was required to show that its claimed additional interstate revenue requirement should be met solely through increased charges to the MTS customer and further that the rate increase at issue in Docket No. 19129 did not involve cross-subsidization of any other service.[30]

23. On December 6, 1971, AT&T filed revised private line tariffs, increasing rates for TELPAK and private line telephone and telegraph services. These increases were suspended and the lawfulness of the revision designated for hearing in this proceeding.[31] Similar increased rates filed by Western Union were also placed in issue in this Docket.[32]

24. Bell also sought to revise its video program transmission tariffs. By Memorandum Opinion and Order released May 15, 1973, we designated aspects of the video tariff revision for oral argument on July 26, 1973, in Docket 18684.[33] Oral argument was held, after which the Chief of the Common Carrier Bureau held a number of settlement conferences with the parties. By stipulation signed November 27, 1973, the participants agreed to a two year experimental period during which certain stipulated rates and conditions would apply to video private line service. We approved this stipulation and terminated Docket No. 18684 on December 11, 1973.[34] However, although the rate structure issue in Docket No. 18684 is now moot, the issue of the rate level for the video program transmission service remains at issue herein.

[13] 7 FCC 2d 30, 31 (1965); 6 FCC 2d 177, 180 (1966).
[14] FCC 68–388 (1968).
[15] 13 FCC 2d 853, 855 (1968).
[16] Id. at 857.
[17] Ibid.
[18] FCC 68–756 (1968).
[19] FCC 69M–197 (1969).
[20] Docket No. 16258, T. 22329–22341; 18 FCC2d 761, 765–769 (1969).
[21] 18 FCC2d 761, 763–764 (1969).
[22] 20 FCC2d 383, 388 (1969), petitions for reconsideration denied, 21 FCC2d (1970). We also set for hearing Bell's Series 11000 wideband service. This service was terminated on May 1, 1973. On Petition for Review, the United States Court of Apepals for the District of Columbia Circuit affirmed our decision not to reject the TELPAK increases. Associated Press v. FCC, 448 F.2d 1095 (D.C. Cir. 1971).
[23] FCC 69–1345 (1969).
[24] 21 FCC2d 495, 496–497 (1970).
[25] FCC 69–1038 (1969).
[26] FCC 69–1197 (1969).
[27] See Orders of the Examiner, FCC 70–M–808, June 5, 1970, and FCC 70–M–941, July 1, 1970.
[28] 23 FCC2d 503, 509. By this Order we also denied various petitions for reconsideration of our February 18, 1970 action which included the lawfulness of the rate levels of all of Bell's major services as an issue herein. 23 FCC2d at 507.
[29] 27 FCC2d 149 (1971).
[30] 27 FCC2d 151, 156–157 (1971). AT&T later agreed to consider further rate increases for services other than MTS subject to final determination in Docket No. 18128. 30 FCC2d 503 (1971).
[31] 33 FCC2d 522 (1972).
[32] 34 FCC2d 839 (1972).
[33] 40 FCC2d 901 (1973), rev'd in part, *AT&T v. FCC*, 487 F.2d 864 (2d Cir. 1973).
[34] 44 FCC2d 525 (1973).

25. Evidentiary hearings herein began on September 28, 1970 and were concluded on August 8, 1972. Fifty-three witnesses presented testimony and evidence. There are now approximately 27,000 pages of transcript and exhibits before us in this docket alone, in addition to the record from Docket 16258. The Administrative Law Judges closed the record herein on December 11, 1972.[25] Proposed Finding of Facts and Conclusions were filed on March 12, 1973 and Replies thereto on May 14, 1973. The Recommended Decision of the Chief, Common Carrier Bureau was released on January 19, 1976. The parties' Exceptions and Supporting Briefs were submitted one month later. We entertained oral argument on July 14, 1976.

III. Issues To Be Resolved

26. As can be seen from the preceding summary of the history of this case, our present questions as to the legality of rate levels and rate level relationships arose initially from tariff submissions in Docket 18128 (with respect to the private line offerings of Bell and Western Union), in Docket 18684 (with respect to Bell's Audio and Television Program Transmission Services) and in Docket 19129 (with respect to MTS). As originally designated, the questions of lawfulness of these tariff submissions included not only a consideration of the rate levels of each service category, but also an examination of the internal rate structure of each such service category in light of the statutory language of Sections 201–205 of the Act. As the RD recognized, however, the broad inquiry into the lawfulness of the tariffs in this proceeding was subsequently narrowed.[26] Thus, in Docket Nos. 19129 and 18684, we ruled that the MTS, WATS and Audio/Video tariffs were to be considered herein, but only insofar as the lawfulness of the rate levels of each such class of service was concerned.[27] We have stated that this proceeding is to resolve the fundamental and important question:

> What should be the appropriate earnings relationship among the various interstate services offered by the Bell System? And, *how should the contribution to total earnings by each service be measured?* (33 FCC 2d 522, 524) (Emphasis added.)

27. We thus have before us the lawfulness of overall rate levels and the lawfulness of interservice rate level relationships with respect to the following interstate categories of service offered by Bell:

Private Line Telephone Service
Private Line Audio Program Transmission Service
Private Line Television Program Transmission Service (Video)
TELPAK Service
Private Line Teletypewriter Service (Private Line Telegraph)
Long Distance Message Telecommunications Service (MTS)
Wide Area Telecommunications Service (WATS)

and the following categories of service offered by Western Union:

Leased Line Telegraph Service
Leased Line Telephone Service
Leased Line Telpak (Broadband) Service
Telpak Bulk Rates for Leased Line Telephone & Telegraph Service

In statutory terms we have stated the issues herein as follows:

(a) Whether the rate levels for (1) message toll telephone service, (2) WATS, (3) private line telephone grade service, (4) private line telegraph grade service, (5) audio and video program transmission services, (6) TWX and (7) all other services are or will be just and reasonable within the meaning of section 201(b) of the Communications Act of 1934.

(b) Whether the rate levels for the above-mentioned services will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934.

(c) Whether the Commission should prescribe just and reasonable rate levels with respect to any or all of the above-mentioned services placed at issue by this order, and, if so, what rate levels should be prescribed. (21 FCC 2d 495, 497).

Thus, in summary, we are concerned herein with the lawfulness of rate levels, interservice rate level relationships and with the appropriate basis for measuring same.

28. The RD proposed (par. 36) that ten questions be addressed in resolving the fundamental issues discussed above.[28] Bell, the Airlines, ARINC, and the Ad Hoc Telecommunications Committee[29] object to one or more of these questions. They argue that the questions do not fairly reflect the issues herein or that the questions assume answers to issues yet to be resolved. To the contrary, we believe that in general these questions do reflect the issues herein. However, while our resolution of the issues will, of necessity, provide answers to these questions, we do not intend to limit our discussion below to only these.

29. Western Union, Bell, and AIA except to the RD's failure to address the question of the propriety of Western Union's rate levels. The RD concluded that the Commission need only be concerned in this proceeding with the rate levels of Bell's service classifications. We agree with the RD that the primary purpose of this proceeding is to focus on Bell's offerings and that an indepth analysis of the lawfulness of Western Union's rate levels would unduly complicate this already complex and protracted proceeding, with no concomitant benefit. The record shows that Western Union's rate levels for its leased line and TELPAK services were based solely to be competitive with Bell's service offerings and that Western Union has neither adopted Bell's theory of ratemaking at issue herein nor supported the claim that Bell's rate levels are lawful. Thus, to the extent we find Bell's rate levels unlawful, we cannot find lawful the matching rate levels of Western Union. With regard to its prior filings, it is clear that Western Union's increases in its TELPAK and private line rates were justified and that no refunds would therefore be due. Accordingly, we are terminating the accounting orders issued herein with respect to Western Union's services.

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[25] FCC 72M–1528.

[26] Exceptions have been raised with respect to the RD's failure to reach the lawfulness of various rate structure elements. Insofar as we agree with the RD that the issues herein were narrowed to encompass only return levels and inter-service return level relationships, we do not address any rate structure questions. Furthermore, because the parties have addressed themselves almost entirely to return level issues, the record herein is inadequate to make any findings with respect to rate structure.

[27] See also 34 FCC 2d 839, 840 (1972).

[28] These questions are:

(1) Whether and to what extent there is or will be any cross-subsidization among the aforementioned eight principle interstate service and rate categories of Bell;

(2) Whether and to what extent the "Long Run Incremental Cost" (LRIC), "burden test," and the "retrospective accountability" approaches and principles as proposed by Bell herein, are appropriate as a basis for the pricing of their services;

(3) Whether and to what extent the "Fully Distributed Cost" (FDC) principles, as proposed by certain parties, should be used as a basis for the pricing of these services;

(4) Whether and to what extent Bell should be permitted to earn in excess of its overall allowable interstate fair rate of return (currently 9.5 percent–10.0 percent) on investment allocated on an FDC basis to its monopoly MTS and WATS services;

(5) Whether and under what circumstances Bell should be permitted to price its competitive private line services individually, or as a group, at less than the interstate fair rate of return on its investment allocated on an FDC basis to such services;

(6) Whether the past and present disparities in the levels of bulk TELPAK and non-TELPAK rates for like Private Line Telephone and Telegraph Services constitute undue discrimination or preference in violation of section 202(a) of the Act;

(7) Whether and to what extent the past and present overall levels of Bell's bulk TELPAK rates for ordinary Private Line Telephone and Telegraph Services are now or have been noncompensatory or otherwise unjust and unreasonable under section 201(b) of the Act;

(8) Whether and to what extent the various tariff filings revising the rate levels for Private Line Telephone, Private Line Telegraph, Private Line Audio, TELPAK Broadband, Private Line Video Program Transmission Services, and TELPAK bulk rates have been justified by Bell;

(9) Whether and to what extent Bell's pricing practices with respect to the level of rates for its principal categories of service derogate against the regulatory policies and objectives of the Commission as set forth in its Specialized Common Carrier decision in Docket No. 18920; and

(10) Whether and to what extent the Commission should order revisions to be made in the rate levels of MTS, WATS, or of Bell's other principal categories of service in the light of the findings and conclusions reached on the above-stated issues.

[29] These and other parties are identified in Section IV, *infra*.

IV. Basic Positions of the Parties[40]

Bell System Respondents (Bell or AT&T)

30. We find that the Bell System fairly characterized its position in summary form in its Proposed Findings of Fact and Conclusions (pars. 1–17) and in its Exceptions to the RD (Bell Expt., pp. 25–27). The Bell System maintains that it seeks to obtain revenues from all its interstate services sufficient to meet its total interstate revenue requirement. It notes that each category of service should yield revenues to cover the costs incurred in furnishing the service, including the cost of capital, and in addition to make a contribution toward the coverage of common costs. Bell maintains that the relevant costs to be considered are long-run incremental costs (LRIC), not fully allocated or fully distributed costs. Bell stated that its LRIC studies "represent the full amount of the effect on the total cost to the firm resulting from a difference in one level of output compared with another level of output". (T. 2237). Bell maintains that although costs play an essential role in determining rate levels, rates cannot be based solely on costs. Incremental costs determine the minimum rates for a service category. Actual rates should exceed such minimums so that the aggregate revenues from all services yield the overall interstate revenue requirement.

31. In pricing its private line services, Bell states that it seeks to establish rate levels which are competitively effective and yield an "optimum" contribution to earnings. Bell notes that its objective is to keep MTS charges as low as possible and still meet its interstate revenue requirement. Relevant ratemaking factors such as market conditions and rate relationships may lead Bell to choose an "optimum" rate which does not make the maximum possible contribution. MTS and WATS rates are set to cover the portion of the overall revenue requirement not met by private line service revenues. "Contribution" from a service is defined as the difference between the service's total revenues and its incremental costs, counting, where appropriate, cost savings and revenues foregone. This defines what we term Bell's "basic service" philosophy.

32. In comparing alternative rate proposals, Bell maintains the basis of comparison should be forward looking LRIC and long-run incremental revenues. Such analyses should account for any material cross-elastic effects. Bell proposes a "burden test" to determine the existence of cross-subsidy. The burden test is performed as an incremental analysis which contemplates comparison between total overall costs and revenues with the service included and the total costs and revenues with the same service excluded. Bell claims that the burden test demonstrates that none of its private line services are burdening the users of MTS or any other service and that significant contributions are being made to its total revenue requirements by such services. Thus, Bell asserts that no service is cross-subsidizing any other service. Bell further claims that LRIC, the burden test and its "retrospective accountability" test (which will be described below) give the Commission a totality of information which will allow it to approve rates and monitor results. Bell contends that fully distributed cost studies used for ratemaking purposes do not provide a relevant measure of cross-subsidy or service rate levels. Thus Bell argues that the method proposed in the RD is anti-competitive and creates a protective umbrella for its competitors.

33. Bell claims that TELPAK is justified by competitive necessity and is compensatory and not a burden on MTS or any other service category. The rates under investigation are said not to be unjust, unreasonable, unlawful nor excessive and that such rates yield optimum contributions to earnings. Finally, Bell asserts that no basis has been shown for prescription by the Commission of any rates or regulations under Section 205 of the Act, and that there is no need to order refunds with respect to any rates under investigation herein which have been subject to accounting orders and possible refund.

The Airline Industry Parties (Airlines)

34. The Airlines agree that there should be no cross-subsidization, but they contend that it is neither necessary nor desirable for Bell to maintain the same relationships between revenues and costs, or the same rate of return, for each class of service. They note that cost-indicated rates are useful ratemaking tools. As a general rule rates should produce sufficient revenues to cover relevant costs, but cost is not the sole determinant of price. Appropriate consideration must also be given to other pertinent factors, especially as applied to a class of competitive service which is supplementary to the principal or monopoly services of the carrier. In order to assure the viability of the carrier and avoid the subsidization of one class of service by other classes, the Airlines state that rates should be "compensatory", i.e., the rates for a class of service should provide revenues sufficient at least to cover the "relevant" costs of furnishing that service, and that the "relevant" costs in determining whether rates are compensatory are "long-run incremental costs," defined as the increase in the total cost of investment and expenses, including a reasonable rate of return on capital, which would be incurred by the addition of a particular class of service, or of furnishing additional quantities of service in an existing service category, or, more stringently, "avoidable costs", the costs which would be saved, escaped, or not occasioned if the class of service were discontinued or not offered. (Airline Parties, Exh, No. 1, pp. 5–11).

35. It is asserted that properly measured long-run incremental costs determine the rate floor or minimum rate level of a class of service. If the rates of a service cover their LRIC, they are compensatory and cause no burden on other services (Airlines P.F., pp. 83–88). However, the Airline parties contend that Bell's meaning and definition of burden is different in that the Bell burden test is oriented toward cross-elasticity. The Airlines maintain that failing the Bell burden test does not mean that the service must be eliminated as non-compensatory (Airlines P.F., pp. 79–88).

36. As to the specific TELPAK rates at issue herein, the Airlines contend that the original TELPAK rates were probably compensatory and that the "interim" rates effective September 1, 1968 were clearly compensatory. The Airlines maintain that the TELPAK rates effective February 1, 1970 and May 4, 1972 are unreasonably high, unjust and unreasonable. The amounts collected above the interim rates (which the Airline parties claim should be a rate ceiling justified on the basis of costs of competitive alternatives) effective September 1, 1968 should be refunded pursuant to the accounting orders under which those rate increases were originally suspended. (Airlines P.F., pp. 70–75, Airlines BSE, pp. 60–65). Finally, the Airlines suggest that a new bulk rate communications offering would appear to be appropriate, based on competitive necessity and route density. (Airlines P.F., pp. 162–68). Bell's monopoly users would be protected by holding monopoly rates to a "ceiling" reflecting the company's revenue requirement minus the costs directly attributable to the competitive services, on the basis of retrospective cost-causing responsibility. (Airlines BSE, pp. 46–53; Airlines P.F., pp. 151–58).

Aeronautical Radio, Inc. (ARINC)

37. Arinc's position is generally the same as that of the Airlines. It contended that the bulk rates of the Telpak offering have stimulated the growth of the communications market, assisted the effective operation of the government, have promoted a major betterment in the conduct of major industrial and business enterprises, and have generally benefited the public at large through improved safety, services, and productivity. (Airlines, Exhs. 2–5, DOD, Exhs. 1–2, Ad Hoc Committee, Exh. 1)

38. Arinc contends that except where strong public interest considerations dictate a lower rate level, the rates for each service offered by a common carrier should be "compensatory." A service is compensatory if it covers the LRIC (or in some cases, the "avoidable" cost) of offering the services (Arinc P.F., pp. 32–5). No method of FDC analysis based on historical costs can test for compensativeness. FDC requires a distribution of costs which cannot be allocated by any rational principle. (Arinc P.F., pp. 35–40). Resort to an FDC method based on historic cost responsibility may be useful in setting maximum rates for monopoly services, but such analysis has no role in determining minimum rates. (Arinc P.F., p. 126, Airlines BSE, pp. 33–38).

39. Arinc argues that a rate may somewhat exceed the minimum level of com-

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[40] The following parties have filed Proposed Findings of Fact and Conclusions of Law in this proceeding.

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pensativeness and remain reasonable. Rates in total should be high enough for the carrier to make a reasonable return on investment. Competitive service ratemaking must consider market conditions. Such rates must be low enough so that the carrier will be able to retain the business which would otherwise be lost. (Arinc P.F., pp. 126–127).

40. Arinc contends that the cost of comparable service from a private microwave system serves as an independent standard of the maximum rate level for the carriers. Further, TELPAK service has been shown to be compensatory at the original rate level. The "interim" TELPAK rates of September 1968, although less competitive than the original rates, are reasonably related to the cost of private microwave. Arinc asks that the rates of February 1970 and May 1972 be cancelled because they were substantially above the cost of competitive alternatives and thus unjustly and unreasonably high. TELPAK rates should be returned to their original level and the telegraph to voice equivalency should be returned to 12:1 (Arinc P.F., pp. 115–17) Arinc requests that increased charges for teletypewriter station equipment, private line terminals, installation charges and CCSA service have not been supported by Bell and should be rescinded. (Arinc Expt., pp. 87–103).

THE DEPARTMENT OF DEFENSE AND U.S. EXECUTIVE AGENCIES (DOD)

41. In behalf of the U.S. government executive agencies, DOD takes the position that the availability of a bulk rate offering, such as TELPAK, is required and justified by comeptitive necessity. Such an offering is essential to the efficient accomplishment of the tasks of the Federal executive agencies and its elimination would lead to a degradation of national defense capability. Lower TELPAK rates are justified and the elimination of TELPAK would force the government to consider private microwave since government policy requires procurement at the lowest cost (DOD P.F., pp. 8–10). DOD has maintained that long-run average cost (LRAC) techniques (versus LRIC) must be employed to assure that a rate is compensatory. DOD noted that for a particular interval of service and period of time, if all resource costs are included LRIC equals LRAC. DOD P.F., pp. 24–27). Where such long-run average cost analyses cannot be supplied a burden test, as an "equality" rather than an "inequality," must be used for a finding of compensativeness (DOD P.F., pp. 28–29, 79–80). It is further maintained that FDC cannot be used as a test for interservice subsidy and that FDC Method 1, in particular, is invalid, inaccurate and inapplicable as a cost mechanism, and its use would result in an anticompetitive umbrella. (DOD P. F., pp. 30–34). DOD notes that if the Commission feels bound to employ fully distributed costs, it should use Method 7 because it reflects economic reality to the maximum extent possible. DOD also finds Bell's market studies inaccurate and unreliable. (DOD Expt. No. 1; DOD P.F., p. 32).

AD HOC TELECOMMUNICATIONS COMMITTEE (AD HOC)

42. This party, in behalf of a number of large industrial users of private line services, concurs generally in the position of the Airline parties and contends that a differential between the TELPAK and non-TELPAK rates for regular private line telephone and telegraph services is justified by the volume needs of larger users and the carriers need to compete with private microwave systems. (Ad Hoc BSE, pp. 7–16). It is stated that TELPAK is compensatory and should be continued in essentially its present form. (Ad Hoc P.F., p. 45; BSE, p. 5.)

NATIONAL ASSOCIATION OF MOTOR BUS OWNERS (NAMBO)

43. NAMBO concurs in and adopts the position of the Airline parties and urges the Commission to roll back the TELPAK rates "at least to the levels proposed by the Airlines" and to order refunds to the users who paid in excess of such levels. (LAMBO P.F., p. 6; Expt. pp. 2–3.)

MICROWAVE COMMUNICATIONS INC. (MCI)

44. MCI argues that FDC Method 1 must be the principal working tool of the Commission for the determination of rate levels for Bell System services. This is a proper allocation method and the only methodology in the record which attempts to measure the costs of providing service on the basis of current actual usage of facilities. Bell's rates, according to MCI, must provide revenue to cover all costs of the service including the system-wide rate of return on net investment if such rates are to be compensatory and non-discriminatory. MCI asserts that in a competitive market the most efficient carriers will be identified and will succeed, if fully allocated costs are required and the distortions of subsidy are eliminated.

45. MCI contends that Bell's approach is not reliable or effective and should not supplant the Commission's traditional analytical tool of fully allocated or fully distributed costs. Bell's burden test cannot measure cross-subsidy from MTS and WATS to competitive services. It is further asserted that Bell's LRIC is substantially different from that found in economic theory and that the development of proper LRIC techniques and the training of regulatory personnel to handle filings based on LRIC analysis would be difficult and costly.

46. MCI contends that Bell's and Western Union's rates for TELPAK C and D, private line telephone, and private line telegraph should be raised forthwith to the levels indicated by the best presently available fully distributed costs studies and the rates for the monopoly services should be reduced correspondingly (MCI P.F., pp. 104–108; MCI BSE, pp. 3–5, 6–7).

DATA TRANSMISSION CO. (DATRAN)

47. Datran contends that Bell's application of long-run incremental costs (LRIC), if adopted by the Commission, would create a positive inducement to Bell to practice interservice cross-subsidization (Datran P.F., pp. 15–16). Monopoly rates are based on historical costs and competitive prices are based on forecasts. LRIC is inimical to full and fair competition since no other carrier has a monopoly service which under the LRIC theory remains as a catch-all and guarantor of support for Bell's competitive services (Datran P.F., p. 16).

48. Datran finds that Bell's application of LRIC deficient. Datran views LRIC as a planning concept for the selection of the best course of action before decisions are made and reflects only the differences in cost between two specific alternatives. Datran claims that there may be an infinite number of LRIC's depending on the judgments of the decision maker. The burden test is inappropriate as a measure of cross-subsidy because it assumes perfect knowledge of future alternatives. Thus the burden theory only measures Bell's expectations of whether a service is expected to be a burden under specifically defined circumstances. (Datran P.F., pp. 16–18).

49. Datran argues for the adoption of a fully distributed cost standard. The FDC standard would allow Bell at least as much pricing flexibility as any other carrier and spread advantages of economies of scale (if any) to all services. FDC is consistent with the criteria used in determining Bell's interstate revenue requirement and its use would add realistic cost benchmarks to the Commission's regulator information base. Datran notes that FDC should be adopted as the rate ceiling for Bell's monopoly services. (Datran P.F., pp. 18–19).

THE WESTERN UNION TELEGRAPH CO. (WESTERN UNION OR WU)

50. Western Union asks us to reject LRIC and other ratemaking principles advocated by Bell and accept fully distributed costs as the most reliable and practical basis for pricing Bell's services (WU P.F., pp. 55–58). It is contended that Bell should be allowed to make no more than a fair rate of return on MTS and WATS. Further, Bell's competitive services should be priced no lower than the fair rate of return on investment reasonably allocated to such services. Upon a showing of competitive necessity, Bell may price these services lower. However, such rates must permit Bell to recover its fully allocated revenue requirements for such services within a reasonably foreseeable future period. (WU P.F., pp. 57–8).

51. Western Union claims that the TELPAK service should be cancelled because it is non-compensatory and therefore unjust and unreasonable under Section 201(a) of the Act. Also, minimum rates should be prescribed for Bell's private line telephone and private line telegraph classifications which result in earnings (on a fully allocated basis) at the lower end of the allowed interstate return range. Bell should also lower its MTS and WATS rates so that they are

earning in the middle of the allowed range. (WU P.F., pp. 96–98)

THE NETWORK PARTIES (ABC/CBS/NBC) (NETWORKS)

52. The networks contend that FDC is inappropriate for ratemaking purposes. FDC, they claim, ignores economic circumstances which should be considered in determining rates for services to be provided in the future (Networks P.F., pp. 44–60). LRIC, on the other hand, meets all of the criticisms levied against FDC and attributed costs on an economically justifiable cost-causing responsibility basis. The forward looking LRIC analysis leads to an optimal allocation of resources while accounting for relevant future costs and demand elasticities as well as other applicable rate making and public interest considerations. LRIC is consistent with judicial and administrative precedent. (Networks P.F., pp. 78–83).

53. The Networks contend, however, that Bell's application of LRIC has erroneously led to the attribution of unduly high costs to the program transmission services. (Networks P.F., pp. 194–219). When excessive and unneeded plant is eliminated from the cost base attributed to the video services, the record shows that such services do not cause any burden to other Bell services. The Networks claim that even without such adjustments, private line video services are shown by AT&T's own data to provide a substantial annual contribution to the overall costs of the firm.

54. The Networks find that current rates discriminate unlawfully against contract service users in favor of occasional service users. They request generally lower rates for the future and appropriate refund of excessive contract charges paid to AT&T since October 2, 1969. (Network P.F., pp. 220–30). The Networks also point out that they already make extensive use of competitive alternatives and that further increases in Bell's rates will cause them to transfer even more of their business away from AT&T. (Networks Expt., p. 5).

HUGHES SPORTS NETWORK, INC. (HSNI)

55. HSNI opposes Bell's proposed rates for private line video program transmission services as violative of the Commission's rate structure decision in "Hughes Sports Network v. AT&T," 22 FCC 2d 550 (1970). It is argued that there is insufficient evidence of any real threat of competition to Bell. LRIC offers unique opportunities for Bell to impose its "bias" and "anticipatory view of competition" into its ratemaking approach. (HSNI P.F., p. 89). Sound policy requires responses by a carrier to only actual and demonstrated competitive consequences. AT&T, however, has been pressured to lower contract rates by the networks who have threatened to move their business to competitive alternatives. There is no record support for a competitive response by AT&T. (HSNI P.F., pp. 57–72). Further, the Commission should not allow AT&T to revise its tariff structure to the benefit of contractual users (and the detriment of occasional users) without any pretense of showing or justifying proper allocation of costs between the two groups of users. (HSNI P.F., pp. 50–52).

UNITED PRESS INTERNATIONAL (UPI)

56. UPI contends that the increased charges involved in the private line service rate revisions filed by Bell on December 6, 1971 are unjust and unreasonable; that these rate revisions were filed at a time when no determination had been made by the Commission in either this Docket or Docket 19129 of the need by AT&T for any increased revenues, and indeed without significant regard for any impact upon overall earnings level considerations; and that the objective asserted by Bell was, in part, to improve the contribution to earnings of the private line services for the benefit of the users of other services, such as MTS, by raising the level of rates to what Bell considers the "optimum" level under presently foreseeable market conditions—this in spite of the fact that the private line telephone services were already making a substantial contribution to earnings and were thereby benefiting the users of other services, including MTS. (UPI P.F., p. 14).

57. Further, UPI states that Bell made "selected" increases that were confined to the channel terminal components without any offsetting decreases in line haul charges and without any separate cost studies; that, therefore, a disproportionately large portion of the increases fell upon those customers, particularly the press wire services, whose communications systems involve multipoint network configurations with large numbers of service points, as distinguished from customers with point-to-point service and relatively few service points; and that the press was treated in an unfair and discriminatory manner, particularly by increases in the telephotograph services (Series 4000). UPI urges the Commission to conclude that the rates of December 6, 1971 are unlawful because they discriminate against press customers. (UPI P.F., pp. 15–17).

ASSOCIATED PRESS (AP)

58. AP contends that AT&T has largely ignored services other than TELPAK and has not justified the increases imposed on short haul circuits or the increases in the monthly and installation charges for single channel private line service terminals. Further, the increased monthly charges for service terminals result in relatively higher charges to AP, and the press generally, which have not been shown to correspond to the cost of serving the press (AP P.F., pp. 7–11). Consequently, AP argues that these increased charges constitute an unjust and unreasonable discrimination against the press and subject it to an undue and unreasonable prejudice or disadvantage. (AP P.F., pp. 3–4.) Moreover, AP states that if AT&T is capable in the future of convincingly demonstrating that short-haul charges must be increased, it would seem that the appropriate approach would be increases for those line haul mileage bands where AT&T can show that revenues do not cover long-run incremental costs. (AP P.F., p. 15.)

AEROSPACE INDUSTRIES ASSOCIATION (AIA)

59. AIA states that TELPAK is competitively justified, in fact some of its members have already turned to competitive alternatives (T. 15753). It is further urged that the Commission evaluate the contributions made by AT&T's private line services using the principles of long-run incremental costs (AIA P.F., p. 59) and that no rate prescription be made until a new cost study is performed by AT&T.

V. STATUTORY STANDARDS

60. We agree with the RD that sections 201, 202, 205, and 214 of the Communications Act provide the relevant statutory standards for resolution of the issues herein. Principally, we are guided by section 201 which requires that charges, practices, classifications and regulations shall be just and reasonable. And, in determining to what extent costs should be allocated among Bell's service categories, consideration is to be given Bell's obligation under the above sections to provide, upon reasonable request, service without regard to whether the service is characterized as monopoly or competitive. Furthermore, our decision herein maintains that a carrier has a duty to continue to provide an already existing service, unless the Commission permits discontinuance pursuant to section 214 of the Act. As the RD recognized, appropriate rate levels for Bell's service categories must also comply with the standards of section 202(a) of the Act. This section prohibits a common carrier from making any unjust or unreasonable discrimination in changes, practices, classifications, regulations, facilities, or service in connection with like communications services. Additionally, service is to be provided without any undue or unreasonable preference, advantage or disadvantage. These standards are discussed in greater detail below. It is also recognized that several statutory provisions (sections 201(b), 210(b), and 396(h)) expressly permit differential pricing by carriers for certain classes of communications under specified conditions.

61. The Airline parties, ARINC, and DOD have noted as an exception the RD's failure to specifically include Section 1 of the Communications Act as a relevant standard in resolving the issues in this proceeding. While our reading of the RD leads us to conclude that this section containing the Act's basic mandate was implicit as a standard, we here explicitly acknowledge our obligation to "* * * make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communications service with adequate facilities at reasonable charges, for the purpose of the national defense * * *."

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VI. LEGAL PRECEDENT

62. Several parties criticize the RD's reliance on "Northern Pacific Ry. v. North Dakota," 236 U.S. 585 (1915) and other decisions as support for the position that fully allocated costs are the appropriate standard in determining rates for individual service categories. These parties claim that Northern Pacific Ry. is inapposite since it pertains to a state's unlawful attempt to set maximum rates no greater than incremental costs in contrast to the instant proceeding, where a carrier's attempt to establish incremental costs as a pricing floor is at issue. These parties cite and rely upon another line of cases from which they argue that there exists regulatory and judicial approval for incremental costs as the appropriate ratemaking standard. It is correct that courts have found rates compensatory, when they are set above incremental costs.[41] However, our reading of these cases fails to reflect any manifestation of judicial preference for an incremental costing approach, as opposed to a fully allocated approach.

63. We do, however, take judicial guidance from "American Commercial Lines v. Louisville and Nashville R. Co.," 392 U.S. 571 (1968). This case concerned the question of whether incremental costing or a fully allocated costing methodology was the appropriate standard in determining inherent cost advantages between modes of transportation. American Commercial Lines stands for the proposition that in the absence of clear Congressional directives, it is within the sound discretion of a regulatory agency to establish appropriate economic policy to effectuate its legislative mandate.[42] We note that the Communications Act contains no express direction regarding the choice of a particular costing methodology. Consequently, in view of American Commercial Lines, we need not distinguish among the holdings of the cases relied on in the RD and by the various parties, nor need we consider any particular costing methodology to be judicially sanctioned. Our conclusions will, therefore, be based on the record, the mandate to ensure just, reasonable and non-discriminatory rates.

64. It is argued by a number of the parties that the RD's conclusion that FDC Method 1 is the appropriate costing approach is unwarranted and that any method that attempts to allocate common costs is inherently arbitrary inasmuch as there are any number of ways to allocate costs. We agree that there is no one perfect method by which to allocate costs of services.[43] But, this does not mean that we are precluded from choosing a reliable costing method that best reflects our policy objectives emanating from the Act.[44] (See Section VIII *infra*.) Thus it is within the exercise of our informed judgment to choose the methodology we find proper under the attending circumstances.[45] Many years ago the Supreme Court recognized that "* * * it is much easier to reject [costing formulas] as being misleading than to find one apparently adequate." [46] Yet, it is our responsibility to make such a choice by this decision.

65. For these reasons we conclude that we are not constrained, merely because other methods are also plausible, in the selection of the methodology we employ herein for determining appropriate rate levels and the presence of cross-subsidy among individual categories of interstate telephone service.

VII. PRIOR POLICY

66. The RD found prior Commission policy supports the following conclusions related to resolution of this case (RD, par. 95):

(1) Ascertainment of the actual cost of providing services underlies the requirement that rates be just, reasonable and nondiscriminatory;

(2) The public interest is not generally served by interservice cross-subsidization; and

(3) The Commission has previously dealt with the question of cross-subsidization, but in the context of fully distributed costs.[47]

Bell, the Airline parties, ARINC, AIA, and DOD have excepted to the appropriateness of one or more of these basic conclusions as reflecting prior Commission policy.

67. The importance of costs has long been recognized in our determination of the lawfulness of rates of telecommunications services.[48] It thus follows that our determination of the lawfulness of the rate levels of the major interstate service categories at issue herein, must be justified in relation to the cost of furnishing the particular service. This does not mean, however, that cost is necessarily the only criterion useful in determining whether rates are lawful under the Act. Prior cases have made it clear that besides using costs as the basis for setting rates, costs can be used as benchmarks to guide us in measuring the extent and lawfulness of any departure from actual costs, where non-cost considerations enter the ratemaking calculus.[49] Of course, departures from rates based directly on costs must be justified.[50]

68. There have been a limited number of circumstances where rates have been allowed to depart from costs. We previously, held, with respect to like communications services, that competitive necessity might justify differential pricing, even though the differential is not cost related provided certain conditions are met.[51] Likewise, the RD recognized that departure from costs in setting rates for press communications services might be warranted (RD, par. 93). However, to date no showing has been made before the Commission that would justify any non-cost differential pricing for press services.[52] It is also clear that where Congress has made special provision, rates for particular service categories may depart from costs. Thus, under section 396(h) of the Act, we have allowed Bell to provide private line service to educational television stations at reduced rates, even though the costs of such service were not fully recovered in the tariffed charges.[53] However, the extent to which non-cost considerations such as market demand and competitive factors should be taken into account in permitting departure from costs has not yet been settled.[54] This is one of the questions to be addressed herein. (In answer we set forth the guidelines to determine cost of service, as well as the basis for justifying departure therefrom. We make clear, however, as did the RD, that we will continue to entertain other appropriate bases of departure from the cost standards sanctioned herein, upon appropriate justification.)

69. We are in further agreement with the RD that our prior decisions reflect that cross-subsidization is generally not in the public interest. In the Private Line Rate Cases we stated:

[41] See, e.g., *ICC* v. *New York*, N.H. & H.R. Co., 372 U.S. 744 (1963).

[42] We are thus not bound by the Supreme Court's decision upholding the ICC's determination that under section 15a(3) of the Interstate Commerce Act, 49 U.S.C. 15a(3) (1970), fully distributed costs should be used respecting the particular intermodal rate controversy, pending a subsequent rulemaking. We do note, however, the Court's lengthy footnote, 392 U.S. at 586–89, n.16, wherein it raised serious questions concerning the economic rationale of a costing methodology that is conceptually similar to LRIC. However, the Court concluded that the resolution of such questions is within the discretion and expertise of the regulatory tribunal.

[43] See, e.g., *Colorado Interstate Co.* v. *FPC*, 324 U.S. 581 (1945).

[44] E.g., *Consolidated Gas Supply Corp.* v. *FPC*, 520 F.2d 1176 (D.C. Cir. 1975).

[45] See, e.g., *Panhandle Eastern Pipeline Co.* v. *FPC*, 324 U.S. 635 (1945).

[46] *Groesback* v. *Duluth*, S.S. & A. Ry. Co., 250 U.S. 607, 814–615 (1919).

[47] The RD's conclusions concerning our prior policy with respect to differential pricing under Section 202(a) is discussed below at Section XII.

[48] E.g., Private Line Rate Cases, 34 FCC 217, 231, (1963); 34 FCC 244, 297 (1961); "Hi-Lo" 55 FCC 2d 224 (1975), 58 FCC 2d 362, 366 (1976); WATS, 59 FCC 2d 671, 678 (1976).

[49] 34 FCC at 231; 34 FCC at 297; WATS, 59 FCC 2d at 678.

[50] Private Line Rate Cases, 34 FCC at 231; 34 FCC at 297; WATS, 59 FCC 2d at 678.

[51] Telpak Rates, 38 FCC 370 (1964).

[52] Charges and Classifications for Services Furnished to the Press, 24 FCC 2d 565 (1970), 25 FCC 2d 5 (1969), aff'd sub. nom., Copley Press v. FCC, 425 F.2d 1290 (1971). We note that we are investigating the issue of preferential press rates in Docket No. 20667. That proceeding, however, is being held in abeyance pending resolution of the issues herein and in Docket No. 20814, an investigation into AT&T's Multi-Schedule Private Line (MPL) rate filing. Preferential Rates for Press Use of Domestic Private Line Service, 56 FCC 2d 796 (1976); FCC 76–718 (Released, August 13, 1976).

[53] Free or Reduced Rates, 17 FCC 2d 155 (1969), 20 FCC 2d 491 (1969); 31 FCC 2d 496 (1971).

[54] We recognize that in the Private Line Rate Cases consideration was given to non-cost criteria including value of service and competitive effects in prescribing the appropriate rate levels for individual services. 34 FCC at 227; 34 FCC at 298. It is nevertheless clear that the cost of providing service was at the heart of that decision. 34 FCC at 228, 231; 34 FCC at 297, 300.

Care must be taken to avoid excessively high rates for a carriers' noncompetitive services (or for a noncompetitive classification) which tend to offset deficiencies resulting from unduly low rates for competitive services. 38 FCC at 301

Similarly in *Re WADS*[55] we expressed concern that there might be cross-subsidization between different classes of WADS service. More recently, we ruled that Bell had to demonstrate that there was no cross-subsidization among the distinct service elements of its "Hi-Lo" offering as well as between the Hi-Lo service and other services offered by the company.[56]

70. From the foregoing it is manifest that costs have played a predominent role in determining whether rates are just and reasonable under our statutory standards. But, in certain circumstances, other noncost criteria can be employed in the ratemaking process, provided we have full awareness of what the costs of services are, and the extent of departure therefrom. Furthermore, we have established that cross-subsidization between services is generally inimical to the public interest, but acknowledge that definitiveness and certainty are presently lacking in any definition of cross-subsidy.

71. We feel that these broad principles, which have served as the foundation of our ratemaking decisions for the past fifteen years, continue to be viable for purposes of resolution of the instant proceedings. Nevertheless, in view of the position taken by Bell and others we emphasize that we have not "prejudged" certain issues herein based on past holdings. We have examined de novo the issues and questions presented herein on the record. Thus, it still must be determined in this proceeding whether some form of fully distributed costs, marginal or long-run incremental costs or, indeed, some other variety or combination of costs should serve as the relevant costing standard. Furthermore, in determining the lawfulness of the rate levels at issue herein we must decide whether circumstances exist justifying a departure from a cost standard. Finally, we must define what constitutes cross-subsidization and whether cross-subsidization exists between the service categories under examination. Numerous orders in this proceeding,[57] as well as in proceedings dealing with related questions[58] make it clear that we have not resolved nor predetermined the issues posed herein.

VIII. STATUTORY OBJECTIVES AND RESPONSIBILITIES

72. Underlying resolution of the basic issues in this proceeding (the determination of the lawfulness of rate levels and rate level relationships of Bell's principal categories of service) are the objectives and responsibilities which evolve from our enabling statute and prior decisions. In the discussion above on prior Commission policy (Section VII), it was shown that our prior decisions held cross-subsidization generally undesirable. Furthermore, the recognition of costs as providing primary underlying support for determining the lawfulness of rates and rate structures has been established, but the determination of what constitutes "relevant" cost remains.

73. We emphasize that ascertaining relevant costs is essential to our primary ratemaking responsibilities under the Act—the determination of whether rates are just, reasonable and not unduly discriminatory. Likewise, knowledge of the cost of service permits identification of inter-service burdens and cross-subsidization. An understanding of relevant costs is directly related to carrier accountability for the rates, charges, rules and practices contained in its published tariffs.

74. Pursuant to sections 219 and 220 of the Communications Act of 1934, as amended, we are empowered to prescribe uniform accounting systems and depreciation charges, and to require submission of such records, reports, and studies as we deem necessary to carry out our legislative mandate. Likewise, the Commission may, under Section 218, inquire into the management of common carriers and keep itself informed as to the manner and method of management. Consequently, the Commission may make periodic inquiry of the carriers it regulates and establish appropriate reporting rules to facilitate determination of the justness and reasonableness of carrier rates, practices, classifications, and regulations. This is illustrated by the requirements of §§ 1.363 and 61.38 of the Commission's rules and regulations. Thus, our statutory mandate and our rules manifest our paramount responsibility to the public to ensure carrier accountability for the rates, charges, practices and rules published by the carriers.

75. Until the early 1960's, the Commission relied primarily on informal procedures termed "continuing surveillance" as the principal vehicle for carrying out its statutory responsibilities. This approach could best be characterized by the Commission regulating rates through "frank" and informal negotiations in lieu of rate investigation, hearing and prescription.

76. With the advent of declining costs resulting from recurring technological breakthroughs in transmission and switching, escalating demand, authorization of private microwave systems, and competition in the intercity private line market by terrestrial and satellite carriers, the need arose for more structured and formal rate regulation. Likewise, there also arose the commensurate need for reporting rules. Indeed, the sections of the Commission's rules cited above were developed in the period after the emphasis on carrier accountability had shifted from informal to more structured and formal procedures.[59] The current proceeding evolved in this era and the Commission's objective of ensuring carrier accountability became intertwined in the controversy surrounding the related issues of proper ratemaking principles and procedures.

77. Ensuring carrier accountability is one of our primary objectives and responsibilities. All parties appear to agree that an established carrier should be held accountable for its pricing and investment decisions. There is also agreement that the modern complex structure of the industry characterized by the importance of technology and controversy over appropriate capital structures requires that a formal approach to carrier accountability be taken. However, the parties do differ regarding proper pricing and costing methodologies as the same reflect on accountability. The parties also disagree as to proper forecasting and tracking procedures, and the appropriate data to be used for such purposes. Additionally, the parties do not concur regarding the role forecast data should play in setting rates, or how uniform the employment of forecasting and tracking procedures should be between services. Furthermore, they are ambiguous in their description of how acknowledged substandard performance should be handled, including the important matter of shortfalls in net revenues resulting from deviations between actual and projected results. Finally, the parties do not clarify whether the Commission should employ yearly or more frequent audits, single or recurrent evaluative references to base year forecasts, or adjusted (rolled forward) or fixed baseline projections.

78. The RD proposes ratemaking on the basis of historical FDC Method 1 costs and also the submission of forecasts on a basis consistent with Method 1. This dual use of Method 1 effectively circumvents incompatibility between forecasting and tracking procedures, and, assuming the acceptance of the Method 1 approach, makes detection of cross-subsidization somewhat perfunctory (see RD, par. 179). Comparisons of forecast and test year evidence would be submitted including forecast rates of return (except on wholly new services for which no test year data would be required) (RD, pars. 212–215). The RD acknowledged that retrospective comparisons of forecast and actual data have the inherent limitation of considering performance only opposite the alternative chosen (RD, Appendix B, pars. 20–39; CCB Exhs. 7 and 25). The RD also favors closer examination of the carrier's justification for not choosing other rate alternatives as part of the overall accountability process.

79. The RD's references to accountability are oriented toward the determination of full cost rate levels to cover historical revenue requirements. It is noted that "FDC study results by serv-

[55] 35 FCC 166, 183 (1963).

[56] 55 FCC 2d 224, 230 (1975); 58 FCC 2d 362, 368 (1976). The "Hi-Lo" filing was rejected, in part, because of Bell's failure to make an adequate showing that cross-subsidization did not exist among the services.

[57] 18 FCC 2d 761, 763; 23 FCC 2d 503, 506–509; 41 FCC 2d 593–594.

[58] Specialized Common Carriers, 29 FCC 2d 871, 916–917 (1971); "Hi-Lo," 58 FCC 2d 362, 364 (1976).

[59] See e.g., Final Report and Order in Docket 18703, 25 FCC 2d 957 (1970).

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ice are useful for tracking the results of rate changes and all other influences that affect the revenue-cost relationship of major service categories" (RD, Appendix C, par. 85). The RD is concerned that any comparisons that would be made of forecasts with the results of operations should be as firmly founded in actual data as possible. It is partly for this reason that the RD held objectionable the suggestions of other parties that use be made of Methods 3 to 7 for tracking purposes. The RD relied on Method 1 rather than Method 7, for example, since it concluded that results under Method 7 are partly composed of data drawn from forecasts of the "near and distant future" (RD, Appendix C, par. 87).

80. The RD does not address several of the ambiguities regarding "accountability" referred to earlier. While its use of Method 1 provides for consistency between forecast and actual results, projected data need not have any actual part in setting rates. Indeed, the RD's conclusions suggest that forecast results would only be informational. Furtheremore, there are no provisions made for incorporating "rewards or penalties" into the RD's scheme of ratemaking to recognize disparities that might be found between actual and projected results. Shortfalls would presumably be covered by rate adjustments. Finally, the RD does not clearly delineate what it would consider to be proper procedures for a tracking or continuous surveillance program, as opposed to the more general projections currently required under § 61.38 of the rules.

81. The RD's recommendations on the use of forecast data and procedures are tied to its concern with cross-subsidization—especially as it might be accomplished through the vehicle of managerial judgment in cost allocation. The RD generally found that reliance upon such judgment in the ratemaking process is not in the public interest. To this end, only minimal importance is attached to such data for purposes of the ratemaking process.

82. The Bell System's most prominent reference to "accountability" was in connection with its "retrospective accountability" analysis. Bell maintained that there is no evidence of record supporting the validity or feasibility of projecting Method 1 data. Bell argued that such projections and any deviations in actual results from these projections have no import for ratemaking purposes (Bell Expt., pp. 3–5, and 120–121). Bell has also maintained that any proper test of cross-subsidization must be of an incremental, forward-looking nature such as the Burden Test proposed by its witness, Dr. Baumol (Bell Exh. 18, pp. 6–7). It was in addressing the objections of Common Carrier Bureau witness, Dr. William Melody, to such a test that Bell directed its attention to the issue of retrospective accountability (CCB Exh. 7, pp. 5–27). Bell acknowledges the Commission's need for historical cost based analyses to serve as "benchmarks" in evaluating interstate service rates (Bell BSE, pp. 47–54).

83. Dr. Melody testified (CCB Exh. 7, pp. 19–22, 32–25) that under Bell's incremental analysis the Commission would have no way of assuring itself that projected data was not biased. He also objected to the analysis in that it offered no information on actual performance. While not directly addressing the question of bias in an accountability context, Bell maintained that any forecast, including full cost projections, are susceptible to the bias criticism. Bell asserted that proper documentation and record keeping by the carrier can minimize the "nonobjective" aspects of forecasting (Bell Exh. 18, pp. 13–20). With regard to the needs of the Commission for results of actual performance, Bell concurs with Dr. Melody that a comparison of actual and projected results is appropriate in ensuring carrier accountability (Bell Exh. 20, pp. 13–19). It alleged, however, that only the directly attributable costs of a service should be compared with forecasted changes in revenue/cost relationships as estimated by incremental studies (Bell P.F., pp. 108–119).

84. We find that accountability for the Commission's purposes should involve comparative evaluations of forecast and actual costs, and should incorporate the findings of such analyses into the ratemaking process. This is in accord with our prior policy, as formulated in the Private Line and WATS cases wherein we stated that costs can be used as benchmarks in the ratemaking process.[40] While the parties' interpretations of accountability seem to approve use of more than simply the informational aspects of forecasting, there is no delineation of the specific means of implementing the results of the evaluative process. We deem the latter to be requisite. Additionally, we find that accountability should also involve consistency in forecast and actual methodology and in the dimensions of the data employed. Finally, we find that accountability should be implemented across all services and for anticipatory (continuous surveillance) as well as retrospective purposes. Thus, accountability is the touchstone of the "just and reasonable" provision of section 201.

85. Other statutory objectives and responsibilities include ensuring equitable and non-discriminatory treatment of all service users, (generally referred to herein as "equity"), promoting efficiency and technological innovation, and providing a precise and clear set of market rules for planning and decision making purposes. As indicated, these objectives collectively have a direct bearing on the major issues of lawfulness of return levels and relationships and also on the selection of proper costing methodologies and procedures for the future.

86. Equity can be viewed in a general framework, as follows: Users of the carrier's various offerings are entitled to non-discriminatory treatment with regard to the quality and diversity of service made available to them. This is true with respect to the carrier's definition, selection and allocation of costs, the type of facilities dedicated to various services, and the "relative weight" assigned by management to the myriad of other objective and implicit factors used in determining particular service rates. Furthermore, equity extends to such decisional areas as research and development and to facility construction program designs. These decisions must be commensurate or reconciled with the relative levels of earned return and benefits afforded users of Bell's various services.

87. The presence of competition in certain market segments raises certain equity questions concerning the compatibility of pricing philosophies designed to "meet competition" vis-a-vis those used to price monopoly services. The concept of equity is embodied in section 202(a) of the Act. This section specifies that it is unlawful for any carrier "to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality * * *." Further, section 201(b) of the Act specifies that "all charges, practices, classifications and regulations for and in connection with such communication services, shall be just and reasonable * * *." The Bell parties, as we have discussed, espouse a "basic service" philosophy of ratemaking, i.e., Bell alleges that it is reasonable to price competitive services on a "contributional" or marginal basis while simultaneously requiring monopoly service rates to cover all other costs; thus acting as guarantor that the overall revenue requirement is met (T. 15592–15609). Whether such a basic service theory of ratemaking is equitable and, indeed, lawful under sections 202(a) and 201(b) of the Act is at issue herein.

88. The RD concludes "that it is unjust and unreasonable to require users of any class of service * * * to contribute earnings on such services in excess of what the Commission has found, after hearing, to be reasonably necessary to meet the overall revenue requirements of the carrier" (RD, par. 183). Additionally, the RD maintains that our prior decisions reject the view that pricing monopoly services at higher levels than competitive services to prevent shifts between them is justified (RD, par. 87). Further, the RD states that we have found that the "bare fact that a service may be enjoying a more rapid rate of growth does not itself justify imposing artificial rate burdens on it" (Private Line Cases, 34 FCC 217, 228; RD, par. 86). However, the RD does acknowledge that we have stated "our intention to permit the existing carriers to price their competitive services in a fashion that will realistically and reasonably reflect economic advantages, if any, that are inherent in the plant and operations of those carriers" (Specialized Common Carrier Decision, 29 FCC 2d at 915; RD, par. 208).

89. On balance, what we have at issue with respect to equity among users when viewed in the perspective of sections 201(b) and 202(a) of the Act and our prior decisions is the lawfulness of the

[40] 34 FCC 217, 231 (1963); 59 FCC 2d 671, 678 (1976).

results of Bell's disparate pricing philosophy on the residual (monopoly) service ratepayer. As discussed in more detail below, it is not clear that Bell's ostensible efficiency-related rationale for its pricing approach coincides with the ratemaking objectives of the Commission. However, assuming arguendo, that we could accept the basic service philosophy of pricing as the appropriate economic means of reflecting Bell's economic advantages of scale and of being the "going concern" vis-a-vis its incipient competitors, could we properly hold lawful the corollary results of the basic service theory that may dictate higher rates for monopoly users? That is, should the Commission find Bell's economic arguments advanced for its pricing philosophy so persuasive that special treatment of competitive users as selected "marginal customers" overrides other precedental and statutory considerations?

90. The above discussion of underlying legal and economic factors was predicated on the assumption that the basic service philosophy was the proper pricing approach. As will be explained in reviewing the arguments respecting full and marginal costing, below, this assumption implies that monopoly users would have lower discounted revenue requirements for the time period including "the near and distant future" due to the special treatment afforded competitive customers. If, however, treating competitive and monopoly service users in a disparate fashion does not satisfy this assumption, the Bell position then stands to prejudice monopoly ratepayers.

91. Another objective of the Commission is to encourage efficiency and innovation in the provision of telecommunications services. Under the basic mandate contained in Section 1 of the Communications Act, we are to "make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communications service with adequate facilities at reasonable charges * * *." The RD related efficiency directly to production and costs and also to discrimination:

> Generally, rate regulation is intended to be a substitute for competition in special market situations where an essential service or good is produced and maximum efficiency (that is, minimum cost) can be achieved * * *. It is intended that rates be designed to cover the necessary costs at levels which allow no excess over the minimum cost of efficient operation and which reflect no undue discrimination * * * (RD, par. 97).

92. The RD and other parties recognize the interdependence of efficiency and other Commission goals and criteria:

> For a multi-service concern it is necessary to develop techniques for detecting and correcting cross-subsidization * * *. Effective regulation requires appropriate measures by which to gauge the overall performance of the regulated enterprise and a system of incentives which will pull the operation in the direction of maximum efficiency * * *. In this regard, one of the principal regulatory needs is to establish an accountability standard which provides the regulator and management alike the means for evaluating the overall effect of a myriad of interdependent decisions * * * (RD, par. 100).

93. Likewise, ARINC relates specification of costing methodolgy, as part of the spectrum of "fair competition" rules, to efficiency. Of course, ARINC's particular methodological advocations are not in juxtaposition with those of the RD. However, both appear to concur that improper specification of costing and ratemaking rules would negate desired efficiency and innovational benefits of competition at their inception. ARINC quotes the concurring statement of Commissioner Washburn in the *Hi-Lo* case to the effect that improper costing signals "create strong incentives which will tend to distort the efficient use of existing plant * * *." (ARINC BSE, pp. 31–32). The essence of ARINC's argument is that the dimensions of efficiency extend beyond isolation of the cost of factor inputs for a particular production function and operating constraints (both physical and procedural).

94. Bell has contended in this and other proceedings that rates related to marginal costing rather than FDC methods should be used for pricing its competitive services to ensure efficient use of its facilities and to avoid protecting inefficient specialized carriers (see, 29 FCC 2d at 899). Thus, Bell states that "reliance on an FDC criterion interferes with pricing decisions designed to achieve more efficient utilization of facilities and to foster lower unit costs of providing services to all classes of communications users" (Bell P.F., p. 145). Bell contends that only costs causally allocable to each service alone are relevant for ratemaking purposes, although, as discussed heretofore, Bell argues that other non-cost ratemaking factors are relevant as well. Others find fault with this philosophy. The RD, for example maintains that overall, incremental cost based rates do not cover total costs, and that by definition, allocation and selective application of such costs in determining rates involves unreasonable and unlawful levels of management judgment, contrary to the interests of all service users. These issues are discussed at length in later sections (see Sections IX–XI).

95. We find our obligation to promote efficiency and innovation to encompass cost definition, minimization, and allocation. Furthermore, we recognize the interdependence of efficiency and costing. We do not limit our consideration of efficiency only to measurable transactions, but realize that the public interest may be served by recognizing factors not directly traceable to the marketplace. Thus our concept of efficiency incorporates such considerations as equity and social welfare. It is, therefore, broader than that espoused by economists or individual carriers. Accordingly, our selection of a proper costing methodology from this standpoint will be determined by defining the term "optimal" in a fashion quite apart from the "relevant ratemaking factors" used by Bell.

96. A final major objective of the Commission is clarification of market rules. In general, these concern market entry and exit, proper supporting material for tariffs, rate level floors and ceilings, interservice rate relationships, and the myriad of other marketplace specifications needed by suppliers for proper decision making and planning. The Commission's prior decisions encouraging competition in certain markets were made to attract those firms which will prove over time to be viable and effective alternative sources of supply. Such firms should be able to accurately gauge the attractiveness of communications markets with full knowledge of the rules pertaining to their own and the established carriers' opportunities, responsibilities, and limitations. For example, in other proceedings, we have endeavored to provide rules regarding interconnection and service and equipment definitions. In this proceeding our attention is directed to ratemaking principles. Our findings and conclusions herein are intended to provide the rules necessary to properly relate costs and both relative rates and rate levels. They should dissuade both incipient and established suppliers from participating in a particular service area because of the presumption that "protective umbrellas" will offset any patent inherent economic shortcomings.

97. In our Specialized Common Carrier Services decision, 29 FCC 2d 870, 915–916 (1971) we declared that we favored fair competition between established carriers and their then incipient competitors for the intercity private line market. We noted the relevance of costs in this regard, but did not make a finding on what constituted a proper costing methodology, deferring that issue to this proceeding. We stressed (29 FCC 2d at 915–916) that it was, "our objective to promote and maintain an environment within which existing and any new carriers shall have an opportunity to compete fairly and fully in the sale of specialized services. Our ratemaking and regulatory policies and practices will be appropriately adapted to accomplish this objective * * *" in Docket 18128.

98. The Commission has also expressed itself on fair competition in other proceedings. In the area of interconnection, for example, the Commission held unlawful attempts by established carriers to maintain unduly restrictive tariff provisions violative of fair competition:

> In Specialized Common Carrier Services, the Commission authorized new specialized private line carriers and issued a broad directive to the established carriers to make available to such new carriers local distribution facilities on a reasonable and nondiscriminatory basis. 29 FCC 2d at 940. Although Bell provided local loop service to specialized common carriers, it would not interconnect its plant with [specialized carrier] facilities for the purpose of providing FX and CCSA services. In Bell System Tariff Offering, Bell argued that the interconnection policies enunciated in the Specialized Common Carrier decision did not require such interconnection. The Commission disagreed and, inter alia, ordered AT&T and the Bell System Companies to cease and desist from denying specialized carriers reasonable interconnection services similar to those provided to AT&T's Long Lines Department * * *. The Commission concluded that competition between Long Lines and the special-

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ized carriers in the interstate private line services market would not be *full and fair* if the specialized carriers were prevented from providing FX and CCSA services by reason of monopoly control by Bell and other telephone companies over local plant. Similarly, we believe that competition between Long Lines and specialized carriers on routes served by both cannot be *full and fair* if subscribers of Tariff 260 services cannot terminate those services at IRC and specialized carrier premises. (emphasis added) (Memorandum Opinion and Order, FCC 76–684, July 30, 1976.)

99. There is general agreement in principle with the objective of fair competition (RD, pars. 208–210; Bell BSE, pp. 29–36) and that any costing methodology selected by the Commission for use in evaluating tariff filings and rate levels and relationships should be consistent with such objective. There is no agreement, however, in the interpretation and delineation of what constitutes "fair competition."

100. The RD relies on the Private Line Rate Cases 34 FCC 244 (1961), 34 FCC 217, 231 (1963) in support of full cost pricing as the cornerstone of fair competition. The RD acknowledges that other pricing approaches may be warranted and, indeed, tendered for consideration by the Commission, but it notes that there must be special support in each such instance. Further, the RD holds that the burden of supporting specialized ratemaking always rests upon the applicant (RD, pars. 89–94). Within the context of full costing, the RD finds limitations on monopoly service earnings may be necessary to satisfy the requirements of Section 201(b) of the Act (RD, pars. 181–184). Without such limitations, the RD finds that cross-subsidization cannot be avoided, and that the Bell System would enjoy an unwarranted, anti-competitive "protective umbrella" (RD, pars. 208–210). Finally, within the context of fair competition the RD objects to any pricing approach that will not tend to provide maximum amelioration and coverage of revenue shortfalls that necessarily result from full cost pricing departures (RD, pars. 196–199).

101. The Bell System Respondents advocate that fair competition without cross-subsidization involves departures from full costing for certain services. However, full costs, appropriately defined, constitute part of Bell's overall approach. In this regard Bell advances its basic service philosophy as the ratemaking approach appropriate for the realization of fair competition (T. 15592–15600).

102. The apparent bases for Bell's pricing of services varies from service to service. For competitive (private line) service rates, Bell maintains that only long-run incremental costs are relevant. Bell suggests that its objective in employing a marginal cost based pricing approach is to minimize the share of total costs to be borne by monopoly (MTS and WATS) service users. Bell alludes to the theoretical efficiency of pricing in accordance with a service's marginal costs. However, Bell acknowledges that it uses a combination of cost, demand, and other factors in actually setting competitive service rates. (T. 15592–15604; Bell Expt., pp. 7–15, Bell P.F., pp. 26–39). Bell sets its monopoly service rates with the objective of meeting its aggregate revenue requirement (including cost of capital) for all its services. Since monopoly services are the "residual" or non-marginal offerings, Bell's objective of covering overall costs, in effect, makes these services responsible for covering costs not provided for by private line services.

103. Thus, the basic service philosophy of pricing provides an integral part of Bell's concept of full and fair competition. Under its view, prices related to incremental costs are to apply only to competitive services. However, Bell recognizes that investors presently view the firm as a whole, and that costs it regards for service category ratemaking as "economically irrelevant," (because of their historical nature) are in fact, "financially important" and if not recovered are reflected in its aggregate cost of capital. For this reason Bell asserts that these costs must be covered by the residual services (MTS and WATS), if Bell is to earn its allowed rate of return. Rates for these two services are, therefore, not viewed from a contributional standpoint as are competitive services. Basic service prices are set so that they cover the costs not contributed to by private line services revenues. (Bell P.F., pp. 26, 36).

104. Bell's conception of fair competition includes conclusions regarding "pricing flexibility" that can only be reached under its basic service philosophy. The RD generally does not support the contention that there is a need for flexibility in determining proper cost/price relationships among services, within the context of fair competition (RD, pars. 144–145, 157–159, and 185–187). However, whereas the RD held use of an FDC rate ceiling for MTS as necessary to avoid cross-subsidization, Bell finds this ceiling constitutes a limitation on its pricing flexibility and thus on the claimed contributional and efficiency related benefits all customers are alleged to derive from use of incremental cost related prices for other services (T. 15604–15606; Bell BSE, pp. 29–36). Bell maintains that such a ceiling for MTS defines a floor for other (especially competitive) services (Bell P.F., p. 51). This result naturally follows from Bell's stipulation that it must earn its overall revenue requirement (Bell P.F., pp. 50–52). To summarize, Bell advocates that it be given the flexibility to reflect the latest technological advances and factor market prices in its private line rates, only under the presumption that uncovered costs become the responsibility of its monopoly service users. We note that we believe reasonable pricing flexibility to be desirable, consistent with our findings and conclusions herein. However, as elaborated below, we cannot accept Bell's concept of pricing flexibility.

IX. The Costing Methodologies

A. Introduction

105. In Section VIII (Statutory Objectives and Responsibilities) we noted the existence of crtain common ground among the enumerated objectives, and also areas of interaction between these objectives and the costing principles at issue beneath the penumbra of the Act. Further, given the foundation of our objectives, embracing concepts of *both* law and economics, employment of these objectives can produce alternative judgments or conclusions which, in varying degrees, need not be reinforcing. Judgments emphasizing the more legally oriented equity and accountability objectives, for example, may conflict with economic concepts of efficiency and fair market rules. Indeed, we noted that in given situations there may be conflicting legal and economic interpretations concerning proper employment of even a single objective.

106. In this section we outline and explore the concepts and underlying characteristics of fully distributed cost methodologies and marginal costing. We delve, as did the RD, into the origins and evolution of relevant complex socio-economic theory. Also for the necessary purpose of deciding this case as rationally as possible within the statutory, legal, economic and other technical and interdisciplinary constraints (such as accounting and engineering) which influence performance of our regulatory functions, we explore fundamental elements of the foregoing; indeed, sometimes esoteric elements and postulations. On such bases we explore the advantages and disadvantages of FDC and marginal costing in light of the objectives and responsibilities previously delineated. Thus, in the ensuing discussion we will, for example, examine the alleged efficiency shortcomings of FDC as well as the equity and accountability deficiencies ascribed to marginal costing.[61] Likewise, we will discuss the suitability of FDC for determining the lawfulness of rates and rate level relationships and of marginal costing in certain contexts.

107. The RD sets forth the role of costing methodologies in the regulatory process as follows:

> Generally, rate regulation is intended to be a substitute for competition in special market situations where an essential service or good is produced and maximum efficiency (that is, minimum cost) can be achieved by allowing one large-scale producer to supply a given market area. Restricting production to one producer in the market is for purposes of gaining the alleged benefits of economies of scale, i.e., the lower unit costs which are sometimes realized as the volume or scale of production increases. In the aggregate, the regulated enterprise is supposed to operate at "cost," where the term "cost" includes the cost of capital. It is intended that rates be designed to cover the necessary cost at levels which allow no excess over the minimum cost of efficient operation and which reflect

[61] Although it has been suggested on the record that economists can pursue their ends wihtout the need to consider conflicting logic and data and without making value judgments (T. 10685–10695), the Commission is not so fortunate. We must decide this proceeding based upon a weighing of any number of factors, some of which may be at odds with each other.

no undue discrimination, either between classes of service or among different customers within a given service classification.

In some instances it may be both feasible and appropriate as a matter of public policy for a single producer to engage in both regulated monopoly and competitive markets. Here, a further objective of rate regulation is to prevent the presence of the integrated supplier from distorting the competitive market place, in order that the benefits of the full interplay of competitive market forces not be lost. This requires that the rates for competitive service offerings be set at appropriate compensatory levels, such that competitors are not subjected to unfair competition and the users of monopoly services are not required to subsidize the competitive service offerings of the integrated supplier.

In order to accomplish the various goals of regulation, certain tools and techniques are required. These include requirements for uniform systems of accounts and reports, audits, and related tests to ascertain the reasonableness of rate base elements and operating expenses including the costs of capital of the regulated enterprise. All of these elements taken together constitute a program of cost surveillance, since rates are to be designed to cover reasonable "costs." (RD, pars. 97–99).

In a firm which engages solely in competitive services, and where genuine competition exists for each service there is, of course, no public interest requirement to track the consequences of • • • management decisions; the free interaction of consumer choice and competitive response will automatically reward wise management decisions and penalize mistakes. Bell does not, however, fall in this category. The vast bulk of its service offerings enjoy monopoly or quasi-monopoly status, and are offered under uniform tariffs. The pricing of these services obviously cannot be and is not subject to the automatic corrections of the competitive marketplace. As Bell has eloquently argued in this and other proceedings, its monopoly and competitive services are provided via a single, integrated network involving extensive use of common facilities, personnel, management, and marketing resources. The allocation of proportionate use and value of these resources between monopoly and competitive services, and among classes of competitive services, constitute important management decisions not subject to the corrections of the competitive marketplace. Given the preponderance of its monopoly service demand, costs, and revenues, slight imperfections in these decisions will have little consequences for Bell's overall revenues and earnings; but for the same reason, even the slightest imperfection can have a major impact on the pricing of Bell's competitive services, with significant implications for both the users of those services and for Bell's competitors. In short, even small errors in management decisions in this area can result in significant underpricing or overpricing of Bell's competitive services, without a corresponding effect on its overall costs or revenues. This situation in turn can result in either predatory pricing or false entry signals for Bell's competitors (RD, par. 101).

B. Full Costing

108. Aggregate company full costs have historically had an important role in regulation and, indeed, were the primary regulatory cost concept in telecommunications prior to this proceeding. Previously we had focused almost exclusively on total revenue requirements and rate base related issues.[62] The carriers were allowed virtual autonomy in determining how revenue requirements were to be satisfied among various classes of service.[63]

109. Full costs of operations include current operating expenses such as wages, salaries, fuel, maintenance, advertising and research. They also include annual charges such as depreciation and operating taxes. Operating expenses parallel standard accounting concepts of costs. That is, costs generally are recorded at original or historical values and are recovered over time, hopefully, in a manner consistent with their associated revenue flows. It is consistent with the theory of regulation that rate base items and operating expenditures disallowed by a Commission for ratemaking purposes should, in effect, be charged to the firm's stockholders.[64] However, disallowances (such as the revenue shortfalls discussed earlier) eventually have impact on a firm's cost of capital, particularly the equity component. In this case the important question is from which service or services, if any, are such costs to be recovered when there is a shortfall? When a firm serves a number of classes of users, each with varying demand characteristics, rate adjustments stemming from upward costs pressures would logically be directed toward those classes of users with the most inelastic demand, e.g., monopoly service users. In the past, before competition in telecommunications came to the fore, the problem of how particular increases in costs were to be handled was less acute. Generally, there were other downward cost pressures, notably those resulting from rapid technological advances yielding more efficient and cost effective plant. Furthermore, there existed ameliorative exogenous factors such as the nation's low inflation rates and productivity increases, and the relative structural stability of the telecommunications industry itself. Problems of rate levels for particular services and interservice rate levels were considered as secondary to the determination of overall revenue requirements.[65]

110. When either a carrier's rate levels or interservice rate relationships are at issue the allocation of costs among services becomes essential to the performance of regulatory functions. Thus questions arise concerning the justness and reasonableness of relative rates vis-a-vis the cost of providing service. In this proceeding the major areas of contention center on the general appropriateness of FDC for such pricing and ratemaking purposes (especially the rationale for its use and its alleged compensativeness and efficiency consequences). There is also controversy herein concerning which specific FDC method(s) is appropriate under an accountability standard. In particular, should the historical nature of full costs and the alleged inherent arbitrariness of requiring distribution of certain common and joint operating costs according to FDC methods preclude their usefulness for ratemaking purposes? Furthermore, do efficiency and revenue contribution losses proximately result from such a distribution, and, if so, are these losses of a significant magnitude? Finally, when FDC methods are employed for accountability purposes, what distributive measure(s) constitute a proper basis for the assignment of costs?

111. The RD favors use of FDC for both ratemaking and accountability purposes. The RD describes FDC as follows:

> In a fully distributed cost (FDC) analysis, the totality of all historically recorded investment and operating costs for all services offered during a specified test period are first determined. In addition, the total historical volume of each service actually provided during the test period is determined from the carrier's records.
>
> Direct costs which can be identified for a a particular service offering are segmented and attributed to the relevant service. The remaining common and joint costs are allocated among the services according to statistical and/or judgmental determinations as to the *proportionate use* which each service made of the facilities, personnel, and operations supported by such costs. At the conclusion of the process, it is possible not only to compute a rate of return for each service, but also to establish *definitive unit costs* for each of the services offered during the test period, which can be used as a basis for determining the *appropriate cost-based price* for each service which would have satisfied the carrier's total revenue requirement—including cost of capital. The rates for each service may be computed so as to have contributed an equal rate of return on investment or each service rate may be computed to have produced different rates of return while the aggregate of all *satisfies the overall revenue requirement*. In all these calculations, appropriate factors for demand elasticities (including cross-elasticities among services) may be introduced. Finally, these *calculations may be used as a basis for setting future rates, with appropriate adjustments for market forecasts, projected demand elasticities, projected cost increments, etc.* (RD, pars. 106–107) (Emphasis added).

C. Marginal Costing and Pricing

112. Marginalist theories with their ties to "optimum social welfare" have a long history. Like most major evolutionary advances in conceptualization, these theories have evolved from the efforts of a number of writers. Clearly, the pioneering work of Jevons, Menger, and Leon Walras stand out regarding utility-oriented marginalism with its overtones for optimization. Jevon's followers, Edgeworth and Wicksteed, Weiser and Böhm-Bawerk of Menger's Austrian School, and Pareto of the Lausanne School's general equilibrium tradition, made notable con-

[62] Total revenue requirements are comprised of the full costs of operations (expenses) plus an allowed rate of return on net plant and other tangible and intangible assets in service. Communications Satellite Corp., 56 FCC 2d 1101, 1131 (1975).

[63] 1 Kahn, The Economics of Regulations, pp. 54–56 (1970).

[64] *Id.*, pp. 26–7, 31. See also, Garfield and Lovejoy, Public Utility Economics, pp. 48–56 (1964).

[65] For a discussion of the FCC's regulation of common carriers in the "precompetitive" era, see Garfield and Lovejoy, *supra*, at pp. 194–5.

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tributions to marginalism, as did the Cambridge School of Marshall and such American writers as J. B. Clark.[66] What came to be addressed by some authors as the marginal cost pricing approach of neoclassical economics eventually tied together both demand and supply factors. Walras and Marshall were perhaps most noteworthy for their contributions to this synthesis. Within the context of general equilibrium, the relationships between demand and supply traced themselves through to the welfare of society as a whole: pricing theory and welfare were at last integrated. Economists often assume for conceptualization purposes that real world market situations closely parallel the constructs of the neoclassical competitive model. We note that under their assumed conditions, these scholars alone, apart from other social scientists and policymakers, would be in the unique position of being able to prescribe a social policy regarding pricing which was "best" not only for the firm or the individual, but for the aggregate public welfare as well. Unfortunately for economists, the constructs of neoclassical theory have not easily lended themselves to practical implementation. Underlying restrictive assumptions which lead to narrowly applicable results have subjected neoclassical theory to criticism of its precepts and, indeed, its relevance.

113. Despite inconsistencies with real world conditions, marginalism and marginal costing and their ties to social welfare still remain an intrinsic ingredient of the foundations of modern economic theory. Certain writers have adapted economic theory to more pragmatic conditions. However, others have furthered its hypothetical constructs. Writers like Robbins and Schumpeter went so far as to maintain that there exists a body of immutable "universal laws" of economic behavior that apply to all stages of capitalism. Such laws were unaffected by the particular social mores and institutions in existence at any particular time. Even those writers who were willing to bring cultural elements, externalities, and nonefficiency criteria into their analysis, still have the tendencies to embellish their recommendations with overtones of optimality.[67] Indeed, the RD maintained (to which Bell excepted) that "Bell's witnesses in this proceeding who have proposed LRIC as the appropriate basis for pricing do so in large part because of their view that it leads to a 'social optimum' " (RD, par. 102). In practice, of course, a compelling case can be made for any number of alternative professional approaches to pricing, such as accounting, financial, statistical, and legal. Moreover, policymakers concerned with legislative and other noneconomic criteria must well weigh these concerns in reaching yet other pricing alternatives.

114. The RD describes the theory of marginal costing and pricing generally as follows:

> Briefly, this theory holds that the most economically efficient allocation and use of society's resources will be achieved when the price of each individual unit of goods of services is set equal to the actual marginal or incremental cost of producing that particular unit. It is alleged that such a pricing scheme will best force consumers to weigh the value of a public utility good or service against its actual costs, thus limiting production to the minimum essential level which the aggregate of all consumers finds economically justifiable. It was recognized at the outset, of course, that any practical application of this theory would require its modification, since for reasons of administrative and operating efficiency as well as equity among utility consumers it would not be feasible to charge each user a different rate for essentially the same goods or services. The resultant necessity of identifying appropriate objectives short of the particular "social optimum" initially contemplated, and of finding practical methods of applying marginal cost pricing theories in a real world environment (both of which involve value judgments outside the realm of economic theory) remains a source of continuing controversy both among economists and between economic theory and other social sciences.
>
> Initially, the concept of marginal cost pricing was applied primarily to the study of investment decisions required to satisfy a constant or steadily expanding demand; the emphasis was thus placed on so-called "long-run" marginal cost • • •. The application of the theory of marginal cost pricing to the privately owned regulated utility has been very recent; and its application to the relevance for the pricing of a mix of services supplied under both monopoly and competitive market conditions by a single integrated firm is perhaps a case of first impression in this proceeding. As is evidenced by the record herein, there remains much controversy with respect to any practical application of these theories, but particularly so in the latter case of the private firm engaged in both monopoly and competitive markets.
>
> The short-run marginal cost pricing rule is normally expressed in terms of imposing on the customers who demand service at the peak period the full capital costs for plant and equipment of the system • • •. Application of short-run marginal cost pricing theory in this manner leads to one "social optimum", with higher rates being charged for service at the peak than for off-peak service. Regulated telephone utilities have thus far opposed general application of this form of marginal cost pricing, citing *practical limitations* due to administrative and operating problems, *overriding considerations of equity* among customers, and *other factors beyond the realm of economic theory.*
>
> There appears to be a general consensus among economists that once the plant has been built its capacity should be allocated for use by pricing the service at the short-run marginal cost. The consensus breaks down, however, with respect to the addition of new plant or the replacement of old plant. Some economists argue that where plant must be added to provide a service, the service should then be priced at the long-run marginal cost of the added plant. Others argue that the service should be priced at the short-run marginal cost associated with use of the added plant. Those in the latter group appear to believe that the added plant should be designed so that the short-run marginal cost (utilization cost) of the plant will be the same as the long-run marginal cost at the intended level of output, and that if output will vary over the plant life, the price should be set at short-run marginal cost in each period, being below long-run marginal cost when the plant has excess capacity and above long-run marginal cost when the plant capacity must be allocated among competing users. (RD, pars. 109–112) (Emphasis added).

115. In evaluating marginal costing and pricing, the RD (par. 115) notes that:

> Bell's principal witness, Professor Baumol, claims on the record herein that fully allocated costs do not have economic significance, and that only incremental or marginal costs should be considered by the manager of the regulated public utility in setting rates for various services. The LRIC pricing rule proposed by witnesses Baumol and Bonbright represent Bell's attempt to apply marginal cost pricing theory to the pricing of certain of its telecommunications services.

116. The RD further states that:

> There remains considerable controversy both among economists and between economists and members of other disciplines concerning the application of marginal cost pricing theory to situations and conditions which differ significantly from the publicly owned monopoly supplier of utility services, which was the situation assumed in the development of the theory • • •. There are several specific problems relating to the application of marginal cost pricing to the mixture of monopolistic and competitive telecommunications services offered by Bell.
>
> The economic theory underlying marginal cost pricing was developed in the context of a monopolistic industry. Taking the theory on its own terms and accepting, *arguendo* the value judgment that the particular social optimum that would result from the theory's application is somehow of particular merit, it is clear that the theory must be modified if it is to be applied to a competitive situation in telecommunications. According to the theory, if a monopoly charges its marginal cost for its output, the cost to society of producing that output is exactly equal to the price (for the last unit sold), and the equality maximizes some measure of benefit to society. If the firm is not a monopoly, no such maximization is necessarily made, for the simple reason that the marginal cost to the firm is not the same as the marginal cost to society.
>
> There are several reasons for the inequality of cost to the firm and cost to society in competitive industries: first, the several firms all produce different combinations of output, with plant designed for their particular outputs • • •. Clearly, if this be so, the cost to each carrier is different, and no carrier can claim that its cost for producing an incremental output is that of the industry as a whole. But even if all firms in a competitive industry had identical plants, the marginal cost to one need not be the marginal cost to the industry as a whole. Put simply, if one firm increases its output, it may assume it will have no effect on the prices of the goods it purchases from other industries, and its other factors of production.
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> As previously noted, efforts to apply marginal cost profit maximization theory to public utility firms also engaged in competitive enterprises are a relatively recent development, and remain the subject of considerable controversy. At the outset, we note that in the case of the regulated public utility, profit maximization would appear to be contrary to public policy. One of the principal functions of regulation is to prevent exploitation of consumers through the setting of excessive rates. Proper regulation thus specifically forbids profit maximizing behavior on the part of the utility and specifically requires that the utility establish prices which will provide the maximum quantity of service consistent with its allowed rate of return. Yet, to the extent that a carrier has monopoly power, the equating of marginal cost with marginal revenue for the purpose of profit maximization will yield a price greater than cost for the ultimate quantity of service provided.
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> Economists do not generally agree on either the objectives of the managers of large unregulated firms, or the pricing rules managers use in meeting their objectives.
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> Theory of marginal cost pricing for utilities (setting marginal cost equal to price) attains the results its proponents claim (the "social optimum") only if other firms are maximizing profit, the utility prices all services according to the marginal cost rule, and there is no overall revenue requirement for the utility. If these conditions are not adhered to, the pricing rule must be modified in some way—price must differ from marginal cost.
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> Whatever the motivation and practices of the unregulated firm, it is clear that the regulated utility operates under a different set of incentives. It can be shown with the rigor of mathematics that a utility subject to rate of return regulation may find it profitable to expand output beyond the level which an unregulated firm would produce. (RD, pars. 116–122) (citations omitted)
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> [I]t has not been conclusively shown that marginal cost pricing can be applied to one service without a subsidy from some other service or source. When economists suggest (as in this proceeding) the use of "inverse elasticity rules" for price discrimination among services or classes of customers to allow the company to meet its overall revenue requirement, they are suggesting that those customers with inelastic demand subsidize those with elastic demand. While it has not been established by probative evidence in this or any other case of which we are aware, it is commonly assumed by economists that the demand for monopoly services is less elastic than is that for competitive services.
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> [T]he relevance and utilization of marginal cost pricing in both regulated and unregulated firms may be found in the accounting procedures employed. Effective use of marginal cost pricing clearly requires detailed information on both marginal costs and marginal revenues for each product or service. Yet standard accounting systems (including the ones used in the telecommunication industry) typically do not provide such data. At best, they provide data only on average unit costs for particular product lines. (RD, pars. 126–127).

117. The significance of this discussion relates to Bell's advocation of marginal costing and how such an advocation should be viewed. Bell is promoting an approach to competitive service pricing which is optimal in terms of Bell's viewpoint and which suits its pecuniary objectives. Thus, the "aura of optimality" associated with Bell's approach and theoretical marginal costing needs to be closely examined and understood. It is not at all clear that this has yet happened, despite the RD's entreaties along these lines (RD, pars. 102–105), and, indeed, Bell's own disavowal of ties between its approach and a social optimum (Bell Expt., pp. 46–49). In oral argument, for example, it was noted as part of a question posed by a Commissioner that "we could insist from a socially optimal *point of view* that it is efficient for all marginal costs to be identified in some way. All costs should be identified in terms of *marginal cost allocation* and that the prices [should] be set at or around that, and as long as the marginal costs are increasing that would be the correct decision would it not?" (T. 11598) (emphasis added). Bell's response emphasized that its "• • • objective is not to price at marginal costs or at Long-Run Incremental Costs. It is a method of analysis to determine the greatest contribution that you can make to the common costs." (T. 15598). Bell's "responses both in Brief and orally were found [,however] to be not totally satisfactory • • •" (T. 15600). The Commission recognizes that a ratemaking philosophy having just *some* aspects of an "optimal approach" need not be optimal at all.[68] The record amply demonstrates that Bell's LRIC is not faithful to the theoretical postulates of marginalist theory. (We shall discuss this in detail in Section X.) Again, we emphasize that the Commission must weigh all proposals in light of its statutory objectives, not those of individual parties. Where such objectives coincide, we feel confident that their pursuit is in the public interest. Where such objectives conflict, the broader interests, which we feel we represent, must prevail. In this instance, we cannot find that Bell's proposed LRIC meets our objectives of efficiency, nor does its proposal evidence properties which would otherwise serve the public interest, such as accountability. Even if a convincing case had been made that Bell's proposal would lead to greater economic efficiency, many other factors including those of a legal and social nature must be considered in our evaluation process.

118. Under the assumption that a faithful reproduction of LRIC *could* be constructed, it is well to examine LRIC's associated allocative features respecting their possible incorporation into a regulatory framework. The theoretical long-run involves a planning concept under which the firm is considered to be unencumbered by any of its historical investment or operating decisions. The firm can plan to employ whatever conceivable facilities and other resources it believes best suits its projected demand and managerial objectives. In the long-run the firm is in what is termed a "fully adapted position," That is, all inputs are variable, and all combinations of technology and factors of production are within its grasp. The firm is in a relatively unconstrained state. To be sure, common facilities exist in the long-run just as in the short-run. However, in the long-run these facilities are "common" only in a functional—not in a planning sense. They could be used for the expected demand of the various services in several manners. One could ask what additional facilities would be needed for the competitive services, assuming that monopoly service facilities were already constructed. Such questioning or logic, however, is irrelevant to cost allocation. The long-run planner is in the position of projecting demand by service when all costs are variable. He "knows" which services are expected to use which facilities and how much supportive activity ("overhead") is needed per unit of output. Finally, note that if total cost in this planning world is not projected to be covered by total revenue, the service in question would not be planned for. "Competitive necessity" in the short-run sense is of no consequence here. Moreover, all costs should be traceable, dollar for dollar, to each service without residuals. There are no direct costs. When actual events unfold, it is expected that these projected total costs "caused" by the individual services can be favorably compared to results from operations.

119. Of more concern is the problem of the allocation of "residual" costs resulting from pragmatic conditions. These residual costs may result, first, from differences between actual and forecast costs or, secondly, because the firm priced its services according to projected costs before it was in a "fully adapted" position (i.e., in the presence of existing fixed costs). In the first instance, operating performance may exceed or fall below that forecast. The marginal approach, being prospective and assuming perfect knowledge, does not suggest how the dollar value of revenue excesses or shortfalls generated by these circumstances should be accounted for in the determination of individual service rates, particularly for a multi-service, partially competitive firm. The latter instance, which we believe applies to Bell's marginal pricing methodology, ignores the vast existing plant of a carrier like Bell. The presence of fixed costs here implies a short-run situation. (As we noted before, in the theoretical long-run all costs are variable.) The long-run, "fully adaptive" theoretical rules are not applicable in the short-run. Nevertheless, existing fixed costs must be accounted for and recovered.

120. The Commission recognizes infirmities in the marginal cost, long-run approach to pricing, and finds that any strict translation of its procedures from theory to the practical telecommunications world infeasible. We find rates developed with only partial reference to a LRIC formulation to hold no particular advantages with regard to achievement of a social optimum. Additionally, we find that the freedom this approach grants Bell to allocate residual costs (resulting from deviations between forecast

[66] Samuelson, Economics, Chapter 32, (1970). See also, Rima, Development of Economics Analysis, Chapter 11–17 (1967).

[67] See, for example, Bator, "The Anatomy of Market Failure," Quarterly Journal of Economics, Vol. LXXII (1958) pp. 351–79; Arrow, Social Choice and Individual Values, (1951).

[68] For discussion of this "second best" problem in a regulatory context, see, Alfred E. Kahn, *Economics of Regulation*, Vol. I, pp. 69–70, 195–98.

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and actual conditions or between expected and existing plant) to the monopoly services to be violative of our accountability, equity and fair market objectives and responsibilities. We do find, however, long-run marginal costing's causational assignment of costs to be attractive from an accountability standpoint. In the sense that facility construction is undertaken to meet certain needs, we note that historical cost causation can be a measure of the acumen and efficiency of a carrier's operation when viewing actual results. Similarly, we find that the flexibility of the carrier to develop rates commensurate with expected costs aligns with the efficiency objective. These marginal costing features should be melded into any statement of proper ratemaking principles.

121. Short-run marginal costing and pricing received favorable treatment from both Bell and the RD, albeit for different applications. Bell recommended its LRIC (which is shown to be essentially an incremental, short-run concept below) and burden test for use as part of its basic service philosophy of pricing (Bell P.F., pp. 26–119). The RD, on the other hand, suggested that the "most direct and immediate application of the concept would appear to be in the peak/off-peak pricing of monopoly services * * *" (RD, par. 145). Of course, according to Bell, marginal costing should be a *pivotal* aspect of ratemaking, whereas the RD viewed marginal costing in a more corollary role to a basic FDC approach. No detailed discussion of short-run marginal costing is appropriate here since the concept and both of these viewpoints are explored more extensively in the next section. However, some further comments regarding the general efficiency, equity, and accountability aspects of short-run marginal costing should be made in concluding our discussion here.

122. Bell takes exception to the RD's examination of short-run marginal costing, especially with regard to peak-off-peak pricing. "While peak-off-peak pricing is of concern in the rate structure of network services, it has no application to dedicated full-time private line services * * *. Bell advocates off-peak pricing for MTS * * * where the MTS rate structure is at issue" (Bell Expt., p. 57). The Commission recognizes the difference between the choice of a marginal customer class by time of day where cost differences exist, and the arbitrary choice of classes of services to be treated as marginal users. In the first instance, the Commission may agree with differential pricing for peak-off-peak users. However, the arbitrary choice of a select group of (competitive) services which are treated as marginal users where users of other services are treated differently is patently discriminatory. In the latter case, we cannot approve the loading of short-run overhead, depreciation, and other fixed costs on "nonmarginal" users.[69]

123. We thus find disparate treatment of potential marginal customers to be unjust and unreasonable. We do not agree that the carrier should be free to choose any service it desires as the "marginal offering," nor will we accept an overall ratemaking philosophy which incorporates this freedom. In the interests of efficiency, we may permit preferred treatment of certain services if cost economies will be realized and can be demonstrated. However, a showing must be made that full costs will be covered within some reasonable time certain. Further, the relationships to full costs must also be established.

X. Bell's LRIC Versus Neoclassical Theory

124. The RD characterizes Bell's LRIC as follows:

> Bell's LRIC proposal is an attempt to apply marginal cost pricing principles on a selective basis to certain of its service offerings (e.g., private line services subject to competition). Bell does not, in either its LRIC proposal or its existing rate structure, attempt to apply marginal cost pricing to the type of services and for the purposes for which the theory was initially proposed and for which it has been brought to the most advanced stage of development; i.e., to the peak/off-peak pricing of monopoly public utility services so as to achieve the most economically efficient production of such services. Furthermore, Bell's LRIC proposal does not contemplate that the overall pricing of its monopoly services will be based on the same long run incremental cost basis as would its competitive services. Instead, the monopoly service prices would be set at whatever level is required to satisfy Bell's total revenue requirements (including all its historical costs as well as projected but non-allocated incremental costs), after the competitive service prices are set on the basis of forecast long run incremental costs and forecast "burden" analyses.
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> Bell's LRIC proposal contains certain features apparently intended to circumvent some of the more obvious practical problems (e.g., the proposed use of incremental cost forecasts to avoid the difficult if not impossible task of determining true marginal costs from Bell's books of accounts, and the proposed use of a "burden" test to alleviate concerns that the incremental pricing scheme inherently implies subsidization of one service by another). However, besides failing to satisfactorily resolve these problems, the LRIC proposal appears to erode some of the basic principles of marginal cost pricing and to further exacerbate its basic problems. (RD, pars. 128, 129).
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> A primary objective and responsibility of regulation, on the other hand, is to hold the carrier fully accountable to its customers for its investment, operating, and pricing decisions; and, if necessary, to disallow costs which are not justified or rates which are either excessive as compared to legitimate costs or are unlawfully discriminatory. Under the LRIC approach, virtually all effective methods for establishing and maintaining accountability would be eliminated. The Commission's role, in the first instance, would be to review Bell's future-oriented cost, demand, and revenue forecasts.
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> Stated somewhat differently, under conventional regulatory philosophy and statutes, both the right and the responsibility for important management decisions such as the choice of alternative investment strategies, service offerings, and rates are afforded, in the first instance, to the carriers' management. While the Commission is afforded some limited control over capital investments and proposed tariffs, its primary function as surrogate for the competitive market place is to conduct ex post facto evaluations of these management decisions as reflected in subsequent market and earnings developments, and to make such corrections to the carriers' ongoing programs as are found necessary, pursuant to these evaluations, to protect the public interest. These ex post facto evaluations require the existence of a record of actual vs. projected results, and a means for determining what changes if any would have been required in management's original decisions to have satisfied the requirement that tariff rates and conditions be just, reasonable, and non-discriminatory. (RD, pars. 131, 132).

125. The underlying principles of long-run incremental cost (Bell's application of marginal cost)[70] were described by Bell in Docket 16258 (Bell Exh. 25 and 26). Bell described incremental cost as referring to "the change in total cost occasioned by the supply of an additional output of service or a lesser amount of service" (Bell, Expt. p. 28). The measure of change is accomplished by discounting to present value the stream of estimated future net cash outlays made by the firm resulting from the commitment to supply a particular service over the "long-run." These principles stem from neoclassical (or marginalist) theory. An important step in the application of these principles, however, is defining what is meant by "long-run," since in theory, the

[69] We will carefully scrutinize Bell's dedications of facilities as "direct plant". Dedication of common facilities and resultant cost allocation implications do not impact on our evaluation of the equity of the cost distribution process, since clearly such dedications are subject to managerial discretion and manipulation. We will not, therefore, permit the carrier's dedication of facilities to various services to circumscribe our responsibility to evaluate allocations of so-called "directly attributed" plant.

[70] Incremental cost is a more general concept than marginal cost. Incremental cost is the cost ascribable to any specified change in volume of output, or service, whereas marginal cost is the limit of that increment, as the change in volume approaches zero. In economics, marginal cost reers to the chagne economics, marginal cost refers to the change in cost associated with the additional output of one unit. Thus for practical application, marginal cost considers a change in volume generally too small to be of any practical significance.

concept relates to that future point in time at which costs become variable, and for which there are no restrictions concerning the choice of any factors of production, including restrictions engendered by historical plant facilities.

126. It is manifest from the record that Bell's concept of "long-run" does not conform to this definition. Although the Bell concept includes estimates of capital costs required to permit adaptation of plant capacity to the size of the market (Docket 16258, Bell Exh. 24; Docket 18128, Bell Exh. 3), there are, nevertheless, inherited plant costs which are considered fixed and which are not planned to vary during the forecast period. Thus arise the terms "fungible" and "non-fungible," as well as "non-attributable" costs, which in effect, give recognition to the constraints that reality places on the corporate planner in estimating true long-run incremental costs (RD Appendix C, par. 45). As Dr. Melody testified in Docket 16258, the firm "sets prices in a state of partial adaptation to the capacity that it has inherited from the past; and therefore is not considering all the long-run effects of its decision to supply service." (CCB, Exh. 52).

127. As indicated in the RD (Par. 128), Bell proposed to apply its LRIC techniques only to its private line services. This results in a mixed approach to costing (i.e., Bell's basic service philosophy), with forecast costs being used in setting rates for competitive services and historical costs being used to determine monopoly rates. Since future costs are predicted by Bell to be lower than current and historical costs, incremental costs sum to less than total costs, and a shortfall in revenue is necessarily created when prices are set at Bell's LRIC (i.e., revenues covering only incremental costs would be insufficient to cover total costs, including cost of capital).[71] Further, under its basic service approach, Bell proposes to add a markup above the LRIC floor it determines for private line services. Rates are set at a level, which in Bell's judgment, will yield an "optimum contribution" to other services (RD, par. 113). Any portion of Bell's total revenue requirement not covered by revenues from the private line services becomes the responsibility of MTS and WATS ratepayers. Bell claims it relies on economic theory in support of its utilization of marginalist techniques (see Bell Expt., 89), but there is no theoretical or record support for selective application of these techniques.

128. Bell asserts that application of incremental analysis to private line services is designed to measure true "economic" costs, i.e., those costs which vary with a change in the level of output. Yet incremental analysis is not designed to address what is to be done with "unallocable" common or fixed costs.[72] When asked how the Commission should account for common costs which are unattributable to any specific service, Dr. Baumol responded: "by definition those unattributable common costs never enter into incremental costs, and therefore, they can cause no ambiguity in the incremental cost figure" (T. 10397). Bell stated in Exception 41 that a LRIC study determines the total changes in costs (including any effects on common costs) and revenues over the long run as a result of offering a service at a particular rate, as compared with alternative rates." Clearly, costs which remain unattributable as a result of not changing in response to alternative rates lie outside the theoretical construct of incremental costing. Thus, in determining the level of contribution which private line services make towards covering unallocable common fixed costs, Bell relies on judgment—not neoclassical theory. The level of contribution is described as "the largest contribution which is prudent or reasonably practicable, taking into account market conditions, rate relationships, and other relevant ratemaking factors" (Bell Expt., par. 39).

129. With these departures of Bell's LRIC from neoclassical theory in mind, we note a considerable difference in holding that "the vast weight of economic theory is clearly on the side of marginal or incremental costs . . ." (Bell Expt., par. 87), and saying that the vast weight of economic theory is clearly on the side of Bell's selective and judgmental application of incremental costing techniques. Accordingly, Bell's comment that the LRIC methodology "optimizes" contributions from the competitive services with "benefits" flowing through to the users of the basic services whose rates are thereby lower than they would otherwise be (Bell, P.F., par. 46), cannot draw support from neoclassical theory.

130. Even assuming, arguendo, that Bell presented acceptable explanations for its departures from neoclassical theory, there are still a number of questionable areas which would require further justification. One such area is the inability to provide the Commission and its staff with any acceptable means of verifying results. Bell claims that its "retrospective accountability analysis" serves this purpose by providing historical information to the Commission. Bell's retrospective accountability analysis involves assigning to a service category all directly attributable embedded costs on an incremental basis (i.e., those costs which would cease to occur under the hypothetical condition of discontinuance of service). The analysis is similar to FDC Method 7, except that Bell's retrospective accountability analysis does not redistribute the remaining unattributable costs (the "tenth category") to all services, as does Method 7.

131. Dr. Baumol testified that LRIC forecasts and retrospective accountability analysis do not come up with directly comparable figures. As he states, "[t]here is no way in which they could" (T. 10307). The purpose of this study is to provide some ability to monitor the differences between the attributed costs of a service and the revenues provided by that service—before and after a change in rates (T. 10308). Therefore, observation of the results for any time series during which there is no rate change would be of little significance for the purpose of accountability. Second, there would be little significance in any spread between revenues and attributable costs, because it must be remembered that no portion of common and fixed costs are allocated to the service being analyzed. In this regard, we note that one of the advantages of FDC is that it attempts to provide revenue and cost figures for individual services which can be compared for the purpose of evaluating the performance of the service over time, in relation to other services and to the firm as a whole.[73]

132. We note also the problems of forecasting in reality as opposed to forecasting in economic theory. Dr. Melody stated during oral testimony (T. 8731), that the application of marginal cost forecasting is hampered by all the constraints which history places on the ongoing firm. These include the existence of large amounts of ing investment decisions based on inherited plant. The need to depart from theory in making everyday business decisions dictates why, for example, it is uneconomical to immediately replace all older, low capacity high cost facilities with newer, high capacity lower cost facilities.

133. Other questions remain concerning the reliability of forecast costs in general due to the influence of exogenous factors, such as the results of future labor negotiations, inflation, the health of the total economy, oil embargos, and the like. These factors must be anticipated by the forecaster, and too often the subjective perceptions of the forecaster influence the results. Any unanticipated changes in these factors would cause shifts in the position of the long-run curve. The Commission, of course, could not hold a carrier accountable for such shifts. For example, Mr. Eastmond testified (T. 11579) that Bell preferred the use of expense to investment ratios for estimating certain future expenses, rather than actually projecting current trends for expenses into the future. To

[71] It is noted that the revenue shortfall from pricing at LRIC occurs either from making the assumption that economies of scale do exist or from a failure to consider inherited costs when the firm is a "going concern," or both.

[72] Examples of these costs include executive salaries, general advertising, some sales and marketing costs, printing, consultant fees, as well as plant items used in common by two or more services (such as poles, service equipment and vehicles), which are not attributable to any specific service.

[73] We find merit in Dr. Wein's often quoted phrase: "[a]t best, therefore, a FDC analysis provides a signal, a somewhat cloudy one to be sure, that rate levels of various services are out of line with the standard that each service should earn enough to cover its fully distributed costs plus a fair return on its rate base." (OCB, Exh. 50, p. 107, Docket 16258). We agree that FDC results are not precisely accurate.

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have performed the latter would "be anticipating future inflation, and Bell feels that improvement in productivity would offset the inflationary trends." This testimony was given by Mr. Eastmond in 1972. The assumption was made that inflation for the 1971–1974 period would be near that of the 1958–1968 period. In retrospect, the period from 1971–1974 was characterized by the most serious inflation since World War II. Other economists also were unable to forecast inflation during this period. Consequently, it is our conclusion that present forecasting techniques are not yet refined enough to provide reliable information to this Commission for carrying out its statutory mission.

134. Major inputs to Bell's long-run analysis are its market studies. The RD was critical of Bell's market studies. It concluded, in part, that "until Bell can show that it can provide market estimates which are consistently accurate, it is doubtful that the Commission can adopt a regulatory policy that relies exclusively upon such [incremental analysis] even if such a policy were otherwise desirable" (RD, Appendix B, par. 39). Bell maintains (Bell Expt., p. 160–1) that such a conclusion is unwarranted and unsupported by the record. Bell claims that its LRIC analysis does not depend wholly or rely exclusively on such market study results. While it appears that the statistical method of customer selection is technically satisfactory, the fact still remains that observations which comprise the survey are judgments of Bell Account Managers. We have no means of knowing what biases, if any, may exist in the estimates of the Account Managers or what non-sampling errors may have been introduced (T. 10065–67, 10089, 10091). Bell introduced testimony that the method employed is superior to direct customer surveys and that there was insufficient data for econometric analysis (Bell Exh. 17). We find this of little value. There is no proof that accuracy is improved by use of one method over another. The only recourse left to us is to review the actual versus forecast results, more than five years after the fact. Such review shows that portions of the forecasts vary in degrees of accuracy. However, the bottom line interstate Telpak revenues were overstated by more than ten percent. In fact, the expected level of interstate Telpak revenues was not realized until after 1973 (Monthly Report No. 4, December, 1971–74). We thus agree with the Recommended Decision (RD, Appendix B, pars. 37–39) that these errors are sufficient to merit skepticism.

135. As part of its incremental costing approach, Bell employs a "burden test" allegedly to determine whether cross-subsidization exists between services. The results of Bell's burden test, however, also depend upon a number of judgmental inputs.[74] Dr. Baumol provided a description of how the concept of the burden tests works (T. 10276): "[I]magine that a service is discontinued. Several things occur: costs that otherwise have been incurred disappear, revenues which would have otherwise been derived disappear, other services now obtain revenues which they otherwise would not have obtained. Costs which those services would not otherwise have incurred now are incurred. You take all of these into account and see if you come out ahead or behind to determine if there has been a burden." The determination of cross-elasticities between Bell's interstate services (and between Bell's services and those of other carriers) is critical to the results of the burden test. The record provides evidence that Bell is unable to measure cross-elasticities with reasonable accuracy [75] and the effect of underestimating cross-elasticities may result in a competitive service passing the burden test at a rate level that, in fact, would be non-compensatory (T. 12571). Bell also asserted that including the cross-elastic effects in the burden test necessarily makes the test harder to pass (T. 12187; 12517; 12571–2). Yet judgment influences results in this instance as well since, if it is determined that the diverted use to substitute services causes costs greater than the new revenues obtained by the substitute services or if other communication services are considered by Bell to be complements rather than substitutes, then including measures of cross-elasticity does not make the test harder to pass. Moreover, the decision as to which plant is designated as fungible or non-fungible will affect the burden test, because the more plant designated as non-fungible, the easier it will be for a service to pass the test (T. 10276).

136. Problems arise, in theory, from implementing a capacity cost concept, since it is not consistent with the theoretical notion of long-run which allows the planner to overcome constraints arising from inherited plant or large unit investment. Thus, there is validity in characterizing Bell's LRIC concept as being an "additive" concept (i.e., using capacity unit investment costs versus the development of a long-run total cost curve under differing assumptions). The record is also unclear as to what the correct plant fill factors should be. This measurement is important, because the higher the estimated fill factor, the lower the resulting average incremental cost. As Dr. Baumol indicated, there would be difficulty in deriving fill factors (for use in the burden test) for the system as configured under the alternative assumption of not having provided a service (T. 10323).

137. In summary, we find that Bell's modification of marginalist or neoclassical economic theory so as to incorporate the constraints imposed under a system of revenue requirements regulation significantly changes the assumptions made under theory. The long-run cost concept is primarily a planning concept—a guide to corporate planners for making the decision of what plant to set up in order to produce at minimum cost the expected level of output. Once investment decisions have been made and funds are tied up in fixed-capital equipment, the firm operates under short-run conditions. The existence of the large pool of embedded investment affords the Bell System little investment flexibility of the type envisioned under the theoretical long-run. Moreover, Bell's process is heavily dependent upon judgmental decisions which cannot be verified or tested by the Commission. The ability of the Commission to review, correct and change rates later based on another uncertain forecast, is not sufficient to meet our statutory responsibilities. In a regulatory environment, the risks of revenue shortfalls should not by design be borne by monopoly users.[77] Furthermore, we find that Bell's approach is violative of the objectives of fair and equitable treatment of all users, and cannot be reconciled with the objective of ensuring fair market rules.

XI. Evaluation of FDC

A. General

139. Accounting data and both unit and total costs developed from such accounting data, have historically provided the basis for the bulk of management's production decisions. Of course, decisions involving the evaluation of management's performance or the comparison of a project's actual and expected results have traditionally utilized accounting information. Dynamic decision making also has shown a similar dependence. Included here are decisions of both a current or "real time" nature, and those concerning

[74] It is a simple but sometimes overlooked point that the burden test does not measure whether a service is or has been a burden. It is not a test of actual events rather an estimated test as to what one might expect if all the estimates for future incremental costs are correct (T. 2102). The burden test, of course, cannot be faulted for what it was not designed to do, but in light of its name and this Commission's need to perceive the existence of cross-subsidy on the basis acceptable actual data, it is important to make this distinction.

[75] Several questions concerning the validity of the development of Bell of elasticities for WATS were raised in the recent Commission decision in Docket 19989 (*WATS*, 59 FCC2d 671 (1976)).

[77] DOD has proposed the use of long-run average costs (LRAC) as the appropriate reference point for determining compensatory rates which are not a burden on other services (DOD P.F., p. 25). DOD maintains that if all resource costs are included, LRAC should equal LRIC. We reject LRAC for many of the reasons that led us to reject LRIC. For example, it must be based on subjective forecasts of future events. Also, it differs from theory insofar as average costs are not defined for a multi-product firm (Docket 18128, T. 10301; Bell Exh. 20, p. A–5), and as described at DOD P.F., p. 25, it is not a true long-run concept. DOD itself admits that "it is extremely difficult to determine the LRAC for an individual service in a multi-service organization." (DOD P.F., p. 26). It is our finding that LRAC would be too unreliable for practical use.

future events based on projections and forecasts. Moreover, forecast data itself often consists of extrapolated historical conditions. Where pricing of an existing product is required, accountants have designed costing systems to generate unit costs for the most complex conditions. Indeed, major areas of accounting theory, such as process, job order, and standard costing, deal with the provision of the information needed for dynamic pricing decisions.

140. The realization that prices in private industry must be set before all costs were determined (i.e., historically recorded) was not an original thought of economists. Accountants and financial analysts have "looked backward" only when the decision involved necessitated that they do so. (They do not wear "historical blinders.") Although many accounting reports such as the balance sheet and income statement are intended as surveys of the results of operations and management's decision making other [78] accounting information provides part of the basis for these decisions.

141. The most widely used cost accounting methods and associated statements are designed to report the full costs of operations for the particular economic unit of interest. However, such "adjusted reports" as variable costing income statements and information provided by many managerial accounting techniques use less than full cost information, when needed for specialized decisional conditions.[79] Accountants recognize the value of such information on an intermittent basis. However, the expectation that either all recorded costs will eventually be covered by revenues or that these costs will accrue to the firm's shareholders remains.

142. Other professions also hold that all costs must be covered by revenues. MCI noted, for example, that "all responsible economist writers on the subject of determining the fully allocated costs of products or services in multi-product or multi-service firms readily acknowledge that, while the task is not free of difficulty, it must be done" (MCI R. E., p. 70). MCI pointed out that Nobel Laureat Paul Samuelson in his well-known text, Economics (1st ed., pp. 510–11), wrote:

> [Y]ou will turn to the cost experts and probably ask for the unit cost of producing each product in question * * *. There will be plenty of headaches in aiming at any sort of figure. For example, how shall the administrative and plant overhead costs be allocated between different products? Or if a given process simultaneously creates joint products like meat and hides, how shall the costs be allocated between them? Or if a building will last for many years, how much should be charged against current operations?
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> Headaches, or no headaches, it is the duty of the accountants to come out with some sort of answer as to unit costs. (MCI R. E., 70, 71).

Similarly, MCI noted that Corwin Edwards in discussing the Robinson-Patman Act in The Price Discrimination Law (1959) (p. 586) said:

> When costs are relevant, the language of the statute circumscribes the discretion of the [Federal Trade] Commission and the courts as to the types of cost that can be considered and as to the permissible methods of analysis * * *. The purpose of this language was explained by the sponsors of the Act in the debate in Congress. Concerned lest a respondent might take certain business at prices based on the out-of-pocket costs of an additional increment of activity, those who drafted the bill sought to preclude any defense of such a price concession on the basis of a comparison of this incremental cost with a cost for other business computed to include all the overhead charges. Overhead costs were regarded as properly allocable on an equal basis to all business done.
>
> Many of the respondents in price discrimination cases were engaged in the sale of a considerable number of commodities, each bearing its own prices. When the price differences applicable to one of these commodities were challenged, a cost defense required a segregation of the cost pertaining to that particular commodity. (MCI R.E., p. 71)

143. As we have otherwise noted, Bell, despite its reliance on marginal costing for purposes of this proceeding likewise recognizes that full recorded costs must be covered. Indeed, its basic service philosophy may be viewed simply as a special, implicit approach to the distribution of full recorded costs. As noted above, elements of its arguments related to competitive services stress the efficiency of less-than-full cost pricing, but the substance of Bell's basic service philosophy is based on a full cost recovery constraint. For example, Bell disavows marginal cost pricing for all its services and, indeed, opposes strict use of this concept even for the pricing of competitive services. It is important to note that given a full cost recovery constraint, decisions regarding how much each service will contribute are equivalent to a division among such services of the full costs of operation. Whether such decisions are made through cost allocation procedures such as Methods 1 through 7 or through the basic service philosophy that Bell has proposed, the objective is still the same: all costs will be recovered (Bell Expt., pp. 25, 27, 30). In practice, Bell defers to the "discipline of full costs" both in its overall and individual service pricing designs. First, let us examine full costs as they relate to Bell's overall pricing philosophy. For the aggregate of its services, Bell's deference to the constraint of covering full recorded costs is illustrated by its statement on an FDC ceiling for MTS rates as suggested by other parties (see, CCB Exh. 7, Docket 18128 and FCC Staff Exh. 52, Docket 16258). In discussing the proposed MTS ceiling, Bell notes:

> In addition to the fundamental, theoretical, and conceptual flaws in any such use of fully distributed costs, there are *formidable practical objections* to these proposals by the Bureau witnesses. It is clear that if a carrier is to meet the essential objective of earning its overall allowed rate of return, a necessary corollary of the proposal to place an FDC ceiling on MTS is that the carrier must seek to establish rates for other categories of service, including competitive private line services, which will yield revenues for each such service equal to the allowed overall rate of return applied to the FDC investment for such service. In other words, FDC would then become the standard of propriety for the rate level for each service category, and it would be not only a *ceiling for MTS*, but also a *floor* for each of the other services, including the *competitive* services (Bell P.F., p. 51) (emphasis added).

It is manifest that Bell would not urge that limitations on monopoly services prices constitute both a ceiling on monopoly service rates and also a floor on competitive services charges unless it felt that recovery of full recorded costs was a binding priority or constraint on its price structure alternatives. This was confirmed at oral argument:

> Commissioner Robinson. * * * Should we put the rate of return constraint on the monopoly service and say none of the monopoly services can earn more than the system as a whole?
>
> Mr. Perlberg. If you do that then you are effectively putting a Fully Distributed Costs floor on the so-called non-monopoly services.
>
> Commissioner Robinson. Now how can that be? If you tell us they do not constitute a burden on the system, that presupposes that monopoly rates do not have to be higher by reason of the competitive services.
>
> If they do not have to be higher, then why should not we put a rate of return constraint on the monopoly services to make sure they are not earning more than they need to by virtue of these competitive services?
>
> Mr. Perlberg. It depends on how you determine that constraint.
>
> If you determine that constraint effectively by a Fully Distributed Costs study and basically have two pots, one dividing it between the monopoly services and the competitive services, then effectively you are making a Fully Distributed Costs study.
>
> Commissioner Robinson. No, it is not a floor. It is a ceiling. The ceiling is on the monopoly return or on the monopoly services, and then you can charge for the competitive services whatever you want, whatever is not burdensome for you.
>
> You can go down to Short-Run Incremental Costs or anything else.
>
> Mr. Perlberg. But that still effectively puts the Fully Distributed Costs floor *because you still have the background of a total, overall revenue requirement for the firm.* (T. 15604–15605) (Emphasis added.)

144. Let us now turn to the second situation noted above—that of Bell's individual service pricing. It is manifest that Bell is not a true "marginal cost pricer" with regard to setting individual service rates. If no ceiling were imposed on monopoly service rates, Bell could

[78] We take notice of such works as Hendrikson, Accounting Theory (Richard D. Irwin, 1970), Chs. 1–4, Neuner, Cost Accounting (Richard D. Irwin, 1973), Chs. 1–13, 16–24, Garrison, Managerial Accounting (Business Publications, Inc., 1976), Chs. 7–19, and Pyle and White, Fundamental Accounting Principles (Richard D. Irwin, 1975) Chs. 22–25, in assessing the historical and current relationships between accounting and managerial decision making.

[79] See Copeland and Dascher, Managerial Accounting, (1974), Chs 3–14; Drebin, Managerial Accounting (1972) Chs. 2–12.

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look to these services for recovery of the bulk of their "residual costs." These residual costs would include all costs not recovered by its marginal cost based rates for competitive services. However, Bell recognized that even its monopoly customers have certain price limitations on their demand for services. Thus, in deference to these and other "relevant ratemaking factors," Bell disavowed any allegiance to true marginal cost pricing for competitive services:

> The RD inaccurately implies that Bell advocates setting prices equal to marginal costs for competitive services, even though Bureau witness Wein admitted that Bell witnesses were not advocating marginal cost pricing. In fact, Bell does not advocate setting prices for competitive services equal to marginal costs, but advocates setting rates for these services above LRIC so as to achieve the largest practicable contribution from these services to permit the basic MTS to be provided at rates as low as practicable (Bell Expt., p. 14) (Citations omitted.)

145. Hence, it may be seen that Bell is neither an overall nor an individual service advocate of the strict use of marginal costing for price determination. Furthermore, as has been demonstrated earlier, it cannot be inferred that there is anything particularly "nonarbitrary" in the obscure and judgmental pricing approach it does employ. On balance, Bell does adhere to the "discipline of full recorded costs recovery," albeit its unique approach to recovery of full costs differs from the classical design of cost accounting systems (under these systems the aliquot cost share for each service would be proportional).

146. Other parties besides Bell find the RD's adherence to full costing for all services somewhat onerous, and argue that the FDC methods are replete with "arbitrariness." These parties agree with the use of the "contributional logic" Bell proposes to apply to certain selected services.[80] For example, Bell noted that "various economic witnesses for the other parties testified regarding the invalidity and arbitrary nature of FDC allocations * * * These witnesses included * * * Dr. John W. Coughlan, a certified public accountant experienced in cost analysis procedures, including those for regulated industries (Docket 16258, NAB Exh. 3, pp. 1–18; T. 21200–05, 21215–17, 21345)" (Bell P.F., p. 148). Dr. Coughlan used a meat packing plant illustration where the basic carcass and most of the cost of preliminary work on it constituted "common" or "joint costs" (Docket 16258, NAB Exh. 3, p. 11). In discussing common costs Dr. Coughlan appeared to support Bell's contentions concerning "contribution:"

> It is by now commonplace in cost accounting that all allocations of the common costs among the various joint and by-products are arbitrary. It is by now widely accepted by cost accountants that the basic profit maximization criterion is that total revenues for all the products put together must exceed total costs by as much as possible. In deciding whether a particular joint or by-product is waste or scrap and therefore not worth further processing, cost accountants now generally compare the revenues to be derived from further processing of that product with the special processing costs: *Provided*, That such further revenues exceed such special processing costs they generally conclude that profit maximization requires continued processing of that product since the product at least covers its special processing costs and makes some contribution toward covering the common costs and earning a profit on the overall product line (Docket 16258, NAB Exh. 3, p. 12).

147. In the transcript cited by Bell, however, Dr. Coughlan also appeared to support Bell's ultimate deference to the "discipline of full recorded costs." On the one hand, Dr. Coughlan recommended that program transmission rates should not be charged "what the market will bear," but only a contribution. On the other hand, he agreed that "somebody has to pick up the tab:"

> Q. On page 12 of your testimony, Dr. Coughlan, in the first full sentence, you state that it is now widely accepted by cost accountants that the "basic profit maximization criterion" is that total revenues must exceed total costs by as much as possible.
>
> Would you apply that basic profit maximization criterion to the program services' rate levels?
>
> A. * * * I don't disagree with your point at all. (T. 21205).
>
> Q. But it is not your position that the Bell System should seek to obtain the maximum profit consideration from the program transmission service?
>
> A. Well, I suppose perhaps in the interests of the stockholders, the Bell System should try to obtain the maximum consideration, but as a regulatory prescription, I wasn't necessarily advocating that point at all. (T. 2120).
>
> PRESIDING EXAMINER. * * * I take it that you would *not advocate that Bell charge whatever the market will bear*, in terms of rates for program transmission service.
>
> The WITNESS. That is correct, sir.
>
> PRESIDING EXAMINER. All right. Now then, they should charge, in your opinion, something less than that.
>
> What are the criteria which you say militate that they charge less?
>
> The WITNESS. Well, let me put it this way, Mr. Examiner, that in providing a *valuable public service*, as broadcasting presumably does, if the Commission feels that is a very valuable public service, that the objective then ought not to be to squeeze the last dollar of profit out of that category of service * * *.
>
> PRESIDING EXAMINER. Well, do you think the airlines provide a valuable public service?
>
> The WITNESS. I would think they do, sir.
>
> The PRESIDING EXAMINER. And the railroads? And the public truckers? And steamship companies?
>
> The WITNESS. I would hope that they all provide a valuable public service.
>
> PRESIDING EXAMINER. Well, do you believe that they do?
>
> The WITNESS. Yes, sir.
>
> PRESIDING EXAMINER. I mean, are they in a similar public service category, as you have used the term?
>
> The WITNESS. Yes, sir.
>
> PRESIDING EXAMINER. And educational activities?
>
> The WITNESS. Yes, sir.
>
> PRESIDING EXAMINER. Well, then, would you expect also that the *same rules should militate in favor of lower rates*, that is, lower than the maximum which might be achieved for those entities and activities?
>
> The WITNESS. Well, Mr. Examiner, I just said that it might make sense for the Commission to do so, and you asked me if I *thought it would make sense in the case of broadcasters*, and I certainly agree with that, and there might be some of those other categories you mentioned, where it would certainly make sense to demand less than the very last dollar of profit that could be had for them, and I get the impression, for example, that the Commission tries to protect the MTT class of service in this same context.
>
> So I am agreeing that the Commission might well do exactly what you have said, sir.
>
> PRESIDING EXAMINER. Well, if the Commission takes care of all these special categories that we have enumerated, *somebody has to pick up the tab* which represents the difference between what is recovered and what is permitted as an overall revenue requirement by the regulatory agencies (T. 21207–09) (emphasis added.)
>
> The WITNESS. Yes, sir.
>
> By Mr. RASMUSSEN.
>
> Q. Dr. Coughlan, you would agree that *some service has to bear the fully allocated and the embedded costs*, wouldn't you?
>
> A. Well, that seems like a reasonable proposition, yes, sir (T. 21212) (emphasis added).

148. In summary, it appears that most of the parties concur that full recorded costs must be covered by Bell's various services, although they disagree regarding particular cost distributions among these services.[81] The RD favors proportional distribution, while Bell, NAB, and other parties follow a more "selective" approach.

149. We find recovery of full recorded costs to be consistent with the public interest as we have discussed above. Further, since we find no merit or basis which warrants the special treatment sought by a number of parties, we rule that a proportionate distribution of all recorded costs best furthers the underlying objectives of the Act. In the discussion below, we will consider the relative merits of the full cost methodologies in general in light of such objectives.

150. The RD addressed several of Bell's objections to FDC as a ratemaking standard (RD, par. 147). (For the most part Bell is in agreement with the RD that FDC methods are appropriate for accountability purposes, albeit each expresses different preferences regarding the particular FDC method to be employed.) To Bell's objection that full costs are historically derived (rather than estimated from forecast data), the RD states that FDC could be derived for a future period using projected data if these were found preferable for ratemaking. However, the RD maintained that forecast data " has been unreliable in the past, as evidenced by the DDS, TAT–5 and TAT–6 cost estimates (RD, par. 148). Pending improvements in forecasting techniques and data developments, the RD urged that historical data be used to provide the basis for cost estimates and rate level support. Regarding questions raised about the economic significance of average costs for a multiproduct firm, the RD noted that there is both theoretical support and extensive evidence of the use of average costs in decision making (RD, par. 149). To the criticism that FDC does not provide an infallible or unquestionable rationale for allocating common and joint costs among the various services on an economically sound basis, the RD maintained that such costs are inherently arbitrary (RD, par. 150). That is, all costing methods of record must contend with this difficulty not just FDC approaches. The fact that plausible alternatives exist does not, of itself, cast doubt on the RD's FDC (Method 1) approach. The RD alleged that, in general, FDC Methods are more explicit and unbiased, and result in more equitable distributions of common and joint costs than the Bell-proposed, marginal cost based (LRIC) alternative.

151. With respect to FDC's purported lack of economic significance, the RD notes that its suggested relative use allocation base finds considerable professional support, when applied in such circumstances as peak period distribution of costs (RD, par. 151). To the Bell argument that FDC fails to recognize the benefits of economies of scale and demand characteristics, the RD maintained that FDC intrinsically distributes scale benefits (to the extent they may be assumed to exist) in proportion to present relatives usage of facilities. Furthermore, the RD found that FDC methods can easily accommodate demand information to the extent that such information is available and technically sound (RD, pars. 152–153). The RD concluded its reply to these Bell criticisms by maintaining that Bell itself used FDC analysis for its precompetitive era tariff filings for other purposes. The RD noted that although Bell is currently advocating competitive service departures from full costing, it still retains the full cost approach for its interstate services in the aggregate. That is, Bell's basic service philosophy is based on a full cost design, even though it contains a marginal costing component for its competitive services. The RD also maintained that FDC studies can provide an ongoing, periodic point of reference for evaluation of the efficiency of resource allocations and for monitoring rate levels. Unlike marginal cost studies, the RD noted that FDC analyses have a supportive base in the data already available in the Uniform System of Accounts, and can best provide the measure of cost responsibility needed for accountability purposes.

152. Bell responded to the RD by emphasizing that its major objection to fully distributed costing was not its historical nature, which was emphasized by the RD, but FDC's failure to reveal *significant data* concerning future pricing alternatives (Bell Expt., p. 84). Bell noted that "not only must relevant cost data be prospective, but the record shows that *proper analysis* must appraise the effect that the rate under consideration would have on total operating costs * * *. The record shows that future costs are espoused by Bell because they are the *only* costs which are relevant for ratemaking purposes * * *" (Bell Expt., p. 84–85) (emphasis added). Bell alleged that FDC is inherently arbitrary and lacks a foundation in economic theory, and it must, therefore, be precluded from use as a ratemaking methodology. Finally, Bell included failure to recognize changes in cost resulting from changes in volume, and the absence of demand and cross-elasticities in its formulation as important deficiencies of FDC (Bell Expt., pp. 4–5).

153. Bell takes exception to the RD assertion that *both* LRIC and FDC involve arbitrary allocation decisions. As noted earlier, the RD stated that use of LRIC based prices for competitive services leaves a large residual of unattributable costs (including historical costs) which burden monopoly users, whereas FDC distributes these costs proportionately among the services (RD, par. 150). Bell replies that "there are *many* possible bases of [FDC] allocation which can lead to widely disparate results * * *" (Bell Expt., p. 89) (emphasis added). Furthermore, Bell alleged that the magnitude of such unattributable costs which must be borne by MTS users would be increased by use of full costing (Bell BSE, p. 13–16).

154. Bell does not directly address the need for a uniform costing methodology for all services that is implicit in the RD's arguments. To the contrary, Bell claims that its special treatment of competitive services results in efficiency and other benefits. Bell does not, for example, address the obvious question of why it does not make overall (aggregate) use of its long-run incremental cost philosophy. Nor does Bell state the reasons why monopoly users cannot be considered the "marginal customers." Bell acknowledges that it has not advocated strict use of marginal cost pricing for its competitive services, and that if its "interstate rates were [all] to be set merely at incremental costs, the resulting total revenues would fall short of meeting overall revenue requirements" (Bell Expt., pp. 52–53). "Strict marginal cost pricing insures that *every unit* consumed yields the purchaser benefits at least as great as the cost of the social recourses needed to produce the unit * * *" (Bell Expt., p. 55) (emphasis added). Implementation of this marginal theory by Bell would have efficiency overtones and would also imply it relies on a "social optimum" [82] objective. However, "*neither* this concept nor pricing at marginal cost are advocated by Bell" (Bell Expt., p. 55) (emphasis added). These incongruities in Bell's logic are important, since they leave serious doubts as to whether Bell's pricing philosophy can be any more economically efficient than other methods of ratemaking. This topic is discussed below.

155. The major assumption made in distinguishing between competitive and monopoly services for pricing purposes under Bell's basic service philosophy is that competitive customers would be lost without special pricing treatment. The result of this customer loss would be idle facilities and the loss of these customer's revenue contributions above incremental costs. However, let us assume, *arguendo*, that idle facilities once used by lost competitive customers would quickly become fully utilized through the growth of monopoly services, given the magnitude of these services and their historical expansion. The "per unit" marginal philosophy cited in reference to Bell's arguments earlier would then apply equally well to marginal units of such services. In such a situation the RD would be correct in its contention that the "arbitrariness inherent in *all* procedures for allocating such [residual] costs [is] both of less consequence and more properly treated in the FDC approach than in the LRIC approach" (RD, par. 150). That is, if the potential loss of a particular service's customers were not an overriding concern, then logically all customers should be treated alike. This logic would apply to the distribution of residual costs, and it is acknowledged that FDC results in a proportionate and more equitable spreading of such costs than marginal costing. Bell does not address this situation.

156. Also of significance is the fact that Bell does not trace its advocation of a marginal costing approach to a "social optimum" objective or to the fulfillment of the Commission's public interest responsibility. Bell's arguments rest on the aforementioned loss of competitive customers with the assumed result being idle facilities. Even if one agrees with

[80] As discussed above, Bell's approach may theoretically be of benefit to monopoly service users. This would occur if competitive service rates exceed marginal costs, and if the less than full cost level of these rates prevented the loss of competitive service customers and their contributions to common costs. Assuming arguendo that these conditions existed, they still would not, of themselves, constitute sufficient support for the Commission's adoption of Bell's basic service philosophy, because of the need to consider all of our objectives and responsibilities.

[81] A notable exception is the Airline parties "Accommodation Theory," discussed above, under which certain shortfalls may purportedly pass directly to Bell stockholders. (See Airlines BSE, pp. 46–52).

[82] "Optimality" or "social optimum" as used in the context of neoclassical economics connotes the existence of the highest levels of social welfare. Bell uses the term "optimum" to characterize the contribution Bell claims to obtain from private line users when it sets rates "in due regard for other ratemaking factors" (Bell Expt., p. 59). Bell considers this contribution to be the "maximum" that it can achieve. This is a subjective judgment since it depends on Bell's estimate of the importance of "ther ratemaking factors." Bell's "optimum" or "maximum" may not correspond to the numerically maximum contribution that can be achieved when rates are set in strict accordance with demand and supply functions.

[83] Forecast data is discussed in Sections X and XIII.

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Bell's assumption, only in the economic sense might the public interest possibly coincide with that of the Bell System. However, Bell acknowledges that it is not pursuing the optimal conditions of the lofty world of theoretical marginal costing (where LRIC provides a non-arbitrary allocation of *all* costs in the aggregate, and where heretofore unattainable levels of social welfare are reached). One cannot, therefore, ascribe any of the appealing results of theoretical economics to Bell's approach. Moreover, Bell has failed to treat all its customers equally under its pricing philosophy. It has down-played the contributions of the MTS and WATS services to its overall growth and the sustenance of technological advance derived from such services. The "arbitrariness"of FDC that Bell so frequently cites serves to describe its own pricing approaches as well."

157. As noted earlier Bell supports fully distributed costs for certain purposes but not others. This extends to its recommendation that FDC be part of a "sound regulatory framework" for assessing the reasonableness of interstate service rates (Bell BSE, pp. 47–57). Bell is "fully cognizant that the Commission needs appropriate benchmarks upon which to evaluate the reasonableness of the rate levels for the various interstate services" (Bell BSE, p. 47). However, Bell does not support a "rigid, mechanistic formula" which would produce "vast inefficiencies" and "greatly increased cost burdens" for all communications users. Thus, Bell believes FDC should be used as a "point of reference" or "signal" for the purpose of rate adjustments.

158. Bell supports reporting FDC results under both Method 2 (on a separations/relative use basis) and Method 7 (on a historical cost causation basis), so that the "Commission will be able to apply its judgment to the *range* of return levels indicated * * *" (Bell BSE, p. 53) (emphasis added). Bell, as we do, recognizes that ratemaking decisions require "the balancing of a number of factors relating to costs, demand, and other pertinent ratemaking considerations" (Bell BSE, p. 53). Thus, Bell, citing legal rather than economic support, suggests that a "zone of reasonableness" for rates and rate levels can be established which the Commission can employ in making an assessment of lawfulness. "The Commission cannot be wedded to a *single* criterion * * *" (Bell BSE, p. 54) (emphasis added). Bell in its own assessment of costing methodologies, in relation to our stated objectives, recognized the interplay of the legal and economic considerations we noted above. Hence, Bell appears willing to utilize full costing in overall methodological proposals in deference to the legally oriented accountability objective. It is here that both the RD and Bell appear to be on common ground. In passing, we note Bell's use of FDC Method 7 principles in performing its retrospective accountability analysis. An examination of both this analysis and Bell's reasons for support of Methods 2 and 7, in preference to Method 1, is left for the discussion below.

159. The Commission agrees with Bell (Bell BSE, pp. 52–57) that a "zone of reasonableness" can be established for the evaluation of rates and rate levels based on the results of the FDC methods of record and other factors. Indeed, we have relied on this nature of logic in making our findings below in Section XII. Further, we are in substantial agreement with Bell that assessment of the reasonableness of rate levels and relationships should not be wholly tied to a single methodolgy. However, for the reasons stated herein, we hold that FDC methods should be the *standard* of ratemaking, rather than merely a "benchmark" as Bell advocates. A proper FDC method or methods should establish rates which might then be adjusted commensurate with "other relevant ratemaking factors" properly documented and supported. We hold that tariff filings should reflect their overall impact and effects, and should be based on data employed in a consistent manner between services and over time. Bell must exhibit methodological consistency and supply comparable supportive materials for future rate filings of all the various Bell services in accordance with the guidelines established herein. To hold otherwise would be inconsistent with our accountability and equity objectives. We nevertheless recognize that there may be special circumstances which warrant a departure from our full cost standard. This is discussed below in Section XIII.

B. FDC Methods of Record

160. There were seven methods addressed in the record that overtly distribute the full recorded costs of operations. (As noted above, Bell's basic service philosophy is also a method of implicitly distributing full costs). Bell described the basic differences of the seven methods thusly:

> The procedures under Method I followed the basic methodology of the 1964 seven-way cost study, except that in the FDC studies subsequent to the 1964 study the allocations of costs for interexchange circuit plant were not based on an inventory of specific facility assignments to individual services. As agreed in meetings with the Commission Staff, the allocations for such plant (except for video and certain wideband services) were based instead on the embedded cost of types of facilities available for use by the various services, according to the length-of-haul characteristics of the individual services. The general approach of Method 1 corresponded to principles underlying the Separations Manual * * *.
>
> Method 2 involved several modifications of the allocation procedures followed in Method 1 with respect to the treatment of minor investment, certain expense, and miscellaneous revenue items * * *. Revised allocations methods were used for plant under construction, exchange plant costs of WATS access lines, general expenses, general department expenses, traffic engineering expenses, sales expenses, operating rents, and miscellaneous operating revenues. Such revised allocation procedures were also utilized in Methods 3 through 6, and in part for Method 7.
>
> *Methods 3 through 7* were approaches to the allocation of the embedded costs associated with the interexchange circuit plant on the *basis of the historical cost responsibility* of services. The measurement of historical cost responsibility involves determination of the extent to which increases in total embedded costs resulted from the provision of a particular service over the period of years such service was offered. *Methods 3 through 7, in their objective, were significantly different from the concepts underlying Methods 1 and 2*, which *are based on averaging techniques that essentially disregard historical cost causation*, particularly with respect to the incurrence of costs associated with the interexchange circuit plant.
>
> In Method 3 the costs for line haul and carrier terminal facilities were assigned to various non-MTS services on the basis of an estimate of the overall average of added costs for such facilities incurred per added circuit mile over a period from 1964. The approach of Method 5 was similar to Method 3, except that the effect of length-of-haul (mileage band) characteristics was reflected and additional refinements were made by including data on Associated Company (as well as Long Lines) plant. In Method 4 the costs associated with the older types of circuit facilities were allocated on the basis of an analysis of the estimated circuit requirements for the various services that existed at the time the circuit plant was originally constructed. Method 6 was a refinement of Method 4 in that it utilized the capacity costs of coaxial and radio systems as the basis of allocations to the non-MTS services of the costs for these facilities. Method 6 was thus designed to estimate the embedded costs of the additional plant that had been constructed to serve the additional facility requirements imposed as a result of providing these services.
>
> Method 7 represented an approach to the allocation of embedded costs which involved the initial assignment of directly attributable costs among the services and the segregation of certain costs of general applicability in an unassigned category. Initially, those historic costs directly attributable to the individual services were assigned to the respective service categories. The costs not so attributed, as indicated below, constituted the unassigned category. * * * In arriving at the results shown under Method 7 in the 1969 and 1971 FDC studies, this unassigned category of costs was allocated to the service categories according to the investment and expenses that had been directly attributed to the services. The costs in the unassigned category determined under the Method 7 procedures included: (a) the difference in interexchange investment for coaxial and radio facilities between total investment and capacity investment, and the related expenses and taxes; (b) all investment, and related expenses and taxes, for motor vehicles, other work equipment, and furniture; (c) testing expenses associated with commonly used plant; (d) certain commercial (e.g., sales and advertising) expenses; and (e) all general and general department expenses (Bell P.F., pp. 130–133). (Citations omitted.) (Emphasis added.)

161. As discussed above, Methods 1 and 2 follow the general approach corresponding to Separations Manual principles. The underlying allocative basis of these principles can be traced to the "relative" use concept. Like any other basis of allocation, relative use is not free from controversy or distortions in certain instances. However, analyses based on relative use do indicate demand patterns and facility assignments which provide valuable evaluative information. We will review certain objections raised by the parties against Method 1 and the relative use allocative base below as well as the attractiveness of such costing procedures.

[96] See Section X, *infra*.

162. The RD used Method 1 as the basis of the FDC studies it ordered Bell to conduct for all services (RD, pars. 216–219). Bell, as noted previously, is opposed to use of any FDC method for ratemaking purposes, although it does suggest use of certain FDC data as a point of reference for Commission decisions (Bell BSE, pp. 50–53). Bell does not consider FDC Method 1 appropriate, however, even for these purposes. In opposing use of Method 1, Bell objects primarily on the grounds that Method 1's relative use concept results in assignment of older facilities to newer and growing services (e.g., under Method 1, pre-1960's open wire, voice frequency cable, and K carrier facilities are assigned to TELPAK). (Bell P.F., pp. 134–36, Bell BSE, p. 41) Bell also states that Method 1 may be distorted by disproportionate growth factors that may develop between services, and may result in the generation of improper "signals" or incentives for management decision making. Most of these infirmities are described in the context of Bell's suggested historical cost causation basis of allocation and its particular emphasis on Method 7. From this perspective, Bell feels, for example, that Method 1 has little utility for "tracking" cost trends or for use as a "benchmark" of cost responsibility:

> Method 1 results in significantly distorted cost figures because it allocates a disproportionately large segment of the high cost older interexchange facilities to the private line services, although the construction of these facilities clearly antedated the initiation or principal growth of the private line services. (Bell BSE, p. 41) (Citations omitted.)
>
> * * * * *
>
> In an FDC study apportioning all the common costs between MTS and the private line services on the separations methods (under the so-called "relative use" or "relative output" standard), the portions of the overall rate base assigned to MTS would be affected by the relative rates of growth of the two types of services. Thus, there will be changes in the indicated FDC rate of return for MTS, not as a consequence of any change in the conditions of furnishing that service, but rather as a consequence of changes in the supply of other services. Hence if an FDC rate level standard were imposed, the Bell System, in deciding how far to promote the growth of the private line services, would need to take into account the effect of this growth on the assignment of costs to the MTS component of its overall rate base. This could interfere with management decisions on private line rates designed to achieve an optimum contribution to the MTS users and could result in higher, not lower, rates to MTS users. (Bell, P.F., p. 136) (Citations omitted.)

163. Bell noted certain specific characteristics of Method 1's allocative approach which it feels are "clearly infirmities." An example, Method 1's treatment of plant under construction, was referenced during oral argument by Mr. Perlberg:

> Now, you would think that you would construct a new plant to meet the growth requirements of services * * *. [The] television and the audio/radio services experienced negative growth for a considerable period of time.
>
> MTS and WATS are growing substantially. Now, if you are going to look at fully allocated costs, and if you are looking at historical cost causation, you would say, well, MTS and WATS should have the most plant under construction.
>
> You know, why do you construct plant? It is to anticipate your growth requirements, but these are the results under Method 1.
>
> Method 1 winds up irrationally allocating more plant under construction to television and audio/radio than to MTS and WATS.
>
> The Commission in the WATS case said WATS was the most rapidly growing of all the interstate services, and yet under some of the irrational procedures that ignore causation WATS gets the least proportionate amount of plant under construction. (T. 15622)

164. The Network Parties agree with Bell that Method 1 does not appropriately take cost causation responsibility into consideration. Similarly, they agree with the allegation that all FDC studies fail to account for future costs and use of facilities presently in place. Excepting Methods 6 and 7, the Network parties maintain that the FDC methods fail to give recognition to the capacity of plant in place, and in making an allocative determination do not consider what use may have been planned for the facilities in question: These methods therefore may result in present users of one service being charged with costs incurred to meet other services' *future* needs (Network Parties pp. 62–66). Referencing our decision in the *Private Line Cases*, the Networks, like Bell, point out that improper "signals" for management decision making will be generated if management must act in observance of Methods 1–5 procedures:

> If an approach such as Method 6 or 7 were not used, fairness would dictate that the carrier construct only for immediate requirements, an approach that, realistically, would make no sense operationally or from an economic viewpoint. *But the fact that it makes sense to construct for the future does not mean that current users should bear the full annual cost of such construction.* Indeed, this Commission has held that they should not * * *. (Emphasis in original.)

165. Finally, the Networks assert that "several of the [FDC] studies (particularly Methods 1 and 2) fail to measure 'actual' usage * * *" (Network Parties Br., p. 63). However, the Networks feel that Methods 6 and 7 achieve some success in correcting the following "obvious" (from their standpoint) misallocations of cost (Network Parties Br., p. 66):

> Whereas the 1967 FDC Method 1 study shows a high video interexchange investment (based on the so-called "separations" procedure), a special study conducted by AT&T in 1968 shows *actual* video usage to be much less; yet the subsequent FDC Method 1 studies—designed for jurisdictional purposes fail to take account of these special AT&T studies and continue to show the same large video interexchange investment as in 1967;
>
> Similarly, whereas the 1967 FDC Method 1 study shows a large investment in video local channels, the same 1968 AT&T special study of television shows *actual* local channel investment to be much less; yet again, the later FDC Method 1 studies continue to show the same high local channel investment. (Network Parties Br., p. 66) (Emphasis added.)

166. As indicated, Method 7 was the FDC approach that Bell found most compatible with its own ratemaking concepts. Bell, for example, employed certain Method 7 costs in conducting its retrospective accountability analysis. Bell also noted that "whereas the LRIC and burden studies were prospective in their orientation, it was recognized that it would be appropriate to provide historical information that would be of assistance to the Commission in determining how these prospective analyses have in fact worked out" (Bell P.F., p. 108).

167. Bell's retrospective analyses involved "a unifrom, periodic analysis of realized revenues and incurred costs directly attributable to the service categories" (Bell P.F., p. 108). Bell maintained that these directly attributable historical costs "may well include a substantial proportion of common costs, since it is generally agreed that it is possible to assign a large portion of the common costs on an incremental basis" (Bell P.F., p. 109). "The assignment of operating expenses and net investment to the service categories followed procedures for determining directly attributable embedded costs developed in connection with Method 7 * * *" (Bell P.F., p. 111). Bell only included the directly attributable costs developed in Method 7 for its retrospective accountability analysis. The unassigned category of costs was *not allocated* among the services. Bell felt its adapted use of Method 7 determined costs "provided the most sensitive method for *tracking* the revenue-cost relationship applicable to a given service" (Bell P.F., p. 111) (emphasis added).

168. Bell also found Method 7 attractive in making its recommendations for "assessing the reasonableness of the rate levels for the interstate service categories" (Bell BSE, p. 47). Bell suggested that "the Commission might wish to employ historical data using allocative techniques as part of its rate evaluation process * * *. Pending formulation of revised FDC procedures, the FDC methodology to be utilized in reporting to the Commission should consist of Method 2 (as representative of a "separations" approach) and Method 7 (as representative of historical cost causation for each service category)" (Bell BSE, p. 48). Bell, from its own perspective or vantage point, suggests that Method 7 be combined with a separations (relative use) approach for rate evaluation purposes. Bell also appears to believe that revisions to FDC procedures are in order.

169. In supporting Method 7, Bell said that it believed "that the Commission should have before it an FDC Method

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that is based on the principle of historical cost responsibility" (Bell BSE, p. 52). Bell felt that Method 1 could not be used to give evidence of this responsibility:

> We are recommending adoption of Method 7 because of the usefulness of its cost finding procedures for other pertinent ratemaking purposes. Under Method 7 the historic costs directly attributable to the individual services are assigned to those services, and the residue of unattributable costs is then allocated on the basis of the investment and expenses that have been directly attributed. The results obtained under Method 7, before the allocation of the unattributable residue, are useful for determining accountability on a retrospective basis and as one of the standards for the compensativeness of rate levels. Method 1, on the other hand, cannot be used for these purposes. (Bell BSE, pp. 52, 53) (citations omitted).

170. We find that FDC Methods based on historical cost causation are attractive for ratemaking and especially for "tracking" purposes. Where the procedures for determining causation are consistent between the planning (prospective) and evaluative (retrospective) periods, we feel that causational based methods can provide the basis for a program of "continuing surveillance." Based on the evidence before us, however, we find that, at best, Method 7's procedures must be made more consistent with a true historical causation allocative base, must be less susceptible to managerial interpretation and manipulation, and generally must be clarified and delineated to the Commission's satisfaction. These alterations and clarifications should be made in accordance with our discussion of Method 7, below.

171. The causational features of Method 7 appear ostensibly to incorporate some of the attractive characteristics of marginal costing. However, certain infirmities of Method 7 have been illustrated in the record that preclude its immediate use for these purposes. We have noted herein that theoretical LRIC would involve assignment of all expected facilities and costs according to projected service usage of input factors that management foresees on its "planning horizon." In this decision making mode no factors would be unassignable from a causational standpoint, although, functionally speaking, it is true that some plant and other factors would be used in common. (Likewise, on this "horizon," one could speculate that certain additional increments of plant would be needed for additional units of service, but such speculations would be irrelevant to the decision making process.) As we have discussed, this ability of marginal costing to intrinsically allocate common and other costs is attractive from an accountability standpoint. Method 7 shows promise of incorporating this feature of projected analyses into an FDC framework. However, it would appear illogical to characterize any method as having historic causational aspects if such method, in making an initial assignment of plant, did not do so in accord with its expected uses. Method 7 is deficient in this respect.

172. The RD, apparently observing the general logic of historical causation, concluded that Method 7 must involve projections. The RD noted that "since Method 1 is generally based on actual operating results, it does not have the uncertainties associated with forecasts of the near and distant future necessarily required by FDC Methods 3 through 7 and eliminates the questions of possible biases affecting such forecasts" (RD, Appendix C, par. 87) (emphasis added). Bell, however, maintains, in opposition to the conclusions of the RD, that Methods 3 through 7 "make use of actual data from past periods to measure historical cost responsibility, and to that extent are based more on 'actual operating results' than Method 1" (Bell Expt., p. 241). Bell insists that "the recommended decision is wrong. Method 7, they said, involves projections. All of these methods and all of the FDC Methods 1, 2, 6 and 7, they all involve historical costs and an allocation of total historical costs" (T. 15623).

173. If Method 7 does not involve projections of intended uses of facilities (and, perhaps, other features of historic causation such as fixed assignments of plant by service which are made at some point in time for later comparison, review, and possibly updating when compared to actual results), this method is really only masquerading as being based on historical causation. There is evidence in the record that Bell's actual assignment procedure is one of merely looking back from the present time to a past year and then making "Method 7 determinations" of directly attributable plant and costs "after the fact." An approach of this nature is totally unacceptable from the Commission's standpoint since it is violative of our accountability equity, and fair competition objectives. It is not based on current use (which can be immediately substantiated) or on currently projected use (which can be documented for later review). Furthermore, such assignments would, in part, reflect dedications of plant in accord with management's objectives (e.g., the "arbitrary" assignment of the least cost facilities and their associated revenue requirements to competitive services leaving the "residuals" to be covered by MTS customers). These "dedications" could, no doubt, conveniently change to reflect shifting company criteria in complete opposition to the aforementioned objectives and responsibilities of the Commission.

174. Initial questioning of Bell at oral argument regarding Method 7 indicated that this method did not, indeed, hold closely to the logic of historical causation. It was there shown that Method 7's basis of allocation was "current usage" determined by Bell on an "after the fact" basis:

> Mr. PERLBERG. * * * Method 7 says, look, we had certain directly attributed costs. This, in relationship to your question, Commissioner Robinson, we were able to attribute to the various services over 80 percent, 82, 83, and so on.
>
> Commissioner ROBINSON. What is the basis of the direct assignment?
>
> *Is this original causation?* I mean, some plant changes over time, presumably usage changes, some which might have been used predominantly for MTS might be used subsequently for private line services.
>
> Mr. PERLBERG. If it is switching used by private line service, it would be attributable to that private line service, *what you are doing right now.*
>
> Commissioner ROBINSON. Okay, so it is *not historical but it is current usage.* (T. 15623–24) (Emphasis added).

175. Bell also indicated that Method 7 plant assignments, prior to their reexamination by the Commission, do not exhibit the fixed nature that they must for Commission accountability purposes. Bell revealed that Method 7 was similar in certain respects to "relative use" methods which, of course, do not involve fixed plant assignments.

> Commissioner ROBINSON. What I am asking is if the books are changed when a plant is put in and allocated to a particular service, but then its *pattern of use changes,* say, after 10 years—then *are the books changed to reflect* current——
>
> Mr. PERLBERG. If it is *unique* to a particular service *and is used currently by that service, it is assigned to that service* under the directly attributable costs method.
>
> We do treat the circuit plant which is sometimes subject to change on a daily or monthly basis, and that circuit plant is assigned according to the length of [haul] characteristics of the particular service.
>
> That is the *same whether you use Method 1, 2, 6, or 7.* There is no difference in that. *All* these methods, incidentally, are the so-called *relative use methods.* We have the same number of circuit miles in 1, 2, 6, and 7. (T. 15624) (emphasis added)

176. Additional questioning at oral argument confirmed the variability of plant assignment infirmity of Method 7. Management appeared to have unwarranted "assignment flexibility" under Method 7, as it is currently employed, so as to be able to manipulate an individual service's dollar share and assignment of total plant. This could be accomplished, for example, by taking readings of current usage at selected points in time, or by management questioning itself concerning assignments in a certain preconceived fashion:

> Commissioner ROBINSON. It does not follow that if I have a piece of switching gear, and I know that *when I buy that it is basically going to be used, say, 50 percent for one service and 50 percent for another*—it does not automatically follow that that would be directly attributable to those two services on a *50–50 basis.*
>
> Mr. PERLBERG. *You have to ask the other question,* would I buy it in that size if I did not have that other service?
>
> But if you are ordering that piece of equipment specifically for serving two services, and it would be a *different size if you did not have that other service,* then it *would be indirectly attributable costs.*
>
> Commissioner ROBINSON. Then the whole thing would *fall under the common costs?*
>
> Mr. PERLBERG. No.
>
> Comisioner ROBINSON. I say if you cannot make that decision, it is a *meaningless question.* You have a piece of equipment that is designed to handle so much traffic, and let's say you just never asked the question, what kind of equipment you would get if you had only one of the two services.
>
> Mr. PERLBERG. Basically, you are able to attribute that under Method 7 to what we call directly attributable costs.
>
> Commissioner ROBINSON. The *second question,* if that *ratio changes over time,* does *that get adjusted?*
>
> Mr. PERLBERG. *Yes*
>
> Comissioner ROBINSON. It becomes 75/25 percent?
>
> Mr. PERLBERG. These analyses, we are now making them every year * * *. (T. 15626, 15627) (Emphasis added.)

177. Any FDC method or methods used for accountability purposes must also have a clearly defined allocative base in addition to the features mentioned heretofore. Since Bell maintains that "all of these methods 1, 2, 6 and 7 are relative use if you are going to use a broad term," it seems clear that what is meant by "relative use" and other allocative bases must be precisely delineated before surveillance procedures can be initiated. Furthermore, there must be clarification of the evaluative steps that will be involved in surveillance, along with techniques to be used for updating assignments if projected results are found to be grossly out of balance with actual results. Such requirements for exacting specifications of FDC methodology is clearly demanded by our objective of clarification of market rules.

178. We find that the need to update plant assignments and to provide indications of current usage under a program of continuing surveillance appears to require continued carrier submissions of Method 1 results. These Method 1 results will reflect current demand patterns which may be grossly at variance with historical assignments. Of special concern, of course, would be multi-use plant asigned, on a projected basis, to a particular service. Method 1 should, however, be reviewed to determine whether it might employ more appropriate "comparable use units" for the Commission's purposes. Refinements to the method should ameliorate its peculiar infirmities such as those discussed above regarding plant under construction and actual usage of facilities compared to relative usage.

179. For purposes of findings concerning the rate levels and rate relationships at issue before us, we find data submitted under Methods 1 and 7 to be sufficient to provide a "zone of reasonableness" which, when combined with other ratemaking factors, allows us to make a determination of lawfulness. For the reasons discused above, however, we find that Bell's services future rate levels and relationships (and changes thereto) must be supported by Method 7 data. Method 1 data, also will be required. Elaboration of guidelines for revisions of such procedures which will align Methods 7 and 1 with the objectives and responsibilities emanating from the Act is discussed in Section XIII.

XII. THE LAWFULNESS OF BELL'S RATE LEVELS

A. SECTION 201(b)

180. In light of the foregoing, we now decide whether the return levels for Bell's major interstate categories of service at issue herein have been and are just and reasonable within the meaning of section 201(b) of the Communications Act, excepting TELPAK (which is discussed in the context of section 202(a) below) and WATS (which is being refiled on November 8, 1976).

181. The RD concluded that the return levels for Bell's competitive services are unlawful insofar as they are below the level of its minimum overall cost of capital on a FDC Method 1 basis (RD, par. 204). Further, the RD held that MTS rates should be designed so that it yields earnings of no more than the lesser of the maximum currently allowed Bell rate of return, or the overall rate of return actually being realized. Private line rates should be designed to yield no less than the minimum allowable overall rate of return (RD, par. 217). Additionally, the RD concluded that it is unjust and unreasonable to require users of Bell's MTS and WATS services to contribute revenues in excess of the overall allowed return level so that the company may earn its total revenue requirement (RD, par. 183). This, according to the RD, defines cross-subsidization.

182. Bell and several user group parties except to the RD's reliance on FDC Method 1 as the sole basis for determining the justness and reasonableness of the return levels at issue herein. These parties argue that the Commission may properly utilize long-run incremental costs, or a variant thereof, to determine the lawfulness of return levels for Bell's competitive services under section 201(b).

183. We have found above that a strict marginal costing approach to pricing cannot be practically implemented under real-world telecommunications industry conditions. We have also found that Bell's LRIC analysis is neither theoretically acceptable nor commensurate with our statutory mandate to ensure just, reasonable and non-discriminatory rates. We must accordingly conclude that LRIC cannot be used to determine whether the return levels for Bell's major interstate categories of service are just and reasonable within the meaning of section 201(b).

184. The relative characteristics and merits of FDC Methods 1 and 7 were also outlined earlier (see Section XI). It was recognized that although not ideal, these two methods can provide a valuable guide for determining the justness and reasonableness of present and past return levels and relationships at issue herein. The results of analysis of return on investment in accordance with FDC Methods 1 and 7 provide a "zone of reasonableness" which enables us to evaluate the lawfulness of Bell's return levels. Although not necessarily perfect, these methodologies together are sufficient to identify cross-subsidization and provide carrier accountability. We find this approach consistent with long-standing Commission policy which recognizes the central role of costs in determining the lawfulness of rates, but which, where appropriate, also recognizes the role of other non-cost factors.[55] Accordingly, pending application of our guideline methodology employing Method 7 (discussed *infra.* in Section XIII), we will rely on FDC Methods 1 and 7 to delineate the bonds from which we may determine the justness and reasonableness and therefore the lawfulness of Bell's rate levels.[56]

185. Bell's most recent data in the record shows for the twelve-month period ending September 30, 1975 that an 8.5 percent return was earned on its total interstate investment.[57] During the same period the share of investment allocated to MTS earned 8.7 percent on Method 1 and 7.5 percent on Method 7. When compared to Bell's total interstate return on investment, it cannot be said that MTS customers are paying rates that are so excessive that they are patently unjust and unreasonable. On a Method 1 basis the MTS rate level is only slightly in excess of the overall level of return. Under Method 7 the MTS return is a whole percentage point less than the system-wide return. We recognize that in light of the relatively large percentage of revenues MTS generates vis-a-vis the other services, a small excessive MTS return could cross-subsidize competitive services. However, the record herein does not indicate that such cross-subsidization in fact exists. Accordingly, we conclude that based on the latest available figures Bell's MTS return level appears lawful under section 201(b) of the Act.[58]

186. With regard to the lawfulness of MTS rate levels for prior periods, we note that Method 7 studies were not available before 1969. The original Seven-Way Cost Study showed a 10.0 percent return on investment allocated to MTS for the twelve-month period ending August 1964.[59] The overall return on Bell's interstate investment was 7.5 percent. In light of this disparity there is substantial question as to whether the MTS rate level during that period was just and reasonable. However, by 1967 the MTS level of return decreased under Method 1 to 8.0 percent compared to an overall return of 7.5 percent,[60] and, by 1969 when Method 7 results first became available, MTS displayed a range of levels, relative to the system-wide average, comparable to those existing today. In that period MTS earned 8.4 percent under Method 1 and 7.1 percent under Method 7, com-

[55] *See* Private Line Rate Cases, 34 FCC 217 (1963); 34 FCC 244 (1964).

[56] The phrases, "return level," "rate of return," and "return" are used interchangeably with respect to a service category. They refer to the percentage return on investment allocated to the service. *See,* also fn. 1, *supra.*

[57] Bell BSE, Appendix A.

[58] We are, nevertheless, presently considering the exceptions to the Initial Decision of the Administrative Law Judge in Phase II of Docket No. 19129, FCC 76–44 (released August 2, 1976). This proceeding will determine, among other issues, the appropriateness of rate base investment items, allowable expenses and MTS rate structure.

[59] Docket 16258, FCC Staff Exh. 1, p. 4.

[60] Docket 18128, CCB Exh. 11, Attachment A, p. 1.

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pared to a 7.8 percent overall return.[91] Accordingly, we conclude that between 1964 and 1969 MTS return levels appear to have been unreasonably high. However, since 1969, the difference between the MTS return level computed under Method 1 and the system-wide average has further narrowed. Likewise, the MTS level of return under Method 7 has consistently remained below the overall level. Thus, since 1969, at least, MTS has earned a level of return that has been just and reasonable, hence lawful, within the meaning of section 201(b) of the Act. Nevertheless, these results may have been affected by the necessity to offset residuals for services not recovering their full costs.

187. The return levels indicated for WATS present a different picture. For the year ending September 30, 1975, WATS showed an 11.6 percent return on investment allocated to it under Method 1 and 16.1 percent under Method 7.[92] Compared to Bell's 8.5 percent overall level of return, the WATS rate level, nearly double that of the system, is clearly excessive. (This level of return indicates the presence of cross-subsidization: the high level of return on WATS offsets low levels of return on other services which are earning less than full costs.) It also appears that the WATS return level has been unlawfully high during prior periods under investigation herein. For example, the original Seven-Way Cost Study showed a 13.4 percent return on investment allocated to WATS for the year ending August 1964, in contrast to 7.5 percent for the system.[93] In 1967 WATS was earning 11.9 percent compared to the system-wide average of 7.5 percent.[94] For 1969 (when Method 7 results first became available) the WATS return level was 10.4 percent under Method 1 and 18.1 percent under Method 7 compared to a 7.8 percent overall return.[95] Similarly, the 1971 results indicated 9.4 percent and 16.7 percent respectively under Methods 1 and 7 compared to a 7.8 percent overall level of return.[96]

188. Despite the foregoing, we do not require any specific actions be taken respecting WATS' return levels at this time, in view of our recent decision in Docket 19989, 59 FCC 2d 671 (1976). In the *WATS* proceeding we concluded, inter alia, that the existing WATS tariff was illegal insofar as Bell did not attempt to justify its rates on the basis of costs. Indeed, Bell did not provide any cost support for WATS rates. Instead, Bell attempted to show an "alignment" between WATS rates and those of MTS.[97] As a result of the WATS decision, Bell is to file a new tariff together with rate support cost justification by November 8, 1976.[98] Accordingly it does not appear prudent, in the public interest, to require changes in WATS rate levels at this time.[99]

189. With respect to Bell's other services, (excepting TELPAK which is discussed below) we note that for the year ending September 30, 1975, the return levels measured by Method 1 range from —3.5 percent for the Private Line Telegraph Service to 5.5 percent for Private Line Telephone. Likewise Method 7 results range from —0.6 percent, also for Private Line Telegraph, to 7.2 percent for Private Line Telephone.[100] Compared to the overall system level of return, 8.5 percent, we find the present return levels for Bell's Private Line Telegraph, Private Line Telephone, Audio/Radio, Television, and "Other" service classifications to be deficient since the rates for these services do not cover all relevant costs of furnishing service. This is true whether investment and expenses are allocated to each service according to Method 1 or Method 7. It thus appears that the low levels of return on these services are maintained through cross-subsidization. This we hold unlawful in the absence of express statutory authorization or compelling policy considerations. Accordingly, we conclude that the rate levels associated with these services are unjust and unreasonable, and therefore, unlawful, within the meaning of section 201(b) of the Act.

190. Past levels of return for these services have generally been unlawfully low, although in some years the level of return for some services could be considered to have approached the zone of reasonableness. In 1971, for example, Television Program Transmission Service (Video) earned 4.9 percent and 8.3 percent under Methods 1 and 7, respectively; at the time the overall level of return was 7.8 percent.[101] Similarly, Video service, as well as Private Line Telegraph and the "Other" service classification, showed adequate earnings levels in 1967 and 1969.[102] The fact still remains, however, that the remaining competitive services, including Private Line Telephone and Audio, did not earn a reasonable level of return on their allocated investment during these same years. More importantly, none of these competitive services are presently priced to earn levels of return that are just and reasonable and, therefore, not unlawfully low. Accordingly, our solution in this proceeding is designed to achieve return levels for these services whereby the earnings for each competitive service can sustain that service's viability without relying on cross-subsidization.

191. In summary, we find that while the application of present FDC Methods 1 and 7 does not constitute the perfect solution for determining the justness and reasonableness of future return levels, the record supports concurrent use of these methodologies as a valuable guide for ascertaining the lawfulness, within a zone of reasonableness, for present and past rate levels, as discussed above. We emphasize that we find that the existence of levels of return that are unjustly and unreasonably high or too low, indicate a return level relationship which embodies cross-subsidization. In the absence of proper justification we hold this cross-subsidization unlawful within the meaning of section 201(b); it must be eliminated. Moreover, in view of the low levels of return earned on private line services which indicate that they have not been recovering the cost of providing service, we conclude that the loss of these services would not burden MTS. Bell could employ its investment in these services for MTS and earn its authorized return.

B. SECTION 202(A) AND THE LAWFULNESS OF TELPAK

192. It remains to be resolved whether the rate levels for Bell's major interstate categories of service at issue herein are lawful under Section 202(a) of the Act. Consistent with our *Telpak* decision,[103] the RD recognized that competitive necessity may justify what would otherwise be unlawfully discriminatory rates (RD, par. 91). Also, relying on the Telpak Sharing proceeding,[104] the RD stated that the Commission has held, with court approval, that discriminatory pricing based on competitive necessity is permissible only if the carrier meets each of the following criteria:

(1) That those benefiting from the discriminatory pricing have an alternative of satisfying their communications requirements from a substitute source of supply and that they will shift to the substitute source unless the discrimination is maintained;

(2) That the discriminatory rate or preference is just sufficient to retain the business which would otherwise be lost;

(3) That the discrimination benefits the users of the carrier's services who are discriminated against, i.e., charges to other users are lower because of the discriminatory rate than they would be without such rates.

The RD states that although Telpak C and D have been found in compliance

[91] Docket 18128, CCB Exh. 12, Attachment A, p. 1.

[92] Bell BSE, Appendix A.

[93] Docket 16258, FCC Staff Exh. 1, p. 4.

[94] Docket 18128, CCB Exh. 11, Attachment A, p. 1.

[95] Docket 18128, CCB Exh. 12, Attachment A, p. 1.

[96] Docket 18128, CCB Exh. 23, p. 5.

[97] The question as to whether Outward WATS and MTS are similar services is also extant and Bell is obligated to justify Outward WATS as a distince service (59 FCC 2d at 683).

[98] In accordance with Docket No. 19989 the WATS tariff revisions were to be filed on 60 days' notice, to be effective on January 7, 1977. In a September 16, 1976 letter Bell states that this effective date would entail the additional cost of reading customer meters mid-month and abnormal billing for a partial month (7 days). It suggests filing the revisions on 84 days' notice, to be effective February 1, 1977, which would facilitate the normal first of the month meter reading and billing cycle. Because the Bell suggestion would avoid unnecessary cost and disruptions in customer billing cycles, we shall permit the filing schedule as proposed by Bell. We reserve the right, of course, upon consideration of the revisions filed, to take action as may be appropriate including suspension or rejection of such revisions.

[99] We note that it is not clear whether WATS rates should be raised or lowered in order to achieve a proper level of return.

[100] Bell BSE, Appendix A.

[101] Docket 18128, CCB Exh. 23, p. 11.

[102] Docket 18128, CCB Exh. 11, Attachment A, p. 1; CCB Exh. 12, Attachment A, p. 1.

with criterion one,[105] it remains to be determined herein whether and to what extent Telpak C and D bulk rates conform to criteria two and three (RD, par. 92).

193. The RD applies the three above criteria to each of Bell's private line services to determine whether competitive necessity justifies the pricing of each such service at an earnings level less than the fully distributed costs, as measured under Method 1, of each service (RD, par. 187–188). Thus the RD determines that none of the private line services, including private line telephone, audio, video, Telpak, and private line telegraph, satisfy the first of the three criteria. The RD holds that neither private microwave facilities nor services provided by other communication carriers constitute a sufficient competitive threat to Bell to justify blanket, nationwide discriminatory pricing for any private line service. Additionally, the RD finds that none of the private line services satisfy the second and third of the above enumerated criteria (RD, pars. 189–203). Accordingly, it is concluded, in general, that as a result of the failure to meet the Telpak Sharing criteria, Bell's pricing of private line services below an earnings level corresponding to Bell's overall minimum cost of capital is in violation of section 202(a) of the Act, as well as Section 201(b) (RD, par. 204).

194. With particular reference to Bell's Telpak bulk offering, the RD states that although the Commission's 1964 holding in the *Telpak* decision found that the Telpak bulk offering satisfied the first of the three above criteria, serious doubt exists as to whether the Commission's *Telpak* decision is correct under current conditions. Reviewing the competitive threat to Bell's Telpak offering posed by private microwave systems, Western Union's private line offerings and those of the specialized carriers, the RD holds that these alternative sources of supply for Bell's Telpak customers are not sufficient to justify the blanket form of discriminatory pricing Bell maintains with respect to nationwide Telpak service (RD, pars. 197–198). Furthermore, the RD finds that rates for Telpak have not been set at a level that is just sufficient for Bell to retain business that would otherwise be lost in the absence of discriminatory pricing. Therefore, criterion two has not been met. Finally, it is stated that Bell has not shown, to the satisfaction of the third criterion, that the price discrimination maintained with respect to Telpak has benefited other users of Bell's services in the form of lower rates (RD, par. 199). As a result of the foregoing, the RD concludes that the rate differentials between Telpak and non-Telpak services constitute an undue discrimination or preference under section 202(a) of the Act. (Additionally, the Telpak tariff, as presently constituted, is found to be unjust and unreasonable within the meaning of section 201(b).) Therefore, the RD concludes that the Telpak tariff is unlawful and must be eliminated (RD, pars. 205–206).

195. Several parties have raised objections concerning the RD's discussion of the three criteria and the proper application of them in this proceeding. In general, these objections can be classified into three categories:

(1) Those concerning the validity of the three above criteria, in particular the second criterion requiring that the discriminatory rate or preference be just sufficient to retain business which would otherwise be lost, and the Commission's and court's approval thereof;[106]

(2) The RD's application of the three criteria to all private line services to determine whether pricing below the Method 1 FDC level can be justified by competitive necessity even though it is argued that only private line telephone and Telpak have been found, in the Telpak decision, to be "like" services within the purview of section 202(a);[107]

(3) Exceptions concerning the RD's findings that none of Bell's private line services, and in particular the Telpak offering, has met any of the three criteria.[108]

We turn now to a discussion of these objections:

(1) THE VALIDITY OF THE COMPETITIVE NECESSITY CRITERIA

196. In our Tentative Decision in the Telpak investigation, we concluded that Telpak and other private line services were like services and that while the need to meet competition from private microwave systems might justify the Telpak C and D classifications, there was insufficient evidence to determine whether the then existing Telpak rates were compensatory, i.e., whether the rates benefited other users of the carrier's services.[109] It is clear that only two standards were expressed in Telpak to justify pricing differentials between like services: (1) An existing need to meet competition and (2) a benefit to other users. These correspond to the first and third criteria enumerated above. In our Final Decision in the Telpak proceeding we confirmed the validity of these two tests and we allowed Bell the opportunity to show that the Telpak rates were compensatory.[110] As explained above, this is now an issue herein.

197. Five years later in the *Telpak* Sharing proceeding, the Recommended Decision of the Chief of the Common Carrier Bureau cited our Telpak decision as supporting a three criteria test which is applied in the RD herein.[111] The requirement that the discriminatory rate be just sufficient to retain business which would otherwise be lost was added to the two criteria expressed in Telpak to justify discriminatory pricing on an other than cost basis. In our Final Decision in Telpak Sharing we approved the three criteria test as being consistent with our holding in the original Telpak investigation, case law, and prior orders in the proceeding.[112] More recently, we applied the three criteria test in our Interim Decision in the "Hi-Lo" proceeding.[113]

198. Several parties except to the RD's conclusion that the three criteria test has met with Commission and court approval. Although we do not necessarily find that such approval is lacking, we hold that the application of the second criteria, requiring a showing that the discriminatory rates are just sufficient to retain business which would otherwise be lost, imposes an all but impossible burden on the carrier, at least under present circumstances. Accordingly, we will not apply this criterion in the present case and will reserve judgment on the applicability of the second criteria to other situations. Nevertheless, we hold that the two standards articulated in the original Telpak case, namely a showing of competitive necessity and of benefit to other users, control the determination of the lawfulness of Telpak rates herein.

(2) THE RD'S APPLICATION OF THE THREE CRITERIA TO ALL PRIVATE LINE SERVICES

199. As indicated, the RD applied the three criteria to all private line services to determine whether there is justification to price below an FDC Method 1 level. We believe, for the reasons discussed below, that these standards should apply only to a service which is found to be "like" another service and which is offered at a price differential purportedly to meet competition. This is consistent with our decision in the original Telpak proceedings.[114] Where charges for services are at issue, section 202(a) proscribes only unjust or unreasonable discriminations, involving substantially similar services. Cf., *Atchison, T. & S.F. Ry. Co.* v. *U.S.*, F. Supp. 359 (1963)

200 Before continuing, we make certain observations. First, we do not wish to imply that only services found to be "like" can be priced to meet competition. Consistent with our decision herein, rates for any private line service can be established that would place the carrier

[103] 36 FCC 370 (1964), 37 FCC 1111 (1964); aff'd sub nom., *American Trucking Association* v. *FCC*, 377 F. 2d 121 (1966) cert. denied, 386 U.S. 943 (1967).

[104] 23 FCC 2d 606 (1970); rev'd on other grounds sub nom., *AT&T* v. *FCC*, 449 F. 2d 439 (2nd Cir. 1971).

[105] 38 FCC 370, 395 (1964).

[106] Parties raising this objection include the Airline parties, Bell, DOD, ARINC, the Ad Hoc Committee, and AIA.

[107] Parties excepting to the RD's broad application of the three criteria include the Airline parties, Bell, AIA, and the AP.

[108] The objecting parties here included the Airline parties, Bell, DOD, ARINC, AIA, the Ad Hoc Committee and the Network parties.

[109] 38 FCC 370, 377, 395 (1964).

[110] 37 FCC 1111, 1118, (1964), aff'd sub nom., *American Trucking Ass'n.* v. *FCC*, 377 F. 2d 121 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

[111] 23 FCC 2d 639, 648 (1969).

[112] 23 FCC 2d 606, 613 (1970), rev'd on other grounds sub nom., *AT&T* v. *FCC*, 449 F. 2d 439 (2nd Cir. 1971).

[113] 55 FCC 2d 224, 242 (1975).

[114] 38 FCC 370 (1964), 37 FCC 1111 (1964), aff'd sub nom., *American Trucking Ass'n.* v. *FCC*, 377 F. 2d 121 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

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in an appropriate competitive position. We reiterate that it is our objective to provide the carrier with pricing flexibility within a framework of accountability and full and fair competition. In investigating the lawfulness of a rate differential between two or more services, it is only when the services are found to be "like," that the differential must be justified under section 202(a) of the Act. Second,it is not entirely clear, as some parties contend, that Telpak and other private line services have generally encompassed only voice-grade channels. Telpak C and D might be considered to be like other services offered by Bell. *American Trucking Ass'n. v. FCC*, 377 F. 2d 121, 131–132 (1976). In fact, we found in our Tentative Decision in the Telpak case that "• • • various private line services, on the one hand, and the Telpak 'derived channels,' on the other, are like communications services" (emphasis supplied).[115] Finally, we emphasize that our decision herein does not imply that violation of section 202(a) can never occur except with respect to differing charges for like services. Various other arbitrary and unreasonable actions and classifications on the part of carriers which do not necessarily involve rate level discrimination with respect to like services fall within the proscription of section 202(a). See e.g., *Chastain v. AT&T*, 43 FCC 2d 1079 (1973); "Hi-Lo" Decision, 58 FCC 2d 362 (1976).

201. In this proceeding, however, we are concerned with price level differentials between like communications services. We find that the two competitive necessity criteria we have heretofore found pertinent, should be applied only to Bell's Telpak offering to determine violation of section 202(a). Although other private line services face varying degrees of competition and although some or all of these other services can be considered "like" Telpak service, it was in fact Bell's introduction of Telpak which initially gave rise to the discrimination, and it is the continuation of Telpak which perpetuates it. Accordingly, we believe that section 202(a) does not require application of the competitive necessity test to all private line services.[116] We hold that a discrimination is not unjust nor unreasonable if the like service which is priced to meet competition can satisfy the competitive necessity test, or is otherwise justified with relation to the cost of providing service, or on the basis of other policy considerations.

(3) THE RD FINDINGS THAT BELL'S PRIVATE LINE SERVICES DO NOT MEET THE COMPETITIVE NECESSITY CRITERIA

(a) The Need to Meet Competition:

202. We indicated above that to justify a discrimination under section 202(a), the competitive necessity test is to be applied only to Bell's Telpak offering and that this test, under the circumstances herein, consists of two criteria: whether there is a need to meet competition and whether the established rates benefit other users. Our task here is to decide whether the pricing differentials between Telpak and like services are justified by the need to prevent Telpak users from shifting to substitute sources of supply. Additionally, it remains to be determined whether the rate level discrimination between Telpak and like private line services benefits users of Bell's other services.

203. The RD questioned the applicability of our holding in the *Telpak* decision that Bell has met the first competitive necessity criterion in light of the current competitive marketplace. The RD concluded that bulk Telpak service, to the extent it is differentiated from broadband service, lacks sufficient comparability to private microwave service to find private microwave a competitive substitute for Telpak (RD, par. 197). Additionally, the RD stated that specialized carriers do not pose a sufficient competitive threat to Bell to justify nationwide discriminatory Telpak pricing. The RD based its conclusion on the fact that specialized carriers are presently excluded from the Bell-Western Union agreement which enables a customer to obtain nationwide Telpak service from either Bell or Western Union, and obtain a rate as if only one carrier provided all the service. Furthermore, in the opinion of the RD, the specialized carriers cover such a limited geographical area that they cannot be considered a serious threat to nationwide Telpak service (RD, par. 198).

204. We are in substantial agreement with the RD's conclusions. There are significant differences between Telpak and private microwave which precludes a finding that on a nationwide basis private microwave is a viable alternative to Telpak. Private microwave construction requires a substantial capital investment with long-term resource commitment which is not necessary when a customer orders Telpak service. Thus, private microwave service cannot be easily terminated or readily extended like Telpak. Once private microwave facilities are in place, the bulk communications users incur substantial fixed costs, whether the facilities are utilized or not. Finally, although interconnection of private systems with carrier systems has been liberalized, certain restrictions remain on such interconnection. It thus appears that the permanent, more restricted nature of private microwave facilities constitutes an important consideration influencing the viability of Telpak vis-a-vis private microwave, even assuming the latter may be cost competitive over given routes.

205. In our Telpak Sharing decision we found that despite testimony from shared Telpak users as to their intentions to consider private microwave if Telpak sharing provisions were eliminated, the evidence therein suggested that nonsharing factors, such as user control, cost, greater flexibility, and the existence of rights-of-way, possibly played a determinative role in the users choice of whether to employ private microwave. We therefore found that it was not shown that shared private microwave offered a competitive alternative for certain user groups.[117] We find that the instant proceeding presents analogous circumstances. Consequently, we are unable to find that the Telpak offering as presently structured, constitutes a proper response to the extent of competition posed by private microwave. We nevertheless believe that a properly structured bulk rate offering, which would compete with private microwave or other alternatives along the routes where such competition exists and along the quality dimensions that make such other alternatives competitive, is justified. However, it is clear from the record herein, that the nationwide rate differential existing between Telpak and like private line service cannot be supported by alleged cost comparability between Telpak and hypothetical private microwave systems.

206. Further, we question the validity of the cost studies and statements made on the record herein that private microwave is cost effective when compared to Telpak. First, the cost studies are of questionable vintage and necessarily do not account for recent increases in building materials, construction and land costs. Second, we do not find persuasive the self-serving statements of Telpak users that they would abandon Bell if the rates they paid were increased. Despite the alleged cost effectiveness of private microwave and continuing increases in Telpak rates, such a wide scale shift has not occurred. This strengthens our conclusion that noncost factors play a significant role in a customer's decision to leave Bell in favor of constructing their own private microwave systems.

207. Finally, we agree that the specialized carriers do not present a sufficient competitive threat along their few routes to justify nationwide discriminatory pricing on the basis of competitive

[115] 38 FCC 370, 378–379 (1964).

[116] We recognize that apart from the problem of rate differentials for like services, it could be argued that section 202(a) would be violated if Bell used LRIC to price its private line services only and not MTS or WATS. In essence, a class of customers, i.e., of private line service, would receive an advantage denied another class of customers, i.e., the MTS and WATS users. However, in light of our findings herein, with respect to the justnesa and reasonableness of the various costing methodologies, we do not find it necessary to decide whether such advantage would be undue or unreasonable under section 202(a). Additionally, we found herein cross-subsidization existing between WATS and the non-Telpak competitive services. As the RD recognized, in the absence of express Congressional approval such cross-subsidization can constitute undue or unreasonable preference or disadvantage within the meaning of Section 202(a) (RD pars. 176, 186). Inasmuch as we have found the rate levels giving use to such discrimination unlawful under section 201(b), we need not address whether a 202(a) violation is justified by competitive necessity or otherwise.

[117] 23 FCC 2d 606, 618–620.

necessity. While growth in specialized carriers and satellites might justify such a competitive response in the future, this uncertain probability is not sufficient to justify the present Telpak offering. Bell's witness, Charles Miller, stated herein that Telpak rates are designed "to be competitive with future situations." (T. 842.) Such future contingencies are not enough to justify such a broad competitive response whether the alternative to Telpak under consideration is private microwave, specialized carrier or satellite. On appeal of our Telpak Sharing proceeding, the court rejected AT&T's contention that a mere probability of a shift to a substitute source justifies the discriminatory provision. The court held that such a criterion "is far too vague in relation to Section 202(a) of the Act." *"AT&T v. FCC,"* 449 F. 2d 439, 449–450 (2nd Cir. 1971). The court approved the Commission's standard requiring "a showing that those eligible to share Telpak would in fact shift to private microwave if the existing discrimination were not maintained" (emphasis in original) 449 F. 2d at 449. Clearly, the evidence herein cannot support a finding that present Telpak users would in fact shift to private microwave if the existing rate discrimination were not maintained. That such a shift would occur under the facts shown herein is nothing more than conjecture. Even if such a shift were to occur it could never justify the blanket nationwide discrimination inherent in the Telpak rates. Accordingly, we conclude that under current circumstances the Telpak discrimination is not justified by competitive necessity.

208. In sum the rate level differential existing between Telpak and other private line services constitutes an unlawful discrimination between like services under Section 202(a). We do recognize, however, the benefit to industrial, transportation and government users from a bulk communications offering. Accordingly, we are ordering Bell to eliminate its present bulk offering. Bell may file within the eight month period outlined below a new appropriately responsive bulk offering consistent with our guidelines herein, which can be supported on the basis of competitive necessity, costs, of other relevant factors.

(b) COMPENSATIVENESS AND SECTION 201(b)

209. We have found the discrimination existing with respect to Telpak and like private line services unlawful since Telpak as presently constituted is not justified by competitive necessity. Accordingly, we need not decide whether the Telpak rates are compensatory or whether they are lawful within the meaning of Section 201(b) of the Act. We note that Telpak for the twelve months ending September 30, 1975 allegedly earned 8.4 percent under Method 1 and 12.6 percent under Method 7.[118] Compared to the overall company return of 8.5 percent, these earnings appear to be within the zone of reasonableness. However, we question whether Telpak's return level can be substantially higher than that of private line services since Telpak has the same cost characteristics as such services and Telpak rates are lower. We recognize that demand factors might explain this discrepancy insofar as we have found that Telpak attracts customers who may not have substitute sources of supply. For such customers, Telpak is not justified by competitive necessity. Thus, Telpak's earnings level, as contrasted with that of other private line services, may result from an artificial and unwarranted service category structure.

c. PRESCRIPTION

210. In light of the foregoing findings, the remaining issue is whether the Commission should prescribe rate levels for various service classifications pursuant to section 205. For the reasons discussed above we believe it necessary to prescribe guidelines to govern the filing of future tariffs, rather than prescribe specific rate levels. We also require adjustment of rate levels and rate level relationships so as to eliminate the infirmities we have found.

211. Under the RD, Bell is ordered to file new rates designed to achieve return levels for its private line services equal to Bell's minimum overall cost of capital, on investment allocated under fully distributed cost Method 1. Similarly, the RD required Bell to make revisions in its MTS and WATS rates so the earnings level for each of these services would be no more than the maximum overall return permitted by the Commission, under Method 1 (RD, pars. 211, 127).

212. Section 205(a) of the Communications Act gives us authority to prescribe charges, classifications, regulations, and practices of communications common carriers.[119] Any such prescription can only be made after full opportunity for hearing and upon a finding that the action taken is just and reasonable as supported by evidence of record.[120] Several parties, in particular the Airlines and the Network parties, argue that the RD's recommendation of fully distributed cost Method 1 as the appropriate and sole standard for establishing rate levels for Bell's interstate categories of service, is a prescription which violates the above standards and is therefore unlawful. It is claimed that there is insubstantial evidence to make the findings of justness and reasonableness required for a section 205(a) prescription. It is further argued that there has not been a "full opportunity for hearing" on the various FDC methodologies. Thus, the parties state that FDC Method 1 cannot be the basis for determining the lawfulness of future rate levels.

213. Insofar as we are not relying on FDC Method 1, we do not find it necessary to discuss the parties arguments as they apply to the recommended order. However, we believe that the questions they raise are relevant to the validity of the guidelines we adopt.

214. The Network parties rely extensively on *Nader v. FCC*, 520 F. 2d 182 (D.C. Cir. 1975), to show that the adoption of FDC Method 1 for ratemaking purposes would be a prescription under section 205(a) of the Act. Nader was an appeal from our Decision in Phase I of Docket No. 19129 establishing an 8.5 percent overall rate of return for Bell and subsequent orders accepting Bell's rate increases designed to achieve that rate of return.[121] On appeal, MCI argued that such action constituted an unlawful prescription within the meaning of section 205(a).[122] Summarizing, the court held that the Commission's order, limiting prospectively Bell's rate of return to 8.5 percent, was a prescription under section 205.[123] The court concluded that although section 205 does not expressly authorize the Commission to prescribe rates of return, as opposed to individual rates, such authority is encompassed within the broad grant of regulatory power under section 4(i) of the Act, 47 U.S.C. 154(i) (1970).[124]

215. We would agree with the conclusion that our guidelines herein amount to a prescription. However, it is clear that the parties to this proceeding had ample notice that the Commission's prescription of a particular costing methodology was at issue herein. While we have phrased the prescription issue in terms of specific rate levels, there can be no doubt that the same embraces the prescription of a particular costing methodology.[125] It is evident that the parties have held a similar view. Several parties have proposed, during the hearing stage and in exception to the RD, various methodologies to be adopted by the Commission as alternatives to LRIC and FDC Method 1.[126] Furthermore, we read Nader to show that the prescription of our guidelines is valid pursuant to the authority vested in us by sections 4(i) and 205(a) of the Act.[127]

216. Finally, the parties have had a full opportunity to be heard including oral argument, and the action taken is just and reasonable as supported by the record. Our guidelines are predicated on FDC Method 7, modified to accommodate statutory needs and objectives, which we previously indicated emanate from our legislative mandate and prior decisions. As noted, these objectives have been recognized and discussed, in substantial part, by the parties to this proceeding. The parties had ample opportunity in this lengthy record to present their views on these matters. Thus, there is substan-

[118] Bell BSE, Appendix A

[119] 47 U.S.C. 205(a) (1970).

[120] See *Nader v. FCC*, 520 F. 2d 182 (D.C. Cir. 1975); *AT&T v. FCC*, 487 F. 2d 864 (2d Cir. 1973); *AT&T v. FCC*, 449 F. 2d 439 (D.C. Cir. 1971).

[121] 38 FCC 2d 213 (1972); 38 FCC 2d 492 (1972); 38 FCC 2d 984 (1973); 42 FCC 2d 293 (1973).

[122] 520 F. 2d at 199–200.

[123] Id. at 201.

[124] 520 F. 2d at 204.

[125] See Section III, supra, and 21 FCC 2d 495 (1970).

tial support for the finding that these objectives constitute just and reasonable criteria which may be incorporated into our proposed costing methodology.[120]

217. The relative merits of FDC Method 7 have also been explored extensively herein. For example, several parties support FDC Method 7, or the historical cost allocation procedures embodied therein, as part of alternatives to Bell's LRIC methodology.[121] The Network parties advocated Method 7 as the most rational of the full cost approaches.[122] Even Bell extols the virtues of FDC Method 7 vis-a-vis Method 1.[123] In particular, Bell states:

> Method 7 has a lot of merit because it faces up to the problem of directly attributable costs and unallocable common costs, and it gives you a means of tracking, and that it gives you another test for the compensativeness of rate levels.[122]

The Department of Defense urges us to adopt FDC Method 7 if we decide that a full-cost standard is appropriate.[123] Finally, the concept behind FDC Method 7 is inherent in Bell's "retrospective accountability" analysis.[124] Thus, it is clear that the parties have had adequate opportunity to air their views on historical cost causation and to test the views of others within a hearing framework. Likewise, there is substantial evidence to support our finding that historical causation is a just and reasonable method for allocating costs to the various categories of Bell's interstate services.

218. In conclusion, our guidelines are lawful as a prescription within the meaning of section 205(a) of the Act. The parties have had an opportunity to be heard with respect to the concepts embodied within our guidelines and the record supports our findings that such concepts are just and reasonable.

XIII: Guidelines for a "Proper Methodology"

A. General

219. We have previously discussed the methodologies of record and their appropriateness for determining the lawfulness of rate levels and relationships vis-a-vis applicable objectives and responsibilities. For such determinations, we have concluded that only a methodology designed to cover the full recorded costs of operations constitutes a proper standard. Nevertheless, we have found merit in marginal costing and we will consider such full cost departures under guidelines specified herein. Otherwise, we have found Bell's use of disparate and incongruous ratemaking concepts among its various services to be unlawful under the provisions of sections 201 through 205 of the Act. We have found that Bell's "basic service philosophy" of ratemaking constitutes an unlawful ratemaking concept. As discussed earlier, this or any other philosophy that results in disproportionate cost burdens among services would generally violate our objectives and responsibilities.

220. A corollary to our ruling on the use of disparate ratemaking concepts concerns the breadth of supportive materials required for tariff filings. We hold that revisions to any existing service rate level or rate relationship to other service's rates must be supported by a showing of the overall impact of such revisions. This showing is to include proper estimates of cost function changes and cross-elasticity data, the subsequent rate structure, and the rate base and revenue requirements (and changes in these factors) for each of the various Bell services. Data must herein be presented in a manner consistent with our guidelines concerning such matters as the proper ratemaking methodology and distribution of facilities among services. Recognition of the overall impact of such changes is consistent with our requirements below concerning establishment and updating of an assignment of all facilities, and use of a full recorded costs, historical causation basis of ratemaking.

221. For rates filed subsequent to this proceeding, we find that even with revisions to Methods 1 and 7, and our primary reliance on Method 7 procedures, we will nevertheless require an array of cost, demand and other information to make a determination of lawfulness. We find the Method 7 (employing revised procedures) will adequately mirror cost causation responsibility, while Method 1 (likewise employing revised procedures) will indicate the pattern of current demand and usage. We have also included below provision for the incorporation of prospective data into our evaluative processes. This information, taken together with public interest considerations and the relevant objectives and responsibilities, will encompass the basis of our decision making.

222. In the interest of providing a perspective for the specific guidelines discussed below, we have determined certain appropriate attributes of an overall ratemaking methodology. Heretofore, we have discussed the need for each service to cover its full recorded costs. Additionally, we discussed the attractiveness of determining these costs on historical causation basis (properly updated) in regard to the avoidance of cross-subsidization and for the provision of the foundation of a program of continuing surveillance. Inextricably interwoven with the cross-subsidization, cost allocation, and ratemaking issues, however, is the substantial magnitude of Bell's facilities and facility related costs. Indeed, determination of plant responsibility impacts directly on realization of Commission objectives and responsibilities. It is for this reason that our first guideline provides for the assignment of all existing facilities to Bell's various services. Additionally, we have indicated how new facilities and retirements should be treated in conjunction with the development of an initial assignment of facilities or "datum." It is shown that the datum can be adjusted to reflect evolving demand patterns and other considerations. We find that the development of a datum will allow the fulfillment of such basic considerations as accountability and clarification of market rules.

223. Other guidelines deal with permissible departures from rates determined on a full recorded costs, historical causation basis. We recognize that carrier pricing flexibility may be warranted in situations where less-than-full cost based rates will permit beneficial cost efficiencies and demand adjustments over time. Clearly, the Bell System respondents (if only for competitive services) and other parties support certain full cost departures (the offering of "discount" rates) (Bell, P.F., pp. 27–55), albeit they do not ostensibly consider such discounted rates as being derived from a full recorded costs standard.[125] The RD also considers discount rates to be plausible under certain circumstances, but holds that FDC methods should constitute the basic underlying support of primary (undiscounted) prices (see RD, pars. 162–164). We will thus entertain requests for waivers in connection with particular tariff filings which would permit full cost departures for a "reasonable time certain," provided that the carrier can make a clear and definitive showing of benefits to be realized by the body of Bell service users, and that such departures are consistent with the public interest (e.g., the objectives and responsibilities discussed in Section VIII). We further require that within such a reasonable time certain, the rates charged users benefiting from such discounts will be required to cover all recorded costs, including residuals.

224. Finally, we have delineated below guidelines concerning acceptable forecasting techniques, needed technical revisions to Method 1 and Method 7, and the future use of these methods in our evaluative processes. We have directed the carrier to incorporate our guidelines into its rates and rate relationships through the timely filing of revised tariffs. On balance, the guidelines themselves, our objectives and responsibilities, and the discussion and findings above constitute the scope of our decisional process. This process has deliberately not been defined in an all-encompassing, exacting and mechanical fashion. It is definitive, however, with respect to minimum materials required to support rate levels and departures from datum-based, full costs. Further, carriers may seek a waiver and support same with such additional materials as they consider proper. We recognize the dynamic, evolutionary

[120] These proposals include the Airline Parties' "Accommodation Theory;" Bell's recommendations in its Brief in Support of Exceptions, pp. 47–57; and DOD's Long Run Average Cost Technique.

[121] 520 F. 2d at 203–204.

[122] See discussion, supra, and the record cites at Section VIII.

[123] Bell Brief in Support of Exceptions, pp. 53, 56. Historical causation also lies at the heart of the Airlines "Accommodation Theory," Airline parties OSE, pp. 46–52; T. 15708–15711; Airline Rebuttal Exh. 1.

[124] T. 15730.

[125] T. 15621–29. See also T. 9655, 9738–39.

[126] T. 15628–29.

[127] DOD BSE, p. 13.

[128] See Bell Exhs. 18, 25.

[129] See Section IX.

nature of telecommunications, and do not wish to foreclose unforeseen developments by constructing overly rigid requirements.

B. Plant Assignments

225. An assignment of existing facilities and plant under construction is consistent with our intended use of a historical causation, FDC methodology as our primary means of determining the justness and reasonableness of rate levels and relationships. In the interest of fair competition, it is also necessary for existing and potential competitors of Bell to be able to estimate Bell's facility costs in order to gauge their own cost effectiveness and market incentives. As long as Bell can construct many plausible facility assignments in response to competition, an individual service's costs will remain essentially "fluid" (i.e., open to management discretion) and unclarified. Under such circumstances, it is likely that the benefits of competition for all users, Bell, and entrant firms will be at least partially unrealized. Most importantly, the Commission itself, of course, cannot hope to achieve its accountability objective under conditions of "fluid facility assignment."

226. Firm facility assignments are also necessary to assure equity among users. A basic outgrowth of this objective is the idea that all customers of the firm should share in both the benefits and detriments that accrue from the firm's established market position. More than the other objectives, however, equity implies proportionate facility assignments. For example, where economies of scale exist, it cannot be determined that one customer group or another is responsible for such economies. It is the entirety of the customers which sustains the necessary level of output yielding increasing returns to scale when such returns, in fact, exist. In fairness, all customers should derive proportional benefits in such a situation. Such a philosophy extends to advantages the firm may offer such as an established and effective research and development program, management expertise, technological innovations, personnel training programs, ownership of strategically located properties, goodwill, an ongoing and positive relationship with the financial community, long standing and advantageous contractual agreements, accumulated knowledge and other such aspects of the firm's operations. Likewise, as we have previously noted, an existing firm's operation may also involve less attractive features. For example, if inertia, outmoded technologies, bureaucratic inefficiencies or ineffective management and poor past investment decisions impair operations, all customers must also share such disadvantages. This concept is especially critical to the assignment of the costs of facilities to the various services. As noted above, the loading of the costs of older (generally less efficient) facilities onto monopoly services through the use of disparate pricing methodologies is unreasonable. In accepting the concept of historical causation, we must assure ourselves that the practices used in the actual cost allocation procedure allow fulfillment of our mandate under the Act to ensure just, reasonable and nondiscriminatory rates.

227. The method to be used for the allocation of facilities costs, to the maximum extent possible, must be one of assigning such facilities on the basis of historical causation to all services. Of course, the carrier must provide evidence of causation for facilities currently in place that goes beyond mere initial usage. Projected usage is important here. This initial assignment will establish shares of directly attributable plant. Common plant will then be assigned to the pertinent services pro rata according to each service's share of the total directly attributed plant. (For the purposes of these guidelines "pertinent services" simply refers to a group of two or more services which may use a particular facility.) This process will constitute a "datum" which will provide the basis for future actions. As explained below, it is contemplated that Bell will undertake a diligent and thorough historical analysis of its interstate plant with the objective of matching facility cost assignments as closely as possible to the uses for which such facilities were placed.[126] As new facilities are completed, those portions which are directly attributable shall be assigned to the respective services. Newly completed common facilities shall be assigned to the pertinent service categories on the basis of the projected circuit use accounted for by each service. We believe that such a procedure most closely parallels the concept of historic cost causation.

228. Retirements of facilities and the removal of their associated costs from the "datum" plant shares shall, as closely as possible, correspond to the assignment of such facilities to the various services. Those facility retirements which cannot be directly associated with individual services shall be handled as common, and retired from all pertinent services based on each service's "datum" share (i.e., the portion of total plant allocated to each service).

229. The Commission recognizes that conditions may change and that modifications in the shares of plant may be necessary. Market demand shifts, restructuring or modification of existing services, the introduction of new services or the elimination of existing services are examples of such changes. We do not seek a system so rigid that the carrier's ability to adapt to such changes is unduly impaired. In line with this objective, reassignments of facilities will be approved upon a proper showing. The Commission itself will periodically compare Method 1—relative use based assignments of plant—to historical causation assignments for evidence of gross imbalances. However, carriers and other parties may submit other evidence, such as actual use, in support of proposed assignment revisions. Thus, in the final analysis, the Commission will determine the validity of plant assignments after each periodic evaluation.[127]

230. In establishing the initial allocation based on cost causation, it is suggested that the carrier consider beginning with the 1964 Seven-Way Cost Study assignments and then work forward to the current time. This would avoid the problem of constructing data series for older vintages of plant which find somewhat limited use in the rendition of services today. The effects of any infirmities that may have existed in that study would be minimized due to the large growth of plant since that time. Concomitantly, it would account for most of the telephone plant in service today, due to the fact that plant in service now is over three times that in service at the time of the Seven-Way Cost Study, and that substantial retirements of pre-1964 plant have occurred in the intervening periods. Further, such an approach would aid in the development of exact procedures for the handling of a discontinued service (such as the sale of TWX). We expect full documentation of the assignment study and rationalization of the selection of the starting point if it is any other than that suggested herein.

231. In general, the Commission views the use of this approach as a dynamic, continuous process. The establishment of the current, updated book cost "datum" described above should facilitate and expedite proceedings before us. The datum's periodic updating will aid in our continuing surveillance and go far toward meeting our objective of accountability. We expect that showings in support of changes of the allocation to be supported by material as required under Sections 1.363 and 61.38 of our Rules. Such showing should include rate effects on the service in quesiton as well as any effects on related service offerings. To the fullest extent possible, the disposition of both fungible and non-fungible plant must be demonstrated, particularly in the case of a discontinued service.

C. Departures From Full Recorded Costs

232. We have recognized that there are instances in which historical data may not form the complete basis for projections of future costs or demand. Indeed, it may be appropriate to depart from rates based on historical costs under exceptional circumstances in order to reach certain operating efficiencies or demand levels at which economies of operations may be realized. When a firm has achieved these more efficient conditions, historical trends might again serve as the basic supportive data for a service's rates. Under our guideline ratemaking methodology, the carrier would submit a historic cost causation based FDC analysis for tariff justification. This analysis would be complemented by relative use FDC information for comparative

[126] Specific facilities are actually to be assigned to specific services, to this extent, paralleling the Seven-Way Cost Study procedures.

[127] The actual period to be employed for reevaluation of plant assignments will be determined by the Chief of the Common Carrier Bureau.

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purposes. Despite the projected elements involved in the causational analysis and the fact that it is to be complemented by current relative use data, we recognize that required supportive materials retain an intrinsic "weighting" caused by embedded facilities. For this reason, we may find it reasonable to grant waivers to afford the carrier the flexibility to alter current rates based on forecasts of demand and costs as embodied in a forward looking, cost causation based analysis. This will be permitted provided that the carrier can make a clear and definitive showing that all shortfalls in meeting revenue requirements based on historical full recorded costs will be made up within a reasonable time certain, and that the departure will benefit the body of Bell's users. This requirement should not prove burdensome if the carrier will, in fact, realize the economies projected. As part of the showing, we expect the carrier to develop techniques which employ our guidelines in a prospective manner, with refined forecasting methodologies.

D. OTHER GUIDELINES

233. The Bell System has employed certain forecast data in developing its LRIC rates for private line services. We have discussed the infirmities of its forecasting techniques and methodology within the context of theoretical marginal costing. Bell, as noted herein, maintains that it makes no use of projected analyses in constructing its historical causation (Method 7) individual service costs. We find that projected uses of plant should be a part of the logic of historical cost causation. Therefore, Bell should incorporate such data into these analyses for our review. However, since we have no evidence in the record concerning proper forecasting techniques, we direct Bell to develop proper techniques in conjunction with the Common Carrier Bureau staff. In any event, we place Bell on notice that although the datum will partially contain prospective cost causation estimates, any variance from such projections will ultimately have to be reconciled, including the recovery of deviations in forecast accuracy.

234. Our primary FDC Methodology for the determination of the justness and reasonableness of rate levels and the rate relationships will be based on the logic of historical cost causation. However, in our FDC Methods discussion above (Section XI), we find that Bell's Method 7 procedures do not faithfully adhere to the principles of historical causation. We therefore, direct the Bureau staff (in consultation with the carriers) to correct such infirmities in Method 7 as we have discussed above. These deal with such problems as Method 7's failure to incorporate projected uses of plant into its allocative process, its incorporation of management "dedications" of common plant to certain services into its plant assignment procedures, and its ability to be manipulated by unwarranted reassignments of previously distributed facilities. Similarly, we direct that Method 1 be revised in accordance with our earlier discussion so that it too can be incorporated into our evaluative processes. Method 1 would be used in conjunction with a Method 7 analysis to indicate the results of a distribution of costs on a relative use basis. In particular, such results might indicate the need for a reassignment of plant to reflect varying growth rates of Bell's services and other demand factors.

235. We direct that the revision of Method 1 and Method 7 procedures be completed in accordance with our findings and conclusions herein, and reported to the Commission within three months from the effective date of this Decision. Furthermore, we require Bell to file rates based on the reconstructed Method 7 analysis (supplemented by revised Method 1 data) for all of its services within eight months of this Decision. Additionally, we will require like analysis to be submitted upon the filing of later tariff revisions in a manner which will disclose the effects of such revisions on the rates of all services. We also require these analyses to be submitted within a year after the completion of major construction programs and at such other times as we deem appropriate.

XIV. EXCEPTIONS TO RECOMMENDED DECISION

236. We have stated herein the bases for our decision and the extent to which we are in agreement or find it necessary to modify or elaborate on the findings and conclusions of the Recommended Decision. To the extent that the exceptions to the RD are in accord with our findings and conclusions herein, they are granted; otherwise they are denied. We shall issue in the near future a supplement to this document in which we shall dispose of each of the individual 1000 or more filed exceptions. In arriving at our decision we have given consideration to the exceptions, briefs in support thereof and argument made thereon. However, because of the large number of exceptions submitted, we deem it important that the exceptions comply with § 1.277(a) of our rules and regulations. In particular, in ruling on individual exceptions we will not hesitate to reject exceptions which contain argumentative matters and lengthy discussions of law, which do not provide reference to the record upon which the exception is based, or which do not otherwise comply with § 1.277(a).

XV CONCLUSIONS

237. Our conclusions herein are pursuant to sections 1, 4, 201–205, 210, 214, and 396 of the Act: The ascertainment of what constitutes the actual cost of providing a category or subcategory of service is essential to the performance of our regulatory functions. More specifically, in order to determine whether rate levels and rate level relationships are just, reasonable or not unduly discriminatory the actual full costs of providing service must be known and certain, irrespective of whether rates are in direct relationship to costs or depart therefrom. In the latter case the ascertainment of actual full costs still provides the relevant standard to aid in the determination of lawfulness of rates. (In the absence of such knowledge the Commission is unable to identify with certainty the presence of interservice cross-subsidization.) The major concern of the Commission in this proceeding as to past, present and future rate levels is to find the most appropriate basis or methodology to measure the costs actually and equitably attributable to providing service.

238. For the past and present rate levels and relationships at issue in this proceeding we employ a zone of reasonableness defined by FDC Methods 1 and 7 [138] to indicate lawfulness. On the record before us we hold these methods aceptable. However, future rate levels and relationships are to be established in accordance with the guidelines established herein as set forth in section XIII, supra. Rates filed in accordance with such guidelines will best fulfill our statutory mandate. Method 7 costs will form the primary basis for justification of all tariff filings, in conjunction with Method 1 data which will provide us with a comparative benchmark of present relative use. Upon a proper showing, as described previously, we will consider waivers to depart from the prescribed methodology.

239. With regard to the carriers' past and present rate levels and rate relationships our conclusions are in accordance with that stated in Section XII.

XVI. ORDER

240. Accordingly, in view of our findings and conclusions herein and pursuant to sections 4, 201–205 and 403 of the Act: *It is ordered*, That revised rate levels for the major categories of interstate service at issue herein shall be filed within eight (8) months from the effective date hereof and in accordance with costing guidelines and methodologies specified in Section XIII, supra.

241. *It is further ordered*, That in accordance with Section XIII hereof, Bell and Western Union shall consult with the staff of the Common Carrier Bureau to revise FDC Methods 1 and 7 procedures and forecasting techniques, the results of same to be reported to the Commission within three (3) months from the effective date hereof;

242. *It is further ordered*, That within eight (8) months from the effective date hereof, Bell shall terminate its existing TELPAK offering, but may file a replacement bulk offering consistent with our findings and guidelines herein.

243. *It is further ordered*, That all extant accounting orders herein are hereby TERMINATED; and

[138] We conclude that the LRIC and marginal costing methodologies of record are inadequate to allow us to perform our statutory functions for the reasons setforth in Sections IX–XI.

244. *It is further ordered*, That these proceedings are terminated.

FEDERAL COMMUNICATIONS COMMISSION,[139]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29658 Filed 10-7-76;8:45 am]

[Report No. 826]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

OCTOBER 4, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by which ever date is earlier (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[139] Additional views of Chairman Richard E. Wiley, dissenting statement of Commissioner Benjamin L. Hooks, and statement of Commissioner Abbott Washburn, concurring in part and dissenting in part, filed as part of the original document.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22891-CD-P/ML-76, Edward C. Smith d.b.a. AnsweRite Professional Telephone Service (KQZ713). C.P. to relocate facilities operating on 152.24 MHz to be located at Westminster Towers, 70 W. Lucerne Street, Orlando, Florida.

22892-CD-MP-76, Empire Paging Corporation (KEC933). Modification of C.P. to change antenna system and relocate facilities operating on 454.150 MHz at Loc. No. 3 to be located at Westchester Community College, Valhalla, New York.

22893-CD-P-76, Stockbridge and Sherwood Telephone Company (KWH347) C.P. to change antenna system operating on 152.84 MHz located on State Hwy. No. 55, South of Village Limits, Sherwood, Wisconsin.

22894-CD-P-(2)-76, Charlotte Message Center, Inc. (KIQ513). C.P. to change antenna system and replace transmitter operating on 152.21 MHz and for additional facilities to operate on 454.100 MHz located on US Hwy. No. 17, 1 mile East of Center of city, Punta Gorda, Florida.

22895-CD-P-76, Charlotte Message Center, Inc. (New) C.P. for a new 1-way station to operate on 152.24 MHz to be located on US Hwy. No. 17, 1 mile East of Center of city, Punta Gorda, Florida.

22896-CD-P-76, Telepage, Inc. (KLF605) C.P. to relocate control facilities operating on 158.61 MHz at Loc. No. 2 to be located at 1609-B Broadway, Bellingham, Washington.

22897-CD-P-(14)-76, Hawaiian Telephone Company (KLF527). C. P. to change antenna system and for additional facilities to operate on 152.84 MHz to be located at: Loc. No. 1: Aiea Switching Center, 98-333 Kaamilo St., Aiea, Hawaii; Loc. No. 2: Puuloa Switching Center, Nimitz and Main St., Honolulu, Hawaii; Loc. No. 3: Moanalua Yard, 1021 Kikowaena Place, Honolulu, Hawaii; Loc. No. 4: 1177 Bishop St., Honolulu, Hawaii; Loc. No. 5: Ilikai Bldg., 1777 Ala Moana Blvd., Honolulu, Hawaii; Loc. No. 6: Kaimuki Switching Center, 1103 9th Avenue, Honolulu, Hawaii, Loc. No. 7: Koko Head, 9 miles SE. of Honolulu, Hawaii; Loc. No. 8: Puu Papaa Radio Station, 2.2 miles NW. of Kailua, Puu Papaa, Hawaii; Loc. No. 9: Kahuku Radio Station, 2.3 miles NW. of Kahuku, Hawaii; Loc. No. 10: Waialua Center Office, 66-489A Waialua Beach Rd., Haleiwa, Hawaii; Loc. No. 11: Wahiawa Center Office, 252 Koa St., Wahiawa, Hawaii; Loc. No. 12: Nanakuli Center Office, 89-210 Farrington Hwy., Nanakuli, Hawaii; Loc. No. 13: Makaha 84-1130 Kaulawaha Rd., Makaha, Hawaii; Loc. No. 14: Corner of Makakilo Dr. & Nohohale St., Makakilo, Hawaii.

22898-CD-R-76, Clifton Telephone Company (KLB579). Renewal of license expiring December 10, 1976. Term: December 10, 1976 to July 1, 1978.

22899-CD-P-76, Anserfone of St. Lucie County, Inc. (KIG838). C.P. to change, antenna system operating on 454.100 MHz located at 200 South 7th Street, Fort Pierce, Florida.

22901-CD-P-76, Radiotelephone Company of Indiana, Inc. (KUC846). C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located at 1 Indiana Square, Indianapolis, Indiana.

22902-CD-TC-76, Fidelity Telephone Company. Consent to Transfer of Control from Katherine K. Davis, Transferor to Katherine K. Davis, et al., Transferees. Station: KDN401, Sullivan, Missouri.

22904-CD-P-76, Beep Communication Systems, Inc. (KEC739). C.P. to change antenna system and relocate facilities operating on 152.12 MHz to be located at 2.5 miles SW. of Coram, New York.

22905-CD-MP-76, Empire Paging Corporation (KGI778). Modification of CP to replace transmitter, change antenna system and relocate facilities operating on 454.275 MHz to be located at 1 Fairchild Avenue, Plainview, New York, Loc. No. 4.

22906-CD-AP-76, Stanger's Telephone Answering Service, Inc. Consent to Assignment of CP from Stangers Telephone Answering Service, Inc., Assignor to Digital Paging Systems of Toledo, Inc., Assignee. Station: KWU348, Toledo, Ohio.

CORRECTIONS

22824-CD-P-(2)-76, Aircall. Correct to add call sign (KIY395). All other particulars to remain as reported on PN No. 825 dated September 27, 1976.

MAJOR AMENDMENT

21845-CD-P-(6)-76, R.C.S., Inc., San Luis Obispo, California (KMD689). Amend repeater frequency 2129.2 MHz to read 2110.8 MHz at Loc. No. 1. Change control frequency 2179.2 MHz to 2160.8 MHz at Loc. No. 2, control frequency 2110.8 MHz to 2129.2 MHz at Loc. No. 3, and control frequency 2160.8 MHz to 2179.2 MHz at Loc. No. 4. All other particulars to remain as reported on PN No. 803 dated April 26, 1976.

APPLICATIONS ACCEPTED FOR FILING

RURAL RADIO SERVICE

60464-CR-P-76, Continental Telephone Company of the West (New). C.P. for a new rural subscriber station to operate on 158.04 MHz to be located at 4 Corners No. 6 Mine, 12 miles West and 1 mile North of Green River, Utah.

60465-CR-P/L-76, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 48.8 Km (30.3 miles) South of Bitter Creek, Wyoming.

60466-CR-P/L-76, Puerto Rico Communications (New). C.P. and License for new Rural Subscriber Fixed facilities to operate on 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525, 459.550 MHz at 32 sites as follows:

60466-CR-P/L-76, Same, except located at Bo. Turabo Arriba Carr. 172 Km. 1.6, Caguas, Puerto Rico.

60467-CR-P/L-76, Same, except located at Bo Tomas de Castro Carr. 788 Km. 6.1, Caguas, Puerto Rico.

60468-CR-P/L-76, Same, except located at Bo. Santa Olaya Carr. 829 Km. 5.5, Bayamon, Puerto Rico.

60469-CR-P/L-76, Same, except located at Bo. Tomas de Castro I, Carr. 788 Km. 3.5, Caguas, Puerto Rico.

60470-CR-P/L-76, Same, except located at Bo. Pulguilla, Carr. 723 Km. 3.4, Albonito, Puerto Rico.

60471-CR-P/L-76, Same, except located at Bo. Beatriz, Carr. 1 Km. 49.6, Caguas, Puerto Rico.

60472-CR-P/L-76, Same, except located at Bo. San Salvador, Carr. 765 Km. 8.1, Caguas, Puerto Rico.

60473-CR-P/L-76, Same, except located at Bo. Mulita Albelo, Ramal 781 Km. 2.6, Aguas Buenas, Puerto Rico.

60474-CR-P/L-76, Same, except located at Bo. Tomas de Castro, Carr. 788 Km. 1.8, Caguas, Puerto Rico.

60475-CR-P/L-76, Same, except located at Bo. Tomas de Castro II, Carr. 789, Caguas, Puerto Rico.

60476-CR-P/L-76, Same, except located at Bo. Borinquen, Las Parcelas, Caguas, Puerto Rico.

60477-CR-P/L-76, Same, except located at Bo. Bayamoncito, Carr. 156 Km., 43.6, Aguas Buenas, Puerto Rico.

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RURAL RADIO

60478–CR–P/L–76, Same except, Bo. Sumidero Carr. 173 Km. 6.2, Aguas Buenas, Puerto Rico.

60479–CR–P/L–76, Same except, Bo. Sonadora Carr. 792 Km. 4.5, Aguas Buenas, Puerto Rico.

60480–CR–P/L–76, Same except, Bo. Juan Asencio Carr. 781 Km. 2, Aguas Buenas, Puerto Rico.

60481–CR–P/L–76, Same except, Bo. Certenejas Carr. 172 Km. 3.0, Caguas, Puerto Rico.

60482–CR–P/L–76, Same except, Bo. Mulita Tiza Carr. 790 Km. 2.1, Aguas Buenas, Puerto Rico.

60483–CR–P/L–76, Same except, Bo. Mula Carr. 156 Km. 46.5, Aguas Burnas, Puerto Rico.

60484–CR–P/L–76, Same except, Bo. Canabon Carr. 784 Km. 1.1, Caguas, Puerto Rico.

60485–CR–P/L–76, Same except, Bo. Bayamoncito Carr. 156 Km. 42.6, Aguas Buenas, Puerto Rico.

60486–CR–P/L–76, Same except, Bo. Guaraguao Carr. 174 Km. 10.7, Bayamon, Puerto Rico.

60487–CR–P/L–76, Same except, Bo. Higuillar Carr. 695 Km. 4.3, Dorado, Puerto Rico.

60488–CR–P/L–76, Same except, Bo. Sierra Rabanal Carr. 722 Km. 2.8, Albonito, Puerto Rico.

60489–CR–P/L–76, Same except Bo. Nuevo, Carr. 816 Km. 5.8, Bayamon, Puerto Rico.

60490–CR–P/L–76, Same except Bo. Llanos Adentro, Carr. 725 Km. 2.7, Albonito, Puerto Rico.

60491–CR–P/L–76, Same except Bo. Tomas de Castro II, Carr. 789 Km. 3.3, Caguas, Puerto Rico.

60492–CR–P/L–76, Same except Bo. Borinquen, Carr. 763 Km. 6.1, Caguas, Puerto Rico.

60493–CR–P/L–76, Same except Bo. Amoldadero, Carr. 727 Km. 2.3, Albonito, Puerto Rico.

60494–CR–P/L–76, Same except Bo. Beatriz, Carr. 1 Km. 46.6, Caguas, Puerto Rico.

60495–CR–P/L–76, Same except Bo. Borinquen, Carr. 763 Km. 0.7, Caguas, Puerto Rico.

60496–CR–P/L–76, Same except Bo. Beatriz, Carr. 1 Km. 45.5, Caguas, Puerto Rico.

60497–CR–P/L–76, Same except Bo. Juan Asencio, Carr. 781 Km. 0.2, Aguas Buenas, Puerto Rico.

POINT TO POINT MICROWAVE RADIO SERVICE

8161–CF–P–76, Pacific Northwest Bell Telephone Company (KOC65), 819 SW. Oak Street, Portland, Oregon, Lat. 45°31'22" N., Long. 122°40'42" W. C.P. to add frequencies 6004.5V and 11645.0V MHz toward Oregon City, Oregon.

8162–CF–P–76, Same (KOS29), 4.3 miles ENE. of Oregon City, Oregon. Lat. 45°22'56" N., Long. 122°31'13" W. C.P. to add frequencies 6256.5H 10715.0V MHz toward Portland, Oregon and 6197.2V 6286.2H MHz toward Silverton, Oregon.

8163–CF–P–76, Same (KOS28), 2.8 miles SSE. of Silverton, Oregon. Lat. 44°57'48" N., Long. 122°45'12" W. C.P. to add frequencies 5945.2H 6034.2V MHz toward Oregon City, Oregon and 11525.0V 11605.0V MHz toward Prospect Hill, Oregon.

8164–CF–P–76, Same (KPC61), Prospect Hill, 3 miles East of Independence, Oregon. Lat. 44°51'15" N., Long. 123°7'20" W. C.P. to add frequencies 11075.0V 11155.0V MHz toward Silverton, Oregon.

8165–CF–P–76, Same (KON66), Marys Peak, Oregon. Lat. 44°30'28" N., Long. 123°34' 19" W. C.P. to add frequency 11605.0H MHz toward Old Blue, Oregon; and replace transmitters on frequency Old Blue, Oregon.

8166–CF–P–76, Same (KPU82), 401 Jackson Street, Corvallis, Oregon. Lat. 44°33'59" N., Long. 123°15'38" W. C.P. to add frequency 11155.0H MHz toward Old Blue, Oregon; replace transmitter on frequency 10995.0H MHz toward Old Blue, Oregon.

8168–CF–P–76, American Telephone and Telegraph Company (KPW24), 4.4 miles SSE. of Delta, Utah. Lat. 39°17'18" N., Long. 112°31'44" W. C.P. to change polarization vertical to horizontal on frequencies 3770, 3850, 3930, 4010, 4090, 4170, 3750, 3830, 3910, 3990 and 4070 MHz toward Clear Lake, Utah.

8169–CF–P–76, Same (KPX94), 3.9 miles ESE. of Leamington, Utah. Lat. 39°30'47" N., Long. 112°12'25" W. C.P. to change polarization vertical to horizontal on frequencies 3930, 3810, 3890, 3970, 4050, 4130, 3710, 3790, 3870, 3950 and 4030 MHz toward Delta, Utah.

8197–CF–P–76, The Mountain States Telephone and Telegraph Company (WJM55) Midwest, 7.1 miles NE. of Edgerton, Wyoming Lat. 43°29'42" N., Long. 106°36'52" W. C.P. to add a new point communication on frequency 2171.6V MHz toward Kaycee Jct., Wyoming on azimuth 303.1 degrees.

8198–CF–P–76, Same (New), 1.2 miles East of Kaycee, Wyoming Lat. 43°42'46" N., Long. 106°36'52" W. C.P. for a new station on frequency 2121.6V MHz toward Midwest, Wyoming on azimuth 122.8 degrees.

POINT TO POINT MICROWAVE SERVICES

8199–CF–P–76, The Mountain States Telephone and Telegraph Company (KOS62), 120 East Pennington St., Tucson, Arizona. Lat. 32°13'26" N., Long. 110°58'8" W. C.P. to add frequencies 11285.0V and 11605.0V MHz toward Mt. Lemmon and replace antenna on frequency 11445.0V MHz toward Mr. Lemmon, Arizona.

8200–CF–P–76, Same (KPN80), Mt. Lemmon 18.4 miles NNE. of Tucson, Arizona. Lat. 32°26'21" N., Long. 110°47'14" W. C.P. to add frequencies 10835.0V 11155.0V MHz toward Tucson and 10875.0V 11115.0V MHz toward San Manuel; replace antenna on frequency 10755.0H MHz toward Tucson, Arizona.

8201–CF–P–76, Same (KOQ75), North Avenue G, San Manuel, Arizona Lat. 32°36'9" N., Long. 110°37'55" W. C.P. correct coordinates and increase structure height; and add frequencies 11325.0V 11565.0V MHz toward Mt. Lemmon on azimuth 28.9 degrees; add a new point of communication 11285.0V 11365.0V MHz toward Hayden passive reflector on azimuth 344.1 degrees and from passive reflector toward Hayden, Arizona on azimuth 246.5 degrees.

8202–CF–P–76, Same (WAY33), 236 4th Street, Hayden, Arizona Lat. 33°01'12" N., Long. 110° 46'58" W. C.P. to increase structure height; to change frequencies 6360.5H 11115.0V to 10835.0V 10915.0V MHz toward Hayden passive reflector 2 and from passive reflector toward Pinal Peak, Arizona; to add a new point communication on frequencies 10835.0V 10915.0V MHz toward Hayden passive reflector 1 on azimuth 66.4 degrees and from passive reflector San Manuel, Arizona on azimuth 164.0 degrees.

8203–CF–P–76, Same (KPN86), 8.2 miles SSW. of Globe, Arizona Lat. 33°16'52" N., Long. 110°49'14" W. C.P. to change frequencies 6108.3H 11565.0V to 11565.0V 11285.0V MHz toward Hayden passive reflector 2 and from passive reflector to Hayden; to add frequencies 11665.0V 11425.0V MHz toward Globe, Arizona; replace transmitters and increase output power on frequencies 11505.0V MHz toward Globe and 11445.0H 11685.0V MHz toward Phoenix, Arizona; replace antenna on frequencies 5989.7V 11445.0H MHz toward Phoenix, Arizona.

8204–CF–P–76, Same (KPN87), 150 East Cedar Street, Globe, Arizona Lat. 33°23'48" N., Long. 110°47'10" W. C.P. to add frequencies 10735.0V 10815.0V MHz toward Pinal Peak, Arizona.

8205–CF–P–76, Same (KOV63), 228 West Adams Street, Globe, Arizona. Lat. 33°23'-48" N., Long. 110°4'10" W. C.P. replace transmitters on frequencies 10755.0V 10995.0V MHz toward Pinal Peak, Arizona; and replace antenna on frequencies 6241.7V 10755.0V MHz toward Pinal Peak, Arizona.

APPLICATIONS ACCEPTED FOR FILING

POINT TO POINT MICROWAVE RADIO SERVICE

8182–CF–P–76, Eastern Microwave, Inc. (New), St. Rte. 130—1 mile NW. of Greensburg, Pennsylvania. Lat. 40°18'52" N., Long. 79°34'01" W. Construction permit for new station—11665.0V 11345.0V and 11505.0V MHz toward Connellsville, Pennsylvania on azimuth 191.1 degrees.

8183–CF–P–76, Eastern Microwave, Inc. (New), 2.2 miles West of State Rte. 711 and State Rte. 119, Connellsville, Pennsylvania. Lat. 40°01'10" N., Long. 79°38'32" W. Construction permit for new station—10975.-0H MHz toward Uniontown, Pennsylvania on azimuth 222.9 degrees.

8187–CF–P–76, Mid-Kansas, Inc. (KAK 36), NE. Edge of Clay Center, Kansas. Lat. 39°23'20" N., Long. 97°06'45" W. Construction permit to add 5974.8H MHz toward Concordia, Kansas on azimuth 292.4 degrees.

8187–CF–P–76, United Video, Inc. (WKS 23), Marble City, Oklahoma. Lat. 35°36'23" N., Long. 94°52'07" W. Construction permit to add 6034.2V and 6152.8V MHz toward Van Buren, Arkansas and 6034.2H and 6152.8H MHz toward Poteau, Oklahoma on azimuths 111.1 and 163.8 degrees, respectively.

8172–CF–P–76, United States Transmission Systems, Inc. (WAH 497), 5.0 miles North of Westchester, Pennsylvania. Lat. 40°02'-50" N., Long. 75°31'11" W. Construction permit to add 6286.2H MHz toward Oxford, Pennsylvania on azimuth 230.3 degrees.

8173–CF–P–76, United States Transmission Systems, Inc. (WAH 498), 1.0 mile North of Oxford, Pennsylvania. Lat. 39°48'06" N., Long. 75°58'10" W. Construction permit to add 6004.5H MHz toward Westchester and Delta, both in Pennsylvania on azimuths 50.1 and 259.4 degrees.

8174–CF–P–76, United States Transmission Systems, Inc. (WAH 500), Jarretsville, AKE South, Jacksonville, Maryland. Lat. 39°30'-54" N., Long. 76°33'35" W. Construction permit to add 6004.5H MHz toward Delta, Pennsylvania and Ellicott City, Maryland on azimuth 34.0 and 229.5 degrees, respectively.

8176–CF–P–76, United States Transmission Systems, Inc. (WAH 501), 11910 Carrol Mill Rd., Ellicott City, Maryland. Lat. 39°16'00" N., Long. 76°55'56" W. Construction permit to add 6286.2H MHz toward Jacksonville, Maryland and 6286.2V MHz toward Rockville, Maryland on azimuths 49.2 and 226.2 degrees, respectively.

8177–CF–P–76, United States Transmission Systems, Inc. (WBA 729), 1.3 mile North of Rockville, Maryland. Lat. 39°06'10" N., Long. 77°09'16" W. Construction permit to add 6004.5V MHz toward Ellicott City, Maryland on azimuth 46.5 degrees.

POINT TO POINT MICROWAVE RADIO SERVICE

Corrections

7979–CF–P/L–76, The Western Union Telegraph Co. (KNK 55), 125 12th St., Oakland, California. This entry appearing in Public Notice of September 20, 1976 is corrected to show 3790V and 4030V MHz toward San Francisco, California on azimuth 236.6 degrees and to exclude 3870V and 4110V MHz toward Pleasanton, California on azimuth 118.0 degrees. All other particulars remain the same.

7980–CF–P/L–76, The Western Union Telegraph Co. (NKN 54) San Francisco, No. 1, Central Towers Building, San Francisco, California. This entry appearing in Public Notice of September 20, 1976 is corrected to show 3910V MHz toward Oakland, California. All other particulars remain the same.

[FR Doc.76–29660 Filed 10–7–76;8:45 am]

[Report No. I–277]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

OCTOBER 4, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations, or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

503–DSE–P–76, Caddo-Bossier Cablevision, Inc., Shreveport, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 32°26'-58" Long. 93°47'36". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

Amendment: Caddo-Bossier Cablevision, Inc., Shreveport, Louisiana. For authority to amend its application to carry Station WTGC–TV, Atlanta, Georgia.

Correction: Report No. I–274, Western Telecommunications, Inc., Lookout Mtn., Colorado. Coordinates should have read Lat. 39°43'43" Long. 105°15'01".

[FR Doc.76–29659 Filed 10–7–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 165]

ASSIGNMENT OF HEARINGS

OCTOBER 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 111729 (Sub-No. 571), Purolator Courier Corp. now assigned October 18, 1976, at Kansas City, Missouri, instead of Omaha, Nebraska, and will be held in Room 609, Federal Office Building, 911 Walnut Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29699 Filed 10–7–76;8:45 am]

[Notice No. 164]

ASSIGNMENT OF HEARINGS

OCTOBER 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114737 (Sub 7), O & A Tex-Pack Express, Inc., now being assigned December 6, 1976 (2 weeks), at Santa Fe, New Mexico, in a hearing room to be later designated.

MC 56640 (Sub 35), Delta Lines, Inc., now being assigned November 8, 1976 (2 weeks), at San Francisco, California, in a hearing room to be later designated.

MC–F 12678, Jenkins Truck Line, Inc.—Control—Larry L. Fenner Transport, Inc. and MC 120298 (Sub 2), Larry L. Fenner Transport, Inc. now being assigned December 1, 1976 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC 51146 (Sub 464), Schneider Transport, Inc. now being assigned November 30, 1976 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC–F 12971, United Van Lines, Inc., H. Goldman, Inc., Daniels Transportation Co., Safeway System, Inc., George B. Holamn & Co., Inc., Sisser Bros., Inc., Stevens Van Lines, Inc., O. J. Glenn & Son, Inc., and Fisher's Moving & Storage Co.—Investigation of Pooling now being assigned December 6, 1976 (1 day) at St. Louis, Missouri, in a hearing room to be later designated.

MC 115331 (Sub 401), Truel Transport, Inc. now being assigned December 7, 1976 (1 day) at St. Louis, Missouri in a hearing room to be later designated.

MC 110563 (Sub 180), Coldway Food Express, Inc. now being assigned December 8, 1976 (3 days) at St. Louis, Missouri, in a hearing room to be later designated.

MC 115904 (Sub-No. 45), Grover Trucking Co., now being assigned January 11, 1977 (2 days), at Denver, Colorado, in a hearing room to be later designated.

MC 142162, Bralen Trucking Co., Inc., now being assigned January 13, 1977, (2 days), at Denver, Colorado, in a hearing room to be later designated.

MC 115931 (Sub-No. 41), Bee Line Transportation, Inc., now being assigned January 17, 1977, (1 week), at Billings, Montana, in a hearing room to be later designated.

MC 141253, Cornucopia, Inc., now being assigned January 24, 1977 (1 week), at Boise, Idaho, in a hearing room to be later designated.

MC 2900 (Sub 292), Ryder Truck Lines, Inc., now being assigned December 1, 1976 (1 day), at Little Rock, Arkansas, in a hearing room to be later designated.

MC 129615 (Sub-No. 17), American International Driveaway, now assigned November 2, 1976, has been postponed to December 7, 1976 (9 days) at Chicago, Illinois, in a hearing room to be later designated.

MC–C 8688, Auto Driveaway v. American International Driveaway, now being assigned December 7, 1976 (9 days) at Chicago, Illinois; in a hearing room to be later designated.

AB 19 (Sub 24), Baltimore and Ohio Railroad Company Abandonment Portion Elk Branch Between Hartland and Clendenin, In Clay and Kanawha Counties, West Virginia, now assigned November 11, 1976, at Clay, West Virginia, is now being advanced to November 9, 1976 (2 days) at Clay, West Virginia, and will be held in the Clay County Courthouse, Circuit Court Room.

MC–C 9026, The O.K. Trucking Co. v. Overnite Transportation Co., now being assigned December 6, 1976 (1 day), at Frankfort, Kentucky, in a hearing room to be later designated.

MC 2229 (Sub 192), Red Ball Motor Freight, Inc., now being assigned December 6, 1976 (2 weeks), at Atlanta, Georgia, in a hearing room to be later designated.

MC–C 9081, Miami Transfer Co., Inc.—Investigation and Revocation of Certificate of Registration, now being assigned December 1, 1976 (2 days) at Tallahassee, Florida, in a hearing room to be later designated.

MC 121597 (Sub 5), Chickasaw Motor Line, Inc., now being assigned January 10, 1977 (2 weeks), at Nashville, Tennessee, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29700 Filed 10–7–76;8:45 am]

[Rule 19; Ex Parte No. 241; 26th Rev. Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register,[1] L.C.C.–R.E.R. No. 400 issued by W. J. Trezise, or successive issues thereof, as having

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mechanical designation "XM", with inside length 44-ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchinson, Topeka and Santa Fe Railway Co.
Reporting Marks: ATSF
Atlanta and Saint Andrews Bay Railway Co.
Reporting Marks: ASAB
The Baltimore and Ohio Railway Co.
Reporting Marks: BO
Bangor and Aroostook Railroad Co.[1]
Reporting Marks: BAR
The Chesapeake and Ohio Railway Co.
Reporting Marks: CO–PM
Chicago, Rock Island and Pacific Railroad Co.
Reporting Marks: RI–ROCK
Chicago, West Pullman & Southern Railroad Co.
Reporting Marks: CWP
The Denver and Rio Grande Western Railroad Co.
Reporting Marks: DRGW
Detroit and Mackinac Railway Co.
Reporting Marks: D&M–DM
Elgin, Joliet and Eastern Railway Co.
Reporting Marks: EJE
Illinois Terminal Railroad Co.
Reporting Marks: ITC
Louisville and Nashville Railroad Co.
Reporting Marks: CIL–L&N–MON–NC
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Co.
Reporting Marks: MKT
Missouri Pacific Railroad Co.
Reporting Marks: CEI–MI–MP–TP
Southern Railway Co.
Reporting Marks: CG–NS–SA–SOU
St. Louis-San Francisco Railway Co.
Reporting Marks: SLSF
Union Pacific Railroad Co.
Reporting Marks: UP
Western Maryland Railway Co.
Reporting Marks: WM

Effective 12:01 am, October 1, 1976 and continuing in effect until further order of this Commission.

Issued at Washington. DC, September 23, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76–29693 Filed 10–7–76;8:45 am]

[Rule 19; Ex Parte No. 241; 26th Rev. Exemption No. 10–A]

MANDATORY CAR SERVICE RULES

Exemption

Upon further consideration of Twenty-sixth Revised Exemption No. 10 issued September 23, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Twenty-sixth Revised Exemption No. 10 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, vacated and set aside.

This amendment shall become effective 12:01 am, October 7, 1976.

[1] Deleted: Bensomer and Lake Erie Railroad Co.

Issued at Washington, D.C., September 29, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76–29692 Filed 10–7–76;8:45 am]

[Notice No. 132]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 4, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28088 (Sub-No. 21TA), filed September 27, 1976. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main St., Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products* (except in bulk, in tank vehicles), from Evington, Va., to airports and ports in Virginia, Maryland, Pennsylvania, New Jersey and New York, restricted to shipments moving in international commerce and having a subsequent movement by air or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harman Enterprises, Inc., dba Cavalier Export Co., Rt. 1, Box 27, Evington, Va. 24550. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

No. MC 88368 (Sub-No. 30TA), filed September 20, 1976. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: David A. Welte, 209 W. 47th St., Kansas City, Mo. 64112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture;* (a) between warehouses in Kansas City, Mo., Denver, Colo.; Omaha, Nebr., and Seattle, Wash., and any combination thereof; (b) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, Arkansas, points on and south of Highway No. 30 in Nebraska, from Grand Island West, points on and east of Highway No. 71 in Colorado, and points on and south of Highway No. 34 in Iowa East from Osceola; (c) between Omaha, Nebr., on the one hand, and, on the other, points in Nebraska, Iowa, Minnesota, North Dakota, South Dakota, points on and north of Highway No. 34 in Colorado East from Loveland, points on and east of Highway No. 25 in Wyoming, and points in and north of Highway No. 36 in Kansas; (d) between Denver, Colo., on the one hand, and, on the other, points in Colorado, New Mexico, Utah, Wyoming, Billings, Mont., points on and west of Highway No. 83 in Nebraska, North Dakota and South Dakota, and points on and north or west of Highway No. 80 and 87 in Texas to the junction of 80 and 87 at Big Springs, Tex.; and (e) between Seattle, Wash., on the one hand, and, on the other, points in Washington, Oregon, Alaska, and points in California on and north of Highway No. 299, and points on and west of Highway No. 93 in Idaho and Montana; (2) *Food service equipment*, between the commercial zone of Kansas City, Mo., on the one hand, and, on the other, points in the United States; and (3) *Kitchen and bath cabinets*, between Des Moines, Iowa on the one hand, and, on the other, points west of the Mississippi River, for 180 days. Supporting shippers: Francisco Cabinet Corp., 1525 Illinois, Des Moines, Iowa. Beebe & Runyan Furniture Co., 105 S. 9th St., Omaha, Nebr. 68102. Metcraft, Inc., 1203 Main, Grandview, Mo. 64040. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 107403 (Sub-No. 985TA), filed September 27, 1976. Applicant: MATLACK, INC., Ten West Valtimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee and Wisconsin, for 180 days. Supporting shipper: Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 113959 (Sub-No. 8TA), filed Septemebr 27, 1976. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from the plantsite and storage facilities of Olin Corporation, at or near Charleston, Tenn., to points in South Carolina, under a continuing contract with Olin Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Olin Corporation, 120 Long Ridge Road, Stamford, Conn. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 115496 (Sub-No. 44TA), filed September 24, 1976. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, from the plantsites of Champion International Corp., at or near Waycross, Ga., to points in South Carolina; (2) *Plywood, paneling, and composition board*, from the plantsites of Champion International Corp., at or near Orangeburg, S.C., to points in Georgia; (3) *Plywood, paneling, and composition board*, from the plantsites of Champion International Corp., at Charleston, S.C., to points in Georgia; and (4) *Composition hardboard*, from the plantsites of Champion International Corp., at or near Catawba, S.C., to points in Georgia. Restrictions: (1) Restricted against the transportation of commodities in bulk and (2) Restricted to traffic orginating at the plantsites of Champion International Corp., for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW, Room 546 Atlanta, Ga. 30309.

No. MC 117765 (Sub-No. 213TA), filed September 27, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, in containers or bags, from the plantsite of Persolite Products, at or near Florence, Colo., to points in Oklahoma, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Perlite of Oklahoma, 3304 Alexander Lane, Bethany, Okla. 73008, Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW Third St., Oklahoma City, Okla. 73102.

No. MC 120981 (Sub-No. 21TA), filed September 23, 1976. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tenn. 37201. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Pikeville, Ky., and Huntington, W. Va., from Pikeville, Ky.; over U.S. 119 to Williamson, W. Va., thence over U.S. 52 to Huntington, W. Va., and return over the same route, serving all intermediate points; (2) between Prestonsburg, Ky., and Ashland, Ky.; from Prestonsburg, Ky., over U.S. 23 to Ashland, Ky., and return over the same route, serving all intermediate points; (3) between Saylersville, Ky., and the junction of U.S. 460 and U.S. 23 near Paintsville, Ky.; from Saylersville, Ky., over U.S. 460 to the junction of U.S. 23 near Paintsville, Ky., and return over the same route, serving all intermediate points; (4) between Lexington, Ky., and Saylersville, Ky.; from Lexington, Ky., over U.S. 60 to Winchester, Ky., thence over Kentucky Highway 15 to Clay City, Ky., thence over Mountain Parkway to Saylersville, Ky., and return over the same route, serving no intermediate points; (5) between Lexington, Ky., and Charleston, W. Va., from Lexington, Ky., over U.S. 60 to Charleston, W. Va., and return over the same route, serving all intermediate points east of Owingsville, Ky., and its commercial zone.

(6) Between Lexington, Ky., and Clay City, Ky.; from Lexington, Ky., over Interstate Highway 64 to junction of Mountain Parkway, thence over Mountain Parkway to Clay City, Ky., and return over the same route, serving no intermediate points, and serving Clay City, Ky., for joinder only, as an alternate route for operating convenience only; (7) between Lexington, Ky., and Charleston, W. Va.; from Lexington, Ky., over Interstate Highway 64 to Charleston, W. Va., and return over the same route, serving the junctions of Kentucky Highway 1, Kentucky Highway 2, Kentucky Highway 5, and Kentucky Highway 32, for joinder only, as an alternate route for operating convenience only; (8) between the junction of Interstate Highway 64 and Kentucky Highway 32 and Morehead, Ky., from the junction of Interstate Highway 64, and Kentucky Highway 32 over Kentucky Highway 32 to Morehead, Ky., and return over the same route, serving all intermediate points; (9) between the junction of Interstate Highway 64 and Kentucky Highway 2 and Olive Hill, Ky., from the junction of Interstate Highway 64 and Kentucky Highway 2 over Kentucky Highway 2 to Olive Hill, Ky., and return over the same route, serving all intermediate points; (10) between the junction of Interstate Highway 64 and Kentucky Highway 1 and Grayson, Ky., from the junction of Interstate Highway 64 and Kentucky Highway 1 over Kentucky Highway 1 to Grayson, Ky., and return over the same route, serving all intermediate points; (11) between the junction of Interstate Highway 64 and Kentucky Highway 5 and Ashland, Ky., from the junction of Interstate Highway 64, and Kentucky Highway 5 over Kentucky Highway 5 to Ashland, Ky., and return over the same route, serving all intermediate points.

(12) Between Saylersville, Ky., and Pikeville, Ky., from Saylersville over Kentucky Highway 114 to Prestonsburg, Ky., thence over Highway 460 to Pikeville, Ky., and return over the same route, serving all intermediate points, restricted against transportation of traffic originating at, destined to, or interchanged at Huntington, W. Va., and points in its commercial zone, moving between Huntington and points in its commercial zone, on the one hand, and, on the other, points on those routes described in (1), (2), (3) and (12) above, points on Highway 60 between and including Olive Hill, Ky., and Huntington, W. Va., and points in their commercial zone, or all points on those routes described in (1), (2), (3) and (12) above, and on U.S. Highway 60 between and including Olive Hill, Ky., and Huntington, W. Va. Authority is sought to serve the commercial zones of all points and places set forth in routes (1) through (12) above. Applicant intends to tack its existing authority with MC 120981 and subs thereunder. Applicant also intends to interline at Baton Rouge, La.; Jackson, Miss.; Nashville, Tenn., Lexington, Ky., and Huntington and Charleston, W. Va., for 180 days. Supporting shippers: There are approximately 72 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, DC or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 123048 (Sub-No. 345TA), filed September 24, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., PO Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less, and *attachments, parts and accessories* therefor when moving in

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mixed loads therewith, from the facilities of Ford Motor Company, at Troy, Mich., to points in Indiana, Lower Peninsula of Michigan, and Ohio, points in that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50, points in that part of Kentucky east of U.S. Highway 127, points in New York west of a line beginning at the New York-Pennsylvania state line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., and those points in Pennsylvania and West Virginia located west of U.S. Highway 219. Restriction: The authority granted herein is restricted to the transportation of traffic from the facilities of Ford Motor Company, at or near Troy, Mich., and destined to points in the states named above. Restriction: Restricted to the transportation of traffic having a prior movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Company, Ford Tractor Operations, 2500 E. Maple, Troy, Mich. 48084. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 123885 (Sub-No. 23TA), filed September 24, 1976. Applicant: C & R TRANSFER CO., PO Box 1010, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home truss rafters*, from Sioux Falls, S. Dak., to Blue Earth, Minn., and Tekamah, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunrise Manufacturing, 1105 North Cliff, Sioux Falls, S. Dak. 57101. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 124813 (Sub-No. 156TA), filed September 27, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., PO Box 166, Eagle Grove, Iowa 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from the facilities of American Cyanamid, at or near Alden, Iowa, to Burlington, Ind., and Hamilton, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Company, PO Box 400, Princeton, N.J. 08540. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Oprations, Interstate Commerce Commission, 518 Federal Bldg., Des. Moines, Iowa 50309.

No. MC 133816 (Sub-No. 10TA), filed September 27, 1976. Applicant: K & K WHOLESALE CO., P.O. Box 222, Lowell, Oreg. 97452. Applicant's representative: Howard E. Speer, 835 East Park St., Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone and landscape boulders*, from points in Mono County, Calif., to points in Thurston County and King County, Wash., for 180 days. Supporting shipper: Featherrock, Inc., 2890 Empire Ave., Burbank, Calif. 91510. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140262 (Sub-No. 1TA), filed September 22, 1976. Applicant: VIKING TRANSPORT, INC., 1384 East F St., Oakdale, Calif. 95361. Applicant's representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded destined scrap tinplate and cans*, in bulk, in high-cube capacity, side-dumping dump vehicles, from Antelope, Calif., to Weed Heights, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Anaconda Company, PO Box 1000, Weed Heights, Nev. 89443. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 140421 (Sub-No. 10TA), filed September 27, 1976. Applicant: ACTION MOTOR EXPRESS, INC., PO Box 29102, 8303 Old Gentilly Road, New Orleans, La. 70189. Applicant's representative: Sandra H. Roberson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and lumber*, from the plantsite of U.S. Plywood, New Orleans, La., to points in Mississippi *and return loads*, from the plantsite of Delta Pine Plywood Co., at Beaumont, Miss., to points in Louisiana east of the Mississippi River, and points in the commercial zones of New Orleans and Baton Rouge, La., under a continuing contract with U.S. Plywood and Delta Pine Plywood Company, for 180 days. Supporting shippers: U.S. Plywood, PO Box 29447, New Orleans, La. 70189; Delta Pine Plywood Company, Box 247, Beaumont, Miss. 39423. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Postal Service Bldg., New Orleans, La. 70113.

No. MC 141133 (Sub-No. 1TA), filed September 27, 1976. Applicant: STANLEY A. KNAPPENBERGER, 217 New St., Walnutport, Pa. 18088. Applicant's representative: Marshall Kragen, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals, scrap iron, scrap steel and crushed automobiles*, between points in Berks, Bradford, Bucks, Carbon, Columbia, Dauphin, Lackawanna, Lehigh, Luzerne, Mifflin, Monroe, Montour, Northampton, Northumberland, Pike, Schuykill, Susquehanna, Wayne, and Wyoming Counties, Pa., on the one hand, and, on the other, Auburn and Long Island City, N.Y., and Burlington, Florence, Jersey City, Phillipsburg, Newark, and Sayreville, N.J., under a continuing contract with Wallace I. Putkowski Co., for 180 days. Supporting shipper: Wallace I. Putkowski Co., RD No. 1, Lehoghton, Pa. 18235. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 142356 (Sub-No. 1TA), filed September 24, 1976. Applicant: J. S. BRYANT TRUCKING COMPANY, INC., Route 3, P.O. Box 214C, Lynchburg, Va. 24504. Applicant's representative: Michael L. Rigsby, 200 West Gract St., Suite 415, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and shredded scrap steel*, between Kernersville, Statesville and Winston-Salem, N.C., on the one hand, and, on the other, Lynchburg, Radford and Roanoke, Va., under a continuing contract with Brenner Iron & Metal Company and L. Gordon Iron & Metal Company, for 180 days. Supporting shippers: Brenner Iron & Metal Company, 3415 Gleen Ave., Winston-Salem, N.C. 27015. L. Gordon Iron & Metal Company, Salisbury Road, Statesville, N.C. 28677. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29691 Filed 10-7-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 5, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 26, 1976.

FSA No. 43247—*Pipeline Rates—Petroleum Products from and to the Southwest.* Filed by Kaneb Pipe Line Co. (KPL), (No. 3), for interested carriers. Rates on petroleum products, as described in the application, from points in Kansas and Oklahoma, to Milford, Iowa.

Grounds for relief—Carrier competition.

Tariff—Kaneb Pipe Line Co. tariff 1–G, I.C.C. No. 11. Rates are published to become effective on November 1, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29698 Filed 10-7-76;8:45 am]

[Notice No. 43]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 8, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76594. By application filed September 30, 1976, SOUTHWAY TRUCKING, INC., 777 Kenyon Drive, Sumter, South Carolina, 29150, seeks temporary authority to transfer the operating rights of I. S. Johnson, Jr., 416 S. Main Street, PO Box 334, Sumter, South Carolina, 29150, under section 210a(b). The transfer to Southway Trucking, Inc., of the operating rights of I. S. Johnson, Jr., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29689 Filed 10-7-76;8:45 am]

[Notice No. 44]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 8, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76757. By application filed August 30, 1976, E. W. Belcher Trucking, Inc., 201 Dallas Drive, Denton, TX, 76201, seeks temporary authority to transfer the operating rights of John Grant Everett, d.b.a. E & P Truck Service, Route 2, McCrory, Arkansas, under section 210a(b). The transfer to E. W. Belcher Trucking Inc., of the operating rights of John Grant Everett, dba E & P Truck Service, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29690 Filed 10-7-76;845 am]

[Rule 19; Ex Parte No. 241; 23d Rev. Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY ET AL.

Exemption Under Mandatory Car Service

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, that pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway
Reporting Marks: ATW
Chicago & Illinois Midland Railway Co.
Reporting Marks: CIM
Fonda, Johnstown and Gloversville Railroad Co.
Reporting Marks: FJG
Hartford and Slocomb Railroad Co.
Reporting Marks: HS
Louisiana Midland Railway Co.
Reporting Marks: LOAM
Manufacturers Railway Co.
Reporting Marks: MRS
Maryland and Pennsylvania Railroad Co.
Reporting Marks: MPA
[1] Minneapolis, Northfield and Southern Railway
Reporting Marks: MNS
New Hope and Ivyland Railroad Co.
Reporting Marks: NHIR
Pickens Railroad Co.
Reporting Marks: PICK
Roscoe, Snyder and Pacific Railway Co.
Reporting Marks: RSP
Wellsville, Addison & Galeton Railroad Co.
Reporting Marks: WAG

Effective October 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 76-29694 Filed 10-7-76; 8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 129]

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, that, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Co.
Reporting Marks: ATSF
Atlanta and Saint Andrews Bay Railway Co.
Reporting Marks: ASAB
The Baltimore and Ohio Railway Co.
Reporting Marks: BO
The Chesapeake and Ohio Railway Co.
Reporting Marks: CO–PM
Chicago, Rock Island and Pacific Railroad Co.
Reporting Marks: RI–ROCK
Chicago, West Pullman & Southern Railroad Co.
Reporting Marks: CWP
The Denver and Rio Grande Western Railroad Co.
Reporting Marks: DRGW
Detroit and Mackinac Railway Co.
Reporting Marks: D&M–DM
Elgin, Joliet and Eastern Railway Co.
Reporting Marks: EJE
Illinois Terminal Railroad Co.
Reporting Marks: ITC
Louisville and Nashville Railroad Co.
Reporting Marks: CIL–L&N–MON–NC
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Co.
Reporting Marks: MKT
Missouri Pacific Railroad Co.
Reporting Marks: CEI–MI–MP–TP
Southern Railway Co.
Reporting Marks: CG–NS–SA–SOU
St. Louis-San Francisco Railway Co.
Reporting Marks: SLSF
Union Pacific Railroad Co.
Reporting Marks: UP
Western Maryland Railway Co.
Reporting Marks: WM

Effective 12:01 am, October 7, 1976 and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 29, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-29695 Filed 10-7-76;8:45 am]

[Rev. S. O. Order No. 994; I.C.C. Order No. 173–A]

GREEN MOUNTAIN RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 173 (Green Mountain Railroad

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Corporation) and good cause appearing therefore:

It is ordered, I.C.C. Order No. 173 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., September 27, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-29696 Filed 10-7-76;8:45 am]

[I.C.C. Order No. 176 Under Revised Service Order No. 994]

NORFOLK AND WESTERN RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Norfolk and Western Railway Co. is unable to transport traffic over its line between Ottumwa and South Ottumwa, Iowa, because of bridge damage.

It is ordered, That: (a) The Norfolk and Western Railway Co., being unable to transport traffic over its line between Ottumwa and South Ottumwa, Iowa, because of bridge damage, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 am, September 23, 1976.

(g) *Expiration date.* This order shall expire at 11:59 pm, October 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, DC, September 23, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-29697 Filed 10-7-76;8:45 am]

federal register

FRIDAY, OCTOBER 8, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

GRANTS

Simplification of Procurement Standards

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Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 74—ADMINISTRATION OF GRANTS

Simplification of Standards for Procurements Under Grants and Other Amendments

The Department of Health, Education, and Welfare (HEW) hereby amends 45 CFR Part 74 as set forth below.

Part 74 of Title 45 of the CFR constitutes HEW's Department-wide grants administration regulation. It was published primarily to implement Office of Management and Budget (OMB) Circular No. A–102, "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments". Circular No. A–102 has since been replaced, with only minor change, by Federal Management Circular (FMC) 74–7 (34 CFR Part 256). Two other FMC's affecting grants are also implemented by 45 CFR Part 74: FMC's 73–8 and 74–4 (34 CFR Parts 254 and 255).

The general purpose of these amendments is to reflect amendments to FMC 74–7 that have been promulgated since the original issuance of Part 74 on September 19, 1973, at 38 FR 26274.

Summary of principal amendments. The principal effects of these amendments are as follows:

1. Heretofore, certain standards pertaining to a procurement made by a grantee under a grant applied only if the aggregate amount of the procurement exceeded $2,500. The figure is raised to $10,000. This amendment is pursuant to FMC 74–7 Supplement 1, issued on June 20, 1975, at 40 FR 26031.

2. The definition of State and local governments is extended to include Federally recognized Indian tribal governments. This amendment is pursuant to FMC 74–7 Supplement 2, issued on November 3, 1975 at 40 FR 51038.

3. A reduction is made in the number of reasons for which the Department may place restrictions on grantees which will limit public access to the grantee's records or to records of their subgrantees or contractors. This amendment reflects a change from OMB Circular No. A–102 made when that circular was replaced by FMC 74–7.

Applicability. This part, by its own terms, applies to HEW grants to State and local governments. However, pursuant to § 74.4(a)(2) much of this part, including some of the provisions affected by these amendments, has been made applicable, by individual HEW granting agencies, to grants to other types of grantees as well.

Timing. These amendments shall apply to new, continuation, or renewal grants which begin on or after the effective date of the amendments. In addition, the recipient of a currently active grant may, at its option, apply to that grant any or all of the pertinent amendments as of their effective date.

Effective date. As these amendments either conform the regulation to existing Government-wide policy or make minor technical changes only, notice of proposed rulemaking procedures and delay in effective date are unnecessary. These amendments shall therefore become effective on the date of their publication in the FEDERAL REGISTER: *Provided, however,* That with respect to programs administered by the Office of Education and the National Institute of Education, these amendments shall become effective upon adoption or implementation in regulations issued by, respectively, the Commissioner of Education and the Director of the National Institute of Education, with the approval of the Secretary of Health, Education, and Welfare.

Dated: October 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

45 CFR Part 74 is amended as follows:

1. The authority statement following the table of sections is amended by deleting all the words following "5 USC 301."

§ 74.3 [Amended]

2. Section 74.3 is amended as follows:

(a) By inserting the following definition before the definition for "Grant":

The term "Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him through the Bureau of Indian Affairs.

(b) By revising the definition for "Grant" to read as follows:

"Grant" means money, or property provided in lieu of money, paid or furnished by the Federal Government to an eligible recipient under programs that provide financial assistance. The term includes such financial assistance when provided by contract, but does not include any Federal procurements subject to the procurement regulations in 41 CFR, nor does it include technical assistance which provides services instead of money or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Also, the term does not include a fellowship or other award of a fixed amount of funds which the recipient is not required to account for on an actual cost basis.

(c) By revising the definition for "local government" to read as follows:

The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, "sponsor or sponsoring local organization" of a watershed project (as defined in 7 CFR 620.2, 40 FR 12472, March 19, 1975), any other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(d) By inserting the following definition after the definition for "State":

The terms "State and local governments" and "State or local government(s)" include Federally recognized Indian tribal governments as well as States and local governments.

(e) By revising the definition of "Subgrant" to read as follows:

"Subgrant" means money, or property provided in lieu of money, paid or furnished by a grantee to an eligible recipient as financial assistance under a grant. The term also includes such financial assistance paid or furnished under a Federal grant by the recipient of such a subgrant, and so on. The term includes financial assistance when provided by contract, but does not include procurements; nor does it include any form of assistance which is excluded from the definition of "grant" in this section.

(f) By revising the definition for "Subgrantee" to read as follows:

"Subgrantee" means the organization or person to which a subgrant is made and which is accountable to the party awarding the subgrant for the use of the funds provided.

3. Section 74.20 is amended by revising the introductory paragraph to read as follows:

§ 74.20 Length of retention period.

HEW will not impose record retention requirements over and above those established by the grantee except that financial records, supporting documents, statistical records, and all other records pertinent to an HEW grant shall be retained for a period of three years. This requirement applies to the pertinent records and documents of grantees, subgrantees, and recipients under grants or subgrants of negotiated contracts (or subcontracts) exceeding $10,000. The requirement is qualified as follows:

* * * * *

4. Section 74.23 is amended by revising Paragraph (b) to read as follows:

§ 74.23 Access to records.

* * * * *

(b) In the case of a subgrant (or negotiated contract or subcontract exceeding $10,000) under a HEW grant, the grantee, HEW, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the subgrantee (or contractor or subcontractor) which the grantee, HEW, the Comptroller General of the United States, or any of their duly authorized representatives determine are pertinent to the specific HEW grant, for the purpose of making audit, examination, and transcripts.

5. Section 74.24 is amended by deleting Paragraph (d) and revising paragraphs (b) and (c) to read as follows:

§ 74.24 Restrictions on public access.

* * * * *

(b) To comply with an executive order or statute which specifically requires the records to be kept secret; or

(c) To protect commercial or financial information obtained from a person or firm on a privileged or confidential basis.

6. Subpart P is revised to read as follows:

Subpart P—Procurement Standards

§ 74.150 Scope of subpart.

(a) This subpart provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment, construction, and other services whose cost is borne in whole or in part as a direct charge by HEW grants. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. No additional procurement standards will be imposed by HEW upon grantees unless specifically required by Federal law or Executive Orders.

(b) Except where indicated otherwise in § 74.159, the requirements of this subpart are applicable only to procurements, and not to subgrants or other forms of financial assistance provided by grantees to third parties.

§ 74.151 General.

(a) Grantees may use their own procurement policies provided that procurements whose cost is borne in whole or in part as a direct charge by HEW grants adhere to the standards set forth in this subpart.

(b) The standards contained in this subpart do not relieve the grantee of the responsibilities arising under its contracts. The grantee is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements that are subject to this subpart. This includes but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

§ 74.152 Code of conduct.

The grantee shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in awarding and administering procurements that are subject to this subpart. The grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State or local law, rules or regulations, or if the grantee is not a State or local government to the extent that the grantee determines that it has the legal and practical capacity for enforcement, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the grantee's officers, employees, or agents, or by contractors or their agents.

§ 74.153 Free competition.

All procurement transactions of the grantee regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

§ 74.154 Procedural requirements.

The grantee shall establish procurement procedures which provide for, as a minimum, the following:

(a) Proposed procurement actions shall be reviewed by appropriate grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(b) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(c) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed under Federal grants.

(d) The type of procuring instruments used (i.e., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the purposes of the grant project or program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(e) If the grantee is a State or local government, formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to § 74.155 is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. When formal advertising is employed by the State or local government:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State or local government grantee, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State or local government grantee.

(3) Any or all bids may be rejected when it is in the State or local government grantee's interest to do so, and such rejections are in accordance with applicable State or local law, rules, and regulations.

§74.155 Negotiated procurements by State or local governments.

(a) Procurements may be negotiated by State or local government grantees if it is not practicable or feasible to use formal advertising. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the granting agency for prior approval if such approval is required by the granting agency;

(3) The aggregate amount involved does not exceed $10,000;

(4) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(5) The material or services are to be procured and used outside the limits of the United States and its possessions;

(6) No acceptable bids have been received after formal advertising;

(7) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, or for technical or specialized supplies requiring substantial initial investment for manufacture;

(8) Negotiation is otherwise authorized by applicable Federal, State, or local law, rules or regulations.

(b) Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

§ 74.156 Contractor responsibility.

Contracts shall be made by grantees only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

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§ 74.157 Records for negotiated procurements by State or local governments.

The procurement records or files of State or local government grantees for negotiated purchases in amounts in excess of $10,000 shall include the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated. Justification for the use of negotiation in lieu of advertising may be provided on a class basis or on an individual contract basis.

§ 74.158 Contract administration system.

A system for contract administration shall be maintained by the grantee to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow up of all purchases.

§ 74.159 Contract and subgrant provisions.

(a) *General.* The grantee shall include provisions to define a sound and complete agreement in all contracts and subgrants which it awards when the contract or subgrant costs are to be borne as a direct charge in whole or in part by an HEW grant.

(b) *Contracts under HEW grants.* (1) If the grantee is a State or local government, its contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such remedial actions as appropriate.

(2) All contracts awarded by State or local government grantees in excess of $10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) In all contracts for construction or facility improvement in excess of $100,000 awarded by grantees or subgrantees, the bonding requirements set forth in Subpart C of this part shall be observed.

(4) All negotiated contracts and subcontracts (except those of $10,000 or less) awarded under grants or subgrants shall include provisions giving access to, and requiring retention of, the contractor's records in accordance with §§ 74.20, 74.21, and 74.23(b).

(5) When required by the HEW grant program enabling legislation, all construction contracts awarded by grantees and subgrantees in excess of $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) as supplemented by Department of Labor regulations (29 CFR Part 5). The grantee shall report all suspected or reported violations to the granting agency.

(6) Where applicable, all construction contracts exceeding $2,000 awarded by grantees and subgrantees, and all other contracts awarded by them which exceed $2,500 and which involve the employment of mechanics and laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as implemented by Department of Labor regulations (29 CFR Part 5).

(c) *Contracts and subgrants under HEW grants.* (1) Provisions for compliance with Executive Order No. 11246, entitled, "Equal Employment Opportunity," as supplemented in Department of Labor regulations (41 CFR Part 60) shall be included in all contracts and subgrants awarded by grantees or subgrantees to which they are applicable.

(2) All contracts and subgrants in excess of $2,000 for construction or repair awarded by grantees or subgrantees shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as implemented in Department of Labor regulations (29 CFR Part 3). The grantee shall report all suspected or reported violations to the granting agency.

(3) All research or development agreements, whether contracts or subgrants, awarded by grantees or subgrantees shall contain a notice to the effect that rights to inventions conceived or first actually reduced to practice in the course of or under the agreement shall be governed by the Department's Patent Regulations (Parts 6 and 8 of this title), implementing terms and conditions of the HEW grant, and any pertinent regulations or other requirements consistent therewith issued by the grantee. The grantee or subgrantee shall assure that the performer of the research or development work either is given all necessary information regarding these matters, or is advised as to the source of such information. This subparagraph shall also apply to nonresearch and nondevelopment awards in fields of science or technology in which there has been little significant experience outside of work funded by the Federal Government.

(4) Contracts and subgrants in excess of $100,000 awarded by grantees or subgrantees shall contain a provision which requires the recipient to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 as amended (42 U.S.C. 1857b. et seq.). Suspected violations shall be reported by the grantee in writing to the regional office of the United States Environmental Protection Agency, with a copy to the granting agency

[FR Doc.76–29606 Filed 10–7–76;8:45 am]

federal register

FRIDAY, OCTOBER 8, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

PRIVACY ACT OF 1974

Interim Rule and Amendment to Notice of Systems of Records

V 41 1 197 OCT 8 76 UMI

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–76–350]

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Interim Rule

Notice is hereby given that the Department of Housing and Urban Development, (hereinafter referred to as the "Department"), is adopting an interim rule amending Part 16 of Subtitle A of Title 24 of the Code of Federal Regulations in order to allow departmental Privacy Officers to deny access to records contained in Privacy Act Records Systems whenever a Privacy Act "specific exemption", provided for at 5 U.S.C. 552a (k), is applicable.

Section 16.6 of the Department's Privacy Act Regulations sets forth the grounds upon which departmental Privacy Officers may deny access to records contained in HUD Privacy Act Records Systems. This section presently allows Privacy Officers to deny access based upon a determination that the record is subject to a "general exemption" described in § 16.14, but fails to provide a basis for denial when a "specific exemption" is applicable under § 16.15.

The public interest dictates that this amendment be made effective immediately, because publication as a proposed rule could require the Department to disclose materials, which if disclosed could seriously interfere with the Department's ability to perform its functions properly. Furthermore, the Department has previously afforded the public an opportunity to comment on its exercise of "specific exemptions" by publishing these as part of the Department's Notice of Systems of Records (40 FR 39738 et seq., 40 FR 47345). The Secretary has, therefore, determined that comment and public procedure prior to adoption of this Amendment is unnecessary and good cause exists for making this Amendment effective October 8, 1976. However, interested persons are encouraged to submit written comments, views or data regarding this Interim Rule promulgated hereby to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Communications should be identified by the above docket number and title. All submissions received on or before Monday, November 8, 1976, will be considered before an adoption of a final rule. A copy of this communication will be available for public inspection during regular business hours at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth in the preceding paragraph.

Therefore, Part 16 of Subtitle A of Title 24 of the Code of Federal Regulations is amended, as follows:

Section 16.6(a) (1) is revised to read, as follows:

§ 16.6 Initial denial of access.

(a) *Grounds.* Access by an individual to a record which pertains to that individual will be denied only upon a determination by the Privacy Officer that:

(1) The record is subject to an exemption under § 16.14, § 16.15 or to an exemption determined by another agency noticing the systems of records;

* * * * * * *

(5 U.S.C. 552a, 88 Stat. 1896, P.L. 93–579; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535 (d), P.L. 89–174).)

Effective date. This amendment shall be effective October 8, 1976.

(It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A–107.)

JOHN B. RHINELANDER,
Under Secretary of Housing and Urban Development.

[FR Doc.76–29457 Filed 10–7–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–76–506]

PRIVACY ACT OF 1974

Proposed and Final Amendments of Notice of Systems Records

On August 28, 1975, in accordance with the Privacy Act of 1974, the Department of Housing and Urban Development (hereinafter referred to as "the Department" or "HUD"), published its proposed Notice of Systems of Records (40 FR 39738 et seq.). The notice was adopted on October 8, 1975, at 40 FR 47435.

On April 22, 1976, the Department published at 41 FR 16850 certain Proposed Amendments of its Systems of Records Notices pursuant to the Privacy Act of 1974, Pub. L. 93–579. By correction published at 41 FR 18901 on May 7, 1976, the period in which interested persons were given the opportunity to comment on the Proposed Amendments was extended through May 30, 1976. No comments were received.

The Proposed Amendments which are adopted by the Department herein included: (1) The addition of a General Routine Use applicable to all the Department's Privacy Act Records Systems that makes available to a Member of Congress or staff, acting upon the Member's behalf, Privacy Act records requested at the request of the individual who is the subject of the Record, and (2) the addition of a routine use applicable only to Systems HUD/DEPT–34 (Pay and Leave Records of Employees) for disclosure of information concerning pay, leave, benefits, retirement deductions and other information to the Civil Service Commission to the extent necessary for the Commission to carry out its Government-wide personnel functions. In addition to adopting the above amendments, the Department proposes:

1. Amendment of the Statement of Routine Uses for the systems of records designated HUD/DEPT–34 (Pay and Leave Records of Employees) by adding a routine use for disclosure to State and local taxing authorities concerning compensation to employees for personal services.

Interested persons may submit written data, views, or arguments in regard to this proposed routine use to the Rules Docket Clerk, Office of the Secretary, 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 on or before Monday, November 8, 1976. All written comments received through said date will be considered by the Department in determining whether publication of this proposed routine use would be in the public interest.

2. Addition of a specific exemption, applicable to System HUD/DEPT–15 (Equal Opportunity Housing Complaints), by adding a specific exemption which will allow the Departemnt to withhold records compiled and maintained for the purpose of enforcing Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. The premature disclosure to the subject individuals or their representatives of investigatory materials compiled in advance of conciliation contained in this System would interfere with the ability of the Department to perform its functions properly in connection with enforcement of these laws. Interested persons may submit written data, views, or arguments in regard to this proposed specific exemption to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 on or before Monday, November 8, 1976. All written comments received through said date will be considered by the Department in determining whether publication of this proposed specific exemption would be in the public interest.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth in the preceding paragraph.

Therefore, the Department of Housing and Urban Development adopts and proposes the following changes:

1. The Department adopts the following General Use:

Routine Use—Disclosure Pursuant to Congressional Inquiry. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

2. HUD Privacy Act System of Records HUD/DEPT–34 is amended to read as follows:

HUD/DEPT–34

System name: Pay and Leave Records of Employees.

System location: Department Central Office:

Categories of individuals covered by the system: HUD employees.

Categories of records in the system: Name, Social Security number and employee number, grade, step and salary; organization, retirement or FICA data as applicable; Federal, state and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime holiday, Sunday and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; co-owner; and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution, of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W–2 statements to Internal Revenue Service and the individual. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Manual, machine-readable and magnetic media.

Retrievability: Name of employee; Social Security Number.

Safeguards: Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Center in accordance with fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

Notification procedure: For inquiry about existence of records, contact the Privacy Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (1) in relation to appeals of initial denials, the HUD Departmental Privacy Officer, Office of Organization and Management

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Information. Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals, supervisors, timekeepers, official personnel records, and IRS.

3. The Department proposes to amend the routine uses of system HUD/DEPT-34 to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution, of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W-2 statements to Internal Revenue Services and the individual and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirements set forth in Section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions.

4. The Department proposes to amend system HUD/DEPT-15, by adding a specific exemption, to read, as follows:

Systems exempted from certain provisions of the Act: Pursuant to 5 U.S.C. 552a(k)(2), all investigatory material, including conciliation files, in records contained in this System which meet the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations in order for the Department's Fair Housing and Equal Opportunity and legal staffs to perform their functions properly.

* * * * *

(It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A-107.)

Issued at Washington, D.C., September 30, 1976.

JOHN B. RHINELANDER,
Under Secretary of Housing and Urban Development.

[FR Doc.76-29471 Filed 10-7-76;8:45 am]

federal register

FRIDAY, OCTOBER 8, 1976

PART IV:

COMMODITY FUTURES TRADING COMMISSION

COMMODITY OPTIONS

Interim Rules and Amendments

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Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

COMMODITY OPTIONS

Interim Rules

The Commodity Futures Trading Commission ("Commission") is considering adopting regulations under the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 1 et seq., relating to commodity options. The regulations are to be adopted in two stages. The first stage involves adoption of the interim regulations that accompany this notice as a new Part 32 of the Commission's regulations. The interim regulations are to become effective November 22, 1976, and will remain in effect thereafter, except to the extent amended by the second stage of the regulations. However, as indicated below, the Commission encourages comments on the proposed interim regulations in order to determine whether they should be modified prior to their adoption. The Commission anticipates the second stage of regulations will become effective in approximately 90 days.[1]

Under the two-stage procedure, the Commission plans to adopt comprehensive regulations for a limited, rigidly-controlled three-year (or shorter) test program that ultimately will require commodity options to be purchased and sold on or through the facilities of Commission-designated boards of trade in the United States or Commission-recognized foreign commodities exchange systems which satisfy stringent self-regulation requirements. The test program will be designed to determine the nature and extent of the impact of commodity option trading on the underlying futures and cash markets, the economic utility of commodity option trading and the capability of the exchanges to conduct adequate market surveillance and to assure orderly markets. The Commission believes that the test program will enable the Commission to obtain sufficient data on which to base a permanent regulatory program concerning commodity options or, if necessary, to determine to prohibit trading in commodity options in the United States. The details of the test program will be provided at the time that the second stage of the regulations is proposed.

The principal authority of the Commission to regulate commodity option transactions is contained in Section 4c of the Act.[2] Section 4c(a)(B) of the Act prohibits the offer and sale of certain commodity options—generally those relating to agricultural commodities.[3] Under Section 4c(b) of the Act, however, it is unlawful to offer or sell an option involving any other commodity regulated under the Act contrary to such rules and regulations as the Commission may prescribe.[4] Section 4c(b) provides in pertinent part as follows:

> No person shall offer to enter into, enter into, or confirm the execution of, any transaction subject to the provisions of subsection (a) of this section involving any commodity regulated under [the Act], but not specifically set forth in section 2(a) of [the Act] prior to the enactment of the Commodity Futures Trading Commission Act of 1974, which is of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty", contrary to any rule, regulation or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe. * * *

Thus, the Commission is empowered under section 4c(b), to determine if and under what circumstances commodity option trading will be permitted. For example, the Commission could (a) prohibit all commodity option trading, (b) permit all commodity option trading "under such terms and conditions as the Commission shall prescribe," or (c) permit some forms of trading, subject to Commission rules and regulations, and prohibit others.

Prior Proposals

On October 22, 1975, the Commission announced that it was considering the adoption of rules to regulate—or perhaps forbid—transactions in commodity options, including the promulgation of a temporary rule pending the adoption of a definitive regulatory program. See 40 FR 49360 (October 22, 1975).[5]

On February 20, 1976, the Commission proposed comprehensive regulations governing off-exchange commodity option transactions, including the so-called "dealer options". See 41 FR 7774 (February 20, 1976). The Commission has determined that, by the time of implementation of its second stage of regulations, only designated boards of trade and recognized foreign commodities exchange systems offering commodity options will be permitted, thereby, in effect, banning dealer options. Thus, the Commission has determined not to adopt the previously proposed regulations.[7]

In its release on the proposed regulations, the Commission invited interested persons to submit comments and to participate in oral hearings which were held in Washington, D.C., on March 8, 1976. The Commission also noted in its release that it was considering delaying the adoption of comprehensive regulations until it had an opportunity to study the recommendations of its Advisory Committee on the Definition and Regulation of Market Instruments. That Advisory Committee was assigned the responsibility, among other things, to submit a report and recommendations to the Commission on appropriate regulations or restrictions concerning commodity options.[8] At the time of its proposal concerning off-exchange commodity option transactions, the Commission stated:

> [A]lthough the proposed regulations relate to transactions which are not entered into on a contract market, the Commission is affirmatively considering permitting commodity option transactions to be traded on or subject to the rules of a contract market which have been approved by the Commission as adequate to effectuate the purposes of the Act. . . . Ultimately the Commission may adopt regulations which restrict commodity option transactions to trading on contract markets.[9]

The Commission, after carefully considering the comments received on its prior proposals, the presentations made at its oral hearing, and the report and recommendations of its Advisory Committee, has determined in large measure to do just that—to implement a test program for commodity option transactions, the effect of which will be to restrict commodity option transactions, other than certain specified "trade option" transactions, to domestic boards of trade or foreign commodities exchange systems designated or recognized by the Commission. As explained in more detail below, the proposed interim regulations have been primarily designed to provide adequate customer protections in the offer and sale of commodity options. However, in order to avoid any undue hardships on affected persons, the implementation of this regulatory program will be phased in gradually so that commodity option transactions lawfully entered into prior to the effective date of the proposed interim regulations will not be affected, and, during the period in which only the interim regulations are in effect, commodity option transactions will be permitted to be entered into in accordance with the terms of the interim regulations. Nevertheless, the Commission wishes to emphasize that, when the second stage of the Commision's regulations becomes effective, it will no longer be permissible to offer or to sell commodity options or to enter into commodity option transactions in the United States except in accordance with those regulations, i.e., only on or through designated domestic boards of trade or recognized foreign commodities exchange systems.

At the outset the Commission wishes to stress certain points concerning the proposed interim regulations and how they will interact with the second stage regulations which the Commission will shortly propose:

1. Section 32.2(b) of the proposed interim regulations provides that commodity option transactions involving commodity futures contracts traded on or subject to the rules of Commission-designated contract markets or involving the prices of such contracts are prohibited except under such terms and conditions as the Commission shall prescribe. The Commission believes that, under the Act, particularly sections 4c (a)(C) and 4h, it is unlawful to trade options involving domestically traded futures contracts or the prices of such contracts otherwise than by or through a member of a contract market and subject to the rules thereof. However, since the Commission has been advised that such commodity option transactions are being offered and entered into in the United States, in order to avoid any question with respect to this issue, the Commission has decided to set forth an express codification of the Commission's view in proposed § 32.2(b). The Commission recognizes that the effect of proposed § 32.2(b) would also be to prohibit commodity option transactions effected even on or subject to the rules of contract markets, since the Commission has not yet prescribed the terms and conditions under which such trading will be permitted. Such terms and conditions will be the subject of the second stage of regulations to be proposed by the Commission. Trading in commodity options involving domestically traded futures contracts on any contract market will not be permitted until there are comprehensive regulations in effect and the contract market has complied with such regulations. Thus, the Commission's proposed interim regulations prohibit all commodity option transactions involving domestically traded futures contracts or prices of such contracts, including those traded on or subject to the rules of a contract market.

2. The interim regulations are designed to regulate those commodity option transactions which are not otherwise prohibited (i.e., not otherwise set forth in proposed § 32.2). At the present time, the Commission is aware that so-called "London options"[10] are being offered in the United States, as well as the so-called "dealer options" on physical commodities. Briefly, the interim regulations will have the following effect on these types of commodity option transactions:

A. Under proposed § 32.3(a), on and after January 17, 1977 (approximately 105 days from the date of publication of this notice), it will be unlawful for any person to accept funds or other property from an option customer as payment of the purchase price of a commodity option unless the person is registered as a futures commission merchant under the Act. Until such time, of course, persons may continue to accept funds or other property without being so registered.

B. Under proposed § 32.3(b), on and after January 17, 1977, it will be unlawful for a person to solicit or accept orders for commodity options or for an individual to be associated with any such person, unless registered as a futures commission merchant or an associated person of such futures commission merchant, respectively, under the Act.

The Commission wishes to emphasize that the Commission fully intends to implement these regulations and that the registration process [See (A) and (B) above] takes time. Therefore, as explained in more detail below, the Commission suggests that affected persons file their registration applications as soon as possible and not defer filing until the effective date of the regulations.

The Commission points out that, upon adoption of proposed § 32.3 (a) and (b), writers of commodity options or other persons assuming financial responsibility for commodity options may offer or sell commodity options in the United States only through registered futures commission merchants and their registered associated persons. In this connection, the Commission wishes to advise affected persons that regulation § 1.19—which prohibits a futures commission merchant from issuing or otherwise assuming financial responsibility for a commodity option transaction—will not be repealed by the proposed interim regulations.[11] Consequently, it will continue to be unlawful for a futures commission merchant to assume financial responsibility, whether by contract or by operation of law, for a commodity option transaction. The Commission will consider the repeal of § 1.19 in connection with the proposed second stage of its regulations. If repealed, futures commission merchants would then be permitted to issue or otherwise assume financial responsibility for commodity option transactions in accordance with the terms of those regulations.

C. Immediately upon the effective date of the interim regulations, under proposed § 32.6 any person which receives funds or property from an option customer as payment of the purchase price for a commodity option must segregate from its assets, and treat as belonging to the option customer, all such funds and property received, including any amounts characterized as sales commissions or similar fees. The funds and property must be segregated (i) in the United States and (ii) until the option expires or, if the customer exercises the option, until the customer's rights under the option have been satisfied. As noted above, on and after January 17, 1977, only registered futures commission merchants may receive funds or property from option customers in connection with a commodity option transaction. Thus, writers and other persons who assume financial responsibility for commodity options may receive such funds and property from an option customer only until January 17, 1977, but must segregate and treat those assets as provided in proposed § 32.6. After January 17,

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[1] The basic thrust of the Commission's proposals and the time within which they are to be implemented were announced at a public meeting of the Commission held in Washington, D.C. on September 13, 1976.

[2] 7 U.S.C 6c (Supp. IV, 1974). The Commission also has general rule-making authority under section 8a of the Act, 7 U.S.C. 12a (Supp. IV, 1974). The Commission points out also that section 2(a)(1) of the Act, 7 U.S.C. 2 (Supp. IV, 1974), provides that the Commission shall have "exclusive jurisdiction" with respect to "accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option' * * *), and transactions involving contracts of sale of a commodity for future delivery * * *." The interim rules announced today are effectuated pursuant to this authority as well as that contained in sections 4c and 8a of the Act.

[3] 7 U.S.C. 6c(a)(B) (Supp. IV, 1974). So that all regulations concerning commodity options will be in one place, for convience, the Commission has incorporated the prohibition contained in section 4c(a)(B) as § 32.2(a) of the proposed interim regulations. Section 4c(a)(B) expressly forbids option transactions relating to those commodities which were regulated under the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974 (Pub. L. No. 93-463, October 23, 1974), thereby continuing the Act's prohibition with respect to those commodities. Those previously-regulated commodities were: "* * * wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice * * *." Section 2(a)(1) of the Act.

[4] Section 4c(b) governs options involving the newly-regulated commodities, namely "all other goods and articles [except onions] * * * and all services, rights and interests in which contracts for future delivery are presently or in the future dealt in * * *." Section 2(a)(1) of the Act.

[5] 7 U.S.C. 6c(b) (Supp. IV, 1974). Section 4c(b) also provides that, if possible, rules were to be adopted within one year after the effective date of the section. However, the Commission advised Congress, in accordance with the provisions of section 4c(b), that it would be unable to meet the one-year time period ending April 21, 1976, within which to have comprehensive commodity option regulations in effect and that additional time would be required to carry out the Congressional mandate contained in section 4c(b). See 41 FR 16685 (April 21, 1976).

[6] Previously, on June 24, 1975, the Commission had adopted a broad antifraud rule applicable to commodity option transactions. See 40 Fed. Reg. 26506 (June 24, 1975). That rule, 17 C.F.R. § 30.01, will be redesignated as § 32.9 of the proposed interim regulations.

[7] Those proposed rules basically would have made it unlawful for any commodity option dealer, as defined in the rules, to offer to enter into, enter into or confirm the execution of any transaction subject to the proposed rules unless the dealer met certain financial requirements and registered with the Commission as a commodity option dealer. Registration as a commodity option dealer would have entailed the filing of detailed information in the form of an application. Both financial data and information about business practices were required. Also, the proposed rules required a dealer, in connection with offers to enter into commodity option transactions, to inform each prospective purchaser that the dealer had filed an application in connection with its registration with the Commission containing information about the dealer, the dealer's business and its financial condition and that copies of such filings were available for public inspection at all offices of the dealer and at the Commission's offices in Washington, D.C.

[8] See 40 FR 32866 (August 5, 1975). The Advisory Committee's report, which was transmitted to the Commission on July 8, 1976, is published as a special supplement numbered 26 to the CCH Commodity Futures Law Reporter (July 15, 1976).

[9] 41 FR 7774 (February 20, 1976).

[10] London commodity exchange options cleared through the International Commodities Clearing House and commodity options written by or through the individual members of the London Metals Exchange.

[11] Because the repeal of § 1.19 would necessitate substantial revisions of regulation § 1.17 (in order to assure the financial responsibility of futures commission merchants), the Commission did not feel that these revisions could be made without additional study and therefore determined not to propose the repeal of § 1.19 as part of the proposed interim regulations. See 17 C.F.R. §§ 1.17 and 1.19.

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1977, such persons may not receive the funds or property except from a futures commission merchant which accepted them from the option customer and then only after the segregation requirements have been satisfied by the futures commission merchant. The Commission is aware that proposed § 32.6 may, in certain cases, require "double segregation." For example, in the case of the sale of London options, a person receiving the funds from an option customer in the United States as payment for the option may not remit those funds to London in order to obtain or maintain the option position with a London broker. The Commission believes that the proposed segregation requirements are an essential customer protection to be afforded commodity option customers in the United States. The Commission recognizes, however, that its proposed segregation requirements may impose a financial hardship on some affected persons, and as noted in more detail below, requests specific comments on these requirements, particularly alternatives which could provide substantially equivalent customer protections.

D. Upon the effective date of the proposed interim regulations, § 1.17 of the regulations will be amended to provide that a futures commission merchant engaged in commodity option transactions must have an adjusted working capital which at a minimum equals $50,000. As indicated above, the Commission anticipates that when the second stage of its regulations becomes effective, there will be additional, substantial amendments to § 1.17 in order to assure the financial responsibility of futures commission merchants engaged in commodity option transactions.

E. Under proposed § 32.5, upon the effective date of the interim regulations, persons soliciting or accepting orders for commodity option transactions must make summary disclosure to option customers, prior to the entry into the commodity option transaction, of various aspects of the transaction, including information regarding all fees and charges to be paid by the option customer in the transaction, such as premiums, mark-ups on premiums, and sales commissions. The Commission anticipates that the second stage of its regulations regarding commodity options will impose additional, more detailed, disclosure requirements on such persons.

A section-by-section explanation and the text of the Commission's interim regulations are set forth below:

Definitions

Section 32.1 of the proposed rules defines certain terms used in the rules. For convenience, the terms "commodity option transaction" and "commodity option" are each defined in § 32.1(a) to mean any such transaction or agreement in interstate commerce which the Commission is authorized to regulate under sections 2(a)(1) and 4c(b) of the Act.[13] Section 32.1(b) defines "interstate commerce" to have the same meaning as set forth in sections 2(a) and 2(b) of the Act.[14] Section 32.1(c) defines "option customer" as any person who, directly or indirectly, purchases or otherwise acquires for value any interest in a commodity option,[15] but does not include a person required to register as a futures commission merchant in accordance with the proposed rules. Futures commission merchants were excluded from the definition of "option customer" to avoid the implication that futures commission merchants are "option customers" of their principals—who may be option writers—when acting in an agency capacity in commodity option transactions. If the definition of option customer were construed to include futures commission merchants, then in accordance with the provisions of proposed § 32.3(a),[16] a writer of an option, for example, who markets such options through a futures commission merchant, would technically be required to register as a futures commission merchant at the time he received from an option customer—the futures commission merchant—either money, securities or property as payment of the purchase price in connection with the commodity option transaction. As a result of the retention of § 1.19 of the regulations, the Commission does not intend that option writers be required to register as futures commission merchants under the interim regulations. Accordingly, it has excluded futures commission merchants from the definition of option customer.

Proposed § 32.1(d) defines "purchase price" to mean the total actual cost paid or to be paid, directly or indirectly, by an option customer for entering into and maintaining an interest in a commodity option transaction, by whatever name called. Subsumed within the definition of purchase price are the premium, mark-ups on the premium, as well as the costs, fees, and other charges comprising the purchase price. Proposed § 32.1(e) defines "striking price" to mean the price at which an option customer may purchase or sell the commodity or the contract of sale of a commodity for future delivery which is the subject of a commodity option transaction.

Prohibited Transactions

As indicated above, in order to have commodity option requirements self-contained in one set of regulations, proposed § 32.2(a) of the interim regulations incorporates the existing statutory prohibition on the offer or sale of commodity options involving previously regulated commodities. And, as previously explained, proposed § 32.2(b) expressly prohibits the offer or sale of commodity options involving domestically traded futures contracts.

Unlawful Commodity Option Transactions

Proposed § 32.3(a) provides that on and after January 17, 1977, it shall be unlawful for any person to accept any money, securities, or property (or to extend credit in lieu thereof) from an option customer as payment of the purchase price in connection with a commodity option transaction unless such person is registered as a futures commission merchant under the Act.[18] Proposed § 32.3(b) provides that on and after January 17, 1977, it shall be unlawful for any person to solicit or accept orders (other than in a clerical capacity) for the purchase or sale of any commodity option, or to supervise any person or persons so engaged, unless such person is (1) registered as a futures commission merchant under the Act, or (2) if such person is an individual, registered as an associated person of a specified futures commission merchant under the Act. In addition, it shall be unlawful for any futures commission merchant to permit an individual to become or remain associated with such futures commission merchant in specifically enumerated capacities if such futures commission merchant knew or should have known that such individual was not registered as an associated person.

The Commission wishes to stress that the registration requirements apply to all persons who accept orders for commodity options, irrespective of whether the order is accepted directly from an option customer. Thus, if a futures commission merchant utilizes the services of another firm in order to arrange for the execution of the order of an options customer, the other firm is also required to register as a futures commission merchant.

The Commission realizes that the term futures commission merchant in section 2(a)(1) of the Act is not defined to include persons engaged in commodity option activities, and it is not intended to require that persons registering as futures commission merchants in accordance with the provisions of the interim regulations be required to solicit or accept orders for the purchase or sale of any commodity for future delivery on or subject to the rules of a contract market. Rather, the Commission has determined, pursuant to its plenary power to regulate commodity option transactions in sections 2(a)(1) and 4c(b) of the Act, to entrust option activities only to futures commission merchants and associated persons of specified futures commission merchants, inasmuch as these are categories of registrants with which the Commission and the public are already familiar. This will allow the Commission to regulate commodity option activities in a less complicated fashion. For example, the proposed interim regulations would automatically pick up the standards for registration and denial of registration contained in the Act and the Commission's interpretation thereof; they would automatically make applicable the reparation procedures under the Act; and they would allow for the incorporation of financial standards and related requirements in the context of revisions to § 1.17 of the regulations.

The Commission is also mindful of the fact that it proposes to exclude associations, partnerships, corporations, trusts and any other entities from the category of persons who may register as associated persons in order to comply with the provisions of section 32.3(b). The Commission believes that entities engaged in soliciting or accepting orders for the purchase or sale of commodity options should be registered as futures commission merchants, and that the associated person category of registrant in the commodity options area should be limited to individuals employed by such entities, irrespective or whether they may presently be classified as associated persons or agents of futures commission merchants under Section 4k of the Act, 7 U.S.C. 6k (Supp. IV, 1974).

It should be noted that the anticipated effective date of these rules is November 22, 1976. The registration provisions, however, do not go into effect until 60 days thereafter. This is to allow persons sufficient time to submit, and for the Commission to process, applications for registration. Processing of applications normally take approximately 60 days. Therefore, as indicated above, the Commission urges persons wishing to register as futures commission merchants or associated persons to submit their applications promptly. A person who defers filing an application until the effective date of the regulations runs the risk that the application may not be processed on a timely basis; a person who does not file an application until after the effective date increases the risk that the application will not be processed by the time the registration requirements go into effect. The Commission intends to expedite the processing of such applications, and a prompt filing will enable the Commission to do so on a timely basis.

Section 32.3(c) provides that persons required to register as futures commission merchants or as associated persons in accordance with §§ 32.3 (a) and (b), which furnish the services specified in that portion of section 2(a)(1) of the Act defining the term "commodity trading advisor", shall not be included in the term "commodity trading advisor", if, at the time such services are furnished, such person is registered as a futures commission merchant or as an associated person under the Act and the furnishing of such services is solely incidental to the conduct of such person's activities requiring such registration. The Commission has previously expressed the view that generally persons who are offering commodity options to the public should register with the Commission as commodity trading advisors.[17] In CFTC Staff Interpretative Letters Numbered 76–13 and 76–13a,[18] the Commission's Office of General Counsel stated that the Commission's view applied to futures commission merchants. In view of the fact that persons soliciting or accepting orders for commodity options are to be required to register either as futures commission merchants or associated persons under the proposed interim regulations, the Commission has determined that, once such persons are in fact registered, the registration of such persons as commodity trading advisors would serve no additional public interest. Accordingly, while the Commission believes that the staff interpretation is a correct interpretation of existing law, compliance with that interpretation will not be necessary upon the adoption of the interim regulations, and, pending such adoption, the Commission has determined that it will not take any enforcement action against any futures commission merchant, based solely on its failure to register as a commodity trading advisor in compliance with such interpretation from and after the date of the publication of this notice.

Those persons which are already registered as futures commission merchants or associated persons under the Act, and which would be required to register as such by virtue of these proposed rules, need not re-register in those categories, but should immediately notify the Commission in writing, specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under these proposed rules. This provision is set forth in proposed § 32.3(d).

Exemptions

The Commission previously indicated that no public interest would be served by regulatory provisions governing commercial commodity option transactions with certain users, producers or consumers, and previously proposed a "trade option" exemption for such persons.[19] The Commission has again considered this issue in light of the comments received on its prior proposal, as well as the recommendations from its Advisory Committee on Market Instruments, and has concluded that there is no substantial public interest to be served by requiring the registration of certain producers, processors, commercial users, or merchants who engage exclusively in commercial-type transactions. The Commission believes that its antifraud rule governing commodity option transactions achieves the full regulatory objective in such cases. Accordingly, except for the provision of its antifraud rule (§ 32.9) and otherwise prohibited transactions (§ 32.2), the Commission has determined to exempt from the operation of these rules the offer of commodity option transactions by a person who has a reasonable basis to believe that the option is being offered to a purchaser referred to in proposed § 32.4(a) and that the purchaser is being offered or acquires such option for purposes related to its business. Of course, to the extent that a person offers or sells commodity option transactions to persons other than, or in addition to such purchasers, compliance with these rules would be required.

The Commission intends to monitor the effect the trade option exemption contained in § 32.4(a) has in the marketplace to ascertain whether it is necessary or appropriate. The Commission wishes to re-emphasize that the exemptive provisions expressly do not exclude any person from the proscriptions in the Commission's general antifraud rule governing commodity option transactions presently in effect, which is to be redesignated as § 32.9 of the proposed rules. The existing antifraud rule applies, and will continue to apply, to all offers and sales of commodity option transactions subject to Commission regulation whether or not these transactions are subject to or exempt from the provisions of any of the Commission's rules affecting commodity options.

Additionally, proposed § 32.4(b) provides that the Commission may, by order, upon written request or upon its own motion, exempt any other person, either unconditionally or on a temporary or other conditional basis, from any provisions of these rules, other than those of §§ 32.2 (prohibited transactions), 32.8 (unlawful transactions) and 32.9 (antifraud rule), if it finds, in its discretion, that it would not be contrary to the public interest to grant such exemption. At the present time, the Commission contemplates no additional exemptions but has inserted this provision in the proposed regulations to permit maximum Commission flexibility. Since the ultimate purpose of the Commission's regulations will be to implement a rigidly controlled option test program, exemptions would be considered only in the most extraordinary of circumstances.

Disclosure

Proposed § 32.5 sets forth the disclosure which a person soliciting a commodity option transaction must provide to an option customer not less than 24 hours prior to the entry into the commodity option transaction. Commodity option customers are required to be provided with a summary disclosure statement setting forth (1) the actual amount of the purchase price and the method by which the premium is established, including a separate listing of the premium, mark-ups on the premium, costs, fees and other charges comprising the purchase price; (2) a statement of (i) the services to be provided for the separate elements comprising the purchase price, (ii) the striking price and the method by which the striking price is established, (iii) the total quantity or quality of the commodity which may be purchased or sold upon exercise of the commodity option or which underlies the contract of sale for future delivery which may be purchased or sold upon exercise

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[13] See text accompanying notes 2, 3 and 4 supra.

[14] 7 U.S.C. 2, 4 (Supp. IV, 1974).

[15] As set forth in § 32.1(a) the terms commodity option and commodity option transaction are used interchangeably in the proposed rules.

[16] The provisions of this section are explained in more detail below.

[18] The Commission proposes to amend § 1.3 (p) of its regulations, 17 CFR 1.3(p), defining the term "futures commission merchant", to add a new subsection (2) which would include within the definition of the term "futures commission merchant," any person required to register as a futures commission merchant by virtue of the interim regulations.

[17] See 40 FR 49361, n. 11 (October 22, 1975).

[18] CCH Commodity Futures L. Rep ¶20,174 (Interpretative letter 76–13a has not yet been published in this service).

[19] See 41 FR 7776 (February 20, 1976).

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of the commodity option, and (iv) any and all additional costs which may be incurred by the option customer if the option is exercised, including storage costs, interest charges, commissions (whether denominated as sales commissions or otherwise), and all similar fees and charges; (3) the price level that the underlying commodity or the underlying contract of sale for future delivery must reach during the life of the option for the option customer to realize a profit in the commodity option transaction, together with an explanation of the effect of applicable foreign currency fluctuations; (4) a bold-faced statement on the first page of the disclosure statement setting forth certain, specific cautions regarding commodity option transactions; and (6) a statement of certain risks to be considered by the customer before entering into the commodity option transaction. The Commission wishes to emphasize that this disclosure should be clear, intelligible and understandable to any person reading it. This disclosure statement is required to be furnished to option customers in advance of purchase so as to familiarize them with certain aspects of the option transaction. The Commission is aware that a significant number of commodity option transactions currently are being offered and sold through the use of high-pressure sales tactics to persons who are relatively unfamiliar with the commodities markets generally, and with commodity options in particular. The Commission is also aware that at the present time even when disclosure is made to option customers, it is often inaccurate or misleading, either in content, presentation, or both. Given the interim nature of the proposed rules, the disclosure statement required to be furnished by § 32.5 is by no means intended to convey the impression that the items contained therein are the only things which need be disclosed to prospective customers, and the Commission would encourage persons soliciting prospective option customers to provide them with sufficient information to evaluate the transaction more fully and the futures commission merchant and/or associated person through whom such customers are dealing, as well as their financial conditions. In this connection, as noted above, when the Commission proposes the second stage of its regulations, it expects to require additional, more detailed information to be disclosed to prospective option customers.

The Commission understands that if an option customer purchases an option on a contract of sale of a commodity for future delivery which is traded on a foreign commodity exchange, the solicitor of such option would not always be able to provide the option customer with certain "price" information until the trade is executed. In that event proposed § 32.5 (b) provides that to the extent the actual price information called for by paragraphs (a) (1), (2) and (3) of § 32.5 is not known at the time the disclosure statement is to be delivered to the prospective option customer, a good faith estimate of such information should be provided as part of the disclosure statement, and upon execution of the commodity option transaction for the option customer, the person required to deliver the disclosure statement shall immediately provide all actual price information in writing to the option customer.

Segregation

The Commission has provided in proposed § 32.6 that any person which accepts money, securities or property from an option customer as payment of the purchase price in connection with a commodity option transaction shall segregate such money, securities and property in the United States and shall treat and deal with such assets as belonging to such option customer until expiration of the term of the option or, if the option customer exercises the option, until all rights of the option customer under the commodity option have been fulfilled. The Commission wishes to emphasize that § 32.6 requires that assets must be segregated in the United States, so that such assets will not be subject to the attachment or other laws or requirements of any other nation. The Commission views these requirements as essential to protect at least the basic investment of commodity option customers as well as to assure, to the extent feasible, the financial integrity of option transactions. In the Commission's view, these segregation requirements are a cardinal tenet of commodities regulation, and will help to prevent fraud. Absent segregation, these assets could be used by a person in its general operations. In addition, absent segregation, these assets might be subject to the claims of general creditors of the person accepting them. As noted above, the Commission is aware that the segregation requirements could result in "double segregation," particularly where futures commission merchants or other persons are engaged in the offer and sale of London options. The Commission is further cognizant of the fact that this segregation requirement may impose a financial strain upon the vast percentage of persons presently engaged in the offer and sale of commodity options. Accordingly, the Commission encourages interested persons, particularly those engaged in the offer and sale of London commodity options, to submit comments on the Commission's segregation proposals and to suggest alterations which will provide adequate customer protections. In submitting any alterations, commentators should be aware that, in the Commission's view, what is of paramount importance in its fundamental customer protection aspects. In submitting any alternative proposals, commentators should be aware that, in the Commission's view, what is of paramount importance is that option customers be assured, at the very least, that the assets which they put up to purchase the option will be safe during the term of the option and be available to be refunded to option customers in the event that an option customer exercises the option but is unable to obtain satisfaction of the obligations owing to him because of the insolvency of the futures commission merchant or its principals.

The provisions of § 32.6 are patterned essentially after the requirements for segregation of customer funds in section 4d(2) of the Act and regulation §§ 1.20 (a) (customers' money, securities, and property to be segregated and separately accounted for), 1.25 (investment of customers' funds), 1.26(a) (deposit of obligations purchased with customers' funds), 1.27(a) (record of investments), 1.28 (appraisal of obligations purchased with customers' funds), 1.29 (increment or interest resulting from investment of customers' funds), and 1.32 (segregated accounts; daily computation and records).[28]

The Commission had originally intended to permit futures commission merchants to exclude sales commissions from the assets required to be segregated. Because of the difficulty of defining "premium" and "commissions", this might have permitted unscrupulous persons to characterize the major portion of the purchase price as a "sales commission" and thereby tend to encourage attempts to evade the segregation requirements. The alternative would have been to impose a maximum percentage on the amount of permissible sales commissions, but the Commission believes that it should not engage in this practice. Accordingly, the Commission has decided that it is in the public interest that futures commission merchants segregate all assets received from customers as payment of the purchase price in connection with a commodity option transaction and treat such assets as belonging to option customers. The Commission specifically requests comments on whether it should permit some portion of the purchase price not to be segregated, and if so, how that portion could be determined.

The Commission is further aware that its segregation requirements may have to be modified in its second stage regulations to take into account option trading on boards of trade designated by the Commission and on recognized foreign commodities exchange systems.

Books and Record Keeping

Proposed § 32.7 (a) and (b) require persons receiving the purchase price for a commodity option from an option customer to maintain full, complete and systematic records of all such transactions. Among other things, such persons are required to keep: all orders, signature cards, books of record, journals, ledgers, cancelled checks, copies of all statements of purchase, exercise or lapse, and reports, letters, disclosure statements required by proposed § 32.5, solicitation or advertising material, and all other literature or written advice distributed to option customers or prospective option customers; the true name and address of each commodity option customer or prospective commodity option customer solicited; and the true name and address of each maker, underwriter, issuer or other person who

[28] 17 CFR §§ 1.20(a), 1.25, 1.26(a), 1.27(a), 1.28, 1.29 and 1.32.

assumes or purports to assume any financial responsibility for the fulfillment of any commodity option transaction engaged in by such person. Under proposed § 32.7(c), persons accepting orders from persons other than an option customer (for example, a corresponding futures commission merchant of a futures commission merchant dealing directly with an option customer) must keep similar records to the extent necessary to reflect their participation in the transactions.

In addition, under proposed § 32.7(d) each person which accepts an order for a commodity option, whether from an option customer or any other person, must prepare a written record of that order, including an account identification and order number and must record the date and time the order is accepted, is transmitted for execution, and, if the order is executed, the date and time of execution. And each such person which accepts the purchase price of the commodity option from the option customer must, upon receipt of confirmation that the order was executed, notify the option customer of the date that the order was executed.

Under proposed § 32.7(e), all the records required to be maintained must be kept for the period specified in regulation § 1.31,[29] which is five years, and must be open to inspection at all times during such time by any authorized representative of the Commission of the United States Department of Justice.

The Commission believes that the records and bookkeeping requirements are important so as to enable the Commission to examine the records of all aspects of commodity option transactions offered and sold to option customers, and to assure that persons maintain proper internal control of their financial operations.

Unlawful Representations

Proposed § 32.8 makes it unlawful for any futures commission merchant or associated person engaging in commodity option transactions to claim that the Commission, by declaring a registration effective or otherwise, has approved either the registrant or any commodity option transaction to be engaged in by the registrant. While the Commission will seek to prevent the dissemination of false or misleading information by registrants, it cannot conduct an investigation in every instance to determine the accuracy or adequacy of the information contained in an application for registration or in the disclosure statement required by proposed § 32.5 of the interim regulations. Consequently, registration with the Commission cannot, and does not, indicate Commission approval of the registrant or of the transactions in which it may engage. This rule does not preclude a futures commission merchant or associated person from stating that it is registered, if that is true, and if such statement is not misleading under the circumstances in which the statement is made.

[29] 17 CFR 1.31.

Antifraud

Proposed § 32.9, the Commission's antifraud rule governing commodity option transactions, has been included as a part of the proposed interim rules so that all the rules affecting commodity option transactions will be in one place in the Code of Federal Regulations. This section is the same rule that is presently in effect, contained in 17 CFR 30.01, modified to incorporate certain of the definitions set forth in the proposed interim rules. The proposed redesignation of § 30.1 as § 32.9 is technical only; it will have no substantive effect on fraudulent activity prior to, on, or after the effective date of § 32.9.[30]

The Commission wishes to advise affected persons that, upon adoption of the proposed interim regulations, it would view any attempt to evade their requirements—such as an attempt to avoid the segregation requirements by soliciting options customers in this country and suggesting to the customers that they deal directly with a foreign affiliate of the registrant or other person located outside the United States—as a violation of the antifraud provision.

Option Transactions Entered Into Prior to the Effective Date of the Proposed Interim Regulations

Proposed § 32.10 makes clear that the proposed rules are to have prospective effect only and do not apply to commodity option transactions lawfully entered into prior to the effective date of the rules. However, to the extent stated above, §§ 32.2 and 32.9 are codifications of the prohibitions of existing law, so that nothing contained in § 32.10 should be construed to imply that the transactions referred to in § 32.2 or 32.9 could have been or may be lawfully entered into prior to the effective date of the interim regulations.

Amendments to § 1.17

The Commission proposes to amend § 1.17 to require that any futures commission merchant engaging in commodity option transactions referred to in Part 32 of the proposed regulations would be required to have and to maintain at all times adjusted working capital equal to or in excess of whichever of the following is greater: (1) $50,000 or (2) the sum of the safety factors described in § 1.17 with respect to both proprietary and customers' accounts plus five percent of the applicant's aggregate indebtedness. A futures commission merchant who is exempt from the financial requirements of § 1.17(a) would also be required to maintain minimum adjusted working capital of at least $50,000, computed in accordance with the bylaws, rules, regulations or resolutions of the contract market which serve as the basis for such exemption.

The Commission believes that the $50,000 adjusted working capital requirement for futures commission merchants engaged in options activity is necessary to provide a cushion against losses which could arise as a result of any number of factors, such as dishonesty, incompetence, insufficient or inadequate segregation.

The Commission also proposes to amend § 1.17 to add a new paragraph (c)(9) defining the term "customer" to include an "option customer" as defined in the proposed rules. This is necessary to make § 1.17 applicable to commodity option transactions.

* * * * * *

In consideration of the foregoing, the Commission, pursuant to its authority contained in sections 2(a)(1), 4c(a), 4c(b) and 8a of the Act, 7 U.S.C. 2, 6c(a), 6c(b) and 12a (Supp. IV, 1974), hereby proposes to amend Chapter 1 of Title 17 of the Code of Federal Regulations effective November 22, 1976, by amending §§ 1.3(p) and 1.17, by deleting § 30.01 and by adding a new Part 32 as follows:[31]

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.3(p) is amended by adding a "(1)" after the word "means" and before the word "individuals", by deleting the period and adding the word "and" after the word "therefrom" and by adding the following:

§ 1.3 Definitions

* * * * *

(p) * * *

(2) shall include any person required to register as a futures commission merchant under the Act by virtue of Part 32 of this chapter.

2. Section 1.17 is amended to revise paragraphs (a) and (b) and to add paragraph (c)(9) as follows:

§ 1.17 **Minimum financial requirements.**

(a) Except as provided in paragraphs (b)(1) and (b)(2) of this section, no person applying for registration as a futures commission merchant shall be so registered unless he has adjusted working

[30] Judicial interpretations of § 31.01 would, of course, continue to be applicable to new section 32.9. See *CFTC* v. *J. S. Love & Associates Options, Ltd.*, CCH Com. Fut. L. Rep. ¶20,198 (S.D.N.Y. Aug. 12, 1976).

[31] In proposing the regulations hereinafter set forth, the Commission has, in accordance with section 15 of the Act, 7 U.S.C. 19 (Supp. IV, 1974) taken into consideration the public interest to be protected by the antitrust laws. While it recognizes that the financial, segregation and other criteria imposed as prerequisites to allowing a person to enter into or continue in the commodity options business, may result in some lessening of competition, the Commission believes that the proposed rules are a necessary minimum for effectuating the purposes and policies of the Act which require that the Commission assure the financial solvency of option transactions and prevent fraud or manipulation. The Commission has determined that minimum financial and other requirements are essential to public protection under the Act. Accordingly, the Commission believes that, in imposing the minimum financial requirements and the other requirements of the proposed regulations, it has taken the least anticompetitive means of achieving the objectives, policies and purposes of the Act.

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capital equal to or in excess of whichever of the following is greater: (1) $10,000 or (2) the sum of the safety factors hereinafter prescribed in this section with respect to both proprietary accounts and customers' accounts plus 5 percent of the applicant's aggregate indebtedness; and each person registered as a futures commission merchant shall at all times continue to meet such financial requirements.

(b)(1) Except as provided in paragraph (b)(2) of this section, no person registered as a futures commission merchant shall engage in commodity option transactions referred to in Part 32 of this chapter unless he has adjusted working capital equal to or in excess of whichever of the following is greater: (1) $50,000 or (2) the sum of the safety factors hereinafter prescribed in this section with respect to both proprietary accounts and customers' accounts plus 5 percent of the applicant's aggregate indebtedness; and each such person registered as a futures commission merchant shall at all times continue to meet such financial requirements.

(2) The requirements of paragraphs (a) and (b)(1) of this section shall not be applicable if the applicant for registration or registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contact market in its bylaws, rules, regulations or resolutions approved by the Commission, *Provided, however*, That such a futures commission merchant who engages in option transactions referred to in Part 32 of this chapter shall at all times maintain a minimum capital of $50,000 computed in accordance with the applicable bylaws, rules, regulations, or resolutions of such contract market which have been approved by the Commission.

(c) * * * (9) The term "customer" shall include an "option customer" as defined in Part 32 of this Chapter.

* * * * *

PART 30—FRAUD IN CONNECTION WITH COMMODITY TRANSACTIONS

§ 30.01 [Removed]

1. Section 30.01 is removed.

PART 32—REGULATION OF COMMODITY OPTION TRANSACTIONS

2. Part 32 is added to read as follows:

Sec.

32.1 Definitions.
32.2 Prohibited transactions.
32.3 Unlawful commodity option transactions.
32.4 Exemptions.
32.5 Disclosure.
32.6 Segregation.
32.7 Books and recordkeeping.
32.8 Unlawful representations.
32.9 Fraud in connection with commodity option transactions.
32.10 Option transactions entered into prior to the effective date of this Part.

AUTHORITY: Secs. 2(a)(1), 4c(a), 4c(b), 8a, Commodity Futures Act (7 U.S.C. 2, 6c (b) and 12a (Supp. IV, 1974)).

§ 32.1 Definitions.

As used in this Part—

(a) "Commodity option transaction" and "commodity option" each means any transaction or agreement in interstate commerce which is or is held out to be of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty" involving any commodity regulated under the Act other than wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products and frozen concentrated orange juice;

(b) "Interstate commerce" shall be construed and have the same meaning as set forth in sections 2(a) and 2(b) of the Act;

(c) "Option customer" means any person who, directly or indirectly, purchases or otherwise acquires for value any interest in a commodity option, but shall not include a person required to register as a futures commission merchant in accordance with this part;

(d) "Purchase price" means the total actual cost paid or to be paid, directly or indirectly, by an option customer for entering into and maintaining an interest in a commodity option transaction, by whatever name called; and

(e) "Striking price" means the price at which an option customer may purchase or sell commodity or the contract of sale of a commodity for future delivery which is the subject of a commodity option transaction.

§ 32.2 Prohibited transactions.

No person may offer to enter into, confirm the execution of, or maintain a position in, any transaction in interstate commerce involving—

(a) Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products and frozen concentrated orange juice, or

(b) Any contract of sale of any commodity for future delivery traded on or subject to the rules of any contract market or involving the prices of such contracts, except under such terms and conditions as the Commission shall prescribe;

if the transaction is or is held out to be of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty".

§ 32.3 Unlawful commodity option transactions.

(a) On and after Januar y17, 1977, it shall be unlawful for any person to accept any money, securities, or property (or to extend credit in lieu thereof) from an option customer as payment of the purchase price in connection with a commodity option transaction unless such person is registered as a futures commission merchant under the Act and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked.

(b) On and after January 17, 1977, it shall be unlawful for—

(1) Any person to solicit or accept orders (other than in a clerical capacity) for the purchase or sale of any commodity option, or to supervise any person or persons so engaged, unless such person is—

(i) Registered as a futures commission merchant under the Act, or

(ii) If such person is an individual, registered as an associated person of a specified futures commission merchant under the Act;

and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked; and

(2) Any futures commission merchant to permit an individual to become or remain associated with such futures commission merchant as a partner, officer or employee (or in any similar status or position involving similar functions) in any capacity involving such solicitation, acceptance or supervision if such futures commission merchant knew or should have known that such individual was not registered as an associated person or that such registration has expired, been suspended (and the period of suspension has not expired) or revoked;

(c) A person required to register as a futures commission merchant or as an associated person in accordance with this Part which furnishes the services specified in that portion of section 2(a)(1) of the Act defining the term "commodity trading advisor" shall not be included in the term commodity trading advisor if:

(1) At the time such services are furnished, such person is registered as a futures commission merchant or as an associated person under the Act, and such registration shall not have expired, been suspended (and the period of suspension has not expired) or revoked; and

(2) The furnishing of such services is solely incidental to the conduct of such person's activities requiring such registration.

(d) A person registered as a futures commiission merchant or an associated person under the Act, who is required to register as such by virtue of this Part, need not re-register as such but shall immediately notify the Commission in writing, specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under this part.

§ 32.4 Exemptions.

(a) Except for the provisions of §§ 32.2 and 32.9, which shall in any event apply to all commodity option transactions, the provisions of this Part shall not apply to a commodity option offered by a person which has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the commodity option transaction, or the products or by-products thereof, and that such producer, processor, commercial user or merchant is offered or enters into the commodity option transaction solely for purposes related to its business as such.

(b) The Commission may, by order, upon written request or upon its own motion, exempt any other person, either unconditionally or on a temporary or other conditional basis, from any provisions of this Part, other than §§ 32.2, 32.8 and 32.9, if it finds, in its discretion, that it would not be contrary to the public interest to grant such exemption.

§ 32.5 Disclosure.

(a) Prior to the entry into any commodity option transaction, each prospective option customer shall be furnished with a summary disclosure statement by the person soliciting the order therefor not less than 24 hours prior to the entry into the commodity option transaction. Expect as provided in paragraph (b) of this section, the disclosure statement shall contain the following:

(1) The actual amount of the purchase price and the elements comprising the purchase price, including a separate listing of the premium, markups on the premium, costs, fees and other charges, as well as the method by which the premium is established.

(2) A statement of:

(i) The services to be provided for the separate elements comprising the purchase price,

(ii) The striking price, and the method by which the striking price is established,

(iii) The total quantity and quality of the commodity which may be purchased or sold upon exercise of the commodity option or which underlies the contract of sale for future delivery which may be purchased or sold upon exercise of the commodity option, and

(iv) Any and all additional costs which may be incurred by the option customer if the option is exercised, including, but not limited to, the amount of storage, interest, commissions (whether denominated as sales commissions or otherwise) and all similar fees and charges;

(3) The price level which the underlying commodity or the underlying contract of sale for future delivery must reach during the life of the option in order that the option customer realize a profit in the commodity option transaction, together with a clear explanation of the effect of any foreign currency fluctuations if the option is to be executed on or through the facilities of a foreign board of trade;

(4) The following boldface statement on the first page of the disclosure statement:

Because of the volatile nature of the commodities markets, the purchase of commodity options are not suitable for many members of the public. A person should not purchase a commodity option unless he is prepared to sustain a total loss of the purchase price of the commodity option. Such transactions should be entered into only by persons who are aware of the potential for loss and who understand the nature and extent of their rights and obligations. These commodity options have not been approved or disapproved by the Commodity Futures Trading Commission nor has the Commission passed upon the accuracy or adequacy of this statement. Any representation to the contrary is a violation of the Commodity Exchange Act and the regulations; thereunder; and

(5) Statements to the effect that:

(i) Specific market movements of the commodity or contract of sale of a commodity for future delivery underlying the option cannot be accurately predicted, and

(ii) Generally, an option customer will be unable to sell his option in any market to recover any of the purchase price, but rather may only liquidate by exercising the option before the expiration date of the option or by entering into an offsetting transaction.

(b) To the extent that any of the actual price information required to be disclosed by the relevant portions of paragraphs (a) (1), (2) and (3) of this section is not known at the time the disclosure statement is to be delivered to the option customer, the person required to deliver the disclosure statement shall deliver as part of the disclosure statement, at the time specified, all the other information required by paragraph (a) of this section, as well as a good faith estimate of such price information, and shall provide all actual price information in writing to the option customer immediately upon the execution of the commodity option transaction for the option customer.

§ 32.6 Segregation.

(a) Any person which accepts money, securities or property from an option customer as payment of the purchase price in connection with a commodity option transaction shall treat and deal with such money, securities and property as belonging to such option customer until expiration of the term of the option or, if the option customer exercises the option, until all rights of the option customer under the commodity option have been fulfilled. Such money, securities and property (1) shall be separately accounted for and segregated as belonging to such option customer, (2) shall be kept in the United States, and (3) shall not be commingled with the money, securities or property of any other person, including the money, securities or property received by a futures commission merchant to margin, guarantee or secure the trades or contracts of commodity customers (as defined in § 1.3(k) of this chapter) or with the money accruing to such commodity customers as the result of such trades or contracts: *Provided, however*, That the money, securities or property treated as belonging to an option customer may for convenience be commingled with the money, securities or property treated as belonging to any other option customer and deposited in the same account or accounts with any bank or trust company in the United States. Such money, securities and property, when so deposited with any bank or trust company, shall be deposited under an account name which will clearly show that it contains money, securities or property, segregated as required by this Part. Each person depositing such money, securities or property shall obtain and retain in its files for the period provided in § 1.31 of this chapter an acknowledgment from such bank or trust company that it was informed that the money, securities and property therein are being treated as belonging to option customers and are being held in accordance with the provisions of this Part. Such bank or trust company shall allow inspection of such accounts at any reasonable time by representatives of the Commission.

(b) No money, securities or property deposited in accordance with paragraph (a) of this section shall be held, disposed of, used or treated as belonging to the depositing person or any person other than the option customers of such person: *Provided, however*, That such money may be invested in obligations of the United States, and in obligations fully guaranteed as to principal and interest by the United States. Such investments shall be made through an account or accounts used for the deposit of money, securities or property received from option customers and proceeds from any sale of such obligations shall be redeposited in such account or accounts. Each person which invests money belonging to option customers in obligations as described in this paragraph (b), shall separately account for such obligations and segregate such obligations as belonging to such option customers. Such obligations may only be deposited with a bank or trust company in the United States and shall be deposited under an account name which will clearly show that it contains obligations treated as belonging to option customers, segregated as required by this Part. Each person depositing such obligations shall obtain and retain in its files an acknowledgment from such bank or trust company that it was informed that the obligations are treated as belonging to option customers and are being held in accordance with the provisions of this Part. Such acknowledgment shall be retained for the period provided in § 1.31 of this chapter. Such bank or trust company shall allow inspection of the obligations at any reasonable time by representatives of the Commission.

(c) Each person which invests money treated as belonging to option customers as permitted hereunder shall keep a record showing the following: (1) The date on which such investments were

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made, (2) the name of the person through which such investments were made, (3) the amount of money so invested, (4) a description of the obligations in which such investments were made, (5) the identity of the depositories or other places where such obligations are segregated, (6) the date on which such investments were liquidated or otherwise disposed of and the amount of money received on such disposition, if any, and (7) the name of the person to or through which such investments were disposed of.

(d) Persons which invest money in obligations described in paragraph (b) of this section shall include such obligations in segregated accounts at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day.

(e) The deposit and/or investment of money as provided in paragraphs (a) or (b) of this section shall not operate to prevent the person so depositing and/or investing such money from receiving and retaining as its own any increment or interest resulting therefrom.

(f) The amount of money, securities and property which is and which must be in a segregated account in order to comply with the requirements of this part shall be computed by each person required to segregate such money, securities and property as of the close of each business day. A record of such computation shall be made and kept, together with all supporting data in accordance with the provisions of § 1.31 of this chapter. Such computation shall be made prior to the opening of business on the next business day.

§ 32.7 Books and record keeping.

(a) Each person which accepts any money, securities or property (or extends credit in lieu thereof) from an option customer as payment of the purchase price in connection with a commodity option transaction shall keep full, complete and systematic records together with all pertinent data and memoranda of or relating to such transactions. Such records shall at least include all orders (filled, unfilled or cancelled), signature cards, books of record, journals, ledgers, cancelled checks, copies of all statements of purchase, exercise or lapse, and reports, letters, disclosure statements required by § 32.5 of this Part, solicitation or advertising material, circulars, memoranda, publications, writings, and all other literature or written advice distributed to option customers or prospective option customers. Upon the request of an authorized representative of the Commission, such person shall furnish the true name and address of each commodity option customer or prospective commodity option customer solicited.

(b) Each person referred to in paragraph (a) of this section shall also keep a record in permanent form which shall show the true name and address of each maker, underwriter, issuer or other person who assumes or purports to assume any financial responsibility for the fulfillment of any commodity option transaction solicited or accepted by such person.

(c) Each person which accepts an order for a commodity option transaction from a person other than an option customer, shall keep full, complete and systematic records together with all pertinent data and memoranda of or relating to the transaction. Such records shall at least include the items set forth in paragraph (b) of this section and, to the extent necessary to reflect such person's participation in the transaction, shall include all items set forth in paragraph (a) of this section.

(d) Each person which accepts an order for a commodity option shall immediately upon receipt thereof prepare a written record of such order, including an account identification and order number, and shall record thereon by time-stamp or other device, the date and time, to the nearest minute, that (1) the order is accepted, (2) the order is transmitted for execution, and (3) the order is executed. Each such person which accepts any money, securities, or property (or extends credit in lieu thereof) from an option customer as payment of the purchase price in connection with the commodity option transaction shall, upon confirmation that the order was executed, notify the option customer of the date that the order was executed.

(e) All records, memoranda and other documents required to be maintained by paragraphs (a) through (c), and to be prepared by paragraph (d), of this section shall be retained for the period specified in § 1.31 of this chapter, and each person required to maintain such records will be required to produce the same for inspection and furnish true and correct copies thereof and information and reports as to the contents or meaning thereof, when and as requested by any authorized representative of the Commission or the United States Department of Justice.

§ 32.8 Unlawful representations.

It shall be unlawful for any person required to be registered with the Commission in accordance with this Part expressly or impliedly to represent that the Commission, by declaring effective the registration of such person or otherwise, has directly or indirectly approved such person, or any commodity option transaction solicited or accepted by such person.

§ 32.9 Fraud in connection with commodity option transactions.

It shall be unlawful for any person directly or indirectly—

(a) To cheat or defraud or attempt to cheat or defraud any other person;

(b) To make or cause to be made to any other person any false report or statement thereof or cause to be entered for any person any false record thereof;

(c) To deceive or attempt to deceive any other person by any means whatsoever;

in or in connection with an offer to enter into, the entry into, or the confirmation of the execution of, any commodity option transaction.

§ 32.10 Option transactions entered into prior to the effective date of this part.

Nothing contained in this part shall be construed to apply to any commodity option transaction lawfully entered into prior to the effective date of this part.

Interested persons are invited to submit written comments on the proposed rules to the Commission: 2033 K Street NW., Washington, D.C. 20581, Attn: Secretariat. All submissions received prior to November 8, 1976 will be considered by the Commission in determining whether to revise or modify the proposed rules prior to their adoption or thereafter. Issued in Washington, D.C. on October 4, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-29601 Filed 10-7-76;8:45 am]

federal register

FRIDAY, OCTOBER 8, 1976

PART V:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Procedures for Federal Financial Assistance Under Sections 505 and 511

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Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No.76-01]

PART 258—REGULATIONS GOVERNING APPLICATIONS UNDER SECTION 505 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Establishment of Part

• The purpose of these regulations is to set forth procedures for application by railroads for Federal financial assistance under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Act"), concerning the purchase of redeemable preference shares. •

On October 1, 1976, Congress passed S. 3131, the Rail Transportation Improvement Act ("RTIA"), which is pending enactment as of the date of publication of these regulations. If and when the President signs the RTIA and it becomes law, we will undertake to revise these regulations as quickly as possible to bring them into conformance with the provisions of the RTIA pertaining to sections 505 and 511 of the Act. In keeping with our policy to initiate the programs covered by these final regulations, we have determined that these regulations should be published immediately in the current form.

Title V of the Act directs the Secretary of Transportation (the "Secretary") to study the rail transportation system and capital needs of the Class I railroads and creates two programs to provide financial assistance to the railroads. The Secretary has delegated his powers and duties under Title V, except those contained in section 506(c), to the Administrator of the Federal Railroad Administration (the "Administrator").

Proposed regulations governing the procedures to be used in applying for financial assistance under sections 505 (a)(1) and 511 of the Act were published in the FEDERAL REGISTER on June 1, 1976 (41 FR 22222). A public meeting to discuss these proposed regulations was held on June 11, 1976. In addition, interested parties were invited to submit on or before July 1, 1976, their written comments on the proposed regulations.

Numerous persons, organizations, and governmental entities either participated at the public meeting or filed comments in response to the proposed regulations, and each comment was given due consideration by the Federal Railroad Administration ("FRA"). As a result of these comments, numerous changes have been made in the regulations. In addition, the regulations have been expanded to permit the filing of applications for facilities rehabilitation and improvement financing under section 505(a)(2) of the Act. These changes and the reasons therefor are discussed below. Since the information requirements for applications under sections 505 and 511 are identical in many respects, comments which are applicable to both sets of regulations are addressed herein. Comments applicable only to the section 511 regulations are discussed in the preamble to those regulations.

These regulations establish procedures for applying for assistance under section 505 of the Act. In order to provide policy and program guidance to potential applicants with respect to the manner in which FRA will evaluate the applications and make the determinations of public benefits and costs, FRA will make available to potential applicants, at a later date, a statement of policy that is more detailed than this preamble. Submission of applications need not await the policy statement.

APPLICATIONS FOR FACILITIES REHABILITATION AND IMPROVEMENT FINANCING UNDER SECTION 505(a)(2)

Section 505(a)(2) of the Act provides that the Secretary shall not act finally on any application for facilities rehabilitation and improvement financing until the date of publication of the final standards and designations under section 503 of the Act. However, in order to facilitate the consideration of such applications, the current regulations have been expanded to permit them to be filed prior to the publication of the final standards and designations. In particular, the statutory requirements listed in section 505(b)(1) of the Act, which were not contained in the proposed regulations, have been incorporated in §§ 258.7(a)(4) and 258.9k of the regulations.

PUBLIC COMMENTS AND REVISIONS TO THE REGULATIONS

The public comments related to the following general areas: (A) The priorities for determining which projects provide the greatest public benefits; (B) consideration of the availability of section 511 guarantees in evaluating section 505 applications; (C) the cost of the financing to the railroads; (D) definitions; (E) preapplication and application procedures; (F) form and content of applications; and (G) the eligibility of small business concerns to secure financing. Each of these areas is discussed below.

A. PRIORITIES FOR DETERMINING WHICH PROJECTS PROVIDE THE GREATEST PUBLIC BENEFITS

Under section 505(b)(2) the Administrator may approve applications if he "determines that the requested financial assistance is in the public interest." In making such a determination, the Administrator is required to consider "the public benefits to be realized from the project to be financed in relation to the public costs of such financing and whether the proposed project will return public benefits sufficient to justify such public costs." The preamble to the proposed regulations set forth a priority schedule that would ensure the improvement of essential freight service.

While some commenters agreed with this priority schedule, others stated that section 505 was intended primarily to assist rail carriers in curing their deferred maintenance and to improve the efficiency of their fixed plant and was not intended to facilitate consolidation or coordination of rail facilities or to facilitate competition. It was also stated that encouragement of mergers and consolidations is a repudiation of the free enterprise system, and that a shrinkage of facilities will not lead to a revitalization of the railroads.

We do not disagree that the primary purpose of financial assistance under section 505 to is to rehabilitate and improve deteriorated rail facilities. In approving applications for assistance, however, the Administrator must weigh the public benefits against the public costs. The public benefits associated with each project will vary according to many factors. Projects that address the dual problems of excess rail capacity and deteriorated rail facilities will normally produce greater public benefits than those that address only deterioration and do little to relieve the continuing financial burden of excess operating, maintenance and investment costs. Consolidation and coordination projects, particularly those located in corridors of excess capacity identified pursuant to section 503 of the Act, will be prime candidates for funding under section 505.

FRA recognizes that final implementation of mergers, even under expedited procedures, may well extend beyond the period in which section 505 assistance is available. We believe, however, that federal assistance can effectively be used to eliminate redundancy in the rail system by giving a high priority to applications that emphasize unification or coordination projects involving two or more railroads that achieve a partial system rationalization short of mergers, such as: (1) The elimination of duplicative or overlapping operations and facilities; (2) the reduction of switching operations; (3) utilization of the shortest, or most efficient and economical routes; (4) the exchange of trackage rights; and (5) the combining of trackage and of terminal or other facilities. Priority will also be given to acquisition, rehabilitation, and improvement projects on high density mainlines that would not be incompatible with any subsequent restructuring efforts, including merger or consolidation proposals which have been proposed to the Interstate Commerce Commission under sections 5 (2) or (3) of the Interstate Commerce Act ("IC Act") or to the Administrator under section 5(3) of the IC Act. In assessing the eligibility of projects involving track rehabilitation, the Administrator will consider the classifications and designations made pursuant to section 503 of the Act.

While some commenters expressed opposition to facilitation of competition as a priority, others supported it and asked that it be broadened to include intermodal competition. By stimulating service improvements and efficient operations, competition produces substantial public benefits and is therefore a necessary consideration in determining the public interest. Intermodal competition must be part of this consideration. Congress recognized this in its declaration in section 101(b)(2) of the Act that it is a policy of the Act to—

> Foster competition among all carriers by railroad and other modes of transportation, to promote more adequate and efficient transportation service, and to increase the attractiveness of investing in railroads and rail-service-related enterprises.

That policy statement recognizes the interrelationship between competition, service, and economic viability. By applying Federal financial assistance to those types of projects which make the applicant more competitive, service improvements by all modes in the affected market should be stimulated, with each mode performing effectively those services for which it is inherently suited.

While intermodal competition is indeed an important transportation issue, the focus of the Act is on the more serious problem of reduced competition due to deterioration in railroad plant and service. In certain cases the continuation of competitive rail service in major markets may be threatened by such deterioration. Therefore, consistent with the Secretary of Transportation's statement on National Transportation Policy in support of at least two competing rail lines between major industrial points, cities and seaports, it is appropriate to afford priority to projects which support that objective.

A lesser priority is general in nature and includes projects that would increase the ability of applicants to provide rail transportation services at safe and adequate levels, result in lower costs of services, improve economic efficiency and productivity, and address specific safety, environmental, energy and defense problems. The final report to be issued under section 503 of the Act will be a primary guide in determining which projects will be funded.

B. CONSIDERATION OF THE AVAILABILITY OF SECTION 511 GUARANTEES IN EVALUATING SECTION 505 APPLICATIONS

As previously noted, section 505(b)(2) requires the Administrator, in determining whether a project is in the public interest, to consider the "availability of funds from other sources at a cost which is reasonable under principles of prudent railroad financial management in light of the railroad's projected rate of return for the project to be financed." The preamble to the proposed regulations indicated that in determining whether funds are available from other sources at a reasonable cost the Administrator will—

> compare the anticipated rate of return on the project itself to the cost of any available capital and will evaluate the overall financial strength of the applicant in order to assess the applicant's ability to afford available capital. The Administrator will consider such factors as the timing of the anticipated flows of costs and benefits from the project compared to the schedule for repayment of other financing means as well as any terms governing repayment of capital from sources other than section 505. Other sources of funds that applicants should explore include public or private placement of funded or unfunded debt, bank loans or loans from shippers and manufacturers, advances from parent companies, sales of assets, and equity financing. An additional factor the Administrator will review in deciding whether other funds are available at a reasonable cost is *whether a project could be financed if a guarantee or commitment to guarantee were extended under section 511 or if sections 505 and 511 were used in combination. Applicants must therefore examine thoroughly the possibility of financing their project in whole or in part with the assistance of a section 511 guarantee and must demonstrate that financing available in the private capital markets either cannot be obtained at a reasonable rate of interest or is otherwise inappropriate for the project.* (Emphasis added.)

Some comments supported the consideration of the practicality of using section 511 financing as a condition precedent to approving a section 505 application. Others objected to the coupling of the two sections, contending that the coupling will result in a frustration of the Congressional intent that rehabilitation funding be provided at a low cost.

The underscored language above does not require, nor will we require, an applicant to apply for assistance under section 511 before applying for assistance under section 505. However, each applicant will be required to demonstrate that the cost of financing all or part of a project under section 511 is not reasonable under principles of prudent financial management in light of the railroad's projected rate of return for the project to be financed.

The objectors fail to recognize that Congress intended that funding under both section 505 and section 511 be used for rehabilitation and improvement. If the revitalization of the rail system is to be achieved, maximum efficient use must be made of the total Federal funding authorization at the lowest cost to the taxpayer. As stated in the preamble to the proposed regulations:

> [e]xtending obligation guarantees whenever possible will maximize public benefits first by providing financial assistance for railroad projects at the lowest cost to the public and second by applying funds available under section 505 to projects that are in the public interest but cannot be financed at a reasonable rate of interest. Only through the appropriate use of assistance from both sections 505 and 511 can the assistance available to the railroads through Title V be maximized.

C. COST OF THE FINANCING TO THE RAILROADS

Several commenters argued against the policy statement in the preamble to the proposed regulations that the Administrator will establish terms on the preference shares which will, by combining the schedules for dividend and redemption payments, result in a financial cost to the applicant equal to the cost of money to the government. The preamble to the proposed regulations stated that FRA may deviate from these terms when the public benefit from the project warrants a lower financial cost to the applicant. The commenters argued that this is inconsistent with the Congressional intent of providing low cost financing for rail rehabilitation and improvement.

We disagree with the commenters. The Act clearly provides the Administrator with discretion in setting the terms and conditions for preference share financing. Section 506(a)(3) provides that dividends, when added to the amount of mandatory redemption payments "shall return to the Fund *not less than* 150 percent of the aggregate par value thereof • • •." (Emphasis added.) In addition, section 505(b)(2) provides the Administrator with discretion to determine whether the project is in the public interest. As stated earlier, in determining the public interest, the Secretary is required to consider the public benefits in relation to the public costs of the financing. When sections 505 and 506 are considered together, the FRA policy, which we believe to be a correct interpretation of the Act, provides the Administrator with the ability to establish terms and conditions for repayment based on the benefits which the public derives from the project and the applicant's ability to repay. In essence, the FRA policy establishes the ceiling for repayment at "cost of money to government" while the legislation sets the floor at "150 percent of the aggregate par value."

FRA is aware of the critical financial problems affecting certain marginal railroads and fully intends to give careful consideration to financing projects at the lowest cost levels. However, in assessing the use of preference share financing for projects that fall within the priorities established by the Administrator, it must be recognized that there will be combinations of participating railroads in varying financial condition and projects varying in public benefit. Therefore, it is only prudent management of public funds to set a range within which financing terms can be established. When an applicant receives substantial economic benefits from projects financed under the Act, such projects should be financed without unnecessary costs to the taxpayers.

D. DEFINITIONS

A few comments were received on the adequacy of certain definitions. One commenter stated that the term "automatic data processing systems," used in sections 258.3(f)(2) and 260.3(f)(2) of the proposed regulations, should be defined to include "software or program packages." It is our view that automatic data processing systems may include the software necessary to the functioning of the system.

One commenter requested that the definition of "equipment" in sections 258.3(e) and 260.3(e) of the proposed regulations include freight cars which, though somewhat specialized, are in general use by the railroad industry. In particular, the commenter recommended the inclusion of DF boxcars and rapid-unloading covered hopper cars. It is our view that such cars are not limited to any specialized purpose and so fall within the definition as it is presently worded. TOFC-COFC flatcars are not included, however, since particular features of the car limit their purpose to the transportation of highway trailers. A potential applicant could request such a designation, since the Act permits the Administrator to designate other cars as equipment upon a written finding, with reasons therefor, that such designation is consistent with the purposes of the Act.

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E. PREAPPLICATION AND APPLICATION PROCEDURES

Comments concerning the preapplication and application procedures urged generally that the requirements be simplified or that the time within which all the information had to be supplied be postponed until the applicant had some reasonable indication that the proposed project would be favorably considered. Another commenter suggested the setting of a specific time frame for decisions on projects. Additionally, the comments pointed to the need for confidentiality in the preapplication process.

It is possible that not all of the information specified in the regulations will be necessary for the consideration of each application. For this reason, provisions have been made (§ 258.11(a) and § 260.11(a)) for a preliminary conference prior to the submission of a formal application. A discussion of the information that must be submitted in support of a proposed project will be included as part of the preapplication conference. While applicants are not requested to prepare a draft application or other special information for the preapplication conference, they should be prepared to discuss information which management used in making its initial decision to seek financial assistance.

An estimate of the time period required for a decision can also be provided at the preapplication conference. In view of the varying degrees of complexity of projects to be considered and the length of time required for analysis of such projects, we do not believe it is practical to set a rigid time frame for decisions within the six month requirement set forth in section 505(b)(2) of the Act.

Provisions for maintaining confidentiality of information submitted in applications are included in the regulations in § 258.17 and § 260.17. The confidentiality of preapplication information will similarly be maintained to the extent permitted by law.

Comments from State officials requested that they receive notice of proposed projects and that the States be afforded an opportunity to comment on the proposals. We agree that a mechanism for informing States and other interested persons of applications is desirable. A notice of the filing of each application will therefore be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment (see § 258.9(l)).

There also was a suggestion that the Title V program be used to attract state and local public funds to the railroads. We agree that to the extent possible, total available funds, including those from States and private sources, should be used to finance projects. The initiative in identifying potential funds for a project, however, should be that of the applicant and not of the Administrator.

F. FORM AND CONTENT OF APPLICATION

Comments on the amount, content and format of the financing and operating information required for applications under sections 505 and 511 of the Act, showed that respondents were generally concerned with the volume of information requested, the possibility of submitting regularly published reports rather than drafting separate schedules of data when practicable, and changes of language where it was felt that clarity or simplification was needed.

A major effort has been made to simplify the information requirements contained in the proposed regulations in light of these comments. Where the information requested is available from other Federal agencies, for example, the requirement has been deleted. Approximately one-half of the exhibits required in the proposed regulations have been deleted from the final regulations.

Section 101(a)(5) states that the purpose of the Act be achieved, in part, through "auditing, accounting, reporting, and other requirements to protect Federal funds and to assure repayment of loans and financial responsibility." In most cases, considerable information will be required to evaluate the financial soundness of a project and to monitor the applicant's financial viability on a regular basis. There may be instances in which more information than is specified in the regulations is needed to complete the evaluation and monitoring functions. Under § 258.19 and § 260.19 of the regulations, the Administrator, upon good cause shown, may make any additional requirements he deems necessary. Information may also be requested under § 258.7(a)(10) and § 260.7(a)(14).

Other more specific requests and suggestions were:

(1) Sections 258.7(a)(8)(A) and 260.7(a)(12)(A) now require "• • • [a] statement of other Federal activities in the area of the project which are known or should be known to the applicant." It was suggested that the underscored language be included, and it has been.

(2) Concern was expressed that due to the difficulties inherent in forecasting, projections of financial data may prove meaningless. It is recognized in this regard that forecasts are only as good as the assumptions on which they are based. Nonetheless, in order that an evaluation of the applicant's ability to continue to provide necessary transportation services in the public interest can be made, it is essential that the best available information on the applicant's prospective financial condition be considered. Applicants will be expected to make every reasonable effort to provide reasonable forecasts based on the soundest assumptions possible.

(3) A request was made that the statement of economic impact of the project on the railroad's employees contained in § 258.7(a)(10) and § 260.7(a)(14) of the proposed regulations be deleted, and it has been. However, a statement of the status of labor negotiations required by section 516 of the Act is still required.

(4) It was suggested that the rate of return concept in § 258.7(a)(4)(C) and § 260.7(a)(7)(A) of the proposed regulations is uninformative and inappropriate for rehabilitation and safety projects. While FRA recognizes fully the difficulty of applying the rate of return concept to certain types of projects, the information is required to meet certain statutory requirements. The Act requires the rate of return to be considered in evaluating projects under section 505. With respect to projects under section 511, rate of return is useful in determining whether the funds will be "economically" utilized, as required in section 511(h)(4).

For approximately one year, the Department of Transportation has been examining the way in which railroads calculate rate of return on railroad investment projects as a basis for developing a standard methodology for use by the railroad industry. Final results of that study are not expected for some time. In the interim, FRA is developing an initial set of broad guidelines for the calculation of rate of return in connection with Title V applications. When the guidelines and later the final standard methodology become available, FRA will make them available to applicants for use in subsequent applications and recalculate in accordance with the guidelines or final methodology the rate of return included in applications already submitted by the applicant but not yet acted upon finally by FRA. In order that the submission of applications not be delayed while the guidelines or final methodology are being developed, applicants filing applications prior to the date of publication of the guidelines should perform rate of return calculations according to their internal and existing corporate methodology, setting forth the assumptions and bases for the calculations in accordance with § 258.7(a)(4)(E) and § 260.7(a)(7)(A) of the regulations.

G. ELIGIBILITY OF CLASS II RAILROADS AND SMALL BUSINESS CONCERNS TO SECURE FINANCING

The Small Business Administration and others requested that consideration be given to changes in the proposed rules to enable "maximum feasible eligibility and participation by small business concerns". Specifically, clarification was requested as to the eligibility of Class II railroads and non-rail businesses for section 505 assistance.

Eligibility under section 505 is specifically limited to "railroads". The term "railroad" is defined in section 102(7) of the Act and includes Class II railroads, but not small businesses per se. As previously stated, assistance under section 505 will be provided for those projects that best serve the public interest by increasing the ability of the rail system to provide adequate and efficient transportation services, rather than maintaining the status quo. Most commenters supported the use of the line classifications and designations under section 503 of the Act to evaluate applications under section 505 of the Act. Class II railroads will not be prejudiced thereby, as the necessary public interest determination will also include consideration of other factors, such as preservation of competition, safety,

energy conservation, and similar significant benefits.

In consideration of the foregoing, 49 CFR, Chapter II is amended by adding a new Part 258 to read as follows:

Sec.
258.1 Applicability.
258.3 Definitions.
258.5 Eligibility.
258.7 Form and content of application.
258.9 Required exhibits.
258.11 Preapplication and application procedure.
258.13 General instructions.
258.15 Record, audit, and examination.
258.17 Information requests.
258.19 Waivers and modifications.

AUTHORITY: Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210; the Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(u).

§ 258.1 Applicability.

This part prescribes the requirements and procedures governing applications by railroads for financial assistance pursuant to section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976. These requirements and procedures also govern applications for assistance for the purpose set forth in section 517 of that Act, improvement of intercity rail passenger service on lines owned by the applicant and located outside the Northeast Corridor, being the properties acquired by the National Railroad Passenger Corporation pursuant to Title VII of the Act and described in section 701(a)(4) of that Act.

§ 258.3 Definitions.

As used in this part—

(a) "Act" means the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210, February 5, 1976).

(b) "Administrator" means the Federal Railroad Administrator, or his delegate.

(c) "Applicant" means any railroad that submits an application for financial assistance pursuant to this part.

(d) "Commission" means the Interstate Commerce Commission.

(e) "Equipment" means any type of new or rebuilt standard gauge locomotive, caboose, or general service railroad freight car the use of which is not limited to any specialized purpose by particular equipment, design, or other features, or any other type of car designated by the Administrator upon a written finding that such designation is consistent with the purposes of the Act. General service railroad freight car includes a boxcar, gondola, open-top or covered hopper car, and flatcar.

(f) "Facilities" means—

(1) track, roadbed, and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, enginehouses, and public improvements used or usable for rail service operations;

(2) communication and power transmission systems, including electronic, microwave, wireless, communication, and automatic data processing systems, electrical transmission systems, powerplants, power transmission systems, powerplant machinery and equipment, structures, and facilities for the transmission of electricity for use by railroads;

(3) signals, including signals and interlockers;

(4) terminal or yard facilities, including trailer-on-flat-car and container-on-flat-car terminals, express or railroad terminal and switching facilities, and services to express companies and railroads and their shippers, including ferries, tugs, carfloats, and related shoreside facilities designed for the transportation of equipment by water; or

(5) shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving, and expediting the movement of equipment.

(g) "Final Standards" means the Final Standards, Classification and Designation of Lines of Class I Railroads in the United States, to be published by January 30, 1977, pursuant to section 503(e) of the Act.

(h) "FRA" means Federal Railroad Administration.

(i) "Including" means including but not limited to.

(j) "Preliminary Standards" means the Preliminary Standards, Classification and Designation of Lines of Class I Railroads in the United States, published by the United States Department of Transportation on August 3, 1976, pursuant to section 503(b) of the Act.

(k) "Project" means the purpose for which the applicant seeks financial assistance under this part, including acquisition or maintenance of facilities or equipment, rehabilitation or improvement of facilities or equipment, and new construction of facilities.

(l) "Railroad" means a common carrier by railroad or express as defined in section 1(3) of Part I of the Interstate Commerce Act (49 U.S.C. 1(3)), and includes the National Railroad Passenger Corporation and the Alaska Railroad.

(m) "Railroad in reorganization" means a railroad being reorganized under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(n) "Redeemable preference shares" means shares acquired by the Administrator under section 505(d) of the Act that conform to the requirements set forth in section 506 of the Act.

(o) "Trustee" means the trustee, or trustees if more than one trustee has been appointed, of a railroad in reorganization.

(p) "Trustee certificates" means certificates issued under section 77(c)(3) of the Bankruptcy Act (11 U.S.C. 205(c)(3)).

§ 258.5 Eligibility.

Any railroad may apply to the Administrator under section 505 for such financial assistance as the Administrator may approve.

§ 258.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

(1) Full and correct name and principal business address of the applicant;

(2) Date of applicant's incorporation, and name of the government, state, or territory under the laws of which it was incorporated or organized. If applicant is a trustee, the name and address of the reorganization court under the direction of which the applicant is acting, and the docket number of the proceeding;

(3) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(4) Detailed description of the amount and timing of financial assistance that is being sought and its purpose or purposes, including—

(i) A description of all facilities and the physical condition of such facilities included in or directly affected by the proposed project and a description of the project;

(ii) Each part or sub-part into which the project may reasonably be divided, and the priority and schedule of financial assistance needed for each part or subpart;

(iii) Total amount of financing required to complete the proposed project, in total and for each part or sub-part identified pursuant to paragraph (a)(4)(ii) of this section, and the amount and kind of Federal financial assistance required by applicant in order to complete the proposed project;

(iv) Total amount of financing being requested in the application, date or dates on which applicant desires to have the funds made available, and schedule according t which applicant desires to redeem preference shares purchased pursuant to this part and make dividend payments thereon;

(v) Estimated rate of return on the project calculated in accordance with the applicant's internal, corporate methodology, and where practicable, by determining the discount rate for which the present value of the stream of annual benefits associated with and over the life of the project equals the present value of the stream of annual costs associated with and over the life of the project. The detailed stream of annual project costs (including any increase in labor costs that will result from the labor protection arrangements required by section 516 of the Act) and annual project benefits used to calculate the rate of return and a statement of the assumptions and bases for calculations supporting each of the items of the detailed stream must be provided. At such time as FRA develops general guidelines and later a standard methodology for computing rate of return, FRA will recalculate the resulting discount rate in accordance with the guidelines or the standard methodology (if available) and will make the guidelines or standard

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methodology available to railroads for use in subsequent applications under this Part;

(vi) Evaluation of the expected impact of the project on the applicant's ability to provide essential rail services; and

(vii) Statement of whether the project involves another railroad or other participant, through joint execution, coordination, or otherwise; if so, description of the relative participation of applicant and such other railroad or participant, including statement of financing arrangements of each participant, portion of the work to be performed by each, and contemplated level of usage of the equipment or facility by each participant when the work is completed, along with a statement by a responsible officer or official of the other railroad or participant that the information provided reflects their agreement on these matters;

(5) Full and complete statement, together with supporting evidence, of the public benefits to be realized from the project. Public benefits include providing essential freight or passenger services at safe and adequate levels, decreased costs of service (through joint use of tracks or coordination between carriers, mergers, consolidations, or other means), and improved economic efficiency and productivity;

(6) Statement as to how the project will contribute to or enhance the safe operation of the railroad, considering such factors as the occupational safety and health of employees and the improvement of physical or other conditions that have caused or may cause serious injury or loss of life to the public and to users of the railroad's services;

(7) Statement as to whether the project can be funded, in whole or in part, from any other public or private source, including shippers, affiliated companies, or through the guarantee or commitment to guarantee obligations under section 511 of the Act, and, if so, upon what terms. If the project cannot be funded in whole or in part by other sources, a statement as to the efforts which have been made to secure alternative funds, the reasons for the inability to secure alternative funds, and full details of all negotiations undertaken;

(8) Detailed statement as to whether the project will involve a major change in land use or will result in a major change in the intensity of railroad related activities on existing corridors or at other locations, and, if so, assessment of the impact of the project on the environment, including—

(i) Description of the environment in the area of the project before commencement of such project, together with statement of other Federal activities in the area which are known, or should be known, to the applicant;

(ii) Statement of population and growth characteristics of area and of any population and growth assumptions made by applicant in planning the project. Such statement should use the rates of growth in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture;

(iii) Statement of the project's relationship to proposed land use plans, policies, and controls of affected communities. Where the project is inconsistent with any such plans, policies, or controls, the statement should describe and explain the reasons for such inconsistency in detail;

(iv) Statement of the positive and negative effects of the project on the environment, including effects on air and water, soil quality, and noise level;

(v) Statement of relationship to any applicable Air Quality Implementation Plan under the Clean Air Act (42 U.S.C. 1857);

(vi) Description of any alternatives to the project that have been considered with respect to impact on the environment;

(vii) Discussion of problems and objections raised by other Federal, State or local agencies, and citizens with respect to impact of the project on the environment;

(viii) Statement of the relationship between local short-term uses of the environment by the project and the long-term effects on the environment; and

(ix) Statement of any irreversible or irretrievable commitments of resources, including impact on public parks, recreational areas, wildlife refuges, historic sites, and similar areas referenced in section 4(f) of the Department of Transportation Act;

(9) Statement of the status of negotiations between applicant and representatives of its employees for labor protection agreements required by section 516 of the Act; and

(10) Any other information which the Administrator may deem necessary concerning an application filed under this part.

(b) When applicant is a trustee and the form of proposed assistance is purchased by the Administrator of trustee certificates, the application shall provide all of the information required in paragraph (a) of this section, and in addition shall provide:

(1) Statement on behalf of the trustee, together with supporting evidence, that such certificates cannot otherwise be sold at a reasonable rate of interest;

(2) Full and complete statement, together with supporting evidence, demonstrating that the project can reasonably be expected to be maintained as a part of a financially self-sustaining railroad system; and

(3) Full and complete statement, together with supporting evidence, that the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

§ 258.9 Required exhibits.

There shall be filed with and made a part of each application and copy thereof the following exhibits, except that exhibits filed with the Administrator pursuant to some other statutory provision or regulation which are in the same format as the following exhibits may be incorporated in and made part of the application filed under this Part by reference. While an application is pending, when actual data becomes available in place of the estimated or forecasted data required in exhibits under this Part, such actual data must be reported promptly to the Administrator in the form required in the appropriate exhibit.

(a) *Exhibit A.* (1) Copies of resolutions of stockholders or the board of directors, or duly authorized committee thereof, authenticated by a proper officer of applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified, and filed on behalf of the applicant; and

(2) If applicant is a trustee, a certified copy of the order of the court having jurisdiction authorizing the filing of the application. All documents required by this exhibit must be certified by the appropriate officer of the applicant.

(b) *Exhibit B.* Opinion of counsel that he is familiar with the corporate powers of the applicant and that the applicant is authorized to make the application. Such opinion shall also cover whether the applicant is authorized to execute and deliver the redeemable preference shares and the priority of such shares. If the charter, articles of incorporation, or by-laws do not permit the execution or delivery of redeemable preference shares, the opinion shall so state and shall list the actions necessary to obtain authorization for such execution or delivery. Any amendments to the charter, articles of incorporation, or by-laws, and all resolutions of the board of directors, executive committee of the board of directors, or stockholders, that will be required to execute and deliver the redeemable preference shares shall be provided to the Administrator as soon as they are available.

(c) *Exhibit C.* Map of applicant's existing railroad with location of project indicated, if appropriate.

(d) *Exhibit D.* Statement showing to the latest available date but in any event to a date no less recent than the end of the third month preceding the date of filing of the application:

(1) Maximum number of locomotive units out of service during each quarter due to business conditions; maximum number of such units out of service during each quarter due to mechanical defects; and ratio of each to total ownership quarterly for each of the last three calendar years but not earlier than the quarter ending June, 1974, and the current calendar year; and

(2) Maximum number of general service freight cars out of service during each quarter due to business conditions; maximum number of such cars out of service during each quarter due to mechanical defects; and ratio of each to total number of general service freight cars owned by applicant quarterly for each of the last three calendar years but not earlier than the quarter ending June, 1974, and the current calendar year.

(e) *Exhibit E.* A copy of applicant's general balance sheet as of a date no less recent than the end of the third month preceding the date of filing of the application, in account form and detail as required in schedule 200 of the Commission's annual report R–1 or R–2, as appropriate, together with the following schedules (where changes in accounts from the end of the prior year to date of the application have not been significant, copies of the appropriate schedules in the prior year's R–1 or R–2 with marginal notations listing the changes may be submitted):

(1) Particulars of account 704, Loans and Notes Receivable, in form and detail as required in schedule 201 of annual report R–1 for the Class I railroads, and in similar form for the Class II railroads except that for Class II railroads loans and notes receivable that are each less than $25,000 may be combined into a single amount;

(2) Particulars of investments in affiliated companies and other investments in form and detail required in schedules 205 and 206 of annual report R–1, or schedules 1001 and 1002 of annual report R–2, as appropriate;

(3) Particulars of balances in accounts 741, Other Assets, and 743, Other Deferred Charges, in form and detail required in schedule 216 of annual report R–1 or schedule 1703 of annual report R–2, as appropriate;

(4) Particulars of loans and notes payable in form and detail required in schedule 223 of annual report R–1, or schedule 1701 of annual report R–2, as appropriate, as well as information as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and security, if any;

(5) Particulars of long-term debt in form and detail required in schedules 218 and 219 of annual report R–1 or schedules 670, 695, 901, 902 and 1702 of annual report R–2, as appropriate, together with a brief statement concerning each mortgage, pledge, and other lien, indicating the property or securities encumbered, the mortgage limit per mile, if any, and particulars as to priority;

(6) Particulars of balance in account 784, Other Deferred Credits, in form and detail required in schedule 225 of annual report R–1 or schedule 1704 of annual report R–2, as appropriate; and

(7) Particulars as to capital stock in form and detail as required in schedules 228, 229, and 230 of annual report R–1 or schedule 690 in R–2, as appropriate.

(f) *Exhibit F.* A spread sheet showing comparative income statement data for each month of the year in which the application is filed in account form similar to that required in column (a) of schedule 300 of annual report R–1 or R–2 as appropriate. For those months preceding and ending upon the date of the balance sheet presented in Exhibit I, the income statement data shall be reported on an actual basis and so noted. For those months between the dates of the balance sheet and the filing of the application, the income statement data should be reported on an estimated basis and so noted. For those months between the date of the application and the end of the year, the income statement data should be presented on a forecasted basis and so noted.

(g) *Exhibit G.* A spread sheet showing forecasted income statement data for each of the four years subsequent to the year in which the application is filed both before and after giving effect to the proceeds of the assistance requested in the application, in account form and detail similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate, together with a statement setting forth the bases for such forecasts.

(h) *Exhibit H.* A spread sheet showing changes in financial position for the year in which the application is filed in account form and detail as required in schedule 309 of annual report R–1 or R–2 as appropriate, as follows:

(1) For that period ending on the date of the balance sheet in Exhibit E, based upon actual data; and

(2) For that period from the balance sheet date to the end of the year, based upon estimated and forecasted data.

(i) *Exhibit I.* A spread sheet showing forecasted changes in financial position for each of the four calendar years following the filing of the application, both before and after giving effect to any funds requested in the application and including a statement showing the bases for such estimates, in account form and detail as required in schedule 309 of the annual report R–1 for Class I railroads and in similar form and detail for Class II railroads.

(j) *Exhibit J.* With respect to equipment proposed to be rehabilitated, improved, maintained, or acquired in the application, a statement indicating number of units and in-service or out-of-service status and, as appropriate:

(1) For locomotives, service type, age, size, horsepower, name of builder, description of work, and unit cost of proposed work; and

(2) For freight cars or intermodal equipment, information as to service type (box, gondola, flat, etc.), age, capacity, description of work, and unit costs of proposed work. Such statement shall show the total cost of the project, types and quantities of work items, unit cost of each item, and distribution of such cost by primary accounts of the Commission's Uniform System of Accounts separated where applicable between material, labor, and other; the ownership of all equipment which is the subject of the project; and the dates on which work is to be commenced or completed. Direct labor, supervision, material costs, contingencies, and any applicable overhead expenses that are included in the total cost of the project should be shown separately and identified.

(k) *Exhibit K.* With respect to the maintenance, rehabilitation, improvement, acquisition, or construction of facilities proposed in the application, a statement showing, as appropriate:

(1) Track Class, as defined by the FRA Track Safety Standards in Part 213 of this chapter, and maximum allowable speed under which each line, or sub-part of a line, on which maintenance, rehabilitation, improvement, acquisition or construction is proposed has been and is being operated and the reasons therefor; the highest track class and maximum allowable speed at which each such line, or subpart of a line, will be designated when the proposed project is completed; and the track class, maximum allowable speed, and signal requirements necessary in the judgment of the railroad to provide safe, reliable and competitive rail services over each line, or subpart of the line, included in or directly affected by the project, together with applicant's recommendations as to:

(i) The most economical method of rehabilitating or improving the physical condition of each line, or subpart of each line, referred to above, to achieve and maintain such line to the track class and maximum allowable speed deemed necessary by the applicant;

(ii) The cost of rehabilitating or improving each line, or subpart of each line, specified above, to meet the minimum safety requirements as defined by the FRA in Part 213 of this chapter for the track class and maximum allowable speed deemed necessary by the applicant and the cost of installing, rehabilitating, improving, maintaining, and repairing, as necessary, block signal systems, interlockings, automatic train stop, train control, cab signal devices or other similar appliances, methods, and systems in accordance with the FRA requirements in Parts 233, 234 and 236 of this chapter; and

(iii) An economic analysis of the cost of installing, rehabilitating, and improving facilities described in subparagraph (ii) above.

(2) The identification number of each grade crossing on each line, or sub-part of a line, included in the project, as provided in the United States Department of Transportation/Association of American Railroads Crossing Inventory, and the safety standards, signal and other requirements necessary in the judgment of the railroad to prevent loss of life and serious accident or injury at such grade crossings.

(3) Dates on which project is proposed to be commenced and completed; and dates on which each part or sub-part into which the project may reasonably be divided is proposed to be commenced and completed.

(4) Types and quantities of work items, unit cost of each item, cost of project in total and by parts or sub-parts into which the project may be reasonably divided, and distribution of such costs by primary accounts of the Commission's Uniform System of Accounts, separated where applicable between material, labor and other. Direct labor, supervision, material costs, contingencies, and any applicable overhead expenses that are included in the costs of the project should be shown separately and identified.

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(1) Exhibit L. A draft notice of filing, to be published by the Administrator in the FEDERAL REGISTER, which shall contain a brief summary of the project(s) proposed to be funded, including as applicable:

(1) The name and address of applicant;

(2) A brief description of the project(s) proposed to be funded, the total cost of such project(s), and the amount of Federal financial assistance sought;

(3) A brief description of the facilities to be acquired, rehabilitated or improved, including city or county and state location, termini, and approximate distance in miles;

(4) The justification for the project(s); and

(5) A final paragraph which shall read as follows:

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than 30 days after the date on which this notice is published in the FEDERAL REGISTER. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, formal acknowledgment of the comments will not be provided.

NOTE.—The account forms referred to in the exhibits are those of the Commission's Uniform System of Accounts for Railroad Companies in use on August 31, 1976. However, the information required in any of the exhibits shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the application.

§ 258.11 Preapplication and application procedure.

(a) When a railroad has developed plans for a project for which it may wish to seek assistance under this Part, a responsible official of the railroad may request a meeting with the Associate Administrator for Federal Assistance of the FRA to discuss those plans. Upon receipt of such request, the Associate Administrator will promptly schedule a meeting at which the railroad will present to representatives of the FRA the project and discuss with them information which must be submitted in the application and the type of terms and conditions and financing documents that will be utilized in connection with financial assistance provided under section 505. Applicants are not required to prepare a draft application or other special information for the preapplication conference; however, applicants should be prepared to discuss information which management has used in making its initial decision to seek assistance.

(b) The following procedure shall govern the execution and filing of the application:

(1) The original application shall bear the date of execution and be signed with ink by or on behalf of the applicant and shall bear the corporate seal in the case of an applicant which is a corporation. Execution shall be by all partners if a partnership, unless satisfactory evidence is furnished of the authority of a partner to bind the partnership, or if a corporation, an association or other similar form of organization, by its president or other executive officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the applicant shall also sign a certificate in form as follows:

_____ certifies
(Name of official)
that he is the _____
(Title of official)
_____ of the _____;
(Name of railroad)
that he is authorized on the part of said applicant to sign and file with the Administrator this application and exhibits attached thereto; that the consent of all parties whose consent is required, by law or by binding commitment of the applicant, in order to make this application has been given; that he has carefully examined all of the statements contained in such application and the exhibits attached thereto and made a part thereof relating to the _____
(Name of railroad)
_____; that he has knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

_____
(Name of official)
_____
(Date)

(2) There shall be made a part of the original application the following certificate by the Chief Financial Officer of the applicant:

_____ certifies
(Name of officer)
that he is _____
(Title of officer)
of _____; that he
(Name of railroad applicant)
has supervision over the books of account and other financial records of the railroad applicant and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that such accounts are adequate to assure that proceeds from the financing being requested will be used solely and specifically for the purposes authorized; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account; and that, other than the matters set forth in the exceptions attached to such statements, those financial statements and supporting schedules represent a true and complete statement of the financial position of the railroad applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the railroad applicant.

_____
(Name of official)
_____
(Date)

(3) The original application and supporting papers, and ten (10) copies thereof, shall be filed with the Associate Administrator for Federal Assistance of the Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed.

§ 258.13 General instructions.

(a) If the application is approved by the Administrator, the following documents must be deposited with the Administrator before the transaction is closed:

(1) Certified copies of resolutions of the board of directors and, where necessary, of the executive committee of the board of directors and the stockholders, and certified copies of the minutes of the meetings at which those resolutions were adopted, and any necessary amendments to the charter, articles of incorporation, or by-laws, authorizing the execution of a financing agreement with the Administrator and the issuance and delivery of such redeemable preference shares as are incident to the application thereof, in conformity with such terms as may be prescribed by the Administrator, and authorizing the designated officers to receive and give a receipt for the proceeds from the purchase of the redeemable preference shares;

(2) Certified statement by the applicant that it has complied with the provisions of sections 516 and 905 of the Act dealing respectively with employee protection and nondiscrimination; and

(3) In respect of assistance to a trustee, certified copies of the court orders and decrees authorizing him to execute and deliver the trustee certificates or redeemable preference shares.

(b) After the documents required in paragraph (a) of this section have been deposited with the Administrator, the Administrator will enter into an agreement with the applicant to provide financing at such times and in such amounts as the Administrator deems necessary to meet the reasonable cost of the project. Such agreement shall contain such terms and conditions as the Administrator deems necessary or appropriate to assure that the financing will be used only in the manner, and for the purposes, approved by the Administrator, including a requirement that funds received from the sale of redeemable preference shares be placed in and disbursed from a separate account.

§ 258.15 Record, audit, and examination.

(a) Each recipient of financial assistance under this Part, whether in the form of redeemable preference shares, trustee certificates, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator and the Comptroller General shall prescribe, including records that fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance was given or used, the amount of that portion of

the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any accounts, books, documents, papers, reports, files and records of such receipts which in the opinion of the Administrator or the Comptroller General may be related or pertinent to the redeemable preference shares, trustee certificates, contracts, or other arrangements referred to in paragraph (a) of this section. Representatives of the Administrator or the Comptroller General shall be afforded full facilities for verifying the transactions.

§ 258.17 Information requests.

If an applicant desires that any information submitted in an application or supplement thereto not be released by the Administrator upon request from a member of the public, the applicant must so state and must set forth any reasons why such information should not be released, including particulars as to any competitive harm which would probably result from release of such information. The Administrator will keep such information confidential as permited by law.

§ 258.19 Waiver and modification.

The Administrator, upon good cause shown, may waive or modify any requirement of this part not required by law, or make any additional requirements he deems necessary.

Effective date: This part becomes effective on October 8, 1976.

NOTE.—I certify that the inflationary impact of the regulations implementing section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 has been evaluated in accordance with Executive Order 11821 of November 21, 1974, and Department of Transportation Order 2050.4 of February 2, 1976.

Dated: October 6, 1976.

ASAPH H. HALL,
Administrator,
Federal Railroad Administration.

[FR Doc.76-29755 Filed 10-7-76;8:45 am]

[Docket No. 76-02]

PART 260—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Establishment of Part

• The purpose of these regulations is to set forth procedures for application by railroads for Federal financial assistance under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Act"), concerning the guarantee of obligations. •

On October 1, 1976, Congress passed S. 3131, the Rail Transportation Improvement Act ("RTIA"), which is pending enactment as of the date of publication of these regulations. If and when the President signs the RTIA and it becomes law, we shall undertake to revise these regulations as quickly as possible to bring them into conformance with the provisions of the RTIA pertaining to sections 505 and 511 of the Act. In keeping with our policy to initiate the programs covered by these final regulations, we have determined that these regulations should be published immediately in the current form.

Title V of the Act creates two programs under which the Secretary of Transportation (the "Secretary") may provide financial assistance to railroads, one through the purchase of redeemable preference shares issued by railroads (section 505) and the other through the guarantee of obligations (section 511). The Secretary has delegated his powers and duties under Title V, except those powers contained in section 506(c), to the Administrator of the Federal Railroad Administration (the "Administrator").

The Administrator is publishing separately regulations concernihg procedures to be used by railroads in applying for financial assistance under section 505 of the Act.

Proposed regulations governing the procedures to be used in applying for a commitment to guarantee and guarantee (hereinafter both a commitment and a guarantee are referred to jointly as a "guarantee") of obligations under section 511 of the Act, and the standards under section 511(1) governing the maintenance of facilities by recipients of guarantees of obligations were published in the FEDERAL REGISTER on June 1, 1976 (41 FR 22228). These proposed regulations also applied to applications under section 511 for guarantee of obligations of the Consolidated Rail Corporation ("ConRail") for electrification of high-density mainline routes, as provided in section 211(1) of the Regional Rail Reorganization Act of 1973, as amended ("RRRA"), and for guarantee of obligations to improve intercity rail passenger service on lines owned by the applicant and located outside the Northeast Corridor (defined in section 701(c) of the Act), as provided in section 517 of the Act. Applications for the purposes set forth in section 517 may also be filed under section 505 of the Act.

A public meeting to discuss these proposed regulations was held on June 11, 1976. In addition, interested parties were invited to submit on or before July 1, 1976, their written comments on the proposed regulations. Numerous persons, organizations, and governmental entities either participated at the meeting or filed comments in response to the proposed regulations, and each comment was given due consideration by the Federal Railroad Administration ("FRA"). As a result of these comments, several substantive changes are being made in the regulations, which are discussed after a summary of section 511.

SUMMARY OF SECTION 511

A. OBLIGATIONS THAT MAY BE GUARANTEED

Under section 511, the Administrator can guarantee the payment of the principal balance of, and any interest on, an obligation of an applicant prior to, on, or after the date of execution or disbursement of such obligation if the proceeds of such obligation shall be or have been used to acquire or to rehabilitate and improve facilities or equipment used in rail services. Section 511(a) provides for the Administrator to grant applications for such guarantees, in whole or in part, if he determines that the obligation is eligible for such guarantee.

Section 501(6) defines an obligation as a bond, note, conditional sale agreement, equipment trust certificate, security agreement, or other obligation issued or granted to finance or refinance equipment or facilities acquisition, construction, rehabilitation or improvement. Because this definition specifically mentions among eligible obligations those that are issued to finance or refinance construction, guarantees may be extended for such obligations.

"Applicant" is defined by section 501 (1) to mean any railroad or other person (including a governmental entity) which submits an application to the Administrator for the guarantee of an obligation under which the applicant is an obligor (the debtor under the obligation and any successor or assignee of such obligor who is approved by the Administrator). Under this definition of "applicant", State and local governments may apply for and receive guarantees.

B. PREREQUISITES TO GUARANTEES

Section 511(c), (e)(2), and (h) list the prerequisites to guarantees. Section 511 (c) provides that prior to making a guarantee of an obligation, the Administrator shall make a determination of the value of the facilities or equipment to be financed or refinanced by the obligation. If enacted, the RTIA would eliminate this requirement.]

Section 511(e)(2) provides that obligations may be guaranteed for the purpose of improving the Northeast Corridor if the proceeds shall be or have been used to acquire or rehabilitate and improve facilities or equipment in a manner that returns the most public benefits for the costs involved.

Section 511(h) lists as prerequisites to any guarantee six findings the Administrator must make in writing:

(1) That an obligation for equipment acquisition, rehabilitation, or improvement is secured by such equipment;

(2) That payment of the obligation is, by the terms of such obligation, required to be made within 25 years from the date of its execution;

(3) That the financing is justified by present and probable future demand for rail services to be rendered by the applicant and will serve to meet demonstrable rail service needs and to provide shippers with improved service;

(4) That the applicant has given reasonable assurances that the facilities or

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equipment being acquired, rehabilitated, or improved with the proceeds of the obligation will be economically and efficiently utilized;

(5) That the probable value of any equipment or facilities to be improved, rehabilitated or acquired is sufficient to provide the United States with reasonable security and protection in the event of default by the obligor, in the case of repossession by the holder of the obligation, or in the case of possession or purchase by the Administrator; and

(6) That the transaction will result in an improvement in the ability of any affected railroad to transport freight or passengers. [If enacted, the RTIA would modify the findings required in paragraphs (1) and (5).].

C. SECTION 511(I) STANDARDS

Section 511(i) requires that recipients of guarantees shall, consistent with their capital resources, maintain their facilities in accordance with standards to be issued by the Administrator.

D. SECTION 511(J) CONDITIONS

Section 511(j). requires that before a guarantee of an obligation may be approved the obligor must agree in writing that so long as any principal or interest is due and payable on such obligation:

(1) There will not be any increase in discretionary dividend payments over the average ratio which such payments bore to earnings for the applicable fiscal period during the five years preceding such proposed increase without the prior approval of the Administrator;

(2) The obligor will not use any assets or revenues (except cash) related to or derived from railroad operations in non-rail enterprises without the prior approval of the Administrator; and

(3) The obligor will take all reasonable and practicable steps possible to improve the equitable distribution and efficient and expeditious use of all equipment and facilities to improve rail service in accordance with guidelines established by the Administrator.

Approval of an increase in dividend payments or use of assets and revenues related to or derived from railroad operations in non-rail enterprises under paragraph (1) and (2), respectively, may be granted if the Administrator makes a written finding, after a public hearing, that such increase in dividends or use of assets or revenues will not materially affect the ability of the obligor to comply with the requirements of section 511. [If enacted, the RTIA would modify the section 511(j) conditions.]

E. CHARGES TO BE ASSESSED AND RATE OF INTEREST

Section 511(1) provides that the Administrator shall charge each applicant an amount he deems reasonable for the investigation of any application, for appraisal of the value of the equipment or facilities involved, and for making determinations and findings necessary under this part. Such charges may not aggregate more than one-half of one percent of the principal amount of the obligation for which a guarantee is sought.

In addition, section 511(m) provides that the Administrator shall assess and collect from the obligor an annual premium charge on each obligation guaranteed in an amount not to exceed an annual rate of one percent on the unpaid principal balance of such obligation at the time payment is due. Payment is due initially when the obligation is guaranteed, and, thereafter, on the anniversary date of such guarantee.

Section 511(f) provides that the rate of interest (exclusive of premium charges and service fees) which shall be paid on the unpaid principal balance of each obligation guaranteed shall not exceed an annual percentage rate which the Administrator determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.

F. FINANCING AGREEMENT

If the Administrator approves an application under section 511, the section requires that he agree to guarantee an obligation under such terms and conditions and pursuant to such regulations as he deems appropriate, consistent with the purposes of Title V. Guarantees must be extended in accordance with the provisions of sections 511 through 513 of Title V and with such rules as the Administrator may deem necessary to protect the interest of the United States.

Section 511(d) permits the Administrator to approve any modification of any provision of a guarantee of an obligation, including the rate of interest, payment schedule of interest or principal, security, or any other term, if he finds in writing that such modification is equitable and in the overall best interests of the United States under Title V and that the holder of the obligation consents to such modification.

G. AMOUNT OF OBLIGATIONS WHICH MAY BE GUARANTEED

The aggregate unpaid principal amounts of obligations which the Administrator may guarantee may not excede $1 billion at any one time, of which not to exceed $150 million may be guaranteed to finance improvements in the Northeast Corridor. Section 606 of the Act provides that within the $1 billion of guarantee authority up to $200 million in obligations of ConRail may be guaranteed for the electrification of high-density mainline routes upon request by ConRail pursuant to section 211(i) of the RRRA, when such electrification will return operating and financial benefits to ConRail and will facilitate compatibility with existing or renewed electrification systems. Finally, the Administrator is authorized by section 517 to provide financial assistance, in the aggregate sum of up to $200 million, through the financial assistance provisions of and within the authorizations of Title V, either under section 505 or section 511, to any railroad for the purpose of improving intercity rail passenger service on any lines of such railroad which are located outside of the Northeast Corridor, as defined in 701(c) of the Act.

PUBLIC COMMENTS AND REVISIONS TO THE REGULATIONS

Comments that were applicable to requirements that are contained in both the regulations to section 505 and the regulations to section 511 are addressed in the preamble to the section 505 regulations. Those comments that are applicable only to section 511 and the regulations issued thereunder are discussed herein.

Many of the comments were critical of requirements in the regulations that are imposed by statute. For example, it was felt the dividend payout ratio restrictions will hamper an applicant's ability to raise equity capital on its own and there was an objection to the requirement of a public hearing before the Administrator can approve an increase in dividend payments or the use of assets or revenues derived from railroad operations in non-railroad enterprises. It was also suggested that an obligor, with the approval of the Secretary, be permitted to substitute or provide additional equipment, facilities, securities, or future earnings as security for section 511 guarantees. The Department has proposed amendments to Congress which would meet these concerns. However, absent the enactment of amendments to section 511, such as those contained in the RTIA, the statute cannot be construed nor can the regulations be changed to meet these concerns.

Other public comments received fell into the following general areas: (A) eligibility of a party other than a railroad; (B) eligibility of different types of transactions; (C) use of traffic density to determine project eligibility; (D) maturity period of the guarantee; (E) applicability of section 20a of the Interstate Commerce Act; (F) form and content of applications; and (G) terms and conditions of the financing documents.

A. *Eligibility of a party other than a railroad.* One commenter questioned whether a party other than a railroad may apply for a guarantee under section 511 if the obligation for which the guarantee is sought is incurred to finance the acquisition of railroad operating equipment. An applicant for purposes of section 511 can be any railroad or other person (including a governmental entity) which submits an application for the guarantee of an obligation under which the applicant is an obligor. The application must, of course, meet the other requirements of section 511 and the regulations.

While the definition of applicant for section 511 purposes is extremely broad, it should be noted that in order for the Administrator to guarantee an obligation under section 511, he must be able to make the findings under subsection (h) and the conditions of subsections (i) and (j) must be agreed to. The provisions of subsections (h), (i) and (j) effectively require that either the applicant be a railroad or that the railroad

directly affected by the obligation either join in the application or enter into side agreements with the applicant which allow the provisions of section 511 to be met.

B. *Eligibility of different types of transaction.* Commenters raised the questions of whether guarantees would be approved in connection with (1) leveraged leases or other leasing transactions, (2) bonds issued to reimburse the railroad for expenditures used to acquire, rehabilitate or improve facilities or equipment, (3) 100 percent loans for the purchase of new rolling stock, and (4) preference shares.

The first issue raised is whether leases will be guaranteed under section 511 and in particular leveraged leases. Section 511(a) permits the Administrator to guarantee "obligations" whose proceeds are used "to acquire or to rehabilitate and improve facilities or equipment" used in rail service. The term obligation is defined in section 501(6) broadly enough to include leases. Since railroads commonly utilize leases to acquire needed facilities or equipment, leases (other than leveraged leases) are construed as falling within the definition of the term "acquisition" and, therefore, will be eligible for guarantees. However, since most railroads are able to obtain necessary equipment without Federal guarantees and since the primary problem facing the rail industry is the need to consolidate and upgrade the railroads' physical plant, the Administrator will not guarantee equipment leases absent a strong showing of need for such a guarantee.

With respect to leveraged leases, the President's Economic Policy Board has concluded that it is improper for government assisted loans to be used as debt capital in leveraged leases, except for the MARAD shipbuilding program. The rationale for this decision is the very high cost of such arrangements to the government due to the revenues foregone as a result of tax sheltering.

A second issue raised was whether guarantees would be made of bonds issued to reimburse a railroad for expenditures used to acquire, rehabilitate or improve facilities or equipment. Section 511(a) does not authorize the guarantee of obligations unless the proceeds of such obligations have been or will be used to acquire or to rehabilitate and improve facilities or equipment; this would exclude guarantees to reimburse a railroad for previous expenditures where proceeds of the obligation to be guaranteed were not to be used to fund such expenditures directly. To qualify for a guarantee, any financing or refinancing must, of course, meet the other requirements of section 511.

Another commenter questioned whether guarantees would be available for 100 percent of the acquisition cost of new equipment. Such a guarantee could be made so long as the other provisions of section 511 were met.

Finally, one commenter questioned whether preference shares, either issued under section 505 or otherwise, would be eligible for guarantees. The Administrator will not guarantee preference shares purchased by the Administrator pursuant to section 505 since such guarantees would result in unnecessary depletion of the funding authorized under Title V. Other types of preference shares would qualify for guarantees under section 511 only if such shares were determined by the Administrator to be debt as opposed to equity obligations.

C. *Use of traffic density to determine project eligibility.* One commenter requested that traffic density not become a prime criterion for determining project eligibility for funding under section 511. Section 511(h)(3) requires that a finding be made that "the financing or refinancing is justified by the present and probable future demand for rail services • • •." Clearly, existing traffic density data is highly relevant to this finding, but it is not the sole criterion. Information as to "probable future demand" would also be an important consideration.

This commenter also suggested that the financing program should not exclude lines which are of particular significance to the transportation needs of less populated areas. The Department does not intend to administer the section 511 program to preclude financing for projects which have a high priority in a limited geographical area even though not a major factor in the National system. Sections 511(h)(3) and (6), which are discussed earlier, clearly indicate that one of the conditions for eligibility is the requirement that the transaction meet demonstrable rail service needs and enable the affected railroad to better transport freight or passengers. Relationship of the project to the national transportation system will be considered but is not a determining factor in the eligibility of a project for financing under section 511.

D. *Maturity period of the guarantee.* One commenter raised the question of how the 25 year maximum maturity time is to be measured. Section 511(h)(2) clearly provides that "payment of the obligation is required by its terms to be made within 25 years from the *date of its execution*" (emphasis added).

E. *Applicability of section 20a of the Interstate Commerce Act.* One commenter questioned whether securities issued under section 511 will be exempt from section 20a of the Interstate Commerce Act. While section 510 of the Act provides an exemption from section 20a of the Interstate Commerce Act in the case of preference shares issued under section 505, no such exemption is provided for obligations guaranteed under section 511.

F. *Form and content of applications.* One commenter requested that the term "affected railroad," which is used in several places in the proposed regulations, be clarified. The regulations have been amended to meet this concern.

Another commenter suggested that the term "affiliated entity" in § 260.7(a)(5) of the proposed regulations be defined so that it excludes officers of the railroad applicant or non-transportation affiliates of the railroad or the railroad's parent. While the Department is not concern with personal obligations to or claims against the United States by officers of the applicant, it is interested in knowing of obligations or claims relating to the non-transportation corporate entities of the applicant and the applicant's parent. Accordingly, § 260.7(a)(5) has been amended to indicate clearly that it applies only to affiliated corporate entities of both the applicant and the applicant's parent.

One commenter inquired whether a standardized valuation formula would be established for purposes of section 511 financing. The Department does not intend at this time to adopt a standardized valuation methodology but rather will apply the requirements of sections 511(c) and (h)(5) on a case-by-case basis.

Another commenter questioned the need for the information requested about the holder or prospective holder in § 260.7(a)(11) of the proposed regulations. The information requested is needed to insure that there has been a full arms length negotiation between the holder and the obligor and that the rate of interest on the obligation is reasonable.

Another commenter requested that section 511(i) be interpreted as imposing maintenance requirements with respect to only those facilities that are the subject of the obligation being guaranteed. The Department has so interpreted section 511(i) and the proposed regulations (§ 260.21) so reflected this interpretation. The Department does, however, continue to be concerned that an applicant maintain all its facilities and equipment.

One commenter suggested that in interpreting the provisions of section 511(j)(2) the Administrator look to property or enterprises owned by the obligor the earnings of which may accrue to the obligor as being rail or rail related enterprises. The Department feels that it would be more appropriate to apply the provisions of section 511(j)(2) on a case-by-case basis rather than establish an interpretation which might not be applicable to the variety of holding companies and investment practices which exist in the railroad industry.

Another commenter suggested that the requirement of section 511(j)(3) is vague and needs further interpretation. Section 511(j)(3) requires that the

> obligor will take all reasonable and practicable steps possible, in accordance with such guidelines as may be established by the Secretary, to improve the equitable distribution and efficient and expeditious use of all equipment and facilities in order to improve rail service.

As was indicated in the preamble to the proposed regulations, guidelines governing distribution and use of equipment and facilities will be negotiated and placed in the terms and conditions of the guarantee agreements. These terms and conditions must, of necessity, take into consideration the particular operations of each railroad applicant.

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Another commenter suggested that the language in § 260.7(a)(5)(A) of the proposed regulations be changed from "all market analyses and studies that have been performed" to "a market analysis and study". We see no justification for such a change. In determining whether a demonstrable need for rail service will be met by the proposed financing, the Administrator should have access to all market analyses and studies which bear on this point.

G. *Terms and conditions of the financing documents.* One commenter questioned whether section 511 loan guarantee agreements will have penalties for prepayment or refinancing. This will, of course, be a matter which will have to be negotiated between the obligor and the lender.

Another commenter suggested that section 511(d) be construed to mean that the consent of the obligor as well as the consent of the holder of an obligation must be obtained prior to any modification of a guarantee of that obligation. This is a matter which is best left to be addressed in the financing documents.

Inflationary impact analysis. The Administrator has determined that the obligation guarantee program created by section 511 is not a major proposal under Executive Order 11821, November 27, 1974, or Department of Transportation Order 2050.4, February 2, 1976, requiring an inflationary impact evaluation.

In consideration of the foregoing, 49 CFR, Chapter II is amended by adding a new Part 260 to read as follows:

Subpart A—Procedures for Application for Commitment to Guarantee or Guarantee of Obligations

Sec.

260.1 Applicability.
260.3 Definitions.
260.5 Eligibility.
260.7 Form and content of application.
260.9 Required exhibits.
260.11 Preapplication and application procedure.
260.13 General instructions.
260.15 Information requests.
260.17 Records, audits, and examinations.
260.19 Waivers and modifications.

Subpart B—Standards for Maintenance of Facilities by Recipients of Obligation Guarantees

260.21 Applicability.
260.23 Definitions.
260.25 Standards.
260.27 Inspection and reporting.
260.29 Waiver.
260.31 Impact on other laws.
260.33 Penalties.

AUTHORITY: Railroad revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210; The Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(u).

Subpart A—Procedures for Application for Commitment to Guarantee or Guarantee of Obligations

§ 260.1 Applicability.

This subpart prescribes the procedures governing applications for a commitment to guarantee or a guarantee of the payment of the principal balance of, and any interest on, an obligation of an applicant under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("Act"). Applications for a commitment to guarantee or a guarantee of obligations of the Consolidated Rail Corporation for electrification of high-density mainline routes must be filed in accordance with these procedures, as provided in section 211(1) of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721(1)). These procedures also govern applications for a commitment to guarantee or guarantee of obligations incurred for the purpose set forth in section 517 of the Act, improvement of intercity rail passenger service on lines of the applicant located outside the Northeast Corridor, being the properties acquired by the National Railroad Passenger Corporation pursuant to Title VII of the Act and described in section 701(a)(4) of the Act.

§ 260.3 Definitions.

As used in this part—

(a) "Act" means the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210, February 5, 1976).

(b) "Administrator" means the Federal Railroad Administrator, or his delegate.

(c) "Applicant" means any railroad, or other person (including a governmental entity) that submits an application to the Administrator for the guarantee of an obligation under which it is an obligor or for a commitment to guarantee such an obligation.

(d) "Commission" means the Interstate Commerce Commission.

(e) "Equipment" means any type of new or rebuilt standard gauge locomotive, caboose, or general service railroad freight car the use of which is not limited to any specialized purpose by particular equipment, design, or other features, or any other type of car designated by the Administrator upon a written finding that such designation is consistent with the purposes of the Act. General service railroad freight car includes a boxcar, gondola, opentop or covered hopper car, and flatcar.

(f) "Facilities" means—

(1) Track, roadbed, and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, enginehouses, and public improvements used or usable for rail service operations;

(2) Communication and power transmission systems, including electronic, microwave, wireless, communication, and automatic data processing systems, electrical transmission systems, powerplants, power transmission systems, powerplant machinery and equipment, structures, and facilities for the transmission of electricity for use by railroads;

(3) Signals, including signals and interlockers;

(4) Terminal or yard facilities, including trailer-on-flat-car and container-on-flatcar terminals, express of railroad terminal and switching facilities, and services to express companies and railroads and their shippers, including ferries, tugs, carfloats, and related shoreside facilities designed for the transportation of equipment by water; or

(5) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving, and expediting the movement of equipment.

(g) "FRA" means Federal Railroad Administration.

(h) "Including" means including but not limited to.

(i) "Holder" means the obligee or creditor under an obligation, except that when a bank or trust company is acting as agent or trustee for such an obligee or creditor pursuant to an agreement to which the obligor is a part, the term refers to such bank or trust company.

(j) "Obligation" means a bond, note, conditional sale agreement, equipment trust certificate, security agreement, or other obligation issued or granted to finance or refinance equipment or facilities acquisition, construction, rehabilitation, or improvement.

(k) "Obligor" means the debtor under an obligation, including the original obligor and any successor or assignee of such obligor who is approved by the Administrator.

(l) "Project" means the use of the proceeds of the obligation for which a guarantee or guarantee commitment is sought.

(m) "Railroad" means a common carrier by railroad or express as defined in section 1(3) of Part I of the Interstate Commerce Act (49 U.S.C. 1(3)), including the National Railroad Passenger Corporation and the Alaska Railroad.

(n) "Trustee" means the trustee, or trustees if more than one trustee has been appointed, of an applicant in bankruptcy.

§ 260.5 Eligibility.

Under section 511 the Administrator may guarantee and make commitments to guarantee the payment of the principal balance of, and any interest on, an obligation of any applicant prior to, on, or after the date of execution or the date of disbursement of such obligation, if the proceeds of such obligation shall be or have been used to acquire or to rehabilitate and improve facilities or equipment.

§ 260.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

(1) Full and correct name and principal business address of the applicant;

(2) Date of applicant's incorporation, or organization if not a corporation, and name of the government, state or territory under the laws of which it was incorporated or organized. If applicant is a trustee, the name and address of the reorganization court under the direction of which applicant is acting, and the docket number of the proceeding. If applicant is a partnership, association, or other form of organization other than a corporation, a full description of the organization should be furnished;

(3) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(4) Certified copy of proposed or executed obligation agreement, including any related agreements or other documents, and detailed description of the obligation and of the series or issue of which the obligation is a part, including—

(i) Total amount of the obligation;

(ii) Detailed description of the project and its purpose or purposes, including—

(A) A description of all facilities or equipment and the physical condition of such facilities or equipment included in or directly affected by the proposed project and a description of the project;

(B) Each part or sub-part into which the project may reasonably be divided, the priority and schedule of expenditure for each part or sub-part;

(C) Estimated timing of the expenditure of the proceeds of the obligation; and

(D) Statement of whether the project involves another railroad or other participant, through joint execution, coordination, or otherwise; if so, description of the relative participation of applicant and such other railroad or participant, including statement or financing arrangements of each participant, portion of the work to be performed by each participant, and contemplated level of usage of the equipment or facility of each participant when the work is completed, along with a statement by a responsible officer or official of the other railroad or participant that the information provided reflects their agreement on these matters;

(iii) Effective date;

(iv) Schedule for repayment of principal;

(v) Description of the interest in facilities or equipment to be financed or refinanced by the obligation for which a guarantee is sought that would be pledged to the Administrator, and applicant's opinion of the value of this security interest and the basis for such opinion; and

(vi) Where the obligation for which a guarantee is sought is outstanding, actual effective rate of interest; or where the applicant has discussed with a potential holder the terms of an obligation to be issued, the proposed effective rate of interest;

(5) Statement, in summary form, showing financial obligations to or claims against the United States or obligations for which the United States is guarantor, if any, by applicant or any affiliated corporate entity of the applicant or the applicant's parent as of the date of the application, including:

(i) Status of any claims under litigation; and

(ii) Any other debits or credits existing between the applicant and the United States, showing the department or agency involved in such loans, claims and other debts;

(6) An anlysis that includes:

(i) Statement, together with supporting evidence including copies of all market analyses and studies that have been performed to determine present and future demand of rail services, that the financing is justified by present and future demand for rail services, will meet existing needs for such services, and will provide shippers with improved service;

(ii) Description of the impact of the financing upon the projected traffic to be originated, terminated, or carried by the obligor for at least the five years immediately following completion of the project; and

(iii) Description of any other benefit which would accrue to the applicant from the proceeds of the obligation;

(7) Statement, together with supporting evidence, that the facilities or equipment being acquired, rehabilitated or improved will be efficiently and economically utilized, including:

(i) Estimated rate of return on the project calculated in accordance with the applicant's internal, corporate methodology, and where practicable, by determining the discount rate for which the present value of the stream of annual benefits associated with and over the life of the project equals the present value of the stream of annual costs associated with and over the life of the project. The detailed stream of annual project costs (including any increase in labor costs that will result from the labor protection arrangements required by section 516 of the Act) and annual project benefits used to calculate the rate of return, and a statement of the assumptions and bases for calculations behind each of the items of the detailed streams must be provided. At such time as FRA develops general guidelines and later a standard methodology for computing rate of return, FRA will recalculate the resulting discount rate in accordance with the guidelines or the standard methodology (if available) and will make the guidelines or standard methodology available to potential applicants for use in subsequent applications under this part;

(ii) Explanation of the manner in which the project will increase the economical and efficient utilization of equipment and facilities; and

(iii) Documentation of any other improvements in service as a result of the project, including service reliability between origin and destination point pairs and reduction in time from load to load car cycle by car type;

(8) Statement, together with supporting evidence, that the transaction will improve the ability of any affected railroad to transport passengers or freight;

(9) Statement of applicant's maintenance program for its entire rail system and planned maintenance program for the equipment or facilities financed by the proceeds of the obligation;

(10) Certified statement that applicant will pay the Administrator whatever investigation fees the Administrator assesses with respect to investigation of the application, appraisal of the value of the equipment or facilities involved, and any necessary determinations or findings, up to a ceiling of one-half of one percent of the obligation for which a guarantee is sought;

(11) With respect to each existing holder or proposed prospective holder, a statement as to:

(i) Full and correct name and principal business address;

(ii) Reference to applicable provisions of law and the charter or other governing instruments conferring authority on the holder to accept the obligation;

(iii) Brief statement of the circumstances and negotiations leading to the agreement by the holder to take the proposed obligation;

(iv) Brief statement of the nature and extent of any affiliation or business relationship between the existing or prospective holder and any of its directors, partners, or principal executive officers, on the one hand, and, on the other, the applicant and any of its directors, partners, or principal executive officers, or any person or persons whose name is required to be furnished under paragraph (a)(11)(v) of this section; and

(v) Full and complete statement of all sums to be given by the holder in connection with the proposed obligation including:

(A) Name and address of each person to whom the payment has been made or will be made and nature of any affiliation, association, or prior business relationship between any person named in this paragraph and the holder or any of its directors, partners, or officers;

(B) Amount of the cash payment, or the nature and value of other consideration; and

(C) Any condition upon the obligation of the obligee to make such payment;

(12) Detailed statement as to whether the project will, directly or indirectly, cause a major change in land use or a major change in the intensity of railroad related activities on existing corridors or at other locations, and, if so, an assessment of the impact of such use on the environment, including—

(i) Description of the environment in the area of the project before commencement of the project, together with statement of other Federal activities in the area which are known or should be known to the applicant;

(ii) Statement of population and growth characteristics of the area and any population and growth assumptions made by applicant in planning the project. Such statement should use the rates of growth in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture;

(iii) Statement of the relationship of the project to proposed land use plans, policies, and controls of affected communities. Where such project is inconsistent with any such plans, policies, or controls, the statement should describe

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and explain the reasons for such inconsistency in detail;

(iv) Statement of the positive and negative effects of the project on the environment, including effects on air and water, soil quality, and noise level;

(v) Statement of the relationship to any applicable Air Quality Implementation Plan under the Clean Air Act (42 U.S.C. 1857);

(vi) Description of any alternatives to the project that have been considered with respect to impact on the environment;

(vii) Discussion of problems and objections raised by other Federal, State or local agencies, and citizens with respect to impact of the project on the environment;

(viii) Statement of the relationship between local short-term uses of the environment by the project and the long-term effects on the environment; and

(ix) Statement of any irreversible or irretrievable commitments of natural resources, including impact on public parks, recreational areas, wildlife refuges, historic sites, and similar areas referenced in section 4(f) of the Department of Transportation Act;

(13) Statement of the status of negotiations between applicant and representatives of its employees of local protection agreements required by section 516 of the Act; and

(14) Any other information which the Administrator may deem necessary concerning an application filed under this part.

(b) When applicant is a trustee, the application shall provide all of the information required in paragraph (a) of this section, and in addition shall provide a full and complete statement, together with supporting evidence, demonstrating that applicant can reasonably be expected to become self-sustaining within a reasonable period of time.

§ 260.9 Required exhibits.

There shall be filed with and made a part of each application and copy thereof the following exhibits, except that exhibits filed with the Administrator pursuant to some other statutory provision or regulation which are in the same format as the following exhibits may be incorporated in and made part of the application filed under this part by reference. While the application is pending, when actual data become available in place of the estimated or forecasted data required in the exhibits under this Part, such actual data must be reported promptly to the Administrator in the form required in the appropriate exhibit.

(a) *Exhibit A.* (1) Copies of resolutions of stockholders or the board of directors, or duly authorized committee thereof, authenticated by a proper officer of applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified, and filed on behalf of the applicant;

(2) If applicant is not a corporation, documentary evidence showing authorization of the obligation and designation of the individual signing, verifying, and filing the application on behalf of the applicant;

(3) If applicant is a trustee, certified copy of the order of the court having jurisdiction authorizing the filing of the application; and

(4) If applicant is a state or local public body or agency thereof, copy of resolution of the appropriate body together with a copy of the applicable laws and regulations permitting applicant to incur such obligation.

All documents required to be submitted in this exhibit shall be certified by the appropriate official of applicant.

(b) *Exhibit B.* Opinion of counsel that he is familiar with the corporate or other organizational powers of the applicant and that the applicant is authorized to make the application. Such opinion shall also cover applicant's authority to incur the obligation and to enter into an agreement with the Administrator for the commitment to guarantee or the guarantee of such obligation. If the charter, articles of incorporation, or by-laws do not permit the issuance of the proposed obligation, the opinion shall so state and shall list the actions necessary to obtain authorization for such issuance. Any amendments to the charter, articles of incorporation, or by-laws, and all resolutions of the board of directors, executive committee of the board of directors, or stockholders, that will be required for issuance the obligation shall be provided to the Administrator as soon as they are available.

(c) *Exhibit C.* Map of applicant's existing railroad with location of project indicated, if appropriate.

(d) *Exhibit D.* Statement showing to the latest available date but in any event to a date no less recent than the end of the third month preceding the date of filing of the application:

(1) Maximum number of locomotive units out of service during each quarter due to business conditions; maximum number of such units out of service during each quarter due to mechanical defects; and ratio of each to total ownership quarterly for each of the last three calendar years but not earlier than the quarter ending June, 1974, and the current calendar year; and

(2) Maximum number of general service freight cars out of service during each quarter due to business conditions; maximum number of such cars out of service during each quarter due to mechanical defects; and ratio of each to total number of general service freight cars owned by applicant quarterly for each of the last three calendar years but not earlier than the quarter ending June, 1974, and the current calendar year.

(e) *Exhibit E.* A copy of applicant's general balance sheet as of a date no less recent than the end of the third month preceding the date of filing of the application, in account form and detail as required in schedule 200 of the Commission's annual report R–1 or R–2, as appropriate, together with the following schedules (where changes in accounts from the end of the prior year to date of the application have not been significant, copies of the appropriate schedules in the prior year's R–1 or R–2 with marginal notations listing the changes may be submitted):

(1) Particulars of account 704, Loans and Notes Receivable, in form and detail as required in schedule 201 of annual report R–1 for the Class I railroads, and in similar form for the Class II railroads except that for Class II railroads loans and notes receivable that are each less than $25,000 may be combined into a single amount;

(2) Particulars of investments in affiliated companies and other investments in form and detail required in schedules 205 and 206 of annual report R–1, or schedules 1001 and 1002 of annual report R–2, as appropriate;

(3) Particulars of balances in accounts 741, Other Assets, and 743, Other Deferred Charges, in form and detail required in schedule 216 of annual report R–1 or schedule 1703 of annual report R–2, as appropriate;

(4) Particulars of loans and notes payable in form and detail required in schedule 223 of annual report R–1, or schedule 1701 of annual report R–2, as appropriate, as well as information as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and security, if any;

(5) Particulars of long-term debt in form and detail required in schedules 218 and 219 of annual report R–1 or schedules 670, 695, 901, 902 and 1702 of annual report R–2, as appropriate, together with a brief statement concerning each mortgage, pledge, and other lien, indicating the property or securities encumbered, the mortgage limit per mile, if any, and particulars as to priority;

(6) Particulars of balance in account 784, Other Deferred Credits, in form and detail required in schedule 225 of annual report R–1 or schedule 1704 of annual report R–2, as appropriate; and

(7) Particulars as to capital stock in form and detail required in schedules 228, 229, and 230 of annual report R–1 or schedule 690 in annual report R–2, as appropriate.

(f) *Exhibit F.* A spread sheet showing comparative income statements data for each month of the year in which the application is filed in account form similar to that required in column (a) of schedule 300 of annual report R–1 or R–2 as appropriate. For those months preceding and ending upon the date of the balance sheet presented in Exhibit I, the income statement data shall be reported on an actual basis and so noted. For those months between the dates of the balance sheet and the filing of the application, the income statement data shall be reported on an estimated basis and so noted. For those months between the date of the application and the end of the year, the income statement data shall be presented on a forecasted basis and so noted.

(g) *Exhibit G.* A spread sheet showing forecasted income statement data for each of the four years subsequent to the year in which the application is filed

both before and after giving effect to the proceeds of the assistance requested in the application, in account form and detail similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate, together with a statement setting forth the bases for such forecasts.

(h) *Exhibit H.* A spread sheet showing changes in financial position for the year in which the application is filed in account form and detail as required in schedule 309 of annual report R–1 or R–2 as appropriate as follows:

(1) For that period ending on the date of the balance sheet in Exhibit E, based upon actual data; and

(2) For that period from the balance sheet date to the end of the year, based upon estimated and forecasted data.

(i) *Exhibit I.* A spread sheet showing forecasted changes in financial position for each of the four calendar years following the filing of the application, both before and after giving effect to any funds requested in the application and including a statement showing the bases for such estimates, in account form and detail as required in schedule 309 of the annual report R–1 for Class I railroads and in similar form and detail for Class II railroads.

(j) *Exhibit J.* With respect to equipment proposed to be rehabilitated, improved, maintained, or acquired in the application, a statement indicating number of units and in-service or out-of-service status and, as appropriate:

(1) For locomotives, service type, age, size, horsepower, name of builder, description of work, and unit cost of proposed work; and

(2) For freight cars or intermodal equipment, information as to service type (box, gondola, flat, etc.), age, capacity, description of work, and unit costs of proposed work.

Such statement shall show the total cost of the project, types and quantities of work items, unit cost of each item, and distribution of such cost by primary accounts of the Commission's Uniform System of Accounts separated where applicable between material, labor, and other; the ownership of all equipment which is the subject of the project; and the dates on which work is to be commenced or completed. Direct labor, supervision, material costs, contingencies, and any applicable overhead expenses that are included in the total cost of the project should be shown separately and identified.

(k) *Exhibit K.* With respect to the maintenance, rehabilitation, improvement, acquisition, or construction of facilities proposed in the application, a statement showing, as appropriate:

(1) Track Class, as defined by the FRA Track Safety Standards in Part 213 of this chapter, and maximum allowable speed under which each line on which maintenance, rehabilitation, improvement, acquisition or construction is proposed has been and is being operated and the reasons therefor, the track class, maximum allowable speed, and signal requirements necessary in the judgment of the railroad to provide safe, reliable and competitive rail services over such lines, and the highest track class and maximum allowable speed at which each such line will be designated when the proposed project is completed;

(2) Dates on which project is proposed to be commenced and completed; and dates on which any part or sub-part into which the project may reasonably be divided is proposed to be commenced and completed;

(3) Types and quantities of work items, unit cost of each item, cost of project in total and by parts or sub-parts into which the project may be reasonably divided, and distribution of such costs by primary accounts of the Commission's Uniform System of Accounts, separated where applicable between material, labor and other. Direct labor, supervision, material costs, contingencies, and any applicable overhead expenses that are included in the costs of the project should be shown separately and identified.

(l) *Exhibit L.* A draft notice of filing, to be published by the Administrator in the FEDERAL REGISTER, which shall contain a brief summary of the project(s) proposed to be funded, including as applicable:

(1) The name and address of applicant;

(2) A brief description of the project(s) proposed to be funded, the total cost of such project(s), and the amount of Federal financial assistance sought;

(3) A brief description of the facilities or equipment to be acquired, rehabilitated or improved, including where appropriate, city or county and state location, termini, and approximate distance in miles;

(4) The justification for the project(s); and

(5) A final paragraph which shall read as follows:

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than 30 days after the date on which this notice is published in the FEDERAL REGISTER. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, formal acknowledgment of the comments will not be provided.

NOTE.—The account forms referred to in the exhibits are those of the Commission's Uniform System of Accounts for Railroad Companies in use on October 1, 1976. However, the information required in any of the exhibits shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the application.

§ 260.11 Preapplication and application procedure.

(a) When a railroad or any other person has developed plans for a project for which it may wish to seek assistance under this part, a responsible official of the railroad or other person may request a meeting with the Associate Administrator for Federal Assistance of the FRA to discuss those plans. Upon receipt of such request, the Associate Administrator will promptly schedule a meeting at which the railroad or other person will present to representatives of the FRA the proposed project and discuss with them information which must be submitted in the application and the type of terms and conditions and financing documents that will be utilized in connection with financial assistance provided under section 511. Applicants are not required to prepare a draft application or other special information for the preappliction conference; however, applicants should be prepared to discuss information which management has used in making its initial decision to seek assistance.

(b) The following procedure shall govern the execution and filing of the application:

(1) The original application shall bear the date of execution, be signed with ink by or on behalf of the applicant, and shall bear the corporate seal in the case of an applicant which is a corporation. Execution shall be by all partners if a partnership, unless satisfactory evidence is furnished of the authority of a partner to bind the partnership, or if a corporation, an association or other similar form of organization, by its president or other executive officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the applicant shall also sign a certificate in form as follows:

---------- certifies that he is the
(Name of official)
---------- of the ----------;
(Title of official) (Name of applicant)

that he is authorized on the part of the applicant to sign and file with the Administrator this application and exhibits attached thereto; that the consent of all parties whose consent is required, by law or by binding commitment of the applicant, in order to make this application has been given; that he has carefully examined all of the statements contained in such application and the exhibits attached thereto and made a part thereof relating to the aforesaid ----------; that
(Name of applicant)

he has knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

(Name of official)

(Date)

(2) There shall be made a part of the original application the following certificate by the Chief Financial Officer or equivalent officer of the applicant:

---------- certifies that he is
(Name of officer)
---------- of
(Title of officer)
----------; that he
(Name of applicant)

has supervision over the books of accounts and other financial records of the affected applicant and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of

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the Interstate Commerce Commission; that such accounts are adequate to assure that proceeds from the financing being requested will be used solely and specifically for the purposes authorized; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account; and that, other than the matters set forth in the exceptions attached to such statements, those financial statements and supporting schedules represent a true and complete statement of the financial position of the applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the applicant.

(Name of official)

(Date)

(3) The original application and supporting papers, and ten copies thereof for the use of the Administrator, shall be filed with the Associate Administrator for Federal Assistance of the Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Each copy shall bear the dates and signatures that appear in the original and shall be compete in itself, but the signatures in the copies may be stamped or typed.

§ 260.13 General instructions.

(a) After a complete application and supporting exhibits have been filed with the Administrator, together with any other information the Administrator may request, the Administrator will—

(1) Place a notice of the filing of such application in the FEDERAL REGISTER and afford interested persons an opportunity to submit comments on such application; and

(2) Make a determination of the value of the facilities or equipment to be financed by the obligation, as required by section 511(c) of the Act.

(b) The Administrator will charge an applicant for expenses incurred in investigating an application, including appraisal of equipment or facilities to be secured and making the necessary determinations and findings. Such charges will be assessed and collected as expenses are incurred during the period in which the application is being reviewed.

(c) If the Administrator determines that an application is eligible for a guarantee or guarantee commitment, the following documents must be deposited with the Administrator before the transaction is closed:

(1) Certified copies of resolutions of the board of directors and, where necessary, of the executive committee of the board of directors and the stockholders, and certified copies of the minutes of the meetings at which those resolutions were adopted, and any necessary amendments to the charter, articles of incorporation, or by-laws, authorizing the obligation in conformity with such terms as may be prescribed by the Administrator, and authorizing the designated officers to receive, and give a receipt for, the proceeds from the obligation and to enter into the agreement for guarantee of the obligation;

(2) Certified statement that applicant will comply with the maintenance of facilities standards set forth in subpart B of this part;

(3) Certified statement by the applicant that, if a guarantee or commitment to guarantee an obligation is approved, granted or extended, as long as any principal or interest is owing on such obligation:

(i) There will be no increase in discretionary dividend payments by the applicant over the average ratio which such payments bore to the earnings of the applicant for the applicable fiscal period during the five years preceding such proposed increase, without prior written approval of the Administrator;

(ii) The applicant will not use assets or revenues (other than cash) related to or derived from railroad operations in non-railroad enterprises, without prior written approval from the Administrator; and

(iii) The applicant will take all reasonable and practicable steps possible, in accordance with such guidelines as may be established by the Administrator in the guarantee agreement, to improve the equitable distribution and efficient and expeditious use of all equipment and facilities in order to improve rail service; and

(4) Certified statement by the applicant that it has complied with the provisions of sections 516 and 905 of the Act dealing respectively with employee protection and nondiscrimination.

(d) If a guarantee or commitment to guarantee is extended, the Administrator will enter into an agreement with the applicant. That agreement shall contain the terms and conditions the Administrator deems appropriate to carry out the purposes of section 511 and to secure adequately the interests of the United States, including a maintenance schedule for the equipment or facilities financed by the guaranteed obligation. The agreement will require that the proceeds of the obligation be placed in and disbursed from an account separate from other funds of the recipient. The Administrator will also assess and collect from the obligor an annual premium charge which will not exceed one percent of the principal balance outstanding at the time the payment is due. Such charge will be payable when the guarantee is made and annually thereafter.

§ 260.15 Record, audit, and examination.

(a) Each recipient of financial assistance under this part, whether in the form of guarantee of obligations, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator and the Comptroller General of the United States shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any accounts, books, documents, papers, reports, files and records of such receipts which in the opinion of the Administrator or the Comptroller General may be related or pertinent to the guarantee of the obligation, or to contracts, or other arrangements referred to in this part. Representatives of the Administrator or the Comptroller General shall be afforded full facilities for verifying the transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such property of such person or entity shall, to the extent practicable, remain in the possession and custody of such person or entity.

§ 260.17 Information requests.

If an applicant desires that any information submitted in an application or supplement thereto not be released by the Administrator upon request from a member of the public, the applicant must so state and must set forth any reasons why such information should not be released, including particulars as to any competitive harm which would probably result from release of such information. The Administrator will keep such information confidential as permitted by law.

§ 260.19 Waivers and modifications.

The Administrator may, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary.

Subpart B—Standards for Maintenance of Facilities by Recipients of Obligation Guarantees

§ 260.21 Applicability.

This subpart prescribes standards governing the maintenance of facilities, as defined in subpart A of this part, that are being acquired, rehabilitated, improved, or construed with the proceeds of a guaranteed obligation, by the recipient of such guarantee for the period during which any portion of the principal or interest of such obligation remains unpaid.

§ 260.23 Definitions.

The terms defined in subpart A of this part shall have the same meaning for the purposes of this subpart that such terms are given in § 260.3 of this part.

§ 260.25 Standards.

(a) When the proceeds of an obligation guaranteed by the Administrator are used to acquire, rehabilitate, improve or construct track, roadbed, and related structures, the guarantee recipient shall, as long as any portion of the principal or interest of such obligation remains unpaid, maintain such facilities in at least the highest track Class, as defined by FRA Track Safety Standards in Part 213 of this chapter, as that Class in which the rehabilitated, improved, acquired, or constructed track is to be operated upon completion of the project for which the obligation was guaranteed unless a waiver is granted in accordance with § 260.29.

(b) When the proceeds of an obligation guaranteed by the Administrator are used in facilities, including those mentioned in paragraph (a) of this section, the recipient shall, during the period in which any portion of the principal or interest in such obligation remains unpaid, maintain such facilities in a manner consistent with sound engineering and maintenance practices and in a condition that will permit the level of use that existed upon completion of the acquisition, rehabilitation, improvement or construction of such facilities unless a waiver is granted in accordance with § 260.29.

§ 260.27 Inspection.

(a) The facilities subject to the provisions of this subpart shall be inspected at such regular intervals as the Administrator deems necessary to assure compliance with the standards set forth in § 260.25. Each recipient shall permit representatives of the FRA to enter upon its property to inspect and examine such facilities at reasonable times and in a reasonable manner. Such representatives shall be permitted to use such testing devices as the Administrator deems necessary to insure that the maintenance standards imposed by this subpart are being followed.

(b) Each recipient shall submit to the Administrator annually financial records and other documents detailing the maintenance performed and the inspections conducted which demonstrate that the recipient has complied with the standards in § 260.25.

§ 260.29 Waiver.

Any recipient of a guarantee may petition the Administrator in writing for relief from any or all requirements imposed by this subpart. The Administrator may, for good cause shown, waive or modify any requirements of this part. Good cause may include, but is not limited to, insufficient capital resources of the recipient to comply with these maintenance standards or changes in the level of service required for any facility subject to this subpart.

§ 260.31 Impact on other laws.

Standards issued under this subpart shall not be construed to relieve the recipient of any obligation to comply with any other Federal, State, or local law or regulation.

§ 260.33 Penalties.

If the Administrator finds that a guarantee recipient has violated the requirements of this subpart, such recipient will be subject to civil action for injunction to cease activities which violate this subpart and for any other appropriate civil or criminal relief, including termination, suspension, and punitive damages.

Effective date: This part becomes effective on October 8, 1976.

Dated: October 6, 1976.

ASAPH H. HALL,
Administrator, Federal Railroad Administration.

[FR Doc.76-29756 Filed 10-7-76;8:45 am]

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federal register

FRIDAY, OCTOBER 8, 1976

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931. as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their date of publication in the FEDERAL REGISTER are listed with each State.

Alabama:		
AL76–1063		May 21, 1976.
Alaska:		
AK76–5095		Sept. 24, 1976.
California:		
CA76–5063;	CA76–5064	July 16, 1976.
District of Columbia:		
DC76–3226		July 30, 1976.
Indiana:		
IN76–2083		July 2, 1976.
Iowa:		
IA76–4092		May 21, 1976.
IA76–4099		June 18, 1976.
IA76–4145;	IA76–4146; IA 76–4147.	Sept. 10, 1976.
Kansas:		
KS76–4095;	KS76–4096; KS 4097; KS76–4098.	June 11, 1976.
KS76–4107;	KS76–4108	July 2, 1976.
Louisiana:		
LA76–4143		Aug. 20, 1976.
Michigan:		
MI76–2051		Apr. 16, 1976.
Missouri:		
MO76–4107;	MO76–4108	July 2, 1976.
Montana:		
MT76–5027		Apr. 9, 1976.
Nevada:		
NV76–5089;	NV76–5091	Sept. 24, 1976.
New Jersey:		
NJ76–3248;	NJ76–3249	Oct. 1, 1976.
New York:		
NY76–3240		Aug. 20, 1976.
Oklahoma:		
OK76–4135;	OK76–4136	July 30, 1976.
Pennsylvania:		
PA76–3175		May 21, 1976.
PA76–3176		June 18, 1976.
PA76–3177;	PA76–3178; PA 76–3182; PA 76–3185; PA 76–3186; PA 76–3187; PA 76–3204. PA 76–3205.	June 11, 1976.
PA76–3208		July 2, 1976.
PA76–3210		July 23, 1976.
PA76–3246;	PA76–3247	Sept. 17, 1976.
PA76–3251		Sept. 24, 1976.
Rhode Island:		
RI76–2037;	RI76–2038; RI 76–2039.	Mar. 19, 1976.
Tennessee:		
TN76–1071		June 11, 1976.
TN76–1081		Aug. 6, 1976.
Texas:		
TX76–4115		July 16, 1976.
TX76–4128		July 23, 1976.
TX76–4140		Aug. 6, 1976.
TX76–4151;	TX76–4152	Sept. 24, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:		
AL76–1049	(AL76–1117)	Apr. 15, 1976.
AL76–5026	(AL76–5090)	Apr. 2, 1976.
Arkansas:		
AR76–5028	(AL76–5090)	Do.
Florida:		
AL76–5028	(AL76–5090)	Do.
Illinois:		
IL76–2009	(IL76–2123); IL 76–2010 (IL76–2124); IL 76–2011 (IL76–2125).	Feb. 6, 1976.
IL76–2063	(IL76–2129)	May 25, 1976.
IL76–2067	(IL76–2127)	May 21, 1976.
IL76–2072	(IL76–2126)	June 4, 1976.
Louisiana:		
AL76–5028	(AL76–5090)	Apr. 2, 1976.
Kentucky:		
AL76–5028	(AL76–5090)	Do.
KY76–1095	(KY76–1114)	Sept. 19, 1976.
Mississippi:		
AL76–5028	(AL–5090)	Apr. 2, 1976.
Missouri:		
AL76–5028	(AL76–5090)	Do.

Nebraska:		
NE76–4205	(NE76–4167)	June 11, 1976.
New York:		
NY76–3197	(NY76–3255)	June 25, 1976.
NY76–3203	(NY76–3256)	June 23, 1976.
NY76–3228	(NY76–3257)	Aug. 13, 1976.
North Dakota:		
ND76–5037	(ND76–5096)	Apr. 16, 1976.
South Carolina:		
SC75–1001	(SC76–1115)	Jan. 17, 1975.
Tennessee:		
AL76–5028	(AL76–5090)	April. 2, 1976.
TN76–1083	(TN76–1116)	Aug. 6, 1976.
Texas:		
TX76–4033	(TX76–4169)	Feb. 13, 1976.
TX76–4046	(TX76–4171)	Feb. 20, 1976.
TX76–4081	(TX76–4164); TX76–4082 (TX76–4166).	
TX76–4083	(TX76–4162)	May 7, 1976.
TX76–4084	(TX76–4168)	May 21, 1976.
TX76–4101	(TX76–4170)	June 18, 1976.
TX76–4116	(TX76–4163); TX76–4117 (TX76–4165).	July 16, 1976.
Virginia:		
AQ–2103	(VA76–3254)	Apr. 19, 1976.
Wisconsin:		
WI76–2115	(WI76–2119)	Oct. 10, 1975.

Signed at Washington, D.C., this 1st day of October 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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MODIFICATION P. 1

DECISION NO. AK76-5095 - Mod. #1
(41 FR 42060 - September 24, 1976)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Areas I,II AND III					
Piledrivermen	$15.17	.65	1.50		.10

MODIFICATION P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # AL76-1063 - Mod. # 1					
(41 FR - 21043 - May 21,1976)					
Mobile County, Alabama					
Change:					
Electricians:					
Electricians	10.49	.30	1%+.25	.475	1/10%+.05
Cable splicers	10.74	.30	1%+.25	.475	1/10%+.05
Line Construction:					
Linemen	10.49	.30	1%+.25	.475	1/10%+.05
Cable splicers	10.74	.30	1%+.25	.475	1/10%+.05
Painters:					
Brush	9.26	.40	.25		.01
Industrial	9.51	.40	.25		.01
Hazardous	9.76	.40	.25		.01
Spraying bituminous coatings	10.26	.40	.25		.01
Roofers	8.32		.30	e	
Plumbers, steamfitters	10.40	.30	.45	d	.03
Omit:					
Footnotes "d", "e" and "f" as originally issued.					
Add:					
Roofers helpers	5.95		.30	e	
Footnotes:					
d. 8 Paid Holidays: A,C,D,E,F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras.					
e. 40 hours paid vacation after 1 year of employment, 2 paid holidays: A and C.					

MODIFICATION P. 3

DECISION NO. CA76-5063 - Mod. #4	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
(41 FR 29619 - July 16, 1976)	AREA I	AREA II				
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Power Equipment Operators (Except Piledriving and Steel Erection)						
Group 1	$8.70	$10.10	$1.35*	$2.00	.90	.24
Group 2	9.05	10.45	1.35*	2.00	.90	.24
Group 3	9.26	10.66	1.35*	2.00	.90	.24
Group 4	9.81	11.21	1.35*	2.00	.90	.24
Group 5	10.02	11.42	1.35*	2.00	.90	.24
Group 6	10.17	11.57	1.35*	2.00	.90	.24
Group 7	10.32	11.72	1.35*	2.00	.90	.24
Group 8	10.72	12.12	1.35*	2.00	.90	.24
Group 9	10.94	12.34	1.35*	2.00	.90	.24
Group 10	11.14	12.54	1.35*	2.00	.90	.24
Group 10-A	11.25	12.65	1.35*	2.00	.90	.24
Group 11	11.42	12.82	1.35*	2.00	.90	.24
Group 11-A	12.49	13.89	1.35*	2.00	.90	.24
Group 11-B	12.77	14.17	1.35*	2.00	.90	.24
Group 11-C	13.06	14.46	1.35*	2.00	.90	.24

MODIFICATION P. 4

DECISION NO. CA76-5063 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Piledriving)					
Group 1	$8.78	$1.35*	$2.00	.90	.24
Group 1(a)	9.11	1.35*	2.00	.90	.24
Group 1(b)	9.26	1.35*	2.00	.90	.24
Group 2	9.89	1.35*	2.00	.90	.24
Group 2(a)	10.10	1.35*	2.00	.90	.24
Group 3	10.40	1.35*	2.00	.90	.24
Group 3(a)	10.78	1.35*	2.00	.90	.24
Group 4	11.33	1.35*	2.00	.90	.24
Group 5	11.48	1.35*	2.00	.90	.24

*Includes $.23 per hour to Pensioned Health & Welfare Fund.

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MODIFICATION P. 5

DECISION NO. CA76-5064 - Mod. #4
(41 FR 29637 - July 16, 1976)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties, California

Change:
Power Equipment Operators (Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA I	AREA II				
Group 1	$8.70	$10.10	$1.35*	$2.00	.90	.24
Group 2	9.05	10.45	1.35*	2.00	.90	.24
Group 3	9.26	10.66	1.35*	2.00	.90	.24
Group 4	9.81	11.21	1.35*	2.00	.90	.24
Group 5	10.02	11.42	1.35*	2.00	.90	.24
Group 6	10.17	11.57	1.35*	2.00	.90	.24
Group 7	10.32	11.72	1.35*	2.00	.90	.24
Group 8	10.72	12.12	1.35*	2.00	.90	.24
Group 9	10.94	12.34	1.35*	2.00	.90	.24
Group 10	11.14	12.54	1.35*	2.00	.90	.24
Group 10-A	11.23	12.65	1.35*	2.00	.90	.24
Group 11	11.42	12.82	1.35*	2.00	.90	.24
Group 11-A	12.49	13.89	1.35*	2.00	.90	.24
Group 11-B	12.77	14.17	1.35*	2.00	.90	.24
Group 11-C	13.06	14.46	1.35*	2.00	.90	.24

*Includes $.23 per hour to Pensioned Health & Welfare Fund.

MODIFICATION P. 6

DECISION NO. CO76-5087 - Mod. #1
(41 FR 42091-September 24, 1976)
Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	$8.34	.68	.75	.55	.06
Zone II (30-60 miles from nearest basing point)	8.59	.68	.75	.55	.06
Zone III (60 miles and over from nearest basing point)	8.84	.68	.75	.55	.06
Electricians:					
Electricians	10.60	.42	10+.25		1%
Cable Splicers	10.85	.42	10+.25		1%

MODIFICATION P. 7

DECISION #DC76-3226- Mod. # 4
(41 FR 32194 - July 30, 1976)
Washington, D. C.

Change:
Description of work to read: Building Construction, Heavy Construction (including Washington Metropolitan Area Transit Authority - Rapid Rail System), Demolition and Sewer and Water Lines. (excluding all residential construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

MODIFICATION P. 8

DECISION NO. IN76-2083 - Mod. #4
(41 FR 27577 - July 2, 1976)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
St. Joseph County	$10.35	4.8%	5%		.2%

MODIFICATION P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4092 - Mod. #3 (41 FR 21079 - May 21, 1976) Black Hawk County (City of Waterloo and Abutting Municipalities), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Boilermakers	$10.30	.85	1.00		.02
Sheet Metal Workers	10.02	.50	.20		.02
DECISION #IA76-4099 - Mod. # 3 (41 FR 24844 - June 18, 1976) Cerro Gordo County (City of Mason City), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Boilermakers	10.30	.85	1.00		.02
Electricians	10.15	.45	1%		1%

MODIFICATION P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4145 - Mod. #1 (41 FR 38711 - Sept. 10, 1976) Clinton County (City of Clinton and Abutting Municipalities), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Plumbers & Steamfitters	$10.31	.60	.60		.10
DECISION #IA76-4146 - Mod. #1 (41 FR 38713 - Sept. 10, 1976) Des Moines County (City of Burlington and Abutting Municipalities and Burlington Ordnance Plant), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Roofers	8.28				
Sheet Metal Workers	9.00	.45	.40		.10
DECISION #IA76-4147 - Mod. #1 (41 FR 38716 - Sept. 10, 1976) Dubuque County (City of Dubuque and Abutting Municipalities), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Plasterers	$ 8.70				

MODIFICATION P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS76-4095 - Mod. #1 (41 FR 23890 - June 11, 1976) Shawnee County, Kansas					
Change:					
Electricians	$6.30	.45	17+.20		.05
Painters:					
Brush, drywall, sanding and taping, roller	9.15	.40			.02
Painting of structures over 50'(all types); spray	9.65	.40			.02
Plumbers; Pipefitters	10.90	.40	.55		.02
Roofers:					
Roofers flat, slate and tile, dampproofers and waterproofers	9.36	.30	.60		
Roofers working in pitch, tar or creosote, coal	10.21	.30	.60		
Sheet metal workers	8.88	.35+3%	1.10	.78	.04
Soft floor layers	7.71	.40	.45	10%	.04

MODIFICATION P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS76-4096 - Mod. #1 (41 FR 23893 - June 11, 1976) Shawnee County, Kansas					
Change:					
Electricians:					
Electricians	$11.10	.45	17+.55		.05
Cable splicers	12.21	.45	17+.55		.05
Line Construction:					
Lineman	9.25	.45	17		57
Cable splicers	9.71	.45	17		57
Groundman, over 1 year	5.75	.45	17		57
Groundman, 1st year	4.36	.45	17		57
Powderman	7.67	.45	17		57
Line Truck and Equipment Operators:					
1st year	5.89	.45	17		57
2nd year	7.05	.45	17		57
Over 2 years' experience	7.67	.45	17		57
Painters:					
Brush, drywall, sanding and taping	9.15	.40			.02
Painting of structures over 50'(all types); spray	9.65	.40			.02
Pipefitters; Plumbers	10.90	.40	.55		.02
Roofers, flat, slate & tile dampproofers and waterproofers	9.36	.30	.60		
Roofers working in pitch, tar or creosote, coal	10.21	.30	.60		
Sheet metal workers	8.88	.35+3%	1.10	.78	.04
Soft floor layers	7.71	.40	.45	10%	.04

MODIFICATION P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS76-4097 - Mod. #1 (41 FR 23896 - June 11, 1976) Sedgwick County, Kansas					
Change:					
Laborers (Building Construction):					
Group 1	$6.80	.50	.25		.05
Group 2	6.95	.50	.25		.05
Line Construction:					
Lineman	9.25	.45	1%		4%
Cable splicers	9.71	.45	1%		4%
Groundman, over 1 year	5.75	.45	1%		4%
Groundman, 1st year	4.36	.45	1%		4%
Powderman	7.67	.45	1%		4%
Line truck & equipment operators:					
1st year	5.89	.45	1%		4%
2nd year	7.05	.45	1%		4%
Over 2 years' experience	7.67	.45	1%		4%
Painters:					
Group 1	8.87	.10	.30		.01
Group 2	9.22	.10	.30		.01
Group 3	9.47	.10	.30		.01
Group 4	9.62	.10	.30		.01
Roofers:					
Roofers, Kettlemen	8.30	.28	.20		
Pitch	9.05	.28	.20		

MODIFICATION P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS76-4098 - Mod. #1 (41 FR 23899 - June 11, 1976) Leavenworth County, Kansas					
Change:					
Boilermakers	$10.30	.85	1.00		.02
Electricians:					
Zone 2	11.10	.43	1%+.55		.05
Lathers	10.60	.40			
Line Construction:					
Zone 1					
Lineman	9.25	.45	1%		4%
Cable splicers	9.71	.45	1%		4%
Groundman, over 1 year	5.75	.45	1%		4%
Groundman, 1st year	4.36	.45	1%		4%
Powderman	7.67	.45	1%		4%
Line Truck & Equipment Operators:					
1st year	5.89	.45	1%		4%
2nd year	7.05	.45	1%		4%
Over 2 years' experience	7.67	.45	1%		4%
Marble & tile setters	10.82	3.65%	3.25%		
Marble & tile setters' helpers	9.00				
Plasterers	11.15				
Pipefitters	11.37	.57	1.15		.11
Plumbers	11.64	.65	.80		.11
Roofers:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 mos.	5.88	.45	.60		.04
2nd 6 mos.	6.37	.45	.60		.04
3rd 6 mos.	6.86	.45	.60		.04
4th 6 mos.	7.35	.45	.60		.04
5th 6 mos.	7.84	.45	.60		.04
6th 6 mos.	8.33	.45	.60		.04
7th 6 mos.	8.82	.45	.60		.04
Sheet metal workers	11.355	.50	.30		.03
Terrazzo workers	10.48	3.65%	3.25%		

MODIFICATION P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4143 - Mod. #3 (41 FR 35349 - August 20, 1976) Statewide Louisiana					
Change:					
Electricians:					
Electricians:					
Zone 1	$ 10.60	5%	6%		3/10%
Cable splicers:					
Zone 1	10.85	5%	6%		3/10%
Glaziers:					
Zone 1	8.05				
Plasterers:					
Zone 7	8.70			1.00	
Tile setters:					
Zone 2	7.64	.48	.30		.02
Change Modification #2 to Read Decision #IA76-4143					

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI76-2051 - Mod. #2 (41 FR 16396 - April 16, 1976) Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola Counties, Michigan					
CHANGE:					
Carpenters:					
Remainder of Counties & the West 5 miles of Sanilac County:					
Carpenters & Piledrivermen	$9.84	.60	.50		.01
Soft Floor Layers	8.88	.60	.50		.01

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO76-4108 - Mod. #2 (41 FR 27624 - July 2, 1976) Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties, and St. Louis City and County, Missouri					
Change:					
Ironworkers	$10.625	.55	.70		.05
Marble setters	10.39	.325	.50		
Marble setters helpers	10.08				
DECISION #MO76-4107 - Mod. #2 (41 FR 27621 - July 2, 1976) Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County, Missouri					
Change:					
Ironworkers	$10.625	.55	.70		.05
Marble setters	10.39	.325	.50		
Marble setters' helpers	10.08				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MT76-5027 - Mod. #1 (41 FR 15250 - April 9, 1976) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver-Bow and Valley Counties, Montana					
Change:					
Plumbers:					
Cascade, Glacier, Hill and Valley Counties	$10.60	.50	.85		1%
Remaining Counties	10.65	.50	.65		.10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV76-5089 - Mod. #1 (41 FR 42116 - September 24, 1976) Washoe County, Nevada					
Change:					
Roofers	$10.10	.45	.20		.02
Omit:					
Decision #PA76-3250 p. 16, 41 FR 42123, 9-24-76.					
DECISION #NV76-5091 - Mod. #1 (41 FR 42124 - September 24, 1976) Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Painters:					
Brush; Roller Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	$11.55	.75	.35		.05
	11.90	.75	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NJ76-3248 - Mod. #1 (41 FR - October 1, 1976) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey					
Change:					
Drywall Tapers & Finishers:					
Zone 1	$10.60	$ 1.10	.50		.10
Line Construction:					
Zone 2					
Linemen, Cable Splicers, & Equipment Operators	12.80	6%	1% + .40		½ of 1%
Groundmen & Winch Operators	10.25	6%	1% + .40		½ of 1%
DECISION #NJ76-3249 - Mod. #1 (41 FR - October 1, 1976) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey					
Change:					
Drywall Tapers & Finishers	10.60	1.10	.50		.10
Electricians & Cable Splicers:					
Zone 3	12.39	6%	1% + .42		.02
Zone 8	12.24,	6%	1% + .42		.02
Zone 9	12.24	6%	1% + .50		
Zone 10	12.24	6% + .24	1% + .50		.02
Zone 11	12.40	6% + .24	1% + .50		.02
Zone 12	12.70	6%	1% + .42		.02
Painters:					
Zone 2					
Brush & Roller	9.40	.70	.70		
Spray	10.00	.70	.70		
Repaint Work	9.00	.70	.70		

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DECISION #NJ76-3249 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (cont'd)					
Zone 4					
Commercial & Industrial Sprayers, Tapers, Coverers, & Spacklers	$ 9.57	.90	$ 1.75	.50	
Paperhangers	9.80	.90	1.75	.50	
All extension ladder work, 36' high or over, scaffold work, structural steel, tanks, bridges, towers, smoke stacks, radio towers, television towers, flag poles (steel or wood), fire escapes from top to bottom, cable work, & hazardous work	10.00	.90	1.75	.50	
Sandblasting & Spraying	10.46	.90	1.75	.50	
Roofers:	10.50	.90	1.75	.50	
Zone 3	11.07	.80	1.00		
Sheet Metal Workers:					
Warren County	9.76	1.17	1.03		.05

DECISION NO. NY76-3240-Mod #1
(41 FR 35439-August 20, 1976)
Broome County, New York

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.30	.81	.35		.04
Boilermakers	11.50	.75	10%		.02
Carpenters, Building: Carpenters and Soft Floor Layers	8.96	.35	.50		
Millwrights and Piledrivermen	9.21	.35	.50		

Add: To the Footnotes the footnote "g" to read Paid Holidays: Labor Day and Memorial Day

DECISION NO.:OK76-4135 - Mod. #3
(41 FR 32175 - July 30, 1976)
Tulsa & Creek Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD TO COUNTIES:					
Craig, Ottawa, Rogers, Mayes, and Delaware Counties, Oklahoma.					
ADD:					
BRICKLAYERS-Stonemasons (Mayes Co)	$9.11	.30	.40		.04
CRAIG, DELAWARE & OTTAWA COUNTIES:					
GLAZIERS	8.05			.25	
DELAWARE & OTTAWA COUNTIES"					
Carpenters	8.12	.33	.30		
Millwrights-Piledrivermen	8.37	.33	.30		
CRAIG, OTTAWA & DELAWARE COUNTIES:					
PAINTERS:					
Brush, roller, tapers, paperhangers,	7.92		.30		
Spray, steamclean, sandblast, and pot tenders	8.295		.30		
DELAWATE COUNTY:					
TRUCK DRIVERS:					
Group I	7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tourner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready mix concrete trucks up to but not including 3 yards
GROUP V - Ready mix concrete trucks 3 yards and over

DECISION NO. OK76-4136 - Mod. #4
(41 FR 32177 - July 30, 1976)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Okla.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ZONE V - CARPENTERS:					
Carpenters	$6.75				
Millwrights-Piledrivermen	9.10	.30	.25		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA76-3175 - Mod. #5 (41 FR 21137 - May 21, 1976) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02
Roofers:					
Composition	9.71	.60	.55		
DECISION #PA76-3176 - Mod. #4 (41 FR 24853 - June 18, 1976) Lebanon County, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02
Roofers:					
Annville, Cold Springs, East Hanover, North Annville, North Cornwall, North Londonderry, South Annville, South Londonderry, Union, West Cornwall Twps.:					
Composition	9.71	.60	.55		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA76-3177 - Mod. #2 (41 FR 23916 - June 11, 1976) Erie County, Pennsylvania					
Change:					
Carpenters & Soft Floor Layers	$10.10	.45	.30		.02
Laborers:					
Building & common, carpenter tenders, heaters & salamanders, power sweepers, power vacuum sweepers, pumps including 1-1/2", signal man concrete bucket, wrecking & demolition, window washing	8.10	.60	.50		.01
Bricklayer & mason tenders, electric operated conveyor, electric operated hoist, fork lift up to 9 ft., plumber & sewer laborers, scaffold builders, float grinder & sander	8.20	.60	.50		.01
Burners, concrete saw operator hod carriers, mortar mixers, plaster tankers, powered wheelbarrows & buggies	8.30	.60	.50		.01
Dual vibrator roller (walk behind type) Berfix cutting tool, blasters helpers, drill operator helper, jackhammer & air tool operators, mechanical tampers & air tampers, vibrator - air or otherwise	8.35	.60	.50		.01
Mixing mortar for more than 3 masons by hand	8.40	.60	.50		.01
Blasters, drill operators, gunite nozzle man & machine man	8.50	.60	.50		.01
Plaster mixing machine & pump	8.55	.60	.50		.01
Millwrights	10.25	.45	.30		.02
DECISION #PA76-3178 - Mod. #4 (41 FR 23919 - June 11, 1976) Berks County, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA76-3182 - Mod. #3 (41 FR 24860 - June 18, 1976) Northumberland County, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02
Electricians:					
Delaware, Lewis & Trubut Twps.	9.23	.40	1%+.35	.60	.02
Roofers:					
Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Augusta, Upper Mahony, Point Rockfeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe					
Composition	9.71	.60	.55		
DECISION #PA76-3183 - Mod. #3 (41 FR 24862 - June 18, 1976) Lehigh County, Pennsylvania					
Change:					
Asbestos Workers	$10.31	.52	.50		.01
Boilermakers	12.15	.65	1.00		.02
Cement Masons	9.75	.40	.50		
Electricians	10.60	.35	1%+.4		.02
Plasterers	9.65	.40	.50		.01
Plumbers & Steamfitters	11.01	.67	1.45		.11
Roofers:					
Remainder of County					
Composition & Slate	10.93	.15	.50		
Composition & Slate Helpers	7.21	.15	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA76-3185 - Mod. #4 (41 FR 24864 - June 18, 1976) Lycoming County, Pennsylvania					
Change:					
Painters					
Brush	8.65	.40	.30		.05
Tapers	8.91	.40	.30		.05
Hazardous	9.91	.40	.30		.05
Boilermakers	12.15	.65	1.00		.02
DECISION #PA76-3186 - Mod. #4 (41 FR 24866 - June 18, 1976) Lancaster County, Pennsylvania					
Change:					
Boilermakers	12.12	.65	1.00		.02

MODIFICATION P. 29

DECISION #PA76-3187 - Mod. #3 (41 FR 24868 - June 18, 1976) Northampton County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.31	.52	.50		.01
Electricians:					
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	10.60	.35	1%+.4		.02
Remainder of County	11.00	6%	1%+.25		.02
Bricklayers & Stonemasons	10.14	.50	.60		
Cement Masons	9.64	.50	.60		
Line Construction:					
Linemen & Cable Splicer	11.64	.30	1%		3/8 of 1%
Groundmen	6.98	.30	1%		3/8 of 1%
Winch Truck Op.	8.15	.30	1%		3/8 of 1%
Painters:					
Remainder of County					
Brush	8.05	.75	.50		
Structural Steel	8.80	.75	.50		
Spray	10.06	.75	.50		
Roofers:					
Composition, slate & tile	10.93	.15	.50		
Roofers Helpers	7.21	.15	.50		
Boilermakers	12.15	.65	1.00		.02

MODIFICATION P. 30

DECISION #PA76-3208 - Mod. #2 (41 FR 27535 - July 2, 1976) Bradford, Tioga & Union Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters					
Zone II					
Brush	$ 8.65	.40	.30		.05
Tapers	8.91	.40	.30		.05
Hazardous	9.91	.40	.30		.05
DECISION #PA76-3205 - Mod. #3 (41 FR 24872 - June 18, 1976) Sullivan County, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02
Electricians					
Western part of County	9.23	.40	1%+.35	.60	.02
Painters:					
Eastern & Western part of County to read:					
Brush	8.65	.40	.30		.05
Taper	8.91	.40	.30		.05
Hazardous	9.91	.40	.30		.05
DECISION #PA76-3204 - Mod. # 4 (41 FR 24870 - June 18, 1976) Adams & York Counties, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02
Cement masons	8.94	.35	.25		.01
Plasterers	8.60	.35	.25		.01

MODIFICATION P. 31

DECISION #PA76-3210 - Mod. #1 (41 FR 30486 - July 23, 1976) Columbia, Montour and Snyder Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.15	.65	1.00		.02
Electricians					
Zone 3	9.91	.45	1%+.31		1/4 of 1%
Glaziers					
Zone 1	8.89	.40	.30		.01
Roofers					
Zone 1	9.20	.75	.70		

MODIFICATION P. 32

DECISION #PA76-3246 - Mod. # 1 (41 FR - 40405 - 9/17/76) Lawrence & Mercer Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill runners" helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster	$8.155	.72	.60		
DECISION #PA76-3247 - Mod. # 1 (41 FR 40409 - September 17, 1976) Bucks, Chester, Delaware, Montgomery & Philadelphis Counties, Pennsylvania					
Change:					
Boilermakers	$12.15	.65	1.00		.02
Electricians to read:					
Up to & including three stories (excluding Norristown in Montgomery County)	11.43				
Norristown in Montgomery Co.	9.90	3.4%	1%+2.6%		1.5%
Four stories garden type apartments, including commercial projects:					
Zone 1	12.12	6%	1%+.49		.24
Zone 2	10.60	.35	1%		.02
Zone 3	10.69	.53	1%		.03
Zone 4	10.37	9½%	1%+.7		¼ of 1%
Zone 5	11.71	4.4%	1%+3%		½ of 1%
Zone 6	11.55	4.4%	1%+2.6%		
Zone 7	12.15	5%	1%+.40		.10

MODIFICATION P. 33

DECISION #PA76-3251 - Mod. # 1 (41 FR 42143 - September 24, 1976) Elk, Forest, McKean & Warren Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Landscape Laborers					
Wrecking Laborers	$6.80	8%	6.5%		3.5%
Low Burner	7.05	8%	6.5%		3.5%
Jackhammer Operator	7.05	8%	6.5%		3.5%
High Burner	7.85	8%	6.5%		3.5%
High Burner Helper	7.55	8%	6.5%		3.5%
Add:					
Under Laborers:					
Wrecking Laborers	7.80	8%	6.5%		3.5%
Low Burner	8.05	8%	6.5%		3.5%
Jackhammer Operator	8.05	8%	6.5%		3.5%
High Burner	8.85	8%	6.5%		3.5%
High Burner Helper	8.55	8%	6.5%		3.5%

MODIFICATION P. 34

DECISION NO. R176-2037- Mod # 3 (41 FR 11771- March 19, 1976) Bristol, Kent, & Providence Counties, Rhode Island	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons: Building					
Bristol & Kent Counties and Remainder of Providence County	$9.50	.90	.45		
Electricians: Bldg., hvy. & hwy.	9.40	.48	1%+1.15		.02
Plasterers: Bristol & Kent Counties, & Rem. of Prov. County	8.70	.90	.45		
Roofers: Helpers- Class B	8.25	.45	.25		
Sprinkler fitters	10.56	.60	.90		.01
Cement masons & finisher (heavy and highway)	8.00	.50	.35		

DECISION NO. R176-2038- Mod #3 (41 FR 11777- March 19, 1976) Newport County, Rhode Island					
Change:					
Cement masons:					
Building	9.50	.90	.45		
Heavy and highway	8.00	.50	.35		
Electricians: Bldg., hvy. & hwy.					
Little Compton & Tiverton	9.40	4%	1%+.80	4%	½%
Remainder of County	9.70	.48	1%+1.15		.02
Painters:					
Little Compton, Adamsville, Sakonnet, & Tiverton:					
Brush	9.76	.72	1.05		.04
Structural steel & spray	11.88	.72	1.05		.04
Spray (other than steel) and sandblasting	10.76	.72	1.05		.04
Repaint and alterations	8.61	.72	1.05		.04
Sprinkler fitters	10.56	.60	.90		.01
Plasterers	8.70	.90	.45		

DECISION NO. R176-2039- Mod #3 (41 FR 11781- March 19, 1976) Washington County, Rhode Island					
Change:					
Cement masons: Building					
Exeter, Narragansett, N.Kingstown, Could	9.50	.90	.45		
Cement masons: Heavy & highway	8.00	.50	.35		
Plasterers: Exeter, Narragansett, N.Kingston	8.70	.90	.45		
Sprinkler fitters	10.56	.60	.90		.01

MODIFICATION P. 35

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN76-1071 - Mod. #2 (41 FR 23927 - June 11, 1976) Hamilton County, Tennessee					
CHANGE:					
Carpenters:					
Carpenters, soft floor layers	$ 8.18	.40	.35		.03
Piledrivermen	8.305	.40	.35		.03
Millwrights	8.63	.40	.35		.03
Elevator constructors	9.095	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Lathers	8.35				.01
Painters:					
Commercial	7.50		.25		
Industriel	7.75		.25		
Sandblasting	8.00		.25		
DECISION #TN76-1081 - Mod. #1 (41 FR 33178 - August 6, 1976) Knox County, Tennessee					
CHANGE:					
Bricklayers and stonemasons	$ 9.45				
Cement masons	7.37				
Electricians and Line Construction:					
Electricians & linemen	8.45	.40	1%+.20		.5%
Cable splicers	8.85	.40	1%+.20		.5%
Marble masons	9.45				
Millwrights	8.57		.35		
Painters:					
Commercial	7.70		.35		.03
Industrial	8.05		.35		.03
Terrazzo workers & tile setters	9.45				

MODIFICATION P. 36

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4115 - Mod. #2 (41 FR 29652 - July 16, 1976) Gregg County, Texas					
Change:					
Bricklayers	$ 8.60		.35		.05
DECISION #TX76-4128 - Mod. #3 (41 FR 30566 - July 23, 1976) Wichita County, Texas					
Change:					
Plumbers & pipefitters:					
Zone 1	9.15	.35	.55		.02
Zone 2	9.65	.35	.55		.02
Zone 3	9.95	.35	.55		.02
Zone 4	10.25	.35	.55		.02
Zone 5	10.55	.35	.55		.02
DECISION #TX76-4140 - Mod. #1 (41 FR 33184 - August 6, 1976) Bexar County, Texas					
Change:					
Lathers	9.26				.01
Plasterers	9.26				.01
DECISION #TX76-4151 - Mod. #1 (41 FR 42149 - September 24, 1976) Galveston & Harris Cos., Texas					
Change:					
Sheet metal workers:					
Harris County	9.80	.275	.525	.32	.06

MODIFICATION P. 37

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4152 - Mod. #1 (41 FR 42152 - September 24, 1976) Travis County, Texas					
Change:					
Marble setters	$ 7.95				
Terrazzo workers	7.95				
Tile setters	7.95				

SUPERSEDEAS DECISION

STATES: Alabama, Arkansas, Florida(west of the Aucilla River), Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas

COUNTIES: Gulf of Mexico Area

DECISION NUMBER: AL76-5090

DATE: Date of Publication

Supersedes Decision AL76-5028 dated April 2, 1976 in 41 FR 14284

DESCRIPTION OF WORK: Dredging along the Gulf Coast area including the Mississippi River and tributaries to the Ohio River.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Derrick Operator	$4.26				
Dozer Operator	4.15				
Marsh Buggy Dragline Operator	5.50				
Marsh Buggy Dragline Oiler	3.25				
Hydraulic Dredging:					
First Cook	3.40				
Second Cook	3.20				
Cook Helper-Mess Boy	2.50				
Janitor-Cabin Boy	2.52				
Handyman	3.50				
Dredges Under 16":					
Leverman	4.00				
Dredge Tender Operator	3.925				
2nd Assistant Engineer	3.30				
Deckhand	3.00				
Oiler	3.00				
Welder	3.80				
Dredges 16" and Over:					
Leverman	4.85				
Dredge Tender Over 250 h. p.	4.58				
Dredge Tender Under 250 h. p.	4.04				
1st Assistant Engineer	4.94				
2nd Assistant Engineer	4.10				
3rd Assistant Engineer	3.80				
Deckhand	3.00				
Shoreman	3.00				
Truck Driver	3.12				
Oiler	3.30				
Welder	4.35				
Firemen	3.48				
Bucket Dredging:					
Leverman	4.50				
Oiler	3.00				
Handyman-Laborers	3.00				
Deckhand	2.81				
Cook	2.95				

STATE: Alabama COUNTIES: Jefferson & Shelby
DECISION NUMBER: AL76-1117 DATE: Date of Publication
Supersedes Decision No.: AL76-1049 dated April 16, 1976 in 41-FR-16319
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	9.41	.40	.30		.05
Boilermakers	8.80	.60	1.00		.02
Bricklayers: pointers; caulkers; stonemasons	8.75	.25	.25		.05
Carpenters:					
Carpenters, soft floor layers	7.75	.40	.25		.06
Millwrights	9.15				.06
Piledrivermen	7.95	.40	.25		.06
Cement masons	7.33	.30			
Electricians:					
Electricians	9.60	.30	1%+.40		½%
Cable splicers	9.85	.30	1%+.40		½%
Elevator constructors	9.14	.495	.32	4%+a+b	.02
Elevator constructors' helpers	6.40	.495	.32	4%+a+b	.02
Elevator constructors' helpers (Prob.)	4.905				
Glaziers	7.73	.40	.40		.01
Ironworkers	8.50	.60	.815		.04
Lathers	6.90		.01		.01
Linemen:					
Linemen	8.38	.35	1%		½%
Groundmen under one year	3.97	.35	1%		½%
Groundmen one year and over	4.69	.35	1%		½%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	7.12	.35	1%		½%
Tractor with towing machine truck with winch only	5.87	.35	1%		½%
Truck without winch	5.03	.35	1%		½%
Marble setters	8.20		.40		
Painters:					
Brush	7.80		.50		
Spray; Structural steel	8.30		.50		
Paperhangers	7.95		.50		
Plasterers	7.47	.50			
Plumbers; Pipefitters	10.25	.40	.65		.07
Roofers	7.30		.20		.10
Sheet metal workers	9.75	.65	.70		.05
Sprinkler fitters	10.10	.60	.90		.08
Terrazzo workers; Tile setters	8.20		.40		
Tile, Marble terrazzo helpers	5.95				

AL76-1117 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Up to but not including 1½ tons	5.75	.20			
1½ to but not including 3 tons	5.95	.20			
3 tons but not including 5 tons	6.20	.20			
5 tons and over including special equipment	6.35	.20			
Heavy Duty - off the road trucks	6.45	.20			
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers, and rivetere are incidental.					

PAID HOLIDAYS:
A-New Year's Day: B-Memorial Day: C-Independence Day: D-Labor Day: E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

AL76-1117 - (Cont'd)

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.55	.20	.30		.03
GROUP B	5.50	.20	.30		.03
GROUP C	5.45	.20	.30		.03
GROUP D	5.40	.20	.30		.03
GROUP E	5.80	.20	.30		.03
GROUP F	6.25	.20	.30		.03
GROUP G	6.15	.20	.30		.03
GROUP H	6.20	.20	.30		.03
GROUP I	6.10	.20	.30		.03
GROUP J	5.95	.20	.30		.03

GROUP A
Air or electric tool operator and asphalt rakers

GROUP B
Vibrator operators, chain saw, ops. of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, cono. & clay and muckers

GROUP C
Plasterers' tenders and hod carriers

GROUP D
Mason tenders, building laborers and wagon drill operators' helpers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

AL76-1117 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.14	.30	.20		.10
GROUP B	7.91	.30	.20		.10
GROUP C	7.14	.30	.20		.10
GROUP D	8.84	.30	.20		.10
GROUP E	8.43	.30	.20		.10
GROUP F	7.27	.30	.20		.10

GROUP A
Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B
Air compressor (over 125), asphalt spreaders, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)

GROUP C
Air compressor (125 & under), oilers-firemen, conveyor (1) tended by oiler), pumps (under 4 inches), welding machines (3 or under), mechanic helpers

GROUP D
ON STEEL ERECTION: Crane, dragline, derrick, hoist, piledriver, winch truck, fork lift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E
Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less), mechanic helper, air compressor 125 and under (2 or less), oiler, fireman, small boat

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Dupage, Grundy, Kane, Kendall, Lake, McHenry and Will

DECISION NUMBER: IL76-2123

DATE: Date of Publication

Supersedes Decision No. IL76-2009 dated February 6, 1976, in 41 FR 5534

DESCRIPTION OF WORK: Building Construction (including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.51	.81	.72		.12
BOILERMAKERS	10.55	.65	1.00	5%	.03
BRICKLAYERS and Stonemasons:					
Dupage County:					
North of Butterfield Road; Argonne Vicinity (National Accl. Lab.) AEC Plant	10.66	.70	.75		.05
South of Butterfield Road from East to West	10.66	.70	.75		.05
Kane, Kendall and McHenry Cos.	10.80	.50	.60		
Lake County	10.66	.70	.75		.05
Will and Grundy Counties	11.11	.70	.35		
MARBLE, TILE and TERRAZZO WORKERS:					
Dupage, Lake and Will Counties					
Marble Setters	10.52	.50		.60	
Terrazzo Workers	8.95	.30	.30		
Tile Setters	10.30	.306	.325		
Tile Setters' Helpers	8.10	d2.45	d3.40		
CARPENTERS:					
Carpenters, Soft Floor Layers, Millwrights and Piledrivermen					
Dupage and Lake Counties	10.55	.78	.88		.06
Kane, Kendall and McHenry Cos.	10.68	.45	.68		
Will County:					
Building	10.73	.70	.85		
Residential	10.71	.70	.85		
Grundy County	11.325	.45	.53		.04
CEMENT MASONS:					
Dupage County	10.90	.68	.70		.06
Kane, Kendall and McHenry Cos.	11.20	.50	.60		
Lake County	10.75	.65	.90		.03
Will and Grundy Counties	10.22	.50	1.00		.05

DECISION NO. IL76-2123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Dupage County	$11.50	3%	7%	8%	.5%
McHenry County and Northern half of Kane County	12.15	5%	7%		.5% of 1%
Kendall County and Southern half of Kane County	11.82	5%	7%		1/2%
Lake County	11.64	.50	1%+.45		.029
Will and Grundy Counties:					
Building	12.47	.50	1%+.50		.2%
Residential	9.30	.50	1%+.20		.2%
ELEVATOR CONSTRUCTORS:					
Dupage, Lake and Will Counties					
Constructors	11.91	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.57	.26	.59		.01
IRONWORKERS:					
Kane County; Kendall (Northern ½ County, including Bristol and Yorkville County; McHenry (S. E. ¼ of County, including Huntlye) County; and the remainder of Dupage County	12.20	.65	.525		.08
Will and Grundy Counties; Dupage (Argonne) County; and southern half of Kendall County	9.85	2.50	.325		
N. W. ½ of McHenry County	11.865	.65	.375		.10
Lake County; McHenry (Heborn, Woodstock and East thereof) County	11.25	1.09	1.13		.09
LATHERS:					
Dupage and Lake Counties	9.81	.58	.445		.015
Kane County and eastern ½ of McHenry County	10.80	.40	.40		.01
Will and Grundy Counties	11.20		.65		
Western ½ of McHenry County	9.84	.40	.35		
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Dupage; Kane; Kendall; McHenry Counties					
Brush, Spray and Taper	8.94	.50	.70		.06
Lake County:					
Brush, Paparhangers and Tapers	9.15	.575	.45		.013

DECISION NO. IL76-2123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Will and Grundy Counties:					
Residential and Commercial	$9.59	.52	.45		.04
PLASTERERS:					
Dupage Coun ty	9.595	.70	.75		
Kane, Kendall and McHenry Cos.	10.40	.50	.40		
Lake County	10.035	.65	.90		.01
Will and Grundy Counties	9.60	.60	.81		.045
PLUMBERS; PIPEFITTERS and STEAMFITTERS:					
Dupage County: (Agronne-AEC Plant)					
Plumbers	11.42	.70	.60		.10
Pipefitters	11.50	.70	.85		.02
Dupage County: (Remainder of Co.)					
Plumbers and Pipefitters:					
Wheaton and N. Dupage County	11.50	.50	.78		.05
Naperville and S. Dupage Co.	11.65	.40	.70		.05
Kane County:					
Plumbers; Steamfitters and Pipefitters:					
Elgin and Vicinity	11.12	.45	.60	.60	.05
Aurora and Vicinity	11.87	.44	.29	.25	.02
Kendall (Cities of Oswego and Plano) County	11.87	.44	.29	.25	.02
Kendall (City of Yorkville) County; and Grundy (W. of Rt. #47) County	11.33	.55	.45		.09
Lake and McHenry Counties:					
Plumbers	11.29	.67	.73		.15
Steamfitters and Pipefitters	11.50	.70	.85		.02
Will (City limits of Joliet) County; and Grundy (E. of Rt. #47) County:					
Plumbers and Pipefitters	11.50	.70	.80		.07
Remainder of Will County:					
Plumbers	11.42	.70	.60		.10
Pipefitters	11.50	.70	.85		.02
ROOFERS:					
Dupage and Lake Counties:					
Composition and Waterproof	11.00	.96	.80		.02
Slate and Tile	11.09	.96	.80		.02

DECISION NO. IL76-2123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Kane; Kendall; McHenry (Southern part including Cities of McHenry, Woodstock and Crystal Lake) County	$11.56	.60	.35		.02
Will and Grundy Counties	10.64	.81	.60		.10
Remainder of McHenry Counties	10.00	.25			
SPRINKLER FITTERS:	11.10	.75	.90		.15
Dupage County					
Lake County:					
Within 20 mile radius of Chicago City Hall	11.10	.75	.90		.15
Kane; Will; Grundy, McHenry, Kendall and Remainder of Lake County	11.40	.60	.90		.08
SHEET METAL WORKERS:					
Dupage County	10.85	.40	.45	.20	
Kane; Kendall and McHenry Cos.	11.10	.35	.25	.92	.06
Lake County	11.45	.50	.59	.25	.05
Will and Grundy Counties	11.72	.35	.65		.07
TRUCK DRIVERS:					
2-3 Axle Trucks	8.30	d20.00	d24.00		
4 Axle Trucks	8.45	d20.00	d24.00		
5 Axle Trucks	8.65	d20.00	d24.00		
6 Axle Trucks	8.85	d20.00	d24.00		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day ; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 3 years. Employer contributes 2% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six Paid Holidays: A through F

c. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per week Per employee

DECISION NO. IL76-2123

ILL-4-LAB-1

LABORERS: Kane, Kendall & McHenry	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 Laborers	$7.80	.57	1.10		
CLASS 2 Power Vibrator	7.90	.57	1.10		
CLASS 3 Mortar Men, Torchmen (On Demolition Only)	7.95	.57	1.10		
CLASS 4 Power Tampers	8.00	.57	1.10		
CLASS 5 Chain Saw Men, Swinging Stage & Boatswain Chairs, Cement Gun Nozzlemen, Hod Carriers, Plasterer Tenders, Tunnelmen, Tree Surgeons (Toppers)	8.05	.57	1.10		
CLASS 6 Tile Layers & Bottom Men	8.15	.57	1.10		
CLASS 7 Caisson Laborers & Dynamiters	8.30	.57	1.10		

DECISION NO. IL76-2123

ILL-9-LAB-1-2-3

LABORERS: DUPAGE, GRUNDY, LAKE, & WILL	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$7.80	.57	1.10		
CLASS 2 Cement Gun Laborers	7.875	.57	1.10		
CLASS 3 Scaffold Laborers & Chimney Laborers over 40'	7.90	.57	1.10		
CLASS 4 Windlass & Cement Gun Nozzle Laborers - Gunnite	7.95	.57	1.10		
CLASS 5 Stone Handlers & Derrickmen	8.00	.57	1.10		
CLASS 6 Jackhammermen	8.025	.57	1.10		
CLASS 7 Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	8.05	.57	1.10		
CLASS 8 Firebrick & Boiler Setters' Laborers	8.125	.57	1.10		
CLASS 9 Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	8.15	.57	1.10		
CLASS 10 Boiler Setter Plastic Laborers	8.25	.57	1.10		
CLASS 11 Jackhammer on Firebrick Only	8.375	.57	1.10		

DECISION NO. IL76-2123

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.25	.65	.85	.40	.05
CLASS II	9.95	.65	.85	.40	.05
CLASS III	8.80	.65	.85	.40	.05
CLASS IV	7.55	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, corbination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Ford, Iroquois & Kankakee
DECISION NUMBER: IL76-2124 DATE: Date of Publication
Supersedes Decision IL76-2010, dated February 6, 1976, in 41 FR 5537.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.51	.81	.72		.12
BOILERMAKERS:					
Kankakee County	10.55	.65	1.00	5%	.03
Ford & Iroquois Counties	10.95	.65	.95		.03
BRICKLAYERS, STONEMASONS, MARBLE SETTERS, TERRAZZO WORKERS, TILE SETTERS, POINTERS, CAULKERS & CLEANERS:					
Kankakee County:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners, Cement Masons	10.00	.80	.75		
South of Rboerts in Ford County:					
Bricklayers & Stonemasons	10.62	.35			.03
MarBle-Tile & Terrazzo Workers	10.85				
Remainder of Frod County:					
Bricklayers & Stonemasons	10.00	.80	.75		
Marble Setters	9.30	.45	.55		.07
Iroquois County:					
Bricklayers & Stonemasons	10.00	.80	.75		
Marble-Tile & Terrazzo Workers	10.16	.50	.60		.01
CARPENTERS:					
Ford County:					
Carpenters & Soft Floor Layers	10.315	.35	.80		.08
Millwrights & Piledrivermen	10.815	.35	.80		.08
Iroquois & Kankakee Counties:					
Carpenters, Millwrights, Soft Floor Layers & Piledrivermen	10.50	.50	.70		.01
CEMENT MASONS:					
Ford County	10.125	.30	.25		.025
Iroquois County	10.00	.80	.75		
ELECTRICIANS:					
Twps. of Fountain Creek, Love Joy & Praitie Green in Iroqucis County	10.87	.40	1%+.30		.25%
Area S. of Roberts Twps in Ford County, Twps of ArtEsia, Pigeon Grove & Loda in Iroquois County	10.60	.40	1%+.30		.3%

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DECISION NO IL76-2124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (cont'd)					
Kankakee County & Remainder of Ford & Iroquois Counties	$9.65	.40	1%+.30	5%	3/80f1%
ELEVATOR CONSTRUCTORS:					
Kankakee County:					
Constructors	11.91	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Piper City & North therof in Ford County & Area East of Cabery in Kankakee County	9.65			.65	
Remainder of Kankakee County	9.57	.26	.59		.01
Remainder of Ford County	9.985	.45	.30		
IRONWORKERS:					
Ford County	10.05	.50	1.00		.08
Iroquois & Kankakee Counties	10.85	.65	.65		.05
LATHERS:					
For County	10.14	.35	.20		.01
LEADBURNERS	9.25	.35		c	.01
PAINTERS					
Ford County:					
Brush & Roller	9.45	.45			.06
Paperhanging	9.95	.45			.06
Structural Steel	9.95	.45			.06
Iroquois & Kankakee Counties:					
Brush & Roller	8.80	.45	.40		
Spray	10.30	.45	.40		
PLASTERERS:					
Ford County	10.365	.35			.025
Iroquois & Kankakee Counties	9.80	.80	.75		
PLUMBERS & STEAMFITTERS:					
Ford County	9.75	.35	.70		.08
ROOFERS:					
Ford County	9.90	.35	.30		.02
Iroquois County	9.35				
Kankakee County:					
Roofers	11.10			3%	
Helpers	4.50			3%	

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DECISION NO. IL76-2124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Ford County	$ 10.60	.45	.35		.12
Iroquois & Kankakee Counties	10.80	.35	.65		.07
SPRINKLER FITTERS	11.90	.60	.90		.08
TRUCK DRIVERS:					
Kankakee County & Remainder of Iroquois County:					
2-3 Axle Trucks	8.15	d21.50	d22.00		
4-Axle Trucks	8.35	d21.50	d22.00		
5-Axle Trucks	8.55	d21.50	d22.00		
6-Axle TRucks	8.70	d21.50	d22.00		
Northern ½ of Ford County:					
2-3 Axle Trucks	8.30	d20.50	d24.00		
4-Axle Trucks	8.45	d20.00	d24.00		
5-Axle Trucks	8.65	d20.00	d24.00		
6-Axle Trucks	8.8	d20.00	d24.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
b. Six paid holidays: A through F
c. Nine Paid holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work days immediately preceding and following the holiday.
d. Per week - Per Employee

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DECISION NO. IL76-2124 ILL-46-LAB-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Unskilled	$8.60	.40	.42		.035
Semi-skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035

UNSKILLED: Common Laborer; carpenter tenders; tool oribmen firemen or salamander tenders; flagmen, gravel bo men; dumpmen & spotters; form handlers; material patchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickest; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & housemovers; driving of stakes; stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any foreign material, track laborers; cemsnt handlers; chloride handlers; the unloading and laborers w/steel workers 7 rebars; concrete workers (wet); tunnel helpers in free air; batch dumpers; mason & plasterer tenders & material wheelers kettlemen & tarmen; tank cleaners; plastic installers; scaffold workers; motorized buggies or motorized unit used for wet concrete or handling of building materials laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; vibrator operators; mortar mixer operator; cement silica, clay, fly ash, lime & plasters; handlers (bulk or bag)); cofferdam workers plus depth; (on conorete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/machine; asphalt raker; grade checker

SKILLED: Dynamite man or blasters; caisson workers plus depth; gunnite; nozzle men leadman on sewer work; welders; cutters; burners; torchmen; chain saw operator; jackhammer & drill operators; layout man; steel form setters (street & highway); air tamping hammerman; signal man on crane, concrete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used: multiple concrete duct-leadmen; curb asphalt machine operator; ready-mix scalemen; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

DECISION NO. IL76-2124

ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS: FORD & IROQUOIS COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.25	.40	.50		.05
CLASS II	10.20	.40	.50		.05
CLASS III	10.00	.40	.50		.05
CLASS IV	7.00	.40	.50		.05

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wraaping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexa-plane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO. IL76-2124

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: KANKAKEE COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.25	.65	.85	.40	.05
CLASS II	9.95	.65	.85	.40	.05
CLASS III	8.80	.65	.85	.40	.05
CLASS IV	7.55	.65	.85	.40	

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump crates dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, corbination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

DECISION NO. IL76-2124

ILL-82-TD-1-2-3

TRUCK DRIVERS- S.E. CORNER OF IROQUOIS CO., & S. ½ OF FORD CO.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bureau, LaSalle, Livingston, Marshall, Putnam and Woodford

DECISION NUMBER: IL76-2125

DATE: Date of Publication

Supersedes Decision No. IL76-2011 dated February 6, 1976, in 41 FR 5541

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.51	.81	.72		.12
BOILERMAKERS	10.96	.65	.95		.03
BRICKLAYERS and STONEMASONS:					
LaSalle County					
Peru and Vicinity	9.00		.50		
Streator and Vicinity	9.50	.20	.50		
Ottawa andVicinity	10.25	.40	.50		
Woodford and Marshall Counties	10.41	.50	.60		.10
Bureau and Putnma Counties	10.10	.35	.25		
Livingston County	9.55	.35	.25		
CARPENTERS:					
LasSalle, Marshall, Bureau Cos.					
The Northern half of Putnam County and Northwestern corner of Livingston County					
Carpenters; Piledrivermen and Soft Floor Layers	10.53	.45	.50		.03
Millwrights	10.78	.45	.50		.03
Remainder of Livingston County					
Carpenters; Soft Floor Layers	10.10	.40	.40		.05
Milllrights and Piledrivermen	10.60	.40	.40		.05
Woodford County					
Carpenters and Soft Floor Layers	10.21	.40	.40		.05
Millwrights and Piledrivermen	10.71	.40	.40		.05
CEMENT MASONS:					
LaSalle, Bureau, Putnam Countiee and the Northern part of Livingston County	10.50		.70		
Southern part of Livingston County and that portion East of Roanoke in Woodford County	10.63	.40			
Marshall County and the Remainder of Woodford County	9.90	.60	.60		.05
ELECTRICIANS:					
Northern half and Central Southern part of LasSalle County Walnut; Ohio, LaMoille, Clarion, Bureau, Dover, Herlin and Westville Townships, in Bureau County	12.47	.50	1¼+.50		.2¼

DECISION NO. IL76-2125

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Vicinity of LaSalle - S. W. part of County; Remainder of Putnam County; Arispe, Concrod, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Silby, Wheatland and Waynet Townships, in Bureau County	$11.05	.40	1¼+.30		.25¼
Area West of Bell Plain and Roberts Townships in Marshall County; Area West of but not including Linn, Kansas, Palestone, Roanoke, Cazenovia and Metamora Townships in Woodford County	10.77	.40	1¼+.50		1¼
Livingston County; Vicinity of Streator - S. E. part of County South of Eden in LaSalle County; Nagnolia Township in Putnam County; Area East of Cazenovia and Metamora Townships, including Linn, Clayton, Minak, Roanoke, Green and Panola Townships in Woodford County; Remainder of Marshall County	10.60	.40	1¼+.30		.3¼
El Paso, Kansas and Palestone Townships S. E. corner of Woodford County	10.45	.40	1¼+.40		.002
IRONWORKERS:					
LaSalle, Bureau, Putnam and the Remainder of Marshall County	11,69	.50	.375		.02
Woodford County; and the S. W. corner of Marshall County	10.475	.50	.675		.025
Livingston County	10.05	.50	1.00		.08
LATHERS:					
LaSalle, Bureau, Putnam and N. E. half of Marshall County	8.00		.20		.01
S. W. half of Marshall County	10.27	.40	.40		.01

DECISION NO. IL76-2125

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Vicinity of Ottawa, Streator and Marseilles in LaSalle Co.					
Brush	$8.30	.45	.15		
Spray	9.30	.45	.15		
Putnam County and the Vicinity of LaSalle, Mendota, Oglesby, Utica and Peru in LaSalle Co.					
Brush	7.65	.45	.15		
Spray	8.65	.45	.15		
Woodrofd and Marshall Counties:					
Brush	9.65	.45	.30		.03
Spray	10.15	.45	.30		.03
Bureau County					
Brush and Roller	8.72	.45	.65		.12
Spray	8.97	.45	.65		.12
PLASTERERS:					
Vicinity of LaSalle and Peru in LaSalle County	9.00		.50		
Vicinity of Ottawa, Earlville, Seneca and Marseilles - LaSalle County	8.20				
Vicinity of Streator; LaSalle County and Northern part of Livingston County	10.50		.70		
Portion East of Roanoke in Woodford County and the Southern part of Livingston County	11.15				.01
Marshall County and the Remainder of Woodford County	10.05	.60	.60		.01
Putnam and Bureau Counties	10.10	.35	.25		
PLUMBERS and STEAMFITTERS:					
LaSalle, Putnam and Bureau Cos.; and North of Pontiac in Livingston County	11.33	.55	.45		.09
Marshall and Woodford Counties	11.06	.40	.90		.15
City of Pontiac and South thereof Livingston County	9.80	.45	.95		.15
Illinois State Prison (Pontiac) in Livingston County	11.65	.35	.70		.08

DECISION NO. IL76-2125

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
LaSalle, Bureau, Putnam, Livingston and N. E. half of Marshall County	$10.38		.30		
Woodford County and S. E. half of Marshall County	10.35	.45	.40		.025
SHEET METAL WORKERS:					
Woodford County	10.32	.50	.55		.08
LaSalle, Bureau, Marshall, Putnam and Southern part of Livingston County	7.95	.38	.35		
Northern portion of Livingston County	11.72	.35	.65		.07
SPRINKLER FITTERS	11.40	.60	.90		.08
TRUCK DRIVERS:					
Remainder of Woodford and Livingston Counties					
2-3 Axle Trucks	8.30	a20.00	a24.00		
4 Axle Trucks	8.45	a20.00	a24.00		
5 Axle Trucks	8.65	a20.00	a24.00		
6 Acle Trucks	8 85	a20.00	a24.00		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Per week per employee

DECISION NO. IL76-2125

ILL-50-LAB-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Unskilled	$8.60	.40	.42		.035
Semi-Skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035

CLASSIFICATIONS:

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Fireman or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen andSpotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading exp-osives; Laying of sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer or scale tickets; Fire shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for all Machinery.

SEMI-SKILLED: Handling of Materials treated with oil, creosote, asphalt or any foreign material, Track Laborers; Cement Handlers; Chlorids Handlers; the unloading and Laborers w/steel workers and rebars; Concrete Workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and material wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized buggies or motorized unit used for wet concrete or handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with land surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving); Placing, Cutting and trying or Reinforcing; Deck Hand; Dredge hand or Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED:Dymanite Man or Blasters; Caisson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signalman on crane, Concrete Saw Operator; Screenman on Asphalt Pavers; Laborers tending Masons w/hot materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or temporary plant; Laborers handling master plate or similar materials; Laser Beam Operator; Coring Machine Operator

DECISION NO. IL7-62125

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: Bureau(E. of Rt. #26); LaSalle; Livingston; Putnam(E. of Illinois River

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.25	.65	.85	.40	.05
CLASS II	9.95	.65	.85	.40	.05
CLASS III	8.80	.65	.85	.40	.05
CLASS IV	7.55	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Cysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

DECISION NO. IL76-2125

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS: Bureau(N. of Rt. #26); Marshall; Putnam(N. of Illinois River); & Woodford Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.57	.45	.55		.05
Group 2	10.37	.45	.55		.05
Group 3	9.995	.45	.55		.05
Group 4	9.72	.45	.55		.05
Group 5	9.11	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, mschine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL76-2125

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrate saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL76-2125 ILL-82-TD-1-2-3

TRUCK DRIVERS: Bureau, LaSalle, Marshall & Putnam Cos., Woodford Co: (NW Corner)Livingston Co:(SW Corner)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Cass, Morgan and Scott

DECISION NUMBER: IL76-2129 DATE: Date of Publication

Supersedes Decision No. IL76-2063 dated May 21, 1976, in 41 FR 21023

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.38	.45	.62		.03
BOILERMAKERS	10.90	.65	1.20		
BRICKLAYERS:					
Morgan and Scott Counties: Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers, Cement Block Layers-Pointers-Caulkers and Cleaners	9.40	.35	.52		.02
Cass County: Bricklayers	9.40	.35	.52		.02
CARPENTERS:					
Carpenters and Soft Floor Layers	8.95	.45	.25		.02
Piledrivermen	9.20	.45	.25		.02
CEMENT MASONS and PLASTERERS:					
Morgan and Scott Counties: Cement Masons	9.155	.35	.52		.02
Cass County: Cement Masons	9.98	.35	.35		.02
Plasterers	8.85	.35	.30		.02
ELECTRICIANS	9.87	.40	1%+.30		2%
ELEVATOR CONSTRUCTORS:					
Morgan and Scott Counties: Constructors	10.30	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Morgan and Scott Counties	8.80	.25	.15		
IRONWORKERS	10.35	.55	.75		.05
LABORERS:					
Unskilled	8.14	.30	.30		.035
Semi-Skilled	8.34	.30	.30		.035
Skilled	8.49	.30	.30		.035
LATHERS	9.90				
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Brush and Roller	8.90	.45	.15		
Spray	9.40	.45	.15		
PLUMBERS and PIPEFITTERS	10.91	.35	.55		

DECISION NO. IL76-2129 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition	11.63				
Slate-Tile-Precast Slab	11.88				
SHEET METAL WORKERS	10.37	3%+.40	.50		.05
SPRINKLER FITTERS	11.40	.60	.90		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six Paid Holidays
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employees who has worked in the business less than 5 years.
c. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday and the regular scehduled work days immediately preceding and following the Holiday.

DECISION NO. IL76-2129

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth-augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, pilodrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushors, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower crenes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, ooncrete saws, self propeller, concrete saws, self propellor, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tillor, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, pavor, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heators*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous ooncrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*.

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL76-2129

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine incluuing those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DESISION

STATE: Illinois COUNTY: McLean
DECISION NUMBER: IL76-2127 DATE: Date of Publication
Supersedes Decision No. IL76-2067 dated May 21, 1976, in 41 FR 21974
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.51	.81	.72		.12
BOILERMAKERS	10.95	.65	.95		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble, Tile, Terrazzo Workers	10.10	.50	.50		
CARPENTERS:					
Carpenters and Soft Floor Layers	9.36	.40	.40		.05
Millwrights and Piledrivermen	9.86	1.40	.40		.05
CEMENT MASONS:	10.63	.40			
ELECTRICIANS:					
Cropsey, Anchor, Cheney Grove and Bell Flower Townships	10.60	.40	1%+.30		.3%
Remainder of County	10.45	.40	1%+.40		.002%
ELEVATOR CONSTRUCTORS:					
Constructors	10.30	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.985	.45	.30		
IRONWORKERS:					
Eastern Part of County	10.05	.50	1.00		.08
Western Part of County	10.475	.50	.675		.025
LABORERS:					
Unskilled	8.60	.40	.42		.035
Semi-Skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035
LATHERS	10.27	.40	.40		.01
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Brush	9.45	.45			.06
Structural Steel and Spray	9.95	.45			.06
PLASTERERS	11.15				.01
PLUMBERS and STEAMFITTERS	9.80	.45	.95		.15
ROOFERS:					
Composition, slate, tile and Asbestos Damp and Waterproof	9.75		.15		
SHEET METAL WORKERS	10.32	.50	.75		.08
SPRINKLER FITTERS	11.40	.60	.90		.08
WELDERS; Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL76-2127

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Six Paid Holidays: A through F

b. Employer contributes 4% of Regular Hourly Rate ot Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of Regulat Hourly Rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the Holiday and the regular scheduled work days immediately preceding and following the Holiday.

DECISION NO. IL76-2127

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.57	.45	.55		.05
Group 2	10.37	.45	.55		.05
Group 3	9.995	.45	.55		.05
Group 4	9.72	.45	.55		.05
Group 5	9.11	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL76-2127

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (treck type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attechments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL76-2127

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Logan, Mason, and Menard

DECISION NUMBER: IL76-2126

DATE: Date of Publication

Supersedes Decision No. IL76-2072 dated June 4, 1976, in 41 FR 22715

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		
BOILERMAKERS:					
Menard County	10.90	.65	1.20		.03
Logan and Mason	10.95	.65	.95		.03
BRICKLAYERS:					
Logan and Mason Counties					
Bricklayers, Stonemason, Cement Blocklayers, Caulkers, Pointers, Cleaners and Plasterers	10.35				
Marble-Tile and Terrazzo Workers	10.10				
Marble-Tile Helpers	9.35				
Menard County					
Bricklayers, Stonemasons, Marble-Tile and Terrazzo Workers, Pointers, Caulkers and Cleaners	9.45	.50	.75		.02
Plasterers	8.85	.35	.30		.02
Marble and Tile Helpers	9.35				
CARPENTERS:					
Logan County					
Carpenters and Soft Floor Layers	9.65	.45	.35		.05
Millwrights and Piledrivermen	10.15	.45	.35		.05
Menard County					
Carpenters and Soft Floor Layers	10.10	.45	.45		.06
Millwrights and Piledrivermen	10.60	.45	.45		.06
Mason County					
Carpenters and Soft Floor Layers	10.21	.40	.40		.05
Millwrights and Piledrivermen	10.71	.40	.40		.05
CEMENT MASONS:					
Logan County	9.90				
Menard County	9.98	.35	.35		.02
Mason County	9.90	.60	.60		.05

DECISION NO. IL76-2126

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Logan and Menard Counties; the Townhsips of Bath, Crane Creek, Kilbourne, Lynchburg, Mason City and Salt Creek in Mason County	$9.87	.40	1%+.30		.2%
Remainder of Mason County	10.77	.40	1%+.50		1%
GLAZIERS	8.80	.25	.15		
IRONWORKERS	10.35	.55	.75		.05
LABORERS:					
Logan County and Northern half of Menard County					
Unskilled	8.45	.45	.35		.035
Semi-Skilled	8.65	.45	.35		.035
Skilled	8.80	.45	.35		.035
Southern half of Menard County					
Unskilled	9.05	.35	.35		.035
Semi-killed	9.25	.35	.35		.035
Skilled	9.40	.35	.35		.035
Mason County:					
Unskilled	8.14	.30	.30		.035
Semi-Skilled	8.34	.30	.30		.035
Skilled	8.49	.30	.30		.035
LATHERS	9.90				
PAINTERS:					
Logan and Menard Counties					
Brush and Roller	8.90	.45	.15		
Spray	9.40	.45	.15		
Mason County					
Brush	9.65	.45	.30		.03
Spray	10.15	.45	.30		.03
PLUMBERS and PIPEFITTERS	10.91	.35	.55		
ROOFERS:					
Composition	11.63				
Slate, Tile, Precast Slab	11.88				
SHEET METAL WORKERS	10.37	3%+.40	.50		.05
SPRINKLER FITTERS	11.40	.60	.90		.08
WELDERS: Receive rate prescrived for craft performing operation to which welding is incidental.					

DECISION NO. IL76-2126

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: LOGAN & MENARD COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributers, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of typo) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR

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ILL-6-PEO-1

POWER EQUIPMENT OPERATORS MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.57	.45	.55		.05
Group 2	10.37	.45	.55		.05
Group 3	9.995	.45	.55		.05
Group 4	9.72	.45	.55		.05
Group 5	9.21	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourne-dozer, work boats, ross carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tunneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL76-2126

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: *See below
DECISION NUMBER: KY76-1114 DATE: Date of Publication
Supersedes Decision No.: KY-75-1095 dated September 19, 1975 in 40 FR-43459
DESCRIPTION OF WORK: Heavy and Highway Construction

*Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owens, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
Carpenters	8.01	.30	.30		
Cement masons	9.28	.60	.30		
Electricians:					
Linemen (outside)	11.60	.50	1%+.40		% of 1%
Cable splicers (outisde)	11.60	.50	1%+.40		% of 1%
Groundmen (outside)	7.19	.50	1%+.40		% of 1%
Ironworkers:					
Structural, ornamental, & reinforcing	10.50	.75	.95		.05
Painters:					
Brush and roller	8.22	.30	.20		
Sandblasting	8.67	.30	.20		
Spray	8.37	.30	.20		
Painters, bridge over navigable water					
Brush and roller	10.22	.30	.20		
Sandblasting	10.67	.30	.20		
Spray	10.37	.30	.20		
Piledrivermen	8.26	.30	.30		
Plumbers	11.42	.60	.75		.10
Welders - Rate for craft.					

KY76-1114 - (Cont'd)

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	6.79	.35	.35		
GROUP 2	7.04	.35	.35		
GROUP 3	7.09	.35	.35		
GROUP 4	7.69	.35	.35		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of conorste, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixers, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blaster, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

KY76-1114 - (Cont'd)

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.65	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B

All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY76-1114 - (Cont'd)

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.45	.35	.35		.05
CLASS B	7.00	.35	.35		.05
CLASS C	6.41	.35	.35		.05

Class A

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, sideboom, tailboom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French German and other types), hydrocranes, backfiller, gurries, subgrader, and dredge engineer.

Class B

All air compressors (600 cu. ft. per min, or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, flexplane, firemen, and hoist (one drum).

Class C

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

KY76-1114 - (Cont'd)

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	6.96	a	b		
GROUP II	7.07	a	b		
GROUP III	7.25	a	b		
GROUP IV	7.28	a	b		
GROUP V	7.35	a	b		

GROUP I: Truck helper and warehousemen

GROUP II: Driver, 3 tons and under, greaser, tire changer and mechanic helper

GROUP III: Truck mechanic, driver, over 3 tons, distributors, dump truck and tandem axle, semi-Trailer or pole trailer when used to pull building material or equipment

GROUP IV: Driver on mixer trucks (all types)

GROUP V: Driver, euclid and other heavy earth-moving equipment and low boy, fork lift truck when used to transport building materials, pavement breakers, winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

a. $14.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consective day period for that employer

b. $16.00 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NO.: NE76-4167
COUNTY: Lancaster
DATE: Date of Publication
Supersedes Decision No.: NE76-4205 dated June 11, 1976, in 41 FR 23903
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.91	.41	.51	4%	.03
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS: Stonemasons	8.875	.45	.30		
CARPENTERS:					
Carpenters	7.75	.45	.30		
Piledrivermen	8.00	.45	.30		
CEMENT MASONS:					
Cement Masons	7.725	.45	.30		
Swing Stage	7.975	.45	.30		
ELECTRICIANS:					
Electricians - Cable Splicers' Zone Definition					
Electricians-Cable Splicers from the main Post Office in Lincoln, Nebraska:					
Zone A	10.31	.42	1%		.04
Zone B	10.61	.42	1%		.04
Zone C	10.91	.42	1%		.04
Zone D	11.31	.42	1%		.04
Cable Splicers:					
Zone A	10.56	.42	1%		.04
Zone B	10.86	.42	1%		.04
Zone C	11.16	.42	1%		.04
Zone D	11.56	.42	1%		.04
ELEVATOR CONSTRUCTORS	10.41	.495	.32	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.495	.32	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR				.01
GLAZIERS	8.45	.40	.35		
IRONWORKERS	8.43	.50	.40	.70	
LABORERS:					
Common Laborers	6.465	.45	.30		
Machine and air tool operators; Mason Tenders	6.615	.45	.30		
Plasterers Tenders	6.69	.45	.30		
LATHERS	7.80	.50	1.00		.01
MARBLE MASONS	8.10				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$6.775	.30	.20		
Spray, Steel, Swing Stage	7.275	.30	.20		
Paperhangers, Taper	7.025	.30	.20		
PLASTERERS	8.255	.45			
PLUMBERS: Pipefitters	9.11	.58	.60		.10
ROOFERS:					
Composition	7.45		.10		
Slate and Tile	7.85		.10		
SHEET METAL WORKERS	9.02	.35	.20		
SOFT FLOOR LAYERS	8.00				.03
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS	8.10		.25		
TRUCK DRIVERS:					
Single Axle	5.825	.20	.25		
Tandem Axle	5.95	.20	.25		
Trailers and Lowboys	6.075	.20	.25		
Limber Carriers	6.25	.20	.25		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years' service and 4% of the basic hourly rate for over 5 years service as Vacation Pay Credit.

b. The following paid holidays: A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

DECISION NO. NE76-4167

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$ 8.86	.35	1%		1/2%
Cable Splicers	9.26	.35	1%		1/2%
Truck Driver	6.42	.35	1%		1/2%
Equipment Operator	8.33	.35	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.01	.35	1%		1/2%
(Inexperienced) 2nd 6 months	4.40	.35	1%		1/2%
Thereafter	5.81	.35	1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group 1	6.575	.45	.30		
Group 2	6.70	.45	.30		
Group 3	7.25	.45	.30		
Group 4	7.425	.45	.30		
Group 5	7.05	.45	.30		
Group 6	7.775	.45	.30		
Group 7	7.70	.45	.30		
Group 8	7.75	.45	.30		
Group 9	7.85	.45	.30		
Group 10	8.10	.45	.30		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITION

GROUP 1: Firemen Oilers; Greasers; Mechanic's Helpers; Industrial type tractor without attachments
GROUP 2: Pumps - 4 inches and over
GROUP 3: Industrial type tractor with attachments
GROUP 4: Forklift or similar type equipment
GROUP 5: Compressors - 300 cu. ft. or over, or a series of compressors equalling 300 cu. ft. or over
GROUP 6: Economobile
GROUP 7: Single drum trucks or boom hoists; winch trucks; concrete pumps
GROUP 8: One drum hoists; air tugger; mixer with capacity or 1 yard or more; Blade Graders; Bulldozers; front end loaders; hydraulic backhoe on industrial type tractor
GROUP 9: Rubber tired earth moving equipment; hydrocrane
GROUP 10: Two drum hoists; Mechanics; Cranes; Piledrivers; Shovels; Draglines; Clamshells; Orange Peel; Backhoe; All shovel type equipment; All derricks and cranes

DECISION NO NE76-4167

SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenter	$5.25				
Carpenter helper	4.00				
Cement finisher	4.80				
Concrete saw operator	4.60				
Form setter (road)	4.55				
Form setter (structures)	3.75				
Laborer	3.45				
Manhole builder	4.25				
Painter	3.60				
Piledriver leadsman	3.60				
POWER EQUIPMENT OPERATORS:					
All purpose spreader	4.10				
Asphalt distributor	4.00				
Asphalt distributor helper	3.75				
Asphalt heaterman	3.80				
Asphalt paving machine	4.75				
Asphalt paving machine screedman	4.25				
Stationary Pl. (base of stabilization)	4.60				
Stationary Pl. (asphalt or concrete)	4.90				
Beginner Operator	4.25				
Bulldozer:					
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.25				
Cement handler	3.50				
Clamshell, dragline, backhoe, crane, pile driver or shovel	5.35				
Concrete mixer	3.60				
Concrete paver	4.45				
Slip form paver	5.25				
Conveyor	3.60				
Crusher (including those with integral screening plant)	4.65				
Dredge pump under 10"	4.00				
Dredge pump 10" and over	4.45				

DECISION NO NE76-4167

SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)					
Fireman (boiler)	$3.80				
Front End Loader:					
3½ cu. yds. or less	4.55				
over 3½ cu. yds.	4.65				
Mechanic	5.35				
Mechanic helper	4.60				
Motor grader	5.15				
Oiler or greaser	4.50				
Roller, self-propelled (hot mix)	4.50				
Roller or compactor, self-propelled (other)	4.50				
Scraper under 16 cu. yds.	4.75				
Scraper 16 cu. yds. and over	5.25				
Power grade machine (trimmer)	5.25				
TRACTOR:					
Farm type (towing)	3.65				
Farm type (with attachments)	3.95				
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.00				
Traveling plant (stabilization)	4.60				
Traveling plant helper (stabilization)	3.90				
Concrete finishing machine and spreader	4.80				
TRUCK DRIVERS:					
Single Axle	3.65				
Tandem Axle	3.75				
Semi-Trailer	3.85				
Transit Mix	3.85				
Lowboy	4.25				

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: ALBANY, RENSSELAER, SARATOGA, SCHENECTADY

DECISION NO.: NY76-3255

DATE: DATE OF PUBLICATION

SUPERSEDES DECISION NO.: NY76-3197 dated June 25, 1976 in 41 FR26497

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.28	.47	.28		.02
BOILERMAKERS	11.50	.75	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, POINTERS AND CAULKERS	10.49	.70	.35		.01
CARPENTERS, BUILDING					
SARATOGA COUNTY: TWPS. OF DAY, HADLEY, EDINBURG, CORINTH, AND MOREAU					
CARPENTERS AND SOFT FLOOR LAYERS	9.05	.40	.40	g	.005
MILLWRIGHTS	9.30	.40	.40	g	.005
PILEDRIVERMEN	9.20	.40	.40	g	.005
CARPENTERS, BUILDING					
ALBANY COUNTY, RENSSELAER COUNTY, SCHENECTADY COUNTY, SARATOGA COUNTY: REMAINDER OF COUNTY					
CARPENTERS AND SOFT FLOOR LAYERS	9.90	.60	.60		.02
MILLWRIGHTS	10.40	.60	.60		.02
PILEDRIVERMEN	9.86	.95	1.53	.55	.02
CARPENTER, HEAVY AND HIGHWAY	9.12	.60	.60	j	.025
CEMENT MASONS	9.15	.70	.35		
ELECTRICIANS:					
SARATOGA COUNTY: GANSEVEEN, MT. McGREGOR, SCHUYLERVILLE, VICTORY MILLS, WAYVILLE, STILLWATER,					
MECHANICVILLE, AND WATERFORD	11.00	.70	1%+.60	a	h
REMAINDER OF COUNTY:	10.35	.55	1%+.70	i	.05
ALBANY COUNTY: ELECTRICIANS					
COHOES AND WATERVLIET	11.00	.70	1%+.60	g	.05
REMAINDER OF COUNTY	11.35	.45	1%+.50		
RENSSELAER COUNTY: ELECTRICIANS					
SCHODACK, RENSSELAER, E. GREENBRUSH, STEPHENTOWN AND NASSAU	11.35	.45	.50	a	
REMAINDER OF COUNTY	11.00	.70	1%+.60	g	.05
SCHENECTADY COUNTY: ELECTRICIANS	10.35	.55	1%+.70	a	.05
ELEVATOR CONSTRUCTORS	10.62	.545	.35	3%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS	7.43	.545	.35	3%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	5.31				
IRONWORKERS: STRUCTURAL, REINFORCING, AND ORNAMENTAL	10.00	.69	.85		.04

PAGE 2

DECISION NO. NY76-3255

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING: LABORERS PIPELAYERS (2 MAN TEAM), HOD CARRIERS, MORTAR MIXERS (HAND OR MACHINE), JACKHAMMER OPERATOR, WELL POINTING, ALL AIR OR GAS DRIVEN TOOLS, CONCRETE VIBRATORS,	8.60	.70	.90		.07
POWER DRIVEN BUGGIES	8.75	.70	.90		.07
FORM SETTERS (CURB)	8.775	.70	.90		.07
WAGON DRILL OPERATOR	8.825	.70	.90		.07
ACELYTENE BURNERS	8.875	.70	.90		.07
DEMOLITION	8.85	.70	.90		.07
BLASTERS	9.075	.70	.90		.07
LEAD BURNERS	10.50	.40	.25	d	.01
LATHERS	9.56	.70	.30		.01
LINE CONSTRUCTION:					
LINEMAN	11.10	.65	1%+.60	e	½%
CABLE SPLICER	12.21	.65	1%+.60	e	½%
GROUNDMAN DIGGING MACHINE OPERATOR	9.99	.65	1%+.60	e	½%
GROUNDMAN MOBILE EQUIPMENT OPERATOR	8.88	.65	1%+.60	e	½%
GROUNDMAN TRUCK DRIVER	8.325	.65	1%+.60	e	½%
GROUNDMAN DYNAMITE MAN AND MECHANIC	8.88	.65	1%+.60	e	½%
PAINTERS: ALBANY COUNTY, RENSSELAER COUNTY, AND SCHENECTADY COUNTY					
BRUSH	8.92		.35		
STRUCTURAL STEEL & BRIDGE	9.67		.35		
SPRAY	10.02		.35		
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	9.42		.35		
PAINTERS: SARATOGA COUNTY TWPS. OF CLIFTON PARK, HALFMOON, MALTA, CHARLTON, GALWAY, MILTON & WEST MILTON					
BRUSH	8.92		.35		
STRUCTURAL STEEL & BRIDGE	9.67		.35		
SPRAY	10.02		.35		
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	9.42		.35		

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DECISION NO. NY76-3255

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS CONT'D					
SARATOGA COUNTY: TWPS. OF DAY, HADLEY, CORINTH, MOREAU, GANSEVOORT, AND MT. McGREGOR					
BRUSH	8.04	.25	.20		
STRUCTURAL STEEL, SWING SCAFFOLD AND BRIDGE	8.37	.25	.20		
SPRAY AND SANDBLASTING	8.59	.25	.20		
SARATOGA COUNTY: REMINDER OF COUNTY					
COMMERCIAL WORK	7.25				
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	7.75				
MARBLE SETTERS, TERRAZZO WORKERS, AND TILE SETTERS					
SARATOGA COUNTY	8.95	.70	.35		
PLUMBERS, STEAMFITTERS, AIR CONDITIONING AND REFRIGERATION					
ALBANY COUNTY:					
ALBANY AREA	9.79	.56	.87		.05
PLUMBRS AND STEAMFITTERS					
ALBANY COUNTY:					
CITY OF LATHAM	*10.30*	*.60*	*1.00*		*.04*
COHOES AREA	*9.79*	*.56*	*.87*		*.05*
PLUMBERS AND STEAMFITTERS					
RENSSELAER COUNTY:					
CITY OF GREEN ISLAND, WATERVLIET	*10.30*	*.60*	*1.00*		*.04*
SOUTHERN PART OF COUNTY	*9.79*	*.56*	*.87*		*.05*
PLUMBERS AND STEAMFITTERS:					
SARATOGA COUNTY TWPS OF STILLWATER AND HALFMOON	*10.30*	*.60*	*1.00*		*.04*
SARATOGA COUNTY: TWPS. OF GALWAY, MILTON, CHARLTON, CLIFTON PARK AND ATOMIC PROJECTS AT WEST MILTON AND MALTA	10.50	.65	.90		.10
SARATOGA COUNTY: REMAINDER OF COUNTY	9.50	2.01	1.52	1.14	.10
SCHENECTADY COUNTY	*10.50*	*.65*	*.90*		*.10*
ROOFERS	*9.60*	*.63*	*.40*		*.02*
SHEET METAL WORKERS	*9.96*	*.70*	*.50*		*.05*
SPRINKLER FITTERS	*11.61*	*.60*	*.90*		*.08*

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DECISION NO. NY76-3255

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS, BUILDING STRAIGHT, WINCH, TRANSIT MIX ON JOB SITE, ROAD OILERS, DUMP, PANEL, PICK-UP, WATER AND FUEL TRUCKS ON SITE	*8.70*	*.70*	*.59*	*f*	*.02*
EUCLIDS	*8.95*	*.70*	*.59*	*f*	*.02*
LOWBOY OR LOWBOY TRAILERS	*8.85*	*.70*	*.59*	*f*	*.02*
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holiday: E, provided the employee works the day after the holiday.
b. Holidays: A thru F.
c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
d. Holidays: A thru F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 30 full days during the 90 days prior to the holiday, and the regularly scheduled work days immediately preceeding and following the holiday.
e. Holidays: A thru F; Washington's Birthday, Election Day for the president of the United States and Election of Governor of New York (provided the employee works the day before and the day after the holiday).
f. One week vacation after one year's work; 2 weeks after 5 years work.
g. Holiday: Thanksgiving Day provided employee reports for work the day after the holiday.
h. Employer contributes $15.00 per year to an apprentice training program.
i. Holiday: D & E, plus two hours on Election Day.
j. Paid Holidays: Labor Day & Memorial Day.

NOTICES

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DECISION NO. NY76-3255

NY-27-LAB-2-J-G

HEAVY AND HIGHWAY CONSTRUCTION SARATOGA AND RENSSELAER COUNTIES:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$ 7.49	.70	.85	a	.05
Concrete aggregate bin, mortar mixer, hand or machine vibratoe gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper					
pipelayers	7.69	.70	.85	a	.05
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.89	.70	.85	a	.05
Blasters, form setters, stone or granite curb setters	8.09	.70	.85	a	.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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DECISION NO. NY76-3255

NY 29-LAB 2 3

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ALBANY COUNTY and SCHENECTADY COUNTY					
CLASS A	$ 7.44	.70	.90	a	.05
CLASS B	7.64	.70	.90	a	.05
CLASS C	7.84	.70	.90	a	.05
CLASS D	8.04	.70	.90	a	.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, temper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

NOTICES

DECISION NO. NY76-3255 — Page 7

Albany County, Rensselaer County. N.Y. 3-PEO-1-J 1 of 1
Saratoga County, Schenectady County

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.99	.85	.60	a	.10
GROUP 2	10.06	.85	.60	a	.10
GROUP 3	10.17	85	.60	a	.10
GROUP 4	10.36	85	60	a	.10
GROUP 5	10.69	85	.60	a	.10
GROUP 6	10.84	.85	.60	a	.10
GROUP 7	11.02	.85	..60	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

DECISION NO. NY76-3255 — PAGE 8

ALBANY COUNTY: Excluding the City of Albany
RENSSELAER COUNTY: Excluding the City of Troy
SARATOGA COUNTY: Entire County
SCHENECTADY COUNTY: Excluding the City of Schenectady 27-PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
GROUP I	$9.69	.55	.60+a	b	.10
GROUP II	9.37	.55	.60+a	b	.10
GROUP III	8.69	.55	.60+a	b	.10
GROUP IV	7.90	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30per hour to an Supplemental Unemployment Benef Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CNI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or ove crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over) head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under S"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road

DECISION NO. NY76-3255 — PAGE 9

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION NO. NY76-3255 — page 10

N.Y. 3-PEO-1-J 1 of 1

Cities of Albany, Troy, and Schenectady

HEAVY AND HIGHWAY CONSTRUCTION—POWER EQUIPMENT OPERATORS

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.99	.85	.60	a	.10
GROUP 2	10.06	.85	.60	a	.10
GROUP 3	10.17	85	.60	a	.10
GROUP 4	10.36	85	60	a	.10
GROUP 5	10.69	85	.60	a	.10
GROUP 6	10.84	.85	.60	a	.10
GROUP 7	11.02	.85	..60	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

DECISION NO. NY76-3255

1-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: BRONX, KINGS, QUEENS, RICHMOND AND NEW YORK

DECISION NO.: NY76-3256

DATE: DATE OF PUBLICATION

Supersedeas Decision No. NY76-3203 dated July 23, 1976 in 41 FR 30553.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, HEAVY, AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$10.45	1.43	.94	1.25	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers	10.99	1.13	3.38		
Carpenters, Building: Carpenters, Soft Floor Layers, Millwrights, Dock builders, and Piledrivermen	10.92	1.25	1.73	.65	.02
Carpenters, Heavy: Carpenters, Dock builders, and Piledrivermen	10.92	1.25	1.73	.65	.02
Timbermen, Heavy	9.93	1.25	1.73	.65	.02
Cement Masons	9.50	1.36	1.13	1.75	.01
Electricians and Linemen	12.25	7%	1%+a	5.7%+b	3%
Elevator Constructors	10.12	.495	.32+j	c + d	.02
Elevator Constructors' helpers	7.59	.495	.32+j	c + d	.02
Elevator Constructors' helpers (prob.)	5.06				
Elevator Constructors Modernization	9.35	.495	.32+j	c + d	.02
Elevator Constructors Modernization helpers	7.01	.495	.32+j	c + d	.02
Elevator Constructors Repair	8.50	.495	.32+j	c + e	.02
Elevator Constructors Repair's helpers	6.38	.495	.32+j	c + e	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers: Structural	11.65	1.20	2.70	1.50+i	.06
Ornamental Finisher	10.24	.86	2.35	.78	.04
Reinforcing	9.10	.785	1.755	.75	.01
Laborers: Asphalt Rakers	9.49	1.10	1.00	m	
Asphalt Tampers	9.27	1.10	1.00	m	
Asphalt Laborers	9.25	1.10	1.00	m	
Blasters (Hvy.)	8.59	.805	1.335	.65+c	
Cement Concrete Workers	8.90	.8025	1.3525		
Curb Setters (Hvy.)	11.58	1.10	1.00	m	
Laborers, Puddlers, Concrete Rakers (Hvy.)	9.32	1.10	1.00	m	
Laborers (Bldg. and Hvy.)	8.15	1.30	1.41		
Mason Tenders	8.30	.687	1.295		
Pneumatic Gas, Electrical Tool Operator (Hvy.)	7.46	.805	1.335	.65+c	
Laborers, Demolition: Barmen	9.00	6%	8%	.35	

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DECISION NO. NY76-3256

Laborers: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Barmen helpers	8.70	6%	8%	.35	
Pavers(Hwy.)	11.58	1.10	1.00	m	
Plasterers' helpers (Kings)	8.20	2.45		.80	
Plasterers' helpers (Queens)	9.45	1.40		1.00	
Plasterers' helpers (NY-Bronx-Richmond)	8.25	.90	1.00	.35	
Power Carriers (Hvy.)	6.77	.805	1.335	.65+c	
Rammers (Hwy.)	11.16	1.10	1.00	m	
Wagon Drills (Hvy.)	7.62				
Lathers, Metallic	10.10	.785	1.765	.75+p	.03
Lathers, Nail-on (Kings-Queens)	8.40	.655	1.655	.70	.01
Lathers, Nail-on (NY-Bronx-Richmond)	6.75		.25		.01
Lead Burners	10.50	.40	.25	f	.01
Marble Setters: Carvers	7.95	.63	1.41	h	
Cutters and Setters	8.00	.63	1.41	h	
Sawyers, Rubbers, and Polishers	7.57	.63	1.41	h	
Crane Operators and Derrickmen	7.33	.63	1.41	h	
Painters: Brush	8.85	8%	5%+g	3%	
Spray, Spray Gun, Scaffold Work	10.74	8%	5%+g	3%	
Structural Steel	7.50	8%	11%		
Structural Steel Spray	8.50	8%	11%		
Plasterers: Kings	9.55	1.10		1.40	.01
Queens	8.70	1.00	.20	1.40	.01
Bronx-NY- Richmond	9.25	1.10	.80	.90	.01
Plumbers: Manhattan-Bronx	9.25	1.07	1.86	.72	.06
Kings-Queens	10.01	1.75	1.59	1.19	.22
Richmond	10.15	85+n	1.93	1 05	.30
Roofers: Composition, Damp & Waterproofer	9.25	1.59	2.45	.65	
Slate-Tile (Kings-Queens)	10.82	.55	1.20	1.75	
Slate-Tile helpers (Kings-Queens)	5.13	.50	1.40	1.40	
Slate-Tile (Bronx-NY-Richmond)	9.70	.50	1.40	1.60	
Slate-Tile helpers (Bronx-NY-Richmond)	7.90	.50	1.00	1 20	
Sheet Metal Workers	11.77	1.715	1.045	.405	.02
Sprinkler Fitters & Steamfitters	10.07	2.65	1.12	.86	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stonemasons	10.25	.50	1.00		
Stone Derrickmen and Riggers	11.16	.98	.77		
Terrazzo Workers	9.10	.62	1.95		
Terrazzo Workers' helpers	8.84	1.21	1.50		
Terrazzo Workers', Machine Oper.	8.99	1.21	1.50		
Tile Setters	8.50	.80	2.09		
Tile Setters helpers	7.90	.50	1.27		
Tuckpointers:					
Steam Cleaners	8.97	.70	1.44	.50	.015
Waterproofers	8.72	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015
Truck Drivers: Building					
Ready-Mix Concrete, Sand, Gravel and asphalt	8.87	.9675	1.8525	k + 1	
Euclids and Turnapull Operators	8.825	.9675	1.8525	k + 1	
4 Wheel Trucks, Hi-Lo Lift Oper.	7.525	.9675	1.8525	k + 1	
Helpers and Yardmen	7.275	.9675	1.8525	k + 1	
Euclids & Turnapull op., Heavy	8.825	.9675	1 8525	k + 1	
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day; G-Columbus Day; H-Day after Thanksgiving

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity and Security Benefit Fund.
b. Holidays: A through H; Election Day; Employee's Birthday;
c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.
d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks vacation.
e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years but less than 15 years service receive 3 weeks vacation, 15 or more years receive 4 weeks vacation.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

FOOTNOTES: (Cont'd)

f. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing the employee has worked 30 full days during the 90 calander days prior to the holiday, and regular schedule work days immediately preceding and following the holiday.
g. Employer contributes $4.50 per day to an Annuity Fund.
h. Paid Holiday: St. Patrick's Day.
i. Paid Holidays: A through F provided the employee works a full half day preceding the holiday.
j. Employer contributes $7.00 per day to Annuity Fund.
k. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, provided the employee works two days in the calander week in which the holiday falls and each remaining work day during such calander week.
l. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year.
m. Holidays: B, C, D, E, Election Day, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.
n. Employer contributes $3.56 per day to an additional Security Benefit Fund.
p. Work on X-mas Eve and New Year's Eve will terminate at 12 noon, but employee will receive a full day's pay.

DECISION NO. NY76-3256

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Double drum hoist	$11.07	5%	5%+.90	.70 +e	.02	
Stone derrick, cranes, cherry picker	10.92	5%	5%+.90	.70 +e	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work) paint spraying, sand blasting, and all equipment used for hoisting material	10.50	5%	5%+.90	.70 +e	.02	
Cranes: All types - crawler or truck 100' to 149' boom	11.42	5%	5%+.90	.70 +e	.02	
150' to 249' boom	11.67	5%	5%+.90	.70 +e	.02	
250' to 349' boom	11.92	5%	5%+.90	.70 +e	.02	
350' to 450' boom	12.42	5%	5%+.90	.70 +e	.02	
Steel Eraction: Three drum derricks	11.34	5%	5%+.90	.70 +e	.02	
Cranes, 2 drum derricks, cherry pickers	10.93	5%	5%+.90	.70 +e	.02	
Compressors, welding machines	9.94	5%	5%+.90	.70 +e	.02	
Tower Crane	11.25	5%	5%+.90	.70 + e	.02	

FOOTNOTES:

. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

DECISION NO. NY76-3256

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$11.05	5%	5%+a	.70+b	.05
Class 2	10.98	5%	5%+a	.70+b	.05
Class 3	10.77	5%	5%+a	.70+b	.05
Class 4	10.59	5%	5%+a	.70+b	.05
Class 5	10.28	5%	5%+a	.70+b	.05
Class 6	10.37	5%	5%+a	.70+b	.05
Class 7	10.13	5%	5%+a	.70+b	.05
Class 8	9.94	5%	5%+a	.70+b	.05
Class 9	9.90	5%	5%+a	.70+b	.05
Class 10	9.53	5%	5%+a	.70+b	.05
Class 11					
a	11.48	5%	5%+a	.70+b	.05
b	11.73	5%	5%+a	.70+b	.05
c	11.98	5%	5%+a	.70+b	.05
d	12.48	5%	5%+a	.70+b	.05
Class 12	10.80	5%	5%+a	.70+b	.05
Class 13	10.55	5%	5%+a	.70+b	.05
Class 14	10.38	5%	5%+a	.70+b	.05
Class 15	10.04	5%	5%+a	.70+b	.05

FOOTNOTES:

a. Employer contributes $1.00 per hour to an annuity fund.

b. New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

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DECISION NO. NY76-3256

POWER EQUIPMENT OPERATORS
HEAVY and HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels, Steel erection

Class 2: Mine hoist and cranes

Class 3: Gradalls, Keystones, Cranes (on land or water with digging buckets including sand rock cranes, Bridge cranes, Clamshells, Draglines, Trenching machines)

Class 4: Piledriving cranes (when driving piles), Piledriving rigs (when driving piles), Cranes (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Concrete Plant (on site only)

Class 5: Cherrypicker (20 tons and over)

Class 6: Tunnel mucking machines, Back filling machines, Cranes (including but not limited to those utilizing scale boxes and mucking buckets), Paver dual drums

Class 7: Elevator (manually operated), Pavers, Cableways, Land derricks, Power houses (which contain low air pressure units), Asphalt spreaders, Autogrades (C.M.I. and machines of similar nature)

Class 8: Power houses (other than above), Portable compressors (used for steel eraction), Compressors (3 or more in battery), Driving of truck mounted compressors, Double drum hoist, Concrete pumps, Well point pumps, Tugger machines (compressed air caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection)

Class 9: Rollers (irrespective of motor power), Concrete mixers

Class 10: River cofferdam pumps, Welding machine (1 operator 2 through 5 machines, 2 operators 6 through 10 machines except where ARC is operated by members of L-15), Concrete breaking machines, portable compressors (1 or 2 in battery not over 100' apart), High pressure boilers, Single drum hoist, Locomotives (over 10 tons), Push-button machines, Stationary engineers (car, operating and maintenance of conveyor roller and plant equipment in asphalt plants)

DECISION NO. NY76-3256

POWER EQUIPMENT OPERATORS (Cont'd)
HEAVY and HIGHWAY CONSTRUCTION

Class 11: Long Boom Land Cranes:
a - 100' - 149'
b - 150' - 249'
c - 250' - 349'
d - 350' - 450'

Class 12: Junior engineers (when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over)

Class 13: Junior engineers (when operating the following equipment and attachments): Scrapers, Turn-a-pulls, Tugger hoists (used exclusively for handling excavated material), Tractors (rubber-tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers (all capacities, including the crew requirement for a manufacturer's minimum rated capacity of cherrypicker twenty tons and over), Austin Western and machines of a similar nature, Basin machines, Stetco silent hoist and machines of a similar nature, Vac-all, Meyers machines, John beam and machines of a similar nature, Bulldozers, Loaders (rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards), Conveyors, Motor graders, Curb and gutter pavers and machines of a similar nature, Ross carriers and travel lifts and machines of a similar nature

Class 14: Junior engineers when operating the following pieces of minor equipment: Tractors, Locomotives (10 tons and under), Post hole diggers, Ditch winch (walk behind), Motor generators, Road finishing machines, Mixers (16S and under with or without loading devices), Rollers (5 tons and under), Tugger hoists, Dual purpose trucks, Fork lifts, Dempster dumpers, Firemen (tending to); Steam operated shovels, Power boilers, Steam operated pile drivers, Steam operated derrick boats, Steam operated water rigs

Class 15: Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Draglines, Backhoes, Keystones, Gradalls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in battery), Power houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: BRONX, KINGS, NEW YORK, QUEENS and RICHMOND

DECISION NO. NY76-3257

DATE: DATE OF PUBLICATION

Supersedeas Decision No. NY76-3228 dated August 13, 1976 in 41 FR 34526.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to an including 4 stories.

R-3-24-31-43-New York-1-C

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.45	1.43	.94	1.25	
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers	10.99	1.13	3.38		.01
Carpenters:					
Carpenters, soft floor layers	10.92	1.25	1.73	.65	.02
Millwrights	10.92	1.25	1.73	.65	.02
Piledrivermen	10.92	1.25	1.73	.65	.02
Cement masons	9.50	1.36	1.13	1.75	.01
Electricians and linemen	12.25	7%	1%+a	5.7%+b	3%
Elevator constructors	10.12	.495	.32+j	c+d	.02
Elevator constructors' helpers	7.59	.495	.32+j	c+d	.02
Elevator constructors' helpers (prob.)	5.06				
Elevator constructors modernization	9.35	.495	.32+j	c+d	.02
Elevator constructors modernization helpers	7.01	.495	.32+j	c+d	.02
Elevator constructors repair	8.50	.495	.32+j	c+e	.02
Elevator constructors repair's helpers	6.38	.495	.32+j	c+e	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers:					
Structural	11.65	1.20	2.70	1.50+i	.06
Ornamental finisher	10.24	.86	2.35	.78	.04
Reinforcing	9.10	.785	1.10+.665	.75	.01
Laborers:					
Asphalt rakers	9.49	1.10	1.00	m	
Asphalt tampers	9.27	1.10	1.00	m	
Asphalt laborers	9.25	1.10	1.00	m	
Cement concrete workers	8.90	.70	1.3525		
Laborers	8.15	1.30	1.41		
Mason tenders	8.30	.687	1.295		
Plasters' tenders (Kings)	8.20	2.45		.80	
Plasters' helpers (Queens)	9.45	1.40		1.00	
Plasters' helpers (NY-Bronx-Richmond)	8.25	.90	1.00	.35	.01
Lathers, metallic	10.10	.785	.665+1.10	.75	.01
Lead burners	10.50	.40	.25	g	.01
Marble setters:					
Carvers	7.95	.63	1.41	f	
Cutters, setters	8.00	.63	1.41	f	
Sawyers, rubbers, polishers	7.57	.63	1.41	f	
Crane Op. & Derrickman and helpers	7.33	.63	1.41	f	

DECISION NO. NY76-3257

R-3-24-31-43-New York-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	$ 8.85	8%	5%+h	3%	
Spray, spray gun and scaffold work	10.74	8%	5%+h	3%	
Plasterers:					
Kings	9.55	1.10		1.40	.01
Queens	8.70	1.00	.20	1.40	.01
Bronx-NY-Richmond	9.25	1.10	.80	.90	.01
Plumbers:					
Manhattan and Bronx	9.25	1.07	1.86	.72	.06
Kings-Queens	10.01	1.75	1.59	.89	.11
Richmond	10.15	.85+p	1.93	1.05	.30
Roofers:					
Composition, damp & waterproofers	9.25	1.59	2.45	.65	
Sheet metal workers	11.77	1.715	1.045	.405	.02
Sprinkler fitters	10.07	2.65	1.12	.86	.07
Steamfitters	10.07	2.65	1.12	.86	.07
Stonemasons	10.25	.50	1.00		
Terrazzo workers	9.10	.62	1.95		
Terrazzo workers' helpers	8.84	1.21	1.50		
Terrazzo workers, machine operator	8.99	1.21	1.50		
Tile setters	8.50	.80	2.05		
Tile setters' helpers	7.90	.50	1.27		
Truck Drivers:					
Ready-mix concrete, sand, gravel and asphalt	8.87	.9675	1.8525	k+l	
Euclids and turnapull operator	8.825	.9675	1.8525	k+l	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

UMI 41 FR 44648-44649 10-8-76

DECISION NO. NY76-3257

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Columbus Day; H-Day after Thanksgiving

FOOTNOTES:

a. Employer contributes $7.00 per day to an Annuity & Security Benefit Fund.

b. Holidays: A through H.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks.

e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years but less than 15 years receive 3 weeks, 15 or more years receive 4 weeks.

f. PAID HOLIDAYS: St. Patricks Day.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and regular schedule work days immediately preceding and following the holiday.

h. $4.50 per day contribution for each man to a specialy annuity fund.

i. Paid Holidays: A through F, providing the employee works a full half day preceeding the holiday.

j. Employer contributes $7.00 per day to an Annuity Fund.

k. Holidays: A through F, Lincolns Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

l. For each 15 days within the contract year an employee will receive one days vacation with pay, with a maximum vacation of three weeks per year.

m. Holidays: B, C, D & E, Election, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

n. Work on X-mas Eve and New Year's Eve will terminate at 12 noon, but employee will receive a full days pay.

p. Employer contributes $3.56 per day to an additional Security Benefit Fund.

DECISION NO NY76-3257

NY-1-PEO-1-E

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Double drum hoist	$11.07	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	10.92	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work) paint spraying, sand blasting, and all equipment used for hoisting material	10.50	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck 100' to 149' boom	11.42	5%	5%+a	.70 +b	.02	
150' to 249' boom	11.67	5%	5%+a	.70 +b	.02	
250' to 349' boom	11.92	5%	5%+a	.70 +b	.02	
350' to 450' boom	12.43	5%	5%+a	.70 +b	.02	
Steel Erection: Three drum derricks	11.34	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	10.93	5%	5%+a	.70 +b	.02	
Compressors, welding machines	9.94	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.90 per hour to an annuity fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Fork, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: ND76-5096

DATE: Date of Publication

Supersedes Decision No. ND76-5037 dated April 16, 1976, in 41 FR 16416

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS: (Except Walsh County)	$ 8.19	.35	.50		.005
BOILERMAKERS: (except Walsh County)	9.45	.70	1.00		
BRICKLAYERS; Stonemasons: Burleigh and Morton Counties	8.80		.15		
Grand Forks, Steele and Walsh Counties	10.30		.15		
Cass and Richland Counties	9.54	.40	.15	.30	
Ward County	7.23		.15		.02
CARPENTERS: Burleigh and Morton Counties					
Carpenters	8.50				.02
Piledrivermen	8.62½				.02
Grand Forks, Steele (Northern Area) and Walsh Counties					
Carpenters	8.61		.20		
Piledrivermen	8.87		.20		
Millwrights	9.51	.40	.30	.50	.02
Cass, Richland and Steele (Southern Area) Counties					
Carpenters	8.76		.30		.02
Ward County					
Carpenters	7.78				.02
Piledrivermen	8.01				.02
Millwrights	9.51	.40	.30	.50	.02
CEMENT MASONS:					
Grand Forks and Steele Counties	7.00		.15		
Cass and Richland Counties	8.41				
Ward County	5.50				
ELECTRICIANS:					
Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo					
Zone (A) Within 0-15 miles of each main P. O.					
Electricians	8.60	.40	1%	6%	1½%
Cable Splicers	9.03	.40	1%	6%	1½%

DECISION NO. ND76-5096

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.					
Electricians	$ 9.22	.40	1%	6%	1½%
Cable Splicers	9.63	.40	1%	6%	1½%
Zone (C) Over 30 miles of each main P. O.					
Electricians	9.85	.40	1%	6%	1½%
Cable Splicers	10.28	.40	1%	6%	1½%
Burleigh, Morton and Ward Cos. Zone mileage from main P. O. in the Cities of Minot, Bismarck and Manden					
Zone (A) within 0-25 miles of each main P. O.					
Electricians	9.00	.40	1%	6%	1½%
Cable Splicers	9.40	.40	1%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	10.50	.40	1%	6%	1½%
Cable Splicers	10.90	.40	1%	6%	1½%
ELEVATOR CONSTRUCTORS: (except Walsh County)	10.345	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS: Ornamental; Structural; Reinforcing	9.69	.52	.50		.05
PAINTERS: Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.75				.02
Sandblasting; Structural Steel Spray	8.50				.02
Burleigh and Morton Counties					
Brush	6.25				
Spray	6.35				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Ward County					
Brush	$ 7.05				
Spray	7.40				
PLASTERERS:					
Grand Forks and Steele Counties	7.62		.15		
Ward County	6.50				
Cass and Richland Counties	9.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele and Walsh Counties	10.30	.38	.20		.01
Burleigh and Morton Counties	9.60	.40	.25		.02
Ward County	10.65	.35	.25		.04
ROOFERS:					
Cass and Richland Counties	6.85				
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	9.80		.20		
Cass and Richland Counties	9.45	.40	.25		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS:					
(except Walsh County)	9.45	.60	.90		.08

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

LABORERS Grand Forks and Steele Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:					
Laborers; Concrete Bucket Dumpman	$ 6.42	.20			
Group 2:					
All power tools (air, gas and electric); Operators or tools that come under the laborers' jurisdiction; Brick, Plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	6.57	.20			
Group 3:					
Hod Carriers; Non-metallic pipelayers; Gas line wrapping or taping; Sand blaster and gunnite nozzleman where under laborers' jurisdiction; Cutting torch for demolition	6.77	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers, Concrete Bucket Man	5.80	.20			
Group 2:					
All Power Tool Operators of tools that come under the Laborers' jurisdiction, Mortar Mixer, brick and plasterer tenders	5.90	.20			
Group 3:					
Hod Carriers, Non-metallic Pipelayers, Gas line wrapping or taping, Cutting torch for demolition	6.00	.20			

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cass and Richland Counties					
Group 1:					
Laborers; Concrete Bucket Dumpman	$ 5.99	.20			
Group 2:					
All Power Tool Operators of tools that come under the Laborers' jurisdiction; Brick and Plasterer tender; Mortar Mixer	6.09	.20			
Group 3:					
Hod Carriers; Non-metallic Pipe layer; Gas line wrapping and taping (Distribution Only); Cutting torch for demolition	6.14	.20			
Ward County					
Group 1:					
Laborers; Concrete bucket dumpman	5.99	.20			
Group 2:					
All Power Tool Operators of all tools that come under the laborers' jurisdiction; Mortar mixer; and Plasterer tender	6.09	.20			
Group 3:					
Non-metallic Pipe layer; Gas line wrapping or taping (Distribution Only); Cutting torch for demolition	6.24	.20			

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:					
Cranes, tower and overhead; Cherry Picker	$ 7.95	.35	.25		
Group 2:					
Brakemen; Any air compressed operations over 300 well points; Frontend loader over 1½ cu. yds.; Power Plant Engineer; Straddle Carrier; Oiler; Mechanic and Welder; Batch Plant Drill Rig; Tractor, over 75 HP; Concrete Pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	7.35	.35	.25		
Group 3:					
Hoist; Greaser; Concrete Mixer Operator; Boom Truck; Fireman; Tractor, 75 HP and under; Frontend Loader, 1½ cu. yds., and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled Scissor Jax	6.35	.35	.25		

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Site Preparation Excavation and Incidential Paving (except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidential Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS:					
Group 1	7.63	.35	.25		
Group 2	7.30	.35	.25		
Group 3	7.15	.35	.25		
Group 4	7.10	.35	.25		
Group 5	6.85	.35	.25		
Group 6	6.62	.35	.25		
Group 7	5.69	.35	.25		
Group 8	5.56	.35	.25		
Group 9	5.48	.35	.25		
Group 10	5.10	.35	.25		
Site Preparation Excavation and Incidential Paving (except Walsh County					
TRUCK DRIVERS					
Single Axle	4.97	.35	.20		
Tandem	5.07	.35	.20		
Agitator Dumpcrete	5.32	.35	.20		
Off road heavy end dumps, 20 yds. and under; Tandem semi, Lowboy	5.32	.35	.20		
Euclid, over 20 yards	5.95	.35	.20		

LABORERS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: General Construction Laborer (Chip Spreader Leverman, Fine Grader, Form Grader, Landscape Worker; Pump Operator (prewater) Tunnel Worker, Sign Erector); Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Salamander Heater and Blower Tender

Group 2: Semi-skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas,Electric or Pneumatic Tool Operator (Chipping Hammer, Grinders and Paving Breakers, Tamper (dirt), Concrete Vibrator Operator; Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper, Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water, and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblast, Nozzleman

POWER EQUIPMENT OPERATORS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff Leg), (power), (skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

Group 2: Concrete Mixer Stationary Plant Operator over 34E; Dredge Operator or Engineer, Dredge Operator (power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (paving) Concrete Paving Operator, road; Power Shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3¼ cu. yds.; Scraper Tandem; Tandem Pusher, Quad 9 or similar; Tractor Operator (pipeline); Side boom; Truck Crane Operator; Hydrocrane Operator, 15 ton and over

POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 3: Dope Machine Operator (pipeline); Drill Rigs, heavy duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline wrapping, cleaning and bending Machine Operator; Power actuated Horizontal Boring Machine over 6" Operator (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven) (paving); Tandem Scraper - twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing crushing and screening plant operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminius; Mechanic or Welder (heavy duty); Rubber-tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper Operator; Tractor type Dozer D-6 and over; Trenching Machine Operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operator, (or similar type)

Group 5: Bituminous Spreader and Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator, including machne with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over; Push Tractor; Self-propelled Traveling Soil Stabilizer; Soil Cement Stabilizer; Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade) (power operated); Fine Grade Operator; Roller, Steel and self-propelled rubber, on Hot Mix; Asphalt Paving; Tractor type Dozer under D-6 H.P.; Distributor Operator

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand) Electronic; Concrete Mixer Operator on job site under 16S; Crane Truck Oiler; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunnite Operator Gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power Apsco or similar type) including self-propelled Sand Chip Spreader; Flaherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 8: Crawler type Tractor pulling Compactor or Areating Equipment; Farm type Rubber-tired Tractor with Backhoe attachment; Self-propelled Vibrating Packer Operator Pad type (35 hp and over); Off Road self-propelled watering equipment; Boom Truck Operator; Roller, steel and self-propelled rubber, on other than Hot Mix

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator up 1 cu. yds.; Hyster Carrier of Forklift; Leverman; Mechanics' Helpers or Greaser Helper; Oiler (power shovel, crane, dragline); PUGMILL Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machie Operator (manual); Dredge Deck Hand; Farm Tractors, Rubber-tired for Compacting and Areating; Front End Loader Operator (farm type rubber tired tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension pulling machines	$ 9.05	.35	1%		1/2%
Group 2: Groundman - operating special equipment hold digging machines; Aerial baskets on energized circuits; Tractor s (D-4) and larger; Transmission line pole hauling; All Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixture erection	7.29	.35	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; including wheel tractors and crawler tractors	6.08	.35	1%		1/2%
Group 4: Groupman - truck or tractor driver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.59	.35	1%		1/2%

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: SC76-1115 DATE: Date of Publication
Supersedes Decision No. SC75-1004 dated January 17, 1975 in 40 FR-3154.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Counties: Anderson, Greenville, Oconee, & Pickens

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	4.25				
Bricklayers	5.50				
Carpenters	4.50				
Cement masons	5.00				
Drywal finishers	4.50				
Drywall hangers	4.75				
Electricians	4.61				
Insulators	3.90				
Ironworkers, structural & ornamental	3.50				
Laborers:					
Laborers	2.64				
Asphalt raker	2.70				
Mason tenders	2.75				
Mortar mixers	3.50				
Painters, bursh	4.46				
Plumbers & pipefitters	5.25				
Roofers	5.00				
Sheet metal workers	4.00				
Soft floor layers	5.25				
Tile setters	5.50				
Truck drivers	2.90				
Welders - Rate for Craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.16				
Bulldozer	3.25				
Motor grader	2.70				
Pan operator	3.25				
Paving Machine operator	2.65				

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Shelby
DECISION NUMBER: TN76-1116 DATE: Date of Publication
Supersedes Decision No.: TN76-1083 dated August 6, 1976, in 41 FR-33180
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy, Water, Sewer and Utility Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.10	.45	.50		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers, Stonemasons	9.85	.43	.20		.10
Carpenters, Piledrivermen, Soft floor layers	9.00	.30	.30		.065
Cement masons:					
Cement masons	8.875	.35	.45		.10
Cement masons machine operator	9.125	.35	.45		.10
Electricians:					
Electricians, Linemen	9.53	.75	1%+.40		.5%
Cable splicers	9.63	.75	1%+.40		.5%
Elevator constructors	9.43	.495	.32	4%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	9.20	.35	.20		
Ironworkers	9.15	.35	.60		.125
Lathers	9.30	.25			.01
Leadburners	10.50	.40	.25	c	.01
Marble setters, Terrazzo workers tile setters	8.20	.45	.20		.05
Marble setters helpers, Terrazzo setters helpers, Tile setters helpers	4.05				
Millwrights	9.55	.46	.30		.06
Painters:					
Commercial	8.65	.40	.40		.06
Industrial	8.90	.40	.40		.06
Plasterers	9.40				.01
Plumbers	10.37	.40	.30		
Roofers:					
Composition	8.70		.25		.03
Slate, tile, asbestos & precast tile	8.95		.25		.03
Sheet metal workers	9.71	3%+.55	.25	.55	.02
Sprinkler fitters	10.10	.60	.90		.08
Steamfitters, air conditioning mechanics and pipefitters	10.47	.30	.30		
Truck drivers:					
Up to 5 tons	6.10		d		
5 tons & over incl., special equipment	6.30				
Welders, riggers, & riveters receive rate prescribed for craft performing operation to which welding is incidental.					

TN76-1116 - (Cont'd)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6 paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. 9 paid holidays: A through F; plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contribution of $5.00 per week.

TN76-1116 - (Cont'd)

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.025	.20	.20		.05
GROUP B	6.125	.20	.20		.05
GROUP C	6.175	.20	.20		.05
GROUP D	6.375	.20	.20		.05
GROUP E	6.575	.20	.20		.05
GROUP F	6.70	.20	.20		.05

GROUP A: General and common laborers, concrete laborers, track laborer walkers, cement finisher helper, plumber helpers, carpenter tenders, asphalt rakers tampers, form strippers, roofing helpers.

GROUP B: Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C: Chain saw operator, jackhammer, vibrator and electric hammer and all air tool and pneumatic tools.

GROUP D: Deep hole men

GROUP E: Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).

GROUP F: Hod carriers, mason tenders and plasterers tenders.

TN76-1116 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.925	.30	.35		
CLASS B	8.495	.30	.35		
CLASS C	7.795	.30	.35		
CLASS D	7.395	.30	.35		

CLASS A: Shovels, backhoes, draglines, cranes, derricks, gantrys, gradall, winch with boom, motor patrol, trenching machine (18" & over), pile driver, tug boat operator, mechanics (heavy), central mixing plant, locomotive engineer, strattle carriers, core drills (over 3"), tower cranes; hydro cranes, austin western (and similar type cranes), drilling of piling, tugger, earth freezing equipment, 3 drum hoist, side boom, dredge operator (engineer), hopto, pump crete, mucking machines, cableways, central compressor plant, derrick boat, concrete pump, welders (men from the craft), helicopter operator, well point system, sweeper, bulldozers, pans, scrapers, traxcavators, fork lift, front end loader

CLASS B: Trenching machines (18" and smaller), tandem rollers, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinkey operator over 10 tons, elevating graders, winches (operated from trucks or tractors, without booms and powered by other than the truck), distributors, bituminous surfaces, 1 and 2 drum hoist, grout pumps, motor boat, switchman, brakeman, earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over), operator, air compressor (stationary), earth drills, scale operators, tractors (40 h.p. and less), motor crane driver and oiler, pumps (larger than 4"), dinkey operators (10 tons and less), oilers on gantrys, greasers

CLASS D: Air compressor operators, mechanic helper, locomotive fireman, welding machine operators, deck hand, elevator operators

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TN76-1116 - (Cont'd)

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.40				
Carpenters or leadsman	5.35				
Cement masons	5.35				
Electricians	6.15				
Ironworkers, reinforcing	5.10				
Ironworkers, structural	5.70				
Laborers:					
Laborers, unskilled, Flagman	3.25				
Chain saw, Concrete rubber, Mortar mixer, Pipelayer	3.50				
Air tool operator, firemen	3.55				
Concrete edger	3.65				
Concrete saw operator, fence erector, guard rail erector	3.75				
Asphalt raker	3.85				
Sign erector	3.95				
Form setter, Steel road	4.25				
Powderman	4.55				
Nozzleman or gunman (gunite)	5.35				
Painters or sand blaster	5.35				
Truck drivers:					
2 & 3 axles	3.65				
4 & 5 axles or more or heavy duty off-the-road trucks	4.30				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Pump operator, welder helper	3.40				
Ditch paver, mechanic helper	3.55				
Curb machine	3.65				
Motor crane driver, mulcher or seeder, scale operator	3.75				
Tractor, farm	3.80				
Concrete mixer, less than 1 yd, Earth drill	3.85				
Track drill	4.00				
Dozer or loader - stock pile only	4.10				
Oiler, roller, other than finish	4.15				

TN76-1116 - (Cont'd)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Distributor (bituminous)	4.35				
Tractor, crawler, utility	4.40				
Spreader (self-propelled)	4.50				
Asphalt paver, central mixing (asphalt or concrete), Concrete finishing machine, mechanic, Class II, Motor patrol (rough), Roller (high-type), Soil cement machine	4.65				
Tractor - boom & hoist, trenching machine	4.80				
Bulldozer or push dozer, scraper	5.25				
Backhoe, concrete paver, Cranes, end loader, Mechanic, Class I, Motor patrol finish, piledriver, Shovel	5.35				

TN76-1116 - (Cont'd)

WATER, SEWER AND UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.30					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX76-4169
COUNTY: Rowie
DATE: Date of Publication
Supersedes Decision No. TX76-4033, dated February 13, 1976, in 41 FR 7019.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.38	.325	.685		.025
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.75		.25		
CARPENTERS:					
Carpenters	7.45				.01
Millwright	9.35				.04
Piledriverman	8.05				.01
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS	8.90	.40	1%		1/4%
ELEVATOR CONSTRUCTORS	9.33	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	9.45	.35	.35		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Lineman	9.30		1%		1/2%
Cable splicer	9.58		1%		1/2%
Hole digger operator, Heavy equipment operators (or pole cat equivalent); powderman	8.46		1%		1/2%
Line truck driver (winch operator)	7.63		1%		1/2%
Jackhammer man	6.98		1%		1/2%
Groundman	6.23		1%		1/2%
Groundman, 1st year	4.65		1%		1/2%
Truck driver (flat bed, ton & half & under)	6.60		1%		1/2%
PAINTERS:					
GROUP 1 - Brush	5.50				
GROUP 2 - Spray	6.90				
GROUP 3 - Brush structural steel, iron & galvanized pipe; Painters working from window jacks	6.60				
GROUP 4 - Brush structural steel, iron & galvanized pipe over 40 ft. up & down to ground; Brush swinging stage & chair work	6.95				
GROUP 5 - Brush swinging stage & chair work over 40 ft. up & down to ground	7.25				
GROUP 6 - Spray, sandblasters & power tools	7.50				

DECISION NO. TX76-4169

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 7 - Spray, sandblasters & power tools over 40 ft. up & down to ground	$ 7.75				
PLUMBERS & PIPEFITTERS	9.50	.40	.55		.05
ROOFERS	4.50				
SHEET METAL WORKERS	8.985	3%+.35	.50		.055
SOFT FLOOR LAYERS	7.45				.01
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4169

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.24	.40	.625		.10
GROUP 2	8.025	.40	.625		.10
GROUP 3	8.425	.40	.625		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated
GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

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SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX76-4171
Supersedes Decision No. TX76-4048, dated February 20, 1976, in 41 FR 7920.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

COUNTY: Taylor
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.09	.325	.685		.025
ASBESTOS WORKERS	9.38	.50	1.00		.02
BOILERMAKERS	9.00				
BRICKLAYERS	7.20	.25	.30		
CARPENTERS	6.00				
CEMENT MASONS	5.41				
ELECTRICIANS:					
Electricians	8.65	.40	1%		1/4%
Cable splicers	8.90	.40	1%		1/4%
GLAZIERS	4.50				
IRONWORKERS	6.65	.55	.50		.10
LABORERS:					
Laborers	3.20				
Mason tenders	3.80				
LINE CONSTRUCTION:					
Lineman	8.65	.40	1%		1/4%
Cable splicers	8.90	.40	1%		1/4%
Groundman (over 1 year of experience)	6.49	.40	1%		1/4%
Groundman (under 1 year of experience)	5.19	.40	1%		1/4%
Equipment operator	7.09	.40	1%		1/4%
Flat bed truck driver	5.36	.40	1%		1/4%
PAINTERS:					
Brush, tape & bedding, paperhanger	6.70		.15		
Spray	7.575		.15		
PLASTERERS	6.60	.25	.55		.03
PLUMBERS & PIPEFITTERS	7.70				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.75				
Cranes, derricks, draglines	5.575				
Drilling	5.575				
Oilers	4.65				
ROOFERS	3.94				
SHEET METAL WORKERS	6.26				
SOFT FLOOR LAYERS	3.75				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. TX76-4164

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)					
Air Tool Man	$ 2.75				
Asphalt Hasterman	3.00				
Asphalt Raker	3.70				
Asphalt Shoveler	2.75				
Batching Plant Scaleman	3.40				
Batterboard Setter	3.65				
Carpenter	3.90				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	3.65				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	2.75				
Form Setter (Paving and Curb)	3.95				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.85				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.20				
Manhole Builder, Brick	3.00				
Mechanic	4.00				
Mechanic Helper	3.00				
Oiler	3.00				
Serviceman	3.50				
Painter (Structures)	3.50				
Pipelayer	3.50				
Pipelayer Helper	2.90				
Powderman	3.75				
Powderman Helper	2.75				
Reinforcing Steel Setter (Structures)	3.25				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	4.00				

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX76-4164
Supersedes Decision No. TX76-4081, dated May 7, 1976, in 41 FR 19039.
DESCRIPTION OF WORK: Building (including Residential) Construction. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

COUNTY: Howard
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.40	.30	1%		1/10%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	7.99	.55	.85		.10
LABORERS:					
Laborers	3.06				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.36				
ROOFERS	4.00				
SHEET METAL WORKERS	5.25				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. TX76-4164

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 4.05				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.55				
Crusher or Screening Plant Op.	3.00				
Elevating Grader	4.10				
Foundation Drill Operator (Truck Mounted)	4.90				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	3.95				
Motor Grader Op., Fine Grade	4.50				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.95				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	4.00				
Side Boom	3.55				
Tractor (Crawler Type) 150 HP and Less	3.10				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP & Less	3.10				
Tractor (Pneumatic) over 80 HP	3.30				
Traveling Mixer	2.75				
Trenching Machine, Light	3.70				
Trenching Machine, Heavy	3.80				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.10				
Lowboy-Float	3.35				
Winch	3.40				
Weighman (Truck Scales)	2.50				
Welder	4.00				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: TX76-4166 DATE: Date of Publication
Supersedes Decision No. TX76-4082, dated May 7, 1976, in 41 FR 19041.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 7.00				
CARPENTERS	6.00				
CEMENT MASONS	4.50				
ELECTRICIANS	5.55				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

DECISION NO. TX76-4166

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.75				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.90				
Carpenter	4.00				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.30				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	4.80				
Concrete Finisher Helper (Structures)	3.50				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	4.10				
Form Setter Helper (Paving & Curb)	3.45				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	3.00				
Laborer, Utility Man	3.30				
Manhole Builder, Brick	3.75				
Mechanic	4.80				
Mechanic Helper	3.50				
Oiler	4.10				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.55				
Pipelayer Helper	3.00				
Powderman	4.40				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.05				
Sign Erector	3.25				
Spreader Box Man	4.30				
Swamper	3.65				
Power Equipment Operators:					
Asphalt Distributor	4.20				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.55				
Bulldozer, 150 HP and Less	3.70				
Bulldozer, over 150 HP	4.40				
Concrete Paving Curing Machine	3.75				

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DECISION NO. TX76-4166

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Finishing Machine	$ 4.65				
Concrete Paving Form Grader	3.75				
Concrete Paving Mixer	4.75				
Concrete Paving Saw	4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.30				
Foundation Drill Operator (Crawler Mounted)	5.35				
Foundation Drill Operator (Truck Mounted)	5.85				
Foundation Drill Operator Helper	3.90				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.60				
Motor Grader Operator, Fine Grade	5.05				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.65				
Roller, Pneumatic(Self-Propelled)	3.45				
Scrapers (17 CY and Less)	4.10				
Scrapers (Over 17 CY)	4.20				
Side Boom	4.00				
Tractor (Crawler Type) 150 HP and Less	3.30				
Tractor (Crawler Type) over 150 HP	3.95				
Tractor (Pneumatic) 80 HP & Less	3.75				
Tractor (Pneumatic) over 80 HP	4.20				
Traveling Mixer	4.35				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Transit-Mix	3.50				
Winch	3.25				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	3.00				
Welder	3.05				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX76-4162

DATE: Date of Publication

Supersedes Decision No. TX76-4083, dated May 7, 1976, in 41 FR 19043.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.95	.40	1%		1%
Electrical contracts $300,000 & over	8.40	.40	1%		1%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.30				
Mason tenders	2.30				
Pipelayers (concrete & clay)	2.30				
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.68	.32	.15		.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.30				
SOFT FLOOR LAYERS	2.30				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.30				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.30				
TRUCK DRIVERS	2.30				

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DECISION NO. TX76-4162

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.00				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.40				
Carpenter	3.50				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.00				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	3.00				
Electrician	7.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.00				
Form Liner (Paving and Curb)	3.00				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	3.20				
Laborer, Common	2.30				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	3.50				
Mechanic	4.10				
Mechanic Helper	3.05				
Oiler	2.70				
Serviceman	2.50				
Piledrivermen	3.95				
Pipelayer	2.75				
Pipelayer Helper	2.40				
Reinforcing Steel Setter (Structures)	3.70				
Reinforcing Steel Setter Helper	2.60				
Spreader Box Man	3.55				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.85				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	3.90				

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DECISION NO. TX76-4162

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Front End Loader (2½ CY & Less)	3.40				
Front End Loader (Over 2½ CY)	3.50				
Mixer (Over 16 CF)	3.00				
Mixer (16 CF and Less)	3.00				
Motor Grader Op., Fine Grade	4.50				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.65				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.75				
Self-Propelled Hammer	3.15				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.35				
Traveling Mixer	3.25				
Trenching Machine, Light	3.40				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.75				
Lowboy-Float	3.50				
Welder	3.75				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX76-4168

DATE: Date of Publication

Supersedes Decision No. TX76-4084, dated May 21, 1976, in 41 FR 21141.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.70	.50	.30		.07
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.95		.30		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Carpenters	8.85				
Millwrights	9.20				
ZONE 2 - Childress County:					
Carpenters	8.42	.38	.40		.07
Millwrights	8.92	.38	.40		.07
CEMENT MASONS:					
Cement masons	8.30				
Machine operators	8.55				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Electricians	9.48	.40	1%		1/2%
Cable splicers	10.43	.40	1%		1/2%
ZONE 2 - Childress County:					
Electricians	9.95	.30	1%		1/4%
Cable splicers	10.20	.30	1%		1/4%
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

DECISION NO. TX76-4168

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$ 6.45			b	
IRONWORKERS	8.55	.55	.70		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unlosding materials, wrecking buildings & all structures & all unskilled laborers	4.71	.34	.15		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe) & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bell hole men, dumpers, spotters	4.86	.34	.15		
LATHERS	9.05				.01
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Lineman	8.98	.40	1%		1/2%
Cable splicer	9.88	.40	1%		1/2%
Groundman, more than 1 year experience	5.89	.40	1%		1/2%
Groundman, less than 1 year experience	5.15	.40	1%		1/2%
Operator-hole digger, line truck	6.83	.40	1%		1/2%
Flat bed truck driver	5.15	.40	1%		1/2%

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DECISION NO. TX76-4168

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$10.96		1%		1/2%
Cable splicer	12.06		1%		1/2%
Groundman, 1st 6 months	6.58		1%		1/2%
Groundman, 2nd 6 months	7.12		1%		1/2%
Groundman, 1 year & over	7.67		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.95		.30		
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
GROUP 1 - Brush & roller; paperhangers; perfa-tapers	7.70		.30		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	7.82		.30		
GROUP 3 - Spray painters & sandblasters	8.45		.30		
GROUP 4 - Perfa-tape machine operator	7.95		.30		
PLASTERERS	9.05				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	8.56	.35	.55	.60	
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	8.81	.35	.55	.60	
ZONE 3 - shall apply to all areas not within Zone 1 or 2	9.06	.35	.55	.60	
ROOFERS	4.50				
SHEET METAL WORKERS	9.43	.35	.30		.10
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				

DECISION NO. TX76-4168

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
1/2 ton to 3 tons	$ 2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4168

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.40	.40	.50		.10
GROUP 2	7.90	.40	.50		.10
GROUP 3	6.30	.40	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines & Light Plants (7 to 12 machines); Derricks, power operated (all types); Dragline; Elevating Graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers - 12½ ton & over; Shovels; Heavy Duty Mechanics; All Welders; All tractors with power attachments; Ditching Machines - crawler type; Farm type Tractor (Loader, 1 yd. & over) with Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Cherry Pickers - under 12½ tons; Ditch Witch - J30 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Boilers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader and PayLoader; Blade Grader, towed; Elevators, Building; Fork Lifts; Hoists, single drum or 1 line hoisting (1 tugger); Mixers less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors - Wheel type except when hauling material; All other equipment of similar nature coming within the Light Equipment Classification, when power operated

GROUP 3 - Oiler-Fireman-Greasers

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SUPERSEDEAS DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX76-4170 DATE: Date of Publication
Supersedes Decision No. TX76-4101, dated June 18, 1976, in 41 FR 24876.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.00	.70	.70		.06
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS	10.13	.38	.50		.05
CARPENTERS	8.70				
CEMENT MASONS	9.25	.49	.42		.05
ELECTRICIANS	11.05	.40	3%		.04
ELEVATOR CONSTRUCTORS	9.33	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.07	.60	.425		.01
IRONWORKERS	9.63	.55	.85		.075
LABORERS:					
GROUP 1	4.25	.28	.20		.02
GROUP 2	4.35	.28	.20		.02
GROUP 3	4.45	.28	.20		.02
GROUP 4	4.40	.28	.20		.02
GROUP 5	4.50	.28	.20		.02
GROUP 6	4.65	.28	.20		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler and wheeler (stock pile), asphalt ironer and raker, water proofing tender, pipe layer (non-metallic), pump crete pipe (handling and laying) and all building construction labor excepting that hereinafter classified; window washer, carpenters tender, cement mason tender, vibrator operator, other mechanic tender (except as otherwise classified); Dumper & spotter
GROUP 2 - Air tool operator
GROUP 3 - Well driller
GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling material from first stock pile; concrete pipe (handling and laying); Sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender
GROUP 5 - Tool room tender; mortar mixer (hoe and otherwise); Blaster, powder man; gunite worker
GROUP 6 - Gunite nozzleman

DECISION NO. TX76-4170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman & cable splicer	$11.26	.40	1%		1/2%
Groundman (1st 6 months)	3.94	.40	1%		1/2%
Groundman (2nd 6 months)	4.73	.40	1%		1/2%
Groundman	6.53	.40	1%		1/2%
MARBLE MASONS	9.51				
PAINTERS:					
Brush	4.75				
Spray	5.00				
Roller	4.50				
PLASTERERS	9.70	.52	.30		.02
PLUMBERS & PIPEFITTERS	8.21		.25		.03
SHEET METAL WORKERS	9.80	.275	.525	.32	.06
SOFT FLOOR LAYERS	9.17	.35	.45		.09
TERRAZZO WORKERS	9.51				
TILE SETTERS	9.51				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.87	.35	.65		.06
GROUP 2	8.38	.35	.65		.06
GROUP 3	7.84	.35	.65		.06
GROUP 4	7.66	.35	.65		.06

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on construction; Building Elevator, used on construction; Tug Boat Operator, assigned to construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cubic feet or more; Paving Mixer (all types); Pile Driver; Scraper, heavy type, over 3 cubic yards; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated
GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cubic feet; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cubic yards or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light equipment operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated
GROUP 3 - Fireman
GROUP 4 - Oiler

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SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Gregg, Harrison, Rusk & Upshur

DECISION NO.: TX76-4163

DATE: Date of Publication

Supersedes Decision No. TX76-4116, dated July 16, 1976, in 41 FR 29601.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.00				
BRICKLAYERS	6.80				
CARPENTERS	4.88				
CEMENT MASONS	3.965				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 3 families	5.50		1%		1%
Over 3 families	7.95	.40	1%		1/4%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	4.50				
LABORERS	3.98				
PAINTERS, BRUSH	5.25				
PLASTERERS	7.50				
PLUMBERS & PIPEFITTERS	6.40				
ROOFERS	3.00				
SHEET METAL WORKERS	5.50				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.80				

DECISION NO. TX76-4163

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	3.75				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.90				
Carpenter	4.50				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	5.00				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.50				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.15				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving & Curb)	4.05				
Form Setter (Paving & Curb)	3.75				
Form Setter Helper (Paving & Curb)	3.15				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Mechanic	4.50				
Mechanic Helper	3.60				
Oiler	3.75				
Serviceman	3.35				
Painter (Structures)	4.50				
Piledriverman	5.00				
Pipelayer	3.80				
Pipelayer Helper	2.70				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	4.20				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.35				
Spreader Box Man	3.50				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.60				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.75				

DECISION NO. TX76-4163

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Bulldozer, 150 HP and Less	$ 3.75				
Bulldozer, over 150 HP	4.25				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.50				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.00				
Form Loader	3.75				
Foundation Drill Operator (Crawler Mounted)	5.80				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Op. Helper	4.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Op., Fine Grade	4.50				
Motor Grader Operator	4.00				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix (Pavements)	3.65				
Roller, Steel Wheel (Other-Plat Wheel or Tamping)	3.50				
Roller, Pneumatic(Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP & Less	3.35				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	3.00				
Welder	4.50				

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SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX76-4165
COUNTIES: Smith, Van Zandt & Wood
DATE: Date of Publication
Supersedes Decision No. TX76-4117, dated July 16, 1976, in 41 FR 29603.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.00				
CARPENTERS	5.00				
CEMENT MASONS	4.75				
ELECTRICIANS	5.25				
GLAZIERS	4.20				
IRONWORKERS, STRUCTURAL & ORNAMENTAL	4.94				
LABORERS	3.00				
LATHERS	5.80				
PAINTERS, BRUSH	4.50				
PLASTERERS	6.00				.01
PLUMBERS & PIPEFITTERS	4.10				
ROOFERS	4.50				
SHEET METAL WORKERS	4.00				
TILE SETTERS	4.125				
TRUCK DRIVERS	2.62				

DECISION NO. TX76-4165

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Asphalt Hesterman	$ 3.00				
Asphalt Raker	3.75				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.90				
Carpenter	4.50				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	5.00				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.50				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.15				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	4.05				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper (Paving & Curb)	3.15				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Mechanic	4.50				
Mechanic Helper	3.60				
Oiler	3.75				
Serviceman	3.35				
Painter (Structures)	4.50				
Piledriverman	5.00				
Pipelayer	3.80				
Pipelayer Helper	2.70				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	4.20				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.35				
Spreader Box Man	3.50				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.60				
Asphalt Paving Machine	4.00				

DECISION NO. TX76-4165

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Broom or Sweeper Operator	$ 3.75				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.25				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.50				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.00				
Form Loader	3.75				
Foundation Drill Operator (Crawler Mounted)	5.80				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Op. Helper	4.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Op., Fine Grade	4.50				
Motor Grader Operator	4.00				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix Pavements)	3.65				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic(Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP & Less	3.35				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	2.50				
Weighman (Truck Scales)	3.00				
Welder	4.50				

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: THE INDEPENDENT CITIES OF HAMPTON AND NEWPORT NEWS (INCLUDING LANGLEY AIR FORCE)

DECISION NO.: VA76-3254

DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2103, dated April 19, 1974, in 39 FR 14119.

DESCRIPTION OF WORK: Residential Construction consisting of single family houses and garden type apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanic	$ 4.75				
Bricklayer	6.70				
Carpenter	5.28				
Carpet Layer	8.50				
Cement Mason	6.80				
Drywall Finisher	6.00				
Drywall Hanger	6.49				
Drywall Taper	6.50				
Electrician	4.53				
Laborer:					
Unskilled	3.40				
Mason Tender	3.42				
Painter - Brush	5.29				
Plumber	4.87				
Roofer	4.40				
Sheet Metal Worker	4.41				
Soft Floor Layer	6.50				
Tile Setter	7.28				
Truck Driver	4.00				
Power Equipment Operators:					
Backhoe	4.38				
Bulldozer	5.00				
Crane	5.96				
Forklift	4.20				
Front End Loader	4.72				

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTY: Statewide

DECISION NUMBER: WI76-2119

DATE: Date of Publication

Supersedes Decision Number WI75-2115 dated October 10, 1975, in 40 FR 48089

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS and STONEMASONS:					
Zone 1 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Clair, Pepin, Pierce, Polk, Rusk, St. Croix and Sawyer Counties	$9.19	.55	.25		.03
Zone 2 - Fond Du Las County	7.20	.30	.25	.40	
Zone 3 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie Shawano, Waupaca, Washara, and Winnebago Counties	8.15	.45	.35	.55	.02
Zone 4 - Green, Lafayette and Rock Counties	10.65				
Zone 5 - Crawford, Jackson, Juneau, La Crosse, Vernon, Trempealeau and Monroe Cos.	9.05	.40	.25		
Zone 6 - Walworth County	10.35	.40	.40		.02
Zone 7 - Dane, Grant, Iowa and Richland Counties	9.29	.55	.50		
Zone 8 - Milwaukee, Ozaukee, Washington and Waukesha Cos.	10.44	.80	.60	.56	
Zone 9 - Columbia and Sauk Cos.	9.60	.55	.30		
Zone 10 - Kenosha and Racine Cos.	10.35	.40	.40		
Zone 11 - Sheboygan County	8.60	.55	.35		.02
Zone 12 - Ashland, Bayfield, Douglas and Iron Counties	9.56	.45	.45		
Zone 13 - Dodge and Jefferson Counties	9.10	.45	.25		
Zone 14 - Adams, Clark, Forest, Langlade, Lincoln, Marathon Menominee, Oneida, Portage, Price, Taylor, Vilas and Wood Counties	8.80	.45	.25		
CARPENTERS and PILEDRIVERMEN:					
Zone 1 - Ashland County					
Carpenters	6.94	.30	.25	.15	
Piledrivermen	7.14	.30	.25	.15	
Zone 2 - Barron, Burnett, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Rusk, St. Croix, Sawyer, and Taylor Counties					

DECISION NO. WI76-2119

CARPENTERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 2 (Cont'd)					
Carpenters	$9.20	.30	.30		.03
Piledrivermen	9.60	.30	.30		.03
Zone 3 - Brown, Calumet, Door, Fon Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca and Waushara and Winnebago Counties					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
Zone 4 - Green, Jefferson and Rock Counties					
Carpenters	9.86	.30	.40		.04
Piledrivermen	10.01	.30	.40		.04
Zone 5 - Kenosha County					
Carpenters	9.85	.40	.60		.03
Piledrivermen	9.93	.40	.60		.03
Zone 6 - Jackson, La Crosse, Monroe, Trempealeau and Vernon Counties					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
Zone 7 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Juenau, La Fayette, Richland and Sauk Counties					
Carpenters	9.37	.30	.40		.03
Piledrivermen	9.77	.30	.40		.03
Zone 8 - Florence and Iron Cos.					
Carpenters	8.29	.50	.40		.01
Piledrivermen	8.49	.50	.40		.01
Zone 9 - Milwaukee, Ozaukee, Washington and Waukesha Cos.					
Carpenters	9.76	.80	.70	.51	.06
Piledrivermen	10.21	.80	.70	.51	.06
Zone 10 - Racine County					
Carpenters	9.16	.40	.50		.03
Piledrivermen	9.22	.40	.50		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd)					
Zone 11 - Sheboygan County					
Carpenters	$8.85	.40	.30		
Piledrivermen	9.54	.40	.30		
Zone 12 - Bayfield and Douglas Counties					
Carpenters	7.55	.30	.35	.30	
Piledrivermen	7.55	.30	.35	.30	
Zone 13 - Walworth County					
Carpenters	8.21	.40	.30	.50	.02
Piledrivermen	8.21	.40	.30	.50	.02
Zone 14 - Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Villas, and Wood Counties					
Carpenters	8.82	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
CEMENT MASONS:					
Zone 1 - Ashland, Bayfield, Douglas, and Iron Counties	9.345	.30			
Zone 2 - Barron, Burnett, Chippewa, Dunn, Polk, Rusk, St. Croix, Sawyer and Washburn Counties	8.73	.45	.25	.50	.03
Zone 3 - Adams, Clark, Forest, Langlade, Lincoln, Marathon Menominee, Oneida, Portage, Price, Taylor, Vilas and Wood Counties	8.30	.45	.25		.04
Zone 4 - Buffalo, Eau Claire, Pepin, and Pierce Counties	8.73	.45	.25	.50	.03
Zone 5 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Mainitowoc, Marinette, Marquetta, Oconto, Outagamie, Shawano, and Waupaca Counties	8.20	.45	.35		.02
Zone 6 - Crawford, Jackson, Juneau, La Crosse, Monroe, Richland. Trempealeau and Vernon Counties	8.53	.45	.25		
Zone 7 - Waushara and Winnebago Counties	7.05	.45	.35	.50	
Zone 8 - Sheboygan County	8.10	.55	.35		.02
Zone 9 - Fond Du Lac County	7.05	.45	.35	.50	.02

DECISION NO. WI76-2119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Zone 10 - Dodge and Jefferson Counties	$8.60	.45	.25		
Zone 11 - Columbia and Sauk Cos.	9.35	.55	.40		
Zone 12 - Milwaukee, Ozaukee, Washington and Waukesha Cos.	9.09	.60	.60	.51	
Zone 13 - Dane, Green, Iowa, Lafeyette and Rock Counties	9.35	.45	.40		
Zone 14 - Grant County	7.85				
Zone 15 - Walworth County	9.05	.40	.40	.40 .02	.02
Zone 16 - Racine County	8.76	.40	.60	.50	
Zone 17 - Kenosah County	8.76	.40	.60	.50	
ELECTRICIANS:					
Zone 1 - Calumet, Outagamie, Waupaca, Waushara and Winnebago Counties	10.43	.60	1%		
Zone 2 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Price, Rusk and St. Croix, and Taylor Counties	9.85	4%	1%		.25%
Zone 3 - Brown, Door, Dewaunee, and Shawano Counties	9.65	.38	1%		.25%
Zone 4 - Florence and Forest Cos.	8.33	.40	1%		.50%
Zone 5 - Kenosha County	11.34	.45	1%	.25	.75%
Zone 6 - Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties	10.15	.55	1%		.50%
Zone 7 - Walworth County	10.20	.45	1%	7%	.50%
Zone 8 - Columbia, Dane, Dodge, Green Lake, Iowa, Marquette, and Sauk Counties	9.49	.48	1%	7%	.75%
Zone 9 - Sheboygan County	9.01	.85	1%+.20	10%	1.25%
Zone 10 - Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, and Washburn Coe.	10.15	4%	1%	11%	3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd)					
Zone 11 - Langlade, Lincoln, Marathon, Menominee, Oneida and Vilas Counties	$9.60	.45	1%	7%	1/8 of 1%
Zone 12 - Adams, Portage and Wood Counties	9.14	.35	1%	6½%	.25%
Zone 13 - Fond Du Lac County	9.01	.85	1%+.20	10%	1.25%
Zone 14 - Green, Jefferson, Lafayette and Rock Counties	10.20	.45	1%	7%	.50%
Zone 16 - Milwaukee, Ozaukee, Washington and Waukesha Cos.	10.58	.85	1%+.20	10%	1.25%
Zone 17 - Marinette and Oconto Counties	9.65	.38	1%		.25%
Zone 18 - Manitowoc County	9.65	.38	1%		.25%
IRONWORKERS:					
Zone 1 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk St. Croix and Trempealeau Counties	9.40	.55	.55		.02
Zone 2 - Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, Sawyer, Taylor Vilas and Washburn Counties	9.05	.25	.50	.10	
Zone 3 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Langlade, Marquetta, Marathon, Menominee, Monroe, Portage, Richland, Sauk, Shawano, Waupaca, Vernon, Waushara, and Wood Counties	10.22	.50	.25		.13
Zone 4 - Brown, Claumet, Door, Florence, Fond Du Lac, Kenosha, Kewaunee, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington and Waukesha and Winnebago Cos.	10.06	.95	.70	1.15	.15

DECISION NO. WI76-2119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (Cont'd)					
Zone 5 - Rock County	$11.20	.40	.375		.05
LINE CONSTRUCTION:					
Linemen	9.37	.35	1%		.5%
Cable Splicers	10.23	.35	1%		.5%
Equipment Operator	7.77	.35	1%		.5%
Truck Drivers with Boom or Digger Tractor or 5th wheel	6.46	.35	1%		.5%
Truck Drivers	6.16	.35	1%		.5%
Groundman	5.88	.35	1%		.5%
Groundman 1st 6 months	5.09	.35	1%		.5%
PAINTERS:					
Zone 1 - Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Price and Taylor Counties					
Brush	8.50				
Spray	9.00				
Zone 2 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau, and Washburn Counties					
Brush	8.15				
Spray	8.65				
Steel	8.40				
Zone 3 - Brown, Door, Kewaunee, and Oconto Counties					
Brush	8.05	.40			
Spray	8.43	.40			
Zone 4 - Florence County					
Brush	6.70			.45	
Spray	7.20			.45	
Zone 5 - Kenosha County					
Brush	8.275	.40	.40		
Steel	8.425	.40	.40		
Spray	9.02	.40	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zone 6 - Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon and Wood Counties					
Brush	$7.28		.35		
Steel	7.55		.35		
Spray	7.97		.35		
Zone 7 - Walworth County					
Brush	8.275	.40	.40		
Spray	9.02	.40	.40		
Zone 8 - Columbia, Dane, Dodge, Grant, Green, Iowa, Lafayette, Richland, Rock and Sauk Counties					
Brush	8.69	.60	.30	.30	.01
Spray	9.44	.60	.30	.30	.01
Zone 9 - Calumet and Manitowoc Counties					
Brush	7.05				
Spray	7.05				
Zone 10 - Marinette County					
Brush	5.90			.40	
Spray	6.40			.40	
Zone 11 - Jefferson, Milwaukee, Ozaukee, Washington and Waukesha Counties					
Brush	8.85	.50	.60	.50	.02
Steel and Spray	9.20	.50	.60	.50	.02
Zone 12 - Fond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, and Winnebago Counties					
Brush and Steel	7.50	.30	.10		.03
Spray	8.00	.30	.10		.03
Zone 13 - Racine County					
Brush	7.90	.40	.20		
Steel	8.05	.40	.20		
Spray	8.65	.40	.20		
Zone 14 - Sheboygan County					
Brush and Steel	6.35	.20	.30	.20+.10	
Spray	6.75	.20	.30	.20+.10	
Zone 15 - Ashland, Bayfield, Douglas, Iron and Vilas Counties					
Brush	8.31	.25	.20		.05
Spray and Steel	8.56	.25	.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Zone 1 - Milwaukee, Ozaukee, Washington and Waukesha Counties					
Group 1	$7.46	.55	.60	.25	.02
Group 2	7.56	.55	.60	.25	.02
Group 3	7.61	.55	.60	.25	.02
Group 4	7.66	.55	.60	.25	.02
Group 5	7.71	.55	.60	.25	.02
Group 6	7.76	.55	.60	.25	.02
Group 7	8.11	.55	.60	.25	.02
Zone 2 - Racine County					
Group 1	7.26	.40	.50	.20	.02
Group 2	7.36	.40	.50	.20	.02
Group 3	7.41	.40	.50	.20	.02
Group 4	7.46	.40	.50	.20	.02
Group 5	7.51	.40	.50	.20	.02
Group 6	7.56	.40	.50	.20	.02
Group 7	7.91	.40	.50	.20	.02
Zone 3 - Kenosha County					
Group 1	7.26	.40	.50	.25	.02
Group 2	7.36	.40	.50	.25	.02
Group 3	7.41	.40	.50	.25	.02
Group 4	7.46	.40	.50	.25	.02
Group 5	7.51	.40	.50	.25	.02
Group 6	7.56	.40	.50	.25	.02
Group 7	7.91	.40	.50	.25	.02
Zone 4 - Dane County					
Group 1	7.06	.30	.25		.02
Group 2	7.11	.30	.25		.02
Group 3	7.15	.30	.25		.02
Group 4	7.21	.30	.25		.02
Group 5	7.26	.30	.25		.02
Zone 5 - Remainder of State					
Group 1	6.78	.30	.25		.02
Group 2	6.83	.30	.25		.02
Group 3	6.88	.30	.25		.02
Group 4	6.93	.30	.25		.02
Group 5	6.98	.30	.25		.02

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LABORERS (Cont'd)

Classifications for ZONES 1, 2 and 3 RESPECTIVELY

Group 1: Bituminous worker (shoveler, loader, utility man), Demolition and wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement), Stone handler, Tree trimmer, Landscaper, Multiplate culvert assembler, Conduit layer, Unskilled laborer

Group 2: Bituminous worker (dumper, ironer, smoother, tamper), Batch truck dumper, Cement handler, Concrete handler

Group 3: Chain Saw Operator, Demolition burning torch laborer, Joint sawer and filler (pavement), Vibrator or tamper operator (mechanical, hand operated)

Group 4: Air tool operator (hand operated)

Group 5: Form setter (curb, walk, and pavement), Strike off man

Group 6: Bituminous Worker (raker and luteman)

Group 7: Powderman, blaster

LABORERS (Cont'd)

Classifications for ZONES 4 and 5 RESPECTIVELY

Group 1: Bituminous Worker (dumper, ironer, smoother, tamper, shoveler, loader, utility man), Strike off man, Joint sawer or filler (pavement), Concrete handler, demolition and wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement), Stone handler, Landscaper, Multiplate culvert assembler, Conduit layer, Unskilled laborer

Group 2: Form setter (curb, walk, and pavement), Tree trimmer

Group 3: Air tool operator, Vibrator or tamper operator, Batch truck dumper, Cement handler

Group 4: Bituminous worker (raker, luteman), Chain saw operator, Demolition burning torch laborer

Group 5: Powderman, blaster

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$9.12	.65	.65		.10
Group 2	8.86	.65	.65		.10
Group 3	8.77	.65	.65		.10
Group 4	8.69	.65	.65		.10
Group 5	8.61	.65	.65		.10
Group 6	8.57	.65	.65		.10
Group 7	8.48	.65	.65		.10
Group 8	8.36	.65	.65		.10
TRUCK DRIVERS					
Zone 1 - Milwaukee, Ozaukee, Washington and Waukesha Counties					
Group 1	7.39	a21.00	a22.00	.35	
Group 2	7.54	a21.00	a22.00	.35	
Zone 2 - Kenosha and Racine Counties					
Group 1	7.39	b93.01	a22.00	.35	
Group 2	7.54	b93.01	a22.00	.35	
Zone 3 - Remainder of State					
Group 1	7.39	b93.01	a22.00	.35	
Group 2	7.54	b93.01	a22.00	.35	

FOOTNOTES:

a. Per week per employee on payroll 30 days or longer.

b. Per month per employee on payroll 30 days or longer.

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POWER EQUIPMENT OPERATORS

CLASSIFICATIONS:

Group 1: Bituminous paver or plant, Concrete breaker (truck mounted, heavy), Crane, Derrick, Dragline, Dredge, Piledriver, Power shovel, Material hoist, Mixer or paver 21 cu. ft. or over, Roller over 5 ton, Self-propelled stabilizing mixer, Trenching machine, Tractor (side boom, heavy), Concrete pavement spreader (heavy duty) Rubber tires, Hydraulic back hoe, Asphalt Plane engineer; Automatic slipform concrete paver, Automatic concrete subgrader, Batch mixer, portable, Caisson rigs, Central Mixer concrete, Dredge engineer, Concrete batch plant engineer, Central mix plant concrete, Percussion or rotary drill machine, Grader or motor patrol, Loading machine (conveyor), Mechanic or welder (heavy duty equipment), Tractor (scraper, dozer, pusher, loader), Tugger, End Loader, Asphalt heater and planer, Boatman, Bump cutter and grooving machine, Shoulder widener, Winches and "A" frames, Tube finisher

Group 2: Concrete mixer less than 21 cu. ft., Concrete pump, Steel roller, 5 tons or less

Group 3: Screed (bituminous paver), Shouldering machine, Self-propelled chip spreader

Group 4: Concrete breaker and tamper (light), Concrete spreader, Finishing machine, Mechanical float, Curing machine, Power subgrader, Joint sawer (multiple balde), Launch, Roller (pneumatic tired) Self-propelled tractor (mounted or towed compactors and light equipment), Light rubber tired tractor - end loader, Fork-lift, Belting machine, Burlap machine, Jeep digger, Mulcher, Texturing machine

Group 5: Fireman, Evironmental burner

Group 6: Air compressor, Drilling or boring machine (mechanical heavy), Greaser (heavy equipment) Lead-man, Tank car heaters, Stump chipper, Curb machine, Concrete proportioning plant, Generators, Mud jacks

Group 7: Crusher or screening plant, Automatic belt conveyor and surge bin, pneumatic tired roller farm tractor towed, Pug mill

Group 8: Oiler, Rump over 3", Surge bin, Drilling machine helper

TRUCK DRIVERS

Group 1: Truck Drivers, 2 Axle - Mehcanics helper, truck

Group 2: Truck Drivers, 3 or more axle trucks - Euclid ror Dumpster type hauling units - Mechanic, truck

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TUESDAY, OCTOBER 12, 1976

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Requirements for Expiration Date, and Disposal of Unsatisfactory Products and Byproducts

• *Purpose:* To restate the importance of the expiration date assigned to each serial or subserial. •

Statement of Considerations: "Expiration date" as defined in § 101.4(f) means a date designating the end of the period during which a biological product, when properly stored and handled, can be expected with reasonable certainty, to be efficacious. The criteria by which this date is determined is prescribed in § 114.13 or § 114.14.

Use of a biological product subsequent to the expiration date would be subjecting the animal to a product of unknown value because the conditions under which such a product has been maintained during the dating period are also unknown. Testing at this point would have to be on a 100 percent basis and would be impractical since the product would no longer be available for use after testing.

In a new § 114.12, the importance of the expiration date is emphasized. After the expiration date, the product shall be considered worthless and should be destroyed as provided in the revised § 114.15.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) Part 114, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following administrative changes:

Part 114 is amended by revising § 114.12 and § 114.15 to read:

§ 114.12 Expiration date required.

Each serial or subserial of biological product prepared in a licensed establishment shall be given an expiration date determined in accordance with the requirements provided in § 114.13 or § 114.14. A licensed biological product shall be considered worthless under the Virus-Serum-Toxin Act subsequent to the expiration date appearing on the label.

§ 114.15 Disposal of unsatisfactory products and byproducts.

All biological products found to be unsatisfactory for marketing, all biological products which have become worthless subsequent to the expiration date, all refuse, other materials deemed unsatisfactory for production purposes, all carcasses (part or whole) of production or test animals, and any undesirable byproducts of manufacture shall be disposed of as may be required by the Deputy Administrator.

(21 U.S.C. 151 and 154; 37 FR 38477; 38 FR 19141.)

These amendments clarify the administrative procedures used in the veterinary biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective October 12, 1976.

Done at Washington, D.C., this 7th day of October 1976.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-29935 Filed 10-8-76;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Filing of Annual Financial and Statistical Reports

On page 14792 of the April 7, 1976, edition of the FEDERAL REGISTER (41 FR 14792), a proposal to revise Part 701.13 (12 CFR 701.13) was published. The purpose of the proposal is to require the filing of the annual Financial and Statistical report on Form NCUA 5300 to the Central Office of the National Credit Union Administration, rather than to the Regional Offices. The proposed revision also combined redundant paragraphs (b) and (c). Interested persons were given until May 7, 1976, to submit written comments, suggestions, and objections regarding the proposed revision. As a result of the comments, the following change has been made:

§ 701.13 Financial and statistical and other reports.

The due date for filing the annual Financial and Statistical report on Form NCUA 5300 to the National Credit Union Administration has been changed from January 15 to January 31.

Accordingly, with the above change, the proposed § 701.13 is adopted as set forth below, effective immediately.

C. AUSTIN MONTGOMERY,
Administrator.

OCTOBER 4, 1976.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

§ 701.13 Financial and statistical and other reports.

(a) Each operating Federal credit union shall file with the National Credit Union Administration on or before January 31 of each year an annual Financial and Statistical report on Form NCUA 5300 as of the previous December 31. Form NCUA 5300 is furnished to all Federal credit unions by the Administration, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice from the Administrator or Regional Director, Federal credit unions shall file, in accordance with instructions contained in such notice as to time and place, such financial or other reports as of such date or dates as shall be prescribed in such notice.

[FR Doc.76-29846 Filed 10-8-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 76-WE-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the San Bernardino, California, (Norton AFB) control zone. •

The control zone is described in part by reference to the ILS outer marker. The United States Air Force has advised that the outer marker has been decommissioned. This will require an editorial change in the description of the control zone by substituting a reference to the Pettis NDB in lieu of the outer marker. Additionally, an editorial change is necessary to correct the reference to Redland, California to read, Redlands, California.

Since the amendment is editorial in nature, involves no change in airspace boundaries, and imposes no additional

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burden on any person, notice and public procedure thereon is unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing in § 71.171 (41 FR 355) the description of the San Bernardino, California (Norton AFB) control zone is amended in part as follows: Delete the reference "• • • of the OM, • • •" and substitute "• • • of Pettis NDB, • • •" and correct "Redland" to read "Redlands" in the text.

Effective date. This amendment shall be effective November 4, 1976.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c).)

Issued in Los Angeles, Calif., on September 30, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-29765 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-GL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Extension of VOR Airway; Correction

In FR Doc. 76-25671 appearing at page 37099 in the FEDERAL REGISTER of September 2, 1976, paragraph 2 of § 71.123 is corrected in the fourth line of that paragraph by correcting "108°" to "117°" immediately following the word "Manitoba," and immediately before the word "radials".

Issued in Washington, D.C., on September 30, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-29851 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-RM-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Extension of VOR Airway; Correction

In FR Doc. 76-23926 appearing at page 35059 in the FEDERAL REGISTER of August 19, 1976, the penultimate paragraph is corrected by deleting "Cherokee, Wyo.; Meeker, Colo.; Grand Junction, Colo.;" and substituting "From Grand Junction, Colo.; via Meeker, Colo.; Cherokee, Wyo.;" therefor.

Issued in Washington, D.C., on September 30, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-29852 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-SW-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Anahuac, Tex.

On August 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 34077) stating the Federal Aviation Administration proposed to designate a transition area at Anahuac, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

§ 71.181 (41 FR 440), the following transition area is added:

ANAHUAC, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chambers County Airport (latitude 29°46'12" N., longitude 94°39'51" W.) and within 3 miles each side of the 137° bearing from the Chambers County RBN (latitude 29°46'23" N., longitude 94°39'47" W.) extending from the 5-mile-radius area to 8.5 miles southeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on September 27, 1976.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.76-29854 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-WA-6]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Extension and Designation of Jet Routes

On June 1, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 22095) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would establish nine jet routes and extend five existing jet routes.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

§ 75.100 (41 FR 704) is amended as follows:

In J-39 the title is deleted and in the "Dickinson, N. Dak., via" is deleted and "Mullan Pass, Idaho, via Great Falls, Mont.; Dickinson, N. Dak.;" is substituted therefor.

In J-136 the title is deleted and in the text "to Spokane, Wash." is deleted and "Spokane, Wash.; Mullan Pass, Idaho; INT Mullan Pass 101° and Billings, Mont., 301° radials; to Billings." is substituted therefor.

In J-151 the title is deleted and in the text "to Billings, Mont." is deleted and "Billings, Mont.; INT Billings 266° and Whitehall, Mont., 083° radials; to Whitehall." is substituted therefor.

In J-154 the title is deleted and in the text "Battle Mountain, Nev., via" is deleted and "Sacramento, Calif., via INT Sacramento 048° and Battle Mountain, Nev., 253° radials; Battle Mountain;" is substituted therefor.

In J-158 the title is deleted and in the text "to Malad City, Idaho." is deleted and "Malad City, Idaho; INT Malad City 087° and Casper, Wyo., 241° radials; Casper; Rapid City, S. Dak.; to Aberdeen, S. Dak." is substituted therefor.

Add:

J-196 From Bryce Canyon, Utah, via INT Bryce Canyon 048° T and Meeker, Colo., 247° T radials; to Meeker.

J-197 From Gunnison, Colo., via INT Gunnison 083° T and Goodland, Kans., 251° T radials; Goodland; Wolbach, Nebr.; to Sioux Falls, S. Dak.

J-198 From Linden, Calif., via INT Linden 063° T and Mina, Nev., 298° T radials; Mina; Wilson Creek, Nev.; INT Wilson Creek 075° T and Meeker, Colo., 247° T radials; to Meeker.

J-199 From Wilson Creek, Nev., via Delta, Utah; INT Delta 068° T and Meeker, Colo., 262° T radials; to Meeker.

J-200 From Linden, Calif., via INT Linden 021° T and Sacramento, Calif., 048° T radials; INT Sacramento 048° T and Battle Mountain, Nev., 253° T radials; to Battle Mountain.

J-201 From Myton, Utah, via INT Myton 056° T and Rock Springs, Wyo., 084° T radials; to Scottsbluff, Nebr.

J-202 From Fairfield, Utah, via INT Fairfield 026° T and Rock Springs, Wyo., 249° T radials; Rock Springs; to Casper, Wyo.

J-203 From Billings, Mont., via INT Billings 347° T and Great Falls, Mont., 092° T radials; to Great Falls.

J-204 From Dupree, S. Dak., via Miles City, Mont.; INT Miles City 295° T and Great Falls, Mont., 092° T radials; to Great Falls.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 30, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-29853 Filed 10-8-76;8:45 am]

[Docket No. 16195; Amdt. No. 1041]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPSs) that were recently adopted by the

Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni. Arpt., VOR Rwy 18, Amdt. 4
Douglas, GA—Douglas Muni. Arpt., VOR-A, Amdt. 1
Dublin, GA—Dublin Muni. Arpt., VOR Rwy 26, Amdt. 2
Eastman, GA—Eastman-Dodge County Arpt., VOR/DME-A, Amdt. 2
Spencer, IA—Spencer Muni. Arpt., VOR Rwy 11, Amdt. 1
Spencer, IA—Spencer Muni. Arpt., VOR Rwy 29, Amdt. 1
Paducah, KY—Barkley Arpt., VOR Rwy 4, Amdt. 11
New Orleans, LA—New Orleans Int'l (Moisant Field), VOR-A(TAC), Amdt. 10
Westminister, MD—Westminster Arpt., VOR Rwy 36, Amdt. 3
Elko, NV—Elko Municipal Arpt., VOR-A, Amdt. 2
Bridgeport, NJ—Bridgeport Arpt., VOR Rwy 34, Amdt. 5
Rochester, NY—Rochester-Monroe County Arpt., VOR Rwy 1, Amdt. 14, cancelled
State College, PA—State College Air Depot, VOR-A, Amdt. 5
Wellsboro, PA—Grand Canyon State Arpt., VOR-A, Amdt. 3
Stephenville, TX—Clark Field Muni. Arpt., VOR/DME-A, Amdt. 1
Lake Geneva, WI—Playboy Arpt., VOR Rwy 23, Amdt. 3
Lone Rock, WI—Tri-County Arpt., VOR-A, Amdt. 1

• • • *effective November 11, 1976.*

Albany, NY—Albany County Arpt., VOR Rwy 1, Amdt. 13
Albany, NY—Albany County Arpt., VOR Rwy 19, Amdt. 13
Albany, NY—Albany County Arpt., VOR Rwy 26, Amdt. 1
Albany, NY—Albany County Arpt., VOR/DME Rwy 1, Amdt. 5

• • • *effective October 28, 1976.*

New York, NY—John F. Kennedy Int'l Arpt., VOR Rwy 13L/R, Amdt. 12

• • • *effective September 27, 1976.*

Panama City, FL—Panama City-Bay County Arpt., VOR Rwy 14, Amdt. 8

• • • *effective September 23, 1976.*

Walnut Ridge, AR—Walnut Ridge Regional Arpt., VOR/DME Rwy 22, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni., Arpt., LOC(BC)Rwy 18, Amdt. 9
Ashland, KY—Ashland-Boyd County Arpt., SDF Rwy 10, Original
New Orleans, LA—New Orleans Int'l (Moisant Field), LOC(BC)Rwy 19, Amdt. 3
New Orleans, LA—New Orleans Int'l (Moisant Field), LOC(BC)Rwy 28, Amdt. 7
Portland, OR—Portland Int'l Arpt., LOC Rwy 20, Original, cancelled
Portland, OR—Portland Int'l Arpt., LOC/DME Rwy 20, Amdt. 2
Middletown, PA—Harrisburg Int'l Arpt. Olmsted State, LOC(BC)Rwy 31, Amdt. 3
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., LOC(BC)Rwy 22, Amdt. 4

• • • *effective September 23, 1976.*

Brunswick, GA—Brunswick-Golden Isles Muni. Arpt., LOC Rwy 7, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni. Arpt., NDB Rwy 36, Amdt. 13
Carroll, IA—Arthur N. Neu Arpt., NDB Rwy 31, Amdt. 4
Ida Grove, IA—Ida Grove Muni. Arpt., NDB Rwy 29, Amdt. 1
Shenandoah, IA—Shenandoah Muni. Arpt., NDB Rwy 30, Amdt. 6
Spencer, IA—Spencer Muni. Arpt., NDB Rwy 29, Amdt. 1
Belleville, KS—Belleville Muni. Arpt., NDB Rwy 35, Original
Paducah, KY—Barkley Arpt., NDB Rwy 4, Amdt. 7
New Orleans, LA—New Orleans Int'l (Moisant Field), NDB Rwy 10, Amdt. 20
Wiscasset, ME—Wiscasset Arpt., NDB Rwy 25, Amdt. 1
Valentine, NE—Miller Field, NDB Rwy 31, Amdt. 2
Pittsburgh, PA—Allegheny County Arpt., NDB Rwy 27, Amdt. 17
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., NDB-A, Amdt. 12

• • • *effective November 11, 1976.*

Albany, NY—Albany County Arpt., NDB Rwy 19, Amdt. 9, cancelled

• • • *effective November 4, 1976.*

Litchfield, IL—Litchfield Muni. Arpt., NDB Rwy 27, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 18, 1976.

Arcata-Eureka, CA—Arcata Arpt., ILS Rwy 31, Amdt. 21
Tallahassee, FL—Tallahassee Muni. Arpt., ILS Rwy 36, Amdt. 16
Paducah, KY—Barkley Arpt., ILS Rwy 4, Amdt. 3
New Orleans, LA—New Orleans Int'l (Moisant Field), ILS Rwy 1, Admt. 4
New Orleans, LA—New Orleans Int'l (Moisant Field), ILS Rwy 10, Amdt. 28
Middletown, PA—Harrisburg Int'l Olmsted State, ILS Rwy 13, Amdt. 4
Pittsburgh, PA—Allegheny County Arpt., ILS Rwy 27, Amdt. 22
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., ILS Rwy 4, Amdt. 27

• • • *effective November 11, 1976.*

Albany, NY—Albany County Arpt., ILS Rwy 1, Amdt. 2
Albany, NY—Albany County Arpt., ILS Rwy 19, Amdt. 12

• • • *effective October 14, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 4R, Amdt. 1

• • • *effective September 27, 1976.*

Panama City, FL—Panama City-Bay County Arpt., ILS Rwy 14, Amdt. 8

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni. Arpt., RADAR-1, Amdt. 1
Atlanta, GA—Charlie Brown County Arpt., RADAR-1, Amdt. 13
Wichita, KS—Rawdon Field, RADAR-4, Amdt. 1, cancelled
New Orleans, LA—New Orleans Int'l (Moisant Field), RADAR-1, Amdt. 9

• • • *effective November 11, 1976*

Albany, NY—Albany County Arpt., RADAR-1, Amdt. 8

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 18, 1976.

Atlanta, GA—Charlie Brown County Arpt., RNAV Rwy 26L, Original
New Orleans, LA—New Orleans Int'l (Moisant Field), RNAV Rwy 1, Amdt. 3
Juneau, WI—Dodge County Arpt., RNAV Rwy 20, Original
Lone Rock, WI—Tri-County Arpt., RNAV Rwy 27, Amdt. 1

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C 1655(c).)

Issued in Washington, D.C., on September 30, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.76-29855 Filed 10-8-76;8:45 am]

V41I198 OCT 12 76 UMI

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N–0070]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE COPOLYMERS INTENDED FOR USE IN CONTACT WITH FOOD; CORRECTION

In FR Doc. 76–17121 appearing at page 23940 in the issue of June 14, 1976 the following corrections are made on page 23946:

1. In the first column, in § 121.2526(e), in the next to last line of the paragraph, "table (2)" is corrected to read "table (1)."

2. In the second column, insert the following inadvertently omitted amendment after paragraph 12:

12a. In Subpart F, in § 121.2599, by adding new paragraph (e) to read as follows:

§ 121.2599 Vinylidene chloride copolymer coatings for nylon film.

* * * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

* * * * * *

Dated: October 6, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–29917 Filed 10–8–76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7436]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 1, 1953

Commencement of Benefits Under Qualified Trusts; Correction

On Tuesday, September 28, 1976, Treasury Decision 7436 was published in the FEDERAL REGISTER (41 FR 42651). The following corrections are made to this Treasury decision:

1. In line 22 of the paragraph headed "Adoption of Amendments to the Regulations" (page 42651) "§ 11.401(a)–14 (14)" should be § 11.401(a)–14."

2. In line 6 of § 1.401(a)–14(c)(2) (page 42651), "rdeuced" should be "reduced".

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.76–29881 Filed 10–8–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–806]

PART 87—AVIATION SERVICES

Revised Detailed Operational Plan for Security Control of Non-Federal Air Navigation Aids

Adopted: September 28, 1976.

Released: October 8, 1976.

In the matter of adoption of a revised detailed operational plan for the security control of non-Federal air navigation aids and amendment of part 87, subpart Q of the Commission's rules.

Order.

1. The Commission has under consideration amendment of Part 87, Subpart Q of the rules and a revised Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids, heretofore adopted by the Commission on March 1, 1972 (FCC 72–193 37 FR 5032, March 9, 1972).

2. The revised Detailed Operational Plan is now titled, "FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids". The FCC Support Plan prescribes the operation of FCC licensed air navigation aids under the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA). SCATANA is implemented under declaration of an Air Defense Emergency and/or Defense Emergency or imminence thereof. Revision to the FCC Support Plan and Part 87, Subpart Q of the rules is mandatory due to revision of the SCATANA plan jointly adopted by the Department of Defense, Department of Transportation, and the Federal Communications Commission (see FR Vol. 41, No. 44, March 4, 1976, FR Doc. 76–6204).

3. The revised FCC Support Plan for the Security Control of non-Federal Air Navigation Aids received concurrence from the Department of Defense and the Federal Aviation Administration on August 12, 1976.

4. Authority for these rules amendments and adoption of the FCC Support Plan is set out in Executive Order 11490 and sections 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended. We find that the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) are inapplicable since this rulemaking involves a military function of the United States.

5. In view of the foregoing: *It is ordered*, That, effective November 1, 1976, Part 87, Subpart Q of the Commission's rules and regulations is amended as set forth below and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids is adopted as set forth in Appendix I below.

(Secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082 (47 U.S.C. 151, 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 87.601, the last sentence of paragraph (b) is revised to read as follows:

§ 87.601 Scope and objective.

* * * * * *

(b) * * * It also provides for actions to be taken under the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA) and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids to effect control of selected non-Federal VOR, VORTAC and TACAN Stations by appropriate military authorities during emergency situations resulting in the declaration of an Air Defense Emergency and/or Defense Emergency or imminence thereof.

* * * * * *

2. In § 87.602, the first sentence of paragraph (f) and the last phrase of the last sentence of paragraph (i) are revised and new paragraph (t) is added to read as follows:

§ 87.602 Definitions of Terms.

* * * * * *

(f) FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids. * * *

* * * * * *

(i) * * *, including the annexes and supplements to that plan and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids.

* * * * * *

(t) Appropriate Military Authorities. Within the NORAD area of responsibility—Commander in Chief North American Air Defense (CINCNORAD) and NORAD region commanders. CINCNORAD has delegated all actions associated with the appropriate military authority to NORAD region commanders. Outside the NORAD area of responsibility—the Commander in Chief, or his designated representative, of unified or specified commands from U.S. areas located within their area of responsibility.

3. In § 87.603, the last phrase of the last sentence is revised to read as follows:

§ 87.603 Aeronautical Emergency Communications System Authorization (AECSA).

* * * * * *

* * *, the AECS Plan and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids.

4. In § 87.606, the heading and text are revised to read as follows:

§ 87.606 Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA).

(a) The Plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA) has been promulgated in furtherance of the Federal Aviation Act of 1958, as amended, the Communications Act of 1934, as amended, and Executive Order 11490, as amended. SCATANA defines the responsibilities of the FCC for the security control of accurate non-Federal air navigation aids.

(b) Under the responsibilities defined in SCATANA, an FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids has been developed by the Commission. The FCC Support Plan defines responsibilities, procedures, and instructions in consonance with SCATANA which will effect control of accurate non-Federal air navigation aids when SCATANA is implemented. This control shall provide for effective utilization of such navigation aids by aircraft of military and civil agencies under the various emergency conditions for which SCATANA is implemented. The FCC Support Plan highlights those parts of SCATANA which deal specifically with accurate non-Federal air navigation aids and includes a list of all, FCC licensed, accurate air navigation aids. SCATANA and the FCC Support Plan applies to radio navigation stations authorized by the Commission in the following manner:

(1) Appropriate military authorities may impose, on non-Federal air navigation aids, any or all restrictions contained in SCATANA and the FCC Support Plan when an Air Defense Emergency and/or Defense Emergency exists or is imminent. The restrictions shall be imposed through appropriate Federal Aviation Administration (FAA) Air Route Traffic Control Centers (ARTCCs).

(2) As directed by the appropriate military authority, FAA ARTCCs will disseminate SCATANA implementation instructions, to be complied with by all licensees of accurate air navigation (VOR, VORTAC, or TACAN) stations, as follows:

(i) Shut down the above navigation aids in accordance with the appropriate military authority instructions. These instructions shall permit time to land/disperse airborne aircraft, and shall provide for the extension of such times when the air traffic situation dictates.

(ii) Aids which require more than five minutes control time shall be shut down as soon as possible, except when directed otherwise by the appropriate military authority, or unless such aids are essential for the regulation and control of existing air traffic.

(iii) Direct the control of air navigation aids to ensure that required aids, as indicated in flight plans, will be available for authorized aircraft flights.

(iv) When notice of the termination of the Defense Emergency or Air Defense Emergency declaration is issued by an appropriate military authority, ARTCCs shall notify licensees of the reduction or removal of SCATANA restrictions as specified by the appropriate military authority.

(3) Licensees of aeronautical radio navigation stations may voluntarily participate in SCATANA tests as requested by an ARTCC. SCATANA testing shall not interrupt the normal service of non-Federal air navigation aids.

5. In § 87.607, paragraph (b) is revised to read as follows:

§ 87.607 Emergency Operations.

* * * * * *

(b) Upon receipt of the Defense Emergency or Air Defense Emergency declaration, or as directed by the appropriate NORAD Region Commander when his Region is under attack, the licensees of selected non-Federal air navigation aids shall comply with the provisions of the Plan for the Security Control of Air Traffic and Air Navigation Aids and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids.

* * * * * *

APPENDIX I

FCC SUPPORT PLAN FOR THE SECURITY CONTROL OF NON-FEDERAL AIR NAVIGATION AIDS

NOVEMBER 1, 1976.

This FCC Support Plan is referenced to the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA). This FCC Support Plan supersedes the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids dated January 31, 1972.

AUTHORITY

This FCC Support Plan is promulgated in furtherance of the Federal Aviation Act of 1958, as amended, the Communications Act of 1934, as amended, and Executive Order 11490, as amended.

PURPOSE

This FCC Support Plan is referenced from the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA). SCATANA defines the responsibilities of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and the appropriate military authorities for the security control of civil and military air traffic, and the control of Federal and non-Federal air navigation aids. This FCC Support Plan, under SCATANA; concerns the control of accurate non-Federal air navigation aids which include VHF Omnirange (VOR), VHF Omnirange/Tactical Air Navigation (VORTAC) and Tactical Air Navigation (TACAN) Stations. This FCC Support Plan supersedes: Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids dated January 31, 1972.

SCOPE

This FCC Support Plan involves responsibilities, procedures and instructions in consonance with SCATANA which will effect control of non-Federal air navigation aids when SCATANA is implemented. This control shall provide for effective utilization of such navigation aids by aircraft of military and civil agencies under various emergency conditions for which SCATANA is implemented. This FCC Support Plan highlights those parts of SCATANA which deal with non-Federal air navigation aids and includes a list of all non-Federal air navigation aids. This plan is not applicable when Section III of the SCATANA Plan, Emergency Security Control of Air Traffic (ESCAT), is implemented. Activities involved in the control of non-Federal air navigation aids, under SCATANA implementation, include appropriate military authorities, Federal Aviation Administration (FAA) Air Route Traffic Control Centers (ARTCCs), and operators of non-Federal navigation aids including VOR, VORTAC, and TACAN stations.

NOTE: See SCATANA for explanation of terms used in this FCC Support Plan.

THE FCC SUPPORT PLAN

A. *Situation.* This FCC Support Plan is effected whenever SCATANA is implemented. Three types of situations may require the implementation of SCATANA.

1. In the first of these, an emergency has arisen which has resulted in the declaration of an Air Defense Emergency within the NORAD area. Under this condition SCATANA will be automatically implemented.

2. In the second situation, which applies only to NORAD, a NORAD region commander may direct implementation of SCATANA for his region when his region or an adjacent region is under attack and an Air Defense Emergency has not yet been declared.

3. In the third situation, an emergency has arisen which has resulted in the declaration of a Defense Emergency outside the NORAD area. Under this condition, SCATANA may be considered for implementation.

B. *Intention.* FAA ARTCCs shall exercise specific control over non-Federal VOR, VORTAC, and TACAN stations as described in this FCC Support Plan.

C. *Implementation.* 1. The appropriate military authority will direct the appropriate ARTCCs to implement SCATANA restrictions based on the emergency situation specified in paragraph A. above. Restrictions shall be specified in regard to special instructions concerning the control of navigation aids which permit their use for friendly aircraft operations. This includes continued operation, as long as the actual air defense situation permits, of those air navigation aids essential to support other major command contingency operations. The appropriate military authority shall revise or remove SCATANA restrictions to the control of air navigation aids as the tactical situation permits.

2. As directed by the appropriate military authority, ARTCCs shall disseminate SCATANA implementation instructions to operators of non-Federal VOR, VORTAC, and TACAN stations as follows:

a. Shut down the above navigation aids in accordance with the military authority instructions. These instructions shall permit time to land/disperse airborne aircraft, and shall provide for the extension of such times when the air traffic situation dictates.

b. Aids which require more than five minutes control time shall be shut down as soon as possible, except when directed otherwise by the appropriate military authority, or unless such aids are essential for the regulation and control of existing air traffic.

c. Direct the control of air navigational aids to ensure that required aids, as indicated in flight plans, will be available for authorized aircraft flights.

d. When directed to reduce or remove SCATANA restrictions, ARTCCs shall authorize resumption of air navigation aids as specified by the appropriate military authority.

NOTE: Appropriate military authority may take two meanings.

(1) For the NORAD area of responsibility, NORAD region commanders have been designated as appropriate military authority by

[1] Commissioners Fogarty and White not participating.

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the Commander in Chief North American Air Defense.

(2) Outside the NORAD area, the Commander in Chief, or his designated representative, of the unified or specified commands for U.S. areas located within their area of responsibility, is the appropriate military authority.

D. *Non-Federal VOR, VORTAC, and TACAN Lists.* Appendix A, lists all non-Federal VOR navigation aids. The FCC does not license VORTAC or TACAN stations as such, however, Appendix B lists comparative stations having both VOR and Distance Measuring Equipment (DME) at the same location.

E. *SCATANA Tests.* Licenses of non-Federal air navigation aids may voluntarily participate in SCATANA tests.

APPENDIX A.—*Nongovernment VOR stations*

Frequency (megahertz)	Call sign	Power (watts)	Transmitter coordinates	Station location	Licensee name and mailing address
Arizona: 108.2	WOX5	100	Lat. 31°24'54"N., long. 110°50'54"W	Nogales	Santa Cruz County Board of Supervisors, County Courthouse, Nogales, Ariz. 85621.
California: 110.8	KSR2	50	Lat. 41°47'05"N., long. 122°27'37"W	Montague	County of Siskiyon, Calif., 800 South Main St., Yreka, Calif. 96097.
Florida: 108.8	KJU7	13	Lat. 26°14'52"N., long. 80°06'22"W	Pompano Beach	City of Pompano Beach, Fla., P.O. Drawer 1300, Pompano Beach, Fla. 33061.
109.4	WHM4	13	Lat. 29°57'27"N., long. 81°20'18"W	St. Augustine	St. Augustine Airport Authority, P.O. Box 825, St. Augustine, Fla. 32084.
110.2	KEB6	100	Lat. 26°54'59"N., long. 81°59'29"W	Punta Gorda	Charlotte County Development Authority, 4830 Airport Rd., Punta Gorda, Fla. 33950.
Georgia: 110.0	KVI4	13	Lat. 32°36'24"N., long. 62°22'10"W	Swainsboro	Emanuel County Airport Commission, Swainsboro, Ga. 30401.
112.5	KXR4	13	Lat. 31°25'44"N., long. 83°29'28"W	Tifton	Tifton Airport Authority, P.O. Box 676, Tifton, Ga. 31794.
114.5	WAE2	50	Lat. 30°58'14"N., long. 84°37'07"W	Bainbridge	County of Decatur, Ga., P.O. Box 2435, Bainbridge, Ga. 31717.
Kansas: 113.0	KNV7	13	Lat. 38°50'40" N., long. 94°44'11" W	Olathe	Johnson County Airport Commission, Route 2, Olathe, Kans. 66061.
Kentucky: 109.4	KZI6	50	Lat. 38°10'55" N., long. 84°54'30" W	Frankfort	Commonwealth of Kentucky, Department of Transportation, Hanger No. 1, Capital City Airport, Frankfort, Ky. 40601.
Louisiana: 112.8	WRX2	50	Lat. 32°27'51" N., long. 92°36'30" W	Ruston	City of Ruston, La., approximately 3.3 mi SSE Ruston Municipal Airport, Ruston, La. 71270.
Maryland: 116.6	WMA7	13	Lat. 39°19'40" N., long. 76°24'53" W	Middle River	State of Maryland, Department of Transportation, P.O. Box 5036 Baltimore, Md. 21220.
Michigan: 108.2	WLJ5	13	Lat. 46°18'46" N., long. 85°27'51" W	Newberry	State of Michigan Aeronautics Commission, Newberry Luce County Airport, Newberry, Mich. 49868.
108.2	KUW3	13	Lat. 43°46'58" N., long. 82°50'02" W	Bad Axe	State of Michigan Aeronautics Commission, Bad Axe Huron County Memorial Airport, Bad Axe, Mich. 48413.
109.2	KRZ3	13	Lat. 45°00'48" N., long. 84°41'30" W	Gaylord	Sitate of Michigan Aeronautics Commission, Otsego County Airport, Gaylord, Mich. 49735.
Idaho: 108.8	WSM9	13	Lat. 47°44 57" N., long. 116°56'49" W	Coeur D'Alene	State of Idaho, Department of Aeronautics, 3103 Airport Way, Boise, Idaho 83705.
Illinois: 108.4	WGU2	100	Lat. 39°01'05"N., long. 87°38'55" W	Palestine	Robinson Community Airport Authority, P.O. Box 209, Robinson, Ill. 62454.
111.6	KHQ4	13	Lat. 41°04'27.5" N., long. 87°51'00" W	Kankakee	Kankakee Valley Airport Authority, Rural Route I, Box 168, Kankakee, Ill. 60901.
112.1	KQL8	100	Lat. 38°45'52" N., long. 87°36'19" W	Lawrenceville	Bi-State Authority, P.O. Box 363, Lawrenceville, Ill. 62439.
Iowa: 110.0	KZA4	13	Lat. 43°09'45" N., long. 95°11'33" W	Spencer	City of Spencer, Iowa, 401 1st Ave. W., Spencer, Iowa 51301.
110.4	WAV5	50	Lat. 43°24'37" N., long. 94°44'20" W	Estherville	Estherville Airport Commission, Estherville Municipal Airport, Estherville, Iowa 51334.
111.0	WAQ6	100	Lat. 42°06'34" N., long. 92°54'31" W	Marshalltown	City of Marshalltown, Iowa, City Hall, Marshalltown, Iowa 50158.
Kansas: 108.8	WRC9	50	Lat. 38°32'19" N., long. 95°13'12" W	Ottawa	Dodson Aviation, Inc., Municipl Airport, Ottawa, Kans. 66067.
109.6	KAW2	13	Lat. 37°10'15" N., long. 97°02'22" W	Winfield	Strother Field Commission, P.O. Box 747, Winfield, Kans. 67156.
Michigan: 110.0	KGY5	13	Lat. 43°54'01" N., long. 85°31'16" W	Reed City	State of Michigan Aeronautics Commission, Lansing, Mich. 48906.
110.4	WWZ6	13	Lat. 45°58'36" N., long. 86°10'26" W	Manistique	State of Michigan Department of Aeronautics, Capitol City Airport, Lansing, Mich. 48906.
110.6	WPO3	13	Lat. 43°37'23.9" N., long. 84°44'42.1" W	Mount Pleasant	State of Michigan Aeronautics Commission, Lansing, Mich. 48906.
111.6	WSQ8	13	Lat. 44°21'24" N., long. 84°40'24" W	Houghton Lake	State of Michigan Aeronautics Commission, Capitol City Airport, Lansing, Mich. 48906.
Minnesota: 108.2	KBN9	50	Lat. 47°25'55" N., long. 92°30'03" W	Eveleth	State of Minnesota Department of Aeronautics, Administration Building, St. Paul Downtown Airport, St. Paul, Minn. 55107.
108.4	WAS2	200	Lat. 45°06'50" N., long. 95°05'12" W	Willmar	Do.
108.8	KBH7	50	Lat. 43°40'00" N., long. 92°55'57" W	Austin	Do.
108.8	WLD4	200	Lat. 48°51'17" N., long. 95°41'41" W	Roseau	Do.
109.6	KQO2	200	Lat. 47°49'19" N., long. 91°49'48" W	Ely	Do.
109.6	WLW2	13	Lat. 45°34'00" N., long. 95°56'17" W	Morris	Do.
109.8	WLP4	13	Lat. 43°41'00" N., long. 93°22'08" W	Albert Lea	Do.
110.4	KBK9	200	Lat. 46°17'23" N., long. 96°09'23" W	Fergus Falls	Do.
111.0	WLP5	13	Lat. 44°26'55" N., long. 95°49'26" W	Marshall	Do.
111.2	WLP2	13	Lat. 46°49'12" N., long. 95°52'48" W	Detroit Lakes	Do.
111.2	KWM8	200	Lat. 44°12'16" N., long. 95°22'13" W	Morristown	Do.
111.4	WAS4	200	Lat. 47°00'53" N., long. 93°29'23" W	Grand Rapids	Do.
111.4	KBN7	50	Lat. 44°04'36" N., long. 91°42'21" W	Winona	Do.
111.6	WAT4	200	Lat. 48°43'15" N., long. 94°36'00" W	Bandette	Do.
111.6	WLO6	13	Lat. 44°58'22" N., long. 95°42'42" W	Montevideo	Do.
112.1	KBN4	200	Lat. 45°32'28" N., long. 94°03'26" W	St. Cloud	Do.
Missouri: 110.6	KYA7	100	Lat. 39°04'27" N., long. 93°40'43" W	Higginsville	City of Higginsville, Mo., 1920 Main, Higginsville, Mo. 64037.
Nebraska: 108.6	KSI6	200	Lat. 41°58'54" N., long. 100°43'07" W	Thedford	State of Nebraska Department of Aeronautics, P.O. Box 82088, Lincoln, Nebr. 68501.
110.6	KBQ9	50	Lat. 40°18'00" N., long. 96°45'15" W	Beatrice	Do.
111.2	KBR3	50	Lat. 40°43'32" N., long. 99°00'17" W	Kearney	Do.
New Hampshire: 110.4	WHR3	200	Lat. 44°38'05" N., long. 71°11'12" W	Dummer	State of New Hampshire Aeronautics Commission, Municipal Airport, Concord, N.H. 03301.
New York: 110.8	KAL4	13	Lat. 41°30'28" N., long. 74°05'53" W	Newburgh	State of New York Metropolitan Transportation Authority, Bldg. 140, Stewart Airport, Newburgh, N.Y. 12550.
112.05	WWM6	50	Lat. 40°50'46.7" N., long. 72°37'49.2" W	West Hampton Beach.	EDO Commercial Corporation, 65 Marcus Dr., Melville, N.Y. 11746.
North Carolina: 110.0	WSN9	13	Lat. 34°36'38" N., long. 79°03'18" W	Lumberton	Lumberton Airport Commission, P.O. Box 746, Lumberton, N.C. 28358.
Ohio: 109.8	KFL7	13	Lat. 40°36'59" N., long. 83°08'49" W	Marion	City of Marion, Ohio, 1530 Pole Cane Rd., Marion, Ohio 43302.
110	KRTS	50	Lat. 39°35'40" N., long. 84°12'24" W	Miamisburg	City of Dayton, Ohio, 10600 Springboro Pike, Miamisburg, Ohio 45342.
110.2	KQV8	13	Lat. 41°41'02" N., long. 81°23'45" W	Willoughby	General Aviation, Inc., 1969 Lost Nation Road, Willoughby, Ohio 44094.
113.2	KAJ2	13	Lat. 39°50'11" N., long. 83°50'34" W	Springfield	City of Springfield, Ohio, City Bldg. 117, Fountain Avenue, Springfield, Ohio 45502.
114.9	WRC7	13	Lat. 41°00'54" N., long. 83°39'53" W	Findlay	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.
Oklahoma: 108.6	KTM4	50	Lat. 35°39'42" N., long. 95°21'58" W	Muskogee	Muskogee Airport Authority, Route 4, Box 541-B2, Muskogee, Okla. 74401.

APPENDIX A.—*Nongovernment VOR stations*—Continued

Frequency (megahertz)	Call sign	Power (watts)	Transmitter coordinates	Station location	Licensee name and mailing address
Pennsylvania: 113.2	WMG5	13	Lat. 41°01'32" N., long. 80°24'58" W	New Castle	New Castle Airport Authority, P.O. Box 1255, New Castle, Pa. 16102.
South Carolina: 111.4	KEB7	50	Lat. 33°27'25" N., long. 80°51'34" W	Orangeburg	City of Orangeburg, S.C., P.O. Drawer 387, Orangeburg, S.C. 29115.
South Dakota: 111.4	KBW9	12	Lat. 45°55'11.155" N., long. 106°06'11.34" W.	Lemmon	State of South Dakota Aeronautics Commission, State Office Bldg. 1, Pierre, S. Dak. 57501.
Texas: 108.2	WKF3	50	Lat. 29°02'25.24" N., long. 95°27'29.1" W	Lake Jackson	Dow Chemical Telecommunications Corp., 2040 Dow Center, Midland, Mich. 48640.
108.8	KWF5	100	Lat. 30°00'29" N., long. 99°08'15" W	Kerrville	City of Kerrville, Tex., 600 Main, Kerrville, Tex. 78028.
Utah: 109.8	KVL7	13	Lat. 41°50'40" N., long. 111°51'52" W	Logan	State of Utah Division of Aeronautics, 135 North 23d West, Salt Lake City, Utah 84116.
Virginia: 109.0	WLR9	13	Lat. 36°37'37" N., long. 80°00'43" W	Martinsville	Virginia Division of Aeronautics, P.O. Box 7716, Richmond, Va. 23231.
109.6	WFO2	13	Lat. 36°59'03" N., long. 82°32'17" W	Wise	Virginia Division of Aeronautics, P.O. Box 7716, Richmond, Va. 23231.
Wisconsin: 109.2	KJA5	13	Lat. 42°35'36"N long. 87°55'29" W	Kenosha	City of Kenosha, Wis., Kenosha Municipal Airport, Kenosha, Wis. 53140.
109.4	KRM4	50	Lat. 43°46'08" N., long. 87°50'56" W	Sheboygan	County of Sheboygan, Wis., P.O. Box 128, Sheboygan, Wis. 53081.
109.8	WON3	13	Lat. 43°25'19" N., long. 88°07'31" W	West Bend	City of West Bend, Wis., 4302 Sheboygan Ave., Madison, Wis. 53702.
110.2	WNQ5	100	Lat. 46°32'58" N., long. 90°55'01" W	Ashland	City of Ashland, Wis., City Hall, Ashland, Wis. 54806.
113.4	WBR9	100	Lat. 46°01'07" N., long. 91°26'46" W	Hayward	County of Sawyer, Wis., Sawyer County Courthouse, Hayward, Wis. 54843.
114.5	WEZ5	13	Lat. 42°41'32" N., long. 88°18'19" W	Burlington	City of Burlington, Wis., 300 North Pine St., Burlington, Wis. 53105.
117.7	WHU9	13	Lat. 42°45'29" N., long. 87°48'21" W	Racine	Racine Commercial Airport Corp., 3040 Rapids Dr., Racine Wis. 53404.
Wyoming: 108.2	KFO3	13	Lat. 43°52'54" N., long. 104°71'26" W	Newcastle	Weston County and City of Newcastle, Wyo. Box 520, Newcastle, Wyo. 82701.
111.4	WMK5	100	Lat. 41°21'38" N., long. 106°49'50" W	Saratoga	City of Saratoga, Wyo., Box 486, Saratoga, Wyo. 82331.
112.5	WDD7	13	Lat. 44°20'52.046" N., long. 105°32'33.993" W.	Gillette	Gillette-Campbell County Airport Board, P.O. Box 808, Gillette, Wyo. 82716.

APPENDIX B.—*Nongovernment comparative stations (VOR plus DME)*

Arizona: 980	WOK5	1,000	Lat. 31°24'54" N., long. 110°50'54" W	Nogales	Santa Cruz County Board of Supervisors, Nogales International Airport, Nogal, Ariz. 85621.
Illinois: 982	KSE3	100	Lat. 39°01'05" N., long. 87°38'55" W	Palestine	Robinson Community Airport Authority, Robinson Community Airport, Palestine, Ill. 60067.
New York: 1006	KUN5	100	Lat. 41°30'28" N., long. 74°05'53" W	Newburgh	State of New York Metropolitan Transportation Authority, Stewart Airport, Newburgh, N.Y. 12550.
Ohio: 1000	KMW5	100	Lat. 41°41'02" N., long. 81°23'45" W	Willoughby	General Aviation, Inc., Lost Nation Airport, Willoughby, Ohio 44094.
South Carolina: 1012	KEE4	100	Lat. 33°27'25" N., long. 80°51'34" W	Orangeburg	City of Orangeburg, S.C., Orangeburg Airport, Orangeburg, S.C. 29115.
Wisconsin: 1168	WBD5	1,000	Lat. 46°01'07" N., long. 91°26'46" W	Hayward	County of Sawyer, Wis., Hayward Municipal Airport, Hayward, Wis., 54843.

[FR Doc.76–29458 Filed 10–8–76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 13, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules, mourning doves, woodcock, crows and common snipe on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on a map available at the refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76–29754 Filed 10–8–76;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Waterfowl Hunting Area, the West Waterfowl Hunting Area, the Young Waterfowlers Area, and the South Upland Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Waterfowl Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South and West Waterfowl Areas and Young Waterfowlers Area shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) Hunting is permitted in the South Waterfowl Hunting Area only on Monday, Wednesday, Friday, and Saturday, during the State duck season.

(4) The necessary permit to enter the South Waterfowl Hunting Area will be issued each hunting day by a ticket-lottery system at 1½ hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West

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Waterfowl Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lottery on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(5) Each hunting permittee using the West Waterfowl Hunting Area will pay a recreation fee of $10.00 on the day of the hunt. A recreation fee of $2.00 per hunter will be charged on the South Waterfowl Hunting Area.

(6) Not more than four persons may occupy a blind at any one time on the West Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area.

(7) The Young Waterfowlers Area will be open from one-half hour before sunrise to 12:00 noon local standard time on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not possess ammunition or possess or discharge a firearm, may use one blind.

(8) Hunters on all four areas are required to use steel shotshells in shotguns 12 gauge or larger. Hunters using shotguns 12 gauge or larger may not have in their possession lead shotshells. Lead shotshells may be used in shotguns smaller than 12 gauge. No Hunter may have in their possession or use in one day more than 10 shells on the West Waterfowl Hunting Area or 15 shells on the Young Waterfowlers Hunting Area.

(9) On Wednesdays, Fridays and Saturdays on the South Waterfowl Hunting Area and Tuesdays and Saturdays on the West Waterfowl Hunting Area, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shotshells during steel shot hunt days.

(10) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29749 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Prime Hook National Wild-Waterfowl Hunting Area. This 1,180-life Refuge, Delaware, is permitted on the acre open area is delineated on maps available at the refuge headquarters, Milton, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Permits will be issued by a ticket-lottery system at 2 hours before legal shooting time. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting waterfowl and coots is prohibited. Three hunters per blind permitted.

(3) The Area is open each Monday, Wednesday, Friday, and Saturday, throughout the duck hunting season.

(4) Access to the waterfowl hunting area will be at designated boat access points.

(5) Steel shotshells are required for all shotguns 12 gauge or larger. Persons using shotguns 12 gauge or larger may not have in their possession lead shotshells. Lead shotshells may be used in shotguns smaller than 12 gauge.

(6) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 31, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29752 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 13, 1976 through March 31, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1977.

HOWARD N. LARSEN,
Regional Director, U.S. Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29753 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pennsylvania

The following special regulation is issued and is effective during the period October 16, 1976 through March 15, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted on portions of the Erie National Wildlife Refuge, Pennsylvania. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, and foxes, subject to the following special condition:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 30, 1976 through November 25, 1976.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1977.

HOWARD N. LARSEN,
Regional Director, U.S. Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29750 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 13, 1976 through February 28, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open upland game hunting area, comprising approximately 2,320 acres, is delineated on maps available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special condition:

(1) Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29751 Filed 10-8-76;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 700—GOVERNMENT SERVICE INDUSTRY

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 644 (41 FR 15085), the Secretary of Labor appointed and convened Industry Committee No. 134-A for Government Service, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, in exercise of his ministerial duty as required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 134-A dated June 22, 1976 are hereby published revising paragraphs 700.2 (b), (c) and (d) of Part 700, Title 29, Code of Federal Regulations. It should be noted that Industry Committee 134-A met and made its recommendations regarding the wage rates prior to the Supreme Court's decision in *"National League of Cities et al* v. *Usery,"* decided June 24, 1976. This wage order is published in accordance with statutory requirements and should not be construed as an opinion by the Secretary or the Department of Labor as to the applicability of the National League case to employees of the Commonwealth of Puerto Rico or of its political subdivisions.

Paragraph (a) of § 700.2 is also amended to reflect the statutory wage increases prescribed by Sections 6(b) and 6(c)(5) of the Act which are effective after December 31, 1976.

As amended, § 700.2 reads as follows:

§ 702.2 Wage rates.

(a) *Commonwealth government employees.* (1) The minimum rate for this classification is $2.20 an hour through December 31, 1976, and $2.30 an hour thereafter.

* * * * *

(b) *Municipal government employees.* (1) The minimum wage for this classification is $1.50 an hour through October 31, 1976; $1.90 an hour, effective November 1, 1976; and $2.00 an hour, effective July 1, 1977.

* * * * *

(c) *Right to Employment Administration employees.* (1) The minimum wage for this classification is $1.75 an hour through October 31, 1976; $1.85 an hour, effective November 1, 1976; and $1.95 an hour, effective July 1, 1977.

* * * * *

(d) *Puerto Rico Land Authority and Sugar Corporation of Puerto Rico employees.* * * *

(1) *Agricultural phase.* * * *

(i) *Sugarcane farms.* * * *

(A) *Craftsman classification.* (1) The minimum wage for this classification is $1.75 an hour through October 31, 1976; $2.00 an hour, effective November 1, 1976; and $2.20 an hour, effective July 1, 1977.

* * * * *

(B) *Other employees classification.* (1) The minimum wage for this classification is $1.65 an hour through October 31, 1976, $1.83 an hour, effective November 1, 1976; and $1.93 an hour, effective July 1, 1977.

* * * * *

(ii) *Pineapple farms.* (A) The minimum wage for this classification is $1.65 an hour through October 31, 1976; $1.80 an hour, effective November 1, 1976; and $1.95 an hour, effective July 1, 1977.

* * * * *

(iii) *Cattle farms.* (A) The minimum wage for this classification is $1.55 an hour through October 31, 1976; $1.75 an hour, effective November 1, 1976; and $1.90 an hour, effective July 1, 1977.

* * * * *

(iv) *Other farms.* (A) The minimum wage for this classification is $1.45 an hour through October 31, 1976; $1.60 an hour, effective November 1, 1976; and $1.75 an hour, effective July 1, 1977.

* * * * *

(2) *Industrial phase.* * * *

(i) *Sugar manufacturing.* (A) The minimum wage for this classification is $1.93 an hour through October 31, 1976; $2.10 an hour, effective November 1, 1976; and $2.20 an hour effective July 1, 1977.

* * * * *

(ii) *Other activities classification.* (A) The minimum wage for this classification is $2.00 an hour through October 31, 1976; $2.10 an hour, effective November 1, 1976; and $2.20 an hour, effective July 1, 1977.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064 as amended; 29 U.S.C. 205, 206, 208.)

Effective date: The effective date for the commencement of these wage rates is October 28, 1976.

Signed at Washington, D.C., this 7th day of October 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76-30011 Filed 10-8-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5746, 34-12648, 35-19700, IC-9467, IA-539]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 202—INFORMAL AND OTHER PROCEDURES

Miscellaneous Amendments

The Securities and Exchange Commission is amending its regulations to provide a revised and updated listing of its regional and branch offices and also to update information regarding the processing of filings received by the Commission.

Materials listed in Appendix A of Subpart D of 17 CFR Part 200 may be examined in the Commission's Public Ref-

erence room at 1100 L Street, NW., Washington, D.C. Written requests for specific items should be addressed to the Public Reference Section, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Subpart H of 17 CFR Part 200 is revised to indicate a change in reproduction fees in the Public Reference rooms in the Commission's Washington, D.C., New York, Los Angeles and Chicago offices.

The revision in 17 CFR Part 202 reflects certain organizational changes and responsibilities involving the submission and processing of filings with the Commission.

Since these changes relate only to corrections and information concerning internal procedures and do not affect substantial rights or liabilities, notice and public comment are unnecessary. As such, the amendments are effective on the date of issuance.

(80 Stat. 383, as amended, 31 Stat. 54, secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855, U.S.C. 552, 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11, Pub. L. 93-519, sec. (f), 5 U.S.C. 552a(f), Pub. L. 94-29.)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 30, 1976.

Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. Section 200.11 of Subpart A is amended by revising paragraph (b) as follows:

§ 200.11 Headquarters Office—Regional Office relationship.

* * * * *

(b) Regional Administrators of the Commission.

Region 1. New York, New Jersey—Regional Administrator, 26 Federal Plaza, New York, N.Y. 10007.

Region 2. Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine—Regional Administrator, 150 Causeway Street, Boston, Massachusetts 02114.

Region 3. Tennessee, Virgin Islands, Puerto Rico, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, and the part of Louisiana lying east of the Atchafalaya River—Regional Administrator, Suite 788, 1375 Peachtree Street, NE., Atlanta, Ga. 30309.

Region 4. Illinois, Indiana, Iowa, Kansas City (Kans.), Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin—Regional Administrator, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1204, Chicago, Illinois 60604.

Region 5. Oklahoma, Arkansas, Texas, that part of Louisiana lying west of the Atchafalaya River, and Kansas (except Kansas City)—Regional Administrator, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102.

Region 6. Wyoming, Colorado, New Mexico, Nebraska, North Dakota, South Dakota, Utah—Regional Administrator, Two Park Central, Room 640, 1515 Arapahoe Street, Denver, Colorado 80202.

Region 7. California, Nevada, Arizona, Hawaii, Guam—Regional Administrator, 10960 Wilshire Boulevard, Suite 1710, Los Angeles, California 90024.

Region 8. Washington, Oregon, Idaho, Montana, Alaska—Regional Administrator, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Region 9. Pennsylvania, Maryland, Virginia, West Virginia, Delaware, District of Columbia—Regional Administrator, Ballston Centre Tower 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

2. Section 200.80a is amended by revising Appendix A as follows:

§ 200.80a Appendix A—Documentary materials available to the public.

SECURITIES ACT OF 1933

Description	*Pursuant to section—*
Registration statement providing financial and other information concerning securities offered for public sale, filed under Regulation C (17 CFR 230.400 et seq.)	6
Prospectuses (selling circulars) in connection with registration statement	10
Periodic reports (annual, quarterly, and current) to keep reasonably current the information in registration statement	[1]
Requests for extension of time to file information, document, or report	[2]
Reports of sales of registered securities and use of proceeds thereunder by first time registrants	19(a), 20(a)
Report by issuers of securities quoted on NASDAQ Inter-Dealer Quotation System	[1]
Preliminary data (prospectus, circular letters, etc.) to oil offering (Regulation B) (17 CFR 230.300 et seq.)	3(b)
Offering sheets for oil or gas rights and royalties under Regulation B for exemption from registration provisions (17 CFR 230.300 et seq.)	3(b)
Notifications of exemption from registration filed under Regulation A, E, and F (17 CFR 230.251, 230.601, 230.651 et seq.)	3(b)
Offering circulars and written advertisements or other communications under Regulations A, E, and F (17 CFR 230.251, 230.601, 230.651 et seq.)	3(b)
Report of sales and use of proceeds (Regulations A and E (17 CFR 230.251, 230.601 et seq.)	3(b)
Consent by non-resident to service of process (Regulation A) (17 CFR 230.251 et seq.)	3(b)
Application for relief from disability under Regulations A and F (17 CFR 230.651 et seq.)	3(b)

[1] Section 15(d)—Securities Exchange Act of 1934.

[2] Section 12(b)—Securities Exchange Act of 1934.

Description	*Pursuant to section—*
Notice of proposed resale of restricted securities and resale of securities by control persons (17 CFR 230.144)	4(1), 4(4)
Notice of proposed sale by non-controlling person of restricted securities of issuers which do not satisfy all of the conditions of Rule 144 (17 CFR 230.237)	3(b)
Notice of sale of securities by closely held issuers (issuers with 100 or less beneficial owners) other than investment companies, registered or required to be registered under the Investment Company Act of 1940 (17 CFR 230.240)	3(b)

SECURITIES EXCHANGE ACT OF 1934

Registration statement (securities listed on a national securities exchange)	12(b)
Registration statement (securities traded over-the-counter)	12(g)
Exemption from section 12(g), 13, 14, 15, or 16	12(h)
Information by a foreign issuer temporarily exempt from section 12(g)	12(g)(3)
Certification of exchange approving securities for listing and registration	12(d)
Periodic reports (annual, quarterly and current) to keep current the information in the above registration statements	13(a)
Request for extension of time to file information, document, or report	12(b)
Correspondence between the Commission and registrants that are delinquent in filing certain required reports	13(a), 15(d)
Report by issuers of securities quoted on NASDAQ Inter - Dealer Quotation System	15(d), 13(a)
Certificate of termination of Registration for a class of security	[3]
Notices of suspension of trading	12(d)
Application to withdraw or strike a security from listing and registration on a national securities exchange	12(d)
Notification by an exchange of the admission to trading of a substituted or additional class of security	12(a)
Definitive proxy soliciting materials filed under Regulation 14A (17 CFR 240.-14a-1 et seq.)	14(a)
Distribution of information to security holders from whom proxies are not solicited filed under Regulation C (17 CFR 230.400 et seq.)	14(c)
Acquisitions, tender offers and solicitations. (17 CFR 240.14d-1 et seq.)	13(d), 14(d)

[3] Section 12(g)—Securities Exchange Act of 1934.

Description	*Pursuant to section—*
Initial statement of beneficial ownership of equity securities by officers, directors and principal stockholders of issuers having listed equity securities; and changes in such ownership	16(a)
Application for permission to extend unlisted trading privileges, notification of changes, and notification of termination or suspension	12(f)
Application for registration as a broker and dealer, and amendments or supplements to such application	15(b)
Reports of financial condition of registered brokers and dealers	17
Application for registration as a transfer agent and amendments to such application	17A(c)
Application for registration as a municipal securities dealer	15B(a)
Application for registration or exemption as a securities information processor	11A(b)
Application for registration or exemption as a clearing agency	17A(b)
Irrevocable appointment of agent for service of process, pleadings and other papers	23(a)
Notice by non-resident broker or dealer specifying address of place in United States where copies of books and records are located and undertaking to furnish to Commission, upon demand, copies of books and records he is required to maintain	17
Subordination agreements	15
Initial assessment and information form for registered brokers and dealers not members of a registered national securities association	15(b)(8)
Annual assessment and information form for registered brokers and dealers not members of a registered national securities association	15(b)(8)
Reports of market makers and other registered broker-dealers in securities traded on national securities exchanges	17(a)
Reports by registered brokers and dealers who are OTC Market in Makers in any OTC Margin Securities	17(a)
Proposed rule changes by all self-regulatory organizations	19(b)
Notice as to stated policies, practices and interpretations of self-regulatory organizations	19(b)
Application by an exchange for registration or exemption from registration as a national securities exchange	6(a)

Description	*Pursuant to section—*
Annual amendments and supplemental material filed to keep reasonably current the information contained in application for registration or exemption	6(e)
Record disposal plan of national securities exchanges	17
Application for listing securities on an exempted exchange	12(b)
Periodic reports to keep reasonably current the information contained in application for listing securities on exempted exchange	13
Certification of exempted exchange approving securities for listing	12(d)
Application for registration as a national securities association or affiliated securities association	15A
Annual supplement consolidated to keep reasonably current the information in the above application	15A
Report of changes in membership status of any of its members required of national securities exchanges and registered national securities associations	17, 19
Application by a national securities association or a broker or dealer for admission or continuance of a broker or dealer as member of a national securities association, notwithstanding a disqualification under section 15A(b)(4)	15A(b)(4)
Application for review of disciplinary action or denial of membership by registered securities association	15A(g)
Reports on stabilizing activities pertaining to a fixed price offering of securities registered or to be registered under the Securities Act of 1933, or offered or to be offered pursuant to an exemption under Regulation A (17 CFR 230.251 et seq.), or being or to be otherwise offered if aggregate offering price exceeds $500,000	17
Plans by exchanges authorizing payment of special commission in connection with a distribution of securities on exchanges	10
Suspensions of trading of securities otherwise than on a national securities exchange	15(c)(5)
Annual and supplemental reports of the Municipal Securities Rulemaking Board	17

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Notification of registration and registration statement by public utility holding companies providing financial and other information concerning the issue and sale of securities	5(a), 5(b)
Annual reports by registered holding companies to keep reasonably current information in the registration statement	5(d)
Application for an order of the Commission declaring registrant has ceased to be a holding company	5(d)
Statement by a person employed or retained by a registered holding company or subsidiary thereof, of subject matter in respect of which retained or employed; and annual statement thereafter	12(i)
Application for exemption from provisions of the Act and applications for declaratory orders regarding status of company under Act by holding companies, subsidiaries, and other companies	2(a)(3), 2(a)(4), 2(a)(7)(B), 2(a)(8)(B), 3(a), (b)
Twelve-month statement by bank claiming exemption under the Act	3(a), (d)
Application for approval of mutual service company or declaration with respect to organization and conduct of business of subsidiary service company	13(b)
Statement executed by financial institution authorizing representative to serve as officer or director of holding company or subsidiary, filed by representative	17(c)
Initial statement of beneficial ownership of securities filed by officers and directors of registered public utility holding companies, and changes in such ownership	17(a)
Annual reports by mutual and subsidiary service companies	13
Application by interested persons for approval of reorganization plans required in court proceedings for reorganization of registered holding companies and subsidiaries	11(f)
Application by or on behalf of persons requesting approval of payment of fees, expenses or remuneration for services rendered in connection with a proceeding in reorganization in a U.S. Court involving registered holding companies or subsidiaries	11(f)
Notices of intention regarding proposed sale of securities and other assets not requiring filing of application or declaration	11, 12(d), 12(f)
Statements in justification of fees and expenses proposed to be paid	6(b), 7, 9, 10, 12(d)
Reports to stockholders by registered holding company or subsidiary thereof and annual reports submitted by registered holding company or subsidiary thereof to a State commission covering operations not reported to Federal Power Commission	14, 15

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TRUST INDENTURE ACT OF 1939

Description	Pursuant to section—
Statement of eligibility and qualification of corporations or individuals as trustees under qualified indenture under which debt security has been or is to be issued	305, 307
Application for qualification of indenture under which security (bonds, debentures, notes and similar debt securities) has been or is to be issued	307
Application for exemption from provisions of the Act in certain cases	304(c), (d)
Application re conflict of interest of trustees	310(b)(1)
Reports by indenture trustee to indenture security holders with respect to eligibility and qualification under section 310	313
Application relative to affiliations between trustees and underwriters	310(b)(3), 310(b)(6)

INVESTMENT ADVISERS ACT OF 1940

Application for registration as investment adviser or to amend or supplement such an application	203(c), 204
Application for exemption and other relief	206A
Irrevocable appointment of agent for service of process, pleadings and other papers	211(a)
Notice by non-resident investment adviser specifying address of place in United States where copies of books and records are located, or	204
Undertaking by non-resident investment adviser to furnish to Commission, upon demand, copies of any books or records he is required to maintain	204

INVESTMENT COMPANY ACT OF 1940

Notification of registration of investment company, and registration statement covering an offering of securities of investment company evidencing an interest in a portfolio of securities in which the investment company invests	8(a), 8(b)
Periodic reports (annual and quarterly) to keep reasonably current the information in above registration statement	30(a), 30(b)(1)
Periodic or interim reports to security holders of registered investment companies	30(b)(2)
Application for order of the Commission determining registrant has ceased to be an investment company	8(f)
Fidelity bond, resolution of board of directors, notice of cancellation or termination of bond for officers and employees of investment companies who have access to its securities or funds	17(g)
Waiver of indemnification of officers and directors of investment companies	17(h), 17(i)
Report of independent auditors examining records of investment companies	17(f)
Application by other than registrant for order of Commission declaring corporate name of registrant is misleading or deceptive	35(d)
Request by company for certificate to be issued to Secretary of Treasury	(*)
Proxy soliciting material	[*]20(a)
Initial statement of beneficial ownership of securities by officers, directors and other specified insiders of registered closed-end investment companies, and changes in such ownership	30(f)
Application for exemption from provisions of the Act and other relief	2(a)(9), 3(b)(2), 6(b), (c), (d), 7(d), 10(e), (f), 11(a), (c), 12(d)(1), (d)(2), 14(a), 15(a), 16(a), 17(a), (b), (d), (e), 18(i), 22(d), 23(b)(5), (c)(3), 24(d), 26(a)(2)(C), 28(c), 35(d), and others.
Statement of transactions—exemption from provisions of section 10(f)	10(f)
Application for an ineligible person to serve as officer, director, etc. of a registered investment company	9(b)
Request for advisory report of the Commission relating to the reorganization of registered investment company	25(b)
Report of repurchase of its own securities by a closed-end company	23(c)
Sales literature regarding securities of certain investment companies	24(b)
Statement of the Federal Savings and Loan Corporation relating to the exemption of certain issuers	6(a)(4)
Report submitted pursuant to an order of the Commission	
Documents and records resulting from derivative or representative law suits	33

MISCELLANEOUS

Requests or petitions that a change in the Commission's rules, regulations or forms be made; comments on proposed rules, regulations or forms; issuance, amendment or repeal of rules, regulations or forms promulgated under the various Acts administered by the Commission.

Requests for no-action and interpretative letters and responses thereto.

Transcripts of proceedings in public hearings including testimony, exhibits received in evidence, intermediate decisions, oral arguments, motions, briefs, exceptions.

Commission findings, opinions, orders, rulings and notices issued for public release.

Final opinions of the Commission, including concurring and dissenting opinions, as well as orders made by the Commission in the adjudication of cases.

A record of the final votes of each member of the Commission in every Commission proceedings concluded after July 1, 1967.

Hearings and comments on proposed rules or statements of policy, etc., except where the writer requests that his comments not be made public.

Periodic reports filed by the International Bank for Reconstruction and Development under Regulation BW—Rules 1 to 4, section 15(a) of the Bretton Woods Agreement Act (17 CFR Part 285).

Periodic reports filed by the Inter-American Development Bank, pursuant to Regulation IA (17 CFR Part 286) adopted pursuant to section 11(a) of the Inter-American Bank Act.

Periodic reports filed by the Asian Development Bank, pursuant to Regulation AD (17 CFR Part 287) adopted pursuant to section 11(a) of the Asian Development Bank Act.

Copies of papers filed in court, and papers and documents received from courts, are primarily for the use of the Commission attorneys and other members of the staff. These may not always be complete and accurate and may contain nonpublic staff notations. However, in appropriate situations, with the approval of the Office of the General Counsel, examination of such material may be made or copies obtained as a matter of courtesy.

Statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER.

Administrative staff manuals and instructions to the staff that affect a member of the public.

Reports by the Commission to the Congress as a whole.

3. Section 200.303 of Subpart H is amended by revising paragraph (a)(2) as follows:

§ 200.303 Times, places, and requirements for requests pertaining to individual records in a record system and for the identification of individuals making requests for access to the records pertaining to them.

(a) * * *

(2) * * * The addresses and business hours of those offices are listed below:

Atlanta Regional Office, 1375 Peachtree Street, N.E., Suite 788, Atlanta, Georgia. Office hours—8:30 a.m.–5 p.m. e.s.t.

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114. Office hours—9 a.m.–5:30 p.m. e.s.t.

Chicago Regional Office, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1204, Chicago, Illinois 60604. Office hours—8:45 a.m.–5:15 p.m. c.s.t.

Cleveland Branch Office, Federal Office Building, 1240 East Ninth Street, Room 899, Cleveland, Ohio 44199. Office hours—8:30 a.m.–5 p.m. e.s.t.

[*] Section 851(e)(1) of the Internal Revenue Code of 1954 is applicable.

[*] Regulation 14 under the Securities Exchange Act of 1934 is applicable (17 CFR 240.14a–1 et seq.).

Denver Regional Office, Two Park Central, Room 640, 1515 Arapahoe Street, Denver, Colorado 80202. Office hours—8 a.m.–4:30 p.m. m.s.t.

Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226. Office hours—8:30 a.m.–5 p.m. e.s.t.

Fort Worth Regional Office, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102. Office hours—8:30 a.m.–5 p.m. c.s.t.

Houston Branch Office, Federal Office & Courts Building, 515 Rusk Avenue, Room 5615, Houston, Texas, Office hours—8:30 a.m.–5 p.m. c.s.t.

Los Angeles Regional Office, 10960 Wilshire Boulevard, Suite 1710, Los Angeles, California 90024. Office hours—8 a.m.–4:30 p.m. p.s.t.

Miami Branch Office, DuPont Plaza Center, 300 Biscayne Boulevard Way, Suite 701, Miami, Florida 33131. Office hours—8:30 a.m.–5 p.m. e.s.t.

New York Regional Office, 26 Federal Plaza, New York, New York 10007. Office hours—9 a.m.–5:30 p.m. e.s.t.

Philadelphia Branch Office, William J. Green, Jr. Federal Building, 600 Arch Street, Room 2204, Philadelphia, Pennsylvania 19106. Office hours—9 a.m.–5:30 p.m. e.s.t.

Saint Louis Branch Office, 210 North 12th Street, Room 1452, Saint Louis, Missouri 63101. Office hours—8:30 a.m.–5 p.m. c.s.t.

Salt Lake City Branch Office, Federal Reserve Building, 120 South State Street, Salt Lake City, Utah 89111. Office hours—8 a.m.–4:30 p.m. m.s.t.

San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102, Office hours—8 a.m.–4:30 p.m. p.s.t.

Seattle Regional Office, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174. Office hours—8:30 a.m.–5 p.m. p.s.t.

Washington Regional Office, Ballston Centre Tower 3, 4015 Wilson Boulevard, Suite 300, Arlington, Virginia 22203. Office hours—9 a.m.–5:30 p.m. e.s.t.

* * * * *

4. Section 200.310, the fourth sentence is revised to read as follows:

§ 200.310 Fees.

* * * Records will be copied onto pages, from 8" x 10½" up to 8½" x 14", at the cost of 10 cents per page. Copying machines are provided in the public reference rooms in the Commission's Washington, D.C., New York, Los Angeles and Chicago offices, where the individual may make copies at the cost of 10 cents per page.

Part 202 of Chapter II of Title 17 of the Code of Federal Regulations is amended by revising §§ 202.3 and 202.7 to read as follows:

§ 202.3 Processing of filings.

(a) Registration statements, proxy statements, letters of notification, periodic reports, applications for qualification of indentures, and similar documents filed with the Commission under the Securities Act of 1933 and the Trust Indenture Act of 1939, and certain filings under the Securities Exchange Act of 1934 and the Public Utility Holding Company Act of 1935 are routed to the Division of Corporation Finance, which passes initially on the adequacy of disclosure and recommends the initial action to be taken. If the filing appears to afford inadequate disclosure, as for example through omission of material information or through violation of accepted accounting principles and practices, the usual practice is to bring the deficiency to the attention of the person who filed the document by letter from the Assistant Director assigned supervision over the particular filing, and to afford a reasonable opportunity to discuss the matter and make the necessary corrections. This informal procedure is not generally employed when the deficiencies appear to stem from careless disregard of the statutes and rules or a deliberate attempt to conceal or mislead or where the Commission deems formal proceedings necessary in the public interest. Where it appears that the filing affords adequate disclosure, acceleration of its effectiveness when appropriate normally will be granted. A similar procedure is followed with respect to filings under the Investment Company Act of 1940 and certain filings relating to investment companies under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Trust Indenture Act of 1939, which are routed to the Division of Investment Management, and filings under the Public Utility Holding Company Act of 1935 which are routed to the Division of Corporate Regulation.

(b) Applications for registration as brokers, dealers, investment advisers, municipal securities dealers and transfer agents are submitted to the Office of Reports and Information Services where they are examined to determine whether all necessary information has been supplied and whether all required financial statements and other documents have been furnished in proper form. Defective applications may be returned with a request for correction or held until corrected before being accepted as a filing. The files of the Commission and other sources of information are considered to determine whether any person connected with the applicant appears to have engaged in activities which would warrant commencement of proceedings on the question of denial of registration. The staff confers with applicants and makes suggestions in appropriate cases for amendments and supplemental information. Where it appears appropriate in the public interest and where a basis therefor exists, denial proceedings may be instituted. Within 45 days of the date of the filing of a broker-dealer, investment adviser or municipal securities dealer application (or within such longer period as to which the applicant consents), the Commission shall (1) by order grant registration, or (2) institute proceedings to determine whether registration should be denied. An application for registration as a transfer agent shall become effective within 30 days after receipt of the application (or within such shorter period as the Commission may determine). The Office of Reports and Information Services is also responsible for the processing and substantive examination of statements of beneficial ownership of securities and changes in such ownership filed under the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940, and for the examination of reports filed pursuant to § 230.144 of this chapter.

§ 202.7 Submittals.

All required statements, reports, applications, etc. must be filed with the principal office of the Commission except letters of notification filed pursuant to §§ 230.251 et seq. of this chapter, notices of proposed sale of securities pursuant to § 230.237 of this chapter, and reports by issuer of sales pursuant to § 230.240 of this chapter, under the Securities Act of 1933. Reports by exchange members, brokers and dealers required by § 240.17a–5 of this chapter under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in § 230.255(a) of this chapter under the Securities Act of 1933, and with the principal office of the Commission and the appropriate regional office as provided under § 240.17a–5(a) et seq. of this chapter under the Securities Exchange Act of 1934.

[FR Doc.76–29784 Filed 10–8–76;8:45 am]

[Release No. 34–12843]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Brokers and Dealers Effecting Transactions in Municipal Securities

The Securities and Exchange Commission today announced the extension until January 1, 1977 of certain aspects of its financial responsibility and reporting program pertaining to transactions in municipal securities. The affected components of the program consist of the Commission's temporary amendments to Rule 15c3–1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3–1) ("§ 240.15c3–1"), the uniform net capital rule, regarding certain receivables arising from municipal securities underwritings and undue concentrations of municipal securities.

NET CAPITAL TREATMENT OF CERTAIN UNDERWRITING RECEIVABLES

In its original form, § 240.15c3–1(c)(2)(iv)(C) required the deduction from net worth of all good faith deposits arising in connection with an underwriting and outstanding longer than eleven business days. Furthermore, profits derived from participation in an underwriting syndicate were treated as "unsecured receivables" which, pursuant to § 240.15c3–1(c)(2)(iv)(E), were deducted from net worth. These provisions were premised upon industry practices followed in the underwriting of corporate securities. However, as the Commission pointed out in Securities Exchange Act Release No. 11854 (Nov. 20, 1975) (40 FR 57786 (Dec. 12, 1975)) ("Release No. 11854"), municipal securities underwriting syndicates and joint accounts generally "operate on a much more protracted timetable than their corporate securities counterparts."[1] The Commission noted

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that the duration and conduct of public offerings of municipal securities might be an appropriate matter for consideration by the Municipal Securities Rulemaking Board (the "Board"), and, as an interim measure, temporarily amended § 240.15c 3-1(c)(2)(iv)(C) to permit inclusion in net worth of receivables and good faith deposits arising from participation in municipal securities underwritings and outstanding not longer than ninety days from settlement of the underwriting with the issuer.[2]

In Securities Exchange Act Release No. 12482 (May 26, 1976) (41 FR 24114 (June 15, 1976)) ("Release No. 12482"), the Commission postponed the expiration of the temporary amendment to § 240.15c3-1(c)(2)(iv)(C) until October 1, 1976. On this occasion, the Commission noted that it had been apprised that the Board was developing regulations which would, inter alia, establish time limits within which managing underwriters must remit good faith deposits and distribute syndicate or joint account profits.[3] This referred to an exposure draft of a proposed Board Rule G–12 prescribing uniform rules of practice for municipal securities brokers and municipal securities dealers, which the Board circulated on April 22, 1976. In its draft form, proposed Rule G–12(i) requires the manager of a syndicate or similar account formed for the purchase of municipal securities from their issuer to return good faith deposits within two business days after settlement with the issuer. The draft of proposed Rule G–12(j) provides that final settlement of such a syndicate or account (presumably including distribution of profits arising therefrom) must occur no later than sixty days after delivery of all municipal securities by the syndicate or account manager to participants therein. The Board invited comment on its exposure draft during a period expiring on May 24, 1976; we understand that the Board is presently considering proposed Rule G–12 in light of comments received.

The Commission has determined that it is appropriate in the public interest to extend the temporary amendment to § 240.15c3–1(c)(2)(iv)(C) to afford the Board sufficient time to complete development of proposed Rule G–12, and to provide the Commission with an opportunity to consider whether it is appropriate to coordinate the net capital treatment of municipal securities underwriting receivables wtih such remittance standards as proposed Rule G–12 may finally embody. Accordingly, the Commission amends § 240.15c3–1(c)(2)(iv)(C) to delay the expiration of the temporary amendment thereto until January 1, 1977. The amended text of § 240.15c3–1(c)(2)(iv)(C) appears later in this release.

Undue Concentration of Municipal Securities

Section 240.15c3–1(c)(2)(vi)(M) essentially provides that a deduction from net worth equal to half the appropriate haircut shall be taken against long or short positions in the securities of an issuer of a single class or series, the market value of which positions exceeds ten percent of tentative net capital. A similar provision, § 240.15c3–1(f)(3)(iii), applies to computations under the alternative net capital requirement.

In Release No. 11854, the Commission exempted positions in municipal securities from the undue concentration provisions until June 1, 1976.[4] On this occasion, the Commission related the suggestions of certain commentators that these provisions might unduly penalize certain historically safe positioning practices of the municipal securities industry.[5] The Commission concluded that while it might not be appropriate to apply the existing undue concentration criteria to municipal securities, undue concentration requirements appropriate for these securities should be developed.[6] To that end, the Commission solicited public comment and impact studies concerning this matter.[7]

By May 1976, as the Commission noted in Release No. 12482,[8] interested members of the public had suggested several different solutions to the undue concentration question, but had not yet developed impact data indicating the contours of undue concentrations of municipal securities. Accordingly, the Commission continued the undue concentration exemption for municipal securities until October 1, 1976, and renewed its request for impact studies and other appropriate statistical compilations enabling the Commission to identify a point at which inventoried municipal securities become unduly concentrated.[9]

Since the issuance of Release No. 12482, certain interested members of the public have embarked upon extensive surveys and impact studies responsive to this and several other requests for data propounded in Release No. 12482. The Commission has been informed that these studies are expected to be completed not later than November 1, 1976. The Commission believes it is appropriate to continue the exemption of municipal securities from the undue concentration provisions of § 240.15c3–1 to permit mature consideration of this issue in the light of those statistical studies forthcoming from the public.[10] Accordingly, the Commission has determined to amend § 240.15c3–1(c)(2)(iv)(M) and (f)(3)(iii) to extend the temporary amendments thereto until January 1, 1977.

The text of the amendments to these provisions appears below.

Public Procedure

In Release No. 12482, the Commission invited public comment concerning several questions relating to the appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. The amendments to § 240.15c3–1 adopted herein are necessary to afford interested members of the public sufficient time to develop and transmit to the Commission information responsive to the Commission's solicitation of comment. The Commission finds, pursuant to 5 U.S.C. 553(b)(3)(B) (1970), that further notice and public procedure respecting these amendments is impracticable and unnecessary in the public interest. The Commission finds further that these amendments relieve regulatory restrictions within the meaning of 5 U.S.C. 553(d)(1) (1970), and may therefore become effective less than thirty days from their publication.

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w, the Commission amends § 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective immediately. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's mandate under section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to establish minimum financial responsibility standards for all brokers and dealers.

[1] Securities Exchange Act Release No. 11854, at 9 (Nov. 20, 1975), 40 FR 57786, 57789 (Dec. 12, 1975) (hereinafter cited as Release No. 11854).

[2] Id. at 9–10, 40 FR at 57789.

[3] Securities Exchange Act Release No. 12482, at 13 (May 26, 1976), 41 FR 24114, 24116 (June 15, 1976) (hereinafter cited as Release No. 12482).

[4] Release No. 11854 at 12, 40 FR at 57790.

[5] Id.

[6] Id.

[7] Id. at 27, 40 FR at 57795.

[8] Release No. 12482 at 14–15, 41 FR at 24116–17.

[9] Id.

[10] The same considerations apply to the two other principal issues upon which comment was requested in Release No. 12482: the contours of a "ready market" for municipal securities, and the possible need to modify the treatment of certain debit items for purposes of § 240.15c3–1(f), the alternative net capital requirement. The temporary provisions dealing with these issues—an indefinite suspension of § 240.15c3–1(c)(2)(vii) as applied to municipal securities and two temporary amendments to § 240.15c-3–1(f) expiring January 1, 1977—supply the Commission with sufficient time to analyze and act upon data germane to these issues. However, these considerations do not apply to a temporary amendment to § 240.15c3-1(c)(1)(i) respecting overnight bank loans incurred by brokers and dealers effecting transactions solely in municipal securities, which has been extended twice before and which is currently scheduled to expire on October 1, 1976. In Release No. 12482, the Commission indicated that the most recent extension of this temporary amendment was intended solely to afford these brokers and dealers a transitional period during which they might familiarize themselves with the alternative net capital requirement. Release No. 12482 at 11, 41 FR at 24116. It appears to the Commission that this temporary amendment has served its purpose, and should now be permitted to lapse. The Commission notes that on and after October 1, 1976, brokers and dealers of this class not operating under the alternative net capital requirement may either include their overnight loans in aggregate indebtedness, or deduct, pursuant to § 240.15c3–1(c)(2)(xiii), 4 percent of such indebtedness from their net worth, if the indebtedness is collateralized by municipal (or exempted) securities (i) not carried long, or (ii) failed to deliver.

Text of Amendments to § 240.15c3–1

The text of the revised § 240.15c3–1(c)(2)(iv)(C) is as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

* * * * * * *

(c) * * *

(2) * * *

(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in paragraph (c)(2)(iv)(E) of this section), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) business days from the settlement of the underwriting with the issuer; and, until January 1, 1977, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

* * * * * * *

In § 240.15c3–1, the last sentence of paragraphs (c)(2)(vi)(M) and (f)(3)(iii) is amended to read as follows:

* * * *Provided further*, That until January 1, 1977, this paragraph shall not apply to municipal securities.

By the Commission.

George A. Fitzsimmons,
Secretary.

September 29, 1976.

[FR Doc.76-29783 Filed 10-8-76;8:45 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1976 Crop Corn Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Corn Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop corn and operating provisions to carry out the 1976 crop corn loan and purchase program was published in the Federal Register (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop corn on a national average will be increased to $1.25 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Corn Loan and Purchase Program Regulations, published at 35 FR 13969, and any amendments to such regulations are further supplemented for the 1976 crop of corn. 7 CFR § 1421.111 through § 1421.113 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of corn. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Corn Loan and Purchase Program

Sec.
1421.111 Availability.
1421.112 Maturity of loans.
1421.113 Loan and purchase rates, premiums and discounts.

Authority: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1441 note, 1421)

Subpart—1976 Crop Corn Loan and Purchase Program

§ 1421.111 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible corn on or before May 31, 1977.

(b) *Purchases.* A producer desiring to offer eligible 1976 crop corn not under loan for purchase must execute and deliver to the county ASCS office on or before April 30, 1978, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1976 crop corn he will sell to CCC. Delivery of the commodity to CCC will not be accepted before April 30, 1978.

§ 1421.112 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.113 Loan and purchase rates, premiums and discounts.

County basic loan and purchase rates for corn and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the corn is stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse-stored corn loans shall be the basic rate for the county where the corn is stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.22(c), settlement for corn delivered from other than approved warehouse storage shall be based on the basic rate for the county in which the producer's customary delivery point is located, and on the quality and quantity of the corn delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county rates.* Basic county rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

ALABAMA

County	Rate per bushel	County	Rate per bushel
All counties	$1.40		

ARIZONA

All counties	$1.46

ARKANSAS

All counties	$1.37

CALIFORNIA

All counties	$1.46

COLORADO

Baca	$1.29	Prowers	$1.28
Cheyenne	1.28	Sedgwick	1.28
Kit Carson	1.28	Washington	1.30
Kiowa	1.28	Yuma	1.27
Lincoln	1.31	All other	
Logan	1.30	counties	1.32
Phillips	1.28		

CONNECTICUT

All counties	$1.49

DELAWARE

All counties	$1.43

FLORIDA

All counties	$1.41

GEORGIA

All counties	$1.41

HAWAII

All counties	$1.77

IDAHO

All counties	$1.43

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ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.30	Lee	$1.30
Alexander	1.34	Livingston	1.30
Bond	1.32	Logan	1.30
Boone	1.30	McDonough	1.31
Brown	1.31	McHenry	1.32
Bureau	1.30	McLean	1.29
Calhoun	1.32	Macon	1.30
Carroll	1.28	Macoupin	1.32
Cass	1.31	Madison	1.34
Champaign	1.29	Marion	1.31
Christian	1.31	Marshall	1.30
Clark	1.29	Mason	1.31
Clay	1.30	Massac	1.34
Clinton	1.33	Menard	1.30
Coles	1.29	Mercer	1.29
Cook	1.34	Monroe	1.35
Crawford	1.29	Montgomery	1.31
Cumberland	1.29	Morgan	1.31
De Kalb	1.30	Moultrie	1.29
De Witt	1.29	Ogle	1.29
Douglas	1.29	Peoria	1.31
Du Page	1.33	Perry	1.34
Edgar	1.29	Piatt	1.29
Edwards	1.31	Pike	1.31
Effingham	1.30	Pope	1.33
Fayette	1.31	Pulaski	1.34
Ford	1.30	Putnam	1.30
Franklin	1.32	Randolph	1.34
Fulton	1.31	Richland	1.30
Gallatin	1.32	Rock Island	1.29
Greene	1.32	St. Clair	1.35
Grundy	1.31	Saline	1.32
Hamilton	1.31	Sangamon	1.30
Hancock	1.30	Schuyler	1.31
Hardin	1.33	Scott	1.31
Henderson	1.30	Shelby	1.30
Henry	1.30	Stark	1.31
Iroquois	1.30	Stephenson	1.27
Jackson	1.33	Tazewell	1.30
Jasper	1.29	Union	1.33
Jefferson	1.33	Vermilion	1.29
Jersey	1.32	Wabash	1.31
Jo Daviess	1.27	Warren	1.31
Johnson	1.33	Washington	1.35
Kane	1.32	Wayne	1.31
Kankakee	1.31	White	1.31
Kendall	1.31	Whiteside	1.29
Knox	1.31	Will	1.33
Lake	1.35	Williamson	1.32
La Salle	1.30	Winnebago	1.28
Lawrence	1.30	Woodford	1.30

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.28	Hancock	$1.26
Allen	1.28	Perry	1.32
Bartholomew	1.29	Hendricks	1.26
Benton	1.30	Henry	1.26
Blackford	1.27	Howard	1.28
Boone	1.25	Huntington	1.27
Brown	1.29	Jackson	1.31
Carroll	1.28	Jasper	1.31
Cass	1.30	Jay	1.28
Clark	1.32	Jefferson	1.32
Clay	1.27	Jennings	1.31
Clinton	1.26	Johnson	1.27
Crawford	1.32	Knox	1.31
Daviess	1.31	Kosciusko	1.30
Dearborn	1.32	Lagrange	1.28
Decatur	1.29	Lake	1.33
De Kalb	1.28	La Porte	1.33
Delaware	1.26	Lawrence	1.31
Dubois	1.31	Madison	1.25
Elkhart	1.30	Marion	1.26
Fayette	1.28	Marshall	1.31
Floyd	1.32	Martin	1.31
Fountain	1.27	Miami	1.28
Franklin	1.31	Monroe	1.29
Fulton	1.30	Montgomery	1.27
Gibson	1.32	Morgan	1.27
Grant	1.27	Newton	1.31
Greene	1.29	Noble	1.26
Hamilton	1.25	Ohio	1.32
Harrison	1.32	Orange	1.31

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Owen	1.27	Sullivan	1.29
Parke	1.27	Switzerland	1.32
Pike	1.31	Tippecanoe	1.28
Porter	1.33	Tipton	1.26
Posey	1.32	Union	1.29
Pulaski	1.31	Vanderburgh	1.32
Putnam	1.26	Vermillion	1.28
Randolph	1.27	Vigo	1.28
Ripley	1.31	Wabash	1.28
Rush	1.27	Warren	1.28
St. Joseph	1.31	Warrick	1.32
Scott	1.32	Washington	1.32
Shelby	1.27	Wayne	1.27
Spencer	1.32	Wells	1.27
Starke	1.31	White	1.30
Steuben	1.28	Whitley	1.28

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.23	Jefferson	$1.26
Adams	1.26	Johnson	1.26
Allamakee	1.21	Jones	1.25
Appanoose	1.26	Keokuk	1.26
Audubon	1.23	Kossuth	1.17
Benton	1.24	Lee	1.27
Black Hawk	1.25	Linn	1.24
Boone	1.22	Louisa	1.27
Bremer	1.23	Lucas	1.25
Buchanan	1.24	Lyon	1.16
Buena Vista	1.19	Madison	1.23
Butler	1.22	Mahaska	1.25
Calhoun	1.20	Marion	1.24
Carroll	1.23	Marshall	1.24
Cass	1.24	Mills	1.26
Cedar	1.27	Mitchell	1.20
Cerro Gordo	1.21	Monona	1.24
Cherokee	1.19	Monroe	1.25
Chickasaw	1.22	Montgomery	1.26
Clark	1.25	Muscatine	1.27
Clay	1.17	O'Brien	1.18
Clayton	1.23	Osceola	1.16
Clinton	1.27	Page	1.28
Crawford	1.24	Palo Alto	1.16
Dallas	1.22	Plymouth	1.20
Davis	1.27	Pocahontas	1.19
Decatur	1.27	Polk	1.23
Delaware	1.24	Pottawattamie	1.26
Des Moines	1.27	Poweshiek	1.24
Dickinson	1.15	Ringgold	1.26
Dubuque	1.25	Sac	1.21
Emmet	1.15	Scott	1.27
Fayette	1.23	Shelby	1.25
Floyd	1.22	Sioux	1.18
Franklin	1.21	Story	1.24
Fremont	1.27	Tama	1.24
Greene	1.21	Taylor	1.28
Grundy	1.23	Union	1.26
Guthrie	1.22	Van Buren	1.27
Hamilton	1.21	Wapello	1.26
Hancock	1.20	Warren	1.24
Hardin	1.23	Washington	1.26
Harrison	1.25	Wayne	1.26
Henry	1.27	Webster	1.20
Howard	1.20	Winnebago	1.19
Humboldt	1.18	Winneshiek	1.21
Ida	1.21	Woodbury	1.22
Iowa	1.25	Worth	1.20
Jackson	1.26	Wright	1.20
Jasper	1.24		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.31	Clay	$1.25
Anderson	1.32	Cloud	1.25
Atchison	1.33	Coffey	1.30
Barber	1.25	Comanche	1.25
Barton	1.23	Cowley	1.26
Bourbon	1.33	Crawford	1.33
Brown	1.31	Decatur	1.23
Butler	1.27	Dickinson	1.25
Chase	1.27	Doniphan	1.31
Chautauqua	1.27	Douglas	1.33
Cherokee	1.33	Edwards	1.24
Cheyenne	1.21	Elk	1.27
Clark	1.25	Ellis	1.23

KANSAS—Continued

County	Rate per bushel	County	Rate per Bushel
Ellsworth	$1.24	Neosho	$1.31
Finney	1.24	Ness	1.23
Ford	1.25	Norton	1.24
Franklin	1.32	Osage	1.30
Geary	1.27	Osborne	1.23
Gove	1.22	Ottawa	1.25
Graham	1.22	Pawnee	1.24
Grant	1.25	Phillips	1.24
Gray	1.25	Pottawatomie	1.30
Greeley	1.23	Pratt	1.24
Greenwood	1.28	Rawlins	1.22
Hamilton	1.24	Reno	1.24
Harper	1.25	Republic	1.26
Harvey	1.25	Rice	1.24
Haskell	1.24	Riley	1.29
Hodgeman	1.24	Rooks	1.23
Jackson	1.31	Rush	1.23
Jefferson	1.33	Russell	1.23
Jewell	1.24	Saline	1.25
Johnson	1.34	Scott	1.23
Kearny	1.24	Sedgewick	1.26
Kingman	1.25	Seward	1.26
Kiowa	1.24	Shawnee	1.31
Labette	1.29	Sheridan	1.22
Lane	1.23	Sherman	1.22
Leavenworth	1.34	Smith	1.24
Lincoln	1.24	Stafford	1.24
Linn	1.33	Stanton	1.25
Logan	1.22	Stevens	1.26
Lyon	1.29	Sumner	1.26
McPherson	1.25	Thomas	1.22
Marion	1.25	Trego	1.22
Marshall	1.29	Wabaunsee	1.29
Meade	1.26	Wallace	1.22
Miami	1.33	Washington	1.28
Mitchell	1.24	Wichita	1.23
Montgomery	1.28	Wilson	1.29
Morris	1.27	Woodson	1.31
Morton	1.26	Wyandotte	1.34
Nemaha	1.30		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Ballard	$1.34	Jefferson	$1.34
Boone	1.33	Kenton	1.33
Bracken	1.35	Lewis	1.35
Breckinridge	1.34	Livingston	1.34
Bullitt	1.35	McCracken	1.34
Campbell	1.33	Mason	1.35
Carroll	1.34	Meade	1.34
Crittenden	1.34	Oldham	1.34
Daviess	1.34	Trimble	1.34
Gallatin	1.34	Union	1.34
Hancock	1.34	All Other Counties	1.36
Henderson	1.34		

LOUISIANA

All counties $1.39

MAINE

All counties $1.49

MARYLAND

All counties $1.43

MASSACHUSETTS

All counties $1.49

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.26	Chippewa	1.24
Alger	1.24	Clare	1.24
Allegan	1.26	Clinton	1.25
Alpena	1.26	Crawford	1.26
Antrim	1.26	Delta	1.24
Arenac	1.25	Dickinson	1.24
Baraga	1.24	Eaton	1.26
Barry	1.25	Emmet	1.26
Bay	1.24	Genesee	1.26
Benzie	1.26	Gladwin	1.24
Berrien	1.31	Gogebic	1.24
Branch	1.28	Grand Traverse	1.26
Calhoun	1.26	Gratiot	1.23
Cass	1.29	Hillsdale	1.29
Charlevoix	1.26	Houghton	1.24
Cheboygan	1.26		

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Huron	$1.24	Montcalm	$1.23
Ingham	1.26	Montmorency	1.26
Ionia	1.25	Muskegon	1.25
Iosco	1.25	Newaygo	1.24
Iron	1.24	Oakland	1.27
Isabella	1.23	Oceana	1.25
Jackson	1.27	Ogenaw	1.25
Kalkaska	1.26	Ontonagon	1.24
Kent	1.24	Osceola	1.24
Keweenaw	1.24	Oscoda	1.26
Lake	1.25	Otsego	1.26
Lapeer	1.26	Ottawa	1.25
Leelanau	1.26	Presque Isle	1.26
Lenawee	1.30	Roscommon	1.25
Livingston	1.27	Saginaw	1.23
Luce	1.24	St. Clair	1.26
Mackinac	1.24	St. Joseph	1.28
Macomb	1.27	Sanilac	1.24
Manistee	1.25	Schoolcraft	1.24
Marquette	1.24	Shiawassee	1.25
Mason	1.25	Tuscola	1.23
Mecosta	1.23	Van Buren	1.27
Menominee	1.24	Washtenaw	1.26
Midland	1.23	Wayne	1.29
Missaukee	1.25	Wexford	1.25
Monroe	1.31		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.17	Marshall	$1.15
Anoka	1.17	Martin	1.14
Becker	1.15	Meeker	1.17
Beltrami	1.15	Mille Lacs	1.17
Benton	1.17	Morrison	1.16
Big Stone	1.12	Mower	1.18
Blue Earth	1.16	Murray	1.13
Brown	1.16	Nicollet	1.16
Carlton	1.17	Nobles	1.14
Carver	1.17	Norman	1.15
Cass	1.15	Olmsted	1.18
Chippewa	1.15	Otter Tail	1.15
Chisago	1.17	Pennington	1.15
Clay	1.15	Pine	1.17
Clearwater	1.15	Pipestone	1.13
Cook	1.17	Polk	1.15
Cottonwood	1.13	Pope	1.15
Crow Wing	1.16	Ramsey	1.17
Dakota	1.17	Red Lake	1.15
Dodge	1.17	Redwood	1.14
Douglas	1.16	Renville	1.16
Faribault	1.15	Rice	1.17
Fillmore	1.19	Rock	1.14
Freeborn	1.16	Roseau	1.15
Goodhue	1.17	St. Louis	1.17
Grant	1.15	Scott	1.17
Hennepin	1.17	Sherburne	1.17
Houston	1.19	Sibley	1.17
Hubbard	1.15	Stearns	1.16
Isanti	1.17	Steele	1.16
Itasca	1.17	Stevens	1.14
Jackson	1.14	Swift	1.14
Kanabec	1.17	Todd	1.16
Kandiyohi	1.16	Traverse	1.12
Kittson	1.15	Wabasha	1.17
Koochiching	1.17	Wadena	1.16
Lac Qui Parle	1.12	Waseca	1.16
Lake	1.17	Washington	1.17
Lake of the Woods	1.15	Watonwan	1.14
Le Sueur	1.17	Wilkin	1.14
Lincoln	1.11	Winona	1.18
Lyon	1.12	Wright	1.17
McLeod	1.17	Yellow Medicine	1.13
Mahnomen	1.15		

MISSISSIPPI

All counties $1.39

MISSOURI

County	Rate per Bushel	County	Rate per Bushel
Adair	$1.29	Linn	$1.31
Andrew	1.33	Livingston	1.33
Atchison	1.30	McDonald	1.35
Audrain	1.31	Macon	1.30
Barry	1.36	Madison	1.33
Barton	1.32	Maries	1.32
Bates	1.33	Marion	1.29
Benton	1.31	Mercer	1.29
Bollinger	1.33	Miller	1.32
Boone	1.30	Mississippi	1.34
Buchanan	1.34	Moniteau	1.31
Butler	1.34	Monroe	1.30
Caldwell	1.34	Montgomery	1.31
Callaway	1.31	Morgan	1.31
Camden	1.32	New Madrid	1.34
Cape Girardeau	1.33	Newton	1.34
Carroll	1.33	Nodaway	1.31
Carter	1.34	Oregon	1.36
Cass	1.34	Osage	1.31
Cedar	1.33	Ozark	1.38
Charlton	1.32	Pemiscot	1.34
Christian	1.36	Perry	1.33
Clark	1.28	Pettis	1.30
Clay	1.34	Phelps	1.34
Clinton	1.34	Pike	1.31
Cole	1.31	Platte	1.34
Cooper	1.29	Polk	1.34
Crawford	1.33	Pulaski	1.34
Dade	1.33	Putnam	1.28
Dallas	1.34	Ralls	1.30
Daviess	1.32	Randolph	1.30
De Kalb	1.32	Ray	1.34
Dent	1.34	Reynolds	1.34
Douglas	1.38	Ripley	1.34
Dunklin	1.34	St. Charles	1.32
Franklin	1.33	St. Clair	1.32
Gasconade	1.31	St. Francois	1.33
Gentry	1.30	Ste. Genevieve	1.33
Greene	1.34	St. Louis	1.34
Grundy	1.31	Saline	1.32
Harrison	1.30	Schuyler	1.29
Henry	1.32	Scotland	1.28
Hickory	1.32	Scott	1.34
Holt	1.31	Shannon	1.36
Howard	1.30	Shelby	1.29
Howell	1.38	Stoddard	1.34
Iron	1.33	Stone	1.36
Jackson	1.34	Sullivan	1.30
Jasper	1.33	Taney	1.38
Jefferson	1.34	Texas	1.36
Johnson	1.34	Vernon	1.32
Knox	1.29	Warren	1.32
Laclede	1.34	Washington	1.33
Lafayette	1.34	Wayne	1.34
Lawrence	1.34	Webster	1.36
Lewis	1.29	Worth	1.30
Lincoln	1.32	Wright	1.36

MONTANA

All counties $1.34

NEBRASKA

County	Rate per Bushel	County	Rate per Bushel
Adams	$1.22	Butler	$1.25
Antelope	1.22	Cass	1.26
Arthur	1.22	Cedar	1.20
Banner	1.27	Chase	1.21
Blaine	1.18	Cherry	1.20
Boone	1.22	Cheyenne	1.25
Box Butte	1.25	Clay	1.24
Boyd	1.19	Colfax	1.25
Brown	1.18	Cuming	1.24
Buffalo	1.19	Custer	1.18
Burt	1.26	Dakota	1.20

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Dawes	$1.25	McPherson	$1.20
Dawson	1.18	Madison	1.22
Deuel	1.25	Merrick	1.21
Dixon	1.20	Morrill	1.27
Dodge	1.25	Nance	1.22
Douglas	1.27	Nemaha	1.28
Dundy	1.20	Nuckolls	1.25
Fillmore	1.25	Otoe	1.27
Franklin	1.22	Pawnee	1.29
Frontier	1.20	Perkins	1.22
Furnas	1.21	Phelps	1.21
Gage	1.26	Pierce	1.22
Garden	1.23	Platte	1.23
Garfield	1.19	Polk	1.23
Gosper	1.20	Red Willow	1.20
Grant	1.22	Richardson	1.30
Greeley	1.21	Rock	1.18
Hall	1.21	Saline	1.26
Hamilton	1.21	Sarpy	1.25
Harlan	1.22	Saunders	1.25
Hayes	1.20	Scotts Bluff	1.27
Hitchcock	1.20	Seward	1.25
Holt	1.19	Sheridan	1.23
Hooker	1.20	Sherman	1.19
Howard	1.21	Sioux	1.27
Jefferson	1.27	Stanton	1.24
Johnson	1.26	Thayer	1.25
Kearney	1.21	Thomas	1.19
Keith	1.23	Thurston	1.24
Keyapaha	1.18	Valley	1.19
Kimball	1.27	Washington	1.27
Knox	1.20	Wayne	1.22
Lancaster	1.26	Webster	1.22
Lincoln	1.20	Wheeler	1.21
Logan	1.19	York	1.23
Loup	1.18		

NEVADA

All counties $1.47

NEW HAMPSHIRE

All counties $1.49

NEW JERSEY

All counties $1.45

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Curry	$1.36	Roosevelt	$1.36
Harding	1.36	Union	1.36
Lea	1.36	All other counties	1.43
Quay	1.36		

NEW YORK

All counties $1.44

NORTH CAROLINA

All counties $1.42

NORTH DAKOTA

All counties $1.18

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.33	Clinton	$1.31
Allen	1.30	Columbiana	1.40
Ashland	1.33	Coshocton	1.34
Ashtabula	1.40	Crawford	1.31
Athens	1.36	Cuyahoga	1.36
Auglaize	1.29	Darke	1.28
Belmont	1.38	Defiance	1.29
Brown	1.33	Delaware	1.30
Butler	1.30	Erie	1.32
Carroll	1.37	Fairfield	1.32
Champaign	1.29	Fayette	1.30
Clark	1.29	Franklin	1.29
Clermont	1.32	Fulton	1.31

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OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Gallia	$1.34	Morgan	$1.36
Geauga	1.38	Morrow	1.31
Greene	1.29	Muskingum	1.34
Guernsey	1.36	Noble	1.37
Hamilton	1.31	Ottawa	1.33
Hancock	1.31	Paulding	1.29
Hardin	1.30	Perry	1.34
Harrison	1.38	Pickaway	1.30
Henry	1.31	Pike	1.32
Highland	1.31	Portage	1.38
Hocking	1.33	Preble	1.29
Holmes	1.34	Putnam	1.30
Huron	1.32	Richland	1.31
Jackson	1.33	Ross	1.31
Jefferson	1.39	Sandusky	1.31
Knox	1.31	Scioto	1.33
Lake	1.38	Seneca	1.31
Lawrence	1.34	Shelby	1.29
Licking	1.31	Stark	1.37
Logan	1.30	Summit	1.36
Lorain	1.33	Trumbull	1.40
Lucas	1.33	Tuscarawas	1.36
Madison	1.29	Union	1.30
Mahoning	1.40	Van Wert	1.29
Marion	1.31	Vinton	1.33
Medina	1.35	Warren	1.31
Meigs	1.35	Washington	1.38
Mercer	1.28	Wayne	1.35
Miami	1.29	Williams	1.30
Monroe	1.39	Wood	1.31
Montgomery	1.29	Wyandot	1.31

OKLAHOMA

Beaver	$1.31	Harper	$1.31
Beckham	1.35	Roger Mills	1.35
Cimarron	1.30	Texas	1.30
Ellis	1.33	All Other Counties	1.37
Harmon	1.35		

OREGON

All counties $1.43

PENNSYLVANIA

All counties $1.44

RHODE ISLAND

All counties $1.49

SOUTH CAROLINA

All counties $1.42

SOUTH DAKOTA

Aurora	$1.11	Jackson	$1.16
Beadle	1.11	Jerauld	1.11
Bennett	1.18	Jones	1.15
Bon Homme	1.15	Kingsbury	1.11
Brookings	1.11	Lake	1.13
Brown	1.11	Lawrence	1.17
Brule	1.11	Lincoln	1.16
Buffalo	1.11	Lyman	1.13
Butte	1.17	McCook	1.13
Campbell	1.13	McPherson	1.12
Charles Mix	1.13	Marshall	1.11
Clark	1.11	Meade	1.16
Clay	1.18	Mellette	1.15
Codington	1.11	Miner	1.12
Corson	1.15	Minnehaha	1.14
Custer	1.21	Moody	1.13
Davison	1.12	Pennington	1.18
Day	1.11	Perkins	1.15
Deuel	1.11	Potter	1.14
Dewel	1.15	Roberts	1.11
Douglas	1.12	Sanborn	1.12
Edmunds	1.12	Shannon	1.21
Fall River	1.24	Spink	1.11
Faulk	1.12	Stanley	1.15
Grant	1.11	Sully	1.13
Gregory	1.13	Todd	1.16
Haakon	1.15	Tripp	1.14
Hamlin	1.11	Turner	1.15
Hand	1.11	Union	1.18
Hanson	1.12	Walworth	1.14
Harding	1.17	Washabaugh	1.16
Hughes	1.13	Yankton	1.16
Hutchinson	1.14	Ziebach	1.16
Hyde	1.12		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
All Counties	$1.38		

TEXAS

Armstrong	$1.32	Hemphill	$1.32
Bailey	1.32	Hockley	1.34
Briscoe	1.32	Hutchinson	1.32
Carson	1.32	King	1.34
Castro	1.32	Lamb	1.32
Childress	1.33	Lipscomb	1.32
Cochran	1.34	Lubbock	1.34
Collingsworth	1.33	Moore	1.32
Cottle	1.34	Motley	1.34
Crosby	1.34	Ochiltree	1.32
Dallam	1.32	Oldham	1.32
Deaf Smith	1.32	Parmer	1.32
Dickens	1.34	Potter	1.32
Donely	1.33	Randall	1.32
Floyd	1.32	Roberts	1.32
Gray	1.32	Sherman	1.32
Hale	1.32	Swisher	1.32
Hall	1.33	Wheeler	1.33
Hansford	1.32	All Other Counties	1.39
Hartley	$1.32		

UTAH

All counties $1.46

VERMONT

All counties $1.49

VIRGINIA

All counties $1.43

WEST VIRGINIA

All counties $1.41

WASHINGTON

All counties $1.42

WISCONSIN

Adams	$1.22	Marathon	$1.23
Ashland	1.22	Marinette	1.24
Barron	1.20	Marquette	1.24
Bayfield	1.19	Menominee	1.24
Brown	1.24	Milwaukee	1.29
Buffalo	1.19	Monroe	1.20
Burnett	1.18	Oconto	1.24
Calumet	1.24	Oneida	1.24
Chippewa	1.20	Outagamie	1.23
Clark	1.22	Ozaukee	1.27
Columbia	1.26	Pepin	1.19
Crawford	1.22	Pierce	1.19
Dane	1.28	Polk	1.18
Dodge	1.28	Portage	1.23
Door	1.25	Price	1.22
Douglas	1.17	Racine	1.31
Dunn	1.20	Richland	1.25
Eau Claire	1.20	Rock	1.29
Florence	1.24	Rusk	1.21
Fond du Lac	1.26	St. Croix	1.19
Forest	1.24	Sauk	1.25
Grant	1.24	Sawyer	1.21
Green	1.26	Shawano	1.24
Green Lake	1.26	Sheboygan	1.25
Iowa	1.28	Taylor	1.22
Iron	1.23	Trempealeau	1.19
Jackson	1.20	Vernon	1.20
Jefferson	1.29	Vilas	1.24
Juneau	1.22	Walworth	1.30
Kenosha	1.31	Washburn	1.20
Kewaunee	1.25	Washington	1.28
La Crosse	1.19	Waukesha	1.29
Lafayette	1.27	Waupaca	1.24
Langlade	1.24	Waushara	1.24
Lincoln	1.23	Winnebago	1.24
Manitowoc	$1.25	Wood	1.22

WYOMING

All Counties $1.34

The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows:

(b) *Premiums.* (1) Moisture.

	Cents per bushel
14.0 or less	+1½
14.1 through 14.5	+1
14.6 through 15.0	+ ½

(2) Broken corn and foreign material:

Percent: 2.0 or less	+1

The premiums in this subsection (b) shall not apply to sample grade corn.

(c) *Discounts.* (1) Class.

	Cents per bushel
Mixed	−2

(2) Test weight per bushel.

Pounds:	
53.0 through 53.9	−1
52.0 through 52.9	−2
51.0 through 51.9	−3
50.0 through 50.9	−4
49.0 through 49.9	−5

(3) Total damage.

Percent:	
5.1 through 6.0	−½
6.1 through 7.0	−1

(4) Heat damage.

Percent: 0.21 through 0.50	−½

(5) Broken corn and foreign material.

Percent: 3.1through 4.0	−10

(6) Weed control laws:

Where required by § 1421.25	−10

(7) *Other:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Effective date: October 12, 1976.

Signed at Washington, D.C., on October 1, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-29609 Filed 10-8-76;8:45 am]

[CCC Grain Price Support Regulations, 1976 Crop Sorghum Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Sorghum Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop sorghum and operating provisions to carry out the 1976 crop sorghum loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop sorghum on a national average will be increased to $2.13 per cwt. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Sorghum Loan and Purchase Program Regulations, published at 35 FR 10745, and any amendments to such regulations are further supplemented for the 1976 crop of sorghum. 7 CFR § 1421.235 through § 1421.237 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of sorghum. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Sorghum Loan and Purchase Program

Sec.

1421.235 Availability.
1421.236 Maturity of loans.
1421.237 Loan and purchase rates and discounts.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421)

Subpart—1976 Crop Sorghum Loan and Purchase Program

§ 1421.235 **Availability.**

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible sorghum on or before May 31, 1977.

(b) *Purchases.* A producer desiring to offer eligible 1976 crop sorghum not under loan for purchase must execute and deliver to the county ASCS office on or before April 30, 1978, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1976 crop sorghum he will sell to CCC. Delivery of the commodity will not be accepted before April 30, 1978.

§ 1421.236 **Maturity of loans.**

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipts was issued.

§ 1421.237 **Loans and purchase rates and discounts.**

(a) *Basic rates (counties).* Basic county rates for loan and settlement purposes for sorghum grading U.S. No. 2 or better are established as follows:

ALABAMA

County	Rate per hundredweight	County	Rate per hundredweight
All counties	$2.10		

ARIZONA

Apache	$2.09	Mohave	$2.57
Cochise	2.31	Navajo	2.09
Coconino	2.09	Pima	2.37
Gila	2.09	Pinal	2.45
Graham	2.13	Santa Cruz	2.34
Greenlee	2.09	Yavapai	2.09
Maricopa	2.45	Yuma	2.50

ARKANSAS

Arkansas	$2.20	Lawrence	$2.20
Ashley	2.16	Lee	2.23
Baxter	2.08	Lincoln	2.17
Benton	2.01	Little River	2.09
Boone	2.04	Logan	2.06
Bradley	2.14	Lonoke	2.18
Calhoun	2.13	Madison	2.02
Carroll	2.01	Marion	2.05
Chicot	2.16	Miller	2.11
Clark	2.09	Mississippi	2.24
Clay	2.22	Monroe	2.22
Cleburne	2.15	Montgomery	2.06
Cleveland	2.16	Nevada	2.10
Columbia	2.12	Newton	2.05
Conway	2.11	Ouachita	2.11
Craighead	2.23	Perry	2.09
Crawford	2.06	Phillips	2.23
Crittenden	2.24	Pike	2.08
Cross	2.23	Poinsett	2.23
Dallas	2.12	Polk	2.06
Desha	2.18	Pope	2.06
Drew	2.16	Prairie	2.20
Faulkner	2.14	Pulaski	2.16
Franklin	2.06	Randolph	2.19
Fulton	2.13	St. Francis	2.23
Garland	2.08	Saline	2.10
Grant	2.11	Scott	2.06
Greene	2.22	Searcy	2.07
Hempstead	2.10	Sebastian	2.06
Hot Spring	2.09	Sevier	2.07
Howard	2.07	Sharp	2.15
Independence	2.15	Stone	2.11
Izard	2.11	Union	2.12
Jackson	2.20	Van Buren	2.12
Jefferson	2.16	Washington	2.02
Johnson	2.06	White	2.18
Lafayette	2.12	Woodruff	2.21
		Yell	2.08

CALIFORNIA

Alameda	$2.59	Madera	$2.54
Amador	2.58	Marin	2.55
Butte	2.48	Mariposa	2.54
Calaveras	2.58	Mendocino	2.34
Colusa	2.52	Merced	2.55
Contra Costa	2.59	Modoc	2.26
El Dorado	2.57	Monterey	2.46
Fresno	2.51	Napa	2.53
Glenn	2.49	Orange	2.59
Humboldt	2.23	Placer	2.52
Imperial	2.54	Plumas	2.34
Inyo	2.30	Riverside	2.54
Kern	2.55	Sacramento	2.59
Kings	2.50	San Benito	2.52
Lake	2.42	San Bernardino	2.57
Lassen	2.27	San Diego	2.59
Los Angeles	2.59	San Francisco	2.59
San Joaquin	2.59	San Luis Obispo	2.43
San Mateo	2.58	Santa Barbara	2.46
Santa Clara	2.59	Santa Cruz	2.51
Shasta	2.29	Sierra	2.36
Siskiyou	2.25	Solano	2.58
Sonoma	2.54	Stanislaus	2.59
Sutter	2.52	Tehama	2.47
Tulare	2.49	Tuolumne	2.54
Ventura	2.56	Yolo	2.52
Yuba	2.51		

COLORADO

All other counties	$2.02
Baca	$2.06

DELAWARE

All counties	$2.15

FLORIDA

All counties	$2.10

GEORGIA

All counties	$2.15

IDAHO

All counties	$1.88

ILLINOIS

Alexander	$2.15	Massac	$2.14
Bond	2.07	Monroe	2.09
Calhoun	2.03	Perry	2.10
Clay	2.07	Pope	2.13
Clinton	2.09	Pulaski	2.15
Edwards	2.09	Randolph	2.10
Franklin	2.10	Richland	2.16
Gallatin	2.09	Saint Clair	2.09
Hamilton	2.11	Saline	2.11
Hardin	2.12	Union	2.14
Jackson	2.12	Wabash	2.16
Jefferson	2.09	Washington	2.09
Jersey	2.03	Wayne	2.09
Johnson	2.13	White	2.09
Lawrence	2.13	Williamson	2.12
Lawrence	2.05	All other counties	1.97
Madison	2.09		
Marion	2.08		

INDIANA

All counties	$2.02

IOWA

Adair	$2.00	Mills	$2.01
Adams	1.99	Monona	1.99
Appanoose	1.96	Monroe	1.94
Audubon	1.98	Montgomery	2.01
Calhoun	1.93	Page	2.01
Carroll	1.97	Pottawattamie	2.01
Cass	2.01	Ringgold	2.00
Clarke	1.97	Sac	1.95
Crawford	1.98	Shelby	1.99
Decatur	1.98	Taylor	2.00
Fremont	2.01	Union	1.98
Greene	1.94	Warren	1.96
Guthrie	1.97	Wayne	1.97
Harrison	2.00	Woodbury	1.97
Ida	1.95	All other counties	1.89
Lucas	1.96		
Madison	1.98		
Marion	1.93		

KANSAS

Allen	$2.09	Chautauqua	$2.04
Anderson	2.10	Cherokee	2.08
Atchison	2.13	Cheyenne	1.93
Barber	2.00	Clark	2.00
Barton	1.96	Clay	2.01
Bourbon	2.10	Cloud	2.01
Brown	2.10	Coffey	2.07
Butler	2.00	Comanche	2.00
Chase	2.05	Cowley	2.00

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KANSAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Crawford	$2.09	Montgomery	$2.08
Decatur	1.95	Morris	2.04
Dickinson	2.00	Morton	1.99
Doniphan	2.09	Nemaha	2.07
Douglas	2.11	Neosho	2.09
Edwards	1.96	Ness	1.95
Elk	2.04	Norton	1.96
Ellis	1.96	Osage	2.08
Ellsworth	1.98	Osborne	1.98
Finney	1.97	Ottawa	2.00
Ford	2.00	Pawnee	1.96
Franklin	2.12	Phillips	1.97
Geary	2.04	Pottawatomie	2.07
Gove	1.96	Pratt	1.98
Graham	1.96	Rawlins	1.94
Grant	1.97	Reno	1.98
Gray	1.99	Republic	2.01
Greeley	1.93	Rice	1.98
Grenwood	2.05	Riley	2.05
Hamilton	1.95	Rooks	1.98
Harper	2.00	Rush	1.96
Harvey	2.00	Russell	1.96
Haskell	1.98	Saline	2.00
Hodgeman	1.98	Scott	1.94
Jackson	2.11	Sedgwick	2.00
Jefferson	2.12	Seward	1.99
Jewell	1.99	Shawnee	2.10
Johnson	2.12	Sheridan	1.96
Kearny	1.95	Sherman	1.93
Kingman	1.99	Smith	1.98
Kiowa	1.98	Stafford	1.96
Labette	2.08	Stanton	1.97
Lane	1.94	Stevens	1.99
Leavenworth	2.13	Sumner	2.00
Lincoln	1.99	Thomas	1.94
Linn	2.12	Trego	1.96
Logan	1.94	Wabaunsee	2.07
Lyon	2.06	Wallace	1.93
McPherson	2.00	Washington	2.01
Marion	2.00	Wichita	1.94
Marshall	2.05	Wilson	2.08
Meade	1.99	Woodson	2.07
Miami	2.12	Wyandotte	2.13
Mitchell	1.99		

KENTUCKY

All counties $2.10

LOUISIANA

All counties $2.12

MICHIGAN

All counties $1.97

MINNESOTA

All counties $1.92

MISSISSIPPI

All counties $2.10

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.96	Cape Girardeau	$2.13
Andrew	2.09	Carroll	2.10
Atchison	2.01	Carter	2.12
Audrain	2.01	Cass	2.11
Barry	1.99	Cedar	2.02
Barton	2.03	Chariton	2.06
Bates	2.09	Christian	2.00
Benton	2.03	Clark	1.91
Bollinger	2.12	Clay	2.13
Boone	2.00	Clinton	2.12
Buchanan	2.11	Cole	1.99
Butler	2.18	Cooper	2.03
Caldwell	2.11	Crawford	2.02
Callaway	1.99	Dade	1.99
Camden	2.02		

MISSOURI—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Dallas	$2.02	Nodaway	$2.04
Daviess	2.06	Oregon	2.11
De Kalb	2.06	Osage	2.00
Dent	2.05	Ozark	2.06
Douglas	2.05	Pemiscot	2.22
Dunklin	2.21	Perry	2.11
Franklin	2.05	Pettis	2.03
Gasconade	2.00	Phelps	2.00
Gentry	2.02	Pike	2.00
Greene	1.99	Platte	2.13
Grundy	2.05	Polk	2.00
Harrison	2.01	Pulaski	2.00
Henry	2.07	Putnam	1.99
Hickory	2.03	Ralls	1.96
Holt	2.04	Randolph	2.01
Howard	2.03	Ray	2.13
Howell	2.08	Reynolds	2.07
Iron	2.11	Ripley	2.17
Jackson	2.13	Saint Charles	2.05
Jasper	2.02	Saint Clair	2.05
Jefferson	2.09	Sainte Genevieve	2.10
Johnson	2.09	Saint Francois	2.09
Knox	1.95	Saint Louis	2.09
Laclede	2.02	Saline	2.07
Lafayette	2.11	Schuyler	1.93
Lawrence	1.99	Scotland	1.91
Lewis	1.93	Scott	2.13
Lincoln	2.03	Shannon	2.07
Linn	2.03	Shelby	1.97
Livingston	2.09	Stoddard	2.15
McDonald	1.99	Stone	2.00
Macon	2.00	Sullivan	1.99
Madison	2.12	Taney	2.02
Maries	2.00	Texas	2.02
Marion	1.95	Vernon	2.08
Mercer	2.01	Warren	2.04
Miller	2.01	Washington	2.08
Mississippi	2.14	Wayne	2.15
Moniteau	1.99	Webster	1.99
Monroe	2.00	Worth	2.02
Montgomery	2.02	Wright	2.01
Morgan	2.03		
New Madrid	2.17		
Newton	1.99		

NEBRASKA

Antelope	$1.97	Otoe	$2.00
Burt	2.00	Pawnee	2.02
Butler	2.00	Pierce	1.98
Cass	2.01	Platte	1.98
Colfax	1.99	Polk	1.98
Cuming	1.99	Richardson	2.04
Dodge	2.00	Saline	2.00
Douglas	2.01	Sarpy	2.01
Gage	2.01	Saunders	2.00
Hall	1.96	Seward	2.00
Hamilton	1.97	Stanton	1.99
Jefferson	1.98	Thayer	1.96
Johnson	2.01	Thurston	1.99
Lancaster	2.00	Washington	2.01
Madison	1.98	York	1.99
Merrick	1.96	All other counties	1.95
Nemaha	2.02		

NEVADA

All counties $2.04

NEW MEXICO

Chaves	$2.08	Lea	$2.10
Curry	2.10	Luna	2.14
De Baca	2.07	Quay	2.10
Guadalupe	2.07	Roosevelt	2.10
Harding	2.09	All other counties	2.06
Hidalgo	2.14		

NORTH CAROLINA

All counties $2.15

NORTH DAKOTA

All counties $1.87

OHIO

All counties $2.02

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$2.13	Le Flore	$2.19
Alfalfa	2.11	Lincoln	2.20
Atoka	2.21	Logan	2.17
Beaver	2.07	Love	2.21
Beckham	2.16	McClain	2.21
Blaine	2.17	McCurtain	2.19
Bryan	2.21	McIntosh	2.19
Caddo	2.21	Major	2.12
Canadian	2.20	Marshall	2.22
Carter	2.21	Mayes	2.13
Cherokee	2.18	Murray	2.21
Choctaw	2.21	Muskogee	2.19
Cimarron	2.07	Noble	2.14
Cleveland	2.21	Nowata	2.11
Coal	2.21	Okfuskee	2.19
Comanche	2.21	Oklahoma	2.20
Cotton	2.21	Okmulgee	2.19
Craig	2.11	Osage	2.12
Creek	2.19	Ottawa	2.11
Custer	2.17	Pawnee	2.15
Delaware	2.13	Payne	2.17
Dewey	2.12	Pittsburg	2.20
Ellis	2.11	Pontotoc	2.21
Garfield	2.14	Pottawatomie	2.20
Garvin	2.21	Pushmataha	2.21
Grady	2.21	Roger Mills	2.12
Grant	2.10	Rogers	2.13
Greer	2.17	Seminole	2.20
Harmon	2.16	Sequoyah	2.18
Harper	2.07	Stephens	2.21
Haskell	2.19	Texas	2.07
Hughes	2.20	Tillman	2.17
Jackson	2.17	Tulsa	2.18
Jefferson	2.21	Wagoner	2.17
Johnston	2.21	Washington	2.10
Kay	2.10	Washita	2.19
Kingfisher	2.17	Woods	2.11
Kiowa	2.20	Woodward	2.09
Latimer	2.20		

OREGON

All counties $2.03

PENNSYLVANIA

All counties $2.15

SOUTH CAROLINA

All counties $2.15

SOUTH DAKOTA

Bon Homme	$1.96	Turner	$1.95
Clay	1.98	Union	1.98
Hutchinson	1.95	Yankton	1.98
Lincoln	1.97	All other counties	1.94

TENNESSEE

Shelby	$2.22	All other counties	$2.10

TEXAS

Anderson	$2.28	Brewster	$2.00
Andrews	2.08	Briscoe	2.12
Angelina	2.33	Brooks	2.39
Aransas	2.41	Brown	2.19
Archer	2.18	Burleson	2.30
Armstrong	2.11	Burnet	2.28
Atascosa	2.33	Caldwell	2.29
Austin	2.38	Calhoun	2.37
Bailey	2.10	Callahan	2.18
Bandera	2.29	Cameron	2.45
Bastrop	2.28	Camp	2.19
Baylor	2.18	Carson	2.11
Bee	2.40	Cass	2.18
Bell	2.25	Castro	2.10
Bexar	2.28	Chambers	2.45
Blanco	2.29	Cherokee	2.25
Borden	2.10	Childress	2.16
Bosque	2.21	Clay	2.20
Bowie	2.18	Cochran	2.10
Brazoria	2.41	Coke	2.15
Brazos	2.32	Coleman	2.18

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Collin	$2.21	Irion	$2.11
Collingsworth	2.15	Jack	2.21
Colorado	2.35	Jackson	2.33
Comal	2.28	Jasper	2.35
Comanche	2.21	Jeff Davis	2.01
Concho	2.19	Jefferson	2.45
Cooke	2.21	Jim Hogg	2.36
Coryell	2.22	Jim Wells	2.42
Cottle	2.16	Johnson	2.21
Crane	2.07	Jones	2.18
Crockett	2.05	Karnes	2.38
Crosby	2.13	Kaufman	2.21
Culberson	2.00	Kendall	2.29
Dallam	2.06	Kenedy	2.39
Dallas	2.21	Kent	2.16
Dawson	2.10	Kerr	2.26
Deaf Smith	2.10	Kimble	2.23
Delta	2.20	King	2.16
Denton	2.21	Kinney	2.21
DeWitt	2.34	Kleberg	2.42
Dickens	2.16	Knox	2.18
Dimmit	2.22	Lamar	2.20
Donley	2.11	Lamb	2.10
Duval	2.36	Lampasas	2.23
Eastland	2.21	La Salle	2.25
Ector	2.06	Lavaca	2.31
Edwards	2.19	Lee	2.30
Ellis	2.21	Leon	2.28
El Paso	2.00	Liberty	2.41
Erath	2.21	Limestone	2.26
Falls	2.27	Lipscomb	2.06
Fannin	2.21	Live Oak	2.38
Fayette	2.30	Llano	2.25
Fisher	2.16	Loving	2.06
Floyd	2.12	Lubbock	2.10
Foard	2.16	Lynn	2.10
Fort Bend	2.41	McCullock	2.19
Franklin	2.19	McLennan	2.25
Freestone	2.26	McMullen	2.29
Frio	2.24	Madison	2.32
Gaines	2.10	Marion	2.19
Galveston	2.45	Martin	2.10
Garza	2.12	Mason	2.23
Gillespie	2.27	Matagorda	2.39
Glasscock	2.09	Maverick	2.15
Goliad	2.40	Medina	2.27
Gonzales	2.30	Menard	2.19
Gray	2.11	Midland	2.08
Grayson	2.22	Milam	2.29
Gregg	2.18	Mills	2.21
Grimes	2.37	Mitchell	2.13
Guadalupe	2.28	Montague	2.21
Hale	2.10	Montgomery	2.42
Hall	2.14	Moore	2.06
Hamilton	2.21	Morris	2.19
Hansford	2.06	Motley	2.14
Hardeman	2.16	Nacogdoches	2.26
Hardin	2.45	Navarro	2.25
Harris	2.45	Newton	2.35
Harrison	2.19	Nolan	2.16
Hartley	2.06	Nueces	2.45
Haskell	2.18	Ochiltree	2.06
Hays	2.28	Oldham	2.10
Hemphill	2.09	Orange	2.41
Henderson	2.24	Palo Pinto	2.21
Hidalgo	2.42	Pamola	2.25
Hill	2.22	Parker	2.21
Hockley	2.10	Parmer	2.10
Hood	2.21	Pecos	2.05
Hopkins	2.20	Polk	2.38
Houston	2.33	Potter	2.10
Howard	2.10	Presidio	2.00
Hudspeth	2.01	Rains	2.20
Hunt	2.21	Randall	2.10
Hutchinson	2.06	Reagan	2.08

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Real	$2.26	Throckmorton	$2.19
Red River	2.19	Titus	2.19
Reeves	2.07	Tom Green	2.15
Refugio	2.42	Travis	2.28
Roberts	2.07	Trinity	2.34
Robertson	2.28	Tyler	2.35
Rockwall	2.21	Upshur	2.19
Runnels	2.16	Upton	2.06
Rusk	2.22	Uvalde	2.26
Sabine	2.30	Val Verde	2.16
San Augustine	2.30	Van Zandt	2.20
San Jacinto	2.36	Victoria	2.37
San Patricio	2.45	Walker	2.37
San Saba	2.20	Waller	2.39
Schliecher	2.12	Ward	2.07
Scurry	2.13	Washington	2.38
Shackelford	2.19	Webb	2.23
Shelby	2.26	Wharton	2.37
Sherman	2.05	Wheeler	2.12
Smith	2.22	Wichita	2.17
Somervell	2.21	Wilbarger	2.17
Starr	2.38	Willacy	2.44
Stephens	2.21	Williamson	2.28
Sterling	2.11	Wilson	2.33
Stonewall	2.18	Winkler	2.06
Sutton	2.17	Wise	2.21
Swisher	2.10	Wood	2.20
Tarrant	2.21	Yoakum	2.10
Taylor	2.18	Young	2.21
Terrell	2.05	Zapata	2.35
Terry	2.10	Zavala	2.20

UTAH

All counties $2.01

VIRGINIA

All counties $2.15

WASHINGTON

All counties $2.03

WISCONSIN

All counties $1.92

WYOMING

All counties $1.93

(b) *Discounts.* The basic loan and purchase rates shall be adjusted as applicable by discounts as follows:

	Cents per bushel
(1) Class: Mixed sorghum	3
(2) Grade:	
U.S. No. 3 (not over 14 percent moisture)	3
U.S. No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.25)	15

(4) *Other factors:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to maturity date.

NOTE.—Discounts are cumulative except only one grade discount shall be applied.

Effective date: October 12, 1976.

Signed at Washington, D.C., on: October 1, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-29610 Filed 10-8-76;8:45 am]

[CCC Grain Price Support Regulations, 1976 Crop Soybean Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Soybean Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop soybeans and operating provisions to carry out the 1976 crop soybean loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that the loan and purchase rates for 1976 crop soybeans on a national average will be $2.50 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Soybean Loan and Purchase Program Regulations, published at 35 FR 13971 and any amendments to such regulations are further supplemented for the 1976 crop of soybeans. 7 CFR 1421.390 through § 1421.392 and the title of the subpart are revised

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to read as provided below, effective as to the 1976 crop of soybeans.

Subpart—1976 Crop Soybean Loan and Purchase Program

Sec.
1421.390 Availability.
1421.391 Maturity of loans.
1421.392 Loans and purchase rates, premiums and discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 303, 401, 63 Stat. 1051, as amended (7 U.S.C. 1447, 1449, 1421).

§ 1421.390 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible soybeans on or before May 31, 1977.

(b) *Purchases.* Producers desiring to offer eligible 1976 crop soybeans not under loan for purchase must execute and deliver to the county ASCS office on or before April 30, 1978, a purchase agreement (Form CCC–614) indicating the approximate quantity of 1976 crop soybeans they will sell to CCC.

§ 1421.391 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.392 Loan and purchase rates, premiums and discounts.

County rates for soybeans and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the soybeans are stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse stored soybean loans shall be the basic rate stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.22 (c), settlement for soybeans delivered from other than approved warehouse storage shall be based: (1) On the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the soybeans delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county loan and purchase rates.* Basic county rates for the classes Green or Yellow Soybeans containing 12.8 to 13 percent moisture and grading not lower than U.S. No. 2 on the factors of test weight, splits, and heat damage and U.S. No. 1 on all other factors are as follows:

ALABAMA

County	Rate per Bushel	County	Rate per Bushel
All counties	$2.47		

ARIZONA

All counties	$2.36

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$2.54	Lee	$2.54
Ashley	2.53	Lincoln	2.53
Baxter	2.49	Little River	2.46
Benton	2.43	Logan	2.47
Boone	2.46	Lonoke	2.53
Bradley	2.53	Madison	2.45
Calhoun	2.51	Marion	2.48
Carroll	2.45	Miller	2.46
Chicot	2.53	Mississippi	2.54
Clark	2.49	Monroe	2.54
Clay	2.53	Montgomery	2.46
Cleburne	2.50	Nevada	2.48
Cleveland	2.53	Newton	2.46
Columbia	2.49	Quachita	2.50
Conway	2.50	Perry	2.50
Craighead	2.52	Phillips	2.54
Crawford	2.46	Pike	2.46
Crittenden	2.54	Poinsett	2.52
Cross	2.54	Polk	2.46
Dallas	2.51	Pope	2.49
Desha	2.53	Prairie	2.54
Drew	2.53	Pulaski	2.51
Faulkner	2.51	Randolph	2.52
Franklin	2.47	St. Francis	2.54
Fulton	2.50	Saline	2.50
Garland	2.49	Scott	2.46
Grant	2.51	Searcy	2.48
Greene	2.53	Sebastian	2.46
Hempstead	2.46	Sevier	2.45
Hot Spring	2.50	Sharp	2.52
Howard	2.45	Stone	2.50
Independence	2.50	Union	2.51
Izard	2.50	Van Buren	2.49
Jackson	2.52	Washington	2.44
Jefferson	2.52	White	2.51
Johnson	2.48	Woodruff	2.54
Lafayette	2.46	Yell	2.48
Lawrence	2.52		

CALIFORNIA

All counties	$2.36

DELAWARE

All counties	$2.47

FLORIDA

All counties	$2.47

GEORGIA

All counties	$2.47

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.55	Crawford	$2.56
Alexander	2.55	Cumberland	2.57
Bond	2.57	De Kalb	2.56
Boone	2.54	De Witt	2.58
Brown	2.56	Douglas	2.57
Bureau	2.54	Du Page	2.58
Calhoun	2.55	Edgar	2.57
Carroll	2.52	Edwards	2.51
Cass	2.57	Effingham	2.57
Champaign	2.58	Fayette	2.57
Christian	2.56	Ford	2.58
Clark	2.57	Franklin	2.51
Clay	2.56	Fulton	2.56
Clinton	2.55	Gallatin	2.50
Coles	2.57	Greene	2.56
Cook	2.58	Grundy	2.56

ILLINOIS—Continued

County	Rate per Bushel	County	Rate per Bushel
Hamilton	$2.51	Montgomery	$2.57
Hancock	2.55	Morgan	2.57
Hardin	2.50	Moultrie	2.57
Henderson	2.54	Ogle	2.54
Henry	2.54	Peoria	2.57
Iroquois	2.58	Perry	2.54
Jackson	2.55	Piatt	2.58
Jasper	2.57	Pike	2.56
Jefferson	2.52	Pope	2.50
Jersey	2.56	Pulaski	2.53
Jo Daviess	2.52	Putnam	2.54
Johnson	2.53	Randolph	2.55
Kane	2.57	Richland	2.55
Kankakee	2.58	Rock Island	2.52
Kendall	2.57	St. Clair	2.55
Knox	2.56	Saline	2.55
Lake	2.57	Sangamon	2.58
LaSalle	2.56	Schuyler	2.56
Lawrance	2.54	Scott	2.57
Lee	2.54	Shelby	2.57
Livingston	2.58	Stark	2.57
Logan	2.58	Stephenson	2.52
McDonough	2.56	Tazewell	2.58
McHenry	2.55	Union	2.55
McLean	2.58	Vermillion	2.58
Macon	2.58	Wabash	2.51
Macoupin	2.57	Warren	2.56
Madison	2.56	Washington	2.55
Marion	2.56	Wayne	2.52
Marshall	2.58	White	2.50
Mason	2.57	Whiteside	2.52
Massac	2.49	Will	2.58
Menard	2.57	Williamson	2.53
Mercer	2.53	Winnebago	2.53
Monroe	2.55	Woodford	2.58

INDIANA

Adams	$2.53	Lawrence	$2.52
Allen	2.52	Madison	2.52
Bartholomew	2.52	Marion	2.53
Benton	2.57	Marshall	2.53
Blackford	2.52	Martin	2.52
Boone	2.53	Miami	2.53
Brown	2.52	Monroe	2.52
Carroll	2.53	Montgomery	2.54
Cass	2.53	Morgan	2.52
Clark	2.52	Newton	2.57
Clay	2.54	Noble	2.52
Clinton	2.53	Ohio	2.52
Crawford	2.53	Orange	2.52
Daviess	2.52	Owen	2.53
Dearborn	2.52	Parke	2.55
Decatur	2.52	Perry	2.53
De Kalb	2.52	Pike	2.52
Delaware	2.52	Porter	2.57
Dubois	2.52	Posey	2.53
Elkhart	2.52	Pulaski	2.55
Fayette	2.52	Putnam	2.54
Floyd	2.52	Randolph	2.52
Fountain	2.57	Ripley	2.52
Franklin	2.52	Rush	2.52
Fulton	2.53	St. Joseph	2.52
Gibson	2.52	Scott	2.52
Grant	2.52	Shelby	2.52
Greene	2.53	Spencer	2.53
Hamilton	2.53	Starke	2.55
Hancock	2.52	Steuben	2.52
Harrison	2.53	Sullivan	2.54
Hendricks	2.52	Switzerland	2.52
Henry	2.52	Tippecanoe	2.55
Howard	2.53	Tipton	2.53
Huntington	2.52	Union	2.52
Jackson	2.52	Vanderburgh	2.53
Jasper	2.56	Vermillion	2.57
Jay	2.52	Vigo	2.56
Jefferson	2.52	Wabash	2.52
Jennings	2.53	Warren	2.57
Johnson	2.52	Warrick	2.53
Knox	2.52	Washington	2.52
Kosciusko	2.52	Wayne	2.52
Lagrange	2.52	Wells	2.52
Lake	2.56	White	2.55
La Porte	2.55	Whitley	2.52

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.46	Jefferson	$2.52
Adams	2.46	Johnson	2.50
Allamakee	2.47	Jones	2.51
Appanoose	2.49	Keokuk	2.52
Audubon	2.45	Kossuth	2.46
Benton	2.50	Lee	2.54
Black Hawk	2.47	Linn	2.50
Boone	2.47	Louisa	2.53
Bremer	2.46	Lucas	2.49
Buchanan	2.48	Lyon	2.44
Buena Vista	2.45	Madison	2.47
Butler	2.46	Mahaska	2.51
Calhoun	2.45	Marion	2.49
Carroll	2.45	Marshall	2.49
Cass	2.46	Mills	2.45
Cedar	2.51	Mitchell	2.45
Cerro Gordo	2.46	Monona	2.44
Cherokee	2.45	Monroe	2.49
Chickasaw	2.46	Montgomery	2.45
Clark	2.48	Muscatine	2.52
Clay	2.45	O'Brien	2.45
Clayton	2.48	Osceola	2.45
Clinton	2.52	Page	2.45
Crawford	2.45	Palo Alto	2.45
Dallas	2.47	Plymouth	2.44
Davis	2.51	Pocahontas	2.45
Decatur	2.48	Polk	2.48
Delaware	2.48	Pottawattamie	2.45
Des Moines	2.54	Poweshiek	2.50
Dickinson	2.45	Ringgold	2.47
Dubuque	2.49	Sac	2.45
Emmet	2.45	Scott	2.52
Fayette	2.47	Shelby	2.45
Floyd	2.45	Sioux	2.44
Franklin	2.47	Story	2.48
Fremont	2.45	Tama	2.50
Greene	2.45	Taylor	2.46
Grundy	2.48	Union	2.47
Guthrie	2.45	Van Buren	2.53
Hamilton	2.47	Wapello	2.51
Hancock	2.46	Warren	2.48
Hardin	2.48	Washington	2.53
Harrison	2.44	Wayne	2.49
Henry	2.53	Webster	2.47
Howard	2.46	Winnebago	2.46
Humboldt	2.46	Winneshiek	2.47
Ida	2.45	Woodbury	2.44
Iowa	2.50	Worth	2.46
Jackson	2.52	Wright	2.46
Jasper	2.49		

KANSAS

All counties	$2.43

KENTUCKY

All counties	$2.51

LOUISIANA

All counties	$2.51

MARYLAND

All counties	$2.47

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.44	Lapeer	$2.44
Arenac	2.44	Lenawee	2.49
Barry	2.44	Livingston	2.45
Bay	2.44	Macomb	2.45
Berrien	2.49	Midland	2.44
Branch	2.48	Monroe	2.50
Calhoun	2.46	Montcalm	2.44
Cass	2.49	Oakland	2.45
Clinton	2.44	Saginaw	2.44
Eaton	2.45	Saint Clair	2.44
Genesee	2.44	St. Joseph	2.48
Gladwin	2.44	Sanilac	2.44
Gratiot	2.44	Shiawassee	2.44
Hillsdale	2.49	Tuscola	2.44
Huron	2.44	Van Buren	2.46
Ingham	2.45	Washtenaw	2.47
Ionia	2.44	Wayne	2.47
Isabella	2.44	All Other Counties	2.43
Jackson	2.47		
Kalamazoo	2.46		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.38	Marshall	$2.36
Anoka	2.45	Martin	2.45
Becker	2.39	Meeker	2.44
Beltrami	2.38	Mille Lacs	2.40
Benton	2.42	Morrison	2.40
Big Stone	2.42	Mower	2.45
Blue Earth	2.47	Murray	2.42
Brown	2.46	Nicollet	2.47
Carlton	2.39	Nobles	2.43
Carver	2.47	Norman	2.38
Cass	2.38	Olmstead	2.45
Chippewa	2.44	Otter Tail	2.39
Chisago	2.42	Pennington	2.37
Clay	2.39	Pine	2.40
Clearwater	2.38	Pipestone	2.41
Cottonwood	2.43	Polk	2.37
Crow Wing	2.38	Pope	2.42
Dakota	2.47	Ramsey	2.47
Dodge	2.45	Red Lake	2.37
Douglas	2.41	Redwood	2.43
Faribault	2.46	Renville	2.44
Fillmore	2.45	Rice	2.46
Freeborn	2.46	Rock	2.42
Goodhue	2.45	Roseau	2.36
Grant	2.41	Scott	2.47
Hennepin	2.47	Sherburne	2.45
Houston	2.45	Sibley	2.47
Hubbard	2.39	Stearns	2.42
Isanti	2.42	Steele	2.46
Itasca	2.38	Stevens	2.42
Jackson	2.43	Swift	2.42
Kanabec	2.40	Todd	2.40
Kandiyohi	2.43	Traverse	2.41
Kittson	2.36	Wabasha	2.45
Koochiching	2.38	Wadena	2.39
Lac qui Parle	2.44	Waseca	2.46
Lake of the Woods	2.37	Washington	2.45
Le Sueur	2.47	Watonwan	2.46
Lincoln	2.41	Wilkin	2.39
Lyon	2.42	Winona	2.45
McLeod	2.46	Wright	2.45
Mahnomen	2.38	Yellow Medicine	2.45

MISSISSIPPI

All counties	$2.53

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.50	Gasconade	2.50
Andrew	2.46	Gentry	2.46
Atchison	2.46	Greene	2.46
Audrain	2.52	Grundy	2.48
Barry	2.45	Harrison	2.46
Barton	2.45	Henry	2.45
Bates	2.45	Hickory	2.46
Benton	2.46	Holt	2.46
Bollinger	2.54	Howard	2.48
Boone	2.49	Howell	2.48
Buchanan	2.46	Iron	2.52
Butler	2.52	Jackson	2.45
Caldwell	2.46	Jasper	2.45
Callaway	2.49	Jefferson	2.54
Camden	2.47	Johnson	2.45
Cape Girardeau	2.54	Knox	2.52
Carroll	2.48	Laclede	2.46
Carter	2.50	Lafayette	2.45
Cass	2.45	Lawrence	2.45
Cedar	2.44	Lewis	2.54
Charlton	2.49	Lincoln	2.53
Christian	2.46	Linn	2.49
Clark	2.54	Livingston	2.48
Clay	2.46	McDonald	2.45
Clinton	2.46	Macon	2.50
Cole	2.48	Madison	2.52
Cooper	2.48	Maries	2.48
Crawford	2.50	Marion	2.54
Dade	2.45	Mercer	2.48
Dallas	2.46	Miller	2.47
Daviess	2.46	Mississippi	2.54
De Kalb	2.46	Moniteau	2.48
Dent	2.50	Monroe	2.52
Douglas	2.46	Montgomery	2.50
Dunklin	2.54	Morgan	2.47
Franklin	2.52	New Madrid	2.54
		Newton	2.45

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Nodaway	$2.46	Saint Francois	$2.52
Oregon	2.50	Saint Genevieve	2.54
Osage	2.48	Saint Louis	2.54
Ozark	2.47	Saline	2.47
Pemiscot	2.54	Schuyler	2.50
Perry	2.54	Scotland	2.52
Pettis	2.47	Scott	2.54
Phelps	2.48	Shannon	2.50
Pike	2.54	Shelby	2.52
Platte	2.46	Stoddard	2.54
Polk	2.46	Stone	2.46
Pulaski	2.47	Sullivan	2.49
Putnam	2.49	Taney	2.46
Ralls	2.54	Texas	2.48
Randolph	2.50	Vernon	2.44
Ray	2.46	Warren	2.51
Reynolds	2.50	Washington	2.52
Ripley	2.50	Wayne	2.52
Saint Charles	2.53	Webster	2.46
County	Bushel	Worth	2.46
Saint Clair	2.45	Wright	2.46

NEBRASKA

All counties	$2.41

NEW JERSEY

All counties	$2.45

NEW MEXICO

All counties	$2.36

NEW YORK

All counties	$2.37

NORTH CAROLINA

All counties	$2.47

NORTH DAKOTA

All counties	$2.36

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$2.52	Licking	$2.50
Allen	2.53	Logan	2.53
Ashland	2.52	Lorain	2.52
Ashtabula	2.50	Lucas	2.55
Athens	2.52	Madison	2.51
Auglaize	2.53	Mahoning	2.50
Belmont	2.52	Marion	2.53
Brown	2.52	Medina	2.52
Butler	2.52	Meigs	2.52
Carroll	2.50	Mercer	2.52
Champaign	2.52	Miami	2.51
Clark	2.51	Monroe	2.52
Clermont	2.52	Montgomery	2.51
Clinton	2.52	Morgan	2.52
Columbiana	2.50	Morrow	2.52
Coshocton	2.50	Muskingum	2.52
Crawford	2.52	Noble	2.52
Cuyahoga	2.50	Ottawa	2.53
Darke	2.51	Paulding	2.52
Defiance	2.52	Perry	2.52
Delaware	2.51	Pickaway	2.52
Erie	2.52	Pike	2.52
Fairfield	2.52	Portage	2.50
Fayette	2.52	Preble	2.51
Franklin	2.51	Putnam	2.53
Fulton	2.54	Richland	2.52
Gallia	2.52	Ross	2.52
Geauga	2.50	Sandusky	2.53
Greene	2.51	Scioto	2.52
Guernsey	2.52	Seneca	2.53
Hamilton	2.52	Shelby	2.52
Hancock	2.53	Stark	2.50
Hardon	2.54	Summit	2.50
Harrison	2.50	Trumbull	2.50
Henry	2.54	Tuscarawas	2.50
Highland	2.52	Union	2.51
Hocking	2.52	Van Wert	2.52
Holmes	2.50	Vinton	2.52
Huron	2.52	Warden	2.52
Jackson	2.52	Washington	2.52
Jefferson	2.50	Wayne	2.50
Knox	2.50	Williams	2.52
Lake	2.52	Wood	2.54
Lawrence	2.52	Wyandote	2.53

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County	Rate per bushel
OKLAHOMA	
All counties	$2.39
PENNSYLVANIA	
All counties	$2.43
SOUTH CAROLINA	
All counties	$2.47
SOUTH DAKOTA	
All counties	$2.39
TENNESSEE	
All counties	$2.47
TEXAS	
All counties	$2.39
VERMONT	
All counties	$2.36
VIRGINIA	
All counties	$2.47
WEST VIRGINIA	
All counties	$2.45
WISCONSIN	
All counties	$2.43

The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows:

(b) *Premium—Low Moisture.*[1]

Percent:	Cents per bushel
12.2 or less	+2
12.3 through 12.7	+1
12.8 through 13.0	0

(c) *Discounts*—(1) *Class.*

Class:	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(2) *Moisture.*

Percent:	Cents per bushel
13.1 through 13.5	−1
13.6 through 14.0	−2

(3) *Test weight per bushel.*

Pounds:	Cents per bushel
53.0 through 53.9	−½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(4) *Splits.*

Percent:	Cents per bushel
20.1 through 25.0	−¼
25.1 through 30.0	−½
30.1 through 35.0	−¾
35.1 through 40.0	−1

(5) *Damaged kernels.*[2]

Heat (percent):	Cents per bushel
0.6 through 1.0	−1
1.1 through 1.5	−2
1.6 through 2.0	−3
2.1 through 2.5	−4
2.6 through 3.0	−5

Total (percent):	Cents per bushel
2.1 through 3.0	−½
3.1 through 4.0	−1
4.1 through 5.0	−1½
5.1 through 6.0	−2
6.1 through 7.0	−2½
7.1 through 8.0	−3

	Cents per bushel
(6) Materially weathered	−5
(7) Stained	−2
(8) Purple mottled	−2
(9) Weed control laws. (where required by § 1421.25)	−10

Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the soybeans, such as (but not limited to) moisture, musty, sour, and heating. Such discounts will be established not later than the time delivery of soybeans to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

[1] Not applicable to soybeans that grade "sample".

[2] Use the higher applicable discount.

Effective date: October 12, 1976.

Signed at Washington, D.C., on: October 1, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-29611 Filed 10-8-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-121]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Further Amendments

The purpose of this amendment is to revoke the delegations to the Deputy Under Secretary for Budget and Program Review. This matter was inadvertently omitted from the document published in the FEDERAL REGISTER on Wednesday, October 6, 1976. That document, as here supplemented, reflects a reorganization of the Office of the Secretary of Transportation which transfers all functions of the Deputy Under Secretary for Budget and Program Review to the Deputy Under Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations is amended by revoking § 1.65, Delegations to the Deputy Under Secretary for Budget and Program Review.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Effective date: This amendment is effective October 12, 1976.

Issued in Washington, D.C., on October 7, 1976.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.76-29996 Filed 10-8-76;12:05 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 31]

[CGD 75-041]

TANK VESSELS

Loading Information

The Coast Guard is considering amending the regulations for tank vessels to require all tank vessels over 300 feet in length to have the loading information required for vessels subject to the load line regulations in Parts 42 and 45 of Title 46.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 75-041), and give reasons in support of his comment. Comments received before November 29, 1976 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in light of comments received. No hearing is planned but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The load line regulations in § 42.15-1 (a) and § 45.105(a) of Title 46 require that the master of every new vessel be supplied with sufficient information to enable him to arrange for the loading and ballasting of his vessel in a way that avoids the creation of unacceptable stresses in the vessel's structure. However, these regulations do not cover tank vessels operating solely on inland waters or on special service coastwise voyages. (The load line regulations in Part 44 of Title 46 are applicable to vessels engaged in special services on coastwise and interisland voyages.)

The Coast Guard has determined on the basis of a recent study that all tank vessels over 300 feet in length should have loading information available for use. This study consisted of a review of several recent barge designs. The study showed that several new barges have proportions similar to a T-2 tanker and that tank vessels with these proportions that are over 300 feet in length can be subject to unsafe stress levels if not properly loaded. Accordingly, this notice proposes to require the loading information on all tank vessels over 300 feet in length.

Casualties involving barges have occurred in recent years in which improper loading subsequently led to structural damage. Vessels in the casualties include the following:

(a) The 580 foot barge I.O.S. 3301 which broke almost completely in half at its berth at the Consolidated Oil Company Terminal, Port Jefferson, New York. (The casualty occurred in January, 1972. The Marine Board of Investigation concluded that distributing ballast only in tanks at the forward and aft ends of the barge, which left all of the tanks in the midlength empty, created an excessive longitudinal bending moment. The Board recommended that all rigidly connected tugbarge combinations be furnished with loading information.)

b. The 312 foot barge *Perth Amboy* which buckled while loading at Chevron Docks, Perth Amboy, New Jersey. (The casualty occurred in September, 1972. The barge was certificated for operation in lakes, bays, and sounds. The investigation report concluded that a contributing cause of the casualty was extremely high stress imposed on the barge by the loading pattern used at the time of casualty. The report recommended that all tank barges, both manned and unmanned, should have simplified instructions and restrictions concerning the distribution of cargo posted in accessible locations on board.)

In accordance with the foregoing, the Coast Guard proposes to amend Part 31 of Title 46, Code of Federal Regulations, by adding a new § 31.10-32 to read as follows:

§ 31.10-32 Loading information—TB/ALL.

Each tank vessel over 300 feet in length must have the loading information prescribed in either § 42.15-1(a) or § 45.105(a) of this chapter. For tank vessels subject to the Load Line Acts the information must be approved by the Commandant or by a recognized classification society that is approved by the Commandant. For tank vessels not subject to the Load Line Acts loading information must be approved by the Commandant. If the vessel is a tankship, the approved information must be provided to the master of the vessel. If the vessel is a tank barge, the information must be provided to the person in charge of handling the cargo during loading or offloading of the barge.

(46 U.S.C. 391(a); 49 U.S.C. 1655(b); 49 CFR 1.46.)

Dated: October 4, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.76-29857 Filed 10-8-76;8:45 am]

Office of Hazardous Materials Operations

[49 CFR Part 171]

[Docket No. HM-22; Notice No. 76-8]

MATTER INCORPORATED BY REFERENCE

Proposed Rule Making

The Materials Transportation Bureau of the Department of Transportation is considering amending § 171.7(d)(1) of the Hazardous Materials Regulations to update the reference to the addenda to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

The Compressed Gas Association, Inc., has petitioned this Office to effect this change.

In consideration of the foregoing, it is proposed to amend paragraph (d)(1) of § 171.7 by changing the date December 31, 1975 to read "June 30, 1976."

The MTB has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted (five copies) to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Communications received on or before November 10, 1976 will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of Hazardous Materials Operations, Room 6500 Trans Point Building, 2100 Second Street, S.W., Washington, D.C. both before and after the closing date for comments.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

Issued in Washington, D.C. on October 6, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-29858 Filed 10-8-76;8:45 am]

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[49 CFR Parts 171, 177]

[Docket No. HM-110; Notice No. 76-9]

VEHICLES CONTAINING HAZARDOUS MATERIALS

Repair and Maintenance

The Materials Transportation Bureau (MTB) is proposing to amend Title 49 of the Code of Federal Regulations by revising paragraph (d) (6) in § 171.7 and amending paragraphs (g) and (h) of § 177.854 that prescribe the conditions under which repair and maintenance may be performed on motor vehicles containing hazardous material. A previously published (39 FR 41741), but not effective, amendment to those provisions was revoked on June 30, 1976, by a July 8, 1976, FEDERAL REGISTER document (41 FR 27968). It was stated in the July 8 document that, "Reconsideration by the Materials Transportation Bureau confirms that the requirements of § 177.854 (g), as amended on December 2, 1976 (39 FR 41741), do not clearly articulate the safety precautions intended in every situation and are capable of being misconstrued in a manner which comprises, rather than promotes, the safe transportation of hazardous materials." Additionally, the July 8 document notified the public that this new proposal with respect to § 177.854(g) would be published.

In consideration of the foregoing, it is proposed to amend Parts 171 and 177 of Title 49 as follows:

1. In § 171.7 , paragraph (d) (6) (i) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

(d) • • •

(6) • • •

(i) NFPA Pamphlet No. 70 is titled, "National Electrical Code," 1975 edition.

• • • • •

2. In § 177.854 paragraph (h) would be deleted; paragraph (g) would be revised to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

• • • • •

(g) *Repair and maintenance to vehicles containing certain hazardous materials.* (1) Except as authorized in paragraphs (g) (2) and (g) (3) of this section, no person may repair or perform maintenance on a motor vehicle containing a flammable liquid, combustible liquid, flammable gas, poisonous liquid, oxidizer, or explosive.

(2) Repair or maintenance on a vehicle containing any quantity of the hazardous material prescribed in paragraph (g) (1) of this section may be performed outside of a building if no heat, flame, or spark is used within 100 feet of the vehicle containing the hazardous materials.

(3) Repair or maintenance on a motor vehicle containing one or more of the hazardous materials prescribed in paragraph (g) (1) of this section may be performed inside of a building if no heat, flame, or spark is used in the same enclosed area of the building and the following conditions are met:

(i) The vehicle's product containment system and fuel system must be closed, and there must be no leakage;

(ii) No repair or maintenance may be performed on the product containment system, the product handling system, or the vehicle's fuel containment system;

(iii) All electrical equipment and tools used in the vehicle repair and maintenance area must be in compliance with the requirements of the National Electrical Code, NFPA No. 70, Article 511, 1975 edition;

(iv) A means is provided and a person, who is qualified to operate the vehicle, is available to remove the vehicle at the first indication of any product leakage or any other emergency situation;

(v) If there is flame type (e.g., furnace, boiler, or gas-fired heater) heating system equipment in the building, it must be turned off (including its pilot light) before the vehicle may be placed in the building, unless: (A) The heating system is located in a separate room which is sealed off from the area in which the vehicle is repaired or maintained; and

(B) The heating system draws air for combustion from a source which assures it has not been exposed to vapors from hazardous materials.

(vi) The vehicle must be removed immediately from the building upon completion of repairs or maintenance.

(h) [Deleted]

The proposals contained herein are not expected to impose any significant additional costs on the public sector, and may result in some cost reduction. An inflation impact statement is not required.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted (five copies) to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C., 20590. Communications received on or before January 10, 1977 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons in the Section of Dockets, Office of Hazardous Materials Operations, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. both before and after the closing date for comments.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102.)

Issued in Washington, D.C. on October 5, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-29859 Filed 10-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20787 RM-2607]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS; WEST MEMPHIS, ARKANSAS

Memorandum Opinion and Order Denying Petition for Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (West Memphis, Arkansas.

Adopted: September 28, 1976.

Released: October 1, 1976.

1. The Commission here considers its Notice of Proposed Rule Making [1] which proposed the assignment of Channel 296A to West Memphis, Arkansas. The Notice was issued following receipt of a "Petition for Rule Making" filed on behalf of Christian Studies of Man and Society (hereinafter "Christian"). Other than the appearance by Christian, there have been no other expressions of interest in this proceeding.

2. Because our disposition of this matter is based on procedural grounds, we believe it important to recount the various filing dates and pleadings. To begin with, Christian has from the outset been represented in this matter by Washington counsel. On September 12, 1975, Christian, through its attorneys, filed a petition for rule making with the Commission proposing the West Memphis assignment. In the petition Christian indicated that immediately upon assignment of Channel 296A at West Memphis, it would apply for a construction permit in order to institute the new broadcast service. On October 21, 1975, Christian filed a "Supplemental Petition for Rule Making" enclosing a preclusion study requested by the Commission and a collection of letters from residents of West Memphis indicating support for the channel assignment. A "further Supplemental Petition for Rule Making" containing community data and additional supportive letters from individuals and businesses in West Memphis was filed on October 31, 1975. On November 10, 1975, the Commission, after reviewing the petition for its technical acceptability, issued a Public Notice [2] indicating that the petition had been filed. On January 21, 1976, Christian filed a "Motion for Issuance of a Report and Order" noting that no comments had been filed in response to what it described as the Notice of Proposed Rule Making. It therefore asked the Commission "to finalize the Notice of Proposed Rule Making and assign Channel 296A to West Memphis."

[1] 41 FR 17788, April 28, 1976.

[2] The Public Notice (Rept. No. 955) was issued pursuant to § 1.403 of the Commission's Rules. Under § 1.405, interested parties may file statements in support of or in opposition to the petition for a period of 30 days after issuance of the Public Notice.

3. In point of fact the Commission at that stage had issued a Public Notice of the filing of the petition: it had not issued a Notice of Proposed Rule Making. Such a document was released, however, on April 26, 1976, pursuant to § 1.412 of the Commission's Rules. In that Notice the Commission set forth Christian's proposal, described the community of West Memphis, outlined the petitioner's preclusion study, and formally proposed the assignment of Channel 296A to the community. More importantly for our purposes, there was included within the Notice an Appendix, paragraph 2 of which stated:

> The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

Christian failed to file comments or replies to comments within the time period specified in the Notice: indeed, there has been no further expression of interest by Christian since its January 21, 1976, pleading was filed, well in advance of the Notice.

4. The Commission will refrain from assigning FM channels to communities where there is no expression of continuing interest in the use of that channel and where the channel in question would lie fallow and unused if assigned. To assign a channel without an assurance of use would be contrary to the statutory mandate to assure the "efficient" use of the available radio spectrum.[3] Thus, in our Notices of Proposed Rule Making we require the petitioner and other interested parties to express in their comments a continuing interest in the operation of a station on the proposed channel. The Commission has not received such an expression in this proceeding.

5. The issue of petitioner's failure to respond to a Notice of Proposed Rule Making was before the Commission in the Memorandum Opinion and Order and Further Notice of Proposed Rule Making in Anamosa, Ia., Docket No. 19161, 46 F.C.C. 2d 520 (1974). There the petitioner who failed to respond to our Notice was filing *pro se*, i.e., he represented himself in the matter. Here, the petitioner who failed to respond was represented by counsel. In the Anamosa decision, supra, we declined to make the assignment indicating that although the public interest standard was paramount, procedural standards must also be observed in order for the Commission to exercise its regulatory responsibilities in a proper manner. 46 F.C.C. 2d at p. 521. We indicated that on occasion, deviations from those requirements could be warranted but that such requests for special relief must clearly explain the failure to comply with the applicable procedural requirements and also demonstrate compelling, indeed, overriding public interest reasons why the requested exception should be made.

[3] 47 U.S.C. 307(b).

6. Here, we have no continuing expression of interest in the assignment as requested by our Notice. Further, we have no attempt on the part of the petitioner to explain why our procedural requirements were not, and could not have been complied with. The Commission's procedural rules and regulations were adopted for the purpose of maintaining order and conformity in the interest of administrative efficiency. Without such rules, the public and other interested parties would find it difficult, if not impossible, to participate in these rulemaking proceedings. We conclude that the public interest in maintaining the credibility and integrity of those rules requires denial of the instant petition.

7. Accordingly, *it is ordered*, That the "Petition for Rule Making" filed on behalf of Christian Studies of Man and Society requesting the assignment of Channel 296A to West Memphis, Arkansas, is denied.

8. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-29805 Filed 10-8-76;8:45 am]

[Docket No. 20401; RM-2363]

CLW BROADCASTERS, INC.

Petition for Special Relief

Adopted: September 28, 1976.

Released: October 1, 1976.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Jefferson City, Missouri).

1. The Commission has before it the "Petition of CLW Broadcasters, Inc. for Special Relief" in which it seeks reversal of the Commission's action refusing to assign Channel 269A to Jefferson City, Missouri. Included with its pleading was a copy of a petition for reconsideration said to have been sent to the Commission. There is no record that its petition was ever received.

2. The factual situation presented by this case is rather complicated, and it is necessary to take a moment to describe the sequence of events which led to the present state of affairs. A Notice of Proposed Rule Making, 40 FR 14946 (1975), was issued by the Commission in response to a petition from George Bryant seeking the assignment of FM Channel 269A to Jefferson City, Missouri, as its third FM assignment. The Notice observed that assigning a third channel to Jefferson City, as had been proposed, would exceed the population criteria applied to the making of FM channel assignments. The criteria specify assigning either one or two channels to communities which have a population under 50,000. Jefferson City's 1970 population [1] was 32,407. The petitioner properly stated that assignments have been made which represent exceptions to the population criteria. However, the Commission noted that the main reason given for making most such assignments was that the channel could not be used elsewhere. The Commission observed that this was not the case here, as the channel could instead be used to provide a third assignment to Columbia, Missouri (population 58,804), or a second assignment at Mexico, Missouri (population 11,807), or a first FM assignment at either California, Missouri (population 3,105), or Centralia, Missouri (population 3,618). Although another channel was shown to be available for use at California, availability of another channel to use to provide an assignment for Centralia remained at issue. The Notice also called upon the petitioner to affirm his intention to apply for a station if the channel were assigned and to build it promptly if authority to do so were granted.

[1] The population figures cited and the changes in population noted are derived from the U.S. Census Bureau data from 1970.

3. CLW Broadcasters entered the picture at that point as successor-in-interest to Bryant, and, through counsel,[2] requested an extension of time to file comments in response to the Notice. This extension was granted. A second request for extension was filed but was denied because the request had not been made within the time limits specified in the Commission's rules. Thereafter, comments were filed accompanied by a request that the lateness of the filing be excused. In the Report and Order, 40 FR 48525 (1976), which was issued, the Commission refused to make the assignment. Several reasons were cited for this decision. CLW Broadcasters was said to have been untimely in filing its comments, missing even the extended deadline it had suggested in its second extension request. Moreover, its reasons for filing late were found unpersuasive. Beyond this, the comments themselves were found to be inadequate to support the assignment as they did not evidence the necessary unequivocal intention to pursue use of the channel if it were assigned. The pertinent statement on this point was "CLW Broadcasters, *with offices in Chattanooga, Tennessee, is interested in forming* a group to apply • • •" (emphasis supplied). So far as was then known, no petition for reconsideration was filed.

4. Now, the Commission has received a petition for special relief which urges a reversal of this denial and the grant of a petition for reconsideration which had been prepared and in normal course of action was believed to have been sent.[3]

[2] Counsel then representing CLW Broadcasters earlier had represented Bryant. According to counsel, Bryant no longer had any interest in the proceeding.

[3] The affidavits offered to show that the petition (in letter form) was sent fall short of doing so as neither the writer nor the typist avers to having mailed the letter. Rather, indication is made that such would have been the expected practice. For our purpose, however, we are considering the matter without regard to any possible procedural deficiencies in the filing of the petition.

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We need not deal with the question of the procedural circumstances of the filing as, after examination of the merits of the petition for reconsideration, we continue to believe that the Commission's action denying the proposed assignment was proper. Even with the material provided in the petition for reconsideration (or for that matter in the petition for special relief) there was neither an explanation of the failure to provide the information in a timely fashion or even, at these late dates, a filing of all the data which were needed. In effect, the petition for reconsideration did no more than state the necessary intention to put the channel to use. CLW Broadcasters urged us to place reliance on this statement so that the channel could be assigned without the need to begin again the rule making process at the Notice stage.

5. The decision not to assign the channel rested on several points. Putting aside the finding (one resting on more than semantics), that CLW Broadcasters had not stated its intent to proceed, there remain other, substantive, problems. These problems relate to the need to justify a third assignment to a community whose population is well below the 50,000 level ordinarily adhered to, a matter especially important in view of the possible uses of the channel elsewhere, which use of this assignment at Jefferson City would foreclose. Four communities that might otherwise make use of the channel are involved. Two of them, where no channel is now assigned, are small but have been shown to have another channel available, so they do not constitute an impediment to the proposal here. The same holds true for the third community, Mexico, which because of its relatively small size (11,807) does not necessarily warrant a second FM assignment. The fourth is Columbia, a city more than 50% larger than Jefferson City, and like Jefferson City, a community with two existing assignments.[4] The question, then, is whether under these circumstances the assignment as proposed is warranted. To answer that we need to consider various relevant matters.

6. In deciding whether to make an assignment in excess of the population criteria we look at several factors. First, in cases where the population has or soon will pass the cut-off level, it is not only unfair, it is pointless to use an out-of-date lower census figure as a basis for denial. Likewise, where the channel is not needed elsewhere and in fact cannot be used elsewhere, it is not nearly as important to insist on a compelling showing before exceeding the criteria. However, the petitioner in this case is not able to take advantage of either of these factors since, as mentioned in the Notice, the population of Jefferson City does not approach the cut-off and the channel could be used elsewhere. In fact, there appears to be ample reason to protect its possible future use at Columbia. Columbia is much larger, faster growing and has less service. Even though we do not have a Columbia proposal currently before us, we must conclude that there are not sufficient reasons to support use of the channel in Jefferson City. Rather than supporting the proposal, the facts regarding Jefferson City militate against the proposal. Statistics regarding increases in telephone and electric meters in this, the capital of Missouri, were mentioned. Population, too, was said to have increased, but the fact is that were it not for a sizeable annexation of territory during the period between the 1960 and the 1970 Census, the city would have shown a significant loss in population. Even with annexation this increase is only a modest one.[5] This case does not present the picture of a city soon to reach a population dividing line or one showing such vigorous growth as to warrant an exception to the criteria. No special circumstances are alleged, nor would the proposal lead to providing a first or second FM or aural service to any group of people. Lacking the requisite showing to support the proposal, we cannot agree that the assignment should be made, or the proceeding reopened.

7. Therefore, *it is Ordered*, That the Petitions of CLW Broadcasters, Inc. for Special Relief, and for Reconsideration ARE *Denied*, and the denial of the proposed assignment IS *Affirmed*.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-29803 Filed 10-8-76;8:45 am]

[4] Jefferson City, it should be noted, has one Class C and one Class A channel, but Columbia has only two Class A channels. Jefferson City has two full-time AM stations, Columbia only one plus a daytime-only station.

[5] Annexation aside, Columbia showed a substantial gain in population between 1960 and 1970.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Corps of Engineers

GULF OF CATALINA, CALIFORNIA

Intent To Establish Guidelines for Permits for Exploratory Drilling Operations

Tracts leased December 11, 1975 by the U.S. Bureau of Land Management for offshore (Outer Continental Shelf) oil development in the Gulf of Santa Catalina generally fall within, or very near, the vessel traffic separation scheme established by the U.S. Coast Guard. Future leases in the same area may or may not result in additional tracts conflicting with the vessel traffic lanes which are part of this scheme. Exploratory drilling by the lessees on the Continental Shelf requires a permit from the Department of the Army under 43 USC 1333(f).

The Los Angeles District Engineer, charged with exercising the authority and responsibility of the Secretary of the Army for such permits, is responsible for considering navigational and national defense matters in processing applications for such permits. All other matters including environmental considerations are under the responsibility of the Department of the Interior.

In reviewing the navigational aspects of proposed offshore operations, the Los Angeles District has always relied on the U.S. Coast Guard Marine Safety Standards and has required permittees to comply with all Coast Guard regulations as well as to keep the responsible Coast Guard Commanders informed of all activities. The vessel traffic separation scheme in the Gulf of Santa Catalina has posed some unique problems due to a number of factors involving not only the probable location of the oil, depth of water and depth of the suspected formations but also the ship traffic conditions to and from the Ports of Los Angeles and Long Beach. It would be preferable to keep the traffic lanes free of all obstructions. However, exploration is not feasible in certain of the tracts without temporary intrusion by exploratory vessels. Accordingly, guidelines have been developed jointly by the Los Angeles District and the 11th Coast Guard District in consultation with the Bureau of Land Management and the U.S. Geological Survey. These guidelines were developed in consideration of the following specific conditions:

1. Relocation of the Gulf of Santa Catalina Traffic Separation Scheme or establishment of any Safety Fairway will not be considered until substantial exploratory work in the area has been accomplished.

2. The U.S. Coast Guard has a commitment to provide maximum notification to the worldwide maritime industry of any structures or vessels engaged in exploratory activity in or near the designated vessel traffic separation scheme. While such notification will be made and updated by electronic communications systems, it is important that it be included in the printed matter disseminated on a regular basis. 120 days is considered the minimum time required to assure that such printed notification is effectively provided to those navigating the waters affected.

3. While the U.S. Coast Guard recognizes that some exploratory work within the traffic lanes will be required, such activity must be minimized to preserve the integrity of the traffic separation scheme, and the safety it offers shipping.

4. The number of obstructions in the vessel traffic separation scheme will have a significant impact on the level of safety provided maritime traffic. Therefore, the number of obstacles within the traffic lanes and the ¼ mile buffer zones must be minimized.

5. All drilling within a single tract will be covered by a single permit.

Guidelines are as follows—1. For tracts where drilling is expected to be accomplished within the traffic separation scheme or within 2 miles of a traffic lane, permit applications shall be submitted at least 120 days in advance of such drilling, where practicable, in order to provide maximum opportunity for worldwide notice to maritime interests. Such applications shall include the location of any known sites and the estimated start and completion dates for each. Updated information on the plan shall be furnished as soon as available. One individual (and alternate) shall be designated by the applicant as responsible for maintaining close liaison with all involved agencies.

2. Where it is not feasible to perform exploration work from outside, permits will include the following conditions for drilling within the traffic lanes or ¼ mile buffer zones:

a. The exploratory vessel will, to the degree practicable, be sited near traffic lane boundaries.

b. Exploratory vessels within one traffic lane shall be separated by at least 8 nautical miles in the direction of the lane axis.

c. Exploratory vessels located within the traffic lanes shall not be within 3,000 yards in any direction from any other drilling vessel.

3. Exploratory rigs and vessels engaged in offshore development anchored outside vessel traffic lanes may have no cables, anchors, buoys or other associated equipment within the ¼ mile buffer zones at a depth of less than 100 feet.

Consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before 10 November 1976. The contents of this notice are being published concurrently in a public notice by the Los Angeles District Engineer with a goal of establishing rules and regulations which will be published as proposed in accordance with established rulemaking procedures.

Dated: October 4, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.76-29770 Filed 10-8-76;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R. & D. REQUIREMENTS

Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R. & D. Requirements will meet in closed session on 9, 10, and 11 November 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

OCTOBER 6, 1976.

[FR Doc.76-29772 Filed 10-8-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the Department of De-

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fense has submitted a magnetic tape to the Office of the FEDERAL REGISTER consisting of a recompilation of systems of records maintained by the Department of Defense.

The full printed text of the material contained on the tape will appear in the Annual Compilation of Privacy Issuances that is being published by the Office of the Federal Register under Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a).

The revised magnetic tape represents an edited, up-to-date republication of all current systems maintained by the Department of Defense as of August 13, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 29, 1976.

[FR Doc.76-29744 Filed 10-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A-9697]

ARIZONA

Proposed Withdrawal and Reservation of Mineral Estate

The Department of the Army, United States Army Engineer District, Los Angeles, Post Office Box 2711, Los Angeles, California 90053, has filed an application, Serial Number A-9697, for withdrawal of the mineral estate in the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 2 E.,
Sec. 15, lots 1 to 24, inclusive;
Sec. 17, E½NE¼, NE¼NW¼NE¼, N½SE¼, SE¼SE¼.

The areas described aggregate 270 acres in Maricopa County.

The surface of the subject lands has been transferred out of Federal ownership with minerals reserved to the United States; it is proposed to withdraw the mineral estate from location and entry under the mining laws, including the mineral leasing laws.

The lands have been designated as the site of the Adobe Dam and will be used for the construction, operation, and maintenance of this Congressionally authorized flood control project and proposed recreational development. Withdrawal of the mineral estate is necessary for protection of the location of the dam site and appurtenances and the reservoir areas. Recreational development is proposed as a concurrent use. The intended using agency is the Flood Control District of Maricopa County, a political subdivision of the State of Arizona, 3325 West Durango Street, Phoenix, Arizona 85009.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing wil be held at a convenient time and place, which will be announced.

Dated: September 30, 1976.

E. F. SPANG,
Acting State Director.

[FR Doc 76-29747 Filed 10-8-76;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE THE NORTH ATLANTIC STATES

Availability of Draft Environmental Impact Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed oil and gas lease sale of 206 tracts of submerged lands on the Outer Continental Shelf offshore the North Atlantic States (OCS Sale No. 42).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Six World Trade Center, Suite 600-D, New York, New York 10048 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: New York Public Library, 5th Avenue and 42nd Street, New York City; Nassau Library System, Lower Concourse, Roosevelt Field, Garden City, New York; Suffolk Cooperative Library System, 627 North Sunrise Service Road, Bellport, New York; Trenton Free Public Library, 120 Academy Street, Trenton, New Jersey; Atlantic City Free Public Library, Illinois and Pacific Avenues, Atlantic City, New Jersey; Free Public Library of Elizabeth, 11 South Broad Street, Elizabeth, New Jersey; Hartford Public Library, 500 Main Street, Hartford, Connecticut; Bridgeport Public Library, 925 Broad Street, Bridgeport, Connecticut; New Haven Free Library, 133 Elm Street, New Haven, Connecticut; Providence Public Library, 150 Empire Street, Providence, Rhode Island; Newport Public Library, Aquidneck Park, Newport, Rhode Island; Boston Public Library, Copley Square, Boston, Massachusetts; Provincetown Public Library, 330 Commercial Street, Provincetown, Massachusetts; Falmouth Public Library, Main Street, Falmouth, Massachusetts; Fall River Public Library, 104 North Main Street, Fall River, Massachusetts; Concord Public Library, 45 Green Street, Concord, New Hampshire; Manchester City Library, Carpenter Memorial Building, 405 Pine Street, Manchester, New Hampshire; Lithgow Library, 1 Winthrop Street, Augusta, Maine; Portland Public Library, 619 Congress Street, Portland, Maine.

A public hearing will be held on December 7-10, 1976, at the Holiday Inn, 21 Atwells Avenue, Providence, Rhode Island, for the purpose of receiving comments regarding the North Atlantic OCS leasing proposal. The hearing will convene each day at 9 a.m. e.s.t., and is scheduled to adjourn at 9 p.m. (4:30 p.m. on December 10).

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of leasing oil and gas tracts offshore southeastern New England. In addition, the proceedings will give the Secretary the opportunity to receive further comments and views of concerned State and local agencies.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to contact the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above address by 5 p.m., November 24, 1976. Written comments from those unable to attend the hearing also should be addressed to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above address. The Department will accept written testimony and comments on the draft environmental statement until December 24, 1976. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those who presented oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have baen received and analyzed, a final environmental statement will be prepared.

CURT BERKLUND,
Director, Land Management Bureau.

Approved:

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-29798 Filed 10-8-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 1, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by October 22, 1976.

WILLIAM J. MURTAGH,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Juneau Division

Juneau, *Wickersham House*, 213 7th St.

Nome Division

Nome vicinity, *Cape Nome Roadhouse*, E of Nome at Mile 14 Nome-Council Highway.
St. Michael, *Fort St. Michael*, at St. Michael Bay.

Outer Ketchikan Division

Ketchikan vicinity, *Storehouse No. 3*, S of Ketchikan off Portland Canal at Halibut Bay Estuary.

Valdez-Chitina-Whittier Division

Gakona, *Gakona Roadhouse*, Mile 205 Glenn Highway.

ARIZONA

Yavapai County

Humboldt vicinity, *Woolsey Ranchhouse Ruins*, N. of Humboldt off AZ 69.

COLORADO

Boulder County

Lyons, *First Congregational Church*, High and 4th Sts.

Eagle County

McCoy vicinity, *Waterwheel*, SE of McCoy at Colorado River.

El Paso County

Manitou Springs, *Manitou Bathhouse*, 934 Manitou Ave.

Manitou Springs, *Miramont (Francolon's Castle)*, 9 Capitol Hill.

IOWA

Des Moines County

Sperry vicinity, *Baptist Church*, W of Sperry off U.S. 61.

Linn County

Cedar Rapids, *Sinclair, T. M., Mansion*, 2160 Linden Dr., SE.

Louisa County

Oakville vicinity, *Florence/Council Site*, W of Oakville on S bank of Iowa River.

MASSACHUSETTS

Hampshire County

Florence, *Hill, Samuel, Historic District*, roughly bounded by Mann Terr., Main, Meadow, and Park Sts., (both sides).

MISSISSIPPI

Carroll County

Greenwood vicinity, *Rowland Site*, S of Greenwood.

Warren County

Vicksburg, *St. Francis Xavier Convent*, 1021 Crawford St.

NEBRASKA

Morrill County

Bayard vicinity, *Chimney Rock*, S of Bayard off U.S. 26.

NEW HAMPSHIRE

Grafton County

Franconia vicinity, *Frost Place*, S of Franconia off NH 116 on Ridge Rd.

NEW MEXICO

Dona Ana County

Las Cruces, *Armijo, Nestor, House*, Lohman Ave. and Church St.

San Juan County

Fruitland vicinity, *Site OCA-CGP-54-1*, SW of Fruitland.
Fruitland vicinity, *Site OCA-CGP-56*, SW of Fruitland.
Fruitland vicinity, *Site OCA-CGP-605*, SE of Fruitland.

NORTH CAROLINA

Beaufort County

Latham vicinity, *Belfont Plantation House*, N of Latham on SR 1411.

Dare County

Rodanthe, *Chicamacomico Life Saving Station*, NC 12 and SR 1247.

Edgecombe County

Tarboro, *Redmond-Shackelford House*, 300 Main St.

Hoke County

Rockfish vicinity, *Puppy Creek Plantation*, NW of Rockfish on SR 1409.

Mecklenburg County

Charlotte, *Liddell-McNinch House*, 511 N. Church St.

Northampton County

Jackson, *Northampton County Courthouse Square*, Jefferson St. between Atherton and Brown Sts.

Washington County

Plymouth, *Latham House*, 311 E. Main St.

TENNESSEE

Davidson County

Antioch vicinity, *Cane Ridge Cumberland Presbyterian Church*, SE of Antioch on Old Hickory Blvd.

Nashville, *St. Cecilia Academy*, 8th Ave. and Clay St.

TEXAS

Bell County

Belton, *Bell County Courthouse*, Public Sq.

Caldwell County

Lockhart, *Caldwell County Courthouse*, Public Sq.

Concho County

Paint Rock, *Concho County Courthouse*, Public Sq.

Galveston County

Galveston, *St. Joseph's Church*, 2202 Avenue K.

Harris County

Houston, *Antioch Missionary Baptist Church*, 313 Robin St.

Rains County

Emory vicinity, *Gilbert Site*, N of Emory off TX 19.
Emory vicinity, *Koons Site*, N of Emory.
Emory vicinity, *Yandell site*, N of Emory.

Wood County

Alba vicinity, *Sadler Site*, N of Alba off TX 17.
Quitman vicinity, *Howle Site*, W of Quitman on TX 182.
Quitman vicinity, *Osborn Site*, W of Quitman.

WYOMING

Johnson County

Buffalo vicinity, *Crazy Woman Crossing and Battlefield*, S of Buffalo off I-25.
Mayoworth vicinity, *Dull Knife Battlefield*, SW of Mayoworth off WY 191.
Sussex vicinity, *Cantonment Reno*, 5 mi. N of Sussex at Powder River.

[FR Doc.76-29850 Filed 10-8-76;8:45 am]

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined meeting and field trip of the Southeast Regional Advisory Committee will be held on October 28-29, 1976, in Daytona Beach, and Canaveral National Seashore, Florida.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. Michael V. Gannon (Chairman), Gainesville, Florida
Dr. John M. King (Secretary), Jackson, Mississippi
Mrs. Ann Smith Bedsole, Mobile, Alabama
Mr. Tutt S. Bradford, Maryville, Tennessee
Dr. Arthur W. Cooper, Raleigh, North Carolina
Mr. Robert Gable, Frankfort, Kentucky
Mr. Charles Edward Lee, Columbia, South Carolina
Mrs. Jane Hurt Yarn, Atlanta, Georgia

The meeting will begin in a joint session with the Southeast Regional Super-

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intendents' Conference at 1:30 p.m. on October 28 at The Plaza Hotel, 600 North Atlantic Avenue, Daytona Beach, Florida. At 8:30 a.m. on October 29, the committee, with the Superintendents, will depart from The Plaza Hotel for a bus tour of Canaveral National Seashore.

The matters to be discussed at this meeting include a status report on new areas of the National Park System within the Southeast Region and the planning and operations of Canaveral National Seashore.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Space will not be available for members of the public on the bus tour. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Paul C. Swartz, Chief, Cooperative Services Division, Southeast Regional Office, at 404–996–2520, extension 253. Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Dated: September 28, 1976.

DAVID D. THOMPSON, Jr.,
Regional Director,
Southeast Region.

[FR Doc.76–29979 Filed 10–8–76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76–336]

ABC COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), ABC Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Logan County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially construtced canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The average height of the No. 1 Mine is 40 inches. The seam has irregular top and bottom.

2. The canopies pose hazards to the equipment operators and, because of poor operators' vision, to other employees in the mine.

3. The life of this mine is approximately 6 months.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76–29837 Filed 10–8–76;8:45 am]

[Docket No. M 76–400]

B AND J COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B and J Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one 12 BU Joy loading machine, one Paul's roof bolting machine, and one Kersey battery scoop.

3. The No. 4 Mine is in the Whitesburg seam which ranges from 30 to 34 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

[FR Doc.76–29838 Filed 10–8–76;8:45 am]

[Docket No. M 76–341]

BRUSHY FORK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Brushy Fork Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 3, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment (mine tractors), loading machines, a roof bolting machine and a cutting machine.

2. This mine is in the Peach Orchard seam the thickness of which is not consistent due to rolls in the bottom and small hills inside the mine. The seam thickness is from 45 to 60 inches.

3. It would be impossible to remove this equipment to the outside without removing the canopies or placing the canopies at the lowest height in the mine. The mine tractor operators would be placed in danger due to the different heights of the coal. The canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.

4. Installing a canopy on a piece of equipment in low coal will reduce the vision of the operator of that particular piece of equipment to the point where he would be in danger and other workmen in the mine would be subject to injury from the moving equipment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76–29839 Filed 10–8–76;8:45 am]

[Docket No. M 76–329]

JOEBONER ELKHORN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Joeboner Elkhorn Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 11, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner operates the No. 11 Mine in the Clintwood seam of coal which averages 38 inches in height.

2. This seam has rolls in it which make it impossible for Petitioner to use canopies. With the height of Petitioner's equipment, it would not be feasible to use the canopy.

3. Petitioner's employees feel that the use of canopies would be dangerous because of reduced vision and because of the awkward position in which they must work if canopies are installed.

4. Petitioner cannot continue to operate this mine if canopies must be installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76–29840 Filed 10–8–76;8:45 am]

[Docket No. M 76–344]

RATLIFF BROTHERS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Ratliff Brothers Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75–1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

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(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner's equipment consists of two small mine tractors, two small roof bolters and one face drill.

2. Petitioner feels that installing canopies on this equipment creates a hazard to the equipment operators.

3. The equipment was not built for installation of the required type of canopy. Petitioner has installed canopies on its haulage equipment and has had the canopies hit the roof bolts in areas where it has installed runways over mud and water. Petitioner has had to replace roof bolts where header blocks were broken. Petitioner has tried to lower the canopies, but this results in a reduction in vision of the equipment operators.

4. Petitioner feels that because the canopies loosen roof bolts and reduce the vision of the equipment operators, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29841 Filed 10-8-76;8:45 am]

[Docket No. M 76-397]

RHONDA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rhonda Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof face, or rib, or from rib and face rolls. The requirments of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner mines coal in the Widow Kennedy coal seam which averages 28 to 50 inches in height.

2. The expected life of this mine is 5 to 6 years.

3. Petitioner feels that canopies cannot be installed on the equipment in this mine under present mining conditions. The equipment used in this mine already comes in contact with the roof at numerous locations due to irregularities in the mine floor. Installation of canopies on Petitioner's equipment would be contrary to good mining practices and also contrary to mandatory standards.

Petitioner complies with a very rigid roof control plan and has had no roof falls.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29842 Filed 10-8-76;8:45 am]

[Docket No. M 76-332]

SLATE BRANCH COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Slate Branch Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Mingo County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The equipment in this mine operates in the height range of 30 to 40 inches. The coal height ranges from 42 to 48 inches.

2. Petitioner feels that if canopies or cabs were installed on its equipment a new hazard would be created because of the restricted vision and working area of the equipment operators. The equipment operators would be confined to working areas from which they could not escape quickly in case of fire, smoke or any unforeseen danger because they would be confined inside a canopy or cab without sufficient space to remove themselves or to be removed in case of danger.

3. Petitioner feels that since the equipment in use of this mine was approved by the United States Bureau of Mines without cabs or canopies, it should continue to be approved without revisions.

4. Petitioners feels that the construction of this equipment would not be substantial enough to support a canopy or cab due to the fact that the frame is too weak to support additional weight.

5. Petitioner feels that the canopies or cabs create a hazard to the miners because the coal seam rises and dips. The canopies or cabs could come in contact with the top or bottom of the coal seam damaging roof bolts, headers or ventilation devices. This damage could create additional hazards.

6. Installation of canopies or cabs, in the opinion of Petitioner and its miners, would create more hazards and accidents than the failure to install canopies or cabs would create.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29843 Filed 10-8-76;8:45 am]

[Docket No. M. 76-342]

V-B COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), V-B Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its V-B Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active working of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of several Torkars. The model numbers of these Torkars are: 48-48, 48-43, 48-51-40, and 48-51-43. The cars range in height from 43 to 50 inches. These cars were manufactured in the early 1960's and were not designed for the installation of canopies.

3. The V-B Mine is in the Whitesburg seam which ranges from 48 to 84 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the Torkars limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 1976.

Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29844 Filed 10-8-76;8:45 am]

Office of the Assistant Secretary Land and Water Resources

TETON DAM FAILURE REVIEW GROUP

Public Hearing

Notice is hereby given that the Teton Dam Failure Review Group will hold work sessions beginning at 8:00 a.m. on October 13, 14 and 15, 1976, for the purpose of writing an interim report to the Secretary of the Interior.

The Review Group is a six-member interagency committee appointed by the Secretary of the Interior to investigate the causes of the Teton Dam failure, to review policies and procedures for dam construction, and to recommend, if appropriate, measures to prevent failure of existing dams, those under construction, and those to be built in the future.

The sessions will be held in Conference Room 1410 at the Bureau of Reclamation's Engineering and Research Center, Federal Center, Denver, Colorado. They are open to the public.

DENNIS N. SACHS,
Deputy Assistant Secretary.

OCTOBER 7, 1976.

[FR Doc.76-29903 Filed 10-8-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 117]

CITRUS—ARIZONA AND CALIFORNIA

Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 409.32 of Title 7 of the Code of Federal Regulations, the time for filing applications for citrus crop insurance in Arizona and California, in those counties where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on October 29, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 23, 1976.

LUTHER OVERGAARD,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.76-29869 Filed 10-8-76;8:45 am]

[Notice No. 118]

ORANGES—CALIFORNIA

Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 406.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for orange crop insurance in those counties in California, where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on October 29, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 23, 1976.

LUTHER OVERGAARD,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.76-29870 Filed 10-8-76;8:45 am]

Forest Service

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed the White Mountain National Forest Advisory Committee for an addi-

tional 2-year period ending October 15, 1978.

This is a local Forest Service advisory committee established by the Chief of the Forest Service on October 15, 1970, to advise the Forest Supervisor of the White Mountain National Forest in Laconia, New Hampshire, about policies, programs, and plans affecting management of the National Forest.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with the duties imposed on the Department by law.

ROBERT W. LONG,
Acting Secretary.

OCTOBER 6, 1976.

[FR Doc.76-29867 Filed 10-8-76;8:45 am]

Office of the Secretary

FORT BERTHOLD INDIAN LANDS

Feed Grain Donations

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Fort Berthold Indian Lands in North Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on October 5, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-29793 Filed 10-8-76;8:15 am]

Packers and Stockyards Administration

LAFAYETTE COUNTY LIVESTOCK AUCTION LEWISVILLE, ARKANSAS, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-155—Lafayette County Livestock Auction, Lewisville, Arkansas.
CA-172—Hastie Livestock Auction, El Cajon, California.
IA-253—Woodbury County Livestock Auction Co., Inc., Lawton, Iowa.
MT-119—Billings Livestock Comm. Co., Inc., Billings, Montana.
NM-117—Artesia Livestock Auction, Inc., Artesia, New Mexico.
TN-174—Kingsport Livestock Auction Corporation, Kingsport, Tennessee.
TX-314—Floresville Livestock Commission Company, Floresville, Texas.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, on or before October 27, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 4th day of October, 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[FR Doc.76-29796 Filed 10-8-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Local and State Governments

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the "Current Population Reports"—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1975, for which tabulations were completed between September 1, 1976, and September 30, 1976.

Dated: October 5, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

State/place or special area	County	Date of census	Population
Alabama: Hamilton City	Marion	July 13, 1976	4,196
Arkansas:			
Bauxite City	Saline	July 20, 1976	437
Gillett City	Arkansas	June 29, 1976	903
Sherwood City	Pulaski	June 28, 1976	6,744
Idaho:			
Grace City	Caribou	July 12, 1976	1,170
Lava Hot Springs City	Bannock	July 13, 1976	610
Illinois:			
Jerseyville City	Jersey	do	7,422
Lake County, unincorporated area only		June 2, 1976	77,177
Lindenhurst Village	Lake	June 22, 1976	4,789
Indiana: Westfield Town	Hamilton	July 27, 1976	2,497
Iowa:			
Bridgewater City, annexed areas only	Adair	July 13, 1976	242
Elk Horn Town	Shelby	July 27, 1976	736
Harlan City	do	July 16, 1976	5,251
Hinton City	Plymouth	Aug. 6, 1976	599
Long Grove City	Scott	July 8, 1976	399
Manchester City	Delaware	July 12, 1976	4,914
Meriden City	Cherokee	June 30, 1976	213
Sergeant Bluff City	Woodbury	Aug. 2, 1976	2,135
Shenandoah City	Freemont and Page	June 25, 1976	6,242
Whiting City	Monona	Aug. 3, 1976	717
Michigan:			
Ada Township	Kent	July 13, 1976	5,607
Baroda Township	Berrien	July 26, 1976	2,059
Bruce Township	Macomb	July 8, 1976	3,341
Clyde Township	St. Clair	June 28, 1976	4,327
Howell Township	Livingston	July 12, 1976	3,420
Richfield Township	Roscommon	July 6, 1976	2,626
Minnesota: Aurora City	St. Louis	July 12, 1976	2,793
Missouri: Creve Coeur City	do	July 14, 1976	10,660
Nebraska: Terrytown Village	Scotts Bluff	July 12, 1976	817
Pennsylvania:			
Bethlehem Township	Northampton	June 22, 1976	10,472
Falls Township	Bucks	May 11, 1976	36,427
Hanover Township	Lehigh	July 13, 1976	2,249
Red Hill Borough	Montgomery	June 24, 1976	1,574
South Park Township	Allegheny	June 22, 1976	10,923
White Township	Indiana	do	11,736
Texas: Berryville City	Henderson	July 13, 1976	363
Virginia: Goochland County		June 9, 1976	11,221
Wisconsin:			
Commonwealth Town	Florence	July 12, 1976	347
Grand Chute Town	Outagamie	June 14, 1976	7,549

[FR Doc.76-29661 Filed 10-8-76;8:45 am]

BUREAU OF THE CENSUS ADVISORY COMMITTEE

Termination

Pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee on Privacy and Confidentiality is terminated upon the publication of this notice in the FEDERAL REGISTER.

This Committee was established in 1971 to advise the Director, Bureau of the Census, on policy and procedure concerning the purpose and scope of census inquiries and on all aspects of privacy and confidentiality as they relate to the statistical work of the Bureau.

The decision to terminate this Committee has been made for three principal reasons: First, all agencies of the Federal Government must now give systematic attention to privacy issues because of the Privacy Act, which established the Privacy Protection Study Commission to provide a focal point for the development of information policies and fair information practices. Second, the other advisory committees to the Bureau of the Census address themselves to issues concerning the confidentiality of information, the integrity and objectivity of data collection, and the propriety of census and survey inquiries with respect to the right of privacy. Third, in accordance with the Federal Advisory Committee Act, the Census Bureau must use its resources for committee activities as efficiently as possible. The termination of the Census Advisory Committee on Privacy and Confidentiality is a clear instance where the Bureau can conserve its resources and still be assured of receiving valuable and independent advice on privacy and confidentiality.

Dated: October 6, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

[FR Doc.76-29834 Filed 10-8-76;8:45 am]

Maritime Administration

[Docket No. S-516]

FREDERICKSBURG SHIPPING CO.

Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act) for operating-differential subsidy on the S.S. *Fredericksburg* to engage in bulk carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1976, or upon completion of a voyage in progress on that date.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if its application for operating-differential subsidy is to be granted.

The written permission requested by Fredericksburg is identical to the written permission granted under section 805(a) to Margate Shipping Company, Chestnut Shipping Company, Charles Kurz & Co., Inc., Keystone Shipping Co. and Keystone Tankship Corporation, affiliates of Fredericksburg, on May 24, 1976, and is as follows:

For affiliated or associated companies to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among these areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

	Number of vessels
U.S. Gulf-Atlantic coastwise	17
U.S. Gulf-Atlantic-Puerto Rico	2
U.S. Atlantic-Gulf intercoastal (including Alaska and Hawaii)	10
Pacific coast-Alaska-Hawaii	15

Such written permission is now required under section 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on October 18, 1976 file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to

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warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties withstanding to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: October 6, 1976.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.76-29888 Filed 10-8-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, November 18, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The meeting will be open to the public. Members of the public may file written statements, and, to the extent time permits, present oral statements at the meeting. Additional information may be obtained from Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234 (phone 301-921-3157).

Dated: October 5, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-29761 Filed 10-8-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Public Meeting

Pursuant to Public Law No. 92-463, notice is hereby given of a meeting of the Commission on Executive, Legislative, and Judicial Salaries to be held in Room 2008, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on October 26, 1976 at 10:00 a.m.

The meeting will be open to public observation and participation. The purpose of the meeting is to hear reports on the status of the special assignments discussed at the October 12, 1976 meeting. These assignments were in the areas of executive, legislative and judicial pay comparability, benefits attributed thereto, and the effect of compensation on the hiring, retention and departure of federal executives, legislators and judges.

Anyone wishing to participate or attend this meeting should contact the Commission on Executive, Legislative, and Judicial Salaries; Suite 801, 1750 K Street NW., Washington, D.C. 20036, telephone number (202) 634-1650.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-30069 Filed 10-8-76;11:44 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0292; DESI 6811]

CERTAIN SINGLE-ENTITY AND COMBINATION PRODUCTS CONTAINING ISONIAZID

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 6811), published in the FEDERAL REGISTER of September 26, 1969 (34 FR 14856), the Food and Drug Administration announced its conclusions that the single-entity and combination drug products containing isoniazid described below are effective for the treatment of tuberculosis. The single-entity drug products containing isoniazid were also classified as possibly effective for certain other indications. Pursuant to the notice, no person submitted data in support of these possibly effective indications, and they were reclassified to lacking substantial evidence of effectiveness in a notice published in the FEDERAL REGISTER of October 7, 1971 (36 FR 19520). This notice offers an opportunity for hearing concerning the indications that were reclassified in the October 7, 1971 notice to lacking substantial evidence of effectiveness, and states the conditions for marketing both the single-entity and combination drugs for the indications regarded as effective. The effective indications have been modified since the publication of the September 26, 1969 notice. Persons who wish to request a hearing may do so on or before November 11, 1976.

1. NDA 8-486; Niconyl (isoniazid) Tablets; Parke, Davis & Co., Joseph Campau at the River, Detroit, MI 48232.
2. NDA 8-499; Isoniazid Tablets; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.
3. NDA 8-424; Tyvid (isoniazid) Tablets; Merrell-National Laboratories, Division, Richardson-Merrell, Cincinnati, OH 45215.
4. NDA 8-391; Cotinazin (isoniazid) Tablets; Pfizer Laboratories, Division Pfizer, Inc., 235 E. 42d St., New York, NY 10017.
5. NDA 8-532; Nicodrin (isoniazid) Tablets; Gold Leaf Pharmacal Co., Inc., Division of Ormont Drug and Chemical Co., Inc., Englewood, NJ 07631.
6. NDA 8-535; Zonazide (isoniazid) Tablets; Richlyn Laboratories, Inc., 3725 Castor Ave., Philadelphia, PA 19124.
7. NDA 8-678; Supercidin (isoniazid) Tablets; The Vitarine Co., Inc., 227-15 N. Conduit Ave., Springfield Gardens, NY 11413.
8. NDA 9-678; Isoniazid Tablets; Vitamix Pharmaceuticals, Inc., 5051 Lancaster Ave., Philadelphia, PA 19131.
9. NDA 8-807; Isoniazid Tablets; Barnes-Hind Laboratories, Inc., Subsidiary Barnes-Hind Pharmaceuticals, Inc., 895 Kifer Rd., Sunnyvale, CA 94086.
10. NDA 9-153; Isoniazid Tablets; Stanley Drug Products, Inc., 232 Southeast Oak St., P.O. Box 3108, Portland, OR 97208.
11. NDA 8-662; Nydrazid (isoniazid) Injection; Squibb Pharmaceutical Co., E. R. Squibb & Sons, Inc., Box 4000, Princeton, NJ 08540.
12. NDA 8-392; Nydrazid (isoniazid) Tablets and Syrup; Squibb Pharmaceutical Co.
13. NDA 8-500; Isoniazid Tablets; American Pharmaceutical Co., P.O. Box 448, Passaic, NJ 07055.
14. NDA 8-428; Isoniazid Tablets; Panray Division, Ormont Drug and Chemical Co., Inc., P.O. Box 150, Englewood, NJ 07631.
15. NDA 8-885; Puran (isoniazid); Pure Laboratories, Inc., 50 Intervale Rd., Parsippany, NJ 07054.
16. NDA 9-466; Sodium Para Aminosalicylate with Isoniazid; Richlyn Laboratories, Inc.
17. NDA 8-891; Buffered Parasal-INH Tablets (aminosalicylic acid and isoniazid); Panray.

The following drug products were neither submitted for review by the National Academy of Sciences-National Research Council nor included in the September 26, 1969 notice, but the conclusions described in this notice apply to them:

1. NDA 8-390; Rimifon (isoniazid) Tablets; Roche Laboratories, Division of Hoffmann-LaRoche, Inc., Nutley, NJ 07110.
2. That part of NDA 8-420 pertaining to Rimifon (isoniazid) Syrup; Roche Laboratories.
3. That part of NDA 8-420 pertaining to Rimifon (isoniazid) Injection; Roche Laboratories.
4. NDA 8-558; Niadrin (isoniazid) Tablets; Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11530.
5. NDA 8-567; Teebaconin (isoniazid) Tablets; CMC Research Division, Consolidated Midland Corp., 195 E. Main St., Box 74, Brewster, NY 10509.
6. NDA 8-608; Isoniazid Tablets; Strong Cobb Arner, Inc., 11700 Shaker Blvd., Cleveland, OH 44120.
7. NDA 9-220; Isopacin Tablets (isoniazid and sodium aminosalicylate); CMC Research Division, Consolidated Midland Corp.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs lack substantial evidence of effectiveness for the possibly effective indications which were reclassified in the October 7, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* As a single active entity, the drug is in injectable form suitable for parenteral administration, or in syrup or tablet form suitable for oral administration. The combination of isoniazid with aminosalicylic acid or its sodium salt is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement,

Caution: Federal law prohibits dispensing without prescription.

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

ISONIAZID

For all forms of tuberculosis in which organisms are susceptible.

For preventive therapy for the following groups, in order of priority:

1. Household members and other close associates of persons with recently diagnosed tuberculous disease.
2. Positive tuberculin skin test reactors with findings on the chest roentgenogram consistent with nonprogressive tuberculous disease, in whom there are neither positive bacteriologic findings nor a history of adequate chemotherapy.
3. Newly infected persons.
4. Positive tuberculin skin test reactors in the following special clinical situations: Prolonged therapy with adrenocorticosteroids; Immunosuppressive therapy; Some hematologic and reticuloendothelial diseases, such as leukemia or Hodgkin's disease; Diabetes mellitus; Silicosis; After gastrectomy.
5. Other positive tuberculin reactors under 35 years of age.

The risk of hepatitis must be weighed against the risk of tuberculosis in positive tuberculin reactors over the age of 35. However, the use of isoniazid is recommended for those with the additional risk factors listed above (1-4) and on an individual basis in situations where there is likelihood of serious consequences to contacts who may become infected.

ISONIAZID IN COMBINATION WITH AMINOSALICYLIC ACID OR SODIUM AMINOSALICYLATE

For the treatment of tuberculosis in which organisms are susceptible, and when the patient has been titrated on the individual components and it has therefore been established that this fixed dosage meets the foregoing needs.

This fixed-dosage combination drug is *not* recommended for initial therapy of tuberculosis or for preventive therapy.

3. *Marketing status of approved products.* Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following if he has not previously done so:

a. On or before December 13, 1976, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. In addition, for combination products containing isoniazid with aminosalicylic acid or sodium aminosalicylate, on or before April 12, 1977, data to show that the aminosalicylic acid or sodium aminosalicylate is biologically available in the formulation marketed.

4. *Marketing status of all other products.* a. Approval of an abbreviated new drug application must be obtained prior to marketing such product. The application shall contain the information specified in 21 CFR 314.1(f) and in addition, for combination products containing isoniazid with aminosalicylic acid or sodium aminosalicylate, shall include data of the kind required for this drug at the time of submission of the application to show that the aminosalicylic acid or sodium aminosalicylate is biologically available in the formulation proposed for marketing.

b. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), and for the combination products 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented; in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 11, 1976, a written notice of appearance and request for hearing, and (2) on or before December 13, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for

hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 6811, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products, (HFD–140), Rm. 12B–45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences—National Research Council: Public Records and Document Center (HFC–18), Rm. 4–62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 1, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76–29918 Filed 10–8–76;8:45 am]

National Institute of Education

PANEL ON BASIC SKILLS

Amended Meeting

The meeting of the Panel on Basic Skills of the National Institute of Education (NIE) scheduled for October 18–20, 1976, which was announced on Page 43756 of October 4, 1976, FEDERAL REGISTER will be held in Room 823 of the NIE headquarters, 1200 19th Street, NW., Washington, D.C.

Inquiries should be directed to Marshall S. Smith (202–254–5680).

Dated: October 5, 1976.

RICHARD S. WERKSMAN,
Committee Management Officer, National Institute of Education.

[FR Doc.76–29759 Filed 10–8–76;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, National Institutes of Health, Bethesda, Md., on December 13, 1976, in Building 30, Conference Room 117.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to discuss the research direction and activities of the laboratories of the National Institute of Dental Research. Attendance by the public will be limited to space available.

Dr. Marie U. Nylen, Acting Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, Md. 20014, (telephone 301–496–1483) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: October 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–29801 Filed 10–8–76;8:45 am]

Office of Child Support Enforcement

AUDIT AND PENALTY WORKSHOPS

Meetings

Notice is hereby given by the Director, Office of Child Support Enforcement (OCSE) that a series of 4 workshops will be conducted to discuss the requirement for an annual audit of each State's child support enforcement program and the possible penalty of 5 percent of a State's title IV–A reimbursement.

A Notice of Proposed Rulemaking, published in the FEDERAL REGISTER on October 1, 1976, 41 FR 43414, proposed a new 45 CFR Part 305 that describes the audit OCSE will conduct and sets the date for the first audit. The proposed regulations also define "effective program" for purposes of the audit and establish the criteria that the audit will use to determine program effectiveness. Finally, the proposed regulation provides that if a State is found by the Secretary to have failed to have an effective program, the penalty will be imposed.

The workshops are being held to explain and discuss the statutory basis, the audit procedure and criteria and to receive comments and recommendations from representatives of States, counties, cities and other interested groups or individuals.

Those who wish to participate are requested to register with the appropriate OCSE Regional Office at least 3 days prior to the meeting date by either writing or telephoning the contact person listed below. It is possible that participation may have to be limited to the first 100 individuals registering with the Regional Offices due to limited meeting facilities.

The workshops are scheduled as follows:

Date and time	Location	Contact person
Oct. 18, 1976, 9 a.m. to 4 p.m.	Federal Bldg., Room 13450, 450 Golden Gate Ave., San Francisco, Calif. 94102.	Mr. Benjamin Barsky, telephone: 415–556–6384 or Mr. Richard Lewis, telephone: 415–556–5176, 50 Fulton St., Federal Office Bldg., San Francisco, Calif. 94102.
Oct. 20, 1976, 9 a.m. to 4 p.m.	Southern Hotel, South High and East Main, Columbus, Ohio.	Mr. William Kelsay or Ms. Kathryn Beck, Office of Child Support Enforcement, 300 South Wacker Dr., 30th Floor, Chicago, Ill. 60606, telephone: 312–353–1591.
Oct. 21, 1976, 9 a.m. to 4 p.m.	Sheraton-Biltmore Hotel, 817 West Peachtree St., NE., Atlanta, Ga. 30383.	Mr. Charles Post or Ms. Marjorie Bates, Office of Child Support Enforcement, 507th St., NE., Atlanta, Ga. 30323, telephone: 404–526–3064.
Nov. 1, 1976, 10 a.m. to 5 p.m.	William J. Green, Jr., Federal Bldg., Room 3306/3310, 600 Arch St., Philadelphia, Pa. 19106.	Mr. Daniel Fascione or Mrs. Donna Fischer, Office of Child Support Enforcement, P.O. Box 7760, 3535 Market St., Philadelphia, Pa. 19101, telephone: 215–596–1305.

Individuals who do not attend the workshop have the opportunity to comment on the proposed regulations by forwarding comments to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013. Consideration will be given to all comments received by November 1, 1976.

Dated: October 5, 1976.

LOIS B. HAYS,
Deputy Director, Office of Child Support Enforcement.

[FR Doc.76–29773 Filed 10–8–76;8:45 am]

Office of Education

ILLINOIS

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Illinois and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds for programs under Title I of the ESEA during Fiscal Years 1969 through 1972 which are alleged to have supplanted rather than supplemented State and local funds. The Audit Control Number is 50006–05. The local education agency involved is the Chicago Board of Education and the sum of money involved is $51,100.

The prehearing conference will be held at 10:30 a.m. on November 4, 1976, in Room 4173, 400 Maryland Avenue, SW., Washington, D.C.

Section 7(c) of the Notice setting up the board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before October 29, 1976.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: October 4, 1976.

WILLIAM P. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.76–29836 Filed 10–8–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix 1), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held October 27, 28, 29, 1976, FOB 6, Room 4173, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Submit to the Commissioner a list of nominees for the position of Deputy Commissioner of Indian Education;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318; and

(7) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on October 27, 28, 29, 1976, will be open to the public beginning at 9 a.m. and ending 5 p.m. each day. This meeting will be held at FOB, 6, Room 4173.

The proposed agenda includes:

(1) Executive director's report.
(2) Action on previous meeting minutes.
(3) New council members' orientation.
(4) Election of council officers.
(5) Selection of council committees.
(6) Approval of NACIE FY '77 budget.
(7) Special reports.
(8) Plans for future NACIE activities.
(9) Regular council business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C., on October 6, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76–29768 Filed 10–8–76;8:45 am]

Social Security Administration

ATTORNEY ADVISOR TO THE COMMISSIONER OF SOCIAL SECURITY

Authority Delegation

Section 1878 of the Social Security Act, as amended (the Act), codified at 42 U.S.C. 1395oo, provides for the establishment of a Provider Reimbursement Review Board (the Board), to hear appeals by providers of services under the Medicare program who are dissatisfied with final cost reimbursement determinations by their fiscal intermediaries, or are not provided with such determinations on a timely basis. Subsection (f)(1) of section 1878 provides that a decision of the Board shall be final unless the Secretary of Health, Education, and Welfare (the Secretary)—on his own motion and within 60 days after the provider of services is notified of the Board's decision—reverses, affirms or modifies the Board's decision. The Secretary has delegated to the Commissioner of Social Security (the Commissioner) authority to administer the Medicare program established by title XVIII of the Act, with authority to redelegate (33 FR 5836–37, dated April 16, 1968). That authority includes review of decisions by the Board. A position as Attorney Advisor to the Commissioner was recently established for the purpose of recommending initiation of the "own motion review" process; evaluating cases under "own motion review," and recommending appropriate action for the disposition of such cases by the Commissioner. This position was organizationally located in

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the Social Security Administration's Office of Management and Administration, for purposes of general administrative support (41 FR 18900, dated May 7, 1976).

On November 7, 1969 (34 FR 18049–50), the Assistant Secretary for Administration and Management of the Department of Health, Education, and Welfare (HEW) redelegated to the Commissioner, with authority to further redelegate, authority to certify true copies of any books, records, papers or other documents on file within the Social Security Administration; to certify extracts from such material; to certify that true copies are true copies of the entire file; to certify the complete original record; to certify the nonexistence of records on file; and authority to cause the HEW Seal to be affixed to such certifications.

Notice is hereby given that the Commissioner has further redelegated the following authorities to the position of Attorney Advisor to the Commissioner:

1. Authority to certify true copies of any records, papers or other documents, as required for judicial review of cases under section 1878 of the Act (provider reimbursement review cases);
2. Authority to certify extracts from such material;
3. Authority to certify that true copies of such material are true copies of the entire file;
4. Authority to certify the nonexistence of such material;
5. Authority to certify the complete original record; and
6. Authority to cause the HEW Seal to be affixed to such certifications.

These further redelegations in no way impinge upon any present or future certification and/or HEW Seal affixation authorities vested with the Provider Reimbursement Review Board. The further redelegations to the Attorney Advisor specified above are effective as of October 12, 1976. The Attorney Advisor may not redelegate such authority.

Dated: October 1, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.76-29762 Filed 10-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76 190]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from July 29, 1976 to August 26, 1976 (List No. 19–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United Streets Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to those approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

The Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, Approval Nos. 160.050/42/0, 160.050/43/0 and 160.050/44/0 expired and were terminated effective August 26, 1976.

The Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, Approval No. 160.050/62/0 expired and was terminated effective August 10, 1976.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Greenwich Marine Engines, Division Hekma Advanced Mach. Company, Palmer Point, Cos Cob, Connecticut 06807, Approval No. 162.041/77/1 expired and was terminated effective August 11, 1976.

BULKHEAD PANELS FOR MERCHANT VESSELS

The TAC Construction Materials Ltd., Building & Insulation Division, P.O. Box 22, Trafford Park, Manchester M17 1RU, England no longer manufactures certain bulkhead panels and Approval No. 164.008/55/0 was therefore terminated effective July 29, 1976.

Dated: October 5, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

Federal Aviation Administration

[FAA Order 1050.10]

FAA FACILITIES

Prevention, Control, and Abatement of Environmental Pollution

The Federal Aviation Administration on September 28, 1976, promulgated Agency Order 1050.10: Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities. This order establishes agency policies, procedures, and functional responsibilities in complying with both the intent and environmental pollution standards of Executive Order 11752, issued December 17, 1973 (FR Doc. 73–26869 Filed 12–19–73; 12:45 p.m.) as it applies to FAA facilities. The purpose of publishing Order 1050.10 in the FEDERAL REGISTER is to inform interested persons of the FAA's continuing effort to protect and enhance the quality of air, water, and land resources, as they may be affected by agency facilities or their operation.

Issued in Washington, D.C., on October 4, 1976.

CHARLES R. FOSTER,
Director of Environmental Quality.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

[Order 10510]

Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities

SEPTEMBER 28, 1976.

1. *Purpose.* This order establishes agency policies, procedures, and responsibilities pertaining to the prevention, control, and abatement of environmental pollution at or from Federal Aviation Administration (FAA) facilities.

2. *Distribution.* This order is distributed to the division level in Washington, to the branch level in the regions and centers, with a minimum distribution to all field offices and facilities.

3. *Cancellation.* Order 6900.4, FAA Plans for Meeting Mandate of National Environmental Policy Act (NEPA) of 1969 (52 U.S.C. 4321), is canceled.

4. *Background.* This order is issued pursuant to the authority of environmental pollution and reporting requirements as set forth in Executive Order (E.O.) 11752, Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities, and the Office of Management and Budget (OMB) Circular A–106, Reporting Requirements in Connection With the Prevention, Control, and Abatement of Environment Pollution at Existing Federal Facilities, respectively.

5. *Definitions.*—a. *Facilities,* as defined in E.O. 11752, means buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property owned by, constructed or manufactured for the purpose of leasing to, the Federal Government. This order includes agency aircraft as a "facility;" however, the noise and exhaust pollutants of these aircraft are governed by the standards, rules and regulations made applicable under FAA Order 4040.9, "General Manual for Operation of FAA Aircraft."

b. *State, Interstate and Local Agencies* refer respectively to agencies designated by the Governor of a State; established by two or more states; authorized by a city, county or local government; or established by two or more counties or municipalities located in the same state or in different states. These agencies have responsibilities, powers or duties to enforce laws or ordinances pertaining to the prevention, control, and abatement of environmental pollution.

c. *Cost,* means the amount of funds required for designing and constructing necessary environmental control measures. These environmental costs include the capital costs of structure and equipment, irrespective of the appropriation chargeable, but exclude annual maintenance and operating costs.

d. *Responsible Official,* for the purposes of this order, is the Director of the Service, Office, Region or Center having jurisdiction over the area in which the facility is located, or from which its operational use is controlled.

6. *Policy.* FAA shall comply with the environmental pollution control standards set forth in E.O. 11752, regarding the design, construction, management, operation, and maintenance of its facilities, in cooperation with state and local governments. Additionally, the FAA shall, through compliance with pollution control requirements, provide leadership in the nationwide effort to improve and protect the quality of the Nation's environment.

7. *Scope.* This order covers the current environmental pollution control requirements for the quality of air, water, and land resources at or from FAA facilities.

8. *Responsibilities*—a. *The Office of Environmental Quality* (AEQ), under the direction of the Associate Administrator for Policy Development and Review, is responsible for preparing, recommending, and coordinating agency directives, policies and procedures for facility compliance with pollution control requirements. AEQ shall:

(1) Serve as agency focal point for environmental pollution control requirements.

(2) Receive, summarize and, as required, distribute facility environmental pollution control plans and reports.

(3) Consult with and, as appropriate, advise responsible officials in the implementation of this order.

b. *The Office of Budget* (ABU). (1) Shall set forth, in the annual call for estimates, documentation for budget submissions regarding environmentally related actions necessary to comply with this order.

(2) Serve as the central liaison point in the agency for annual budgetary estimates or programming matters requiring coordination with or submission to the Office of the Secretary of Transportation (OST), OMB, or Congressional Committees, and for the integration of environmental funding requirements with other requirements of the agency.

c. *Office and Service Directors* are responsible for ensuring compliance with the policies, procedures, and environmental pollution control requirements of this order for all facility actions originating in headquarters. Specific responsibilities for these actions are the same as for those facility actions originating in the regions and centers and are listed under paragraph 8(d) (1) through (10). In addition, headquarters services are responsible for providing advice and, as appropriate, assistance to their field counterparts to ensure compliance with this order.

d. *Regional and Center Directors* shall be responsible for the following actions regarding environmental pollution control at or from facilities under their jurisdiction:

(1) Designating an official to contact for matters relating to facility environmental pollution control.

(2) Ensuring that the applicable environmental pollution requirements in paragraph 9 are met on a continuing basis.

(3) Cooperating with the Environmental Protection Agency (EPA), state, interstate, and local agencies in prevention, control, and abatement of environmental pollution and, in accordance with guidelines issued by EPA, providing AEQ with such information as is necessary to determine compliance with applicable requirements.

(4) Submitting reports to AEQ, as required, regarding environmental pollution abatement plans and schedules on new and existing facilities as may be necessary to meet the applicable requirements specified in paragraph 9.

(5) Considering the environmental impact in the initial stages of planning for each new facility or modification of an existing facility in accordance with NEPA.

(6) In executing the environmental pollution abatement plan and schedule (8d(4)), budget requests for the design and construction of new facilities or for the modification of existing facilities should include funds, in accordance with the guidelines as outlined in the annual call for estimates, for such measures as may be necessary to meet the applicable requirements of paragraph 9. These environmental costs shall reflect the most efficient alternative for meeting the applicable pollution control requirements.

(7) Consulting, as appropriate, with EPA, regional offices, state, interstate, and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution.

(8) Requiring the lessor of a facility, as appropriate, to be responsible for compliance with the environmental pollution control requirements applicable to that facility.

(9) Ensuring that facilities constructed and/or operated outside the United States shall be in compliance with the environmental pollution control requirements of general applicability in the host country or jurisdiction concerned.

(10) Obtaining current statutes, directives, orders, circulars, or other documents including compliance and reporting procedural guidelines which involve pollution control requirements.

9. *Pollution control requirements.* All FAA facilities shall be designed, constructed, managed, operated and maintained so as to conform to the following requirements.

a. Federal, state, interstate and local air quality standards and emission limitations adopted in accordance with or effective under the provisions of the Clean Air Act, as amended (42 U.S.C. 18 et seq).

b. Federal, state, interstate, and local water quality standards and effluent limitations respecting the discharge or runoff of pollutants adopted in accordance with or effective under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq).

c. Through consultation and cooperation with state and local agencies, the substantive aspects of state and local air and water quality implementation plans. However, compliance does not include administrative procedural requirements, such as obtaining permits.

d. Federal regulations and guidelines on the dumping of material into ocean waters, adopted in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq), and the Federal Water Pollution Control Act, as amended.

e. EPA guidelines for solid waste recovery, collection, storage, separation, and disposal systems, pursuant to the Solid Waste Disposal Act, as amended (42 U.S.C. 3251 et seq).

f. Federal noise emission standards for products adopted in accordance with provisions of the Noise Control Act of 1972 (42 U.S.C. 4901 et seq), and state, interstate, and local standards for control and abatement of environmental noise.

g. Federal guidance on radiation and generally applicable environmental radiation standards promulgated or recommended by the EPA and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011 et seq), and rules, regulations, requirements, and guidelines on discharges of radioactivity as prescribed by the Atomic Energy Commission, or the Nuclear Regulatory Commission.

h. Federal regulations and guidelines on the manufacture, transportation, purchase, use, storage, and disposal of pesticides promulgated pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136 et seq).

10 *Special requirements.* Environmental pollution control requirements, as specified in paragraph 9, may not exist for a particular geographic area or type/class of facility. In those instances, EPA, in consultation with appropriate Federal, state, interstate, and local agencies, may issue requirements. Responsible officials shall comply with these environmental pollution control requirements, once they are promulgated and published in the FEDERAL REGISTER.

11. *Exemptions.* Certain FAA facilities or uses thereof may be exempt from complying with the environmental pollution control requirements, if it is determined that the facility or uses thereof are in the interest of national security, or in extraordinary cases, where it is in the paramount interest of the United States. Procedural guidance on the exemption process is to be prepared and issued by EPA. When an agency facility is considered for exemption by the responsible official, consultation with and concurrence by EPA is required. A copy of the proposed exemption is to be sent to AEQ at the same time it is submitted to EPA. Should EPA not agree to the exemption, the exemption determination is then subject to the approval of OMB. A formal request for such approval is to be submitted, by the responsible official, to AEQ for forwarding to OMB through the Office of the Assistant Secretary for Administration (TAD). EPA has sole responsibility for approval of exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972.

12. *Guidance and reporting.* Guidance, including procedures and reporting, regarding facility compliance with environmental pollution control requirements is issued by EPA. This guidance, due to its development process, periodic revisions, and expansion of coverage may change. To insure continuing compliance with the requirements of this order, the responsible official shall obtain directly from EPA guidance applicable to the facility or its use. Specific responsibilities of EPA are included in Appendix 1, Environmental Protection Agency Responsibilities.

a. *Pollution Control Plans.* An agency plan covering facility compliance shall be developed and reported to OMB in accordance with the procedures prescribed by EPA on a semiannual basis. Responsible officials shall submit reports to AEQ by November 30 and May 31.

b. *Facility Exemptions.* AEQ shall, in coordination with ABU, report to OMB through TAD, by January 15 following the end of each calendar year, agency facilities determined to be exempt from environmental pollution control requirements. Responsible officials shall submit to AEQ by December 15 all facility exemption determinations for the year, justification for each exemption, a summary of the coordination with EPA and, as appropriate, state and local agencies, and report distribution.

c. *Air Pollutant Emissions.* The responsible official shall develop and submit to EPA and state air pollution agencies, in addition to AEQ, facility emissions data, which determine facility compliance with source air pollution standards. After submitting this report, a new report shall be submitted only where the data previously reported does not accurately describe current operations.

J. W. COCHRAN,
Acting Administrator.

APPENDIX 1—ENVIRONMENTAL PROTECTION AGENCY RESPONSIBILITIES

The EPA, under E.O. 11752, is the control agency regarding Federal facilities' compli-

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ance with pollution control requirements. This Appendix identifies those areas of EPA responsibility, as set forth in E.O. 11752, in the prevention, control, and abatement of environmental pollution at Federal facilities. These include:

1. Providing technical advice and assistance to the responsible officials of the agency, regarding compliance with the pollution control requirements.

2. Maintaining a review of agency facility compliance.

3. Providing liaison to assure agency actions taken are coordinated with state, interstate, and local programs.

4. Mediation of any conflicts between the agency and state, interstate, or local authorities, in matters affecting compliance with pollution control requirements.

5. Developing, in coordination and consultation with responsible agency officials:

a. Common procedures for Federal compliance with pollution control requirements.

b. Regulations and guidelines as necessary to facilitate compliance implementation.

c. Framework for coordination and cooperation among the agency, EPA, and the state, interstate, and local agencies.

6. Maintaining a continual review of the implementation of E.O. 11752.

7. Reporting to the President on the progress of the agency in showing facility compliance.

[FR Doc.76-29766 Filed 10-8-76;8:45 am]

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS

Exemptions

NOTICE OF GRANTS AND DENIALS OF APPLICATIONS FOR EXEMPTIONS

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted August 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Grants

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-P	DOT-E 1479	Hercules, Inc., Wilmington, Del.	49 CFR 173.315(a)(1)	To become a party to exemption 1479. (See application Nos. 75-133, 75-179, 76-312.) (Mode 1.)
2326-X	DOT-E 2326	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.77	To ship certain high explosives in a 1-gal or smaller size tape-sealed cardboard carton, adequately cushioned and overpacked in a DOT specification 12H fiberboard box. (Mode 1.)
3744-X	DOT-E 3744	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.266 (b)(7)	To become a party to exemption 3744. (See application Nos. 76-173, 76-190, and 76-185.) (Modes 1 and 2.)
76-298 4390-X	DOT-E 4390	MCB Manufacturing Chemists, Norwood, Ohio; Eastman Kodak Co., Rochester, N.Y.; Lehigh Valley Chemical Co., Easton, Pa.	49 pt. 173; 46 CFR 146.21-100 145.23-100, 146.25-200, 146.27-100.	To ship certain hazardous materials in a non-DOT specification 6½-gal capacity glass carboy overpacked in a polystyrene case. (Modes 1 and 2.)
76-93	DOT-E 4988	Advanced Instruments, Inc., Needham Heights, Mass.	49 CFR 173.124 (a)(3).	To amend E4988 to provide for shipment by cargo vessel also. (Modes 1, 2, 3, and 4.)
5456-P	DOT-E 5456	Monsanto Co., St. Louis, Mo.	49 CFR 173.245, 173.247, 173.263, 173.266, 173.269, 173.272, 173.349.	To become a party to exemption 5456. (See application No. 75-175.) (Modes 1, 2, and 3.)
5701-X	DOT-E 5701	IMC Chemical Group, Inc., Allentown, Pa.	49 CFR 173.93(e)	To ship certain class B explosives in composite polyethylene/metal drum packagings. (Modes 1 and 2.)
6151-P	DOT-E 6151	Residex Corp., Clark N.J.	49 CFR 173.302(a)(4), 173.304((a)(1) 173.306(c).	To become a party to exemption 6151. (See application No. 74-142.) (Modes 1 and 2.)
6464-P	DOT-E 6464	Fall River Gas Co., Fall River, Mass.	49 CFR 172.101, 173.315(a).	To become a party to exemption 6464. (See application Nos. 76-160, 76-316, 76-328, and 76-114.) (Mode 1.)
6671-X 7434-N	DOT-E 6671	Dow Chemical Co., Midland, Mich.; Natico, Inc., Chicago, Ill.	49 CFR 173.1 pt. 173, Subparts C, E and G; § 177.834.	To ship certain hazardous materials in defective prescribed packaging overpacked in metal drums. (Modes 1 and 2.)
6765-X	DOT-E 6765	Lincoln Welding Supply Co., Lincoln, Neb.	49 CFR 173.315(a)(1)	To ship certain nonflammable liquefied gases in a non-DOT specification truck-mountable, cargo tank fabricated from type 304 stainless steel. (Mode 1.)
6870-P	DOT-E 6870	Goodyear Atomic Corp., Piketon, Ohio; Nuclear Fuel Services, Inc., Erwin, Tenn.	49 CFR 177.842(b)	To become a party to exemption 6870. (See application Nos. 76-147 and 76-308.) (Mode 1.)
6941-X	DOT-E 6941	Mobay Chemical Corp., Pittsburgh, Pa.	49 CFR 173.346(a)-(12).	To ship toluene diisocyanate in tank motor vehicles having cargo tanks that comply with the design and constructional requirements of DOT specification MC-304 or MC-307 except for bottom outlet valves. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
76-216	DOT-E 6078	North Texas LPG Corp., Houston, Tex.	49 CFR 173.315(a)(1), (c)(1).	To provide more latitude in the origination and destination points of compressed gas shipments in a MC-331 tank motor vehicle. (Mode 1.)
7027-X	DOT-E 7027	Borden Chemical, Columbus, Ohio.	49 CFR 173.358, 173.359.	To ship parathion and other class B poisonous liquids in 2 non-DOT specification ASME portable tanks. (Mode 1.)
7045-X	DOT-E 7045	Eastman Kodak Co., Rochester, N.Y.	49 CFR 173.242(c), 173.245(a)(18).	To authorize other persons to reship packages pursuant to sec. 173.22a. (Modes 1, 2, and 3.)
7076-X	DOT-E 7076	LaMotte Chemical Products Co., Chestertown, Md.	49 CFR 173.286(b)	To ship chemical kits containing corrosive liquid packed with nonhazardous articles. (Modes 1 and 2.)
7231-X	DOT-E 7231	American Cyanamid Co., Wayne, N.J.	49 CFR 173.245(a)	To authorize an additional corrosive liquid, n.o.s. in a collapsible rubber container named "SEALD TANK." (Mode 1.)
76-292	DOT-E 7275	Express Airways, Inc., Mojave, Calif.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1).	To transport class A, B, and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air, in 49 CFR pt. 172 through 178. (Mode 4.)
76-367	DOT-E 7281	RMI Titanium Co., Ashtabula, Ohio.	49 CFR 173.208(b)	To ship titanium metal powder, dry in a DOT specification 17C drum. (Mode 1.)
76-369	DOT-E 7284	Virginia Chemical Co., Portsmouth, Va.	49 CFR 173.249(a)(6)	To ship alkaline corrosive liquids, n.o.s. in a DOT specification MC-303 cargo tank. (Mode 1.)
76-382	DOT-E 7286	Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.34(e)(15)(i).	To ship compressed gases in DOT specification 3A or 3AA cylinders, and cylinders marked 1CC-3, 3A, or 3AA over 35 yr old that are retested every 10 yr. (Modes 1, 2, 3, 4, and 5.)
7422-N	DOT-E 7422	Chemetron Corp., Holland, Mich.	49 CFR 173.28(m), 173.365(a)(2).	To ship sodium arsenate, solid in reconditioned 55-gal DOT specification 17H steel drums having polyethylene liner. (Mode 1.)
7426-N	DOT-E 7426	Martin Marietta Chemicals, Charlotte, N.C.	49 CFR 173.245(a)(29), (31).	To ship a corrosive liquid, n.o.s. in MC-303 or MC-306 tank motor vehicles. (Mode 1.)
7442-N	DOT-E 7442	JSR America, Inc., New York, N.Y.	46 CFR 90.05-35, 98.33-3.	To ship tertiary dodecyl mercaptan in a non-DOT specification portable tank. (Mode 3.)

Emergency exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
APPLICATION RECEIVED AND GRANTED				
E-6299	DOT-E 6299	Abbott Welding Supply Co., Inc., Olean, N.Y.	49 CFR 173.315(a)(1)	To transport nonflammable compressed gases in a non-DOT specification portable tank. (Mode 1.).
APPLICATION RECEIVED AND DENIED				
EE-7509	Denied, Aug. 6, 1976.	Vicksburg Chemical Co., Vicksburg, Miss.	49 CFR 173.271	To ship thiophosphoryl chloride in DOT specification MC-312 cargo tank made of type 316 stainless steel. (Mode 1.)
EE-7510	Denied, Aug. 12, 1976.	Glidden-Durkee, Division of SCM Corp., Cleveland, Ohio.	49 CFR 173.948	To ship camphene in 55-gal closed-head polycthylene drums. (Mode 3.)

DENIALS

75-109—Request by Pennwalt Corporation, Philadelphia, Pa.—To ship chlorine in non-DOT specification containers built to the Chlorine Institute's (CI) proposed Specification 220A500W, denied August 24, 1976.

76-112, 76-113—Request by American Hoescht Corporation, Somerville, N.J.—To ship various hazardous materials in foreign made steel drums comparable to DOT-17E or 37A drums except for thinner wall or heads, denied August 3, 1976.

5062-X—Request by The Dow Chemical Company, Freeport, Tex.—To authorize the use of outer jackets made from fiberglass reinforced plastic, and to authorize extrapolation of holding time, denied, August 12, 1976.

6519-X—Request by Hercules Inc., Wilmington, Del.—To cancel DOT-E 6519 because of no foreseeable future application, canceled August 25, 1976.

7223-P—Request by Frontier Airlines, Inc., Denver, Colo.—To extend FAA Exemption 2127 authorizing shipments of company-owned electric storage batteries in an inaccessible cargo pit or bin, denied August 30, 1976.

7437-X—Request by Air Products and Chemicals, Inc., Allentown, Pa.—To renew U.S. Coast Guard Special Permit No. 28-69 which authorized the shipment of packages of flammable and non-flammable compressed gases in the same sea container, denied August 24, 1976.

7478-N—Request by Power-Pak Products, Inc., Spartenburg, S.C.—To qualify fire extinguishers of 1300 cubic inches capacity under 49 CFR 173.306(c), denied August 31, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-29379 Filed 10-8-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-10-23; Docket 28456]

EASTERN AIR LINES, INC.

Order Setting Application for Hearing in Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October 1976.

On October 31, 1975, Eastern Air Lines filed an application, pursuant to Subpart N of Part 302 of the Board's Procedural Regulations, for amendment of its certificate of public convenience and necessity for Route 5 so as to permit it to operate turnaround nonstop service between Pittsburgh and Atlanta.[1]

By Order 76-3-108, March 16, 1976, the Board set Eastern's application for further proceedings under Subpart N and directed Eastern to file additional exhibit material. Supplemental and revised exhibits were then filed by Eastern.

An answer in support of Eastern's application was filed by the Pittsburgh Airport Advisory Committee. United Air Lines also filed on answer, requesting that Eastern's application be dismissed or that a hearing be held. In support of its request, United states, inter alia, that removal of condition (5) (b) will not result in additional benefits to the local Pittsburgh-Atlanta market, but will result in diversion of $2 million of United's estimated 1977 revenues. Eastern filed a reply controverting United's arguments.

Upon consideration of the pleadings and all the relevant facts, we have determined that there is a sufficient basis for setting Eastern's application in Docket 28456 for hearing.

Accordingly, it is ordered That: The application of Eastern Air Lines, Inc., Docket 28456, be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereinafter designated, as the orderly administration of the Board's docket permits.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29864 Filed 10-8-76;8:45 am]

[1] Condition (5) (b) of Eastern's cetrificate for Route 5 currently requires all Pittsburgh-Atlanta flights to originate or terminate at either Toronto or a point in Jamaica.

V 41 N 198 OCT 12 76 UM

[Docket No. 24339; Order 76-10-24]

HAZARDOUS MATERIALS

Order Regarding Transportation by Air Carriers

In the matter of acceptance and transport of hazardous materials by various air carriers, dockets 24339, 27090, 27148, 27380, 27382, 27428, 27488, 27494, 27495, 27509, 27518, 27519, 27520, 27521, 27527, 27537, 27545, 27546, 27549, 27554, 27560, 27588, 27655, 27806, 27956, 28180.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October, 1976.

By Order 75-11-31 adopted November 11, 1975, the Board acted on a number of matters relating to the refusal of various air carriers to accept and transport hazardous materials, requiring inter alia, that certain carriers cancel their tariff provisions refusing acceptance of hazardous materials.[1] Subsequently, the Board issued Order 75-11-92, dated November 24, 1975, which stayed the effectiveness of Order 75-11-31 insofar as it required cancellation of these tariff provisions until 15 days after issuance by the United States Court of Appeals for the District of Columbia of its mandate in "Delta Air Lines, et al. v. Civil Aeronautics Board," Nos. 74-1984, et al.

On August 30, 1976, the U.S. Court of Appeals issued its mandate in this proceeding. In accordance with the Court's decision, we will vacate the requirement in Order 75-11-31 that the tariff provisions refusing to accept hazardous materials be canceled.[2]

Accordingly, it is ordered, That: 1. Ordering Paragraph 5 of Order 75-11-31 be, and it hereby is, vacated.

2. The motion of the Petitioning Carriers filed herein is hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29861 Filed 10-8-76;8:45 am]

[Order 76-9-154; Docket 27573; Agreement C.A.B. 26139]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

Issued under delegated authority September 29, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the resolution establishing bulk unitization charges between areas 2 and 3 (Europe and Asia) by including Brisbane, reflecting direct London-Brisbane service. Consistent with our prior approval, we will approve the agreement insofar as the charges established under this resolution are combinable with charges to/from the United States and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that Resolution JT23(Mail 54) 535 which is incorporated in Agreement C.A.B. 26139, and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered That: Agreement C.A.B. 26139 be and hereby is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29862 Filed 10-8-76;8:45 am]

[Order 76-10-26; Docket 27813; Agreement C.A.B. 26098]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of October, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, submitted on September 13, 1976, was adopted by mail vote and has been assigned the above C.A.B. agreement number.

The agreement would reinstate at previous, lower levels certain proportional fares used in conjunction with specified group inclusive-tour and affinity group 70/100 fares to construct through fares between U.S. points and points in the Far East over the North/Central Pacific. The IATA carriers contend that this is in response to the fact that a non-IATA carrier has not implemented certain of the recently-approved increases in proportional fares for the above fare categories.[1] We will approve the agreement inasmuch as it appears to be necessitated by competitive considerations.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204 (a), and 412 thereof, the Board does not find Resolution JT31(Mail 57) 015b, incorporated in Agreement C.A.B. 26098, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That: Agreement C.A.B. 26098 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29863 Filed 10-8-76;8:45 am]

[Order 76-10-25; Docket 29517]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October, 1976.

On July 13, 1976, Pan American World Airways, Inc. (Pan American) filed a petition for reconsideration of Order 76-6-162 which affirmed the staff's rejection of Pan American's tariff filing to establish 30/120-day excursion fares and individual return GIT fares for traffic originating in Taipei, Hong Kong, and Bangkok. Although Section 385.54 of the Board's Organization Regulations does not provide for the petition for reconsideration filed by Pan American, we will consider the matter on its merits.

Pan American filed tariff provisions[1] with the Board on March 17, 1976, proposing to establish the above-cited fares for effectiveness May 1, 1976. Under date of April 9, 1976, the Board's staff rejected the tariff filing under delegated authority[2] because of Pan American's failure to submit in support of its filing the justification required by section 221.165 of the Board's Economic Regulations. Pan American petitioned the Board to review the staff action, and upon review the Board affirmed the rejection. The instant petition is for reconsideration of the order affirming the staff's rejection.

In support of its petition, Pan American states (1) that the Board lacks authority to reject its tariff; (2) that, contrary to the position of the Board, the issues raised cannot be adequately addressed by the Board's Bureau of Enforcement; and (3) that the Board's conclusion that the illegal fares cannot be verified without Board enforcement action is clearly erroneous. Elaborating upon its first point, Pan American contends that the Board's affirmation of the rejection amounted to a substantive determination that the fares should not be permitted, and that the recent decision in *"Delta Air Lines, Inc. v. Civil Aeronautics Board,"* Civil No. 74-1984 (D.C. Cir., June 22, 1976), established that the Board lacks authority to reject on substantive policy grounds. Pan American's petition contains several other assertions as to the substantive merits of its rejected tariff.

The simple fact of the matter is that Pan American's tariff was not filed in compliance with the Board's Economic Regulations, specifically with section 221.165 thereof. As specifically pointed out in both Rejection Notice No. B-3408 and Order 76-6-162, the abbreviated justification permitted for tariffs filed to "meet competition" is applicable only to those relatively clear-cut cases where the "competitive" fares are contained in, and thus clearly identifiable from, a properly cited, lawfully filed tariff. Such abbreviated justification requirements do not apply, and were never intended to apply, to filings such as Pan American's which present significantly more difficult and complex questions.

Since Pan American's filing did not meet the requirements of a filing to meet competition as specified in paragraph (d) of § 221.165, the full justificatioan requirements set forth in paragraphs (a), (b), and (c) of section 221.165 were clearly applicable. The filing did not fully meet such requirements, specifically those set forth in paragraphs (b) and (c) of section 221.165. If the Board is to deal in a substantive manner with filings which raise difficult and complex questions, it is entitled to the information and justification in support of such filings required by its regulations.

Upon consideration of the foregoing, the Board finds that Pan American's petition should be denied.

Accordingly, it is ordered, That: The petition of Pan American World Airways, Inc. in Docket 29517 for reconsideration of Order 76-6-162 be and it hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29860 Filed 10-8-76;8:45 am]

CIVIL RIGHTS COMMISSION

ILLINOIS ADVISORY COMMITTEES ET AL.

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin Advisory Committees (SAC) to this Commission will convene at 5:00 pm. and end at 1:00 pm. on October 28, 1976, and will reconvene at 9:00 am. and end at 7:00 pm. on October 29, 1976, and the final meeting will convene at 9:30 am. and end at 1:00 pm. on October 30, 1976.

Persons wishing to attend this conference should contact the Committee Chairpersons, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this conference is to discuss the Commission organization; review and discuss current programs and projects and plan for future SAC projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-29736 Filed 10-8-76;8:45 am]

KANSAS ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and end at 12:30 p.m. on November 6, 1976, at the Ramada Inn East, Apollo Room, 8300 East Kellogg, Wichita, Kansas.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to discuss school desegregation in Kansas City; prison subcommittee activities; tour-State Employment Study; Program planning.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 4, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-29737 Filed 10-8-76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 pm. and end at 3:00 pm. on November 11, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss SAC's subcommittees and programming for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-29738 Filed 10-8-76;8:45 am]

MONTANA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee (SAC) to this Commission will convene at 9:00 am. and end at 2:00 pm. on November 13, 1976, at the Scharf's Conference Room, 819 Main, Deer Lodge, Montana.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to hear reports on Children's Rights, Administration of Justice, Employment, Age Discrimination and followup to the Media report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 4, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-29739 Filed 10-8-76;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. and end at 10:00 p.m. on October 29, 1976, and reconvene at 9:30 a.m. and end at 2:00 p.m. on October 30, 1976, at the Ramada Inn, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

[1] Ordering Paragraph 5 of Order 75-11-31. Essentially Order 75-11-31 vacated a stay of the effectiveness of Order 75-4-75 (April 15, 1975) by which, inter alia, the Board had rejected these tariff provisions.

[2] On September 8, 1976, several carriers filed a joint motion requested that the Board vacate Ordering Paragraph 5 of Order 75-11-31. In view of the action taken herein this motion will be dismissed as moot.

[1] Order 76-9-43, September 9, 1976 approved, inter alia, increased North/Central Pacific proportional fares reflecting recent domestic fare increases.

[2] Revisions to Tariff C.A.B. No. 44, issued by Air Tariffs Corporation, Agent.

[3] Rejection Notice No. B-3408.

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The purpose of this meeting is to discuss programming for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 76-29740 Filed 10-8-76; 8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) to this Commission will convene at 6:00 pm. and end at 10:00 pm. on November 4, 1976, at the Ramada Inn, New Brunswick, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss programming for the year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-29741 Filed 10-8-76;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) to this Commission will convene at 4:00 pm. and end at 6:00 pm. on October 26, 1976, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program and project priorities for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-29742 Filed 10-8-76;8:45 am]

UTAH ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) to this Commission will convene at 7:00 pm. and end at 9:00 pm. on November 4, 1976, at the Library—Salt Lake Board of Education, 440 1st So., Salt Lake City, Utah.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis St., Denver, Colorado 80202.

The purpose of this meeting is to discuss the field investigations to date on the Criminal Justice hiring practices project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 4, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-29743 Filed 10-8-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. 76-5]

UPS 'N DOWNS, INC. ET AL.

In the Matter of UPS 'N DOWNS, INC., a corporation, SUSAN IVES OF N.J., INC., a wholly owned subsidiary, SUSAN IVES OF N.Y., LTD., a wholly owned subsidiary, PROVING GROUND, INC., a wholly owned subsidiary, and Burton B. Brous, individually and as an officer of said corporations.

Hearing

The Commission's Staff, having on May 10, 1976, filed a Notice of Enforcement in the above entitled proceeding charging Respondents with having violated certain provisions of the Federal Trade Commission and the Flammable Fabrics Acts and the rules and regulations promulgated thereunder, including the Standard for the Flammability of Clothing Textiles (CS 191-53), by having sold, or delivered after sale, or shipped in commerce, articles of wearing apparel known as Michael Milea Sportswear Tops, styles MP 408, 409, 410 and 425 which were not manufactured in conformance with all the requirements of CS 191-53, and;

The Staff, having proposed the issuance of an Order directing Respondents, inter alia (1) to cease and desist from manufacturing, selling, importing, and transporting any product, fabric or related material which fails to conform to the requirements of the applicable standards issued under the Flammable Fabrics Act; (2) to conform to the provisions of the Flammable Fabrics Act and the regulations and standards thereunder; (3) to give public notice to all customers who purchased said Michael Milea Sportswear tops, that those articles do not comply with the Standard, may be dangerously flammable and that said customers may return the sportswear tops for replacement or complete refund of the purchase price at the otpion of Respondents; and

Respondents, having on June 1, 1976, filed a general denial of the allegations in the Notice of Enforcement, and having further alleged that all Michael Milea Sportswear tops obtained by the Commission's Staff from Respondents have been tested by the Commission and found to conform with the Flammability Standards CS 191-53.

A telephone prehearing conference in this case was held on Friday, July 19, 1976. The hearing is scheduled to commence on Monday, October 18, 1976, in the Consumer Product Safety Commission New York Area Office, 6th Floor, Vesey Street, No. 6 World Trade Center, New York, New York 10048, at 10:00 a.m., edst.

The docket in this case is available in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

Dated: OCTOBER 5, 1976.

SADYE E. DUNN,
Secretary.

[FR Doc.76-29791 Filed 10-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30120A; FRL 629-4]

NALCO CHEMICAL CO.

Receipt of Application to Register a Pesticide Product Containi g New Active Ingredient; Correction

On August 20, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 35216) that Nalco Chemical Co., PO Box 87, Sugar Land TX 77487, had submitted an application to register the pesticide product VISCO 3990 OIL AND WATER-FLOOD OR SALTWATER DISPOSAL SYSTEM, BACTERIA DISPOSAL SYSTEM, BACTERIA CONTROL CHEMICAL AND CORROSION INHIBITOR (EPA File Symbol 10349-RL), containing 5.0% of the active ingredient Hexachlorodimethylsulfone. Hexachlorodimethylsulfone was identified as a new active ingredient which had not been included in any previously registered pesticide products.

It has been brought to our attention that Hexachlorodimethylsulfone is a synonym for the active ingredient Bis (trichloromethyl) sulfone which is currently included in registered pesticide products. Consequently, the August. 20 FEDERAL REGISTER notice was published in error.

Dated: October 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-29867 Filed 10-8-76;8:45 am]

FMC CORP.

[FRL 629-5; PF50]

Filing of Pesticide Petition

FMC Corporation, 100 Niagara St., Middleport NY 14105, has submitted a petition (PP 6F1701) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.254 be amended by establishing a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate) and its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity peanuts at 5 parts per million.

On May 6, 1976, the EPA announced receipt of a related petition (FAP 5H5132) from FMC Corporation which proposed that 21 CFR 561 be amended to include a feed additive tolerance of 24 ppm for residues of the insecticide carbofuran and its metabolites, of which no more than 3 ppm are carbamates, in the fatty acids derived from peanut soapstock, reflecting residues of 8 ppm, of which no more than 1 ppm is carbamates, in alkaline peanut soapstock.

Interested persons are invited to submit written comments on this petition to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone (202) 755-9315. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-29886 Filed 10-8-76;8:45 am]

[FRL 629-6; OPP—33000/467]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration oif section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (C) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before December 13, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before November 11, 1976.

Dated: October 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/467)

EPA File Symbol 5481-ROU. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angles, CA 90023. KERB GRANULES 4. Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propomyl). Benzamide 4%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 6308-29. The Ansul Co., Weslaco Technical Center, PO Drawer 1165, Weslaco, TX 78596. ANSAR 529 H.C. HERBICIDE HIGH CONCENTRATE. Active Ingredients: Monosodium Acid Methanearsonate 47.74%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-60. The Ansul Co. ANSAR 170 H.C. HERBICIDE HIGH CONCENTRATE. Active Ingredients: Monosodium Acid Methanearsonate 58.39%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-77. The Ansul Co. ANSAR 529 H.C. HERBICIDE WESTERN FORMULATION. Active Ingredients: Monosodium Acid Methanearsonate 47.65%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6704-74. U.S. Department of the Interior, U.S. Fish and Wildlife Service, Washington, DC 20240. ZINC PHOSPHIDE. Active Ingredients: Zinc Phosphide 2.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA File Symbol 6062-UO. Madison Bionics, 11250 W. Addison St., Franklin Park, IL 60131. DUET RTU. Active Ingredients: Potassium Laurate and Myristate Soaps 0.2000%; Potassium o-benzyl-p-chlorophenate 0.1055%; Isopropanol 0.1000%; Potassium ortho-phenylphenate 0.0366%; Tetrasodium ethylenediamine tetraacetate 0.0228%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

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EPA Reg. No. 8730–9. Herculite Protective Fabrics Corp., A Subsidiary of Health-Chem Corp., 1107 Broadway, New York City, NY 10010. HERCON INSECTAPE ROACH KILLER WITH CHLORPYRIFOS. Active Ingredients: 0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 8764–14. FMC Corp., Citrus Machinery Div., PO Box 552, Riverside CA 92502. FRESHGARD 110. Active Ingredients: 2,6-Dichloro-4-nitroaniline 9.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 8764–15. FMC Corp. STA-FRESH 300. Active Ingredients: 2,6-Dichloro-4-nitroaniline 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA File Symbol 8764–EE. FMC Corp. FRESHGARD 502. Active Ingredients: 2-(4-Thiazolyl) benzimidazole (Thiabendazole) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 9339–RN. Flexabar Corp., 140 Walnut St., Northvale NJ 07647. FLEXABAR LIQUID GERMICIDAL CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%: Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate, 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9779–73. Riverside Chemical Co., Box 171199, Memphis TN 38117. RIVERSIDE 5% MALATHION DUST. Active Ingredients: Malathion (0,0-diethyl dithiophosphate of diethyl mercaptosuccnate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 9779–234. Riverside Chemical Co. MALACIDE 4 SWINE DUST. Active Ingredients: Malathion (0,0-dimethyl Dithiophosphate of Diethylmercaptosuccinate) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 9859–AU. Landia Chemical Co., 1801 W. Olive St., Lakeland FL 33801. TOXAPHENE EM–6. Active Ingredients: Toxaphene 58.4%; Xylene-Range Aromatic Hydrocarbon Solvent 36.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 10807–LU. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. AERO CHEM LIQUID DISINFECTANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10807–LA. Aero Mist, Inc. AERO CHEM LEMON DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 10854–0. Environmental Control Systems, Inc., 7801 Pulaski Highway, Baltimore MD 21237. SAN–10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11712–RL. West Chemical & Engineering Co., Inc., 1355 Ellsworth Industrial Dr., NW, Atlanta GA 30318. FRESH DISINFECTANT CLEANER—LEMON. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11712–RA. West Chemical & Engineering Co., Inc. FRESH DISINFECTANT CLEANER—PINE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%; Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 13437–4. Du Cor Chemical Corp., PO Box 13298, Orlando FL 32809. DU COR ROACH AND ANT INSECTICIDE. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 00.501%; Pyrethrins 00.046%; Technical Piperonyl Butoxide 00.093%; N-Octyl Bicycloheptene dicarboximide 00.154%; Aromatic Petroleum Solvents 00.406%; Petroleum Distillates 97.650%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 15136–U. Wave Energy Systems, Inc., 600 Madison Ave., New York NY 10022. STERISOL. Active Ingredients: Glutaraldehyde (1,5 Pentanedial) 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 21327–A. Soweco, Inc., 1401–B W. 7th St., PO Box 3280, Amarillo TX 79106. LARVACIDE 70. Active Ingredients: Chloropicrin 70%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA Reg. No. 33576–5. Olin Corp., 120 Longridge Rd., Stamford CT 06904. OLIN 3001. Active Ingredients: Sodium Hypochlorite 9.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34743–R. Wal-Ben Industries, Inc., Carrier Chemical Co. Div., 516 Chicopee St., Chicopee MA 01013. DU-WELL SO-CLEAR. Active Ingredients: Sodium Hypochlorite 12.5% Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 34910–E. Ulrich Chemical, Inc., 396 Division St., Indianapolis IN 46221. CHLORINE. Active Ingredients: Liquid Chlorine 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36415–R. Kao, Inc., 1325 16th St., Racine WI 53403. KATEON. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35930–R. Jude Chemical Specialties, PO Box 5212, Lenexa KS 66215. JCS–160 CLEANER—DISINFECTANT DEODORIZER FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 38092–R. International Nutrition, Inc., 6664 "L" St., Omaha NB 68117. INTERNATIONAL NUTRITION RABON 7.76 PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 39245–E. BioSol Corp., 1301 W. 22nd St., Suite 416, Oak Brook IL 60521. BIOSOL 610. Active Ingredients: tributyltin isopropyl succinate 0.024%; tributyltin benzoate 0.036%; tributyltin linoleate 0.012%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.389%; Isopropyl alcohol 39.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39245–B. BioSol Corp. BIOSOL 611 DISINFECTANT. Active Ingredients: Disobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride monohydrate 39.35%; Isopropanol 15.00%; Trin-butyltin benzoate 5.30%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.76–29885 Filed 10–8–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19256; FCC 76–902]

RCA GLOBAL COMMUNICATIONS, INC., ET AL.

Terminating Proceeding

APPEARANCES

Carl J. Cangelosi, on behalf of RCA Global Communications, Inc.; William F. Finnegan, on behalf of ITT World Communications Inc.; Ernest Brod and Alexander van Eyck, on behalf of Western Union International, Inc. and Cable & Wireless/Western Union International, Inc.; Robert L. Palmer, on behalf of TRT Telecommunications Corp.; Kenneth Gross, on behalf of Western Union Telegraph Co.; Stanford B. Weinstein and Roger J. Hertz, on behalf of the Chief, Common Carrier Bureau.

DECISION

Adopted: September 28, 1976.

Released: October 5, 1976.

In the matter of RCA Global Communicatons, Inc., ITT World Communications Inc., Western Union International, Inc., Cable & Wireless/Western Union International, Inc., TRT Telecommunications Corp., Revisions of their respective telex tariffs introducing store/forward facilities for deferred delivery and multiple address, Docket No. 19256.

PRELIMINARY STATEMENT

1. This case comes to us on exceptions, filed by The Western Union Telegraph Company (WU), to the Recommended Decision (RD) of the Chief, Common Carrier Bureau, released March 9, 1976. WU's exceptions to the RD, together with a brief in support of the exceptions, were filed on April 15, 1976;[1] an untimely reply, dated May 18, 1976, was filed by Western Union International, Inc. (WUI).[2]

2. In his RD, the Chief, Common Carrier Bureau concluded that: (1) The deferred telex (DT) and multiple address (MA) offerings of the respondent International Record Carriers (IRCs) are optional convenience features which are integral to basic international telex service; the costs of which may properly be regarded as part of the overall costs of the service; and (2) the IRCs therefore would not be required to charge separately for the DT and MA features. Accordingly, he concluded that DT and MA, as presently tariffed, are not unjust or unreasonable pursuant to section 201(b) of the Communications Act, 47 U.S.C. 201(b), nor unjustly discriminatory pursuant to section 202(a), 47 U.S.C. 202(a).

[1] Pursuant to § 0.303 of the Commission's rules, WU was granted an extension of that time provided in § 1.276(a) of the rules, in order to file its exceptions and brief, on or before April 15, 1976.

[2] Since we deny WU's exceptions and WUI's reply was filed late, that reply will not be considered herein.

WU'S EXCEPTIONS

3. WU excepts to five findings, that are as follows:

(1) The costs of DT and MA may properly be regarded as part of the overall costs of providing basic telex service (RD, paragraph 29);

(2) The burden on telex customers who do not use DT and MA services would appear to be minimal (RD, paragraph 29) (discussed below at paragraph 5);

(3) DT and MA services do not create the possibility of cross-subsidy by other services (RD, paragraph 29);

(4) DT and MA do not violate section 202(a) of the Act (RD, paragraph 26); and

(5) DT and MA, as presently offered, are not unjust and unreasonable under section 201(b) of the Act (RD, paragraph 32).

WU's basic contention in these exceptions is that an offering of DT and MA without separate charge is unjust, unreasonable, and discriminatory, since the costs incurred for these offerings are indirectly borne by customers who have no need for them. WU maintains that because telex service was provided for many years prior to the advent of DT and MA, these offerings are neither essential to nor a part of basic telex service.

4. *Exceptions 1, 3–5.* We are not persuaded by the record herein or WU's arguments, that the inclusion of these services in basic telex service, without an additional charge, is unreasonable or discriminatory per se, or that the DT and MA offerings are being cross-subsidized by other IRC services. However, as discussed below, we decline to adopt any determination as to the reasonableness of the subject tariffs, without better information as to usage and costs. We believe that in light of the reports which we require herein, coupled with information presently being gathered as to the IRCs' overall financial condition,[3] we will be better able to determine whether or not a separate charge should be imposed for the DT and MA offerings.

[3] See In the Matter of Preliminary Audit and Study of Operations of International Carriers, Docket 20778, FCC 76–396, 59 FCC 2d —— (released May 7, 1976).

5. *Exception 2.* Exception is taken to the finding that the burden on international telex customers who do not use the DT and MA offerings "would appear to be minimal." In support thereof, WU has merely asserted that a $1 million additional expenditure for these offerings, per se, constitutes something more than de minimis discrimination. This assertion alone is unpersuasive; there must be some indication of a substantial inequitable disparity in the amount of customer usage of these offerings as compared to total telex customers. There has been no evidence submitted to show that customer usage of DT and MA is so small in contrast to the total telex customer base as to constitute more than de minimis discrimination.[4]

6. While we agree with the RD that the costs of providing DT and MA may burden each international telex customer only minimally, we believe that the more significant question is whether or not these features are used by such a high percentage of telex customers that these features are integral to basic telex service. If they are not so widely used, then they must be tariffed as separate services. Since the record does not indicate the extent of usage of these services, and since the actual costs of providing DT and MA cannot be ascertained from the record, we are ordering the IRCs to provide us with the semi-annual usage and cost reports recommended in the RD (paragraph 33) for a test period of two years, as follows:

1. Total DT and MA input volume for the half year.
2. Total telex volume for the same period.
3. Total of DT and MA messages actually delivered during the same period.
4. Total revenues attributable to DT and MA during the same period.
5. Total costs incurred by DT and MA during the same period.

7. Accordingly, *it is ordered,* That WU's exceptions are denied.

8. *It is further ordered,* That RCA Global Communications, Inc., ITT World Communications Inc., Western Union International, Inc., Cable and Wireless/Western Union International, Inc., and TRT Telecommunications Corp., submit semi-annual reports on usage, revenue and costs, as provided in paragraph 6 above.

9. *It is further ordered,* pursuant to section 205 of the Communications Act, 47 U.S.C. 205 (1970), that each party to this proceeding desirous of continuing these or similar offerings beyond the two-year expiration date prescribed herein, must submit, effective on not less than ninety days notice, a tariff filing continuing the offering of these features, accompanied by full justification as required by § 61.38 of our rules along with a full explanation of the terms, conditions and rates under which DT and MA should be offered.

10. *It is further ordered,* That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,[5]

VINCENT J. MULLINS,
Secretary.

[FR Doc.76–29804 Filed 10–8–76;8:45 am]

[4] As indicated in para. 6 infra, we shall require the submission of semiannual reports. That data submitted on customer usage is to indicate the total number of customers using basic telex service and that portion of those customers who actually resort to the use of the DT and MA offerings considered herein.

[5] Commissioners Hooks, Fogarty and White not participating.

[Docket No. 20938; FCC 76–901]

RADIO TELEPHONE INDUSTRIES INC., ET AL.

Memorandum Opinion and Order Designating Matter for Hearing

Adopted: September 28, 1976.

Released: September 30, 1976.

Radio Telephone Industries, Inc., et al., Complainants, Docket No. 20938, v. Mahaffey Message Relay, Inc., Defendant, File Nos. TS 76–209, 76–965, 76–1244.

1. We have before us for consideration informal complaints by Radio Telephone Industries, Inc. (RTI), Mr. Larry Short and Mr. Douglas Wagnon of Memphis, Tennessee, filed pursuant to section 208 of the Communications Act of 1934, as amended, and § 1.717 of our Rules and Regulations. The complaints are directed against Mahaffey Message Relay, Inc. (Mahaffey), also of Memphis, Tennessee, a Commission licensee of four common carrier radio stations in the Domestic Public Land Mobile Radio Service (DPLMRS). Short and Wagnon are customers of RTI, an independent vendor of two-way radios. Tariff charges and conditions of service for the services Mahaffey provides have been filed with the Tennessee Public Service Commission (TPSC). Mahaffey has interconnected its facilities with the landline telephone system and is listed as a connecting carrier in AT&T's Tariff F.C.C. No. 257 for purposes of interstate communications.

2. The complaints generally allege that a vertically integrated monopoly exists in which Mahaffey requires that terminal equipment owned by its customers be installed and maintained by Mahaffey Communications Company, a family-owned company,[1] in violation of sections 202 and 313 of the Communica-

[1] Mahaffey is fully owned by John Mahaffey and his wife. Mahaffey Communications Company is a service agency providing maintenance of communications equipment used in radio common carrier operations and is owned by John Mahaffey's father.

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tions Act.[2] Specifically, RTI alleges that Mahaffey refused Wagnon a letter of intent to provide him radiotelephone service. Wagnon rented a four channel mobile radiotelephone from RTI and applied to Mahaffey for dispatch service to be used in connection with his welding business. He informed Mahaffey of his intention to apply to this Commission for an individual license rather than operate under the Mahaffey blanket license and requested a letter of intent to attach to his application as required by our rules. Wagnon also informed Mahaffey that he did not want to pay Mahaffey to duplicate maintenance service which was included in the monthly charge paid RTI for equipment leased from RTI. Larry Short alleges that he too was denied a letter of intent by Mahaffey because he did not wish to receive maintenance service from a presently Mahaffey-approved service agency.

3. In refusing to supply Wagnon and Short with service on the maintenance terms they requested, Mahaffey relies on the following provisions of its tariff (Paragraph B-12 of Mahaffey's Tariff TPSC No. 2):

> Equipment provided by Licensee will be maintained and repaired by Licensee, subject to the charges specified in Part D of this tariff. The subscriber will be responsible for damages to or loss of apparatus installed by Licensee when caused by the subscriber's negligence, but for normal wear and tear. The subscriber may not rearrange, disconnect, remove, or attempt to repair any equipment owned and installed by Licensee or permit others to do so. *Equipment provided by the subscribers shall be maintained on a regular basis pursuant to contract with an organization or person furnishing maintenance service whose qualifications have been approved by Licensee.* (Emphasis added.)

Mahaffey admits that a mobile unit served by one of its base stations need not be maintained by it or any Mahaffey-controlled organization. However, Mahaffey relies on § 21.514 of our rules which requires a DPLMRS licensee of a base station to maintain effective operational control over all units with which the licensee communicates,[3] and contends that paragraph B-12 of its tariff permits it to restrict maintenance to shops which it has inspected and approved. The only Mahaffey-approved service agencies are Mahaffey Communications Company and Logan Lesh Electronics in Memphis.[4] Mahaffey denies that it has behaved in an anticompetitive or discriminatory manner. It states that a letter of intent will be supplied promptly, upon application, provided space on the system is available, and the prospective customer agrees to comply with Mahaffey's TPSC tariff. Mahaffey contends that since neither Wagnon nor Short agreed to comply with the tariff regulations for maintenance, it did not issue letters of intent.

DISCUSSION

4. Section 21.14(b) of our rules (47 CFR 21.14(b)) provides for the licensing of customer-owned mobile telephones either under a blanket authorization of a carrier, or individually to a subscriber for mobile service. A subscriber may therefore operate under the carrier's blanket authorization or apply to the Commission for his own license. To be licensed, himself, the subscriber must show that he has made appropriate arrangements with a carrier for the service requested.[5] He may demonstrate this by a "letter of intent" from an authorized official of the carrier to provide the service within a specified service area.

5. Mahaffey is subject to regulation by the TPSC and therefore is not required to file tariffs with us even though several of its stations have reliable service areas extending beyond state borders.[6] However, it is well established that we have jurisdiction with respect to any interstate, non-exchange calls placed by users of mobile telephones and transmitted through interconnection of a mobile system with the telephone network.[7] As a connecting carrier Mahaffey is subject to sections 201 through 205 of the Act.[8] Thus, our jurisdiction extends to any charge, practice, classification or regulation of Mahaffey affecting a subscriber's right to make beneficial use of his mobile telephone in interstate communications.[9] In addition, we are properly concerned with any allegations of anticompetitive conduct by a radio common carrier which we license. However, since we are unaware of any antitrust proceedings pending against Mahaffey, it does not appear that section 313(a) is applicable here.

6. In Memphis Radio Telephone Co., Inc. v. Mahaffey Message Relay, Inc., 49 FCC 2d 258 (1974), we held that refusal to supply minimum technical data necessary to qualify a service shop as a licensee-approved service agency did not itself constitute a violation of our rules, the Act, or any Commission policy, absent any additional allegation of fact which might serve to demonstrate how the rules or the Act were violated or in what manner the public interest was adversely affected by the licensee's actions. We pointed out that § 21.514(a) requires Mahaffey, as a licensee of base stations, to maintain effective operational control over those units which operate pursuant to its blanket authorizations, including the maintenance of those units. Although the point was not there in issue, § 21.514 (a) also requires Mahaffey to likewise maintain effective operational control over individually licensed units operating through its facilities, notwithstanding

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[2] Section 201(a) of the Act provides that it shall be the duty of every common carrier engaged in interstate or foreign communications by wire or radio to furnish such communication upon reasonable request therefor.

Section 202(a) of the Act provides as follows:

It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

Section 313(a) of the Act provides, in part:

All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications • • •

[3] Section 21.514 provides:

(a) The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile units with which it communicates. The proper installation and maintenance of such mobile units shall be the responsibility of the respective licensees thereof.

(b) A mobile unit normally associated with and licensed to a specified base station will be deemed, when communicating with a different base station pursuant to legally effective tariff provisions, to be temporarily associated with and licensed to such different base station shall, for such temporary period, assume the same licensee responsibility for such mobile unit as if such unit were regularly licensed to it.

[4] The record does not show what manufacturers' equipment Logan Lesh Electronics is qualified to maintain.

[5] 47 CFR 21.15(1)(3) provides:

In the Domestic Public Land Mobile Radio Service each application shall contain, as appropriate, the following information:

(3) An application for land or airborne mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in § 21.13(a) and 21.13(c) together with an affirmative showing that:

(ii) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base station specifically identified in application;

(iii) Specific arrangements, the details of which should be set forth, have been made for installation, technical service and maintenance of the mobile units by licensed first- or second-class radio operators; • • •

[6] See Mobile Tariff Filings, 53 FCC 2d 579 (1975).

[7] See Chastain et. al. v. AT&T, 42 FCC 2d 314, 318 (1973); 43 FCC 2d 1079 (1973), Reconsideration denied, 49 FCC 2d 749 (1974).

[8] Section 2(b) of the Act provides in pertinent part:

Subject to the provisions of section 301 nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to • • • (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier • • • except that *sections 201 through 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clauses* (2), (3), *and* (4). (emphasis added).

[9] See *Hush-A-Phone* v. *U.S.*, 238 F. 2d 266 (1956); *Carterfone*, 13 FCC 2d 420 (1968); 14 FCC 2d 571 (1968); *AT&T, et al.*, 53 FCC 2d 473 (1975); (54 FCC 2d 303 (1975); affirmed, Case No. 75-1617, United States Court of Appeals for the District of Columbia, April 30, 1976.

the duty of the licensees of those units to insure that their units are properly installed and maintained. The requirements imposed upon both a licensee of a base station and a licensee of an individual mobile units are designed to compliment each other and provide for overall operational control of the system. Where the licensee of a base station chooses to fulfill its obligation under § 21.514(a) by requiring installation and maintenance of units operating over it to be done by approved service agencies, the responsibility of the individual licensee of a mobile unit to insure proper installation and maintenance of his equipment remains, but is limited to obtaining such service from those agencies approved by the base station licensee.

7. However, a base station licensee may not rely on § 21.514(a) to justify anticompetitive conduct. A connecting carrier such as Mahaffey may not deny a reasonable request for communications service because of a potential subscriber's refusal to comply with a charge, practice, classification, or regulation which is unjust or unreasonably discriminatory.[10] See Chastain et al., supra. Mahaffey's response to the instant complaint and additional inquiries of our staff present question not raised in Memphis Radio Telephone as to whether it has engaged in a pattern of anticompetitive conduct in violation of sections 201(a) and 202(a) of the Act. Although, Mahaffey requires maintenance shops seeking its approval to fully demonstrate a present ability to maintain licensee equipment in strict accordance with Part 21 of our rules, it admits that approval of maintenance shops meeting this standard is not automatic and that additional maintenance facilities are added only when needed as gauged by customer satisfaction with existing service.[11] Moreover, Mahaffey admits that it received at least two requests from service agencies other than Memphis Radio Telephone Company, Inc., for approval as an authorized maintenance service outlet, but made no premises inspections as it claims to have before approval of Mahaffey Communications and Logan Lesh.[12] Mahaffey declined to act upon one such request because of its judgment that no need existed for approving another service agency.[13] A request from a second service agency was never acted upon because it allegedly was misdirected to Edwin K. Mahaffey, the owner of Mahaffey Communications Company and not a principal of Mahaffey Message Relay, Inc.[14]

8. Neither our rules, nor our decision in Memphis Radio Telephone specifically authorize a base station licensee to deny recognition of competing maintenance shops as licensee-approved on its judgment that there is no customer-need for such facility or facilities. The purpose of § 21.214(a) is to insure the technical integrity of the communications system. Operational control requires that all units communicating with the base station function in such a manner so as not to interfere with each other's operation or with other communications systems. Whether there is a market demand for additional facilities is irrelevant to this consideration, Mahaffey readily concedes that a mobile unit served by one of its base stations need not be maintained by it or by any Mahaffey-controlled organization. Thus, approval of maintenance facilities for purposes of compliance with our rules must be based upon reasonable standards of technical capability requiring applicants to be able to properly maintain mobile units operating on the system and not upon arbitrary determinations by the base station licensees as to customer demand for additional approved maintenance facilities.

9. Mahaffey's policies and practices concerning maintenance service therefore may adversely affect a subscriber's right to make beneficial use of his mobile telephone in interstate communication. We are presented here with questions as to whether Mahaffey has denied reasonable requests for service in violation of section 201(a) of the Act in denying service to both Wagnon and Short because they preferred maintenance from RTI and its agency,[15] or subjected Wagnon and Short to undue and unreasonable prejudice and engaged in anticompetitive and unreasonably discriminatory practices against competing maintenance shops contrary to section 202(a) of the Act. Substantial questions also are raised as to whether Mahaffey has engaged in anticompetitive conduct against competing equipment vendors and, if so, whether Mahaffey should be ordered to show cause why its licenses should not be revoked.[16]

10. In view of the foregoing: *It is ordered*, That pursuant to the provisions of sections 4(i), 4(j), 201, 202, 208 and 409 of the Communications Act of 1934, as amended, That this matter is hereby designated for hearing on the following issues:

(1) To determine the facts and circumstances surrounding Mahaffey's refusal to furnish communications service to Mr. Douglas Wagnon;

(2) To determine the facts and circumstances surrounding Mahaffey's refusal to furnish communications service to Mr. Larry Short;

(3) To determine the technical and other standards required by Mahaffey for approval as a maintenance shop;

(4) To determine Mahaffey's requirements for maintaining effective operational control of the mobile units with which it communicates;

(5) To determine the facts and circumstances surrounding Mahaffey's disposition of the request of Majestic Communications, Inc. for approval as a service agency;

(6) To determine the facts and circumstances surrounding Mahaffey's disposition of the request of General Electronics, Inc. for approval as a service agency;

(7) To determine whether Mahaffey's failure to furnish communication service to person wishing to use customer-provided equipment denied reasonable requests for service in violation of Section 201(a) of the Act;

(8) To determine whether Mahaffey unjustly or unreasonably discriminated against persons wishing to use customer-provided equipment in violation of section 202(a) of the Act;

(9) To determine whether the Commission should order Mahaffey to show cause why its licenses should not be revoked;

11. *It is further ordered*, That the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order;[17] and that such Administrative Law Judge shall upon closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282).

12. *It is further ordered*, That Radio Telephone Industries, Inc., Mr. Larry Short, Mr. Douglas Wagon, Mahaffey Message Relay, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

13. *It is further ordered*, That the parties herein may avail themselves of an

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[10] We are informed by the TPSC that a basis for its approval of Mahaffey's Tariff TPSC No. 2 was Mahaffey's understanding of the requirements of § 21.514(a) and our decision in Memphis Radio Telephone.

[11] We are informed by the TPSC that paragraph B-12 of Mahaffey's tariff allows Mahaffey to approve maintenance facilities on the basis of ascertainment of need for additional such facilities.

[12] It appears that Mahaffey approved Mahaffey Communications Company and Logan Lesh maintenance shops in 1968 and 1972, respectively. Mahaffey states that arrangements were made in person and no documents were exchanged between it and the approved shops.

[13] On November 17, 1973, Majestic Communications, Inc. of Memphis formally requested recognition as a Mahaffey-approved service agency.

[14] On June 19, 1975 and July 2, 1975, General Electronics, Inc. of Memphis formally requested recognition as a Mahaffey-approved service agency and information concerning any standards Mahaffey required an agency to meet for such approval. Although the letters were specifically directed to Edwin Mahaffey, they were in fact addressed to Mahaffey Message Relay, Inc. and not Mahaffey Communications Company. Both occupy the same building.

[15] It is not clear whether maintenance was to be performed by RTI directly or indirectly through another firm.

[16] Requests to intervene by equipment vendors having an interest in this proceeding, such as Majestic Communications, Inc., or General Electronics, Inc., will be entertained if made pursuant to our rules.

[17] This proceeding shall be assigned to the Administrative Law Judge assiged to preside in Docket Nos. 20871 and 20872. Any request for consolidation of this proceeding with that in those Dockets shall be directed to the presiding Administrative Law Judge.

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opportunity to be heard by filing with the Commission pursuant to § 1.221(e) of the rules within twenty (20) days of the release date of this Memorandum Opinion and Order, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29806 Filed 10-8-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSTRUCTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Construction Advisory Committee will meet Wednesday, October 27, 1976, at 10 a.m., Room 5041B, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to the interests and problems of the construction industry as they relate to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

1. Subcommittee Caucuses (9:30).
2. Opening Remarks by Robert A. Georgine, President, Building and Construction Trades Department, AFL-CIO, and Harry P. Taylor, President, Council of Construction Employers.
3. Energy Policy and Conservation Act of 1975 (EPCA) as it pertains to the construction industry.
   a. Energy Conservation and Construction Design.
   b. Mortgage Lending for Major Construction Projects as related to Energy Conservation.
4. Report of the Energy Conservation Subcommittee (Robert Higgins, Chairman).
5. Report of the Construction Labor Availability Subcommittee (Martin J. Ward, Chairman).
6. Report of the Construction Materials Subcommittee (Walter M. Kardy, Chairman).
7. Progress Reports from the other Construction Advisory Subcommittees.
8. Discussion of the continuance of existing Subcommittees.
   a. Discussion of changes or additions to the existing Subcommittees.
   b. Committee Administrative/Operations Discussion.
   c. Discussion Leader, Co-Chairman Robert A. Georgine.

Subcommittees may meet informally in Washington, D.C. the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on Subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management at (202) 961-7022.

The Committee meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C., on October 6, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-29891 Filed 10-7-76;9:31 am]

[1] Commissioners Fogarty and White not participating.

FEDERAL MARITIME COMMISSION

KNUTSEN LINE J/S

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated herinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Herbert Bals, President, Bakke Steamship Corporation, 650 California Street, San Francisco, California 94108

Notice of the filing of Agreement No. 7623-6 was published in the FEDERAL REGISTER of August 5, 1976, (Vol. 41, No. 152, Page 32784).

Agreement No. 7623-6 was refiled on September 27, 1976 to further amend the scope of the Knutsen Line joint service agreement by (1) adding Korea as a country served within the U.S. foreign commerce, and (2) deleting the foreign to foreign trade presently contained in the agreement.

By Order of the Federal Maritime Commission.

Dated: October 6, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29865 Filed 10-8-76;8:45 am]

[No. 76-56]

McALLISTER BROTHERS, INC. v. NORFOLK & WESTERN RAILWAY CO.

Filing of Complaint

OCTOBER 5, 1976.

Notice is hereby given that a complaint filed by McAllister Brothers, Inc. against Norfolk and Western Railway Company was served October 5, 1976. The complaint alleges that respondent has entered into an exclusive agreement with a tugboat operator for the performance of all docking and undocking of vessels at its Norfolk terminal facilities in violation of sections 16 and 17 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 5, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29866 Filed 10-8-76;8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), will meet on Thursday, October 28 and Friday, October 29, 1976 at 9:30 a.m. in the National office at 2100 K Street, Room 608, Washington, D.C.

The agenda is as follows:

1. Criteria for publication of arbitration awards.
2. Arbitrator fees for cancellation, postponement, continuance and stay of hearing.
3. Considerations outside the Agreement and evidence relative to award and decision in private and public sector cases.
4. Boards of Inquiry volume and factfinder availability.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to:

Mr. John Canestraight, Assistant Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this fourth day of October 1976.

JAMES F. SCEARCE,
National Director.

[FR Doc.76-29748 Filed 10-8-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-10 (PGA76-4)]

ARKANSAS LOUISIANA GAS CO.

Revised Tariff Sheets

OCTOBER 4, 1976.

Take notice that on September 27, 1976, Arkansas Louisiana Gas Company (ARKLA) tendered for filing Sixth Revised Sheet No. 185 in its Rate Schedule X-26, FPC Gas Tariff Original Volume No. 3. Arkla states that this tariff sheet is also filed in accordance with the special provisions of Opinion No. 770 in Docket No. RM75-14.

Arkla states that it has combined the one-time adjustment authorized to be collected from October 27, 1976 in FPC Opinion No. 770 with its regular PGA filing effective on November 1, 1976 and has proposed to cover both filings with a single tariff sheet publication in order to make both adjustments effective on the regular November 1, 1976 tariff change date.

Arkla states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties effected by the tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practiec and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29628 Filed 10-8-76;8:45 am]

[Docket No. RP75-8 (PGA 76-8)]

COMMERCIAL PIPELINE CO., INC.

PGA Filing

OCTOBER 4, 1976.

Take notice that on September 23, 1976, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Fifteenth Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A fifteenth revised.	0.0062	0.4142	Oct. 27, 1976

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29812 Filed 10-8-76;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting and Approving Settlement Agreement

OCTOBER 5, 1976.

By joint motion filed August 6, 1976, the Connecticut Light and Power Company (CL&P) and the Connecticut Municipalities[1] moved that a Settlement Agreement (Settlement) attached to the motion, be approved and the proceeding herein be terminated. For the reasons hereinafter stated, the Commission will approve the Settlement and terminate the proceeding.

Public notice of the filing of the argeement was issued August 24, 1976, with comments due on or before September 1, 1976. No comments were received.

The controversy in this proceeding relates to amounts owed to CL&P under the fuel cost adjustment clause during 1971 and 1972 and claimed offsets to those amounts during the same period. Several court proceedings are involved in addition to the proceeding in the instant docket. The settlement provides that $254,513 will be paid by the municipalities to CL&P, as set out in a schedule attached to the settlement, in full satisfaction of all claims, counterclaims, and recoupment claims arising from the controversies between the parties. Interest will be paid at the rate of 7% per annum from the date of payment to October 10, 1974, and thereafter at the rate of 9% per annum. The payment will be deducted from refunds due to municipalities pursuant to Opinion No. 761, Connecticut Light and Power Company, issued April 28, 1976. The instant case is presently pending before the Commission on exceptions to the Initial Decision issued January 28, 1976. Commission review of the proposed settlement agreement indicates that it provides for an appropriate resolution of the controversy herein. Therefore, we shall approve the settlement and terminate the proceeding.

The Commission finds. The settlement agreement filed herein is in the public interest and should be approved.

The Commission orders. (A) The settlement agreement filed by CL&P and Municipalities, incorporated herein by reference, is hereby approved and adopted, and the proceedings herein are terminated.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by Commission, its Staff, CL&P, or the Connecticut Municipalities in any proceedings now pending or hereinafter instituted by or against CL&P or any other person or party.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29807 Filed 10-8-76;8:45 am]

[Docket No. RP72-157 (PGA76-9)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 4, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective October 27, 1976. Consolidated states that the proposed rate increase would generate $181.6 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing is a result of Opinion No. 770 issued by the Federal Power Commission on July 27, 1976.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on October 27, 1976.

Consolidated states that copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

[1] Groton, Jewett City, Norwich, the Second and Third Taxing Districts of the City of Norwalk, and Wallingford.

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accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29810 Filed 10-8-76;8:45 am]

[Docket No. RI76-156]

ELMS BROTHERS AND CO.

Petition for Special Relief

OCTOBER 4, 1976.

Take notice that on September 20, 1976, Elms Brothers and Company, 234 East Greene Street, Waynesburg, Pennsylvania 15370, filed a petition for special relief in Docket No. RI76-156 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge 41 cents per Mcf for the sale of gas to Columbia Gas Transmission Corporation in consideration for the completion of remedial work on a well located in Grey Township, Greene County, Pennsylvania. The subject gas is currently being sold at the rate of 29 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29815 Filed 10-8-76;8:45 am]

[Docket No. RP72-138 (PGA76-4)]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges Under Purchased Gas Adjustment Provision

OCTOBER 4, 1976.

Take notice that on September 27, 1976, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, tendered for filing Twelfth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in the resale rates in its Rate Schedules G and I for effectiveness on October 27, 1976.

According to Florida Gas, the proposed changes in rate result from producer rate increases filed on or before August 26, 1976 reflecting the new national rates for sales of natural gas dedicated to interstate commerce on and after January 1, 1973, for the period January 1, 1975, to December 31, 1976, as established by Opinion No. 770, issued July 27, 1976 (Docket No. RM75-14). Florida Gas further states that its filing is being made in accordance with the purchased gas adjustment provision in its tariff (Section 15, General Terms and Conditions) and the authority of Opinion No. 770 (mimeo. ed. at pp. 131 and 161) permitting a special rate increase to track the increased rates established therein together with a surcharge to permit recovery of producer increases attributable to Opinion No. 770 and incurred prior to the effectiveness of the revised rates proposed in its filing. Florida Gas states that the surcharge included in the proposed rates has been determined in accordance with the order issued September 22, 1976 modifying Opinion No. 770. The annual increase in jurisdictional revenues under the new PGA amounts to approximately $17 million and the surcharge increase amounts to $2.7 million.

Florida Gas states that copy of its filing has been served on all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29830 Filed 10-8-76;8:45 am]

Electric Rates: Primary Jurisdiction

[Docket No. ER76-733]

GULF POWER CO.

Order Accepting for Filing a Proposed Supplement and Granting Intervention

OCTOBER 4, 1976.

On June 28, 1976, Gulf Power Company (Gulf Power) filed for a new delivery point for service by Gulf Power to Gulf Coast Electric Cooperative, Inc. (Gulf Coast) at Gaskin in Bay County, Florida.[1] Public notice of this filing was issued on July 28, 1976, with comments, protests or petitions to intervene due on or before August 16, 1976. Alabama Electric Cooperative, Inc. and Gulf Coast (collectively, Cooperatives) filed a Petition to Intervene, Protest and Motion that Gulf Power Company's FPC Electric Tariff Supplement be Modified. Gulf Power filed on August 31, 1976, an Answer to Cooperatives' August 16, 1976, Protest, Petition and Motion. The Cooperatives filed a Motion For Leave to File Reply and Reply to Gulf Power Company's Answer on September 8, 1976. For the reasons hereinafter stated, the Commission shall grant the petition to intervene and establish an effective date for the supplement.

The Cooperatives' pleading states that they have a direct and substantial interest in this case which will not be represented adequately by other parties. The Commission believes that good cause has been shown to allow the Cooperatives to intervene in this proceeding.

The Cooperatives protest and move to modify the tendered supplement to make the effective date June 17, 1976, instead of June 1, 1976. The Cooperatives' motion is supported by extensive materials regarding the negotiations leading up to the execution of the agreement and the subsequent construction of facilities. The point of this material is the Cooperatives' allegation that Gulf Power is "precluded by its own actions from asserting that the charges under the FPC electric tariff supplement applicable to the Gaskin Substation shall be paid for any period prior to June 17." Gulf Power's Answer claims that the language of the supplement was unambiguous and that the Cooperatives "have not shown any basis in law or fact for the equitable reformation of the contract which they seek from this Commission."

A primary duty of the Commission under the Federal Power Act is to assure the rates charged are just and reasonable. In fulfilling this duty, the Commission must follow the basic principle of regulation that the rates charged should be related directly to the service rendered. Under this tendered supplement, the "obligation to pay" is concurrent with and dependent upon the "obligation to serve." Although the supplement states that the commencement date of service would be June 1, 1976, it is not disputed by either party that transfer to the Gaskin delivery point was actually made on June 17, 1976. For purposes of the proper rate treatment, the Commission believes that the Cooperatives should begin to pay rates under the supplement as of June 17, 1976, the date on which service commenced at Gaskin delivery point. This rate action follows the regulatory tenet

[1] Designated as Supplement to Service Agreement under FPC Electric Tariff, Original Volume No. 1.

that rates should be related directly to service. In taking this action, the Commission is setting the effective date as a matter of proper rate regulation which is within our authority under the Federal Power Act. The Commission does not believe this rate treatment modifies the existing contract or the parties' duties and obligations under it.

The parties urge the Commission to decide on the basis of their written pleadings the issue concerning liability under the supplement for failure to deliver service prior to June 17. The Commission believes this is a contractual dispute which should be resolved in the proper court rather than here. Agency action is unwarranted under the doctrine of primary jurisdiction in cases of concurrent jurisdiction where the litigation deals with a single event which requires no continuing supervision by the regulatory agency and when the issue is peripheral to the principal litigation. *"Mississippi Power & Light Company* v. *United Gas Pipe Line Co.,"* 532 F. 2d 412, (C.A. 4 1976).

The Commission's review of the instant case indicates that the issue of contractual liability between Gulf Power and the Cooperatives for failure to deliver service prior to June 17 is most likely a single event which will not require our continuing supervision. Furtherfore, the decision here on the proper effective date for rate purposes is a sufficiently clear determination of the Commission's duty to determine just and reasonable rates to aid the proper court in its determination of the contractual liability. The supplement itself is written in simple contract terms which require no further expert explanation by the Commission for a court to determine its proper meaning. Our primary concern is the proper rate which has been resolved here. This concern is peripheral to the main litigation here—the determination of which party is contractually liable for the failure to deliver service prior to June 17. Resolution of this issue would involve the Commission in determining the legal significance under the applicable law of the negotiations and other dealings described in the pleadings. Deciding what is the applicable law and then what is the significance of the parties' actions under this law are not matters generally within the Commission's expertise, but are matters better left to courts which deal regularly in similar contractual disputes. Accordingly, the Commission declines to rule on contractual liability for the period prior to June 17. The parties should seek recourse for this matter in a court having jurisdiction over them and their dispute.

The Commission finds: (1) Good cause exists to grant the Cooperatives' Petition to Intervene.

(2) The proposed supplement should be accepted for filing and given an effective date of June 17, 1976 for rate purposes.

The Commission orders: (A) Gulf Power's proposed supplement is hereby accepted for filing and given an effective date for rate purposes of June 17, 1976.

(B) The Cooperatives are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29820 Filed 10-8-76;8:45 am]

[Docket Nos. RI74-188, et al.]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA, ET AL.

Order Granting Special Relief

OCTOBER 4, 1976.

On June 17, 1976, Independent Oil & Gas Association of West Virginia (IOGA) filed a supplemental petition in Docket Nos. RI74-188 and RI75-21 requesting that twenty-one of its members be permitted to collect the settlement rates approved by the Commission in said dockets on March 19 and 22, 1976, respectively. IOGA states that the twenty-one small producers would be eligible to receive the relief accorded but for the untimeliness of their participation in the proceedings. Petitioner further states that inclusion of the producers supplementally will not affect the validity of the underlying cost data or analysis relied upon in the proceedings.

IOGA also requests that the Commission reopen the proceedings in Docket Nos. RI74-188 and RI75-21 for a limited period of time to permit certain additional small producers in West Virginia to submit petitions to intervene.

On May 6 and June 9, 1976, respectively, Mark One Limited (Mark One) and Wise Oil Company No. 2 (Wise No. 2), pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure, filed motions in Docket Nos. CS76-803 and CS76-854, respectively, requesting authorization to collect the settlement rates approved by the Commission on March 22, 1976, in Docket No. RI75-21.[1]

In support of its motion, Mark One avers that it is a newly created partnership engaged in the business of oil and gas exploration and development in West Virginia and other areas. It insists that it has at least as great a need for the IOGA settlement rates as many of the over 300 small producers currently receiving special relief treatment under the settlement agreement. Mark One further argues that the sole reason that it was not a party to the IOGA proceeding is that the partnership was not in existence at the time the settlement agreement was being prepared.

Wise No. 2 states that it is engaged in the exploration for and development of oil and gas reserves in various areas of the country, including the State of West Virginia. It contends that as a new small producer entrant in the Appalachian area which has applied for membership in IOGA it should be entitled to receive the settlement rates approved by the Commission in Docket No. RI75-21.

Additionally, we have received letters from other small producers in West Virginia who seek Commission authorization to collect the IOGA settlement rates.

Virtually all of the small producers in West Virginia became parties to the IOGA proceedings and adduced revelant evidence therein. As a result, we believe that the cost data developed in those proceedings are representative of the costs incurred by those small producers in West Virginia, few in number, who did not become parties to the proceedings. Such data are also representative of the costs which will be incurred by new small producers. For this reason we conclude that it is in the public interest to make the IOGA settlement rates for both "flowing" and "new" gas applicable to all producers selling gas produced in West Virginia under small producer certificates.

The Commission finds: The IOGA settlement rates for both "flowing" and "new" gas should be made applicable to all producers selling gas produced in West Virginia under small producer certificates.

The Commission orders: All producers selling gas produced in West Virginia under small producer certificates are hereby authorized to collect the settlement rates for both "flowing" and "new" gas approved by the Commission in Docket Nos. RI74-188 and RI75-21.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29831 Filed 10-8-76;8:45 am]

Electric Rates

[Docket No. ER76-817]

INDIANAPOLIS POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Denying Request for Waiver, and Establishing Procedures

OCTOBER 4, 1976.

On July 29, 1976, Indianapolis Power and Light Company (IP&L) tendered for filing proposed tariff revisions[1] providing for increased rates for service to Boone County and Morgan County Rural Electric Membership Corporations (REMCs). The proposed rates would result in in-

[1] Mark One filed an application for a small producer certificate on May 6, 1976. Wise No. 2 filed its application on May 27, 1976. Pursuant to Order No. 428 a small producer certificate will be effective as of the date of filing the application.

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creased revenues of $220,300 (16.38%) for the twelve-month period following the proposed effective date of October 23, 1976. For the reasons stated below, the Commission shall accept for filing and suspend IP&L's tariff sheets for one day until October 24, 1976.

In the transmittal letter accompanying its filing, IP&L states that the REMCs concur in the instant filing, as evidenced by Certificates of Concurrence executed by the respective managers of Boone County and Morgan County REMCs.

Public notice of the instant filing was issued on August 6, 1976, with comments, protests, or petitions to intervene due on or before August 25, 1976. No responses were received.

IP&L's filing did not include testimony and exhibits as required by § 35.13(5)(i) of the Commission's Regulations. IP&L has requested waiver of the requirement to prefile testimony and exhibits, in the anticipation that no hearing would be required in view of the fact that the REMCs have submitted certificates of concurrence in the filing.

The stated purpose of § 35.13(5)(i) is to avoid delays in the processing of rate filing. Inasmuch as the instant order suspends IP&L's filing and establishes prehearing procedures, this stated purpose is pertinent to the instant proceeding. The Commission shall therefore deny IP&L's request for waiver of § 35.13(5)(i) and shall direct the Company to comply with such regulation.

Commission review of IP&L's revised tariff sheets indicates that the increased rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the tariff sheets shall be accepted for filing and suspended for one day until October 24, 1976, when they may be placed into effect, subject to refund.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed on July 29, 1976, by IP&L and to suspend their use for one day until October 24, 1976, when they may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) Good cause exists to deny IP&L's request for waiver of § 35.13(5)(i) of the Commission's Regulations under the Federal Power Act, and to require IP&L to file, within 30 days of the issuance of this order, testimony and exhibits in compliance with such regulation.

The Commission orders: (A) Pending a hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets filed on July 29, 1976, by IP&L are hereby accepted for filing and suspended from operation for one day, to become effective October 24, 1976, subject to refund.

(B) IP&L's request for waiver of § 35.13(5)(i) of the Commission's Regulations is hereby denied. IP&L is hereby directed to file, within 30 days of the issuance of this order, testimony and exhibits in compliance with such regulation.

(C) Pursuant to the authority of the Federal Power Act, particularly §§ 205 and 206 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the justness and reasonableness of the proposed rate increase.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before March 1, 1977, for the purposes of settlement (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) IP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

INDIANAPOLIS POWER & LIGHT COMPANY

Designation	*Description*
Rate schedule FPC No. 12 (supersedes rate schedule FPC No. 10 as supplemented).	Agreement with Morgan County REMC
Supplement No. 1 to rate schedule FPC No. 12.	Exhibit A
Supplement No. 2 to rate schedule FPC No. 12.	Rate REMC
Rate schedule FPC No. 13 (supersedes rate schedule FPC No. 11 as supplemented).	Agreement with Boone County REMC
Supplement No. 1 to rate schedule FPC No. 13.	Exhibit A
Supplement No. 2 to rate schedule FPC No. 13.	Rate REMC

[FR Doc.76-29819 Filed 10-8-76;8:45 am]

[Docket No. ER76-184]

KANSAS CITY POWER & LIGHT CO.

Order Approving Settlement Agreement

OCTOBER 4, 1976.

On August 2, 1976, the Kansas City Power & Light Company (KCPL) tendered for filing a proposed Settlement Agreement dated July 19, 1976. The proposed Agreement would resolve all issues in this proceeding with the exception of one concerning cost allocation which has been reserved for hearing and decision. For the reasons stated herein, the Commission shall approve the proposed Settlement Agreement.

By an order issued January 30, 1976, the Commission accepted and suspended until March 2, 1976, the proposed rate increase filed herein by KCPL to its wholesale customers in the amount of $997,352 in annual revenues, based upon its cost of service and wholesale firm power sales during the twelve-month test period ended June 30, 1975.

Public notice of the filing of the Settlement Agreement was issued August 13, 1976, with comments thereon due on or before August 27, 1976. Comments were filed in support of the Agreement by the Commission Staff on August 26, 1976.

The proposed Settlement Agreement provides for an increase in KCPL's annual revenues of $796,087, based on sales during the 12-month test period ended June 30, 1975. The major elements of the Agreement include the following:

(1) The issue as to whether for cost allocation purposes KCPL's 161/69/34/12 kv stepdown transformation facilities and 69 kv and 34 kv line facilities should be (a) "rolled-in" and included as a portion of KCPL's "Power Source Facilities," or (b) assigned and allocated as a portion of KCPL's "Local Facilities" is reserved for hearing and decision.

(2) Except with respect to the outcome of the reserved issue, KCPL agrees that it will not initiate, pursuant to section 205(d) of the Federal Power Act, a general rate increase applicable to its Wholesale Firm Power Service by filing with the Commission prior to December 31, 1976, increased new schedules for rates and charges applicable thereto.

The Commission's review of the proposed Agreement indicates that it reflects a just and reasonable resolution of the issues in this proceeding, and provides for cost-based rates. Accordingly, we find the proposed Agreement is just and reasonable and in the public interest, and should be accepted. The Commission notes that KCPL filed contemporaneously with Settlement Agreement and attached as Appendix B thereto revised tariff sheets reflecting the rates, terms and conditions of the Agreement. These revised tariff sheets shall be accepted for filing to become effective March 2, 1976.

With respect to those issues reserved for hearing, we emphasize that nothing herein shall be construed as limiting the rights of the parties to this proceeding regarding the further convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

The Commission finds: Good cause exists to accept and approve the proposed Settlement Agreement.

The Commission orders: (A) The Settlement Agreement, incorporated herein by reference, is hereby accepted and approved.

(B) The revised tariff sheets appearing as Appendix B to the Settlement Agreement are hereby accepted for filing to become effective March 2, 1976.

(C) Within 30 days of the issuance of this order, KCPL shall refund, with interest computed at a rate of 9% per annum, all amounts collected in excess of the proposed per settlement rates.

(D) Within 15 days after refunds are made according to ordering paragraph (C) herein, KCPL shall file with the Commission a refund report showing monthly billing determinants and revenues under its prior, present, and settlement rates, and showing the monthly settlement rate increase, the monthly rate refund, the monthly interest computation, with a summary of all such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against KCPL or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29833 Filed 10-8-76;8:45 am]

[Docket No. ER76-204]

KENTUCKY POWER CO.

Filing of Revised Rate Schedules

OCTOBER 4, 1976.

Take notice that on August 16, 1976, Kentucky Power Company (Kentucky) tendered for filing revised rate schedules in purported compliance with an "Order Approving Settlement Agreement" issued July 21, 1976, in the above-captioned proceeding. Kentucky states that the revised rate schedules are supplements to its FPC Rate Schedule Nos. 12 and 13 applicable for service to Vanceburg, Kentucky, and Olive Hill, Kentucky, respectively.

Kentucky states that copies of the filing have been served upon Vanceburg an Olive Hill.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29826 Filed 10-8-76;8:45 am]

[Docket No. CI76-762]

McGOLDRICK JOINT VENTURE NO. 1-73

Application

OCTOBER 4, 1976.

Take notice that on September 13, 1976, McGoldrick Joint Venture No. 1-73 (Applicant), 610 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI76-762 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Leatherman Creek Field, Claiborne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant entered into a contract with United dated August 27, 1976, for the resale of natural gas by Applicant to United from the Leatherman Creek Field, Claiborne Parish, Louisiana for a term of one year beginning on the date deliveries of gas commence thereunder. Applicant proposes to sell approximately 450,000 Mcf of gas per month at $1.50 per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29816 Filed 10-8-76;8:45 am]

[Docket No. RP73-43 (PGA76-4)]

MID LOUISIANA GAS CO.

Proposed Change in Rates

OCTOBER 4, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on September 27, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Twenty-Third Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1 to reflect the impact of Commission Opinion No. 770 in Docket No. RM75-14; that the revised tariff sheet is proposed to be effective October 27, 1976; and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and Commission Opinion No. 770; and that copies of the filing were served on interested customers and state commissions. The annual increase in jurisdictional revenues amounts to approximately $5.7 million with an additional increase under the surcharge adjustment of approximately $0.5 million.

Any person desiring to be heard or to protest said application should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29808 Filed 10-8-76;8:45 am]

[Docket No. RP76-64 (PGA76-1)]

MOUNTAIN FUEL SUPPLY CO.

Compliance Filing

OCTOBER 4, 1976.

Take notice that on September 16, 1976 Mountain Fuel Supply Company filed a

[1] See Attachment for Designations and Descriptions.

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Substitute First Revised Sheet No. 3–A and supporting data to supplement its filing in the above-captioned docket on August 16, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29811 Filed 10–8–76;8:45 am]

[Docket No. RP76–4]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

OCTOBER 4, 1976.

Take notice that on Sept. 3, 1976 National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fifth Substitute Seventh Revised Sheet No. 4, proposed to be effective October 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of (2.77¢) per MCF on Fifth Substitute Seventh Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29822 Filed 10–8–76;8:45 am]

[Docket No. CP76–528]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

OCTOBER 1, 1976.

Take notice that on September 17, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76–528 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) for a ten-year period, the construction and operation of facilities to effectuate such transportation service, and the construction and operation of facilities required to effectuate a proposed transportation service by Panhandle for Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport 3,300 Mcf of natural gas per day on a firm basis and up to 2,000 Mcf per day on a best efforts basis to be produced from the Kirtley Well located in Beckham County, Oklahoma, for Panhandle. It is stated that the location of these reserves are at a distance from Panhandle's existing facilities and would require Panhandle to construct extensive facilities in order to take said gas into its system. Applicant has an existing gathering line in close proximity to the Kirtley Well, and has agreed to transport and redeliver the gas to Panhandle. Under this agreement, it is shown, Panhandle would deliver natural gas to Applicant at a point of delivery located in Section 24, Township 10 North, Range 25 West, Beckham County, Oklahoma (Kirtley receipt point), and Applicant would redeliver equivalent volumes to Panhandle at the proposed Beckham redelivery point and/or at existing points of interconnection located in Section 18, Township 17 North, Range 17 West, Dewey County, Oklahoma (Dewey redelivery point), and in Section 16, Township 30 South, Range 25 West, Clark County, Kansas (Clark redelivery point).

Applicant asserts that it would be required to construct and operate a tap connection on its existing facilities in Section 15, Township 10 North, Range 21 West, Beckham County, Oklahoma, to receive gas for transportation from Panhandle, at an estimated cost of $4,000. Initially, it is said, deliveries would be made at the Clark and Dewey points on a best efforts basis until the proposed Beckham delivery point is in service. Subsequently, during the period November through February, redelivery would be made at the Beckham point on a firm basis except when Applicant is injecting into its Sayre field storage, the application shows. Further, the application indicates that during the period March through October and at any time injections into Sayre are taking place, redelivery would be made on a firm basis at the Clark redelivery point, and the Dewey point would be used for redelivery on a best efforts basis. It is stated that Panhandle has the option to install compression which would permit the use of the Beckham redelivery point on a year-round firm basis.

Applicant proposes to charge 3.39 cents per Mcf of gas at 14.73 psia for best efforts deliveries at the Dewey point and 1.0 cent and 6.26 cents per Mcf for firm deliveries at the Beckham and Clark redelivery points, respectively. It is stated that Applicant would retain 3 percent of the volumes transported for fuel use.

It is stated that Applicant has requested Panhandle to deliver 75,000 Mcf of gas per day on a firm basis during the November through February winter period, 1976–1977 and 1977–78, and on a best efforts basis during the period March through October, 1977. It is shown that Panhandle would also transport and redeliver on a best efforts basis an additional 25,000 Mcf per day during the period November 1, 1976 through February, 1978, and subsequently, Panhandle would transport and redeliver up to 100,000 Mcf of gas per day on a best efforts basis to Applicant. Applicant would make deliveries under this arrangement at the proposed Beckham County delivery point and Panhandle would make redeliveries at the Clark redelivery point, it is indicated.

It is stated that in reviewing the projected operation of its pipeline system south of its main transmission Compressor Station No. 103, Applicant has determined that it would have a short-term capacity deficiency of at least 75,000 Mcf per day on a peak day basis during the 1976–77 and 1977–78 winter heating seasons. Applicant asserts that section of its transmission system between its Compressor Station No. 156 and Station No. 103, and Station No. 156 and Station No. 111 would be at full capacity, and that the projected total net inputs into these segments of Applicant's system for the 1976–77 and 1977–78 period are in excess of Applicant's present system capacity, resulting in reduction of approximately 75,000 Mcf per day in withdrawal rates below the certificated withdrawal capacity of Applicant's Sayre storage facility. It is indicated that Applicant has reviewed various alternatives to relieve this capacity deficiency and has determined that the most manageable and practical proposal available to Applicant is the subject transportation arrangement with Panhandle.

To effectuate this agreement, Applicant proposes to construct and operate approximately 7.8 miles of 16-inch pipeline and other miscellaneous facilities in Beckham County, Oklahoma, at an estimated cost of $796,000 to permit Applicant to deliver its gas for transportation and redelivery by Panhandle. It is shown that estimated costs of construction would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29823 Filed 10–8–76;8:45 am]

[Docket No. RP73–48 (PGA76–5a)]

NORTHERN NATURAL GAS CO., PEOPLES NATURAL GAS DIVISION

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 4, 1976.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company (Northern) on September 22, 1976, tendered for filing Substitute Thirteenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed change to become effective October 1, 1976, would increase the rate per Mcf to jurisdictional customers by 4.85¢ per Mcf. Northern states that this increase reflects a revised increase in rates by Colorado Interstate Gas Company to become effective October 1, 1976, resulting from a general rate increase filing at Docket RP76–76, and a Purchased Gas Adjustment. Northern states that Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Northern requests waiver of the Commission's Regulation to allow an effective date of October 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29814 Filed 10–8–76;8:45 am]

[Docket No. CP76–104 (PGA 76–2)]

PACIFIC INTERSTATE TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 4, 1976.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on September 27, 1976 tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, the following sheets:

Third revised sheet No. 4.
Second revised sheet No. 5.

The proposed effective date of both of these tendered tariff sheets and the rates reflected thereon is October 27, 1976.

Pacific Interstate states that the tariff sheets listed above are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision as set forth in Section 16 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 2, and to provisions of Opinion No. 770 and the Order Modifying Opinion No. 770.

Pacific Interstate states that the change in its rates incorporated in the tendered tariff sheets reflect a Gas Cost Adjustment to recover an annual increase in jurisdictional revenues of $291,417 and a special Surcharge Adjustment to recover costs of $516,559, that both adjustments are related solely to producer filings tendered on or before August 26, 1976, pursuant to provisions of Opinion No. 770, and that it has selected the option of collecting the special Surcharge Adjustment over the twelve months commencing October 27, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29818 Filed 10–8–76;8:45 am]

[Docket No. RP73–48 (PGA 76–4)]

NORTHERN NATURAL GAS CO.

Refund Report

OCTOBER 4, 1976.

Take notice that on September 20, 1976, Peoples Natural Gas Division of Northern Natural Gas Company (Peoples Division) tendered for filing a Refund Report reflecting refunds made by Peoples Division as a result of a reduction in rates by its pipeline supplier, Colorado Interstate Gas Company (CIG), effective for the period June 1, 1976 to June 30, 1976. The refund by Peoples Division affected customers served under its F.P.C. Gas Tariff, Original Volume No. 4.

Peoples Division states that copies of the filing were served upon each of the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29813 Filed 10–8–76;8:45 am]

[Docket No. RP71–11 (PGA 76–5)]

TENNESSEE NATURAL GAS LINES, INC.

Tariff Change

OCTOBER 4, 1976.

Take notice that on September 27, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on October 27, 1976, consisting of the followign revised tariff sheets:

First Substitute Sixteenth Revised Sheet No. PGA–1; and
First Substitute and Eleventh Revised Sheet No. PGA–2.

V41 I198 OCT 12 76 UMI

Tennessee Natural states that the purpose of the instant filing is to make a PGA rate adjustment pursuant to the purchased gas adjustment provisions of Rate Schedules G–1 and SWS–1 of its FPS Gas Tariff and to the Commission's "Order Modifying Opinion No. 770" issued September 22, 1976 in Docket No. RM75–14, to reflect a PGA rate change of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., filed on September 27, 1976, and proposed to become effective on October 27, 1976, pursuant to the aforesaid Order of the Commission.

Tennessee Natural states that copies of the filing have been mailed to its jurisdictional customer and the affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party just file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29817 Filed 10-8-76;8:45 am]

[Docket Nos. RP65–59 and RP73–65]

TEXAS EASTERN TRANSMISSION CORP.

Order Directing Release of Refunds and Approving Refund Plan

OCTOBER 5, 1976.

On September 5, 1975, Columbia Gas Transmission Corporation (Columbia), the legal successor to The Ohio Fuel Gas Company (Ohio Fuel), filed a petition for an order releasing refunds held in escrow by Texas Eastern Transmission Corporation (Texas Eastern) for the account of Ohio Fuel. Texas Eastern held the refunds in escrow under an agreement dated January 25, 1967, pursuant to the Commission's order of January 11, 1967, in Docket No. RP65–59. The refunds being held by Texas Eastern amount to $826,490.14 plus earned interest applicable to the period from October 1, 1965, through November 30, 1966.

Columbia proposes to flow through such refunds by crediting the Deferred Purchase Gas Cost Account, rather than according to the refund procedures approved in the settlement agreement in Docket No. RP66–7. Accordingly, Columbia asks for waiver of the obligation under those refund procedures to invest said refund amounts if held for more than 90 days in short term government securities and to apportion the interest earned thereon to the jurisdictional customers upon distribution. Columbia proposes to flow through to its customers formerly supplied by Ohio Fuel $767,029.20 plus earned interest applicable to the period from October 1, 1965, through October 31, 1966. Columbia proposes to retain refunds of $59,460.94 plus earned interest for the month of November 1966 because its rates effective November 1, 1966, reflected the reduced rates of Texas Eastern which are the basis for the refund.

Notice of Columbia's petition was issued September 17, 1975, with comments, protests, and petitions to intervene due on or before October 1, 1975. None have been received.

The Commission will direct Texas Eastern to release to Columbia the refunds held in escrow. Furthermore, since no opposition to Columbia's refund plan has been received, the Commission will approve Columbia's proposal to flow through the refunds, except amounts attributable to November 1966, by crediting the Deferred Purchase Gas Cost Account rather than according to the refund procedures approved in the settlement agreement in Docket No. RP66–7.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that Texas Eastern be directed to release the refunds held in escrow for the account of Ohio Fuel and that Columbia flow through said refunds in accordance with Columbia's petition filed September 5, 1975, as hereinafter ordered.

The Commission orders. (A) Within 30 days of the issuance of this order, Texas Eastern is hereby directed to release to Columbia the refunds amounting to $826,490.14, plus earned interest, held in escrow for the account of Ohio Fuel, in accordance with the Texas Eastern escrow agreement dated January 25, 1967, pursuant to the Commission's order of January 11, 1967, in Docket No. RP65–59, applicable to the period of October 1, 1965, through November 30, 1966.

(B) Within 15 days after the release of said refunds to Columbia, Texas Eastern will file with the Commission a report of the amount of refunds and earned interest disbursed to Columbia.

(C) Columbia's refund plan in its petition filed September 5, 1975, is hereby approved; the refund procedures approved in the settlement agreement in Docket No. RP66–7 are waived as requested, and Columbia will upon release of the refunds to it by Texas Eastern credit its Deferred Purchase Gas Cost Account in the amount of $767,029.20 plus earned interest and flow through such amounts to its customers formerly supplied by Ohio Fuel in its next PGA filing.

(D) Within 15 days after the receipt of the refunds from Texas Eastern, Columbia will file with the Commission a report of the amount of refunds and earned interest credited to the Deferred Purchase Gas Cost Account for the account of its customers formerly supplied by Ohio Fuel.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29832 Filed 10-8-76;8:45 am]

[Docket No. CP76–531]

TEXAS GAS TRANSMISSION CORP.

Application

OCTOBER 1, 1976.

Take notice that on September 20, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76–531 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Aluminum Corporation (Consolidated), an existing industrial customer of Jackson Utility Division, City of Jackson, Tennessee (Jackson), one of Texas Gas' resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis for two years up to 1,400 Mcf of gas per day. It is stated that Consolidated has entered into a contract with Franks Petroleum, Inc. (Franks), for the purchase of natural gas to be produced from certain leasehold interests presently owned or controlled by Franks in Midland Field, Acadia Parish, Louisiana. Such natural gas would be delivered to Applicant at the existing facilities of Applicant and Columbia Gulf Transmission Company (Columbia Gulf) at Columbia Gulf's Rayne, Louisiana, compressor station located in Acadia Parish, Louisiana, or at other mutually acceptable points of interconnection between Applicant and Columbia Gulf, as set forth in Applicant's gas rate schedule X–51, it is said. Further, it is indicated that Applicant would simultaneously redeliver volumes of natural gas up to 1,400 Mcf on a peak day, up to 1,000 Mcf on an average day, and up to 511,000 Mcf on an annual basis to an existing point of delivery with Jackson for the account of Consolidated. It is stated that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than the contract demand of 34,370 Mcf through all points of delivery of Applicant to Jackson.

Applicant proposes to charge 15.81 cents per Mcf at 14.73 psia and would retain 5.2 percent of the gas transported as makeup for compressor fuel and line loss.

It is stated that since the volumes to be transported under this and any similar transportation agreements with customers of distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis.

Applicant asserts that if the natural gas is not sold to Consolidated, then it would be sold to an interstate pipeline or to a direct consumer located in Louisiana, and therefore Applicant does not consider the subject natural gas to be available to it for purchase.

The application states that the gas to be transported would be used for fuel in the Consolidated Aluminum Corporation plant in Jackson, Tennessee. The Jackson plant operates an ingot casting facility, hot and cold rolling mills, a coil coating (paint) line, and a foil rolling facility, it is shown, and the primary products from this plant are painted coil which goes into construction and appliance end uses and aluminum foil which goes into electrical, food packaging and container industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29824 Filed 10-8-76;8:45 am]

[Docket No. RP73–3 (PGA76–4)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

OCTOBER 4, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on September 27, 1976 tendered for filing two revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 with a proposed effective date of October 27, 1976. Transco states that the revised tariff sheets reflect a special "tracking" rate increase of 36.4¢ per Mcf in Transco's CD, G, OG, E, PS, S–2 and ACQ rate schedules pursuant to Ordering Paragraph (D) of Opinion No. 770, as modified by Ordering Paragraph (A) of Order issued September 22, 1976 in said Opinion together with a reduction of 6.0¢ per Mcf due to the elimination of the Deferred Adjustment made effective May 2, 1976 under a PGA filing. Also, Transco states that the special "tracking" increase is based solely on those producer increases filed on or before August 26, 1976, to be effective July 27, 1976, and October 1, 1976, pursuant to Opinion No. 770.

Transco further states that the 36.4¢ consists of an increase in the current gas cost of 26.5¢ per Mcf plus a surcharge of 9.9¢ per Mcf, which surcharge is designed to recover, over the twelve month period commencing October 27, 1976, the estimated costs incurred during the period July 27, 1976, through October 26, 1976, together with carrying charges at 9% per annum, as provided in the Commission's Order of September 22, 1976, in Docket No. RM75–14. Transco further states that the estimated increase in purchased gas cost resulting from the producer rate increases filed on or before August 26, 1976, to be effective July 27, 1976, and October 1, 1976, pursuant to Opinion No. 770 is $184,666,752. Transco further states that the surcharge amounts to $51,351,113, plus $2,537,655 for carrying charges.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29809 Filed 10-8-76;8:45 am]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 4, 1976.

Take notice that Transwestern Pipeline Company (Transwestern) on September 27, 1976, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Fifth Revised Sheet No. 5
Fifth Revised Sheet No. 6

These sheets are being issued pursuant to Ordering Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976 in Docket No. RM75–14 and Order Modifying Opinion No. 770 issued September 22, 1976. The increase in rates is based upon the Opinion No. 770 increases in Transwestern's cost of purchased gas including a special surcharge designed to recover over the twelve-month period, October 27, 1976–October 26, 1977, the cost associated with Opinion No. 770 increases prior to October 27, 1976 with carrying charges at nine percent. The proposed effective date of the above tariff sheets is October 27, 1976.

The annualized amount of claimed purchased gas cost increases under Opinion No. 770 is $96,369,691. The proposed surcharge to recover unrecovered purchased gas costs is $14,562,570. Carrying charges on the unrecovered purchased gas costs are $671,592. The total amount claimed is $111,603,853.

Copies of the filing were served upon the Company's jurisdictional customers and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29827 Filed 10-8-76;8:45 am]

[Docket No. RP73–35 (PGA76–4)]

TRUNKLINE GAS CO.

Change in Tariff

OCTOBER 4, 1976.

Take notice that on September 24, 1976, Trunkline Gas Company (Trunkline) tendered for filing Seventeenth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective November 1, 1976.

V41 I198 OCT 12 76 UMI

The Company submits that this revised sheet is filed in accordance with Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976, as modified by FPC order issued September 22, 1976, and pursuant to the provisions of the General Terms and Conditions of Trunkline's FPC Gas Tariff. The filing provides for increased annual jurisdictional revenues of approximately $140 million under the PGA increase and a surcharge adjustment of approximately $37 million.

Trunkline states that the revised tariff sheet reflects only those increases in purchase gas costs as authorized by the Commission in Opinion No. 770 to be effective July 27, 1976. No other increases in purchase gas costs are included in the filing. In accordance with the Commission's order of September 22, 1976, Trunkline has elected to file for a surcharge (including a nine (9) percent carrying charge) to recover costs incurred as a result of Opinion No. 770 from July 27, 1976 to November 1, 1976, such surcharge to be effective for the twelve (12) month period commencing November 1, 1976. Trunkline shall maintain a separate account relating to such surcharge amounts and any imbalance in the account at the end of the twelve (12) month period shall be transferred to the Deferred Purchased Gas Cost Account maintained in accordance with § 18.3 of the General Terms and Conditions of Trunkline's tariff.

The Company submits that the purchased gas cost increases by reason of Opinion No. 770 rates effective July 27, 1976, which Trunkline has included in its rates herein, have been calculated on the basis of producer filings with Commission. To the extent that the amounts filed by the producers are subject to refund, the related amounts included in Trunkline's rates shall also be subject to refund in accordance with Section 18.5 of the General Terms and Conditions of Trunkline's tariff.

Copies of this filing were served on Trunkline's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29829 Filed 10-8-76;8:45 am]

[Docket No. RP76-109]

UTAH GAS SERVICE CO.

Order Accepting and Approving Settlement Agreement

OCTOBER 4, 1976.

On August 5, 1976, Utah Gas Service Company (Utah Gas) filed a Stipulation and Agreement in settlement of the rate proceeding in the captioned docket. The Commission finds that the Agreement is in the public interest and accepts and approves it.

The instant docket was initiated when Utah Gas tendered for filing on June 4, 1976, a revised tariff sheet[1] reflecting an increase in the cost of natural gas being sold by Utah Gas to Northwest Pipeline Corporation (Northwest) in accordance with a Gas Purchase Agreement dated September 19, 1973, as amended. In its filing Utah Gas stated that the proposed change in rate was attributable entirely to an increase from $0.10 per Mcf to $0.3256 per Mcf in the transportation charge, a component of the base rate. In support of this claim, Utah Gas submitted a cost of service study related to the jurisdictional plant (the Altonah-Jensen Pipeline) based on actual operations for the twelve months ended February 29, 1976, adjusted for known and measurable changes that it will incure during the subsequent nine months.[2]

By order issued July 2, 1976, the Commission accepted for filing and suspended Utah Gas' rate filing for one day, to become effective July 5, 1976, subject to refund. Northwest filed a petition to intervene, which was granted by Commission order issued August 19, 1976.

A settlement conference held July 27, 1976, and attended by representatives of Utah Gas and of the Commission Staff resulted in a proposed settlement agreement dispositive of all issues in the proceeding. Utah's proposed rate, as filed June 4, 1976, is $1.05245 per Mcf, which is comprised of: (1) a base rate of $0.61715 per Mcf (purchased gas costs of $0.5072 per Mcf, gathering charge of $0.00995 per Mcf, and transportation charge of $0.10 per Mcf); (2) purchased gas adjustment rate of $0.2097 per Mcf; and (3) an increase of $0.2256 per Mcf in the transportation rate. The settlement agreement provides for a change in the requested transportation rate from $0.3256 per Mcf to $0.3019 per Mcf, resulting in an overall proposed settlement rate of $1.02875. Utah Gas agrees to refund, with interest at 9%, amounts collected in excess of the settlement rate.

Notice of Utah Gas' filing of the proposed Stipulation and Agreement was issued August 13, 1976, with responses and protests due on or before August 26, 1976. On August 26 the Commission Staff filed comments in support of the Agreement, stating that the proposed settlement rate is not in excess of the just and reasonable rate. Northwest filed a letter on August 20, stating it has no objection to the settlement.

Review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted, demonstrates that the proposed rates are supported by cost evidence and are just and reasonable, and that the settlement agreement represents a reasonable resolution of the issues. Accordingly, approvel and adoption of the Agreement are in the public interest.

In conjunction with acceptance and approval of the subject Agreement, the Commission shall require Utah Gas to tender for filing revised tariff sheets reflecting the terms of the settlement agreement.

The Commission finds: The Stipulation and Agreement filed in the instant docket on August 5, 1976, by Utah Gas is supported by cost evidence and should be accepted and approved as hereinafter conditioned and ordered.

The Commission orders: (A) The Stipulation and Agreement filed on August 5, 1976, in this proceeding is hereby accepted, incorporated herein by reference, and approved effective July 5, 1976, subject to the following conditions.

(B) Utah Gas shall file within 30 days of the issuance of this order a revised tariff sheet to reflect the settlement rate specified in the Stipulation and Agreement approved herein.

(C) Within 30 days of issuance of this order, Utah Gas shall refund to Northwest all amounts collected since July 5, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum.

(D) Utah Gas shall file with the Commission a report within 15 days after the refunds described in paragraph (C), supra, have been made. Such report shall show, for the entire refund period, monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show monthly interest computation, together with a summary of such information for the entire refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Utah Gas, Northwest, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Utah Gas, Northwest, or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29821 Filed 10-8-76;8:45 am]

[1] Third Revised Sheet No. 18A to Utah's FPC Gas Tariff, Original Volume No. 1, Rate Schedule X-1.

[2] The only adjustment was an increase in rate of return from 9.0% to 10.6%, based on a total capatalization of $3,082,020, comprised of 65.5% debt and 34.5% equity (with a 15% return on equity).

[Docket No. RP76-41]

VALLEY GAS TRANSMISSION, INC.

Order Approving Stipulation and Agreement

OCTOBER 5, 1976.

On July 2, 1976, Presiding Administrative Law Judge William L. Ellis certified to the Commission a proposed Stipulation and Agreement of Settlement (Stipulation) which would dispose of all issues in the above-captioned proceeding. For the reasons set forth below, the Commission shall accept and approve the Stipulation.

Proceedings in this docket were initiated on November 21, 1975, when Valley Gas Transmission, Inc. (Valley) tendered for filing revised tariff sheets[1] to Original Volume No. 1 of its FPC Gas Tariff. The purpose of these tariff sheets was to effectuate a rate increase pursuant to a cost of service tariff for the gathering service which Valley renders to Tennessee Gas Pipeline Company, United Gas Pipe Line Company, and National Fuel Gas Supply Corporation. Valley also filed, in the alternative, a tariff sheet[2] reflecting a rate increase for the subject gathering service without the cost of service tariff provisions. Valley requested a January 1, 1976, effective date for the proposed rate increase.

By order issued December 31, 1975, the Commission deferred action on the cost of service tariff sheets but accepted for filing and suspended until January 2, 1976, the alternate tariff sheet. The Commission concluded that the cost of service tariff sheets should be treated as pro forma tariff sheets and should be the subject of a hearing to determine their appropriateness. The Commission further found that any determination with respect to such pro forma sheets should be made effective prospectively only. Finally, the Commission granted the petitions to intervene filed by National Fuel Gas Supply Corporation and the Public Service Commission of the State of New York.[3]

The major elements of the proposed Stipulation are as follows:

(1) The gathering charge discussed hereinabove shall be reduced from 11.36 cents per Mcf proposed by Valley to 10.93 cents per Mcf as proposed by the Commission's Staff.

(2) The 10.93 cents gathering charge reflects an overall rate of return of 9.94 percent including a 13.0 percent return on common equity.

(3) Valley shall not file with the Commission any increase in the subject gathering charge prior to December 1, 1977, provided, however, that Valley shall have the right to file such an increase prior to December 1, 1977, if at any time prior to said date Valley's books show that over any consecutive 12-month period beginning after April 18, 1976, Valley has not earned the 9.94 percent overall rate of return provided in the Stipulation.

(4) Valley shall withdraw its proposed cost of service tariff sheets.

(5) Within 10 days after a Commission order approving the Stipulation becomes final and non-appealable, Valley shall file revised tariff sheets incorporating a 10.93 cents per Mcf gathering charge to be effective as of January 2, 1976.

(6) Following Commission acceptance of the revised tariff sheets referred to in paragraph (5), supra, Valley shall make refunds to those customers affected by the instant filing by means of credits to the next billing statements rendered by Valley. Interest on such refund amounts shall be calculated at the rate of nine percent per annum.

(7) Neither Valley, the Commission Staff nor any other party shall be deemed to have consented to any ratemaking principles underlying or supposed to underlie the agreed-upon gathering charge.

At a hearing held before Presiding Judge Ellis on June 30, 1976, counsel for Valley, National Fuel Gas Supply Corporation, and the Commission Staff indicated their support for the Stipulation. No other parties were represented.

Public notice of the Presiding Judge's certification of the Stipulation was issued on September 1, 1976, providing that any comments should be filed on or before September 13, 1976. No responses have been received.

The Commission's review of the proposed Stipulation leads to the conclusion that it reflects a just and reasonable resolution of the issues in this proceeding. Accordingly, the Stipulation shall be incorporated herein by reference, accepted and approved.

The Commission finds: Good cause exists to incorporate herein by reference, accept and approve the Stipulation and Agreement of Settlement certified to the Commission in this proceeding on July 2, 1976.

The Commission orders: (A) The Stipulation and Agreement of Settlement certified to the Commission in this proceeding on July 2, 1976, is incorporated herein by reference, accepted and approved.

(B) Within 10 days after this order becomes final and non-appealable, Valley shall file revised tariff sheets incorporating a 10.93 cents per Mcf gathering charge to be effective as of January 2, 1976.

(C) As provided for by the terms of the settlement, immediately following Commission acceptance of the revised tariff sheets referred to in ordering paragraph (B), supra, Valley shall make refunds to affected customers of all amounts collected in excess of the gathering charge approved herein. Such refunds shall be made in accordance with the terms of the Stipulation discussed hereinabove, and shall bear interest at the rate of nine percent per annum.

(D) Within 15 days after refunds are made in accordance with ordering paragraph (C), supra, Valley shall file a refund report with the Commission and shall serve a copy thereof upon all affected customers. Such report shall show monthly billing determinants and revenues under the proposed and settlement rates, the monthly interest computation, and a summary of all such information for the entire refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other person or party affected by this order in any proceeding now pending or hereinafter instituted by or against Valley or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29825 Filed 10-8-76;8:45 am]

[1] Sixth Revised Sheet No. 2A, First Revised Sheet No. 181, and Original Sheet Nos. 182, 183 and 184.

[2] Alternate Sixth Revised Sheet No. 2A.

[3] By order issued February 12, 1976, the Commission granted the late petition to intervene of Tennessee Gas Pipeline Company.

[Docket No. ER76-882]

WISCONSIN POWER & LIGHT CO.

Order Accepting in Part and Rejecting in Part Revised Contract Terms, Granting Intervention, and Denying Motion To Consolidate

SEPTEMBER 29, 1976.

On August 30, 1976, the Wisconsin Power & Light Company, (WPL) tendered for filing revised rate schedules of its five cooperative, thirty-two municipal and two investor-owned wholesale customers.[1] WPL states that the instant filing is made to incorporate in each of the affected rate schedules the necessary statement regarding unilateral rate change applications in compliance with FPC Order Nos. 541 and 541-A, and requests an effective date of August 1, 1976. For the reasons hereinafter stated, the Commission shall accept the revised schedules as to thirty-three of the abovementioned customers, but reject the revised schedules as to the remaning six customers.

Each of the revised rate schedules provide for the inclusion of language permitting unilateral rate change filings by WPL, as follows:

> Nothing contained herein shall be construed as affecting in any way the right of the party furnishing service under this rate schedule to unilaterally make application to the Federal Power Commission for a change in rate, charges, classification; or service, or any rule, regulation, or contract relating thereto, under Section 205 of the Federal Power Act and pursuant to the Commission's Rules and Regulations promulgated thereunder.

The proposed rate schedules are also revised to decrease from ten years to five years the initial term for new contracts

[1] See Attachment A for designations of those rate schedules which will be accepted for filing.

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necessitated by an increase in customer demand over the stated contract demand pursuant to the terms of the purchase agreement.

Notice of the filing in Docket No. ER 76–882 was issued on September 14, 1976, with comments, protests, or petitions to intervene due on or before September 22, 1976. On September 14, 1976, a petition to intervene and motion to consolidate with Docket No. ER76–331 was filed by the Municipal Wholesale Power Group (Municipals), WPL's W–3 wholesale customers. Municipals question whether the insertion of the proposed unilateral rate change language is intended to change the existing contractual rights of the parties to preclude negotiation of specific protective rate change provisions. Inasmuch as the Municipals, WPL, and the rural electric cooperatives affected by the subject filing are all parties to the proceedings in Docket No. ER76–331, Municipals request consolidation of this filing with Docket No. ER76–331 in order to resolve any questions relating to the revised contract language.

On November 21, 1975, the Commission issued its Order No. 541 in Docket No. RM74–15 which amended § 35.1 of its Regulations under the Federal Power Act, 18 CFR 35.1, by redesignating the existing subsection (d) as subsection (e) and by adding a new subsection (d). This new subsection required that, effective March 1, 1976, certain rate schedules filed with the Commission[2] must expressly indicate whether or not service was to be rendered under a "fixed rate contract" by including one of two provisions in the tendered rate schedule. By order issued June 29, 1976[3], however, Order No. 541 was amended in the following manner:

> Accordingly, we have concluded that paragraph (d) of § 35.1 should be amended to provide (1) that all rate schedules filed on or after August 1, 1976, shall contain the first boilerplate provision with respect to such portions of the schedule where it is the intent of the parties to give the supplier the unrestricted right to file unilateral rate changes; (2) that all rate schedules filed on or after August 1, 1976, shall contain the first boilerplate provisions with respect to such portions of the schedule where it is the intent of the parties to withhold from the supplier the right to file any unilateral rate changes; and (3) the parties are free to file rate schedules which contain neither boilerplate provisions, or which have certain provisions subject to neither boilerplate provision. (mimeo, pg. 8)

The Commission's review of WPL's proposed filing indicates that it conforms with the requirements of Order No. 541–A, supra. We shall therefore accept the revised rate schedules to become effective as to thirty-three of WPL's customers as of August 1, 1976.

With respect to six of WPL's wholesale customers,[4] however, the Commission found their existing contracts with WPL to be fixed rate in its order of December 31, 1975, in Docket No. ER76–331. The Commission therefore rejected WPL's proposed rate change therein as it would have applied to those customers, without prejudice to WPL's right to timely file such rate changes upon expiration or cancellation of the existing contracts. The same rationale applies with respect to the instant filing. Inasmuch as the six contract at issue herein have been found to be fixed rate, the proposed revisions are clearly inappropriate until such time as these contracts expire or are cancelled. We shall therefore reject WPL's instant proposed revised rate schedules as to these customers without prejudice to WPL's right to timely file such changes upon expiration or cancellation of the existing contracts.

With respect to Municipals' request for consolidation with the proceedings in Docket No. ER76–331 in order to resolve questions concerning the possible infringement of existing contractual rights caused by the present filing, we find that the proposed language does not substantively alter the contractual rights of the parties under the existing contracts. We further find that our acceptance of the instant filing, in part, will not preclude negotiation of specific protective rate provisions, a concern raised by Municipals.

Good cause has therefore not been shown to consolidate this matter with the proceedings in Docket No. ER76–331, and Municipals' request will be denied.

The Commission finds. (1) Good cause has been shown to accept WPL's proposed revised rate schedules as they apply to thirty-three of WPL's wholesale customers, as of August 1, 1976.

(2) Good cause has been shown to reject WPL's proposed rate schedules as to six of WPL's wholesale customers.

(3) Good cause has not been shown to consolidate the instant docket with the proceedings in Docket No. ER76–331.

The Commission orders. (A) WPL's proposed revised rate schedules as designated in Appendix A attached hereto are accepted for filing to become effective August 1, 1976.

(B) WPL's proposed revised rate schedules applicable to the Pioneer Power & Light Company, Cross Plains Electric Company, and the Cities of Stoughton, Columbus, Princeton and Shullsburg are hereby rejected without prejudice to WPL's right to timely file such schedules upon expiration or cancellation of their existing contracts.

(C) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Municipals' motion for consolidation with Docket No. ER76–331 is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

ATTACHMENT A.—*Wisconsin Power & Light Company*[1]

[Docket No. ER76–882]

Customer	Supplement No.	Rate schedule supersedes— FPC No.	Supplement No.
Municipal customers—rate W–3:			
City of Evansville	10	29	9
Village of Gresham	11	31	10
Village of New Glarus	10	39	9
Village of Hustiford	9	71	8
City of Sun Prarie	9	73	8
City of Plymouth	8	75	7
Village of Muscoda	10	76	9
City of Boscobel	8	77	7
City of Cuba City	8	79	7
City of Waupun	8	82	7
City of Brodhead	8	83	7
Village of Sauk City	7	84	6
City of Juneau	7	86	6
City of Benton	7	88	6
City of Reedsburg	7	89	6
Village of Hazel Green	6	91	5
Village of Mount Horeb	7	92	6
Village of Black Earth	7	93	6
Village of Prarie De Sac	7	95	6
City of Wisconsin Dells	7	96	6
City of Sheboygan Falls	6	98	5
City of Lodi	6	101	5
Village of Pardeville	5	102	4
Village of Wonewoc	3	107	2
Village of Mazomanie	3	108	2
Village of Waunakee	3	109	2
Village of Belmont	3	110	2
Village of Footville	3	111	2
Cooperative customers—rate W–2:			
Rock County Electric Cooperative Association	9	69	8
Columbus Rural Electric Cooperative	5	103	4
Waushara County Electric Cooperative	3	105	2
Adams-Marquette Electric Cooperative	3	112	2
Central Wisconsin Electric Cooperative	3	113	2

[1] Dated: Undated. Filed: Aug. 30, 1976. Effective: Aug. 1, 1976 (as requested).

[FR Doc.76–29627 Filed 10–8–76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 4, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 1, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

The FEA requests an extension to change clearance of Form FEA–G318–M–0, Underground Gas Storage Report. This report enables the FEA and the FPC to maintain a better and more current picture of natural gas supply in the United States. This report is mandatory under Pub. L. 93–275, The Federal Energy Administration Act of 1974; as amended by the Energy Conservation and Production Act of 1976, Pub. L. 94–385. Reports must be filed within five days after the first and fifteenth day of the months December through March; and the first day of the months April through November. FEA estimates the number of respondents to be 47 and the estimated reporting burden to be four hours per response.

The FEA requests an extension to change clearance of Form FEA–P302–M–1, Petroleum Industry Monthly Report for Product Prices. This is a monthly report which collects refined petroleum products information inclusive of prices, sales volumes and cost pass through data and must be filed by Gas Plant Operators, Petroleum Refiners and Large Reseller/Retailers. This report is mandatory under Pub. L. 93–275, Federal Energy Administration Act of 1974; and Pub. L. 93–159. The Emergency Petroleum Allocation Act of 1973 as amended by Pub. L. 94–163, The Energy Policy and Conservation Act of 1975; and Pub. L. 94–385, The Energy Conservation and Production Act of 1976. FEA estimates potential respondents to be approximately 47 and the burden to average 100 hours per response. The average burden estimate per response has been reduced from 220 to 100 hours due to decontrol.

JOHN M. LOVELADY,
Acting Assistant Director, Regulatory Reports Review.

[FR Doc.76–29802 Filed 10–8–76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR TEMP. REG. G–28]

FUEL EFFICIENT PASSENGER AUTOMOBILES

Acquisition by the Federal Government

1. *Purpose.* This regulation establishes policy and procedures governing the acquisition of passenger automobiles by all executive agencies beginning in fiscal year 1977.

2. *Effective date.* This regulation is effective October 1, 1976.

3. *Expiration date.* This regulation expires September 30, 1977, unless sooner revised or superseded. Before the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration (GSA) appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to executive agencies as defined in subparagraph 5b.

5. *Background.* a. Title III of the Energy Policy and Conservation Act of 1975, adds Title V, Improving Automotive Efficiency, to the Motor Vehicle Information and Cost Savings Act (Act), (15 U.S.C. 1901 et seq.). It is now mandatory that all passenger automobiles acquired by executive agencies for fiscal year 1977 (October 1, 1976, or thereafter) achieve a fleet average fuel economy of not less than 18 miles per gallon, or the average fuel economy standard applicable under sec. 502(a) of the Act for the model year shown in the following table, whichever is greater:

Fiscal year:	*Miles per gal*
1978	18.0
1979	19.0
1980	20.0
1981–1984	(1)
1985 and thereafter	27.5

[1] To be determined by the Secretary of Transportation.

[2] The requirements of paragraph (d) applied to rate schedules covering "the transmission or sale of firm power for resale to an all-requirements customer, whether filed as an initial rate schedule in accordance with Section 35.12 or whether filed as a change in accordance with Section 35.13 where such change is to an existing rate schedule whose term has expired, or where the term is to be extended * * *." Rate schedules tendered for filing prior to March 1, 1976, were expresaly excluded from the requirements of subsection (d).

[3] Order No. 541–A, Docket No. RM74–15.

[4] Pioneer Power & Light Company, Cross Plains Electric Company, City of Stoughton, City of Columbus, City of Princeton, City of Shullsburg.

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b. As prescribed in the Act and as used in this regulation:

(1) "Fleet average fuel economy" means the total number of passenger automobiles acquired during a fiscal year by executive agencies (excluding passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by dividing the number of passenger automobiles so acquired of a given model type, by the fuel economy of that model type.

(2) "Executive agency" means an executive department, a Government corporation, or an independent establishment.

(3) "Acquired" means purchased or leased for a period of 60 continuous days or more, but does not include passenger automobiles obtained on assignment from the Interagency Motor Pool System.

(4) "Passenger automobiles" means those automobiles (other than automobiles capable of off-highway operation) which the Secretary of Transportation determines by rule are manufactured primarily for use in the transportation of not more than 10 individuals. For purposes of this temporary regulation passenger automobiles shall mean those vehicles within the purview of Federal Specifications KKK–A–811 (Sedans), KKK–A–850 (Station Wagons), and comparable military specifications. Upon determination by the Secretary of Transportation, additional vehicles may be included in this definition.

6. *Policy and procedures.* In compliance with Pub. L. 94–163 and Executive Order 11912, dated April 13, 1976, policy and procedures governing the acquisition of passenger automobiles by executive agencies beginning in fiscal year 1977 are set forth in attachment A. Additionally, requisitions submitted to GSA for new passenger automobiles other than type I standard passenger automobiles shall be in conformance with the requirements of § 101–26.501.

7. *Exemptions.* Requests for exemptions from the provisions of these requirements shall be submitted in writing by the head of the agency to the Administrator of General Services for review and final determination.

8. *Agency comments.* Agency comments with regard to clarification of the policy and procedures in this regulation may be sent to the General Services Administration (FFY), Washington, DC 20406, no later than 60 calendar days after the date of this publication for possible incorporation into the permanent regulation.

9. *Reports.* The report required by this regulation is in conformance with the provisions of FPMR 101–11.11 and has been assigned Interagency Report Control Number 0121–GSA–OT.

Dated: October 1, 1976

JACK ECKERD,
Administrator of General Services.

ATTACHMENT A—ACQUISITION OF FUEL EFFICIENT PASSENGER AUTOMOBILES

1. *Authority.* Executive Order 11912, dated April 13, 1976, designates and empowers the Administrator of General Services to perform without approval, ratification, or other action by the President, the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010).

2. *Implementation.* In compliance with Executive Order 11912, GSA will administer a consolidated Federal fleet plan for passenger automobiles acquired by executive agencies. The plan will be based on forecasts of total passenger automobile acquisition requirements by vehicle type submitted by executive agencies to GSA at the beginning of each fiscal year. This forecast will serve as substantiation that individual agency acquisition plans are in conformance with the Act. GSA will administer the plan by maintaining a master record of the miles per gallon rating for passenger automobiles actually acquired by each agency during the fiscal year. Every 3 months each agency will be furnished a listing of automobiles acquired together with the cumulative vehicle fleet average fuel economy attained. These listings may be used for comparison with the acquisition forecasts and to adjust future vehicle procurements, if necessary, to comply with the Act by the end of the fiscal year. The Federal fleet plan will enable GSA to predict the total fleet average fuel economy to be achieved by all executive agencies prior to the end of the fiscal year and to provide management assistance to agencies, when necessary, to ensure compliance with the Act. Forecasts of planned acquisitions will be forwarded to the General Services Administration (FZ), Washington, DC 20406, in the format illustrated in attachment B. Interagency Report Control Number 0121–GSA–OT has been assigned to this requested forecast. The miles per gallon ratings to be used in the forecast are illustrated in attachment C.

3. *Agency responsibilities.* a. Executive agencies shall furnish GSA a forecast of the total passenger automobile acquisition requirements for the fiscal year based on the latest applicable edition of the Gas Mileage Guide issued jointly by the U.S. Environmental Protection Agency and the Federal Energy Administration. Copies of this guide, as well as a guide for automobiles sold in California, may be obtained by writing the Office of Vehicle and Driver Programs, OTAP, Energy Conservation and Enivronment, Federal Energy Administration, Washington, D.C. 20461, or "Fuel Economy," Pueblo, Colo. 81009. A sample calculation to clarify how the fleet average fuel economy is obtained is illustrated in attachment D.

b. The forecast of the total agency passenger automobile acquisition shall include automobiles to be procured or leased for use in the conterminous United States, Alaska, Hawaii, Guam, Virgin Islands, Puerto Rico, and the Canal Zone. The forecast shall not include passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work.

c. In order to maintain a master record of all leased passenger automobiles, agencies shall forward to the General Services Administration (FZ), Washington, D.C. 20406, copies of all agreements for the leasing of passenger automobiles for a period of 60 continuous days or more. If the lease agreement does not provide the following information, it shall be submitted as an attachment to the lease.

(1) Year.
(2) Make.
(3) Model.
(4) Transmission type.
(5) Cubic inch displacement.
(6) Fuel system-carburetor (barrels/fuel injection).
(7) If leased in California.

4. *GSA responsibilities.* a. GSA will incorporate into the Federal fleet plan forecasts of passenger automobile acquisition requirements received from executive agencies. GSA assistance may be requested in preparing forecasts prior to submission.

b. Every 3 months, beginning March 1, 1977, GSA will furnish each agency a listing showing the status of passenger automobiles acquired together with the fleet average fuel economy achieved. This information will enable agencies to determine the extent to which it is in conformance with the forecast submitted originally to GSA and make adjustments to the agency acquisition plans, where necessary, to ensure that the miles per gallon rating is achieved for the fiscal year in question.

c. Submission of requisitions for procurement or requests for authority to lease passenger automobiles which, in the opinion of GSA, will result in non-compliance with the fleet average fuel economy by the end of the fiscal year, may result in a directive that the planned acquisition be held in abeyance pending adjustment to the agency acquisition plan.

ATTACHMENT B—SAMPLE AGENCY ACQUISITION FORECAST

General Services Administration (FZM), Washington, D.C. 20406.

The forecast of the total passenger automobiles to be acquired (procured or leased for 60 continuous days or more, but not obtained from the Interagency Motor Pool System) by ---------- during fiscal year (agency)
1977 is as follows:

Sedan, Sub-compact—Standard four or six cylinders, automatic transmission.
350—49 States where the lowest EPA–FEA city/highway fuel economy rating is 21 miles per gallon.
50—California where the lowest EPA–FEA city/highway fuel economy rating is 16 miles per gallon.
Sedan, Compact—Standard six cylinders, automatic transmission.
275—49 States (19 m.p.g.).
25—California (16 m.p.g.).
Sedan, Compact—Standard eight cylinders, automatic transmission.
75—49 States (16 m.p.g.).
25—California (13 m.p.g.).
Station wagon, Intermediate—Standard eight cylinders, automatic transmission.
50—49 States (14 m.p.g.).

Excluding passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work, the total planned acquisitions of passenger automobiles for fiscal year 1977 are calculated to yield a fleet average fuel economy of 18.5 miles per gallon.

Interagency Report Control Number 0121–GSA–OT is assigned to this forecast.

ATTACHMENT C—MILES PER GALLON RATINGS TO BE USED IN FORECASTING TOTAL FLEET PASSENGER AUTOMOBILE ACQUISITIONS FOR FISCAL YEAR 1977

1. Forecasts of total agency passenger automobile acquisitions for fiscal year 1977 shall be based on the model types of passenger automobiles listed in this attachment. The miles per gallon ratings shown in the listing represent the lowest fuel economy for city/highway driving as illustrated in the 1976 Gas Mileage Guides.

2. Each executive agency submitting a forecast of total agency passenger automobile acquisitions will receive from GSA the EPA–FEA 1977 miles per gallon ratings when this information is made available from the U.S. Environmental Protection Agency (scheduled for late September 1976).

3. When the GSA quarterly listings indicate that the agency fleet average fuel economy is not in conformance with the 18 miles per gallon objective, agencies should revise acquisition plans accordingly. The EPA–FEA 1977 miles per gallon ratings should be used when such revisions are necessary.

Passenger automobile model types and ratings

Passenger automobile model type	City/highway fuel economy miles per gallon	
	49 States	California
Subcompact sedan, such as AMC Gremlin, Chevrolet Vega, and Ford Pinto:		
Standard 4 or 6 cylinders:		
Manual	21	20
Automatic	21	16
Extra power 4 or 6 cylinders:		
Manual	19	18
Automatic	19	16
Compact sedan, such as AMC Hornet, Chevrolet Nova, and Ford Maverick.		
Standard 6 cylinders:		
Manual	20	18
Automatic	19	16
Extra power 6 cylinders:		
Manual	20	18
Automatic	19	16
Standard 8 cylinders:		
Manual	17	14
Automatic	16	13
Intermediate sedan, such as AMC Matador, Chevrolet Chevelle, and Plymouth Fury:		
Standard 6 cylinders:		
Manual	17	17
Automatic	17	17
Standard 8 cylinders: Automatic	14	13
Extra power 8 cylinders: Automatic	14	12
Highest power 8 cylinders: Automatic	12	11
Regular sedan, such as Chevrolet Impala, Ford Torino, and Plymouth Gran Fury.		
Standard 8 cylinders: Automatic	14	13
Extra power 8 cylinders: Automatic	14	12
Highest power 8 cylinders: Automatic	13	11
Subcompact station wagon, such as Chevrolet Vega Kammback and Ford Pinto Wagon:		
Standard 4 cylinders:		
Manual	25	22
Automatic	22	22
Extra power 4 or 6 cylinders:		
Manual	26	22
Automatic	19	13
Compact station wagon, such as AMC Hornet Wagon and Plymouth Volare Wagon:		
Standard 6 cylinders:		
Manual	20	20
Automatic	19	16
Extra power 6 cylinders:		
Automatic	19	15
Standard 8 cylinders:		
Manual	17	
Automatic	15	14
Intermediate station wagon, such as AMC Matador Wagon, Chevrolet Malibu Wagon, Ford Torino Wagon, and Plymouth Fury Wagon:		
Standard 8 cylinders:		
Automatic	14	13
Extra power 8 cylinders:		
Automatic	14	12
Highest power 8 cylinders:		
Automatic	12	11

ATTACHMENT D—ILLUSTRATION OF SAMPLE CALCULATION

1. The method used to determine the fleet average fuel economy arrived at in attachment B of this temporary regulation is illustrated in Table 1 below.

2. For purposes of this calculation the passenger automobiles listed in Table 2 below have been selected from the current Federal Standard No. 122, Automobiles, Sedans, and Station Wagons.

3. The specific vehicles to be procured or leased are not known in advance, therefore, the lowest fuel economy of any vehicle in the model type is selected for this calculation. These vehicles are designated by an asterisk in Table 2.

TABLE 1

As used in this calculation, "fleet average fuel economy" means the total number of passenger automobiles to be acquired, divided by a sum of terms, each term of which is a fraction created by dividing the number of passenger automobiles of a given model type, by the fuel economy of that model type.

The fleet average fuel economy shown in attachment B has been calculated as follows:

Total number of passenger automobiles (850) divided by:
1. Sub-compacts for use in 49 States (350) divided by 21 m.p.g., plus
2. Sub-compacts for use in California (50) divided by 16 m.p.g., plus
3. Compacts, 6 cyl., for use in 49 States (275) divided by 19 m.p.g., plus
4. Compacts, 6 cyl., for use in California (25) divided by 16 m.p.g., plus
5. Compacts, 8 cyl., for use in 49 States (75) divided by 16 m.p.g., plus
6. Compacts, 8 cyl., for use in California (25) divided by 13 m.p.g., plus
7. Station Wagons, 8 cyl., for use in 49 States (50) divided by 14 m.p.g.

$$= \frac{850}{\frac{350}{21}+\frac{50}{16}+\frac{275}{19}+\frac{25}{16}+\frac{75}{16}+\frac{25}{13}+\frac{50}{14}}$$

$$= \frac{850}{16.67+3.13+14.47+1.56+4.69+1.92+3.57}$$

$$= \frac{850}{46.01} = 18.47 \text{ miles per gallon}$$

= 18.5 miles per gallon (rounded to the nearest 0.1 miles per gallon)

TABLE 2.—*City/highway fuel economy as shown in 1976 Gas Mileage Guide for New Car Buyers*

Manufacturer—Car line	Cylinders	Transmission	Fuel economy	
			49 States	California
Subcompact, standard engine:				
AMC Gremlin	6	A	[1] 21	[1] 16
Chevrolet Monza	4	A	22	22
Chevrolet Vega	4	A	22	22
Ford Mustang II	4	A	26	25
Ford Pinto	4	A	26	25
Mercury Bobcat	4	A	26	25
Pontiac Astre	4	A	22	22
Compact, standard engine:				
AMC Hornet	6	A	[1] 19	[1] 16
Chevrolet Nova	6	A	20	17
Dodge Dart	6	A	21	17
Ford Maverick	6	A	20	18
Mercury Comet	6	A	20	18
Plymouth Valiant	6	A	21	17
Compact, eight cylinder engine:				
AMC Hornet	8	A	[1] 16	15
Chevrolet Nova	8	A	17	14
Dodge Dart	8	A	18	[1] 13
Ford Maverick	8	A	[1] 16	16
Mercury Comet	8	A	[1] 16	16
Plymouth Valiant	8	A	18	[1] 13
Station Wagon, standard engine:				
AMC Matador Wagon	8	A	[1] 14	[1] 13
Buick Century Wagon	8	A	15	14
Chevrolet Malibu Wagon	8	A	15	[1] 13
Dodge Coronet Wagon	8	A	[1] 14	13
Ford Torino Wagon	8	A	15	14
Mercury Montego Wagon	8	A	15	14
Oldsmobile Cutlass Wagon	8	A	16	14
Plymouth Fury Wagon	8	A	[1] 14	13
Pontiac Le Mans Safari Wagon	8	A	15	14

[1] The lowest fuel economy in the model type.

[FR Doc.76–29540 Filed 10–8–76;8:45 am]

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PRIVACY ACT OF 1974

Corrections to Systems of Records

On August 24, 1976, there was published in the FEDERAL REGISTER (41 FR 35767 through 35769) a notice to clarify the routine uses of the systems of records identified as GSA/ADTS 4, Emergency Notification Files; and GSA/ADTS 8, Key Personnel and Essential Residence Telephone Directory.

The public was given the opportunity to submit, not later than September 23, 1976, written comments concerning the additional routine uses. No comments were received and the proposed additional routine uses are hereby adopted.

Dated at Washington, D.C. on September 30, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-29882 Filed 10-8-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-18]

FOOTWEAR

Investigation and Hearing

Investigation instituted. Following receipt on September 28, 1976, of a resolution of the Committee on Finance of the Senate for a new investigation pursuant to section 201(b)(1) of the Trade Act of 1974 (Trade Act), the United States International Trade Commission on October 5, 1976, having determined good cause to exist for a reinvestigation within 1 year pursuant to section 201(e) of the Trade Act, instituted such an investigation to determine whether footwear, provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, and 700.60), of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Investigation to be expedited. It is the intention of the Commission to expedite its investigation in this matter and to submit its report to the President as soon as possible.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t., on Tuesday, December 7, 1976, in the Hearing Room, United States International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Thursday, December 2, 1976.

By order of the Commission.

Issued: October 5, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29733 Filed 10-8-76;8:45 am]

MUSHROOMS

Investigation and Hearing

Investigation instituted. Following receipt on September 20, 1976, of a request by the Special Representative for Trade Negotiations for a new investigation pursuant to section 201(b)(1) of the Trade Act of 1974 (Trade Act), the United States International Trade Commission on October 5, 1976, having determined good cause to exist for a reinvestigation within 1 year pursuant to section 201(e) of the Trade Act, instituted such an investigation to determine whether mushrooms, prepared or preserved, except fresh or dried, provided for in item 144.20 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Investigation to be expedited. The Special Representative also requested that the Commission issue its report in connection with this investigation on a highly expedited basis. The Commission will expedite its investigation and issue its report as soon as possible.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t., on Thursday, November 11, 1976, in the Hearing Room, United States International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Friday, November 5, 1976.

Issued: October 5, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29734 Filed 10-8-76;8:45 am]

[322-80]

PROBABLE ECONOMIC EFFECT OF THE PROVISIONS OF H.R. 14600 AND THE NEED TO PROTECT A DOMESTIC INDUSTRY

Investigation and Public Hearing

In response to a request dated September 14, 1976, by the Committee on Ways and Means of the House of Representatives, the United States International Trade Commission instituted an investigation on October 1, 1976 under section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), to determine the probable economic effect of the provisions of H.R. 14600 (a bill to amend the Tariff Schedules of the United States (19 U.S.C. 1202) with respect to the tariff treatment accorded to technologically advanced, high-precision watches and watch movements) and the need to protect a domestic industry, as more fully set forth in the following resolution of the Committee:

Resolved, That the United States International Trade Commission shall make an investigation, pursuant to section 332(g) of the Tariff Act of 1930, to determine the probable economic effect of the provisions of H.R. 14600 and the need to protect a domestic industry. In conducting such an investigation, the Commission should report upon—

(1) The extent to which U.S. consumption of watch movements not having a balance wheel and hairspring (so-called nonconventional watches) or parts, components, assemblies or subassemblies thereof, is being supplied by domestic production and by imports (including the extent to which parts or components originating in the United States are being incorporated in imports);

(2) The effects, if any, on U.S. international trade of an increase in U.S. duties on nonconventional watches and components;

(3) The effects on U.S. employment (in companies making both conventional and nonconventional watches and components and parts thereof) of current and anticipated levels of importation of nonconventional watches, and

(4) The effects, if any, on competition and market shares in the United States of an increase in nonconventional watch duties, and the effects of such an increase on consumer prices.

In conducting this investigation, the Commission shall solicit and consider the views of interested parties and, if appropriate, hold public hearings.

The Commission shall submit a written report on this investigation to the Committee on Ways and Means at the earliest possible date, but not later than March 31, 1977.

A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C., beginning at 10 a.m., e.s.t., on January 4, 1977. All interested parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Thursday, December 30, 1976.

Issued: October 5, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29735 Filed 10-8-76;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget (OMB) Circular No. A-63, Revised, it is hereby determined that the establishment of the Advisory Committee on Joint Board Actuarial Examinations is in the public interest in connection with the performance of duties imposed on the Joint Board by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) (ERISA). This determination follows consultation with the Office of Management and Budget pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group.* Advisory Committee on Joint Board Actuarial Examinations (the Advisory Committee).

2. *Purpose.* The purpose of the Advisory Committee is to assist the Joint Board in fulfilling a responsibility with which it is charged by ERISA. That responsibility is to establish standards and qualifications for individuals performing actuarial services with respect to plans to which ERISA applies and enroll individuals found to satisfy such standards and qualifications. One of such standards and qualifications is education and training in actuarial mathematics and methodology.

One method of satisfying the aforesaid requirement is successful completion of an examination to be given by the Joint Board. The Advisory Committee will discuss the philosophy of and topics appropriately covered by such examinations, and will submit to the Joint Board proposed examination questions. The Joint Board will take all such discussion and all questions so submitted under advisement and will then select both the topics to be covered and specific questions to appear on each examination administered.

An additional method of satisfying the aforesaid requirement is successful completion of other actuarial examinations deemed by the Joint Board to be adequate for this purpose. The Advisory Committee will review such other examinations and submit to the Joint Board its recommendation regarding their adequacy. The Joint Board will make the final decision on adequacy.

3. *Effective date of establishment and duration.* The establishment of the Advisory Committee is effective upon filing of its charter with the Chairman, Joint Board for the Enrollment of Actuaries, and with the standing committees of Congress having legislative jurisdiction of the Joint Board. The Advisory Committee will continue in existence for two years from its effective date, subject to renewal for additional periods of time.

4. *Membership.* The Joint Board will take steps to insure maximum practicable representation on the Advisory Committee of points of view regarding the Joint Board's actuarial examinations extant in the community of actuaries experienced in writing examinations. However, membership will be limited to actuaries previously enrolled by the Joint Board so that individuals who may take the Joint Board's actuarial examinations in the future will not be prematurely exposed to questions which may appear on such examinations. The Advisory Committee will be comprised of no more than eight members. Enrolled actuaries interested in serving on the Advisory Committee should express their interest and state their qualifications in a letter addressed to:

Joint Board for the Enrollment of Actuaries,
c/o U.S. Department of the Treasury,
Washington, D.C. 20220.

The deadline for accepting applications will be on or before November 11, 1976.

ROWLAND E. CROSS,
Chairman, Joint Board for the Enrollment of Actuaries.

OCTOBER 6, 1976.

[FR Doc.76-29757 Filed 10-8-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ANTHROPOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Anthropology.
Date and time: October 28, 29, 30, 1976, 9 a.m. each day.
Place: Rm 628, National Science Foundation, 1800 G St. NW, Washington, D.C.
Type of meeting: Part open—Open 1:30-5:00 p.m.—Oct. 29; Closed—Balance of the meeting.
Contact person: Dr. Nancie L. Gonzalez, Program Director for Anthropology, Rm 320, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4208.
Summary minutes: (Open Portion) May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 214, National Science Foundation, Washington, D.C. 20550.
Purpose of panel: To provide advice and recommendations concerning support for research in Anthropology.
Agenda: October 28, 9 a.m.-5 p.m.; October 29, 9 a.m.-12 noon; Closed—October 30, 9 a.m.-5 p.m. The panel will be reviewing and evaluating research proposals and projects as part of the selection process for awards.

OCTOBER 29, 1976, 1:30-5:00 P.M.

Open

(1) Conference on Radiocarbon Dating Archeology
(2) Preservation of Ethnographic and Archeological Museum Collections
(3) Archeological Data Banks
(4) Natural History Approaches versus Experimental Approaches in Science: (a) Social Anthropology, (b) Archeology; (c) Physical Anthropology.
(5) Practical and Ethical Implications of Political Limitations on Research Abroad

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552 (b), Freedom of Information Act. The rendering of advice by the panel is considered to be part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1976.

[FR Doc.76-29878 Filed 10-8-76;8:45 am]

ADVISORY PANEL FOR SYSTEMATIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Systematic Biology.
Date and time: October 28 and 29, 1976—8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. John W. Wright, Program Director, Systematic Biology Program, Rm. 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5846.
Purpose of panel: To provide advice and recommendations concerning support for research in systematic biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1976.

[FR Doc.76-29880 Filed 10-8-76;8:45 am]

RESEARCH APPLIED TO NATIONAL NEEDS PROGRAM (RANN)

Symposium

The Research Applied to National Needs Program (RANN) of the National Science Foundation is sponsoring a symposium to be held at the Washington Hilton Hotel, Washington, D.C. no November 8 and 9, 1976.

The Symposium is to provide information and discussion on results of RANN-supported research for users in industry and Federal, state and local governments, and researchers, and to describe emerging emphases in the RANN pro-

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gram. Presentations will be designed for a general audience.

Though this symposium is not considered to be a meeting of an "advisory committee" as that term is defined in Sec. 3 of the Federal Advisory Committee Act (Pub. L. 92–463), the symposium is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and observation. Topics to be discussed include:

Food Production and Delivery: Interactions with Energy and the Environment.
Increasing Crop Productivity: Applications of Photosynthetic Conversion.
Nonconventional Sources of Protein.
Impact of Government Regulation on Food.
The Private Sector: Problem Solution Through Industry-University Cooperative Research.
Private Sector Productivity Improvement.
Regulation of Financial Institutions.
The Public Sector: Problem Identification and Solution at the Local Level.
Priority Problems of State and Local Government.
Municipal Waste as a Resource.
Local Government Service Delivery.
Increasing Productivity Through Telecommunications.
Reducing Damage from Earthquakes.
Societal Responses to Natural Hazards.
Environmental Design.
Society and Its Interactions with Technology.
Inflation and Public Policy.
International Resources Interdependence.

All sessions will be open to the public. For further information, please contact John B. Talmadge, Director for Communication Program, Division of Intergovernmental Science and Public Technology, Rm. 1108, Research Applications Directorate, National Science Foundation, Washington, D.C. 20550, telephone (202) 634–4333.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1976.

[FR Doc.76–29879 Filed 10–8–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Floating Nuclear Plant will meet on October 27 and 28, 1976 at the Quality Inn, 3249 W. Century Boulevard, Los Angeles, CA. The purpose of this meeting is to review the liquid pathway study, the Emergency Core Cooling System Analysis, and the probability analysis for shipping accidents as part of the review for a manufacturing license.

The agenda for subject meeting shall be as follows:

WEDNESDAY, OCTOBER 27, 1976

8:30 a.m.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

10:30 a.m. until conclusion of business on October 27 and 8:30 a.m. until the conclusion of business on October 28, 1976

The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Offshore Power Systems, and their consultants, and will hold discussions with these groups pertinent to the Floating Nuclear Plant.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for further review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than October 20, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204, at the New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA 70140, and at the Stockton State College Library, Pomona, NJ 08240.

(6) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 26, 1976, to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum

information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 4, 1976, at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204, at the New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA 70140, and at the Stockton State College Library, Pomona, NJ 08240.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after January 28, 1977. Copies may be obtained upon payment of appropriate charges.

Date: October 4, 1976.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.76–29559 Filed 10–8–76;8:45 am]

[Docket No. 50–368]

ARKANSAS POWER AND LIGHT CO. (ARKANSAS NUCLEAR ONE, UNIT NO. 2)

Order Extending Construction Completion Date

Arkansas Power and Light Company is the holder of Construction Permit No. CPPR–89 issued by the Atomic Energy Commission[1] on December 6, 1972 for construction of Arkansas Nuclear One, Unit No. 2 presently under construction at the Company's site in Pope County, Arkansas.

On August 19, 1976 the Company filed a request for an extension of the completion date because construction has been delayed due to (1) Availability of resources for construction activities, (2) Expansion of the project's scope, (3) Design modifications.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the basis for which are set forth in a staff evaluation, dated September 28, 1976.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Arkansas Polytechnic College, Russellville, Arkansas 72801.

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

It is hereby ordered, That the latest completion date for CPPR–89 is extended from October 1, 1976 to January 1, 1978.

Date of Issuance: September 28, 1976.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light Water Reactors Division of Project Management.

[FR Doc.76–29574 Filed 10–8–76;8:45 am]

[Docket Nos. 50–237 and 50–249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 25 and 22 to Facility Operating License Nos. DPR–19 and DPR–25, respectively, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities), located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

These amendments revised the Technical Specifications to identify safety-related shock suppressors (snubbers) and include requirements regarding operability and surveillance of these snubbers.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for the amendments dated December 10, 1974, October 1, 1975, and March 17, 1976, (2) Amendment No. 25 to License No. DPR–19, (3) Amendment No. 22 to License No. DPR–25, and (4) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–29560 Filed 10–8–76;8:45 am]

[Docket Nos. 50–237 and 50–249]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–19 and DPR–25 issued to Commonwealth Edison Company (the licensee) for operation of Unit Nos. 2 and 3 of the Dresden Nuclear Power Station (the facilities), boiling water reactors located in Grundy County, Illinois, and currently authorized to operate at 2527 megawatts (thermal).

In accordance with the licensee's application for a license amendment dated September 2, 1976, the amendments would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 11, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washing-

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ton, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 2, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch Number 2, Division of Operating Reactors.

[FR Doc.76-29558 Filed 10-8-76;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-29 and DPR-30 issued to Commonwealth Edison Company (the licensee) for operation of Unit Nos. 1 and 2 of the Quad Cities Nuclear Power Station (the facilities), boiling water reactors located in Rock Island County, Illinois, and currently authorized to operate at 2511 megawatts thermal).

In accordance with the licensee's application for a license amendment dated September 2, 1976, the amendments would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 11, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 2, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Ill. 60625.

Dated at Bethesda, Md., this 29th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29557 Filed 10-8-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, Safety Guide, SG-QA2, "Quality Assurance Record System," has been developed. The draft of this Safety Guide was approved by the IAEA Technical Review Committee on Quality Assurance which met in July 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meting in Vienna, Austria in February 1977. Comments received by November 30, 1976 will be useful to this review. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 29th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29563 Filed 10-8-76;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company (the licensee), which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

This amendment revises the provisions in the Technical Specifications relating to surveillance of larval fishes in Montsweag Bay and Back River in that samples will now be taken once a month during September and twice a month during November of each year. The amendment also makes minor editorial changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 10, 1976, and (2) Amendment No. 24 to License No. DPR-36. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-29568 Filed 10-8-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revised temporary restrictions in the Technical Specifications for the facility to permit, under certain conditions, the machining of alternate flow path holes in irradiated fuel bundle lower tie plates at the Cooper Nuclear Station site by means of electrical-discharge machining.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 20, 1976, (2) Amendment No. 28 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 76-29561 Filed 10-8-76; 8:45 am]

[Doc. Nos. STN 50-568 and STN 50-569]

NEW ENGLAND POWER COMPANY, ET AL.

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the New England Power Company, (the applicants) acting for itself and 30 other utilities, for construction permits for two pressurized nuclear reactors designated as NEP-1 and NEP-2 (the facilities), each of which will be designed for operation at 3411 thermal megawatts with a net electrical output of approximately 1194 megawatts. The proposed facilities are to be located in Washington County, at Charlestown, Rhode Island approximately 8½ miles east of the center of Westerly, Rhode Island. Providence, Rhode Island is approximately 35 miles north of the site.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Marshall E. Miller, Esq., Chairman, Dr. Emmeth A. Luebke, member and Dr. Oscar H. Paris, member.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion of the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicants. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

Issues Pursuant to the Atomic Energy Act of 1954, as Amended—1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities in-

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cluding, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the New England Power Company is technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilites will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)—5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

Issues Pursuant to 10 CFR 2.761a (Limited Work Authorization)—6. Pursuant to 10 CFR 2761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicants to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51:

(1) determine whether the requirements of section 102(2)(A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may require permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by December 13, 1976. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.174. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors; (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by November 11, 1976. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)–(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by November 1, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John A. Ritsher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the applicants.

For further details, see the application for a construction permit dated July 30, 1976, including site suitability information, and the applicants' environmental report, dated July 30, 1976, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be available at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02831 for inspection by members of the public between the hours of 6 to 9 p.m. on Mondays and Thursday, from 9 a.m. to 12:00 noon on Tuesdays and from 1 p.m. to 5 p.m. on Wednesdays, Fridays and Saturdays. As they become available, a copy of the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C. this 27th day of September, 1976.

UNITED STATES NUCLEAR REGULATORY COMMISSION,

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-29556 Filed 10-8-76;8:45 am]

[Docket Nos. STN 50-568 and STN 50-569]

NEW ENGLAND POWER CO., ET AL.

Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicants' Environmental Report

The New England Power Company acting for itself and for 30 other utilities, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application for licenses to construct and operate two pressurized water nuclear reactors. The application consists of general and financial information and a Preliminary Safety Analysis Report accompanied by an Environmental Report. It was docketed on September 9, 1976 and assigned Docket Nos. STN 50-568 and STN 50-569. Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P-533-A on July 7, 1975 (40 FR 28510).

The proposed facilities will be named NEP-1 and NEP-2 and located in Washington County at Charlestown, Rhode Island approximately 8½ miles east of the center of Westerly, Rhode Island. Providence, Rhode Island is approximately 35 miles north of the site. The reactors are designed for an initial output of 3411 megawatts thermal, with an equivalent net electrical output of approximately 1194 megawatts.

A Notice of Hearing is being published separately, setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene, with specific contentions, will be set forth in the Notice of Hearing.

This application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. 20555, and at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02831.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 51 the applicants filed an Environmental Report, dated July 30, 1976. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available at the following clearinghouse: Rhode Island Statewide Planning Program, Department of Administration, Room 201, 265 Melrose Sreet, Providence, Rhode Island 02907 and at the addresses stated above.

After the environmental report has been analyzed by the Nuclear Regulatory Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and state and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland this 23d day of September, 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc.76-29555 Filed 10-8-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Milistone Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment will change the Technical Specifications in response to the licensees' application dated May 17, 1976 to decrease the reactor coolant low-flow trip set point of the reactor protective system from ≥95% to ≥91.7% and to make the Axial Shape Index operating limits more restrictive. The decrease in the low-flow trip set point will be partially offset by operating within the more restrictive Axial Shape Index. The remander of the decrease will be offset by allowing the DNBR for the loss of flow transient to decrease from a minimum of 1.34 to a minimum of 1.30 and by allowing the percent of the core experiencing a DNBR less than 1.30 for the seized rotor accident to increase from 0.42% to about 0.5%.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1976, (2) Amendment No. 18 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D.C.

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and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-29572 Filed 10-8-76;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-22), issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment incorporated revised operability and testing requirements for the standby gas treatment system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 1, 1975, (2) Amendment No. 23 to License No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29565 Filed 10-8-76;8:45 am]

[Docket No. 50-548]

OMAHA PUBLIC POWER DISTRICT, (FORT CALHOUN STATION, UNIT 2)

Order Convening Prehearing Conference

SEPTEMBER 29, 1976.

Notice is hereby given that pursuant to the "Notice of Hearing on Application for Construction Permit" published by the Nuclear Regulatory Commission in the FEDERAL REGISTER on February 19, 1976 (41 FR 7595), a prehearing conference will be convened in order to determine the progress by the parties toward preparation of their evidence and to designate the dates for evidentiary hearings in this proceeding. Inquiry has been made of the attorneys, in accordance with the Rules of Practice of the Commission, respecting a convenient date for convening a prehearing conference and October 27, 1976, has been agreed as suitable for the Applicants and the Staff of the Nuclear Regulatory Commission.

Members of the public may attend the prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission that a prehearing conference in this proceeding shall convene at 10:00 A.M. local time, on Wednesday, October 27, 1976 in Conference Room No. 7403, United States Post Office and Courthouse, 215 North 17th Street, Omaha, Nebraska 68101.

Issued at Bethesda, Maryland, this 29th day of September, 1976.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.76-29573 Filed 10-8-76;8:45 am]

PERFORMANCE TESTING OF PERSONNEL DOSIMETRY

Public Meeting

Notice is hereby given that the Office of Standards Development of the Nuclear Regulatory Commission (NRC), the Bureau of Radiological Health of the Food and Drug Administration (FDA), and the Energy Research and Development Administration (ERDA) will conduct a public meeting to discuss the performance testing of personnel dosimetry. The NRC staff is currently developing a proposed amendment of 10 CFR Part 20 of NRC regulations to require licensees to use dosimetry whose performance has been tested and found to be reasonably accurate.

The BRH staff is interested in extending the testing program to other users of personnel dosimetry not regulated by the NRC such as industrial, medical, and dental x-ray facilities, accelerators, and persons handling radium or accelerator produced radioisotopes. ERDA is interested in extending the performance testing program to its contractor laboratories.

The meeting is intended (1) to provide an opportunity for the NRC, FDA, and ERDA staffs to explain to interested persons the nature of the performance testing that the staffs consider desirable, and (2) to give interested persons the opportunity to comment on the concept while proposed regulations are still at an early stage of development.

A discussion paper on performance testing of personnel dosimetry is available from the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or by telephoning (301) 443-6920. This paper will form the basis for discussion at the meeting. It is intended that an informal dialogue between the attendees and the NRC, FDA, and ERDA staffs will develop.

Interested persons are invited to attend the public meeting and to present a statement or ask questions. Statements will be limited to no more than fifteen minutes. Any person who intends to make a statement at this meeting should notify the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by November 19, 1976. Transcripts of the proceedings of the meeting will be available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C., several weeks after the meeting. Written comments received by January 3, 1977 will also be considered in developing the proposed regulation.

The meeting will be held on November 30 and December 1, 1976, 9:00 a.m. to 5:00 p.m., in the auditorium of the General Services Administration Building, 18th and F Streets NW., Washington, D.C. Persons desiring additional information regarding the meeting should contact either Stephen A. McGuire, Office of Standards Development, Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 443-6920; Caleb Kincaid, Bureau of Radiological Health (HFX-320), 5600 Fishers Lane, Rockville, Md. 20852, telephone (301) 443-1365; or Edward Vallario, Energy Research and Development Administration, Washington, D.C. 20545, telephone (301) 353-5640.

Dated at Rockville, Maryland this 20th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29567 Filed 10-8-76;8:45 am]

[Docket No. 50-216]

POLYTECHNIC INSTITUTE OF NEW YORK

Order Authorizing Dismantling of Facility

By application dated December 23, 1975, the Polytechnic Institute of New York (the licensee) requested authorization to dismantle the AGN 201M Reactor (the facility), located in University Heights, Bronx, New York, in accordance with their dismantling plan. Operation of the facility has been discontinued. Notice of intent to issue an order authorizing dismantling of the facility was published in the FEDERAL REGISTER on February 12, 1976 (41 FR 6340). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plan will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has determined that the issuance of this Order will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared.

Accordingly, it is hereby ordered that Polytechnic Institute of New York may dismantle the AGN 201M Reactor covered by Facility Operating License No. R-107, as amended, in accordance with their dismantling plan and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-107.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Operating Reactors.

[FR Doc.76-29562 Filed 10-8-76;8:45 am]

[Docket No. 50-537]

PROJECT MANAGEMENT CORP., TENNESSEE VALLEY AUTHORITY (CLINCH RIVER BREEDER REACTOR PLANT)

Order Regarding Petition for Leave to Intervene; Hearing

OCTOBER 4, 1976.

Oral argument on the appeal taken by Lenoir City et al from the Licensing Board's August 26, 1976 order denying their untimely petition for leave to intervene will be heard at 9:30 a.m. on Tuesday, October 19, 1976 in the NRC Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

The appellant municipalities and counties will be heard first and are allotted one hour for the presentation of their argument, part of which time may be reserved for rebuttal. The applicants and the NRC staff will be then heard in that order; each of those two parties is allotted forty-five minutes for argument.

Counsel should assume that the Board will be fully familiar with the pertinent pleadings filed below, the Licensing Board's order, and the appellate positions of the respective parties as set forth in their briefs. Accordingly, there will be no necessity for counsel to engage in detailed background recitations; instead they should proceed immediately to the heart of the issues presented by the appeal.

The Secretary to this Board should be notified, by letter mailed no later than October 12, 1976, of the name of the counsel who will present argument on behalf of each party to the appeal.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-29575 Filed 10-8-76;8:45 am]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company which revised the Technical Specifications to Facility Operating License No. DPR-70 for Salem Nuclear Generating Station, Unit No. 1, located in Salem County, New Jersey. The amendment is effective as of its date of issuance.

The amendment changes certain Technical Specifications (Appendix A to License No. DPR-70) by correcting typographical errors and including inadvertent omissions to resolve conflicting operating requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 20, 1976, and (2) Amendment No. 2 to License No. DPR-70. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

A copy of item (2) may be obtained upon on request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76-29569 Filed 10-8-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.5, "Guide for the Preparation of Applications for Type A Licenses of Broad Scope for Byproduct Material," describes the type and extent of information needed by the NRC staff to evaluate an application for a Type A specific license of broad scope for byproduct material (reactor-produced radionuclides).

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2)

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improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 10.5 will, however, be particularly useful in evaluating the need for an early revision if received by December 3, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29566 Filed 10-8-76;8:45 am]

REGULATORY GUIDE
Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.102, Revision 1, "Flood Protection for Nuclear Power Plants," describes types of flood protection acceptable to the NRC staff for safety-related structures, systems, and components of light-water-cooled nuclear power plants that should be designed to withstand the effects of the Safe Shutdown Earthquake and remain functional. The guide also describes acceptable methods of protecting nuclear power plants from effects of Probable Maximum Precipitation falling directly on the site.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission. Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 regulatory guides currently being developed include the following:

Containment Isolation Provisions
Interim Guide on Tornado Missiles
Nuclear Safety-Related Concrete Structures
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants
Maintenance and Testing of Batteries
Qualification Test of Class 1E Cables, Connections, and Field Splices for Nuclear Power Plants
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room
Periodic Testing of Diesel Generators
Design, Testing, and Maintenance for Exhaust Filtration and Adsorption Units
Installation Design and Installation of Large Lead Batteries for Nuclear Power Plants
Fuel Oil Systems for Standby Diesel Generators
Requirements for Auditing Quality Assurance Programs for Nuclear Power Plants
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities
Quality Assurance Program for Nuclear Power Plant Fuels
Preoperational Testing of Diesel Generator Units Used as Onsite Emergency Power Sources at Nuclear Power Plants
Electrical Instrumentation and Control Portions of Protection Systems, Protective Active Systems, and Auxiliary Supporting Features
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement
Loose Parts Monitoring Program for the Primary System
Guidance for Content of Licensing Applications for Reload Fuel
Design Limits and Loading Combinations for Class 1 Plate- and Shell-Type Component Supports
Acceptable Model and Related Statistical Verification Plan for the Analysis of Fuel Densification
Inservice Inspection of Water-Control Structures Associated with Nuclear Power Plants
Design Limits and Loading Combinations for Class 1 Linear-Type Component Supports
Fracture Toughness—Class 1 Vessels Under Overstress Conditions
Protection Against Postulated Events and Accidents Outside of Containment
Fracture Toughness—Class 2 and 3 Components
Maintenance of Water Chemistry in PWR Secondary Systems
ASME Code Case Fiberglass Reinforced Plastic Piping
Structural Design for Fuel Assemblies in Light-Water-Cooled Reactors
Design Basis Guidance for Radioactive Waste Management Systems Installed in Light-Water-Cooled Power Plants

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 28th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29570 Filed 10-8-76;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORPORATION, ET AL. (STERLING POWER PROJECT NUCLEAR UNIT NO. 1)
Order for Evidentiary Hearing

The evidentiary hearing in this matter will resume on Wednesday, November 3, 1976 at 9:00 a.m. at The Education Center, Room No. 19, 233 West Utica Street, Oswego, New York. Hearings will continue through Friday, November 5; hearings will resume on Monday, November 15 and will continue through Friday, November 19, 1976. Hearings will then resume on Monday, November 22 and will continue through Wednesday, November 24, 1976.

It is so ordered.

Dated at Bethesda, Maryland, this 28th day of September 1976.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.76-29571 Filed 10-8-76;8:45 am]

[DOCKET NO. 50-94]

ROCKWELL INTERNATIONAL CORP.
Order Authorizing Dismantling of Facility and Disposition of Component Parts

By application sworn to January 28, 1976, Rockwell International Corporation (the licensee) requested authorization to dismantle the L-77 Reactor (the facility), a research reactor, located in Canoga Park, California, and to dispose of the component parts, in accordance with the plan submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the FEDERAL REGISTER on April 8, 1976 (41 FR 14955). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plan will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has determined that this action will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared.

Accordingly, it is hereby ordered that Rockwell International Corporation may dismantle the L-77 Reactor covered by Facility License No. R-40, as amended, and dispose of the component parts in accordance with their dismantling plan and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-40.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Operating Reactors.

[FR Doc.76-29564 Filed 10-8-76;8:45 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.
Order

In the matter of Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1).

The oral argument on the Petitions to Intervene in the above-entitled matter scheduled for October 20, 1976, will take place at the Holiday Inn, 4089 Nesconset Highway, Centereach, New York, at 1:00 p.m.

Dated this 6th day of October 1976, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board, established to rule on petitions for intervention.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.76-29974 Filed 10-8-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION
ADVISORY COMMITTEE ON CORPORATE DISCLOSURE
Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Advisory Committee on Corporate Disclosure will conduct an open meeting on October 21 and 22 at the Dirksen Senate Office Building, First Street and Constitution Avenue, N.E., Washington, D.C., in Room 5302 at 10:00 a.m.

The summarized agenda for the meeting is as follows:

1. Roundtable Discussion of the Question of Whether the SEC's Segment Reporting Requirements Should Be Revised.
2. Discussion and Committee Action on Segment Reporting.
3. Discussion and Action with Respect to—
(A) The Necessity for a Mandatory Disclosure System.
(B) Identification of Appropriate Authority for Administering This System.
4. Status Report on the Committee's Questionnaire-Interview Survey.
5. Adoption of Tentative Goals of the Advisory Committee's Work.
6. Discussion of Such Other Matters as May Properly Be Brought Before the Committee.

Further information may be obtained by writing Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29782 Filed 10-8-76;8:45 am]

[Release No. 34-12837; File No. SR-BSE-76-3]

BOSTON STOCK EXCHANGE
Proposed New Chapter of Rules

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule and constitutional change, amended from the original filing designated SR-BSE-76-3 to read as follows:

Statement of the Terms of Substance of the Proposed New Chapter XXX

(a) The following are the procedures to be followed in connection with the disciplining of members and persons associated with members, the denial of membership to any person seeking membership in the Exchange, the barring of any person from becoming associated with a member of the Exchange, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a member thereof.

1. *Notification.* The notices required by § 6(d) of the Securities Exchange Act of 1934 as amended (the "1934" Act) and paragraph 9 hereof shall be given by certified or registered mail, return receipt requested, addressed to the member or person to receive such notice at such member's or person's address as appearing on the records of the Exchange. Such notice under said section 6(d) shall (a) contain the specific charges against, or specific grounds for denial, bar, prohibition or limitation ("denial") of, such member or person, (b) in case of disciplinary charges, set forth the date, time and place at which the member may be heard with respect to such charges, (c) set forth the board, committee or individual ("Panel") before which the member may be heard with respect to such charge or denial, and (d) advise such member or person of his right to file an answer pursuant to paragraph 2 of this rule or request a hearing regarding any such denial.

2. *Answer or request for hearing.* A member or person against whom charges have been made or who has been the subject of a denial shall have twenty-five (25) days from the date of receipt of the notice referred to in paragraph 1 hereof to file an answer to said charge or request a hearing concerning such denial with the Secretary of the Exchange. Any such answer or request shall be in writing, signed by or on behalf of the member or other person involved, shall admit or deny the specific allegations set forth in any charge, and contain, in reasonable detail, any affirmative defense or explanatory material which said member or person wishes to set forth. Any allegation in charges not specifically denied shall, for all purposes, be deemed admitted.

3. *Forwarding of charges, etc.* The Secretary of the Exchange shall forward copies of the charges and any answer received in the case of disciplinary proceedings and the specific grounds in the case of any other proceedings, to the member or members of the Panel which is to hear the matter.

4. *Hearings.* Hearings shall be conducted in accordance with the following procedures:

(a) *Time and place for hearings.* No hearing shall be held on any matter prior to five (5) days following (a) the last date upon which an answer may be filed in case of disciplinary matters or (b) the date upon which a person requests a hearing in other matters. The time and place for any such hearing shall be set by the President of the Exchange except in cases of hearings before the Board of Governors, in which case the time and place shall be set by the Chairman of the Board.

(b) *Panels.* The panel before which any matter shall be heard shall be determined according to the Constitution and Rules of the Exchange.

(c) *Presiding officer.* The presiding officer at any hearing shall be chosen by the Panel before whom the hearing is held. The presiding officer shall determine on the record for such hearing all questions of the admission or exclusion of evidence or other procedural matters including the regulation or restriction of testimony and questioning in the interest of good order and a just and efficient production of testimony.

(d) *Presentation of testimony.* In any proceeding in which the Exchange has presented charges against a member or person, the Exchange shall, unless such charges are not denied, present its evidence to support such charges. In cases where a hearing is conducted at the request of any person, that person shall present such evidence as such person may have to show why such denial should not be imposed. In both cases, the other party shall have the opportunity to present rebuttal evidence and, after all evidence has been heard, the presiding officer may, in such officer's discretion, allow

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the presentation of oral arguments and written briefs concerning the matter. Each party shall be permitted to cross-examine the witnesses of the other.

(e) *Transcripts.* A verbatim transcript shall be kept of all hearings held pursuant hereto and, in case of disciplinary proceedings, the cost thereof in whole or in part may be assessed to the member or person charged as part of the decision of the panel.

(f) *Counsel.* The Exchange and any member or person shall be entitled to be represented by counsel at any hearing held hereunder.

5. *Decision.* After hearing held pursuant to Par. 4 hereof, the panel shall, by majority vote, or by such other vote as may be specified for any action in these Rules or in the Constitution, determine (a) in the case of disciplinary matters, whether or not to impose a disciplinary sanction and if so the sanction to be imposed or, in cases where the panel recommends a sanction which it is not empowered to impose, the panel shall refer the charges, answer, transcript and any other documents pertaining to the matter to such panel as is empowered to impose the recommended sanction for hearing pursuant to these rules and (b), in the case of any denial, whether or not such denial shall be upheld or modified. In both cases, the Panel shall accompany such determination with the appropriate statement required pursuant to Section 6(d) (1) or (2) of the 1934 Act. All such determinations and statements, together with the transcript of the hearing shall be filed with the Secretary of the Exchange and a copy sent by the Secretary to the member or person affected.

6. *Request for review.* Except for decisions made by the Board of Governors, which shall become final when made, any determination made pursuant to Par. 5 shall become final within twenty (20) days after its filing with the Secretary of the Exchange unless a request for review thereof by the Board of Governors is filed with the Secretary prior to the end of such period. Such requests may be filed either by or on behalf of the Board or committee originally bringing any disciplinary charges or making the decision of denial or the member or person the subject of such charge or denial. Upon such request the Secretary shall make the record of the proceedings available to the Board of Governors.

7. *Review.* Upon review the Board of Governors may, by majority vote, sustain any such determination including any sanction imposed or reverse, modify, limit or increase such determination or return the matter to the Panel for further findings. The decision of the Board shall be final and conclusive.

8. *Summary proceedings.* Summary action to be taken by the Exchange under section 6(d)(3) of the 1934 Act may be administered by the Executive Committee of the Board of Governors.

9. *Notices of decisions.* The Secretary of the Exchange shall file notice of any final decision hereunder or under paragraph 6 hereof with the Securities and Exchange Commission.

Statement of the Terms of Substance of Proposed Amendment to Article XVI of the Constitution

Sections 9 and 10—Repeal Present Section 11 renumbered Section 9.

Exchange's statement of basis and purposes. Purpose of the proposed new rule. The purpose of the proposed Rule is to establish procedures for disciplining members, denial of membership or services and appeals therefrom and to eliminate conflicting provisions currently found in the constitution.

Basis of the proposed new rule—
(i) Not applicable.
(ii) Not applicable.
(iii) Not applicable.
(iv) Not applicable.
(v) Not applicable.
(vi) Not applicable.
(vii) Not applicable.

Comments received from members, participants or others on proposed rule change. No comments were solicited or received concerning Chapter XXX. The proposed amendment to the Constitution was submitted to a vote of the membership and no comments or objections were received.

Burden on competition. No burden on competition is perceived by adoption of the proposed constitutional and rule changes. Indeed, the subject matter of the submission is mandated by the 1975 Amendments to the Securities Exchange Act of 1934.

On or before November 16, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed constitutional and rule changes, or

(B) institute proceedings to determine whether the proposed constitutional and rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 27, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 28, 1976.

[FR Doc.76-29788 Filed 10-8-76;8:45 am]

[Release No. 34-12833; File No. SR-PSD-76-4]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendment to section 11.1 of Article XI of the By-Laws of Pacific Securities Depository Trust Company (PSD) dealing with the Participants Fund effectively establishes that contributions to the Participants Fund will be calculated based on the participant's aggregate holdings with PSD, replacing the requirement that each account maintained by the participant be treated, in effect, as a separate participant.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed amendment to the By-Laws will remove the implicit inequitable treatment, with respect to Participants Fund contributions, of participants maintaining multiple accounts with PSD. In doing so, the proposed amendment will remove impediments to the establishment of a Participants Fund and, as such, will contribute to perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments on the proposed amendment have not been solicited, and none have been received.

The proposed amendment would not impose any burden on competition.

On or before November 16, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SEPTEMBER 27, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29789 Filed 10-8-76;8:45 am]

[Release No. 34-12835; File No. SR-PSD-76-5]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change of the Pacific Securities Depository Trust Company (PSD) proposes to replace the existing Certificate As To Citizenship with an updated version.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to enable corporate radio station licensees whose capital stock is eligible for deposit with PSD to comply with section 310 of Title 47 of the United States Code which restricts alien ownership of such capital stock.

The proposed rule change relates to PSD's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934, as amended, by increasing PSD's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions in that the proposed rule change allows PSD to make issues eligible for deposit which, due to governmental restrictions on citizenship of stockholders, might otherwise have to be excluded from eligibility.

Comments on the proposed amendment have not been solicited and none have been received.

The proposed amendment would not impose any burden on competition.

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SEPTEMBER 28, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29786 Filed 10-8-76;8:45 am]

Release No. 34-12853; File No. SR-PHLX 76-16]

PHILADELPHIA STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29,16 (June 4, 1975), notice is hereby given that on September 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule. 05 Whenever there is declared a stock dividend, stock distribution, stock split or reverse split in respect of any underlying security of a class of options dealt in on the Exchange, and as a result option contracts of the same class are traded covering different numbers of underlying shares, then the limits imposed under clauses (2) and (4) of Rule 1000 shall not be applicable either (i) to covered short options positions or (ii) to short options positions to the extent long options positions for the same number of underlying shares are maintained in the same account where the exercise prices of the options contracts in such long positions are equal to or less than the exercise prices of the options contracts in such short positions.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide members and public customers with the same exemption to (2) and (4) of Rule 1000 presently found in the Pilot Program for Trading Options ("Plan"), in those instances where, due to a stock split, stock dividend, stock distribution or reverse split, the number of underlying shares contained in the contract unit of the outstanding options series dealt in on the Exchange are adjusted upward or downward to reflect the revision in the number of outstanding shares of the subject underlying security.

The Exchange, in order to promote just and equitable principles of trade and to protect investors and the public interest, proposes that the protection afforded by the provisions of Rule 1000 and the Plan extend, as they were intended, to circumstances where the same class of options contracts do not have an equal number of shares underlying every contract.

Comments were not solicited nor were comments received.

The Exchange does not believe that the proposed interpretation will impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 11, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 1, 1976.

[FR Doc.76-29774 Filed 10-8-76;8:45 am]

[Release No. 33-5747/34-12852]

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Extension of Time for Public Comments on Issues To Be Addressed on Corporate Disclosure

On May 18, 1976, the Securities and Exchange Commission, at the request of the Advisory Committee on Corporate Disclosure (the "Committee"), published the Committee's "Solicitation of Public Comments on Issues To Be Addressed." (Securities Act Release No. 5707) [41 FR 21370]

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At the request of the Committee, the Commission today announced that the period for public comments on the issues to be addressed by the Committee is extended through November 15, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 1, 1976.

[FR Doc.76-29779 Filed 10-8-76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on October 18 and 19, 1976 in the Kennedy Conference Room, 19th floor, One Bankers Trust Plaza, 130 Liberty Street, New York, New York, beginning at 9:30 a.m. on October 18 and at 8:30 a.m. on October 19. Initial notice of the meeting was published in the FEDERAL REGISTER on August 26, 1976.

The summarized agenda for the meeting on October 18 and 19 is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book;
2. Discussion of the Board's report to the Congress pursuant to section 11A(d)(3)(B) of the Securities Exchange Act of 1934; and
3. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 1, 1976.

[FR Doc.76-29780 Filed 10-8-76;8:45 am]

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Meeting

This is to give public notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation will conduct a meeting on October 28, 1976 at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. beginning at 9:30 a.m. This meeting will be open to the public.

This will be the fifth meeting of the Advisory Committee. The purpose of the meeting is to (1) discuss the Chief Accountant's recommended solutions to questions put before the Advisory Committee at its previous meeting (September 17, 1976), (2) discuss various aspects of the Commission's replacement cost regulation and (3) discuss implementation questions having come to the attention of the Chief Accountant of the Securities and Exchange Commission since the date of the previous meetings.

Further information on this matter may be obtained by writing:

Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

SEPTEMBER 30, 1976.

[FR Doc.76-29785 Filed 10-8-76;8:45 am]

[Release No. IC-9470; File No. 4-186]

BEARING OF DISTRIBUTION EXPENSES BY MUTUAL FUNDS

Announcement of Hearings

The Securities and Exchange Commission today announced that it will hold public hearings concerning the appropriateness of arrangements whereby mutual funds would, directly or indirectly, bear expenses related to the distribution of their shares, such as the costs of advertising and providing compensation for dealers. The hearings, which will commence on November 17, 1976, are designed to give the Commission the benefit of the views of interested members of the public with respect to this matter, in order to assist the Commission in its current consideration of the legal and policy implications of such arrangements and its re-examination of past positions with respect to this matter.

The Commission will then be in a better position to formulate guidance for the mutual fund industry with respect to the propriety of using fund assets to finance advertising, dealer compensation, and other distribution expenses. Such guidance could be provided by means of a rule-making proceeding or the publication of guidelines, or by some other means.

BACKGROUND

In the past, the Commission and its staff generally have questioned the propriety of arrangements under which open-end investment companies would bear the costs of distribution [1] although, in certain unusual circumstances, the Commission or its staff has not objected to such arrangements.[2]

Recently, the staff took a qualified no-action position under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] with respect to a proposed arrangement whereby 50% of the management fee paid by a newly-organized "money market" mutual fund would be reallocated by the manager-distributor to dealers who sold shares of the fund (letter to counsel for Mutual Liquid Assets, Inc., June 15, 1976, from the Division of Investment Management). In that letter, the staff alluded to the uncertain legal status of such arrangements and stated that it was in the process of analyzing a number of issues related to the distribution of investment company shares, including the question of whether any portion of the assets of an open-end fund properly may be used, directly or indirectly, to pay distribution expenses. Subsequently, however, the Commission instructed the staff not to grant any request for acceleration of that fund's registration statement, and, in view of the hearings announced today, the Commission has instructed the staff to withdraw the no-action letter.[3]

PROCEDURES

Persons wishing to appear at the hearings should submit written requests to Anne P. Jones, Director, Division of Investment Management, Securities and Exchange Commission, Washington, D.C., 20549, not later than November 2, 1976. Persons appearing at the hearings may address the issues described below or other relevant issues, and should be prepared to respond to inquiries from the Commission and its staff.

In addition, interested persons are invited to submit written statements setting forth views and information with respect to the issues enumerated below, or other relevant issues. All such submissions will be made available for public inspection. Such written statements should be submitted in triplicate to Anne P. Jones, Director, Division of Investment Management, Securities and Exchange Commission, Washington, D.C., 20549, not later than December 2, 1976. All such material should be designated "Hearings on Mutual Fund Distribution Expenses," File No. 4-186.

ISSUES TO BE CONSIDERED

It appears that the issues relating to this matter fall into two broad categories. First, there are issues relating to the legal question of whether it is legal

[1] See, e.g., letter to counsel for the Axe-Houghton Funds, November 15, 1973, from the Division of Investment Management Regulation. It might be noted also that, in its Statement on the Future Structure of the Securities Markets, the Commission stated:

"[T]he cost of selling and purchasing mutual fund shares should be borne by the investors who purchase them and thus presumably receive the benefits of the investment, and not, even in part, by the existing shareholders of the fund who often derive little or no benefit from the sale of new shares. To impose a portion of the selling cost upon the existing shareholders of the fund may violate principles of fairness which are at least implicit in the Investment Company Act." SEC, Statement on the Future Structure of the Securities Markets (Feb. 1972) in BNA Sec. Reg. & L. Rep. No. 137, pt. II, at 7.

[2] See, e.g., In the Matter of Broad Street Investing Corporation, et al., Investment Company Act Release No. 7114 (April 4, 1972); letter to counsel for Pegasus Fund, Inc., et al., May 21, 1975, from the Division of Investment Management Regulation.

[3] It would raise serious questions under the anti-fraud provisions of the securities laws for a broker-dealer to recommend a change of a customer's investment from one fund to another merely because such a change would result in compensation for the broker-dealer.

under any circumstances for a mutual fund to bear distribution expenses, directly or indirectly, and whether, and to what extent, the Commission presently has authority to permit, prohibit, or limit the use of mutual fund assets to finance various costs of distribution. Second, there are issues relating to the policy question of whether such use of fund assets would be in the public interest, assuming this is, or could be made, legal.

A. POLICY ISSUES

1. Can it be demonstrated that additional sales of shares benefit the shareholders of a mutual fund under some or all circumstances? What is the nature and extent of any such benefit? Would the benefit depend upon the size of the fund?

2. Does the present method of financing mutual fund distribution through sales loads paid at the time of purchase, coupled with the maximum level of such sales loads, put distributors of mutual fund shares at an unfair disadvantage vis a vis distributors of other investment products?

3. Would it be more desirable for investors to pay for selling services by means of periodic charges against assets of the fund after they invest, rather than by means of a sales load paid at the time of purchase? Would the institution of such charges against assets be inequitable with respect to existing shareholders who have already paid an initial sales load? If so, how could such inequity be alleviated?

4. Would the use of the assets of existing mutual funds to finance distribution expenses have significant effects upon competition within the mutual fund industry? If so, what would be the nature of these effects?

5. Where a portion of the management fee paid by a mutual fund is used to help pay expenses associated with the sale of shares, is this the practical equivalent of the fund bearing selling expenses? If so, should such a use of the management fee be permitted? Under what circumstances? As a practical matter, is such a use of the management fee distinguishable from a situation where a fund underwriter is affiliated with the adviser, and consistently operates at a loss? Should the fund's board of directors consider how the management fee is being used in determining the proper amount of the fee? Should the reasonableness of the management fee be determined without regard to any co s borne by the adviser relating to advertising, continuing payments to dealers, or other distribution expenses?

6. If it be concluded that the use of mutual fund assets to finance distribution would result in certain benefits to new or existing shareholders, under what circumstances should such use of assets be permitted? Should such use be confined to funds which are newly organized? Should it be permitted only as a substitute for a sales load paid at the time of purchase, or should it also be permitted in addition to an initial sales load?

B. LEGAL ISSUES

1. What, if any, provisions of law prohibit or limit the use of fund assets to pay distribution expenses in the absence of any relevant rules?

2. What, if any, authority does the Commission have to adopt rules which would permit, prohibit, or limit the use of fund assets to pay distribution expenses?

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 4, 1976.

[FR Doc.76-29775 Filed 10-8-76;8:45 am]

[812-3989]

AETNA VARIABLE ANNUITY LIFE INS. CO.

Application Pursuant to Section 6(c) of the Act for an Order Granting Exemption From Rule 22c-1 and Pursuant to Section 11 of the Act for Approval of an Offer of Exchange

OCTOBER 1, 1976.

In the Matter of VARIABLE ANNUITY ACCOUNT E OF AETNA VARIABLE ANNUITY LIFE INSURANCE CO., and AETNA VARIABLE ANNUITY LIFE INSURANCE CO., 151 Farmington Avenue, Hartford, Conn. 06156.

Notice is Hereby Given that Variable Annuity Account E of AEtna Variable Annuity Life Insurance Company ("Account E"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and AEtna Variable Annuity Life Insurance Company ("AEtna Variable" or the "Company"), an Arkansas stock life insurance company and the principal underwriter for Account E, (sometimes hereinafter referred to as "Applicants") filed an application on July 14, 1976 and amendments thereto on September 22, 1976 and September 30, 1976 pursuant to Section 6(c) of the Act for an order of the Commission granting exemption from Rule 22c-1 under the Act and pursuant to Section 11 of the Act for approval of an offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

AEtna Variable is a wholly-owned subsidiary of AEtna Life and Casualty Company, a Connecticut corporation. Account E is a separate account of AEtna Variable established in 1975 pursuant to the insurance laws of Arkansas for the purpose of holding reserves attributable to certain variable annuity contracts. All amounts allocated to Account E will be invested in shares of either AEtna Variable Fund, Inc. ("Fund") or AEtna Variable Encore Fund, Inc. ("Encore Fund"), open-end management investment companies registered under the Act, or both, at the option of the contract owner. AEtna Variable is registered as an investment adviser under the Investment Advisers Act of 1940 and, as such, acts as investment adviser to both the Fund and Encore Fund. Applicants anticipate that Account E will be taxed as a separate entity for federal income tax purposes and will qualify as a regulated investment company under the provisions of Subchapter M of the Internal Revenue Code of 1954, as amended ("Code").

Applicants have filed a registration statement under the Securities Act of 1933 for certain group variable annuity contracts designated "Group Variable Fund Retirement Contracts" (hereinafter "Contracts"). Such Contracts are designed for use with certain deferred compensation plans not eligible for the tax preferred treatment of Subchapter D, Part 1, of the Code, and are available only to governmental and certain other tax-exempt organizations. The Contracts are of two types—installment purchase payment contracts ("Installment Payment Contracts") and Contracts issued for stipulated amounts of $5,000 or more consisting of all or part of the assets held by the contract owner pursuant to a previously established plan.

Installment Payment Contracts provide for (1) a deduction of 1% from each installment purchase payment made on behalf of a participant as the premium for an insurance rider where, at the option of the contract owner, a preretirement minimum death benefit guarantee has been purchased with respect to an individual account, (2) a deduction for any applicable premium taxes where such taxes are assessed at the time the purchase payment is made, and (3) a deduction of 6% of the balance of such payment for sales and administrative expenses. Applicants presently anticipate that premium taxes will be deducted from individual accounts at the time annuity payments commence. However, the Company reserves the right to make a deduction from purchase payments should such taxes be assessed by the applicable jurisdiction at the time purchase payments are made.

A daily deduction equivalent to 1.25% on an annual basis will be made from the value of the variable portion of each Contract for mortality and expense risks. The Contracts permit the contract owner to terminate the Contract at any time and to receive the accumulated value of the Contract. Termination of an Installment Payment Contract will be subject to a termination fee of 2% where the contract owner elects to terminate the Contract before five years' purchase payments have been made and to a termination fee of 2% thereafter. However, a participant's individual account may be separately terminated in whole or in part by the contract owner without charge at any time prior to the commencement of annuity payments.

The owner of a Contract may select whether purchase payments accumulated prior to retirement will be allocated to the Fund or Encore Fund or to the Company's general account for accumulation on a fixed basis, and subject to certain restrictions may also elect to have the

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assets invested in Fund shares or Encore Fund shares transferred to the other fund or transferred to the general account without charge. Upon a participant's retirement, the contract owner may elect to have the accumulated value of his individual account, regardless of how accumulated, applied to provide a variable annuity, a fixed annuity or a combination of both. Only Fund shares can be used as an investment medium for variable payments during the annuity payment period.

The Company issues certain other contracts in connection with plans for which the Contracts are designed, which contracts participate in the Company's Separate Account B. Such contracts are designated Group Unit Purchase Variable Annuity Contracts (hereinafter "GUP Contracts"). Account B is a registered unit investment trust, the assets of which are invested in either Fund shares or Encore Fund shares. Unlike Account E, the operations of Account B are taxed as part of the Company's operations in accordance with the provisions of Subchapter L of the Code. The GUP Contracts participating in Account B are of two types, those available prior to January 1, 1976 (and in certain states subsequent thereto) ("old GUP Contracts") and those available on or after that date ("new GUP Contracts"), the date of availability varying from state to state. GUP Contract provisions relating to the accumulation of purchase payments prior to retirement, including provisions for transfers between investment media, are comparable to those of the Contracts; however, the provisions relating to the method of computing variable annuity payments differ from those provided for in the Contracts.

Old GUP Contracts provide for the following deductions from each purchase payment made on behalf of a participant: (1) a deduction for any applicable premium taxes, (2) a deduction of 1% of the total payment for a mandatory preretirement minimum death benefit guarantee, and (3) a deduction of 7% of the total payment for sales and administrative expenses. Premium taxes are deducted from purchase payments rather than from individual accounts at the time annuity payments commence. In addition, a daily deduction is made from the value of the variable portion of each contract equivalent to 1.55% on an annual basis, 1.19% for mortality and expense risks and .36% for any income taxes payable by the Company attributable to the contracts. Termination of an old GUP Contract prior to five years' purchase payments having been made may result in a deduction from the value of the contract of 5% in the first year for which payments have been made, such deduction decreasing thereafter by 1% each contract year for which payments have been made to 1% in the fifth year.

The provisions of new GUP Contracts are identical to those of old GUP Contracts, except that (1) the charges have been modified to conform to the charges under the Installment Payments Contracts and (2) the minimum death benefit guarantee is no longer mandatory but can be elected as an optional benefit for individual participants. Thus, deductions from purchase payments under a new GUP Contract are a percentage charge for applicable premium taxes, 1% for the optional minimum death benefit guarantee, and 6% of the balance for sales and administrative expenses, and the daily deduction from the value of the variable portion of the contract is equivalent to 1.25% on an annual basis. However, unlike Installment Payment Contracts, premium taxes are deducted from purchase payments, not at retirement. In the event a new GUP Contract is terminated prior to five years' purchase payments having been made, the termination charge is 2% of the value of the contract. Although new GUP Contracts, unlike old GUP Contracts, made no direct charge for income taxes payable by the Company attributable to the contracts, new GUP Contracts are subject to a reserve maintained in Account B for potential federal income taxes payable with respect to the Account's net realized capital gains. Currently, such reserve is equal to 30% of net realized and unrealized capital gains. The Company is in the process of modifying old GUP Contracts to make the provisions of the new GUP Contracts applicable to new participants under old GUP Contracts; such modification will not affect the termination charge under old GUP Contracts, which will continue to be applicable with respect to all participants.

Applicants propose to permit an owner of a GUP Contract to exchange his contract for a Contract and to have values accumulated under his GUP Contract transferred to the Contract without any charge in connection therewith. Only Installment Payment Contracts will be issued in exchange for GUP Contracts. A GUP Contract owner electing to exchange will be deemed to have purchased the Installment Payment Contract at the time he acquired his GUP Contract for purposes of determining the termination charge to which he will be subject in the event of termination of his Installment Payment Contract. An exchange will have no effect on participants under GUP Contracts who are receiving annuity payments. The right to exchange will be extended until April 29, 1977 or until such later date as may be established by the Company.

SECTION 11

Section 11(a) of the Act makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to Section 11 to permit the proposed offer to exchange a Contract for an outstanding GUP Contract. Applicants state that since no charge will be assessed in connection with the proposed exchange the principal abuse at which Section 11 (a) is directed will not be present. Applicants further state that since the proposed offer of exchange is fair, it should be approved by the Commission.

According to Applicants, a comparison of the provisions of the GUP Contracts with the provisions of an Installment Payment Contract shows that in most instances an exchange of a GUP Contract for an Installment Payment Contract will be advantageous. As to old GUP Contracts, Applicants state that (a) the deductions from purchase payments under Installment Payment Contracts are lower than those under old GUP Contracts, (b) premium taxes under Installment Payment Contracts, where permissible, will not be deducted until retirement, whereas under GUP Contracts they are deducted from purchase payments, and (c) the total daily deduction from the value of the variable portion of Installment Payment Contracts is lower than the comparable charge under old GUP Contracts by .30% on an annual basis (1.25% v. 1.55%). Applicants state further that the termination charge is lower under Installment Payment Contracts than under old GUP Contracts if termination occurs prior to three years' purchase payments having been made but is higher (by 1% in year five and .2% thereafter) if termination occurs after four years' purchase payments have been made. In addition, Applicants state that although Installment Payment Contracts require higher minimum purchase payments both under the contract (first year only) and on behalf of each participant than is required under old GUP Contracts, the lower minimum payment provisions applicable to participants under old GUP Contracts will continue to apply to such participants where as a result of an exchange they become participants under Installment Payment Contracts, and the first year minimum for total payments under an Installment Payment Contract will not be imposed.

As to new GUP Contracts, Applicants state that owners of new GUP Contracts will not obtain lower charges as a result of an exchange, but that the exchange may have an effect on the manner of assessing premium taxes and will make a termination charge of .2% applicable to a termination after five years' purchase payments have been made. However, in Applicants' opinion significant advantages from the standpoint of taxes should result from the exchange in that an owner will avoid the effect of the 30% tax reserve maintained in Account B with respect to capital gains.

Applicants state that an exchange will not result in any GUP Contract participant who becomes a participant under an Account E Contract as a result of an exchange being subject to annuity purchase rates less favorable than the rates to which he would have been entitled under a GUP Contract. Applicants represent that if the annuity purchase rates of the GUP Contracts would be more favorable to such a participant the Company will utilize such rates in effecting an annuity for him.

RULE 22C–1

Rule 22c–1, promulgated pursuant to section 22(c) of the Act, provides, in pertinent part, that no registered investment company issuing any redeemable security and no principal underwriter of any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value thereof which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. In processing the exchange of Contracts for GUP Contracts, Applicants propose to determine the value of accumulation units under outstanding GUP Contracts and of accumulation units to be credited under the Contracts as of the effective date of the exchange, which date shall be not more than three business days after the Company's receipt of a properly completed exchange agreement at its Executive Office. Applicants state that since an exchange agreement could be viewed for purposes of Rule 22c–1 as comprising a tender of a GUP Contract for redemption and an order to purchase a Contract, the Rule could be construed to require the valuation of accumulation units under both contracts as of the date of the Company's receipt of the exchange agreement at its Executive Office. Accordingly, Applicants request an exemption from the provisions of Rule 22c–1 until April 29, 1977 to permit the valuation of accumulation units in connection with the exchange as of the effective date thereof which date shall be not more than three business days after the Company's receipt of a properly completed exchange agreement at its Executive Office.

Applicants state that the Company anticipates it would have no difficulty under normal circumstances in completing the necessary steps to effect an exchange on the date of receipt of an exchange agreement if such agreement were the only one received by the Company on that date, but that if a large number of exchange agreements involving hundreds of participants were received within a period of several days, the Company, given its present administrative capabilities, might not be able to complete an exchange in less than three business days.

Applicants state that if an exchange is effected one to three business days following recipt of an exchange agreement, a considerable administrative burden could result if the Company were required to "back price" the individual account valuations to the date of its receipt of the exchange agreement. According to Applicants, back pricing the exchange valuations to the date of receipt of the exchange agreement would require reversing transactions recorded with respect to any intervening purchase payments in order that such payments could be credited under the Contract issued in connection with the exchange instead of the GUP Contract tendered for exchange, and extensive processing could be required in connection therewith since an intervening payment might be made on behalf of hundreds of participants.

Applicants state that owners and participants under contracts involved in an exchange will not be materially prejudiced if the values used in connection with the exchange are determined as much as three business days after the Company's receipt of the exchange agreement, particularly because the underlying funding media for each contract involved in the exchange are identical. Applicants represent that apart from the higher deductions which would be made if there were any intervening purchase payments under old GUP Contracts, the only effect of delaying the exchange valuation for up to three business days following receipt of an exchange agreement would be (a) in the case of an old GUP Contract, the continued assessment during such period of a daily deduction from the variable portion of that contract which is .000822% (.30% on an annual basis) higher than that under a Contract and (b) in the case of a new GUP Contract or new participants under an old GUP Contract, the effect of any adjustments made during such period to the tax reserve maintained in Account B with respect to capital gains. According to Applicants, neither effect would appear to be significant.

Finally, Applicants state that since the proposed method for valuing accumulation units in connection with an exchange will have no effect on the value of other contracts participating in Accounts B or E, and will have no other result which is unfair to the owners of such contracts, no purpose for which Rule 22c–1 was intended will be contravened by grant of the requested relief.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. Ae provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commisison thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29781 Filed 10–8–76;8:45 am]

[Rel. No. 19701; 70–5908]

OHIO POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 1, 1976.

Notice is hereby given that Ohio Power Company ("Ohio"), 301 Cleveland Avenue, SW., Canton, Ohio 44702, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ohio proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $80,000,000 aggregate principal amount of its First Mortgage Bonds (the "new bonds"), __% Series due 2006. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which shall not be less than 100%, unless Ohio shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The new bonds will be issued under a Mortgage and Deed of Trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of November 1, 1976, and which includes, with certain exceptions, a prohibition until November 1, 1981, against refunding the issue

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with proceeds of funds borrowed at a lower effective interest cost.

The proceeds (excluding premium and accrued interest) from the sale of the new bonds will be applied to the retirement at maturity First Mortgage Bonds, 7¼% Series, due December 1, 1976, in the principal amount of $40,000,000, and to the payment of unsecured short-term indebtedness of Ohio. As of September 14, 1976, there was $27,847,000 aggregate amount of notes payable to banks outstanding and $41,825,000 principal amount of commercial paper outstanding. At the time of the issuance and sale of the new bonds, there will be short-term debt outstanding estimated not to exceed $65,000,000.

The fees and expenses to be incurred by Ohio in connection with the issue and sale of the new bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the issue and sale of the new bonds and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice Is Further given that any interested person may, not later than October 27, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29776 Filed 10-8-76;8:45 am]

[19702, 70-5905]

OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Proposals of Holding Company To Enter Into Indemnity Agreement With Surety Company for Certain Subsidiaries and Second-Tier Subsidiaries and To Enter Into Contracts of Guaranty With State Industrial Commission

OCTOBER 1, 1976.

In the Matter of OHIO POWER CO., 301 Cleveland Avenue, SW., Canton, Ohio 44701. AMERICAN ELECTRIC POWER CO., INC., 2 Broadway, New York, N.Y. 10004.

Notice Is Hereby Given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and Ohio Power Company ("Ohio"), its electric utility subsidiary company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b) and 12(f) of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to enter into an indemnity agreement with Seaboard Surety Company, New York, New York ("Seaboard") on behalf of the following AEP subsidiaries and second-tier subsidiaries operating in West Virginia and Ohio, respectively: West Virginia-Ohio, Appalachian Power Company, Cedar Coal Company, Central Appalachian Coal Company, Central Operating Company, Southern Appalaehian Coal Company, Southern Ohio Coal Company ("Southern Ohio"), Wheeling Electric Company, and Windsor Power House Coal Company; Ohio-Ohio, Cardinal Operating Company ("Cardinal"), Central Ohio Coal Company, Ohio Electric Company ("Ohio Electric"), and Southern Ohio. The indemnity agreement concerns liabilities incurred by Seaboard in connection with the issuance, since April 1, 1976, of surface mining reclamation surety bonds ("reclamation bonds"), self-insurance workmen's compensation surety bonds ("workmen's compensation bonds"), and self-insurance pneumoconiosis (black lung) disability bonds ("disability bonds").

It is stated that certain of the above second-tier subsidiary companies ("coal mining companies") engage in coal mining operations in West Virginia and Ohio, as part of the AEP System's program for fuel procurement. Under West Virginia law, a prerequisite to the issuance of a surface mining permit is the posting with the State Department of Natural Resources of a reclamation bond in the amount of $1,000 per acre to be mined to assure that mining operations will be conducted in accordance with the permit issued and that all reclamation will be completed after mining has been terminated. It is further stated that the reclamation bonds must be posted by a corporate surety that is independent of the mining operator. Similarly, the Ohio Department of Natural Resources requires a reclamation bond, in an amount equal to the cost of reclamation. It is stated that the coal mining companies have experienced difficulties in obtaining reclamation bonds, with surety companies either refusing to issue such bonds or issuing bonds only upon indemnification by AEP. It is further stated that Seaboard has issued the reclamation bonds without requiring present indemnification from AEP, but subject to AEP's filing of the instant declaration seeking Commission approval for AEP to indemnify Seaboard. The maximum amount of indemnity at any one time outstanding with respect to the reclamation bonds will not exceed $30,000,000.

It is stated that the above AEP subsidiaries and second-tier subsidiaries are self-insured as to workmen's compensation liability, with such self-insurance resulting in savings over the cost of purchased workmen's compensation insurance. In West Virginia, the Commissioner of the Workmen's Compensation Fund had required that, effective July 1, 1976, all self-insured employers must post $1,000,000 bonds. Similarly, the state of Ohio's Industrial Commission has currently required self-insuring employers to post bonds of not less than $100,000 nor more than $1,000,000 each. It is further stated that surety companies were unwilling to issue the workmen's compensation bonds without indemnification by AEP; but that Seaboard has issued the bonds without present indemnification, subject to AEP's filing of the instant declaration seeking Commission approval to indemnify Seaboard. The maximum amount of indemnity at any one time outstanding with respect to the workmen's compensation bonds will not exceed $15,000,000.

It is stated that the above coal mining companies are presently self-insured as to black lung disability benefits provided to miners by the Federal Coal Mine Health and Safety Act of 1969. The United States Department of Labor has required, as a condition to such self-insurance, that disability bonds be provided to the Federal Government, insuring payment of black lung disability claims. It is further stated that the coal mining companies have found it difficult to renew such disability bonds, and that Seaboard has agreed to provide the required bonds, subject to AEP's seeking Commission approval to indemnify Seaboard. The maximum amount of indemnity at any one time outstanding with respect to the disability bonds will not exceed $2,000,000.

It is further proposed that AEP, on behalf of Ohio, and Ohio, on behalf of its subsidiaries, Ohio Electric and Cardinal, enter into contracts of guaranty with the Ohio Industrial Commission. Said commission has required these contracts in order to assure the payment of workmen's compensation claims by the respective parent of each subsidiary company, should the subsidiary fail to make such payments. Such contracts of guaranty are required on or before November 1, 1976.

The fees and expenses to be paid, including legal fees, are estimated as not to exceed $2,500. It is stated that AEP will not make any charge to any System company with respect to either indemnification under the bonds or the contracts of guaranty. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice Is Further Given that any interested person may, not later than October 28, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29777 Filed 10-8-76;8:45 am]

[70-5781]

MIDDLE SOUTH UTILITIES, INC. AND MIDDLE SOUTH ENERGY, INC.

Second Post-Effective Amendment Regarding Proposed Issuance and Sale of Common Stock by Subsidiary Company to Holding Company

OCTOBER 1, 1976.

Notice Is Hereby Given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Energy, Inc. ("MSEI"), a subsidiary company of Middle South, have filed with this Commission a second post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated January 20, 1976, and September 30, 1976 (HCAR Nos. 19354 and 19699), MSEI was authorized to issue and sell to Middle South (holder of all of MSEI's common stock no par value per share), and Middle South was authorized to acquire, 68,000 additional shares of MSEI's common stock, for an aggregate purchase price of $68,000,000 in cash. Middle South and MSEI stated that it was preferable for the additional common stock to be sold at times coinciding with MSEI's cash needs, which are primarily determined by the nature and pace of the construction work on its Grand Gulf Nuclear Electric Station near Vicksburg, Mississippi. Accordingly, the applicants-declarants were granted authority to consummate the proposed transactions at various times through December 31, 1976.

In the second post-effective amendment, it is stated that sales of the additional common stock aggregating 53,000 shares have occurred, leaving 15,000 remaining shares of common stock authorized to be sold through and including December 31, 1976. To enable MSEI to continue construction of the Grand Gulf Nuclear Electric Station project and for other cash needs, authorization is now requested for the company to issue and sell, and for Middle South to acquire, in addition to the 15,000 remaining shares of common stock authorized to be sold through and including December 31, 1976, an additional 5,000 shares of its presently authorized but unissued common stock, no par value, to be sold as necessary during the same period at a price of $1,000 per share for an aggregate cash purchase price of $5,000,000.

It is further stated that to the extent funds are required from external sources to acquire additional shares of MSEI common stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated as of June 1, 1976, with a group of banks headed by Manufacturers Hanover Trust Company of New York, as authorized by the Commission's order dated June 14, 1976 (HCAR No. 19570).

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice Is Further Given that any interested person may, not later than October 26, 1976, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29778 Filed 10-8-76;8:45 am]

[37-59]

[Release No. 19695, 37-59]

SOUTHERN COMPANY SERVICES, INC.

Post-Effective Amendment Regarding Issue and Sale of Long-Term Notes to Holding Company by Subsidiary Service Company

SEPTEMBER 27, 1976.

In the matter of Southern Company Services, Inc., Perimeter Center East, Atlanta, Georgia 30346.

Notice Is Hereby Given that Southern Company Services, Inc. ("Services"), a wholly-owned subsidiary service company of The Southern Company ("Southern"), a registered holding company, has filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, and 13 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application-declaration, as amended by the post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated July 23, 1963 (HCAR No. 14913), the Commission authorized Services to issue and sell to Southern for cash, and Southern to acquire, during a five year period commencing July 23, 1963, up to $500,000 aggregate principal amount to be outstanding at any one time of long-term unsecured notes of

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Services to bear interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the date of issue. By orders dated September 10, 1971, May 15, 1973, and June 26, 1975 (HCAR Nos. 17261, 17961, and 19063), the Commission authorized increases in the aggregate principal amount of such notes to be issued and sold by Services to Southern to the present limit of $18,275,000 and also extended the authorization with respect to the issue and sale of notes to June 30, 1978.

Services presently has an aggregate capital stock equity of $725,000 and the principal amount of its long-term debt in the form of unsecured notes is $17,500,000. The entire amount of Services' equity and debt is owned by Southern.

Services performs professional and technical services at cost for associate companies in the Southern holding-company system. Expansion of said services in recent years has resulted in a substantial increase in the amount of necessary working capital.

In the current filing, Services states that due to the increase in its working capital requirements the balance of the current amount of notes authorized by the Commission to be issued will be issued during October. It is estimated that by December 31, 1976, such note requirements will increase to $19,000,000. Services estimates that by December 31, 1979, it will require working capital of approximately $30,000,000. Underlying these working capital estimates is Services expectation that by the end of 1979 its personnel is expected to increase over the total for December 31, 1975 as follows: general services, from 274 to 360; engineering, from 1,066 to 1,419; power pool, from 108 to 174; and data processing, from 400 to 612. In addition, Services estimates additional expenditures for computer and telecommunications equipment and leasehold improvements through 1979 of $25,228,000.

The unsecured notes to be issued to Southern will mature December 31, 1999, and will be prepayable at any time without premium. Southern will acquire said notes at the principal amount thereof. The notes are to bear interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the date of issue, or, to the extent that the aggregate principal amount of Services' outstanding notes to Southern exceed the aggregate principal amount of Southern's outstanding obligations for borrowed money, such excess principal amount of notes shall bear interest at a rate equal to the weighted average rate of return on common equity most recently allowed the four operating subsidiaries by their respective public service commissions which have retail rate jurisdiction, but in any event at a rate not less than 125 percent of the prime rate in effect on the date of issue thereof at such bank in Atlanta, Georgia, as shall have been designated by Services for that purpose.

The aggregate capital of Services, including its outstanding notes and capital stock, will be maintained at all times at an amount equivalent approximately to the sum of two months' operating expenses and the depreciated cost of Services' fixed assets including prepayments and petty cash working funds, less any unpaid indebtedness for funds borrowed from non-Southern system sources for the acquisition of such fixed assets.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposal are estimated at $5,000, including legal fees of $2,500.

Notice Is Further Given that any interested person may, not later than October 21, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29790 Filed 10-8-76;8:45 am]

[Release No. 34-12799; File No. SR-MSE-76-16]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 3, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Brackets indicate deletion; italics indicate additions.

ARTICLE I, RULE 1

Membership

Qualifications

Rule 1. An applicant for membership shall meet, and a member shall continue to meet, the following basic requirements: Citizenship, Age and Form of Organization:

(a) If an individual, an applicant or member shall be [at least 21 years old and a citizen of the United States, Canada, or such other country as the Board of Governors or Executive Committee, by an affirmative vote equivalent to that required to amend these Rules, shall approve.] *of an age so as to be responsible for his or her contracts under the laws of the State or Country in which he or she engages in the securities business.* If a partner, an applicant or member shall have at least two general partners. If a corporation, an applicant or member shall be organized under the laws of one of the states of the United States, under the Canada Corporations Act or the incorporation statute of a Canadian province, or under a comparable statute of such other country [as the Board of Governors or Executive Committee, by an affirmative vote equivalent to that required to amend these Rules, shall approve.] *in which the corporation is domiciled.*

* * * Interpretations and Policies:

[.01 Add approved Countries.—]

[United Kingdom, Switzerland, West Germany, Belgium, France.] [The Netherlands, Italy and Japan.]

.02 becomes .01

.03 becomes .02

ARTICLE XV, RULE 7

Rule 7(a) A member corporation shall not be a subsidiary of a parent firm except in accordance with paragraph (1) *or* (2) [or (3)] of this rule.

(1) A member corporation may be a subsidiary of a parent firm [organized and doing business in the United States or Canada] if all requirements of the following paragraphs (i) through (iii) are met in addition to other applicable rules in Articles I and XV:

(i) Each parent firm shall agree to file with the Exchange annual financial statements of itself and its other subsidiaries.

(ii) Each parent firm shall agree to file with the Exchange and keep current (A) a list and descriptive identification of its directors, principal officers and principal stockholders (if a corporation) or its principal partners (if a partnership) and (B) an identification of the types of businesses conducted by itself and its other subsidiaries. [The directors, principal officers and principal stockholders or the principal partners of the parent firm and the types of businesses conducted by it and its other subsidiaries shall be subject to approval by the Exchange, and in the event of disapproval shall, subject to review of such disapproval in accordance with Rule 10 of Article XVI, be separated or discontinued within a reasonable time.] The principal officers or principal partners of the parent firm shall be bound by the Constitution and Rules of the Exchange.

(iii) Each parent firm shall agree to furnish to the Exchange such information regarding security transaction and related activities of itself and its other subsidiaries as may be required by the Exchange to insure compliance with its Rules.

[(2) A member corporation may be a subsidiary of a parent firm not organized and doing business in the United States or Canada if the requirements of the following subparagraphs (i) and (ii) are met in addition to other applicable rules:]

[(i) The parent firm shall be engaged in business as a broker/dealer in a country (other than the United States or Canada) approved by the Board of Governors or Executive Committee by an affirmative vote equivalent to that required to amend these Rules.]

[(ii) The parent firm shall agree to comply with such requirements as may be imposed by the Exchange for protection of investors, Exchange members, and the Exchange.]

(3) Will become (2) and will read as follows: (wording remains as is).

(2) A member corporation may be a subsidiary of a parent firm in such other circumstances and subject to such other limitations or conditions as the Board of Governors or Executive Committee may find appropriate.

[(b) No creditor or customer of a parent firm or of any of its subsidiaries except public securities customers of the member corporation shall have any claim, right or interest in the Midwest Stock Exchange Special Trust Fund.]

On or before November 16, 1976, or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by November 2, 1976.

For the Commission by the Division of of Market Regulation, pursuant to delegated authority.

Dated: September 14, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29925 Filed 10-8-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

LITTLE ROCK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Little Rock District Advisory Council will hold a public meeting at 1:30 p.m., Thursday, November 4, 1976, at the Conference Room, 10th Floor, Blue Cross-Blue Shield Building, 7th & Gaines Streets, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Maurice Britt, U.S. Small Business Administration, 611 Gaines Street, Suite 900, P.O. Box 1401, Little Rock, Arkansas 72203 (501) 740-5871.

Dated: October 1, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29848 Filed 10-8-76;8:45 am]

ST. LOUIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration St. Louis District Advisory Council will hold a public meeting at 9:30 a.m., Friday, October 29, 1976, at the Museum of Westward Expansion, Explorer Room, St. Louis, Missouri, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Thomas L. Holling, U.S. Small Business Administration, Suite 2500, Mercantile Tower, One Mercantile Center, St. Louis, Missouri 63101 (314) 425-4191.

Dated: October 1, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29847 Filed 10-8-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Compliance of the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on October 28, 1976 in Room S-4215, Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will begin at 9 a.m. The public is invited to attend. The Subgroup will continue its discussion of multi-employer worksite citation guidelines and make plans for future meetings.

For additional information contact:

J. Goodell, Chief, Committee Management Office, National Advisory Committee on Occupational Safety and Health, Department of Labor-OSHA, Room N-3635, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 8th day of October 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-30063 Filed 10-8-76;11:44 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 166]

ASSIGNMENT OF HEARINGS

OCTOBER 6, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

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MC-C 8685, J. Frances McCarthy, dba Mac Transport Lines-Revocation of Permit now being assigned January 11, 1977 (1 day) at Boston, Massachusetts in a hearing room to be later designated.
MC 135185 (Sub 28), Columbine Carriers, Inc. now being assigned January 12, 1977 (1 day) at Boston, Massachusetts in a hearing room to be later designated.
MC 136343 (Sub 67), Milton Transportation, Inc. now being assigned January 13, 1977 (2 days) at Boston, Massachusetts in a hearing room to be later designated.
MC-F 12607, Barrieau Express, Inc.—Purchase—Trans World Van Lines, Inc. and MC 8028 (Sub 3), Barrieau Express, Inc. now being assigned January 17, 1977 (1 week) at Hartford, Connecticut in a hearing room to be later designated.
MC 117604 Sub 11, Meadors Freight Lines, Inc., now being assigned January 10, 1977 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29872 Filed 10-8-76;8:45 am]

[Sec. 5a Application No. 47, Amdt. No. 3]

MISSISSIPPI VALLEY MOTOR FREIGHT BUREAU

Agreement

SEPTEMBER 30, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed September 23, 1976 by:

Gregory M. Rebman, 314 N. Broadway, St. Louis, MO 63102 (Attorney for Applicants).

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the Federal Register. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29875 Filed 10-8-76;8:45 am]

[Notice No. 133]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 393TA), filed September 28, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS COMPANY, 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude fish oil*, in bulk, in tank vehicles, from Terminal Island, Calif., to Colorado Springs, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harbor Trading Company, 555 W. 9th St., San Pedro, Calif. 90731. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Main St., Suite 500, San Francisco, Calif. 94105.

No. MC 103051 (Sub-No. 378TA), filed September 28, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russel E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground nonmetallic minerals*, in bulk, and in bags, from Campobella, S.C., to points and places in Georgia, North Carolina, Tennessee, Virginia and West Virginia, for 180 days. Supporting shipper(s) A. B. Wood Chemical Company, Inc., P.O. Box 428, Campobello, S.C. 29322. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations-ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 108835 (Sub-No. 36TA), filed September 24, 1976. Applicant: HYMAN FREIGHTWAYS INC., 1745 University Ave., P.O. Box 3393, St. Paul, Minn. 55165. Applicant's representative: Rodney L. Trocks, 2690 N. Prior Ave., Roseville, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) serving the plantsite of Ka-Winn Corporation, located at or near Winnebago, Minn., as an off-route point in connection with applicant's authorized regular route operations, between Beresford, S. Dak., and St. Paul, Minn., and (b) serving the plantsite of Ka-Winn Corporation, located at or near Winnebago, Minn., as an intermediate point in connection with applicant's regular route operations, between Mankato, Minn., and Oskaloosa, Iowa. Applicant intends to tack its existing authority with MC 108835 and related subs. Applicant also intends to interline at Aberdeen, S. Dak.: Burlington, Iowa; Davenport, Iowa, Des Moines, Iowa, Kansas City, Mo.; Minneapolis-St. Paul, Minn.; Omaha, Nebr.; Rock Island, Ill.; Sioux City, Iowa; Sioux Falls, S. Dak.; and Watertown, S. Dak., for 180 days. Supporting shipper: La-Winn Corporation, 600 S. Ave., East, Winnebago, Minn. 56098. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 113398 (Sub-No. 13TA), filed September 27, 1976. Applicant: CINEMA SERVICES, INC., P.O. Box 4, Ft. Collins, Colo. 80521. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Motion picture films, processed and unprocessed film, photographs, materials and supplies* used in connection therewith and advertising materials and supplies; (A) between Denver, Colo., and Gillette, Wyo., serving all intermediate points and the off-route points of Glen Rock, Douglas, Laramie and Torrington, Wyo.; from Denver, Colo., over U.S. Highways 87 and Interstate Highway 25 to the junction with U.S. Interstate Highway 90, thence over U.S. Highway 90 to Gillette, and return over the same route; (B) between Denver, Colo., and Gillette, Wyo.; from Denver, Colo., over U.S. Highway 6 to its junction with U.S. Highway 138, thence over U.S. Highway 138 to its junction with Colorado Highwy 113, thence over Colorado Highway 113 to the Colorado-Nebraska state line, thence over Nebraska Highway 19 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to Sidney, Nebr., thence back on U.S. Highway 30 to its junction with U.S. Highway 385, thence over U.S. Highway 385 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to its junction with U.S. Interstate Highway 90, thence over U.S. Interstate Highway 90 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to Gillette, and return over the same route; (2) *Processed and unprocessed film, photographs, and materials and supplies* used in connection therewith; (A) between Denver, Colo., and North Platte, Nebr., serving the intermediate point of McCook, Nebr.; from Denver, Colo., over U.S. Highway 6 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to its junction with U.S. Highway 83, thence over U.S. Highway 83 to North Platte, and return over the same route; (b) between Denver, Colo., and North Platte, Nebr., serving the off-route points of Ogalalla and Sindey, Nebr.,; from Denver, Colo., over U.S. Highway 6 to its junction with U.S. Highway 138, thence over U.S. Highway 138 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to North Platte, and return over the same route.

Between Denver, Colo., and Scottsbluff, Nebr., serving the Intermediate points of Cheyenne, and Torrington, Wyo.; from Denver, Colo., over U.S. Highway 87 to Cheyenne, Wyo., thence over U.S. Highway 85 to Torrington, Wyo., and thence over U.S. Highway 26 to Scottsbluff, and return over the same route; (D) between Denver, Colo., and Scottsbluff, Nebr., serving the intermediate points of Cheyenne, Wyo., and Kimball, Nebr., and the off-route point of Sidney, Nebr.; from Denver over U.S. Highway 87 to Cheyenne, thence over U.S. Highway 30 to Kimball, thence over U.S. Nebraska Highway 71 to Scottsbluff, and return over the same route; and (E) between Denver, Colo., and Sidney, Nebr., serving no intermediate points; from Denver over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to its junction with Colorado Highway 113, thence over Colorado Highway 113 to the Colorado-Nebraska state line, thence over Nebraska Highway 19 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to Sidney, and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, 492 U.S. Customs House, 719 19th St., Denver, Colo. 80202.

No. MC 115162 (Sub-No. 336TA) filed September 28, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Jefferson County, Ala., to points in Georgia, Mississippi, and Tennessee, for 180 days. Supporting shipper: Alpha Portland Cement Company, P.O. Drawer B. Midfield Station, Birmingham, Ala. 35228. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 117815 (Sub-No. 253TA) filed September 29, 1976, Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois and Michigan; and (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above to the plantsite of The Pillsbury Company, at or near Seelyville, Ind. Restriction: The authority set forth in (1) and (2) above is restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117883 (Sub-No. 207TA) filed September 24, 1976. Applicant: SUBLER TRANSFER, INC., 791 E. Main St., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company at or near Seelyville, Ind., to points in Illinois, Indiana, Michigan (lower peninsula only), Ohio, Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. Restriction: Restricted to traffic originating at the above named origin and destined to the named destinations, for 180 days. Supporting shipper(s): Olivia M. Bradley, Distribution Administrator, The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations — ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118263 (Sub-No. 64TA) filed September 27, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of the Pillsbury Co., at or near Seeleyville, Ind., to all states east of the Mississippi River and points in Minnesota, Iowa, Missouri, Arizona and Louisiana, to the west of the Mississippi River; (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to the plantsite of the Pillsbury Company, at or near Seelyville, Ind., for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119493 (Sub-No. 145TA) filed September 28, 1976. Applicant: MONKEM COMPANY, INC., West 20th St. Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Katherine Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except in bulk), from the plantsites of Doane Products Co., in Muscatine, Iowa, and Joplin, Mo., to points in Florida and from Joplin, Mo., to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 303TA) filed September 28, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dixon, Calif., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shipper: Armour Food Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 119880 (Sub-No. 87TA) filed September 23, 1976. Applicant: DRUM TRANSPORT INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice, pure or containing*

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slurry, in bulk, in tank vehicles, from points in Yakima, Benton, Walla Walla and/or Franklin Counties, Wash., to points in Allegan, Van Buren, Berrian and Grand Traverse Counties, Mich., and St. Joseph County, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sagemoor Vineyards, Alec Bayless, Partner, 1500 Hoge Bldg., Seattle, Wash. 98104. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 120737 (Sub-No 44TA) filed September 29, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Ave., R.R. No. 5, Canton, Ill. 61520. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, corn planters, grain headers and* cornheads, from the plantsites and warehouse facilities utilized by International Harvester Company, at E. Moline, Moline and Rock Island, Ill., to points in Ohio, Indiana, Michigan, Kentucky, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Virginia, Tennessee, Arkansas, Louisiana, Mississippi and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company, James M. Gamble, General Traffic Manager, 401 N. Michigan Ave., Chicago, Ill. 60601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126118 (Sub-No. 23TA), filed September 24, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from San Antonio, Tex., and its commercial zone, to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennesse, Virginia, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. E. Collier, Traffic Manager, Pearl Brewing Company, 312 Pearl Parkway, San Antonio, Tex. 78296. Loise Marie Offer, Dir. Purchasing and Traffic, Lone Star Brewing Company, 600 Lone Star Blvd., San Antonio, Tex. 78206. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 126600 (Sub-No. 13TA), filed September 29, 1976. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 403 Columbian Title Bldg., 820 Quincy, Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Elevator and power transmission equipment;* (B) *Materials handling and processing equipment;* and (C) *Foundry casting, and materials and supplies* used in the manufacture of such commodities (except the commodities the transportation of which because of their size and weight require use of special equipment and commodities in bulk), between Wichita, Kans., on the one hand, and points in the United States (except Alaska and Hawaii), on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tramco Metal Products, Inc., 1011 East 19th St., Wichita, Kans. 67214. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66608.

No. MC 128343 (Sub-No. 35TA), filed September 23, 1976. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M St., N.W., Washington, D.C. 80036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Warwick, R.I., on the one hand, and, on the other, points in Philadelphia, Delaware and Montgomery Counties, Pa.; Camden and Gloucester Counties, N.J.; Baltimore, Md.; points in Baltimore, Ann Arundel, Prince Georges, Montgomery and Howard Counties, Md.; Alexandria, Va., and points in Arlington and Fairfax Counties, Va., and the District of Columbia, restricted to movements on bills of lading of freight forwards operating pursuant to Part IV of the Interstate Commerce Act, for 180 days. Supporting shipper: C-Line Forwarding, Inc., 340 Jefferson Blvd., Warwick, R.I. 02888. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Room 102, Providence, R.I. 02903.

No. MC 129282 (Sub-No. 34TA), filed September 27, 1976. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in the manufacture and distribution thereof, in temperature controlled equipment *and empty containers* on return (except in bulk), from Houston, Tex., to Baton Rouge, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Beverage Co., Inc., 7635 South Choctaw, Baton Rouge, La. 70806. Send protests to : Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 135236 (Sub-No. 11TA) filed September 29, 1976. Applicant: LOGAN TRUCKING, INC., 801 Erie Ave., Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and dessert preparations* (except in bulk) *and incidental promotional and advertising paraphernalia*, from the plant and storage facilities used by Leaf Confectionery, Inc., at Chicago, Ill., to points in Michigan, Ohio, Pennsylvania, Massachusetts, New Jersey, New York, Delaware, Maryland, Washington, D.C., and West Virginia. Restriction: Restricted to traffic moving in vehicles equipped with mechanical refrigeration units, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 North Cicero Ave., Chicago, Ill. 60651. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 138635 (Sub-No. 26TA) filed September 28, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and brandy* (except in bulk), from points in California, to points in Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 138875 (Sub-No. 35TA) filed September 27, 1976. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of mobile homes and recreational vehicles, from Portland, Oreg.; Vancouver, Wash.; Los Angeles, Milpitas, Oakland and San Francisco, Calif., to the facilities of Suppliers Warehouse Company, at Boise, Idaho, for 180 days. Supporting shipper: Suppliers Warehouse, Inc., 415 S. 6th St., Boise, Idaho. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 139569 (Sub-No. 1TA) filed September 27, 1976. Applicant: G & T TRUCKING CO., R.R. 1, Box 698, Shakopee, Minn. 55379. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, from the facilities used by Mathy Construction Company, located at or near LaCrosse, Wis., to points in Winona and Olmstead Counties, Minn., under a continuing contract with Mathy Construction Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mathy Construction Company, LaCrosse, Wis. 54601. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., U.S. Courthouse, 110 S. 4th

No. MC 140033 (Sub-No. 18TA), filed September 28, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 M.C.C. 283, from Gibson Metalux Corp., located at or near Americus, Ga., to points in Arizona, California, Colorado, Idaho, Iowa, Nebraska, Nevada, New Mexico, Oregon, Utah and Washington, for 180 days. Supporting shipper: Metalux Corporation, Box 1207, Americus, Ga. 31709. Send Protests to: Opa M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 141377 (Sub-No. 3TA), filed September 24, 1976. Applicant: THEA O. ELLIOTT, 5612 Heywood Road, Richmond, Va. 23224. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts; generators; machinery and machinery parts; road construction machinery and equipment* and (2) *materials, equipment and supplies* (except commodities in bulk, in tank vehicles), used in the distribution and sales in (1) above, between York, Pa., on the one hand, and, on the other, Culpepper, Harrisonburg and Winchester, Va.; and points in Fauquier and Warren Counties, Va., under a continuing contract with Virginia Tractor Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Tractor Company, Inc., Charles T. Gordon, Parts Manager, 1901 Westwood Ave., Richmond, Va. 23261. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 142062 (Sub-No. 2TA) filed September 27, 1976. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale or institutional grocery or food business houses (except frozen commodities, fresh meats, and commodities in bulk), from points in San Joaquin, Santa Clara and Stanislaus Counties, Calif., to points in Alabama, Mississippi, Tennessee, Kentucky, Illinois, Indiana, Ohio and Michigan, restricted to transportation of shipments under a continuing contract with Nugget Distributors, Inc., for 180 days. Supporting shipper: Nugget Distributors, Inc., 1326 Bourbon St., Stockton, Calif. 95204. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142467 (Sub-No. 1TA) filed September 27, 1976. Applicant: HUGH A. MITCHELL, doing business as MITCHELL'S SPECIAL EMERGENCY HAULING SERVICE, 1107 University, Cleveland, Miss. 38752. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Farm machinery and farm implement parts, repair parts, components, accessories, equipment and supplies;* (2) *Automobile, truck and bus parts, repair parts, components, accessories, equipment and supplies;* (3) *Electrical appliances, equipment and parts;* (4) *Boat, watercraft and marine parts, repair parts, components, accessories, equipment and supplies;* and (5) *Agricultural chemicals, fertilizers, insecticides and seeds* (except in bulk), between Shaw, Miss., and Memphis, Tenn., via U.S. Highway 61, serving all intermediate points; from Shaw, Miss., to Memphis, Tenn., via U.S. Highway 61, and return over the same route, serving all intermediate points. Applicant intends to interline at Memphis, Tenn., and Cleveland, Mis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximatley 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 142482 (Sub-No. 1TA), filed September 29, 1976. Applicant: TIMELY TRUCKING CORP., 55 Kean St., West Babylon, N.Y. 11704. Applicant's representative: Edmund A. Nahas, 303 Fifth Ave., New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines, spirits, and alcoholic beverages*, in cases of bottles and not in bulk, from the warehouses of Northern Liquors, Inc., at Linfield, Pa., to the warehouse of Timely Trucking Corp., West Babylon, N.Y., under a continuing contract with Northern Liquors, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Liquors, Inc., 3029 B Merritt Ave., Bronx, N.Y. 10466. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142484TA, filed September 28, 1976. Applicant: STRINGFELLOW TRANSPORTATION COMPANY, INC., P.O. Box 1117, Birmingham, Ala. 35201. Applicant's representative: Ronald L. Stichweh, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated forest products and lumber mill products*, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia and Wisconsin; (2) *Treated and untreated forest products and lumber mill products*, from Detroit, Mich., including the International Boundary Line thereat, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee; and (3) *Used steel rails, angle bars, tie plates, and other rail hardware*, from points in Georgia, Illinois, Indiana, Kentucky, Missouri, and Pennsylvania, to points in Alabama, Florida, Georgia, and Mississippi. Restriction: Restricted to transportation services performed under a continuing contract or contracts with Stringfellow Lumber Company, Inc., for 180 days. Support shippers: Stringfellow Lumber Company, Inc., 724 Third Ave., North, Birmingham, Ala. 35201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

PASSENGER APPLICATION

No. MC 142454 (Sub-No. 1TA), filed September 24, 1976. Applicant: RODGERS E. JOHNSON, doing business as J & J BUS SERVICE, 10 Regina Drive, Brandywine, Md. 29613. Applicant's representative: George Andrews, Rt. 228,

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Waldorf, Md. 20601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Hughesville, Md., and Naval Research Lab., Washington, D.C., over Rt. 5 Hughesville, Md., to St. Charles Parkway, thence over Smallwood Drive, thence north on Rt. 301, to Rt. 5 thence to 495 Beltway, to I–295, and thence over Overlook Ave., S.W., to Naval Research Lab., Washington, D.C., and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 32 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29877 Filed 10–8–76;8:45 am]

[Notice No. 45]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before November 11, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76537, filed September 23, 1976. Transferee: DONALD J. WILLIAMSON AND MYRL B. WILLIAMSON, a partnership, doing business as WILLIAMSON BROTHERS TRUCKING, Box 238, Whitewood, S. Dak. 57793. Transferor: RALPH C. ISLAND, doing business as ISLAND FREIGHT, P.O. Box 404, Deadwood, S. Dak. 57732. Applicant's representative: Donald J. Williamson, Box 238, Whitewood, S. Dak. 57798. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permits Nos. MC 113025, MC 113025 (Sub-No. 2), MC 113025 (Sub-No. 5), MC 113025 (Sub-No. 7), issued April 15, 1963, July 24, 1964, July 2, 1973, and November 19, 1974, respectively, as follows: Such merchandise as is dealt in by wholesale food business houses, from Deadwood, S. Dak, to Broadus, Boyes, Hammond, Biddle, Ranch Creek, Ridge, Alzada, Albion, Capitol, Mill Iron, Bell Tower, Chalk Buttes, and Ekalaka, Mont., and Rocky Point, New Haven, Oshoto, Colony, Hulett, Alva, and Aladdin, Wyo.; seeds, flour, and animal feeds, from Rapid City, S. Dak., to points in Fallon, Custer, Carter, Powder River, Rosebud, Treasure, Yellowstone, and Big Horn Counties, Mont., and those points in Wyoming located east of the western boundaries of Sheridan, Johnson, Natrona, and Carson Counties, limited to a transportation service to be performed under a contract with Tri State Milling Company, Rapid City, S. Dak.; flour and animal feeds, from the plantsite of Hubbard Milling Co., at Rapid City, S. Dak., to points in Adams, Billings, Bowman, Golden Valley, Grant, Hettinger, Morton, Sioux, Slope, and Stark Counties, N. Dak., and points in that part of Nebraska west of U.S. Highway 281; and feed, and feed ingredients dry, from the plantsite of Hubbard Milling Company, at or near Mankato, Minn., to the facility of Hubbard Milling Company, at Rapid City, S. Dak. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76685, filed July 29, 1976. Transferee: HARBOR TRUCK LINES, INC., 225 Baronne Street, New Orleans, La. 70112. Transferor: JEFFERSON TRUCK LINE, INC., 2600 Peters Road, Harvey, La. 70058. Applicants' representative: Harold R. Ainsworth, Attorney at Law, 2307 American Bank Building, New Orleans, La. 70130. Authority sought for purchase by transferee of Certificate of Registration No. MC 99746 (Sub-No. 1), issued November 5, 1963, to transferor evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 5176–A dated September 12, 1958, issued by the Louisiana Public Service Commission. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76696, filed August 8, 1976. Transferee: LEROY DENEAU, P.O. Box 242, Oregon, Ill. 61061. Transferor: DONALD H. ASCHENBRENNER, P.O. R.R. No. 3, Dixon, Ill. 61021. Applicants' representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135216 (Sub-No. 1), issued by the Commission June 19, 1975, as follows: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Oregon, Ill., on the one hand, and on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill. Restriction: The operations authorized herein are restricted to the transportation of traffic having a prior or subsequent movement by air. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76712, filed September 17, 1976. Transferee: ALLIED AIR FREIGHT CORPORATION, Griswold Industrial Park, Williston, Vt. 05495. Transferor: VERMONT COMMERCIAL WAREHOUSING, INC., P.O. Box 604, 11 Maple St., Essex Junction, Vt. 05452. Applicants' representative: Henry U. Snavely, Attorney-at-Law, 410 Pine St., Vienna, Va. 22180. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 124686 (Sub-No. 1), issued January 21, 1974, as follows: Such commodities as are dealt in by wholesale hardware stores, from Burlington, Vt., to points in Clinton, Essex, Franklin, and St. Lawrence Counties, N.Y., and Grafton and Sullivan Counties, N.H. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 133259 and subs thereafter. Dual operation involved. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76713, filed September 30, 1976. Transferee: POTTER/B & C TRANSFER, a corporation, 8146 Byron Road, Whittier, Calif. 90607. Transferor: FRED V. MURPHY, doing business as RED BALL TRANSFER & STORAGE CO., 4716 Vineland Ave., North Hollywood, Calif. 63080. Applicants' representative: Stephen C. Saunders, 8146 Byron Road, Whittier, Calif. 90607. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 63080, issued February 24, 1961, as follows: Household goods as defined by the Commission, between points in Los Angeles, Calif.; and between Los Angeles, Calif., and Los Angeles Harbor, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76737, filed September 7, 1976. Transferee: TERRY D. JORGENSEN, Route 1, Ida Grove, Iowa 51445. Transferor: MAU TRUCKING, INC., 403 West 2nd St., Early, Iowa 50535. Applicants' representative: Stewart A. Huff, 314 Security Bank Bldg., Sioux City, Iowa 51101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits No. MC 119211 and MC 119211 Sub-No. 6, issued August 10, 1976, and June 10, 1966, respectively as follows: MC 119211—Animal and poultry feeds, and ingredients and materials used in the manufacture thereof, in bulk and in bags, for the account of Farmland Industries (restricted against the transportation of liquid commodities, or any named commodity, in bulk, in tank vehicles), between Eagle Grove and Ida Grove, Iowa, on the one hand, and, on the other, points in that part of Nebraska on and East of U.S. Highway 281; Animal and poultry feeds, ingredients, and materials, in bags and in bulk (except liquid commodities, in bulk, in tank vehicles), between Ida Grove, Iowa, on the one hand, and, on the other, points in that part of South Dakota bounded by a line beginning at the South Dakota-Nebraska State line and extending North on and along U.S. Highway 83 to junction of U.S. Highways 16 and 83, thence East on and along combined U.S. Highways 16 and 83 to junction U.S. Highway 83 immediately West of Vivian, S. Dak., thence North on and along U.S. Highway 83 to the South Dakota-North Dakota State line, thence East along the South Dakota-North Dakota State line to the junction of the South Dakota-North Dakota-Minnesota State lines, thence South along the Dakota-Minnesota-Iowa State lines and continuing South along the South Dakota-Iowa-Nebraska State lines, thence West along the South Dakota-Nebraska State line to the point of beginning.

Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Farmland Industries, of Ida Grove, Iowa. No. MC 119211 (Sub-No. 6)—Animal and poultry feed and feed ingredients (except liquid commodities in bulk, in tank vehicles), Between Ida Grove, Iowa, on the one hand, and, on the other, points in that part of Minnesota bounded by a line beginning at the junction of the South Dakota-Minnesota-Iowa State lines and extending North along the South Dakota-Minnesota State Line to U.S. Highway 12 near Ortonville, Minn., thence East along U.S. Highway 12 to Benson, Minn., thence Southeasterly along U.S. Highway 12 to junction Minnesota Highway 15 near Dassel, Minn., thence North along Minnesota Highway 15 to Junction U.S. Highways 10 and 52 at St. Cloud, Minn., thence Southeasterly along U.S. Highway 10 to junction Minnesota Highways 96 and 100 near New Brighton, Minn., thence along Minnesota Highway 96 to White Bear Lake, Minn., thence South along Minnesota Highway 100 to junction U.S. Highway 12 near St. Paul, Minn., thence East along U.S. Highway 12 to the Minnesota-Wisconsin State line, thence South along the Minnesota-Wisconsin State line to junction Minnesota-Wisconsin-Iowa State lines, and thence West along the Minnesota-Iowa State line to point of beginning, including points on the indicated portions of the highways specified. Restriction: The service authorized is restricted against the transportation of traffic from points in the Minneapolis-St. Paul Commercial Zone, as defined by the Commission. The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts with Farmland Industries, of Ida Grove, Iowa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76740, filed September 14, 1976. Transferee: FRANCIS E. REAVER, R.D. No. 2, Taneytown, Md. 21787. Transferor: FRANCIS E. REAVER, George W. Reaver & Franklin R. Reaver, a partnership, doing business as CHARLES B. REAVER & SONS, R.D. 2, Harney Road, Taneytown, Md. 21787. Applicants' representative: Charles E. Creager, 1329 Pennsylvania Avenue, Hagerstown, Md. 21740. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits No. MC 124555 and MC 124555 (Sub-No. 2), issued May 20, 1969, and October 15, 1969, respectively, as follows: MC 124555—Lumber, between Flintstone Md., and Moorefield W. Va.; from Flintstone Md., and Moorefield W. Va., to Winchester Va., and points in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania; From Moorefield, W. Va., to points in Maryland. Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with F. R. Vigbypno, M. A. Barlly, and G. Van Hessen, a partnership, doing business as Van Hessen Company of Baltimore, Md. MC 124555 (Sub-No. 2)—Lumber, from West Providence Township (Bedford County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Van Hessen & Company of Baltimore, Md. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76748, filed September 20, 1976. Transferee: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, Oreg. 97801. Transferor: STEVE CALDWELL, P.O. Box 36, Route 1, Adams, Oreg. 97810. Applicants' representative: Lawrence V. Smart, Jr., Attorney-at-Law, 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits Nos. MC 135884 (Sub-No. 1), MC 135884 (Sub-No. 3), MC 135884 (Sub-No. 5), and MC 135884 (Sub-No. 8), issued by the Commission June 28, 1972, May 18, 1973, September 2, 1975, and March 2, 1976, respectively, as follows: Furniture, furniture parts, furniture hardware, and furniture samples, from, to, or between points in Oregon, Washington, California, Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts, Nebraska, Wisconsin, New Jersey, Indiana; and milk replacer, whey, and whey-fat mixes (except in bulk), from Dundee and Pittsfield, Ill., and Bascobel, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Utah, and Washington, under continuing contract or contracts with specified shippers. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76749, filed September 22, 1976. Transferee: ELDRIDGE TRUCK LINE, INC., N. Hwy. 27, P.O. Box 659, Somerset, Ky. 42501. Transferor: BARNETT ELDRIDGE (Wayne R. Eldridge, Executor), doing business as ELDRIDGE TRUCK LINE, N. Hwy. 27, P.O. Box 659, Somerset, Ky. 42501. Applicants' representative: Robert M. Pearce, Attorney-at-Law, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 98776 (Sub-No. 1) and MC 98776 (Sub-No. 2), and Certificate of Registration No. MC 98776 (Sub-No. 4), issued September 28, 1964, March 26, 1957, and December 20, 1965, as follows: General commodities, with the usual exceptions, meats, meat products, and meat by-products, and dairy products, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points and places in Kentucky. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29874 Filed 10–8–76;8:45 am]

[AB 12 (Sub-No. 29)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Its Napoleonville Branch Between Supreme and Glenwood in Assumption Parish, Louisiana

SEPTEMBER 30, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Supreme and Glenwood, a distance of 7.86 miles, all in Assumption Parish, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et

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seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that approval of the proposed abandonment would not adversely affect the potential for rural or community development due to the existence of both highways and alternate rail service in the affected corridor. Since most of the rail traffic will probably move over the parallel Texas and Pacific rail line, there will be negligible changes in ambient environmental conditions. Also there are no historic sites or threatened or endangered species affected by this action. Interest has been expressed for continued public use of the right-of-way.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 11, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29876 Filed 10-8-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before November 1, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before November 11, 1976, subject to its tariff publication effective date.

P–27–76 (Special Certificate—Waste Products), filed September 16, 1976. Applicant: SOUTHWEST TRAILS, a Corporation, 223 Erie Street, Pomona, Calif. 91766. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *scrap paper, paper products, rugs, synthetic fibres*, suitable for reuse or recycling into paper products, between points in California, Arizona, Nevada New Mexico, and Texas, in furtherance of a recognized pollution control program sponsored by Garden State Paper Company, Inc. of Pomona, Calif., for the purpose of manufacturing newsprint from scrap paper.

NOTE.—Applicant holds Waste Products Certificate No. P–25–72 originally issued to Motor Cargo, Inc.

P–28–76 (Special Certificate—Waste Products), filed September 20, 1976. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Brian L. Troiano, 700 World Center Building, 918 Sixteenth St., NW., Washington, D.C. 20006. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of *glass cullet*, between points in the United States (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Brockway Glass Company, Inc. of Brockway, Pa.; (2) Glass Containers Corporation of Fullerton, Calif.; and (3) C & C Cullet Company of Marietta, Pa.; for the purpose of recycling glass cullet.

NOTE.—Applicant holds Waste Products Certificate No. P–32–73 authorizing a more limited scope of operation than that requested above.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29873 Filed 10-8-76;8:45 am]

federal register

TUESDAY, OCTOBER 12, 1976

PART II:

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

SECURITIES EXCHANGE ACT DISCLOSURE RULES

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Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 11—SECURITIES EXCHANGE ACT DISCLOSURE RULES

Amendment of Regulations

On July 20, 1976, a document was published for comment in the FEDERAL REGISTER (41 FR 29849) proposing to amend Part 11 of Title 12 of the Code of Federal Regulations. The amendments were proposed in order to make the financial reporting requirements of 12 CFR Part 11 more consistent with the recently revised Report of Condition and Report of Income filed by all national banks, and to make Part 11 substantially similar to comparable regulations of the Securities and Exchange Commission ("SEC"), as required by Section 12(i) of the Securities Exchange Act of 1934 [15 U.S.C. § 78*l*(i)], hereafter referred to as the "1934 Act".

As a supplemental notice of proposed rulemaking, that document revised and superseded an earlier proposal published in the FEDERAL REGISTER on March 8, 1976, (41 FR 9884). Comments received in response to both proposals have been fully considered and are briefly discussed below.

I. PUBLIC COMMENT ON, AND CHANGES TO, THE PROPOSAL OF JULY 20, 1976

A. Several changes to the proposed amendments have been made in response to the comments received:

1. *General.* (a) Section 11.2(gg) containing the definition of "associated company" has been clarified.

(b) Section 11.7(c)(8)(i) concerning rental expense has been clarified.

(c) Section 11.7(c)(10)(vii) concerning the disclosure of selected quarterly financial data has been corrected and clarified.

2. *Section 11.44, Form F–4.* (a) Captions have been added to Part A of Form F–4, several other captions have been reworded, and some have been renumbered.

(b) The footnote to Part A has been expanded.

(c) Part B has been changed by the addition of new captions and the rewording and renumbering of several others.

(d) Form F–4 as proposed did not contain any analysis of the capital accounts, although the Form F–4 presently in use does contain such information. To correct this oversight, a tabular presentation of changes in the reporting bank's undivided profits account has been included as new "Part C" of the Form F–4, and Part C as proposed has been redesignated as "Part D." This change merely restates an existing regulation.

(e) Footnote 2 has been added to Part D specifying that certain items in the statement of changes in financial position may be prepared on the basis of average balances.

(f) The filing schedule for the Form F–4 has been changed from 30 days to 45 days after the end of the reported quarter.

(g) Instruction (e) to Form F–4 has been substantially reworded to clarify the manner of reporting acquisitions and dispositions of significant portions of a business.

(h) Instruction (j) of the Form F–4 has been clarified.

3. *Section 11.71, Forms F–9A, B, C, D and E.* (a) Form F–9A, Balance Sheet:

(i) Caption 25 has been reworded, captions 18 and 19 have been reversed, and the Instructions thereto have been amended, as appropriate, to reflect such changes;

(ii) Instructions 3(b)(2), 6(b) [Note 1(a)], 8(a), 10(a), 14(a) and 20 have been reworded for clarification;

(iii) Note 2 to Instruction 9(c) has been deleted.

(b) Form F–9B, Statement of Income:

(i) Captions 1(d)(4), (1)(f) and 2(c) have been reworded, new captions 1(d)(5) and 2(c) have been added and captions 2(c) through 2(k) have been renumbered;

(ii) Instructions 1(b), 1(d)(1), 1(d)(2), 1(f), 1(i)(2)(i), and 1(i)(4) have been reworded and/or clarified to conform to the foregoing caption changes;

(iii) Instructions 2(a)(3) through 2(a)(7) have been renumbered;

(iv) Instruction 2(c) has been redesignated as 2(d), and Instructions 2(d) through 2(k) have been renumbered. A new Instruction 2(c) has been added;

(v) Instructions 2(g)(1), 2(g)(2), 2(h), 2(i)(1), 4, 6, and 10 have been reworded and clarified.

(c) Form F–9D, Schedules:

(i) Footnotes 1 and 5 to Schedule I and Footnote 2 to Schedule II have been expanded for clarification;

(ii) The column headings in Schedule V have been expanded and clarified, and a new Footnote 3 has been added;

(iii) Some terminology in Schedule VII has been corrected;

(iv) The title of Schedule VIII has been changed to refer only to domestic offices of reporting banks.

(d) Form F–9E, Statement of Changes in Financial Position:

(i) A Footnote 2 has been added specifying that certain items in the form may be prepared on the basis of average balances.

B. Several comments on the proposals have not been followed:

1. Three commentators suggested elimination of the proposed quarterly statement of changes in financial position, Part C of Form F–4. Another commentator recommended elimination of the narrative analysis of the quarterly results of operations, and another recommended the elimination of type and maturity groupings of securities by book value in Schedule I of 12 CFR 11.71, Form F–9D. The Comptroller of the Currency has not followed these suggestions, as the contents of Form F–4 and of § 11.71, as adopted, are substantially similar to comparable reporting requirements of the SEC, as required by section 12(i) of the 1934 Act.

2. It was suggested that "debentures" should not be listed as a single category in the Balance Sheet, but should be broken down to distinguish between true debt and debt in the nature of capital funds where payment of interest and principal are dependent on earnings and capital adequacy. These latter instruments were used by banks during the 1930's and were purchased by the Reconstruction Finance Corporation in states where bank stock carried double liability.

The Comptroller of the Currency is of the opinion that any form of subordinated debt should be designated as such for presentation in financial statements and should not be included in the "stockholder's equity" section of the balance sheet. Accordingly, this suggestion has not been followed.

3. Inasmuch as Instruction 5 to Form F–9A requires that unearned income on loans be deducted from loans, one commentator asked if there will be a converse provision allowing banks to include in the loan category the accrued interest receivable on loans. The comment was based on Revenue Ruling 75–140 (1975—16 IRB) of the Internal Revenue Service.

In bank accounting, accrued interest receivable is included in a separate category on the Balance Sheet. The information required for income tax return purposes is not necessarily the same as that which might be shown for financial reporting purposes, and the Comptroller of the Currency accordingly finds it proper to retain the treatment of accrued interest receivable as a segment of "Other Assets."

4. A suggestion was made that disclosure of service charge income, as required in the Statement of Income, be eliminated. Another comment proposed that the disclosure in a footnote to the Balance Sheet of the amount of undivided profits available for the payment of dividends be eliminated. The Comptroller of the Currency finds that both types of information are essential to a proper evaluation of a bank's operations, financial position, and management, and declines to follow these comments.

5. Many of the commentators express varying degrees of objection to the expanded financial reporting requirements contained in the proposals. It was suggested that the Comptroller of the Currency avoid duplicating the reporting requirements of the Reports of Condition and Reports of Income (hereafter "Call Reports").

The Comptroller of the Currency has been considering the possibility of combining some of the 1934 Act financial reporting requirements with the Call Report requirements. To this end, many of the changes made herein provide consistency between these requirements. The Call Reports are primarily statistical compilations used by the Comptroller of the Currency in supervising national banks. They relate to banking policies, rather than to SEC-type disclosure objectives. Although they are now similar to certain financial reports required under the 1934 Act, the Call Reports do not contain the additional narrative information about a bank's condition, operations, management and similar factors required by the 1934 Act and 12 CFR Part 11. Congress has provided for the availability of such information to the investing public in order to facilitate informed investment decisions.

C. In addition to the changes discussed above which were made in response to comments received, numerous technical corrections to, and minor language clarifications of, the proposal of July 20, 1976, have been incorporated in the text of the amendments, as adopted.

II. SUMMARY OF AMENDMENTS AS ADOPTED

The following is an outline of the amendments, as adopted, to 12 CFR Part 11:

A. Section 11.2(gg) has been added defining the term "associated company."

B. Section 11.3 has been expanded in title, paragraph (b) has been corrected, and paragraph (d) has been added to set forth the notice procedure to be followed in cases of informal adjudications (as defined in Title 5, United States Code, Section 551) by the Comptroller of the Currency of certain issues arising under the 1934 Act. Paragraph (d) has been added in response to section 23(c) of the 1934 Act, as added by the Securities Acts Amendments of 1975.

C. Section 11.4(a)(2) has been expanded by adding a phrase at the end thereof to clarify the filing deadline for registration statements.

D. Section 11.4(h) has been amended by changing the filing deadline for Form F–4 from 30 to 45 days after the end of each quarterly reporting period.

E. Section 11.4(y) has been added relating to the deregistration of registered securities.

F. Sections 11.5(*l*)(3)(iv) and (*l*)(4) have been expanded to require that certain information about criminal convictions contained in a Form F–11 also be disclosed in the tender offer materials to which the Form F–11 relates.

G. Section 11.7(b)(3)(i)(B) has been reworded to conform more closely to SEC Rule 2–01(b) of Regulation S–X relating to independence of accountants.

H. Section 11.7(b)(3)(iii)(C) has been added to conform to SEC Rule 2–02(c) of Regulation S–X relating to the treatment of material differences between accounting principles reflected in the financial statements and those reflected in the books of a reporting bank.

I. Section 11.7(b)(3)(iv) has been added to conform to SEC Rule 2–02(d) of Regulation S–X relating to exceptions in accountants' opinions. Former § 11.7(b)(3)(iv) has been renumbered as "(vi)".

J. Section 11.7(b)(3)(v) has been added to conform to SEC Rule 2–02(e) of Regulation S–X relating to an accountant's association with an unaudited note covering interim financial data.

K. Section 11.7(c)(8)(i) has been expanded to conform more closely to SEC Rule 3–16(q)(1) of Regulation S–X relating to commitments.

L. Section 11.7(c)(9)(ix) has been added to conform to SEC Rule 3–16(e) of Regulation S–X relating to defaults on debt.

M. Section 11.7(c)(9)(x) has been added to conform to SEC Rule 3–16(e) of Regulations S–X relating to changes in indebtedness subsequent to the filing of a balance sheet.

N. Section 11.7(c)(10)(v) has been been added to conform to SEC Rule 3–16(t) of Regulation S–X relating to capitalization of interest.

O. Section 11.7(c)(10)(vi) has been added to conform to SEC Rule 3–16(s) of Regulation S–X relating to disclosure about disagreements with, and changes of, accountants.

P. Section 11.7(c)(10)(vii) has been added to provide for disclosure of selected quarterly financial data in notes to annual financial statements by those national banks subject to Part 11 whose securities are listed on a national securities exchange or are quoted on the National Association of Securities Dealers' automated quotation system (NASDAQ), and which meet certain tests of asset size and/or income. These changes have been made in response to a recent SEC amendment to Rule 3–16(t) of its financial Regulation S–X (40 FR 46111, October 6, 1975).

Q. Sections 11.7(d)(5) and (d)(6) have been revised, and paragraphs (d)(7) and (d)(8) have been added, all to conform to SEC Rules 4–03, 4–04(a) and 4–04(b) of Regulation S–X relating to the filing of consolidated or combined financial statements of subsidiaries, disclosure of the principles followed in consolidation, and disclosure of any changes in consolidation.

R. Form F–4 Quarterly Report, 12 CFR 11.44, has an expanded format which includes, among other things, comparative balance sheets, summarized statements of changes in financial position, and a narrative analysis of the results of operations. These changes respond to recent SEC amendments to its Form 10–Q (40 FR 46111, October 6, 1975) and to make the format as consistent as possible with that of the Call Reports.

S. Section 11.51, Form F–5, Item 14(b), has been amended to require 5-year historical and pro-forma earnings summaries instead of the present 3-year summaries in proxy statements filed in connection with a merger, consolidation, or other corporate reorganization of a national bank subject to Part 11.

T. Section 11.71 has a new format, with instructions, for financial reporting. The changes in existing § 11.71 have been made in response to numerous SEC changes in Article 9 of its financial reporting Regulation S–X, in order to make the financial reporting of national banks subject to 12 CFR Part 11 conform more closely to generally accepted accounting principles, and to make § 11.71 as consistent as possible with the various Call Report requirements of the Office of the Comptroller of the Currency.

The following changes in § 11.71, as well as several other minor corrections and changes in terminology which are not enumerated, will not affect the Comptroller of the Currency's methods of assessing the capital adequacy of national banks. The major changes to § 11.71 include the following:

1. Form F–9E (Statement of Changes in Financial Position) has been added.

2. In the Balance Sheet, (a) the reserve for loan losses is divided into the valuation, contingency, and deferred tax portions, and each component is to be reported in accordance with new instructions thereto; (b) subordinated debentures are to be reported in a separate caption between liabilities and capital; (c) direct lease financing is to be reported as a separate item rather than be included in "Other assets"; the reporting of minority interest in consolidated subsidiaries has been included in "Other liabilities"; and instructions regarding the reporting of equity in loss or income from subsidiaries and associated companies not consolidated have been clarified.

3. A caption "Interest bearing balances with banks" has been added to the Balance Sheet and a related income account has been added to the Statement of Income.

4. The accretion of discount on securities purchased is now required and will affect both the Statement of Income and the Balance Sheet.

5. Interest expense on certificates of deposit of $100,000 or more is required to be shown separately in the Statement of Income.

6. An Instruction to the Statement of Income has been added requiring the inclusion of foreign income taxes as part of income tax expense.

7. An instruction has been added at the end of the Statement of Changes in Capital accounts which sets forth the policy of the Comptroller of the Currency regarding the accounting treatment for "goodwill" resulting from certain business combinations.

8. The analysis of loans in Schedule III has been conformed to that of the Call Reports.

9. The analysis of deposits in Schedule VIII has been conformed to that of the Call Reports.

U. Finally, several other corrections and clarifications, all of a minor nature, have been made to existing 12 CFR Part 11 in §§ 11.4(g)(1), 11.5(c) (Notes 1 and 3), 11.5(c)(6), 11.5(e)(4), 11.5(l)(4)(iv), 11.6(e)(3)(i), 11.6(p)(1)(ii), 11.7(g)(1), 11.41 (Item 4), 11.42 (Item 4), 11.45 (General Instruction A), 11.51 [Items 9(f), 14(a), 14(b), 15(a), and 15(b)], 11.61, 11.62 and 11.102.

III. AUTHORITY, ISSUANCE OF AMENDMENTS, AND TEXT OF AMENDMENTS

The Comptroller of the Currency finds that the changes made to the proposal of July 20, 1976, respond to public comments and consist of corrections and clarifications which do not impose additional burdens on affected persons, and accordingly finds that further public participation in this rulemaking process in conformity with the relevant provisions of 5 U.S.C. § 553 requiring notice and opportunity for public comment is not necessary.

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The Comptroller of the Currency, under the authority and pursuant to the requirements of sections 12(i) and 23 of the Securities Exchange Act of 1934, hereby amends 12 CFR Part 11, as set forth below.

Effective date: The effective date of these amendments is November 1, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

OCTOBER 5, 1976.

1. In the contents to Part 11 which precedes the regulations, the caption "11.3 Inspection and publication of information filed under the Act" is changed to read as follows:

Sec.
11.3 Inspection and publication of information filed under the Act; Notice of informal adjudications.

2. In the contents to Part 11 which precedes the regulations, the caption "11.71 Forms for financial statements (Forms F-9A, B, C, and D)" is changed to read as follows:

Sec.
11.71 Forms for financial statements (Forms F-9A, B, C, D and E).

3. Following the contents to Part 11 and immediately preceding the Regulations, the citation of authority is changed to read as follows:

AUTHORITY: 15 U.S.C. 78*l*, 78m, 78p, 78w.

§ 11.2 [Amended]

4. Section 11.2 is amended by adding a new paragraph (gg) as follows:

"(gg) The term "associated company" means a company in which the bank either directly or indirectly owns 20 to 50 percent of the outstanding voting stock, unless the bank can refute the presumption of exercising significant influence. An investment of less than 20 percent of the voting stock may be carried on the equity method if the ability to exercise significant influence over the company can be demonstrated.

5. Section 11.3 is amended by changing the title of that section, by correcting the second sentence of paragraph (b), and by adding a new paragraph (d), as follows:

§ 11.3 Inspection and publication of information filed under the Act; Notice of informal adjudications.

* * * * *

(b) * * * In addition, copies of the registration statement and reports required by § 11.4 (exclusive of exhibits), the statements required by § 11.5(a), and the annual reports to security holders required by § 11.5(c) will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located. * * *

* * * * *

(d) In every case of adjudication (as defined in section 551 of Title 5, United States Code) pursuant to the Act which is not required by the Act to be determined on the record after notice and opportunity for hearing, the Comptroller of the Currency shall (1) give prompt notice of any adverse action or final disposition to any person who has requested the Comptroller of the Currency to make or not to make any such adjudication, and (2) furnish any such person a statement of the written reasons for such action or disposition.

§ 11.4 [Amended]

6. Section 11.4(a)(2) is amended by adding at the end of paragraph (a)(2) the phrase "within the period of time specified in the Act."

7. Section 11.4(g)(1) is corrected by deleting from the beginning of paragraph (g)(1) the phrase "Following the filing of a Form F-1 registration statement pursuant to section 11.4(a)" and capitalizing the word "every".

8. Section 11.4(h) is amended by substituting in the second sentence thereof the number "45" for the number "30" each time it appears.

9. Section 11.4 is further amended by adding a new paragraph (y), as follows:

"(y) *Deregistration.* (1) Any class of security of a registrant bank which is registered on a national securities exchange pursuant to section 12(b) of the Act may be withdrawn or stricken from listing and registration on such exchange in accordance with the provisions of section 12(d) of the Act and the rules of such exchange.

(2) The registration of any class of security of a registrant bank which is registered pursuant to section 12(g) of the Act shall be terminated in accordance with the provisions of section 12(g)(4) of the Act, upon certification by the bank to the Comptroller of the Currency that the number of record holders of such class of security has fallen below 300. If the bank has merged into or consolidated with another bank or banks, such certification shall be filed by the successor bank.

(3) The registration of any class of security referred to in this paragraph, and the rights and obligations incident to such registration, shall remain in effect until such registration is terminated as provided in this paragraph."

§ 11.5 [Amended]

10. Section 11.5(c) Note 1(d) is amended by adding at the end of Note 1(d) the phrase "similar in form to Form F-9E."

11. Section 11.5(c) Note 3 is amended by deleting the present Note 3 and substituting the following:

3. If financial statements are accompanied by a report of an independent accountant in either the annual report to shareholders or in the annual report (Form F-2) which is filed (or proposed to be filed) with the Comptroller of the Currency, the other annual report shall also contain such accountants' report.

12. Section 11.5(c)(6) is amended by correcting the word "boldfaced" in the first sentence of paragraph (c)(6) to read "boldface".

13. Section 11.5(e)(4) is amended by correcting the word "thereo" in the first sentence of paragraph (e)(4) to read "thereto".

14. Section 11.5(l)(4)(iv) is amended by correcting the word "writen" in clause (iv) to read "written".

15. Section 11.5(l)(3)(iv) is amended by deleting the phrase "Items 2(a) and (c)" from clause (iv) and by substituting the phrase "Items 2 (a), (c), and (e)".

16. Section 11.5(l)(4) is amended by deleting the phrase "Items 2(a) and (c)" from the first sentence of paragraph (l)(4) and substituting the phrase "Items 2 (a), (c), and (e).

§ 11.6 [Amended]

17. Section 11.6(e)(3)(i) is amended by correcting the citation to "§ 11.6(b)" in paragraph (e)(3)(i) to read "§ 11.6 (l)".

18. Section 11.6(p)(1)(ii) is corrected by deleting the present clause (ii) and substituting the following:

(ii) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any paragraph under section 16(b) of the Act) within a period of less than six months which includes the date of conversion.

§ 11.7 [Amended]

19. Section 11.7(b)(3)(i)(B), is amended by deleting the present paragraph (b)(3)(i)(B) and by substituting the following:

(B) The Comptroller of the Currency will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (*1*) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (2) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of § 11.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

20. Section 11.7(b)(3)(iii) is amended by inserting a new paragraph (b)(3)(iii)(C) which reads as follows:

(C) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

21. Section 11.7(b)(3)(iv) is amended by redesignating clause (iv) as "(vi)" and by adding two new paragraphs (iv) and (v) as follows:

"(iv) *Exceptions.* If the accountant making the report considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 11.7(c)(10)(vii), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which it is included.

22. Section 11.7(c)(8)(i) is amended by deleting the present paragraph (c)(8)(i) and substituting the following:

(i) Total rental expense (reduced by rentals from both leases and subleases received by the bank or by its bank premises subsidiary consolidated, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on non-capitalized financing leases shall be shown separately for both categories of rentals reported.

23. Section 11.7(c)(9) is amended by adding at the end thereof two new clauses (ix) and (x), as follows:

(ix) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be identified and included within "Other liabilities" if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. Classification with "Other liabilities" is not required if the lender has waived the accelerated due date or otherwise agreed to a due date more than one year from the balance sheet date. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(x) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

24. Section 11.7(c)(10) is amended by adding at the end of paragraph (c)(10)(iv) new paragraphs (c)(10)(v), (c)(10)(vi), and (c)(10)(vii), as follows:

(v) *Interest expense capitalized.* The amount of interest expense capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy on capitalizing interest expense shall make the following additional disclosures: (A) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined, and (B) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(NOTE.—National banks should not continue to capitalize interest costs on new assets acquired after December 31, 1975)

(vi) *Disagreements on accounting and financial disclosure matters.* If, within the twenty-four-month period prior to the date of the most recent financial statements, a Form F-3 has been filed reporting a change of accountants, and if included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved the reported disagreement, and if such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently concluded was required, state the existence and the nature of the disagreement and also state the effect on the financial statements if the method which the former accountants apparently would have concluded was required had been followed. These disclosures need not be made if the method asserted by the former accountants ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(vii) *Disclosure of selected quarterly financial data in notes to financial statements.*

(A) *Exemption.* This paragraph (c)(10)(vii) shall not apply unless the bank meets the following conditions:

(*1*) (*i*) The bank's securities registered under Section 12(g) of the Securities Exchange Act of 1934 are (*A*) quoted on the National Association of Securities Dealers Automated Quotation System and (*B*) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in § 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System; or (*ii*) the bank has securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934; and

(2) The bank and its consolidated subsidiaries (*i*) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting, of at least $250,000 for each of the last three fiscal years; or (*ii*) had total assets of at least $200,000,000 as of the last fiscal year end.

(B) *Explanation.* (*1*) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(2) When the data supplied in paragraph (c)(10)(vii)(B)(*1*) of this section vary from the amounts previously reported on the Form F-4 filed for any quarter, such as would be the case when a pooling of interests occurs or when an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(3) Describe the effect of any disposals of segments of a business, and extraordinary, unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter.

(*4*) Where this note is part of financial statements which are presented as audited, it may be designated "unaudited".

25. Section 11.7(d) is amended by deleting present subparagraphs (5) and (6) and by substituting new subparagraphs (5), (6), (7) and (8), as follows:

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50-percent-or-less-owned persons, the investments in which are accounted for by the equity method, are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

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(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries in consolidated or combined financial statements and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Comptroller of the Currency, which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed.

(8) Any change in the fiscal year of any consolidated person, which was made during the reported periods and which had a material effect on the consolidated financial statements, should be clearly indicated.

26. Section 11.7(g)(1) is amended by deleting the phrase "and Schedule VI—Other Liabilities for Borrowed Money." from the end of subparagraph (1) and substituting the phrase "Schedule VI—Other Liabilities for Borrowed Money; and Schedule VIII—Deposits."

§ 11.41 [Amended]

27. Section 11.41, Form F–1, Item 4, Instruction 1, is amended by deleting the present Instruction 1 and substituting the following:

Instructions. 1. At a minimum, Items 1(j), 2(j), 2(*l*) [excluding 2(j)], 3, 4, 5, 6, 7, and 10 of Form F–9B, and dividends per share, shall be shown.

§ 11.42 [Amended]

28. Section 11.42, Form F–2, Item 4, Instruction 1, is amended by deleting the present Instruction 1 and substituting the following:

Instructions. 1. At a minimum, Items 1(j), 2(j), 2(*l*) [excluding 2(j)], 3, 4, 5, 6, 7, and 10 of Form F–9B, and dividends per share, shall be shown.

29. Section 11.44, Form F–4, is deleted in its entirety, including the instructions thereto, and a new § 11.44 is substituted as follows:

§ 11.44 Form for quarterly report of bank (Form F–4).

COMPTROLLER OF THE CURRENCY—FORM F–4, QUARTERLY REPORT

(Name of bank)

(City and State)

PART A—*Summarized financial information*

Item	3 mos ending ----		Fiscal year to date (---- months ending ----)	
	19---- (current year)	19---- (prior year)	19---- (current year)	19---- (prior year)
1 Operation income:				
(a) Interest and fees on loans				
(b) Interest on balances with banks				
(c) Income on Federal funds sold and securities purchased under agreements to resell				
(d) Interest and dividends on investments:				
(1) U S Treasury securities				
(2) Obligations of other U S Government agencies and corporations				
(3) Obligations of States and political subdivisions				
(4) Interest on other bonds, notes and debentures				
(5) Dividends on stock				
(e) Income from direct lease financing				
(f) Income from fiduciary activities				
(g) Service charges on deposit accounts				
(h) Other service charges, collection and exchange charges, commissions and fees				
(i) Other operating income				
(j) Total operating income				
2 Operating expenses:				
(a) Salaries, wages, and other employee benefits				
(b) Interest on time certificates of deposit of $100,000 or more				
(c) Interest on deposits in foreign offices				
(d) Interest on other deposits				
(e) Expense of Federal funds purchased and securities sold under agreements to repurchase				
(f) Interest on borrowed money				
(g) Interest on subordinated notes and debentures				
(h) Occupancy expense of bank premises, net				
Gross occupancy				
Less: Rental income				
(i) Furniture and equipment expense (including depreciation of $---)				
(j) Provision for possible loan losses				
(k) Other expenses				
(l) Total operating expenses				
3. Income (loss) before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income (loss) before securities gains (losses)				
6. Net securities gains (losses), less related tax effect ($---)				
7. Net income (loss)				
OR				
7. Income (loss) before extraordinary items				
8. Extraordinary items, less related income tax effect ($---)				
9. Net income (less)				
10. Earnings (loss) per common share: [1]				
Income before securities gains (looses)				
Net income (loss)				

[1] The per share amount of securities gains (losses may be stated separately). If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately. When the reporting bank is a wholly-owned subsidiary (except for directors' qualifying shares) of a bank holding company, per share data shall be deleted.

PART B.—*Balance sheet*

Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter and for the ending of the corresponding quarter for the preceding fiscal year.

	As of ---- 19---- (current year)	As of ---- 19---- (prior year)
ASSETS		
1. Cash and due from banks		
2. Interest bearing balances with banks		
3. Investment securities:		
(a) U S. Treasury securities		
(b) Obligations of other U.S. Government agencies and corporations		
(c) Obligations of States and political subdivisions		
(d) Othes bonds, notes and debentures		
(e) Federal Reserve and corporate stock		
4. Trading account securities		
5. Federal funds sold and securities purchased under agreements to resell		
6. Loans:		
Less:		
(a) Unearned income on loans		
(b) Reserve for possible loan losses		
7. Direct lease financing		
8. Bank premises, equipment, furniture and fixtures		
9. Real estate owned other than bank premises		
10. Investment in unconsolidated subsidiaries and associated companies		
11. Customers, liability on acceptances outstanding		
12. Other assets		
13. Total assets		
LIABILITIES AND CAPITAL		
14. Deposits in domestic offices:		
(a) Demand		
(b) Savings		
(c) Time		
15. Deposits in foreign offices		
16. Federal funds purchased and securities sold under agreements to repurchase		
17. Liabilities for borrowed money		
18. Mortgages payable		
19. Bank's acceptances outstanding		
20. Other liabilities		
21. Total liabilities excluding subordinated notes and debentures		
22. Subordinated notes and debentures		
23. Equity capital:		
(a) Capital stock:		
Preferred stock (Shares outstanding ----; Par value $---)		
Common stock:		
Common stock:		
(a) Shares authorized ----		
(b) Shares outstanding ----; Par value $----		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
24. Total equity capital		
25. Total liabilities, subordinated notes and debentures, and equity capital		

PART C.—*Changes in the undivided profits account*

Furnish, insofar as practicable in the manner presented below, data as of the end of the latest fiscal quarter. State the date of the latest fiscal quarter ----

Undivided profits:	
(a) Balance at beginning of current fiscal year	
(b) Net income to date	
(c) Dividends declared	
Common stock:	
Cash	
Stock (percent)	
Preferred stock:	
Cash ($---- per share)	
(d) Prior period adjustments [List and describe all credits and (charges) separately]	
(e) Other credits and (charges) [List and describe all these items separately]	
(f) Balance at end of interim period	

PART D.—*Changes in financial position* [2]

	Fiscal year to date (---- months ending ----)	
	19---- (current year)	19---- (prior year)
Sources of funds:		
Operations:		
Net income		
Charges to income not affecting funds		
Total funds provided by operations		
Equity funds, sale proceeds		
Subordinated notes and debentures, sale proceeds		
Increase in liabilities [1]		
Decrease in operating assets [1]		
Total		
Applications of funds:		
Payment of dividends		
Purchase of property and equipment		
Decrease in liabilities [1]		
Increase in operating assets [1]		
Total		

[1] Sources and applications of funds shal be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods.

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

[2] Historically, this statement has been prepared primarily from a comparison of period-end balances. The bank may, at its option, prepare this statement using average daily balances for changes in asset and liability accounts. If the use of the average daily balance method results in the presentation of data which materially differ from those which would have been shown if the period-end method had been used, such differences shall be disclosed in a note to the financial statements.

Date ----

---- (Name of bank)

By ----

(Name and title of signing officer)

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(a) *Use of Form F–4.* (1) Form F–4 is a guide for use in preparation of quarterly reports to be filed with the Comptroller of the Currency. (2) The report shall be filed not later than 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller of the Currency, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. Reclassifications to make the information comparative should be made. The information is not required to be audited (see § 11.7(b) of this Part). The report may carry a notation to that effect and any other qualifications considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Management's opinion.* The information furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods. A statement to that effect shall be included. Furnish any material information necessary to make the information called for not misleading, such as a statement that the results for interim periods are not necessarily indicative of results to be expected for the year.

(e) *Incorporation by reference to published statements.*

If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(f) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F–9B, Statement of Income.)

(g) *Acquisitions and dispositions.* (1) If the bank, or any of its subsidiaries or associated companies, has entered into a business combination with another entity treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanations if material to the consolidated operations. (2) If the bank, or any of its subsidiaries or associated companies, has disposed of any significant portion of its business during any of the periods covered by the report, the effect thereof on revenues and net income (total and per share) for all periods presented shall be disclosed, if material to the consolidated operations. (3) If the bank, or any of its subsidiaries or associated companies, has acquired a significant business in a transaction treated for accounting purposes as a purchase during any of the periods covered by the report, pro-forma disclosure shall be made, in a footnote, of the results of operations for the current year up to the date of the end of the most recent fiscal quarter (and for the comparable period in the preceding year) as though the entities had combined at the beginning of the period being reported, if material to the consolidated operations. This pro-forma information should show at a minimum (i) total operating income, (ii) income before securities gains or (losses), extraordinary items, and the cumulative effect of accounting changes, and (iii) net income. The per share amounts should be shown for (ii) and (iii) above.

(h) *Management's analysis of quarterly income statements.*

The bank shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

(i) *Other financial information.* The bank may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the bank's business, major uncertainties currently facing the bank, debt guarantees of affiliated or associated companies, significant accounting changes under consideration and the dollar amount of standby letters of credit. In addition, the bank shall indicate whether any Form F–3 was required to be filed reporting any material unusual charges or credits to income during the most recently completed fiscal quarter or whether any Form F–3 was required to be filed during that period reporting a change in independent accountants.

(j) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statements included in the annual report filed with the Comptroller of the Currency for the preceding fiscal year, except for any subsequent regulatory revisions and for changes required to be reported by § 11.7(c)(5) of this part. The footnote disclosures and schedules required by 12 CFR §§ 11.7 and 11.71 are not required. However, disclosure must be adequate to make the report not misleading.

§ 11.45 [Amended]

30. Section 11.45, Form F–20, General Instructions is amended by correcting General Instruction A. to read as follows:

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments, which are prescribed in § 11.4(u).

§ 11.51 [Amended]

31. Section 11.51, Form F–5, Item 9(f), the Instruction to paragraph (f) of Item 9 is corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

32. Section 11.51, Form F–5, Item 14 (a), paragraph (a) of Item 14 is corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

33. Section 11.51, Form F–5, Item 14 (b) (5) and (6), in the first sentence of both paragraphs (b) (5) and (b) (6), the phrase "last 3 fiscal years" is deleted and in each case the phrase "last 5 fiscal years" is substituted therefor.

34. Section 11.51, Form F–5, Item 14 (b)(7), paragraph (7)(1) is corrected to read "(i)"; paragraphs (7)(1)(i), (ii) and (iii) is corrected to read "(A)", "(B)" and "(C)", respectively; and paragraph (7)(2) is corrected to read "(ii)".

35. Section 11.51, Form F–5, Item 14 (b)(8), Instruction 1, is amended by changing the word "reflect" in the last sentence of Instruction 1 to read "indicate".

36. Section 11.51, Form F–5, Item 15 (a), is amended by deleting the last sentence of paragraph (a) and substituting the following last sentence:

All schedules except Schedules III, VII, and VIII (Loans; Allowance for Possible Loan Losses; Deposits) may be omitted.

37. Section 11.51, Form F–5, Item 15 (b)(1), is amended by deleting paragraph (b)(1) and by substituting the following:

(1) All schedules, except Schedules III, VII and VIII (Loans; Allowance for Possible Loan Losses; Deposits);

38. Section 11.61, Form F–7, Line (1) is corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:"

§ 11.62 [Amended]

39. Section 11.62, Form F–8, Line (1), is corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:"

40. Section 11.62, Form F–8, Instruction 11, is amended by adding the following sentence at the beginning of Instruction 11:

State whether the transaction was an acquisition or a disposition. • • •

41. Section 11.62, Form F–8, Instruction 12(b), is amended by deleting the present paragraph (b) of Instruction 12 and substituting the following:

(b) When two or more securities are purchased or sold as a unit (see Instruction 6(a) above), the purchase or sale price of the unit shall be stated next to one of the listed securities and cross-referenced to the other security or securities. Any appropriate details may be given in the "Remarks" space following Table II.

42. Section 11.62, Form F–8, Instruction 13, is corrected by changing the word "accounts" in the middle of the first sentence of Instruction 13 to read "amounts" and by deleting the phrase "or accounts" at the end of that sentence.

43. Section 11.71, Forms for Financial Statements (Forms F–9 A, B, C and D) is deleted in its entirety and the following revised § 11.71 is substituted therefor;

§ 11.71 Forms for financial statements (Forms F–9 A, B, C, D and E).

FORM F–9: FINANCIAL STATEMENTS

A. Balance Sheet (Form F–9A).
B. Statement of Income (Form F–9B).
C. Statement of Changes in Capital Accounts (Form F–9C).
D. Schedules (Form F–9D).
E. Statement of Changes in Financial Position (Form F–9E).

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in, but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e), (f) and (g) thereof which prescribe when statements of changes in capital accounts, statements of changes in financial position, and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) Where the results would be only insignificantly different on a cash basis, or (b) Where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks.
2. Interest bearing balances with banks.
3. Investment securities:
   (a) U.S. Treasury securities.
   (b) Obligations of other U.S. Government agencies and corporations.
   (c) Obligations of States and political subdivisions.
   (d) Other bonds, notes and debentures.
   (e) Federal Reserve and Corporate stock.
4. Trading account securities.
5. Federal funds sold and securities purchased under agreements to resell.
6. Loans.
   Less: Reserve for possible loan losses.
   Loans, net.
7. Direct lease financing.
8. Bank premises, equipment, furniture and fixtures.
9. Real estate owned other than bank premises.
10. Investment in unconsolidated subsidiaries and associated companies.
11. Customers' liability on acceptances outstanding.
12. Other assets.
13. Total assets.

LIABILITIES

14. Deposits in domestic offices:
   (a) Demand.
   (b) Savings.
   (c) Time.
15. Deposits in foreign offices.
16. Federal funds purchased and securities sold under agreements to repurchase.
17. Liabilities for borrowed money.
18. Mortgages payable.
19. Bank's acceptance outstanding.
20. Other liabilities.
21. Total liabilities (excluding subordinated notes and debentures).
22. Subordinated notes and debentures.

CAPITAL ACCOUNTS

23. Equity capital:
   (a) Capital stock:
      Preferred stock.
      Common stock.
   (b) Surplus.
   (c) Undivided profits.
   (d) Reserve for contingencies and other capital reserves.
24. Total equity capital.
25. Total liabilities, subordinated notes and debentures, equity capital.

1. *Cash and due from banks.* (a) State the total of, (1) currency and coin, (i) owned and held in the bank's vaults, and (ii) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) non-interest bearing demand and non-interest bearing time deposit balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets."

(d) Cash items in process of collection include:

(1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day);

(2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and

(3) Such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Interest bearing balances with banks.* Include interest bearing balances with banks in the United States and with other banks.

3. *Investment securities.*

(a) State separately book value of:

(1) U.S. Treasury securities;

(2) Securities of other U.S. Government agencies and corporations;

(3) Obligations of States and political subdivisions;

(4) Other bonds, notes and debentures; and

(5) Federal Reserve and corporate stock. Include securities pledged, loaned or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and for accretion of discount. There shall be set forth in a note to financial statements:

(1) The basis of accounting for book value;

(2) If bond discount amounts to 5 percent or more of interest and dividends on investments, the total of accretion income; and (3) The fair market value for each class of investment securities.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

4. *Trading account securities.* State the aggregate value at the balance sheet date of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (a) cost, (b) lower of cost or market, or (c) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

5. *Federal funds sold and securities purchased under agreements to resell.*

(a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of:

(1) Whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and

(2) Whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

6. *Loans.* (a)(1) State the aggregate gross value of all loans including:

(i) Acceptances of other banks and commercial paper purchased in the open market;

(ii) Acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount;

(iii) Customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed;

(iv) "Cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers; and

(v) Overdrafts in demand deposit acounts of other banks, both domestic and foreign.

(2) Include:

(i) Paper rediscounted with the Federal Reserve or other banks; and

(ii) Paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

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(3) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "real estate owned other than bank premises."

(4) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

(5) Deduct unearned income on loans.

(b) *Less: Reserve for Possible Loan Losses.* State the balance of the reserve for possible loan losses at the end of the fiscal year. Include in this reserve only the valuation portion that has been established through charges against income.

(NOTES.—1. For banks using the reserve method of accounting for loan losses, the reserve for possible loan losses allowable under IRS regulations is made up of three parts: (a) Valuation portion, (b) Contingency portion, and (c) Deferred tax portion:

(a) *Valuation portion.* If prior to January 1, 1969, a bank did not distinguish the different parts of the reserve for loan losses, the total balance in the reserve for loan losses on December 31, 1968, may be considered to have been a valuation reserve. Such balance is increased by the amount of provision for possible loan losses charged to income in each period since December 31, 1968, and the amount of loan recoveries in each period since December 31, 1968, and reduced by the loan losses charged to the reserve for possible loan losses in each period since December 31, 1968. The resulting balance is the valuation portion of the reserve which is required to be deducted from total loans in the balance sheet. Only the valuation portion of the reserve for loan losses is available for absorbing loan losses.

(b) *Contingency portion.* This represents the cumulative amount of transfers from undivided profits to IRS Reserve for Bad Debts. This amount, net of applicable income tax reduction benefit, should be allocated to Equity Capital and shown in the Balance Sheet as Item 23(d) "Reserve for contingencies and other capital reserves."

(c) *Deferred tax portion.* This represents the tax effect on the difference between the deduction for loan losses claimed for income tax purposes pursuant to IRS rulings and the "Provision for possible loan losses" claimed for financial reporting purposes. The "deferred tax portion" should be reported in "Other liabilities".

2. In the rare circumstances where the cumulative provisions for loan losses charged against income have exceeded cumulative transfers to the bad debt reserve account calculated pursuant to IRS regulations in the period since December 31, 1968, the entire balance of the reserve for loan losses is considered a valuation reserve.)

7. *Direct lease financing.* Include the outstanding balance of all types of leases, e.g. financing, leverage, etc., on property acquired for the purpose of lease financing.

8. *Bank premises and equipment, furniture and fixtures.*

(a) State the aggregate cost of: (1) Bank premises owned;

(2) Lease-hold improvements; and

(3) Equipment. The foregoing should be shown net of any accumulated depreciation or amortization.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "lease-hold improvements" comprehends two types of situations:

(1) Where the bank erects a building on leased property;

(2) Where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

9. *Real estate owned other than bank premises.*[1]

(a) This item should include all amounts representing investments, loans, and other assets based on properties which, disregarding the manner of holding or form of conveyance, properly should be considered to represent real estate owned other than bank premises.

(b) Include assets representing property sold or transferred, directly or indirectly, where the terms of the transaction or other conditions do not afford reasonable assurance that the properties will not be taken over by the bank, regardless of whether or not a deed has been delivered. This item should also include a sale or transfer where someone other than the bank takes title for the convenience of the bank.

(c) Mortgage or liens on other real estate owned for which the bank is liable should be reported in item 18.

(NOTE.—With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan immediately prior to the time of foreclosure plus the bank's out-of-pocket costs in acquiring clear title to the property.)

10. *Investment in unconsolidated subsidiaries and associated companies.*

(a) State the aggregate investment, including advances, in subsidiaries and associated companies not consolidated.

(b) The equity method of accounting should be used.

11. *Customers' liability on acceptances outstanding.*

(a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank—on the reporting date. (If held by the reporting bank, they should be reported as "loans.")

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits."

[1] Refer to Interpretive Ruling 7.3025.

(c) Do not include customers' liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

12. *Other assets.* State separately, if material: (a) Income earned but not collected; (b) Prepaid expenses; and (c) Any other asset not included in the preceding items.

13. *Total assets.* State the sum of all asset items.

LIABILITIES

14. *Deposits in domestic offices.* (a) State separately (1) Demand deposits, (2) Savings deposits, and (3) Time deposits. State in a footnote the aggregate amount of time certificates of deposit of $100,000 or more. Related unposted debits, if any, should preferably be deducted from deposits.

(b) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(c) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(d) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(e) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

15. *Deposits in foreign offices.* In reporting deposits in foreign offices, short and long term liabilities carried on the books of foreign offices should be classified as borrowings rather than deposits in foreign offices if they are of the type subject to the limitations of 12 USC 82. Borrowings also include assets rediscounted with central banks, participations sold in loans and securities (in certain circumstances), government fundings of loans, borrowings from the Export-Import Bank, and rediscounted trade acceptances. Deposits in foreign offices consist of such other short and long term liabilities issued or undertaken as a means of obtaining funds to be used in the banking business and especially include those liabilities generally characterized as "replacements and redeposits," "call money", and "deposit substitutes".

16. *Federal funds purchased and securities sold under agreements to repurchase.*

(a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of:

(1) Whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and

(2) Whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

17. *Liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

18. *Mortgages payable.*

(a) State separately here, or in a note referred to herein, such information as will indicate:

(1) The general character of the debt including the rate of interest;

(2) The date of maturity;

(3) If the payment of principal or interest is contingent, an appropriate indication of such contingency; and

(4) A brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

19. *Bank's acceptances outstanding.*

(a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange so required by usage of trade in the respective countries, dependencies, or insular possessions.

20. *Other liabilities.* State separately, if material:

(a) Accrued payrolls;

(b) Accrued income tax liability (Federal and State combined);

(c) Accrued interest;

(d) Cash dividends declared but not paid;

(e) Income collected but not earned;

(f) The aggregate amount of minority stockholders' interests in capital stock, surplus and undivided profits of consolidated subsidiaries;

(g) The aggregate amount of deferred taxes; and

(h) Any other liability not included in Items 14 through 19.

21. *Total liabilities.* State the sum of Items 14 through 20.

22. *Subordinated notes and debentures.* State separately here, or on a note referred to herein, each issue or type of obligation and such information as will indicate:

(a) The general character of each type of debt including the rate of interest;

(b) The date of maturity (or dates if maturing serially) and call provisions;

(c) The aggregate amount of maturities and sinking fund requirements, each year for the 5 years following the date of the balance sheet;

(d) If the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency;

(e) A brief indication of priority; and

(f) If convertible, the basis.

CAPITAL ACCOUNTS[2]

23. *Equity capital.* (a) Capital stock. State for each class of shares the title of the issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits.

(1) State the amount of undivided profits shown by the bank's books; and

(2) The amount of undivided profits available for the payment of dividends should be disclosed in a footnote.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserves and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for security losses, the contingency portion of the reserve for loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits."

24. *Total equity capital.* State the total of the segments included within Item 23.

25. *Total Liabilities, subordinated debentures and equity capital.* State the total of Items 21, 22 and 24.

B. STATEMENT OF INCOME

1. Operating income:

(a) Interest and fees on loans.

(b) Interest on balances with banks.

(c) Income on Federal funds sold and securities purchased under agreements to resell.

(d) Interest and dividends on investments:

(1) U.S. Treasury securities.

(2) Obligations of other U.S. Government agencies and corporations.

(3) Obligation of States and political subdivisions.

(4) Interest on other bonds, notes and debentures.

(5) Dividends on stock.

(e) Income from direct lease financing.

(f) Income from fiduciary activities.

(g) Service charges on deposit accounts.

(h) Other service charges, collection and exchange charges, commissions and fees.

(i) Other operating income.

(j) Total operating income.

2. Operating expenses:

(a) Salaries, wages and other employees benefits.

(b) Interest on time certificates of deposit of $100,000 or more.

(c) Interest on deposits in foreign offices.

(d) Interest on other deposits.

(e) Expense of Federal funds purchased and securities sold under agreements to repurchase.

(f) Interest on borrowed money.

(g) Interest on subordinated notes and debentures.

(h) Occupancy expense of bank premises, net Gross occupancy expense.

Less: Rental income.

(i) Furniture and equipment expense (including depreciation of $----).

(j) Provision for possible loan losses.

(k) Other expenses.

(l) Total operating expenses.

3. Income (loss) before income taxes and securities gains (losses).

4. Applicable income taxes.

5. Income (loss) before securities gains (losses).

6. Net securities gains (losses), less related tax effect, $----.

7. Net income (loss).

OR

7. Income (loss) before extraordinary items.

8. Extraordinary items, less related income tax effect, $----.

9. Net income (loss).

10. Earnings (loss) per common share.[3]

Income before securities gains (losses).

Net income (loss).

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc. Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Interest on balances with banks.* Include the amount of interest income earned on balances carried with other banks. Also include any realized gains or losses on the disposition of negotiable time certificates of deposit.

(c) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(d) *Interest and dividends on investments.*

(1) State separately interest and dividends from:

(i) U.S. Treasury securities,

(ii) Securities of other U.S. Government agencies and corporations,

(iii) Obligations of States and political subdivisions,

(iv) Other securities owned by the bank, including securities pledged, loaned or sold under repurchase agreements and similar arrangements, and (v) stock dividends.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If bond discount amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements the amount of accretion income.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be

[2] Federal law (12 U.S.C. 51c) expressly provides that the term "capital" as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired." However, capital notes and debentures are considered by the Comptroller of the Currency in his determination as to the capital adequacy of national banks and in various other determinations expressed in the national banking laws as percentages of "capital and surplus" or "capital stock and surplus."

[3] The per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately.

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credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(e) *Income from direct lease financing.* Include net income earned from the leasing of personal property acquired by the bank.

(f) *Income from fiduciary activities.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the effect on the financial statements would not be materialy different from the accrual basis.

(g) *Service charges on deposit accounts.* Include amounts charged depositors who fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges, etc.

(h) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(i) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(h).

(2) Include:

(i) Net trading account income consisting of profits and losses related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions and other indirect expenses;

(ii) Gross rentals from real estate owned other than bank premises and safe deposit boxes;

(iii) Equity in loss or net remittable income from subsidiaries and associated companies not consolidated; and

(iv) All other recurring credits and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(h).

(4) State separately, if material:

(i) Net trading account income.

(ii) Equity in loss or net remittable income from subsidiaries and associated companies not consolidated; and

(iii) All other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(j) *Total operating income.* State the sum of Items 1(a) through 1(i).

2. *Operating expenses.* State separately.

(a) *Salaries, wages and other employee benefits.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees. Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(h).

(2) Include bonus and profit sharing paid directly or through a trustee. Also include compensation that is deferred and not distributed to employees.

(3) Do not include amounts paid to legal, management and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(k).

(4) Include all supplementary benefits accrued during the report period on behalf of all officers and employees except building department personnel [see Item 2(h)].

(5) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(6) Do not include expenses related to testing, training or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(k).

(b) *Interest on time certificates of deposit of $100,000 or more.* Include the interest expense of time certificates of deposit issued in denominations of $100,000 or more.

(c) *Interest on deposits in foreign offices.* Include interest on all deposits in foreign offices.

(d) *Interest on other deposits.* Include include interest on all other deposits.

(e) *Expense of Federal funds purchased and securities sold under agreements to repurchase.*

(1) Include the total gross expense of Federal funds purchased and securities sold under agreements to repurchase.

(2) Include expenses of such transactions undertaken by consolidated Edge Act and Agreement corporations.

(f) *Interest on borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(h).

(g) *Interest on subordinated notes and debentures.*

(1) Include all interest on subordinated notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(i) or 2(k).

(h) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" the aggregate amount of:

(i) Salaries, wages, and other employee benefits of bank personnel [as detailed in Items 2(a)(1) to 2(a)(6)] who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries;

(ii) Depreciation of bank premises and amortization of lease-hold improvements;

(iii) Rent expense of bank premises;

(iv) Real estate taxes;

(v) Interest on mortgages on bank premises owned; and

(vi) Other bank premises operating and maintenance expenses.

(2) Include in "rental income" the aggregate amount of rentals from bank premises leased or sub-leased by the bank or its consolidated premise subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parentheses.

(i) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown either in parentheses or in a footnote.

(2) Include taxes on furniture and equipment.

(j) *Provision for possible loan losses.*

(1) Banks shall include a provision for potential losses in the current loan portfolio based on bank management's evaluation of the loan portfolio in light of all relevant factors.

(2) Furnish in a note to financial statements an explanation of the basis for determining the loan loss provision.

(3) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(4) Banks with total assets exceeding $25 million as of the end of the latest fiscal year must be on the accrual basis for loan loss reserves.

(k) *Other expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(j).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Real estate owned other than bank premises," postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Include minority interest in consolidated subsidiaries.

(5) Itemize all amounts that represent 25 percent or more of this item.

(*l*) *Total operating expenses.* State the sum of Items 2(a) through 2(k).

3. *Income (loss) before income taxes and securities gains (losses).* State the difference of Item 1(j) minus Item 2(*l*).

4. *Applicable income taxes.*[4]

(a) State the aggregate of Federal, State and foreign income taxes applicable to the amount reported in Item 3.

(b) Do not include income taxes applicable to net securities gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. *Income (loss) before securities gains (losses).* State the difference of Item 3 minus Item 4.

6. *Net securities gains (losses).* State the net result after income taxes of securities gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income (loss).* State the sum or difference of Items 5 and 6.

NOTE.—If extraordinary items are reported (see Item 8) the caption to this Item shall read, "Income (loss) before extraordinary items."

8. *Extraordinary items.* State the results of material nonrecurring tranaactions that have occurred during the reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises and expropriation of properties. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(i) or 2(k) as appropriate.)

9. *Net income (loss).* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements. When the reporting bank is a wholly-owned subsidiary (except for directors' qualifying shares) of a bank holding company, per share data shall be deleted.

[4] Refer to 12 CFR 11.7(c)(10)(iv).

C. *STATEMENT OF CHANGES IN CAPITAL ACCOUNTS*

	Preferred stock $.... par	Common stock $.... par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Balance at beginning of year [1]					
2. Net income transferred to undivided profits					
3. Preferred stock and common stock sold (par or face value)					
4. Stock issued incident to mergers or acquisitions					
5. Premium on capital stock sold					
6. Additions to (or reductions in) surplus, undivided profits and reserves incident to mergers					
7. Cash dividends declared on preferred stock					
8. Cash dividends declared on common stock					
9. Stock issued in payment of stock dividend ..... shares at par value					
10. All other increases (decreases) for the period [2]					
11. Net increase (decrease) for the period					
12. Balance at the end of period					

[1] If the statement is filed as part of an annual or other report, and the balances at the beginning of the period differ from closing balances reported in previously issued reports, state separately the adjustments to these balances.

[2] State separately each item indicating clearly the nature of the transaction out of which the item arose. Adjustments such as: (a) prior period taxes; (b) prior period depreciation taken; (c) bad checks; (d) cash over/short should be charged or credited to the income statement for the current period.

[3] The difference between the purchase price and the fair value of the net assets acquired in business combinations treated as a purchase for accounting purposes should be charged to undivided profits.

D. *SCHEDULES*

SCHEDULE 1.—*U.S. Treasury securities; obligations of other U.S. Government agencies or corporations; obligations of State and political subdivisions; and other bonds, notes, and debentures*

Type and maturity grouping [1]	Book value [2]	Market value [3]
U.S. Treasury securities		
Within 1 yr.		
After 1 but within 5 yr.		
After 5 but within 10 yr.		
After 10 yr.		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies or corporations		
Within 1 yr.		
After 1 but within 5 yr.		
After 5 but within 10 yr.		
After 10 yr.		
Total of other U.S. Government agencies or corporations		
Obligations of States and political subdivisions [4]		
Within 1 yr.		
After 1 but within 5 yr.		
After 5 but within 10 yr.		
After 10 yr.		
Total obligations of States and political subdivisions		
Other bonds, notes, and debentures [5]		
Within 1 yr.		
After 1 but within 5 yr.		
After 5 but within 10 yr.		
After 10 yr.		
Total other bonds, notes, and debentures		

[1] Excludes securities sold short, securities borrowed, securities purchased but not yet delivered, and trading account securities.

[2] State briefly in a footnote the basis for determining the amounts in this column. Totals should agree with the related balance sheet amounts.

[3] If market value is determined on any basis other than market quotations at balance sheet date, explain.

[4] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territoria and insular possessions of the United States. Do not include obligations of foreign states.

[5] State in a footnote the aggregate amount and book value of foreign securities included.

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SCHEDULE II.—*Corporate stock*

Type	Book value [1]	Market value [2]
Stock of the Federal Reserve bank		
Other stocks		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] If market value is determined on any basis other than market quotation at balance sheet date, explain. Stock of the Federal Reserve Bank should be valued for purposes of this Schedule.

SCHEDULE III.—*Loans* [1]

1. Real estate loans (include only loans secured primarily by real estate):
   a. Construction and land development.
   b. Secured by farmland (including farm residential and other improvements).
   c. Secured by 1-4 family residential properties:
      (1) Insured by FHA or guaranteed by VA.
      (2) Conventional.
   d. Secured by multi-family (5 or more) residential properties:
      (1) Insured by FHA.
      (2) Conventional.
   e. Secured by nonfarm nonresidential properties.
2. Loans to financial institutions:
   a. To real estate investment trusts and mortgage companies.
   b. To domestic commercial banks.
   c. To banks in foreign countries.
   d. To other depository institutions (Mutual Savings Banks, Savings and Loan Associations, Credit Unions).
   e. To other financial institutions.
3. Loans for purchasing or carrying securities (secured or unsecured):
   a. To brokers and dealers in securities.
   b. Other loans for purchasing or carrying securities.
4. Loans to farmers (except loans secured primarily by real estate; include loans for households and personal expenditures).
5. Commercial and industrial loans (except those secured primarily by real estate).
6. Loans to individuals for household, family, and other personal expenditures (include purchased paper):
   a. To purchase private passenger automobiles on installment basis.
   b. Credit cards and related plans:
      (1) Retail (charge account) credit card plans.
      (2) Check credit and revolving credit plans.
   c. To purchase other retail consumer goods on installment basis:
      (1) Mobile homes (exclude travel trailers).
      (2) Other retail consumer goods (exclude credit cards and related plans).
   d. Installment loans to repair and modernize residential property.
   e. Other installment loans for household, family, and other personal expenditures.
   f. Single-payment loans for household, family, and other personal expenditures.
7. All other loans.
8. Total loans, Gross (sum of Items 1 through 7).
9. Less: Unearned income on loans.
10. Total loans.

[1] Detailed instructions for the preparation of this schedule are contained within the Instructions for Preparat of Consolidated Reports of Condition and Reports of Income by National Banking Associations, revised March 197

SCHEDULE IV.—*Bank premises, equipment, furniture, and fixtures*

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [2] [4]	Amount at which carried on balance sheet
Bank premises (including land $_____)			
Equipment, furniture, and fixtures			
Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.
[2] State briefly in a footnote the basis of determining the amounts in this column if different than historical cost.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amount for the last fiscal year shall be stated in an explanatory footnote.
[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.
[5] Show in a footnote totals (corresponding to the 1st 2 columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V.—*Investments in, dividend income from, and share in earnings or losses of unconsolidated subsidiaries and associated companies*

Name of subsidiary or associated company	Percent of voting stock owned directly or indirectly	Total investment, including advances, at balance sheet date	Equity in underlying net assets at balance sheet date [1]	Amount of dividends received during the period [2]	Proportionate part of earnings or (loss) for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.
[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.
[3] Those foreign investments, the enumeration of which would be detrimental to the bank, may be grouped.

SCHEDULE VI.—*Liabilities for borrowed money*

Item	Amount
Borrowings from Federal Reserve bank	
Unsecured notes payable within 1 yr.	
Unsecured notes payable after 1 yr.	
Other obligations	
Total	

SCHEDULE VII.—*Reserve for possible loan losses* [1]

Item	Amount
Balance at beginning of period	
Recoveries credited to reserve	
Changes incident to mergers and absorptions [2]	
Provisions for possible loan losses charged to income	
Total	
Losses charged to allowance	
Balance at the end of period [3] [4]	

[1] Do not include any entries pertaining to reserve accounts established by segregation of the bank's undivided profits account.
[2] Describe briefly in a footnote any such additions.
[3] Describe briefly in a footnote the basis used in determining the amount accumulated in the reserve at the end material difference between the reserve for possible loan losses reported herein and the reserve for bad debts com-
[4] Indicate in a footnote whether the bank's reserve for bad debts computed for Federal income tax return purposes is at the maximum allowable pursuant to Treasury tax formula. In addition, set forth a summary reconciliation of any material difference between the reserve for possible loan losses reported herein and the reserve for bad debts computed for Federal income tax purposes.

SCHEDULE VIII.—*Deposits in domestic offices* [1]

Deposits	Demand	Savings	Time
1. Deposits of individuals, partnerships, corporations:			
a. Individuals and nonprofit organizations			
b. Corporations and other profit organizations			
c. Total, (sum of 1a and 1b)			
d. Mutual savings banks			
e. Deposits accumulated for payment of personal loans			
f. Total			
2. Deposits of U.S. Government			
3. Deposits of States and political subdivisions			
4. Deposits of foreign governments and official institutions, central banks, and international institutions			
5. Deposits of commercial banks in the United States			
6. Deposits of banks in foreign countries, including balances of foreign branches of other American banks			
7. Certified and officers' checks, travelers' checks, letters of credit			
8. Total deposits			

[1] Detailed instructions for the preparation of this schedule are contained within the "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations," revised March 1976.

E. CHANGES IN FINANCIAL POSITION[1]

Sources of funds	
Operations:	
Net income	
Charge to income not affecting funds	
Total funds provided by operations	
Equity funds, sale proceeds	
Subordinated notes and debentures, sale proceeds	
Increase in liabilities [2]	
Decrease in operating assets [2]	
Total	
Applications of funds	
Payment of dividends	
Purchase of property and equipment	
Decrease in liabilities [2]	
Increase in operating assets [2]	
Total	

[1] Sources and applications of funds shall be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods.
[2] Historically, this statement has been prepared primarily from a comparison of period-end balances. The bank may, at its option, prepare this statement using average daily balances for changes in asset and liability accounts. If the use of the average daily balance method results in the presentation of data which materially differ from those which would have been shown if the period-end method had been used, such differences shall be disclosed in a note to the financial statements.

§ 11.102 [Amended]

44. Section 11.102(d)(1) is corrected by deleting the word "greater" in paragraph (d)(1) and substituting the word "lesser".

[FR Doc.76-29769 Filed 10-8-76;8:45 am]

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federal register

TUESDAY, OCTOBER 12, 1976



PART III:

ENVIRONMENTAL PROTECTION AGENCY

Emission Monitoring Requirements

■

RECEIPT OF APPLICATION AND APPROVAL OF ALTERNATIVE MONITORING REQUIREMENTS

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 628-3]

EMISSION MONITORING REQUIREMENTS

Receipt of Application and Approval of Alternative Monitoring Requirements

On October 6, 1975 (40 FR 46247 and 46256), and on August 20, 1976 (41 FR 35185) the Environmental Protection Agency (EPA) promulgated regulations under 40 CFR Parts 51 and 60 which require continuous emission monitoring of sulfur dioxide and oxides of nitrogen at new and certain existing fossil fuel-fired steam generators. The regulations require that the emission rate be computed using an equation which requires the measurement of the pollutant concentration and percent oxygen in the stack gas on a dry basis only. However, paragraph 3.9.1 of Appendix P to 40 CFR Part 51 and § 60.13(i)(3) of 40 CFR Part 60 provide for application for approval of "alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions."

EPA has received two written applications for approval of alternative monitoring requirements; one was received from Lear Siegler, Incorporated, Englewood, Colorado, on January 9, 1976, and one from E. I. duPont de Nemours and Company, Wilmington, Delaware, on January 23, 1976. Specifically, the applicants requested approval of alternative emission data reduction procedures to be used with wet-basis stack gas pollutant and oxygen monitoring data from fossil fuel-fired steam generators. EPA has completed a technical review of the applications and approves the following alternative data reduction procedures using wet-basis pollutant and oxygen data for new stationary sources regulated by 40 CFR Part 60. State control agencies may include these data reduction techniques in their Implementation Plans.

a. The following equation may be used for the determination of sulfur dioxide and oxides of nitrogen emissions from fossil fuel-fired steam generators when the pollutant and oxygen concentrations are measured on a wet basis except where wet scrubbers are employed, or where moisure is otherwise added to the stack gases:

$$E = C_{ws} F_w \left(\frac{20.9}{20.9\ (1 - B_{ws}) - \%\, O_{2ws}} \right)$$

where:

1. E=pollutant emission, g/million cal (lb/million Btu).

2. C_{ws}=pollutant concentration at stack conditions, g/wscm (grams/wet standard cubic meter) (lb/wscf (pounds/wet standard cubic foot)), determined by multiplying the average concentration (ppm) for each one-hour period by 4.15×10^{-5} M g/wscm per ppm (2.59×10^{-9} M lb/wscf per ppm) where M-pollutant molecular weight, g/g-mole (lb/lb-mole). M=64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

3. $\%O_{2ws}$=oxygen volume (expressed as percent—wet-basis determined with equipment specified under paragraph (d) of section 60.45.

4. F_w=a factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F_w are given as follows:

(i) For anthracite coal as classified according to A.S.T.M. D388-66, F_w=1.188 wscm/million cal (10580 wscf/million Btu).

(ii) For sub-bituminous and bituminous coal as classified according to A.S.T.M. D388-66, F_w=1.200 wscm/million cal (10680 wscf/million Btu).

(iii) For liquid fossil fuels including crude, residual, and distillate oils, F_w=1.164 wscm/million cal (10360 wscf/million Btu).

(iv) For gaseous fossil fuels: For natural gas, F_w=1.196 wscm/million cal (10650 wscf/million Btu). For propane, F_w=1.150 wscm/million cal (10240 wscf/million Btu). For butane, F_w=1.172 wscm/million cal (10430 wscf/million Btu).

Values of F_w may be determined from a fuel analysis as follows:

$$F_w = \frac{347.4\ \%H + 95.7\ \%C + 35.4\ \%S + 8.6\ \%N - 28.5\ \%O + 13.4\ \%H_2O^1}{GCV_w} \quad \text{(Metric)}$$

$$F_w = \frac{10^6\ [5.56\ \%H + 1.53\ \%C + 0.57\ \%S + 0.14\ \%N - 0.46\ \%O + 0.21\ \%H_2O^1]}{GCV_w} \quad \text{(English)}$$

[1] This term may be omitted if %H+%O includes the unavailable hydrogen and oxygen in the form of H_2O.

where:

H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV_w by ultimate analysis of the fuel fired, using A.S.T.M. method D3178-74 or D3176 (solid fuels), or computed from results using A.S.T.M. methods D1137-53(70), D1945-64 (73), or D1946-67(72) (gaseous fuels) as applicable.

GCV_w is the gross calorific value (cal/g, Btu/lb) of the fuel combusted on an "as received" or "as fired" basis (i.e., the analysis should include the free moisture), determined by the A.S.T.M. test methods D2015-66(72) for solid fuels and D 1826-64(70) for gaseous fuels as applicable.

5. B_{ws}= proportion by volume of water vapor in the ambient air. Approval may be given for determination of B_{ws} by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within ±0.7 percent water vapor. In lieu of actual measurement, B_{ws} may be estimated as follows:

NOTE.—That the following estimating factors are selected to assure that any negative error introduced in the term

$$\left(\frac{20.9}{20.9\ (1 - B_{ws}) - \%\, O_{2ws}} \right)$$

will not be larger than −1.5 percent. However, positive errors, or over-estimation of emissions, of as much as 5 percent may be introduced depending upon the geographic location of the facility and the associated range of ambient moisture.)

(i) B_{ws}=0.027. This factor may be used as a constant value at any location.

(ii) B_{ws}=highest monthly average of B_{ws} which occurred within a calendar year at the nearest Weather Bureau station.

(iii) B_{ws}=highest daily average of B_{ws} which occurred within a calendar month at the nearest Weather Bureau station, calculated from data for the past three years. This factor shall be calculated for each month and may be used as an estimating factor for the respective calendar month.

b. The following equation may be used for the determination of sulfur dioxide and oxides of nitrogen pollutant emissions from fossil fuel-fired steam generators where the pollutant and oxygen concentrations are measured on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes. When wet scrubbers are employed prior to where the stack gas is sampled or if liquid water droplets or mist is otherwise present in the stack gas, use of a heated extractive monitoring system may collect and vaporize condensed liquid. As a result, the vapor content of the stack gas may be significantly different from the vapor content where the pollutant and oxygen concentrations are measured. Therefore, in all applications of the following equation, the water vapor content must be measured in the monitoring system or stack such that the measured vapor content is the same as the vapor content existing at the point where the pollutant and oxygen measurements are made.

$$E = C_{ws} F \left(\frac{20.9}{20.9(1 - B_{ws}) - \%\, O_{2ws}} \right)$$

where:

1. E=pollutant emission, g/million cal (lb/million Btu).

2. C_{ws}=pollutant concentration at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by 4.15×10^{-5} M g/wscm per ppm (2.59×10^{-9} M lb/wscf per ppm) where M=pollutant molecular weight, g/g-mole (lb/lb-mole). M=64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

3. $\%_{ws}$=oxygen volume (expressed as percent—wet-basis) determine with equipment specified under paragraph (d) of section 60.45.

4. F=a factor representing a ratio of the volume of dry flue gases generated, to the calorific value of the fuel combusted as specified in section 60.45.

5. B_{ws}=proportion by volume of water vapor in the stack gas.

This equation is approved in principle. Approval for actual practice is contingent upon demonstrating the ability to accurately determine B_{ws}, such that any absolute error in B_{ws} will not cause an error of more than ±1.5 percent in the term

$$\left(\frac{20.9}{20.9(1 - B_{ws}) - \%\, O_{2ws}} \right).$$

Impact of Action on State Implementation Plans

In accordance with regulations promulgated by the Agency on October 6, 1975, States are required to submit regulations that provide for continuous emission monitoring of certain existing sources. Such State regulations shall be submitted to EPA for approval and shall be considered a revision to the approved State Implementation Plan. According to the EPA requirements, States shall set forth performance specifications for monitoring instruments and require that data derived from such monitoring be summarized and made available. Minimum performance standards and other procedures are set forth in 40 CFR Part 51, Appendix P. These requirements allow States to consider alternate procedures when such procedures are determined to be as accurate as those contained within Appendix P.

States are advised that as a result of this notice, EPA now approves the use of two alternate data reduction procedures not currently contained within Appendix P. It should be noted that this action does not mandate acceptance or use of these alternate procedures by any State. This action does, however, signify the Agency's intent to approve State plans employing these data reduction procedures where States determine that such procedures are amendable to their control programs.

Dated: September 30, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-29710 Filed 10-8-76;8:45 am]

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federal register

TUESDAY, OCTOBER 12, 1976



PART IV:

DEPARTMENT OF THE TREASURY

Office of Revenue Sahring

■

ANTIRECESSION FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Interim Regulations

V41 198 OCT 12 76 UMI

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 52—ANTIRECESSION FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Pursuant to the authority vested in the Secretary of the Treasury by the Public Works Employment Act of 1976 (Title II, Pub. L. 94–369) enacted July 22, 1976, the Department of the Treasury hereby adopts the following interim regulations in order to disbuse payments to eligible States and local governments for the calendar quarter beginning July 1, 1976. A new part 52 is hereby established undre Chapter I of Subtitle B in Title 31 of the Code of Federal Regulations.

Because the purpose of these regulations is to provide immediate guidance to the States and local governments in order that the requirements of the Act be complied with, it is hereby found impractical to issue such regulations with the notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553 (d).

These regulations shall become effective when filed with the Office of the Federal Register. It is expected that permanent regulations will be issued in the near future and for this reason, written comments are solicited for consideration by the Department. Public comments may be submitted on or before November 11, 1976 to the following address: Director, Office of Revenue Sharing (symbols CC) 2401 E Street, NW., Washington, D.C. 20226.

Comments submitted in response to this solicitation are available to the public upon written request pursuant to the Freedom of Information Act and the regulations promulgated thereunder by the Department, 31 CFR 1.1 et seq.

Dated: October 7, 1976.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

Approved:

JERRY THOMAS,
Under Secretary of
the Treasury

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AUTHORITY: Public Works Employment Act of 1976, Pub. L. 94–369, Title II.

Subpart A—General Information

§ 52.0 Scope and application of regulations.

The rules and regulations of this part are prescribed for carrying into effect Title II of the Public Works Employment Act of 1976, enacted July 22, 1976, and are applicable as of the calendar quarter beginning July 1, 1976.

§ 52.1 Delegation of authority.

By delegation order of the Secretary of the Treasury the Director of the Office of Revenue Sharing shall perform the functions, exercise the powers and carry out the duties vested in the Secretary by the Public Works Employment Act of 1976, Title II, Pub. L. 94–369. A reference to the Director in the masculine gender shall not be construed to exclude the feminine gender.

§ 52.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the terms are defined elsewhere in this part) the following definitions shall apply:

(a) "Act" means Title II of the Public Works Employment Act of 1976, Pub. L. 94–369.

(b) "Chief executive officer" of a unit of local government means the elected official, or the legally designated official who has the primary responsibility for the conduct of that unit's governmental affairs, and is the chief executive officer for purposes of the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq. and 31 CFR 51.2(b). Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality, the elected county executive of a county, the chairman of a county commission or board in a county that has no elected county executive, the township supervisor, trustee, first selectman, chairman, city manager, or such other official as may be designated pursuant to law by the duly elected governing body of the unit of local government; or the chairman, governor, chief or president (as the case may be) of an Indian tribe or Alaskan native village.

(c) "Department" means the Department of the Treasury.

(d) "Director" means the Director of the Office of Revenue Sharing.

(e) "Effective date of the Act" means July 22, 1976.

(f) "Governor" means the Governor of any of the 50 states.

(g) "Identifiable local government" means a unit of general local government for which the Secretary of Labor has made a determination concerning the rate of unemployment for purposes of Title II or Title VI of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203) during fiscal years 1975 or 1976.

(h) "Independent public accountant" means independent certified public accountant or independent public accountant licensed by a regulatory authority of a State or other political subdivision of the United States.

(i) "Indian tribe and Alaskan native village" means the recognized governing body of an Indian tribe or Alaskan native village which perform substantial governmental functions. Certification to the Director by the Secretary of the Interior (or Governor of a State in the case of State affiliated tribes) of the recognized governing body of an Indian tribe or an Alaskan native village performing substantial governmental functions for purposes of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) shall constitute prima facie evidence of compliance with such criteria.

(j) "Local government" means the government of a county, municipality, township or other unit of government within the State which—

(1) is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes and reported to the Secretary), and

(2) performs substantial governmental functions. The term local government includes the District of Columbia and the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions.

(k) "Payment" means funds paid to a State government or a local government pursuant to the Act.

(l) "Quarterly allocation" means the amount of funds allocated to a State government or local government as determined by the Director pursuant to an allocation formula contained in the Act or authorized by regulation under this part.

(m) "Recipient government" means a State government or local government as defined in this section which receives payment under the Act.

(n) "Secretary" means the Secretary of the U.S. Department of the Treasury.

(o) "State government" means the government of any of the 50 states.

(p) "Substantial governmental function" means, with respect to township governments, that such governments have expended revenues within the last two fiscal years (current and preceding fiscal years) and have the present authority to expend revenues within two or more of the following governmental expenditure categories: Education, Highways, Public Welfare, Health and Hospitals, Police and Corrections, Fire Protection, Sewerage and Sanitation, Natural Resources, Housing and Urban Renewal, Transportation, Libraries, Financial Administration, General Administration, General Public Buildings, Interest on General Debt, and Parks and Recreation.

§ 52.3 Procedure for effecting compliance.

(a) *In general.* Whenever the Director, after affording reasonable notice and an opportunity for a hearing to any State or local government pursuant to subpart H of this part, finds there has been a failure to comply substantially with this part, the Director shall notify that State or local government that further payments will not be made until he is satisfied there is no longer a failure to comply. Until he is so satisfied, no further payments will be made under the Act to such State or local government. Notwithstanding the above, payments may be temporarily suspended pursuant to subpart F of this part.

(b) *Determination to delay payment.* Whenever the Director determines that a recipient government has failed to comply with the reporting requirements of this part, he may delay a payment to such government. A determination to delay a payment shall not be subject to the procedure set forth in paragraph (a) of this section and shall be in effect for such time as is necessary to effect compliance.

§ 52.4 Extension of time.

When, by these regulations (other than those specified in subpart H of this part) an act is required within a specified time, the Director may grant a request for an extension of time if in his judgment it is necessary, appropriate and in accordance with the Act. Requests for extensions of time shall be in writing and shall set forth the facts and circumstances supporting the need for more time and the amount of additional time requested.

§ 52.5 Transfer of payments to secondary recipients.

Those prohibitions and restrictions set forth in subparts E, F and G of this part which are applicable to a recipient government's payments continue to be applicable to such funds if they are transferred to another governmental unit or a private organization. A violation of subparts E, F and G of this part by a secondary recipient shall constitute a violation by the recipient government and the applicable penalty for failure to comply shall be imposed on the recipient government.

Subpart B—Reports and Written Communications

§ 52.10 Assurances; Reports to the Director.

(a) *Requisite assurances for receipt of payments.* Each State or local government will receive payments only upon the filing of a statement of assurances by the chief executive officer with the Director. The statement of assurances provides that a recipient government will comply with certain specific requirements of the Act and this part with respect to the use of payments. In addition, township governments must assure the Director that they perform substantial governmental functions, as defined in § 52.2(p) of this part.

(b) *Filing time for statement of assurances.* The statement of assurances form must be received by the Director on or before November 12, 1976, in order for a government to timely receive the payments authorized for the calendar quarters beginning July 1, and October 1, 1976. Governments otherwise eligible which have not filed a statement of assurances form with the Director by November 12, 1976, must file such form by December 13, 1976 in order to receive payments for the calendar quarters beginning July 1, October 1, 1976 and January 1, 1977 at the time payments are made for the quarter beginning January 1, 1977. With respect to calendar quarters beginning after January 1, 1977, a government which had not previously filed a statement of assurances form must file such assurances with the Director at least 21 days prior to the beginning of a subsequent calendar quarter in order to qualify for payments under the Act. The Director shall not require a recipient government to submit more than one statement of assurances form each Federal fiscal year. The Director will make reasonable efforts to provide a statement of assurances form to potential recipient governments. It is the ultimate responsibility of the State and local governments to obtain a statement of assurances form. Nothing in this section shall preclude the Director from requiring recipient governments to submit such other assurances as are deemed appropriate to enforce compliance with the Act and the provisions of this part.

(c) *State and local government economization assurance.* The chief executive officer of each State or local government which receives payments under the Act shall provide an assurance on the statement of assurances form required in paragraph (a) of this section, that reasonable efforts have been made to achieve substantial economies in its operations and that payments are necessary to maintain essential services without weakening Federal Government efforts to stimulate the economy through reductions in the Federal tax obligations.

(d) *Reports.* Recipient governments are required to submit reports containing the data requested by the Director to carry out the purposes of this part, such as the uses of payments and their fiscal impact. The reports shall be made within the time limits and in the form and manner specified by the Director.

§ 52.11 Publication and publicity of reports; public inspection.

(a) *In General.* Each recipient government which has received payments shall publish each report filed with the Director pursuant to § 52.10(d) of this part in a newspaper of general circulation within the jurisdiction of such government.

(b) *Permissible newspapers.* A newspaper is appropriate for purposes of paragraph (a) of this section if it conforms with the newspaper publication requirements for general revenue sharing reports pursuant to the State and Local Fiscal Assistance Act of 1972, Pub. L. 92–512.

(c) *Legal notice rules are inapplicable.* The publication requirement in paragraph (a) of this section does not require the publication of reports as a legal notice. A recipient government may publish reports without regard to State or local statutory requirements for the publication of legal notices.

(d) *Exception to the publication requirement.* The newspaper publication requirement in paragraph (a) of this section shall not apply whenever the cost of publishing a report exceeds 10 percent of the total amount of payments received by such government during the period covered by such report. Also, the Director may waive the publication requirement upon the receipt of a notorized written assurance, signed by the chief executive officer of the recipient government, which states that an alternative means of publicizing the report is more appropriate to inform residents of the affected community of the contents of the reports. The assurance must be accompanied by a statement of the alternative means which will be used to publicize the report.

§ 52.12 Special reports.

(a) *In general.* Each State and local government which receives a payment shall report to the Director, in accordance with paragraph (b) of this section, any increase or decrease in any tax rate which it imposes and any substantial (five percent or more on an annualized basis) reduction in the number of in-

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dividuals it employs (excluding part-time, seasonal and elected officials) or in services (five percent or more on an annualized basis of the total operating budget allocated to providing services) which such State or local government provides during each calendar quarter in which a payment is received. Each State which receives a payment shall report to the Director any decrease in the amount of intergovernmental transfers it provides to the local governments within its boundaries as compared to the amount of intergovernmental transfers provided during the twelve-month period which ended June 30, 1976, together with an explanation of the reasons for such decrease.

(b) *Time limitation; form.* The reports required in paragraph (a) of this section shall be made as soon as it is practical and, in any case, not more than six months after the date on which the decision to impose such tax rate increase or decrease, such reduction in employment or services, or such decrease in intergovernmental transfers is made public. The reports shall be made on a form provided, and in a manner to be prescribed by the Director.

Subpart C—Computation and Allocation Adjustments

§ 52.20 Reservation of payments and adjustments.

(a) *Reservation of funds.* In order to make subsequent adjustments to a payment which may be authorized the Director will establish an Antirecession Fiscal Assistance Adjustment Reserve Fund. The Director will set aside a percentage of the funds appropriated for the purpose of making such payments as in his judgment is necessary to insure that there will be sufficient funds available to make all appropriate adjustments. Any payments waived shall also be set aside into the Adjustment Reserve Fund. The funds reserved in this manner will accumulate until the Director orders distribution of those funds to recipient governments in accordance with the Act.

(b) *Adjustment to future payments.* Adjustment to payments may be effected through adjustment to subsequent payments unless this means of adjustment is deemed impractical or impossible by the Director. In those cases, the Director may demand repayment by the recipient government of the amount determined to be in excess. Such excess payments shall be promptly repaid on demand in the manner specified by the Director.

(c) *Minimum adjustment.* No adjustment of any kind of less than $100 per quarter shall be made if in the judgment of the Director such adjustment will be burdensome, costly or impractical.

§ 52.21 Unemployment rate data.

(a) *State and identifiable local government unemployment rate.* The unemployment rate used to determine quarterly allocations for State and identifiable local governments, and adjustments thereto payable under this part, will be the unemployment rate as determined by the Secretary of Labor and reported to the Director for the appropriate calendar quarter.

(b) *Other than identifiable local government unemployment rate data.* The unemployment rate used to determine quarterly allocations for other than identifiable local governments shall be the unemployment rate of the State adjusted by excluding consideration of unemployment and of the labor force within identifiable local governments, other than county governments, within the jurisdiction of that State, as such data is determined by the Secretary of Labor and reported to the Director. For purposes of intra-State allocations only, the use of other data, including county or balance-of-county data, is authorized in any calendar quarter for which the Secretary of Labor certifies a better unemployment rate to the Director for one (or more) other than identifiable government in a State. The use of other data may also be authorized for purposes of intra-State allocations pursuant to an optional State allocation plan submitted under subpart D of this part.

§ 52.22 Revenue sharing amount.

(a) *State revenue sharing amount.* The State revenue sharing amount is the amount of each State's final allocation of revenue sharing funds as determined by the Director for the one year period beginning on July 1, 1975 (Entitlement Period Six) pursuant to section 107 of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

(b) *Identifiable local government revenue sharing amount.* The local revenue sharing amount for identifiable local governments is the amount of such local governments' final allocation of revenue sharing funds as determined by the Director for the one year period beginning on July 1, 1975 (Entitlement Period Six), pursuant to section 108 of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

(c) *Other than identifiable local government revenue sharing amount.* The local revenue sharing amount for other than identifiable local governments for purposes of the national allocation each calendar quarter to such local governments is the sum of the final allocation of revenue sharing funds for all local governments in a State for the one year period beginning on July 1, 1975, (Entitlement Period Six) as determined by the Director, pursuant to section 108 of the State and Local Fiscal Assistance Act of 1972, (Title I, Pub. L. 92–512), adjusted by excluding an amount equal to the sum of the local revenue sharing amounts of identifiable local governments within the jurisdiction of that State. The local revenue sharing amount for individual other than identifiable local governments for purposes of intra-State allocations is the amount of each such government's final allocation of revenue sharing funds as determined by the Director for the one year period beginning on July 1, 1975 (Entitlement Period Six) pursuant to section 108 of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

§ 52.23 Finalizing Data; Verification of Data.

(a) *Closing unemployment rate data.* Except as provided in paragraphs (c) and (d) of this section, the unemployment rate data reported by the Secretary of Labor to the Director will be closed and final as of the date payments are made to recipient governments each calendar quarter.

(b) *Closing revenue sharing amount data.* Except as provided in paragraphs (c) and (d) of this section, the Director's determination of a recipient government's revenue sharing amount will be closed and final as of the date payments are made each calendar quarter.

(c) *Time limitation for data verification.* A government may file a request for data verification with the Office of Revenue Sharing on the grounds that a processing error (such as a typographical or computer programming mistake) was made in the unemployment rate data or the revenue sharing amount data used for its quarterly allocation, provided such data verification request is received by the Director within 21 days from the date a payment is made to the recipient government for such calendar quarter. Nothing in this section shall effect the entitlement of governments under the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

(d) *Adjustments due to governmental reorganizations, etc.* Adjustments to payments due to governmental reorganizations, annexations, boundary alterations, etc., may be made for the calendar quarter during the calendar quarter in which the revenue sharing amount, as defined in § 52.22 of this part, is changed by the Director to reflect such governmental reorganizations, etc. Such adjustment to payments may be made only upon the Director's determination that it is practicable and exceeds $100 in a calendar quarter.

§ 52.24 Termination of eligibility.

(a) *National termination of payments.* Notwithstanding the existence of higher State or local rates of unemployment, or the existence of State or Local excess unemployment percentages, payments will not be made in any calendar quarter if—

(1) the average rate of national unemployment during the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed six percent, or

(2) the rate of national unemployment for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed six percent.

(b) *State and local government termination of payments.* Notwithstanding the existence of a rate of national unemployment in excess of six percent no amount will be paid to any State or local government under the Act or this part for any calendar quarter if—

(1) the average rate of unemployment assigned to a State or local government in accordance with the Act during the most recent calendar quarter which ended three months before the beginning of such calendar quarter was less than 4.5 percent, or

(2) the rate of unemployment assigned to a State or local government in accordance with the Act for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed 4.5 percent.

§ 52.25 Minimum payment.

If the amount of a quarterly allocation to any local government under the Act is less than $100 in any calendar quarter, then no amount shall be allocated for such local government for that period and such funds will be reallocated to recipient governments within that quarter pursuant to the Act.

§ 52.26 Waiver of payments; nondelivery of checks.

(a) *Waiver.* Any recipient government may waive a payment provided the chief executive officer notifies the Director in writing of its intention to waive and returns the payment to the Director. The waiver shall be accomapnied by a resolution requesting the waiver by the governing body of such government. A waiver of payments shall be effective until revoked by the recipient government and another statement of assurances is filed with the Director pursuant to § 52.10 of this part.

(b) *Nondelivery.* Payments which are returned by the U.S. Postal Service to the Office of Revenue Sharing as being nondeliverable because of incorrect address information or which are unclaimed for any reason, shall be retained by the Director until he determines the payments should be paid to recipient governments in accordance with the Act.

(c) *New units of local government.* A unit of local government which came into existence during a calendar quarter in which payments are made shall first be eligible for a payment in the next succeeding calendar quarter, provided such local government files a statement of assurances, in accordance with § 52.10 of this part, and otherwise qualified for payments. If such unit of local government is a successor government, it shall be eligible to receive the payment of the local governments to which it succeeded in accordance with the conditions of the succession. The Director may determine a revenue sharing amount for such government based on the data available for Entitlement Period Six, July 1, 1975 through June 30, 1976.

(d) *Dissolution of units of local government.* A unit of local government which dissolved, was absorbed or ceased to exist during a calendar quarter in which a payment is received may expend such payments to maintain basic services, provided, (1) the recipient government is in the process of winding up its governmental affairs and (2) continues to provide basic services during this winding up period. When these two conditions are not met by a recipient government, these payments must be transferred to the successor local government with capacity to accept and use such payments. If the recipient does not know the identity of such successor government, the payments must be turned to the Director.

Subpart D—Optional Allocation Plan

§ 52.30 Purpose.

Each State may file an optional allocation plan with the Director to determine the amount to be allocated to other than identifiable local governments within the jurisdiction of such State. The purpose of the plan is to permit States to determine the allocation of payments among local governments other than identifiable local governments in the State. A local government may receive payments under a State plan only if the plan is approved by the Director.

§ 52.31 Time for submitting plan; prerequisites.

(a) *Due date.* A State may submit an optional allocation plan at any time within 30 days of the date these interim regulations are published in the FEDERAL REGISTER. Plans will not be accepted for review by the Director later than 30 days after such date.

(b) *State approval.* The Governor of each State may submit a plan to the Director without the approval of the State legislature only if that State legislature is not scheduled to meet in regular session within three months after the effective date of the Act. Such plan must be in writing and bear the signature of the Governor.

§ 52.32 Requirements for plans.

(a) *Consultation with local officials.* A State plan must be developed in consultation with the chief elected official or the chief executive officer of those local governments receiving payments under the State plan which, in the Governor's reasonable discretion, are representative of such local governments. However, the approval of local government officials is not required in order for a plan to be submitted to the Director. The plan must contain a certification by the Governor of compliance with this consultation requirement.

(b) *Allocation formula criteria.* A State plan must set forth an allocation formula to be used by the Director to allocate payments among the other than identifiable governments within a State utilizing criteria consistent with the following formula: The allocation for an other than identifiable local government shall be the local excess unemployment percentage of the government multiplied by the revenue sharing amount of the government. This product must be divided by the sum of such products for all other than identifiable local governments in the State. This result is multiplied by the total amount set aside for payments to all other than identifiable governments in the State. The local excess unemployment rate percentage is equal to the difference resulting from the subtraction of 4.5 percentage points from the unemployment rate assigned to each local government in the State plan, but shall not be less than zero. The allocation formula criteria must be specified in a State's plan to a level of detail sufficient to enable the Director to determine whether such criteria is in compliance with this part.

(c) *Unemployment rates.* A State plan must utilize the best available local government unemployment rate data, developed in a manner consistent with the methodology used by the United States Department of Labor, Bureau of Labor Statistics, to determine local government unemployment rates under § 203(c) of the Act. If no consistent unemployment rate data is available, the plan may assign to a local government the unemployment rate of the smallest unit of government in which such government is located for which an unemployment rate is available, developed in a manner consistent with Bureau of Labor Statistics methodology. Except as provided in this paragraph, a State plan must utilize the unemployment rate data certified by the Secretary of Labor and reported to the Director. A State plan may use a different unemployment rate for a local government that is located in a county for which the Secretary of Labor has certified and reported to the Director a county or balance-of-county rate if such rate is the best available calculated in a manner consistent with the Bureau of Labor Statistics methodology by the State Employment Security Agency. The State Employment Security Agency shall be responsible for determining which rates have been certified by the Secretary of Labor and reported to the Director. All unemployment rate data used in a State plan other than data certified by the Secretary of Labor must be certified by the State Employment Security Agency to be in accordance with Bureau of Labor Statistics methodology. The data certified by the State Employment Security Agency will be accepted by the Director, unless a processing error is discovered prior to a payment. Further, such State plan shall specify for those individual units of governments for which a specific rate is assigned, and for the balance of the local governments in the State (if applicable), the average rate of unemployment during the most recent calendar quarter which ended three months before the beginning of such calendar quarter, and the rate of unemployment for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter.

(d) *Eligibility.* An optional State allocation plan shall not alter definitions or eligibility of a unit of local government to receive payments under the Act and this part.

§ 52.33 Approval by the Director.

The Director shall make an initial determination whether an allocation plan meets the requirements of the Act and this part within 30 days after he receives an allocation plan containing all information necessary to evaluate such plan. A plan may not be finally disapproved by the Director, in whole or

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in part, without first affording the State or local governments for which a specific unemployment rate is assigned in a plan, reasonable notice and an opportunity for a hearing in accordance with subpart H of this part. There shall be not more than one administrative hearing for each State plan. An initial determination by the Director shall be considered final if an administrative hearing is not requested by a State or a local government with standing within 30 days of receipt of notice of such initial determination.

§ 52.34 Allocations deferred pending plan approval.

No quarterly allocations will be made to any other than identifiable governments in a State which has submitted a plan pending either approval of such plan by the Director or, if the plan is initially disapproved, the outcome of the administrative hearing to determine whether such plan complies with the Act and this part. Payments during the pendency of this administrative process would be impracticable and unreasonable since adjustments to the payments of all or most other than identifiable governments in the State would likely be necessary if a plan is subsequently approved.

§ 52.35 Updating unemployment rates.

The governor of each State submitting an optional State allocation plan that is approved by the Director must submit updated unemployment rates developed in accordance with § 52.32(c) of this subpart, certified by the State Employment Security Agency, for each unit of local government receiving payments under the State plan. These certified updated unemployment rates must be submitted to the Director at least 21 days prior to the beginning of each calendar quarter in which payments are made, in such form and manner as the Director may prescribe. The State Employment Security Agency certification shall certify that the data is developed in accordance with the Bureau of Labor Statistics methodology. The effectiveness of a plan will be suspended for any calendar quarter in which updated unemployment data is not received in accordance with this section. For a quarter in which a plan is suspended, the unemployment rate for other than identifiable governments in the State shall be determined pursuant to § 52.21(b) of this part.

Subpart E—Expenditure Prohibitions and Restrictions

§ 52.40 Permissible expenditures.

(a) *In General.* Each State or unit of local government must use its payments to maintain basic services which have been customarily provided to persons in that State or in the area under the jurisdiction of that local government, as the case may be. Payments should be used for the maintenance of levels of public employment and of basic services within the following governmental expenditure categories: Education, Highways, Public Welfare, Health and Hospitals, Police and Corrections, Fire Protection, Sewerage and Sanitation, Natural Resources, Housing and Urban Renewal, Transportation, Libraries, Financial Administration, General Administration, General Public Buildings, Interest on General Debt, and Parks and Recreation. Payments may not be used to initiate basic services not provided during its last two fiscal years (current and preceding fiscal years).

(b) *Acquisition of supplies, materials, and construction.* State and local governments may use payments for the acquisition of supplies and materials only to the extent that such expenditures are incidental and necessary to the continued provision of a basic service. For example, the purchase of supplies and uniforms may be incidental to the employment of police officers. The expenditure of payments for construction shall be limited to structural repairs or renovations and is permissible only when necessary for the maintenance of a basic service.

§ 52.41 Wage rates and labor standards.

(a) *Construction laborers and mechanics.* All laborers and mechanics employed by contractors on all construction, alteration and repair projects including painting and decorating costing in excess of $2000 and funded in whole or in part with payments under the Act shall be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a, 276a–5) and are covered by labor standards specified by the Secretary of Labor pursuant to 29 CFR Parts 1, 3, 5, and 7. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b) *Requests for wage determinations.* In situations where the Davis-Bacon Act standards are applicable in accordance with paragraph (a) of this section, the recipient government must ascertain the U.S. Department of Labor wage rate determination for each intended construction project and insure that the wage rates and the contract clauses required by 29 CFR 5.5 and 49 CFR 5a.3 are incorporated in the contract specifications. The recipient government must also satisfy itself that the bidder is aware of his labor standard responsibilities under the Davis-Bacon Act. Wage rate determinations may be obtained by filing a standard Form 308 with the Employment Standards Administration of the applicable regional office of the United States Department of Labor at least 30 days before the invitation for bids, or in the case of construction projects covered by general wage rate determinations, the appropriate wage rate may be obtained from the FEDERAL REGISTER.

(c) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Director, the Secretary of Labor, the Comptroller General, and Department of Justice during normal business hours to its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this section. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person, fails or refuses to furnish such information, the recipient government shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Compliance reports.* Each recipient government shall keep such records and submit on request of the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information, as the Director may determine to be necessary or useful to ascertain whether the recipient government has complied or is complying with this section.

§ 52.42 Applicability of State and local law.

Each State or unit of local government must spend payments received under the Act in accordance with the State and local laws and procedures applicable to the expenditure of its own revenues.

§ 52.43 Expenditure time limitation.

Each State or unit of local government must appropriate or obligate payments received under the Act before the end of the six-month period which begins the day following receipt of a payment.

§ 52.44 Applicability of other Federal laws.

Except as otherwise provided in the Act or this part, payments under the Act are not subject to Federal civil laws applicable only to Federally assisted programs or to Federal grants, loans or contracts. The Criminal Code of the United States (title 18, U.S. Code) shall be applicable to all criminal offenses relating to the expenditure, accounting or reporting of payments by a recipient government receiving such payments under the Act or this part.

§ 52.45 Interest bearing accounts.

Recipient governments may deposit their payments in interest bearing accounts. Where payments are held in an interest bearing account, the interest earned on those funds is subject to the expenditure restrictions and prohibitions of the Act and this part.

Subpart F—Nondiscrimination in Funded Programs

§ 52.60 Purpose.

The purpose of this subpart is to implement section 207 of the Act which provides that no person in the United States shall on the ground of race, religion, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with payments made available under the Act.

§ 52.61 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

(a) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein.

(b) "Funded" means that payments have been made available for expenditure in a designated program or activity through action of the appropriate governing body.

(c) "Program or activity" means any function conducted by an identifiable administrative unit of the recipient government, or by any other unit of government or private contractor receiving payments from the recipient government.

§ 52.62 Discrimination prohibited.

(a) *In General.* No person in the United States shall on the ground of race, religion, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with payments made available pursuant to the Act.

(b) *Specific discriminatory actions prohibited.* (1) A recipient government shall not, under any program or activity to which the regulations of this subpart apply, directly or through contractual or other arrangements on the grounds of race, religion, color, national origin, or sex:

(i) Deny any service or other benefit provided.

(ii) Provide any service or other benefit which is different, or is provided in a different form from that provided to others.

(iii) Subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit.

(vi) Deny any person an opportunity to participate in a program or activity as an employee.

(vii) Deny any person an equal opportunity to participate as appointed members of planning or advisory bodies in connection with the disposition of entitlement funds.

(2) A recipient government may not utilize criteria or methods of administration which have the effect of:

(i) Subjecting individuals to discrimination on the basis of race, religion, color, national origin, or sex.

(ii) Perpetuating the results of past discriminatory practices.

(iii) Defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, religion, color, national origin, or sex.

(3) A recipient government may not, with respect to any program or activity to which this subpart applies, make selections of site or location of facilities which have the effect of excluding individuals from such facilities, denying individuals the benefits of such facilities, or subjecting individuals using the facilities to discrimination on the grounds of race, religion, color, national origin or sex.

(4) Recipient governments are encouraged to take voluntary affirmative action in employment, services and facilities in order to overcome the effects of prior adverse disparate treatment of persons on the basis of race, color, sex, or national origin.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

§ 52.63 Employment.

(a) *Employment practices.* In any program or activity funded in whole or in part with payments a recipient government may not (directly or indirectly through contractual or other arrangements) subject any individual to discrimination on the grounds of race, religion, color, national origin, or sex in its employment practices. These practices include recruitment, advertising hiring, layoff, termination, upgrading promotion, demotion, transfer, rates of pay or other forms of compensation, use of facilities and other terms and conditions of employment. The provisions of this subpart shall be interpreted in accordance with the prohibitions, exceptions and court decisions interpreting title VII of the Civil Rights Act of 1964, as amended.

(b) *Employee selection procedures.* The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with title VII of the Civil Rights Act of 1964, as amended, has published Guidelines on Employee Selection Procedures (29 CFR 1607) to assist in establishing and maintaining equal employment opportunities. Among other things, these Guidelines forbid the use of employee selection practices, procedures, and devices (such as tests, minimum educational levels, and the like) which disqualify a disproportionate number of minority persons or women for employment which are not related to job performance. Recipient governments using selection procedures which are not in conformity with the EEOC Guidelines shall, upon request of the Director, set forth the reasons for any such nonconformity and, if necessary, the actions the recipient government is taking or will take to assure that its selection procedures are job related.

(c) *Self-evaluation.* Recipient governments are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection, or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals or women.

(d) *Employment compliance reviews.* Compliance reviews of recipient governments will be scheduled by the Director, giving priority to any recipient government program funded with payments which show a significant disparity between the percentage of minority persons or women in the relevant labor pool and the percentage of minority or women employees in the applicable programs.

§ 52.64 Sex discrimination.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in recruitment, hiring, or employment, whether full-time or part-time, under any program or activiy funded in whole or in part with payments under the Act.

(b) *Recruitment and advertisement.*

(1) Recipient governments engaged in recruiting activity must recruit employees of both sexes for all jobs.

(2) Advertisement in newspapers and other media for employment must not express a sex preference: the placement of an advertisement in columns headed "Male" or "Female" will be considered to be discriminatory.

(3) A recipient government shall not recruit primarily or exclusively from sources which furnish as applicants only or predominantly members of one sex if such recruitment has the effect of discriminating on the basis of sex.

(c) *Job policies and practices.*

(1) Employees of both sexes shall have an equal opportunity to any available job that they are qualified to perform.

(2) Recipient governments must not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex. It shall be a violation of this part for an employer to provide for both unequal benefits and unequal contributions in the areas of insurance, pension or retirement plans, welfare or other fringe benefit programs. Further it shall be a violation of this part for an employer to provide for either unequal benefits or unequal contributions in such areas unless such unequal benefits or unequal contributions are directly related to actuarial differences. Proof of such actuarial differences shall be provided by the recipient government upon the request of the Director. In the areas of insurance, pensions, welfare programs and other fringe benefits, it shall be an unlawful employment practice for a recipient government to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female

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employees, which are not made available for male employees.

(3) Any distinction between married males and married females and any distinction between unmarried males and unmarried females will be considered to be a distinction made on the basis of sex. Similarly, a recipient government must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to persons of the opposite sex.

(4) A recipient government may not refuse to hire men or women, or deny men or women a particular job because there are no separate restrooms or other separate facilities. The recipient government's policies and practices must assure that appropriate facilities are available for use by each of the sexes.

(5) Recipient governments may not deny any employee the right to any job, which the employee is qualified to perform, in reliance upon a State "protective" law that does not apply equally to both sexes.

(6) A recipient government shall not:

(i) Classify a job as being for males or for females.

(ii) Maintain or establish separate lines of progression, seniority lists, career ladders, tenure systems, position descriptions or job requirements which are based on sex or which classify persons on the basis of sex.

(d) *Marital or parental status.* In any program or activity funded in whole or in part with payments:

(1) *Family status.* A recipient government shall not treat an employee or applicant for employment differently on the basis of sex in any employment action or policy because of the employee's or applicant's marital status or status as a parent. Such action may also not be taken with respect to pregnancy unless the recipient government can demonstrate that the pregnancy of the individual concerned prevents adequate job performance by that individual. In no event may a recipient government with respect to job policies and practices; have a policy or take an action which benefits a person because of his or her status as head of a household or the principal family wage earner.

(2) *Pregnancy as a temporary disability.* A recipient government shall treat any temporary disability arising from pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner as it treats any other temporary disability for all job related purposes. The term "job related purposes" includes commencement, duration and extensions of leave, payment of disability income, reinstatement or termination of employment, reinstatement pay rate and position, fringe benefits, accrual of seniority or other benefit of service, and promotion.

(e) *Sex as a bona fide occupational qualification.* Nothing in these regulations shall prohibit the hiring of employees of one sex if sex is a bona fide occupational qualification. A bona fide qualification is only allowed where there is a reasonable factual basis to believe that all, or substantially all, of one sex are unable to perform the job in question. Further, the burden of demonstrating that sex is a bona fide occupational qualification for a given job rests on the recipient government.

§ 52.65 Compliance information and reports.

(a) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Director and the Department of Justice during normal business hours to such of its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this subpart. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person fails or refuses to furnish this information, the recipient government shall so specify in its report and shall set forth what efforts it has made to obtain the information.

(b) *Compliance reports.* Upon request of the Director, each recipient government shall keep such records and submit to the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information as the Director may determine to be necessary or useful to ascertain whether the recipient government has complied or is complying with this subpart. Recipient governments shall compile and make available on request racial, ethnic, male/female, and national origin data showing the extent to which such persons are or will be beneficiaries of funded programs or activities. When a primary recipient government extends or will extend payments under the Act to any other secondary recipient, such secondary recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient government under this subpart. Each recipient government shall identify, on request, any State or local agency which has been legally authorized to monitor its civil rights compliance activities.

§ 52.66 Complaints and investigations.

(a) *Complaints.* Any person who believes anyone has been subjected to discrimination prohibited by this subpart, may personally, or by a representative, file with the Director a written statement setting forth the nature of the discrimination alleged and the facts upon which the allegation is based. No representative of a recipient government nor any of its agencies shall intimidate, threaten, coerce, or discriminate against any person or class of persons because of testimony, assistance, or participation in an investigation, proceeding or hearing under this subpart.

(b) *Investigations.* The director shall advise the chief executive officer of the recipient government of any complaint received pursuant to paragraph (a) of this section. If the Director has reason to believe that the complaint shows that a recipient government has failed to comply with the provisions of this subpart, he will cause a prompt investigation to be made of the program or activity concerned. Such investigation may be made, if necessary, with the assistance of the complainants, the recipient government, or other Federal or State agencies.

§ 52.67 Compliance reviews and affirmative action.

(a) *Compliance reviews.* The Director shall monitor and determine compliance of recipient governments with the requirements of this subpart and of the Act. Compliance reviews will be undertaken from time to time, as appropriate, at the discretion of the Director.

(b) *Affirmative Action.* Any recipient government which has been determined by the Director to be in violation of this subpart must take reasonable steps to remove or overcome the consequences of such discrimination. The Director will, upon a finding of noncompliance, determine the steps necessary to remedy the noncompliance and will determine a timetable for implementing those steps.

§ 52.68 Procedure for effecting compliance with the nondiscrimination requirement.

(a) *General.* Whenever the Director determines that a recipient government has failed to comply with this subpart he shall, within 10 days, notify the chief elected official of the recipient government of the noncompliance and shall request the official to secure compliance. If within 30 days compliance is not achieved, the Director shall, within 10 days thereafter:

(1) Refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

(2) Initiate an administrative hearing pursuant to the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

(3) Take such other action as may be provided by law.

(b) *Temporary suspension of payments.* The Director may suspend temporarily any payment to a recipient government 30 days after such government is determined by the Director to be in noncompliance with § 52.62(a) of this subpart. Within this 30 day period a State government or local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely to prevail on the merits on the issue of alleged noncompliance with § 52.62(a) at the full hearing under paragraph (a)(2) of this section. Payments may not be suspended pending the outcome of the expedited preliminary hearing. A finding under this paragraph by the administrative law judge in favor of the State government or local government shall prevent the suspension of funds pending a ruling on the allegations of noncompliance at the full hearing on the merits. Procedural regulations for the expedited hearing will be published prior to the exercise of this authority by the Director.

(c) *Administrative hearing.* An order of an administrative law judge to withhold, to repay, or to forfeit payments will not become effective until:

(1) There has been an express finding on the record, after notice and opportunity for hearing of a failure to comply with a requirement of this subpart.

(2) At least 10 days have elapsed from the date of the order of the administrative law judge. During this period additional efforts will be made to assist the recipient government to comply with this subpart and to take appropriate corrective action.

(3) Thirty days have elapsed after the Director has filed with the Committee on Government Operations of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action. The time limitation of subparagraphs (2) and (3) can run concurrently.

(4) The Director has notified the recipient government that, in addition to whatever sanctions have been imposed by the administrative law judge the Director shall withwhold all payments until such time as the recipient government complies with the order of the administrative law judge. Further, the amount of the forfeiture or repayment, if any, will be limited to the program or activity in which the noncompliance has been found. Such funds may be collected by a downward adjustment to future payments, if practical, and will be deposited in the general fund of the Treasury. If the Director determines that adjustment to future payments is not practical he may refer the matter to the Attorney General for appropriate civil action to require payment of such amount to the United States.

(d) *Withholding pursuant to court action.* The Director may immediately withhold a payment to a recipient government pending the entry of an affirmative action order by a Federal court if:

(1) A violation of the nondiscrimination provision of this subpart or the Act (§ 207) was alleged in the complaint before the court;

(2) The court finds that the recipient government has violated the nondiscrimination provision of this subpart or the Act; and

(3) The court has not ruled on the question of withholding.

(e) *Action by Attorney General.* Nothing in these regulations is intended to preclude the United States, in a civil action initiated by the Attorney General of the United States pursuant to section 207 of the Act, from seeking, or a court from granting, an order to require the repayment of payments previously paid under the Act, or an order that further payments be terminated or withheld. In addition, the Director may initiate the procedure provided for in paragraph (a)(2) of this section against a recipient government which has been named as a defendant in such civil action if it is the Director's judgment, after consultation with the Department of Justice, that an administrative withholding of payments is an appropriate measure to ensure compliance with this subpart.

(f) *Applicability of certain civil rights acts:*

(1) Any person who is injured or deprived within the meaning of § 1979 of the Revised Statutes (42 U.S.C. 1983) or of section 1980 of the Revised Statutes (42 U.S.C. 1985) by any person, or two or more persons in the case of such § 1980, in connection with the administration of a payment under the Act may bring a civil action under § 1979 or § 1980, as applicable, subject to the terms and conditions of those sections.

(2) Any person who is aggrieved by an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*) by any employer in connection with the administration of a payment under the Act may bring a civil action under section 706(F)(1) of such Act (42 U.S.C. 2000e–5(F)(1)) subject to the terms and conditions of such title.

§ 52.69 Hearing procedures.

Whenever a procedure which requires notice and opportunity for a hearing is invoked by the Director to effect compliance under this subpart, the procedural regulations in subpart H of this part shall govern.

§ 52.70 Jurisdiction over property.

The Office of Revenue Sharing shall have jurisdiction over any program or activity for purposes of this subpart for as long as a recipient government retains ownership or possession of any real or personal property or any interest therein, which was purchased in whole or in part with payments for the applicable program or activity. Further, if such property is transferred to another party, the Office of Revenue Sharing will retain jurisdiction over the recipient government for purposes of this subpart for as long as the property is used to provide benefits similar to those which were provided by the property before the transfer.

§ 52.71 Delegation.

The Secretary may assign to officials of the Department, officials of other departments or agencies of the Federal government, or officials of State agencies, responsibilities and authority to effectuate the purposes of this section including the achievement of effective coordination within the executive branch in the implementation of title VI and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 2000e). Such delegation shall be made only with the consent of the affected departments and agencies, and in no event will the Secretary delegate authority to review the initial decision of an administrative law judge to officials outside the Department.

Subpart G—Fiscal Procedure and Auditing

§ 52.80 Procedures applicable to the use of payments.

A recipient government which receives payments under the Act shall:

(a) Maintain its fiscal accounts in a manner sufficient to—

(1) Permit the reports required by the Director to be prepared therefrom; and

(2) Permit the tracing of payments under the Act to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of this part. Such tracing requires that vouchers in support of expenditures funded by the Act must be identified. Such identification can be made in any one of three ways as follows: (i) Maintain a separate set of fund accounts; (ii) Maintain a separate bank account; or (iii) Keep a memorandum record of the voucher numbers and amounts for the expenditures funded by the Act.

The accounting for payments received under the Act shall at a minimum employ the same fiscal accounting and internal audit procedures as are used with respect to expenditures from revenues derived from the recipient government's own sources.

(b) Provide to the Director and to the Comptroller General of the United States, on reasonable notice, access to and the right to examine such books, documents, papers or records as the Director may reasonably require for the purpose of reviewing compliance with the Act and the regulations of this part or, in the case of the Comptroller General, as the Comptroller General may reasonably require for the purpose of reviewing compliance and operations under the Act.

§ 52.81 Auditing and evaluation; scope of audits.

(a) *In general.* The Director shall provide for such auditing and evaluation as may be necessary to insure that recipient governments comply with the requirements of the Act and regulations of this part. Audits, reviews and evaluations may be made on a sample basis through inspection of records, and of reports required under this part, and through on-site examinations, to determine whether the recipient governments have properly discharged their financial responsibilities and to evaluate compliance with the Act and the regulations of this part.

(b) *Scope of audits.* The scope of such audits may include a review of all transactions, accounts and reports which involve payments received under the Act. In addition, the scope of such audits may include an examination of the following areas:

(1) Compliance with assurances made under this part;

(2) Compliance with the reporting requirements and accuracy of the reports submitted to the Director as set forth in this part.

(3) Accuracy of the public records required under this part.

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(4) Accuracy of the special reports.

(c) *Reliance on State auditors and independent public accountants.* It is the intention of the Director to utilize audits of recipient governments by State auditors and independent public accountants. The Director may adopt the findings of such audits when consistent with the objectives of the Act and regulations of this part, and provided:

(1) Audits are performed in accordance with generally accepted auditing standards. Recipient governments are encouraged to have such audits performed, to the extent they consider practicable, in accordance with standards for the Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General in June 1972.

(2) Audits include coverage as set forth in paragraph (b) of this section.

(3) Audit workpapers and related audit reports are retained for three years after the issuance of the audit report, and are available upon request to the Secretary and the Comptroller General or to their representatives; and

(4) Audit reports shall contain a clear statement of the auditor's findings as to compliance or noncompliance with the requirements of the Act and the regulations of this part. In the event that an auditor is unable to review compliance with all of the provisions of paragraph (b) of this section, the audit report shall specifically indicate those areas in which a compliance review was not performed. Audit reports which disclose or otherwise indicate a possible failure to comply substantially with any requirements of the Act or the regulations of this part will be submitted to the Director by the Governor or chief executive officer of a local government, or the State auditor which performed the audit.

Subpart H—Proceedings for Reduction in Payments, Withholding, or Repayment

§ 52.90 Incorporation of hearing procedures.

The regulations appearing in §§ 51.80–51.105 of this title (31 CFR Part 51) governing the procedure and practice requirements involving adjudications where reasonable notice and opportunity for hearing are required, are hereby incorporated by reference into this subpart to the extent they are consistent with the Act.

[FR Doc.76–30034 Filed 10–8–76;11:15 am]

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	HEW/FDA			HEW/FDA

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presidential documents

Title 3—The President

PROCLAMATION 4467

National Volunteer Firemen Week

By the President of the United States of America

A Proclamation

Throughout America, especially in small towns, communities, and in rural areas, approximately one million volunteer firefighters outnumber fulltime paid firefighters by about four to one.

From the beginning of our Nation's history, they have risked, and often sacrificed, their lives fighting fires in their communities with no expectation of financial reward. This unselfish concern for life and property is a manifestation of the best in the American character.

In recognition of the enormous contributions made by these volunteers, the House (September 21, 1976) and the Senate (October 1, 1976) have requested that the President proclaim the week of October 3, 1976, as National Volunteer Firemen Week (H.J. Res. 1008).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 3, 1976, and ending October 9, 1976, as National Volunteer Firemen Week.

As requested by the Congress, I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76–30105 Filed 10–8–76;3:01 pm]

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PROCLAMATION 4468

Native American Awareness Week, 1976

By the President of the United States of America

A Proclamation

It is especially appropriate during our Bicentennial Year to recall the impressive role played in our society by American Indians, Eskimos, and Aleuts. Native Americans have made notable contributions in education, law, medicine, sports, art, the military, science and literature.

The culture and heritage of our native Americans are unique. In renewing the spirit and determined dedication of the past 200 years we should also join with our native Americans in rebuilding an awareness, understanding and appreciation for their historical role and future participation in our diverse American society. We should do so with the same spirit and dedication which, fostered with reliance on Divine Providence and with firm belief in individual liberty, kindled and made a reality of the hopes for a new life for all who inhabited this land.

In recognition of the importance of the contributions made to our many-cultured society by native Americans, the Senate (September 30, 1976) and the House of Representatives (October 1, 1976) have requested that the President proclaim the week of October 10, 1976, as Native American Awareness Week (S.J. Res. 209).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 10, 1976, and ending October 16, 1976, as Native American Awareness Week.

I call upon all the people of the United States to join in observing this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-30179 Filed 10-12-76;10:02 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretation of Regulation Z, issued by a duly authorized official of the Office of Saver and Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

These interpretations shall be effective as of October 12, 1976.

Sec. 226.8(b)(3)---	Creditor imposing mortgage guarantee insurance premiums which are computed on declining principal balance and included in periodic payments may utilize Interpretation § 226.806 to disclose repayment schedule.
Sec. 226.806-------	Do.

SEPTEMBER 20, 1976.

This is in response to your letter • • •, regarding Public Information Letter 1021, dated March 26, 1976. In Letter 1021, staff indicated that the amounts of payments disclosed in a realty transaction under § 226.8(b)(3) must reflect the amount of any mortgage guarantee insurance premiums included in the periodic payments. You asked that staff reconsider this position.

Letter 1021 concerns a transaction in which the lender requires mortgage guarantee insurance, the premiums for which constitute a finance charge under § 226.4(a)(7). Because the annual premiums are based on the declining principal balance of the loan and paid along with the periodic payments of principal and interest, there are yearly variations in the amount of payments scheduled, reflecting the annual decrease in the premium due. Staff indicated that the creditor in this case must disclose a single dollar amount reflecting the principal, interest, and mortgage insurance premium and that the proposed disclosure of the amount of principal and interest only, together with a statement of the method of computing the mortgage premium, would not be in compliance with § 226.8(b)(3). However, staff suggested that an alternative disclosure method, similar to that presently permitted by Interpretation § 226.806, might be considered.

In your letter, you questioned staff's interpretation of the requirements of § 226.8(b)(3), which calls for the "amount • • • of payments schedule to repay the indebtedness." You contend that the word "indebtedness" may be read to mean only principal and interest and that the periodic payment disclosure need not reflect other types of periodically imposed finance charges, such as the mortgage guarantee insurance premiums. You also point out the practical problems involved in including all of the periodic payments on the disclosure statement. For example, on a thirty-year mortgage involving the variable mortgage guarantee insurance, a creditor could be required to show thirty different amounts in disclosing the repayment schedule under § 226.8(b)(3).

Staff does not agree that this section may be read as calling for disclosure of only the principal and interest payments. While the Regulation does not define "indebtedness," staff believes that the regulatory context in which that word is used, as well as the purposes of the Truth in Lending Act as a whole, clearly indicates that the repayment schedule should reflect all components of the finance charge, not merely that portion attributable to interest. Thus, staff continues to believe that its prior interpretation of the requirements of § 226.8(b)(3), as stated in Public Information Letter 1021, is correct.

With regard to staff's previous statement that Interpretation § 226.806 would not be available in this situation, however, staff believes upon reconsideration that this interpretation would in fact apply. That interpretation was addressed to the same type of problem as is raised here and would provide the same benefits to consumers and creditors as were originally contemplated in the interpretation. In both cases, a portion of each periodic payment consists of an equal level amount, together with a finance charge computed by application of a percentage rate to the declining balance, producing a series of unequal payments. The interpretation provides that the creditor need not list the respective dollar amount of each payment in order to comply with § 226.8(b)(3), but may, at its option, make the alternative disclosures outlined by that interpretation. It is staff's opinion that this interpretation may be utilized in the situation addressed in Public Information Letter 1021. Of course, if the lender chooses to make use of this option, the exemptions provided in §§ 226.8(b)(3), (c)(8), and (d)(3), regarding disclosure of the total of payments and the finance charge in realty transactions, would not be available.

This is an official staff interpretation of Regulation Z. We trust that it will be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Sec. 226.7(k)-----	Use of debiting date as transaction date for mail order transactions on open end accounts is permissible.

SEPTEMBER 22, 1976.

This is in reply to your letter • • •, raising a question under § 226.7(k)(2)(i) of the Board's recently adopted amendments to Regulation Z regarding identification of transactions on open end credit accounts. You state that your client is considering the sale of consumer products by mail using credit card accounts which will be subject to this provision of Regulation Z. Because you believe that there is no single date readily identifiable as the date on which the transaction takes place, you ask what the date of the transaction for purposes of this section is for mail order transactions. You suggest that the most appropriate date to disclose would be the date on which the amount is debited to the customer's account.

In the normal situation where a customer makes a purchase by use of a credit card, it is staff's view that the date of the transaction for purposes of § 226.7(k) can be readily identified as the date on which the customer presents the card, it is honored, and the sale is completed. However, staff understands that the situation is somewhat different with regard to mail order sales where there is a time lag between the date the customer places the order by mail and the date of delivery by the creditor. There are any number of dates which arguably may be of some relevance to the transaction which takes place. In staff's view, the date the amount is debited to the account is a reasonable date to disclose for purposes of identifying transactions in mail order situations. Therefore, in staff's view, its use would be in compliance with § 226.7(k) of Regulation Z.

I trust this is responsive to your inquiry. This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the Regulation.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Sec. 226.2(x)------	Credit card plan in which customer has privilege of paying in instalments only for individual purchases over $40 satisfies requirement that customer has the privilege of paying balance in full or in instalments.

SEPTEMBER 23, 1976.

This is in response to your letter • • •, in which you requested an official staff interpretation as to whether the Exxon Credit Sale and Revolving Charge Account falls within the § 226.2(x) definition of "open end credit" so that your company, if credit is granted pursuant to such an account in lieu of payment in cash at an established discount not to exceed 5 per cent, may avail itself of and receive the protection afforded

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by § 226.4(1) of Regulation Z. You have advised us that "the privilege of paying the balance in full or in instalments," one of the conditions contained in the aforesaid definition, is available to all Exxon Credit Sale and Revolving Charge Account credit card holders but that this privilege exists only as to individual purchases of $40 or more. Specifically, you have asked whether this limitation on the privilege to pay in instalments would prevent the plan from being characterized as "open end credit."

Regulation Z defines "open end credit" as "consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance." Certain exceptions, not applicable here, follow the above definition.

Staff is in agreement with your opinion that the Exxon Credit Sale and Revolving Charge Account clearly fulfills conditions (1) and (3) as set forth in the above definition. As to whether the plan meets the requirement that the customer have "the privilege of paying the balance in full or in instalments," staff is of the opinion that the plan as you have outlined it also satisfies this condition. Although individual purchases under $40 must be paid in full upon billing, other open end plans specify minimum amounts or balances for which payment is due in full upon billing and for which the customer, therefore, does not have the privilege of paying in instalments. Staff feels that the $40 individual purchase limitation of your plan is similar to the minimum balance limitations in other open end credit plans, the difference being a matter of degree. Therefore, staff feels that the Exxon Credit Sale and Revolving Charge Account can be considered "open end credit" for purposes of the Truth in Lending Act.

This is an official staff interpretation issued in accordance with § 226.1(d) of Regulation Z. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Sec. 226.7(j)------ Card sent to retailer's open end credit cardholders which activates a Christmas deferred billing program is not an "other similar credit device requiring § 226.7(j) disclosures."

SEPTEMBER 24, 1976.

This is in response to your letter * * *, in which you inquire whether a card sent by your retailer client to customers which, when used, activates a Christmas deferred billing program is an "other similar credit device" requiring disclosures under § 226.7(j) of Regulation Z.

You described the program's operation in the following manner: Open end credit cardholders are sent a card which can be used to defer billing on purchases made during November and December. When the card is presented with the customer's credit card during this period, billing for that purchase will be deferred until the customer's February periodic statement, and no finance charges will be assessed on those purchases made under the plan until the March periodic statement.

It is staff's opinion that the card which activates the Christmas deferred billing program which you have described is not a supplemental credit device under § 226.7(j), and disclosures under that section would be unnecessary. Section 226.7(j) is designed to cover, as stated in Public Information Letter 1052 (a copy of which is enclosed), credit devices which, when used, normally activate cash advances to a customer's account. The deferred billing card which you describe is obviously not "a blank check, payee designated check, blank draft or order"; nor is it "similar credit device" under § 226.7(j), as it does not activate a credit plan similar to a cash advance plan normally activated by the preceding designations.

I trust this is responsive to your inquiry. This is an official interpretation of Regulation Z issued in accordance § 226.1(d)(3) and relates solely to the questions presented.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, October 5, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-29955 Filed 10-12-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 10]

PART 120—BUSINESS LOAN POLICY

Loans to Agricultural Enterprises

Pursuant to authority cited below, § 120.2(c) of Part 120 of Chapter I, Title 13 of the Code of Federal Regulations is amended as hereinafter set forth.

Information and effective date. Pub. L. 94-305, approved on June 4, 1976, 90 Stat. 663, et seq., amended various provisions of the Small Business Act and authorized SBA to assist small businesses engaged in farming and related activities under existing programs. In September 1976, a Memorandum of Understanding was entered into between SBA and the United States Department of Agriculture, Farmers Home Administration (FmHA) which set forth the guidelines under which these agencies will operate. This amendment will incorporate the Memorandum of Understanding as part of SBA's rules and regulations.

Since this regulatory amendment will implement the statutory amendment and will publish the Memorandum of Understanding between SBA and FmHA which is not subject to public comment, it is not necessary or appropriate to delay its effective application by soliciting public comment. Interested persons, however, are invited to send comments, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

The amendments to § 120.2(c) of Part 120 are herewith adopted as follows:

(1) Revising the caption and adding a new subparagraph (4) to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(c) Assurance of repayment, change of ownership, recreational and amusement enterprises, and agricultural enterprises.

* * * * *

(4) *Loans to agricultural enterprises.* Loans to small businesses engaged in farming and related businesses will be made by SBA in accordance with the Memorandum of Understanding entered into between SBA and the United States Department of Agriculture, Farmers Home Administration (FmHA) which is incorporated herein as Appendix "A" to Part 120.

* * * * *

(3) Adding Appendix "A" to Part 120 as follows:

APPENDIX A—MEMORANDUM OF UNDERSTANDING BETWEEN THE SMALL BUSINESS ADMINISTRATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION

PREAMBLE

Pub. L. 94-305, which amended the Small Business Act, authorized the Small Business Administration (SBA) to assist small businesses engaged in farming and related activities under its existing programs. This legislation did not create any new SBA loan programs but merely included the agricultural industries among the industries eligible for SBA assistance. Neither did the legislation diminish, in any way, the responsibility of the Farmers Home Administration (FmHA) to meet the financial and other needs of farmers.

This joint memorandum reaffirms the mutual desire of SBA and FmHA to cooperate in the use of their respective loan making authorities to complement the activities of each other and, to the extent possible, to improve and expand the delivery of financial assistance to the agricultural production segment of the country; all with the least possible degree of overlapping, confusing or duplicating activities.

GENERAL GUIDELINES

1. The FmHA administers its financial assistance programs through its State, District and County offices.

The SBA administers its financial assistance programs through its Regional, District and Branch offices.

FmHA State Directors and SBA District Directors will exchange addresses of their offices and identify the geographical areas served by each. This information will be available in all field offices of both agencies so applicants can be referred to the appropriate offices. These same officials will make arrangements to inform the personnel within their jurisdictions of the other agency's current loan making and servicing policy so the referral advice given to potential applicants will be as accurate as possible.

2. FmHA and SBA will establish a liaison at both the State Director/District Director level and the National level and periodically coordinate their activities to: (a) Exchange detailed information concerning loan programs, (b) define areas of cooperation between the two agencies, (c) assure that their programs are servicing the intended recipients, (d) establish new methods to serve the public more expeditiously, and (e) achieve maximum utilization of their respective resources.

The SBA and the FmHA agree that the interests of agricultural industries will be best served and that each agency will achieve better utilization of available resources through the following operating guidelines:

3. Potential applicants may contact either agency for an interview but may file an application with only one agency at a time. However, SBA will encourage those potential applicants that have been or are borrowing through the FmHA to continue their relationship with that agency.

4. Potential applicants meeting FmHA eligibility requirements will, at the time of initial interview, be advised by SBA to contact the appropriate FmHA County Office for assistance.

FmHA personnel will, at the time of initial interview, refer potential applicants who are not eligible for FmHA assistance, (such as corporations, partnerships or aliens, applying for certain loans) to SBA if they appear to be eligible for SBA assistance.

5. Potential applicants are not to be referred back and forth between FmHA and SBA. Representatives of each agency must be reasonably certain that the applicant and proposed use of proceeds may be eligible for assistance from the other agency before a referral is made.

6. Neither agency will refuse a loan request from an applicant who prefers to file with that agency.

7. Agricultural applicants filing for financial assistance from either agency will give written permission for FmHA and SBA to exchange whatever prior or current loan application and loan experience information, including appraisals, either may have in its files.

8. Applicants who are denied FmHA assistance for any reason, including lack of FmHA funding, may contact SBA for assistance.

9. Applicants filing for financial assistance from either agency must use the forms and procedures of the agency being requested to provide the assistance. An applicant who is denied assistance by either agency must use a new application to file with the other in accordance with that agency's forms and procedures.

10. Applicants should not have to apply to two Federal agencies to borrow funds for a single purpose. Therefore, if either FmHA or SBA can make the entire loan, the applicant should not be referred to the other agency for part of the funds needed. If either FmHA or SBA cannot make the entire loan, the applicant should be referred to the other agency. Joint funding with shared collateral between the agencies is not encouraged and should be used only as a last resort.

DESCRIPTION OF LENDING POLICIES

11. The FmHA makes guaranteed loans and insured loans. Guaranteed loans are loans where the lending institution advances the entire funds from its account and the FmHA guarantees repayment of a certain percentage of principal and interest. Insured loans are those made from one of FmHA's insurance funds.

The SBA makes guaranteed, immediate participation and direct loans. The guaranteed loans are those where the lending institution advances the entire loan and the SBA agrees to purchase a percentage of the outstanding balance at time of default. Immediate participation loans are those where SBA disburses a percentage of the loan and the lender disburses the remainder from its account. Direct loans are made with SBA funds alone.

FMHA LOAN PROGRAMS FOR FARMERS

12. Operating Loans.

a. *Eligibility.* Be a citizen of the United States.

Be unable to obtain credit elsewhere (exclusive of SBA).

Be the operator of a family farm.

NOTE.—A "family farm" is defined as "one that will produce agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence; one that will provide substantial income by itself and which together with any other dependable income will enable the family to pay necessary family and other operating expenses, including maintenance of essential chattel and real property and pay debts; and one for which the operator and his immediate family provide the management and are actively engaged in the operation by providing a major amount of the farm and any nonfarm enterprise labor. A reasonable amount of hired labor may be used during seasonal peakload periods."

b. *Loan purposes.* Finance livestock, machinery and operating expenses.

Refinance debts.

Finance non-farm enterprises.

c. *Terms.* Up to seven years with five-year renewal.

Interest rate based on the cost of Treasury borrowings.

d. *Loan limit—$50,000.*

13. Farm Ownership Loans.

a. *Eligibility.* Be a citizen of the United States.

Be unable to obtain the credit from other sources (exclusive of SBA).

Be the owner-operator of a family farm after loan is closed.

b. *Loan purpose.* Buy land.

Construct and repair farm buildings.

Develop land and pollution control measures.

Develop farm irrigation facilities and domestic water supply.

Refinance Debt.

Finance non-farm enterprises.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

d. *Loan limits.* $100,000.

Maximum debt on security with other credit is $225,000.

14. Soil and Water Loans.

a. *Eligibility.* Be unable to obtain the credit elsewhere (exclusive of SBA).

Be a farm tenant, owner, partnership or corporation engaged in farming.

b. *Loan purposes.* Develop land and pollution control practices.

Water Development.

Purposes related to soil and water conservation.

c. *Terms.* Up to 40 years.

Five (5) percent interest.

d. *Loan limits.* $100,000.

Maximum debt on security with other credit is $225,000.

15. Recreation Loans.

a. *Eligibility.* Be a citizen of the United States.

Be unable to obtain the credit elsewhere (exclusive of SBA).

Be an individual engaged in farming when the loan is applied for.

b. *Loan purposes.* Convert all or part of the farm to outdoor recreation enterprises.

Acquire land and easements for recreational uses.

Refinance debts.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

b. *Loan limits.* $100,000.

Maximum debt on security with other credit is $225,000.

16. Rural Housing.

a. *Eligibility.* Be a U.S. citizen or permanent resident.

Be unable to obtain credit elsewhere (exclusive of SBA).

Be a farmowner without decent, safe and sanitary housing for his own use or the use of tenants, sharecroppers, farm laborers or farm manager.

b. *Loan purpose.* Buy, build or repair dwellings of modest size, design and cost.

c. *Terms.* Up to 33 years.

Interest rate established periodically based on housing money market rate.

d. *Loan limit.* The cost of providing modest, decent, safe and sanitary housing.

17. Business and Industry Loans.

a. *Eligibility.* If an individual, a U.S. Citizen.

A cooperative, corporation, partnership, trust, Indian tribe, or other legal entity.

b. *Loan purpose.* Pollution control measures.

c. *Terms.* Up to 30 years.

Interest rate is negotiated between lender and applicant.

d. *Loan limits.* No statutory dollar limit; determined by cost of project and credit factors.

18. Grazing Association Loans.

a. *Eligibility.* Be a nonprofit association.

Be unable to obtain credit elsewhere (exclusive of SBA).

Provide seasonal grazing for association members.

b. *Loan purposes.* Acquire land for grazing.

Develop land for grazing.

Pollution control measures incidental to other authorized purposes.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

d. *Loan limits.* No statutory or regulatory dollar limit—determined by value of security.

19. Irrigation, drainage and soil and water association loans.

a. *Eligibility.* Be an association composed primarily of farmers and other rural residents.

Be unable to obtain credit elsewhere (exclusive of SBA).

Provide a facility to serve farmers and other rural residents within the service area.

b. *Loan purpose.* Install or improve drainage facilities.

Install, repair or enlarge irrigation facilities.

Install or improve soil conservation and water control facilities including pollution abatement.

Special-purpose machinery and equipment.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

d. *Loan limit.* No statutory or regulatory dollar limit—determined by value of security.

NOTE.—In addition to the eligibility requirements for specific programs listed above, the following eligibility requirements must be met by all FmHA borrowers:

Have the experience to carry out the proposed operation to be financed.

Have the ambition to carry out the proposed operations.

Have the management ability to carry out the obligations required in connection with the loan.

SBA LOAN PROGRAMS FOR AGRICULTURAL ENTERPRISES

In addition to the specific eligibility factors listed under the following SBA programs, a borrower must be of good character, be an eligible small business under SBA rules and regulations (13 CFR Parts 121 and 122), be organized for profit, and be able to evidence reasonable assurance of ability to repay the loan from the profits of the business. Can be proprietorship, partnership or corporate business organization, and need not be a citizen of the U.S.A.

20. Regular Business Loans—7(a).

a. *Eligibility.* Be eligible under SBA rules and regulations (13 CFR Part 120).

Be unable to obtain the credit from non-Federal sources through utilization of personal resources or otherwise.

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b. *Loan purpose.* Purchase of land and buildings and land improvements (fencing, irrigation systems, etc.) including pollution control facilities essential to the small business.

Construction, renovation or improvement (including water systems) of (i) farm building other than residential buildings or (ii) residential buildings essential to the business if not available from other Federal sources.

Purchase of farm machinery and equipment (appliances and other household contents used for residential purposes are not eligible).

Operating expenses directly related to the farming operation excluding personal or family living expenses.

Refinancing of debt directly related to the farming operation, but excluding personal or family debt.

c. *Terms.* The interest rate on direct and SBA share of immediate participation loans is based on a legislative formula.

The lender's interest rate on immediate participation and guaranty participation loans is established by the lending institution, within SBA policy, but cannot exceed SBA's maximum which is periodically published in the FEDERAL REGISTER.

Maturity of the loans will generally not exceed one year for annual seed, feed, fertilizer and other annual needs, 7 years for that portion of the loan used for working capital, 10 years for that portion of the loan used for livestock and/or farm machinery and equipment, and 20 years for that portion of the loan used for acquisition or construction of real estate. However, all borrowers are expected to repay the loan as soon as possible and these maximum maturities are not automatically available in every case.

SBA loans are generally repaid in even monthly payments of principal and interest. However, quarterly, semiannual, annual or seasonal payments can be arranged when necessary.

d. *Loan limits.* Direct loans have an administrative limit of $150,000.

Immediate participation loans have an administrative limit of $150,000, SBA share. (Both the direct and immediate participation administrative limits can be waved in exceptional situations by SBA's Regional Directors.)

Guaranty participation loans have a limit of $350,000, SBA share, except that in exceptional situations the SBA share can be increased to $500,000.

The limits on a borrower's total indebtedness to SBA on all outstanding loans is (i) the aggregate of direct and the SBA share of immediate participation loans cannot exceed $350,000 and (ii) the aggregate of immediate participation and guaranty participation loans cannot exceed $500,000 at any one time.

21. Economic Opportunity Loans.

a. *Eligibility.* Must be economically or socially disadvantaged.

Meet the eligibility requirements set forth in SBA rules and regulations (13 CFR Parts 119 and 120).

b. *Loan purposes.* Can be used for the same purposes as Regular Business Loans.

c. *Terms.* Interest on direct and SBA share of immediate participation loans is subject to a legislative formula, and is subject to change quarterly.

The lender's interest on immediate and guaranty participation is the same as for regular business loans.

Maturities of these loans are generally restricted to 10 years for working capital other than annual operating expenses and farm machinery and equipment and to the legislative limit of 15 years for real estate purposes. However, no borrower will receive a longer maturity than is necessary for the loan to be repaid from the business income.

d. *Loan limits.* These loans cannot exceed $100,000 SBA share, whether direct, immediate participation or guaranty.

22. Water Pollution Control Loans.

a. *Eligibility.* Meet eligibility requirements set forth in SBA rules and regulations (13 CFR Parts 120 and 123).

Must have a statement from EPA of the necessity and adequacy.

Must show evidence of substantial economic injury.

b. *Loan purposes.* Only to make modifications and changes necessary to meet the Federal standards established under the Federal Water Pollution Control Act or State standards established in compliance with the Federal Water Pollution Control Act.

c. *Terms.* Interest rate same as for Regular Business Loans.

Maturity not to exceed 30 years.

d. *Loan limits.* No dollar limit.

23. Other Substantial Economic Injury Programs.

The SBA has loan authority to aid small businesses that suffer substantial economic injury as a result of a Federal action or Federally directed action, such as Occupational Health and Safety regulations, Air Pollution Control regulations or being displaced by a Federally financed construction project. These programs are more completely described in 13 CFR Part 123.

ADMINISTRATIVE GUIDELINES

24. The services of FmHA and SBA to lenders and applicants are, by mutual agreement, those that each agency would provide any eligible applicant in the normal course of business and there will be no reimbursement by either agency to the other for such services.

25. The National Office of FmHA and the Central Office of SBA will cooperate with each other in counseling their field offices and in resolving problems in specific cases.

26. This Memorandum of Understanding in no way alters or supersedes the existing Memorandums between the two agencies covering their disaster (emergency) loan authority and FmHA's Business and Industrial Loan Program.

27. This Agreement may be amended at any time by written agreement of both parties.

28. This agreement shall take effect upon the date of execution thereof.

Dated: September 2, 1976.

MITCHELL P. KOBELINSKI,
Administrator, SBA.

Dated: September 20, 1976.

FRANK B. ELLIOTT,
Administrator, FmHA.

In view of the fact that this amendment carries out the statutory mandate of Pub. L. 94-305, and pursuant to the authority granted by section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, the amendment set forth above is effective June 4, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59, 012, Small Business Loans.)

Dated: October 4, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-29957 Filed 10-12-76;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Liberalization of Loan Eligibility Increase of Direct Loan Maximum

The Veterans Administration is amending the appropriate sections of part 36, Title 38 of the Code of Federal Regulations to implement those sections of the Veterans Housing Amendments Act of 1976 (Pub. L. 94-324; 90 Stat. 720), which make substantive changes in the Veterans Administration loan guaranty program effective October 1, 1976.

Section 2(a) of Pub. L. 94-324 declares that veterans whose only active duty service occurred after July 25, 1947, and prior to June 27, 1950 are now eligible for Veterans Administration loan guaranty benefits. The amendments to §§ 36.4301 (gg) and 36.4501(o) of this title will implement the statutory revisions.

The Administrator is now authorized to make direct loans at the maximum amount of $33,000. The amendments to §§ 36.4502, 36.4503(a), 36.4509(b) and 36.4511(a) of this title will implement the statutory revision by increasing the direct loan maximum to $33,000.

Pub. L. 93-383 (88 Stat. 728), entitled the Housing and Community Development Act of 1974, prohibits discrimination based upon sex in various housing transactions including those related to federally related mortgage loans. A federally related mortgage loan is defined to include loans secured by one to four family residential real property and which are made, insured, guaranteed or assisted by any federal agency. Since the definition applies to VA direct loans, § 36.4510(d) is appropriately amended.

In addition minor editorial changes have been made in §§ 36.4509(a) and 36.4510(b)(3) to reflect agency policy of using precise terms to denote gender.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The substantive changes implement statutory mandates. Those changes not required by statute are editorial rather than substantive. Compliance with § 1.12 would serve little purpose and would not be in the public interest.

The economic and inflationary impacts have been evaluated in accordance with OMB Circular A-107.

1. In § 36.4301, paragraph (gg) is revised to read as follows:

§ 36.4301 Definitions.

Wherever used in 38 U.S.C. ch. 37 or §§ 36.4300 to 36.4375, inclusive, and § 36.4390 through 36.4393, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

• • • • • •

(gg) *A period of more than 180 days.* For the purposes of sections 1807 and 1818 of title 38, United States Code, the term "a period of more than 180 days" shall mean 181 or more calendar days of continuous active duty.

• • • • • •

2. In § 36.4501, paragraph (o) is revised to read as follows:

§ 36.4501 Definitions.

Wherever used in 38 U.S.C. 1811 or the regulations concerning direct loans to veterans, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

• • • • • •

(o) *A period of more than 180 days.* For the purposes of sections 1807 and 1818 of title 38, United States Code, the term "a period of more than 180 days" shall mean 181 or more calendar days of continuous active duty.

3. Section 36.4502 is revised to read as follows:

§ 36.4502 Use of guaranty entitlement.

The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after October 1, 1976, shall be charged with an amount which bears the same ratio to $17,500 as the amount of the loan bears to $33,000. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date shall be the amount which would have been charged had the loan been closed subsequent to such date.

4. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1976, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8½ percent per annum.

• • • • • •

5. Section 36.4509 is revised to read as follows:

§ 36.4509 Joint loans.

(a) No loan will be made unless an eligible veteran is the sole principal obligor, or such veteran and spouse are the principal obligors thereon, nor unless such veteran alone, or together with a spouse, acquire the entire fee simple or other permissible estate in the realty for the acquisition of which the loan was obtained. Nothing in this section shall preclude other parties from becoming liable as comaker, endorser, guarantor, or surety.

(b) Notwithstanding that an applicant and spouse are both eligible veterans and will be jointly and severally liable as borrowers, the original principal amount of the loan may not exceed the maximum permissible under § 36.4503(a). In any event the loan may not exceed $33,000.

6. In § 36.4510, paragraphs (b)(3) and (d) are revised to read as follows:

§ 36.4510 Prepayment, acceleration, and liquidation.

• • • • • •

(b) The Veterans Administration shall include in the instruments evidencing or securing the indebtedness provisions relating to the following:

• • • • • •

(3) The right of the Veterans Administration to foreclose or otherwise proceed to liquidate or acquire property which is the security for the loan in the event of the borrower's delinquency in the repayment of the obligation or in the event of default in any other provisions of the loan contract.

• • • • • •

(d) If, subsequent to the closing of the loan, title to the property which is security for such loan is restricted against sale or occupancy on the ground of race, color, religion, sex or national origin, by restrictions created and filed of record by the borrower, such action, at the election of the Veterans Administration, shall constitute an event of default entitling the Veterans Administration to declare the unpaid balance of the loan immediately due and payable.

7. In § 36.4511, paragraph (a) is revised to read as follows:

§ 36.4511 Advances after loan closing.

(a) The Veterans Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided*, That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the indebtedness to an amount in excess of $33,000.

• • • • • •

Effective date: Sections 36.4301(gg), 36.4501(o), 36.4502, 36.4503(a), 36.4509 (b) and 36.4511(a) are effective October 1, 1976. Section 36.4510(d) is effective October 6, 1976.

Approved: October 6, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-29964 Filed 10-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 629-8]

PART 60—STANDARDS OF PERFORMANCE FOR STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of North Dakota

Pursuant to the delegation of authority for the standards of performance for new sources (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) to the State of North Dakota on August 30, 1976, EPA is today amending respectively 40 CFR 60.4 and 61.04 Address, to reflect this delegation. A notice announcing this delegation is published today in the notices section. The amended §§ 60.4 and 61.04 which add the address of the North Dakota State Department of Health to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to these parts must also be addressed, are set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 30, 1976, and it serves no purpose to delay the technical change of this addition to the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, (42 U.S.C. 1857c-6 and -7).

Dated: October 1, 1976.

JOHN A. GREEN,
Regional Administrator.

Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are respectively amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (JJ) to read as follows:

§ 60.4 Address.

• • • • • •

(b) • • •

(A)-(Z) • • •

(AA)-(II) • • •

(JJ)—State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

• • • • • •

2. In § 61.04, paragraph (b) is amended by revising subparagraph (JJ) to read as follows:

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§ 61.04 Address.

• • • • • •

(b) • • •

(A)–(Z) • • •
(AA)–(ZZ) • • •
(JJ)—State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

• • • • • •

[FR Doc.76–30020 Filed 10–12–76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 196—DOMESTIC MINING AND MINERAL FUEL CONSERVATION FELLOWSHIPS

Miscellaneous Corrections

In the FEDERAL REGISTER, Volume 41, No. 137, 41 FR 29123, in the issue of Thursday, July 15, 1976, references to certain sections within the regulation were incorrect. Sections 196.3, 196.5, 196.12, and 196.13 of that document are corrected to read as follows:

On page 29123, § 196.3 *Award procedures.* In the 8th line, the reference to "§ 196.12" is changed to "§ 196.11."

On page 29124, § 196.5 *Eligibility for fellowships.* In the fourth line of paragraph (b), the reference to section "§ 196.15" is changed to "§ 196.14."

On page 29124, § 196.12 *Reaward of vacated fellowships.* In the 8th line, the reference to "§ 196.6" is changed to "§ 196.5."

On page 29124, § 196.13 *Payment procedures.* In the fifth and sixth lines of paragraph (a), the references to "§§ 196.8, 196.9, 196.10, and 196.11" are changed to "§§ 196.7, 196.8, 196.9, and 196.10."

Dated: October 1, 1976.

(Catalog of Federal Domestic Assistance No. 13.567, Mining and Mineral Fuel Conversation Fellowship Program.)

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.76–30006 Filed 10–12–76;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PARTS 1005 THROUGH 1078

Revision of Part Titles

In order to facilitate the use of the FEDERAL REGISTER and the Code of Federal Regulations by the public in determining the rules, regulations, and guidelines published by the Community Services Administration (CSA), the Agency is revising the titles of eleven of the seventeen Parts in Chapter X. The title revisions do not affect the content of any current or future regulations. The revisions are meant to accomplish the following: (1) they reflect CSA as the successor authority to the Office of Economic Opportunity; (2) the term "Grantee" replaces "Community Action Program" in Parts 1060, 1061, 1067, 1068, and 1069 thus enabling the Agency to publish regulations in each of these subject areas which affect all CSA-funded grantees regardless of funding authority and not only Community Action Agencies; (3) Part 1070 is renamed to accurately reflect the subjects of the regulations currently published under this Part; and Parts 1075 and 1078 are retitled to delete two subject areas—research and pilot programs and policy. (Special Parts for these categories are not required as the existing Parts having been retitled now will accommodate regulations relating to these areas.) In addition the one regulation currently published under Part 1010 will become Subpart A and titled Nondiscrimination in Federally-assisted programs of the Office of Economic Opportunity—effectuation of Title VI of the Civil Rights Act of 1964.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

Effective date: October 13, 1976.

HAZEL ROLLINS,
General Counsel.

45 CFR Chapter X is amended by revising the index of Parts to read as follows:

Part
1005 Freedom of Information Act regulations.
1006 Privacy Act regulations.
1010 Civil Rights regulations.
1012 General administration and management committees.
1015 Standards of conduct for employees.
1026 Contracts and Administration.
1060 General characteristics of CSA-funded programs.
1061 Character and scope of specific programs.
1062 Establishments and eligibility of Community Action Programs.
1067 Funding of CSA grantees.
1068 Grantee financial management.
1069 Grantee personnel management.
1070 Grantee public affairs.
1071 Grantee property administration.
1075 State Economic Opportunity Offices.
1076 Economic Development Programs.
1078 Evaluation.

[FR Doc.76–30086 Filed 10–12–76;8:45 am]

PART 1042—ASSIGNMENT, PLACEMENT, TRANSFER, AND SUPERVISION OF VISTA VOLUNTEERS

PART 1050—VISTA PROGRAMS AND PROJECT MANAGEMENT

Deletion of Parts

EDITORIAL NOTE: The Office of the Federal Register has received a letter from the Office of Operations of the Community Services Administration, in which it is stated that the regulations presently codified as Parts 1042 and 1050 are legally void. The letter requests the deletion of the regulations from the CFR chapter administered by the Community Services Administration.

The basis for the Community Services Administraton request is the National Volunteer Antipoverty Programs Act of 1973 (Pub. L. 93–113). The Act entrusts the administration of these regulations to the Director of ACTION. Acting under the authority (Secs. 104(b), 402(14), 415(d), 419, and 420 of Pub. L. 93–113, 87 Stat. 398, 407, 412, 413, and 414) the Director of ACTION has promulgated regulations as 45 CFR Part 1217 (40 FR 44203, Dec. 23, 1974), Part 1218 (40 FR 43725, Dec. 18, 1974), Part 1219 (40 FR 42915, Dec. 9, 1974) and Part 1220 (40 FR 28880, July 9, 1975). The effect of these publications is to make obsolete the regulations in 45 CFR Parts 1042 and 1050.

Therefore, pursuant to 1 CFR 8.2, Parts 1042 and 1050 of Chapter X of Title 45, Code of Federal Regulations are deleted.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 547, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 1–7, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 547 (41 FR 43154). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication

thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 908.847 (Valencia Orange Regulation 547 (41 FR 43154)) are hereby amended to read as follows:

§ 908.847 Valencia Orange Regulation 547.

• • • • • •

(b) • • •
(1) • • •
(i) District 1: 427,000 cartons;
(ii) District 2: 523,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: October 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–29939 Filed 10–12–76;8:45 am]

[Avocado Reg. 18, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Lula variety of avocados. Lula avocados can be shipped one week earlier on October 11 at a lower minimum weight or smaller diameter. Currently, Lula avocados cannot be shipped prior to October 18 at specified minimum weights or diameters. Recently completed maturity studies on this variety indicate it will be mature at the hereinafter specified dates, minimum weights, or diameters. Weight or diameter and picking dates, are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified variety completed recently indicate that avocados of such variety will be mature at the hereinafter specified dates, minimum weights, or diameters.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the specified variety of avocados.

Order. (1) The provisions of paragraph (a)(2) of § 915.318 (Avocado Regulation 18; 41 F.R. 21336; 34973; 43154) are amended by revising in Table I the dates, minimum weights or diameters applicable to the Lula variety so after such revision the portion of Table I relating to Lula avocados reads as follows:

§ 915.318 Avocado Regulation 18.

(a)(1) • • •

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Lula	Oct. 11, 1976	16 oz., 3⅝ in.	Nov. 1, 1976	14 oz., 3⅝ in.	Nov. 15, 1976		

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated, October 7, 1976, to become effective October 11, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–30013 Filed 10–12–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT ADMINISTRATION REGULATIONS

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Boycott Related Reports, Availability

Pursuant to a Presidential Directive dated October 7, 1976, a copy of which is appended hereto, the Department of Commerce will commence public disclosure of reports regarding boycott-related requests received by American companies on or after October 7, 1976.

Only business proprietary information regarding the quantity, value, commodity and the identity of the consignee, the release of which could place reporting firms at a competitive disadvantage, will not be made publicly available, when confidential treatment is requested by the reporting firm, pursuant to applicable provisions of the Freedom of Information Act, as amended (5 U.S.C. 552).

Boycott request reporting forms DIB–630P (Rev. 2–76) and DIB–621P (Rev. 2–76) and § 369.4 of the Export Administration Regulations are presently under review and will be revised in the near future other than changes made or announced herein. In the interim, reporting firms requesting confidential treatment for proprietary information must submit duplicate report forms DIB–630P (Rev. 2–76) or DIB–621P (Rev. 2–76) as appropriate. One report form must contain all the information required on the form except information on the quantity, value, commodity and the identity of the consignee for which confidential treatment is requested. The second boycott report form covering the same boycott-related request should contain the name of the reporting firm and the information excluded from the first form.

FORMS AMENDED:

That part of section "C" of forms DIB–630P (Rev. 2–76) and DIB–621P (Rev. 2–76) which reads, "CONFIDENTIAL Information furnished herewith is deemed confidential and will not be published or disclosed except as specified in Section 7(c) of the Export Administration Act of 1969 as amended (50 U.S.C. App. 2406(c))" is deleted.

Section 369.4 of the Export Administration Regulations (15 CFR 369.4) is amended as follows:

1. The fourth sentence which reads "The information contained in these reports is subject to the provisions of Section 7(c) of the Export Administration Act of 1969 regarding confidentiality" is deleted.

2. A new § 369.4(c) is added as follows:

§ 369.4 Reporting requirements.

• • • • • •

(c) *Disclosure of Information.* Forms DIB–630P (Rev. 2–76) and DIB–621P (Rev. 2–76) reporting the receipt of a restrictive trade practice request which was received by the reporting firm on or after October 7, 1976, shall be made available to the public for inspection and copying, except that information relating to quantity, value, commodity and the identity of the consignee, will be withheld pursuant to applicable provisions of the Freedom of Information Act, as amended (5 U.S.C. § 552), if the reporting firm so requests on the basis that disclosure of this information could place reporting firms at a competitive disadvantage. Reporting firms requesting confidential treatment for proprietary information must submit report forms DIB–630P

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(Rev. 2–76) or DIB–621P (Rev. 2–76) as appropriate. One report form must contain all the information required on the form except information on the quantity, value, commodity and the identity of the consignee for which confidential treatment is requested. The second boycott report form covering the same boycott-related request should contain the name of the reporting firm and the information excluded from the first form. The boycott report form which excludes information for which confidential treatment is requested will be available for public inspection and copying in the DIBA Freedom of Information Record Inspection Facility, Room 3100, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Notice and public procedure in the formulation of this regulation are impracticable, unnecessary, and contrary to the public interest. In order to make the information available to the public at the earliest possible date, this regulation is effective October 7, 1976.

Since reporting firms have 15 days after receipt of a boycott-related request to file a single transaction report with the Department of Commerce, boycott reports are not expected to be available for inspection before October 25.

(Sec. 2, E.O. 11940, September 30, 1976, 41 FR 43707.)

Effective date of action: October 7, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

THE WHITE HOUSE,
Washington,
October 7, 1976.

MEMORANDUM FOR THE SECRETARY OF COMMERCE

Would you please assure that the Department of Commerce takes steps to permit the public inspection and copying of boycott-related reports to be filed in the future with the Department of Commerce. Only business proprietary information regarding such things as quantity and type of goods exported, the release of which could place reporting firms at a competitive disadvantage, should not be made available to the public.

During the past year, there has been a growing interest in and awareness of the impact of the Arab Boycott on American business. Disclosure of boycott-related reports will enable the American public to assess for itself the nature and impact of the Arab Boycott and to monitor the conduct of American companies.

I have concluded that this public disclosure will strengthen existing policy against the Arab Boycott of Israel without jeopardizing our vital interests in the Middle East. The action I am directing today should serve as a reaffirmation of our national policy of opposition to boycott actions against nations friendly to us.

GERALD R. FORD

[FR Doc.76–30174 Filed 10–8–76;5:29 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 259]

[Release No. 35–19705; File No. S7–656]

ANNUAL REPORTS FOR PUBLIC UTILITY HOLDING COMPANIES

Proposed Amendments to Form

The Commission today invited public comments on proposed amendments to annual report Form U5S (17 CFR 259.5s) filed under the Public Utility Holding Company Act of 1935 ("1935 Act") pursuant to Rule 1(c) (17 CFR 250.1(c)) of the rules and regulations under the 1935 Act. If adopted, registered holding companies and their subsidiaries will be required to file annual reports in conformity with Form 10–K (17 CFR 249.310) under the Securities Exchange Act of 1934 ("1934 Act"), in addition to a modified Form U5S required for regulatory purposes under the 1935 Act.

BACKGROUND

STATUTORY AND OTHER PROVISIONS FOR SUBSTITUTE REPORTS

Section 14 of the 1935 Act authorizes the Commission to prescribe the form in which information required pursuant to the continuous disclosure provisions of that Act shall be set forth. The Commission promulgated Rule 1(c), which requires every holding company registered under section 5 of the 1935 Act of file an annual report on Form U5S on behalf of itself and its subsidiaries. The annual report is intended to supplement and keep current information contained in each holding company's registration statement filed on Form U5B (17 CFR 259.5b). Form U5S is primarily designed to meet the regulatory requirements of the 1935 Act. It requires a substantial volume of detailed information about subsidiaries, regardless of size, and data relating to the particular requirements of the 1935 Act. Fourteen holding companies, with consolidated assets at December 31, 1975, of $37.9 billion, currently file Form U5S.

On September 3, 1976 (Release No. 34–12769) (41 FR 39048), the Commission invited public comments on a proposal to rescind the annual report Form 12–K and to amend and revoke provisions of Rules 13, 14 and 15 (17 CFR 240.13, 17 CFR 240.14, 17 CFR 240.15) under the 1934 Act. That proposal, if adopted, will no longer permit issuers registered under section 12 of the 1934 Act to file copies of annual and other periodic reports submitted to other federal regulatory commissions as exhibits to Form 12–K and in lieu of the information specified in quarterly report Form 10–Q (17 CFR 249.308a). Instead, such issuers will be required to file annual reports on Form 10–K and quarterly reports on Form 10–Q.

Holding companies registered under the 1935 Act and their subsidiaries are similarly now excused from filing the separate annual report on Form 10–K, although they are subject to the quarterly reporting requirements of Form 10–Q. Form U5S is directed primarily to the regulatory purposes of the 1935 Act and, like the annual reports filed with other federal regulatory agencies, is not an adequate substitute for the report, on Form 10–K, which is directed to meet investors' needs under the 1934 Act. The reasons discussed at length in our proposal to rescind Form 12–K apply also to those public utility companies that file regulatory reports with this Commission under the 1935 Act.

The amendments to Form U5S proposed herein will be effected by deleting references to sections 13 and 15(d) of the 1934 Act and by making other necessary modifications. In addition, certain items of disclosure now required by Form U5S, which would repeat information reported in Form 10–K, will be eliminated. Appropriate changes will be made in the numbering of Form U5S to reflect the deletions.

OPERATION OF PROPOSAL

Registered holding companies and their subsidiaries now reporting on Form U5S in lieu of filing Form 10–K may continue to do so pending the adoption of the amendments proposed herein and in the Commission's release of September 3, 1976, which proposes the rescission of Form 12–K. The proposal herein is limited to modifications of Form U5S; no amendment to Rule 1(c) or any other Commission rule or regulation is necessary. No other reporting requirement generally applicable to registered holding companies and their subsidiaries, other than the annual reporting requirements of Form 10–K, will be affected by the proposed amendments to Form U5S.

The Commission hereby proposes for comment proposed amendments to Form U5S pursuant to sections 5(c) and 20(a) of the 1935 Act.

All interested persons are invited to submit their written views and comments on the foregoing proposals, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 1, 1976. Such communications should refer to File S7–656 and will be available for public inspection. The text of the proposed amendments is set forth below.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 5, 1976.

TEXT OF PROPOSED AMENDMENTS TO FORM U5S

Section 259.5s Form U5S, for annual reports filed under Section 5(c) of the Act, is proposed to be amended in the following manner.

1. The portion of the facing sheet referring to a filing pursuant to sections 13 or 15(d) of the Securities Exchange Act of 1934 shall be deleted.

2. General instructions 1(b) and 2(b) and the last sentence of instruction 2(c) shall be deleted. Instruction 1(a) shall be renumbered as instruction 1 and instructions 2(c) to 2(f) inclusive shall be renumbered as instructions 2(b) to 2(e).

3. Item 2, "Securities Registered on Exchanges," shall be deleted. The other items will not be renumbered at this time.

4. Item 8(b), "Holders of Capital Stock," shall be deleted and Item 8(a) renumbered as Item 8.

5. The clause "and under the Securities Exchange Act of 1934" shall be deleted from the instruction to Item 13.

6. The second sentence of instruction 1(b), of the Instructions as to Financial Statements, which now reads:

The individual corporate and consolidated statements included in the consolidating statements, of the top registered holding company and of each other system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 shall be audited in accordance with Regulation S–X.

will be amended to read:

The individual corporate and consolidated statements included in the consolidating statements with respect to those members of the system that file annual reports on Form 10–K shall correspond to the financial statements so filed on Form 10–K.

7. The clause "except in the case of a system company filing this report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934" shall be deleted from the fourth sentence of said instruction 1(b).

8. Instruction 1(c) of the Instructions as to Financial Statements shall be amended to read:

(c) There shall be included with the financial statements for each member company the schedules specified in Rule 5–04 of Regulation S–X, to the extent required by that regulation, except Schedules II,

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III, IV, X, XVII, XVIII and XIX provided that any schedule of a subsidiary company may be omitted if the information required is included and separately identified in the consolidated schedules of its parent, or elsewhere in the financial statements or in the answers to any of the items of the Form.

Any required schedule may be incorporated by reference to any prior filing under any act administered by the Commission, to the extent permitted by Rule 24 (17 CFR 201.24) of the Commission's rules of practice. If the information required in any schedule of any system company is contained in any schedule or schedules of such company's report to the Federal Power Commission, duplicates of such schedules with appropriate references may be used to satisfy the requirements of this form.

9. Instruction 2 of the Instructions as to Exhibits shall be deleted.

[FR Doc.76-29920 Filed 10-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[30 CFR Part 11]

RESPIRATORY PROTECTIVE DEVICES

Proposed Amendments

CROSS REFERENCE: For a document dealing with this subject matter, see FR Doc. 76-29845, published under the Department of the Interior/Mining Enforcement and Safety Administration, in the proposed rule section of this issue.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 11].

RESPIRATORY PROTECTIVE DEVICES

Proposed Amendments

The Secretary of the Interior, through the Mining Enforcement and Safety Administration (MESA), and the Secretary of Health, Education, and Welfare, through the National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, conduct a testing and approval program for respirators used in occupationally hazardous atmospheres pursuant to regulations contained in 30 CFR Part 11 issued jointly by the Secretaries (37 FR 6244). Respirators approved under Part 11 are required to be used where necessary in workplaces in accordance with applicable MESA and Occupational Safety and Health Administration (OSHA) standards and regulations.

Notice is hereby given that the Secretaries propose new amendments to Part 11 as set forth below. Specifically, these amendments would (1) clarify the use of gas masks and chemical-cartridge respirators against gases and vapors with poor warning properties, (2) permit the use of Type A supplied-air respirators only in atmospheres not immediately dangerous to life or health, (3) provide new performance requirements for the approval of single-use gas and vapor chemical-cartridge respirators that are equivalent to the present performance requirements for chemical-cartridge respirators, (4) revise performance requirements for vinyl chloride chemical-cartridge respirators by reducing minimum service life from 2 hours to 90 minutes, and (5) provide for approval of single-use vinyl chloride respirators with performance requirements equivalent to the present performance requirements for vinyl chloride chemical-cartridge respirators. For the purposes of this amendment, a single-use gas and vapor chemical-cartridge respirator is one that is entirely discarded after excessive resistance or exhaustion.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Park Bldg. 3-32), Rockville, MD 20852. All material received on or before November 12, 1976 will be considered before further action is taken on the proposal. All comments received in response to the proposal will be available for public inspection during normal business hours at the foregoing address.

It is proposed to make the amendments effective on the date of their republication in the FEDERAL REGISTER.

Dated: October 4, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

Dated: September 2, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 11, Subchapter B, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

1. Section 11.3 is amended by adding a new paragraph (kk) which reads:

§ 11.3 Definitions.

• • • • • •

(kk) "Single-use Respirator" means a respirator that is entirely discarded after excessive resistance or exhaustion.

§ 11.90 [Amended]

2. In § 11.90, paragraph (b) is amended by revising footnote 4 to read as follows:

[4] Not for use against gases or vapors with poor warning properties (except where MESA or Occupational Safety and Health Administration standards permit such use for escape only from a specific gas or vapor) or those which generate high heats of reaction with sorbent material in the canister.

§ 11.110 [Amended]

3. Section 11.110, paragraphs (a) and (a)(1) are amended by deleting the words "hazardous atmospheres" and substituting "atmospheres not immediately dangerous to life or health" therefor.

4. Section 11.150 is amended by designating the introductory text appearing there as paragraph (a), revising the table and footnote 7, and adding a new paragraph (b). The revised and added provisions read as follows:

§ 11.150 Chemical cartridge respirators; description.

(a) • • •

Type of chemical cartridge respirator: [7]	*Maximum use concentration, parts per million*
Ammonia	300
Chlorine	10
Hydrogen chloride	50
Methyl amine	100
Organic vapor	[8] 1,000
Sulfur dioxide	50

[7] Not for use against gases or vapors with poor warning properties (except where MESA or Occupational Safety and Health Administration standards may permit such use for escape only from a specific gas or vapor) or those which generate high heats of reaction with sorbent material in the cartridge.

• • • • • •

(b) Respirators described in paragraph (a) of this section may be of the replaceable cartridge type where only the cartridge(s) is replaced after excessive resistance or exhaustion, or of the single-use type where the entire respirator is discarded and replaced after excessive resistance or exhaustion.

5. Section 11.160 is amended by inserting the phrase "for replaceable cartridge respirators" between the words "Facepieces" and "shall" in paragraph (a) and adding a new paragraph (a–1) which reads:

§ 11.160 Head harnesses; minimum requirements.

• • • • • •

(a–1) Facepieces for single-use chemical-cartridge respirators shall be equipped with adjustable head harnesses designed and constructed to provide adequate tension during use and an even distribution of pressure over the entire area in contact with the face.

• • • • • •

6. Section 11.162–1 is amended by revising the table in paragraph (b) to read:

§ 11.162–1 Breathing resistance test; minimum requirements.

Maximum resistance

[Millimeter water column height]

Type of chemical-cartridge respirator	Inhalation		Exhalation
	Initial	Final [1]	
Replacement cartridge respirator:			
For gases, vapors, or gases and vapors	40	45	20
For gases, vapors, or gases and vapors, and dusts, fumes, and mists	50	70	20
For gases, vapors, or gases and vapors, and mists of paints, lacquers, and enamels	50	70	20
Single-use respirator with valves:			
For gases, vapors, or gases and vapors	20	25	20
For gases, vapors, or gases and vapors, and pneumoconiosis and fibrosis producing dusts	30	45	20
Single-use respirator without valves:			
For gases, vapors, or gases and vapors	15	20	[2]
For gases, vapors, or gases and vapors, and pneumoconiosis and fibrosis producing dusts	25	40	[2]

[1] Measured at end of service life specified in tables 11 and 11a.
[2] Same as inhalation.

§ 11.162–8 [Amended]

7. Section 11.162–8 is amended as follows:

a. Insert the phrase "of replaceable-cartridge respirators" between the words "tests" and "will" in the first sentence of paragraph (a).

b. Add a new paragraph (a–1) which reads:

• • • • • •

(a–1) Bench tests of single-use respirators will be conducted on an apparatus with the applicable gas or vapor concentration at 50±5 percent relative humidity and 25±2.5°C cycled through the respirator by a breathing machine at the rate of 24 respirations per minute and a minute volume of 40 liters. Air exhaled through the respirator will be 35±2°C with 94±3 percent relative humidity. Air inhaled through the respirator will be sampled and analyzed for respirator leakage.

• • • • • •

c. Insert the phrase ", or single-use respirators," between the words "cartridges" and "will" in paragraphs (c), (d), (e), (f), and (g).

d. In paragraph (d) change the table heading to read: "Type of cartridge or respirator:".

e. In paragraph (g), change the reference "Table 11" to "Tables 11 and 11a".

f. Revise the heading for Table 11 to read: "Table 11—Cartridge Bench Tests and Requirements for Replaceable-Cartridge Respirators" and change the column heading entitled "Flowrate" to read "Constant flowrate".

g. Insert a new Table 11a as follows:

TABLE 11a.—*Cartridge bench tests and requirements for single-use respirators*

(30 CFR Part II, Subpart L, § 11.162-8)

Cartridge	Test condition	Test atmosphere: Gas or vapor	Test atmosphere: Concentration (parts per million)	Minute volume (liters)	Number of tests	Penetration [1] (part per million)	Minimum life [2] (minutes)
Ammonia	As received	NH_3	1,000	40	3	50	80
Do	Equilibrated	NH_3	1,000	40	4	50	40
Chlorine	As recieved	Cl_2	500	40	3	5	56
Do	Equilibrated	Cl_2	500	40	4	5	28
Hydrogen chloride	As received	HCl	500	40	3	5	80
Do	Equilibrated	HCl	500	40	4	5	40
Methylamine	As received	CH_3NH_2	1,000	40	3	10	40
Do	Equilibrated	CH_3NH_2	1,000	40	4	10	20
Organic vapors	As received	CCl_4	1,000	40	3	5	80
Do	Equilibrated	CCl_4	1,000	40	4	5	40
Sulfur dioxide	As received	SO_2	500	40	3	5	48
Do	Equilibrated	SO_2	500	40	4	5	24

[1] Minimum life will be determined at the indicated penetration.
[2] Where a respirator is designed for respiratory protection against more than 1 type of gas or vapor, as for use in ammonia and in chlorine, the minimum life shall be one-half that shown for each type of gas or vapor. Where a respirator is designed for respiratory protection against more than 1 gas or vapor, as for use in chlorine and sulfur dioxide, the stated minimal life shall apply.

§ 11.203 [Amended]

8. Section 11.203 is amended as follows:

a. Revise paragraph (a) to read:

(a) Except for the tests prescribed in §§ 11.162–4 through 11.162–8, the minimum requirements and performance tests for chemical-cartridge respirators prescribed in Subpart L of this part are applicable to replaceable-cartridge and single-use vinyl chloride chemical-cartridge respirators.

• • • • • •

b. In paragraph (b), insert the words "or single-use chemical-cartridge respirators" between the words "respirators" and "for" therein.

c. In paragraph (b)(2), insert the words "or single-use respirators" between the words "cartridges" and "will" therein.

d. In paragraph (b)(3), insert the words "or respirators" between the words "cartridges" and "will" therein.

e. Revise paragraphs (b)(4) and (b)(5) and add new paragraphs (b)(6) and (b)(7). The revised and added provisions read as follows:

(b) • • •

(4) The cartridges or pairs of cartridges for replaceable-cartridge respirators, equilibrated and stored as described in paragraphs (b)(1), (b)(2), and (b)(3) of this section, will be tested on an apparatus that allows the test atmosphere at 50±5 percent relative humidity and 25±5°C, to enter the cartridges or pairs of cartridges continuously at a concentration of 10 ppm vinyl chloride monomer at a total flowrate of 64 liters per minute.

(5) The maximum allowable penetration after 90 minutes testing of cartridges or pairs of cartridges for replaceable-cartridge respirators, according to paragraph (b)(4) of this section, shall not exceed 1 ppm vinyl chloride.

(6) The single-use respirators, equilibrated and stored as described in paragraphs (b)(2) and (b)(3) of this section, will be tested on an apparatus with 10 ppm chloride at 50±5 percent relative humidity and 25±2.5°C cycled through the respirator by a breathing machine at the rate of 24 respirations per minute at a minute volume of 40 liters. Air exhaled through the respirator will be 35±2°C with 94±3 percent relative humidity.

(7) The maximum allowable penetration after 144 minutes testing of respirators, according to paragraph (b)(6) of this section, shall not exceed 1 ppm vinyl chloride.

[FR Doc.76-29845 Filed 10-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Grade and Size Requirements

This notice invites written comment relative to a proposal that would continue Orange Regulation 75 (§ 905.564), Grapefruit Regulation 77 (§ 905.565), Tangerine Regulation 48 (§ 905.566), and Tangelo Regulation 48 (§ 905.567) through September 25, 1977. Such regulations were published in the September 27, 1976, issue of the FEDERAL REGISTER (41 F.R. 42177) and will expire on November 15, 1976, unless extended. The regulations specify grade and size requirements applicable to domestic and export shipments of Florida oranges, grapefruit, tangerines, and tangelos as set forth in the following table:

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TABLE

Variety	Domestic regulations		Export regulations	
	Minimum grade	Minimum diameter in inches (count size in ⅝ bu. carton)	Minimum grade	Minimum diameter in inches (count size in ⅝ bu. carton)
Early-midseason oranges.	U.S. No. 1	2⁹/₁₆ (size 125)	U.S. No. 1	2⁵/₈ (size 163).
Navel oranges	U.S. No. 1 golden	do	U.S. No. 1 golden	Do.
Temple oranges	U.S. No. 1	do	U.S. No. 1	Do.
Murcott honey oranges.	Florida No. 1	2¹³/₁₆ (size 120)	Florida No. 1	2⁹/₁₆ (size 150).
Valencia oranges	U.S. No. 1	2⁹/₁₆ (size 125)	U.S. No. 1	2⁹/₁₆ (size 163).
Seeded grapefruit	do	3¹/₁₆ (size 40)	do	3¹/₁₆ (size 48).
Seedless grapefruit	Improved No. 2	3¹/₁₆ (size 48)	Improved No. 2	3¹/₁₆ (size 64).
Tangerines	U.S. No. 1	2¹/₁₆ (size 210)	U.S. No. 1	2¹/₁₆ (size 240).
Tangelos	do	2⁹/₁₆ (size 125)	do	2⁹/₁₆ (size 163).

The proposed extension of the effective period of such regulations is designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

All persons who desire to submit written data, views, or arguments in connection with the proposed action should file the same, in guadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments were proposed by the Growers Administrative Committee and Shippers Advisory Committee, established under said amended marketing agreement and order.

The proposed amendments reflect the committees' appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period November 15, 1976, through September 25, 1977, based on the available supply and current and prospective market conditions. The amendments are designed to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The proposed action is designed to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

The regulatory proposals are as follows:

Order 1. The provisions of § 905.564 (Orange Regulation 75; 41 FR 42177) are amended to read as follows:

§ 905.564 Orange Regulation 75.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos: *Provided*, That such tolerance for such oranges shall be based only on those oranges in a lot which are of a size 2¹⁵/₁₆ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for Navel oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for Temple oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2¹¹/₁₆ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos; *Provided*, That such tolerance for such oranges shall be based only on those oranges in a lot which are 2¹⁵/₁₆ inches in diameter or smaller.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, except Naval oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2¹⁵/₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos; *Provided*, That such tolerance for such oranges shall be based only on those oranges in a lot which are of a size 2¹⁵/₁₆ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for Navel oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for Temple oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States of Standards for Grades of Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⁸/₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in Rule No. 20–35.03 of the Regulations of the Florida Department of Citrus, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1180) or the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

2. The provisions of § 905.565 (Grapefruit Regulation 77; 41 FR 42177) are amended to read as follows:

§ 905.565 Grapefruit Regulation 77.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3¹/₁₆ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3⁹/₁₆ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Grapefruit (7 CFR 51.750–51.784).

3. The provisions of § 905.566 (Tangerine Regulation 48; 41 FR 42177) are amended to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2¹/₁₆ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2⁹/₁₆ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1835).

4. The provisions of § 905.567 (Tangelo Regulation 48; 41 FR 42177) are amended to read as follows:

§ 905.567 Tangelo Regulation 48.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2⁹/₁₆ inches in diameter, except that a tolerance for tangelos smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2⁹/₁₆ inches in diameter, except that a tolerance for tangelos smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1180).

Dated: October 6, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29938 Filed 10-12-76;8:45 am]

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Expenses and Fixing of Rate of Assessment for 1976–77 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $727,000 and rate of assessment of $0.045 per 7/10-bushel carton or equivalent

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quantity of oranges and grapefruit to support the activities of the Texas Valley Citrus Committee for the 1976–77 fiscal period under Marketing Order No. 906.

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1976, through July 31, 1977, will amount to $727,000.

(2) That there be fixed at $0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1976, be carried over as a reserve in accordance with § 906.35 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-29937 Filed 10-12-76;8:45 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY, TEX.

Proposed Minimum Grade and Size Requirements

This notice proposes minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 8, 1976, through November 6, 1977. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed grade and size regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in progress, and such shipments are regulated by grade and size through November 7, 1976, under § 906.357 Grapefruit Regulation 27 (40 F.R. 51178). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least 3 5/16 inches in diameter.

The proposed regulation, which would become effective November 8, 1976, is comparable to the one effective during the 1975–76 season. The proposed minimum size requirement of 3 5/16 inches in diameter during the first part of the season is designed to delay harvest of smaller fruit until it reaches full size in late February. Then it is desirable to lower the minimum size requirement to 3 5/16 inches as most of the fruit has reached its full size, as much of the larger sized fruit has been shipped, and as the available supplies of grapefruit have diminished.

The proposed action is necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of producers and consumers, and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.359 Grapefruit Regulation 28.

Order. (a) During the period November 8, 1976, through November 6, 1977, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3 9/16 inches: *Provided*, That during the period February 21, 1977, through November 6, 1977, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630 (c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 5/16 inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

Dated: October 7, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-30014 Filed 10-12-76;8:45 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY, TEX.

Proposed Minimum Grade and Size Requirements

This notice proposes minimum grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas for the period November 8, 1976, through November 6, 1977. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 7, 1976, under § 906.356 Orange Regulation 27 (40 FR 51177). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2, and be at least 2 9/16 inches in diameter. The proposed grade and size requirements, which would become effective Novmber 8, 1976, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.358 Orange Regulation 28.

Order. (a) During the period November 8, 1976, through November 6, 1977, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall by 2 9/16 inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

Dated: October 7, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-30015 Filed 10-12-76;8:45 am]

[7 CFR Part 944]

IMPORTS OF GRAPEFRUIT

Proposed Minimum Grade and Size Requirements

This notice invites written comment relative to a proposed amendment that would continue Grapefruit Regulation 17 (§ 944.113; 41 FR 42181) through September 25, 1977. Said regulation is currently effective during the period September 27 through November 14, 1976. The regulation prescribes minimum grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3 17/32 inches in diameter; and imported seedless grapefruit—Improved No. 2 and 3 9/16 inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would regulate the importation of any grapefruit into the United States, pursuant to Part 944—Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. The provisions of § 944.113 (grapefruit Regulation 17; 41 FR 42181) are amended to read as follows:

§ 944.113 Grapefruit Regulation 17.

(a) During the period November 15, 1976, through September 25, 1977, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of size not smaller than 3 17/32 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United Standards for Florida Grapefruit.

("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

* * * * *

Dated: October 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Seervice.

[FR Doc.76-29936 Filed 10-12-76;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Amendment of Various Subparts

Notice is given of proposals to delete § 981.300 Operating reserve in Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.326; 41 FR 37761), and to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441—981.481) by deleting §§ 981.453 and 981.481 and revising §§ 981.450, 981.455, 981.467, 981.472, 981.473 and 981.474. The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852; 27827), hereinafter collectively referred to as the "order," regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposals are based on a unanimous recommendation of the Admond Board of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than October 29, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The recent amendment of the order made several changes which require corresponding conforming changes in those subparts. It is proposed that §§ 981.300 and 981.481, which pertain to an operating reserve and to refund of assessments, be deleted since the amendment of § 981.81 makes these rules unnecessary. Also, § 981.453 would be delet-

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ed since the corresponding order provision, § 981.53, has been deleted. Sections 981.450, 981.455, 981.467, 981.472, 981.473 and 981.474 would be revised.

The order now permits the kernelweight of almonds disposed by a handler for crushing into oil, or for poultry or animal feed, to be excluded from his receipts and exempted from reserve obligations and assessments, so long as the handler qualifies as, or delivers such almonds to, the exempt outlets. Prior to the order amendment, such exemption was given only after the end user of the almonds had disposed of them. Therefore, paragraph (c) of § 981.450, which deals with certification by the receiver (user), would be deleted. The remaining provisions in § 981.450 would be combined into one paragraph and revised to allow the exemption for deliveries to dealers in nut wastes, so long as the dealers are acceptable to the Board.

Section 981.455 requires interhandler transfers to be reported to the Board and prescribes the form to be used. Section 981.455 would be revised to reduce the amount of information, and the number of copies of the form, to be submitted.

The section would also be revised to restrict the amount of reserve credit one handler may transfer to another to the deficit of the transferee handler, and to prohibit transfer of reserve credit to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42 (a).

Section 981.467 would be amended by deleting provisions pertaining to the physical setaside of reserve, and by revising the provisions pertaining to the agency agreement for the disposition of reserve almonds.

Section 981.472 has been rewritten without substantive change to improve understanding of its provisions. Section 981.473 would be revised by deleting obsolete provisions, changing information required of handlers on redetermination reports, and making other changes in in the reporting requirements for greater flexibility.

Section 981.474(a), pertaining to shipments of almonds, would be revised to conform with the order changes with respect to the method of establishing salable and reserve percentages. Section 981.474(b) would be added to require submission by handlers of appropriate reports pertaining to exports. Section 981.474(c) would be added to cover reports of diversion to non-competitive outlets, and to permit the Board to waive the requirement to file a report for diversion of almonds to non-competive outlets which the Board has previously declared eligible for reserve credit.

Finally, "Control" would be deleted wherever it appears in those sections which under the proposal would be revised. The order amendment changed the name of the Board from the "Almond Control Board" to "Almond Board of California."

The proposals follow:

§ 981.300 [Deleted]

1. Delete § 981.300.

2. Revise § 981.450 to read as follows:

§ 981.450 Exempt dispositions.

As provided in § 981.450, any handler disposing of almonds for crushing into oil, or for poultry or animal feed, may have the kernel weight of these almonds excluded from his recipits, and exempt from reserve obligations and assessments, so long as the handler qualified as, or delivers such almonds to a crusher, a feeder, or dealer in nut waste; the crusher, feeder, or dealer are acceptable to the Board; each delivery is made directly to the crusher, feeder or dealer by June 30 of the crop year; and each delivery is certified to the Board by the handler on ABC Form 8.

§ 981.453 [Deleted]

3. Delete § 981.453.

4. Revise § 981.455 to read as follows:

§ 981.455 Interhandler transfers.

(a) *Transfers of almonds.* Interhandler transfers of almonds pursuant to § 981.55 shall be reported to the Board on ABC Form 7. The report shall contain the following information: (1) Date of transfer; (2) the names and plant locations of both the transferring and receiving handlers; (3) the variety of almonds transferred; (4) whether the almonds are shelled or unshelled; and (5) the name of the handler assuming reserve and assessment obligations on the almonds transferred. ABC Form 7 shall be signed by the transferring handler and by the receiving handler if the latter is assuming the obligation(s).

(b) *Transfers of reserve credits.* A handler may transfer reserve credits to another handler, but not in excess of the quantity needed by the receiving handler to cover his reserve obligation. The Board shall complete the transfer upon receipt of an ABC Form 11 executed by both handlers. No transfer of reserve credits shall be made to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a).

5. Revise § 981.467 to read as follows:

§ 981.467 Disposition in reserve outlets by handlers.

(a) *Agents of Board.* Beginning with July 1 of any crop year, a handler may become an agent of the Board pursuant to § 981.67 for the purpose of disposing of reserve almonds of such crop year in the authorized outlets. The agency shall be established upon a handler executing a reserve agreement (ABC Form 12), applicable to export or diversion, or both, containing terms and conditions specified by the Board.

(b) *Reserve credit.* Credit in satisfaction of a reserve obligation shall not exceed the accrued reserve obligation derived by applying the reserve percentage to the quantity of almonds received by a handler for his own account during the crop year. Disposition by an agent of the Board in eligible reserve outlets within a crop year in excess of his reserve obligation shall be held to be a disposition of salable almonds. Whenever such disposition has been inspected and certified, if required, and has complied with the terms, conditions, and documentation applicable to disposition of reserve almonds as determined by the Board, the disposition may be credited against any reserve obligation subsequently incurred by the handler during that crop year, or the credit may be transferred pursuant to § 981.455(b) to apply against the reserve obligation of another handler.

6. Revise § 981.472 to read as follows:

§ 981.472 Report of almonds received.

(a) Each handler shall report to the Board on ABC Form 1 the total pounds of almonds, unshelled and shelled, by varieties, received by him for his own account within any of the hereinafter prescribed reporting periods. • • •

(b) For the reporting periods July 1 through December 31 and January 1 through March 31, each handler shall submit a summary report to the Board, within 30 days after the end of the reporting period, which shall show the quantity of almonds received for the handler's own account by county of production and such varieties as may be requested by the Board.

7. Revise § 981.473 to read as follows:

§ 981.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and for marketing policy consideration, the information listed and described in this section. Such information shall be reported within the applicable times specified in § 981.73 on forms provided by the Board.

(a) *Handler carryover.* A report of the weight of all almonds, whether un-, shelled or shelled, wherever located, held by the handler for his own account, whether or not sold.

(b) *Reserve.* A report of all reserve almonds, net weight, which have been disposed of in the manner provided in §§ 981.66 and 981.67.

(c) *Delivered sales.* A report of salable almonds sold and delivered, showing the weight, and whether unshelled or shelled, except those disposed of pursuant to the requirements for reserve disposition, or to crushing or feed outlets, or used in almond products.

(d) *Almond products.* A report of all almonds used by the handler in the manufacture of any almond product as defined in § 981.15.

(e) *Transfers.* A report of almonds transferred to another handler showing the weight of each lot transferred and whether unshelled or shelled.

(f) *Undelivered sales.* A report of all almonds sold but not delivered, showing the weight of such almonds and whether they are unshelled or shelled.

8. Revise § 981.474 to read as follows:

Report of shipments.

§ 981.474 Report of shipments.

(a) Each handler shall report all shipments of almonds, unshelled and shelled and by classification, on ABC Form 25. In support of this report, the handler shall file invoices on the shipments, or such other documentation as may be acceptable to the Board. Each such report shall be filed with the Board 5 business days after the close of each month of the crop year.

(b) At the time of each export sale, each handler shall report it to the Board on ABC Form 18 and upon delivery into export shall report this on ABC Form 19. If any export is not made directly by the handler, he shall send the ABC Form 19 to the broker-exporter and request him to make the report to the Board. These forms shall include the number and type of container, net weight, variety and whether unshelled or shelled, time of export and destination. In years of minimum export prices applicable to reserve almonds, ABC Form 19 shall include the grade and size, the inspection certificate number, the price and any terms defining the price.

(c) In any crop year when reserve almonds are diverted to noncompetitive outlets, such handler shall report his intentions to divert on ABC Form 13 and the completion of diversion on ABC Form 14. Upon notice to all handlers the Board may waive the requirements to file ABC Form 13 for diversion of almonds to noncompetitive outlets which the Board has previously declared eligible for reserve credit.

§ 981.481 [Deleted]

9. Delete § 981.481.

Dated: October 7, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-30016 Filed 10-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 91]

[OST Docket No. 47; Notice 76-13]

INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES

Determination, Collection and Disbursement

The purpose of this proposed amendment to Title 49 of the Code of Federal Regulations is to establish a new Part 91 setting forth the procedures the Department of Transportation (the Department) will follow in discharging its responsibilities under the International Air Transportation Fair Competitive Practices Act of 1974 (Pub. L. 93-623, 88 Stat. 2103, 49 U.S.C. 1159a and 1159b) (the Act) with respect to discriminatory and unfair competitive practices which may occur in international air transportation.

Under the Act, the Secretary of Transportation (Secretary) is charged with surveying the fees exacted from United States flag air carriers by foreign governments or other foreign entities in order to determine the reasonableness of those charges. Where the Secretary determines that such charges are unreasonably excessive or "otherwise discriminatory," he is to submit a report on the matter to the Secretary of State and the Civil Aeronautics Board. If the Secretary is subsequently informed by the Secretary of State that negotiations with the foreign country concerned have not resulted in the reduction of such charges or the elimination of such discriminations, he must then "determine compensating charges equal to such excessive or discriminatory charges" imposed by the foreign government or entity. Thereupon, under the statutory scheme, the Secretary of the Treasury is to collect the amount of compensatory charge computed by the Secretary as a condition to acceptance of the general declaration at the time aircraft of that foreign nation's air carriers land or takeoff from the United States. The funds thus collected will be held in a special account established by the Secretary of the Treasury and paid out to United States air carriers in such amounts as the Secretary certifies in accordance with these regulations.

In addition to his role in administering the collection and distribution of compensatory funds, the Secretary will, to the extent of his jurisdiction, keep under review all forms of discrimination or unfair competitive practices to which United States air carriers may be subjected in providing foreign air transportation services and will take appropriate actions to eliminate such forms of discrimination or unfair competitive practice found to exist.

In accordance with Section 3 of the Act which directs the Secretary to promulgate appropriate regulations, this proposed Part 91 assigns certain staff responsibilities to the Federal Aviation Administrator, and the Assistant Secretary for Policy Plans and International Affairs and the General Counsel of the Department. This part also sets forth the standards which will be used in determining whether a discrimination or unfair competitive practice within the perview of the Act exists. Finally, it outlines the method of computation and distribution of compensatory charges.

Part 91, as proposed, is designed to provide a flexible set of working guidelines and employs the mechanism of periodic estimates combined with periodic adjustments to minimize the administrative burden on all parties to which the Act applies. And since circumstances can be expected to differ from case to case, it is proposed that the specific format for application for reimbursement and the enumeration of particular items of proof required to accompany such application be left open to case by case determination and publication in the FEDERAL REGISTER.

In view of the possibility that later evidence may show that the total impact of certain practices of a foreign government or entity may not be as great as had been projected or that the compensatory charge levied was the result of a miscalculation, provision has been made for an air carrier of a foreign nation to recover amounts paid in excess of its proper liability under the Act.

One purpose of the proposed regulation is to place those liable to payment of compensatory charges on notice so that they may either gather evidence that the charges to be imposed are not justified under the Act or, to the extent the same time, an effort has been made to alert United States air carriers which may be entitled to reimbursement to the fact that they may be required to produce records showing the extent of excessive charges incurred and paid by them.

Accordingly, interested persons are invited to participate in this rulemaking by submitting written data, views, or comments. Communications should identify the regulatory docket number (see above) and should be submitted in quadruplicate (four copies) to the Docket Clerk, Office of the General Counsel, TCC, Attention: Docket No. 46, Department of Transportation, 400 7th Street, SW. Washington, D.C. 20590. Comments received by the closing date, below, will be given full consideration in formulating the final rule. Comments received after that date will be considered to the extent practicable. All comments received will be available for inspection and copying in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 7th Street, SW., Washington, D.C., from 9:00 a.m. to 5:30 p.m. local time, Monday through Friday, except Federal holidays.

In consideration of the foregoing, it is proposed to establish a new Part 91 of Title 49 Code of Federal Regulations, to read as appears below.

Comment closing date: November 12, 1976.

Issued in Washington, D.C., on October 7, 1976.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

PART 91—DISCRIMINATORY OR UNFAIR COMPETITIVE PRACTICES—EFFECTUATION OF THE INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT OF 1974

Sec.
91.1 Purpose.
91.3 Investigations.
91.5 Findings and recommendations.
91.7 Determination of compensatory charges.
91.9 Distribution of compensatory funds.
91.11 Standards.

AUTHORITY: Secs. 2-3, 88 Stat. 2103; 49 U.S.C. 1159a and 1159b unless otherwise noted.

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§ 91.1 Purpose.

The purpose of this part is to effectuate the provisions of sections 2 and 3 of the International Air Transportation Fair Competitive Practices Act of 1974 to the end that United States flag air carriers (United States air carriers) operating in foreign air transportation are protected from all forms of discrimination or unfair competitive practice, and are compensated for unreasonably excessive or otherwise discriminatory charges levied by foreign governments or other foreign entities for the use of airport airway or property.

§ 91.3 Investigations.

The Assistant Secretary for Policy, Plans and International Affairs (Assistant Secretary) in coordination with the General Counsel and the Federal Aviation Administrator (Administrator) shall, on the complaint of any United States flag carrier or on their own initiative, investigate instances of alleged discrimination or unfair competitive practices to which United States air carriers are subjected by a foreign government or other foreign entity. For the purpose of this part, discrimination or unfair competitive practices consist of excessive charges, operating restrictions or other practices of a foreign government or entity which have an unjustifiably or disproportionally unfavorable impact on United States air carriers.

§ 91.5 Findings and recommendations.

(a) Upon finding that a foreign government or entity discriminates against United States air carriers or causes such carriers to be subjected to unfair competitive practices, the Assistant Secretary in coordination with the General Counsel and the Administrator shall determine the extent of the discrimination or unfair competitive practices.

(b) Where the matter involves discriminatory user charges, the Assistant Secretary shall prepare a report and recommend that the Secretary promptly submit a report of the case to the Secretary of State and the Civil Aeronautics Board in accordance with section 11 of the International Aviation Facilities Act, 49 U.S.C. 1159a.

(c) Where the matter involves discrimination or unfair competitive practices, other than user charges, the Assistant Secretary shall recommend that the Secretary take such other action within the jurisdiction of the Department as is appropriate under the circumstances in accordance with 49 U.S.C. 1159(b).

(d) If the Secretary determines, after review of the report and recommendations made under paragraphs (b) or (c) of this section, that discrimination exists, the Secretary will:

(1) Submit a report on the matter to the Secretary of State and the Chairman of the Civil Aeronautics Board in accordance with 49 U.S.C. 1159a; or

(2) Take all appropriate actions within his jurisdiction in accordance with 49 U.S.C. 1159b.

§ 91.7 Determination of Compensatory Charges.

(a) Upon indication by the Secretary of State that the charges or discriminations have not been reduced or eliminated, the Secretary will direct the Assistant Secretary to compute the appropriate amount of compensatory charges.

(b) Upon approving the amount of compensatory charges computed under paragraph (a) of this section, the Secretary will notify the Secretary of State and the Secretary of the Treasury of his determination.

§ 91.9 Distribution of Compensatory Funds.

(a) On or after January 1 and July 1 of each year, each United State air carrier which has been subjected to discriminatory charges for which compensatory charges have been collected shall, upon compliance with paragraph (c) of this section, be entitled to pro rata reimbursement for discriminatory charges incurred to date, not to exceed the amount of discriminatory charges actually paid by that carrier.

(b) The Secretary will publish in the FEDERAL REGISTER, at least 30 days before U.S. carriers become entitled to reimbursement, a notice setting forth the procedures to be following in making claims for reimbursement. This notice will specify the form in which application shall be made and the specific items of proof, if any, to be submitted.

(c) On or after January 1 and July 1, each U.S. air carrier claiming a right to reimbursement shall apply for such reimbursement in accordance with the FEDERAL REGISTER notice referred to in paragraph (b) of this section.

(d) The Assistant Secretary shall, on the basis of the application and such other data as may be available, compute the amount to which each carrier is entitled.

(e) Upon approving the computation made by the Assistant Secretary, the Secretary will issue such certificate as will entitle each carrier to payment from the account maintained by the Secretary of the Treasury for this purpose.

(f) Foreign air carriers from which compensatory charges have been collected may apply for a refund by following the procedures prescribed in this section for U.S. air carriers in any case where it can be shown that the amount collected from them under this part was based on an error of fact or miscalculation.

§ 91.11 Standards.

(a) To minimize the burden on the United States, United States air carriers and foreign air carriers of implementing this part, estimates and periodic adjustments will be used to determine the amount of discrimination and compensatory charges therefor.

(b) For the purpose of determining the amount of excessive or discriminatory charges imposed upon U.S. carriers by entity,

(1) A service or use of airport or airway property includes, but is not limited to, fueling, food service, ticketing, baggage handling, cleaning or any services necessary and incidental to the conduct of a flight,

(2) A discriminatory or excessive fee includes, but is not limited to, one substantially above the cost of providing a service or any charge for a service that is substantially inferior to that which the U.S. air carrier could have provided for itself by contract or otherwise.

(c) In determining the amount of compensatory charges,

(1) The total amount of excessive or discriminatory charges levied against U.S. air carriers will be estimated, in dollars,

(2) The total volume of operations to the United States by air carriers of the nation concerned will be estimated for the succeeding six-month period,

(3) The total amount of excessive charges in subdivision (1) will be divided by the total volume of operations in subdivision (2), and

(4) The quotient thus computed will constitute the compensatory charge to be collected as a condition to acceptance of the general declaration at the time of landing or takeoff of such air carriers of the nation concerned.

[FR Doc.76-29995 Filed 10-12-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY COMMITTEE ON NAVAL HISTORY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History will meet on October 28, 1976, at 9:00 a.m., in room 4E442, the Pentagon, Washington, D.C.

The purpose of the meeting is to review the naval historical activities of the past eighteen months and to make comments and recommendations on these activities to the Secretary of the Navy.

Public attendance, depending on available space, may be limited to those persons who have given written notice at least 5 days prior to the meeting of their intention to attend.

Any person desiring information about the Secretary of the Navy's Advisory Committee on Naval History may write to the Director of Naval History, Building 220, Washington Navy Yard, Washington, D.C. 20374.

Dated: October 4, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy
Assistant Judge Advocate General (Civil Law).

[FR Doc.76-29906 Filed 10-12-76;8:45 am]

Office of the Secretary of Defense

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that the next meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held November 14-18, 1976 in Washington, D.C. at the Hotel Washington, 15th and Pennsylvania Avenue, NW. and at the Pentagon.

Composed of 25 civilian women, DACOWITS meets twice each year to provide the Department of Defense with assistance and advice on matters relating to women in the Armed Forces, to interpret to the public the role of and the need for servicewomen and to encourage the acceptance of military service as a career opportunity.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

NOVEMBER 14—1 P.M.–6 P.M.

HOTEL WASHINGTON

(1) Executive Committee Meeting.
(2) Subcommittee Meeting.

NOVEMBER 15—8:30 A.M.–11:30 A.M.

THE PENTAGON

(1) History of the Women's Military Components.
(2) Results of DACOWITS Accomplishments last 25 years benefitting the women in the Armed Forces.
(3) Future Goal.
(4) Major Address—Future of the Military.

2:45–3:15 P.M.

HOTEL WASHINGTON

(1) National Guard and Reserve Components and Employer Support.
(2) ROTC Program.

NOVEMBER 16—8:30 A.M.–11:45 A.M.

HOTEL WASHINGTON

(1) Manpower Programs.
(2) U.S. Military Academy.
(3) U.S. Air Force Academy.
(4) Subcommittee Meeting.

NOVEMBER 17

FIELD TRIP TO U.S. NAVAL ACADEMY, ANNAPOLIS, MD.

NOVEMBER 18—8 A.M.–12 NOON

HOTEL WASHINGTON

General session

Members of the public will not be permitted to go on the field trip or attend the social functions. The following rules and regulations will govern the participation by members of the public at this meeting:

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Since the Pentagon is closed to the general public, persons desiring to attend the session on Novembtr 15, 1976 in the Pentagon must notify the DACOWITS Secretariat (202) OXford 5-5153 by October 29, 1976 so that proper escorts to and from the meeting can be arranged.

(3) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Lucille B. Dion, Consultant, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2C263, The Pentagon, Washington, D.C. 20301 by October 25, 1976.

(5) Length and number of oral presentations to be made will dependent on the number of requests received from the members of the public.

(6) Oral presentations by members of the public will be permitted only from 3:00 p.m. to 4:00 p.m. on November 14, 1976 before the full committee.

(7) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 30 copies of the presentation/statement by November 1, 1976.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(9) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by members of the Committee.

(10) Members of the public will be permitted to orally question the schedule speakers if time allows after the official participants have asked questions and/or made comments.

(11) Questions from the public will not be accepted during the subcommittee sessions, the executive committee sessions or the final general session on Thursday, November 18, 1976.

Additional information regarding the Committee and/or this meeting may be obtained by contacting Lucille B. Dion, Consultant, DACOWITS Executive Secretary, OASD (M&RA), The Pentagon, Washington, D.C. 20301, telephone (202) OXford 5-5153.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (comptroller).

[FR Doc.76-29976 Filed 10-12-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands; Correction

OCTOBER 4, 1976.

This is to correct FR Doc. 17780, Vol. 40, No. 132 published July 9, 1975, which contained omissions in the land description.

The Department of the Army has a continuing military requirement for natural resource lands at Fort Wainwright, Alaska and has filed an application, Fairbanks serial number F-020174, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for continued use as an impact range for testing weapons and for field training in an arctic environment.

The greatest part of the area is currently withdrawn by Public Land Order No. 5240 of July 14, 1972, which extended

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the withdrawal made by the act of September 26, 1961, Pub. L. 87–326, 75 Stat. 686, until September 26, 1976, at which time the withdrawal expired. Congressional approval of the new withdrawal is required under the provisions of the act of February 28, 1958, 72 Stat. 27, Pub. L. 85–337.

On or before November 12, 1976 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation 43 CFR 2351.4(c) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FORT WAINWRIGHT MANEUVER AREA

TRACT A

A parcel of land situated approximately 20 miles southeast of Fairbanks, Fourth Judicial District, State of Alaska. Said parcel being all of the following unsurveyed townships and ranges:

T. 1 S., R. 3 E., Fairbanks Meridian,
Sec. 22, E½SE¼;
Secs. 23 and 24, S½;
Secs. 25, 26, 35, and 36, all;
Secs. 27 and 34, E½E½.
Containing 3,600 acres, more or less.

T. 1 S., R. 4 E., Fairbanks Meridian,
Secs. 19, 22, 23, and 24, S½;
Sec. 21, SE¼;
Secs. 25 to 36 inclusive, all.
Containing 9,120 acres, more or less.

T. 1 S., R. 5 E., Fairbanks Meridian,
Secs. 19 to 24 inclusive, S½;
Secs. 25 to 36 inclusive, all.
Containing 9,600 acres, more or less.

T. 1 S., R. 6 E., Fairbanks Meridian,
Secs. 19 to 22 inclusive, S½;
Secs. 27 to 34 inclusive, all.
Containing 6,400 acres, more or less.

T. 2 S., R. 3 E., Fairbanks Meridian,
Secs. 1, 2, 11, 12, and 25, all;
Secs. 3, 10, and 15, E½E½;
Sec. 14, N½, W½SW¼;
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, W½NW¼, S½SE¼, NE¼SE¼;
Sec. 24, S½;
Sec. 26, E½, SW¼, S½NW¼, NE¼NW.
Containing 5,320 acres, more or less.

T. 2 S., R. 4 E., Fairbanks Meridian,
Secs. 1 to 16 inclusive, 21 to 30 inclusive, 34 to 36 inclusive, all;
Sec. 17, E½;
Sec. 19, S½;
Sec. 20, E½, SW¼.
Containing 19,680 acres, more or less.

T. 2 S., R. 5 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 2 S., R. 6 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 2 S., R. 7 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 2 S., R. 8 E., Fairbanks Meridian,
Secs. 6, 7, 18, 19, 30, and 31, all;
Secs. 5, 8, 17, 20, 29, and 32, W½, W½E½.
Containing 6,720 acres, more or less.

T. 3 S., R. 4 E., Fairbanks Meridian,
Secs. 1 to 3 inclusive, 10 to 15 inclusive, 22 to 27 inclusive, 34 to 36 inclusive, all.
Containing 11,520 acres, more or less.

T. 3 S., Range 5 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all. Excepting therefrom that parcel of land (Fairbanks Serial No. 012866) withdrawn by PLO No. 1345 dated October 16, 1956 as amended by PLO No. 1523 dated October 8, 1957.
Containing 22,078.58 acres, more or less.

T. 3 S., R. 6 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 3 S., R. 7 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 3 S., R. 8 E., Fairbanks Meridian,
Secs. 6, 7, 18, 19, 30, and 31, all;
Secs. 5, 8, 17, 20, 29, and 32, W½, W½E½.
Containing 6,720 acres, more or less.

T. 4 S., R. 4 E., Fairbanks Meridian,
Sec. 1, all;
Sec. 2, E½, NW¼, N½SW¼;
Sec. 3, NE¼, N½NW¼;
Sec. 12, NE¼, N½NW¼.
Containing 1,680 acres, more or less.

T. 4 S., R. 5 E., Fairbanks Meridian,
Secs. 1 to 6 inclusive, 8 to 15 inclusive, all;
Secs. 7 and 16, N½, SE¼, N½SW¼;
Sec. 17, NE¼, N½NW¼. Excepting therefrom that parcel of land (Fairbanks Serial No. 012867) withdrawn by PLO No. 1345 dated October 16, 1956 as amended by PLO No. 1523 dated October 8, 1957.
Containing 9,393.09 acres, more or less.

T. 4 S., R. 6 E., Fairbanks Meridian,
Secs. 1 to 18 inclusive, all.
Containing 11,520 acres, more or less.

T. 4 S., R. 7 E., Fairbanks Meridian,
Secs. 1 to 11 inclusive, 16 to 18 inclusive, all;
Sec. 12, N½, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼NE¼;
Sec. 15, N½, N½SW¼, SW¼SW¼, NW¼SE¼.
Containing 10,000 acres, more or less.

T. 4 S., R. 8 E., Fairbanks Meridian,
Sec. 5, NW¼, W½NE¼, NW¼SW¼;
Sec. 6, all;
Sec. 7, N½NW¼.
Containing 1,000 acres, more or less.

The above described parcels of land contain 249,551.67 acres, more or less.

CURTIS V. MCVEE,
State Director.

[FR Doc.76–29906 Filed 10–12–76;8:45 am]

[U–34290]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company has applied for a 3 inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

UTAH

T. 13 S., R. 21 E.,
Secs. 25, 26, and 27.
T. 13 S., R. 22 E.,
Secs. 30 to 33 inclusive.
T. 14 S., R. 22 E.,
Secs. 3 and 4.

The pipeline will convey gas from Texaco Government "AF" Well No. 1, Uintah County, Utah, which ascends out of Willow Creek Canyon, easterly to Jim's Reservoir Canyon, then heads southeasterly joining Seep Ridge and terminating at the junction of Mesa Pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Vernal District Manager, Bureau of Land Management, P.O. Box F, Vernal, Utah 84078.

PAUL L. HOWARD,
State Director.

OCTOBER 1, 1976.

[FR Doc.76–29904 Filed 10–12–76;8:45 am]

Fish and Wildlife Service

GILA TOPMINNOW

Emergency Exemption; Issuance

On September 27, 1976, a letter of exemption was issued to the Regional Director of Region 2, United States Fish and Wildlife Service authorizing certain emergency actions to enhance the survival of a population of Gila topminnow (*Poeciliopsis occidentalis*). The emergency actions necessary would be to remove the population of Gila topminnow from Leslie Creek in the event remaining pools become dry due to severe drought. A copy of the Letter of Exemption is herewith presented.

This emergency exemption is provided in accordance with Pub. L. 94–359 (90 STAT. 911) which provided certain amendments to the Endangered Species Act of 1973.

Dated: October 7, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

BUREAU OF SPORT FISHERIES AND WILDLIFE

TO: Regional Director, Region 2
FROM: Chief, Div. of Law Enforcement
SUBJECT: Letter of Exemption Authorizing the Holding of Gila Topminnow (Poeciliopsis occidentalis) at Dexter National Fish Hatchery

This exemption authorizes you to move the population of Gila topminnow from the remaining habitat of Leslie Creek, to the Dexter National Fish Hatchery.

This authority is granted in order to conduct activities designed to save the Leslie Creek population of Gila topminnow from extinction due to the present drought conditions of the area and pending danger of the remaining pools going dry. It is our understanding that the fish will be taken pursuant to the authority of permit No. PRT 6–238–C, issued to the Director, Arizona Game and Fish Department, and that the additional authority is needed by U.S. Fish and Wildlife Service personnel to receive the fish and subsequently hold them at Dexter National Fish Hatchery for scientific research and propagation purposes.

The exemption is given with the condition that a completed permit application be forwarded to the Washington Law Enforcement Permit Office without relay for further processing.

[FR Doc.76–29978 Filed 10–12–76;8:45 am]

[Docket No. Wash. 75–1]

WALRUS

Change in Alaska State Walrus Regulations

Notice is hereby given of a change in the Alaska State walrus regulations originally approved by the Director, United States Fish and Wildlife Service, on April 5, 1976.

The Alaska Fish and Game Code, 5 AAC 81.100, as approved on April 5, 1976, provided that "walrus may be hunted only with a rifle having a caliber of .264 (6.5mm) or larger (except .30–30 caliber rifles may not be used to take walrus."

The State has proposed to amend the above quoted phrase to read as follows: "walrus may be hunted only with a rifle having a caliber of .264 (6.5mm) or larger with a minimum length of the brass portion of the cartridge case of no less than 2⅛ (2.125) inches or 53.5mm (except that rifles chambered for the .300 Savage, .308 Winchester or a 45/70 may be used)".

After consultation with the Marine Mammal Commission, I have determined that this change is insignificant and does not affect the scope of the waiver of the moratorium on the taking of Pacific walrus. I hereby approve the change, effive on October 13, 1976.

A complete set of the State of Alaska walrus hunting regulations is available for inspection from 8:00 a.m. to 4:00 p.m. at 1612 K Street, N.W., Washington, D.C., suite 1200.

LYNN A. GREENWALT,
Director, U.S. Fish & Wildlife Service.

[FR Doc.76–29977 Filed 10–12–76;8:45 am]

National Park Service

H. I. FROSETH AND DAN FROSETH

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with H. I. Froseth and Dan Froseth, partners doing business as Oak Bottom Marina, authorizing them to continue to provide concession facilities and services for the public at Oak Bottom and Brandy Creek Sites, Whiskeytown Lake, Whiskeytown National Recreation Area for a period of five (5) years from January 1, 1976, through December 31, 1980.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Whiskeytown National Recreation Area, P.O. Box 188, Whiskeytown, California, 96095.

The foregoing concessioners have performed their obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 12, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 28, 1976.

PHILIP O. STEWART,
Acting Associate Director, National Park Service.

[FR Doc.76–29980 Filed 10–12–76;8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., C.D.T., November 8 and 9, 1976, at the Visitor Center at Chalmette National Historical Park, New Orleans, Louisiana.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple, Texas.
Dr. Neil Compton, Bentonville, Arkansas.
Mr. Ernie C. Deane, Fayetteville, Arkansas.
Dr. Bertha P. Dutton, Santa Fe, New Mexico.
Mr. Sam R. Powell, Tulsa, Oklahoma (Chairman).
Mr. J. R. Singleton, Austin, Texas.
Mrs. Roulhac Toledano, New Orleans, Louisiana.
Mr. Elo J. Urbanovsky, Lubbock, Texas.

Designated Federal Officer to attend the meeting is Joseph C. Rumberg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. Chalmette National Historical Park Master Plan.
2. Volunteer-In-Parks Program.
3. The National Park Service in Urban Parks.
4. How to Make the Advisory Committee Work.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico, 87501, telephone Area Code 505 988–6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: September 29, 1976.

JOSEPH C. RUMBURG, JR.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.76–29981 Filed 10–12–76;8:45 am]

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National Park Service

DESIGNATION OF OFFICERS OR EMPLOYEES

Delegation of Authority

Notice is hereby given of the designation of certain officers and employees of the National Park Service, Department of the Interior, to exercise the authorities provided by section 10(b) of the Act of October 7, 1976, for the purpose of maintaining law and order and protecting persons and property within areas of the National Park System. Such designation, pursuant to the policies and standards prescribed by the Department of the Interior in Chapter 2 of Part 446 of the Department Manual (Release No. 1706 dated December 20, 1974), is authorized by §10(b) of the Act of October 7, 1976, and is conferred by the Director, National Park Service, pursuant to the authority delegated by Chapter 1 of Part 245 of the Department Manual (Release No. 1667 dated August 16, 1974).

Officers and employees so designated are: (1) all officers of the United States Park Police and (2) all other employees of the National Park Service who possess law enforcement certification as specified by Department of the Interior and National Park Service regulations and guidelines. Each designee is authorized, when acting according to orders, instructions or policy, to exercise the authorities set forth in section 10(b) of the Act.

Immediate designation is required because section 10(a) of the Act repealed, all or in part, those portions of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented, relating to certain arrest authority relative to national military parks, the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating to arrest authority relative to laws and regulations applicable to national parks, the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, and the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n–5), as amended, relating to arrest authority relative to the Lake Mead National Recreation Area, and substituted in lieu thereof the new authorities provided in section 10(b).

This designation shall take effect immediately.

Dated: October 8, 1976.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.76–30135 Filed 10–13–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Reports on Closed Meeting, Availability

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and OMB Circular A–63 of March 27, 1974, the Department of Agriculture's Modoc National Forest Grazing Advisory Board, which held a closed meeting in 1975, has prepared a report on the activities of that meeting. Copies of the report have been filed and are available for public inspection at two locations:

Library of Congress, Microform Reading Room, Room MB–140B, Main Building, 10 First Street, S.E., Washington, D.C.

Department of Agriculture, Office of Management and Finance, Room 115–A, Administration Building, 14th Street and Independence Avenue, S.W., Washington, D.C.

J. PAUL BOLDUC,
Assistant Secretary, for Administration.

OCTOBER 7, 1976.

[FR Doc.76–30017 Filed 10–12–76;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

MIDWEST HANDBAG CO.

Petition for Determination of Eligibility Under Section 251 of the Trade Act of 1974

A petition by Midwest Handbag Company, c/o Mr. Chester S. Laycob, 12364 B Shoreridge Court, Maryland Heights, Missouri 63034, a producer of ladies' handbags in St. Louis, was accepted for filing on October 6, 1976, under section 251 of the Trade Act of 1974. Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–29943 Filed 10–12–76;8:45 am]

Maritime Administration

DETERMINATION OF OPERATING-DIFFERENTIAL SUBSIDIES

Proposed Amendments to the Manual of Procedures, Extension of Time

In Doc. 76–28127, appearing in the FEDERAL REGISTER on September 24, 1976, (41 FR 41950) notice was given that the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board are considering minor changes to Parts Three, Four and Five of the Manual of General Procedures for Determining Operating-Differential Subsidy.

The time established for filing written comments on the proposed changes was not later than October 29, 1976.

Upon request of the American Institute of Merchant Shipping, good cause having been shown, the time for submission of written comments is hereby extended to November 12, 1976.

Dated: October 7, 1976.

By order of the Maritime Subsidy Board and the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76–30012 Filed 10–12–76;8:45 am]

National Oceanic and Atmospheric Administration

GULF REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Gulf Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, West Coast of Florida, Louisiana, Mississippi and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the second organizational meeting of the Council. The meeting will be held Wednesday, Thursday, and Friday, November 3, 4 and 5, 1976, in the Pavilion Room of the Jacksonville Hilton, 565 South Main Street, Jacksonville, Florida. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures Including Fishery Management Plan Development.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about October 27, 1976:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: October 7, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 76–30071 Filed 10–12–76;8:45 am]

SOUTH ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the South Atlantic Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The South Atlantic Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to East Coast of Florida, Georgia, North Carolina and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the second organizational meeting of the Council. The meeting will be held Wednesday, Thursday, and Friday, November 3, 4 and 5, 1976, in the Duval A–B–C Rooms of the Jacksonville Hilton, 565 South Main Street, Jacksonville, Florida. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures Including Fishery Management Plan Development.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about October 27, 1976:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: October 7, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–30070 Filed 10–12–76;8:45 am]

MARINE TURTLE PROGRAM

Meeting

Notice is hereby given of a public meeting to discuss the National Marine Fisheries Service's Marine Turtle Program. The National Marine Fisheries Service is currently investigating the status of the habitat of marine turtles. Studies also are in progress concerning the taking of marine turtles incidental to commercial fishing operations, including the modification of shrimp trawls to reduce or eliminate the incidental catch. During the meeting, these and other related items will be discussed. The meeting will be held on Wednesday, October 27, 1976, in the Birchwood Room of the Holiday Inn, (Tampa Airport), 4500 West Cypress Street, Tampa, Florida.

The meeting will convene at 10:00 a.m. and adjoin at approximately 5:00 p.m..

Proposed Agenda:

1. Review of NMFS' Marine Turtle Program.
2. Future requirements.
3. Priority considerations.

The meeting is open to the public on a first-come, first-serve basis. There will be seating for approximately 50 persons. For further information concerning this meeting, interested members of the public should contact:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: October 8, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.30171 Filed 10–12–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

SENIOR SERVICES COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93–29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92–463 that the Council's Senior Services Committee will meet on October 26–27, 1976, from 9:30 a.m. to 4 p.m. in the Snow Room, Room 5150, HEW North Building, 330 Independence Ave., SW., Washington, D.C. The agenda will consist of: Recommendations for 1977 Council Work Plan; Review of Proposed Legislation and Review of Recommendations for Services to the Frail Elderly.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245–0441.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

SEPTEMBER 30, 1976.

[FR Doc.76–29928 Filed 10–12–76;8:45 am]

Health Services Administration

MISSOURI PSRO AREA I

Results of Notification to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On August 16, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Northwest Missouri PSRO designating it as the Professional Standards Review Organization for PSRO Area I of the State of Missouri, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.29.

Such notice was also published in three consecutive issues of the Kansas City Star & Times, St. Joseph News Press & Gazette, Sedalia Democrat, Marshall Democrat News, Maryville Daily Forum, Nevada Daily Mail, Constitution Tribune, and the Independence Examiner on August 16, 17, and 18, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area I of the State of Missouri of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Missouri who objects to the Secretary entering into an agreement with the Northwest Missouri PSRO on the grounds that such organization is not representative of doctors in PSRO Area I of the State of Missouri, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1568, FDR Station, New York, New York 10022 on or before September 15, 1976.

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After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area I of the State of Missouri, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area I of the State of Missouri have expressed timely objection to the Secretary entering into an agreement with the Northwest Missouri PSRO. Therefore, the Secretary will proceed to enter into an agreement with the Northwest Missouri PSRO designating it as the Professional Standards Review Organization for PSRO Area I of the State of Missouri.

Dated: October 5, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-29889 Filed 10-12-76;8:45 am]

NORTH DAKOTA

Results of Notification to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On August 16, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with North Dakota Health Care Review designating it as the Professional Standards Review Organization for the State of North Dakota, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.38.

Such notice was also published in three consecutive issues of the Devil's Lake Journal, Dickinson Press, Bismark Tribune, Jamestown Sun, Minot Daily News, Fargo Forum, Valley City Times Record, Williston Daily Herald, and the Grand Forks Herald on August 16, 17, and 18, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in the State of North Dakota of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in the State of North Dakota who objects to the Secretary entering into an agreement with North Dakota Health Care Review on the grounds that such organization is not representative of doctors in the State of North Dakota, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022 on or before September 15, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in the State of North Dakota, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in the State of North Dakota have expressed timely objection to the Secretary entering into an agreement with North Dakota Health Care Review. Therefore, the Secretary will proceed to enter into an agreement with North Dakota Health Care Review designating it as the Professional Standards Review Organization for the State of North Dakota.

Dated: October 5, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-29890 Filed 10-12-76;8:45 am]

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1976:

Name: Interagency Committee on Emergency Medical Services.
Date and time: November 23, 1976, 9:00 a.m.
Place: Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open for entire meeting.

Purpose: The Committee evaluates the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including the making of regulations for the emergency medical systems program.

Agenda: The agenda will consist of: further discussion of items deferred for action at the last meeting, status of the extension legislation for Pub. L. 93-154 (The EMSS Act of 1973), including burn legislation, reports from the Work Groups of the IACEMS, consideration of a memorandum of understanding between DOT and HEW and emergency medical service projects.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of members, minutes of meeting, or other relevant information should contact John D. Reardon, Room 320, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436-6284. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Agenda items are subject to change as priorities dictate.

Dated: October 5, 1976.

ARTHUR SCHWARTZ,
Acting Associated
Administrator for Management.

[FR Doc.76-29915 Filed 10-12-76;8:45 am]

INDIAN HEALTH ADVISORY COMMITTEE

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, The Annual Report for the following Health Services Administration committees has been filed with the Library of Congress:

Indian Health Advisory Committee
Maternal and Child Health Research Grants Review Committee
National Advisory Council on Health Manpower Shortage Areas

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791.

Dated: October 6, 1976.

ARTHUR SCHWARTZ,
Acting Associated
Administrator for Management.

[FR Doc.76-29916 Filed 10-12-76;8:45 am]

Office of the Secretary

SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE AND RETIREMENT

Test Exempt Amount for 1977

Pursuant to authority contained in sections 203(f)(8) and 230 of the Social Security Act (42 U.S.C. 403(f)(8) and 430), as amended by section 8(h) and (i) of Pub. L. 94-202, enacted January 2, 1976, I hereby determine and announce that the contribution and benefit base with respect to remuneration paid in, and taxable years beginning in 1977 shall be $16,500 and the monthly exempt amount under the retirement test shall be $250 with respect to taxable years ending in calendar year 1977.

There follows a statement of the actuarial bases employed in arriving at the amounts of $250 and $16,500 for the retirement test monthly exempt amount and the contribution and benefit base, respectively, for the calendar year 1977.

In determining each of the 1977 amounts, the law specifies a formula which automatically produces a mathematical result based upon reported statistics.

Section 203(f)(8) of the Social Security Act provides that the retirement test monthly exempt amount for 1977 shall be equal to the 1976 amount of $230 multiplied by the ratio of (1) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of 1975 to (2) the average amount of such wages reported for the first calendar quarter of 1974. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Similarly, section 230 of the Social Security Act provides that the contribution and benefit base for 1977 shall be equal to the 1976 amount of $15,300 multiplied by the ratio of (1) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of 1975 to (2) the average amount of such wages reported for the first calendar quarter of 1974. The section further provides that if the amount so determined is not a multiple of $300, it shall be rounded to the nearest multiple of $300.

The data used to make the necessary computations of such average taxable wages were derived from reports submitted to the Social Security Administration of taxable wages paid to employees by their employers. Each quarter, taxable wages are posted to the record of earnings of each individual employee for whom wages were reported. These records are referred to hereinafter as Summary Earnings Records. As the wages were posted to the Summary Earnings Records, the data were tabulated on a 100-percent basis to obtain the total amount of reported taxable wages and the total number of employees for whom such wages were reported. The tabulated data on taxable wages reported for the first calendar quarter of each year 1974 and 1975 were limited to those wages that were reported and posted to the Summary Earnings Records by the end of the quarterly updating operations completed in September of the same year.

About 71.1 million employees had taxable wages reported for the first calendar quarter of 1974 that were posted to the Summary Earnings Records by the end of September 1974, and the average amount of their taxable wages was $2,007.69 per employee. The corresponding number of employees and average amount of taxable wages for the first calendar quarter of 1975 were 70.6 million and $2,157.73, respectively. The ratio of average taxable wages reported for the first quarter of 1975 to average taxable wages reported for the first quarter of 1974 is therefore 1.074733.

Multiplying the 1976 retirement test monthly exempt amount of $230 by the ratio of 1.074733 produces the amount of $247.19, which must then be rounded to $250. Accordingly, the retirement test exempt amount for taxable years ending in calendar year 1977 is $250 on a monthly basis, or $3,000 on an annual basis.

Multiplying the 1976 contribution and benefit base of $15,300 by the ratio of 1.074733 produces the amount of $16,443.41, which must then be rounded to $16,500. Accordingly, the contribution and benefit base for remuneration paid in, and taxable years beginning in, calendar year 1977 is $16,500.

The following is an extension of the Table for Determining Primary Insurance Amount and Maximum Family Benefits provided in section 215(a) of the Social Security Act. This extension reflects the new higher average monthly wage and related benefit amounts now possible under the increased contribution and benefit amounts promulgated herein effective January 1977 in accordance with section 215(i) of the Social Security Act.

Table for determining primary insurance amount and maximum family benefits beginning January 1977

I		II	III		IV	V
Primary insurance benefit under 1939 Act, as modified. If an individual's primary insurance benefit (as determined under subsection (d)) is—		Primary insurance amount effective for June 1975. Or his primary insurance amount (as determined under subsection (e)) is—	Average monthly wage. Or his average monthly wage (as determined under subsection (b)) is—		Primary insurance amount. The amount referred to in the preceding paragraphs of this subsection shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$1,276	$1,280		$578.60	$1,012.60
		1,281	1,285		579.60	1,014.20
		1,286	1,290		580.60	1,016.10
		1,291	1,295		581.60	1,017.80
		1,296	1,300		582.60	1,019.60
		1,301	1,305		583.60	1,021.30
		1,306	1,310		584.60	1,023.10
		1,311	1,315		585.60	1,024.80
		1,316	1,320		586.60	1,026.60
		1,321	1,325		587.60	1,028.30
		1,326	1,330		588.60	1,030.10
		1,331	1,335		589.60	1,031.80
		1,336	1,340		590.60	1,033.60
		1,341	1,345		591.60	1,035.30
		1,346	1,350		592.60	1,037.10
		1,351	1,356		593.60	1,038.80
		1,356	1,360		594.60	1,040.60
		1,361	1,365		595.60	1,042.30
		1,366	1,370		596.60	1,044.10
		1,371	1,375		597.60	1,045.80

(Catalog of Federal Domestic Assistance Programs Nos. 13.802-5, and 13.807 Social Security Programs.)

Dated: October 7, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-30029 Filed 10-12-76;8:45 am]

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Student Financial Assistance Study Group to be held on Thursday, October 28, 1976 from 2:00 p.m. until 5:00 p.m. and on Friday, October 29, 1976 from 9:00 a.m. until 4:00 p.m. These meetings will be held in the HEW South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. The meeting room numbers will be posted in the lobby of the South Portal Building on October 28, 1976 and October 29, 1976.

The Student Financial Assistance Study Group was established by the Secretary of Health, Education, and Welfare on August 27, 1976, to advise on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department.

The agenda items for these meetings include:

Swearing-in Ceremony.
Introductory Comments by Secretary and other officials.
Student Financial Assistance Study Group Charter.
Study Group Objectives.

Members of the public are invited to attend the meetings. Because of limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at room 323H, 200 Independence Avenue, S.W., Washington, D.C. 20201 or by telephone at (202) 245-9855.

Persons wishing to present oral or written statements for consideration by the Study Group are encouraged to do so at public hearings which will be held for that purpose. Notice of the date, time, and location of the public hearings will be published in later issues of the FEDERAL REGISTER.

MARY JANE CALAIS,
Staff Director, Student Financial Assistance Study Group.

[FR Doc.76-30126 Filed 10-12-76;8:45 am]

Social and Rehabilitation Service

STATE ASSISTANCE EXPENDITURES

Promulgation of Federal Percentages and Federal Medical Assistance Percentages

The purpose of this notice is to promulgate Fedcral percentages and Federal medical asisstance percentages to be used in determining Federal financial participation in State assistance expenditures under Titles I, IV-A, X, XIV, XVI (AABD), and XIX of the Social Security Act for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, as specified in the Act, or as determined pursuant thereto on the basis of per capita income data specified therein.

The bases are section 1101(a)(8)(B) of the Act (42 U.S.C. 1301(a)(8)(B)) which provides for the determination and promulgation of Federal percentages and section 1905(b) of the Act (42 U.S.C. 1396(d)(b)) which provides for the determination and promulgation of Federal medical assistance percentages.

Under section 1118 of the Act, States with approved title XIX plans may claim Federal financial participation for ex-

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penditures under approved State plans under titles I, IV–A, X, XIV or XVI either at the Federal percentage or the Federal medical assistance percentage, as set forth below. Claims at the medical assistance percentage may be made without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003 (a), 1403 (a), and 1603(a).

The percentages promulgated are as follows:

(1) The percentages for the quarter beginning July 1, 1977 and ending September 30, 1977, shall be the same as published in the FEDERAL REGISTER on September 13, 1974, 39 FR 33019, for the period beginning July 1, 1975 and ending June 30, 1977.

(2) The percentages for each of the eight quarters beginning October 1, 1977 and ending September 30, 1979, shall be as listed below.

Federal percentage and Federal medical assistance percentage, effective Oct. 1, 1977–Sept. 30, 1979 (fiscal years 1978 and 1979)

State	Federal matching percentage—State financial assistance expenditures (Federal percentage)	Federal matching percentage—State medical assistance expenditures (Federal medical assistance percentage)
Alabama	65.00	72.58
Alaska	50.00	50.00
Arizona	56.46	60.81
Arkansas	65.00	72.08
California	50.00	50.00
Colorado	50.00	53.71
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	51.72	56.55
Georgia	62.02	65.82
Guam	50.00	50.00
Hawaii	50.00	50.00
Idaho	59.53	63.58
Illinois	50.00	50.00
Indiana	53.18	57.86
Iowa	50.00	51.06
Kansas	50.00	52.35
Kentucky	63.09	69.71
Louisiana	65.00	70.45
Maine	65.00	69.74
Maryland	50.00	50.00
Massachusetts	50.00	51.62
Michigan	50.00	50.00
Minnesota	50.29	55.26
Mississippi	65.00	78.09
Missouri	56.29	60.66
Montana	56.78	61.10
Nebraska	50.00	53.46
Nevada	50.00	50.00
New Hampshire	58.73	62.58
New Jersey	50.00	50.00
New Mexico	65.00	71.84
New York	50.00	50.00
North Carolina	64.23	67.81
North Dakota	50.00	50.71
Ohio	50.51	55.46
Oklahoma	61.58	65.42
Oregon	52.54	57.29
Pennsylvania	50.43	55.11
Puerto Rico	50.00	50.00
Rhode Island	52.22	57.00
South Carolina	65.00	71.93
South Dakota	59.78	63.80
Tennessee	65.00	68.88
Texas	54.29	60.66
Utah	65.00	68.98
Vermont	64.46	68.02
Virgin Islands	50.00	50.00
Virginia	52.24	57.01
Washington	50.00	51.64
West Virginia	65.00	70.15
Wisconsin	53.92	58.52
Wyoming	50.00	53.44

Dated: October 5, 1976.

M. KEITH WEIKEL,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.76-29871 Filed 10-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–366 FDAA–521–DR]

CALIFORNIA

Amendment to Notice of Major Disaster

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary of the Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on October 1, 1976, the President amended his major disaster declaration of September 21, 1976, as follows:

I hereby amend my September 21, 1976, declaration of a "major disaster" for the State of California to read as follows:

I have determined that the damage in certain areas of the State of California resulting from severe storms and flooding associated with Tropical Storm Kathleen, beginning about September 10, 1976, and from severe storms and flooding beginning about September 23, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of California.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development, Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of California to have been adversely affected by this declared major disaster:

The counties of:

Imperial Riverside
San Bernardino

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 1, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-29997 Filed 10-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

SPECIAL BRIDGE REPLACEMENT PROGRAM

Allocation of FY 1977 Funds With Redistribution Adjustments

Purpose. The purpose of this document is to publish an internal Federal Highway Administration Notice stating the allocation of bridge replacement funds.

This material is published as required by the order of the United States District Court for the District of Columbia in "National Wildlife Federation v. Brinegar", Civil Action No. 1269–73 (August 22, 1975).

Issued: September 30, 1976.

J. R. COUPAL, JR.,
Deputy Administrator.

FHWA NOTICE N 4510.53 (SEPT. 8, 1976)

ALLOCATION OF FY 1977 SPECIAL BRIDGE REPLACEMENT FUNDS

1. *Purpose.* To allocate bridge replacement funds authorized for FY 1977 by Section 202(5) of the Highway Safety Act of 1976.

2. *Cancellation.* This Notice cancels FHWA Notice N 4510.35, "Allocation of FY 1976 Special Bridge Replacement Funds with Redistribution Adjustments," dated August 8, 1975.[1] (40 FR 53950)

3. *Background.* This Notice makes allocation of fiscal year 1977 funds and also reflects the restoration of those funds which were redistributed to a few States during the transitional quarter in accordance with the provisions of the Bridge Division Chief's memorandum of May 25, 1976, to all Regional Administrators. The unobligated funds redistributed were from fiscal year 1976 and prior years.

4. *Allocation.* The attached table shows (1) the total allocations of FY 1976 and prior year bridge replacement funds as of the date of this Notice, including the adjustments made for redistribution during the transitional quarter, (2) the FY 1977 funds allocated by this Notice as adjusted to reflect restoration of the prior redistribution, (3) the total allocations including FY 1977 funds, and (4) for information only, the unadjusted allocation of FY 1977 funds.

5. *Availability.*

a. All of the funds shown in column (2) of the attachment will be available for obligation on October 1, 1976.

b. Obligation of the funds is subject to obligation control procedures in force for the fiscal year in which the funds are obligated. Bridge replacement funds allocated to a State that are unobligated at the end of FY 1977 may be withdrawn permanently for redistribution.

c. Project selections for funding under this program shall be in accordance with Volume 6, Engineering and Traffic Operations; Chapter 7, Bridge, Structures and Hydraulics; Section 4, Safety; and Subsection 1, Special Bridge Replacement Program of the Federal-Aid Highway Program Manual dated August 7, 1974.[1]

Department of Transportation, Federal Highway Administration, special bridge replacement program, allocation of bridge replacement funds

State	Funds previously allocated (1)	Fiscal year 1977 funds allocated by this notice[1] (2)	Total allocations (3)	Information—Unadjusted allocated fiscal year 1977 funds (4)
Alabama	$6,306,350	$981,978	$7,380,328	$1,986,978
Alaska	7,121,740	163,186	7,284,926	163,186
Arizona	2,533,174	312,238	3,145,412	376,062
Arkansas	5,495,818	2,135,366	7,631,184	2,135,366
California	19,766,051	2,761,270	22,527,331	4,505,120
Colorado	3,355,388	434,296	3,789,684	434,296
Connecticut	7,616,954	319,308	7,936,262	582,151
Delaware	4,355,595	3,039,355	7,307,950	3,039,355
District of Columbia	816,357	1,162,378	1,980,735	1,162,378
Florida	16,042,429	6,140,885	22,183,314	7,776,885
Georgia	8,682,916	1,004,807	9,687,723	2,287,807
Hawaii	2,329,297	6,739	2,346,136	156,739
Idaho	3,268,359	1,123,008	3,392,187	1,301,734
Illinois	34,964,598	11,289,718	46,254,316	17,186,488
Indiana	5,914,567	2,230,751	8,146,318	2,260,751
Iowa	6,293,060	5,494,606	11,727,665	5,494,606
Kansas	8,477,206	2,826,378	11,302,584	2,826,378
Kentucky	5,068,296	9,037,189	14,670,566	9,587,189
Louisiana	18,609,045	12,956,514	31,567,559	12,988,514
Maine	2,937,946	690,485	3,568,431	690,485
Maryland	8,579,985	1,256,512	9,836,507	1,949,888
Massachusetts	34,306,777	5,140,768	39,037,545	5,140,769
Michigan	12,574,987	1,267,794	13,842,641	1,267,794
Minnesota	9,868,170	5,908,666	15,495,835	3,044,945
Mississippi	5,327,946	14,887	5,342,808	596,307
Missouri	11,467,060	2,226,808	13,822,868	2,226,808
Montana	3,076,927	576,827	3,653,754	576,827
Nebraska	5,049,733	3,758,596	3,808,609	3,288,936
Nevada	2,734,655	753,804	3,488,460	753,804
New Hampshire	8,852,648	1,802,837	5,655,485	1,802,837
New Jersey	5,960,928	1,718,894	7,706,820	1,448,052
New Mexico	5,349,630	706,165	6,057,795	706,165
New York	21,786,663	17,153,796	38,940,459	18,360,450
North Carolina	9,074,848	10,970,000	20,044,848	10,970,000
North Dakota	3,271,404	5,223	3,276,627	333,220
Ohio	8,992,155	7,176,223	16,168,378	3,404,446
Oklahoma	8,824,976	1,451,942	10,276,918	1,901,942
Oregon	4,959,642	1,141,563	6,101,205	1,141,563
Pennsylvania	15,429,373	4,295,397	19,724,770	4,295,397
Puerto Rico	3,991,061	1,787,602	5,778,663	1,787,602
Rhode Island	1,917,206	763,268	2,680,470	763,268
South Carolina	5,283,990	1,951,304	7,235,294	2,503,304
South Dakota	5,576,305	3,432,353	9,008,658	3,432,353
Tennessee	4,991,178	1,801,911	6,793,086	1,818,521
Texas	23,770,686	1,046,189	24,816,875	4,584,019
Utah	5,854,402	46,762	5,901,164	46,762
Vermont	3,806,389	1,792,285	5,598,674	1,792,285
Virginia	22,717,749	5,163,572	27,881,321	5,163,572
Washington	28,318,295	3,522,798	28,841,093	3,522,798
West Virginia	10,390,542	9,678,804	20,230,346	9,679,804
Wisconsin	10,809,851	5,034,287	15,844,138	5,034,287
Wyoming	2,623,790	417,900	3,041,690	781,900
Total	464,000,000	175,960,000	639,960,000	175,960,000
Administration		4,060,000		4,060,000
Grand total		180,000,000		180,000,000

[1] Adjusted to reflect restoration of funds redistributed during transitional quarter. Effective Oct. 1

[1] These documents are available for inspection and copying at those locations stated in 49 CFR Part 7, Appendix D.

[FR Doc.76-29849 Filed 10-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28262]

AIR MIDWEST

Certification Proceeding; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on October 28, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

[2] See footnote [1]

Dated at Washington, D.C., October 5, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29983 Filed 10-12-76;8:45 am]

[Docket 28173]

ALLEGHENY AIRLINES, INC.

Subpart M Application (Buffalo-St. Louis)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on November 3, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

Dated at Washington, D.C., October 5, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29982 Filed 10-12-76;8:45 am]

[Docket 29747]

AIR BVI LTD., ET AL.

Foreign Air Carrier Permit Investigation; Prehearing Conference

Foreign air carrier permit investigation; air BVI Limited, British Airways Board, British Caledonian Airways Limited, Cayman Airways Limited, LIAT (1974) Limited.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 16, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 26, 1976, and the other parties on or before November 9, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29986 Filed 10-12-76;8:45 am]

[Dockets 24582 and 29132]

ALLEGHENY AIRLINES, INC. AND PIEDMONT AVIATION, INC.

Hearing

In the matter of Allegheny Airlines, Inc., Piedmont Aviation, Inc., Subpart M Proceeding (Cincinnati - Washington, D.C.).

Notice is hereby given, pursuant to the provision of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on November 10, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875

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Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29987 Filed 10-12-76;8:45 am]

[Docket 29708]

ARGO, S.A.

Charter Permit Application (Dominican Republic)

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 27, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29985 Filed 10-12-76;8:45 am]

[Docket 29790]

DALLAS/FORT WORTH-WESTERN MEXICO ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on December 14, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 22, 1976, and the other parties on or before December 1, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29986 Filed 10-12-76;8:45 am]

[Docket 29110]

EAST AFRICAN AIRWAYS CORPORATION FOREIGN PERMIT RENEWAL

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 1, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry M. Switkay.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 21, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29989 Filed 10-12-76;8:45 am]

[Docket 29789]

HOUSTON/NEW ORLEANS-YUCATAN ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 23, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry M. Switkay.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 5, 1976, and the other parties on or before November 15, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29990 Filed 10-12-76;8:45 am]

[Docket 29367]

McGREGOR, SWIRE AIR SERVICES, LTD. (U.K.)

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Janet D. Saxon to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29991 Filed 10-12-76;8:45 am]

[Docket 26354]

NORTH CENTRAL AIRLINES, INC. (MILWAUKEE/DULUTH/SUPERIOR - WINNIPEG)

Certificate Application; Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 17, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 3, 1976, and the other parties on or before November 10, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29992 Filed 10-12-76;8:45 am]

[Docket 29750]

PANDAIR FREIGHT LIMITED (U.K.) D/B/A PANDAIR FREIGHT, INC. (U.S.A.)

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29993 Filed 10-12-76;8:45 am]

[Docket 23584]

TACA INTERNATIONAL AIRLINES, S.A. FOREIGN PERMIT AMENDMENT (EL SALVADOR)

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 8, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry H. Switkay.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29994 Filed 10-12-76;8:45 am]

[Docket 29818]

TRANS-MEDITERRANEAN AIRWAYS, S.A.L.

Foreign Permit Amendment and Renewal (Lebanon); Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 22, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29964 Filed 10-12-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

PAKISTAN

Announcing an Additional Official Authorized To Issue Visas for Cotton Textile Products Exported to the United States

OCTOBER 7, 1976.

On July 7, 1972, there was published in the FEDERAL REGISTER (37 FR 13365) a letter dated June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Pakistan and exported from Pakistan for which the Government of Pakistan had not issued a visa. One of the requirements is that each visa include the signature of an official authorized by the Government of Pakistan to issue visas.

The purpose of this notice is to announce that at the request of the Government of Pakistan the name of Mr. Ejaz Ahmad is being added to the list of officials currently authorized to issue export visas. A complete list of those officials is published as an enclosure to the letter set forth below.

Accordingly, there is published below a letter of October 7, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. Ejaz Ahmad also be authorized to issue export visas for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States.

Effective date: October 12, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commrece.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS.

October 7, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan, for which the Government of Pakistan had not issued an export visa. It also amends, but does not cancel, the directive of March 3, 1976 which included the names of Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of June 28, 1972 and March 3, 1976 are hereby further amended to add the name of Mr. Ejaz Ahmad to the list of officials authorized to issue export visas for cotton textiles and cotton textile products, produced or manufactured in Pakistan. A complete list of officials currently so authorized is enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foregin affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE EXPORT VISAS FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Ejaz Ahmad
S. M. Anwar
Pir Mohammad Khan
Ghulam Mustafa
Sajjad Hussain Naqvi
Tariq Iqbal Puri
Abdul Ghaffar Qureshi
Mujib-ur-Rehman
S. A. Zaidi

[FR Doc.76-29944 Filed 10-12-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 76-7]

JULIUS BERGER & CO., INC. AND ROBERT BERGER

Prehearing Conference

In the Matter of Julius Berger & Co., Inc., a corporation, and Robert Berger, individually and as an officer of Julius Berger & Co., Inc.

The Commission's Staff, on August 23, 1976, filed a Notice of Enforcement in the above entitled proceeding charging Respondents with having violated certain provisions of the Federal Trade Commission and the Flammable Fabrics Acts and the rules and regulations promulgated thereunder, including the Standard for the Flammability of Children's Sleepwear (FF 3-71) and its implementing regulations (16 CFR 1615) by having manufactured, sold or delivered after sale, or shipped in commerce product, fabric or related material which fails to conform to the standard for the flammability of children's sleepwear size 0-6X.

In particular, Respondents are charged with *inter alia* (1) failing to conduct required prototype tests on seams and trim on polyester acetate robes produced by Respondent, (2) failing to maintain required written specification for construction of garments. These acts are alleged to be unlawful and constitute an unfair method of competition and an unfair and deceptive act or practice in commerce under Section 5 of the Federal Trade Commission Act, enforced by the Consumer Product Safety Commission under Section 30 of the Consumer Product Safety Act.

The Staff has proposed the issuance of an Order directing Respondents, *inter alia* (1) to cease and desist from manufacturing, selling, importing, and transporting any product, fabric or related material which fails to conform to the requirements of the applicable standards issued under the Flammable Fabrics Act; (2) to conform to the provisions of the Flammable Fabrics Act and the regulations and standards thereunder; (3) to recall all garments which fail or did not undergo required testing from distributors, retailers and consumers.

On September 17, 1976, Respondents filed a general denial of the allegations in the Notice of Enforcement. Specifically Respondents assert that:

(1) Robert Berger is not a proper party to the proceeding.

(2) Consumer Product Safety Commission staff has no reason to believe that Respondents have violated the Flammable Fabrics Act.

(3) The Consumer Product Safety Commission has not acted in good faith and has discriminated against Respondents in an unlawful manner.

(4) The standard for children's sleepwear is unconstitutionally vague and application of the standard has been and is unconstitutional.

(5) Garments allegedly produced by Respondents conform with the Flammable Fabrics Act and its regulation.

(6) Respondents and duly authorized agents of the Commission entered into a settlement agreement, on which Respondents have relied, to their detriment. This settlement was repudiated by the Staff.

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Respondents requested that the settlement agreement be certified to the Commission. This request was denied.

A prehearing conference for the purpose, *inter alia*, of defining the issues to be heard, providing for discovery of evidence and establishing the dates for the service of written testimony and exhibits and the time and place of hearing will be held Friday, October 22, 1976, 2:00 P.M., EST, in the Commission's New York Area Office, 6th Floor, 6 World Trade Center, Vesey Street, New York, New York 10048.

Memoranda addressed to the above items should be served on opposing counsel and this office by the close of business Thursday, October 21, 1976. The docket in this case is available in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., Washington, D.C. 20207. Any person desiring to become a party should contact the undersigned at (202) 634–7171.

Date: October 7, 1976.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Council.

[FR Doc.76–30002 Filed 10–12–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 629–7]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Delegation to State of North Dakota

On December 23, 1971 (36 FR 24877), March 8, 1974 (39 FR 9808), August 6, 1974 (39 FR 33152), and September 23, 1975 (40 FR 43850), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance for eighteen (18) categories of new stationary sources. Additionally, on April 6, 1973 (38 FR 8820), May 3, 1974 (39 FR 15396), and October 14, 1975 (40 FR 48291), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three (3) hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On May 26, 1976, Arthur A. Link, Governor of the State of North Dakota, submitted to the EPA, Region VIII Office a request for delegation of authority. Included in that request were procedures for NSPS and NESHAPS and information on available resources to implement such review. Included in that request were copies of the State of North Dakota regulations which incorporate with certain exceptions the Federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61. Also included were copies of State statutes which provide the State with the requisite authority to enforce the federally promulgated NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Arthur A. Link, Governor, State of North Dakota, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (12) of that letter.

Hon. ARTHUR A. LINK,
Governor of North Dakota,
State Capitol, Bismarck, N. Dak.

DEAR GOVERNOR LINK: This is in response to your letter of May 26, 1976, requesting delegation of authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) for the eighteen NSPS categories and the NESHAPS Emission Standards set forth respectively in R23–25–12 and R23–25–13 of the Air Pollution Control Regulations of the State of North Dakota, to the North Dakota State Department of Health.

We have reviewed the pertinent statutes of the State of North Dakota and the rules and regulations of the North Dakota State Department of Health, and have determined that they provide an adequate and effective procedure for implementation and enforcement of NSPS and NESHAPS by the State of North Dakota. We have also reviewed the resources of the State of North Dakota and the North Dakota Department of Health, and have determined that they are adequate. Therefore, pursuant to sections 111 and 112 of the Clean Air Act, we hereby grant delegation of NSPS and NESHAPS to the State of North Dakota and the North Dakota Department of Health as follows:

A. New Source Performance Standards (NSPS): Authority to implement and enforce Standards of Performance for the following categories of New Stationary Sources located within the State: fossil-fuel-fired steam generators, incinerators, portland cement plants, nitric acid plants, sulfuric acid plants, asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, brass and bronze ingot production plants, iron and steel plants, sewage treatment plants, wet process phosphoric acid plants, super-phosphoric acid plants, diammonium phosphate plants, triple-super-phosphate plants, granular triple-super-phosphate plants, and electric arc furnaces.

B. National Emission Standards for Hazardous Air Pollutants (NESHAPS): Authority to implement and enforce Emission Standards for Hazardous Air Pollutants for the following emissions of pollutants within the State: asbestos, beryllium, beryllium rocket motor firing and mercury.

This delegation is based upon the following conditions:

1. Reports normally submitted to the Environmental Protection Agency (EPA) through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name, address, type and size of each facility subject to the standards, the compliance status of each facility with accompanying explanations of non-compliance where applicable, notice, of enforcement actions brought against facilities subject to 40 CFR Parts 60 and 61, surveillance actions undertaken for each facility, and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NESHAPS in the State of North Dakota will be the primary responsibility of the State Department of Health. If the Department determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with respect to sources within the State of North Dakota subject to NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS authority does not commit the State of North Dakota to accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of May 26, 1976.

4. The State may subdelegate its authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in North Dakota when such authorities have demonstrated that they have equivalent or more stringent programs in force. The State must notify EPA of such redelegation so that the appropriate address changes may be made in the FEDERAL REGISTER.

5. This enforcement authority to the State of North Dakota does not include the authority to implement and enforce NSPS and NESHAPS for sources owned and operated by the United States, which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61, or any State or local regulation.

6. The State of North Dakota will at no time grant a variance or waiver from compliance with R23–25–12 and R26–25–13 of the Air Pollution Control Regulations of the State of North Dakota. Should the State of North Dakota grant such a waiver, EPA will consider the source receiving relief to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to section 113 of the Clean Air Act, as amended. The granting of such relief by the State shall also constitute grounds for revocation of delegation by EPA.

7. If at any time there is a conflict between a State and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. For NSPS and NESHAPS the State of North Dakota Department of Health will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

9. If the Regional Administrator of EPA determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the North Dakota State Department of Health.

10. Information shall be made available to the public in accordance with 40 CFR 60.9 and 61.15. Any records, reports or information provided to, or otherwise obtained by, the State in accordance with the provisions of these Sections shall be made available to the designated representative of EPA upon request.

11. The North Dakota State Department of Health and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed and current regarding compliance status of the subject sources and interpretation of the regulations.

12. With respect to the NSPS for portland cement plants (40 CFR 60.60), the North Dakota regulation, R23–25–12.403(1) failed to provide for "finished product storage." Pending the adoption of a state regulation applicable to the subject source, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended.

A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in North Dakota should be submitted to the State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501. Any such reports which have been or may be received by EPA, Region VIII, will promptly be transmitted to the North Dakota Department of Health.

Since this delegation is effective upon the date of this letter, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within ten (10) days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified Arthur A. Link, Governor of North Dakota, on August 30, 1976, that authority to implement and enforce New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) was delegated to the State of North Dakota. Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80203.

Effective immediately, all reports required pursuant to the delegated New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS), should not be submitted to the EPA, Region VIII Office but instead be submitted to the North Dakota State Department of Health at the following address: State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

Any such reports which have been or may be received by EPA, Region VIII, will be promptly transmitted to the North Dakota State Department of Health.

This notice is issued under authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c–6 and 7).

Dated: October 1, 1976.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.76–30021 Filed 10–12–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

COMPUTER COMMUNICATIONS

Planning Conference

OCTOBER 4, 1976.

On November 8 and 9, 1976, the American Federation of Information Processing Societies (AFIPS) will present to the FCC Commissioners and staff a Future Planning Conference on the subject of computer communications technology. AFIPS is a federation of fifteen nonprofit scientific and educational societies composed of over 100,000 professionals in the information processing field.

At this planning conference, five technical experts will deliver papers on technical topics of current interest in the general field of computer communications technology and policy, and will be available to answer questions raised by the Commission and its staff on matters related to the papers. The conference will be open to the public, although participation will be limited to AFIPS and the Commission.

The AFIPS participants and the topics they will address are as follows:

1. A review of current demand for services, current technological capabilities, and regulatory problems associated therewith, presented by Lynn Hopewell, Chairman, IEEE Computer Society-Computer Communications Technical Committee and Senior Member of the Executive Staff, Computer Sciences Corporation.

2. A review of current marketplace needs, pricing trends, and local distribution problems, presented by Alex Curran, Past Chairman of the International Federation for Information Processing (IFIP) Technical Committee on Computer Communications, and President, Bell Northern Research, Inc.

3. A survey of new research in computer communications, particularly those areas of development which may impact regulatory policy, presented by Vinton Cerf, Assistant Professor of Electrical Engineering, Stanford University.

4. A discussion of institutional constraints and other factors which inhibit the growth of new computer communications technologies, presented by Donald Dunn, Professor of Engineering Economics, Stanford University.

5. A discussion of possible future development of computer communications capability in the United States and causal relationships with FCC policies, presented by Keith Uncapher, Director, Information Sciences Institute, University of Southern California.

In order to assure that the rights of all parties to the new Computer Inquiry[1] are fully protected, a transcript of this conference will be entered into the record in Docket No. 20828. It is anticipated that the transcript will be entered into the record on or before the date for filing comments (January 10, 1977), so that parties may address any matters raised by this conference in their reply comments, due February 24, 1977. The Commission will not undertake to serve copies of the transcript on the parties.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–29965 Filed 10–12–76;8:45 am]

[1] In the Matter of Amendment of Section 64.702 of the Commission's Rules and Regulations, Docket No. 20828 (Notice of Inquiry and Proposed Rulemaking issued August 9, 1976, FCC 76–745).

[Docket No. 20918, 20919; File No. 3087–C5–P–72, 4753–C5–P–72]

EASTERN MICROWAVE, INC. AND SCHENECTADY CABLEVISION, INC.

Construction Permits in the Multipoint Distribution Service for a New Station at Albany, New York

Adopted: September 22, 1976.

Released: October 4, 1976.

1. The Commission has before it the above-referenced applications of Eastern Microwave, Incorporated (Eastern), filed on November 19, 1971 and Schenectady Cablevision, Inc. (Cable), filed on January 28, 1972. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Albany, New York area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of formal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Eastern, a wholly-owned subsidiary of Newhouse Broadcasting Corporation, holds MDS construction permits in nine cities, including Pittsfield, Massachusetts, Binghamton, Burlington, Elmira, Syracuse, Utica and Watertown, New York. In addition Newhouse Broadcasting has interests in broadcasting and cable system in Syracuse, Elmira, and Binghamton, New York. Schenectady has only the above-referenced MDS application on file.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determina-

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tion, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Albany, New York area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That Eastern Microwave, Incorporated and Schenectady Cablevision, Inc. and the Chief, Common carrier Bureau, are made parties to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of section 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.76-29966 Filed 10-12-76;8:45 am]

[Docket No. 20933, File Nos. 7267-CM-P-71 and 50048-CM-P-75; Docket No. 20934, File Nos. 69-CM-P-72 and 50084-CM-P-75]

MICHIGAN TELE-COMMUNICATIONS SERVICES, INC. AND MICROBAND CORP. OF AMERICA

Construction Permits in the Multipoint Distribution Service for New Stations at Detroit and Pontiac, Michigan

Adopted: September 24, 1976.

Released: October 6, 1976.

1. The Commission has before it the captioned applications of Michigan Tele-Communications Services, Inc (MTS), filed on June 17, 1971 (File No. 7267-CM-P-71), and Microband Corporation of America (Microband), filed on July 8, 1971 (File No. 69-CM-P-72). Both applications propose Channel 1 operation in the Multipoint Distribution Service (MDS) in the Detroit, Michigan area, and thus are mutually exclusive and require comparative consideration. MTS filed a petition to deny Microband's application on September 24, 1971.[2] Microband filed an opposition on October 7, 1971, and MTS submitted its reply on October 8, 1971. MTS filed a "Further Petition to Deny" on October 15, 1971, to which Microband filed an opposition on October 28, 1971. Microband also filed a petition to deny MTS's application on July 27, 1971. MTS filed an opposition on August 16, 1971, to which Microband replied on August 26, 1971.

2. The Commission also has before it the applications of MTS, filed July 10, 1974, (File No. 50048-CM-P-75) and Microband filed March 26, 1975 (File No. 50084-CM-P-75).[3] Both Applications propose Channel 1 operation in the Pontiac, Michigan area, and are also mutually exclusive and require comparative consideration. No pleadings were filed with respect to the Pontiac applications. All four applications have been amended as a result of informal requests of the Commission staff for additional information.

3. Microband holds MDS licenses in nine cities, including Washington, D.C., Pittsburgh, Pennsylvania, and Milwaukee, Wisconsin, and has been granted construction permits in eleven other cities. MTS has construction permits in Muskegon, Bay City, Jackson, Kalamazoo, and Ann Arbor, Michigan.

4. MTS challenges the availability of Microband's tower site on the Penobscot Building. Microband subsequently submitted a letter dated October 18, 1971, from the Penobscot Building, Inc., which indicates the availability of space in that building for Microband. Recent staff inquiry confirms that space is still available.

5. MTS questions Microband's technical ability to adequately maintain its proposed service with three technicians and urges that the Commission make an inquiry as to what technical personnel will be available at each Microband facility. No substantial showing has been made to support the claim of technical inadequacy on the part of Microband for the proposed stations or at any of its currently licensed stations. Accordingly, we will not further consider MTS's unsupported allegation of technical inadequacy.

6. MTS also challenges Microband's ability to finance its several proposed MDS construction projects. However MTS does not detail the nature of the alleged inadequacy beyond stating that Microband's "financial showing contained in the application is not sufficient to support the enormous venture proposed". As we stated in American Television Relay, Inc., 11 FCC 2d 533, at 556, "• • • it is not necessary to consider all of [the applicant's] pending applications simultaneously to determine its ability to construct and operate any one proposed facility • • •. (A)t the time each proposal or set of applications is acted upon, the Commission will consider the financial resources of [the applicant] with regard to its then-existing obligations for construction and operation of authorized facilities as well as the cost of the new proposal." Microband's current assets (in excess of current liabilities) according to a balance sheet dated December 31, 1975 exceed $418,000, which is more than the estimated aggregate cost of the two proposed stations ($136,400). We find this adequate to show the financial qualification of Microband with respect to the captioned applications.[4]

7. Microband's petition to deny MTS's Detroit application alleges that MTS is not financially qualified, pointing out that Hercules Tube Products, Inc. (Hercules) does not have sufficient funds to meet its commitment to lend MTS $40,000 of the $58,000 necessary for construction. Mr. S. R. Ackers, President of MTS, subsequently disclosed other resources to finance the Detroit MDS station, but Microband challenged these assets, suggesting that his stocks would not be convertible to cash when needed. Ackers thereupon submitted letters of commitment from Bellevue Metal Hose Company and International Metal Hose Company offering to redeem Acker's stock (worth over $115,000) and an offer from Mellink Steel Safe Company to issue Ackers an accrued bonus of $40,000 on request. In light of the submissions, we find MTS financially qualified.

8. As noted above, Microband and MTS have filed these construction permit applications for both Detroit and Pontiac, Michigan, which are less than 30 miles apart. In analyzing potential interference in this service, we presume that a proposed station within 25 miles of another station would create harmful interference but that two stations located 50 miles apart would not. For proposed stations between 25 and 50 miles apart, the burden is on the applicants to show that there will be no harmful interference.[4] Both Microband and MTS have submitted engineering studies that reach contrary conclusions on the potential for harmful interference. Microband expects that ". . . the proposed Pontiac MDS operation will result in excessive co-channel interference levels in a large portion of the Detroit service area." MTS is of the opinion ". . . that no adverse mutual effects will result if (MTS) is granted its request . . ." (for a Pontiac construction permit). In view of these contradictory studies, we believe it appropriate to include an issue on the potential for harmful interference.

9. In view of the foregoing and other information contained in the captioned applications, we find that the applicants are legally, technically, financially and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine which of these applications should be granted.

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[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[2] MTS's petition was filed 31 days after the period for filing petitions to deny expired. Therefore, pursuant to Rule Section 21.27(c), it will be treated as an informal objection.

[3] MTS's application appeared on the January 27, 1975 Public Notice. Microband's application was received on March 26, 1975, within the Rule Section 21.30(b) 60 day cut-off period.

[4] Although Microband has a number of other stations being built under construction permit, the Arthur Lipper Corporation submitted a letter dated October 11, 1972 committing up to $3,000,000 to Microband for construction and operation expenses. This amount clearly exceeds that necessary to complete construction of all current MDS projects.

[4] See Report and Order in Docket No. 19493, 45 F.C.C. 2d 616 (1974), and Rule Section 21.902(c)(1).

10. *Accordingly, it is hereby ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and section 0.291 of the Commission's Rules, above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine: (a) whether these MDS stations, as proposed or as may be amended or conditioned, can be operated on channel 1 in both Detroit and Pontiac without harmful interference and, if so, which application in each city should be granted in order to best serve the public interest, convenience, and necessity; or (b) if harmful interference would preclude simultaneous operation in both cities, which proposed station in which city best serve the public interest, convenience and necessity. In making such determinations, the following factors shall be considered:

(1) The potential for harmful interference between the proposed stations in Detroit and the proposed stations in Pontiac, Michigan;

(2) The relative merits of each proposal with respect to service area and efficient frequency use;

(3) The quality and reliability of the service proposed, including selection of equipment, site, subscriber security and maintenance;

(4) The charges, regulations and conditions of the service; and

(5) The managerial and entrepreneurial qualifications of the applicants.[5]

11. *It is further ordered*, That Michigan Tele-Communications Services, Inc., Microband Corporation of America, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

12. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION.
JOSEPH A. MARINO,
Deputy Chief,
Common Carrier Bureau.

[FR Doc.76-29967 Filed 10-12-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NORTHERN ILLINOIS GAS CO.

Synthetic Natural Gas Feedstocks; Notice of Opportunity To Submit Written Comments and To Participate in Public Hearing on Petition for Assignment of Supplier and Base Period Use

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding the August 1, 1976 petition of Northern Illinois Gas Company (NI-Gas), a synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period use of propane, butane, natural gasoline, and naphtha for SNG feedstock use after March 31, 1977, pursuant to 10 CFR 211.29 and Special Rule No. 1 issued thereunder.

The volume of SNG feedstock requested is 16,259,500 barrels of propane, butane, natural gasoline and naphtha per year commencing April 1, 1977.

NI-Gas's Aux Sable SNG facility located near Morris, Illinois, is designed to produce SNG for 335 days of base loading service utilizing 4,064,875 barrels of feedstock per quarter for a total of 16,259,500 barrels of feedstock per year.

The petition requests the assignment of Atlantic Richfield Company as supplier for 1,396,125 barrels of naphtha; San Juan Oil Company as supplier for 1,738,000 barrels of propane, butane and natural gasoline; and UPG, Inc. as supplier for 930,750 barrels of butane and natural gasoline feedstock for each quarterly period corresponding to a base period.

NI-Gas is currently producing SNG from an allocation of propane, butane, natural gasoline and naphtha assigned to NI-Gas by FEA's Decision and Order dated February 5, 1976. The August 1, 1976 petition, if granted, would allow NI-Gas to continue operation of its Aux Sable SNG facility after March 31, 1977, in a manner consistent with the February 5, 1976 Order.

A file containing all information and data filed in conjunction with NI-Gas's petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Written comments regarding NI-Gas's petition will be accepted and considered if filed by November 5, 1976. Any person submitting written comments with respect to NI-Gas's petition should comply with the requirements of FEA's procedural regulations set forth at 10 CFR 205.33. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, NW, Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation, "Allocation of Feedstocks for Northern Illinois Gas Company's SNG Plant." Five copies should be submitted to FEA and one copy to Northern Illinois Gas Company, P.O. Box 190, Aurora, Illinois 60507, Attention Mr. George T. Jones.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on NI-Gas's petition will be held beginning at 9:30 a.m., e.s.t., on November 10, 1976, in the Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has in interest in the petition, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., October 27, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through October 29, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., October 29, 1976, and must submit 50 copies of his or her statement to the Allocation Regulations Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on November 9, 1976.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., November 9, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the

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[5] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 FCC 2d 626 (1975).

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question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Additional public comment on all written and oral presentations received through November 10, 1976, will be permitted through November 24, 1976. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to NI-Gas and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be made available for public viewing on November 11, 1976, at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the FEA's Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Dated: October 7, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-29927 Filed 10-7-76;11:27 am]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES, INC. AND PRUDENTIAL LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statment should be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Hubert F. Carr, Vice President, Secretary and General Counsel, Moore-McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 10262, between Moore-McCormack Lines, Incorporated (Mooremac) and Prudential Lines, Inc. (PLI), is an agency agreement whereby PLI appoints Mooremac to act as its general agent in Argentina, Brazil and Uruguay on the terms and conditions and to the extent set forth therein.

By Order of the Federal Maritime Commission.

Dated: October 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30005 Filed 10-12-76;8:45 am]

STRAITS/NEW YORK CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway New York, New York 10004.

Agreement No. 6010-20, entered into by the member lines of the Straits/New York Conference, modifies the approved basic agreement by adding a new Article 15 thereto providing, essentially, that no party to the agreement shall be represented in Singapore, Port Swettenham and/or Penang by any agent engaged in the solicitation, booking, receipt, and/or documentation of cargoes without requiring such agent to agree not to represent, except as husbanding agent or chartering broker, any common, private or contract carrier in the trade at ports of loading other than carriers who are parties to Agreement No. 6010.

By Order of the Federal Maritime Commission.

Dated: October 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30004 Filed 10-12-76;8:45 am]

[Docket No. 72-41; General Order 35]

TRUCK DETENTION AT THE PORT OF NEW YORK

Parties Responsible for Receipt and Settlement of Claims; Correction

In the Commission's Notice of Parties Responsible for Receipt and Settlement of Claims in this proceeding published September 21, 1976 [41 FR 41162] the reference to "Northwest Marine Terminal Co., Inc." should read "Northeast Marine Terminals, Inc."

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30003 Filed 10-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-61 (PGA76-4)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Arkansas Louisiana Gas Company (ARKLA) tendered for filing Ninth Revised Sheet No. 4 in its Rate Schedule G-2, FPC Gas Tariff, First Revised Volume No. 1. ARKLA states that this tariff sheet is also filed in accordance with the special provisions of Opinion No. 770 in Docket No. RM75-14.

ARKLA states that it has combined the one-time adjustment authorized to be collected from October 27, 1976 in FPC Opinion No. 770 with its regular PGA filing effective on November 1, 1976 and has proposed to cover both filings with a single tariff sheet publication in order to make both adjustments effective on the regular November 1, 1976 tariff change date.

ARKLA states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties effected by the tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29902 Filed 10-12-76;8:45 am]

[Docket No. RP72-122 (PGA 76-6)]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates

OCTOBER 5, 1976.

Take notice that Colorado Interstate Gas Company (CIG) on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff: Second Revised Volume No. 1. The proposed change would increase the commodity rate under each of CIG's jurisdictional rate schedules by 15.35 cents per McF, the Company states.

CIG states that the filing is made pursuant to FPC Opinion No. 770-issued July 27, 1976, in Docket No. RM75-14 (as modified on September 22, 1976), and includes only increased purchased gas costs associated with the Opinion.

CIG respectfully requests that the instant filing be made effective on October 27, 1976.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies, states CIG.

Review of the filing indicates that the annual impact upon CIG's cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $39,798,360. The surcharge amount is $10,759,149.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29900 Filed 10-12-76;8:45 am]

[Docket No. CP76-536]

COLUMBIA GAS TRANSMISSION CORP. AND NATIONAL FUEL GAS SUPPLY CORP.

Application

OCTOBER 5, 1976.

Take notice that on September 24, 1976, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and National Fuel Gas Supply Corporation (National Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76-536 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas for a limited term in accordance with the terms of an agreement dated August 9, 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that National Supply made application for a certificate of public convenience and necessity in FPC Docket No. CP76-313, filed March 30, 1976, for authority to store 2,000,000 Mcf of natural gas for UGI Corporation, Gas Utility Division (UGI), which gas UGI has purchased from National Fuel Gas Distribution Corporation (National Distribution). The natural gas so stored was to be delivered to UGI in the period beginning November 1, 1976, and ending April 30, 1977, it is said.

Applicants request permission herein to deliver the natural gas so stored by an exchange of gas whereby National Supply would reduce its receipts from Columbia Transmission at Ellwood City, Beaver County, Pennsylvania, and Columbia Transmission would deliver the same volume to UGI at existing points of delivery from Columbia Transmission to UGI in eastern Pennsylvania. All volumes so exchanged would be billed by Columbia Transmission as if delivered to National Supply at Ellwood City, it is shown, and no charge for transportation would be made by Columbia Transmission.

The application indicates that the exchange outlined above would be a mutually agreeable daily quantity which would not exceed National Supply's daily entitlement from Columbia Transmission at the Ellwood City delivery point, nor would the total daily delivery to UGI exceed its total daily entitlement from Columbia Transmission, and would be on a best efforts basis.

It is stated that Applicants do not propose the construction of any additional facilities to effectuate the exchange of gas for which approval is herein requested.

Upon receipt of the authorization requested herein, Applicants would file the subject letter agreement as a rate schedule in their respective FPC Gas Tariffs, Volume 2, it is said.

Applicants assert that the proposed exchange would partially offset UGI's projected 1976-77 winter curtailment of its Priority 2 customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29899 Filed 10-12-76;8:45 am]

[Docket Nos. E-8947 and ER76-494]

DELMARVA POWER & LIGHT CO.

Conference

OCTOBER 1, 1976.

Take notice that on Novemer 3, 1976, Staff is convening an informal conference of all interested persons for the

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purpose of discussing the issues in the above referenced dockets in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29897 Filed 10-12-76;8:45 am]

[Docket Nos. RP72-155 and RP76-59 (PGA76-5)]

EL PASO NATURAL GAS CO.

Proposed Change In Rate Pursuant to Purchased Gas Cost Adjustments

OCTOBER 4, 1976.

Take notice that El Paso Natural Gas Company ("El Paso") on September 27, 1976, tendered for filing a notice of change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. El Paso states that such service is rendered under rate schedules affected by and subject to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.

El Paso states that on July 27, 1976, the Commission issued Opinion No. 770 and order at Docket No. RM75-14, prescribing new national rates for gas dedicated to interstate commerce on and after January 1, 1973, and for sales of gas from wells commenced and new dedications made to interstate commerce on and after January 1, 1975. El Paso states that Opinion No. 770, among other matters, permits jurisdictional pipeline companies having an effective Purchased Gas Adjustment Clause to file, on or before September 27, 1976, a one-time special PGAC rate increase, to become effective October 27, 1976, in order to track the increased producer rates prescribed by said Opinion.

El Paso states that the instant proposed notice of change in rates has been determined based upon: (i) Article 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions of El Paso's FPC Gas Tariff, Original Volume No. 1; (ii) the Purchased Gas Cost Adjustment Provision—Clean High Pressure Gas ("PGAC-CHPG"), contained in El Paso's FPC Gas Tariff, Original Volume No. 2A; (iii) the impact of Opinion No. 770 upon purchased gas costs; and (iv) the effect of the PGAC adjustment which was filed on August 23, 1976, and the effectiveness of which was deferred until October 27, 1976.

El Paso states that the proposed special PGAC adjustment aggregates an increase of 11.94¢ per Mcf and is comprised of annualized purchased gas cost increases precipitated by Opinion No. 770 equating to 8.90¢ per Mcf, plus a special surcharge adjustment of 2.59¢ per Mcf, representing an estimate of the unrecovered purchased gas costs to be accrued in Account 191 through October 26, 1976, attributable to Opinion No. 770 and including the 9 percent carrying charge permitted by the Commission's order issued September 23, 1976, at Docket No. RM75-14.[1] El Paso further states that based upon its sales volumes for the twelve (12) months ended June 30, 1976, the adjustment of 8.90¢ per Mcf attributable to annualized purchased gas cost increases will produce additional jurisdictional revenue of $98,395,847 annually and, based upon estimated jurisdictional sales volumes for the proposed recovery period commencing on October 27, 1976, and extending through September 30, 1977,[2] the special surcharge adjustment of 2.59¢ per Mcf will recover an estimated $22,233,706 of the unrecovered purchased gas costs, inclusive of carrying charge, attributable to Opinion No. 770 costs to be incurred by El Paso.

El Paso states that the proposed special PGAC-CHPG adjustment is an increase of 6.4477¢ per Mcf applicable to those special rate schedules contained in El Paso's Original Volume No. 2A tariff subject to the provisions of said PGAC-CHPG. El Paso further states that such adjustment is comprised to the increase in the weighted average purchased cost of clean, high-pressure gas precipitated by Option No. 770 equating to 5.5086¢ per Mcf, and a special surcharge adjustment of 0.9391¢ per Mcf, representing an estimate of the unrecovered purchased gas costs to be accrued in Account 191 through October 26, 1976, and incurred by El Paso up to the proposed effective date of the instant filing. El Paso states that based upon the sales volumes for the twelve months ended June 30, 1976, under the special rate schedules affected by the PGAC-CHPG, such increase of 5.5086¢ per Mcf will produce additional revenues of $57,368, and based upon the estimated gas sales volumes under the special rate schedules subject to the PGAC-CHPG for the proposed recovery period of October 27, 1976, through September 30, 1977, the special surcharge adjustment of 0.9391¢ per Mcf will recover an estimated $10,277 of the unrecovered gas costs, inclusive of carrying charge, attributable to Opinion No. 770 costs to be incurred by El Paso.

El Paso states that, on August 23, 1976, it concurrently filed its regularly scheduled PGAC notice of change[3] and a related motion at Docket No. RP72-155, seeking a one-time deviation from the regularly scheduled PGAC effective date of October 1, 1976, in order that the effectiveness of such PGAC be deferred until October 27, 1976, to coincide with the effective date of the instant filing. Such motion was granted by the Commission on September 23, 1976.[4] El Paso states that the adjustment to El Paso's rates resulting from the August 23, 1976, PGAC filing, was a net decrease in rates of 4.79¢ per Mcf. El Paso states that the instant filing reflects, as a result of Opinion No. 770, a net increase in rates of 11.49¢ per Mcf; however, the net decrease of 4.79¢ per Mcf under the PGAC filing of August 23, 1976, has been netted against the Opinion No. 770 increase of 11.49¢ per Mcf. Consequently, El Paso states that the overall net increase in rates proposed by its tendered tariff sheets, resulting from the two PGAC adjustments, is 6.70¢ per Mcf above El Paso's currently effective rates. El Paso further states that, similarly, the net increase in rates applicable to the PGAC-CHPG proposed by the instant filing, resulting from the two PGAC-CHPG adjustments, is 2.8121¢ per Mcf above the currently effective rates.

El Paso states that copies of the filing and attachments have been served upon all parties of record in Docket Nos. RP72-155 and RP76-59, and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29895 Filed 10-12-76;8:45]

[Docket Nos. CS76-186; No. CP76-117 and No. CP76-120]

JICARILLA APACHE TRIBE ET AL.

Findings and Order Issuing Small Producer Certificate To Cover Sale of Royalty Gas

OCTOBER 4, 1976.

In the matter of findings and order issuing small producer certificate to cover sale of royalty gas taken in kind subject to rate condition and dismissal as premature of pipeline applications for exchange, transportation and delivery of royalty gas for royalty owner's own use.

On October 6, 1975, the Jicarilla Apache Tribe (Tribe) filed in Docket No. CS76-186 for a small producer certificate to cover the sale to El Paso Natural Gas Company (El Paso) and Northwest Pipeline Corporation (Northwest) of royalty gas Tribe has elected to take in kind. No increase in supply or change in the present flow of gas is involved at this time. On October 6, 1975, as supplemented on April 9, 1976, in Docket Nos. CP76-117 and CP76-120, respectively, El Paso and Northwest filed applications for authorization to transport, deliver and exchange natural gas for the purpose of enabling Tribe ultimately to receive for its own use any or all of the royalty gas Tribe has elected to take in kind.

Tribe, as lessor, owns royalty interests (generally either ⅛ or ⅙) in wells located on Tribe's reservation in the San Juan Basin, Rio Arriba County, New Mexico.[1] Tribe's lease agreements contain the provision that Tribe, upon 30-days notice, may elect to take its royalty gas in kind in lieu of cash payment, and by resolution dated August 22, 1975, Tribe has elected to do so.

Tribe's goal is ultimately to use its royalty gas in various industrial and agricultural projects for the economic benefit of its members and the Tribe as a whole. Tribe states that many of its members live in severe poverty with inadequate housing and that with the advent of industrialization and the use of Tribe's royalty gas, some of these conditions can be corrected and the welfare of the Tribe members improved.

Tribe states that the main obstacle that has prevented it from using its royalty gas is that it does not own, nor could it afford, a gathering system to gather the gas from the wells and transport it to a single point on the reservation. Now, Tribe alleges that this obstacle has been surmounted through an arrangement with El Paso and Northwest. By a 20-year term Royalty Gas Gathering and Exchange Agreement dated September 4, 1975, El Paso and Northwest have agreed to transport, deliver and exchange Tribe's royalty gas by means of portions of El Paso's and Northwest's existing gathering systems located mainly on Tribal lands in Rio Arriba County. The Agreement provides for an initial gathering charge to Tribe of 6.61 cents per Mcf at 15.025 psia for volumes delivered to Tribe at a central point for its own use.

Applicants state that initially Tribe does not intend to utilize any royalty gas for its own consumption and the entire volume thereof will be purchased, on a pro rata basis, by El Paso and Northwest until Tribe elects to receive the royalty volumes. At such future time, only the excess royalty gas not delivered to Tribe is to be available for purchase by El Paso and Northwest. Applicants have not indicated specifically when Tribe will be prepared to take volumes for its own use.[2] The initial rate for volumes to be sold by Tribe is represented to be 51.0 cents per Mcf (14.73 psia), adjusted for Btu content and taxes.[3] Tribe's small producer application shows that it had no jurisdictional sales volumes for the preceding calendar year.

Applicants state that total production in 1973 from Tribe's reservation was 43,208,560 Mcf, with a total of 566,780,131 Mcf being produced from 1960 to 1973. Most of the production goes into interstate commerce through production or purchase by El Paso and Northwest. The remainder is sold to Southern Union Gas Company for intrastate distribution. The proposal involves 836 producing wells, 502 of which are connected to the gathering system of El Paso and 334 of which are connected to the gathering system of Northwest. Some of the wells are owned and operated by El Paso, some by Northwest and some by independent producers who sell their production to El Paso or Northwest.[4] Total volumes available to Tribe from the wells in 1974, had it exercised its option, would have been 1,509,198 Mcf attributable to El Paso and 1,980,192 Mcf attributable to Northwest. El Paso and Northwest have forecast that Tribe's interest in production would range, on an average day, from 3,500 Mcf in 1975 to 3,000 Mcf in 1978 for production attached to El Paso's system and from 4,300 Mcf in 1975 to 3,100 Mcf in to 1978 for production attached to Northwest's system.

El Paso proposes to construct and operate tap and measurement facilities at a point downstream of its Lindrith Field Plant in Rio Arriba County, New Mexico, at an estimated cost of $33,615, to be financed from funds on hand. El Paso states that it is requesting authorization for the facilities at this time, but does not intend to commence construction until such time as Tribe advises that it wishes to commence receipt of its royalty gas. Northwest will not require any addition facilities.

Since Tribe is not going to take volumes for its own use at this time, but will sell all royalty volumes to El Paso and Northwest, there will be no reduction in volumes dedicated to interstate commerce. Before Tribe may divert royalty volumes from the interstate market for its own use, Tribe must, of course, file for and receive Commission authorization to abandon service in accordance with Section 7(b) of the Natural Gas Act.[5]

By electing to take royalty gas in kind the Tribe is succeeding to the certificate obligations of the parties which committed the total gas supply (working interest gas and royalty gas) to interstate commerce. Thus Tribe must continue the flow of those committed natural gas volumes into interstate commerce under materially the same terms and conditions as required by the working interest owners' certificates. Moreover, Tribe's proposed sales of royalty gas attributable to working interests held by El Paso, Northwest and large producers cannot be made under a small producer certificate absent waiver of Section 157.40(c) of the Commission's Regulations under the Natural Gas Act.[6] However, the Commission has granted waiver of Section 157.40(c) to allow small producers to sell under their small producer certificates gas from acquired reserves developed by large producers, on the condition that the rates charged do not exceed the applicable ceiling rates for large producer sales. Therefore, waiver of Section 157.40(c) of the Regulations is granted to the extent necessary to permit such coverage, with the condition that Tribe is limited to the same rates which would apply if the gas were sold (or accounted for, with respect to pipeline production) by the respective working interest owners.[7]

El Paso's and Northwest's proposed exchange and transportation arrangement

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[1] El Paso states that in such order, the Commission modified ordering paragraph (D) of Opinion No. 770 by providing, inter alia, that the special surcharge be designed to recover estimated increased costs attributable to Opinion No. 770 incurred through October 26, 1976, over a twelve (12) month period with a nine percent (9%) carrying charge.

[2] El Paso states that as a matter of administrative convenience to its customers, it has determined the special surcharge rate based upon estimated jurisdictional sales volumes for the period October 27, 1976, through September 30, 1977, rather than the full twelve month recovery period prescribed by the Commission's September 23, 1976, order. In this manner, El Paso proposes to avoid two changes in rates during the month of October, 1977, resulting from the elimination of said special surcharge and a regularly scheduled PGAC adjustment on October 1, 1977. El Paso has requested waiver of the twelve month recovery period prescribed in the notice of change.

[3] Commission notice of El Paso's PGAC notice of rate change and related motion was issued on September 15, 1976, at Docket Nos. RP72-155 and RP76-59 (PGA76-4), according to El Paso.

[4] See Commission letter order issued September 23, 1976, at Docket No. RP72-155 (PGA76-4) according to El Paso.

[1] The reservation covers about 742,000 acres.

[2] In a letter dated January 23, 1976, to El Paso and Northwest, copies of which were included in El Paso's and Northwest's April 9, 1976, supplements, Tribe stated that a feasibility study has been completed for a proposed anhydrous ammonia plant and that such a plant could be brought on stream approximately 18 months after El Paso and Northwest receive authorization to transport and deliver the volumes.

[3] Equal to the national rate for new gas at the time of filing of the application.

[4] El Paso and Northwest submitted computer printouts on April 9, 1976, that list over 45 independent producers (both large and small) selling gas to them.

[5] See Opinion No. 750 issued January 28, 1976 in Phillips Petroleum Company, Docket No. CI76-68.

[6] Section 157.40(c) states, in part: "Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer."

[7] See "Order Denying Petition For Reconsideration" issued June 1, 1976, in Docket No. CI67-818, Gulf Oil Corporation.

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would serve the purpose of delivering to Tribe at a central point those volumes of royalty gas Tribe elects to have diverted from interstate commerce for its own use. Since Tribe is apparently not ready to take delivery, and since abandonment authorization is a prerequisite to the implementation of the exchange and transportation arrangement, El Paso's and Northwest's applications are premature and are being dismissed without prejudice to an appropriate submittal at such time as Tribe files to obtain the requisite abandonment authorization.

El Paso has concurrently filed the Royalty Gas Gathering and Exchange Agreement dated September 4, 1975, among El Paso, Northwest and Tribe, as El Paso's Rate Schedule X-36 (Original Sheet Nos. 698 through 743) under its FPC Gas Tariff, Third Revised Volume No. 2. Pursuant to Section 154.51 of the Regulations, El Paso requests waiver of the notice requirement of Section 154.22 to permit the proposed rate schedule to take effect on the date of certificate authorization. Dismissal of El Paso's certificate application and the consequent rejection of the proposed rate schedule as ordered herein make the request for waiver moot.

Due notice of the application in Docket No. CS76-186 was given by publication in the Federal Register on November 10, 1975 (40 FR 52437). Due notice of the applications in Docket Nos. CP76-117 and CP76-120 was given by publication in the FEDERAL REGISTER on November 4, 1975, and appeared in the Federal Register at (40 FR 51231) and (40 FR 51233), respectively. Tribe filed petitions on November 10, 1975, to intervene in support of El Paso's and Northwest's proposals in Docket Nos. CP76-117 and CP76-120, respectively. Southern Union Gas Company filed a petition to intervene on November 10, 1975, in Docket No. CP76-120, not in opposition, but as an interested party. No protests, notices of or petitions to intervene in opposition were filed by the due dates of November 19, 1975 (CS76-186), November 11, 1975 (CP76-120), and November 12, 1975 (CP76-117).

By letters dated February 19 and June 4, 1976, the Commissioner of Indian Affairs, U.S. Department of the Interior, has expressed support of the Tribe in its endeavor and requests acceptance of Tribe's application and issuance of a small producer certificate.

At a hearing held on September 22, 1976, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds: (1) Applicant, the Jicarilla Apache Tribe, will be engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and will be, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sale of natural gas hereinbefore described as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Tribe, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Tribe is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Tribe is not affiliated with a Natural gas pipeline company and Tribe's total jurisdictional sales on a nationwide basis were not in excess of 10,000,000 Mcf at 14.65 psia during the preceding calendar year. Tribe is therefore qualified to obtain a small producer certificate pursuant to Section 157.40 of our Regulations.

(5) The sale of natural gas by Tribe is required by the public convenience and necessity and a certificate therefor should be issued as thereinafter ordered and conditioned.

(6) It is appropriate that § 157.40(c) of the Regulations be waived to the extent necessary to permit the proposed sale by Tribe to be made under its small producer certificate being issued herein, subject to the rate limitations applicable to comparable sales by the related working interest owners.

(7) Participation by Tribe in Docket Nos. CP76-117 and CP76-120 and by Southern Union Gas Company in Docket No. CP76-120 may be in the public interest.

(8) Applicant, El Paso Natural Gas Company, a Delaware corporation having its principal place of business in El Paso, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of October 29, 1942, in Docket No. G-242 (3 FPC 851).

(9) Applicant, Northwest Pipeline Corporation, a Delaware corporation having its principal place of business in Salt Lake City, Utah, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 21, 1973, in Docket No. CP73-331 (50 FPC 825).

The Commission orders: (A) A small producer certificate of public convenience and necessity is issued to Tribe in Docket No. CS76-186, effective October 6, 1975, the date of filing of the application, upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Tribe, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully set forth in the application in this proceeding.

(B) The certificate granted in Ordering Paragraph (A) above is not transferable and shall be effective only so long as Tribe continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission, and particularly:

(1) The subject certificate shall be applicable only to small producers sales as defined in Section 157.40(a)(3) of the Regulations under the Natural Gas Act; and

(2) Tribe shall file annual statements pursuant to Section 154.104 of the Regulations under the Natural Gas Act.

(C) The certificate granted in Ordering Paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because Tribe no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination, Tribe will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificate will still be effective as to sales already included thereunder.

(D) Section 157.40(c) of the Commission's Regulations is hereby waived to the extent necessary to permit the sale of royalty gas taken in kind, as hereinbefore described, to be made under Tribe's small producer certificate issued herein in Docket No. CS76-186, conditioned to the same rates at which the related working interest volumes could be sold (i.e., the rates for the royalty gas will depend upon whether the owner of each working interest to which the royalty is attributable is a small producer, a large producer or a pipeline producer (El Paso or Northwest)).

(E) Tribe is advised that with respect to any small producer sale made pursuant to the authorization herein, no volumes may be diverted from interstate commerce without Tribe first filing for and obtaining abandonment authorization in accordance with Section 7(b) of the Act and the Commission's Regulations thereunder.

(F) Pursuant to Order No. 539-B, Order Clarifying Prior Orders And Amending Section 157 Of The Commission's Regulations Under The Natural Gas Act, Docket No. RM76-8 (issued July 30, 1976), the Commission's Regulations were amended to include new Section 157.41, which requires the following language be inserted as a condition in all certificates of public convenience and necessity issued on or after July 30, 1976:

All persons making jurisdictional sales pursuant to the authority granted by this certificate are hereby given notice that the contractual obligations between the buyer and the seller are incorporated into the certificate obligations, and that the certificate is further conditioned to require that the seller shall observe the standard of a prudent operator to develop and maintain deliverability from reserves dedicated hereunder.

(G) El Paso's and Northwest's applications filed in Docket Nos. CP76-117 and CP76-120, respectively, are dismissed as premature, and El Paso's related proposed tariff filing is rejected without prejudice to the submittal of appropriate filings at such time as Tribe files an application to abandon service.

(H) Tribe in Docket Nos. CP76-117 and CP76-120 and by Southern Union Gas Company in Docket No. CP76-120 are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in Tribe's and Southern Union's petitions for leave to intervene; and *Provided, further*, That the admission of Tribe and Southern Union in the manner provided shall not be construed as recognition by the Commission that Tribe and Southern Union might be aggrieved because of any order or orders entered in this proceeding, and that Tribe and Southern Union agree to accept the record as it now stands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29802 Filed 10-12-76;8:45 am]

[Docket No. RP73-89 (PGA76-3)]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Sea Robin Pipeline Company (Sea Robin) filed with the Federal Power Commission (Commission) Eleventh Revised Sheet No. 4 as a part of its FPC Gas Tariff, Original Volume No. 1, with a proposed effective date of October 27, 1976. According to the Company, the proposed tariff sheet reflects Sea Robin's purchased gas cost permitted under Commission Opinion No. 770.

Copies of the revised tariff sheet and supporting data are being mailed to all of Sea Robin's jurisdictional customers and interested state commission, Sea Robin states.

Review of the filing indicates that the annual impact upon Sea Robin's cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $76,042,234. The surcharge amount is $20,064,146.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29901 Filed 10-12-76;8:45 am]

[Docket Nos. RP76-22 and RP73-49 (PGA76-6a)]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

OCTOBER 4, 1976.

Take notice that on September 27, 1976, South Georgia Natural Gas Company (South Georgia) tendered for filing as a part of the Stipulation and Agreement filed on September 17, 1976, Third Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff.

South Georgia states that the above sheet represents a rate change under its PGA Clause and on the basis of the rates reflected in the Stipulation and Agreement filed September 17, 1976, for the purpose of tracking a rate increase filing made by Southern Natural Gas Company on September 27, 1976. South Georgia states that the instant filing will increase South Georgia's jurisdictional rates by $5,084,696. An effective date of October 27, 1976 is proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Prfotests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29804 Filed 10-12-76;8:45 am]

[Docket No. RP72-156 (PGA76-4)]

TEXAS GAS TRANSMISSION CORP.

Special One-Time PGA Filing To Track Gas Cost Increases

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Texas Gas Transmission Corporation (Texas Gas) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Sixteenth Revised Sheet No. 7.

Texas Gas states the purpose of this filing is to make a special one-time purchased gas cost adjustment, as permitted under the Commission's Opinion No. 770 as modified by Order Modifying Opinion No. 770 issued September 22, 1976, in Docket No. RM75-14, to track increases in purchase gas costs attributable to the national rate.

The proposed effective date of the above tariff sheet is October 27, 1976.

Review of the filing indicates that the annual impact upon Texas Gas' cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $70,287,616. The surcharge amount is $18,264,853.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 925 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be sonsidered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29898 Filed 10-12-76;8:45 am]

[Docket No. CP76-529]

UNITED GAS PIPE LINE CO.

Application

OCTOBER 4, 1976.

Take notice that on September 20, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-529 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for The New Jersey Zinc Company (Zinc) from a point of receipt on its 30-inch North-South pipeline near mile post 177.5 in Section 9, Township 12 North, Range 2 East, Caldwell Parish, Louisiana, to mutually agreeable, existing points of interconnection where Applicant would redeliver the gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Zinc, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,500 Mcf of gas per day to be produced from certain leases Zinc has acquired from Trident Oil and Gas Corporation, Bel Oil Corporation, Black Bayou Management Co. Inc., and six individuals. It is indicated that the gas would be produced from certain gas reserves in place, located in Townships 12 and 13, Range 1 East, Winn Parish, Louisiana, from the North Hickory Valley, Southeast Hickory Valley, South Hickory Valley, and Tanyard Creek Fields. It is said that Applicant would transport on an average day

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3,000 Mcf and on an annual basis 912,500 Mcf, and would redeliver the gas for the account of Zinc to points of interconnection of Transco and Applicant near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at Egan Plant in Acadia Parish, Louisiana; near Gueydan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi; and at Harmony Plant, Clarke County, Mississippi.

Applicant proposes to charge a price equal to Applicant's average jurisdictional transmission cost of service in its northern rate zone as such may be determined by Applicant based upon rate filings made from time to time with the FPC less any amount included in such average jurisdictional cost of service which is attributable to gas consumed in the operation of Applicant's pipeline system, the current rate being 16.55 cents per Mcf at 14.73 psia. It is stated that Applicant would retain 1.5 percent of the volumes transported for gas used, lost, and unaccounted.

The application indicates that the gas to be transported under this agreement would be consumed for Priority 2 end use in Zinc's plant located in Palmerton, Pennsylvania. Zinc, a Division of Gulf & Western Industries, Inc., is one of the six primary zinc mining and smelting businesses in the United States and the Palmerton Plant is the second largest such facility in the United States. Applicant asserts that projected curtailment to less than 7,000 Mcf per day would result in curtailed production and physical damage to the plant's vertical retorts and refinery columns.

Applicant further maintains that the subject gas was not secured as part of Applicant's system gas supply because Zinc is unwilling to commit gas from its leases to Applicant for general system use.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29893 Filed 10-12-76;8:45 am]

[Docket No. RP72-133 (PGA76-4)]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

OCTOBER 5, 1976.

Take notice that on September 27, 1976, United Gas Pipe Line Company (United) filed with the Federal Power Commission (Commission) Thirty-Fourth Revised Sheet No. 4 as a part of its FPC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of October 27, 1976. The proposed tariff sheet reflects United's purchased gas cost permitted under Commission Opinion No. 770, according to the Company.

Copies of the revised tariff sheet and supporting data are being mailed to all of United's jurisdictional customers and interested state commissions, the Company states.

Review of the filing indicates that the annual impact upon United's cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $144,715,712. The surcharge amount is $31,009,940.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29806 Filed 10-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 39]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending September 25, 1976

ACTIONS OF THE BOARD

The Board announced that Mrs. Leonor K. Sullivan of Missouri has agreed to chair the Federal Reserve's new Consumer Advisory Council authorized by Congress earlier this year. The Council will assist the Board in implementing the Consumer Credit Protection Act and will advise and consult with the Board on consumer-related matters.

Citizens and Southern Holding Company, Atlanta, Georgia, extension of time until December 30, 1976, within which to open for business the offices located in Albany, Columbus, and Rome, Georgia.[1]

Commercial Bankshares Corp., Adrian, Michigan, extension of time to November 1, 1976, within which to acquire the successor by consolidation to The Commercial Savings Bank, Adrian, Michigan.[1]

Ellis Banking Corporation, Bradenton, Florida, extension of time until January 15, 1977, within which to acquire American Bank of Fort Myers, Fort Myers, Florida.[1]

First United Bancorporation, Inc., Fort Worth, Texas, request for permission to retain 2,275 shares of University Bank stock, which were acquired in a fiduciary capacity by the trust department of The First National Bank of Fort Worth, Fort Worth, Texas, a wholly-owned subsidiary of First United.[1]

Citizens Bank of New Haven, New Haven, Missouri, to make an additional investment in bank premises.[1]

Farmers and Merchants State Bank, Fredericksburg, Virginia, to make an investment in bank premises.[1]

Paris Savings Bank, Paris, Missouri, to make an additional investment in bank premises.[1]

State Bank of Freeport, Freeport, Illinois, to make an investment in bank premises.[1]

Ann Arbor Bank and Trust Company, Ann Arbor, Michigan, extension of time to January 16, 1977, within which to establish a branch at the northwest corner of Main Street and Eisenhower Boulevard, Ann Arbor, Michigan.[1]

State Bank of Anoka, Anoka, Minnesota, extension of two months' time within which to establish a detached driveup facility.[1]

First State Bank, Toms River, New Jersey, proposed acquisition by New Jersey National Bank, Trenton, New Jersey; report to the Comptroller of the Currency on competitive factors.[1]

Manhattan Savings Bank, New York, New York, proposed merger with Yonkers Savings Bank, Yonkers, New York; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

State Bank of North Jersey, Pine Brook, New Jersey; proposed acquisition by Citizens First National Bank of New Jersey, Ridgewood, New Jersey; report to the Comptroller of the Currency on competitive factors.[1]

Virginia National Bank, Norfolk, Virginia, proposed merger with Fairfax County National Bank, Falls Church, Virginia; report to the Comptroller of the Currency on competitive factors.[1]

[1] Application processed on behalf of the Board of Governors under delegated authority.

NOTE: The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Nassau Trust Company, Glen Cove, New York. Branch to be established at 1 Main Street, Kings Park, Suffolk County.[2]

Manufacturers Hanover Trust Company, New York, New York. Branch to be established at 500 Mamaroneck Avenue, City of White Plains, Westchester County.[2]

First Trust & Deposit Company, Syracuse, New York. Branch to be established at 1 Main Street, Kings Park, Suffolk County.[2]

Manufacturers Hanover Trust Company, New York, New York. Branch to be established at 46-22 Greenpoint Avenue, Queens.[2]

Metropolitan Bank, Tampa, Florida. Branch to be established at 4202 West Kennedy Boulevard.[2]

State Bank of Freeport, Freeport, Illinois. Branch to be established at the southeast corner of West and South Streets, Freeport.[2]

Citizens Bank of New Haven, New Haven, Missouri. Branch to be established on Miller Street near Highway 100 in New Haven, Franklin City.[2]

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To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Independent Bankers Trust Company, San Rafael, California.[2]

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as Amended.

APPROVED

Bank of America, investment—additional in the Foreign Trade Bank of Iran, Teheran, Iran.

Citibank N A, investment—indirect additional investment in Dao Heng Bank Limited, Hong Kong.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Harlan National Company, Harlan, Iowa, for approval to acquire 98.2 per cent of the voting shares of The Harland National Bank, Harlan, Iowa.

Iola Bancshares, Inc., Iola, Kansas, for approval to acquire 87.6 percent of the voting shares of The Iola State Bank, Iola, Kansas.[2]

Lawrence Bancshares, Inc., Lawrence, Kansas, for approval to acquire an additional 61.9 percent of the voting shares of Lawrence National Bank and Trust Co., Lawrence, Kansas.

DENIED

First Wewoka Bancorporation, Inc., Wewoka, Oklahoma, for approval to acquire 80 percent or more of the voting shares of First National Bank in Wewoka, Wewoka, Oklahoma.

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[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

M & S Bancorp., Janesville, Wisconsin, for approval to acquire 98.83 per cent of the voting shares of Merchants Bank of Evansville, Evansville, Wisconsin.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Thirty-Six Ventures, Inc., Otterville, Missouri, notification of intent to continue to engage in *de novo* activities (the sale of credit life insurance and accident and health insurance) on the premises of The Bank of Otterville, Otterville, Missouri. (See notice of receipt on H. 2 No. 33) (8/24/76).[3]

PERMITTED

Walter E. Heller International Corporation, Chicago, Illinois, notification of intent to engage in *de novo* activities (commercial finance, factoring, rediscount, and leasing of personal property provided that at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) in San Antonio, Texas, through a subsidiary of National Acceptance Company of America known as Texas Western Financial Corporation, San Antonio, Texas (9/24/76).[3]

First International Bancshares, Inc., Dallas, Texas, notification of intent to engage in *de novo* activities (making or acquiring, for its own account unsecured loans, loans secured by personal property, loans secured by mortgages, deeds of trust or mechanics and materialmen's liens on real estate including, but not limited to, interim construction financing; making or acquiring, for its own account consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses; making or acquiring, for its own account loans secured by assignments, notes, accounts, contracts, and other obligations, purchasing notes and other evidences of credit including commercial paper; issuing letters of credit and accepting drafts; acquiring participations in loans and other extensions of credit and performing such incidental activities as are necessary to carry on the foregoing activities) at 1201 Elm Street, Dallas, Texas, through a subsidiary, First International Lending Corportion (9/24/76).[3]

Southwest Bancshares, Inc., Houston, Texas, notification of intent to engage in *de novo* activities (originating loans as principal, originating loans as agent, servicing loans for non-affiliated individuals, partnerships, and corporations; servicing loans for subsidiaries of Southwest Bancshares, Inc. and such other activities as may be incident to the business of a mortgage company) at 2901 West Loop South, Houston, Texas, through a subsidiary, Southwest Bancshares Mortgage Company (9/25/76).[3]

Seafirst Corporation, Seattle, Washington, notification of intent to engage in *de novo* activities (insurance agency activities in the sale of group and individual credit life, credit accident and health, and credit disability insurance, vendor's single-interest, and dual-interest insurance against loss of or damage to personal property all of which are related to an extension of credit Seafirst Corporation or a subsidiary) to be located at all branches and offices of Seattle First National Bank in the State of Washington, communities of Port Townsend and vicinity including Hadlock in Port Angeles and vicinity including Sequim, Forks, and Clallam Bay, through its subsidiary, Seafirst Insurance Services Corp. (formerly Spokane Eastern Company) (9/23/76).[3]

APPROVED

Citicorp, New York, New York, for approval to expand *de novo* activity of Gateway Life Insurance Company, Phoenix, Arizona, and thereby engage in the underwriting of credit life and health insurance in connection with extensions of credit by the holding company system.

Philadelphia National Corporation, Philadelphia, Pennsylvania, for approval to acquire all of the outstanding shares of Liberal Finance Company and Liberal Consumer Discount Company, both of Edwardsville, Pennsylvania.

Harlan National Company, Harlan, Iowa, for permission to acquire voting shares of Bank Insurance Agency, Harlan, Iowa.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Manchester State Bank, Manchester, Connecticut. Branch to be established at Spencer Street, Manchester.

Nassau Trust Company, Glen Cove, New York. Branch to be established on the North West corner of the intersection of West Main Street and Spring Street in Oyster Bay, Nassau County.

The Liberty State Savings Bank, Liberty Center, Ohio. Branch to be established at 123 West Washington, Napoleon, Henry County.

The Central Trust Company of Canal Winchester, Canal Winchester, Ohio. Branch to be established at Waggoner Road and East Main Street, Reynoldsburg, Franklin County.

The Citizens Banking Company, Sandusky, Ohio. Branch to be established at 1907 East Perkins Avenue, Perkins Township, Erie County.

Trust Company of Georgia, Atlanta, Georgia. Branch to be established at 250 Piedmont Avenue, N.E.

Sun Bank of Ocala, Ocala, Florida. Branch to be established near the intersection of Silver Springs Boulevard and Northwest 36th Avenue, Ocala Marion County.

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To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Mercantile National Bank at Dallas, branch—George Town, Grand Cayman, Cayman Islands.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

First Hanover Park Corporation, Chicago, Illinois, for approval to acquire 80.08 per cent of the voting shares of First State Bank & Trust Company of Hanover Park, Hanover Park, Illinois.

Santa Ana Bancorp., Inc., St. Ann, Missouri, for approval to acquire 80 per cent or more of the voting shares of Bank of St. Ann, St. Ann, Missouri.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

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A & K, Inc., Minneapolis, Kansas, for approval to directly acquire 100 per cent of The Citizens Agency, Inc., Minneapolis, Kansas and to directly acquire 32 per cent or more of the voting shares of The Ottawa County Bank, Minneapolis, Kansas and indirectly acquire 61 per cent of the voting shares of The Ottawa County Bank, Minneapolis, Kansas.

Dorchester State Company, Dorchester, Nebraska, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Citizens State Bank, Dorchester, Nebraska.

Midwest Bancshares, Inc., Midwest City, Oklahoma, for approval to acquire 80 percent or more of the voting shares of Security Bank & Trust Company, Midwest City, Oklahoma.

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To Retain Control of a Subsidiary of a Bank Holding Company Pursuant to Section 3(a)(2) of the Bank Holding Company Act of 1956.

First Bancorp, Inc., Corsicana, Texas, for approval to retain control as a subsidiary of First National Bank, Fairfield, Texas.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Peoples Credit Co., Kansas City, Missouri, for approval to acquire 6100 additional shares of the voting shares of The Metropolitan Bank, Kansas City, Missouri.

Peoples Credit Co., Kansas City, Missouri, for approval to acquire 1350 additional shares of the voting shares of The Pleasant Hill Bank, Pleasant Hill, Missouri.

Texas Commerce Bancshares, Inc., Houston, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bexar County National Bank of San Antonio, San Antonio, Texas.

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To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (consumer home equity lending secured by real estate, making loans for the account of others such as one-to-four family unit mortgage loans; the offering to sell of level (in the case of single payment loans) term life insurance to cover the outstanding balances of consumer credit transactions, singly or jointly, with their spouses or cosigners in the event of death; in regard to all credit related insurance sales, the establishment will not act as a general insurance agency and will otherwise comply with all applicable State insurance laws and regulations) from 2507 South State Street, Salt Lake City, Utah to Cottonwood Mall, 4835 Highland Drive, Salt Lake City, Utah and from 1015 South State Street, Orem, Utah to University Mall, Orem, Utah and also at 2085 West 3500 South, Granger, Utah and 432 West Main Street, Vernal, Utah, through Nationwide Financial Services Corporation and its subsidiary, Nationwide Financial Corporation of Utah (9/20/76).[3]

Bancshares of North Carolina, Inc., Raleigh, North Carolina, notification of intent to engage in *de novo* activities (assisting corporations in the selection of the type of retirement plan or plans (profit sharing, money-purchase pension, pension thrift, ESOP, etc.) that will best accomplish their goals and be within their economic means, assisting the corporation's legal counsel in designing the plan(s), periodically evaluating existing retirement plans to determine if they are meeting corporate investment goals and payout requirements, and assistance to plan administrators in maintaining plan participant records and in meeting the various regulatory reporting requirements under ERISA (Pension Reform Act)) at 3509 Haworth Drive, Raleigh, North Carolina, through a subsidiary, Qualified Plan Services, Inc. (9/20/76).[3]

First Wisconsin Corporation, Milwaukee, Wisconsin, notification of intent to engage in *de novo* activities (acting as an agent in the sale of credit life insurance and credit accident and sickness insurance in connection with extensions of charge card credit and check credit made by banking subsidiaries of First Wisconsin Corporation for the purpose of assuring repayment of such credit to the lending bank in the event of death or disability of the borrower) at 777 East Wisconsin Avenue, Milwaukee, Wisconsin, through its subsidiary, First Wisconsin Insurance Services, Inc. (9/20/76).[3]

Citizens Fidelity Corporation, Louisville, Kentucky, notification of intent to engage in *de novo* activities (leasing of personal property and equipment, and actng as agent, broker, or adviser in the leasing of such property) at Fidelity Federal Building, 401 Union Street, Nashville, Tennessee, through a subsidiary, Citizens Fidelity Leasing Corporation (9/22/76).[3]

Thirty-Six Venturers, Inc., Otterville, Missouri, notification of intent to continue to engage in *de novo* activities (the sale of credit life insurance and accident and health insurance) on the premises of The Bank of Otterville, Otterville, Missouri (9/3/76).[3]

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REPORTS RECEIVED

Registration Statement Filed Pursuant to Section 12(g) of the Securities Exchange Act.

Princeton Bank and Trust Company, Princeton, West Virginia.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29954 Filed 10-12-76;8:45 am]

BREN-MAR PROPERTIES, INC.

Order Approving Acquisition of Bank

Bren-Mar Properties, Inc., Columbia, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to retain [1] an additional 1.5 percent, and to acquire an additional 48.5 percent, of the voting shares of First State Bank, Tishomingo, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a one-bank holding company, presently owns 31.6 percent of the shares of Bank.[2] Bank, with total deposits of approximately $10.3 million,[3] controls approximately 0.1 of one percent of the total deposits in commercial banks in Oklahoma and is the only bank in the relevant banking market which is approximated by the boundaries of Johnston County in south-central Oklahoma. Applicant proposes to acquire 485 shares or 48.5 percent of the shares of Bank from the family that controls Applicant and Bank and also requests permission to retain 15 shares of Bank that were acquired without prior approval of the Board. Because the Applicant's proposal involves the acquisition and retention of shares of a bank that it already controls consummation of the proposal would eliminate no existing or potential competition nor would it increase the concentration of banking resources. Thus competitive considerations are consistent with approval of the application.

The financial condition managerial resources and future prospects of Applicant and Bank are regarded as generally satisfactory and consistent with approval of the application. Although there will be no immediate change in the services or facilities of Bank as a result of consummation of the proposal considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore it is the Board's judgment that the proposal is consistent with the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction involving the acquisition of additional shares shall not be made (a) before the thirtieth calendar day following the effective date of this order nor (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29945 Filed 10-12-76;8:45 am]

CENTURY FINANCIAL CORPORATION OF MICHIGAN

Order Approving Acquisition

Century Financial Corporation of Michigan, Saginaw, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire shares of Century Life Insurance Company of Michigan, Phoenix, Arizona ("Company"), a company that will engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries in the State of Michigan. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 31262). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the 16th largest banking organization in Michigan, controls two subsidiary banks with aggregate deposits of approximately $264.9 million, representing 0.9 per cent of the total deposits in commercial banks in the State.[1]

Company will engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary banks. Company will be formed as an Arizona insurance corporation and will be qualified to underwrite insurance directly only in Arizona. Accordingly, the insurance sold by Applicant's subsidiary banks will be directly underwritten by an unaffiliated insurance company qualified to do business in Michigan, and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a *de novo* acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. (12 CFR 225.4(a)(10) n. 7)

Applicant has stated that following consummation of the acquisition, Company will offer at reduced premiums the several types of credit insurance policies that it will reinsure. Company will offer credit life insurance at premium rates 3.3 percent below the statutory maximum allowable rates in Michigan. Applicant also proposes that Company will offer credit accident and health insurance at premium rates 5 percent below the maximum allowable rates, and level term single payment life insurance at premium rates 3.3 percent below the maximum allowable rates. The Board is of the view that Applicant's proposed reductions in insurance premiums are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits which the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority hereby delegated.

By order of the Board of Governors,[5] effective October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29946 Filed 10-12-76;8:45 am]

DESERET BANCORP.

Order Approving Formation of Bank Holding Company

Deseret Bancorporation, Pleasant Grove, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1942(a)(1)) of formation of a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successors by merger to Bank of Pleasant Grove, Pleasant Grove, Utah; State Bank of Lehi, Lehi, Utah; Mountain View Bank, American Fork, Utah, existing banks; and Geneva State Bank of Orem, Orem, Utah, a proposed new bank. The banks into which the individual banks are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of the banks. Accordingly, the proposed acquisition of shares of the successor organizations is treated herein as the proposed acquisition of the shares of the banks.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The Commissioner of Financial Institutions of the State of Utah has indicated that he has no objection to the proposal. The Federal Reserve Bank of San Francisco has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently-organized corporation formed for the purpose of becoming a bank holding company through the acquisition of controlling interests of banks. The proposed transaction involves the transfer of control of the banks from individuals to a corporation owned by the same individuals.

Bank of Pleasant Grove (deposits of $18.2 million), the twentieth largest bank in the State; State Bank of Lehi (deposits of $12.4 million), the twenty-sixth largest; and Mountain View Bank (deposits of $4.7 million), the forty-seventh largest [1], are all unit banks located in the Provo, Utah, banking markets [2]. Geneva State Bank of Orem, Orem, Utah, the proposed new bank, is also located in this banking market. Upon consummation of the transactions, Applicant would control 0.9 per cent of commercial banking deposits in the state.

The financial and managerial resources and future prospects of Appli-

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See footnote [3] on p. 44895.

[1] On August 20, 1973, applicant acquired 24 shares (2.4 percent) of Bank without prior Board approval. Applicant subsequently sold 10 of these shares on January 30, 1974. Applicant continues to retain the other 14 shares. On February 4, 1976, Applicant again acquired 1 additional share, without prior Board approval, which it also presently retains. In accordance with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisitions of Bank's shares without prior Board approval. Upon an examination of all the facts of record, including commitments made by Applicant that will guard against violations of section 3 of the Act in the future, the Board does not believe that the circumstances surrounding the violations reflect so adversely on the managerial factors as to constitute grounds for denial of this application.

[2] Applicant, a family-owned company, is a "company covered in 1970," as defined in 2(b) of the Act and engages in the following activities under the exemption in 4(c)(11) of the Act: (a) The rental of a commercial building in Hobbs, New Mexico, currently leased to the U.S. Postal Service, and (b) the rental of a one-unit apartment in New York City. Applicant also owns 20 shares (2 percent) of the Bank of Mountain View, Mountain View, Missouri, located approximately 330 air miles from Bank.

[3] All banking data are as of June 30, 1975.

[4] Voting for this action: Vice Chairman Gardner, and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

[1] All banking data are as of December 31, 1975.

[5] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

[1] Data as of June 30, 1976.

[2] The Provo RMA approximates Utah County.

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cant and its proposed banking subsidiaries are regarded as generally satisfactory. In arriving at such conclusion, this Reserve Bank has relied in part on Applicant's commitment to increase the equity capital of Mountain View Bank by $100,000 within twelve months of consummation of the proposed transactions. Consequently, this Reserve Bank regards banking factors as being consistent with approval of the application.

Applicant proposes to add mortgage, trust and financial management services thus providing new and expanded services to the banks' customers. Accordingly, these considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Reserve Bank's judgment that consummation of the proposed transactions would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The acquisition shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of the order, and (c) Geneva State Bank of Orem, Orem, Utah, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Federal Reserve Bank of San Francisco, acting pursuant to delegated authority for the Board of Governors, effective September 29, 1976.

H. B. JAMISON,
Vice President.

[FR Doc.76-29947 Filed 10-12-76;8:45 am]

EXCHANGE BANCORP., INC.

Order Approving Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Security National Bank, Lee County (P.O. Fort Myers), Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twelfth largest banking organization in Florida, controls thirteen banks with aggregate deposits of $532.5 million, representing 2.1 per cent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank (deposits of $40.1 million) would not significantly increase Applicant's share of total commercial bank deposits in Florida.

Applicant is seeking to make its initial entry into the Lee County banking market (the relevant market) through acquisition of Bank, which is the fifth largest of thirteen banking organizations in the market, holding approximately 6 per cent of total market deposits. The four largest banking organizations in the market control about 77 per cent of the market's total deposits, with the largest controlling 32 per cent. Furthermore, competing in the market are three of Florida's four largest banking organizations. Applicant's closest subsidiary bank is located approximately 130 miles north of Bank in a separate banking market. Thus, it appears that no significant competition exists between Bank and any of Applicant's subsidiary banks. Although Applicant has the financial capability to enter the market de novo, Florida's new branching laws preclude such entry at this time. Moreover, entry into the relevant market by others is not foreclosed as four independent banks will remain as points of entry into the market. It appears that the proposed transaction would have no significant adverse effects on potential competition. Accordingly, based on the above and other facts of record, the Board has determined that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory. Therefore, considerations relating to banking factors are consistent with approval of the application. Affiliation with Applicant should enable Bank to expand and improve its existing banking services. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions approved through September 30, 1976.

By order of the Board of Governors,[2] effective October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29948 Filed 10-12-76;8:45 am]

FIRST HANOVER PARK CORP.

Formation of Bank Holding Company

First Hanover Park Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.03 per cent of the voting shares of First State Bank & Trust Company of Hanover Park, Hanover Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1976.

Board of Governors of the Federal Reserve System, October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29949 Filed 10-12-76;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Alamo Heights National Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 9, 1976.

Board of Governors of the Federal Reserve System, October 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29950 Filed 10-12-76;8:45 am]

[2] Voting for this action: Vice Chairman Gardner, and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

FROSTBANK CORP.

Order Approving Lending Activities of Main Plaza Corporation

FrostBank Corporation, San Antonio, Texas, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and (§ 225.4(b)(2)) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to retain the lending activities engaged in by its wholly-owned subsidiary, Main Plaza Corporation, San Antonio, Texas ("Company"). Such activities, consisting of making or acquiring for its own account or for the account of others loans or extensions of credit, have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 29040). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the tenth largest banking organization in Texas, controls five banks with aggregate deposits of approximately $687 million, representing 0.5 per cent of the total deposits in commercial banks in the State.[1]

In acting on applications submitted pursuant to section 4(c)(8) of the Act, the Board analyzes an application to continue to engage in section 4(c)(8) activities by the same standards that it analyzes an application to acquire a company engaged in such activities. In addition, the Board analyzes the competitive effects of a proposal both at the time of the acquisition and at the time of application for retention. Company was formed on May 1, 1973, concurrently with the reorganization of Applicant's predecessor, Frost Realty Company, San Antonio, Texas ("Frost Realty"),[2] for the purpose of holding certain assets and engaging in certain activities of Frost Realty.[3] Included in the activities transferred to Company were the above-described lending activities. Since that transaction was essentially a reorganization of Applicant's existing nonbank lending activities, it does not appear to have had any significant adverse effects on competition at that time.

At present, Company's lending activities essentially involve making business loans in the San Antonio SMSA.[4] Such lending activities include making loans for interim construction, stock acquisition and short-term capital working needs. Company originated $5.3 million of such loans during 1975 and had $3.7 million of such loans outstanding as of December 31, 1975. Applicant's subsidiary banks also engage in making business loans and hold approximately $200 million of such loans, representing 29.2 percent of the total business loans held by the 45 banking organizations operating in the relevant market. In view of the relatively small size of Company's lending activities and the number of other competitors,[5] it does not appear that the retention of Company's lending activities by Applicant would have any significant adverse effects on existing or potential competition. At the same time, the retention of Company's lending activities by Applicant should provide benefits to the public by assuring customers of a continued and convenient source for such loans. Moreover, there is no evidence in the record indicating that the retention of Company's lending activities would lead to any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29951 Filed 10-12-76;8:45 am]

[1] All banking data are as of December 31, 1975.

[2] The reorganization of Frost Realty and formation of Company occurred without prior approval of the Board. However, the Board has examined the facts surrounding these transactions and believes that those facts do not call for denial of the application to retain the lending activities of Company.

[3] At the same time, Frost Realty transferred the assets of Data Processing Center, San Antonio, Texas, to Company. On November 12, 1973, the Board approved the application of Applicant to retain those assets and thereby continue to engage in performing financially-related data processing activities under section 4(c)(8) of the Board's Regulation Y (12 CFR § 225(a)(8)).

[4] The San Antonio SMSA approximates the relevant geographic market for purposes of analyzing the competitive effects of the subject application.

[5] It should be noted that other competitors include commercial finance companies, insurance companies and savings and loan associations located outside as well as inside the market area in addition to the market's banking organizations.

[6] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bexar County National Bank of San Antonio, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 5, 1976.

Board of Governors of the Federal Reserve System, October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29952 Filed 10-12-76;8:45 am]

MIDWEST BANCSHARES, INC.

Formation of Bank Holding Company

Midwest Bancshares, Inc., Midwest City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Security Bank & Trust Company, Midwest City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 8, 1976.

Board of Governors of the Federal Reserve System, October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29953 Filed 10-12-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-67]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to perform all functions in connection with the leasing of 10,500 square feet of space and the land incidental to its use,

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located on tribal land adjacent to the city of Anadarko, Oklahoma, for use by the Bureau of Indian Affairs, Anadarko Agency Office.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation shall expire 20 years from the effective date of the lease covering the space to be leased, or upon termination of the lease, whichever is earlier.

4. *Background.* This regulation reflects the delegation of authority that was granted to the Secretary of the Interior, by letter of January 28, 1976.

5. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to perform all functions in connection with the leasing of approximately 10,500 square feet of space and land incidental to its use, located on tribal land adjacent to the city of Anadarko, Oklahoma, for use by the Bureau of Indian Affairs.

b. This delegation shall extend to leasing space under authority contained in section 210(h)(1) of the above cited Act (40 U.S.C. 490(h)(1)), for a firm period not to exceed 20 years.

c. The Secretary of the Interior may redelegate this authority to any official or employee of the Department of the Interior.

d. This authority shall be exercised in accordance with the limitations and requirements of the above cited Act, section 322 of the Act of June 30, 1932, (40 U.S.C. 278a), as amended, other applicable statutes and regulations, and the policies, procedures, and controls prescribed by the General Services Administration.

6. *Effect on other issuances.* This temporary regulation cancels the letter dated January 28, 1976, from the Administrator of General Services to the Secretary of the Interior, related to the above delegation.

JACK ECKERD,
Administrator of General Services,

OCTOBER 1, 1976.

[FR Doc.76-29909 Filed 10-12-76;8:45 am]

[Federal Property Management Reg.; Temporary Reg. G-29]

SECRETARY OF THE TREASURY

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Treasury to represent the shipper interests of the civilian agencies of the Federal Government in a motor carrier operating rights proceeding before the Interstate Commerce Commission.

2. *Effective date.* This regulation is effective July 1, 1976.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of the Treasury to represent the interests of the civilian agencies of the Federal Government before the Interstate Commerce Commission in a proceeding involving an application for operating authority by Purolator Security, Incorporated (Docket No. MC-114896 (Sub. No. 39TA)).

b. The Secretary of the Treasury may redelegate this authority to any officer, official, or employee of the Department of the Treasury.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

T. M. CHAMBERS,
Acting Administrator of General Services.

SEPTEMBER 27, 1976.

[FR Doc.76-29910 Filed 10-12-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold a special meeting on October 26, 1976, and if business of the Board requires, on October 27, 1976. The meeting on October 26 will be held at the National Credit Union Administration Training Center, Fourth Floor, 1111 18th Street, NW., Washington, D.C., commencing at 10:00 a.m. If the meeting is held over, the October 27 session will be held at the offices of the National Credit Union Administration, Room 4210, 2025 M Street, NW., Washington, D.C., commencing at 9:00 a.m.

The agenda for this meeting will consist of an update briefing of Administration activities. An opportunity will be afforded for the trade associations and other representatives to make presentations concerning matters of interest to the credit union movement.

The Board will consider the year-end report, and a discussion of legislative matters will be had.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Administration, Washington, D.C. 20456.

LORENA C. MATTHEWS,
Acting Administrator.

OCTOBER 7, 1976.

[FR Doc.76-29940 Filed 10-12-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR POLITICAL SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Political Science.
Date and time: October 29, 1976—9 a.m. to 5 p.m.
Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Richard E. Dawson, Program Director, Political Science Program, Room 314, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4346.
Purpose of panel: To provide advice and recommendations concerning support for research in Political Science.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: September 7, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-29919; Filed 10-12-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period September 20 through October 1, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

FEDERAL TRADE COMMISSION

System names:

(1) Assurances of Voluntary Compliance
(2) Automated Serials Routing System
(3) Clearance to Participate Applications and the Commission's Responses Thereto
(4) Consumer Complaint/Inquiry Files, Chicago Regional Office
(5) Contracts by Persons Outside the Commission Relating to Investigations or Cases
(6) Freedom of Information Act Request and Appeals from Other Than Governmental Agencies and the Commission's Responses Thereto
(7) Holders of Registered Identification Numbers

Report date: September 20, 1976.

Point of contact: Mr. Robert J. Lewis, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

DEPARTMENT OF TRANSPORTATION

System names:

(1) FAA Federal Air Marshall Program Management system
(2) FAA World Home Address System

Report date: September 23, 1976.

Point of contact: Mr. Lawrence R. Kelly, Jr., FAA Operational Privacy Act Coordinator, AMS-101, 800 Independence Avenue, SW., Washington, D.C. 20591.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.76-30016 Filed 10-12-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMETEX CORP.

Suspension of Trading

OCTOBER 4, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Ametex Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:15 p.m., e.d.t., on October 4, 1976 through October 13, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29924 Filed 10-12-76;8:55 am]

[812-3980]

THE INTEREST INCOME TRUST, FIRST SERIES (AND SUBSEQUENT SERIES) AND PRESCOTT, BALL & TURBEN

Filing of Application for an Order of Exemption From Provisions

Notice is hereby given that The Interest Income Trust, First Series and subsequent Series (the "Fund" or "Funds"), registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and its sponsor, Prescott, Ball & Turben (the "Sponsor") (hereinafter the Sponsor and the Funds are sometimes collectively referred to as the "Applicants"), 900 National City Bank Building, Cleveland, Ohio 44114, filed an application on July 2, 1976, and amendments thereto on September 22, 1976, and October 1, 1976, pursuant to section 6(c) of the Act for an order of the Commission exempting the Funds from compliance with the initial net worth requirements of section 14(a) of the Act, exempting the frequency of the capital gains distributions of the Funds from the provisions of Rule 19b-1 under the Act and exempting the secondary market operations of the Sponsor and underwriters of the Funds from the provisions of Rule 22c-1. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each of the Funds will be governed by a trust agreement (hereinafter called the "Trust Agreement") under which the Sponsor will act as such, State Street Bank and Trust Company will act as Trustee (hereinafter called the "Trustee") and an independent evaluating firm to be designated in the Trust Agreement will act as Evaluator (hereinafter called the "Evaluator"). Subject to compliance with the applicable provisions of the Trust Agreement relating to the Funds, one or more additional investment banking firms may act as Sponsors or underwriters in addition to Prescott, Ball & Turben, the public sale of units of beneficial interests (the "Units") in each of one or more trusts created under each Trust Agreement (the "Trusts") may be effected through the Sponsor as the sole underwriter or through an underwriting account, a different bank may act as Trustee in lieu of State Street Bank and Trust Company and the evaluating firm acting as Evaluator may change. The Trust Agreement for each Fund will contain standard terms and conditions of trust common to all Funds. The Sponsor will deposit into each Trust not less than $3,000,000 principal amount of debt obligations, issued primarily by corporations, preferred stocks of domestic corporations and contracts and funds for the purchase of certain such securities (hereinafter called the "Securities"), which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for Units in the Trusts, which will be allocated among the Trusts in a Fund, if more than one, in proportion to the aggregate principal amount of Securities in each, representing in the aggregate entire ownership of a Fund. These Units are in turn to be offered for sale to the public by the Sponsor and the underwriters pursuant to the Agreement Among Underwriters entered into for each Fund by the Sponsor and the underwriters (the "Underwriting Agreement").

The Sponsor will accumulate Securities for the purpose of deposit in each of the Trusts. In selecting the Securities, the following factors will be of primary importance: (1) A rating of BBB or better by Standard & Poor's Corporation or Fitch Investors Service, Inc. or Baa or better by Moody's Investors Service, Inc.; (2) the yield and price of the Securities relative to other securities of comparable quality and maturity; and (3) diversification of the portfolio, taking into account the availability on the market of issues in various utility, banking, foreign governmental and industrial classifications which meet the quality, rating, yield and price criteria of a Fund. Each Trust will consist of the Securities, such securities as may continue to be held from time to time in exchange or substitution therefore, and accumulated and undistributed income.

Each Unit of a Trust will represent a fractional undivided interest in that Trust at approximately one Unit for each $1,000 principal amount of the Securities deposited. The numerator of the fractional interest represented will be 1; the denominator, the number of Units then in the particuar Trust. Units will be redeemable. In the event that any Units are redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each Unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement with respect to a Trust. A Trust may be terminated in the event that the value of the Securities in a Trust falls below 20 percent of the aggregate principal amount of the Securities initially deposited in such Trust, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction. There will be no provision in the Trust Agreements for the issuance of any Units of any Trust after the initial offering of Units and such activity will not take place (except to the extent that the secondary trading by the Sponsor or the underwriters in the Units is deemed the issuance of Units under the Securities Act of 1933).

Following the deposit of Securities for each Fund by the Sponsor with the Trustee, and following the declaration of effectiveness of the Registration Statement filed under the Securities Act of 1933 for that Fund and clearance by the Blue Sky authorities of the various states, the Sponsor and the underwriters will offer the Units of the Trust or Trusts, as the case may be, to the public at the Public Offering Price set forth in the Prospectus, plus accrued interest.

In connection with portfolio activity and supervision, the Sponsor may direct the Trustee to dispose of Securities upon default in payment of principal or interest, the failure to declare or pay an anticipated dividend, or the occurrence of other market or credit factors which in the opinion of the Sponsor would make the retention of such Securities in a Trust detrimental to the interests of the Unitholders, or if the disposition of such Securities is desirable in order to maintain the qualification of a Fund as a regulated investment company under the Internal Revenue Code. The Sponsor will also be authorized by the Trust Agreement to direct the Trustee to accept or

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reject certain plans for the refunding or refinancing of any of the Securities. The Sponsor will further be authorized to instruct the Trustee to reinvest the proceeds of the sale of any of the Securities (to the extent that such proceeds are not required for the purposes of redemption of Units or did not result from Sponsor directed sales of Securities as a result of defaults in the payment of principal or interest, failure to declare or pay dividends or the occurrence of other market or credit factors), as well as moneys held by the Trustee to cover the purchase of Securities pursuant to contracts which have failed in substitute Securities which satisfy certain conditions specified in the Trust Agreement. These conditions are designed, in general, to insure that substitute Securities purchased for a Trust conform to the standards followed by the Sponsor in selecting the Securities initially deposited in a Trust.

Distributions of interest and dividends, capital gains from the proceeds of the maturity or redemption of Securities and amounts not reinvested as described above will be paid out, less applicable expenses, monthly on a pro rata basis to Unitholders.

While not obligated to do so, under the provisions of the Underwriting Agreement the Sponsor and the underwriters presently intend to maintain a market for Units of each Trust following the initial public offering period and continuously to offer to purchase such Units at prices, subject to change at any time, which are based upon the offering side evaluation of the Securities. The Sponsor or any underwriter may discontinue purchases of such Units at priced based on the offering side evaluation of Securities should the supply of such Units exceed demand, or for other business reasons.

While the Applicants anticipate the Units in most cases can be sold in the secondary market for an amount in excess of the redemption price, Units may be submitted to the Trustee for redemption at any time. In such event, the Trustee, if unable to dispose of said Units in the secondary market at a price equal to or in excess of the redemption price, may be required to liquidate certain of the Securities in the Trust. The tendering Unitholder will receive cash from the proceeds of such liquidation. Consistent with Rule 22c–1, the Unitholder would receive cash in an amount per Unit equal to the redemption price as determined as of the evaluation time on the day of receipt of such tender for redemption, or if not a business day, on the next business day following such tender.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities, have a net worth of at least $100,000, have previously made a public offering and at that time have had a net worth of $100,000 or have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of Units of the Trusts as described above may be made. In connection with the requested exemption from Section 14(a), the Sponsor agrees (i) to refund or cause to be refunded, on demand and without deduction, all sales charges to purchasers of Units of any Trust from the Sponsor or from any underwriter or dealer participating in the distribution, and liquidate the Securities held in a Trust and distribute the proceeds thereof if, within 90 days from the time that the Registration Statement under the Securities Act of 1933 relating to the Units of such Trust has become effective, the net worth of the Trust shall be reduced to less than $100,000 or if such Trust or Fund shall have been terminated, (ii) to instruct the Trustee to terminate any Trust in the event that redemption by the Sponsor or underwriters of unsold Units results in such Trust having a net worth of less than $3,000,000; and (iii) in the event of termination for the reasons described in (ii) above, to refund or cause to be refunded, on demand and without reduction, all sales charges to purchasers of Units of such Trust from the Sponsor or from any underwriter or dealer participating in the distribution.

Rule 19b–1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal, including any capital gains, and interest and dividends relating to each Trust will be made to Unitholders monthly. Distributions of principal constituting capital gains to Unitholders, may arise in the following instances: (1) An issuer might call or redeem Securities held in the portfolio; (2) Securities might be disposed of in order to maintain the qualification of a Fund as a regulated investment company under the Internal Revenue Code; and (3) Securities might be liquidated in order to provide the funds necessary to meet redemptions.

In support of the requested exemption, the application states that the dangers against which Rule 19b–1 is intended to guard do not exist in the situation at hand since neither the Funds nor the Sponsor has control over events which might trigger capital gains. In addition, it is alleged that the monthly interest and dividend distribution per Unit will be fairly constant within a specified range and any capital gains distributions will be clearly distinguished from interest and dividend distributions in the accompanying report by the Trustee to Unitholders. In order to comply with the literal requirements of the Rule, each Trust of a Fund would be forced to hold any monies constituting capital gains from the disposition of Securities until the end of its taxable year. The application states that such a practice would clearly be to the detriment of the Unitholders.

Paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gains dividends received from a regulated investment company within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing a unit investment trust to accumulate distributable amounts received throughout the year and distribute them only at year end and that the operations of the Trusts will be consistent with the intended objectives of such provision.

RULE 22c–1

Rule 22c–1 provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of the Sponsor and the underwriters from the provisions of Rule 22c–1 under the Act. The application states that the underwriters will be bound by the provisions of the Underwriting Agreement to comply with the undertakings of the Sponsor in connection with secondary marketing operations. It is proposed to value Units of the Trusts, for repurchase and resale by the Sponsor and the underwriters in the secondary market, at prices computed on the last business day of each week, effective for all transactions made during the following week. The evaluation will be done by the Evaluator, who will also provide estimated evaluations on trading days in order to protect Unitholders and investors. In the case of a repurchase, if the Evaluator cannot state that the current bid side evaluation is not higher than or equal to the previous Friday's offering side evaluation, the Sponsor will order a new evaluation. In the case of a resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 on a unit representing $1,000.00 principal amount of underlying securities) greater than the current offering price, a full evaluation will be ordered.

The application states that there are two purposes of Rule 22c–1: (1) To eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies occurring through the practice of redeeming or repurchasing securities at a price above their net asset value or selling securities at a price based upon a previously established net asset value which

permits a potential investor to take advantage of an upswing in the market by purchasing investment company shares at a net asset value which does not reflect the increase resulting from the market change and (2) to minimize speculative trading practices which so compromise registered investment companies as to be unfair to the holders of their outstanding securities.

Applicants assert that while the purposes for which Rule 22c–1 was adopted would not be served by its application to the Funds, the interests of investors might be significantly impaired by imposing upon them the cost of the determinations of net asset value required by Rule 22c–1.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 29, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29923 Filed 10–12–76;8:45 am]

[File No. 500–1]

NEOTEC CORP.

Suspension of Trading

OCTOBER 1, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Neotec Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:13 a.m., e.d.t., on October 1, 1976 through October 10, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29922 Filed 10–12–76;8:45 am]

[File No. SR–OCC–76–7]

OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted To Permit Settlement of Exercised Option Contracts Through a Designated Clearing Corporation

On August 6, 1976, the Options Clearing Corporation ("OCC") 6150 Sears Tower, Chicago, Illinois 60606, submitted, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to permit each Clearing Member of OCC to effect settlements in respect of exercised option contracts through a clearing corporation designated by the Clearing Member for that purpose. The proposed rule change purports to apply to both call option and put option contracts.

In accordance with Section 19(b) of the Act and Rule 19b–4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (41 FR 35588, August 23, 1976), and the public was invited to submit comments until September 13, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34–12712, August 17, 1976. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the agreements, provisions and safeguards established by OCC are adequate for the protection of investors. Since exchange trading in listed put option contracts has not been approved by the Commission, the Commission is not at this time making any determination with respect to the proposed rule change insofar as it relates to put option contracts. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies insofar as the proposed rule change relates to call option contracts.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–OCC–76–7 be, and hereby is, approved insofar as it relates to call option contracts.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29921 Filed 10–12–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans aproved by SBA on or after October 6, 1976, under Section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective October 6, 1976, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten percent (10%) per year, and the maximum rate on an immediate participation loan shall be nine percent (9%) per year. These maximum interest rates are one-half percent lower than those published in the FEDERAL REGISTER on July 1, 1976 (41 F.R. 27143), and shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the quarter-year beginning October 6, 1976, will be seven and three-fourths percent (7¾%) per year. This is an optional "peg" rate for use in connection with fluctuating-interest-rate loans made in participation with SBA.

This Notice is issued under 13 CFR 120.3(b)(2)(iv).

(Catalog of Federal Domestic Assistance Programs: No. 59.012 Small Business Loans; No. 59.013 State and Local Development Company Loans; No. 59.014 Coal Mine Health and Safety Loans; No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans); No. 59.018 Occupational Safety and Health Loans; No. 59.001 Displaced Business Loans; No. 59.003 Economic Opportunity Loans for Small Business).

Dated: October 1, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–29956; Filed 10–12–76;8:45 am]

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[Application No. 01/01-5286]

UNITED VENTURE CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by United Venture Corporation, Inc., (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

Richard E. Robidoux, President and Director, 560 Edgell Rd., Framingham, Massachusetts 01701.

Richard Robidoux II, Vice President and Director, 560 Edgell Rd., Framingham, Massachusetts 01701.

Robert E. MacAnn, Secretary/Treasury/Manager, 13 Birch Hill Road, Worcester, Massachusetts 01606.

Herbert Cohan, Director, 97 Aylesbury Rd., Worcester, Massachusetts 01609.

The Applicant will maintain its principal place of business at 495 Shrewsbury Street, Worcester, Massachusetts 06104. It will begin operations with $500,000 of private capital derived from the sale of 500 shares of common stock to Richard E. Robidoux.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, not later than October 28, 1976, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Worcester, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: October 5, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-29958 Filed 10-12-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review. Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 29, 1976, at 1:00 p.m., the Portland, Oregon Regional Office Station Committee on Educational Allowances shall at Room 1476, Federal Building, 1220 S.W. 3rd, Portland, Oregon, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Franklin Institute of Sales, Portland, Oregon, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 5, 1976.

DONNA M. ARNDT,
Director, VA Regional Office, 1220 S.W. 3rd, Portland, Oregon 97204.

[FR Doc.76-29959 Filed 10-12-76;8:45 am]

STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES ADVISORY COMMITTEE

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), the Veterans Administration announced in a notice published in the FEDERAL REGISTER of September 17, 1976 (41 FR 40240) a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities.

Notice is hereby given that the meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities, scheduled for October 15, 1976, has been cancelled.

Dated: October 6, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-29963 Filed 10-12-76;8:45 am]

COMMISSION OF FINE ARTS

MEETING

OCTOBER 12, 1976.

The Commission of Fine Arts will meet in open session on Thursday, October 28, 1976, at 10:00 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit a written or oral statement should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-30203 Filed 10-12-76;10:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY OF LABOR

Meeting

It is hereby announced that a meeting will be held by the Advisory Committee on Women to the Secretary of Labor, established under Sec. 9(c) of the Federal Advisory Committee Act (Public Law 92-463).

The meeting will convene at 9:00 a.m. on October 27, 1976, in Conference Room N-4437 at the New Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. It will be reconvened at 9:00 a.m. on October 28, in the same conference room.

The agenda will include presentations and discussions of Department of Labor programs; issues of concern to women workers; review of agenda; statement of purpose; committee priorities; organization and procedures; developing of work program and priorities.

Members of the public are invited to attend the discussions. Any written data or views pertaining to the agenda must be received on or before October 20, 1976 by the Committee's executive secretary. Twenty-five duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the executive secretary no later than October 20, 1976, a request to be heard, stating the nature of their intended presentation and the amount of time needed. The chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Mercedes H. Flores, Executive Secretary, Advisory Committee on Women to the Secretary of Labor, Department of Labor, Room S-3002, 200 Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of October 1976.

CARMEN R. MAYMI,
Director, Women's Bureau and Executive Chairperson, Advisory Committee on Women to the Secretary of Labor.

[FR Doc.76-30177 Filed 10-12-76;10:00 a.m.]

INTERSTATE COMMERCE COMMISSION

JAMES EDWARD MARTIN

Statement of Appointment

Pursuant to subsection 302(a), Part III, Executive Order No. 10647 (20 FR 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act for 1950, as amended, "the following information is furnished for publication in the FEDERAL REGISTER:

1. Name of appointee: James Edward Martin.

2. Name of employing agency: Interstate Commerce Commission.

3. Date of appointment: October 4, 1976.

4. Title of appointee's position: Consultant.

5. Name of appointe's private employer: Association of American Railroads.

Dated at Washington, D.C., this 4th day of October 1976.

GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission.

[FR Doc.76-29907 Filed 10-12-76;8:45 am]

[Notice No. 167]

ASSIGNMENT OF HEARINGS

OCTOBER 7, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of herings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-9083, Burwell Ray Gallop, d/b/a Gallop Bus Company, Twin City Coach Company, Inc., Superior Bus Service, Incorporated, d/b/a Travelines United, and Stewart Tours, Incorporated, d/b/a Stewart Tours—Investigation and Revocation of Certification and License and MC-C-9233, *Carolina Coach Company* v. *H. M. White Bus Seervice, et al.*, now being assigned December 14, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 (Sub-No. 273), Daily Express, Inc., now assigned October 13, 1976, at Washington, D.C. is canceled and application dismissed.

MC 140330 (Sub-1), R. C. Van Lines, Inc. now assigned October 27, 1976 at Atlanta, Georgia and will be held in Room 305, 1252 West Peachtree Street N.W.

MC 134922 (Sub-162), B. J. McAdams, Inc. now assigned October 28, 1976 at Atlanta, Georgia and will be held in Room 305, 1252 West Peachtree Street N.W.

MC 121684 (Sub-2), Orlando Transit Company now assigned November 1, 1976 at Orlando, Florida and will be held at the Carlton House, 6515 International Drive.

MC 110563 (Sub-169), Coldway Food Express, Inc. now assigned November 1, 1976, at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 133841 (Sub-2), Dan Barclay, Inc. now assigned November 3, 1976 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 117940 (Sub-174), Nationwide Carriers, Inc. now assigned November 4, 1976 at New York, New York and will be held in room F-2220, Federal Building, 26 Federal Plaza.

MC 110563 (Sub-No. 173), Coldway Food Express, Inc. now assigned November 5, 1976 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 107295 (Sub-821), Pre-Fab Transit Co. now assigned November 2, 1976 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. 36325, Radioactive Materials, Special Train Service, Nationwide now assigned November 2, 1976, at Washington, D.C., is postponed to November 3, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30009 Filed 10-12-76;8:45 am]

[Notice No. 134]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8744 (Sub-No. 11TA), filed September 29, 1976. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant St., P.O. Box 1160, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Bluefield, W. Va., on the one hand, and, on the other, points in Boone County, W. Va., and those points in Floyd, Harlan, Letcher, Martin, and Pikes Counties, Ky Applicant intends to tack its existing authority with MC 8744 Sub-No. 8. Applicant also intends to interline at Bluefield, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examinted at the field office named below. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 24784 (Sub-No. 6TA), filed September 22, 1976. Applicant: BARRY, INC., 463 South Water St., Olathe, Kans. 66061. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement and coatings, caulking and glazing compounds, wood preservatives, and sound deadeners* (except in bulk), from the plantsite and/or storage facilities of Southwest Grease & Oil Co. (Kansas City), Inc., at or near Olathe, Kans., to points in Missouri, for 180 days. Supporting shipper: Southwest Grease & Oil Co. (Kansas City), Inc., 1400 S. Harrison, P.O. Box 1974, Olathe, Kans. 66061. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City. Mo. 64106.

No. MC 52460 (Sub-No. 178TA), filed September 30, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, Okla., 74107. Applicant's representative: Steve Cipich, P.O. Box 9637, Tulsa, Okla. 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, gasoline and diesel fuel additives, advertising matter, and such other commodities* as are distributed by marketers of petroleum products (except in bulk), from Port Arthur, Tex., to points in Louisiana on and south of U.S. Highway 190, for 180 days. Supporting shipper: Texaco, Inc., 1111 Rusk, Houston, Tex. 77052. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City. Okla. 73102.

No. MC 61231 (Sub-No. 95TA), filed September 30, 1976. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, and couplings, connectors and accessories for pipe* (except iron or steel pipe), from the plantsite of Armco Steel Corporation, at or near Springfield, Ill., to points in Iowa, Kansas, Missouri and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

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porting shipper: Armco Steel Corporation, 7000 Roberts St., Kansas City, Mo. 64125. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5k8 Federal Bldg., Des Moines, Iowa 50309.

No. MC 69397 (Sub-No. 23TA), filed September 28, 1976. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Jill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Philadelphia, Pa., to points in North Carolina, on and east of U.S. Highway No. 1, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: C. Schmidt & Sons, Inc., 127 Edward St., Philadelphia, Pa. 19123. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 105375 (Sub-No. 64TA), filed September 22, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of N-REN Corporation, located near Dillworth, Minn., to points in North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N-REN Corporation, 256 McCullough St., Cincinnati, Ohio 45226. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Comission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 105813 (Sub-No. 215TA), filed September 29, 1976. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, 1759 S.W. 12th St., Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, and sauerkraut*, all requiring movement in refrigerated (not including commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co. (a wholly owned subsidiary of Oscar Mayer & Co., Inc.), at or near Wodstock, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, restricted to traffic orginating at the above-named origin and destined to the states named, and further restricted against movement of products in bulk, in tank vehicles, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: G. H. Fauss, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 105813 (Sub-No. 216TA), filed September 30, 1976. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, 1759 S.W. 12th St., Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 S. Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seeleyville, Ind., to points in Alabama, Georgia, Florida, South Carolina and North Carolina, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville. Fla. 32202.

No. MC 109540 (Sub-No. 36TA), filed September 30, 1976. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Road, Lexington, Ky. 40501. Applicant's representative: Chandler L. Van Orman, Southern Bldg., 15th & H Sts., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies and equipment* used in the marketing, packing, storing, processing or handling of unmanufactured tobacco (except commodities in bulk, in tank vehicles, and commodities which because of their size or weight require the use of special equipment or handling), and *unmanufactured tobacco or empty tobacco containers*, when moving in the same vehicle and at the same time with the above-described commodities: Between: (1) Conway, Darlington, Dillon, Hemingway, Kingstree, Lake City, Lamar, Loris, Mullins, Pamplico and Timmonsville, S.C.; Alma, Baxley, Clackshear, Claxton, Hazelhurst, Metter, Statesboro, Swainsboro, Vidalia and Waycross, Ga.; Brookneal, Chase City, Clarksville, Danville, Kenbridge, Lawrenceville, Martinsville, Petersburg, Rocky Mount, South Boston and South Hill, Va.; Danville, Hopkinsville, Lebanon, Lexington, London, Maysville, Owensboro, Paducah and Somerset, Ky.; Huntington, W. Va., on the one hand, and, on the other, Rocky Mount and Durham, N.C.; (2) Ripley, Ohio, on the one hand, and, on the other, Lexington, Ky.; and Winston-Salem, N.C.; and (3) Sparta and Springfield, Tenn., on the one hand, and, on the other, Brook Cove, Winston-Salem and Davie, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: C. Larry Singletary, Traffic Analyst, R. J. Reynolds Tobacco Co., P.O. Box 2959, Winston-Salem, N.C. 27102. George Outlaw, Traffic Manager, Liggett & Myers Tobacco Co., 4100 Roxboro Road, Durham, N.C. 28202. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 111401 (Sub-No. 470TA), filed October 1, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Baton Rouge, La., to Des Moines, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, Tex. 77001. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114045 (Sub-No. 450TA), filed September 29, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seeleyville, Ind., to points in Oklahoma, Texas, New Mexico, Arizona, California, Oregon and Washington, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 114569 (Sub-No. 149TA), filed September 30, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except animal feed and animal feed ingredients, hides and commodities in bulk), from the plantsite and storage facilities of Minden Beef Company, at or near Minden, Nebr., to New York City, Endicott, Mt. Kisco and Waterford, N.Y.; Hartford, East Hartford and Danbury, Conn.; South Kearney, N.J.; Allentown, Pa.; and Landover, Md., and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minden Beef Co., Box 70, Minden, Nebr. 68959. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., 228 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 115233 (Sub-No. 121TA), filed September 29, 1976. Applicant: RED-WING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's

representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Lancaster County, Pa., to points in North Carolina and Florida, for 180 days. Supporting shipper: Baum's Bologna, Inc., P.O. Box 407, Elizabethtown, Pa. 17022. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 115331 (Sub-No. 417TA), filed September 29, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee and Wisconsin, for 180 days. Supporting shipper: Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 115669 (Sub-No. 159TA), filed October 1, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, 101 West Edgar St., Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from Muscatine, Iowa, to points in Illinois and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thomas D. Donis, Traffic Manager, Grain Processing Corporation, 1600 Oregon St., Muscatine, Iowa 52761. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North. Lincoln, Nebr. 68508.

No. MC 116073 (Sub-No. 335TA), filed October 1, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *and buildings*, from Caldwell, Idaho, to points in Alaska, Idaho, Oregon, Washington, Montana, Nevada and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kit Manufacturing Company, P.O. Box 250, Caldwell, Idaho 83605. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commisison, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117765 (Sub-No. 214TA), filed October 1, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers (except meat, meat products, meat by-products, dairy products and articles distributed by meat packing houses), from the plantsite and facilities of Beaver Valley Canning Company, Grimes, Reinbeck and Storm Lake, Iowa, to points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Beaver Valley Canning Company, 512 N. Main, Grimes, Iowa 50111. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 123255 (Sub-No. 86TA), filed September 29, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, athletic goods, gymnastic goods, and sporting goods*, from Ashland, Ohio, to points in Connecticut, Illinois, Indiana, Massachusetts, New Jersey and New York, for 180 days. Supporting shipper: The National Latex Products Co., Fourth St., Ashland, Ohio 44805. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 124821 (Sub-No. 21TA), filed September 30, 1976. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Ave., Old Forge, Pa. 18518. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Ransom and Laflin, Pa., to Solon, Ohio; Fort Wayne, Ind.; and Grand Rapids, Livonia and East Lansing, Mich., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shipper: Potlatch Corporation, Ransom, Pa. 18653. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 125544 (Sub-No. 5TA), filed September 30, 1976. Applicant: LESTER M. HAYS, 803 West Mulberry, Carlinville, Ill. 62626. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons*, for the account of Prairie Farms Dairy, Inc., from Sikeston, Mo., to Des Moines, Iowa, under a continuing contract with Prairie Farms Dairy, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: F. A. Gourley, General Manager Vice-President, Prairie Farms Dairy, Inc., P.O. Box 499, Carlinville, Ill. 62626. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commision, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 134477 (Sub-No. 122TA), filed September 30, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul. Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, from the plantsite and storage facilities of Armour and Company, at or near South St. Paul. Minn., to Arlington, Dallas, Fort Worth, Garland, Houston and San Antonio, Tex., for 180 days. Supporting shipper: Armour Food Co., Greyhound Tower, Phoenix. Ariz. 85007. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis. Minn. 55401.

No. MC 134922 (Sub-No. 198TA), filed October 1, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mail boxes, metal posts, metal work benches, and legs and metal tool racks*, from the plantsite of Steel City Corp., at or near Youngstown, Ohio, to Portland, Oreg.; Phoenix, Ariz.; and Sacramento, Calif., for 180 days. Supporting shipper: Steel City Corporation, 190–200 N. Meridian Road, Youngstown, Ohio 44501. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72001.

No. MC 140014 (Sub-No. 2TA), filed September 30, 1976. Applicant: RICHARD A. TAZER, doing business as RICHARL A. TAZER TRUCKING, Issaquah, Wash. 98027. Applicant's representative: Henry C. Winters, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products;* and (2) *Equipment, materials and supplies* used and useful in the production and distribution of dairy products, under a continuing contract with Consolidated Dairy Products Company of Seattle, Wash., between points in California, Oregon and Washington, for 180 days. Supporting shipper: Consolidated Dairy Products Company, 635 Elliott Ave., West, Seattle, Wash. 98119. Send protests to: L. D. Boone, Transpor-

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tation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140553 (Sub-No. 1TA), filed September 30, 1976. Applicant: ROGERS TRUCK LINE, INC., P.O. Box 336, Webster City, Iowa 50595. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouse* as described in Section A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Hygrade Food Products Corporation, at or near Storm Lake and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania and Virginia, for 180 days. Supporting shipper: Hygrade Food Products Corporation, P.O. Box 4771, Detroit, Mich., 48219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141135 (Sub-No. 3TA), filed September 30, 1976. Applicant: VARRA ENTERPRISES, INC., Rte. 2, Box 640, Broomfield, Colo. 80020. Applicant's representative: Pasquale Varra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica and fractor prop* (frac sand), in bulk, in dump trucks, from Houck, Ariz.; Farmington, N. Mex.; Enid, Lindsay and Woodward, Okla.; Borger and Perryton, Tex., to Commerce City and Brighton, Colo., for 180 days. Supporting shippers: The Western Company of North America, P.O. Box 1018, Brighton, Colo. 80601. Dowell, Division of Dow Chemical, 5400 N. Colorado Blvd., Commerce City, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 141622 (Sub-No. 2 TA), filed September 21, 1976. Applicant: H&W CARRIERS, INC., Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, for the account of LaBarge, Inc., Concrete Products Div., from the plantsites of LaBarge, Inc., Concrete Products Div., at or near Charleston and Champaign, Ill., to points in Indiana, Iowa, Kentucky, Missouri and Wisconsin, under a continuing contract with LaBarge, Inc., for 180 days. Supporting shipper: Eugene L. LaBarge, President, LaBarge, Inc., 20 S. 4th St., St. Louis, Mo. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142060 (Sub-No. 2TA), filed September 28, 1976. Applicant: NASH TRUCKS, INC., Box 158, Altamont, Kans. 67330. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon paper*, from Parsons, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas and Wisconsin, under a continuing contract with Southwest Carbon Paper Manufacturing Co., for 180 days. Supporting shipper: Southwest Carbon Paper Manufacturing Co., P.O. Box 891, Parsons, Kans. 67357. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 142110 (Sub-No. 2TA), filed September 30, 1976. Applicant: CHARLES WOODROW LAURAMORE, Route 1, Box 188, Glen Saint Mary, Fla. 32040. Applicant's representative: Charles Woodrow Lauramore (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings, and sawdust*, from Clay County, Fla., to Saint Marys, Ga., under a continuing contract with Gilman Paper Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gilman Paper Company, P.O. Box 520, St. Marys, Ga. 31558. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 142486TA, filed September 30, 1976. Applicant: L & P PRODUCE, INC., 178 East Grand River, Ionia, Mich. 48846. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, from Reed City, Mich., to Denver, Colo. and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Michigan Brands Food Company, 304 E. Hammon St., Otsego, Mich. 49078. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142487TA, filed September 30, 1976. Applicant: J. & K. K., INC., 3026 Shelby Road, Lynnwood, Wash. 98036. Applicant's representative: James T. Hohnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and trim*, from points in Washington, to points in Idaho, Oregon, California, Arizona and Nevada, for 180 days. Supporting shippers: Stanley Metcalf Shake Co., Box 48; Metcalf Bros. Shake Co., P.O. Box 689; and D & G Shake Co., P.O. Box 21, Amanda Park, Wash. 98526. B & J Shake Co., Route 1, Box 55, Humptulips, Wash. 98552. Hickam Shake Co., Clearwater Star Route 1, Box 1971, Forks, Wash. 98331. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142488TA, filed September 30, 1976. Applicant: HANKE TRUCKING, INC., 626 Hillside Road, Colgate, Wis. 53017. Applicant's representative: Judith A. Hanke (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers wet grains and brewers grain feed mix commodities* (Maltlage), in bulk, from Milwaukee, Wis., and/or Murphy Products Co., Inc.'s Maltlage plant near Burlington, Wis., to points in Illinois, (certain northern counties) and Iowa (certain eastern counties), under a continuing contract with Murphy Products Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Murphy Products Co., Inc., 124 S. Dodge St., Burlington, Wis. Send protests to: Gail Daugherty, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 142489TA, filed October 1, 1976. Applicant: THOMAS DISTRIBUTING COMPANY, 1768 13th St., S.E., Salem, Oreg. 97302. Applicant's representative: Lon Thomas, 3816 Seneca, S.E., Salem, Oreg. 97302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products* from St. Helens, Oreg., and Vancouver, Wash., to Los Angeles, Calif., for the account of Moore Business Forms, Inc.-Pacific Division under a continuing contract with Moore Business Forms, Inc.-Pacific Division, for 180 days. Supporting shipper: Moore Business Forms, Inc.-Pacific Division, P.O. Box 5252, Eastmont Station, Oakland, Calif. 94605. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30010 Filed 10-12-76;8:45 am]

[Notice No. 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application

OCTOBER 12, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under § 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76768. By application filed October 6, 1976, SANTA CLAUS ASSOCIATED TRUCKING LTD., 1105 N. Market Street, Wilmington, DE., 19801, seeks temporary authority to lease the operating rights of TAYLOR SERVICES, INC., dba ULTRA SPECIAL EXPRESS, P.O. Box 190, Farmingdale, N.J., 07727, under section 210a(b). The transfer to SANTA CLAUS ASSOCIATED TRUCKING LTD., of the operating rights of TAYLOR SERVICES, INC., dba ULTRA SPECIAL EXPRESS, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30007 Filed 10-12-76;8:45 am]

[Notice No. 46]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76763. By application filed October 4, 1976, A. E. MORRIS HAULING, INC., Route 3, Box 252-A, Virgilina, VA., 24598, seeks temporary authority to lease the operating rights of A. E. MORRIS, dba A. E. MORRIS CONTRACT HAULING, Route 3, Box 252-A, Virgilina, VA., 24598, under section 210a (b). The transfer to A. E. MORRIS HAULING, INC., of the operating rights of A. E. MORRIS, dba A. E. MORRIS CONTRACTING HAULING, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76 30008 Filed 10-12-76;8:45 am]

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WEDNESDAY, OCTOBER 13, 1976



PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

ONSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Interim Final Rule Making
and Proposed Rule Making

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 629-2]

PART 435—ONSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below amends Part 435—oil and gas extraction point source category and will be applicable to existing sources for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E) and the stripper subcategory (Subpart F) of the oil and gas extraction point source category pursuant to sections 301, and 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 and 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment for new sources. Economic analysis indicates unacceptable economic impacts would result from the application of the technologies which have now been evaluated for the stripper subcategory. Moreover, this subcategory constitutes only .1–.3% of the industry based on production and thus pollutant loads are very small in relation to those contributed by the other subcategories in this category. Accordingly, limitations for the stripper subcategory are being reserved pending study of other, less capital-intensive, control technologies. A description and discussion of this legal authority is contained in Appendix A to this preamble.

The oil and gas extraction point source category was first studied to determine whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material source, product produced, process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. The control and treatment technologies existing within each segment were identified in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the techologies. This information was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions. A substantial summary of the method of study, the several factors considered in subcategorization and the conclusions reached are set forth as Appendix B to this preamble.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and will be available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C., at all EPA regional offices, and at State water pollution control offices in the very near future. A notice of its availability will be published in the FEDERAL REGISTER. A supplementary analysis prepared for EPA of the possible economic effects of the regulation will also be available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

Prior to this publication, many agencies and groups were consulted and given the opportunity to participate in the development of these limitations, guidelines and standards. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. A summary of these comments and the Agency's response and consideration of these is contained in Appendix C to this preamble.

The Agency has made a study of the costs and economic and inflationary impacts of this regulation. It is estimated that the capital cost of complying with the limitations based on the best practicable control technology currently available will be $44.38–$57.78 million, the additional capital cost of complying with regulations based on the best available control technology economically achievable will be $45.38 million. The total annual operating costs for these requirements based on best practicable control technology currently available is estimated to be $8.05–$10.76 million and the additional annual operating costs for the requirements based on best available technology economically achievable is estimated to be $3.7 million. The investment and operating costs for a new source are expected to be similar to the costs for an existing source though investment requirements may be somewhat lower since prior planning would alleviate the costs of acquiring additional space that some existing sources must cope with. These costs and the resultant economic and inflationary impact are briefly discussed in Appendix B to this preamble and are substantially detailed in the economic analysis document. It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train et al.* (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than September 1, 1976. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 60 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation.

In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

At the date of preparation of this notice the "Development Document" is not yet printed. When it becomes available a notice of its availability will be published in the FEDERAL REGISTER. All comments received within sixty days of publication of that notice of availability or this notice whichever is later will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with this interim final regulation.

In consideration of the foregoing, 40 CFR Part 435 is hereby amended as set forth below.

Dated: September 29, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 435 is amended by adding the following sections:

Subpart C—Onshore Subcategory

Sec.
435.30 Applicability; description of the onshore subcategory.
435.31 Specialized definition.
435.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Coastal Subcategory

435.40 Applicability; description of the coastal subcategory.
435.41 Specialized definition.
435.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Beneficial Use Subcategory

435.50 Applicability; description of the beneficial use subcategory.
435.51 Specialized definition.
435.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Stripper Subcategory

435.60 Applicability; description of the stripper subcategory.
435.61 Specialized definition.
435.62 [Reserved]

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and 307(c), Federal Water Pollution Control Act, As Amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500.

Subpart C—Onshore Subcategory

§ 435.30 Applicability; description of the onshore subcategory.

The provisions of this subpart are applicable to the onshore facilities engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry. This subpart is not applicable to those onshore facilities defined in subparts D, E, and F.

§ 435.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg)—(including the Great Lakes).

§ 435.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, production processes, product produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

Subpart D—Coastal Subcategory

§ 435.40 Applicability; description of the coastal subcategory.

The provisions of this subpart are applicable to coastal facilities engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry.

§ 435.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR shall apply to this subpart.

(b) The term "M10" shall mean those coastal facilities continuously manned by ten (10) or more persons.

(c) The term "M9IM" shall mean those coastal facilities continuously manned by nine (9) or less persons or intermittently manned by any number of persons.

(d) The term "coastal" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg) and bounded on the inland side by the line defined by the inner boundary of the territorial seas a defined above eastward of the point defined by 89°45' W. Longi-

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tude and 29°46′ N. Latitude and continuing as follows west of that point:

Direction to West Longitude	*Direction to North Latitude*
West, 89°48′	North, 29°50′.
West, 90°12′	North, 30°06′.
West, 90°20′	South, 29°35′.
West, 90°35′	South, 29°30′.
West, 90°43′	South 29°25′.
West, 90°57′	North, 29°32′.
West, 91°02′	North, 29°40′.
West, 91°14′	South, 29°32′.
West, 91°27′	North, 29°37′.
West, 91°33′	North, 29°46′.
West, 91°46′	North, 29°50′.
West, 91°50′	North, 29°55′.
West, 91°56′	South, 29°50′.
West, 92°10′	South, 29°44′.
West, 92°55′	North, 29°46′.
West, 93°15′	North, 30°14′.
West, 93°49′	South, 30°07′.
West, 94°03′	South, 30°03′.
West, 94°10′	South, 30°00′.
West, 94°20′	South, 29°53′.
West, 95°00′	South, 29°35′.
West, 95°13′	South, 29°28′.
East, 95°08′	South, 29°15′.
West, 95°11′	South, 29°08′.
West, 95°22′	South, 28°56′.
West, 95°30′	South, 28°55′.
West, 95°33′	South, 28°49′.
West, 95°40′	South, 28°47′.
West, 96°42′	South, 28°41′.
East, 96°40′	South, 28°28′.
West, 96°54′	South, 28°20′.
West, 97°03′	South, 28°13′.
West, 97°15′	South, 27°58′.
West, 97°40′	South, 27°45′.
West, 97°46′	South, 27°28′.
West, 97°51′	South, 27°22′.
East, 97°46′	South, 27°14′.
East, 97°30′	South, 26°30′.
East, 97°26′	South, 26°11′.

East to 97°19′ W., Longitude and Southward to the U.S.-Mexican border. Along all boundaries of the territorial seas as defined in 40 CFR 124.1 (gg) except the Gulf of Mexico, the term "coastal" is not defined.

§ 435.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, production processes, product produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations

[In milligrams per liter]

Pollutant parameter Waste source	Oil and grease: Maximum for any 1 day	Oil and grease: Average of daily values for 30 consecutive days shall not exceed—	Residual chlorine minimum for any 1 day
Produced water		72	48
Deck drainage		72	48
Drilling muds	(1)	(1)	
Drill cuttings	(1)	(1)	
Well treatment	(1)	(1)	
Sanitary-M10			[2]
M9M1			
Domestic[3] produced sand	(1)	(1)	

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.

Subpart E—Beneficial Use Subcategory

§ 435.50 Applicability; description of the beneficial use subcategory.

The provisions of this subpart are applicable to the onshore facilities for which the produced water has a beneficial use when discharged to navigable waters. These facilities are engaged in the production, drilling, well completion, and well treatment in the oil and gas extraction industry.

§ 435.51 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1 (gg)—(including the Great Lakes).

(c) The term "beneficial use" shall mean that the produced water is of good enough quality to be used for livestock watering or other agricultural uses and is being put to such use.

§ 435.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, production processes, product produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source (other than produced water) associated with production, field exploration, drilling, well completion, or well treatment (i.e., drilling muds, drill cuttings, and produced sands).

(2) Produced water discharges shall not exceed the following limitation:

Effluent characteristic:	*limitation Effluent*
Oil and grease	45 mg/l [1]

[1] Maximum for any 1 day.

(b) The discharger must show beneficial use of the produced water being discharged to qualify for this subpart.

Subpart F—Stripper Subcategory

§ 435.60 Applicability; description of the stripper subcategory.

The provisions of this subpart are applicable to the onshore facilities which produce less than 10 barrels per calendar day of crude oil and are operating at the maximum feasible rate of production and in accord with recognized conservation practices. These facilities are engaged in production and well treatment in the oil and gas extraction industry.

§ 435.61 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg) (including the Great Lakes).

§ 435.62 [Reserved]

Appendix A

Legal Authority

(1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulation proposed herein sets forth the standards of performance applicable to new sources for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E) and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

(3) Pretreatment for existing sources and for new sources.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the Federal Register regulations are proposed in fulfillment of these requirements which may not be fulfilled by this interim final regulation.

Appendix B

Technical Summary and Basis for Regulations

This Appendix summarizes the basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material production, product produced, process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-process and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F), of the oil and gas extraction point source category.

(i) Categorization. For the purpose of studying waste treatment and effluent limitations the onshore segment of the oil and gas extraction point source category was divided into four discrete subcategories. These subcategories were primarily based on consideration of (1) geographic location; (2) type of facility; (3) waste water characteristics and treatability; (4) waste water volume; and (5) economic impact and costs. These considerations are outlined in the Development Document for Interim Final Effluent Limitations and Guidelines for the Oil and Gas Extraction Point Source Category. These subcategories are defined as:

(1) Subpart C—Onshore Subcategory. This subcategory includes those onshore facilities engaged in the production, field exploration, drilling, well completion, and well treatment of the oil and gas extraction industry. Excluded from the subpart are those facilities as defined in subparts D, E, and F.

(2) Subpart D—Coastal Subcategory. This subcategory includes those coastal facilities engaged in the production, field exploration,

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drilling, well completion, and well treatment of the oil and gas extraction industry.

(3) Subpart E—Beneficial Use Subcategory. This subcategory includes those onshore facilities with produced water discharges that have a beneficial use.

(4) Subpart F—Stripper Subcategory. This subcategory includes those onshore facilities which produce less than 10 barrels per calendar day of crude oil.

(ii) Waste characteristics.

The major pollutant parameters in the waste waters resulting from the oil and gas extraction industry are oil and grease, residual chlorine, floating solids, and dissolved solids. The water insoluble hydrocarbons and free floating emulsified oils in the waste water will effect the aquatic flora and fauna by interfering with oxygen transfer, coating bottom fauna and fish spawning grounds, damaging the plumage and coats of water fowl and animals, by adhering to the gills of fish, and by causing taste and toxicity problems. Thus, due to the significant impact of oil and grease upon aquatic systems and existence of technologically and economically viable treatment systems, effluent limitations have been developed to control this pollutant parameter. Residual chlorine concentrations are directly correlatable to fecal coliform bacterial counts in the sanitary wastes generated by coastal facilities. Fecal coliform bacteria concentrations serve as an indication of the pathogenetic potential of water resulting from the disposal of human wastes. Compliance with residual chlorine limitations is readily achieved through the proper control of waste water chlorinators. Floating solids are primarily the result of discharges from domestic and sanitary wastes from manned and intermittently manned coastal facilities. These pollutants may settle to form detrimental deposits or they may continue to float and produce objectionable odors. The technologies and "good-housekeeping" practices necessary to control floating solids are readily available. Dissolved solids effect the palatability of water and may have a laxative effect when ingested. Stresses resulting from salinity shocks, anamalous ion ratio and strange buffer systems leave few organisms capable of adapting to brine dominated systems.

Interim final effluent limitation guidelines achievable through the application of the best practicable control technology currently available are established below to control each of the above pollutants. No limitations have been established for several other existing waste water pollutants because: they occur in insignificant quantities; the technology is not presently available to control the pollutant discharge; the benefit derived from removal of the pollutants does not justify the high treatment costs; or available data indicate they are normally reduced incidentally with the removal or reduction of a limited pollutant parameter.

(iii) Origin of waste water pollutants in the onshore segment of the oil and gas extraction category.

(1) Subpart C—Onshore Subcategory. The waste waters generated in this subcategory are the result of several different sources. These sources are: produced water; drilling muds; drill cuttings; well treatment and produced sands. Produced waters are those waste waters generated when the natural oil-water or gas-water interfaces within the oil-gas bearing formations are disrupted. Drilling muds are those materials used to maintain hydrostatic pressure control in the well, lubricate the drilling bit, remove drill cuttings from the well, or stabilize the walls of the well during drilling or workover. Drill cuttings wastes contain metallic and mineral particles resulting from drilling into subsurface geologic formations. Drill cuttings are brought to the surface of the well with the drilling muds and then separated from the muds. Well treatment wastes result from acidizing and hydraulic fracturing to improve oil recovery. Produced sands wastes consist of the slurried particles used in hydraulic fracturing and of the accumulated formation sands generated during production.

(2) Subpart D—Coastal Subcategory. The waste waters generated in this subcategory are the result of eight separate sources. These sources are: produced water; deck drainage; drilling muds; drill cuttings; well treatment; sanitary; domestic; and produced sands. Produced waters are those waste waters generated when the natural oil-water or gas-water interfaces within the oil-gas bearing formations are disrupted. Deck drainage includes all waste resulting from platform washings, deck washings, and run-off from curbs, gutters, and drains including drip pans and work areas. Drilling muds are those materials used to maintain hydrostatic pressure control in the well, lubricate the drilling bit, remove drill cuttings from the well, or stabilize the walls of the well during drilling or workover. Drill cuttings wastes contain metallic and mineral particles resulting from drilling into subsurface geologic formations. Drill cuttings are brought to the surface of the well with the drilling muds and then separated from the muds. Well treatment wastes result from acidizing and hydraulic fracturing to improve oil recovery. Sanitary wastes include human body wastes discharged from toilets and urinals on board the platforms. Domestic wastes are those wastes discharged from sinks, showers, laundries, and galleys. Produced sands wastes consist of the slurried particles used in hydraulic fracturing and of the accumulated formation sands generated during production.

(3) Subpart E—Beneficial Use Subcategory. The waste water pollutant sources for this subcategory are the same as those outlined for the onshore subcategory.

(4) Subpart F—Stripper Subcategory. The waste water pollutant sources for this subcategory are the same as those outlined for the onshore subcategory.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

The major source of waste waters generated by offshore facilities are produced waters. These produced waters account for 0 to 99 percent of the total volume of fluids produced. This extreme fluctuation of flow volumes of produced waters is dependent on natural phenomena and is not subject to process controls. Consequently, the effluent limitations guidelines for the onshore segment of the oil and gas extraction industry are concentration-based as opposed to a mass per unit production basis.

(1) Treatment in the Onshore Subcategory. For those wastes originating from produced water sources best practicable control technology is no discharge of pollutants. The technology used to achieve this will vary with the type of production and location of the facility. In arid and semi-arid areas evaporation ponds may be best suited. If pressure maintenance in the formation is being carried out by water injection, all or part of the produced water may be used for that purpose. The third alternate will be subsurface disposal, injection to a salt water aquifer. The method of disposal of drilling muds, drill cuttings, well treatment wastes and produced sands is to be land disposal so as not to reach navigable waterways.

(2) Treatment in the Coastal Subcategory. Several technologies have been identified as the best practicable control technology currently available. The determination of which technology is to be applied to meet these interim final limitations is dependent upon the source of the waste water within this subcategory. For those waste waters originating from produced water sources or deck drainage sources, any of the following treatment technologies may be employed to achieve these interim final limitations: gas flotation; parallel plate coalescers; loose or fibrous media filter systems; or gravity separation. The drilling muds and drill cuttings may be discharged if they are water based and their discharge does not result in free oil on the surface waters. Muds and cuttings that are oil based may not be discharged. Well treatment waste waters are typically combined with other waste streams entering the waste water treatment system. This waste may not be discharged without treatment. Sanitary wastes from platforms manned continously by ten or more personel will be required to maintain a residual chlorine concentration as close to 1 mg/l as possible. This is easily achieved by the introduction of either dry or gaseous chlorine in flow dependent amounts. Sanitary wastes from platforms manned by 9 or less persons or from platforms that are intermittently manned must prevent the discharge of floating solids. This may be accomplished by the use of screening devices, shredders or similar devices. Produced sand wastes must be treated by solvent washes or other oil removal processes to prevent the discharge of free oil to surface waters or disposed of onshore.

Oil and gas extraction facilities in this subcategory may have the option of piping their waste waters to onshore treatment facilities. In many cases this method of treating wastes will be preferable to treatment on the facility.

The best available technology economically achievable limitations and the new source performance standards will require no discharge of waste water pollutants to navigable waters for wastes generated by produced waters sources of this subcategory. This will generally require subsurface disposal technologies. In those cases where the produced waters are needed for pressure maintenance the produced waters may be reinjected into the original formation. If the produced waters are either incompatible or are not needed they must be injected into formations other than their place of origin. When deep-well injection is chosen as the method of disposal adequate precautions must be taken to prevent the horizontal or vertical migration of pollutants. Alternative technologies include discharge to lined pits, ponds, or reservoirs for evaporation, and disposal by commercial waste collectors.

(3) Treatment in the Beneficial Use Subcategory. Best practicable control technology, best available technology and new sources performance standards for the disposal of drilling muds, drill cuttings, well treatment wastes, and produced sand for this subcategory is the same as for the onshore subcategory.

Several technologies have been identified as the best practicable control technology currently available: (1) ponds; (2) flotation cells; (3) filters; and (4) combinations of the previous three. Best available technology and new source performance standards are based on the same technology and carry the same limits. Future technological improvements and/or operating experience may require modifications of these limits at a later date.

(4) Treatment in the Stripper Subcategory. The various technologies shown for the above subcategories will all cause severe economic impact for the facilities in this subcategory. This results from the limited future life of these facilities for which to amortize capital costs. Evaluation is continuing into less capital intensive alternates, such as contract hauling.

Solid waste control must be considered. Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

The application of best practicable control technology currently available results in no additional solid waste disposal problems, since current industry practice results in proper disposal of solid wastes.

(v) Cost estimates for control of waste water pollutants.

The costs for providing in-plant controls are largely those associated with capital investment for process and equipment modifications. The capital investment costs for compliance with the 1977 limitations for the subcategories of the oil and gas extraction point source category added by this regulation range from approximately $44.38–$57.78 million. The operating and maintenance costs associated with these capital costs are estimated to vary from $8.05–$10.76 million.

The costs associated with treatment to comply with 1983 limitations will require an estimated $45.38 million of capital investment and an estimated $3.65 million increase in annual operation and maintenance cost.

(vi) Energy requirements and nonwater quality environmental impacts.

Energy requirements for subcategories C, D, E, and F of this industrial category are approximately 52,000 KWH/day. This is approximately equal to 163 barrels of crude oil per day or 0.002% of the total crude oil produced from facilities in these subcategories.

These energy requirements are due primarily to the need for additional power generation equipment in subcategories D (coastal subcategory) and E (beneficial use subcategory). The energy requirements will generally be consumed in the form of diesel fuel.

The application of best practicable control technology will result in a negligible net energy loss. This results from the recovery of approximately 1 barrel of crude oil which would otherwise be discharged for every barrel of diesel oil expended for power generation.

The energy requirements for compliance with best available technology economically achievable are estimated to be approximately 383 barrels of crude oil per day or 118,000 KHW per day.

A minimal impact is expected for solid waste disposal from the facilities in subcategories C, D, E, and F. The collection of oily sand, silt and clays from the addition of desanding units, where appropriate, will generate a possible need for additional land disposal sites. There are no known radioactive substances used in the industry other than as integral components of instruments, such as well-logging instruments. Therefore, no radiation problems are expected. Noise levels will not be increased except in those cases where additional power generating equipment must be added to the facility. The only possible source of air pollution would result from the above mentioned power generation equipment.

(vii) Economic impact analysis.

Economic and Inflationary Impact Analysis

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The Administrator has established criteria for inflationary impact statements and those relevant here require regulatory actions where (1) additional national annualized costs of compliance, including capital charges (interest and depreciation), will total $100 million within any calendar year by the attainment date, if applicable, or within five years of implementation, and (2) total additional cost of production of any major product is more than 5% of the selling price of the product. The criteria regarding cost of production are exceeded because of regulations. Because they are major products, the Agency certifies that the inflationary impact has been considered in formulating these regulations and has prepared an inflationary impact statement contained in the report, "Economic Impact of Interim Final Effluent Guidelines—Onshore Oil and Gas Extraction Industry". Although the inflationary impact has been certified, we estimate that the cost for the coastal segment is actually significantly lower, and further analysis is being conducted.

There are three subparts of the on-shore petroleum and gas extraction point source category covered by these regulations:

(1) On-Shore wells located on land that produce ten or more barrels of oil per day (Onshore)

(2) Platform wells located in coastal waters that fall inside of the Chapman Line (Coastal)

(3) On-Shore wells located on land that use effluent waste water for beneficial use as defined by the individual state laws (Beneficial Use).

Internal costs have been defined as the costs faced by the industry itself in terms of the investment and operating costs of pollution abatement necessary to meet interim final and proposed effluent guidelines. Table I summarizes estimates of these costs. For existing operations, the 1977 standard will require an estimated $44.38–$57.78 million for investment and an estimated $8.05–$10.76 million initial increase in annual operations costs; the 1983 Guidelines are estimated to require an additional $45.38 million of investment and $3.65 million initial increase in annual operating costs.

The annual operating costs per barrel of oil produced are $.08/barrel for beneficial use production and between $.04/barrel and $.07/barrel for on land production. For coastal facilities, the costs average $.03/barrel for BPT and $.06/barrel for BAT.

External costs are assessed in terms of the effect which the increase in internal costs will have on prices, employment, communities, international trade, closures of existing well completions, and production. Prices of oil are regulated, which makes a projection of price increases that might be expected given these increases in investment requirements and operating costs, difficult. Prices for the industry's output are controlled by the U.S. Government.

Tables II and III summarize the estimates of the effect of increased investment requirements and operating costs regarding lost production and abandoned wells. In the states which presently allow discharge only for beneficial use .42% to .71% (90 to 153 wells) of existing well completions could be abandoned. In states with regulations on land wells, it is not expected that any wells will be abandoned but for coastal wells, .06% (84 wells) of existing completions in those states are expected to be abandoned as a result of 1977 guidelines and .85% (300 wells) as a result of 1983 guidelines.

For existing sources in beneficial use states, the loss of potential production is estimated between .38% and .64% (.479 to .814 million barrels per year) for existing sources for onshore platform wells, the potential production loss is .01% for 1977 (.161 million barrels per year) and .16% for 1983 (1.539 million barrels per year). For existing sources of inland wells, there is very little expected loss of potential production, as there are no expected closures.

The following three tables sum up the impact of the interim final regulations. Because of the fact that prices for oil are controlled by the government, the best measure of impact in this case is loss of potential production. This represents a better measure than well closures since many abandoned completions are already near the end of their producing life. No other significant economic effects (i.e., effects on employment, communities, or balance of trade) are anticipated.

TABLE 1.—*Internal costs: Range of likely costs to existing sources assuming producers absorb all costs*

[Millions of 1975 dollars]

	1977		1983	
	Investment	Operating	Investment	Operating
Total	−$44.38 57.78	−$8.066 10.762	$45.38	$3.653
Beneficial use	−12.86 21.86	−2.626 4.464		
Coastal	18.92	1.986	45.38	3.653
Onshore	−17.60 22.00	−2.430 4.312		

NOTE.—Initial increase in before-tax operating costs.

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TABLE 2.—*Loss in annual potential production: Range of likely impact on existing sources assuming producers absorb all costs*

	Percent loss in production	Quantity loss of production (millions of barrels)
Beneficial use	0.38–0.65	0.479–0.814
Coastal:		
1977	.01	.161
1983	.16	1.539
Onshore	0	0

NOTE.—Percent loss in production represents loss from total amount being produced in that subcategory.

TABLE 3.—*Completions abandoned: Range of likely impact on existing sources assuming producers absorb all costs*

	Percent abandoned	Number abandoned
Beneficial use	0.42–0.71	90–153
Coastal:		
1977	.06	84
1983	.25	300
Onshore	0	0

NOTE.—Percent abandoned represents abandonment of wells in that specific subcategory.

APPENDIX C

SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards for the oil and gas extraction category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Exxon Chemical Corporation; (4) Naico Chemical Company; (5) Phillips Petroleum Company; (6) Oil Operators, Inc.; (7) Sun Oil Company; (8) Petrolite Corporation; (9) Envirotech Corporation; (10) Pollution Control Engineering, Inc.; (11) Marathon Oil Company; (12) Mobil Oil Company; (13) Champlain Petroleum Company; (14) Brown & Root, Inc.; (15) Western Oil & Gas Association; (16) American Society of Mechanical Engineers; (17) The Conservation Foundation; (18) Businessmen for the Public Interest; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) American Society for Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; and (24) Kimberly Clark Corporation; (25) Offshore Operators Committee; (26) Exxon Company, U.S.A.; (27) American Petroleum Institute; (28) American Oil Company; (29) Atlantic Richfield Company; (30) Chevron Oil Company; (31) Continental Oil Company; (32) Gulf Oil Company; (33) Noble Drilling Company; (34) Rheem Superior; (35) Shell Oil Company; (36) Texaco, Inc.; (37) United States Filter; (38) Union Filter Company; (39) WEMCO.

The following responded with commenta: Effluent Standards and Water Quality Information Advisory Committee; State of Wyoming; Exxon Chemical Company; North Carolina Department of Natural and Economic Resources State of Wyoming, Game and Fish Dept.; National Wildlife Federation; Commonwealth of Pennsylvania; Colorado Department of Health; Minnesota Pollution Control Agency; Cheyenne High Plains Audubon Society; Powder River Basin Resource Council; State of Wyoming, State Engineers Office; Wyoming Department of Agriculture; Wyoming League of Women Voters; Texas Mid-Continent Oil and Gas Association; American Petroleum Institute; Offshore Operators Committee; Marathon Oil Company; Mid-Continent Oil and Gas Association, Inc. Mississippi—Alabama Division; Atlantic Richfield Company; League of Women Voters, Cheyenne, Wyoming; Getty Oil Company; State of Nevada, Department of Conservation and Natural Resources; Illinois Environmental Protection Agency; Texas Mid-Continent Oil and Gas Association; Wyoming Environmental Institute; State of Michigan, Department of Natural Resources; L.U. Sheep Company; City of Worland, Wyoming; U.S. Dept. of the Interior; U.S. Department of Commerce; and Ohio Oil and Gas Association.

The more significant issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) Many commenters stated that the no discharge requirement for onshore oil and gas production should not be universal and that discharge of low TDS produced waters when used for cattle watering, irrigation, etc. should be excluded.

The discharge to surface waters of treated produced water is being allowed by this regulation, if it can be shown to the satisfaction of the permit issuing agency that this discharge is put to some beneficial use, such as cattle watering, or irrigation in water short areas.

(2) Several commenters argued that the daily and 30 day average limits of 87 and 57 mg/l of oil and grease were too high. It was suggested that the Wyoming standard of 10 mg/l should be used.

The limitations for discharged produced waters have been changed from the draft report. They are based on actual operating data using the freon-gravimetric analysis. The use of non-standard analytical methods (separation of extracted sulfur from the oil) are being used to achieve the 10 mg/l in Wyoming. Once enough data is collected using an EPA approved standard method for the determination of sulfur in freon extracted material, the regulation will be reexamined and new limits set based on that method.

(3) Some commenters suggested that tidally effected inland coastal waters, marshes, and wetlands should be considered offshore discharges and therefore be allowed to discharge.

The new coastal subcategory now covers the dischargers located in inland coastal waterways. This subcategory covers the areas of existing discharges into tidally effected areas, and these discharges will be allowed to continue. Within the area covered by this subcategory, there will be casea where, because of water quality consideration, no discharge will be allowed. It is important that each discharge in this subcategory be scrutinized carefully for potential environmental impact prior to issuance of the individual permits.

(4) Two commenters assumed that no discharge of pollutants meant the disposal of produced water to the producing horizon only.

Where no discharge of pollutants is required, it means no discharge to surface waters. The means of disposal (i.e. return of the producing horizon, disposal to another horizon, evaporation, etc.) is within the discretion of the individual discharger. Whatever means are chosen, must however meet any other applicable regulations, such as required under the Safe Water Drinking Act.

(5) Several commenters questioned the validity of the costs that EPA prepared to determine the impact of these regulations.

The relatively poor quality of the cost estimates for onshore compliance that appeared in the draft report was recognized by EPA. As a result, the past several months have been spent preparing a totally new set of costs and production profiles. These are now based on actual cost figures and were prepared on a region by region basis.

(6) A commenter stated that the cost of subsurface disposal will cause abandonment of low volume producers.

The cost of this regulation and the potential impact was carefully considered. This consideration was one of the criteria behind the final subcategorization. The limitations for the Stripper Subcategory have been temporarily reserved pending further investigation of alternates to single site disposal, which would result in a large percent of closings. The alternate under consideration is the pooling of wastes from multiple facilities. This might be accomplished through cooperative ventures or contract hauling to central disposal sites. The Agency requests comments and any available information on these alternates.

(7) Some commenters supplied information about the problems of taste and odor caused by produced water discharges, even when these wastes were low in TDS and were considered beneficial use discharges.

In order to qualify for the beneficial use subcategory it will be necessary that the discharge is in fact needed for cattle watering, irrigation, etc. Even if beneficial use can be shown, the discharge is still subject to further regulation resulting from the violation of applicable water quality standards.

(8) One commenter asked that consideration be given to setting limits for additional parameters such as BOD.

In those subcategories where discharge of pollutants will be allowed the only parameter limit on produced water discharges will be oil and grease (freon extractable). One reason for this is that there is no known treatment technology available for removal of parameters such as BOD that are less costly than subsurface disposal. Therefore, if it is necessary to limit other parameters for water quality purposes no discharge of pollutants is the only viable alternate.

[FR Doc.76-29883 Filed 10-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 435]

[FRL 629-3]

ONSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On September 15, 1975, EPA promulgated a regulation adding Part 435 to Chapter 40 of the Code of Federal Regulations (40 FR 42578). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the offshore segment of the oil and gas extraction point source category. The regulation proposed below will amend 40 CFR Part 435 oil and gas extraction point source category by adding thereto the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) pursuant to §§ 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). A description and discussion of this legal authority is contained in Appendix A to this preamble.

A substantial summary of the method of study, the several factors considered in subcategorization and the conclusions reached are set forth in the preamble to the interim final regulation amendments for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category which are being promulgated simultaneously with publication of this proposed regulation. The information being promulgated simultaneously with this proposed regulation is incorporated herein by reference.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and will be available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C., at all EPA regional offices, and at State water pollution control offices in the very near future. A notice of its availability will be published in the FEDERAL REGISTER. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation will also be available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 1-5653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Industry Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) The pollutants presently discharged into the Nation's waterways by facilities in the oil and gas extraction point source category and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X, and XI);

(2) the anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particular Section VIII); and

(3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, OIL AND GAS EXTRACTION INDUSTRY" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which onshore plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggrgate exceed 200 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of the comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

A full listing of participants and discussion of comments and responses is included in the interim final regulation amendments for the oil and gas extraction point source category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an

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effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

At the date of preparation of this notice the "Development Document" is not yet printed. When it becomes available a notice of its availability will be published in the FEDERAL REGISTER. All comments received within sixty days of publication of that notice of availability or this notice whichever is later will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: September 29, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 435 is amended by adding the following sections:

Sec.

Subpart C—Onshore Subcategory

435.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
435.34 [Reserved]
435.35 Standards of performance for new sources.
435.36 Pretreatment standards for new sources.

Subpart D—Coastal Subcategory

435.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
435.44 [Reserved]
435.45 Standards of performance for new sources.
435.46 Pretreatment standards for new sources.

Subpart E—Beneficial Use Subcategory

435.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
435.54 [Reserved]
435.55 Standards of performance for new sources.
435.56 Pretreatment standards for new sources.

Subpart F—Stripper Subcategory

435.63 [Reserved]
435.64 [Reserved]
435.65 [Reserved]
435.66 Pretreatment standards for new sources.

AUTHORITY: Sections 301, 304 (b) and (c), 306(b) and 307(c), Federal Water Pollution Control Act, As Amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq., Pub. L. 92-500.

Subpart C—Onshore Subcategory

§ 435.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

§ 435.34 [Reserved]

§ 435.35 Standards of performance for new sources.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

§ 435.36 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the onshore subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart D—Coastal Subcategory

§ 435.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations

[In milligrams per liter]

Pollutant parameter—waste source	Oil and grease: Maximum for any 1 day	Oil and grease: Average of daily values for 30 consecutive days shall not exceed—	Residual chlorine—minimum for any 1 day
Deck drainage	72	48	
Drilling muds	(1)	(1)	
Drill cuttings	(1)	(1)	
Well treatment	(1)	(1)	
Sanitary-M10			[3]
M91M [2]			
Domestic [2] produced sand	(1)	(1)	
Produced water	No discharge of waste water pollutants to navigable waters.[4]		

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.
[4] In the event that a permit under sec. 1421(b)(2) of the Safe Drinking Water Act is refused and there is no other reasonable means of disposal available that would comply with the BATEA standard for State waters, then the BATEA standard for Federal waters shall apply.

§ 435.44 [Reserved]

§ 435.45 Standard of performance for new sources.

(a) The following limitations establish the quantity or quality of pollutants or pollutants properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations

[In milligrams per liter]

Pollutant parameter—waste source	Oil and grease: Maximum for any 1 day	Oil and grease: Average of daily values for 30 consecutive days shall not exceed—	Residual chlorine—minimum for any 1 day
Deck drainage	72	48	
Drilling muds	(1)	(1)	
Drill cuttings	(1)	(1)	
Well treatment	(1)	(1)	
Sanitary-M10			(3)
M91M [2]			
Domestic [2] produced sand	(1)	(1)	
Produced water	No discharge of waste water pollutants to navigable waters.[4]		

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.
[4] In the event that a permit under sec. 1421(b)(2) of the Safe Drinking Water Act is refused and there is no other reasonable means of disposal available that would comply with the BATEA standard for State waters, then BATEA standard for Federal waters shall apply.

§ 435.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the coastal subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source susbject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart E—Beneficial Use Subcategory

§ 435.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

(2) Produced Water discharges shall not exceed the following limitation:

Effluent characteristic:	*Effluent limitation*
Oil and grease	45 mg/l.[1]

[1] Maximum for any 1 day.

§ 435.54 [Reserved]

§ 435.55 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

(2) Produced water discharges shall not exceed the following limitation:

Effluent characteristic:	*Effluent limitation*
Oil and grease	45 mg/l [1]

[1] Maximum for any 1 day.

(b) The discharger must show beneficial use of the produced water being discharged to qualify for this subpart.

(b) The discharger must show beneficial use of the produced water being discharged to quality for this subpart.

§ 435.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the beneficial use subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD 5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart F—Stripper Subcategory

§ 435.63 [Reserved]
§ 435.64 [Reserved]
§ 435.65 [Reserved]

§ 435.66 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the stripper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD 5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

APPENDIX A

LEGAL AUTHORITY

(1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other

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than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonably further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(B) of the Act. On September 15, 1975 a notice appeared in the FEDERAL REGISTER titled "Addition to the List of Categories of Sources" (40 FR 42596). This notice added the oil and gas extraction point source category to those categories listed in 306(b)(1)(A) of the Act. The regulation proposed herein sets forth the standards of performance applicable to new sources for the onshore Subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E) and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

(3) Pretreatment for existing sources and for new souces.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. However, due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.133 requiring the Agency to propose pretreatment standards concerning the application of effluent limitations to pretreatment at the time such effluent limitations are promulgated. The Agency may establish pretreatment standards for existing sources within the oil and gas extraction point source category at a future date.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 435.36, 435.46, 435.56 and 435.66, proposed below, provide pretreatment standards for new sources within the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

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federal register

WEDNESDAY, OCTOBER 13, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

COMMON CARRIERS BY RAILROAD

Regulations Governing Proposed Transactions Submitted to Secretary of Transportation

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 268]

[FRA Economic Doc. 5; Notice 1]

COMMON CARRIERS BY RAILROAD

Regulations Governing Proposed Transactions Submitted to Secretary of Transportation

Section 403 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210 ("the RRRRA") added a new paragraph (3) to section 5 of the Interstate Commerce Act, 49 U.S.C. 5 ("the Act"). New sections 5(3)(a) and (f) of the Act authorize common carriers by railroad in the period prior to December 31, 1981, to submit to the Secretary of Transportation ("the Secretary") for his evalutaion, railroad merger and consolidation (hereinafter collectively referred to as "consolidation") proposals. The Secretary has delegated his powers and duties under this section of the RRRRA to the Administrator of the Federal Railroad Administration ("the Administrator").

The Administrator is considering the adoption of regulations governing the procedures to be used by railroads in submitting consolidation proposals to the Administrator under section 5(3)(f) of the Act.

PROVISION OF SECTION 5(3)

Section 5(3)(f) of the Act requires the Administrator, in connection with any consolidation proposal submitted to the FRA under section 5(3), to publish in the FEDERAL REGISTER a notice summarizing the proposed transaction, to conduct an informal public hearing on the proposal and to study the proposal with respect to the following nine factors:

(A) The needs of rail transportation in the geographical area affected;
(B) The effect of such proposed transaction on the retention and promotion of competition in the provision of rail and other transportation services in the geographical area affected;
(C) The environmental impact of such proposed transaction and of alternative choices of action;
(D) The effect of such proposed transaction on employment;
(E) The cost of rehabilitation and modernization of track, equipment, and other facilities, with a comparison of the potential savings or losses from other possible choices of action;
(F) The rationalization of the rail system;
(G) The impact of such proposed transaction on shippers, consumers, and railroad employees;
(H) The effect of such proposed transaction on the communities in the geographical areas affected and on the geographical areas contiguous to such areas; and
(I) Whether such proposed transaction will improve rail service * * *. Section 5(3)(f)(iv).

Six months after submitting a consolidation proposal to the Administrator for evaluation under section 5(3)(f), the railroads may transmit the proposal to the Interstate Commerce Commission ("Commission") for approval (Section 5(3)(b)(ii)). Section 5(3)(b)(i) provides that the Administrator also may, with the consent of the parties to the transaction, propose the transaction to the Commission. Within 10 days after an application is submitted to the Commission pursuant to section 5(3) the Administrator is required to submit a report to the Commission setting forth the results of his study under section 5(3)(f)(iv), and the Commission is directed to give "due weight and consideration" to the report in determining whether the transaction is "in the public interest". Sections 5(3)(f) and (g).

In order for the Administrator to carry out his responsibilities under section 5(3)(f) of the Act within the statutory time frame, it is essential that proposals which are submitted to the Administrator be complete and that they address each of the nine concerns specified in section 5(3)(f)(iv) of the Act. It is for this reason that the Administrator proposes to issue regulations governing the content and format carriers should follow in preparing consolidation proposals to be submitted to the Administrator.

COORDINATING DOT'S SECTION 5(3) REGULATIONS WITH THE INTERSTATE COMMERCE COMMISSION'S PROPOSED CONSOLIDATION REGULATIONS

On May 23, 1976 the Commission instituted, by a Notice of Proposed Rulemaking and Order ("NPRO"), a proceeding to revise its current consolidation regulations to implement sections 402 and 403 of the RRRRA ("Railroad Consolidation Procedures", Ex Parte No. 282 (Sub–No. 1), 41 Fed. Reg. 21481 et seq.).

The Department of Transportation ("DOT") is aware that publication of its own set of regulations under section 5(3) of the Act might impose an additional and possibly unnecessary burden on the rail industry if its regulations differ in material respects from the regulations ultimately adopted by the Commission. Such a burden should and can be avoided if the Commission and DOT work together to develop regulations which are as nearly uniform as possible but which allow each agency to carry out its respective functions. With this in mind, DOT submitted comments in the Ex Parte No. 282 (Sub-No. 1) proceeding to suggest ways in which the Commission's NPRO could be restructured to meet better the needs of both the Commission and DOT. To facilitate further the development of uniform consolidation regulations DOT has, in developing its own regulations, attempted to incorporate the substantive provisions of the Commission's NPRO with the exception of those portions of the NPRO with which we took issue in our written comments.

The Department's comments in Ex Parte No. 282 (Sub-No. 1) expressed certain concerns with the organization of and information requested by the NPRO.

A. CLASSIFICATION, FOR PURPOSES OF DATA FILING REQUIREMENTS, OF RAIL CONSOLIDATION APPLICATIONS

Our first concern with the NPRO was the way in which it divided consolidation transactions into categories of greater or lesser significance for purposes of data filing requirements. The NPRO would require the most significant and "controversial" applications to be accompanied by the fullest presentation of information. We agree with this concept. We disagree, however, with the way in which the Commission would define the most significant proposed transactions. The Commission suggested that the "most significant" category should include (1) all applications filed under section 5(3) of the Act, (2) applications involving at least one class I railroad, and (3) applications involving trackage rights or joint use of rail lines which involve 100 or more miles. Applications involving trackage rights or joint use of facilities are hereinafter collectively referred to as "joint use applications".

DOT, on the other hand, does not assume that all section 5(3) applications will be significant or controversial or that every application involving a class I and a class II railroad will require the submission of all the information needed when two or more class I railroads are involved. With this in mind, DOT believes that the proper categorization of applications, for the purpose of data filing requirements, should be as follows:

(1) Applications involving two of more class I railroads;
(2) Applications involving either one class I and one or more Class II railroads, or two or more class II railroads; and
(3) Applicants involving trackage rights or joint use of rail facilities (regardless of the class of the railroad involved).

Submission of the highest level of detail should be required for a transaction falling into the first category and correspondingly less detail for transactions falling into the second and third categories.

There are several reasons for distinguishing between applications involving only class I railroads and those in which a class II railroad is involved. First, class II railroads, by definition, are small carriers usually serving shippers over a very limited geographical area and dependent on one or several railroads with whom they interchange to complete traffic movements. A consolidation of two class II railroads, or of a class I and class II railroad, could have an effect on competition if such a consolidation resulted in a change in the pattern of traffic interchange. Normally however, because of the localized nature of class II carriers, the information required to evaluate the effect of the proposed transaction on such interchanges need not to be as extensive as in the case of a proposed consolidation of two class I railroads.

Second, a class I railroad is less likely to be financially burdened by assuming the outstanding obligations of a railroad of class II size. Third, consolidation of two class II carriers poses financial questions which are easier to evaluate than those involved in the case of consolidations of larger companies merely because of the simpler corporate structure of such small firms. Less complete financial information would thus in many cases, be adequate to evaluate such proposed consolidations.

Finally, if a simplified consolidation procedure is not developed to handle applications falling within category two, consolidations involving small railroads could be precluded simply because of the large cost of filing the necessary material to support such a proposal. This disincentive could result in deterioration of service which could be avoided if an abbreviated filing procedure were available.

The reason for distinguishing joint use applications from other categories of consolidation applications is that joint use agreements generally result in the maintenance of or increase in competition. Hence there are fewer anticompetitive implications than in other consolidation transactions. Similarly, the financial considerations associated with joint use applications are far simpler than in the case of other consolidations since the only financial questions revolve around who pays how much for the use of the lines or facilities involved.

B. EFFECTS OF INTERMODAL COMPETITION

DOT's second concern with the Commission's NPRO is that it placed too much emphasis on the effects of proposed consolidations on intramodal rail competition and failed to consider sufficiently the effects on intermodal competition. Given the overall decline in the rail share of most transportation markets and the strong competition which railroads face from other modes, the preservation of intramodal rail competition has lost the controlling significance it once had. The extensive present and potential future intermodal competition faced by the railroads was recognized by Congress in enacting the RRRRA.[1]

Given the increasing significance of intermodal competition, DOT believes that applicants should be required to assess, to the best of their ability, the extent of intermodal, as well as intramodal, competition which they face both before and after the proposed consolidation.

C. THE USEFULNESS OF REPORTS PREPARED PURSUANT TO SECTIONS 503, 504 AND 901 OF THE RRRRA

DOT's third major concern with the NPRO was that it failed to require applicants to cross-reference and analyze the reports required and now being prepared in accordance with RRRRA sections 503 (classification and designation of the rail transportation system), 504 (analysis of the rail industry's facilities rehabilitation and improvement needs) and 901 (comprehensive study of the rail system) as such reports relate to the applications under consideration.

Section 101(a) of the RRRRA provides that one of the means by which the revitalization of the rail industry is to be accomplished is through "necessary studies", such as those mandated by sections 503, 504 and 901. This Congressional concern with studies of the rail system also influenced the provisions of Title IV of the RRRRA (dealing with mergers and consolidations). As the Senate Report emphasized, a major deficiency in existing consolidation procedures which the Congress was concerned with remedying was the lack of any overall planning process in connection with the consideration of particular proposals (Senate Report at 17–18).

DOT believes that the reports prepared under sections 503, 504 and 901, together with studies prepared pursuant to sections 401 and 403 of the RRRRA, can and should be used to provide not only DOT, but the Commission as well, with a national railroad transportation policy foundation upon which decisions on particular consolidation proposals can be based. For this reason all applicants shall be required to analyze their proposals in the context of the findings or facts contained in the reports prepared under sections 503, 504, and 901.

D. DIFFERENT STANDARDS FOR REVIEW UNDER SECTIONS 5 (2) AND (3) OF THE ACT

DOT is concerned that the Commission's NPRO failed to develop a public interest standard of review which recognized the differences between proceedings conducted pursuant to sections 5 (2) and (3) of the Act. Section 5(2)(c) of the Act specifies four factors (although the Commission can consider others) which must be considered in determining whether a consolidation proposal is consistent with the public interest. Section 5(3)(f)(iv) lists nine concerns which have a bearing on whether such a proposal is in the public interest. The NPRO placed primary emphasis on the considerations listed in section 5(2)(c) and failed to consider certain of the factors listed in section 5(3)(f)(iv). DOT believes that the public interest test for use in proceedings under both sections 5 (2) and (3) should incorporate the considerations listed in both sections 5(2)(c) and 5(3)(f)(iv). The only difference in the test for sections 5 (2) and (3) proceedings would be the recognition that unlike section 5(2) proceedings, the Commission is to review each application submitted pursuant to section 5(3) on its own merits without concerning itself with inconsistent applications or petitions for inclusion.[2]

E. NEED FOR A NARRATIVE DISCUSSION AND FOR REARRANGEMENT OF THE PROPOSED EXHIBITS

Finally, DOT believes the Commission's NPRO sections dealing with the information request of the applicants should be reorganized. Given the strict statutory time frames for interested persons to submit comments, conflicting applications and petitions for inclusion (in the case of section 5(2) proceedings) as well as for completion of the evidentiary proceedings and rendering of the Commission's decisions, it is important that applications be not only thorough in their presentation of relevant data but that they also be easily understandable. DOT believes that a narrative presentation supplemented by attached exhibits would allow interested parties to comprehend and respond more quickly to proposed consolidation transactions than does the format contained in the NPRO.

PURPOSE OF PROPOSED SECTION 5(3) REGULATIONS

The remainder of this notice contains the procedures which we propose for the submission of consolidation proposals to the Administrator under section 5(3). The procedures address the issues discussed above as well as the format and content of future proposals.

As previously noted, once a consolidation proposal has been evaluated by the Administrator it must be submitted to and approved by the Commission before it can be consummated. Given this, DOT has attempted to pattern the substantive contents of its proposed regulations after the proposed regulations issued by the Commission in Ex Parte No. 282 (Sub-No. 1). Whenever the provisions of DOT's regulations differ in substance from those of the Commission the changes are so indicated and a brief explanation provided. Due to the great similarity between the two sets of proposed regulations, we do not feel that there will be any inflationary impact resulting from DOT's regulations and, therefore, no inflationary impact statement has been prepared. We urge the Commission, in drafting its final consolidation regulations, to evaluate the areas in which the two sets of proposed regulations differ and resolve the conflict wherever possible. DOT, in turn, in developing our final consolidation regulations, will continue to consider the Commission's final regulations.

DOT recognizes that for some applicants and for some consolidation proposals, the proposed regulations may require information or depth of detail that may prove to be impossible to provide or unnecessary. For this reason, provision is made for a waiver or modification of the requirements of the proposed regulations.

We encourage public participation in the development of these regulations. Any interested person or organization may participate by submitting written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received on or before November 12, 1976, will be considered by the Federal Railroad Administration before taking final action on the proposed regulations. All comments received will be available for examination at any time during regular

[1] S. Rep. No. 94–499, 94th Cong., 1st Sess. 2–4, and 11 (1975) (hereinafter referred to as the "Senate Report"), H.R. Rep. No. 94–725, 94th Cong., 1st Sess. 138 (1975).

[2] Report of the Committee on Conference on S. 2718, S. Rep. No. 94–595, 94th Cong., 2nd Sess. 175 (1976).

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working hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. The proposals contained in this notice may be changed in light of the comments received and in light of the final regulations issued by the Commission in Ex Parte No. 282 (Sub-No. 1).

In consideration of the foregoing, it is proposed to amend Chapter II of Title 49 of the Code of Federal Regulations by adding a new Part 268 as follows:

PART 268—REGULATIONS GOVERNING FORMAT AND CONTENT OF MERGER AND CONSOLIDATION PROPOSALS SUBMITTED TO THE FEDERAL RAILROAD ADMINISTRATOR FOR EVALUATION UNDER SECTION 5(3)(f) OF THE INTERSTATE COMMERCE ACT

Sec.
268.1 Applicability.
268.3 Definitions.
268.5 Eligibility.
268.7 Form and content of application.
268.9 Application procedure.
268.11 Access to information.
268.13 Waivers and modifications.

AUTHORITY: Sec. 5(3), Interstate Commerce Act, 49 U.S.C. 5(3)(f); the Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(u).

§ 268.1 Applicability.

This part prescribes the guidelines and procedures governing merger and consolidation proposals submitted to the Federal Railroad Administrator for evaluation pursuant to section 5(3)(f) of the Interstate Commerce Act.

§ 268.3 Definitions.

As used in this part:

(a) "Act" means the Interstate Commerce Act, 49 U.S.C. 1 et seq.

(b) "Administrator" means the Federal Railroad Administrator, or the designee of the Administrator.

(c) "Applicant" means any railroad or railroads submitting a merger or consolidation proposal for evaluation pursuant to this part.

(d) "Category 1 applications" means, for purposes of data filing requirements, applications involving two or more class I railroads.

(e) "Category 2 applications" means, for purposes of data filing requirements, applications involving either one class I and one or more class II railroads, or two or more class II railroads.

(f) "Category 3 applications" means, for purposes of data filing requirements, applications involving trackage rights or the use of rail facilities (regardless of the class of railroads involved).

(g) "Commission" means the Interstate Commerce Commission.

(h) "Consolidation" means all transactions subject to section 5 of the Act, including control, merger, leases, acquisitions, coordination projects and trackage rights transactions.

(i) "Control" shall bear the same meaning as the definition of that term in section 1(3)(b) of Part I of the Act.

(j) "Form R–1" and "Form R–2" refer to the Commission's Uniform System of Accounts for class I and class II railroads, respectively, in use as of October 1976. However, the information required in this part requires use of whatever Uniform System of Accounts for Railroads is in effect on the date of filing the application.

(k) "Including" means including but not limited to.

(l) "Railroad" means a common carrier by railroad as defined in section 1(3) of Part I of the Act.

(m) "RRRRA" means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94R210.

(n) "Transferee" means any or all of the following persons as the context requires: The acquiring corporation (in a control proceeding), the surviving corporation (in a merger proceeding), the resulting corporation (in a consolidation), the lessee (in a lease), or the purchaser (in an acquisition).

(o) "Transferor" means any or all of the following persons as the context requires: The corporation being acquired (in a control proceeding), the merging corporation (in a merger proceeding), all corporations to be consolidated (in a consolidation), the lessor (in a lease), or the seller (in a purchase).

§ 268.5 Eligibility.

Any railroad may, in the period prior to December 31, 1981, submit to the Administrator a consolidation proposal for evaluation pursuant to this part.

§ 268.7 Form and content of consolidation proposals.

(a) Each application shall contain two volumes: Volume I containing a narrative discussion of the proposed transaction by chapters and volume II containing the supporting exhibits in corresponding chapters.

(b) Each application, unless otherwise indicated, shall include, in the order indicated and identified by applicable volume and chapter number, and by reference to the section number and letters used in this part, the following information:

(1) A front cover to volume I listing—

(i) The full and correct name of the applicant;

(ii) The nature of the transaction (e.g., merger, cotrol, coordination project, trackage rights, etc.); and

(iii) If a consolidation or merger is proposed, the name of the resulting company.

(2) An inside front cover to volume I listing—

(i) The business address of the applicant (street and number, city, county, state and zip code);

(ii) The name, title, business address and telephone number of the officer or offices to whom correspondence with respect to the application should be addressed; and

(iii) The name, business address and phone number of the applicant's attorney.

(3) In Chapter I of Volume I and, if needed, in Volume II, a summary describing the applicant, including the following information:

(i) Identification of applicant, showing—

(A) Whether applicant is an individual, firm, partnership, corporation, company, association, joint stock company, trustee, receiver, assignee, or other personal representative, and trade name or style, if any, under which applicant is doing business;

(B) Whether applicant is a carrier subject to Part I of the Act; and

(C) Whether applicant or any subsidiary is affiliated with a motor or water carrier subject to the Act; also the following information with respect to rail, motor or water operations, where applicable: The date of the certificate, permit, or temporary authority; and the number of the Commission's docket assigned to the application upon which such certificate, permit, or temporary authority was issued or granted; or if application to engage in interstate or foreign commerce has been made but is still pending, the date of the application and the docket number.

(ii) If applicant is a corporation—

(A) Date and place of incorporation and;

(B) Name and business address of all directors;

(C) Name, title and business address of all officers; and

(D) Name and business address of the 10 principal stockholders as of last record date and their respective holdings.

(iii) If applicant is a partnership—

(A) Date and place of partnership formation; and

(B) Name and business address of all present partners, including limited or silent partners and their respective interests.

(iv) If applicant is an association or form of organization other than a corporation—

(A) Date and place of organization;

(B) Full description of the nature and objectives of the organization;

(C) Name, title and business address of officers and directors or trustees;

(D) Name and business address of applicant's 10 principal stockholders or owners.

(v) With respect to paragraph (b)(3)(ii) through (iii) of this section, if applicant is incorporated or organized under the laws of, or authorized to operate in, more than one State, Territory, or Federal District, give all pertinent facts as to such incorporation, organization, or authorization;

(vi) If applicant is a trustee, receiver, assignee, or personal representative of the real party in interest—

(A) The name and address of the court, if any, under the direction of which applicant is acting;

(B) Nature of the proceedings, if any, in which applicant was appointed;

(C) With respect to the real party in interest, the information required under paragraphs (b)(3)(ii), (iii) or (iv) of this section, whichever is applicable.

(vii) If paragraphs (b)(3)(ii), (iii), (iv) and (v) of this section are not applicable, indicate identity, structure, statutory or charter powers;

(viii) If applicant is not a carrier, the type of business in which it is engaged, the length of time so engaged, and particulars of its present activities which are or may be related to transportation subject to the Act;

(ix) Whether applicant is controlled by any other corporation or corporations, and, if so, the name(s) of the controlling corporation(s), the form of control, whether sole or joint, direct or indirect, and its extent;

(x) The measure of control or ownership, if any, now exercised by applicant over any other carrier subject to the Act, or over the properties of such carrier;

(xi) If applicant, or the real party in interest, is part of a system or group of corporations or other persons, the relationship of the applicant, or of the real party in interest, to the members of such system or group, including the form and extent of such relationship, direct or indirect;

(xii) Whether there are any intercorporate relationships, not disclosed in responses to prior instructions, through holding companies, ownership of securities, or otherwise, direct or indirect, between applicant and any carrier or person affiliated with applicant and any carrier or person affiliated with any carrier, at the time of making the application; if so, the nature and extent of such relationship; and, if applicant owns securities of a carrier corporation or corporations subject to the Act, the name of the corporation, a description of securities, the par value of each class of securities held, and the percentage of total ownership;

(xiii) Whether applicant or any of its affiliates has officers or directors in common with any other applicant or its affiliates; and, if so, a reference to the Commission's order or orders, if any, authorizing the holding of such positions in common, with the names of such officers or directors and the position held in each corporation;

(xiv) In Exhibit A, one or more of the following documents as may be appropriate:

(A) One copy each of the charter or articles of incorporation, and the bylaws and amendment thereof, of each applicant, duly certified by the appropriate officer;

(B) A properly authenticated copy of the articles of partnership, if any, of each partnership which is a party to the transaction;

(C) A properly authenticated copy of the articles of association, trust agreement, or other similar document of each association or other form of organization, except a corporation, which is a party to the transaction;

(D) A properly authenticated copy of the order of the court or instrument appointing each trustee, receiver assignee, or personal representative which is a party to the transaction; and

(E) If paragraph (b)(3)(xiv) (A), (B), (C) and (D) of this section are not applicable, submit appropriate organizational or authorizing document or indicate why none is available or necessary.

(xv) In Exhibit B a copy of all resolutions of directors of the applicant authenticated by a proper executive officer authorizing the proposed transaction and, where applicable, the submission of the application to the Administrator for evaluation pursuant to section 5(3) of the Act; and, if the charter or bylaws of the applicant require approval of the stockholders, a copy of the resolution of stockholders authorizing the proposed transaction and application if the resolution has been adopted at the time of filing of the application and, if not, it shall be submitted as soon thereafter as feasible;[2] all such resolutions to be accompanied by sufficient transcripts of the minutes of meetings of the stockholders or directors of the applicant to show the number of shares entitled to vote, the number of shares voted for and against the resolutions, and the number of shares/votes required to adopt the resolutions;

(xvi) In Exhibit C, a copy of all resolutions of stockholders or directors of the applicant, or duly authorized committee thereof, authenticated by a proper executive officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed and verified; and filed on behalf of the applicant;

(xvii) In Exhibit D, if applicant is an organization other than a corporation, documentary evidence showing authorization and designation of the individual or individuals signing, verifying and filing on behalf of the applicant;

(xviii) In Exhibit E, if a trustee, receiver, assignee, or personal representative of the real party in interest is an applicant, a certified copy of the order, if any, of the court having jurisdiction, authorizing the contemplated action;

(xix) In Exhibit F, opinion of counsel of applicant that the transaction described in the application meets the requirements of the law and these regulations and will be legally authorized and valid if approved by the Commission, with specific reference to any specially pertinent provisions of applicant's charter or articles of incorporation; and

(xx) In Exhibit G, a general or key map indicating clearly, in separate color, or otherwise on a suitable scale not smaller than 20 miles to the inch, the line or lines of each applicant, parts of the line or lines of each applicant in their true relation to each other, short-line connections, other rail lines in the territory and the principal geographic points of the region transversed. There shall also be furnished three copies of the map, unbound, for the use of the Administrator;

[2] The NPRO requires that a copy of the resolution of the stockholders authorizing the proposed transaction and the filing of an application accompany the application. This requirement was not adopted since obtaining of stockholders approval is often delayed to coincide with regular annual meetings of stockholders.

(xxi) The State or States in which any part of the property of the applicant involved is situated.

(4) In Chapter 2 of Volume I and, if needed, Volume II, a summary describing the proposed transaction, the new situation which would result if the transaction is consummated, the environmental impact of the proposed transaction, and the public interest factors involved, including the following information:

(i) The nature of the transaction;

(ii) A brief description of the line (or lines) of railroad involved in the transaction, the principal points of interchange, including city or county and State location, termini and approximate distance in miles;

(iii) A brief geographical description (including as applicable, route descriptions) of (A) operations sought to be performed and (B) other operations presently performed;

(iv) Briefly, the terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which the parties propose to consummate the transaction and the consideration, in money or otherwise, to be paid by the applicant;

(v) Information and data with respect to the environmental impact of the proposed transaction and of alternative choices of action prepared in accordance with the regulations in Part 1108 of this title of the Code of Federal Regulations; and

(vi) Facts and circumstances relied upon to show that the proposed transaction is within the scope of section 5(3) of the Act, will be consistent with the public interest and will otherwise be within the requirements of section 5, particularly:[4]

(A) To explain and support adequately the financial consideration involved in the proposed transaction, including an explanation of economies, if any, to be effected in operations, and increases, if any, in traffic, revenues, earnings available for fixed charges, and net earnings before Federal taxes, expected to result from the consummation of the proposed transaction;

(B) To establish that the increase, if any, of total fixed charges resulting from the proposed transaction would not be excessive in relation to earnings;

(C) To establish that any guaranty or assumption of payment of dividends or fixed charges contemplated in the transaction is not inconsistent with the public interest;

(D) To establish that the transaction will be consistent with the needs of rail transportation in the geographical area affected;

(E) To show the effect of such proposed transaction on the retention and promotion of competition in the provision of rail and other transportation

[4] Requirements (A) through (K) are not contained in the NPRO but are concerns which section 5(3)(f)(iv) of the Act requires be considered by the Administrator in evaluating consolidation proposals.

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services in the geographical area affected;

(F) To show the effect of such proposed transaction on employment in the geographical areas affected by the transaction;

(G) To show the cost of rehabilitation and modernization of track, equipment, and other facilities associated with the proposed transaction with a comparison of the potential savings or losses from other possible choices of action;

(H) To show the effect of the proposed transaction on the achievement of a more efficient or adequate rail system;

(I) To show the effect of the proposed transaction on shippers, consumers, and railroad employees;

(J) To show the effect of the proposed transaction on the communities in the geographical areas affected and on the geographical areas contiguous to such areas; and

(K) To show whether the proposed transaction will improve rail services. (In the event full responses to the items listed above are contained elsewhere in the application, the required responses to these items should be brief and an appropriate reference to the portion of the application where the response is fully discussed should be made.)

(5) In Chapter 3 of Volumes I and II, a discussion of the economic background of the applicant's territory [6] and of the economic effects of the proposed transaction including (the provisions of subdivision (i) of this subparagraph are optional in the cases of applications falling in categories 2 and 3) [7] the following information:

(i) A summary (with supporting exhibits in Volume II) of historical economic growth (or stagnation or decline) and the level of economic activity, in the most recent 25 years [7] in the applicant's territory by—

(A) Type of output, such as manufacturing, extractive, agricultural and wholesale and retail trade; and

(B) Levels of employment and earnings.

(ii) A summary analysis (with supporting exhibits in Volume II) of the impact of the proposed consolidation on economic growth (or stagnation or decline) and levels of economic activity in the applicant's territory, including the following information:

(A) The applicant's best estimate (including the basis therefor) of the effect of the transaction on employment (other than railroad employment) in the communities affected by the transaction, including the number of jobs and amounts of wages (including multiplier effects) to be lost;[8]

(B) The applicant's best estimate (including the basis therefor) of the impact of the proposed transaction on shippers and consumers, including a listing of shippers and receivers who would lose service, gain improved service, or have alternative transportation available;[8] and

(C) The applicant's best estimate (including the basis therefor) of any other economic effects of the proposed transaction on the communities in geographical areas contiguous to the affected area.[8]

(iii) An explanation of the methods, procedures and data used in preparing the analyses specified in subdivisions (i) and (ii) of this subparagraph.

(iv) In preparing the analyses specified in subdivisions (i) and (ii) of this subparagraph, the applicant—

(A) May but is not required to present standard economic and demographic historical series on population, employment, income, and other trends reasonably related to section 5(3)(f)(iv) of the Act and projections to present the probable directions of such series both with and without the proposed transaction. (Applicants and others are referred to a publication entitled Statistical Services of the United States Government, put out by the U.S. Office of Management and Budget and which is available from the Superintendent of Documents, Washington, D.C. 20402 (stock number 041-001-00100-0; price $3.40, as of October of 1976).); or

(B) May but is not required to present macroeconomic analyses such as those prepared by the method generally referred to as "input-output analysis", with projections of probable future directions both with and without the proposed transaction; or

(C) May present analyses prepared by any other method developed by applicant, with projections of the probable future directions with and without the proposed transaction.

(v) Submissions which compare the economy and demography of the applicant's territory with the national economy and demography shall take into account the fact that the territorial data are included in the national data and furnish national data adjusted to exclude the territorial data. (This requirement also applies to Chapter 4.)

(6) In Chapter 4 of Volumes I and II, a discussion and analysis of transportation demand and of competition among the various modes including (the provisions subdivisions (i) through (v) of this subparagraph are optional in the case of applications falling in categories 2 and 3) the following information: [9]

(i) An analysis relating the applicant's traffic for the most recent 25 years to output in the affected territory (as presented in Chapter 3) with a view to showing whether the applicant's share of the total output carried has increased, decreased or remained the same;

(ii) An analysis comparing the applicant's share of the output in the territory affected with the railroad industry's share of national output for the most recent 25 years with a view to showing whether the applicant has done better than, the same as or worse than the national railroad industry in obtaining and keeping traffic in the face of competition;

(iii) The applicant's best estimate of growth (or stagnation or decline) of each transportation mode (including private carriage) measured by ton-miles, tonnage and freight revenues, for the United States as a whole and in relation to the applicant's respective territory for the most recent 25 years;

(iv) The applicant's best estimate of its relative percentage of the transportation market in the affected regions during the past 25 years measured by percentage of total ton-miles, tonnage and freight revenues both with respect to total transportation services and to the percentage of transportation services provided by all railroads operating in such regions;

(v) The growth (or stagnation or decline) in revenues tonnage or ton-miles of each of the applicant's ten leading commodities (or a lesser or greater number) amounting to 85 percent of the applicant's total traffic for the most recent 10 years;

(vi) An identification of the railroads competing with the applicant and the applicant's best estimate of tonnage, ton-miles and freight revenues of such carriers;

(vii) The needs of rail transportation in the geographical area affected;

(ix) The effect of the proposed transaction on the retention and promotion of competition in the provision of rail and other transportation services in the geographical area affected, including the applicant's best estimate of the percentage of traffic handled by competitors, if any, which applicants could reasonably expect to attract as a result of the proposed transaction;

(x) An explanation of the methods and procedures used in making estimates and projections; [10]

[6] The NPRO did not require the submission of any evidence pertaining to the past level of economic activity in the applicant's territory. The demand for transportation services in general, and for railroad services in particular, is closely related to the level of economic activity. In order to analyze effectively a particular consolidation proposal it is necessary to understand the economy of the territory on which the applicant operates (i.e. whether it is expanding, contracting or remaining steady).

[7] See the preamble for the discussion of the distinction, for data submission purposes of different categories of application.

[7] If no data is available for the first year in this 25 year period, the applicant shall use the earliest available data-collection year in preparing this summary.

[8] Requirements (A) through (C) are not covered by the NPRO but are areas of concern which must be examined pursuant to section 5(3)(f)(iv).

[9] These information requests are not covered by the NPRO. As noted in the preamble, given the increasing significance of intermodal competition it is essential that applicants be required to assess, to the best of their ability, the extent of intermodal, as well as intramodal, competition which they face both before and after the proposed consolidation.

[10] Submissions which present freight revenue may impute freight revenue to private carriage and the applicant shall furnish an explanation of the method of estimating imputed freight revenue.

(7) In Chapter 5 of Volumes I and II, an analysis of the marketing and traffic aspects of the proposed transaction, including (subdivisions (i), (ii), and (iii) of this subparagraphs are optional in the case of category 3 applications) the following information:

(i) In Exhibit H the following data with respect to the applicant:

(A) Revenue carload and gross-ton miles [11] per year, density charts which shall contain a map showing principal lines (those handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, annually) and respective densities, expressed in the annual number of revenue carloads and gross ton-miles per year, in each direction, in segments of such lines between major freight yards and terminals, including major interchange points, using the corporate or political subdivision name of the points shown as well as the railroad station name. The mileage of such segment of line should be shown on the chart. Data shown in the density charts shall be for the latest available three calendar years preceding the filing of the application;

(B) Revenue carload interchange data between applicant and connecting line-haul railroads for the latest three calendar years preceding the filing of the application should be set forth in tables showing: [12]

(1) Area of origin and originating railroad;

(2) Intermediate bridge railroads, if any, traversed enroute to applicant's lines;

(3) Entry point and interchange between the railroads involved in the consolidation;

(4) Interchange points with bridge or terminal railroads; and

(5) Area of final destination and terminating railroad.[12]

(ii) In Exhibit I, the following data:

(A) A table showing the applicant's revenue freight traffic, indicating by year, for the 10-year period preceding filing of the application, the number of local, interline originated, interline terminated, overhead, total carloads, total revenue tons, revenue ton-miles, and total freight revenue;

(B) A table showing commodity group tonnage at the two-digit level of the Standard Transportation Commodity Code (STCC) as a percentage of total tonnage for the 10-year period preceding filing of the application, indicating by year the various commodity groups, the tonnage attributable to each group, and the percentage of that group tonnage as it relates to total tonnage; and

(C) A table showing commodity group revenue (at the two-digit level of the STCC) as a percentage of total revenue, for the 10-year period preceding filing of the application, indicating by year the various commodity groups, the revenues attributable to each group, and the percentage of that group revenue as it related to total revenue.

(iii) In Exhibit J a traffic study detailing estimated gains and losses in traffic and revenues expected to result from the consummation of the proposed transaction. This exhibit is not required in applications involving the acquisition of a line of railroad where the line to be acquired has been authorized by the Commission to be abandoned or the line to be acquired connects with no carrier other than the applicant.[14] The traffic studies shall be prepared in conformity with the following instructions:

(A) The period covered by the traffic studies shall be the latest three calendar years preceding the filing of the application; [15]

(B) The traffic studies shall be based upon all data available to applicant and shall be in the format of the Interline Freight Revenue Settlement Abstract or the revenue waybills. All data for the movements relied upon in the traffic study shall be reproduced together with all other information relied upon in determining the gains or losses in traffic and revenue. The amount of such gains or losses shall be shown for each movement abstract on which a gain or loss has been determined.[16] The initials of the person or persons making the determinations shall be shown on all abstracts. Only two copies of the abstract to the study movement shall be filed with the original application.

(C) A conformed copy of such abstract shall be maintained at applicant's principal place of business and shall be made available, upon direction by the Administrator, to interested parties. Copies of the abstract need not be included as part of the exhibits to the copies of the application furnished to the Administrator;

(D) Standardized geographic railroad accounting code locations (e.g., Freight Station Accounting, Code, Rule 260 Junction Code) as well as data, commodity and quantitative information (e.g., tonnage, revenue, etc.) for each traffic shipment on the applicant must be provided. The information should also be made available on computer medium in the following format: [17]

[11] Since one of the standard units for measuring traffic today is ton-miles applicants should be required to report density in not only revenue carloads but also in gross ton-miles.

[12] The data can be aggregated if aggregation does not obscure the general origin and routing of the traffic. Gateways annually handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, should be specifically identified. Where two or more gateways are contiguous or nearly contiguous, they should be totaled (as examples, Dallas-Ft. Worth, Minneapolis-St. Paul, Omaha-Council Bluffs, etc.).

[13] Subsection (B) consolidates interchange data requested in several places in the NPRO.

[14] This exemption is somewhat broader than that provided in the NPRO which limited the exemption to cases involving the acquisition of a line of railroad by a class II railroad from a class I or class II railroad where the line to be acquired has been authorized by the Commission to be abandoned. The broader exemption is provided because we believe that no information is needed with respect to the cases covered.

[15] This differs from the NPRO in that three years of traffic data rather than one year is required to reduce the effect in the data of short-term fluctuations in the economy.

[16] The NPRO requires complete data shown on waybills covering the movement. Since waybills are not always available to intermediate carriers, the language in the NPRO has been discarded in favor of that suggested by the AAR in its comments in the Ex Parte No. 282 (Sub-No. 1) proceedings.

[17] This differs from the NPRO in that complete traffic data on computerized tape is required so that conclusions drawn on consolidation costs and benefits can be analyzed in detail. A standarized format of the data is required so that standard programs can be developed to assure consistent analysis of various consolidation proposals. The 100 percent sample which we are requesting makes totally unnecessary any information on a judgment sample. We have, therefore, not incorporated the provisions of the NPRO relating to traffic studies utilizing probability sampling techniques.

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(1) FIELD NAME	STARTING POSITION	LENGTH	(2) TYPE	DESCRIPTION
Submitting Railroad	1	3	N	Railroad Code (AAR Standard)
Waybill Day (3)	4	2	N	01 - 31
Waybill Month (3)	6	2	N	01 - 12
Waybill Year (3)	8	2	N	Appropriate Year (e.g. 76)
Traffic Class	10	1	A	L=Local; F=Forwarded; R=Received; O=Overhead
Originating Railroad	11	3	N	Railroad Code (AAR Standard)
Originating Station	14	5	N	Freight Station Accounting Code (AAR Standard)
Terminating Railroad	19	3	N	Railroad Code (AAR Standard)
Terminating Station	22	5	N	Freight Station Accounting Code (AAR Standard)
Received From Railroad	27	3	N	Railroad Code (AAR Standard)
Junction On	30	5	A	Abbreviation (AAR Standard Rule 260)
Forwarded To Railroad	35	3	N	Railroad Code (AAR Standard)
Junction Off	38	5	A	Abbreviation (AAR Standard Rule 260)
Commodity	43	7	N	Standard Transportation Commodity Code(AAR Standard)
Number of Carloads	50	5	N	Quantitative in Units
Net Tons	55	6	N	Quantitative in Units
Proportional Revenue	61	6	N	Quantitative in Dollars
Total Freight Revenue	67	6	N	Quantitative in Dollars
TOFC/COFC Indicator	73	1	N	0=Not TOFC/COFC; 1=TOFC/COFC
Transit Indicator	74	1	N	0=Not Transit; 1=Transit

(1) Insert blank (s)
(2) A = Alphanumeric
B = Numeric
(3) If interline abstracts are used, insert code "99".
(4) If interline abstracts are used, these items refer to settlement dates.

Tape specifications: Standard Label (IBM/360/70-OS) or unlabelled
800 BPI/1600 BPI
EBCDIC or ANC11 coding convention
Record Length=74
Blocksize=7400

(E) The traffic study shall include the written instructions, if any, for determining the amount of gains. All instances where those instructions were not followed but were subordinated to other unwritten instructions shall be clearly shown, together with references in each instance to the appropriate movement set forth in the abstract of movements under section § 268.7(b) (7) (i) (Exhibit J). Applicants shall furnish the unwritten instructions and the reasons for the deviation.

(8) In Chapter 6 of Volumes I and II, an analysis of the operational aspects of the proposed transaction including the following:

(i) In Exhibit K (applicable only to applications in categories 1 and 2) a complete description of the existing operating plan and the proposed plan for operations affected by the transaction. This exhibit shall include projected data based upon completion of the proposed transaction giving existing traffic levels. Specifically, the following aspects of the operating plan should be described:

(A) The existing patterns of service on the properties including principal routes and general categories of traffic and the estimated effect of the projected operating plan as indicated by the proposed principal routes, proposed consolidations of mainline operations, and the anticipated traffic density and traffic mix on all main and secondary lines in the system;

(B) The basic operating and train blocking plan of the system, including the identification of system classification yards, and the anticipated workload of such yards, supported by a proposed blocking plan based on projected origin-destination traffic data and the identification of road crew districts and intradivisional runs; [18]

(C) The location of existing shops and repair facilities, an identification of major installations to be discontinued or added and a description of the system repair function of each remaining facility;

(D) If commuter or other passenger services are operated over the lines of applicant, detail any impact anticipated on such services, including delays which may be occasioned because a line is scheduled to handle increased traffic due to route consolidation;

(E) If application to abandon a line or discontinue a service are contemplated, a full description of such lines or services and the reasons for the contemplated abandonment or discontinuance;

(F) A summary table showing the equipment owned and leased by the applicant indicating by year for the 10-year period preceding filing of the applicant, the amount of rolling stock by type and their aggregate capacity, the amount of locomotives and maintenance-of-way equipment and the total amount of rolling stock, locomotives and maintenance-of-way equipment owned and leased;

(G) The equipment requirements of the proposed system, including locomotives, rolling stock by type, and maintenance-of-way equipment; plans for acquisition and retirement of equipment; and projected improvements in equipment utilization together with an explanation of the operating or route changes that will cause such improvements;

(H) The extent to which deferred maintenance or delayed capital improvements apply to any road or equipment involved and the schedule for eliminating such deferrals. Also, details of system rehabilitation and upgrading plans including proposed yard and terminal modifications, together with an estimate of anticipated service improvements or operating economics associated with such projects; and

(I) The operating costs of the current and proposed plans and a detailed analysis of all changes representing significant operating economics.

(ii) In Exhibit L (applicable only to applications in category 3) data, projected for at least 3 years following the consummation of the proposed transaction, describing the following aspects of the operating plan:

(A) Any significant changes in patterns of service;

(B) Traffic level and density on lines proposed for joint operations;

(C) Impact on the use of yards or shop facilities and any necessary modifications to yards or terminals;

(D) Impact on commuter or other passenger service operated over a line which is to be downgraded or operated on a consolidated basis;

(E) Operating economies; and

(F) Any associated discontinuances or abandonments.

(iii) The estimated cost of rehabilitation and modernization of the track, equipment and other facilities involved in the proposed transaction, with a comparison of the potential savings or losses from other possible choices of action. In addressing this point, applicants should analyze the proposed transaction in the context of the informational findings or facts contained in the reports prepared by the Secretary pursuant to sections 504 and 901 of the RRRRA. If applicant has applied or intends to apply for financial assistance under Title V of the RRRRA, full details should be provided regarding the nature, amount and purpose of such assistance, and the steps which have taken to secure such financial assistance; [19] and

(iv) The rationalization of the rail system resulting from the proposed transaction. In addressing this point applicants should analyze the proposed transaction in light of the line classification and designations made by the Secretary pursuant to section 503 of the RRRRA. [19]

(9) In Chapter 7 of Volumes I and II, a discussion of the financial condition of

[18] The information regarding employees was not asked for in the NPRO but is necessary to assess the labor aspects of the proposed transaction.

[19] The NPRO does not contain any reference to sections 503, 504, 901 or Title V of the RRRRA. The need for the requested material pertaining to the RRRRA is discussed in the preamble.

the applicant and a forecast of the effects on that condition of the proposed transaction, including (this chapter is optional in the case of category 3 applications) the following information:

(i) In Exhibit M a properly authenticated copy of the applicant's annual report, if any, to stockholders or shareholders for each of the five calendar or fiscal years preceding the filing of the application;

(ii) The policy and practice followed by the applicant with respect to reserves for depreciation and similar reserves, including rates by classes of property;

(iii) In Exhibit N balance sheets of the following:

(A) Transferee on a corporate entity basis;

(B) Transferee's parent company on a corporate entity basis;

(C) Transferee and subsidiaries on a consolidated basis;

(D) Transferor on a corporate entity basis;

(E) Transferor's parent on a corporate entity basis; [20]

(F) Transferor and subsidiaries on a consolidated basis; and

(G) Each subsidiary of transferee and of transferor on a corporate entity basis.

All statements requested in (A)–(G) of this subdivision shall show the latest available date, going back no further than six months prior to the filing of the application, and shall be in account form and detailed as required in schedule 200 of the Commission's Annual Report R–1 or R–2, as appropriate.

(H) A spread sheet showing for both the transferor and the transferee comparative balance sheet accounts as of December 31 for each of the five years preceding the year in which the application is filed, in account form and detail as required in schedule 200 of Annual Report R–1 or R–2, as appropriate; [21]

(I) Where the transaction involves a proceeding other than a control a *pro forma* balance sheet statement giving effect to the proposed transaction as of the date of the balance sheets required in (A)–(G) of this subdivision. The pro forma balance sheet statement shall be presented in columnar form showing in the first column the balance of transferee on a corporate entity basis, in the second column a balance sheet of transferor, on a corporate entity basis, in the third column pro forma adjustments and eliminations and in the fourth column, transferee's balance sheet "giving effect" to consummation of the proposed transaction. Each adjustment and elimination shall be properly footnoted and fully explained:

(J) Where the transaction involves a control, a pro forma balance sheet of the acquiring carrier as of the date of the balance sheets required in (A)–(G) of this subdivision; and

(k) *Pro forma* statement of changes in financial position of the transferor and transferee for the first year following the filing of the application, both before and after giving effect to the proposed transaction. All assumptions shall be noted.[22]

(iv) In Exhibit O, income statements, of the following:

(A) Transferee and subsidiaries on a consolidated basis;

(B) Transferee's parent company on a corporate entity basis;

(C) Transferor and subsidiaries on a consolidated basis; and

(D) Transferor's parent company on a corporate entity basis.

All statements requested in (A)–(B) of this subdivision are to be for each of the three calendar years immediately preceding filing of the application. They shall include (1) for the most recent calendar year the months or quarters then available,[23] and (2) for the current year the months for which the figures are available (up to the date of the latest balance sheet), and shall be in account form similar to that required in column (a) of schedule 300 of Annual Report R–1 or R–2, as appropriate.

(E) Where the transaction involves a proceeding other than a control transfer, a *pro forma* income statement showing transferee's estimate of revenues, expenses and net income for the first three years following consummation of the transaction. The *pro forma* data shall be presented in columns, the first column showing transferee's actual income statement on a corporate entity basis for the latest available period extended to a 12 month period, the second column a similar income statement for the transferor, the third column forecasted adjustments to the combined revenues, expenses and net income to reflect increases or decreases anticipated under the unified operation and the fourth column a compilation of the first three columns into a pro forma income statement forecasting operations during the year following consummation. The adjustments are to be supported by a statement explaining the basis used in determining the estimated changes in revenues, expenses and net income appearing in the third column;

(F) Where the transaction involves a control transfer, a *pro forma* income statement showing transferor's and transferee's best estimate (and the basis therefor) of revenues, expenses and net income for the first three years following consummation of the transaction prepared in columnar form prescribed above; and

(G) Transferor's and transferee's statement of changes in financial position for the current year, up to the date of the latest balance sheet, and a forecast of changes in financial position for each carrier (if a merger or consolidation, the surviving or resulting corporation) for the three years following consummation of the proposed transaction, the form and content of these statements to be constructed in accordance with schedule 309, Statement of Changes in Financial Position required in the Annual Report R–1 for Class I Railroads.

(10) In Chapter 8 of Volumes I and II, a discussion of the financial considerations involved in the proposed transaction, including the following information:

(i) The amount of applicant's outstanding capital stock, by classes, the par value or stated value of each share, its voting rights, if any, the total number of stockholders or record, and the voting rights of all security holders;

(ii) The terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which it is proposed to consummate the transaction and the consideration, in money or otherwise, to be paid by applicant;

(iii) Whether there is any financial or other relationship, direct or indirect, at the present time between applicant and other parties and affiliates involved in the proposed transaction; and, if so, a full explanation of such relationship;

(iv) Whether the property involved in the proposed transaction includes all the property of the applicant and, if not, describe what property is not included in the proposed transaction;

(v) Value of each of the properties involved in the proposed transaction as found by the Commission or if such value has not been found by the Commission, as independently appraised for the purposes of the proposed transaction; and, separately, the net cost of additions and betterments made after the date of valuation or appraisals;

(vi) The market value of any securities acquired or proposed to be acquired in the proposed transaction; or, if there is no ascertainable market value, the estimated value, giving the basis of the estimate;

(vii) If any of the property covered by the application is encumbered and applicant has agreed to assume obligation or liability with respect thereto—

(A) A description of the property encumbered; and

(B) Amount of encumbrance and full description thereof, including maturity, interest rate, and other terms and conditions;

(viii) If a consolidation or merger is proposed, the capitalization proposed for the company resulting from the consolidation or merger; and, separately, the amount and character of capital stock and other securities to be issued;

(ix) Facts and circumstances relied upon to show that the guarantee or assumption of payment of dividends or fixed charges, if any, contemplated in

[20] The information contained in (E) is in addition to the information contained in the NPRO. It is needed because in its absence railroad data only might be submitted without explicitly showing material impact of the transaction on the Transferor's parent.

[21] This balance sheet request is not contained in the NPRO. For analytical purposes, the information provided by income statements would be incomplete without balance sheets for comparable years.

[22] This requirement is not found in NPRO but is needed, for comparison purposes and determining the effects of the proposed transaction.

[23] The NPRO requires data for the "immediately preceeding three calendar years" for statements requested in items (A)–(D). This would preclude the filing of applications within the first several months of the year during which data for the preceding year are not available. In order to overcome this problem the additional language in the sentence was added.

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the transaction is consistent with the public interest;

(x) Particulars of applicant's long-term debt for each of the past five fiscal years plus a one year forecast in form and detail required in schedules 218 and 219 of Annual Report R–1 or schedules 670, 695, 702, 901 and 902 of Annual Report R–2, as appropriate;[24]

(xi) Particulars as to capital stock for each of the past five fiscal years plus a one year forecast in form and detail as required in schedules 228, 229 and 230 of Annual Report R–1 or schedule 690 in R–2, as appropriate;[25]

(xii) A price to earning ratio of applicant's stock for each of the past five years (high, low, average), or that of the applicant's holding company, where applicable.[26]

(11) In Chapter 9 of Volumes I and II, a discussion of the effect of the proposed transaction on the applicant's employees including the following information:

(i) A copy of any agreement or agreements with employee organizations entered into as a result of the proposed transaction;

(ii) A breakdown of the number of jobs by craft, which under the proposed transaction are to be abolished, transferred or created at each point, and point or points to which jobs will be transferred and the number of such jobs;

(iii) For each of the job changes in subdivision (ii) of this subparagraph the cost or savings to applicant in accomplishing such changes, broken down for each of the three years following consummation of the proposed transaction;

(iv) The approximate date(s) on which each job abolition, transfer, or creation (set forth under subdivision (ii) of this subparagraph above) is to be effectuated, and indicating, where appropriate, any implementing agreement which is necessary before such job changes are to be put into effect;

(v) For all applicant's employees not covered under the Railroad Retirement Act, a list of the pension plans currently in effect, with an indication of whether they are funded or not, the extent of any unfunded liability, and the time required to bring the plans to a fully funded level; [27] and

(vi) An estimate of the total costs of labor protection associated with the proposed transaction.[27]

§ 268.9 Application procedure.

(a) The original application shall bear the date of execution, be signed by or on behalf of the applicant, and shall bear the corporate seal in the case of an applicant which is a corporation. Execution shall be by all partners if a partnership, unless satisfactory evidence is furnished of the authority of a partner to bind the partnership, or if a corporation, an association or other similar form of organization, by its president or other executive officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the applicant shall also sign a certificate in form as follows:

---------- certifies that [he][she] is the ---------- of the ----------, (Name of official) (Title of official) (Name of applicant) authorized on the part of the applicant to sign and file with the Administrator this application; that the consent of all parties whose consent is required, by law or by binding commitment of the applicant, in order to make this application has been given; that [he][she] has carefully examined all of the statements contained in such application relating to the aforesaid ----------; that [he][she] has (Name of applicant) knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of [his][her] knowledge, information, and belief.

(Name of official)

(Date)

(b) There shall be made a part of the original application the following certificate by the Chief Financial Officer or equivalent officer of the applicant:

---------- certifies that [he][she] is (Name of officer) ---------- of ----------; that (Title of officer) (Name of applicant) [he][she] has supervision over the books of account and other financial records of the applicant and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that [he][she] has examined the financial statements and supporting schedules included in this application and to the best of [his][her] knowledge and belief these statements accurately reflect the accounts as stated in the books of account; and that other than the matters set forth in the exceptions attached to such statements, those financial statements and supporting schedules represent a true and complete statement of the financial position of the applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the applicant.

(Name of official)

(Date)

(c) The original application and supporting papers, including any data deem relevant by the applicant which is not specifically requested by this part, and ten copies thereof for the use of the Administration shall be filed with the Associate Administrator for Policy and Program Development of the Federal Railroad Administration, 400 Seventh Street SW., Washington D.C. 20590. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, except to the extent otherwise provided in this part, but the signature on the copies may be stamped or typed.

(d) Applicant should also be prepared to furnish extra copies to the Administrator upon request.

(e) The applicant shall submit such additional information to support its application as the Administrator may request.

(f) The administrator reserves the right to reject those applications which do not conform to the regulations prescribed herein regarding the form, content and documentation. Upon the filing of an application, the Administrator will review the submitted application and determine whether it conforms with all applicable regulations. If the application is incomplete, or otherwise defective, the Administrator may reject said application by written notice to the applicant, specifying the reasons for the rejection, within 30 days from the date of filing of the application. Thereafter a revised application may be submitted, and the Administrator will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a de novo filing for the purpose of computation of the time period prescribed in section 5(3) of the Act: *Provided*, That such resubmitted application is deemed complete.

§ 268.11 Access to information.[28]

If an applicant wishes any information submitted in an application or supplement thereto not be released by the Administrator upon request from a member of the public, the applicant must so state and must set forth the reasons why such information should not be released, including particulars as to any competitive harm which could result from release of such information. If that information is adequate, the Administrator will keep such information confidential as permitted by law.

§ 268.13 Waiver or modification.

The Administrator, upon good cause shown, may waive or modify any requirement of this part, or make any additional requirements deemed necessary.

Dated: October 7, 1976.

ASAPH H. HALL,
Administrator, Federal Railroad Administration.

[24] This request is not contained in the NPRO. It supplements information contained in the statement of changes in financial position as it shows interest requirements and long-term debt particulars which can be significant in assessing the proposed transaction.

[25] This request is also not contained in the NPRO. It provides information about dividends paid, stock splits, and changes in par of capital stock the absence of which may distort the historical financial record of the participants to the proposed transaction.

[26] This request is not contained in the NPRO. It is important in that it provides evidence of the relative market value of the participants to the proposed transaction.

[27] The information requested in subdivisions (v) and (vi) of this subparagraph was not requested in the NPRO. This information is needed to fully evaluate the costs and savings which will result from the proposed transaction.

[28] This provision is not contained in the NPRO. The provision merely states the criteria which must be established before information can be kept confidential under the Freedom of Information Act.

[FR Doc.76-30019 Filed 10-12-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 13, 1976

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

October 1976

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OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

October 1976

OCTOBER 7, 1976.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C. 20510

DEAR MR. PRESIDENT: In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with that Act, the report is also being transmitted to the House and will be published in the FEDERAL REGISTER.

Sincerely yours,

PAUL H. O'NEILL,
Acting Director.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of October 1, 1976, of the 4 rescissions and 33 deferrals contained in the first three special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, and October 1, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Three rescissions totaling $89.1 million in FY 1977 budget authority are presently pending before the Congress. The Department of the Interior and Related Agencies Appropriation Act of 1977 rescinded $132.9 million in unobligated balances of contract authority ($13.9 million for the Bureau of Land Management, Public lands development roads and trails and $119.0 million for the National Park Service, Road construction) and $39.8 million of contract authorization (Forest Service, Forest roads and trails). Table A summarizes the status of rescissions proposed by the President as of October 1, 1976. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of October 1, 1976, $634.7 million in 1977 budget authority was being deferred from obligation and another $123.7 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on the rescissions covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI).
Thursday, September 23, 1976 (Vol. 41, No. 188, Part III).

PAUL H. O'NEILL,
Acting Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President.....	134.1
Accepted by the Congress.....	---
Rejected by the Congress.....	45.0
Pending before the Congress:	
(Special Message #2, transmitted September 22, 1976).....	89.1

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President.....	761.7
Routine Executive releases.....	3.2
Overturned by the Congress.....	---
Currently before the Congress.....	758.5 1/

1/ Includes $123.7 million of outlays in two Treasury deferrals -- D77-26 and D77-27.

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ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of October 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund	R77-2	6,600	09-22-76				
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	47,500	09-22-76				
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects	R77-4	35,000	09-22-76			1/	1/
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation	R77-1	[45,000] 2/	07-29-76			45,000	10-01-76
TOTAL		89,100				45,000	

1/ These funds were released October 1, 1976. A supplementary report withdrawing the proposed rescission will be transmitted to the Congress.
2/ These funds were not withheld during the 45-day Congressional consideration period.

Attachment B

B-i

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Emergency Refugee and Migration Assistance Fund	D77-1		8,640	10-01-76					8,640
TOTAL			8,640						8,640

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Foreign Agricultural Service									
Salaries and expenses (Special foreign currency program)	D77-2		1,610	10-01-76					1,610
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses	D77-3		2,919	10-01-76					2,919
Forest Service									
Expenses, brush disposal	D77-4		22,321	10-01-76					22,321
Licensee programs	D77-5		146	10-01-76					146
TOTAL			26,996						26,996

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D77-6		1,771	10-01-76					1,771
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					59
Fishermen's guaranty fund	D77-9		356	10-01-76					356
TOTAL			7,985						7,985

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Military contruction, all services	D77-10		76,483	10-01-76					76,483
TOTAL			76,483						76,483

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Panama Canal									
Canal Zone Government:									
Capital outlay	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations	D77-12		363	10-01-76					363
TOTAL			509						509

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign current program)	D77-13		1,113	10-01-76					1,113
Office of Education									
Higher education	D77-14		31,702	10-01-76					31,702
Social Security Administration									
Limitation on construction	D77-15		17,272	10-01-76					17,272
TOTAL			50,087						50,087

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Bureau of Land Management									
Oregon and California grant lands	D77-16		5,426	10-01-76					5,426
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76 10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL			42,226		-3,245				38,981

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Federal Prison System: Buildings and facilities	D77-21		1,900	10-01-76					1,900
TOTAL			1,900						1,900

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad	D77-22		14,225	10-01-76					14,225
TOTAL			14,225						14,225

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STATUS OF DEFERRALS

B-10

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Coast Guard									
Acquisition, construction and improvements	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination	D77-24		464	10-01-76					464
Facilities and equipment (Airport and airway trust fund)	D77-25		276,101	10-01-76					276,101
TOTAL			299,146						299,146

STATUS OF DEFERRALS

B-11

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Office of the Secretary									
State and local government fiscal assistance trust fund	D77-26		113,732 1/	10-01-76					113,732 1/
State and local government fiscal assistance trust fund	D77-27		10,000 1/	10-01-76					10,000 1/
State and local government fiscal assistance trust fund	D77-28		81,500	10-01-76					81,500
TOTAL			81,500BA 123,732O						81,500BA 123,732O

1/ Outlays only.

STATUS OF DEFERRALS

B-12

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Rare Silver Dollar Program	D77-29		1,709	10-01-76					1,709
TOTAL			1,709						1,709

STATUS OF DEFERRALS

B-13

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Salaries and expenses	D77-31		1,346	10-01-76					1,346
Interstate Commerce Commission									
Payment for directed rail service	D77-32		13,700	10-01-76					10,700
National Commission on the Observance of International Women's Year									
Salaries and expenses	D77-33		680	10-01-76					680
TOTAL			26,559						26,559
TOTAL, ALL DEFERRALS			637,965BA 123,732O		-3,245				634,720BA 123,732O

[FR Doc.76-30099 Filed 10-8-76;2:55 am]

federal register

WEDNESDAY, OCTOBER 13, 1976

PART V:

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

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NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the National Credit Union Administration hereby publishes the systems of records as currently maintained by the agency. The systems were originally published at pages 47426 through 47434 of the October 8, 1975, edition of the Federal Register, and were proposed for amendment at pages 30308 through 30317 of the July 22, 1976, issue of the Federal Register.

The July 22, 1976, proposed changes were made for clarification purposes only and were of a nonsubstantive nature. Certain clarifications did involve revisions of routine use language, however, and thus it was thought advisable to provide a public comment period, in accordance with section 3(e)(11) of the Privacy Act. That period expired on August 23, 1976.

The only comments received were from NCUA component offices and were of a nonsubstantive, corrective nature.

Based upon those comments, the July 22, 1976, proposal is revised as follows:

(1) The "Policies and Practices" portion of System NCUA-1 is revised by deleting the words "separate, locked room" and inserting, in lieu thereof, the words "locked file cabinet."

(2) The "Policies and Practices" portion of System NCUA-2 is revised by deleting the words "separate, locked room" and inserting, in lieu thereof, the words "locked safe."

(3) The "System Location" portion of the System NCUA-6 is revised by deleting the addresses for NCUA's Region IV and Region VI Regional Offices and inserting, in lieu thereof, the following addresses:

IV.
NCUA Region IV Regional Office
New Federal Building
234 N. Summit St., Room 704
Toledo, Ohio 43604
Phone: (419) 259-7511

VI.
NCUA Region VI Regional Office
Two Embarcadero Center
Suite 1830
San Francisco, California 94111
Phone: (415) 556-6277

(4) The "System Location" portion of System NCUA-7 is revised by deleting the words "Management and Planning" and inserting, in lieu thereof, the words "Fiscal Affairs."

(5) The "Categories of Individuals" portion of System NCUA-7 is revised by deleting the words "who are members of a minority group."

(6) The "Routine Uses" portion of System NCUA-7 is revised by deleting the word "statistically" and inserting, in lieu thereof, the word "statistical."

(7) The "Policies and Practices" portion of System NCUA-7 is revised by deleting the words "data management division of the Office of Research and Analysis" and inserting, in lieu thereof, the words "Information Systems Division of the Office of Fiscal Affairs."

(8) The "Routine Uses" portion of System NCUA-10 is revised by adding the following language immediately after the first full sentence thereof: "Information is used in selecting designees to fill vacancies in NCUA's professional staff."

(9) The "System Manager" portion of System NCUA-10 is revised by deleting the words "Inspection and Audit" and inserting, in lieu thereof, the words "Management and Planning."

(10) The "System Location" and "System Manager" portions of System NCUA-14 are both revised by deleting the language "Room 103" and inserting, in lieu thereof, the language "Room 704."

(11) The "System Location" and "System Manager" portions of System NCUA-16 are both revised by deleting the numeral "2" immediately preceding the words "Embarcadero Center" and inserting the word "Two" in its place, and by deleting the language "Room 1800" and inserting the language "Suite 1830" in its place.

(12) The "Policies and Practices" and "System Manager" portions of System NCUA-19 are both revised by deleting the words "Data Management" and inserting, in lieu thereof, the words "Information Systems."

(13) The "Record Source Categories" portion of System NCUA-19 is revised by deleting the word "employee" the second time it appears therein and by deleting the comma following said word and by deleting the words "and supervisors" and inserting, in lieu thereof, the words "or Regional Office Manager."

Accordingly, upon consideration of the comments received and with the above changes, the July 22, 1976, proposed revision of the National Credit Union Administration's "Notice of Existence and Character of Systems of Records" is adopted, effective immediately, except for the above stated revisions of "Routine Uses" portions, which will take effect thirty days from this date.

C. Austin Montgomery,
Administrator.

September 30, 1976.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

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(20) Travel System, NCUA.

NCUA-1

System name: Equal Employment Opportunity Grievance and Discrimination Complaint Records, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who have filed a grievance or formal complaint of discrimination under the Equal Employment Opportunity Act.

Categories of records in the system: Reports made by supervisors, EEO counselors; formal letters advising of receipt of discrimination complaint/grievance; notices of final agency decision; formal requests to and responses from CSC for complaints examiner.

Authority for maintenance of the system: Executive Order N. 11478, Aug. 8, 1969, 34 F.R. 12985.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Formal or informal settlement of discrimination complaints/grievances. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in locked file cabinet, accessible only to the Security Officer and his designated assistants. Retention and disposal—in accordance with GSA regulations, the complaint file is retained seven years, duplicates or copies are retained one year and background information not needed in the complaint file is disposed of or returned to the originator after three years.

System manager(s) and address: Security Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual who has filed grievance/complaint, supervisors of individual, EEO counselors.

NCUA-2

System name: Federal Employee Security Investigations Containing Adverse Information, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees on whom a routine CSC security investigation has been conducted, the results of which contain adverse information.

Categories of records in the system: May consist of police records and/or information on moral character, integrity or loyalty to the United States.

Authority for maintenance of the system: Records maintained pursuant to Civil Service Commission requirements. Separate notice is published due to separate maintenance of these records which has been effected to provide extraordinary safeguards against unwarranted access and disclosures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are reviewed by the NCUA Security Officer, and if determined to be of substantive nature, they are forwarded to the Administrator, NCUA, for whatever action, if any, is deemed necessary. Referral of relevant information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law, rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy. Retrievability—system is indexed by name. Safeguards—records maintained in a locked safe accessible only to the Security Officer and his designated assistants. Records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

System manager(s) and address: Security Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Bureau of Personnel Investigations
Civil Service Commission
Federal Bureau of Investigations

Systems exempted from certain provisions of the act: In addition to any exemption to which this system is subjected by Notices published by or regulations promulgated by the Civil Service Commission, the system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

System name: Intergovernmental Personnel Act Records, NCUA.

System location: Division of Training
National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: Participants in Intergovernmental Personnel Act Conferences and Mobility Assignments.

Categories of records in the system: Required Civil Service Commission Report.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To carry out joint Federal-State programs, and make reporting internally and to the Civil Service Commission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—records are stored in file cabinets in secured offices of the Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training
National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, supervisors of the individual and Civil Service Commission.

NCUA-4

System name: Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Credit union employees who have misused or are suspected of having misused their trust in the credit union, with subsequent investigation and/or prosecution. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or infractions under the Federal Credit Union Act, and records are maintained on robberies, burglaries and other crimes against credit unions. Information in this system only rarely includes names or other identities for suspected perpetrators.

Categories of records in the system: Investigative reports relating to possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit union funds, etc.).

Authority for maintenance of the system: 12 U.S.C. 1766, 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine disposition to be made, if any, of information contained in investigative reports. Referral of information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, to any appropriate agency or official in the course of collection of an outstanding claim, to any appropriate agency, official, court, magistrate, or administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential

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violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on paper hard copy. Retrievability—system is indexed by credit union name. Safeguards—records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—after records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

System manager(s) and address: Security Officer
National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Notification procedure: Same as above, subject to exemption discussed below.

Record access procedures: Same as above, subject to exemption discussed below.

Contesting record procedures: Same as above, subject to exemption discussed below.

Record source categories: Federal Bureau of Investigation, investigative branches of the three armed services of the Department of Defense.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-5

System name: Acquired Assets and Share Payouts Records System, NCUA.

System location: Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions

Categories of records in the system: Share and account balances, personal data regarding income and debts, payment history.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions, for use in the collection of outstanding loans, which may include, inter alia, referral of information to the General Accounting Officer or the Department of Justice, and generally for all purposes necessary to wind up the affairs of the closed credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of its assets by NCUA or sale to a third party, before or after such purchase, referral of noncredit information to outside address locaters, and referral of information to a surety company in pursuit of a fidelity bond claim. Referral of information in this system may also be made, as a routine use, to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. That data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, data conversion sheets, loan registers, essential share and loan documents and members' filed claim forms are maintained on paper hard copy. Copies of share and loan documents, incoming payments and loan portfolios may also be maintained on microfilm copy. Retrievability—indexed by name of member and closed insured credit union. Safeguards—records are maintained in secured offices of the National Credit Union Administration's Division of Financial Management. Retention and disposal—information is disposed of after ten years retention.

System manager(s) and address: Assistant Administrator for Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, outside address locaters and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-6

System name: Member Account Records of Federally Insured Credit Unions
Closed for Involuntary Liquidation, NCUA.

System location: Records within this system of records are located at one of the National Credit Union Administration Regional Offices as indicated below for a period of time necessary to answer inquiries of credit union members and transfer share and loan records and information to NCUA's Division of Financial Management, Washington, DC, or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration records storage centers.

I. NCUA Region I Regional Office State Street South Building, Room 3E 1776 Heritage Drive Boston, Massachusetts 02171 Phone: (617) 223-6807

Records of a federally-insured credit union which has been closed for liquidation, and for which the Administrator, NCUA, serves as liquidating agent, are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of such credit union was located within one of the following states or territories: Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.

II. NCUA Region II Regional Office
Federal Building
228 Walnut St., Box 926
Harrisburg, Pennsylvania 17108
Phone: (717) 782-4595

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states: District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania.

III. NCUA Region III Regional Office
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309
Phone: (404) 526-3127

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as a liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states or territories: Alabama, Panama Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, South Carolina, West Virginia.

IV. NCUA Region IV Regional Office
New Federal Building
234 N. Summit St., Room 704
Toledo, Ohio 43604
Phone: (419) 259-7511

Records of a liquidating, federally-insured credit union for which the Administratorc NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of such credit union was located within one of the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin.

V. NCUA Region V Regional Office
515 Congress Avenue
Suite 1400
Austin, Texas 78701
Phone: (512) 397-5131

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located in one the following states: Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah, Wyoming.

VI. NCUA Region VI Regional Office
Two Embarcadero Center
Suite 1830
San Francisco, California 94111
Phone: (415) 556-6277

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states or territories: Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Arizona.

Categories of individuals covered by the system: Records in this system of records are maintained only on those individuals who were members of a federally-insured credit union closed for liquidation and for which the Administrator, NCUA, served as liquidating agent pursuant to 12 U.S.C. 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and cancellation of the charter thereof. Prior to such time, records of a closed insured credit union which are held by the Administrator, NCUA, only in his capacity as liquidating agent for the closed credit union are not 'agency records' within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as NCUA System 5—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for purpose other than attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

Categories of records in the system: Records on individuals within this system of records contain information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation. Such information is maintained in the following forms: membership card, individual share and loan ledgers, and promissory notes and extension agreements, if any. As further explained above, in the 'Categories of individuals. . .' portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act only upon completion of the liquidation of the credit union and cancellation of the charter thereof.

Authority for maintenance of the system: Sections 120(b) and 207 of the Federal Credit Union Act (12 U.S.C. 1766(b), 1787).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information and records in this system of records are used to close out the affairs of liquidating federally-insured credit unions, including (i) referral of information to credit union members, the NCUA Loan Management System, and any purchasers, or prospective purchasers, of the closed credit union's assets, in the interest of payment of insured share accounts and sale of assets of the credit union, or collection on loans purchased by the National Credit Union Share Insurance Fund, (ii) referral of information to the credit union's surety in pursuit of fidelity bond claims, (iii) referral of relevant information to any appropriate agency or official in the course of collection of a claim of the United States, and (iv) referral of relevant information to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of enforcement of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. While it is the Administrator of the National Credit Union Administration's full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted, as discussed above in the 'Categories of Individuals' portion of this notice, that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become 'agency' records, i.e., until such time as they are transferred to another system within NCUA or at such time as they escheat to NCUA upon cancellation of the charter of a closed credit union.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records on individual credit union members in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation. These documents may include, but are not necessarily limited to, membership cards, individual share and loan ledgers, notes, security documents and extension agreements. Retrievability—member records are generally ordered or indexed by member name or account number. Safeguards—records within this system of records are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or requisite to enable the Administrator, NCUA, to carry out his responsibilities under the Federal Credit Union Act, 12 U.S.C. 1751, . Retention and disposal—the records are maintained in a National Credit Union Administration Regional Office as indicated under the Location section of this notice, for a period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, DC. After such time the records are transferred for permanent storage to one of twelve General Services Administration records storage centers.

System manager(s) and address: The system managers for this system of records are the six National Credit Union Administration Regional Directors located at the business addresses set forth in the Location section of this notice.

Notification procedure: An individual may determine whether the records of a closed credit union within this system include records pertaining to him (her) by addressing an inquiry to the appropriate Regional Director at the address set forth in the Location section of this notice, i.e., an individual inquiry should be addressed to the Regional Director whose Regional Office has jurisdiction over federally-insured credit unions operating in the state of location of the main office of the closed credit union which the inquirer was a member of. A jurisdictional breakdown of states is provided in the Location section of this notice. Inquiries should contain the name of the inquirer, the name of the credit union closed for liquidation pursuant to 12 U.S.C. 1787 which the inquirer was a member of, and the credit union account number of the inquirer, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The sole sources of the information in this system of records are the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Administrator, NCUA, or his designee, serves as liquidating agent.

NCUA-7

System name: Minority Group Designator System (MGD), NCUA.

System location: Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Statistical Employment Information on all NCUA employees by race, national origin and gender based on visual identification.

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Authority for maintenance of the system: 5 U.S.C. 4101, et seq., 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Minority identification is used for composite statistical purposes only. Reports are produced for use of NCUA (Affirmative Action Plan, Internal Evaluations) or Civil Service Commission, Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of computer printouts (Mag tapes). Retrievability—information from computer runs can be obtained in various forms, e.g., in alphabetical order by name, or by employee number or type. Safeguards—data processing facility is located in the Information Systems Division of the Office of Fiscal Affairs. The data for the MGD system is coded, and access to the code is limited to a small number of people: regional office managers, EEO Directors, and the Division of Personnel (one DOP staff member). Retention and disposal—minority identification information is immediately erased from the computer once the individual leaves the employ of NCUA.

System manager(s) and address: Director, Equal Employment Opportunity

National Credit Union Administration
2025 M Street, NW
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Visual identification is made by Division of Personnel official in the central office and by office managers in the regions.

NCUA-8

System name: New Examiner Training Files, NCUA.

System location: National Credit Union Administration
Division of Training
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: NCUA examiners—entry level to one year on staff.

Categories of records in the system: Biweekly training reports, training progress reports, on-job trainers' evaluations of classroom training, trainees' evaluations of training program.

Authority for maintenance of the system: 5 U.S.C. 4101, .

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine retention or termination after 23 weeks on job. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—by employee name. Safeguards—maintained in metal file cabinets in secured offices of Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training
National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, on-job trainers, supervisors, Civil Service Commission.

NCUA-9

System name: Payroll Records System, NCUA.

System location: Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
General Services Administration
Region VI
Kansas City, Missouri

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make all necessary and appropriate financial reporting analysis and planning involving disclosures both intraagency and tto the General Services Administration, and generally to insure proper conpensation to all NCUA employees. Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Record of attendance is also maintained for information of superviser in supervising the employee. Users of the time and attendance information include the office's timekeeper, the supervisor, the payroll officer and the GSA Payroll Processing Branch in Kansas City, Missouri. Further, information in this system is used to make reportings to state and local taxing authorities. Finally, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer tape, paper hard copy, microfilm. Retrievability—by name or social security number. Safeguards—maintained in secured offices, access by written authorization only. Retention and disposal—in accordance with GSA policy.

System manager(s) and address: Primary ;

Payroll Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
Secondary ;
Timekeepers
National Credit Union Administration
Central Office and
Regional Offices

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual whom the record concerns, Civil Service Commission, General Services Administration. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

NCUA-10

System name: Promotion Qualification Ranking List of Career NCUA
Examiners, by Pay Grade, NCUA.

System location: Office of Personnel
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees at the level of GS-12 and above.

Categories of records in the system: List of names,in promotion priority order, and rating sheets.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used intraagency only. Users may include the Administrator, NCUA, and all Assistant Administrators and Regional Directors. Information is used in selecting designees to fill vacancies in NCUA's professional staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy.

Retrievability—alphabetical or by promotion priority. Safeguards—maintained in secured office. Access by authorized users only. Retention and disposal—List is updated annually or as directed by the Administrator, NCUA. Superseded list is destroyed.

System manager(s) and address: Assistant Administrator for Management and Planning
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Eavaluation reports, employee personnel files, and Assistant Administrator and Regional Directors comments and recommendations.

NCUA-11

System name: Region I Regional Office Staff Development/Correspondence
Records, NCUA.

System location: Region I Regional Office
National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Categories of individuals covered by the system: NCUA Region I Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information, information concerning training, work performance, suggestions, awards, and travel vouchers, and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluations by superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability-indexed by name. Safeguards—physical security consists of maintaining records in metal file cabinets within secured of ices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager
Region I Regional Office
National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual may encounter in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-12

System name: Region II Regional Office Staff Development/Correspondence, NCUA.

System location: Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Categories of individuals covered by the system: NCUA Region II Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager
Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-13

System name: Region III Regional Office Staff Development/Correspondence, NCUA.

System location: Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

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Categories of individuals covered by the system: NCUA Region III Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-14

System name: Region IV Regional Office Staff Development/Correspond—

ence Records, NCUA.

System location: Region IV Regional Office

National Credit Union Administration
New Federal Building
234 North Summit Street
Room 704
Toledo, Ohio 43604

Categories of individuals covered by the system: NCUA Region IV Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region IV Regional Office
National Credit Union Administration
New Federal Building
234 North Summit Street
Room 704
Toledo, Ohio 43604

Notification procedure: Regional Director. Same address as above.

Record access procedures: Rebional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-15

System name: Region V Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region V Regional Office

National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Categories of individuals covered by the system: NCUA Region V Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material

is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region V Regional Office
National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-16

System name: Region VI Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region VI Regional Office

National Credit Union Administration
Two Embarcadero Center
Suite 1830
San Francisco, California 94111

Categories of individuals covered by the system: NCUA Region VI Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region VI Regional Office
National Credit Union Administration
Two Embarcadero Center
Suite 1830
San Francisco, California 94111

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-17

System name: Security Clearance of Records Concerning NCUA Personnel

Who Occupy Critical Sensitive Positions.

System location: Office of Management and Planning

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who occupy critical sensitive positions in the Agency, including the Security Officer and his designated assistants.

Categories of records in the system: Background investigations on individuals to determine appropriateness for security clearance. Information consists chiefly of records of interviews conducted by Civil Service Commission and Federal Bureau of Investigation officials with parties acquainted with the individual under investigation. Questions are geared to character, integrity and loyalty to the United States.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To facilitate a determination as to appropriateness for security clearance. Referral of relevant information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment of security clearance investigation or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Federal Bureau of Investigation, Bureau of Personnel Investigation (Civil Service Commission), Central Intelligence Agency.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-18

System name: Trusteed Account Records System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions.

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Categories of records in the system: Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to ensure proper payment of all trusteed account funds. Signature cards and account records are also maintained on microfiche copy. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on computer printout forms. Information in the system is also stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential. Retrievability—by individual name, credit union name or a combination thereof. Safeguards—records are sotred in secured offices. Retention and disposal—records are maintained until processing of claims is completed.

System manager(s) and address: Director, Division of Financial Management
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Files of federally-insured credit unions which are closed for liquidation.

NCUA-19

System name: Verified Employee Mailing List, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
Contractor's Address:
Mail America
Bumpy Oak Road
Bryan's Road, Maryland

Categories of individuals covered by the system: NCUA Employees.

Categories of records in the system: Name, address, telephone number, birthday, ethnic and sex codes, GS grade, employee type, employee identification number. Contractor is provided a tape containing all employees' names, addresses, employee numbers, regions and GS grades.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees, such as the ranking panel, Assistant Administrators, etc. Also, to generate an NCUA telephone directory for distribution to all NCUA employees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer disc 3330. Retrievability—by employee identification number. Safeguards—SCL decks available only to three persons in Division of Information Systems, and terminal is maintained in a room which is secured by a padlock after hours. Retention and disposal—information is maintained on active, retired and deceased employees for an indefinite period.

System manager(s) and address: Director, Division of Information Systems
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: NCUA form 1042 completed for each new employee by personnel staff or Regional Office Manager. Form 1051 completed by same to report changes.

NCUA-20

System name: Travel System, NCUA.

System location: Division of Financial Management
Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: All professional and semi-professional NCUA employees who have performed travel in the course of performing their duty and have been reimbursed for the expense of such travel.

Categories of records in the system: Travel Advance Cards (SF 1038), Travel Vouchers (SF 1012), Reimbursement for COS Expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 1301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311).

Authority for maintenance of the system: 5 U.S.C. Chapter 57 (as amended), Executive Order 11609 of July 22, 1971, and Executive Order 11012 of March 27, 1962. 5 U.S.C. 4101, Federal Travel Regulation, FPMR 101-7 Chapter 2, Section 6.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide documentary support for disbursement of funds for the purpose of reimbursing employees for expenses incurred in travel in performance of their duties. Users of the information—first and second line supervisors, NCUA accounting staff and budgeting staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are stored in paper hard copy form. Retrievability—records are retrievable alphabetically by surname. Safeguards—maintained in secured offices. Retention and disposal—records are kept on-site in DFM until the annual GAO audit is completed after which records are sent to a Federal Records Center for storage for a minimum of three years.

System manager(s) and address: Accounting Officer
Division of Financial Management
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Records are prepared by the individual whom the record concerns.

[FR Doc.76-29547 Filed 10-4-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 13, 1976



PART VI:

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

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DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
PRIVACY ACT OF 1974
Notice of Systems of Records

Notice is hereby given of a new records system maintained by the Marketing Division of the Office of the General Counsel within the Department of Agriculture (USDA), and required to be published in the Federal Register and in annual compilation form pursuant to the provisions of the Privacy Act of 1974 (P.L. 93-579).

Although this Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of each notice. This notice will be adopted as set forth below, without further publication, unless modified by a subsequent notice as a result of comments received from the public.

Interested persons may submit written comments on this proposed notice to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the thirtieth day following publication of this notice. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

Dated: October 1, 1976.

Earl L. Butz,
Secretary.

USDA/OGC-76

System name: Administrative proceedings brought pursuant to the Beef Research and Information Act and court cases in which the Government is plaintiff and court cases in which the Government is defendant brought pursuant to the Beef Research and Information Act, USDA/OGC.

System location:

Office of the General Counsel
Marketing Division
USDA
Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government or individuals regulated by the subject Act who file a petition with the Secretary pursuant to the authority of the subject Act or individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 94 P.L. 294; 7 U.S.C. 2901 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate record centers in accordance with such directives.

System manager(s) and address:

Director
Marketing Division
OGC, USDA
Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: The portions of this system which involve records pertaining to administrative proceeding brought by the Department or court cases in which the Government is plaintiff have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) because they consist of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

[FR Doc.76-29600 Filed 10-12-76;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1976)

Title 33—Navigation and Navigable Waters (Parts 1–199)_ $6.20

Title 35—Panama Canal---------- 3.50

Title 36—Parks, Forests, and Memorials---------- 3.40

Title 40—Protection of Environment (Parts 0–49)-------- 3.15

Title 41—Public Contracts and Property Management (Chapters 10–17)---------- 4.15

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

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10–14–76
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federal register

BOOK 1 OF 2 BOOKS

THURSDAY, OCTOBER 14, 1976

highlights

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/CG—Periodic tests and inspection; tailshaft 38771; 9–13–76
FAA—Armstrong Whitworth Argosy Model AW 650 Series 101 airplanes. 43132; 9–30–76
Standard Instrument Approach Procedures; various states.... 37101; 9–2–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
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Title 3—The President

Proclamation 4469 • October 9, 1976

Quantitative Limitation on the Importation of Certain Meats Into the United States

By the President of the United States of America

A Proclamation

Section 2(a) of the Act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 Note) (hereinafter referred to as the Act), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the tariff schedules of the United States (hereinafter referred to as meat) which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereinafter referred to as adjusted base quantity).

Section 2(b) of the Act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the Act would be imported during such calendar year (hereinafter referred to as potential aggregate imports).

The Secretary of Agriculture, pursuant to Section 2(a) and (b) of the Act estimated on December 31, 1975 (41 F.R. 1095) the adjusted base quantity of meat for the calendar year 1976 to be 1,120.9 million pounds and has estimated (in the 1976 fourth quarterly estimate) the potential aggregate imports of meat for 1976 to be 1,250 million pounds.

The potential aggregate imports of meat for the calendar year 1976, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1976 estimated by the Secretary of Agriculture and no limitation under the Act is in effect with respect to the calendar year 1976.

Section 2(c)(1) of the Act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to Section 2(b)(1) of the Act, which is 1,120.9 million pounds.

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Section 2(d) of the Act provides that the President may increase the total quantity proclaimed pursuant to Section 2(c) of the Act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry.

Section 2(d) of the Act further provides that such increase shall be in such amount as the President determines and proclaims to be necessary to carry out the purposes of Section 2(d).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me as President and pursuant to Section 2 of the Act, do hereby proclaim as follows:

1. In conformity with and as required by Section 2(c) of the Act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs) of Part 2B, schedule 1 of the tariff schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1976 is limited to 1,120.9 million pounds.

2. Pursuant to Section 2(d) of the Act, it is hereby determined that an increase in the quota quantity proclaimed in Paragraph 1. is required by overriding economic interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry, and that an increase of 112.1 million pounds in such quota quantity is necessary to carry out the purposes of such subsection.

3. Pursuant to Section 2(d) of the Act, the quota quantity proclaimed in Paragraph 1. is increased by 112.1 million pounds and the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs) of Part 2B, schedule 1 of the tariff schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1976 is limited to 1,233 million pounds.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-30335 Filed 10-13-76;10:49 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 9—PUBLIC RECORDS

Disclosure of Medical Records Under the Control of NRC

The Privacy Act of 1974 states that each agency must:

Establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him; (5 U.S.C. 552a(f)(3)).

Subpart B of the Nuclear Regulatory Commission's regulations 10 CFR Part 9 implements the Privacy Act of 1974 and provides in § 9.62(a) procedures for the disclosure of medical records under the control of NRC.

Section 9.62 provides that requests received by NRC pertaining to medical records under the control of NRC, with the exception of radiation exposure records, will only be made available to a physician of the requesting individual's choosing.

It is the Commission's view that § 9.62 (a) is overly restrictive and should be deleted, thereby permitting disclosure of medical records under the Commission's control directly to the requester. The amendment of § 9.62 set forth below deletes § 9.62(a) and redesignates § 9.62(b) as § 9.62(a).

Because this amendment relates solely to procedural matters good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 9 is published as a document subject to codification.

§ 9.62 [Amended]

Section 9.62 is amended by revoking paragraph (a) and redesignating paragraph (b) as paragraph (a).

Effective date: This amendment becomes effective on October 14, 1976.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a).

Dated at Bethesda, Maryland this 14th day of September 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-29973 Filed 10-13-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16202; Amdt. 39-2748]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Airplanes

There have been reports of the baggage in the rear baggage compartment coming in contact with the engine bleed air tubing on certain Mitsubishi Model MU-2B airplanes that resulted in rear baggage compartment fires. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require installation of heatproof insulation between the engine bleed air tubing and the rear baggage compartment on certan Mitsubishi Model MU-2B airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MITSUBISHI HEAVY INDUSTRIES, LIMITED. Applies to Model MU-2B airplanes with serial numbers 008 and 038, 101 through 119, and 134, certificated in all categories.

Compliance is required as indicated.

To prevent possible fire, due to the baggage of the rear baggage compartment coming into contact with engine bleed air tubing, accomplish the following:

Within the next 50 hours time in service after the effective date of this AD, unless already accomplished, install heatproof insulation between the engine bleed air tubing and the rear baggage compartment in accordance with the "Instructions" section of Mitsubishi Service Bulletin No. 070C dated January 7, 1976 or an equivalent, approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective October 29, 1976.

Issued in Washington, D.C. on October 5, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-29932 Filed 10-13-76;8:45 am]

[Docket No. 73-SO-72; Amdt. 39-2741]

PART 39—AIRWORTHINESS DIRECTIVES

Semco Models 30-AL, TC-4A, and Model T Series Balloons

Amendment 39-1746, 38 FR 31824 and 38 FR 31825, AD 73-24-2 requires the replacement or modification of fuel system coupling assemblies on Semco Model 30-AL, TC-4A and Model T balloons. After issuing Amendment 39-1746, the agency determined that certain Model T serial numbers were omitted from applicability. Therefore, the AD is being amended to include additional Model T serial numbers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1746, 38 FR 31824 and 38 FR 31825, AD 73-24-2, is amended by striking out the words "SEM 78 • • • inclusive" in the first paragraph and inserting the words "SEM 28, SEM 60, SEM 61, SEM 62, SEM 64 through SEM 73, SEM 76, SEM 77, and SEM 78 to SEM 118 inclusive" in place thereof.

Amendment 39-1746 became effective November 26, 1973.

This amendment becomes effective October 20, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia, on October 1, 1976.

GEORGE R. LACAILLE,
Deputy Director, Southern Region.

[FR Doc.76-29930 Filed 10-13-76;8:45 am]

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[Docket No. 76-NE-34; Amdt. 39-2743]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-58 Helicopters Certificated In All Categories

Amendment 191 (25 FR 8026), AD 60-17-3 as amended by Amendment 495 (27 FR 10117), Amendment 747 (29 FR 7668), Amendment 199 (31 FR 3064), Amendment 39-1552 FR 23711), and Amendment 39-2212 (40 FR 22249) removed some S-58 main rotor blades from service and established inspections for others. It also provided for an extension of service life limits for certain rotor blades which had been inspected at the times and in the manner set forth in Sikorsky Service Bulletin No. 58B15-4H. After Amendment 39-2212 was issued, the manufacturer issued revised Service Bulletins, Nos. 58B15-41, J, and K, which incorporated improved maintenance procedures for checking the main rotor blades internal pressure, testing the pressure indicator, and included main rotor blades S1615-20201-11, S1615-20201-15, and S1615-20201-041 in the Service Bulletin Retirement Schedule.

The agency has determined that compliance with these revised procedures is necessary to ensure the effectiveness of the main rotor blade inspection system. AD 60-17-3 is, therefore, being revised to require compliance with the revised procedures in the latest Sikorsky Service Bulletin or later FAA approved revisions.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 191 (25 FR 8026), AD 60-17-3 as amended by Amendment 495 (27 FR 10117), Amendment 747 (29 FR 7668), Amendment 199 (31 FR 3064), Amendment 39-1552 (37 FR 23711), and Amendment 39-2212 (40 FR 22249) is further amended as follows:

In paragraph (e), delete "No. 58B15-4H" and insert in its place: "No. 58B15-4K, dated July 16, 1976 or later FAA approved revisions".

This amendment becomes effective October 26, 1976.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on October 1, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-29929 Filed 10-13-76;8:45 am]

[Airspace Docket No. 76-SO-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 5, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 32578), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Morganton, N.C. transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Morganton, N.C., transition area is amended as follows:

MORGANTON, NORTH CAROLINA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Morganton-Lenoir Airport (lat. 35°49'20" N., long. 81°36'50" W.); within 3 miles each side of the 205° bearing from Fiddlers RBN (lat. 35°42'36" N., long. 81°40'17" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion that coincides with the Hickory transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in East Point, Ga., on September 29, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-29961 Filed 10-13-76;8:45 am]

[Airspace Docket No. 76-SO-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 5, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 32759), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ahoskie, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), The Ahoskie, N.C., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tri-County Airport (lat. 36°17'56" N., long. 77°10'26" W.); within 3 miles each side of the 171° bearing from the Ahoskie RBN (lat. 36°17'57" N., long. 77°10'33" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 29, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-29962 Filed 10-13-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2366]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community.

The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Georgia	Hall	Oakwood, city of	Oct. 4, 1976, emergency	Apr. 4, 1975	130334
Idaho	Canyon	Notus, city of	do	Sept. 26, 1975	160147
North Dakota	Williams	Sauk Valley, township of	do		380314
Ohio	Warren	Waynesville, village of	do	Nov. 9, 1973	390565A
				June 4, 1976	
Oklahoma	Haskell	Kinta, city of	do	Nov. 8, 1974	400071
•	•	•	•	•	•
Arkansas	Perry	Perry, town of	Oct. 5, 1976, emergency	June 27, 1975	050276
Pennsylvania	Clearfield	Graham, township of	do	Jan. 3, 1975	421522
Do.	Bucks	Langhorne Manor, borough of	do	Feb. 14, 1975	422336
Texas	Brewster	Unincorporated areas	do	Dec. 27, 1974	480084
•	•	•	•	•	•
New York	Suffolk	East Hampton, town of	June 11, 1971, emergency; Sept. 30, 1976, regular.	Aug. 29, 1975 Sept. 30, 1976	360794A
Texas	Galveston	Crystal Beach, town of	Oct. 8, 1971, emergency; Sept. 30, 1976, regular	Sept. 30, 1976	480243
•	•	•	•	•	•
Iowa	Tama	Chutier, city of	Oct. 6, 1976, emergency	July 25, 1975	190514
Do.	Sac and Calhoun	Lytton, city of	do	Sept. 26, 1975	190769
New York	Sullivan	Mamakating, town of	do		360835
Pennsylvania	Clearfield	Covington, township of	do	Dec. 6, 1974	421521
Utah	Utah	Cedar Fort, town of	do	Feb. 7, 1975	490153
•	•	•	•	•	•
Delaware	Sussex	Bethany, town of	Sept. 15, 1972, emergency; Oct. 6, 1976, regular	May 31, 1974	100051B
Massachusetts	Barnstable	Dennis, town of	Dec. 10, 1971, emergency; Oct. 6, 1976, regular	July 26, 1974	250065A
Do.	Suffolk	Winthrop, town of	Nov. 3, 1972, emergency; Oct. 8, 1976, regular	June 28, 1974	250280
Missouri	Clay	Avondale, city of	Sept. 29, 1972, emergency; Oct. 26, 1976, regular	Jan. 16, 1976	290087B
Texas	Cameron	Port Isabel, city of	Oct. 29, 1971, emergency; Oct. 6, 1976, regular	Jan. 16, 1974	480109A
•	•	•	•	•	•
Arkansas	Columbia	Taylor, city of	Apr. 14, 1975, emergency; Sept. 30, 1976, regular		050042B
Illinois	Kendall	Plano, city of	Mar. 7, 1975, emergency; Sept. 30, 1976, regular		170346A
Do.	Ogle	Polo, city of	July 3, 1975, emergency; Sept. 30, 1976 regular		170531A
Do.	Kane	Sugar Grove, village of	June 27, 1975, emergency; Sept. 30, 1976, regular.		170335A
Do.	McLean	McLean, village of	Mar. 15, 1976, emergency; Sept. 30, 1976, regular		170501A
Indiana	Knox	Edwardsport, town of	Jan. 16, 1976, emergency; Sept. 30, 1976, regular		180324A
Do.	Jefferson	Hanover, town of	Apr. 24, 1975, emergency; Sept. 30, 1976, regular		180226A
Do.	St. Joseph	Lakeville, town of	July 29, 1975, emergency; Sept. 30, 1976, regular		180226B
Kentucky	Hopkins	Mortons Gap, town of	Aug. 7, 1975, emergency; Sept. 30, 1976, regular		210116A
Massachusetts	Franklin	Heath, town of	July 1, 1975, emergency; Sept. 30, 1976, regular		250350A
Missouri	St. Louis	Winchester, city of	June 18, 1975, emergency; Sept. 30, 1976, regular.		290397A
New York	Lewis	Castorland, village of	Jan. 15, 1976, emergency; Sept. 30, 1976, regular		360359A
•	•	•	•	•	•
New York	Schuyler	Reading, town of	May 4, 1976, emergency; Sept. 30, 1976, regular		361205A
Pennsylvania	Franklin	Greencastle, borough of	Apr. 24, 1975, emergency; Sept. 30, 1976, regular		420470A
Tennessee	Gibson	Dyer, town of	June 27, 1975, emergency; Sept. 30, 1976, regular		450058A
South Carolina	Georgetown	Andrews, town of	July 16, 1975, emergency; Sept. 30, 1976, regular		450066A
Do.	Kershaw	Kershaw, town of	June 23, 1975, emergency; Sept. 30, 1976, regular		450119A
Wisconsin	Fond Du Lac	Mount Calvary, village of	Aug. 1, 1975, emergency; Sept. 30, 1976, regular		550137A
•	•	•	•	•	•
Indiana	Steuben	Clear Lake, town of	Oct. 7, 1976, emergency	Dec. 6, 1974 Dec. 12, 1975	180247A
Maine	Oxford	Porter, town of	do	Feb. 7, 1975	230338
Do.	Hancock	Trenton, town of	do	Jan. 24, 1975	230299
Michigan	Mecosta	Mecosta, township of	do		260698 New
Do.	Schoolcraft	Manistique, city of	do	Oct. 3, 1975	260695
Missouri	Boone	Ashland, city of	do	June 25, 1976	290752
New York	Herkimer	Webb, town of	Oct. 8, 1976, emergency	July 18, 1975	360321
•	•	•	•	•	•
Alabama	Pike	Goshen, town of	Oct. 8, 1976, emergency		010284
Michigan	Wayne	Riverview, city of	do	May 3, 1974 May 28, 1975	260240B
Missouri	Pulaski	Waynesville, city of	Sept. 1, 1972, emergency; Oct. 6, 1976, regular	Feb. 1, 1974	290300A
Montana	Granite	Unincorporated areas	Oct. 8, 1976, emergency		300141
Nebraska	Loup	Taylor, village of	do	July 11, 1975	310325
Oklahoma	Okmulgee	Beggs, city of	do	Apr. 9, 1976	400345
Do.	Delaware	Grove, town of	do		400385
Do.	Stephens	Marlow, city of	do		400268A
Texas	Leon	Normangee, city of	do	Aug. 16, 1974 Mar. 5, 1976	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended (39 FR 2787, Jan. 24, 1974).)

Issued: September 30, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-30000 Filed 10-13-76;8:45 am]

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[Docket No. FI-2364]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirements. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the energy or the regular flood insurance program. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Vermont	Washington	Middlesex, town of	May 13, 1974, emergency Nov. 15, 1976, suspended.	June 28, 1974	500114

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969); as amended (39 FR 2787, Jan. 24, 1974.)

Issued: October 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29999 Filed 10-13-76;8:45 am]

[Docket No. FI-2365]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), (42 USC 4001–4128), and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood hazards for the communities listed below, under § 1917.8 of Title 24 of the Code of Federal Regulations.

Accordingly, the Administrator has determined that no 100-year flood frequency elevation is known to exist in the following communities:

Community	County	State
City of Taylor	Columbia	Arkansas.
Village of McLean	McLean	Illinois.
City of Plano	Kendall	Do.
City of Polo	Ogle	Do.
Village of Sugar Grove	Kane	Do.
Town of Edwardsport	Knox	Indiana.
Town of Hanover	Jefferson	Do.
Town of Lakeville	St. Joseph	Do.
Town of Mortons Gap	Hopkins	Kentucky.
Town of Heath	Franklin	Massachusetts.
City of Winchester	St. Louis	Missouri.
Village of Castorland	Lewis	New York.
Town of Reading	Schuyler	Do.
Borough of Greencastle	Franklin	Pennsylvania.
Town of Andrews	Georgetown.	South Carolina.
Town of Kershaw	Kershaw	Do.
Town of Dyer	Gibson	Tennessee.
Village of Mount Calvary	Fond DuLac.	Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 USC 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-29998 Filed 10-13-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Fees for Reproduction Services; Location of Records and Hours of Use

On September 7, 1976, there was published in the FEDERAL REGISTER (41 FR 37606) a notice of proposed rulemaking with proposed revisions to the schedule of fees for reproduction services. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

The comments received indicate a desire by members of the public to keep fees for reproductions of archival materials as low as possible. Prior to revising the fee schedule, the National Archives and Records Service (NARS) conducted a detailed study of all of the costs involved in producing reproductions. As a result of this study, all fees were set at the minimum level which would allow NARS to recover increases in the costs of materials, labor, and postage.

Editorial corrections are made as follows:

1. The motion picture prices listed in paragraph (e) of § 105–61.5206 are changed to read as follows:

	35 mm	16 mm	16 mm from 35 mm
Per foot:			
Master positive	0.20	0.17	0.19
Duplicate negative	.26	.20	.22
Projection print	.18	.16	.18
Reversal		.21	.21
Sound track	.18	.16	.18
Composite, add	.02	.02	.04

2. The effective date in § 105–61.5206 is changed to read October 12, 1976.

Accordingly, with these corrections, the proposed revision is adopted as set forth below.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486 (c)); 41 CFR 105–61.000–2.)

Effective date: This regulation is effective on October 12, 1976.

NOTE.—(The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.)

Dated: October 8, 1976.

JAMES B. RHOADS,
Archivist of the United States.

1. Section 105–61.5201 is amended by revising paragraphs (c) (4), (5), and (6) as follows:

§ 105–61.5201 Applicability.

• • • • • •

(c) • • •

(4) Census schedules (1790–1890). Reproduction of a census entry (i.e., a family unit or household)—$3.

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$3.

(6) Passenger lists more than 75 years old—$3.

• • • • • •

2. Section 105–61.5205 is amended by revising paragraphs (b) and (c) as follows:

§ 105–61.5205 Mail orders.

• • • • • •

(b) No additional fee is charged for postage and handling reproductions that are sent to domestic addresses at the lowest rate.

• • • • • •

(e) The following fees for special postal service apply when the service is requested by the customer:

Insured mail	$0.80
Certified mail	.60
Return receipt	.25
Registered mail	2.10

When packages are sent registered mail, both the shipping fee and the special postal service fee are charged since the U.S. Postal Service charges the airmail rate for registered mail.

3. Section 105–61.5206 is revised as follows:

§ 105–61.5206 Fee schedule.

(a) Authentication, $2.00.

(b) Still Photography (minimum order, $3.00).

(1) Copy Negatives (black and white).

4 in by 5 in	$3.10
8 in by 10 in	4.75

(2) Aerial Prints (black and white).

10 in by 10 in or smaller, contact	$3.60
10 in by 10 in enlargement	3.60
14 in by 14 in	4.70
18 in by 18 in	6.65
20 in by 24 in	6.65
27 in by 28 in	13.00
40 in by 41 in	18.50
Photo—indexes (usually 20 in by 24 in)	6.65

(3) Photographic Prints (includes prints from microfilm).

	Black and white	Color
8 in by 10 in or smaller	4.00	10.50
11 in by 14 in	4.50	17.25
16 in by 20 in	8.85	29.50
20 in by 24 in	12.00	43.50
22 in by 28 in	12.00	63.50
24 in by 30 in	16.40	69.50
30 in by 40 in	16.40	81.50
Sepia, add	3.70	-------

(4) Slides and transparencies.

Black and white:	
2 in by 2 in from existing negative	$1.40
Additional fee when negative must be made	2.60
Color:	
2 in by 2 in	1.30
4 in by 5 in	8.25
8 in by 10 in	13.30

(5) Photostat.

Paper (up to 17 in by 23 in)	$2.50
Film:	
8½ in by 12 in	2.30
17 in by 23 in	5.60

(6) Diazo (per foot), $0.80.

(7) Drymounting (per square foot), $1.10.

(8) Red line facsimile (for public laws), $4.60.

(9) 105 mm. Microfilm Prints.

18 in by 24 in paper copy	$1.45

(c) Microfilm.

	16 mm	35 mm
(1) Negative (per frame; minimum order, $10)	0.10	0.10
(2) Positive (per foot; minimum order $6)	.12	.14
(3) Duplicate negative (per foot; minimum order $6)	.14	.16

(d) Electrostatic copying.

(1) Paper to paper (up to 8½ in by 14 in):	
Customer tabs documents for copying	$0.15
NARS identifies documents for copying	.20
(2) Oversized electrostatic copies (per foot)	.75

(3) Microfilm to paper.

From negative (Copyflo, per foot; minimum order, $10.00)	$1.35
From positive (per frame):	
When work is done by customer (up to 8½ in by 14 in per frame)	.15
When work is done by NARS (minimum order)	2.00
Nonconsecutive frames or first of consecutive frame, any size	.75
Consecutive or duplicate frames:	
Up to 8½ in by 14 in	.25
11 in by 17 in	.35
18 in by 24 in	.45

(e) Motion pictures (minimum order $24.00).

	35 mm	16 mm	16 mm from 35 mm
Per foot:			
Master positive	0.20	0.17	0.19
Duplicate negative	.26	.20	.22
Projection print	.18	.16	.18
Reversal		.21	.21
Sound track	.18	.16	.18
Composite, add	.02	.02	.04

(f) Sound recordings.

Reel to reel or casette:	
7½ min	$6.20
15 min	7.25
22½ min	8.30
30 min	9.20
37½ min	10.50
45 min	11.30
52½ min	12.50
60 min	13.20

(g) Machine-readable records.

Tape-to-tape copying (per reel)	$60.00
Tape-to-printout copying (computer processing time per hour; minimum order $25.00)	150.00
Tape-to-printout extract (computer processing time per hour; minimum order $25.00)	150.00
Tape-to-tape extract ($60.00 per reel plus computer processing time. Minimum order $25.00; per hour)	150.00
Card-to-card (per card; minimum order $10.00)	.02

(h) Technical services.

	Regular	Overtime
(1) Projectionist (per hour)	$19.00	$26.00
(2) Photographer or other (per hour)	14.00	18.00
(3) Microfilm preparation	14.00	18.00

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(1) Unlisted processes. Fees for reproduction processes not listed in this § 105-61.5206 are computed upon request.

4. Section 105-61.5207 is revised as follows:

§ 105-61.5207 Payment of fees.

Fees may be paid in cash or by check, or by money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order payable in U.S. dollars. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Accounts more than 90 days overdue are subject to late charges of 12 percent per year. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval. When special billing forms are not submitted with the order or are completed by NARS, there is an added $5.00 service charge.

5. Section 105-61.5208 is revised as follows:

§ 105-61.5208 Effective date.

The fees in § 105-61.5206 are effective beginning October 12, 1976, and ending on September 30, 1977. Orders received after September 30, 1976, will be subject to the fees in effect at that time.

[FR Doc.76-30024 Filed 10-13-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

PART 85a—OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

On June 24, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 26530) to add a new Part 85a to Title 42, Code of Federal Regulations. As proposed, the part set forth the manner in which the National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, will conduct investigations of places of employment pursuant to section 20 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669).

Interested persons were afforded the opportunity to participate in the rulemaking through the submission of comments. Seventy-eight letters were received from trade associations, state governments, environmental groups, and labor representatives. All comments have been considered and the major comments and principal changes to the proposal are summarized below.

SECTION 85a.2—DEFINITIONS

Definitions for "informed consent" and "legally authorized representative" were added to clarify what protection NIOSH must give to employees prior to the conduct of medical examinations, anthropometric measurements, and standardized and experimental functional tests as stipulated in § 85a.5(d). These definitions are the same as those promulgated by the Department of Health, Education, and Welfare in the regulation on protection of human subjects (45 CFR Part 46).

SECTION 85a.3—AUTHORITY FOR INVESTIGATIONS OF PLACES OF EMPLOYMENT

Twenty-two (22) comments questioned NIOSH's authority to conduct the investigations of places of employment and declared that these investigations duplicate and overlap inspections conducted by the Occupational Safety and Health Administration (OSHA). Twenty-two (22) comments questioned NIOSH's authority to review, duplicate and abstract "employment records, medical records, other records * * *" and a few questioned NIOSH's authority to conduct "medical examinations, anthropometric measurements and standardized and functional tests of employees." By virtue of section 20(b) of the Occupational Safety and Health Act of 1970, the Secretary of Health, Education, and Welfare is authorized to conduct investigations of places of employment and to question employers and employees, as provided in Section 8 of the Act, in order to carry out his section 20 functions and responsibilities. The review, duplication, or abstraction of employment records, as well as medical examinations and tests of consenting employees, are an integral part of the investigative authority and are necessary to carry out Section 20 functions and responsibilities. For those concerned with possible duplication and overlap between NIOSH and OSHA in this area, it is important to note that NIOSH investigations of places of employment are conducted primarily for the purposes of research, as required by section 20 of the Act. The Occupational Safety and Health Administration conducts inspections of places of employment for the purpose of determining employer compliance with occupational safety and health standards established pursuant to Section 6 of the Act and recordkeeping requirements established pursuant to Section 8 of the Act. Every attempt is made by NIOSH to avoid duplication of effort with OSHA that would place additional and undue burdens on employers. To this end, the regulations require the NIOSH authorized representatives to notify the appropriate OSHA Assistant Regional Director of pending NIOSH investigations (§ 85a.4 (a)(3) and (b)).

With respect to the use by NIOSH of employment records, medical records, etc., which was mentioned in several comments, § 85a.3(a) now provides that systems of records in the custody of NIOSH are subject to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and the implementing Departmental regulation (45 CFR Part 5b).

SECTION 85a.4—PROCEDURES FOR INITIATING INVESTIGATIONS OF PLACES OF EMPLOYMENT

Twenty-four (24) comments indicated NIOSH should provide advance notice for all site visits and that lack of such notice detracts from the research aspects of the site visits, placing these visits in the realm of an OSHA compliance inspection. NIOSH's position on advance notice is that in nearly all cases advance notice will be given to the place of employment concerning a proposed site visit, and the details concerning the visit, such as time, date, etc., will be agreed upon. However, NIOSH must retain the right to withhold such advance notice from the place of employment in those instances where previously gathered facts indicate the notice would adversely affect the validity and effectiveness of the investigation. Also, NIOSH cannot identify a specific time period for advance notice because of emergency research situations that require immediate action (e.g., the recent episode with health hazards associated with vinyl chloride required a spontaneous research effort and subsequent short advance notice for site visits). For these reasons, § 85a.4(b) was not revised substantively.

Seven (7) comments indicated that NIOSH should not notify unions of investigations of places of employment and that such notification detracts from the research aspects of the investigations and nothing can be gained from such an interaction. NIOSH consistently has maintained that to conduct the research mandated by the Act properly, timely input must be obtained from all parties involved, including labor and industry. To fulfill this responsibility in regard to labor unions (i.e., the responsibility to question employees as provided in section 8 of the Act in order to carry out section 20 functions and responsibilities), it is necessary that (1) the employees be notified through their local union representative(s) concerning pending investigation by NIOSH; (2) such notification be provided to an identified labor spokesman to avoid confusion and rumor; and (3) NIOSH, rather than the employer, provide the notification so that the impartiality of the Federal Government is maintained. For these reasons, a substantive revision was not made to § 85a.4(a)(2).

One (1) comment questioned whether NIOSH would conduct an investigation of a place of employment where there already was an alleged OSHA violation. Under these circumstances, generally NIOSH would not conduct a site visit. If for some reason, such a visit was of prime importance to a research project and no other place of employment would suffice, the details and guidelines for the investigation would be agreed upon between OSHA and NIOSH. Also, in many instances, the area of the place of employment which NIOSH desires to visit may not be the subject of the alleged violation and, therefore, NIOSH could proceed with the investigation after the routine consultation with OSHA.

SECTION 85a.5—CONDUCT OF INVESTIGATIONS OF PLACES OF EMPLOYMENT

Twenty-one (21) comments questioned whether the employer had been given all his legal rights concerning

trade secrets in § 85a.5(b). NIOSH is of the opinion that the approach utilized in § 85a.5(b) for handling trade secret information is reasonable and appropriate as evidenced by the fact that the same provision has been utilized successfully by NIOSH in the health hazard evaluation program (42 CFR 85.7(b)). It is noted that while these regulations authorize the Director, NIOSH, to make final determinations as to whether information is, in fact, a trade secret, trade secret designations generally will not be questioned. The determination to remove a trade secret designation will be made by the Director, NIOSH, only in a clear case. Even in such rare cases, employers would have a reasonable period of time to take whatever action they deemed necessary to protect their interests. Therefore, this paragraph of the regulation has not been revised.

Seventeen (17) comments argued that the use of contractors and consultants as NIOSH authorized representatives could compromise the effectiveness of the investigations and that these contractors could especially be a problem where trade secret information was involved. Consultants are special employees and are held to the same standards of conduct as regular NIOSH employees while performing their official duties. Nevertheless, in those instances where contractors and consultants are used to conduct investigations, NIOSH recognizes the problem an employer might have with revealing trade secret information to these individuals. Therefore, § 85a.5(b) has been revised to provide that employers may, after advising the NIOSH contractor or consultant in writing, withhold information deemed to be a trade secret from such NIOSH authorized representatives or prohibit entry into areas containing trade secrets in the place of employment. In these instances, NIOSH regular employees will then obtain the information or enter the subject area of the place of employment.

Eleven (11) comments indicated § 85a.5(c) was not clear in regard to whether or not a representative of the employer would be allowed to accompany the NIOSH authorized representatives during a site visit. Section 85a.5(c)(3) has been revised to clarify that a representative of the employer will, in all instances, be permitted to accompany the NIOSH authorized representatives during a site visit of a place of employment. Section 85a.5(c) also has further been revised to permit accompaniment by a third party where good cause has been shown that it is reasonably necessary to the conduct of an effective site visit.

SECTION 85a.6—PROVISION OF SUITABLE SPACE FOR EMPLOYEE INTERVIEWS AND EXAMINATIONS

Seven (7) comments indicated that in all instances employers should not be required to provide suitable space for interviews, medical examinations, and other testing. The specific example given was the construction industry where such space would not normally be available. The provision of suitable space for employee medical examinations, interviews, and other testing is required by the regulation only if such space is reasonably available.

Twenty-six (26) comments indicated NIOSH should reimburse employers for lost time during medical examinations and other testing. There is no statutory requirement for NIOSH to pay for loss of work time incurred by employees during the conduct of medical examinations, etc. NIOSH considers such examinations and testing an extension of employee interviews authorized by section 8(a)(2) of the Act, which does not provide for reimbursement of the employer for the time required to interview employees. It should be noted when NIOSH conducts medical examinations and other testing of employees during investigations of places of employment, every attempt is made to conduct such examinations and other testing at times to minimize or avoid any loss of time to the employer and employee. Generally, one or two employees of a given job-type can be rotated off the job for the required testing time without interfering with production or causing lost time. Thus, § 85a.6 has not been revised except for wording clarification.

SECTION 85a.7—IMMINENT DANGERS

Eight (8) comments indicated NIOSH does not have the authority to "declare" an imminent danger and the use of this term in the regulation should be better defined and be more consistent with the Act and the mandates of OSHA. NIOSH does not have the authority to declare an "imminent danger" and there is not such a declaration in § 85a.7. Trained NIOSH representatives do, however, notify OSHA, appropriate state agencies, the employer and employees of the existence of occupational conditions that could be expected to cause death or serious physical harm if not immediately corrected. NIOSH will continue to advise appropriate persons of the existence of such conditions and § 85a.7 remains unchanged. "Imminent danger" is not defined in the regulation and, therefore, as indicated in § 85a.2, the term has the same meaning given it in the Act.

SECTION 85a.8—REPORTING OF RESULTS OF INVESTIGATIONS OF PLACES OF EMPLOYMENT

Thirteen (13) comments indicated employers should be given the results of an individual employee's medical examination and other tests. Section 85a.8(b) provides that NIOSH will release such records only with the written consent of the employee. In the absence of a written consent by the employee, NIOSH is prohibited by the Privacy Act of 1974 (5 U.S.C. 552a) and the implementing Departmental regulation (45 CFR Part 5b) from releasing the results of the employee's medical examination and tests to third parties.

Seven (7) comments questioned the need to make public the names of the places of employment upon which reports are written. Under the provisions of the Freedom of Information Act (5 U.S.C. 552) NIOSH must release to the public the names of places of employment where investigations have been conducted, as well as the specific reports that have been prepared. This release is made only upon request, however, and places of employment are not identified in the findings of a total investigation as stated in § 85a.8(c).

Three (3) comments asserted that NIOSH should not only release to the employer specific final reports but should also release, upon request, the data that went into developing the reports. Section 85a.8(a)(1) has been revised to provide that NIOSH will release to the employer, upon request, the data used to compile the specific reports mentioned in this subparagraph, except that data will not be released in a form that is individually identifiable, i.e., in a manner in which information concerning an employee could be connected with that employee.

It also was urged that employers should have the right to review "specific reports" mentioned in § 85a.8(a)(1) not only for trade secret information but also for inaccuracies. NIOSH agrees and § 85a.8(a)(1) has been revised accordingly.

Section 85a.8 also has been revised to provide:

1. That in certain types of NIOSH site visits, where a specific report is not required or is not useful, a closing conference in lieu of such a report will be held at the place of employment with those individuals participating in the site visit. This closing conference is for the purpose of discussing the findings of the site visit and appropriate recommendations.

2. For further explanation in § 85a.8(b)(1) of the personal rights of an employee concerning records of medical examinations and other tests.

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A number of those submitting comments requested that NIOSH hold a public hearing concerning these regulations. There is no legal requirement that NIOSH grant a public hearing. Since two months were provided for the submission of written comments and the comments received have been carefully considered, it has been determined that a hearing on the issues raised would not be in the public interest.

Therefore, a new Part 85a, as set forth below, is added to Title 42, Code of Federal Regulations, effective November 15, 1976.

Dated: April 14, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 7, 1976.

MARJORIE LYNCH,
Acting Secretary.

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Sec.
85a.1 Applicability.
85a.2 Definitions.
85a.3 Authority for investigations of places of employment.
85a.4 Procedures for initiating investigations of places of employment.
85a.5 Conduct of investigations of places of employment.
85a.6 Provision of suitable space for employee interviews and examinations.
85a.7 Imminent dangers.
85a.8 Reporting of results of investigations of places of employment.

AUTHORITY: Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

§ 85a.1 Applicability.

(a) Except as otherwise provided in paragraph (b) of this section, the provisions of this part are applicable to investigations of places of employment which are conducted by NIOSH pursuant to sections 20 and 8 of the Occupational Safety and Health Act of 1970.

(b) The provisions of this part do not apply to those activities covered by Part 85 of this chapter.

§ 85a.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) "Assistant Regional Director" means any one of the ten Occupational Safety and Health Administration Assistant Regional Directors for Occupational Safety and Health.

(c) "Informed consent" means the knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary to such consent include:

(1) A fair explanation of the procedures to be followed, and their purposes, including identification of any procedures which are experimental;

(2) A description of any attendant discomforts and risks reasonably to be expected;

(3) A description of any benefits reasonably to be expected;

(4) A disclosure of any appropriate alternative procedures that might be advantageous for the subject;

(5) An offer to answer any inquiries concerning the procedures; and

(6) An instruction that the person is free to withdraw his consent and to discontinue participation in the investigation any time without prejudice to the subject.

(d) "Investigation" means research projects, experiments, demonstrations, studies and similar activities of NIOSH which are conducted pursuant to section 20 of the Act.

(e) "Legally authorized representative" means an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to such subject's participation in the particular activity or procedure.

(f) "NIOSH" means the National Institute for Occupational Safety and Health of the Center for Disease Control, Public Health Service, Department of Health, Education, and Welfare.

(g) "NIOSH authorized representative" means a person authorized by NIOSH to conduct investigations of places of employment, including any person that is fulfilling a contract agreement with NIOSH or is serving as an expert or consultant to NIOSH pursuant to the Act.

(h) "NIOSH Regional Office" means any one of the ten Department of Health, Education, and Welfare Regional Offices, the addresses of which are specified in § 5.31 of Title 45, Code of Federal Regulations.

(i) "Place of employment" means any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by any employee of an employer.

§ 85a.3 Authority for investigations of places of employment.

(a) NIOSH authorized representatives who have been issued official NIOSH credentials are authorized by the Director, NIOSH, for the purpose of section 20 of the Act and this part and pursuant to section 8 of the Act: To enter without delay any place of employment for the purpose of conducting investigations of all pertinent processes, conditions, structures, machines, apparatus, devices, equipment, and materials within the place of employment; and to conduct medical examinations, anthropometric measurements and functional tests of employees within the place of employment as may be directly related to the specific investigation being conducted. Such investigations will be conducted in a reasonable manner, during regular working hours or at other reasonable times and within reasonable limits. In connection with any investigations, such NIOSH authorized representatives may question privately any employer, owner, operator, agent, or employee from the place of employment; and review, abstract, or duplicate employment records, medical records, records required by the Act and regulations, and other related records. In those instances where systems of records subject to review, abstraction or duplication are of a confidential nature, such as medical records, and are abstracted or duplicated, NIOSH will maintain such systems in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the implementing regulation of the Department of Health, Education, and Welfare (45 CFR Part 5b).

(b) Areas under investigation which contain information classified by any agency of the United States Government in the interest of national security will be investigated only by NIOSH authorized representatives who have obtained the appropriate security clearance and authorization.

§ 85a.4 Procedures for initiating investigations of places of employment.

(a) Except as otherwise provided in paragraph (b) of this section, NIOSH authorized representatives will contact an official representative of the place of employment prior to any site visits and will provide the details of why an investigation of the place of employment is being conducted. Prior to the initiation of a site visit of a place of employment, representatives of the following organizations will be advised of the site visit and the reason for its conduct:

(1) The appropriate State agency designated under section 18(b) of the Act, or if the State has been preempted as provided under the Act, the State agency which, in the judgment of NIOSH, would benefit the most from the investigation's findings;

(2) If there is a local union at the place of employment, the local president, business manager or other appropriate individual; and

(3) The appropriate Assistant Regional Director.

(b) Advance notice of site visits will not be given to the place of employment or local union at the place of employment when, in the judgment of the NIOSH authorized representatives, giving such notice would adversely affect the validity and effectiveness of an investigation. Those individuals and organizations specified in § 85a.4(a) (1) and (3) will be notified prior to the initiation of such a site visit. After the site visit has been initiated, and, as soon as possible thereafter, the NIOSH authorized representatives will contact those individuals specified in § 85a.4(a)(2) concerning the nature and details of the site visit.

(c) In those instances where site visits are not necessary to the conduct of an investigation, the NIOSH authorized representatives will contact an official representative of the place of employment either verbally or through a written communication and provide the details of why an investigation of the place of employment is being conducted. If appropriate, the NIOSH authorized representatives will contact those individuals stipulated in paragraphs (a)(1), (a)(2), and (a)(3) of this section about the nature and details of the investigation.

§ 85a.5 Conduct of investigations of places of employment.

(a)(1) Prior to beginning a site visit, NIOSH authorized representatives will present their credentials to the employer, owner, operator or agent in charge at the place of employment, explain the nature, purpose and scope of the investigation and the records specified in § 85a.3 which they wish to review, abstract or duplicate.

(2) In those instances where site visits are not necessary to the conduct of an investigation and the initial contact is made verbally, NIOSH authorized representatives will, at the request of the employer, owner, operator or agent in charge at the place of employment, provide a written explanation of the nature, purpose and scope of the investigation and the records specified in § 85a.3 which they wish to review, abstract or duplicate.

(b)(1) At the commencement of an investigation, the employer, owner, operator or agent in charge at the place of employment shall precisely identify that information which is trade secret and might be seen or obtained by the NIOSH authorized representatives during the investigation. If the NIOSH authorized representatives have no clear reason to question such identification, such information will not be disclosed by NIOSH in accordance with the provisions of section 15 of the Act. Generally, NIOSH will not question trade secret designations; however, if NIOSH at any time does question such identification, not less than 15 days' notice to the employer, owner, operator or agent will be given of the intention to remove the trade secret designation from such information. The employer, owner, operator or agent may within that period submit a request to the Director, NIOSH, to reconsider this intention and may provide additional information in support of the trade secret designation. The Director, NIOSH, will notify the employer, owner, operator or agent in writing of the decision which will become effective no sooner than 15 days after the date of such notice.

(2) In those instances where the NIOSH authorized representative is a person fulfilling a contract agreement with NIOSH or is serving as an expert or consultant to NIOSH pursuant to the Act, the employer, owner, operator or agent in charge at the place of employment may, after advising the NIOSH contractor or consultant in writing, elect to withhold information deemed to be a trade secret from such a NIOSH authorized representative or prohibit entry into the area of the place of employment where such entry will reveal trade secrets. In those instances, where the subject information is needed or access to the area of the place of employment is necessary, in the judgment of NIOSH, to fulfill the goals of the investigation, NIOSH regular employees will then obtain the information or enter the subject area of the place of employment.

(c)(1) NIOSH authorized representatives will be in charge of site visits conducted pursuant to this part.

(2) Where there is a request by the representative of the State agency and/or employees, who were notified pursuant to § 85a.4(a)(1) or § 85a.4(a)(2) to accompany the NIOSH authorized representatives during the site visit of the place of employment, the NIOSH authorized representatives will allow this request if they determine that this will aid the investigation; or where, in the judgment of the NIOSH authorized representatives, good cause has been shown why accompaniment by a third party who is not an employee of the employer is reasonably necessary to the conduct of an effective and thorough site visit, they may permit such third party to accompany them during the site visit: *Provided, however,* That access by such person(s) to areas described in § 85a.5(c)(4) shall be in accordance with the requirements of such provision and access to areas containing trade secrets shall be with the consent of the employer, owner, operator or agent in charge at the place of employment.

(3) NIOSH authorized representatives are authorized to deny the right of accompaniment under this paragraph to any person whose conduct in their judgment interferes with a fair and orderly site visit. In all instances, a representative of the employer shall be permitted to accompany the NIOSH authorized representatives during the site visit of the place of employment.

(4) With regard to information classified by an agency of the United States Government in the interest of national security, only persons authorized to have access to such information may accompany NIOSH authorized representatives in areas containing such information.

(d)(1) NIOSH authorized representatives are authorized: To collect environmental samples and samples of substances; to measure environmental conditions and employee exposures; to take or obtain photographs, motion pictures or video tapes related to the purpose of the investigation; to employ other reasonable investigative techniques, including medical examinations, anthropometric measurements and standardized and experimental functional tests of employees with the informed consent of such employees; to review, abstract and duplicate such personnel records as are pertinent to mortality, morbidity, injury, safety and other similar studies; and to question and interview privately any employer, owner, operator, agent or employee from the place of employment. The employer, owner, operator, or agent shall have the opportunity to review photographs, motion pictures and video tapes taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

(2) Prior to the conduct of medical examinations, anthropometric measurements or functional tests of any employees, the NIOSH authorized representatives will obtain approval of the procedures to be utilized from the NIOSH Human Subjects Review Board and no employee examination, measurement or test will be undertaken without the informed consent of such employee.

(e) NIOSH authorized representatives will comply with all safety and health rules and practices at the place of employment and all NIOSH and Occupational Safety and Health Administration regulations and policies during a site visit and will provide and use appropriate protective clothing and equipment. In situations requiring specialized or unique types of protective equipment, such equipment shall be furnished by the employer, owner, operator or agent in charge at the place of employment.

(f) The conduct of site visits will be such as to preclude unreasonable disruption of the operations of the place of employment.

§ 85a.6 Provision of suitable space for employee interviews and examinations.

An employer, owner, operator or agent in charge at the place of employment shall, on request of the NIOSH authorized representatives, provide suitable space at the place of employment, if such space is reasonably available, to NIOSH to conduct private interviews with, and medical examinations, anthropometric measurements and functional tests of employees. NIOSH authorized representatives will consult with the employer, owner, operator or agent as to the time and place of the private interviews, medical examination, anthropometric measurements and functional tests and will schedule same so as to avoid undue disruption of work at the place of employment. NIOSH will conduct the medical interviews, measurements, examinations and tests specified under this part at its own expense.

§ 85a.7 Imminent dangers.

Whenever, during the course of, or as a result of, an investigation under this part, the NIOSH authorized representatives believe there is a reasonable basis for an allegation of an imminent danger, NIOSH will immediately advise the employer, owner, operator or agent in charge at the place of employment and those employees who appear to be in immediate danger of such allegation and will inform the appropriate Assistant Regional Director and the appropriate State agency designated under section 18(b) of the Act, or if there is no State agency designated under section 18(b) of the Act, the appropriate State labor or health agency.

§ 85a.8 Reporting of results of investigations of places of employment.

(a)(1) Specific reports of investigations of each place of employment under this part, with identification of the place of employment, will be made available by NIOSH to the employer, owner, operator or agent in charge at the place of employment, with copies to the appropriate officials and Agencies notified pursuant to § 85a.4(a). Prior to release of such reports, a preliminary report will be sent by NIOSH to the employer, owner, operator or agent for review for trade secret information and technical inaccuracies that may inadvertently be presented in the report. If requested in writing, the data used to compile the reports will be made available by NIOSH to the employer, owner, operator or agent in charge at the place of employment, except that data will not be released in a form that is individually identifiable.

(2) All specific reports of investigations of each place of employment under this part will be available to the public from the NIOSH Regional Consultant for Occupational Safety and Health in the appropriate NIOSH Regional Office.

(3) In certain instances, specific reports of investigations of each place of employment will not be prepared. In such instances, a closing conference at

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the place of employment will be conducted by the NIOSH authorized representatives and those individuals participating in the site visit to discuss the findings of the site visit and appropriate recommendations.

(b)(1) Any specific findings of individual employee medical examinations, anthropometric measurements and functional tests will be released by NIOSH authorized representatives to the company physician, private physician, or other person only pursuant to the written authorization of the employee; otherwise, the specific findings and other personal records concerning individuals will be maintained in accordance with 45 CFR Part 5b and section 3 of the Privacy Act of 1974 (5 U.S.C. 552a). Notice of all NIOSH systems of records as defined in 45 CFR 5b.1(n) as a result of the investigations of places of employment pursuant to this part will be published in the FEDERAL REGISTER under Notices of Systems of Records for the Department of Health, Education, and Welfare.

(2) In cases where an employee shows positive significant medical findings, the employee and the physic n(s) designated by the employee under § 85a.8(b)(1) will be immediately notified by NIOSH.

(3) A summary of the findings of the examinations for each employee will be sent by NIOSH to the individual.

(c) The findings of a total investigation generally will be disseminated as part of NIOSH criteria documents, NIOSH technical reports, NIOSH information packets, scientific journals, presentations at technical meetings, or in other similar manners. These findings of a total investigation will be presented in a manner which does not identify any specific place of employment; however, it should be noted that the specific reports of investigations of each place of employment under this part are subject to mandatory disclosure, upon request, under the provisions of the Freedom of Information Act (5 U.S.C. 552).

[FR Doc.76-30134 Filed 10-13-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5604; UT-6348]

UTAH

Reservoir Site Restoration No. 44; Powersite Restoration No. 661; Revocation of Powersite and Reservoir Site Withdrawals in Whole or in Part

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141, and section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the determination of the Federal Power Commission in DA-187; DA-189-Utah, it is ordered as follows:

1. Departmental Orders of August 18, 1889, and August 22, 1889, and the Executive Order of February 1, 1921, withdrawing Reservoir Sites Nos. 2, 3, and 4, and Reservoir Site Reserve No. 13, are hereby revoked so far as they affect the following described lands:

WASATCH NATIONAL FOREST

SALT LAKE MERIDIAN

Reservoir Site No. 2, Silver Lake

T. 2 S., R. 3 E.,
Sec. 34, E½NE¼, N½NE¼SE¼;
Sec. 35, NW¼NE¼, NW¼, SE¼NW¼SW¼, W½NE¼SW¼.

Reservoir Site No. 3, Twin Lakes

T. 2 S., R. 3 E.,
Sec. 34, E½SW¼, NW¼SE¼, N½NW¼SW¼SE¼, SW¼NW¼SW¼SE¼.

Reservoir Site No. 4, Mary's Lake

T. 3 S., R. 3 E.,
Sec. 2, W½NW¼;
Sec. 3, E½NE¼.

Containing approximately 618 acres in Wasatch County.

Reservoir Site Reserve No. 13

T. 3 N., R. 5 E.,
Sec. 30, SW¼NE¼, SE¼NW¼.

Containing 80 acres in Summit County.

2. The Executive Orders of March 11, 1912, April 16, 1912, June 23, 1913, July 1, 1913, July 26, 1913, October 23, 1914, July 19, 1915, December 20, 1916, February 25, 1919, and April 22, 1919, creating Powersite Reserves Nos. 251, 256, 376, 377, 393, 459, 494, 569, 570, 711, and 685, respectively, are hereby revoked so far as they affect the following described lands:

UINTAH NATIONAL FOREST

SALT LAKE MERIDIAN

Powersite Reserve No. 251

T. 10 S., R. 1 E.,
Sec. 1, lots 3 and 4, S½NW¼, SW¼;
Sec. 12, SE¼SE¼;
Sec. 13, SW¼NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 24, NW¼NE¼, S½NE¼.
T. 10 S., R. 2 E.,
Sec. 18.

Powersite Reserve No. 256

T. 4 S., R. 2 E.,
Sec. 29, S½SW¼.

Powersite Reserve No. 376

T. 5 S., R. 2 E.,
Sec. 22, SE¼SE¼ (lot 6).

Containing approximately 1,455 acres in Utah County.

CACHE AND WASATCH NATIONAL FOREST

SALT LAKE MERIDIAN

Powersite Reserve No. 377

T. 5 N., R. 1 E.,
Sec. 28, S½NE¼, SE¼NW¼, SW¼SW¼, NE¼SE¼;
Sec. 30, S½NE¼, SE¼NW¼, SE¼SW¼, S½SE¼.

Containing 440 acres in Weber and Morgan Counties.

CACHE NATIONAL FOREST

Powersite Reserve No. 393

T. 10 N., R. 2 E.,
Sec. 1, S½SW¼;
Sec. 3, N½SW¼, S½ SE¼;
Sec. 4, SW¼, N½SE¼;
Sec. 8, N½NE¼;
Sec. 12, NW¼NW¼, NE¼SE¼.
T. 10 N., R. 3 E.,
Sec. 7, lots 1, 2, 3, 8, 11, S½NE¼, SW¼SE¼;
Sec. 8, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 17, N½NE¼, NE¼NW¼.

Containing approximately 1,280 acres in Cache County.

WASATCH NATIONAL FOREST

Powersite Reserve No. 459

T. 1 S., R. 2 E.,
Sec. 28, SW¼SW¼;
Sec. 29, S½SE¼.

Containing 120 acres in Salt Lake County.

CACHE NATIONAL FOREST

Powersite Reserve No. 494

T. 9 N., R. 3 E.,
Sec. 13, N½SW¼.
T. 3 S., R. 6 W.,
Sec. 35, NE¼NE¼.

Powersite Reserve No. 570

T. 3 S., R. 6 W.,
Sec. 27, NE¼SE¼, S½SE¼ (S½SE¼ is public land);
Sec. 33, N½S½;
Sec. 34, NW¼NE¼, NE¼NW¼, SW¼NW¼, NW¼SW¼.

Powersite Reserve No. 569

All portions of the following described lands lying within 50 ft. of the centerline of the transmission line of the Ophir Hill Consolidated Mining Co. as indicated on the map accompanying right-of-way application (Salt Lake City—011423) bearing affidavit of James W. Wade and certificate of E. W. Clark, Manager of the Ophir Hill Consolidated Mining Co., and filed in the Salt Lake City Office of the General Land Office (now Bureau of Land Management) on April 24, 1913:

T. 4 S., R. 5 W.,
Sec. 5, lot 4;
Sec. 6, lots 1 and 2;
Sec. 9, N½NE¼, SE¼NE¼;
Sec. 10, S½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 14, W½NW¼.

Powersite Reserve No. 711

T. 5 S., R. 4 W.,
Sec. 24, NE¼NE¼;
Sec. 27, NE¼NE¼, S½N½;
Sec. 28, lot 19.

All portions of the following described lands lying within 50 ft. of the right-of-way shown on four sheets of a map, each sheet being designated Sheet No. 2, Sheet No. 3, Sheet No. 4, Sheet No. 5, filed in the United States Land Office (now Bureau of Land Management) at Salt Lake City, Utah, on June 22, 1918, as part of the application (Salt Lake City—023174) of the Ophir Hill Consolidated Mining Company:

PUBLIC LANDS

T. 4 S., R. 4 W.,
Sec. 31, SE¼SW¼.
T. 5 S., R. 4 W.,
Sec. 6, lot 3, SW¼NE¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, lots 7, 8, 14, 15, 17;
Sec. 17, lots 5, 6, 9, SW¼NE¼, SE¼NE¼, W½SE¼;
Sec. 20, lot 3;
Sec. 21, lots 4 and 5, N½SW¼, SE¼SW¼;
Sec. 28, lots 14, 15, 17.
T. 3 S., R. 5 W.,
Sec. 31, SW¼SE¼.

The areas described aggregate approximately 2,384 acres in Tooele County.

Powersite Reserve No. 685

T. 6 N., R. 1 W.,
Sec. 24, NE¼NW¼.
T. 6 N., R. 2 E.,
Sec. 12, lots 1 and 3, E½NW¼, SW¼NW¼, SE¼SW¼, SW¼SE¼.
T. 6 N., R. 3 E.,
Sec. 6, lots 2 and 12.
T. 7 N., R. 3 E.,
Sec. 26, SW¼NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 34, E½NE¼, NW¼NE¼, NE¼SE¼.

Containing approximately 725 acres in Weber County.

T. 10 N., R. 3 E.,
Sec. 14, S½SW¼, SE¼SE¼;
Sec. 15, N½NW¼;
Sec. 23, E½NE¼, NE¼SE¼.
T. 10 N., R. 4 E.,
Sec. 30, lot 3, NE¼SW¼, S½SE¼.

Containing approximately 560 acers in Cache County.

The areas described aggregate approximately 7,662 acres of private, public, and national forest lands. The NE¼NE¼ sec. 35, T. 3 S., R. 6 W., and SW¼SE¼ sec. 31, T. 3 S., R. 5 W., are public lands withdrawn by Public Land Order No. 867 for the Department of the Army.

The State of Utah has waived its right to select any of the lands for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. Some of the lands listed in paragraphs 1 and 2, have been subject to the general determination of the Federal Power Commission issued April 17, 1922. Some of the lands remain withdrawn subject to existing transmission line permits or approved rights-of-way under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), or the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961); and some have been restored subject to the provisions of section 24 of the Federal Power Act.

4. At 10 a.m. on November 10, 1976, the public lands described in paragraph 2 of this order shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 10, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 10 a.m. on November 10, 1976, the national forest lands not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of national forest lands.

6. The lands described in this order have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, 136 East South Temple, Bureau of Land Management, Salt Lake City, Utah 84111.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 5, 1976.

[FR Doc.76-30087 Filed 10-13-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-462]

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Adoption of FCC Form 442

Order.
Adopted: May 19, 1976.
Released: October 13, 1976.

In the matter of amendment of Part 5, Experimental Radio Service (Other Than Broadcast) and adoption of FCC Form 442.

1. Pursuant to the Commission's policy of reregulation and to simplify its application procedures, Part 5, Experimental Radio Service (Other Than Broadcast) is herewith amended to require the use of FCC Form 442 by applicants applying for new or modified station authorizations in the Experimental Radio Service, and to delete the use of FCC Forms 440 and 441.

2. New FCC Form 442 includes the supplemental statements heretofore required as attachments to the application pursuant to § 5.57. Accordingly, this requirement for supplementary statements is deleted. In lieu thereof a single supplementary statement will be required—generally, a simple narrative statement describing the program of experimentation. See revised § 5.57 appended hereto.

3. The basic intent of the revised rules is to provide simplification and improvement over those now in effect. It is expected that with a new form (FCC Form 442) and the deletion and revision of certain sections of Part 5 that many of the past difficulties which have been experienced by the applicants will be substantially reduced or eliminated and will make for more efficient processing of the application.

4. We conclude that, for the reasons set forth above, adoption of the new Form and amendments will serve the public interest and convenience. Inasmuch as the use of FCC Form 442 and the amendment of Part 5 involve matters of procedure, impose no additional burdens, and raise no issue upon which comments would serve any useful purpose, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

5. *Therefore, it is ordered,* That, pursuant to section 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, Part 5 of the Commission's rules and regulations is amended as set forth below, effective November 2, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 5 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 5.51 is revised to read as follows:

§ 5.51 Station authorization required.

(a) No radio transmitter shall be operated in the Experimental Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

(b) Persons desiring to install and operate radio transmitting equipment under this part should first submit an application for a radio station authorization in accordance with § 5.55.

§ 5.52 [Reserved]

2. Section 5.52 is deleted and reserved.

3. Section 5.55 is revised, to read as follows:

§ 5.55 Form to be used.

(a) *Application for combined construction permit and radio station license for land stations and fixed stations.* A separate application shall be submitted on FCC Form 442 for each base station and each fixed station. Whenever the proposed antenna exceeds 6 meters in height above the ground level or more than 6 meters in height above an existing building, the applicant must comply with the requirement of part 17 of this chapter.

(b) *Application for combined construction permit and radio station license for mobile stations.* An application for each mobile station comprising any specified number of mobile units to be operated in the same service and within the same geographical area, including handcarried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 442.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(c) *Application for modification of combined construction permit and station license.* An application for modification of station authorization shall be submitted on FCC Form 442. A blanket application for modification of a group of authorizations of the same class where the modifications requested are the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified therein. However, application for modification to change location of a base or fixed station shall be filed as a separate application.

(d) *Application for renewal of station authorization.* (1) Application for re-

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newal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the existing authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(2) If the station license sought to be renewed is used for the purpose of fulfilling the requirements of a contract with an agency of the U.S. Government, the application for renewal shall be accompanied by FCC Form 440A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

(e) *Application for consent to assignment of radio station authorization.* Application on FCC Form 702 shall be submitted when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a station authorization or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Such applications must be accompanied by the FCC Form 442 of which only the certification need be signed by the proposed assignee. No other information is required to be supplied on this form.

(f) *Application for consent to transfer of control of Corporation holding radio station authorization.* Application for consent to transfer of control shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporation holding a station authorization.

(g) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted normally in letter form, and with the original signed in accordance with § 5.54. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only under the conditions set forth in § 5.56.

4. Section 5.57 is revised to read as follows:

§ 5.57 Supplementary statements required.

(a) Each applicant for an authorization in the Experimental Radio Service must enclose with the application a narrative statement describing in detail the program of research and experimentation proposed, the specific objectives sought to be accomplished; and how the program of experimentation has a reasonable promise of contribution to the development, extension, or expansion, or utilization of the radio art, or is along lines not already investigated. An applicant may request non-disclosure of proprietary information submitted under this part. These requests should follow the procedures for submission set forth in Section 0.459 of this chapter.

(b) *Applications involving government contracts.* The requirements of paragraph (a) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. In lieu thereof, such applicants shall include as a part of the application, FCC Form 440A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

(c) *Applications involving development of equipment for export purposes.* Each application for an authorization for the purpose of developing equipment for exportation to be employed by stations under the jurisdiction of a foreign government shall include in addition to the information required by paragraph (a) of this section the following information:

(1) The contract number and the name of the foreign government concerned.

(2) The daily hours of operation and the estimated date of the beginning and end of the specific time period for which the authorization is required.

(d) *Applications involving communications essential to a research project.* The requirements of paragraph (a) of this section shall not be applicable to applications for an authorization in the Experimental Service (Research) to be used for communications essential to a research project. Applicants in this service shall include as part of the application for an authorization the following:

(1) A description of the nature of the research project being conducted.

(2) A showing that communication facilities are necessary for the research project involved.

(3) A showing that existing communication facilities are inadequate.

§ 5.61 [Reserved]

5. Section 5.61 is deleted and reserved.

SAMPLE

FCC Form 442
August 1976

Approved by GAO
B-180227(R0376)

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

APPLICATION FOR NEW OR MODIFIED RADIO STATION AUTHORIZATION UNDER PART 5 OF FCC RULES EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

These Instructions should be removed from the attached body of the form before the form is submitted to the Commission.

General Information and Instructions.

1. Submit application direct to the Federal Communications Commission, Washington, D.C. 20554.
2. No fee is required with this application.
3. Before this application is prepared applicant should refer to Part 5 of the Rules and Regulations of the Commission, copies of which may be obtained by purchasing Volume II of FCC Rules and Regulations from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402.
4. If a corporation, state corporate name; If a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. If this application involves a station that is now authorized, the name herein shown must correspond exactly with that shown on current authorization.
5. Applicants should make every effort to file complete applications. Failure to do so may result in a rejection and return of the application or a delay in the processing of the application.
6. Each document required to be filed as an exhibit should be current as of the date of filing. If reference is made to information already on file with the Commission see Item 7 below.
7. To refer to the material on file it is necessary that the applicant provide sufficient information to locate the previously filed material. If filed with a station application, furnish name of applicant or licensee, call sign, file number and date of filing. In other cases furnish date of filing and describe the matters in connection with which filed.
8. Each document or statement required to be filed as an exhibit should be numbered separately. Exhibit numbers should be shown in the blank space provided for this purpose in the individual items of the application form. Where the space left in the application for narrative answers is insufficient a separate statement, bearing an exhibit number in sequence with other exhibits numbered in the application, should be attached to the application and reference to the statement's exhibit number should be made in the answer space.
9. When the antenna structures proposed to be erected will extend more than 6 meters above the ground or above an existing building, each application shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the FAA. Landing area, as defined in Part 17 of the Commission's Rules: "Landing Area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.
10. Applications proposing a developmental program of experimentation related to an established service which involves the assignment of frequencies not included in the rules governing such service or involves the use of allocated frequencies in a manner contrary to the rules governing that service must be accompanied by a petition requesting the amendment of the rules governing the service involved to provide for the proposed operation.
11. Applications proposing to develop a new service for which no frequencies have been allocated and for which rules have not been promulgated must be accompanied by a petition requesting the allocation of frequencies for the proposed service and setting forth the reasons in support of the petition.

FCC Form 442 — Page 2

6(a). Proposed location of transmitter and transmitting antenna (Check only one box)
☐ FIXED/BASE ☐ MOBILE ☐ BASE & MOBILE

(b) If permanently located at a fixed location, give below

State	County	City or Town

Number and street (or other indication of location)

(c) If mobile, describe the exact area of operation

Geographical coordinates exact to the nearest second

(Geographical coordinates of the approximate center of proposed area of operation (mobile applications))

North Latitude ° ' " West Longitude ° ' "

North Latitude ° ' " West Longitude ° ' "

Place an "X" in the appropriate column.	YES	NO
7. Is a directional antenna (other than rod or loop) used?		
If "YES", give the following information:		
(a) Width of beam in degrees at the half-power points.		
(b) Orientation in horizontal plane.		
(c) Orientation in vertical plane.		
8. Is this authorization to be used for fulfilling the requirements of a government contract with an agency of the United States Government?		
If "Yes", attach FCC Form 440-A, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts, in triplicate to this application.		
9. Is this authorization to be used for the exclusive purpose of developing radio equipment for export to be employed by stations under the jurisdiction of a foreign government?		
If "Yes", attach as EXHIBIT No. _____, the following information:		
(a) The contract number and the name of the foreign government concerned.		
(b) The daily hours of operation and the estimated date of the beginning and end of the specific time period for which the authorization is required.		
10. Is this authorization to be used for providing communications essential to a research project. (The radio communications are ancillary to the research project).		
If "Yes", attach as EXHIBIT No. _____, a narrative statement providing the following information:		
(a) A description of the nature of the research project being conducted.		
(b) A showing that the communications facilities requested are necessary for the research project involved.		
(c) A showing that existing communications facilities are inadequate.		

11. If all the answers to items 8, 9, and 10 are "No", attach as EXHIBIT NO. _____, a narrative statement describing in detail the following:
(a) The complete program of research and experimentation proposed including description of equipment and theory of operation.
(b) The specific objectives sought to be accomplished.
(c) How the program of experimentation has a reasonable promise of contribution to the development, extension, expansion, or utilization of the radio art, or is along lines not already investigated.

12. (a) Give an estimate of the length of time that will be required to complete the program of experimentation proposed in this application.
(b) If less than 2 years, give the length of time in months that the authorization requested in this application will be required.

FCC Form 442
August 1976

Approved by GAO
B-180227(R0376)

Federal Communications Commission
Washington, D. C. 20554

APPLICATION FOR NEW OR MODIFIED RADIO STATION AUTHORIZATION UNDER PART 5 OF FCC RULES EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

1. Applicant's Name and Post Office Address (Give street, city, state, and ZIP Code, see Instruction No. 4)

DO NOT WRITE IN THIS BLOCK
File No.

2(a) Class of station applied for

2(b) Nature of Service

3.(a) Application for (check only one box)
☐ New Station ☐ Modification of existing authorization

3.(b) For Modification indicate below
File No. Call Sign

4. Application for modification indicate change in (check all that apply)
☐ Frequency ☐ Emission ☐ Power ☐ Location
☐ Other particulars (describe below or in attached Exhibit No. _____)

5. Particulars of Operation (see instructions below)

Frequency (give number nearest kHz or MHz) (A)	POWER (B)	POWER (C)	POWER (D)	EMISSION (E)	MODULATING SIGNAL (F)	NECESSARY BANDWIDTH (kHz) (G)

(A) List each frequency or frequency band separately. (If more space is required, attach as Exhibit No. _____).
(B) Insert maximum R.F. output power at the transmitter terminals. Specify units.
(C) Insert maximum effective radiated power from the antenna (if pulsed emission specify peak power).
(D) Insert "MEAN" or "PEAK" (See definitions in Part 5).
(E) Insert the type of emission separately for each frequency. (See Section 2.201 FCC Rules.)
Insert the type of emission composed of five characters. The first three symbols designate the type of emission:
for A1, insert maximum audio modulating frequency and maximum speed of keying in bauds
for A2, insert maximum audio modulating frequency and maximum speed of keying in bauds
for A3, insert maximum audio modulating frequency
for F1, insert mark and space frequencies, maximum speed of keying in bauds
for F2, insert maximum audio modulating frequency, frequency deviation of carrier, maximum speed of keying in bauds
for F3, insert maximum audio modulating frequency and frequency deviation of carrier
for P0, insert pulse duration and repetition rate
for other emissions describe in detail in space provided below.
(G) Describe how the necessary bandwidth was determined in space provided below.

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Please "X" in the appropriate column.

	YES	NO
20. Will applicant be owner and operator of station? If "No", explain applicant's relation to station.		
21. Will applicant have absolute control of station, both as to physical operation and service conducted? If "No", explain circumstances and give name of person who will have control of station.		
22. Will the transmitter be operated with licensed operator on duty at a remote control point? If "Yes", the following information must be provided. (If there is to be a licensed operator on duty at the transmitter, data required by this item may be omitted.) (a) Location of remote control point. (If more than one remote control point is involved, attach as EXHIBIT No. _____, a statement giving location of each remote control point, plan of operation, etc.) State _____ County _____ City or Town _____ Street & No. _____		
(b) By what means will the transmitter be rendered inaccessible?		
(c) Can transmitter be placed in an inoperative condition from the remote control point?		
(d) Describe below the equipment to be used to enable the operator at the control point to determine when there is a deviation from the terms of the station license or when operation is not in accordance with the Commission's Rules governing the class of station involved.		
23. Give name, title, and telephone number (include area code) of person who can best handle inquiries pertaining to this application.		
24. List below all exhibits in numerical sequence and the item number of item requiring the exhibit identified. EXHIBITS AND ITEM NO. OF FORM: Exhibit Number / Item No. of Form		

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	YES	NO
13. List below transmitting equipment to be installed (If experimental, so state): MANUFACTURER / TYPE / NO. OF UNITS		
14. Note provisions that will be made for measurement and periodic checking of the station's technical characteristics (power, frequency, bandwidth) to insure compliance with terms of license. Place an "X" in the appropriate column.		
15. Will the antenna extend more than 6 meters above the ground, or if mounted on an existing building will it extend more than 6 meters above the building, or will the proposed antenna be mounted on an existing structure other than a building? If "Yes", give the following (See Instruction 9): (a) Overall height above ground to tip of antenna is _____ meters. (b) Elevation of ground at antenna site above mean sea level is _____ meters. (c) Distance to nearest aircraft landing area is _____ kilometers. (d) List any natural formations or existing man-made structures (hills, trees, water tanks, towers, etc.) which, in the opinion of the applicant, would tend to shield the antenna from aircraft and thereby minimize the aeronautical hazard of the antenna. (e) Submit as EXHIBIT No. _____, a vertical profile sketch of metal structure (including supporting buildings, if any) showing height in meters above ground for all significant features. Clearly indicate existing portion, noting particulars of existing obstruction lighting already available.		
16. Does this application propose a developmental program of experimentation which requires the submission of a petition? (See Instructions 10 and 11) If "Yes", attach the petition as EXHIBIT No. _____.		
17. Applicant is (check only one box) ☐ Individual ☐ Association ☐ Partnership ☐ Corporation ☐ Other (describe below)		
18. Is applicant a foreign government or a representative of a foreign government?		
19. Has applicant or any party to this application had any FCC station license or permit revoked or had any application for permit, license or renewal denied by this Commission? If "Yes", attach as EXHIBIT No. _____, a statement giving call sign of license or permit revoked and other circumstances.		

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25. CERTIFICATION

ATTENTION: Read this certification carefully before signing this application.

THE APPLICANT CERTIFIES THAT:

(a) Copies of the FCC Rules Parts 2 and 5 are on hand; and have been made and

(b) Adequate financial appropriations to carry on the program of experimentation which will be conducted by qualified personnel; and

(c) All operations will be on an experimental basis in accordance with Part 5 and other applicable rules, and will be conducted in such a manner and at such a time as to preclude harmful interference to any authorized station; and

(d) Grant of the authorization requested herein will not be construed as a finding on the part of the Commission

(1) that the frequencies and other technical parameters specified in the authorization are the best suited for the proposed program of experimentation, and

(2) that the applicant will be authorized to operate on any basis other than experimental, and

(3) that the Commission is obligated by the results of the experimental program to make provision in its rules including its table of frequency allocations for applicant's type of operation on a regularly licensed basis.

APPLICANT CERTIFIES FURTHER THAT:

(e) All the statements in the application and attached exhibits are true, complete and correct to the best of the applicant's knowledge; and

(f) The applicant is willing to finance and conduct the experimental program with full knowledge and understanding of the above limitations; and

(g) The applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the USA.

Signed and dated this _____ day of _____, 19___.

Name of Applicant _____ (correspond with name given on page 1)

By _____ (print) (signature)

Title _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U. S. CODE, TITLE 18, SECTION 1001.

Check Appropriate Classification

- ☐ Individual Applicant
- ☐ Member of Applicant Partnership
- ☐ Officer of Applicant Corporation or Association
- ☐ Authorized Employee

NOTIFICATION TO INDIVIDUALS UNDER PRIVACY ACT OF 1974

Information requested through this form are authorized by the Communications Act of 1934, as amended, and specifically by Section 308 therein. The information will be used by Federal Communications Commission staff to determine eligibility for issuing authorizations in the use of the frequency spectrum and to effect the provisions of regulatory responsibilities rendered the Commission by the Act. Information requested by this form will be available to the public unless otherwise requested pursuant to Section 0.459 of FCC Rules and Regulations.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3).

[FR Doc.76-30094 Filed 10-13-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1-122]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Approval of Payments of $25 or Less

• *Purpose.* The purposes of this amendment are to delegate to all administrators and to the Assistant Secretary for Administration the authority vested in the Secretary by the Comptroller General of the United States (July 14, 1976; B-161457) to review and approve for payment vouchers for $25 or less submitted the authority for payment of which is questioned by disbursing or certifying officer, and to make a minor change to an existing delegation to the Assistant Secretary.•

Since this amendment relates to Departmental policy, procedures, and practices, notice and comment thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.45, a new subparagraph (10) is added at the end of paragraph (a), to read as follows:

§ 1.45 Delegations to all Administrators.

(a) Except as otherwise prescribed by the Secretary of Transportation, each Administrator is authorized to—

• • • • • •

(10) Review and approve for payment any voucher for $25 or less the authority for payment of which is questioned by a certifying or disbursing officer.

2. In § 1.59, paragraph (c) is amended by, in subparagraph (8), deleting the word "Center" and substituting therefor the word "Division", and by adding a new subparagraph (10) at the end thereof, to read as follows:

§ 1.59 Delegations to Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following—

• • • • • •

(c) *Finance.* • • •

(8) • • • Accounting Operations Division.

• • • • • •

(10) Review and approve for payment any voucher for $25 or less the authority for payment of which is questioned by a certifying or disbursing officer.

Effective date: This amendment is effective October 14, 1976.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

Issued in Washington, D.C., on October 7, 1976.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.76-30156 Filed 10-13-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-9099]

PART 1047—EXEMPTIONS

Miami and Fort Lauderdale, Fla.—Air Terminal Areas

Order. At a session of the Interstate Commerce Commission, Review Board Number 2, held at its office in Washington, D.C., on the 20th day of September 1976.

It appearing, that by petition filed May 2, 1976, Broward Airfreight Terminal, Inc., and Greater Miami Air Freight, Inc., seek a declaratory order for clarification of the limits of the zone, pursuant to 49 CFR 1047.40(c), surrounding the Miami International Airport, Miami, Fla., and the Fort Lauderdale International Airport, Fort Lauderdale, Fla., within which motor transportation of property is incidental to transportation by air and exempt from the Commission's economic regulation under section 203(b)(7a) of the Interstate Commerce Act;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act, notice of the filing of the petition was published in the Federal Register on June 30, 1976, which notice stated that no oral hearings were contemplated, that persons desiring to participate in the proceedings were invited to file representations; and that initial representations were filed by Broward Airfreight Terminal, Inc., and Greater

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Miami Air Freight, Inc. (jointly) and by Air Cargo, Inc., on behalf of 24 certificated scheduled airlines of the United States;

And it further appearing, that the above-described pleadings have been considered; and that the area described in our findings below defines the geographic territory within which operations may be conducted exempt from the Commission's economic regulation under section 203(b)(7a) and 49 CFR 1047.40 in regard to the exempt zone surrounding the two airports involved herein, within which motor transportation of property is incidental to transportation by air;

Wherefore, and good cause appearing therefor:

We find, that the areas surrounding the Miami International Airport, Miami, Fla., and the Fort Lauderdale International Airport, Fort Lauderdale, Fla., within which the transportation by motor vehicle, in interstate or foreign commerce, of property having a prior or subsequent movement by air, which transportation otherwise meets the requirements of 49 CFR 1047.40(a), is exempt from economic regulation by the Interstate Commerce Commission pursuant to section 203(b)(7a) of the Interstate Commerce Act, includes those points in Florida within 25 miles of each airport specified above or within 25 miles of the respective city limits of the cities specified above, as further detailed below; and that Title 49, Chapter X of the Code of Federal Regulations, requires modification by the addition thereto of § 1047.40 (d)(5) and (d)(6) reflecting this finding, which rule is reasonable and necessary and should be prescribed.

It is ordered, That § 1047.40 of the Code of Federal Regulations be, and it is hereby, amended by the addition thereto of paragraphs (d)(5) and (d)(6) as follows:

* * * * *

§ 1047.40 Motor transportation of property incidental to transportation by aircraft.

* * * * *

(d) *Exempt zones and operations*

(5) *Miami International Airport (Miami, Fla.).* The area surrounding the Miami International Airport at Miami, Fla., within which the transportation by motor vehicle, in interstate or foreign commerce, of property having a prior or subsequent movement by air, which transportation otherwise meets the requirements of § 1047.40(a), is exempt from economic regulation by the Interstate Commerce Commission pursuant to section 203(b)(7a) of the Interstate Commerce Act, includes those points in Florida within 25 miles of either the Miami International Airport or the city limits of Miami, Fla.

(6) *Fort Lauderdale International Airport (Fort Lauderdale, Fla.).* The area surrounding the Fort Lauderdale International Airport at Fort Lauderdale, Fla., within which the transportation by motor vehicle, in interstate or foreign commerce, of property having a prior or subsequent movement by air, which transportation otherwise meets the requirements of section 1047.40(a) of this part, is exempt from economic regulation by the Interstate Commerce Commission pursuant to section 203(b)(7a) of the Interstate Commerce Act, includes those points in Florida within 25 miles of either the Fort Lauderdale International Airport or the city limits of Fort Lauderdale, Fla. (52 Stat. 1029, 49 U.S.C. 303(b)(7a); 52 Stat. 1237, 49 U.S.C. 304(a)(6); 56 Stat. 285, 80 Stat. 383; 49 U.S.C. 1003, 5 U.S.C. 553, 559.)

It is further ordered, That this order shall become effective on January 24, 1977, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing the attached notice with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

ROBERT L. OSWALD,
Secretary.

MIAMI AND FORT LAUDERDALE, FLA.—AIR TERMINAL AREAS

The Interstate Commerce Commission has amended § 1047.40 of the Code of Federal Regulations by the addition of subsections d(5) and d(6), which respectively define the Miami, Fla., and Fort Lauderdale, Fla., air exempt zones. This action stems from a petition filed May 2, 1976, jointly by Broward Airfreight Terminal, Inc., and Greater Miami Air Freight, Inc., requesting the Commission to clarify, pursuant to 49 CFR 1047.40 (c), the zones surrounding the Miami International Airport and the Fort Lauderdale International Airport, within which motor transportation of property is incidental to transportation by air and exempt from the Commission's economic regulation under section 203(b)(7a) of the Interstate Commerce Act.

This rule is issued under authority of 52 Stat. 1029, 49 U.S.C. 303(b)(7a); 52 Stat. 1237, 49 U.S.C. 304(a)(6); 56 Stat. 285, 80 Stat. 383; 49 U.S.C. 1003, 5 U.S.C. 553, 559.

Issued in Washington, D.C., September 20, 1976.

[FR Doc.76-30159 Filed 10-13-76;8:45 am]

Title 50—Wildlife

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on October 14, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 22, 1976 through December 12, 1976.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 29, 1976.

[FR Doc.76-30074 Filed 10-13-76;8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective on October 14, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of red fox on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,814 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of red fox subject to the following conditions.

(1) Hunting is permitted from sunrise to sunset October 9, 1976, through February 28, 1977.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 29, 1976.

[FR Doc.76-30072 Filed 10-13-76;8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective on October 14, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 14,814 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 12, 1976 and from sunrise to sunset November 13, 1976 through November 21, 1976.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 29, 1976.

[FR Doc.76-30073 Filed 10-13-76;8:45 am]

PART 32—HUNTING

Long Lake National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective on October 14, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 19,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 Noon to sunset November 12, 1976 and from sunrise to sunset November 13, 1976 through November 21, 1976.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 29, 1976.

[FR Doc.76-30075 Filed 10-13-76;8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on October 14, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 4, 1976 through March 20, 1977.

(2) The use of boats, without motors, is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 20, 1977.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 29, 1976.

[FR Doc.76-30077 Filed 10-13-76;8:45 am]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on October 14, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota is permitted on refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 18, 1976 to March 26, 1977.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 26, 1977.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 29, 1976.

[FR Doc.76-30078 Filed 10-13-76;8:45 am]

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Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

This document updates the regulations under which voluntary meat grading and related services are provided by increasing the hourly fees charged to users of this self-supporting service.

The Agricultural Marketing Act of 1946 provides for the collection of fees approximately equal to the cost of Federal meat grading services rendered under its provisions. Salaries paid to Federal employees have been increased under the provisions of Pub. L. 92–210. Therefore, it has been determined that in order to cover the increased costs of providing Federal meat grading services including salaries paid to Federal employees and other associated costs of providing and administering the program, the hourly fee must be increased as provided herein.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29 (a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$16.20 per hour," "$19.20 per hour," and "$32.40 per hour" to "$17.00 per hour," "$20.00 per hour," and "$34.00 per hour," respectively.

The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective October 24, 1976, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Sec. 203, 205, 60 Stat. 1087, 1090, (7 U.S.C. 1622, 1624).)

Done at Washington, D.C. this 8th day of October 1976.

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.76–30150 Filed 10–13–76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 549]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 15–21, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.849 Valencia Orange Regulation 549.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues good. Prices f.o.b. for the week ending October 7, were $3.94 per carton on 813 cars as compared with $3.93 per carton on 765 cars during the prior week. Track and rolling supplies at 389 cars were down 74 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 12, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 15, 1976, through October 21, 1976, are hereby fixed as follows:

(i) District 1: 315,000 cartons;

(ii) District 2: 385,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: October 13, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–30362 Filed 10–13–76;11:29 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region IX

Notice was published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28517), of a proposal to establish a Customs port of entry at Grand Rapids, Michigan, in the Detroit, Michigan, Customs district (Region IX). After consideration of a comment received in response to this proposal, it appears that the proposed geographical limits of the proposed port of entry should be extended. Consequently, it has been determined advisable to reissue the notice of proposed rulemaking to designate Grand Rapids, Michigan, as a Customs port of entry.

Accordingly, the notice published in the FEDERAL REGISTER dated July 12, 1976 (41 FR 28517), is superseded by this notice of proposed rulemaking.

By virture of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), Grand Rapids, Michigan, is hereby proposed as a Customs port of entry in the Detroit, Michigan, Customs district (Region IX).

The geographical limits of the proposed port of entry will include all that area beginning at the northwesternmost corner of the City of Walker, Michigan, and extending in an eastwardly direction along the northern boundaries of the City of Walker, the City of Grand Rapids, Grand Rapids Township, and Ada Township, all in Michigan, to the northeasternmost point of Ada Township, then proceeding in a southerly direction along the eastern boundaries of Ada Township, Cascade Township, and Caledonia Township, Michigan, to 84th Street, then proceeding in a westerly direction along 84th Street to its intersection with the boundary line between Kent County and Ottawa County, Michigan, then proceeding in a northerly direction along the boundary line between Kent County and Ottawa County, Michigan, to the northwesternmost corner of the City of Walker, Michigan.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than November 15, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: October 5, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76–30146 Filed 10–13–76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMALS

Incidental Take in Court of Yellowfin Tuna Purse Seine Fishing Operations; Hearing

On May 11, 1976, the U.S. District Court for the District of Columbia declared the current regulations of the National Marine Fisheries Service authorizing the taking of marine mammals incidental to yellowfin tuna purse seining activities, 50 CFR 216.24, to be voided as contrary to the Marine Mammal Protection Act, 16 U.S.C. 1361, et seq. On August 6, 1976, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the District Court's order, but stayed it until January 1, 1977, because of the disastrous effect its immediate implementation would have on commercial fishermen operating under the general permit authorized by the current regulations.

Notice of intent to propose regulations and hold a public hearing thereon was published at 41 FR 43729, October 4, 1976.

Regulations are hereby proposed to replace those voided by the District Court order, i.e., § 216.24(d)(2), and to amend §§ 216.24(e) and 216.24(f) of Title 50, Chapter II, Part 216, CFR.

Expedited procedural regulations to govern the public hearing and rulemaking proceeding were published at 41 FR 43550, October 1, 1976. The new regulations include a limitation on the number of each stock or species involved in commercial yellowfin tuna purse seine fishing to ensure that the allowed take will not be to the disadvantage of the species or stocks. It is proposed to impose the following limits in 1977:

No take will be allowed of the following stocks or species:

Eastern spinner dolphin.	
Whitebelly spinner dolphin.[1]	
Costa Rican spinner dolphin.	
Coastal spotted dolphin.	
Melon-headed whale.	
Pygmy killer whale.	
Offshore spotted dolphin [1]	21,800
Northern common dolphin	400
Central common dolphin	1,600
Southern common dolphin [2]	5,600
Northern striped dolphin	40
North-equatorial striped dolphin [3]	400
Bottlenosed dolphin	60
Fraser's dolphin	5
Risso's dolphin	5
Rough-toothed dolphin	5
Short-finned pilot whale	5
Total	29,920

[1] Including the tentatively identified Southwestern stock.
[2] Including the tentatively identified Equatorial-Oceanic stock.
[3] Including the tentatively identified South-Equatorial stock.

The maximum number of marine mammals that may be killed by U.S. vessels in the course of commercial yellowfin tuna purse seine fishing operations during 1977 is proposed to be limited as follows:

In addition, the proposed regulations also: (1) Require that applicants for a category 2 permit (yellowfin tuna purse seine) demonstrate that any proposed taking would be consistent with the purposes of the Act; (2) require the installation of a modified porpoise safety panel of 1¼" mesh; (3) amend the requirements for importing tuna and tuna products taken in association with marine mammals; and (4) make technical amendments to gear requirement language.

In addition, it is proposed to place an observer aboard each U.S. tuna purse-seine vessel (400 ton carrying capacity or greater) fishing on porpoise for at least one trip during 1977 contingent upon the availability of necessary manpower and funds.

REQUIRED STATEMENTS

Section 103(d) of the Act requires that the following statements be published in the FEDERAL REGISTER at this time:

(1) *A statement of the estimated existing levels of the species and population stocks of the marine mammal concerned.*

Of the approximately 104 species of marine mammals throughout the world, 17 known species and population stocks and 4 tentatively identified stocks are involved in commercial yellowfin tuna

[1] Including the tentatively identified Southwestern stock.

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purse seining in the eastern tropical Pacific Ocean. The 17 stocks for which population levels have been estimated are as follows:

Species Stock Management Units:	*Estimated Population Level*
1. Spotted dolphin (coastal)	(5)
2. Spotted dolphin (offshore)[3]	3,674,000
3. Spinner dolphin (Costa Rican)	(5)
4. Spinner dolphin (eastern)	1,292,000
5. Spinner dolphin (whitebelly)[1]	549,000
6. Common dolphin (northern)	400,000
7. Common dolphin (central)	230,000
8. Common dolphin (southern)[3]	800,000
9. Striped dolphin (northern)	18,000
10. Striped dolphin (northequatorial)[4]	230,000
11. Bottlenosed dolphin	588,000
12. Rough-toothed dolphin	450
13. Fraser's dolphin	7,800
14. Risso's dolphin	7,500
15. Short-finned pilot whale	60,000
16. Melon-headed whale	(5)
17. Pygmy killer whale	(5)

[1] Including the tentatively identified Southwestern stock.
[2] Including the tentatively identified Southwestern stock.
[3] Including the tentatively identified Equatorial-Oceanic stock.
[4] Including the tentatively identified South-Equatorial stock.
[5] Unknown.

(2) *A statement of the expected impact of the proposed regulations on the optimum sustainable population of each species or population stock.*

Species of porpoises and small whales found in the eastern tropical Pacific Ocean are the species taken incidental to tuna purse seine operations. The most recent estimates by the National Marine Fisheries Service regarding all species and stocks of porpoise killed by U.S. purse seine operations are, 310,000 in 1971, 306,000 in 1972, 175,000 in 1973, 99,000 in 1974 and 134,000 in 1975.

Optimum sustainable population levels have been determined for all but 4 of the 17 species and stocks involved in the fishery. The proposed U.S. take limitations given below have been determined to allow the species and stocks to increase with virtual certainty and to grow toward or remain within or above their optimum sustainable population range:

Species/stock management units	Estimates of OSP	Proposed total allowable take by United States and non-United States	Proposed allowable 1977 take by U.S vessels
1. Spotted dolphin (coastal)	None	0	0
2. Spotted dolphin (offshore)[1]	[2] 0.64	47,960	21,800
3. Spinner dolphin (Costa Rican)	None	0	0
4. Spinner dolphin (eastern)	.54	0	0
5. Spinner dolphin (whitebelly)	.76	3,032	0
6. Common dolphin (northern)	[3] AOA	480	400
7. Common dolphin (central)	AOA	2,000	1,600
8. Common dolphin (southern)[4]	AOA	7,100	5,000
9. Striped dolphin (northern)	AOA	65	40
10. Striped dolphin (north-equatorial)[5]	AOA	653	400
11. Bottlenosed dolphin	AOA	97	60
12. Rough-toothed dolphin	AOA	5	5
13. Fraser's dolphin	AOA	5	5
14. Risso's dolphin	AOA	7	5
15. Short-finned pilot whale	AOA	5	5
16. Melon-headed whale	AOA	0	0
17. Pygmy killer whale	AOA	0	0
Total		61,409	29,920

[1] Including the tentatively identified southwestern stock.
[2] Percentage of initial unexploited stock size.
[3] AOA equals at or above the optimum sustainable population level.
[4] Including the tentatively identified equatorial-oceanic stock.
[5] Including the tentatively identified south-equatorial stock.

NOTE.—Point estimates for management units 2, 4, and 5 are for 1977, and therefore differ from the estimates of the Workshop on Stock Assessment of Porpoises which are estimates for 1976.

(3) *A statement describing the evidence before the Secretary upon which he proposes to base such regulations.*

The National Marine Fisheries Service, in cooperation with other Federal agencies, private organizations, and individuals, has conducted an extensive research program since 1973 regarding the status of and mortality of marine mammals taken incidental to yellowfin tuna purse seine fishing. The purpose of the research has included the determination of the extent of the mortality incidental to purse seine fishing and the identification and implementation of measures to reduce mortality. Pertinent information available to the National Marine Fisheries Service has been published or made available through public hearings as listed in subsection "(4)" following.

(4) *Any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.*

Available information upon which proposed regulations were based in 1974 and 1975 was listed in 39 FR 9686, March 31, 1974 and 40 FR 41531, September 8, 1975. Additional material was submitted for the record at public hearings held May 15 and 16, 1974 in Seattle, Washington; December 10 and 11, 1974 in Washington, D.C.; October 9 and 10, 1975 in Washington, D.C.; and October 24 and 25 in San Diego, California.

On December 5, 1975, the Deputy Director published in the FEDERAL REGISTER (40 FR 56899) the recommended regulatory amendments which were effective December 19, 1975. Copies of all public records are available for review in the offices of the National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. A Draft Supplement to the Final Environmental Impact Statement filed on November 18, 1975, is expected to be issued on or about October 29, 1976, and will be available to the public upon request.

The following reports have since been published and are available for reference:

Report submitted to Congress on the Administration of the Marine Mammal Protection Act of 1972, April 1, 1975 through March 31, 1976. NMFS, June 1976.
Progress of Research on Porpoise Mortality Incidental to Tuna Purse-seine Fishing for Fiscal Year 1976, Southwest Fisheries Center, NMFS, La Jolla, California. September 1976.
Report of the Workshop on Stock Assessment of Porpoise Involved in the Eastern Pacific Yellowfin Tuna Fishery Southwest Fisheries Center, NMFS, La Jolla, California, September 1976.
Incidental Porpoise Mortality by U.S. Purse Seine Vessels, January 1 through April 14, 1976. Southwest Fisheries Center, NMFS, La Jolla, California. May 13, 1976.
Final Environmental Impact Statement, Regulations to Govern the Issuance of Permits to Allow a Take of Marine Mammals in the Course of Normal Commercial Fishing Operations. NMFS, November 18, 1975.
The Concept of Optimum Sustainable Populations, September 1976. Marine Mammal Commission, Washington, D.C.

NOTICE OF HEARING AND ISSUES

A public hearing will he held regarding this proposal in accordance with sections 101 and 103 of the Act. The hearing will involve, but not necessarily be limited to, the following issues of fact. Evidence relevant to other issues may be submitted at the hearing, subject to rulings of the presiding officer on the materiality of such issues.

1. Estimated existing levels of the species and population stocks of the marine mammals involved in purse seining for yellowfin tuna;

2. The expected impact of the proposed regulations on the optimum sustainable populations of the species or population stocks involved;

3. The percentage of the initial unexploited species or population stock size which results in the maximum net productivity of the involved species and population stocks;

4. The economic feasibility of implementing the proposed regulations;

5. The technological feasibility of implementing the proposed regulations;

6. The rate of kill and total kill of the involved marine mammals by foreign countries;

7. The impact of the regulations on importation of yellowfin tuna and yellowfin tuna products;

8. The impact of implementing the proposed regulations on the tuna stocks.

The hearing will be held in the Penthouse, Page Building 1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20240, beginning at 10:00 a.m., November 15, 1976.

The final date for filing a notice with the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235, of intent to participate in the hearing, by certified mail, is October 28, 1976. The docket number assigned to the case is MMPAH #2–1976. Judge Frank W. Vanderheyden is scheduled to be assigned as the presiding officer for the proceeding.

Records and documents relative to the proposal will be maintained in the offices of the National Marine Fisheries Service, Page Building 2, Room 426, 3300 Whitehaven Street, N.W., Washington, D.C., and may be reviewed during normal working hours.

Under the provisions of the procedural regulations applicable to this hearing, section 4 of the "Government in the Sunshine Act" (Pub. L. 94–409), dealing with ex-parte communications is incorporated for purposes of this hearing. The following persons are those employees of the agency who may reasonably be expected to be involved in the decisional process of the proceeding, and are, therefore, hereby identified to all interested persons outside the agency in order that the provisions of section 4 can be complied with:

Code	Name	Title
A	Robert M. White	Administrator, NOAA.
EE	William Aron	Director, Office of Ecology and Environmental Conservation, NOAA.
MR	David H. Wallace	Associate Administrator, NOAA.
GC	William C. Brewer, Jr.	General Counsel, NOAA.
GCx2	Herbert L. Blatt	Assistant General Counsel, NOAA.
GCx2	Martin B. Hochman	Staff attorney, NOAA.
F	Robert W. Schoning	Director, NMFS.
F	Jack W. Gehringer	Deputy Director, NMFS.
F	Winfred H. Meibohm	Assistant to the Director, NMFS.
F3	Harvey M. Hutchings	Acting Assistant Director for Fisheries Management, NMFS.
F33	Robert B. Brumsted	Acting Chief, Division of Marine Mammals and Endangered Species, NMFS.
F33	William P. Jensen	Staff Specialist, Division of Marine Mammals and Endangered Species, NMFS.
F1	Robert F. Scott	Acting Assistant Director for Scientific and Technical Services, NMFS.
SWFC	Izadore Barrett	Acting Director, Southwest Fisheries Center, NMFS, La Jolla, Calif.
SWFC	John T. Everett	Leader, Southwest Fisheries Center, tuna/porpoise interaction program, La Jolla, Calif.
SWFC	William W. Fox, Jr.	Chief, Oceanic Resources Division, Southwest Fisheries Center, La Jolla, Calif.
FSW	Gary Smith	Resource Management Administrator, southwest region, NMFS, Terminal Island, Calif.
FSW	Gerald V. Howard	Regional Director, southwest region, NMFS, Terminal Island, Calif.
FSW	Floyd S. Anders, Jr.	Deputy Director, southwest region, NMFS, Terminal Island, Calif.
FSW	Norman Mendez	Marine Resource Management Specialist, NMFS, field office, southwest region, San Diego, Calif.
DOC	Frank W. Vanderheyden	Administrative law judge, Department of Commerce.

Ex parte communications relevant to the merits of the proceeding to or from the above-named persons from or to any interested person outside the Department of Commerce are prohibited from the date of this notice until the date the final regulations resulting from the proceeding are published in the FEDERAL REGISTER. Section 4 provides mechanisms for enforcing this prohibition, including (1) the requirement that an employee making or receiving prohibited communications disclose them and all responses to them on the public record of the proceeding; and (2) authorization of dismissal or other adverse action against the claim of the party to the proceeding who makes or causes prohibited communication. "*Ex parte* communication" means an oral or written communicaiton not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests of status reports on the matter or proceeding.

The Secretary of Commerce, Elliot L. Richardson, has delegated his authority to perform the functions under the Marine Mammal Protection Act of 1972; accordingly, he will not participate in the decisional process of the proceeding. However, his position is such that discussions of the merits of the proceeding with persons outside the Department of Commerce might have the appearance of communications prohibited by the "Government in the Sunshine Act." Accordingly, *ex parte* communications with the Secretary of Commerce are also prohibited. Disclosure of such prohibited communications to the Secretary of Commerce and all responses to them will be on file and available for public inspection in the office of the Secretary of Commerce.

Dated: October 7, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

PROPOSED REGULATIONS

Section 216.24 is amended as follows:

1. Paragraph (d)(2) is revised;

2. Certain categories as shown below are deleted from paragraph (e)(2)(i);

3. Paragraph (e)(4) is mended by inserting "or § 216.24(e)(5)" following § 216.24(e)(3);

4. A new subparagraph (5) is added to paragraph (e) and existing subparagraph (5) is renumbered (6) and existing subparagraph (6) is renumbered (7);

5. Paragraph (f) is amended. As amended paragraphs (d)(2), (e)(2)(i), (e)(4), (e)(5) of § 216.24 reads as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * * *

(d) * * *

(2) *Encircling gear; yellowfin tuna purse seining.* (i)(A) A certificate holder may take marine mammals so long as taking is an incidental occurrence in the course of normal commercial fishing operations, except that a certificate holder shall not encircle (1) mixed or pure schools of coastal spotted dolphin (*Stenella attenuata*) or spinner dolphin (*Stenella longirostris*) of any stock or, (2) pure schools of any species of porpoise except pure schools of offshore spotted dolphin (*Stenella attenuata*) stock and common dolphin (*Delphinus delphis*) stocks. The numbers of marine mammals that may be killed by U.S. vessels in the course of commercial fishing operations will be determined by the Director and limited in the general permit to that number which will allow each species and stocks to increase with virtual certainty and to grow toward or remain within or above their optimum sustainable population range. The mortality of marine mammals included under the general permit for yellowfin tuna purse seining, will be monitored according to methodology published in 41 FR 14401 (April 5, 1976) as modified in 41 FR 43726 (October 4, 1976), and as may be subsequently modified by notice in the FEDERAL REGISTER. The effective date when fishing on a stock or species will be prohibited will be published in the FEDERAL REGISTER not less than 7 days prior to that date. The Director may change the maximum number of marine mammals that may be killed, as specified in the general permit, whenever new information becomes available which results in the re-evaluation of the population or OSP level of any stock or species.

(B) Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury. Each certificate holder shall take every possible step to minimize the incidental mortality and seri-

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ous injury of marine mammals in the course of commercial fishing operations, including refraining from using a sharp or pointed instrument on porpoise and refraining from causing or permitting a purse seine under his control to be set around marine mammals when conditions of wind, sea, visibility, or the number of marine mammals and/or fish concerned would, in his judgment, be likely to prevent the effective use of the backdown and other procedures required herein. Such steps to minimize mortality and serious injury shall include, where appropriate, causing a purse seine already set on marine mammals to be released, and/or opened to facilitate release of marine mammals where such a step will, in his judgment, be effective and conditions prevent the effective use of the procedures required hereunder. The Director may publish findings relating to conditions of wind, sea, visibility or numbers or marine mammals and fish concerned which prevent the effective use of equipment and procedures required hereunder and result in an unacceptably high rate of incidental mortality and serious injury of marine mammals and under which conditions it would not be permissible to cause a set to be made on marine mammals.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage, or threat of personal injury.

(iii) All certificate holders shall maintain daily logs, in such form as the Regional Director, Southwest Region, National Marine Fisheries Service may prescribe, of all sets in which marine mamals are taken. Such logs must include the location, time and date of set; weather and water conditions; estimated number and species of marine mammals upon which set was made; estimated number and species of marine mammals caught; method used to remove marine mammals from net; amount and kind of tuna caught; and an actual count of marine mammals killed and seriously injured, if any, on each set. Such logs shall be subject to inspection at the discretion of the Southwest Regional Director, or his designated personnel. In addition, copies of all such logs shall be mailed or delivered to the field office, Southwest Region, National Marine Fisheries Service, 1140 N. Harbor Drive, Room 7, San Diego, California 92101, within forty-eight hours after arrival in port.

(iv) A certificate will be valid only on a vessel equipped with a porpoise safety panel in its purse seine, and which uses other gear and procedures as described herein. Porpoise safety panels and all other gear used in the course of catching and landing yellowfin tuna, and for backdown and other release procedures shall be maintained in a functional and seaworthy condition. The requirements for the porpoise safety panel and other gear are as follows:

(A) The porpoise safety panel shall be installed so as to protect the entire perimeter of the backdown area. It shall begin at the center of the second bow bunchline and must be a minimum of 180 fathoms in length. The porpoise safety panel shall consist of small mesh webbing not to exceed 1¼" stretch mesh, extending from the corkline downward to a minimum depth equivalent to two strips of 100 meshes of 4¼" stretch mesh webbing;

(B) Each end of the porpoise safety panel must be identified with an easily distinguishable marker;

(C) Throughout the length of the corkline in which the porpoise safety panel is located, hand hold openings are to be secured so that the insertion of a 1⅜" diameter cylindrical-shaped object meets resistance;

(D) Throughout the length of the corkline in which the porpoise safety panel is located, corkline hangings shall be inspected by the certificate holder following each trip. Hangings found to have loosened to the extent that a cylindrical object with a 1⅜" diameter will not meet resistance when inserted between the cork and corkline hangings, must be tightened so that a cylindrical object with a 1⅜" diameter cannot be inserted.

(E) Purse seine vessels engaged in fishing operations involving setting on marine mammals shall carry a minimum of two speedboats in operating condition. All speedboats carried aboard purse seine vessels and in operating condition shall be rigged with towing bridles and towlines. Vessels that do not carry at least two speedboats in operating condition and properly rigged may not conduct fishing operations which involve setting on marine mammals.

(F) On every set involving marine mammals, a minimum of two bow bunches shall be pulled. Bunchlines, other than bow bunchlines, shall be arranged around the perimeter of the net with both ends of some bunchlines unattached to permit towing from either end or one bunchline rigged in normal fashion with an adjacent one reversed. The arrangement of bunchlines around the perimeter of the net must allow at least three towing points to be established near one-quarter, one-half and three-quarter net of the backdown area from the bow ortza (end of the net). The ends of all bunchlines which can be utilized as towing points shall be marked so as to be clearly visible to speedboat drivers.

(G) Except as provided herein, on every set involving marine mammals, a minimum of two manned speedboats shall be in the water until backdown commences. Speedboats shall be prepared to hook onto either the corkline or onto bunchline towing points established along the perimeter of the net in order to tow the net to prevent net collapse and a formation of pockets of loose webbing, such as stern bends, which might entrap marine mammals. Other speedboats that are in operating condition shall be prepared for immediate use to tow if needed. Vessels of 400 tons carrying capacity or less which have an observer duly authorized by the Secretary aboard may have a minimum of one manned speedboat in the water from the time the set is commenced until backdown has commenced.

(H) Actual towing on the net shall be performed when, in the opinion of the certificate holder, towing is necessary to prevent net collapse or the formation of pockets of loose webbing. If towing the net has been necessary, the speedboats may unhook their towlines when towing is no longer needed, or their respective bunchlines begin to go up toward the power block or backdown commences.

(I) Backdown shall be performed following a net set where marine mammals are captured in the course of utilizing a purse seine for catching and landing yellowfin tuna. Thereafter, other release procedures shall be continued until all live animals have been released from the net. "Backdown procedure means a series of maneuvers, which take place after the net is tied down following a set and pursing, and which keep the net open to the greatest degree to allow porpoise or other marine mammals to leave the pursed net over the net floats which are submerged as a result of the vessel moving astern. Commencing with backdown and continuing through the sacking up operation, a minimum of two men shall be engaged in hand removal of porpoise from the net. All live porpoise must be removed from the net prior to initiating brailing operations.

(J) Purse seine nets and other gear and equipment utilized to catch and land fish under this section and to conduct backdown and other procedures herein required, shall be maintained in functional and seaworthy condition. Required vessel gear and equipment shall be subject to inspection and examination at least once annually by authorized NMFS personnel at a time and location determined by the Southwest Regional Director. Any vessel found to not be equipped with gear which is in conformity with these regulations and maintained in a functional and seaworthy condition shall be ineligible for use by a certificate holder for commercial fishing operations under this section.

(K) All certificate holders shall maintain proficiency sufficient to perform the procedures required herein. A certificate holder's proficency shall be determined by proof of attendance at, and satisfactory completion of, a formal training session conducted under the auspices of the National Marine Fisheries Service. At the training session, a certificate holder shall be instructed concerning the provisions of the Marine Mammal Protection Act of 1972, the regulations promulgated pursuant to the Act, the requirements of his certificate of inclusion and the appropriate general permit, and the fishing gear and techniques which are required or will contribute to reducing serious injury and mortality of porpoises incidental to purse seining for yellowfin tuna. In addition, for continuation or renewal of a certificate, a certificate holder may be required to attend other formal training sessions when there are substantial changes in the Act, the regulations or the required fishing gear and techniques. The certificate of any certificate holder who is found to lack proficiency in the procedures required herein shall be suspended or revoked.

(L) Applicants for a general permit under the category, in addition to requirements under paragraph (b)(2) of this section, must demonstrate in the application that the requested taking of species or stocks during commercial fishing operations is consistent with the purposes of the Act and the applicable regulations established under section 103 of the Act. Failure to comply with the provisions of this permit or these regulations, including, but not limited to, failure to submit, upon demand, to vessel, gear, or equipment, or proficiency inspection or examination by authorized National Marine Fisheries Service, personnel falsification of logs and reports required hereunder, or failure to satisfy the requirements of any provisions of these regulations will subject certificate holders, vessel masters, or owners to revocation of the certificate and/or right to be included under a general permit and further subject certificate holders, vessel masters, or owners to the penalties provided for under the Act.

(e) * * *
(2) * * *
(i) * * *

110.10–20 Tuna, yellowfin, whole fish. [Deleted]
110.10–25 Tuna, yellowfin, eviscerated, head on. [Deleted]
110.10–30 Tuna, yellowfin, eviscerated, head off. [Deleted]
110.10–37 Tuna, yellowfin, eviscerated. [Deleted]

* * * * *

(4) [Amended]

(5) (i) All shipments of fish and products listed in paragraph (e)(5)(iii) of this section, from any nation, shall be denied entry into the U.S. unless accompanied by documentation showing:

(A) The country of origin, vessel name and method by which fish were caught, certified crew list, vessel departure and landing dates, port of landing, and

(B) The identity of fish by tariff schedule number. (ii) It shall be illegal to import into the United States any tuna or tuna products in the classifications listed in paragraph (e)(5)(iii) of this section herein from countries of origin whose vessels operate in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean, as determined by the Director, National Marine Fisheries Service, unless the Director makes a finding in consultation with the U.S. Department of State, and publishes such finding in the FEDERAL REGISTER that fishing operations in the country of origin are conducted in conformance with U.S. regulations and standards as stated in paragraph (d)(2) of this section. The Director may make a finding that, although not in conformity with these regulations, such fishing is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations. Upon such a finding imports may be allowed. Country of origin for the purposes of this section (§ 216.24(e)) shall mean the country under whose flag the fish catching vessels are documented and whose fish are a part of any cargo or shipment of fish to be imported into the U.S. regardless of any transhipments.

(iii) The following categories of tuna and tuna products are subject to the importation restrictions of paragraph (e)(5) of this section:

110.10–20 Tuna, yellowfin, whole fish.
110.10–25 Tuna, yellowfin, eviscerated, head on.
110.10–30 Tuna, yellowfin, eviscerated, head off.
110.10–37 Tuna, yellowfin, eviscerated.
e.x. 112.30–40 Tuna, yellowfin, canned.

(iv) Countries of origin desiring to obtain a finding which will allow the importation of products listed in paragraph (e)(5)(iii) of this section must submit, by appropriate government official, to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235, the following information:

(A) A statement of the quantity and type (identified by *tariff schedule* numbers listed in paragraph (e)(5)(iii) of this section) of fish or fish products expected to be imported into the U.S. in the calendar year 1977;

(B) A detailed description of the fishing technology and procedures utilized in tuna purse seine fishing to protect marine mammals so that a determination of conformance with 216.24(d)(2) of these regulations can be made, or the effectiveness of any other equivalent technology or procedures be assessed.

(C) A statement of the number of marine mammals killed or seriously injured (by species) taken incidental to the yellowfin tuna purse seine operations on porpoise for the previous year, and the manner in which the information was obtained (logbooks, observers, interviews, or other procedures).

(D) A statement of the number of marine mammals which will be allowed to be killed or seriously injured incidental to yellowfin tuna purse seine operations quirements to limit the level of mortality or serious injury on the existing populations of marine mammals by species.

(E) A statement of the procedures to be required, including quotas and other control, which will meet the U.S. requirements to limit the level of morality and procedures for prohibiting sets on marine mammals after the level of mortality allowed is reached.

(F) Copies of laws and regulations which protect and conserve marine mammals involved in fishing operations.

The Director may require verification of statements made in connection with requests to allow importations. The director will reconsider a finding upon a request from, and the submission of additional information from, the country of origin.

* * * * *

(f)(1) The master of any commercial fishing vessel engaged in fishing operations for which a general permit is required shall, upon proper notification by the Director as described in this section, allow an observer duly authorized by the Secretary to accompany the vessel on any or all regular fishing trips for the purpose of conducting research and observing operations.

(2) Research and observation duties shall be carried out in such a manner as to minimize interference with commercial fishing operations. No owner, master, operator or crew member of such vessel shall impair or in any way interfere with the research or observations being carried out.

(3) The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such observers on board such vessels. The master or managing owner of each vessel which has been notified that they are required to carry an observer, via certified letter from the National Marine Fisheries Service, shall notify the field office, Southwest Region, National Marine Fisheries Service, San Diego, California, telephone (714) 293–6540 at least five days in advance of their fishing voyage to facilitate observer placement. No vessel whose master or managing owner has failed to comply with the provisions of this section may engage in fishing operations for which a general permit is required. Any person violating any of the provisions of this section shall be subject to the penalties provided in the Act.

* * * * *

[FR Doc.76–30141 Filed 10–13–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 16204; Notice No. 76–19]

AIRBORNE OMEGA RECEIVING EQUIPMENT

Technical Standard

The Federal Aviation Administration is considering amending Part 37 of the Federal Aviation Regulations by adding a new Technical Standard Order for airborne Omega receiving equipment (TSO–C94).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of these proposals may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C., 20591. All communications received on or before November 29, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal

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Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Federal Aviation Regulations do not presently contain specific technical standards for the design and manufacture of airborne Omega receiving equipment. However, several U.S. operators flying international routes have indicated an interest in using airborne Omega receiving equipment as a supplementary navigation aid. Based on this, the FAA considers it appropriate to propose a new Technical Standard Order (TSO) containing minimum standards for airborne Omega receiving equipment.

The Radio Technical Commission for Aeronautics (RTCA) has developed minimum performance standards for airborne Omega receiving equipment that are contained in RTCA Document No. DO–164, titled "Minimum Performance Standards—Airborne Omega Receiving Equipment", dated March 19, 1976. The standards contained in that document, in part, deal with the operation and accessibility of equipment controls and the synchronization, signal tracking, accuracy, and dynamic response characteristics of the equipment. The RTCA standards were developed by a cooperative effort of government and industry organizations. The FAA believes that these standards, with an additional provision relating to equipment fire protection, would provide an acceptable minimum performance stadnard for airborne Omega receiving equipment. Therefore, it is proposed that compliance with the RTCA standard and the fire protection provision be required in order to obtain a TSO authorization for the manufacture of airborne Omega receiving equipment. The proposed TSO also contains necessary environmental, marking, and data requirements and a requirement that all the technical data furnished by the manufacturer to the FAA, except test reports and drawing lists, must be furnished to each user of the equipment.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflation Impact Statements" (39 FR 41501, November 29, 1974) and it has been determined that the preparation of an inflationary impact statement is not necessary.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation Regulations by adding a new § 37.205 to read as follows:

§ 37.205 Airborne Omega receiving equipment—TSO–C94.

(a) *Applicability—Minimum performance standards.* This Technical Standard Order prescribes the minimum performance standards that airborne Omego receiving equipment must meet in order to be identified with the applicable TSO marking. Equipment to be so identified must meet the minimum performance standards prescribed in Radio Technical Commission for Aeronautics (RTCA) Document No. DO–164, titled "Minimum Performance Standards-Airborne Omega Receiving Equipment," dated March 19, 1976, and the additional standard specified in paragraph (c) of this section.

(b) *Environmental standards.* RTCA Document No. DO–160 title "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated February 28, 1975, must be used to determine the environmental conditions over which the equipment has been designed to operate.

(c) *Additional standard—Fire protection.* Except for small parts (such as knobs, fasteners, seals, grommets, and small electrical parts) that the Administrator finds would not contribute significantly to the propagation of a fire, all materials used must be self extinguishing when tested in accordance with the requirements of §§ 25.853 and 25.1359 (d), as applicable, and Appendix F to Part 25 of this chapter, effective May 1, 1972, except that the materials may be of a size and be mounted for the test in accordance with paragraph (b) of Appendix F or may be of a size and be mounted as used in the aircraft.

(d) *Markings.* In addition to the markings specified in § 37.7(d), the equipment must be marked as follows:

(1) The environmental categories over which it has been designed to operate as set forth in Appendix A of RTCA Document No. DO–160 must be permanently and legibly marked on the equipment. Where an environmental test procedure is not applicable and the test is not conducted, an "X" must be placed in the space assigned for that category.

(2) Each separate component of equipment (antenna, receiver, controller, etc.) must be permanently and legibly marked with, at least, the name of the manufacturer, the TSO number, and the environmental categories over which it has been tested.

(e) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or, in the case of the Western Region, the Chief, Aircraft Engineering Division) Federal Aviation Administration, in the region in which the manufacturer is located, one copy of the following technical data, except that additional copies must be furnished upon request:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Any limitations, restrictions, or other conditions pertinent to installation must be included.

(3) List of the components (by part number) that make up the equipment system complying with the standards prescribed in this section.

(4) Equipment data sheets specifying, within the prescribed ranges of environmental conditions, the actual performance of equipment of that type with respect to each performance factor prescribed in the standard.

(5) A drawing list, enumerating all the drawings and processes that are necessary to define the article design.

(6) Manufacturer's test report.

(f) *Data to be furnished with each manufactured unit.* One copy of the data and information specified in paragraphs (e)(1), (e)(2), (e)(3), and (e)(4) of this section must be furnished to each person receiving, for use, one or more articles manufactured under this TSO.

(g) *Availability of referenced documents.* RTCA Document Nos. DO–160, dated February 28, 1975, and DO–164, dated March 19, 1976, are incorporated herein in accordance with 5 U.S.C. 552 (a)(1) and § 37.23, and are available as indicated in § 37.23. Additionally, RTCA Document Nos. DO–160 and DO–164 may be examined at any FAA Regional Office of the Chief, Engineering and Manufacturing Branch (or, in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, at a cost of $20.00 per copy for Document No. DO–160, and $16.00 per copy for Document No. DO–164.

Issued in Washington, D.C., on October 6, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-29933 Filed 10-13-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NE-28]

PRATT & WHITNEY AIRCRAFT MODEL JT8D ENGINES

Supplemental Notice of Proposed Rulemaking

In the August 2, 1976, issue of the FEDERAL REGISTER (41 FR 32238), the Federal Aviation Administration published a Notice of Proposed Rulemaking Airworthiness Directive requiring the removal of eighth stage compressor disk, P/N 496908, on Pratt & Whitney Aircraft Model JT8D engines prior to reaching 6000 cycles in service after the effective date of this AD, or by December 31, 1977, whichever comes later.

This supplemental document clarifies the intent of the notice by advising the public that the 6000 cycles in service is the total number of accumulated cycles in service. Accordingly, the wording of the notice is being revised to remove the eighth stage disk prior to reaching 6000 cycles in service since new.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before October 26, 1976 will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT AND WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, and –11 turbofan engines containing eighth stage compressor disk, P/N 496908.

Compliance required as indicated.

To prevent possible failure, remove from service the eighth stage compressor disk, P/N 496908, prior to reaching 6000 cycles in service since new, or by December 31, 1977, whichever comes later. The established life limit of 11,000 cycles is not to be exceeded.

Issued in Burlington, Massachusetts on September 30, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-29931 Filed 10-13-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74–20; Notice 7]

REARVIEW MIRRORS

Petition for Extension of Comment Period

This notice extends until November 10, 1976, the comment closing date for comments to a notice of proposed rulemaking published August 26, 1976 (41 FR 36037). That notice proposed the amendment of Standard No. 111, Rearview Mirrors, to provide for the optional use of plane and convex mirror combinations on certain motor vehicles. The original comment closing date was October 11, 1976.

This extension of time to comment is in response to a petition from the Truck Safety Equipment Institute (TSEI). TSEI requested an extension of 30 days to enable them to conduct necessary testing and analysis of the proposed changes. The Institute stated that it needed additional time to study the subject of maximum and minimum radii of curvature of convex mirrors and to develop its comments concerning feasibility of consumer use and practicability of manufacturing.

The notice of proposed rulemaking specified the minimum 45-day period for public comment in order to allow sufficient time to issue a final rule with an effective date coordinated with the February 26, 1977, effective date of the amendments to Standard No. 111 published August 26, 1976 (41 FR 36023).

The NHTSA has determined that the request by TSEI for an extension of time to comment on the proposed amendment is justified. The petition is granted and the comment closing date is hereby extended until November 10, 1976.

(Secs. 103, 119, Pub. L., 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on October 7, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-30155 Filed 10-8-76;4:55 pm]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[EDR-307, Docket No. 29898, Dated October 7, 1976]

CHARTER TRIPS AND SPECIAL SERVICES

Off-Route Charter Limitations

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 207 of its Economic Regulations (14 CFR Part 207) which would modify the off-route charter restrictions by raising the volume restriction, eliminating the frequency and regularity restrictions on interstate and overseas off-route charters, eliminating the regularity restriction and altering the frequency restriction on foreign off-route charters, and eliminating the all-cargo carriers' privilege of operating off-route charters without restriction in certain "areas of operations."

The principal features of the proposed amendments are described in the Explanatory Statement. The amendments are proposed under the authority of sections 204 and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 754, 49 U.S.C. 1324 and 1371).

Interested persons may participate in the rulemaking through the submission of twenty (20) copies of written data, views or arguments pertaining thereto, addressed to Docket 29898, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 29, 1976, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested parties in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

The Board has received seven petitions requesting the amendment of various provisions of Part 207 of the Board's Economic Regulations (14 CFR 207) relating to the "on-route" and "off-route" charter authority of U.S.-scheduled air carriers. Section 207.1 defines "on-route" and off-route" charters, and sets forth restrictions on the frequency, regularity, and volume of off-route charters.[1]

Generally, those restrictions are designed to deter scheduled carriers from engaging in off-route charter activities which are disproportionate to their certificated route activities, and to protect other scheduled carriers and supplemental air carriers from diversion by the off-route charter activities of scheduled carriers.

The frequency and regularity restrictions prohibit a carrier from arranging its off-route charter activities so that the result is a uniform pattern or consistency of operations. The volume restriction limits the volume of off-route charters to 2 percent of a carrier's base revenue plane-miles flown by that carrier during the preceding calendar year.[2] However, there are other provisions modifying the applicability of either or both of these restrictions. Thus the effect of provisos in §§ 207.6 and 207.7a is that an all-cargo carrier may operate cargo charters without regard to either limitation whether such charters are on-route or off-route so long as the cargo charter is within its defined "area of operations." The applicability of the off-route charter restrictions is also modified by the definitions of "transatlantic charter trip," "transpacific charter trip," and "Hawaiian charter trip," making each of those areas a single point for purposes of applying the off-route charter frequency and regularity limitations to flights outside of the particular countries where a carrier has certificated authority.

The rulemaking petitions may be summarized as follows:

1. The petition of the Office of the Consumer Advocate (OCA) filed on August 14, 1975, in Docket 28181 seeks to revoke § 207.7a, which sets forth restrictions limiting the frequency and regularity of off-route charters by certificated carriers.[3] In support of its petition OCA argues that due to the strengthened route systems of the trunks and the local service carriers, there is no more need to protect those carriers through frequency and regularity restrictions. In addition, OCA asserts that the restrictions are complicated, difficult to administer, and uneconomic. Answers filed by Allegheny Airlines, Inc. and Continental Air Lines, Inc. support the petition. Hawaiian Airlines, Inc., Trans World

[1] Passenger charters by all-cargo carriers are generally defined as "off-route," for the purpose of off-route charter restrictions regardless of the geographical route (§ 207.1).

[2] As defined in § 207.1, "base revenue plane miles" means revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

[3] OCA also filed a motion for contemporaneous consideration of Dockets 28058, 28204, and 28181. In view of the action taken herein, that motion is hereby granted.

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Airlines, Inc. (TWA), and the National Air Carrier Association (NACA) filed answers in opposition.

2. The petition of certain local service carriers,[4] filed on July 9, 1975, in Docket 28058 seeks to increase their allowable off-route charter mileage. Those carriers propose to amend § 207.5 by increasing the allowable off-route charter mileage from two percent of their base revenue plane miles to five percent of the first 50 million miles plus two percent of all base revenue plane miles exceeding 50 million. In support of their petition they allege that the two-percent limitation is unfair in that it gives the most off-route charter mileage to the larger route carriers, and that due to changed circumstances the reasons given by the Board in 1964 for reducing the off-route mileage limitation to two percent are no longer persuasive. Answers supporting this petition were filed by Airlift International, Inc. and certain Las Vegas parties.[5] An answer opposing the petition was filed by NACA.

3. The petition of Pan American World Airways, Inc., filed on October 30, 1975, in Docket 28450 requests that the Board amend §§ 207.5 and 207.7a so as to afford combinations carriers the same broad authority enjoyed by all-cargo carriers under § 207.6 to perform off-route cargo charters without limitation in designated "areas of operations." In the alternative, Pan American's petition suggests that parity of treatment between combination and all-cargo carriers be achieved by eliminating the all-cargo carriers' special privilege to operate limitless off-route cargo charters within their areas of operations. In support of its petition, Pan American argues that the circumstances originally justifying the establishment of areas of operations for all-cargo carriers have changed, and that all-cargo carriers are no longer the exclusive specialists in large-volume freight movements. Therefore, petitioner contends, the preference enjoyed by all-cargo carriers in their off-route charter authority is anachronistic and should be abolished. NACA and Seaboard World Airlines filed answers opposing the petition.

4. The petition of Trans International Airlines, Inc. (TIA), filed on January 7, 1976, in Docket 28729 seeks to amend §§ 207.6 and 207.7a so as to abolish the "area of operations" of The Flying Tiger Line, Inc. (FTL).[6] TIA argues, as does Pan American, that the circumstances previously justifying the adoption of areas of operations for all-cargo carriers no longer exist. The all-cargo carriers, TIA alleges, have now "realized the potential of their lucrative scheduled routes." While FTL has decreased its reliance on cargo charters in the transpacific area, petitioner continues, TIA has increased its cargo capability. Petitioner thus argues that the Board should abolish FTL's area of operations and allow TIA to develop more fully its cargo charter service in the transpacific area. No answers were filed in response to the petition.

5. The petition of Pan American filed on May 16, 1975, in Docket 27855 seeks a redefinition of "off-route" in § 207.1. The definition sought by Pan American would narrow the concept of "off-route" charters, thereby expanding "on-route" authority to include charter service between any two countries named in a carrier's certificate of public convenience and necessity. As justification Pan American asserts that because of its limited domestic route system, the off-route limitations impose greater restrictions on it than on other carriers; that its base revenue plane miles have decreased, rendering the two-percent ceiling even more onerous; and that seat miles would provide a "more meaningful" standard than revenue plane miles. TWA and NACA filed answers opposing the petition. United Air Lines, Inc. filed a consolidated answer in this and related petitions recommending the elimination of both volume and frequency/regularity restrictions.

6. The petition of the National Air Carrier Association (NACA) filed on August 21, 1975, in Docket 28204 seeks to alter the authority of scheduled carriers to operate both on-route and off-route charters. NACA proposes to narrow the definition of "on-route" in § 207.1 to authorize on-route charters only between points between which a certificated carrier actually provides single-plane scheduled service. The petition also proposes to amend §§ 207.5 and 207.7a by adding provisos that would allow off-route charters otherwise precluded by those sections, subject to a right of first refusal in the supplementals. NACA argues that the present definition of "on-route" causes injury to the supplementals and fails to carry out the Board's announced policy goals. An answer opposing the petition was filed by certain local service carriers.[7]

7. The petition of National Airlines, Inc., filed on September 15, 1975, in Docket 28312 seeks, essentially, clarification or modification of the term "on-route," and a declaratory judgment on the question whether the Board may impose restrictions on the on-route charter authority of certificated carriers only after notice and hearing. In support of its petition National asserts that previous Board discussions of the meaning of "on-route" disclose ambiguity as to its scope. Answers opposing this petition were filed by the local service carriers[8] and TWA. Delta filed an answer supporting the petition.

The first four petitions summarized above are addressed to the frequency, regularity, and volume restrictions. Since the adoption of those restrictions, both the supplemental and scheduled carriers have developed to a point where they no longer need the stringent economic protection afforded by the off-route charter restrictions. The supplemental carriers have been growing steadily. In 1967, the supplementals generated only slightly more than one-third of the total passenger charter revenue; by 1974 their share of that revenue had increased to almost one-half.[9] At the same time, the route systems of the trunklines have been strengthened by route awards, deletion of uneconomic routes, and by air carrier mergers. In light of this economic development, the Board is of the opinion that increased charter competition would significantly benefit the traveling public without necessarily causing undue hardship to either the supplemental or the scheduled carriers.

Although the off-route charter restrictions minimize diversion from scheduled service, they also serve to hinder carriers in the development of efficient, competitive charter programs designed to meet the needs of the traveling public. Charter travel is becoming an increasingly important part of the air transportation industry, and the Board finds it desirable to encourage the development of more efficient and economic charter programs. The Board therefore proposes to amend the off-route charter restrictions as set forth below.

VOLUME RESTRICTIONS

The Board is of the opinion that an increase in allowable volume of off-route passenger charters would give the scheduled carriers, especially the local service carriers, a better chance to compete in the expanding charter market. Therefore, the volume restrictions on passenger charters would be increased to 5 percent of the first 50,000,000, plus 2 percent of the remaining, base revenue plane miles (excluding all-cargo flights) flown by a carrier during the preceding calendar year. Volume restrictions on cargo charters performed by combination carriers would be set at 10 percent of the all-cargo base revenue plane-miles flown by a carrier during the preceding calendar year.

The Board is persuaded by the arguments of Pan American and TIA that the circumstances originally justifying the establishment of areas of operations, within which all-cargo carriers may operate off-route charters without limitation, no longer exists. The elimination of the all-cargo carriers' areas of operations, along with the increase in the allowable volume of off-route cargo charters, would help equalize the competitive positions of combination carriers vis-a-vis all-cargo carriers. The all-cargo carriers' areas of operations would be eliminated, but the volume restrictions on off-route charters by all-cargo carriers would be increased to 10 percent of the base revenue plane-miles flown by a carrier during the preceding calendar year.[10]

FREQUENCY AND REGULARITY RESTRICTIONS

The regularity restrictions would be completely eliminated. This would allow the operation of the most efficient and economic type of charter program in which a carrier's charter flights are planned so as to minimize the necessity of costly ferry flights.

The frequency restrictions would be eliminated for domestic and overseas charter operations, but retained for international off-route charters as follows:

1. With respect to foreign countries other than Canada or Mexico, an air carrier could operate[11] off-route charter trips or special services without limitation as to frequency between any point or points in the United States and any point or points in a particular foreign country or countries during any calendar month during which the air carrier provided scheduled service between a point in the United States and a point in each such foreign country.

2. With respect to Canada and Mexico, an air carrier could operate off-route charter trips or special services without limitation as to frequency between any point or points in a particular State or territory of the United States and any point or points in a particular province or territory of Canada, or in a particular state of Mexico (including the Federal District), during any calendar month during which the air carrier provided scheduled service to at least one point in each such State, territory, or province.

3. Except as provided above, the following frequency limitations would apply:

(a) An air carrier could operate not more than two off-route passenger charter trips or special services between a particular point in the United States and a particular point in a foreign country during any calendar month during which another United States certificated air carrier were providing single-plane scheduled passenger service between the points in question. During any calendar month or months during which no other United States certificated air carrier were providing such scheduled passenger service between the points in question, an air carrier could operate not more than two off-route passenger charter trips or special services per calendar week between such points.

(b) An air carrier could operate not more than two off-route cargo charter trips or special services between a particular point in the United States and a particular point in a foreign country during any calendar month during which another United States certificated air carrier were providing single-plane scheduled all-cargo service between the points in question. During any calendar month or months during which no other United States certificated air carrier were providing scheduled all-cargo service between the points in question, an air carrier could operate not more than two off-route cargo charter trips or special services per calendar week between such points.

The above conditions would serve two purposes. First, they would raise the level of international off-route charter authority of the U.S. scheduled carriers to each country they serve to more closely approximate the authority granted to the U.S. supplemental carriers and to the foreign carriers of such countries. Second, they would channel the expanded international charter authority of scheduled carriers not certificated to particular foreign countries into city-pair markets not already developed.

In light of the proposed changes in the frequency and regularity limitations, the definitions of "Hawaiian charter trip," "transatlantic charter trip," and "transpacific charter trip" would no longer be applicable, and would therefore be revoked.

DEFINITIONS OF "ON-ROUTE" AND "OFF-ROUTE"

The Board is of the opinion that it would be unnecessary to propose changes in the basic definitions of "on-route" or "off-route" in order to bring about the desired changes in off-route charter authority, and therefore is not proposing to amend those definitions at this time. National's petition, however, requests clarification of "on-route," and specifically raises the question whether "on-route" charters include charters between any two points in a carrier's certificate of convenience and necessity, and in its exemption authority. Although petitioner asserts that Board statements have been ambiguous on that points, the Board is not persuaded that any clarification is necessary. As National's petition indicates, the Board has already construed the term "on-route" to permit a carrier to operate unrestricted charters between any two points in its certificate of public convenience and necessity or in its exemption authority between which service is authorized. For example, National quotes the following Board statement:

> In this regard it is significant that the adopted restrictions apply only to "off-route" charters and that under Part 207 definitions (see § 207.1) a charter is not off-route if it is between points which a carrier holds authority to operate. There is no requirement that the authority between these points be to provide nonstop service or that the points between which service is authorized be on the same route segment or on the same route. Thus a carrier with domestic and foreign routes between which it can provide scheduled service via a junction point can operate charters between points on these routes free from the restrictions adopted herein. ER-443, 30 FR 11382 (September 8, 1965).

The Board finds that this interpretation of the term "on-route" is sufficiently clear to render unnecessary a clarifying amendment. To the extent that particular questions may arise as to a carrier's "on-route" authority, specific interpretations may be requested.

National also petitioned for a "declaratory judgment" on the question whether the Board may restrict a certificated carrier's on-route charter authority without notice and hearing. The Board considers it more appropriate to address that question with reference to particular circumstances in which such restrictions are being proposed. Since the Board is not proposing any modification of the term "on-route," or any other amendments that would affect any carrier's on-route charter authority, that question is not germane to the proceeding.

In light of the foregoing, the Board hereby grants the following rulemaking petitions, with the modifications discussed above:

1. The petition of the Office of the Consumer Advocate in Docket 28181.
2. The petition of the local service carriers in Docket 28058.
3. The petition of Pan American World Airways, Inc. in Docket 28450.
4. The petition of Trans International Airlines, Inc. in Docket 28729.

Those four proceedings are hereby consolidated into Docket 29898, which has been opened with respect to this proposed rule.

The following rulemaking petitions are hereby denied:

1. The petition of Pan American World Airways, Inc. in Docket 27855.
2. The petition of the National Air Carrier Association in Docket 28204.
3. The petition of National Airlines, Inc. in Docket 28312.

PROPOSED RULE

The Board proposes to amend Part 207 of its Economic Regulations (14 CFR Part 207) as set forth below.

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[4] Allegheny Airlines, Inc., Hughes Air Corporation d/b/a Hughes Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc.

[5] Clark County, Nevada, the Greater Las Vegas Chamber of Commerce, the City of Las Vegas, the Nevada Resort Association, and the Las Vegas Convention/Visitors Authority.

[6] TIA also filed a Motion to Consolidate that petition with The Flying Tiger Transpacific Renewal Case, Docket 28656. The motion was denied on February 13, 1976 by Order 76-2-48.

[7] Listed at note 3, supra.

[8] Listed at note 3, supra.

[9] Handbook of Airline Statistics, 1973; Air Carrier Traffic Statistics and Air Carrier Financial Statistics, dated December 1974.

[10] By applications filed September 9, 1975, and May 13, 1976, The Flying Tiger Line Inc. (FTL), an all-cargo carrier, requested waivers to permit the operation of planeload cargo charter flights in certain markets not served by scheduled U.S. freighter service without being limited to a percentage of its base revenue plane-miles flown in the previous year. Answers opposing the September 9 application, in whole or in part, were filed by Western Air Lines, Inc. (Western), American Airlines, Inc. (American), Northwest Airlines, Inc (Northwest), Pan American, NACA, Saturn Airways, Inn. (Saturn), TWA, and Airlift International, Inc. (Airlift). Answers opposing the May 13 application, in whole or in part, were filed by American, Pan American, NACA, Saturn, TWA, and Airlift. Seaboard World Airlines, Inc. (SWA) filed answers in support of both of FTL's applications and requested similar waivers. The Board is unable to find that either FTL or SWA has shown special or unsual circumstances warranting the grant of such blanket waivers, and the Board finds that the issues raised in the applications would be more properly addressed in the instant rulemaking proceeding. Therefore, the applications of FTL and SWA for waivers of the off-route charter volume limitations are hereby denied.

[11] For purposes of this restriction, a charter's operation date would be the date of departure of the initial revenue flight leg.

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1. The Table of Contents would be amended to reflect the title change of § 207.7a as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Sec.

* * * * *

207.7a Restriction on frequency of off-route charter trips and other special services in foreign air transportation.

* * * * *

§ 207.1 [Amended]

2. Section 207.1, Definitions, would be amended as follows:

a. The definitions of "Hawaiian charter trip," "transatlantic charter trip" and "transpacific charter trip" would be revoked and deleted.

b. The following new definitions would be added in proper alphabetical sequence, to read as follows:

* * * * *

"Cargo charter trip" or "cargo special service" means a charter trip or special service for the transportation of property and authorized cargo attendants only.

* * * * *

"Passenger charter trip" or "passenger special service" means a charter trip or special service for the transportation of persons and their accompanied baggage.

* * * * *

3. Section 207.5 would be revised to read:

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

(a) No combination carrier shall, during any calendar year, perform off-route passenger charter trips which in the aggregate exceed the total of 5 percent of the first 50,000,000, plus 2 percent of the remaining, base revenue plane miles (excluding all-cargo flights) flown by it during the preceding calendar year.

(b) No combination carrier shall, during any calendar year, perform off-route cargo charter trips which in the aggregate exceed 10 percent of the base revenue all-cargo plane miles flown by it during the preceding calendar year.

4. Section 207.6 would be amended by revoking paragraph (c), and by revising paragraph (b) to read as follows:

§ 207.6 All-cargo carriers: Limitation on amount of charter trips which may be performed.

(a) [Reserved]

(b) No all-cargo carrier shall, during any calendar year, perform off-route charter trips which in the aggregate exceed 10 percent of the base revenue plane-miles flown by it during the preceding calendar year.

(c) [Reserved]

5. Section 207.7a, Restriction on frequency and regularity of off-route charter trips and other special services, would be retitled and revised to read:

§ 207.7a Restriction on frequency of off-route charter trips and other special services in foreign air transportation.

An air carrier may perform off-route charter trips or special services in foreign air transportation, between any pair of points, only in accordance with the following limitations. For purposes of this section, a charter is operated on the date of departure of the initial revenue flight leg.

(a) With respect to foreign countries other than Canada or Mexico, an air carrier may operate off-route charter trips or special services without limitation as to frequency between any point or points in the United States and any point or points in a particular foreign country or countries during any calendar month during which the air carrier provides scheduled service between a point in the United States and a point in each such foreign country.

(b) With respect to Canada and Mexico, an air carrier may operate off-route charter trips or special services without limitation as to frequency between any point or points in a particular State or territory of the United States and any point or points in a particular province or territory of Canada, or in a particular state of Mexico (including the Federal District), during any calendar month during which the air carrier provides scheduled service to at least one point in each such State, territory, or province.

(c) Except as provided in paragraphs (a) and (b) of this section, the following frequency limitations shall apply:

(1) An air carrier may operate not more than two off-route passenger charter trips or special services between a particular point in the United States and a particular point in a foreign country during any calendar month during which another United States certificated air carrier is providing single-plane scheduled passenger service between the points in question. During any calendar month or months during which no other United States certificated air carrier is providing such scheduled passenger service between the points in question, an air carrier may operate not more than two off-route passenger charter trips or special services per calendar week between such points.

(2) An air carrier may not operate more than two off-route cargo charter trips or special services between a particular point in the United States and a particular point in a foreign country during any calendar month during which another United States certificated air carrier is providing single-plane scheduled all-cargo service between the points in question. During any calendar month or months during which no other United States certificated air carrier is providing such scheduled all-cargo service between the points in question, an air carrier may operate not more than two off-route cargo charter trips or special services per calendar week between such points.

[FR Doc.76-30152 Filed 10-13-76;8:45 am]

[14 CFR Parts 371, 372, 372a, 373, 378, 378a]

[SPDR-50, Docket No. 29165, Dated October 7, 1976]

CHARTER OPERATIONS INCLUDING LICENSING OF CHARTER OPERATORS

Advance Notice of Proposed Miscellaneous Provisions

Notice is hereby given that the Civil Aeronautics Board has under consideration rulemaking action with respect to the various suggestions for regulatory action affecting general charter operations, which have been set forth in a petition by the Board's Office of Consumer Advocate (OCA). The petition requests rules which would: (1) Regulate the terms of the contracts between charter operators and members of the public who travel by means of such charters ("participants"); (2) impose a wide range of liabilities on charter operators for various aspects of the charters; and (3) license persons operating or organizing charter flights under the Board's special regulations ("operators").

This advance notice of proposed rulemaking is being issued to invite participation by the industry (including air carriers, foreign air carriers, and travel agents), interested governmental agencies, consumer organizations, and members of the general public, in the Board's efforts to determine whether or not all or any of the rules requested by the petition should be considered for possible adoption by the Board, with or without modification, and in one or more separate proceedings.

The Board's tentative views with respect to the many issues raised by the petition are described in the attached Explanatory Statement. This advance notice is issued under the authority of sections 101, 204, 401, 402, 403, and 416 of the Federal Aviation Act of 1958, 72 Stat. 737, 743, 754, 757, 758, 771, as amended, 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1386.

Interested persons may participate in the proposed rulemaking through submission of 20 copies of written data, views, or arguments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All comments received on or before November 29, 1976, and reply comments received on or before December 20, 1976, will be considered by the Board before taking further action. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by October 26, 1976, a request to be placed on the Service List in Docket 29165. The Service List will be prepared by the Docket Section and sent to the persons named on it. Those persons are to serve each other with comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named on it. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comments.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above address, without the necessity of filing additional copies.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[1]
Secretary.

EXPLANATORY STATEMENT

The petition. The OCA petition stated that the rate of complaints submitted to that office concerning the operation of charters is growing both absolutely and relative to the total number of complaints: 913 complaints, representing 8 percent of the total for calendar year 1975; 240, representing 11 percent of the total for the period January 1 to March 15, 1976. The petition noted the increase in charter flights, particularly since the initiation of One-stop-inclusive Tour Charters (14 CFR Part 378a),[2] and concluded that the volume of complaints could be expected to grow. The main subjects of complaint have been requests for refunds, unsatisfactory land packages, application of regulatory requirements, and charter flight and itinerary changes.

OCA asserted that typical charter contracts contain insufficient protection for participants. The petition suggested regulatory provisions substantially as follows:

(1) Contracts pertaining to charters would be prescribed by regulation, between participants and operators, operators and carriers, and operators, carriers, and depository banks.

(2) The operator-participant contract would describe all the major features of the charter, including names of operators and carriers, dates, itinerary, ground arrangements, and price.

(3) A change in any component part of a tour would require a complete refund unless the participant agreed in writing to the change.

(4) Full refunds would be granted in the event of documented serious illness, accident, or death of a participant or a member of his immediate family.

[1] Minetti and West, members, filed concurrence statement as part of the original document.

[2] Although the petition did not specify those charter rules which should be amended, we read it as a request for revision of all of the Board's "special charter rules," i.e., charters operated by indirect air carriers exercising operating authority conferred under an appropriate Pat of our Special Regulations.

(5) Official notice to each participant by registered mail would be required in the event of cancellation, and the 60-day period for filing refund claims against the surety would not begin to run until such notice was received.

(6) Upon cancellation, the carrier would return any money received to the depository bank, if there were an escrow security arrangement, which would forward it to the participants. Any cancellation penalties payable to the carrier would be paid directly by the operator. Refunds to participants would be due within 7 days of cancellation, with a 10 percent penalty for later payment.

(7) All solicitation material would identify the operator by name, address, and license number.

(8) If the departure or return of the charter flight were delayed for more than 4 hours for domestic flights and 6 hours for international flights, each participant would be reimbursed by the operator at the rate of 25 dollars per additional hour.

(9) Overbooked participants would be entitled to refund of the charter air transportation cost, plus free transportation by scheduled service to the destination cities, paid for by the operator.

(10) Present bonding requirements would be replaced by open-ended surety bonds that assured operator performance with a depository arrangement as an alternative.

(11) The operator would be liable to the participant for "every aspect of the charter trip," including nonperformance of contracted services, and all injuries or property damage arising from the negligence of any person rendering services in connection with the trip. Liability insurance would be provided by the operator for baggage, and for personal injury related or unrelated to air transportation.

The OCA petition also advocated the formal licensing of operators as a prerequisite to their organizing charter flights. The petition argued that this was needed to "insulate" consumers from "persistent violators, those who operate tours substantially different from tours proposed and sold, those involved in anticompetitive agreements, and those that are undercapitalized or in a financially untenable position." OCA cited licensing procedures as a way of facilitating "enforcement against disreputable tour organizers who persistently fail to comply with the regulations." The suggested licensing procedure would require the submission of identifying and financial information. OCA stated that the current enforcement procedures are tediously slow, administratively burdensome, and ineffective, and that licensing would offer a swift sanction and potent deterrent to improper business practices.

The petition also suggested that, with licensing in force, it would not be necessary to review the prospectuses for each charter flight. A summary prospectus would presumably be sufficient to cover a group of charters assembled by the same operator.

Answers to the petition were filed by seven operators and two operator associations, two scheduled and three supplemental air carriers, and the American Society of Travel Agents[3]

Most of the answers questioned the validity of the statistics presented by the OCA petition as justification for the new suggested requirements. They pointed out that the complaint categories used by OCA did not separate charters that involve operators from other types of charters or tours that do not, such as affinity-group charters or tour packages via scheduled air carrier services. Many of the answers argued that charter tours are no more in need of regulation than tours via scheduled services. Almost all of the answers opposed the idea of making the operator liable for mishaps, delays, or nonperformances over which he has no control, on the grounds that it would add unnecessarily to the cost of charter travel, and to some extent eliminate the differences that result in the cost advantage of charter travel over scheduled service.

The Board considers protection of the traveling public's interests to be of paramount importance. To the extent that this can be done by regulations that simply have the effect of prohibiting deceptive or otherwise unprincipled behavior, or of preventing or deterring negligent misconduct, on the part of those offering goods or services to the public, it should be done without hesitation. Unfortunately, however, regulations that fully meet that description are rare; most regulations involve costs. The assessment of those costs is crucially important to a regulatory agency that would act in the consumer's interest, for the reason that the consumer pays substantially all the costs, regardless of where they are initially imposed. The desire of the traveling public for lower-priced air transportation has been very strongly expressed to the Board. It is thus not sufficient to ask whether protection is desirable, or even whether the proposed regulation will succeed in providing it; we must also ask whether, in our judgment, the value of the protection received exceeds its cost to the consumer.

Mandatory contract terms. The OCA petition (item 1) sugested that the Board prescribe the contract between the various parties involved in a charter flight, and that staff review of each contract thereafter would be unnecessary. Several different issues are contained in this aspect of the petition.

1. *Operator-carrier contracts.* The justifications offered in the petition for the suggested rules, viz., the protection of individuals traveling by charter flight,

[3] The commenters, in their respective classifications were: Nationwide Leisure Corporation, American Leadership Study Groups, Vacation Ventures/Carefree Travel, Inc., Charter Travel Corporation, American Institute for Foreign Study, Inc., Pathfinder Corporation, American Automobile Association, Inc., Unitours, Inc., and David Travels, Inc.; Airline Charter Tour Operators Association, and United States Tour Opeators Association, Inc.; American Airlines, and Delta Air Lines; Overseas National Airways, Trans International Airlines, Inc., and World Airways, Inc.

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did not bear directly on the matter of prescribing the contract between the operator and the direct air carrier, and the reason for prescribing such contracts is not obvious. Several answers argued against such a provision, on the grounds that it is not necessary to so restrict competition in this area, and that carriers should be free to compete by offering more liberal charter contract terms to operators. The Board agrees that no sufficient justification has been shown for a prescribed form of charter contract, which would prevent carriers from competing with one another in offering terms to charter operators, and, absent justification, the request should be denied. There was some comment by operators that the present contracts demanded by air carriers are unfair in that the carriers are free to raise their prices regardless of the contracts, and are similarly unfair to the operators in the event of force majeure or labor-dispute cancellations. The Board recognizes that some provisions of the present charter contracts may merit further regulatory attention, with a view to eliminating unfair aspects, and invites comments on specific provisions.

2. *Depository and surety provisions.* In the area of the agreement between the operator, the direct air carrier, and depository bank and the revision of the surety provisions suggested in OCA's item 10, the Board considers that a review of existing rules is called for, and has already initiated staff action to study the matter and make recommendations. The petition on this point has thus been anticipated. There was nothing in the petition, however, and the Board is not aware of additional evidence, to indicate that the situation requires immediate rectification; and we are therefore inclined to believe that we should wait for and consider the staff study before taking rulemaking action.

3. *Operator-participant contracts.* The petition asked that the Board "prescribe" the contract between the operator and the participants. This refers, of course, to the provisions other than the main features of the charter, which change with each tour. The Board tentatively agrees that some of the provisions of these contracts might usefully be standardized; and, indeed, we are currently awaiting various staff proposals for such standardization. The Board has also directed the staff to submit for our consideration some basic, detailed, "form" provisions that will make it possible for the Board to review prospective contracts more effectively. However, adequate justification for mandatory complete standardization of all provisions of operator-participant contracts has not been presented, and the Board is therefore not prepared to commit itself to that course at this time. Some of the specific provisions that OCA argued should be contained in these contracts are discussed below.

Insurance-type provisions. Several of the requirements suggested by OCA take the form of insurance, directly or indirectly. Item 11 would impose on the operator liability without fault for all nonperformance of services contracted for by businesses involved in the tour, and for any damages incurred on the tour. Similarly, item 8 would require payment at a high rate by the operator for flight delays of more than a few hours. Since these involve money payments to the participant as a result of a contingency, they would be paid for by each participant as an increment of the charter price to cover the added operator costs; they are therefore, in essence, a form of insurance that each participant would be required to purchase.

Commercially successful insurance depends on a positive margin between costs (i.e., premiums) and benefits (payouts for the insured loss). Sometimes purchasers are willing to pay more than the benefit may be worth (the prospective payout times the probability of receiving it) in order that they will not have to face the prospect of loss. But where relatively small amounts of money are involved, whose loss would not be catastrophic, regulation-forced insurance unnecessarily limits the consumer's freedom of choice. Not only is he foreclosed from deciding whether the risk is worth insuring against (insofar as the risk is now commercially insurable) but the "premium" he pays as part of the price of his travel is based on the average claims of all travelers, and not on his needs alone. Furthermore, imposing a regulatory liability on the operator leads to the most inefficient kind of insurance, since the operator has little control over the contingencies insured against, and cannot reduce costs by being more careful.

For these reasons, the Board is tentatively of the view that there is substantial doubt as to whether items 8 and 11 of the suggested charter contract would really be in the interest of consumers, since all of them would ultimately bear the costs, regardless of individual preference.

Although passengers on flights undoubtedly find delays to be annoying and inconvenient, no justification has been shown for an insurance-type remedy contemplated by item 8. As pointed out in several carriers' answers to the petition, flight delays are often due to factors such as mechanical difficulties or weather that cannot be prevented, so the behavior-modification effect of the penalties would be minimal. To force participants to pay more for their charter flights so that they may receive penalty payments for delays would partially defeat one of the main aspects of the charter "bargain."

Item 11 is more complex; it includes some types of insurance coverage that may be desirable to consumers. Collecting it all under an umbrella liability of the tour organizer, however, is likely to be inefficient, expensive, and freedom-limiting for the consumer. Such a plan would include large elements of double coverage. For example, many charter participants have insurance coverage for their baggage as part of their continuing personal insurance package. Where they do not have these types of insurance, they can readily purchase one or more such types measured to their own needs, on a short-term basis to cover a trip. It is not entirely clear what types of "nonperformance" by businesses providing services to the charter participants were intended by the petition to be covered, but this type of insurance coverage, obtained nominally by the tour organizer and paid for ultimately by the consumer, would be expensive (as indicated in many of the answers), in light of the wide range of defaults involved.

For these reasons, we are inclined to the view that the proposals constituting item 8 and 11 of the petition's suggested liability rules should not be adopted. However, we specifically invite comments on all questions of operators' liability for nonperformance or misperformance in connection with charter flights and tours.

Cancellation and refund rights because of changes. Item 2 of the petition would require the operator-participant contract to describe all the major features of the charter, including names of operators and carriers, dates, itinerary, ground arrangements, and prices. Item 3 would provide that "a change in any component part of the tour (price, origin, destination, hotel, air carrier, ground arrangements, or itinerary) shall automatically and immediately give rise to a complete refund unless the tour participant agrees in writing to accept such a change." These two items are both elements of the same proposed scheme and are considered together. The problem of changes in the tour plans is a difficult one, and to some extent inherent in the concept of tours, with the requirements for extensive advance arrangements by the operator for many aspects of the "ground package," as well as the uncertainties incident to contracting for plane capacity many months in advance without detailed knowledge as to the number of participants who will finally travel. On the one hand, the traveling public certainly has a right to receive substantially what it contracts for, although a certain amount of latitude may be explicitly provided for in the contract. On the other hand, as pointed out in many of the answers, late changes in tour arrangements are often entirely beyond the control of the operator, and the need for some adjustment in a tour package might be reasonably anticipated. A rule that gave each participant a right to a complete refund for any change in the plans, no matter what its nature, would be unfair, not only to the operator but also to the other participants, and could lead to confusion and argument over whether a change actually took place.

The question is not simply one of holding the operator to high standards of behavior. The charter rules limit (differently in the various charter forms) the rights of the operator to replace participants who cancel, regardless of their refund rights. It may fairly be assumed that in many cases the majority of tour participants are willing to accept changes and go on with their plans.

Participants who cancel, therefore, create a difficult situation: if the entire charter is canceled, many persons' travel plans may be upset, and economic losses to the air carrier as well as the operator may be involved. If the tour goes on, the cost of the empty seats must be absorbed by someone. As discussed earlier, it would be naive to assume that the operators, or any businesses, consistently absorb the cost. Liberal cancellation rights, where the seats cannot be refilled, are an added cost that will ultimately be passed on in higher charter prices.

The conclusion tentatively drawn is that positions at either end of the spectrum would be unwise—either complete cancellation rights in the participant for any change, as suggested by OCA, or complete freedom in the operator to make changes at will. What is clearly needed is a middle position, a set of criteria to distinguish between changes that are major enough to give participants refund rights and those that are not. Insofar as the OCA petition requests rulemaking proceedings to arrive at such criteria, and any related rules that may be found desirable to curb possible operator abuses, those issues should be focused on specifically.

Hardship refunds. OCA suggested a right to withdraw with a complete refund in the event of serious illness or death in the participant's immediate family (item 4). Upon examination this can be seen to be a pure form of forced insurance, whereby each charter participant would be required to pay a hidden premium for the right to cancel on the happening of certain specified events. Several answers suggested that a more sensible course would be to allow participants to make their own economic choices in this area by their option to buy "trip insurance" for such contingencies.

The Board agrees, and we would be inclined to reject this proposal. Given the variety of factors that may induce people to cancel, it seems no useful purpose would be served by a selection process that would produce free cancellation rights for participants who encounter certain circumstances, but not to others. Furthermore, there is probably no way to distinguish, by regulatory language, between circumstances that constitute genuine hardship and those that do not. It is true that various types of catastrophic events give rise to general sympathy, but the fact that in these cases cancellation appears personally appropriate or justified is not a sufficient basis for imposing insurance costs on participants who do not wish to pay for that type of protection. Optional insurance seems far preferable to forced, universal insurance in areas such as this, for reasons already discussed. The Board intends to develop a proposed requirement that tour operators make trip-cancellation insurance available to any participant who wishes it.

Official notice of cancellation. The suggested requirement (item 5) that each participant receive formal notice of a canceled tour, from which time the period for filing refund claims would run, appears reasonable, and should be included among the proposed rules developed in this proceeding. However, as a technical matter, certified mail would appear more appropriate than registered mail for that purpose, as pointed out in the answers.

Refunds for canceled charters. The Board accepts the principle that refunds should be promptly made to participants in the event a charter flight is canceled, and would expect to propose that portion of the petition as a general matter, with some modification, in order to reflect the fact that the nature of the refund should vary according to the circumstances of the cancellation.

The regulations pertaining to charters provide(14 CFR 207.13(b)) that in the case of split charters, the carrier must require payment of the full charter price not later than 30 days prior to the flight. This payment is not refundable in the event of cancellation of a charter by the operator (i.e., not by the carrier), unless another charter is substituted. This provision protects the interests of the participants in the other charters on the same flight, since the carrier is prohibited by statute from accepting less than the full charter price for performing the flight. The chartering operator is, of course, liable for the amount of its charter price, and the question is whether its debt should be to the carrier, or to the persons who would have been participants in the canceled charter and are awaiting the return of their money. The main problem would be a defaulting charterer, although that situation is mitigated by the surety requirements imposed on operators. In light of the facts that consumers' interests are involved on both sides, that considerable uncertainty could be injected into split charter flights if the carrier had to give up its payment in the event of a late cancellation and look to the charterer or its surety for reimbursement before departing, and that cancellations after full payment has been made to the carrier are relatively uncommon, the Board would be inclined to retain the present scheme with respect to cancellations of split charters during the last 30 days before departure, whereby the operator must reimburse participants directly for their payments from its own funds. However, we might further examine this position in light of the staff study on financial security arrangements. In any event, we would expect this proceeding to develop a rule requiring direct repayment of all money received originally from participants in other situations where a charter is canceled.

In this item OCA also requested that payment to the participants in a canceled charter be required within 7 days of the cancellation, with a 10 percent penalty for late refund. Several answers pointed out that 7 days appeared to be an unfairly short period, in light of the fact that parties other than the operator must normally participate in the transfer of funds, and that the 10 percent penalty was unjustifiably harsh. A requirement that refunds be required within a stated period appears sound, however, and the Board will consider these details, including a requirement for penalties for late refunds, in light of comments received in the course of developing its rules.

Identification of operator in advertisements. The identification of the tour operator in any solicitation or advertising material (item 7) appears to be a worthy suggestion, and should be included among our proposed rules. It would make it easier for members of the public to identify particular programs in case of an inquiry or a complaint to the Board, and would perhaps increase the sense of responsibility of operators who would otherwise be unknown to the consumers utilizing their services. Whether a useful purpose would be served by including the address of the operator in advertising material is a subsidiary issue for specific focus in the comments.

Overbooking penalties. The OCA suggestion (item 9) that overbooked participants receive a complete refund plus free scheduled transportation to the destination appears to be a uniform, harsh penalty applicable to a variety of situations in which the culpability of the operator differs widely. The petition contains little justification for such a sweeping approach in this area. Here, as with the refund-for-changes issue, the better course appears to lie somewhere between the extremes of no relief and automatic relief in all cases no matter the circumstances. The Board is of the opinion that prompt and effective action to protect the consumer's interests in this area is needed. It may well be that, in some instances, such action may include a requirement for substitute transportation. However, in order to formulate proposed rules regarding overbooked seats on charters, we invite comments offering reasoned suggestions as to specific ways in which the rules should be changed or supplemented.

Licensing of tour operators. Licensing of operators has some attractive aspects. Perhaps the strongest argument in its favor is that it would give the Board another enforcement sanction, whereby an operator who failed to comply with regulations could be put out of business, at least for an extended period of time. Putting a going business out of operation is a very serious matter, however, both legally and as a matter of public policy. It is highly unlikely that it would be done on the basis of a showing that an operator had violated some regulations, unless it were conclusively shown that the violations were intentional, major, and repeated. As has been discussed, the Board is moving to institute rules to protect charter participants in various ways, and it would appear wiser to examine the ameliorative effect of those actions before moving to the more burdensome procedure of licensing.

The screening aspects of licensing set forth in the petition are also subject to serious question. If, as the petition suggested, it would not be appropriate to use the licensing requirement to impose se-

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vere entry restrictions, it is difficult to envision how licensing could really screen out potential wrongdoers. The most important qualities in persons entering into the business of tour organization are integrity and business ability, and absent a thorough background investigation, which is clearly not feasible, there is no way for a Federal agency to make discriminating judgments in those areas on the basis of application documents. Even the financial stability that the petition cited as one of the goals of licensing would probably not be ascertainable, since with no financial history, the financial position of a small business that is about to begin its life usually bears little resemblance to what it will be a year or two after it begins operation.

For these reasons, the Board believes that the benefits of operator licensing have not yet been shown to be sufficient to justify the major addition to the paperwork load, in both the public and private sectors, that such a procedure would involve. Moreover, as noted previously, the Board has instituted a staff study of the financial security provisions, which is proceeding on an urgent basis. It is undertaking, moreover, to reexamine all aspects of its charter regulations, with a view to revising them to serve best the interests of the public. The question of operator licensing will be given further consideration in that study. Finally, the changes that the Board is contemplating in the charter regulations, many of which have been noted herein, should do much to strengthen the protections for charter participants. Inasmuch as the proposal to license operators is regarded as a "consumer-protection" technique, our adoption of charter rules improving consumers' protection might thus render the licensing proposal unnecessary for that purpose, and thus remove the main apparent justification for this proposed restriction on free entry and competition for charter operators.

Termination of exemptions. The OCA petition also requested the termination of operators' exemptions, as indirect air carriers, from sections 401, 407(b) and (c), and 412 of the Federal Aviation Act (49 U.S.C. 1371, 1377(b) and (c), 1382). Upon examination, these exemption terminations appear to be merely supplementary to the requested licensing requirement, and will therefore be considered in that context. The section 401 exemption would be "restricted" to those obtaining licenses from the Board, so that it would actually be the licensing vehicle. The section 407 provisions relating to disclosure of major stockholders and stock ownership in carriers by officers and directors would relate to the information provided pursuant to the application for a license. Finally, the section 412 requirements for filing with the Board agreements between operators and direct air carriers would only be meaningful if the present requirements for pre-flight charter documentation are changed, since the actual contract must presently be filed with the Board as part of that documentation.

[FR Doc.76-30153 Filed 10-13-76;8:45 am]

[14 CFR Parts 372a, 378a]

[SPDR-51, Docket No. 29509, Dated October 7, 1976]

"NORTH AMERICAN CHARTERS"

Proposed Definition

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Parts 372a and 378a of its Special Regulations (14 CFR Parts 372a and 378a). As more fully discussed in the Explanatory Statement, the purpose of the proposed amendments is to include Central America in the definition of "North American charter." The amendments are proposed under the authority of sections 101, 204, 401, 402, 407, 416, and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481).

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views or arguments pertaining thereto, addressed to Docket 29509, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in comments received on or before November 29, 1976, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

By petition dated July 12, 1976, Docket 29509, Nationwide Leisure Corporation requested that the Board amend the definition of "North American charter," set forth in the Travel Group Charter (TGC) rule and the One-stop-inclusive Tour Charter (OTC) rule, respectively Parts 372a and 378a of its Special Regulations (14 CFR Parts 372a and 378a). Specifically, petitioner requested that the Board expand the definition of "North American charter," a term used only in those two rules, so as to include charters to Central America. With respect to Central American OTC's, such an amendment would have the following effects: the advance purchase period would be reduced from 30 days to 15 days, and the minimum duration would be reduced from 7 days to 4 days (with a reduction in minimum tour price to reflect the shorter duration). With respect to Central American TGC's the requested amendments would reduce the minimum duration from 10 days to 7 days.

In support of its request, petitioner argued that Central America is in fact part of the North American continent, and is in the same geographic area as Mexico and the Caribbean, which are presently included in the definition of "North American charter"; that the distances between New York and various points in Central America are about the same as or shorter than distances between New York and certain points in Mexico and the Caribbean; [1] that Central American destinations offer tourist attractions similar to those in the Caribbean and Mexico; and that the exclusion of Central America from the definition of "North American charter" produces a situation where travelers destined to the same geographic and tourist area are confronted by two different sets of restrictions—a situation which, it was alleged, unjustifiably penalizes operators of Central American charters.

Comments supporting the petition were filed by TACA International Airlines, S.A. (TACA), and by Servicio Aereo de Honduras, S.A. (SAHSA). Pan American World Airways, Inc., filed a comment opposing the petition.

The definition of "North American charter" was first adopted in the TGC rule by SPR-61, 37 FR 20808 (October 4, 1972) in order to provide a shorter minimum duration requirement for North American TGC's. The Board's rationale was that "vacation travel in North America is likely to be of shorter duration than vacation travel from the United States to the rest of the world * * *."

Subsequently, the Board proposed to adopt a "North American charter" definition in the proposed OTC rule set forth in Notice of Proposed Rulemaking EDR-281/SPDR-38/ODR-9, 39 FR 39572 (November 8, 1974). Again, the purpose of distinguishing between North American and non-North American charters was to adopt minimum stay requirements which fit the needs of specific markets. However, in Supplemental Notice of Proposed Rulemaking EDR-281B/SPDR-38B/ODR-9B, 40 FR 17039 (April 16, 1975) the Board proposed that North American OTC's be subject to a 15-day advance filing requirement, while all other OTC's were to be subject to a 30-day advance filing requirement.[2] The Board explained:

Our proposal that advance-filing requirements be different for North American OTC's than for other OTC's is founded on two grounds. The first is that the availability to the public of charter transportation in domestic U.S. markets appears to be unduly low. We are determined to remedy this circumstance. We are of the tentative view that a shorter advance-filing period will be of use in this regard since it may tend to reduce domestic OTC costs, increase the number of domestic OTC's that are organized and actually operated, and, in addition, permit the use of OTC's by persons who could not have otherwise made their plans sufficiently in advance. (We are proposing that the shorter pre-departure filing period should be applicable to North American OTC's, rather than just domestic OTC's, because of the anomalous results that might otherwise occur due to the proximity of some domestic vacation destination points to foreign North American vacation destinations.) Second, the difference in passenger list filing dates we are here proposing reflects our concern that, because of the nature of international travel, decreasing the length of time in advance of the departure date that passenger lists have to be filed might pose risks of undue diversion from international scheduled services that would outweigh the benefits the public would derive from a shorter period. 40 FR 17041

Thus, although the countries in Central America (Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama) may resemble Mexico and the Caribbean with respect to geographic location and tourist attractions, there remains the question whether "because of the nature of * * * travel" to Central America, the inclusion of that area in the subject definition "might pose risks of undue diversion from * * * scheduled service" in the affected markets, within the quoted rationale.

In its opposition to this petition Pan American argued that the amendment requested by petitioner would "threaten serious injury" to scheduled service between the U.S. and Central America. In support of this contention, Pan American argued that U.S.-Central America markets are relatively "thin" markets which support few scheduled service frequencies, and which are dependent for their economic viability upon tourists as well as business travelers. Those tourists, Pan American argued, would be subject to diversion if the definition of "North American charter" were expanded to include Central America. Pan American suggested that, instead of amending the regulations at this time, the Board grant waivers of the advance purchase requirement on a case-by-case basis. This approach, it was argued, would allow the Board to evaluate the effects of the requested amendments on the basis of experience.

Pan American did not submit any data showing the percentage of tourists traveling to Central America on scheduled service, nor did it submit evidence demonstrating how "thin" scheduled service frequencies are to that area, or what were its criteria for "injury" to scheduled service. Furthermore, the Board is not aware of any evidence that TGC's or OTC's to Mexico or the Caribbean (which are "North American charters") have caused significant deterioration in scheduled service to those areas. TACA and SAHSA, scheduled carriers operating between the U.S. and Central America, both filed comments supporting the petition. In contrast to Pan American, neither carrier predicted that the requested amendment would threaten scheduled service between the U.S. and Central America.

In light of the foregoing, the Board is not persuaded that the inclusion of Central America in the definition of "North American charter" will cause undue diversion from scheduled service. On the other hand, it may well be that Central America is similar in location and in tourist attractions to Mexico and the Caribbean. Therefore, the Board has decided to propose that Central America be included in the definition of "North American charter."

Characterizing this as a technical change, petitioner also requested that the definition be amended by the expedited method of issuing a final rule without first issuing a notice of proposed rulemaking. The Board is of the opinion that such expedited procedures would not be appropriate here, and that Pan American and other scheduled carriers that may be affected by these proposed amendments should be given the opportunity to develop further the arguments regarding the effect on scheduled service or other consequences that might flow from the amendments proposed herein.

PROPOSED RULE

Accordingly, the Civil Aeronautics Board proposes to amend Parts 372a and 378a of its Special Regulations (14 CFR Parts 372a and 378a) as follows:

PART 372a—TRAVEL GROUP CHARTERS

§ 372a.2 [Amended]

1. The definition of "North American charter" set forth in § 372a.2, Definitions, would be amended to read:

* * * * *

"North American charter" means a travel group charter between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in any other State of the United States or in Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, or the "Islands of the Caribbean" (as defined in Part 207 (14 CFR Part 207)), on the other hand.

* * * * *

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

§ 378a.2 [Amended]

2. The definition of "North American charter" set forth in § 378a.2, Definitions, would be amended to read:

* * * * *

"North American charter" means a one-stop-inclusive tour charter between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in any other State of the United States or in Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, or the "Islands of the Caribbean" (as defined in Part 207 (14 CFR Part 207)), on the other hand.

* * * * *

[FR Doc.76-30154 Filed 10-13-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 630-32; OPP-300010]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

At the request of several interested persons, the Administrator, Environmental Protection Agency, is proposing, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1001 by the exemption of certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, and the persons requesting that the Administrator propose exemptions with respect to them are as follows:

Acetic anhydride, Chevron Chemical, 940 Hensley Street, Richmond CA 94804.

Alpha-alkyl (C8-C14) - omega - hydroxypoly-(oxypropylene) block copolymer with polyoxyethylene; polyoxypropylene content is 1-3 moles; polyoxyethlene content is 7-9 moles. overage molecular weight approximately 635. Jefferson Chemical Co., Inc., Box 4128, Austin TX 78765.

Potassium sulfate. E. I. duPont de Nemours & Company, Inc., Wilmington DE 19898.

Sodium mono-, di- and tributyl naphthalene sulfonates. (PC) Petrochemicals Co., Inc., 2001 N. Grove, Fort Worth TX 76106.

Valeric acid, normal. Industrial BIO-TEST Laboratories, Inc., 1810 Frontage Rd., Northbrook IL 60062.

Additionally, the Agency proposes that the chemicals aluminum stearate, wintergreen oil, ethanol, and benzoic acid be removed from paragraph (d), preharvest application, since they are already cleared under paragraph (c), which includes both preharvest and postharvest application.

The Agency has also determined that sodium hypochlorite should be deleted from § 180.1001(c) as an inert ingredient and that it should be added to § 180.2 (a), pesticide chemicals considered safe.

Based on available information on the chemistry and toxicity of these substances, as well as on a review of the history of their use, it has been found that when used in accordance with good agricultural practice, these substances are useful and do not pose a hazard. It is concluded, therefore, that the proposed amendments to 40 CFR 180.1001 and 180.2(a) will protect the public health, and it is proposed that the regulations be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before November 15, 1976, that this proposal be referred to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

[1] This assertion was supported by two comparative distance tables included in the petition.

[2] The original proposal, set forth in EDR-281/SPDR-38/ODR-9, supra, would have applied a 30-day advance filing requirement to all OTC's.

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Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before November 15, 1976, and should bear a notation indicating the subject and the OPP document control number "OPP–300010". All written comments filed in response to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 6, 1976.

STATUTORY AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

JOHN B. RITCH, JR.,
Director, Registration Division.

(1) It is proposed that Part 180, Subpart A, § 180.2(a) be amended by adding the pesticide chemical sodium hypochlorite to read as follows.

(2) It is further proposed that Part 180, Subpart D, § 180.1001 be amended by: (1) deleting the entry "alpha-alkyl (C6–C10)-omega-hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content averages 3 moles; polyoxyethylene content averages 7 moles; average molecular weight approximately 625" from paragraph (c); (2) deleting the entry "Sodium mono-, di-, and tributyl naphthalene sulfonates" from paragraph (d); (3) deleting the entries "Aluminum stearate", "Wintergreen oil", "Ethanol", and "Benzoic acid" from paragraph (d); (4) alphabetically inserting new items in paragraphs (c), (d), and (e); and (5) by deleting sodium hypochlorite from paragraph (c) to read as follows:

§ 180.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellant in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium polysulfide, sodium carbonate, sodium chloride, sodium hypochlorite, sodium polysulfide, and sulfur, and, when used postharvest as fungicides, citric acid, fumaric acid, oil of lemon, oil of orange, sodium benzoate, and sodium propionate are not for the purposes of section 408(a) of the act generally recognized as safe for use.

* * * * *

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredient	Limits	Uses
* * *	* * *	* * *
Alpha-alkyl (C8–C14)-omega-hydroxypoly-(oxypropylene) block copolymer with polyoxy-ethylene; polyoxypropylene content is 1–3 moles; polyoxyethylene content is 7–9 moles; average molecular weight approximately 635.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Potassium sulfate		Solid diluent.
* * *	* * *	* * *
Sodium mono-, di-, and tributyl naphthalene sulfonates.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *

(d) * * *

* * *	* * *	* * *
Valeric acid, normal	Not more than 2 pct in pesticide formulations.	Stenching agent or odorant.
* * *	* * *	* * *

(e) * * *

* * *	* * *	* * *
Acetic anhydride		Solvent, cosolvent, stabilizer.
* * *	* * *	* * *
Alpha-alkyl (C8–C14)-omega-hydroxypoly (oxypropylene) block copolymer with polyoxyethylene; polyoxypropylene content is 1–3 moles; polyoxyethylene content is 7–9 moles; average molecular weight approximately 635.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sodium mono-, di-, and tributyl naphthalene sulfonates.		Solvent, cosolvent stabilizer.
* * *	* * *	* * *

[FR Doc.76–30022 Filed 10–13–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33–5749, 34–12873, 35–19709, File No. S7–623]

DISCLOSURE OF CERTAIN REPLACEMENT COST DATA

Proposed Amendment of Regulation S–X

The Securities and Exchange Commission hereby publishes for comment a revised amendment to Rule 3–17 of Regulation S–X (17 CFR 210.3–17). Rule 3–17 (g) was originally proposed for comment in Securities Act Release No. 5696 (41 F.R. 13626), which was issued concurrently with Accounting Series Release No. 190 (Release Nos. 33–5695, 34–12240, 35–19437, March 23, 1976 (41 F.R. 13596)) in which Rule 3–17(a)–(f) requiring certain replacement cost data was adopted.

As the Commission stated in its original proposal, the rule was proposed "because of the imprecise nature of replacement cost information and its desire to encourage the development and disclosure of such information in good faith." The Commission recognizes that it is requiring companies to disclose data that is not subject to precise calculation. It is expected that there will be various approaches taken in the preparation and disclosure of replacement cost data. As with other aspects of the Commission's requirements for replacement cost data, the Commission will consider the desirability of amending or eliminating the proposed rule in light of its experience with the rule.

The revised rule would make it necessary for a person seeking to establish in regard to the presentation of replacement cost data that there has been an untrue statement of a material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or that there has been employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud; as those terms are used in the Securities Act of 1934, or the Public Utility Holding Company Act of 1935, or rules and regulations thereunder must demonstrate that the data were either (1) prepared without a reasonable basis or (2) disclosed in other than good faith. The rule would apply to data furnished in response to the requirements of Rule 3–17(a)–(f) or as further supplemental disclosure.

Commission Action: The Commission hereby proposes to amend § 210.3–17 of Part 210 of 17 CFR, Chapter II, by the addition of subsection (g) as given below.

§ 210.3–17 Current replacement cost information.

* * * * *

(g) Current replacement cost information disclosed in accordance with or supplemental to the requirements of § 210.3–17 shall be deemed not to be an untrue statement of a material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud; as those terms are used in the Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935, or rules and regulations thereunder, unless such information:

(1) Was prepared without a reasonable basis; or

(2) Was disclosed other than in good faith.

This paragraph (g) is applicable for replacement cost disclosures made from December 25, 1976 until July 1, 1978.

* * * * *

Some commentators on the original proposal stated that they would prefer no rule to the rule as originally proposed. The Commission solicits comment on whether it would be preferable to have no rule rather than the rule proposed in this release. It should be emphasized that the Commission has proposed the amended rule because of the nature of replacement cost data. The proposed rule should not be taken as an indication of what the Commission believes to be the appropriate standard in the absence of a rule, or what an appropriate safe harbor rule would be for other types of disclosures or activities.

The rule provides that it is applicable only for replacement cost disclosures made from December 25, 1976 until July 1, 1978. The Commission will reconsider the need for a safe harbor rule prior to July 1, 1978; however, in the absence of affirmative action by the Commission, the rule will expire on that date.

The Commission has proposed the foregoing amendment pursuant to its authority under section 19(a) (15 U.S.C. 77s) of the Securities Act of 1933, sections 3 (b) and 23(a) (1) (15 U.S.C. 78c and 78w) of the Securities Exchange Act of 1934, and section 20 (15 U.S.C. 79t) of the Public Utility Holding Company Act of 1935. In addition to the definitional authority provided therein, section 19(a) (15 U.S.C. 77s) of the Securities Act, section 23(a) (1) (15 U.S.C. 78w) of the Exchange Act, and section 20(d) (15 U.S.C. 79t) of the Holding Company Act specifically provide that no liability under those Acts "shall apply to any act done or omitted in good faith in conformity" with any rule or regulation of the Commission.

Pursuant to section 23(a)(2) of the Exchange Act, the Commission has considered the effect that the proposed amendment would have on competition and is not aware, at this time, of any burden that such amendment, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the anticompetitive effects, if any, the proposal likely would engender.

All interested persons are invited to submit their views and comments on the foregoing proposal, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 12, 1976. Such communications should refer to File No. S7–623 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 7, 1976.

[FR Doc.76–30167 Filed 10–13–76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Recoupment of Severance Pay

The Administrator of Veterans Affairs proposes regulatory changes to Part 3 of Title 38, Code of Federal Regulations relating to recognizing the date of a physical examination as a date of claim and waiver of military retired pay.

Certain members of the Armed Forces who are disabled may be placed on the TDRL (Temporary Disability Retired List) for up to 5 years until the extent of their disablement can be ascertained. These persons receive retired pay while on the TDRL. If they elect, they may waive retired pay and receive compensation. If their disablement is later found to be permanent and less than 30 percent disabling, they may be removed from the TDRL and given severance pay in lieu of retired pay.

The law (10 U.S.C. 1212(c)) requires that the amount of severance pay received by a veteran be deducted from any Veterans Administration disability compensation that the veteran is entitled to for the same disability. For example, if severance pay is $3250 and Veterans Administration disability compensation for the same disability is $65 monthly, the veteran could not begin to actually receive the $65 monthly compensation until the $3250 had been recouped which would take 50 months.

Some veterans on the TDRL elect to waive all or part of their retired pay to receive Veterans Administration compensation. In these cases recoupment of severance pay begins just as soon as the Veterans Administration receives notice from the service department that the veteran was removed from the TDRL. Other veterans file for Veterans Administration disability compensation but do not waive retired pay. Their claims must be disallowed. If one of these veterans is subsequently removed from the TDRL and awarded severance pay, recoupment may not begin until the date the Veterans Administration receives a reopened claim from the veteran. Although the Veterans Administration does solicit a reopened claim, considerable delay can result before the claim is filed for a variety of reasons i.e., the veteran's address may not be current; the veteran may fail to understand our instructions; etc.

In order that recoupment of severance pay may begin in every case without delay, it is proposed to amend § 3.157 of Title 38, Code of Federal Regulations to consider the date of the physical examination which is the basis for granting severance pay as of the date of receipt of a reopened claim. A retired member of the Armed Forces is not removed from the TDRL without a current physical examination. Use of the date of this examination as date of claim will end the disparate treatment in the recoupment of severance pay between those persons on the TDRL who waived retired pay and those who did not. Furthermore, this proposal is clearly consistent with the intent of § 3.157 which currently permits use of the date of an examination or hospital report to reopen a compensation claim which was disallowed because of receipt of military retired pay.

As previously indicated, concurrent payment of military retired pay and Veterans Administration compensation or pension is prohibited. (38 U.S.C. 3104; 38 CFR 3.750) A person who is entitled to both benefits may receive up to the maximum amount payable under one of the programs. The law permits a veteran to waive all or part of his or her military retired pay to receive compensation or pension. (38 U.S.C. 3105; 38 CFR 3.750) The Veterans Administration cannot grant an application for disability compensation or pension until the veteran files a waiver of retired pay with the appropriate service department. The retiree benefits from such a waiver because Veterans Administration benefits are not taxable as income while some or all of the military retired pay may be subject to taxation.

When the Veterans Administration receives a claim for compensation or pension from a veteran receiving military retired pay the Veterans Administration makes a determination of entitlement. If favorable, the veteran is told the amount payable after waiver of military retired pay and is sent a waiver form. If the veteran wishes to receive Veterans Administration benefits he or she returns the completed waiver form to the Veterans Administration. The Veterans Administration notes the amount of Veterans Administration benefits payable to the veteran on the waiver form and then sends the waiver form to the appropriate service department. The service department then notifies the Veterans Administration of the date of reduction of military retired pay. Veterans Administration payments are authorized to begin the date of reduction of military retired pay. This prohibits duplicate payment. (Sometimes a veteran will file the waiver form together with the Veterans Administration application. In these cases the waiver form is immediately sent to the service department after a favorable entitlement determination.)

Generally, only amounts actually received from the Veterans Administration are considered to be non-taxable by the Internal Revenue Service. The fact that a Veterans Administration entitlement decision is retroactive is immaterial if during such retroactive period the vet-

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eran received military retired pay. A speedy processing of the waiver is, therefore, essential to promptly secure for the veteran the tax free status of Veterans Administration benefits.

Some delay in waiving retired pay results from the necessity of sending to the veteran written notification of Veterans Administration entitlement and the waiver form. To eliminate this delay it is proposed to amend § 3.750 of Title 38, Code of Federal Regulations to provide that a Veterans Administration application for compensation or pension filed by a veteran in receipt of military retired pay will be considered a waiver of so much of his or her retired pay as is equal in amount to the compensation or pension to which he or she is entitled. This will permit the Veterans Administration to immediately notify the service department of the amount of Veterans Administration benefits payable after the entitlement determination has been made. Veterans who for one reason or another do not want their application to be considered as a waiver may so indicate on the Veterans Administration application form. These cases will then be handled in the current manner i.e., the veteran will be sent written notice of the amount of Veterans Administration benefits payable and a waiver form.

Minor editorial changes have been made to indicate that the provisions of §§3.750 and 3.751 of Title 38, Code of Federal Regulations apply equally to male and female veterans.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington D.C. 20420. All relevant material received before November 15, 1976, will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that these changes will be effective date of final approval.

The economic and inflationary impacts have been evaluated in accordance with OMB Circular A–107.

Approved: October 8, 1976.

By direction of the Administrator,

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.157, paragraph (b) (1) is revised to read as follows:

§ 3.157 Report of examination or hospitalization as claim for increase or to reopen.

* * * * *

(b) *Claim.* * * *

(1) *Report of examination or hospitalization by Veterans Administration or uniformed services.* The date of outpatient or hospital examination or date of admission to a Veterans Administration or uniformed services hospital will be accepted as the date of receipt of a claim. The date of a uniformed service examination which is the basis for granting severance pay to a former member of the Armed Forces on the temporary disability retired list will be accepted as the date of receipt of claim. The date of admission to a non-Veterans Administration hospital where a veteran was maintained at Veterans Administration expense will be accepted as the date of receipt of a claim, if Veterans Administration maintenance was previously authorized; but if Veterans Administration maintenance was authorized subsequent to admission, the date the Veterans Administration received notice of admission will be accepted.

* * * * *

2. In § 3.750, paragraphs (b) and (c) are revised to read as follows:

§ 3.750 Retirement pay.

* * * * *

(b) *Election.* A veteran entitled to retirement pay as well as pension or compensation may elect which of the benefits he or she desires to receive. An election of retirement pay does not bar him or her from making a subsequent election of the other benefit to which he or she is entitled. An election filed within 1 year from the date of notification of Veterans Administration entitlement will be considered as "timely filed" for the purpose of § 3.401(e)(1). If the Veteran is incompetent the 1-year period will begin on the date notification is sent to the next friend or fiduciary. In initial determinations, elections may be applied retroactively if the claimant was not advised of his or her right of election and the effect thereof.

(c) *Waiver.* A person specified in paragraph (a) of this section may receive pension or compensation upon filing with the service department concerned a waiver of so much of his (or her) retirement pay as is equal in amount to the pension or compensation to which he (or she) is entitled. In the absence of a specific statement to the contrary, the filing of an application for compensation or pension by a veteran entitled to retirement pay constitutes such a waiver. (38 U.S.C. 3105)

3. Section 3.751 is revised to read as follows:

§ 3.751 Statutory awards; retired service personnel.

Retired Regular and Reserve officers and enlisted personnel are not entitled to statutory awards of disability compensation from the Veterans Administration in addition to their retirement pay. However, under § 3.750(c), eligible persons may waive an amount equal to the basic disability compensation and any statutory award otherwise payable by the Veterans Administration.

[FR Doc.76–30170 Filed 10–13–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 503]

CERTAIN FOREIGN PASSPORTS

Validity

El Salvador, Libya, the State of Qatar and the Union of Soviet Socialist Republics (Seamen only) are added to, and Viet-Nam is deleted from the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of at least six months beyond the expiration date specified in the passport.

This notice amends Public Notice 375 of January 10, 1973 (38 FR 1224).

Dated: September 22, 1976.

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76–30027 Filed 10–13–76;8:45 am]

[Public Notice CM–6/110]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on carriage of dangerous goods of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, November 9, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss:

(1) the Report of the 26th Session of the Subcommittee on Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO), held in London July 5–9, 1976;

(2) U.S. positions on matters to be considered at the 27th Session of the IMCO Subcommittee on Carriage of Dangerous Goods;

(3) matters to be considered by the IMCO ad hoc group on fire safety measures for ships carrying dangerous goods; and

(4) progress of IMCO activities of a continuing nature such as implementation of the International Maritime Dangerous Goods (IMDG) Code.

Requests for further information on the meeting should be directed to Captain C. E. Mathieu, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2296.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Director, Office of Maritime Affairs.

OCTOBER 5, 1976.

[FR Doc.76–30028 Filed 10–13–76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Akins, Harold L., 5012 2nd Avenue, North, Birmingham, Alabama, convicted on March 6, 1973, in the Criminal Court of Record, Jefferson County, Alabama.

Andrews, Jones Kent, Route 1, Box 76, Sparta, North Carolina, convicted on October 19, 1970, in the United States District Court, Middle District, North Carolina.

Bachman, Garl G., RR No. 1, Armstrong, Iowa, convicted on or about April 24, 1972, in the Wright County District Court, Iowa.

Balkcom, Walter R., 12190 Stoepel, Detroit, Michigan, convicted on January 9, 1968, in the Recorder's Court of Detroit, Michigan.

Bunde, Eugene R., RR Box 8377, Spirit Lake, Iowa, convicted on September 3, 1958, and on February 2, 1960, in the Circuit Court, Codington County, South Dakota.

Cline, Kenneth Albert, Box 121, 105 West Ash, Pond Creek, Oklahoma, convicted on May 23, 1968, in the United States District Court, Western District, Oklahoma.

Corbett, Michael William, 3015 Fort Street, Omaha, Nebraska, convicted on September 16, 1968, in the District Court, Douglas County, Omaha, Nebraska.

Corral, Max L., 630 N. Chelan Street, Wenatchee, Washington, convicted on July 31, 1956, and on December 29, 1959, in the Superior Court, Chelan County, State of Washington.

Crawford, Dennis E., Route 1, Box 544A, Lot No. 29, Bluefield, West Virginia, convicted on February 22, 1972, in the United States District Court, Eastern District of North Carolina.

Denney, Harold C., School House Hill Road, Gilford, New Hampshire, convicted on August 25, 1949, in the Carroll County Superior Court, New Hampshire.

Dodson, Lonnie E., Jr., Route 1, Box 101, Reedville, Virginia, convicted on March 14, 1972, in the Circuit Court of Northumberland County, Virginia.

Dryke, Robert C., 1225 East Front Street, Port Angeles, Washington, convicted on May 1, 1974, in the Superior Court, Clallam County, Washington.

Durbin, Henry E., RR 4, Box 670, Corydon, Indiana, convicted on December 27, 1960, in the Harrison Circuit Court, Corydon, Indiana; and on October 24, 1963, in the Circuit Court of Crawford County, Indiana.

Endres, Richard William, 1464 Presidential Lane, Madison, Wisconsin, convicted on July 14, 1960, on November 17, 1961, on March 7, 1966, and on January 10, 1969, in the Circuit Court, Dane County, Madison, Wisconsin.

Farig, Robert Edward, Box 205, Houstonia, Missouri, convicted on October 6, 1936, in the Circuit Court, Saline County, Missouri.

Foust, Michael A., P.O. Box 146, Malta, Ohio, convicted on February 11, 1972, in the United States District Court, Southern District of Ohio, Eastern Division, Columbus, Ohio.

Garling, Robert W., 335 Knapman Street, Sequim, Washington, convicted on or about September 30, 1932, and on January 19, 1939, in the Superior Court of the State of Washington, King County.

Genest, Ferd H., 31184 Brae Burn, No. 5, Hayward, California, convicted on May 23, 1963, in the Superior Court, Sacramento, County, California.

Gershon, Sidney, 2075 S. Van Ness Street, Santa Ana, California, convicted on June 21, 1971, in the District Court of Taylor County, 104th Judicial District, Texas.

Gerth, Rodney E., 16210 English Road, Manchester, Michigan, convicted on January 26, 1973, in the Circuit Court for Kent County, Grand Rapids, Michigan.

Glenn, Louis E., 10721 South Wentworth Avenue, Chicago, Illinois, convicted on June 4, 1937, in Evansville, Indiana, and on March 29, 1940, in the Circuit Court, Marion County, Indianapolis, Indiana.

Gorton, Robert E., P.O. Box 564, Kodiak, Alaska, convicted on May 19, 1950, in the Superior Court, Skagit County, State of Washington.

Grace, Benjamin F., Sr., 712 W. Whitley Street, Churubusco, Indiana, convicted on March 9, 1960, in the Whitley Circuit Court, Whitley County, Indiana.

Gray, Richard M., 3341 Squirrel Road, Bloomfield Hills, Michigan, convicted on September 13, 1972, in the United States District Court for the Eastern District of Michigan, Southern Division.

Grey, Glen E., Route 2, Logan, Oklahoma, convicted on July 15, 1969, in the United States District Court, Southern District of Mississippi.

Gunn, Gordon W., Route 1, Box 208, Cartersville, Virginia, convicted on or about February 8, 1960, in the Circuit Court, Henrico County, Virginia.

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Hocheder, John, Jr., 1901 Strington Road, Sparks, Maryland, convicted on October 18, 1974, in the United States District Court, Maryland.

Holmes, Gerald L., 4352 Shorewood Drive, Cheaspeake, Virginia, convicted on June 30, 1964, in the Circuit Court (Corporation Court), City of Norfolk, Virginia.

Jordan, Bruce F., Route 1, Box 623, Wisconsin Rapids, Wisconsin, convicted on June 29, 1971, in the Eau Claire County Court, Eau Claire County, Wisconsin.

Kaiser, William, 5516 North 11th Street, Phoenix, Arizona, convicted on November 27, 1973, in the United States District Court, Nevada.

Ketterman, Georgia M., 1106 E. 106th Street, Indianapolis, Indiana, convicted on July 29, 1965, in the City Court of Crawfordsville, Indiana.

Latham, John T., 4146 Wittfield, Indianapolis, Indiana, convicted on July 15, 1963, in the Criminal Court of Marion County, Indiana.

McCracken, Earl G., 11920 Carney, Warren, Michigan, convicted on March 12, 1954, in the Recorder's Court, Detroit, Michigan.

McDonald, Michael J., 7707 Trammell Road, Annandale, Virginia, convicted on June 6, 1968, in the Circuit Court of Augusta County, Virginia.

McMahan, Roy M., 2529 Skidmore Road, Greensburg, Pennsylvania, convicted on November 20, 1969, in the Westmoreland County Court, Pennsylvania.

McNamara, James Austin, Jr., 504 South Jefferson, Sioux Falls, South Dakota, convicted on December 21, 1960, and on May 13, 1963, in the Circuit Court, Second Judicial District, Minnehaha County, Sioux Falls, South Dakota.

Mertz, Neil W., 2323 Boylston Avenue E., No. 2, Seattle, Washington, convicted on March 25, 1974, in the Superior Court, Clallam County, Washington.

Mieczkowski, Bernadine J., 102 Beechwood Boulevard, Wintersville, Ohio, convicted on July 20, 1971, in the United States District Court, Southern District of Ohio, Eastern Division.

Mieczkowski, Thomas M., 102 Beechwood Boulevard, Wintersville, Ohio, convicted on July 20, 1971, in the United States District Court, Southern District of Ohio, Eastern Division.

Mumford, Richard A., 2081 Clover Street, Simi Valley, California, convicted on July 17, 1968, and on July 26, 1972, in the Superior Court of the State of California for the County of Los Angeles.

Piper, John R., Route 2, Edinburg, Indiana, convicted on January 26, 1967, in the Bartholomew County Circuit Court, Columbus, Indiana.

Posko, Kenneth William, 505 North Lakewood Avenue, Baltimore, Maryland, convicted on May 10, 1963, and on November 1, 1963, in the Criminal Court of Baltimore, Maryland.

Putt, Lloyd E., RR #1, Cottage 237, Lake of the Woods, Hudson, Indiana, convicted on March 5, 1929, in the Indiana Circuit Court, Allen County, Indiana; and on August 9, 1933, in the Indiana Superior Court, Knox County, Indiana.

Rinderknecht, Bernard F., 19405 Woodinville-Duvall Road, Woodinville, Washington, convicted on February 26, 1973, in the Superior Court of the State of Washington, County of King, Washington.

Schmit, David L., 1128 Bauch Street, Waterloo, Iowa, convicted on December 29, 1971, in the District Court, Mower County, Austin, Minnesota.

Shwachman, Bernard M., 26 Frederickson Drive, Randolph, Massachusetts, convicted on April 14, 1958, in the United States District Court, District of Massachusetts, Boston, Massachusetts.

Skidmore, Oliver W., 1562 N. Chevrolet Avenue, Flint, Michigan, convicted on or about July 3, 1929, in the Juvenile Court, Akron, Ohio; and on or about August 24, 1931, in the Juvenile Court, Akron, Ohio.

Smith, Sharon A., 1112 Avenue D, Bismarck, North Dakota, convicted on or about August 22, 1972, in the District Court, Fourth Judicial District, Burleigh County, North Dakota.

Stamper, William S., Route 2, Box 1660, Port Angeles, Washington, convicted on May 19, 1970, in the Superior Court, Clallam County, Washington.

Stanger, John R., Jr., 4527 SE 74th, Portland, Oregon, convicted on August 16, 1963, in the Superior Court of the State of Washington, Spokane, Washington.

Starnes, James W., 4166 Rocky Face Drive, Douglasville, Georgia, convicted on March 7, 1960, in the Fulton Superior Court, Fulton County, Georgia.

Sutherland, Thomas W., 5903 Danny Kaye, #1704, San Antonio, Texas, convicted on September 14, 1970, in the Thirty-Fourth District Court of El Paso County, Texas.

Weinstein, Harry, 30060 Wildbrook, Southfield, Michigan, convicted on June 20, 1938, in the Wayne County Circuit Court, Detroit, Michigan.

Whittlesey, Henry E., 2013 King Street, Bellingham, Washington, convicted on April 28, 1971, in the Superior Court, Kitsap County, State of Washington.

Willits, Richard A., 3535 N. Cole Road, Boise, Idaho, convicted on or about October 23, 1973, in the District Court of the First Judicial District, Box Elder County, Utah.

Woods, Thomas F., 4730 Evans Avenue, Chicago, Illinois, convicted on January 5, 1958, in the Circuit Court, Cook County, Chicago, Illinois.

Signed at Washington, D.C., this 21st day of September 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-30064 Filed 10-13-76;8:45 am]

Internal Revenue Service

[Order No. 159]

REQUESTS FOR VARIANCE FROM MINIMUM FUNDING STANDARDS (IRC 412(d))

Delegatoin Order

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150-37 dated March 17, 1955, there is hereby delegated to the Assistant Commissioner (Employee Plans/Exempt Organizations) and the Director, Actuarial Division, the authority to:

(1) Waive the minimum funding standards under IRC 412 in accordance with subsection (d) thereof, and

(2) perform the corresponding duties of the Secretary of the Treasury under section 303 of the Employee Retirement Income Security Act of 1974 (ERISA) with respect to the minimum funding standards under ERISA section 302.

The authority delegated herein may not be redelegated.

Effective date: October 6, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-30165 Filed 10-13-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, December 7, 1976; Tuesday, December 14, 1976; Tuesday, December 21, 1976 and Tuesday, December 28, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 U.S.C. 552(b)(2)) and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 8, 1976.

[FR Doc.76-30066 Filed 10-13-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1976 Aggregate Production Quota—Dihydrocodeine

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On August 19, 1976, a notice of the proposed revised aggregate production quota for 1976 for Dihydrocodeine was published in the FEDERAL REGISTER (41 FR 35080). All interested parties were invited to comment or object to the proposed aggregate production quota on or before September 20, 1976. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for the controlled substance listed below, expressed in grams of anhydrous base, be estimated as follows:

Basic class:	*Issued 1976*
Dihydrocodeine	593,000

This order is effective on October 14, 1976.

Dated: October 6, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-30173 Filed 10-13-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Subcommittee Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a subcommittee meeting of the Advisory Committee on Coal Mine Safety Research will be held on November 1, 1976, commencing at 9:00 a.m. in the Columbia Plaza Office Building, Room 9062, 2401 E Street, NW., Washington, D.C. 20241.

The subcommittee of the Advisory Committee on Coal Mine Safety Research will meet with Bureau of Mines officials to discuss the Bureau's 5-Year Plan and fiscal year 1978 allocations. The fiscal year 1979 program input needed from the committee and the Mining Enforcement and Safety Administration (MESA) will also be discussed. The meeting is open to the public. Space will be provided for approximately ten persons other than subcommittee members. Following is a list of the subcommittee membership:

Dr. M. Dayne Aldridge—Chairman
Dr. John V. Grimaldi—Member
Mr. Ralph C. Beerbower—Member
Mr. Louis Hunter—Member

AGENDA

9:00 a.m.— FY 78 Research Strategy Bureau of Mines Staff.
10:00 a.m.— FY 78 Planning Schedule, Bureau of Mines Staff.
11:00 a.m.— FY 79 Program Input Needed from Committee and MESA, Bureau of Mines Staff.
12:00 noon— Adjourn.

Further information concerning this meeting may be obtained from Rolland R. Reid, Deputy Assistant Secretary—Minerals, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, telephone: (202) 343-4881. Transcripts of the meeting will be available for public inspection three weeks after the meeting upon written request addressed to the official above.

Dated: October 8, 1976.

THOMAS V. FALKIE,
Director, Bureau of Mines.

[FR Doc.76-30166 Filed 10-13-76;8:45 am]

National Park Service

FORT LARNED NATIONAL HISTORIC SITE, KANSAS

Environmental Assessment; Alternatives for the Preservation and Administration of Historic Structures

After conducting a review of the environmental assessment for the alternatives for the preservation and administration of historic structures of the Fort Larned National Historic Site, Kansas, the National Park Service has decided not to prepare an environmental impact statement.

The environmental assessment examines the effects of multiple alternative and optional methods of preservation, restoration and administration of the historic structures and features of Fort Larned National Historic Site. The effects of taking no action are considered.

The environmental assessment and the environmental review are on file and will be available upon request for inspection at the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102; and at Fort Larned, Kansas 67550. Anyone wishing to comment on these documents should put them in writing and send the comments to the Regional Director at the Omaha address on or before November 15, 1976.

The National Park Service intends to proceed with implementation of the plan.

Dated: September 15, 1976.

RANDALL R. POPE,
Acting Regional Director,
Midwest Region.

[FR Doc.76-30137 Filed 10-13-76;8:45 am]

FORT SMITH NATIONAL HISTORIC SITE, ARKANSAS

Negative Declaration

An environmental assessment of a proposed master plan/development concept plan for Fort Smith National Historic Site was made available February 12, 1976. A public workshop March 11, 1976, and a public meeting June 28, 1976, both in Fort Smith, Arkansas, centered around discussions of alternatives for the size, management, development, interpretation and visitor use of the Historic Site.

As a result of the workshop, meeting, and comments received, an environmental review has been completed and a modified Alternative 3 has been selected. This alternative described a boundary to include all lands within the walls of the Second Fort plus additional lands to preserve the historical integrity of the site. As modified, development will include restoration of the Commissary and Courthouse buildings, the installation of a Visitor Center in the latter building, and upgraded interpretive facilities at the site of the First Fort on Belle Pointe.

The National Park Service, based on the environmental review, has decided not to prepare an environmental statement on the master plan/development concept plan for Fort Smith National Historic Site.

The environmental assessment and the environmental review are on file and will be available upon request for inspection at the Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501; at Fort Smith National Historic Site, P.O. Box 1406, Fort Smith, Arkansas 72901; and at Hot Springs National Park, P.O. Box 1219, Hot Springs, Arkansas 71901. Anyone wishing to comment on these documents should put them in writing and send the comments to the Regional Director at the Santa Fe address on or before November 15, 1976.

The National Park Service intends to proceed with implementation of the plan at the end of the thirty (30) day period.

Dated: September 20, 1976.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.76-30136 Filed 10-13-76;8:45 am]

Office of the Secretary

INDEXES OF ADMINISTRATIVE STAFF MANUALS

Correction

This document contains an amendment to the appendix of a notice published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37633). The appendix contained a listing of administrative staff manuals or instructions that were determined to be exempt from the quarterly index publication requirements of 5 U.S.C. 552(a)(2)(c). One bureau manual was inadvertently omitted. Con-

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sequently, the appendix is revised to include the following:

Bureau of Mines
Bureau of Mines Basic Manual

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 4, 1976.

[FR Doc.76-30026 Filed 10-13-76;8:45 am]

[INT FES 76-51]

PENOBSCOT RIVER

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental impact statement for the proposed Penobscot National Wild and Scenic River.

The proposal involves consideration of 295 miles of the East and West Branches of the Penobscot River in Maine as a potential State administered component of the National Wild and Scenic Rivers System.

Copies are available for inspection at the Bureau of Outdoor Recreation, Northeast Regional Office, 600 Arch Street, Philadelphia, Pennsylvania 19106, and the Bureau of Outdoor Recreation, Office of Communications, Room 237, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

A limited number of copies are also available and may be obtained by writing to the Regional Director, Northeast Regional Office at the address shown above.

Dated: October 8, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-30068 Filed 10-13-76;8:45 am]

[INT DES 76-38]

WATER FOR ENERGY, MISSOURI RIVER RESERVOIRS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement describing the environmental impacts which could be expected if 1 million acre-feet of water is diverted from Missouri River Reservoirs for energy related industrial development. The statement covers impacts of depletion of the water from the main-stem reservoir system and development and operation of a hypothetical mixture of industries and associated coal mining in eastern Montana, western North Dakota, western and central South Dakota, and northeastern Wyoming.

Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone 303-343-3006.
Office of the Regional Director, Bureau of Reclamation, Federal Building, P.O. Box 2553, Billings, Montana 59103. Telephone 406-245-6711
Missouri-Souris Projects Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58501. Telephone 701-255-4011.
Missouri-Oahe Projects Office, Bureau of Reclamation, P.O. Box 825, Huron, South Dakota 57350. Telephone 605-352-8651.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: October 8, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-30067 Filed 10-13-76;8:45 am]

[INT DES 76-39]

KANOPOLIS UNIT, KANSAS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project for the purpose of furnishing supplemental irrigation water and municipal water supplies to the water-deficient areas of Salina, Kansas. Written comments may be submitted to the Regional Director (address below) within 45 working days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner, Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado, Telephone (303) 234-3008.
Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3779.
Kansas Reclamation Office, Bureau of Reclamation, Landmark Plaza Building, 103 East 10th Street, Topeka, Kansas 66612, Telephone (913) 234-8661, Ext 324.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: October 8, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-30147 Filed 10-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination with Respect to the Continuation in Effect of the Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER (41 FR 37337) that a referendum would be conducted among the growers who, during the period September 1, 1975, through August 15, 1976 (which period was determined to be a representative in the production of peaches for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period September 7-16, 1976, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: October 8, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-30148 Filed 10-13-76;8:45 am]

Forest Service

FOUR SEASONS WINTER SPORTS SITE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Four Seasons Winter Sports Site, Uinta National Forest, Utah. The Forest Service report number is USDA-FS-FES (Adm) R4-76-13.

The Forest Service, Uinta National Forest, has made the decision to permit construction and operation of a major resort in approximately 4,500 acres directly east of Provo, Utah. This decision is the result of evaluation of a proposal made by Four Seasons, Inc., and addressed in the Draft Environmental Statement, dated April 6, 1976. This resort would be developed for intensified year-round recreational use, with emphasis on skiing. The proposed area for the development is in the Rock Canyon drainage, located in the mountain terrain on the west slope of the Wesatch Range. It is in Utah County, Utah, and is presently accessible by primitive road only during summer months.

Facilities will include a base site adjacent to Provo, Utah. This development will be part of another resort development located entirely on private lands. A funicular transportation system will provide the major access to the mountain. This system will determine the ultimate resort capacity. When fully developed the resort will include a gondola system, ski lifts, and ski runs to support about 8,300 skiers.

This final environmental statement was transmitted to CEQ on October 5, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Forest Supervisor, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84403.

A limited number of single copies are available upon request to Forest Supervisor Don. T. Nebeker, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

P. M. REES,
Director, Regional Planning and Budget.

OCTOBER 5, 1976.

[FR Doc.76-30025 Filed 10-13-76;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CENTER FOR BUILDING TECHNOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Center for Building Technology Advisory Committee will hold a meeting from 9 a.m. to 4 p.m. on Friday, October 29, 1976 in Conference Rooms A and B, first floor, AFL-CIO Building, 815 Sixteenth Street, NW, Washington, D.C.

The Committee was established in January 1973 to advise the Department of Commerce on matters relating to the Nation's needs in building research and technology. The Committee consists of 19 members, balanced on the basis of their knowledge in such building areas as products, materials and equipment; construction unions; construction contractors (general and specialized); the design professions; the home-building industry; owner-builders; finance; standards and codes; consumer interests; and State and local governments.

The meeting will focus on the following topics: the building community's role in the national voluntary laboratory accreditation program; a status report on the National Institute of Building Sciences (NIBS); fire safety in buildings; and improved communications with the building community.

The meeting will be open to public observation and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available on request 30 days after the meeting. Inquiries may be addressed to the Committee Control Officer, Dr. Richard N. Wright, Director, Center for Building Technology, Building 226, Room B-260, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3377).

Dated: October 7, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-30062 Filed 10-13-76;8:45 am]

National Oceanic and Atmospheric Administration

WAIKIKI AQUARIUM, HAWAII

Denial of Permit Application

On February 6, 1975, notice was published in the FEDERAL REGISTER (40 FR 5549) that an application had been filed with the National Marine Fisheries Service by Waikiki Aquarium, University of Hawaii, 2777 Kalakaua Avenue, Hawaii 96815, to take one (1) female Hawaiian monk seal (*Monachus schauinslandi*) for public display.

On July 22, 1976, the Hawaiian monk seal (*Monachus schauinslandi*) was designated, by regulation (50 CFR 216.15, 41 FR 30120), as a depleted species pursuant to the provisions of the Marine Mammal Protection Act of 1972. With regard thereto, the National Marine Fisheries Service determined, on OCTOBER 15, 1976, that the permit request submitted by the Waikiki Aquarium should be denied.

Dated: October 1, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-30132 Filed 10-13-76;8:45 am]

TEXAS INSTRUMENTS, INC.

Issuance of Endangered Species Permit

On August 13, 1976, notice was published in the FEDERAL REGISTER, (41 FR 34335) that an application had been filed with the National Marine Fisheries Service by Ecological Services, Texas Instruments, Inc., P.O. Box 237, Buchanan, New York 10511, for a Scientific Purposes Permit to take an unspecified number of shortnose sturgeon (*Acipenser brevirostrum*), an endangered species of fish.

Notice is hereby given that on September 30, 1976, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to Ecological Services, Texas Instruments, Incorporated, subject to certain conditions set forth therein.

The Permit authorizes the Holder to take shortnose sturgeon (*Acipenser brevirostrum*) by conducting the following activities: (1) capture by trawls, seines and gill nets on the lower Hudson River, New York; (2) the weighing and measuring of the animals; (3) release of all live specimens into the Hudson River at or near the site of capture; and (4) retention for scientific purposes, of all captured specimens which inadvertently die.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357, November 27, 1974).

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: September 30, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-30131 Filed 10-13-76;8:45 am]

ZOOLOGICAL SOCIETY OF BUFFALO, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Zoological Society of Buffalo, Inc., Buffalo Zoological Gardens, Delaware Park, Buffalo, New York 14214, to take two (2) California sea lions (*Zalophus californianus*) for public display.

The requested animals will be captured by a professional collector on or near Santa Cruz or San Miguel Islands off Santa Barbara, California, with a hoop net on land or with a modified gill net in the water. The animals will be shipped to the Buffalo facility by commercial aircraft and truck.

At the facility the animals will be displayed in a circular pool 50 feet in diameter, 7 feet deep with a central circular haul-out area 13 feet in diameter. The

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facility provides an indoor shelter against sunlight and inclement weather.

The sea lions are desired to provide recreational and education benefits to the 500,000 visitors that visit the facility annually. The facility is a non-profit organization. The staff has been exhibiting sea lions for over 30 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 33 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before November 15, 1976. The holding of such ahearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: October 6, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-30133 Filed 10-13-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

BOARD OF SCIENTIFIC COUNSELORS ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1976:

Name: Board of Scientific Counselors, NIMH.
Date and time: November 4–5; 9:30 a.m.
Place: Conference Room 1B–07, Building 36, National Institutes of Health, Bethesda, Maryland.
Open: November 4, 9:30–10:00 a.m.
Closed: Otherwise.
Contact: Dr. John C. Eberhart, Building 36, Room 1A–05, National Institutes of Health, Bethesda, Maryland 20014, 301–496–3501.
Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.
Agenda: The Board will meet in Building 36, Room 1B–07, Bethesda, Maryland, for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to the review of intramural research projects from the Laboratory of Clinical Science, and the evaluation of individual scientific programs, and these sessions will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in section 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–3600.

Dated: October 12, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 76-30096 Filed 10-13-76; 8:45 am]

Office of Education

ETHNIC HERITAGE STUDIES PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IX of the Elementary and Secondary Education Act of 1965, as amended by sections 901–907 of Pub. L. 92–318 and section 111 of Pub. L. 93–380 (20 U.S.C. 900 to 900a–5), applications are being accepted from public and private nonprofit educational agencies, institutions, and organizations for grants under the Ethnic Heritage Studies Program. Process of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 17, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.549. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 13, 1976, as evidenced by the U.S. Postal Service; or

(2) The appliaction is receievd on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, of the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Ethnic Heritage Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Room 3919, 7th and D Streets SW., Washington, D.C. 20202.

D. *Estimated Distribution of Program Funds.* The Ethnic Heritage Studies appropriation for Fiscal Year 1977 is $2,300,000. The program expects to award 50 major grants averaging approximately $37,000 in size. In addition to these major grants, the program expects to award approximately 50 mini-grants ranging from $10,000 to $15,000 in size. The applications for the major grants and mini-grants will be evaluated competitively under the funding criteria in 45 CFR 184.31. There are no continuation grants in the Ethnic Heritage Studies Program for this year and awards will be made for a one-year project period.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education, except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Ethnic Heritage Studies Program regulations published in the FEDERAL REGISTER on May 20, 1975 at 40 FR 21954, 45 CFR Part 184.

Dated: October 12, 1976.

(Catalog of Federal Domestic Assistance No. 13.549, Ethnic Heritage Studies Program.)

ROBERT R. WHEELER,
Acting U.S. Commissioner of Education.

[FR Doc.76-30285 Filed 10-13-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Public Law 93–579) as prescribed in 5 U.S.C. 552a(e)(4), the following notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. New system reports were filed for the new systems with the Director, Office of Management and Budget, the Speaker of the House, the President of the Senate, and the Chairman of the Privacy Protection Study Commission on October 7, 1976.

Prior to the final adoption of the proposed routine uses of these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before November 15, 1976. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: October 7, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

SSA/PP/RSH–0276.00

System name: Clinical Psychology/Expanded Mental Health Coverage Experiment, HEW–SSA.
Security class: None.
System location:

Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.
Colorado Blue Cross and Blue Shield, 700 Broadway, Denver, Colorado 80203.
Office of the Contractor, name and address not yet determined, but when the determination is made the name and address will be available from the system manager upon request.

Categories of individuals covered by the system: Beneficiaries (approximately 50 per year) who receive outpatient mental health services from independently practicing clinical psychologists in Colorado under Medicare.

Categories of records in the system: Patient's medical information, including mental health treatment, objectives, and procedures.

Authority for maintenance of the system: Section 402(a) of the 1967 Amendments to the Social Security Act, as amended by Section 222(b)(1) of the 1972 Amendments to the Social Security Act, P.L. 92–603.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To the Colorado Psychological Association, peer review consultants, and Blue Shield of Colorado, under contract with the Social Security Administration, for the performance of research and statistical functions, and to an organization under contract with the Social Security Administration and consultants to that organization for the evaluation of the peer review process in compliance with the conditions of the agreement.

(b) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Stored in a locked filing cabinet.

Retrievability: By name and health insurance claim number.

Safeguards (access controls): All records will be locked up when not in use. Only authorized personnel of Colorado Blue Shield and the Colorado Psychological Association will be granted access to the documents. Colorado Blue Shield currently reviews and processes all Part B Medicare claims in Colorado, and will apply similar safeguards to the records in this system.

Retention and disposal: All materials will be retained until December 31, 1980. All identifiable material will then be destroyed.

System manager(s) and address:

Assistant Commissioner for Research and Statistics, Social Security Administration, Room 1121, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Notification procedure: Provide the system manager with the name of the system, and the name, home address, and health insurance claim number of the person requesting notification. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Sections 5b.5 and 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410, 11).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Sections 5b.5 and 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410, 11).

Contesting record procedures: Contact the official at the address specified under SYSTEM MANAGER above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories: Provider records collected from the subject individuals by the participating psychologist.

Systems exempted from certain provisions of the act: None.

SSA/HI/CAR–0176

System name: Medicare Clinic Physician Supplier Master File HEW SSA
Security class: None
System location: Carriers under contract to Social Security Administration (See Appendix C, Section 4.)

Categories of individuals covered by the system: Physicians and suppliers in a clinic who provide medical services or supplies to Medicare beneficiaries.

Categories of records in the system: A compilation of all charges submitted by a clinic physician or supplier for services or suppliers to (1) derive "reasonable charge" information; (2) determine economic indexes; and (3) to substantiate the basis for payment to beneficiaries, physicians suppliers, and hospitals.

Authority for maintenance of the system: Sections 1833, 1835, 1842, and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Professional Standards Review Organizations and State Licensing Boards for review of unethical practices or nonprofessional conduct; contractors under contract to SSA for the performance of specific research and statistical activities directly relating to the Social Security Act; SSA health insurance program review teams.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storing: Records are maintained on magnetic tape, microfilm, and hard copy paper.

Retrievability: The records are indexed for individual identification by clinic physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

Safeguards (access controls): Disclosure of records to carrier personnel is limited to a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One or more of the following security measures are used within the building: Color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security sensitive areas; video-monitoring of sensitive areas is constant.

Retention and disposal: Records are closed out the first quarter following the close of the previous calendar year. Files are retained indefinitely.

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System manager(s) and address:

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure: Inquiries and requests for records information should be directed to the carrier servicing the clinic physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5 and 5b.6 FEDERAL REGISTER, October 8, 1975, page 47410, 11).

Contesting record procedures: Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories: Information contained in these records is furnished in part by the individual clinic physician or supplier and in part abstracted from Medicare Part B billing records.

Systems exempted from certain provisions of the Act: None.

System name: Medicare Hospital Discharge Validation File.

Security class: None.

System location:

(1) Office of Research and Statistics, Division of Health Insurance Studies, 6401 Security Boulevard, Baltimore, Maryland 21235.

(2) National Academy of Sciences, Institute of Medicine, Watergate Office Building, 2600 Virginia Avenue, Washington, D.C. 20418.

Categories of individuals covered by the System: Medicare beneficiaries (aged only) whose hospital bills were included in a 20 percent sample of beneficiaries during 1974 and 1975.

Categories of records in the system: Each record contains (1) patient identification data (name, HI number, sex, age) from the Medicare master enrollment file, and (2) hospitalization data (hospital name, admission and discharge date, primary diagnosis, primary surgical procedure performed) from both the Medicare hospital discharge billing file and the hospital medical record.

Authority for maintenance of the system: 42 U.S.C. Section 1395.11.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To contractor for the performance of specific research and statistical activities directly related to the performance of this study.

(b) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Record lists, completed reabstract forms, and keypunched cards are stored in locked file cabinets. Magnetic tape files of patient records are stored in a tape library. All codes for numeric data on the tape files are stored in locked file cabinets. All of these storage facilities are located in the contractor's offices.

Retrievability: By beneficiary name, HI number, and birth date.

Safeguards: The contractor will be required to comply with Departmental safeguard procedures. All persons having access to the system of records have been notified of the criminal sanctions for unauthorized disclosure of information about individuals. The contractor maintains controlled access to computer files. As tape file records are created, individuals' names are eliminated and their HI numbers replaced with anonymous assigned record numbers. The master list for the assigned numbers is stored in locked file cabinets. There is controlled access to this list as all other stored files.

Retention and disposal: All re-abstract forms, billing records and other data collection forms will be returned to SSA with all patient identifiers removed. Keypunch cards and magnetic tape files will be retained by the contractor for 6 months following contract termination and will then be destroyed by standard disposal procedures.

System manager(s) and address:

Assistant Commissioner for Research and Statistics, Social Security Administration, Room 1121, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Notification procedure: For purposes of notification, the system manager will need to know the name of the system, and the name and health insurance number of the person requesting notification.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Sections 5b.5 and 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410, 11).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5 and 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410, 11).

Contesting record procedures: Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories: Records derived from Medicare master enrollment file, Medicare 20 percent hospital discharge record file, hospital medical records, and hospital Medicare claims forms.

Systems exempted from certain provisions of the act: None.

SSA/PP/RSH–0176.00

System name: Durable Medical Equipment Experimentation, HEW–SSA.

Security class: None.

System location:

Social Security Administration, Office of Research and Statistics, Program Experimentation Branch, Room 3–E–6, Meadows East Building, Baltimore, Maryland 21235.

Office of the Contractor, name and address not yet determined.

Categories of individuals covered by the system: Medical Part B Beneficiaries acquiring durable medical equipment (DME) under Title XVIII of the Social Security Act. Geographic locations are to be determined on contract award date.

Categories of records in the system: Administrative, billing, and descriptive information involving the purchase and/or rental of durable medical equipment under Title XVIII (Medicare Part B).

Authority for maintenance of the system: Section 245 of Public Law 92–603 (Social Security Amendments of 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of the records maintained in the system will be made to an organization under contract with the Social Security Administration for the performance of the research and statistical functions as prescribed by the contract. The data collected will be utilized by the Contractor for statistical purposes in determining the results of the experimental program.

Disclosure may be made to a congressional office for the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Magnetic computer tape.

Retrievability: To be specified by Contractor. (Most probable index will be individual Health Insurance Account Number and Part B Medicare Carrier Code Number.)

Safeguards (access controls): Magnetic computer tapes are to be kept in GSA approved containers with combination locks. The containers are to be located in a controlled access area where all nonemployees and nonauthorized personnel must identify themselves, state the nature of their business, and be logged in before gaining entry. All employees of the Contractor are subject to the penalties prescribed by the Privacy Act for unauthorized disclosure of personnel data. These safeguards are in accordance with Departmental standards limiting access to authorized personnel only.

Retention and disposal: All raw data, draft reports, correspondence, and reports generated during this experiment (including tapes, computer programs, position indices, etc.) shall be the property of the Government and shall be delivered to the SSA Project Officer not later than 15 calendar days after contract completion date. Should the Project Officer request any of the above-mentioned material during the conduct of the experiment, the Contractor shall present such material to the Project Officer within 30 days of a written request. The material presented by the Contractor shall be as current as possible, relevant to the request. All tapes and final reports will be delivered to the Social Security Administration and will be retained by the Social Security Administration as long as necessary for program purposes.

System manager(s) and address:

Assistant Commissioner for Research and Statistics, Social Security Administration, Room 1121, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

Notification procedures: For purposes of notification, provide the Systems Manager with the name, address, and Health Insurance Account Number of the person requesting access.

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Departmental Regulations (45 CFR, Part 5b.5(a) (2) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Departmental Regulations (45 CFR Part 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories: Requests from Medicare Part B Beneficiaries for reimbursement for the rental/purchase of durable medical equipment under title XVIII of the Social Security Act, including charges and descriptive material from suppliers of durable medical equipment; administrative and billing information for the reimbursement of durable medical equipment from Part B Medicare Carriers.

Systems exempted from certain provisions of the Act: None.

HEW/OS/REGION V, ORD/OE/ADMIN/RO5 VE–01.00

System name: Placement and Career Development Services Program for Indo-Chinese Refugees, Jewish Federation of Metropolitan Chicago (Contractor).

Security classification: None.

Location:

Jewish Federation of Metropolitan Chicago, One South Franklin Street, Chicago, Illinois 60606.

See Attachment "A" for locations of subcontracting agencies.

Categories of individuals: Indo-Chinese Refugees applying for, and/or receiving public assistance or otherwise manifesting signs of economic insufficiency in the Chicago Metropolitan area.

Categories of records: Employment History and Associated Social, Medical and Economic Information.

Authority for maintenance of the system: 5 U.S.C. 3109.

Routine uses of records maintained in the system, including categories of uses and the purposes of such uses:

45 CFR 5b, Appendix B, (1), (2), (3), (4), (5), (6), (8), (101), (102), and (103).

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Routine uses for disclosure of information kept in the records may be directed to: (a) Illinois Department of Public Aid, in regard to information which would affect the alien's present or future eligibility for public assistance; (b) Prospective employees and/or employment agencies for the purpose of enabling clients to obtain employment; (c) Vocational training or education programs to increase the alien's employability; (d) Other professional boards, associations, private agencies or government departments directly related to increasing the client's chances to obtain employment; (e) Participating subcontractors which have joint responsibilities for assisting clients by making appropriate referrals for casework services and career counseling; (f) All members and participants taking part in the program Steering Committee, including the contractor and subcontractors and concerned Federal, State and Local government agencies, i.e., Department of Health, Education and Welfare, Illinois Department of Public Aid, Governor's Resettlement Office, etc.; (g) National voluntary resettlement agencies participating on the Steering Committee.

Storage: Records are maintained on magnetic tape and on computer discs, printouts, in file cabinets, file folders, and recording forms.

Retrievability: The purpose of this system is to evaluate the need and suitability of the refugee for employment and/or vocational training. A continuous record of activities, including referrals and placements, is needed. Records may be retrieved by name or identification number.

Safeguards (access controls): Offices are either locked after office hours or have security guard service. In addition, depending on location, file cabinets and other storage facilities are locked when not in use.

Retention and disposal: Records are retained for five years after closing, after which paper records are shredded and computer tapes erased.

System manager(s) and address:

Government Project Officer, Department of Health, Education, and Welfare, Region V, 300 South Wacker Drive, 35th floor, Chicago, Illinois 60606.

Notification procedure: Same address as above. Identifying information should include the name of the person inquired about and the alien identification number.

Record access procedures: Address and identifying information same as above.

Contesting record procedures: Same as notification procedure.

Record source categories: Information obtained from client interviews, vocational testing, employer records, medical and social reports from hospitals and other social agencies and information received from Federal, State and Local government agencies, i.e., Illinois Department of Public Aid, U.S. Office of Immigration and Naturalization, etc.

System exempted from certain provisions of the Act: None.

ATTACHMENT A

SUBCONTRACTORS—NAME AND ADDRESS

Lutheran Child and Family Services, 7620 Madison Street, River Forest, Illinois 60305.
Catholic Charities of Chicago, 645 W. Randolph Street, Chicago, Illinois 60606.
Travelers Aid of Metropolitan Chicago, 4753 North Broadway, Chicago, Illinois 60640.
Jewish Family and Community Service, One South Franklin Street, Chicago, Illinois 60606.
Jewish Vocational Service, One South Franklin Street, Chicago, Illinois 60606.

CDC/NIOSH—0140.00

System name: Occupational Hearing Loss in Coal Mining Regions — HEW/CDC/NIOSH.

Security classification: None.

System location:

Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, 1014 Broadway Cincinnati, Ohio 45202.

Categories of individuals covered by the system: Coal Miners and volunteer subjects used as a control group.

Categories of records in the system: Occupational histories, medical histories, results of hearing tests, related anamnestic information, demographic data.

Authority for maintenance of the system: Federal Coal Mine Safety and Health Act (30 U.S.C. 669 Section 20 (1970)) and Occupational Safety and Health Act, Sec. 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Portions of a record pertaining to an individual may also be disclosed to a Congressional office in response to an inquiry from that office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Manual file folders, computer cards, computer tape.

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Retrievability: The purpose of this system is to assist in the development of health and safety standards for the workplace. "Name" is the identifier used to retrieve records from this system.

Safeguards (access controls): Locked building, locked rooms, personnel screening, locked computer room, locked file cabinets.

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal: Records are retained indefinitely. For those records which are destroyed, disposal methods include burning or shredding of paper materials and the erasing of computer tape.

System manager(s) and address:

Director: National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 3-32 Park Building, Rockville, Md. 20852.

Notification procedure: To determine if a file exists, write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Ga. 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, FEDERAL REGISTER, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write the the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Ga. 30333. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, FEDERAL REGISTER, October 8, 1975, page 47411 (45 CFR Part 5b7).

Record source categories: Information is obtained directly from the individual, although in some cases supplementary data may be collected or verified by work supervisors or employee records.

Systems exempted from certain provisions of the Act: None.

[FR Doc.76-30178 Filed 10-12-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Education Subcommittee of the Secretary's Advisory Committee on the Rights and Responsibilities of Women will meet on Tuesday, and Wednesday, November 9-10, 1976, from 9:00 a.m. to 5:00 p.m. each day in Room 624-D, HEW-South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. The Education Subcommittee is one of the five subcommittees of the Secretary's Advisory Committee on the Rights and Responsibilities of Women mandated to advise the Secretary concerning measures needed to encourage and develop educational programs of benefit to female students of all ages; to track legislation of interest to women. The agenda for the Education Subcommittee will include a review of the 1976 scope of work.

Interested persons wishing to address the Committee, should contact the Secretary's Advisory Committee on the Rights and Responsibilities of Women by COB Tuesday, November 2. Phone: 202-245-8454. Written statements received by November 2 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: October 7, 1976.

SUSAN HONEYCUTT,
Special Assistant to the Under Secretary.

[FR Doc.76-30139 Filed 10-13-76;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday, and Friday, November 11-12, 1976, from 9:00 a.m. to 5:00 p.m. each day in Room 5169, HEW-North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda will include a review of the 1976 scopes of work.

Interested persons wishing to address the Committee, should contact the Secretary's Advisory Committee on the Rights and Responsibilities of Women by COB Friday, November 5. Phone: 202-245-8454. Written statements received by November 5 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: October 7, 1976.

SUSAN HONEYCUTT,
Special Assistant to the Under Secretary.

[FR Doc.76-30138 Filed 10-13-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held November 3, 1976, Air Transport Association of America Conference Room A, 5th Floor, 1709 New York Ave., NW., Washington, D.C., commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of September 24, 1976 meeting; (2) Chairman's Report of RTCA Administration and Activities; (3) Briefing on Joint Tactical Information Distribution System (JTIDS) Test Plan.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on September 30, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-29912 Filed 10-13-76;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-76-7]

OGDENSBURG BRIDGE AND PORT AUTHORITY

Petition for Exemption From Hours of Service Act

The Ogdensburg Bridge and Port Authority has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. Secs. 61-64b.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-7, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before November 8, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on October 4, 1976.

DONALD W. BENNETT,
Chairman, Railroad Safety Board.

[FR Doc.76-30023 Filed 10-13-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28456]

EASTERN AIR LINES, INC.

Hearing Regarding Subpart N Application (Pittsburgh-Atlanta)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on December 8, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., October 8, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-30151 Filed 10-13-76;8:45am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON VELVETEEN FROM JAPAN

Termination of Visa Requirement

OCTOBER 8, 1976.

On December 12, 1964, there was published in the FEDERAL REGISTER (29 FR 17057) a letter dated December 8, 1964 from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing a visa requirement for cotton textile products in Category 7 (velveteen), produced or manufactured in Japan and exported to the United States after December 31, 1964. The purpose of this notice is to advise that the visa requirement is being terminated by the Government of Japan, effective on October 1, 1976.

Accordingly, there is published below a letter of October 8, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of December 8, 1964.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
October 8, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on October 1, 1976, the directive of December 8, 1964 from the Chairman, President's Cabinet Textile Advisory Committee, which directed you to prohibit, effective on January 1, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 7, produced or manufactured in Japan, for which the Japan Cotton Textile Exporters Association, a trade association authorized by the Government of Japan, had not issued an appropriate export visa.

The actions taken with respect to the Government of Japan and with respect to imports of cotton textile products from Japan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-30095 Filed 10-13-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SHIPPINGPORT ATOMIC POWER STATION

Trespassing on Administration Property

Notice is hereby given that the Energy Research and Development Administration pursuant to section 229 of the Atomic Energy Act of 1954, as amended, and section 104 of the Energy Reorganization Act of 1974, as implemented by 10 CFR Part 860, published in the FEDERAL REGISTER on July 9, 1975, (40 FR 28789, 29790), prohibits the unauthorized entry, as provided in 10 CFR 860.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.4, into or upon the Shippingport Atomic Power Station site of the Energy Research and Development Administration, said site being a tract of land located in the Borough of Shippingport, Beaver County, Commonwealth of Pennsylvania, the aforesaid tract being more particularly described as follows:

Starting at a point where the easterly line of property formerly of Ohio River Coal Company (Cook Tract) intersects the centerline of the New Cumberland and Pittsburgh Railroad at Station 1552+01.64, thence along the center line of said railroad South 40°00' West a distance of 395.91 feet to a point of tangency at Station 1548+05.73; thence continuing along the center line of said railroad in a southwesterly direction on the arc of a circle having a radius of 3274.17 feet a distance of 1271.34 feet to a point; thence North 38°00' West a distance of 101.13 feet to a point of beginning; thence from said point of beginning in a southwesterly direction by the arc of a circle having a radius of 3174.17 feet a distance of 218.77 feet to a railroad spike which is 100 feet from the center line of said railroad; thence South 52°00' West a distance of 165.14 feet to an oak hub; thence North 38°00' West a distance of 47.53 feet to a railroad spike which is 100 feet from the center line of said railroad; thence in a southwesterly direction by the arc of a circle having a radius of 3174.17 feet a distance of 140.36 feet to a railroad spike which is 100 feet from the center line of said railroad; thence by a line crossing said railroad South 38°00' East a distance of 210.00 feet to an iron pin; thence South 69°45' West a distance of 170.00 feet to an iron pin; thence north 84°45' West a distance of 295.00 feet to an iron pin which is 5.68 feet from center line of said railroad; thence by a line crossing said railroad North 11°19'40" West a distance of 216.81 feet to a point; thence North 52°00' East a distance of 376.45 feet to a point; thence North 38°00' West a distance of 229.11 feet to a point; thence South 83°00' East a distance of 172.53 feet to a point; thence South 38°00' East a distance of 152.18 feet to a point; thence North 52°00' East a distance of 231.00 feet to a point; thence North 38°00' West a distance of 6.00 feet to a point; thence North 52°00' East a distance of 86.76 feet to a point; thence South 38°00' East a distance of 54.35 feet to a point; thence North 52°00' East a distance of 45.78 feet to a point; thence South 38°00' East a distance of 120.00 feet to a point; thence South 52°00' West a distance of 42.00 feet to a point; thence South 38°00' East a distance of 48.62 feet to a railroad spike, thence South 52°00' West a distance of 29.04 feet to a railroad spike; thence South 38°00' East a distance of 116.19 feet to a railroad spike at place of beginning. Containing 7.0298 acres.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said tract and all intervals along its perimeter as provided in 10 CFR 860.6.

Dated at Washington, D.C. this day of October 5, 1976.

ALFRED D. STARBIRD,
Assistant Administrator for National Security.

[FR Doc.76-30066 Filed 10-13-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-936]

UHF TRANSLATOR LICENSEES

Acceptance of Political Advertising

OCTOBER 8, 1976.

In recent months, the Commission has received inquiries and a complaint arising out of the origination by the licensees of UHF translator stations of paid political advertisements. UHF translator stations are presently permitted to originate visual slide announcements not exceeding 30 seconds per hour for the purpose of soliciting or acknowledging local public financial support. Origination of slides containing commercial advertising is permitted. The Commission, however, did not consider the origination by translators of political advertising. The nature of translators and the limitations presently imposed on local origination by UHF translators make it extremely difficult for translator licensees to comply with section 315 of the Communications Act and the Commission's rules relating to political advertising by other types of broadcast stations.

For the foregoing reasons, the Commission reminds all UHF translator licensees that, if they intend to originate

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political advertisements. they will be expected to comply strictly with the provisions of section 315 of the Communications Act.

This notice is being mailed to all licensees of UHF translator stations.

Action by the Commission October 7, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Fogarty with Commissioner White not participating.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-30092 Filed 10-13-76;8:45 am]

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) INDUSTRY ADVISORY COMMITTEE

Partially Closed Meeting

A meeting of the Advisory Committee to the FCC Steering Committee for WARC-1979. Preparations will be held on Monday, November 1, 1976 at 9:30 A.M. The meeting will take place in Room 8210 of the Commission's offices at 2025 M Street, NW., Washington, D.C.

The agenda for this meeting will consist of the following:

(1) Update of 1979 WARC-related activities;
(2) Consideration of certain allocation justifications and proposals submitted by non-Government and Government interests.

The purpose of the second item, Allocation Proposals and Justification, is to attempt to reconcile conflicting Federal Government and non-Government frequency requirements. Portions of this item will involve discussion of classified materials submitted by agencies of the Executive Branch to support (1) the Office of Telecommunications Policy request for an additional 100 MHz of spectrum in the 100–1215 MHz band, and (2) other anticipated future Federal Government requirements. Accordingly, those portions of the second item which are devoted to discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code will be closed to the public. Other portions of the meeting will be open. Further information concerning this meeting may be obtained by calling 632–7025.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-30093 Filed 10-13-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of September 17 Through September 24, 1976

Notice is hereby given that during the week of September 17 through September 24, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, **the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.**

Dated: October 7, 1976.

MICHAEL F. BUTLER,
General Counsel.

Appendix.—List of cases received by the Office of Exceptions and Appeals, week of Sept. 17 through Sept. 24, 1976

Date	Name and location of applicant	Case No.	Type of submission
Sept. 17, 1976	R. O. Bragg, San Francisco, Calif. (If granted: R. O. Bragg would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Lion Oil Co.)	FEE-3141	Exception to change supplier (sec. 211.9).
Do	C. D. Hollingsworth & Associates, Natchez, Miss. (If granted: The FEA's Aug. 31, 1976, decision and order would be rescinded and Hollingsworth would be permitted to redrce the base production control level for three wells which it operates in the South Providence Field, Franklin County, Miss.)	FEA-0954	Appeal of FEA's decision and order in C. D. Hollingsworth & Associates, 4 FEA par. ------ (Aug. 31, 1976).
Do	Doric Petroleum, Inc. (Newcastle), Washington, D.C. (If granted: Doric Petroleum, Inc., would be permitted to increase its prices for natural gas liquid products produced at its Newcastle plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-3140	Price exception (sec. 212.165).
Do	Marathon Oil Co., Findley, Ohio (If granted: FEA region V's Aug. 20, 1976, assignment order would be rescinded and Marathon Oil Co. would not be assigned as the base period supplier of motor gasoline to Beukema Petroleum Co.)	FEA-0955	Appeal of FEA region V's Aug. 20, 1976, assignment order.
Do	Maurice L. Brown Co., Kansas City, Mo. (If granted: Maurice L. Brown Co. would receive an extension of the price relief granted in FEA's May 21, 1976, decision and order and crude oil produced from the East Stroup Prue Sand Unit would continue to be sold at the upper tier ceiling price.)	FEE-3139	Extension of relief granted in Maurice L. Brown Co., 3 FEA par. 83,196 (May 21, 1976).
Do	Sun Gas Co., Dallas, Tex. (If granted: Sun Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its Bayou Sale, Levelland, and Van natural gas processing plants.)	FEE-3143—Fee-3145	Price exception (sec. 212.165).
Do	Joe Webster, (J. W. Oil Co.), Casper, Wyo. (If granted: Joe Webster (J. W. Oil Co.), would receive an extension of the price relief granted in the FEA's Aug. 19, 1976, decision and order and crude oil produced from the Buffalo 016999 (a) Lease would be sold at upper tier ceiling prices.)	FEE-3142	Extension of price relief granted in Joe Webster (J. W. Oil Co.), 4 FEA par. 83,060 (Aug. 19, 1976).
Sept. 20, 1976	Cotton Petroleum Corp. (If granted: The FEA's Aug. 19, 1976, decision and order would be rescinded and the working interest owners of the North Goose Lake Unit would be permitted to sell at upper tier ceiling prices a sufficient quantity of crude oil to enable them to recover the increased operating expenses which they have incurred since May 15, 1973.)	FEA-0957	Appeal of FEA's decision and order in cotton Petroleum Corp., 4 FEA par. 83,045 (Aug. 19, 1976).
Do	Diamond Coal & Oil Co., Chicago, Ill. (If granted: Diamond Coal & Oil Co. would not be required to report data on middle distillates as required by form FEA-P112-M-1.)	FEE-3148	Exception from filing requirement.
Do	National LP-Gas Association and National Committee on Propane Allocation and Price Regulations, Arlington, Va. (If granted: The FEA's Aug. 20, 1976, decision and order would be rescinded and Northern Illinois Gas Co. would not be assigned a base period use of 251,250 bbl of propane for use as Btu enrichment at its Aux Sable SNG facility.)	FEA-0956	Appeal of FEA's Aug. 20, 1976, propane assignment order issued to Northern Illinois Gas Co.
Do	Oil Patch Leasing Corp., Borger, Tex. (If granted: Oil Patch Leasing Corp.'s Killough "A" Lease would be classified as a stripper well lease.)	FEE-3147	Price exception (sec. 212.-74).
Do	John M. Wigley, Casper, Wyo. (If granted: Crude oil produced from the Newton Federal well located in Campbell County, Wyo., would be sold at upper tier ceiling prices.)	FEE-3146	Price exception (sec. 212.-73).
Sept. 21, 1976	Midcoast Aviation Services, Inc., St. Louis, Mo. (If granted: The FEA's Aug. 27, 1976, decision and order would be rescinded and Midcoast would be permitted to increase its selling prices for aviation fuels above maximum permissible levels to reflect nonproduct cost increases incurred since May 15, 1973.)	FEA-0958	Appeal of FEA's decision and order in Midcoast Aviation Services, Inc., 4 FEA par. ------ (Aug. 27, 1976).
Do	Mike's Mobile Service, Howell, Mich. (If granted: Mike's Mobile Service would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, McPherson Oil Co.)	FEE-3149	Exception to change supplier (sec. 211.9).
Do	Sundance Oil Co., Denver, Colo. (If granted: The FEA's Aug. 6, 1976, decision and order would be rescinded and Sundance would be permitted to sell the crude oil which it produced from the Welgand Lease prior to Feb. 1, 1976 at market price levels.)	FEA-0950	Appeal of FEA's decision and order in Sundance Oil Co., 4 FEA par. ------ (Aug. 6, 1976).
Sept. 22, 1976	J & W Refining, Inc., Dallas, Tex. (If granted: J & W Refining, Inc., would be relieved of any obligation to purchase entitlements under sec. 211.67(j)(2).)	FEE-3151	Allocation exception (sec. 211.67(j)(2)).
Do	Northern Illinois Gas Co., Washington, D.C. (If granted: The FEA's Aug. 20, 1976, decision and order would be rescinded and a determination would be made that the FEA has no legal authority to regulate the allocation of natural gas liquids. In the alternative, Northern Illinois Gas Co. would be assigned a permanent base period use of 251,250 bbl of propane for use as Btu enrichment of its Aux Sable SNG facility and San Juan Oil Co. would be designated as the base period supplier.)	FEA-0960	Appeal of FEA's Aug. 20, 1976, propane assignment order issued to Northern Illinois Gas Co.

Date	Name and location of applicant	Case No.	Type of submission
Do	Pioneer Operations Co., Inc., Russell, Kans. (If granted: Crude oil produced from a well to be drilled on the Dalton lease would be sold at exempt prices rather than upper tier ceiling prices.)	FEE-3152	Price Exception (sec. 212.74).
Do	Southland Oil Co., Jackson, Miss. (If granted: Southland Oil Co. would receive a temporary stay which would relieve the firm of the requirement that it purchase entitlements valued at $708,466.20 by Sept. 30, 1976, as indicated on the FEA's entitlement notice for July 1976.)	FST-0014	Request for temporary stay.
Do	John B. Walker, Jackson, Miss. (If granted: John B. Walker would be permitted to charge prices for diesel fuel during the period between Nov. 1, 1973, and Apr. 8, 1974, above the maximum level permitted under the mandatory petroleum price regulations.)	FEE-3150	Price exception (sec. 212.93).
Sept. 23, 1976	Mid-America Refining Co., Chanute, Kans. (If granted: The FEA's July 22, 1976, decision and order would be rescinded and Mid-America Refining Co. would be permitted to retroactiveiy use an adjusted May 15, 1973, price in calculating the maximum allowable price for No. 2 diesel fucl under the mandatory petroleum price regulations.)	FEA-0961	Appeal of FEA's decision and order in Mid-America Refining Co., 4 FEA par. 83,014 (July 22, 1976).
Do	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to use the actual May 1973 purchase cost of naphtha in computing its base period price.)	FEE-3135	Price exception (sec. 212.83(c)(2)(iii)(d)).
Do	Sound Refining, Inc., Tacoma, Wash. (If granted: Sound Refining, Inc., would receive an exception from the entitlements program which would relieve the firm of any obligation to purchase entitlements during the remainder of 1976.)	FEE-3154	Exception from the entitlements program (211.67).

[FR Doc.76-29926 Filed 10-7-76;11:27 am]

COAL INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Coal Industry Advisory Committee will meet Thursday, November 4, 1976, 10 a.m., Conference Room B, Departmental Auditorium, Old Labor Building, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

The Committee was established to assist the Administrator, FEA, in encouraging the expansion of a readily-usable energy source—coal—and maintaining a fair and reasonable consumer price for such supplies. The Committee shall also advise on technical and economic factors affecting the coal industry.

The agenda for the meeting is as follows:

1. Report on Coal Mine Expansion Study.
2. Status of ESECA (Coal Supply Availability).
3. Implications of Clean Air Act Amendments.
4. Report on Coal Finance Workshop.
5. Status of Coal Mine Loan Guarantee Program.
6. Progress Report on ConRail Study.
7. General Discussion and Public Comment.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 566-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C. on October 7, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-30030 Filed 10-8-76;10:47 am]

EAST COAST RESIDUAL FUEL OIL MARKET

Public Hearing and Opportunity for Public Comment

On March 29, 1976 FEA adopted amendments to its domestic crude oil allocation program (the "entitlements program") which, inter alia, provided for the issuance of entitlements to importers of residual fuel oil into the East Coast and an entitlement loss for domestic refiners with respect to residual fuel oil produced for sale in the East Coast. Two principal regulatory changes necessitated FEA's adoption of these particular amendments. The first was the removal in December 1975 of the $2 per barrel supplemental import fee on crude oil, and the second was the rollback in domestic crude oil prices under the Energy Policy and Conservation Act, which was effective February 1, 1976. The combined effect of these changes was to severely impair the ability of domestic marketers reliant on foreign refiners located in the Caribbean (which produce approximately 60% of the residual fuel oil sold in the East Coast) to complete with other marketers supplied by domestic refiners in that market area, since the theoretical crude cost advantage for domestic refiners was increased to approximately $3 per barrel.

The March 29 amendments adopted by FEA basically provided for entitlement adjustments with respect to residual fuel oil imported into or produced by a domestic refiner for sale in the Bureau of Mines East Coast Petroleum Refining District (the "East Coast market"), commencing with such imports and production in February 1976. The East Coast market includes the states within PAD District 1 (except for the State of West Virginia and certain counties in Western New York and Pennsylvania) and does not include Puerto Rico or the U.S. Virgin Islands. Under these amendments, imports of residual fuel oil into the East Coast market result in the issuance to the importer of record of a factional entitlement per barrel equal to 30% of the fractional entitlement value for each barrel of crude oil included in a refiner's crude oil runs to stills in the month in month in which the import takes place. As to domestically refined residual fuel oil produced for sale into the East Coast market, the refiner loses 50% of the applicable crude oil fractional entitlement value for each barrel of residual fuel oil so produced in excess of the first 5,000 barrels per day (B/D). The net effect of these adjustments is to preserve for domestic refiners a theoretical crude cost advantage equal to 20% of the per barrel crude oil entitlement value for the month in question (with an entitlement value of $2.80, for example, this advantage would be equal to 56¢).

FEA stated that its rationale for adoption of these adjustments was:

> • • • that a more substantial entitlement deduction as to domestic residual fuel oil production would likely result in price increases for this product on the East Coast and provide incentives for domestic refiners to reduce production of residual fuel oil. Therefore, FEA has provided for an entitlement value reduction of 50% (instead of the maximum 75% reduction proposed as a possible option).

FEA further stated that the exemption of the first 5,000 B/D of residual fuel oil production for domestic refiners would serve as an incentive to increase domestic production and would also help to maintain stable prices in the East Coast market with decontrol by forcing importers to pass through the amount of the product entitlement benefits in order to remain competitive.

Since the adoption of these amendments, on September 8, 1976 FEA held public hearings in connection with four applications for exception relief requesting specified increases in the 5,000 B/D limit on residual fuel that may be sold into the East Coast market without any entitlement loss. At this hearing, many domestic refiners pointed out that the current entitlement advantage under these adjustments for domestic refiners was not sufficient to permit Gulf Coast refiners to continue to sell into the East Coast market in competition with foreign refiners located in the Caribbean. Among the reasons given were the lower operating costs of foreign refineries and the requirement for Gulf Coast refiners to ship in U.S. flag vessels.

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Prices for residual fuel oil in the East Coast market have also recently shown increases of 60¢ to 70¢ per barrel for high sulfur residual fuel oil and 40¢ to 50¢ for low sulfur residual fuel oil from the prior levels prevailing follwing the adoption of the March 29 amendments.

It is FEA's objective that the value of the product import entitlements be passed through to domestic marketers and reflected in market prices on the East Coast. An underlying rationale for the March 29 amendments was FEA's conclusion that it was in the national interest to structure its regulatory program so that, although domestic refiners receive a competitive advantage, the financial viability of Caribbean refineries historically serving the East Coast, and that of the domestic marketers reliant on these refineries, would not be imperiled. However, FEA did not intend that these amendments would be utilized to support price increases by producer governments and thus not serve either to reduce prices on the East Coast or to support the viability of these marketers and refineries.

When the March 29, 1976 amendments were adopted, FEA stated that before the end of 1976 it intended to reassess the operation and effectiveness of the entitlements program as so amended. Based on the developments described above, FEA believes that it is now an appropriate time to determine whether the amendments adopted in March are having their intended effect. Therefore, FEA will hold a public hearing and receive written comments on the entitlements program amendments adopted on March 29 specifically as they currently relate to the East Coast residual fuel oil market.

In order to evaluate the impact of its regulations on the East Coast residual fuel oil market in view of its stated policy objectives, FEA requests that persons commenting in this proceeding address the following questions in particular:

1. Are the import entitlement benefits being utilized to preserve the viability of foreign refining capacity in the Caribbean and the domestic marketers reliant thereon, or are the benefits in effect being offset by price increases in the imported crude oil purchased by these refiners or functioning to provide actual competitive advantages to these refiners over domestic refiners?

2. In light of FEA's separate proposal as to modifications to the import program, is the current advantage for domestic refiners sufficient with respect to their sales of residual fuel oil in the East Coast market?

3. Should different treatment be provided for domestic refiners shipping residual fuel oil from the Gulf Coast into the East Coast market than for residual fuel oil actually produced on the East Coast (including the U.S. Virgin Islands)?

4. Are the entitlement benefits for imports of residual fuel oil into the East Coast market being passed through to consumers?

5. Given the recent price increases for residual fuel oil on the East Coast, to what extent do these increases result from the world-wide economic recovery, increased domestic demand or the operation of FEA's March 29 amendments in this regard?

By separate letters, FEA is inviting the domestic refiners and marketers with the most significant residual fuel oil sales volumes in the East Coast market to respond in detail to the above questions and to give their general analysis as to the effect of the March 29 amendments on market prices and the respective competitive positions of the firms involved. A similar procedure was utilized in connection with the proposal for the March 29 amendments, and FEA found that the information submitted under those procedures was most helpful to the Agency in its analysis of the East Coast residual fuel oil market.

WRITTEN COMMENT AND PUBLIC HEARING PROCEDURES

Written comments regarding the subject matter of this notice will be accepted and considered if filed by October 28, 1976. Comments should be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box JF, the Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation, "East Coast Residual Fuel Oil Adjustments under Entitlements Program." Fifteen copies should be submitted.

A public hearing on the subject matter of this notice will be held beginning at 9:30 a.m., e.s.t., on November 3, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the subject matter of this notice, or who is a representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., October 18, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through November 2, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., October 20, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m., e.s.t., on November 2, 1976.

FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., October 28, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The transcript of the public hearing will be available for public review at the FEA, Freedom of Information Library Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

MICHAEL F. BUTLER,
General Counsel.

OCTOBER 8, 1976.

[FR Doc.76-30158 Filed 10-8-76;4:35 pm]

WANDA PETROLEUM CO.

Consent Order

I. INTRODUCTION

Pursuant to 10 C.F.R. 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which was executed between Wanda Petroleum Co. (Wanda) and the FEA on July 30, 1976. In accordance with that Section, FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by FEA, the FEA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

The Wanda Petroleum Co., with its home office located at 2 Houston Center, Houston, Texas 77052, is a firm engaged in the purchase and resale of petroleum products subject to FEA regulations.

As a result of an audit conducted by FEA of Wanda's pricing practices for the period November 1, 1973 through December 31, 1975, FEA advised Wanda that Wanda had apparently charged its purchases of propane prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR 150.359 and the FEA price rule in 10 CFR 212.93. FEA contended that those overcharges were the result of Wanda's errors in computing its product cost increases pursuant to 10 CFR 212.92 and 212.93 and in establishing classes of purchaser as defined in 10 CFR 212.31.

In resolution of the issues raised by the audit results, FEA and Wanda executed a Consent Order on July 30, 1976, the significant terms of which are as follows:

(1) Wanda shall refund the amounts charged to its propane purchasers in excess of maximum lawful prices together with appropriate interest. FEA has computed the total overcharge (excluding interest) at $2,103,602.00.

(2) All refunds and interest payments will be made within 90 calendar days of the effective date of the Consent Order.

(3) Wanda shall notify refund recipients that the refunds were made pursuant to the Consent Order between Wanda and the FEA and that the amount refunded constitutes a decrease in that purchaser's increased product costs for purposes of FEA price regulations.

(4) Wanda shall calculate maximum lawful selling prices and determine classes of purchaser only consistent with FEA's rules and regulations.

(5) The provisions of 10 CFR 205.197, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. D. M. Fowler, Regional Administrator, Region VI, Federal Energy Administration, P.O. Box 35228, Dallas, Texas 75235.

Copies of this Consent Order may be received free of charge by written request to this same address or by calling (214) 749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Wanda Consent Order." All comments received by 4:30 p.m. CDT, on or before November 15, 1976, will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., October 8, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-30140 Filed 10-8-76;8:45 am]

FEDERAL MARITIME COMMISSION

BALTIMORE AND OHIO RAILROAD CO., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 3, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

BALTIMORE AND OHIO RAILROAD COMPANY
UNITED BRANDS COMPANY
AND
MARYLAND PORT ADMINISTRATION

Notice of Agreement Filed by:

Mr. Gary E. Keocheler, Director of Transportation, Maryland Port Administration, 19 South Charles Street, Baltimore, Maryland 21201.

Agreement No. T-2439-2, between Baltimore and Ohio Railroad Company (B & O), United Brands Company (United) and Maryland Port Administration (MPA), modifies the original agreement which provides for the 10-year lease to United of the "Fruit Pier" located at the Locust Point Marine Terminal at Baltimore Harbor, from the MPA after purchasing same from the B & O. The purpose of the modification is to increase the land area facilities by one acre. As compensation, United will pay $500 per month for the additional land, subject to adjustment.

By Order of the Federal Maritime Commission.

Dated: October 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30143 Filed 10-13-76;8:45 am]

COMBI LINE JOINT SERVICE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 3, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Schmeltzer, Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. 9929-2 amends the basic agreement of the above-named joint service to (1) reflect the name change of Holland-America Line to Intercontinental Transport (ICT) B. V.; (2) add Compagnie Generale Transatlantique (CGT) as a party thereto; (3) retain a Combi Line LASH service operated jointly by Hapag-Lloyd, ICT and CGT with LASH vessels and supplementary space on conventional ships and adding Scandinavia and the Baltic to the scope thereof; (4) establish a co-ordinated container whereby Hapag-Lloyd, ICT and CGT would cross-charter space on each other's containerships operating in the trade and adding Mexican ports to the scope thereof; and (5) change the proportions each party will share in the expenses of the service.

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By Order of the Federal Maritime Commission.

Dated: October 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30144 Filed 10-13-76;8:45 am]

INTERCONTINENTAL TRANSPORT (ICT) B.V. AND COMPAGNIE GENERALE TRANSATLANTIQUE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 3, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Edward Schmeltzer, Esquire, Morgan, Lewis & Bocklus, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. 10266 between Intercontinental Transport (ICT) B. V. and Compagnie Generale Transatlantique is a joint marketing agreement whereby the parties will maintain a joint marketing service for the solicitation and booking of cargo in the trade between Mexican ports; United States ports on the Gulf of Mexico and South Atlantic Coast on the one hand; and ports in Europe (including the United Kingdom, Eire, Scandinavia and the Baltic) on the other hand.

By Order of the Federal Maritime Commission.

Dated: October 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30145 Filed 10-13-76;8:45 am]

MALAYSIA OVERSEAS LINES, LTD.

Order of Revocation

In the matter of Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transporation No. P-61 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to passengers or Other Persons on Voyages No. C-1,055. Malaysia Overseas Lines, Ltd. (Orient Overseas Line) c/o Orient Overseas Services, Inc. 510 Montgomery Street San Francisco, California 94111.

Whereas, Malaysia Overseas Lines, Ltd. and/or Orient Overseas Lines, Inc. (Orient Overseas Line) have ceased to operate the passenger vessel ORIENTAL HERO to and from United States ports; and

Whereas, Certificate (Performance) No. P-61 and Certificate (Casualty) No. C-1,055 covering the Oriental Hero have been returned for revocation.

It is ordered, that Certificate (Performance) No. P-61 and Certificate (Casualty) No. C-1,055 issued to Malaysia Overseas Lines Ltd. (Orient Overseas Line), reissued to Malaysia Overseas Lines, Ltd. and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line) and reissued to Malaysia Overseas Lines, Ltd. and/or Orient Overseas Line, Inc. (Orient Overseas Line) covering the Oriental Hero be and are hereby revoked effective October 6, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission, October 6, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30142 Filed 10-13-76;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 620]

ALASKA PACKERS ASSOCIATION

Issuance of Annual License(s)

OCTOBER 5, 1976.

On November 4, 1974, Alaska Packers Association, Licensee for the Chignik Project No. 620, located in the vicinity of Chignik, Third Judicial Division, Alaska, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 620 was issued effective October 5, 1950, for a period ending October 4, 1975. Since the original date of expiration, the project has been under an annual license, which will expire on October 4, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Alaska Packers Association.

Take notice that an annual license is issued to The Alaska Packers Association under the Federal Power Act for the period October 5, 1976, to October 4, 1977, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Project No. 620, subject to the terms and conditions of its present license. Take further notice that if issuance of a new license does not take place on or before October 4, 1977, a new annual license will be issued each year thereafter, effective October 5 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30056 Filed 10-13-76;8:45 am]

[Docket Nos. RI76-157, RI76-158, RI76-159, RI76-160, RI76-161]

BRIDWELL OIL CO., ET AL.

Petition for Special Relief

OCTOBER 6, 1976.

Take notice that on September 3, 1976 Valley Gas Transmission, Inc. (Petitioner), 3430 Entex Building, Houston, Texas 77001, filed in Docket Nos. RI76-157, RI76-158, RI76-159, RI76-160, and RI76-161 a petition for special relief on behalf of the producers listed in the caption[1] from the ceiling rates prescribed in Opinion No. 742-A, issued June 27, 1976, pursuant to Sections 4 and 5 of the Natural Gas Act, as amended, and Section 2.76 of the Commission's Rules of Practice and Procedure.

By affidavit attached to supporting appendices containing data relating to Order No. 551 issued June 29, 1976, entitled "Expediting Processing Of Petitions For Special Relief Under § 2.76", Petitioner states that such supporting data warrants rates ranging from 73.3 cents per Mcf to 196.4 cents per Mcf to continue production or possible reworking or recompletion of wells. Petitioner further states that one producer has stopped producing gas from a two zone well and two other producers have expressed intention to plug and abandon four wells.

Petitioner contends that mounting economic losses would ultimately result in such existing production being shut in, thereby reducing present supply deliveries by 20 percent or 3,000 Mcf per day. Accordingly, in addition to the above special relief requested, Petitioner requests permission to continue paying the indicated producers at currently effective contract rates (ranging from 43.1 cents per Mcf to 55.9 cents per Mcf) without incurring potential refund- liability pending Commission action on the indicated special relief requests and that the ceiling rate of 35 cents per Mcf prescribed in Opinion No. 742-A be waived.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30054 Filed 10-13-76;8:45 am]

[1] Glen A. Martin, et al., Docket No. RI76-134 and Jack M. Wolfe, Docket No. RI76-137 petitions for special relief have been previously noticed and filed.

[Docket No. CP63-188 (Phase II)]

CITIES SERVICE GAS CO.

Petition To Amend

OCTOBER 6, 1976.

Take notice that on September 27, 1976, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP63-188 (Phase II) a petition to amend the order of December 30, 1963, as amended, issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to expand the facilities in the Webb Storage Field, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order of December 30, 1963, issued in the instant docket, as amended, Petitioner is authorized to construct and operate the Webb Storage Field in Grant County, Oklahoma, at a maximum top storage pressure of 2000 psig and an anticipated deliverability of 200,000 Mcf, and to construct and install a 2400 horsepower compressor station in Webb Storage Field.

Petitioner proposes to install and operate certain additional facilities at its Webb Storage Field to enhance Petitioner's ability to provide adequate peak day service to its customers in curtailment priority categories 1, 2, and 3. The proposed facilities are (1) ten natural gas injection and withdrawal wells and related appurtenant facilities to be installed and operated, and (2) 1.39 miles of 6-inch, 12-inch, and 16-inch natural gas storage pipeline and related appurtenant facilities to be constructed and operated to connect the new injection and withdrawal wells.

Petitioner states that withdrawals from the Webb Storage Field feed into Webb Compressor Station where the gas is compressed into the Webb-Blackwell 26-inch discharge pipeline.

It is said that the proposed injection and withdrawal storage wells and connecting field pipelines would increase the peak deliverability of the Webb Natural Gas Storage Field from 216,400 Mcf to 270,000 Mcf with the same wellhead shut-in pressure and the same storage inventory.

Petitioner estimates the cost of construction of the facilities to be $1,400,900, which would be financed from treasury cash.

It is anticipated that installation of the proposed facilities would be completed within approximately twelve months.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30042 Filed 10-13-76;8:45 am]

[Docket No. ER76-924]

DELMARVA POWER & LIGHT COMPANY OF MARYLAND

Filing of Revised Service Agreement

OCTOBER 6, 1976.

Take notice that Delmarva Power & Light Company of Maryland on September 28, 1976, tendered for filing a revised Service Agreement with Mayor and Council of Berlin, Maryland, a Maryland corporation, under Delmarva FPC Electric Tariff Volume No. 6. Delmarva proposes to make the filing effective November 1, 1976, and requests such waivers as may be necessary to comply with the proposed effective date.

A copy of this filing has been served upon Mayor and Council of Berlin, Berlin, Maryland, and for information on the Public Service Commission of Maryland.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30037 Filed 10-13-76;8:45 am]

[Docket No. CP76-87]

EL PASO NATURAL GAS CO.

Tariff Filings

OCTOBER 5, 1976.

Take notice that on July 28, 1976, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed pursuant to Part 154 of the Commission's Regulations under the National Gas Act a request that the effectiveness of certain tariff sheets set forth in the appendix hereto and contained in El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2, and Original Volume No. 2A be extended through April 30, 1977.

El Paso states that on September 17, 1975, in Docket No. CP76-87, it tendered for filing pursuant to Part 154 of the Commission's Regulations certain proposed revisions to its FPC Gas Tariff and an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the implementation of the permanent operation of the Rhodes Reservoir. It is indicated that such revisions reflected the deletion in their entirety of the then effective Sections 11.3A, 11.3B, 3.3A, and 3.3B contained in the above volumes of El Paso's tariff and in place thereof submitted new Sections 11.3A through 11.3E and 3.3A through 3.3E, so as to provide for the proposed permanent operation of the Rhodes Reservoir under new separate tariff provisions. It is said that such separation was accomplished without changing in substance the then existing tariff provisions applicable to the special operating arrangements between El Paso and its California customers. El Paso states that on November 6, 1975, in Docket No. CP76-87 it was granted a temporary certificate authorizing the proposed operations of the Rhodes Reservoir and that the related tariff sheets were also accepted for filing to be effective until April 30, 1976, subject to further orders of the Commission.

El Paso states that from time to time during August through October, substantial quantities of gas would be otherwise available for sale in satisfaction of the Priority 3, 4, and 5 requirements of its interstate system customers and that it proposes to utilize a portion of such gas to inject approximately 769,000 Mcf into the Rhodes Reservoir storage facility to restore the heretofore authorized maximum natural gas storage inventory of 25,866,000 Mcf permitted by the temporary certificate. It is said that no additional facilities need to be acquired or constructed to permit the proposed injections of gas into Rhodes Reservoir and no change in heretofore authorized operating levels is contemplated. El Paso

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states further that it would reply upon Rhodes Reservoir, as may be required, to protect its east-of-California customers' Priority 1 and 2 requirements during the 1976–77 heating season as permitted by the temporary certificate in Docket No. CP76–87.

El Paso asserts that in order to implement Rhodes Reservoir injection and withdrawal operations as described in its application in Docket No. CP76–87, it is necessary that the effectiveness of the tariff sheets containing the provisions applicable thereto be extended for an additional period extending through April 30, 1977. Accordingly, El Paso requests that the effectiveness of the tariff sheets heretofore made effective by the Commission through April 30, 1976, as identified in the appendix hereto, be extended through April 30, 1977, or the date of issuance of a further order in Docket No. CP76–87, whichever is earlier.

El Paso also requests that waiver be granted of all applicable Rules and Regulations of the Commission, as may be necessary, in order that said tariff sheets may be continued in effect through April 30, 1977, in order to permit operation of the Rhodes Reservoir, as described, through the 1976–77 heating season.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Parties who have heretofore filed in this docket need not do so again.

KENNETH F. PLUMB,
Secretary.

APPENDIX

ORIGINAL VOLUME NO. 1

Substitute First Sheet No. 63–C
Third Revised Sheet No. 63–C.1
Fifth Revised Sheet No. 63–C.2
Fourth Revised Sheet No. 63–C.3
Third Revised Sheet No. 63–C.4
Third Revised Sheet No. 63–C.5 [1]
Third Revised Sheet No. 63–C.6
Original Sheet No. 63–C.7
Original Sheet No. 63–C.8
Original Sheet No. 63–C.9
Original Sheet No. 63–C.10

THIRD REVISED VOLUME NO. 2

Substitute First Revised Sheet No. 1–M
Third Revised Sheet No. 1–M.1
Fifth Revised Sheet No. 1–M.2
Fourth Revised Sheet No. 1–M.3
Third Revised Sheet No. 1–M.4
Third Revised Sheet No. 1–M5 [1]
Third Revised Sheet No. 1–M.6
Original Sheet No. 1–M.7
Original Sheet No. 1–M.8
Original Sheet No. 1–M.9
Original Sheet No. 1–M.1[illegible]

ORIGINAL VOLUME No. 2A

Substitute First Revised Sheet No. 7–MM
Third Revised Sheet No. 7–MM.1
Fifth Revised Sheet No. 7–MM.2
Fourth Revised Sheet No. 7–MM.3
Third Revised Sheet No. 7–MM.4
Third Revised Sheet No. 7–MM.5 [1]
Third Revised Sheet No. 7–MM.6
Original Sheet No. 7–MM.7
Original Sheet No. 7–MM.8
Original Sheet No. 7–MM.9
Original Sheet No. 7–MM.10

[FR Doc.76–30053 Filed 10–13–76;8:45 am]

[Docket Nos. RP72–150 (Rate Design), RP73–104, RP74–67 and RP75–39]

EL PASO NATURAL GAS CO.

Shortening Procedural Dates

OCTOBER 6, 1976.

On September 30, 1976, El Paso Natural Gas Company filed a motion to shorten the period in which parties may serve briefs on exceptions and briefs opposing exceptions to the Initial Decision in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions to the Initial Decision in this prceeding is set as October 20, 1976, and the date for filing briefs opposing exceptions is set as October 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–30053 Filed 10–13–76;8:45 am]

[Docket No. RP73–17 (PGA76–5)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

OCTOBER 5, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, New Hampshire 03801, on September 27, 1976, tendered for filing Fourteenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on October 27, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73–17 and the proposed changes reflect changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), which Tennessee has proposed to make effective October 27, 1976, to track new national rates for gas established in Opinion No. 770, issued July 27, 1976 (Docket No. RM75–14).

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Fourteenth Revised Sheet No. 3A is $1,360,000. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended August 31, 1976.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–30059 Filed 10–13–76;8:45 am]

[Docket No. ES76–69]

IDAHO POWER CO.

Application

OCTOBER 6, 1976.

Take notice that on September 28, 1976, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to 1,000,000 shares of its Common Stock, par value of $5.00 per share, said shares to have an aggregate par value of $5,000,000 and $50,000,000 of its First Mortgage Bonds.

The net proceeds from the issuance and sale of the Common Stock and Bonds will be applied to the payment of all of the short-term, unsecured promissory notes outstanding and commercial paper, (estimated at $43,900,000) at the time of the sale of the Common Stock.

The issuance of the Common Stock and Bonds is a part of Applicant's program for financing its construction expenditures for the period August 1, 1976 through December 31, 1977, which construction expenditures are presently estimated at $163,863,000.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–30052 Filed 10–13–76;8:45 am]

[Docket No. RP74–97]

MONTANA-DAKOTA UTILITIES CO.

Proposed Change in FPC Gas Tariff

OCTOBER 6, 1976.

Take notice that Montana-Dakota Utilities Company (MDU), on September 24, 1976, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 4. MDU, pursuant to the Commission's Order No. 535 (issued September 6, 1975), proposes to change from 45 to 30 the number of days' notice that must be given before a tariff sheet filed pursuant to MDU's PGA Clause may become effective.

MDU states that the reason for the proposed change is to align MDU's FPC Gas Tariff with the Commission's decision on minimum notice as expressed in Order No. 535.

Copies of the filing were served upon MDU's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–30057 Filed 10–13–76;8:45 am]

[Docket No. ER 76–931]

MONTAUP ELECTRIC CO.

Filing

OCTOBER 6, 1976.

Take notice that Montaup Electric Company ("Montaup") on September 30, 1976 tendered for filing an agreement made as of October 1, 1976, with Maine Public Service Company ("Maine Public Service"). Under the agreement Montaup assigns to Maine Public Service approximately 6 megawatts of Montaup's share of its entitlement to New Brunswick Power under the Second Supplement to the New Brunswick Participation Agreement dated as of December 1, 1971. The assignment by Montaup to Maine Public Service is for the period November 1, 1976 through October 31, 1978. Maine Public Service agrees to make all payments and discharge all obligations, duties and liabilities with respect to the assigned entitlement.

Copies of the filing were served upon Maine Public Service and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–30047 Filed 10–13–76;8:45 am]

[Docket No. RP76–4]

NATIONAL FUEL GAS SUPPLY CORP.

Certification of Proposed Settlement Agreement

OCTOBER 6, 1976.

Take notice that on September 27, 1976, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure, the following were certified to the Commission by Administrative Law Judge Samuel Kanell:

1. Proposed Settlement Agreement (Exhibit No. 1).
2. The official stenographer's report of the hearings held in this proceeding, Volumes 1 and 2, pages 1 through 160.
3. Exhibits numbered 1, 2, 2A, 3, 3A, 3B, 3C, and 4 as described on index page A, Volume 2 of the transcript. All exhibits were received in evidence.

The proposed Settlement Agreement represents agreement by all parties on all issues in this proceeding except for the issue of rate design. A hearing has been held on the rate design issue.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 22, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–30039 Filed 10–13–76;8:45 am]

[Docket No. RP71–125 (PGA76–9)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Purchased Gas Cost Adjustment to Track Increases

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective October 27, 1976:

Third Substitute Twenty-Ninth Revised Sheet No. 5.
Third Substitute Fourth Revised Sheet No. 5A.

Natural states that the filing was made in accordance with the Commission's Opinion No. 770 for the increase in purchased gas costs from producers who have filed for the increased rates in accordance with Opinion No. 770 by August 26, 1976. The annual effect of the producer supplier increases is approximately $139,500,000. Natural had also included the increased cost related to pricing company-owned production from leases acquired prior to October 7, 1969 at the applicable area rate as authorized by the Commission in Docket No. RP73–63. The annualized effect of this increase amounts to approximately $900,000. The PGA unit adjustment for the above increase amounts to 13.77¢.

Natural also filed for a surcharge to recover the estimated deferred purchased gas cost effect related to the increases associated with Opinion No. 770 over a twelve month period as authorized by Commission Order Modifying Opinion No. 770 issued September 22, 1976. The estimated deferred cost for the period July 27, 1976 through October 26, 1976 amounts to approximately $35,100,000. The unit adjustment to recover this deferred cost over the period October 27, 1976 through October 26, 1977 amounts to 3.55¢.

Natural states that the filing included a PGA unit adjustment to track increases from Colorado Interstate Gas Company (Colorado) and United Gas Pipe Line Company (United) pipeline suppliers to Natural. Colorado and United will file PGA unit adjustments tracking the effect of increases from their producer suppliers related to Opinion No. 770 on or about September 27, 1976. Colorado and United have furnished Natural, in advance of their filings with the Commission, their proposed unit adjustments to be effective October 27, 1976. The annualized effect of the Colorado and United increases amounts to approximately $16,800,000, respectively and results in a PGA unit adjustment of 2.20¢. To the extent Natural reflects the Colorado and United increases in accordance with Opinion No. 770, Natural will be in conflict with its PGA tariff provision. Natural, therefore, requested waiver of the Commission's regulations and the terms of its PGA tariff provisions to the extent necessary to permit the acceptance of their filing to be effective October 27, 1976.

[1] It should be noted that this tariff sheet provides the pricing provision applicable to the Rhodes Reservoir operations, including a surcharge amount of 0.68¢ per Mcf which has been applied during the operations of Rhodes during the period November 6, 1975 through April 30, 1976. On June 30, 1976, El Paso filed its motion and related tariff tender to place rates suspended at Docket No. RP76–59 into effect as of August 1, 1976. Included in that submittal is a revised tariff sheet which supersedes the designated tariff sheet and reflects an increase in the surcharge rate to be applied during the 1976–77 Rhodes operations and thereafter to 1.06¢ per Mcf.

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Copies of this filing were mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Cpitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30049 Filed 10-13-76;8:45 am]

[Docket No. CP73-227]

NORTHERN NATURAL GAS CO.

Petition To Amend

OCTOBER 6, 1976.

Take notice that on September 27, 1976, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP73-227 a petition to amend the order of November 30, 1973, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to extend for the duration of the contract the presently authorized maximum daily volumes of 4,000 Mcf to be transported by Petitioner for Northern States Power Company (NSP) pursuant to Petitioner's currently effective rate schedule T-12, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order of December 30, 1973, issued in the instant docket, as amended, Petitioner is authorized to transport natural gas for NSP pursuant to a transportation contract between the parties dated Jnauary 12, 1973, by which Petitioner agreed to reduce its deliveries to NSP at St. Paul, Minnesota, by amounts equal to NSP's peak-shaving production in the St. Paul area and concurrently transport and deliver equivalent volumes to midwestern Gas Transmission Company (Midwestern) for the account of NSP. Commencing with the 1973-74 heating season, Petitioner agreed to transport and deliver a maximum daily volume of 4,000 Mcf for NSP, it is said, and commencing through the 1974-75 heating season, Petitioner's maximum daily obligation would increase to 8,000 Mcf. Petitioner indicates that for all heating seasons thereafter, the maximum daily volume would be 12,000 Mcf.

It is shown that pursuant to the Commission's orders issued on December 16, 1974, and on December 10, 1975, amending the original order, Petitioner was authorized to defer the authorized increases in maximum daily volume of gas to be transported by Petitioner to NSP.

Petitioner requests that the maximum daily volumes to be transported and delivered by Petitioner to NSP remain at the presently effective 4,000 Mcf for the duration of this contract in accordance with an amendment to the contract.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 29, 1976, file with the Federal Power Commission. Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30045 Filed 10-13-76;8:45 am]

[Docket No. RP73-36 (PGA76-1 and DCA76-1)]

PANHANDLE EASTERN PIPE LINE CO.

Tender of Emergency Purchases Information

OCTOBER 6, 1976.

Take notice that on March 2, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing information requested by the Commission's order issued January 30, 1976, in the above captioned docket, ordering paragraph (F), with respect to the compliance with the criteria of Opinion No. 699-B of certain 60 day emergency purchases.

Any person wishing to do so may submit comments in writing concerning Panhandle's tender. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 3, 1976. Panhandle's information is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30038 Filed 10-13-76;8:45 am]

[Docket No. RP73-36 (PGA 76-3 and DCA 76-2]

PANHANDLE EASTERN PIPE LINE CO.

Small Producer List

OCTOBER 6, 1976.

Take notice that on August 12, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing in accordance with Paragraph (D) of the Commission's Order stated July 30, 1976, in the above-captioned docket a list of the small producers (other than small producers from whom Panhandle purchases under the 60-day emergency purchase regulations) from whom it purchased at rates in excess of the rate levels provided for by Opinion No. 742.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30035 Filed 10-13-76;8:45 am]

[Docket Nos. RP72-91, et al. (Phase I)]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 5, 1976.

Take notice that Southern Natural Gas Company (Southern), on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. These changes are proposed in order to eliminate the minimum commodity charge from Southern's rate schedules.

The proposed changes are being filed pursuant to an order of the Federal Power Commission in Docket Nos. RP72-91, et al. (Phase I), issued July 29, 1976.

Copies of the filing were served upon Southern's jurisdictional customers, interested state commissions, and the parties of record in Docket Nos. RP72-91, et al. (Phase I).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30051 Filed 10-13-76;8:45 am]

[Docket No. CP71-273]

SOUTHERN NATURAL GAS CO.

Petition To Amend

OCTOBER 6, 1976.

Take notice that on September 28, 1976, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP71-273 a petition to amend the order of October 16, 1975, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to convert four observation wells to injection-withdrawal wells and to construct and operate approximately .04 miles of 8-inch pipeline and allied facilities to connect the aforementioned wells to the central plant in the field, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order of October 16, 1975, issued in the instant docket, Petitioner is authorized to increase the working gas inventory of the Muldon Field from approximately 42,-800,000 Mcf to approximately 52,000,000 Mcf and to drill 22 additional injection-withdrawal wells and three additional observation wells, resulting in a total of 67 wells in the field. Petitioner asserts that operation of the field since that order has shown that a minor change in facilities would be required in order to maintain the withdrawal capability of the Muldon Storage Field in the latter stages of the withdrawal season.

Petitioner proposes the conversion of four presently authorized observation wells to injection-withdrawal wells and the construction and operation of approximately 0.4 mile of 8-inch pipeline and allied facilities to connect the wells to the central plant in the field, at an estimated cost of $250,080, which would be financed with cash on hand. It is said that the increased withdrawal capability would be necessary during this winter heating season in order to avoid curtailment of high priority uses, and the authorization would not increase the total number of wells beyond the 67 currently authorized, the maximum inventory stored in the reservoir, or the contract quantities, and would not result in any new sales.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30043 Filed 10-13-76;8:45 am]

[Docket No. RP76-147]

SOUTHERN NATURAL GAS CO. AND DELTA-MACON BRICK AND TILE CO., ET AL.

Reclassification of Process Gas Volumes, Hearing

OCTOBER 5, 1976.

On June 24, 1976, Delta-Macon Brick And Tile Company et al, (Delta-Macon) filed a "Motion For Expedited Hearing On Reclassification Of Process Gas Volumes" wherein it requested that the Commission set for expedited hearing the question of whether 50 percent of Delta-Macon's natural gas requirements represent gas usage which should be classified under priority 2 of Southern Natural Gas Company's (Southern's) interim curtailment plan as set forth in Opinion No. 747-B. Due to the fact that 30 days had passed since it had filed the above noted motion without any enusing Commission action, Delta-Macon was of the belief that the Commission's non-action on that motion was tantamount to a denial thereof by operation of law (pursuant to § 1.12(e) of the Rules of Practice and Procedure). Delta-Macon, therefore, on August 12, 1976 filed an "Application for Rehearing," again requesting an expedited formal hearing on the questoin of reclassification of 50 percent of its requirements in priority 2 under Southern's interim curtailment plan.

In support of its request, Delta-Macon principally notes in its June 24, 1976 "Motion for Expedited Hearing On Reclassification of Process Gas Volumes" that the Presiding Administrative Law Judge (in his Initial Decision of August 29, 1975,) in denying Delta-Macon's request for reclassification of 50 percent of its process requirements did indicate that: "On the basis of this record the gas it [Delta-Macon] receives should not be considered process gas until a determination is made on a separate record that, in fact, no alternate fuel capability can meet the requirements."[1] Delta-Macon further notes that the Commission in adopting the Presiding Judge's Initial Decision in Opinion No. 747, agreed that Delta-Macon's request should be set for a separate formal hearing wherein the Commission stated:

> Finally, we find that the ALJ's denial of Delta-Macon's request for upgrading of 50 percent of its requirements should be affirmed. Although there is some evidence on the issue, it should be subject to a more narrowly focused inquiry than was available herein.[2]

[1] Presiding Administrative Law Judge's Initial Decision On Curtailment *Southern Natural Gas Company* Docket Nos. RP74-6, RP72-74, issued August 29, 1975, p. 65.

[2] Southern Natural Gas Company Opinion No. 747, Docket Nos. RP74-6, RP72-74, issued November 20, 1975, p. 11.

It should also be noted that on May 21, 1976, the Commission in Opinion No. 747-B, "Opinion And Order Granting Rehearing In Part And Denying Rehearing In Part," granted Delta-Macon's application for rehearing in part by treating Delta-Macon's application for rehearing as a petition for extraordinary relief and upgraded 50 percent of its requirements to the priority 2 process classification until the end of the 1976-1977 winter heating season at which time the Commission thought that technological problems regarding discoloration of brick and mechanical breakdown from the use of alternate fuels could be alleviated (Slip Opinion page 5).

On June 20, 1976, Delta-Macon filed an appeal with the Fifth Circuit United States Court of Appeals in Case No. 76-279, *Delta-Macon Brick And Tile Company, Inc., et al.* v. *Federal Power Commission.* Delta-Macon in its appeal alleges that it is appealing the Commission's final orders in Opinion Nos. 747 and 747-B on the grounds that the Commission had not granted its request for reclassification to priority 2 on the Southern system and that such action was arbitrary and capricious in view of unrebutted evidence presented in the curtailment proceeding by Delta-Macon.

On September 9, 1976, the Office of the Secretary of the Commission issued a Notice Of Application For Reclassification Of Requirements Under Curtailment Plan, And Notice Of Intent To Act wherein the Secretary noticed Delta-Macon's June 24, 19R76 Motion For Expedited Hearing On Reclassification in effect treating it as an application for reclassification of Delta-Macon's requirements under the existing interim curtailment plan. The Secretary's Notice of September 9, 1976 also indicated that since the Commission intended to issue an order setting the matter for a formal hearing, Delta-Macon's August 12, 1976 Application For Rehearing of its August 12, 1976 motion should not be deemed denied as a matter of law pursuant to the Commission's Rules of Practice and Procedure pursuant to § 1.12(e) (18 CFR 1.12(e)).

It is the view of this Commission that a formal evidentiary hearing is required for the sole determination of whether 50 percent of Delta-Macon's requirements should be reclassified from Southern's priority 3 to priority 2 as "process gas" under the existing interim curtailment plan as promulgated by Opinion Nos. 747 and 747-B. In view of the lack of substantial record evidence on this issue in the main curtailment case, and our statement in Opinion No. 747 (cited supra.) regarding the need for a "more narrowly focused inquiry" and the need of natural gas by Delta-Macon in its brick manufacturing processes, a formal hearing is warranted. Therefore, this order shall direct that a formal hearing be convened to ascertain all relevant facts and circumstances underlying the specific use of, and need for, natural gas by Delta-Macon. In the hearing a complete record should be developed with respect to the

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processes used in the manufacture of brick products in order to determine whether any of Delta-Macon's requirements should be reclassified as "process gas."

Following publication of the notice of Delta-Macon's Application for Reclassification in the FEDERAL REGISTER on September 17, 1976, (41 FR 40236) in Docket No. RP76-147, Alabama Gas Corporation (ALA Gas CO) filed a timely petition to intervene. No other petitions to intervene, notices of intervention, or protests have been filed in the above captioned docket pursuant to the requirement of the Commission's Rules of Practice and Procedure (18 CFR 1.18 or 1.10) prior to the September 24, 1976, expiration date for such filing.

The Commission finds: (1) Sufficient cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for such hearing as hereinafter ordered.

(2) The participation of Alabama Gas Corporation may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a hearing shall be held in a public hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 to resolve the issue of reclassification of Delta-Macon et al.'s requirements.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Delta-Macon and any intervenors in support of Delta-Macon, on or before October 26, 1976, shall file with the Secretary of this Commission and serve on all parties, including the Presiding Administrative Law Judge, and Commission Staff, all testimony and exhibits comprising their cases in-chief consistent with the evidentiary requirements as set forth in this order in support of the requested reclassification.

(D) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on November 2, 1976, at 10:00 a.m. in a hearing room at the address noted in Ordering Paragraph (A).

(E) Alabama Gas Corporation is permitted to intervene in the above-captioned proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene and *Provided, further,* That the admission of Alabama Gas Corporation shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-30050 Filed 10-13-76;8:45 am]

[Rate Schedule Nos. 21, et al.]

SUN OIL CO., ET AL.

Rate Change Filings

OCTOBER 6, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 15, 1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	21	United Gas Pipe Line Co.	Other Southwest.
Do	Phillips Petroleum Co., Bartlesville, Okla. 74004.	150	Arkansas Louisiana Gas Co.	Hugoton-Anadarko.
Sept. 20, 1976	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	150	Colorado Interstate Gas Co.	Do.
Do	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	17	Texas Eastern Transmission Corp.	Texas gulf coast.
Do	Warren Petroleum Co., a division of Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	21	Lone Star Gas Co.	Other Southwest.
Do	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	123	do	Do.
Sept. 27, 1976	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73125.	17	do	Do.

[FR Doc.76-30048 Filed 10-13-76;8:45 am]

[Docket Nos. AR61-2, et al. (Disputed Zone) and RP71-6, et al.]

TENNESSEE GAS PIPELINE CO.

Filing of Refund Report

OCTOBER 5, 1976.

Take notice that on March 1, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed a report of refunds in the above-referenced dockets. Tennessee states that the report reflects refunds from its producer-suppliers which Tennessee is flowing through to its customers pursuant to the Commission's December 9, 1975 order in Docket Nos. AR61-2, et al. (Disputed Zone). Tennessee requests authorization to make the refunds by means of a credit to the Unrecovered Purchased Gas Cost Account maintained pursuant to the PGA provisions in its FPC Gas Tariff.

Tennessee states that a copy of the refund report has been served on each of its jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30055 Filed 10-13-76;8:45 am]

[Docket No. ER76-923]

TOLEDO EDISON CO.

Service Agreement

OCTOBER 6, 1976.

Take notice that The Toledo Edison Company, on September 28, 1976 tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Custar, Ohio, and Ninth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Custar provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 8) which will expire on November 20, 1976. An effective date of November 21, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Custar, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30094 Filed 10-13-76;8:45 am]

[Docket No. ER76-916]

UNION ELECTRIC CO.

Filing of Boundary Line Agreement

OCTOBER 6, 1976.

Take notice that on September 22, 1976 Union Electric Company (Union) tendered for filing a new Boundary Line Agreement dated September 10, 1976, between Illinois Power Company and Union. Said Agreement modifies rate and termination provisions under the existing agreement dated February 20, 1956.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30040 Filed 10-13-76;8:45 am]

[Docket No. ER76-918]

UPPER PENINSULA GENERATING CO.

Proposed Changes in Rates and Charges

OCTOBER 6, 1976.

Take notice that on September 24, 1976, Upper Peninsula Generating Company ("Generating Company") tendered for filing an amendment of its FPC Rate Schedule No. 3, (the 1974 Power Contract). According to Generating Company the amendment will delete present provisions of the rate schedule which obligate Generating Company to revise its rates for the sale of power in the event the appropriate regulatory Commission fails to permit Upper Peninsula Power Company to include as part of its rate base specified percentages of the net plant and working capital of Generating Company.

According to Generating Company the amendment will not effect any other change in its FPC Rate Schedule No. 3. Generating Company proposes that the amendment become effective 30 days from the date of the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accorance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. A person wishing to become a party must file a petition to intervene. Copies of this filming are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30041 Filed 10-13-76;8:45 am]

[Project No. 596]

UTAH POWER & LIGHT CO.

Issuance of Annual License(s)

OCTOBER 6, 1976.

On April 7, 1975, Utah Power & Light Company, Licensee for the Olmsted Project No. 596, located on the Provo River and Lost Creek, Utah County, Utah, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 596 was issued effective October 21, 1925, for a period ending October 20, 1975. Since the original date of expiration, the project has been under an annual license, which will expire on October 20, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Utah Power & Light Company.

Take notice that an annual license is issued to the Utah Power & Light Company under the Federal Power Act for the period October 21, 1976, to October 20, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Project No. 596, subject to the terms and conditions of its present license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before October 20, 1977, a new annual license will be issued each year thereafter, effective October 21 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30036 Filed 10-13-76;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Proposed Change in FPC Gas Tariff

OCTOBER 5, 1976.

Take notice that Valley Gas Transmission, Inc. ("Valley"), on September 20, 1976, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1. Valley, pursuant to the Commission's Order No. 535 (issued September 6, 1975), proposes to change from 45 to 30 the number of days' notice that must be given before a tariff sheet filed pursuant to Valley's PGA clause may become effective.

The reason for the proposed change is to align Valley's FPC Gas Tariff with the Commission's decision on minimum notice as expressed in Order No. 535.

Copies of the filing were served upon Valley's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30060 Filed 10-13-76;8:45 am]

[Docket No. RP73-94 (PGA76-4)]

VALLEY GAS TRANSMISSION, INC.

Proposed Change in FPC Gas Tariff

OCTOBER 5, 1976.

Take notice that Valley Gas Transmission, Inc. (Valley), on September 27,

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1976, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1. Valley, in order to track producer rate increases based on Opinion No. 770, has proposed both Cost of Gas Adjustments and Surcharge Adjustments. Valley states these adjustments have been made pursuant to the Purchased Gas Cost Adjustment Provision of Valley's Tariff, pursuant to Ordering Paragraph (D) of Opinion No. 770, and pursuant to the Commission's "Order Modifying Opinion No. 770," issued September 22, 1976. The special surcharges are to be effective from October 27, 1976 through October 26, 1977, and the "Eighth Revised Sheet No. 2A" is intended to become effective on October 27, 1976, Valley states.

Valley states that copies of the filing were served upon Valley's jurisdictional crstomers and interested state commissions.

Review of the filing indicates that the annual impact of the producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $2.650,750. The surcharge amount is $575,769.

Any person desiring to be heard or to protest said filing shall file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests shall be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30061 Filed 10-13-76;8:45 am]

[Docket No. ER76-910]

WASHINGTON WATER POWER CO.

Rate Schedule

OCTOBER 6, 1976.

Take notice that on September 20, 1976, The Washington Water Power Company (Washington) tendered for filing copies of a "Letter Agreement" between Washington and San Diego Gas & Electric Company (San Diego), which applies to the sale of energy to San Diego which they will use to replace energy deliveries to Washington. The time period for these deliveries is from October 1, 1976, through December 31, 1976. Washington states that these energy deliveries shall not require San Diego to make substitutions pursuant to Article III–C and will provide energy under Article IV–E of the Power Sales and Exchange Agreement (FPC No. 64).

Washington further states that a portion of the energy delivered to San Diego could be returned to Washington, dependent on the amount of water stored, as of July 31, 1977, in the Coordinated System reservoirs (Washington is a party to the Pacific Northwest Coordination Agreement).

Washington requests that the requirements of prior notice be waived and that the Rate Schedule be given an effective date of October 1, 1976. Washington indicates this does not affect purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a peittion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30046 Filed 10-13-76;8:45 am]

[Docket No. RP73-65 (PGA76-6, 76-7)]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 6, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, as follows:

Thirty-first Revised Sheet No. 16.
Fourteenth Revised Sheet No. 64A.
Thirty-second Revised Sheet No. 16.
Fifteenth Revised Sheet No. 64A.

Columbia states that these proposed changes to be effective October 27, 1976 and November 1, 1976, result from the implementation of Columbia's Purchased Gas Cost Adjustment provision contained in Section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, and FPC Opinion No. 770 which permitted a special one-time PGA filing.

Tariff sheets, Thirty-first Revised Sheet No. 16 and Fourteenth Revised Sheet No. 64A, proposed to become effective on October 27, 1976, provide for recovery of increased purchased gas costs attributable to Opinion No. 770 of $285,999,264 annually, with the surcharge providing for recovery of deferred purchased gas costs of $39,138,833, over the twelve month period October 27, 1976, through October 26, 1977, including carrying charges, according to Columbia.

$960,000 of the increase in purchased gas costs is attributable to the effect of a supplier tracking of Texas Eastern filed to become effective October 9, 1976, and an advance payment tracking of Transco filed to become effective October 1, 1976, according to Columbia.

Tariff sheets, Thirty-second Revised Sheet No. 16 and Fifteenth Revised Sheet No. 64A, proposed to become effective on November 1, 1976, reflect an increase in purchased gas costs of $18,307,741 annually resulting from Panhandle Eastern Pipe Line Company's filing pursuant to Opinion No. 770, according to Columbia.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested state Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30119 Filed 10-13-76;8:45 am]

[Docket No. ER76-926]

CONNECTICUT LIGHT & POWER CO.

Transmission Agreement

OCTOBER 6, 1976.

Take notice that on September 29, 1976, the Connecticut Light & Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated August 1, 1976 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) New Bedford Gas and Edison Light Company (NBG&E).

CL&P states that the Transmission Agreement provides for a transmission service to NBG&E during the period from November 1, 1976 to October 31, 1978.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which NBG&E is entitled to receive.

CL&P requests an effective date of November 1, 1976 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and NBG&E, New Bedford, Massachusetts.

CL&P further states that the filing is in accordance with section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All petitions or protests should be filed on or before October 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30114 Filed 10-13-76;8:45 am]

[Docket No. E-9216]

DAYTON POWER AND LIGHT CO.

Filing

OCTOBER 7, 1976.

Take notice that on September 9, 1976, the Dayton Power and Light Company tendered for filing revised rate schedules in conformity with the Settlement Agreement approved by the Commission by order issued August 30, 1976.

Any person desiring to be heard as to said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before October 18, 1976. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30118 Filed 10-13-76;8:45 am]

[Docket No. E-9570]

DELMARVA POWER & LIGHT COMPANY OF MARYLAND

Request for Authority To Sell Facilities and Revised Service Agreement

OCTOBER 6, 1976.

Take notice that Delmarva Power & Light Company of Maryland on September 28, 1976, tendered for filing a Request for Authorization to sell its Berlin Substation to the Mayor and Council of Berlin, Maryland, a Maryland municipal corporation.

Delmarva states that it has offered such Berlin Substation to the Mayor and Council of Berlin, its present wholesale for resale customer, at Delmarva's original cost therefor, trended and depreciated, of $85,886.37, in order that Berlin may take service from Delmarva at the lower rates available for High Tension Service, and that, contingent upon authorization of such sale by this Commission under Section 203 of the Federal Power Act, Delmarva will thereafter serve Berlin at the higher delivery voltage under a revised Service Agreement, filed simultaneously with the instant filing.

A copy of this filing has been served upon Mayor and Council of Berlin, Berlin, Maryland, and for information on the Public Service Commission of Maryland.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30113 Filed 10-13-76;8:45 am]

[Docket No. CP76-525]

EL PASO NATURAL GAS CO.

Application

OCTOBER 6, 1976.

Take notice that on September 17, 1976, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79978, filed in Docket No. CP76-525 an application pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7(g) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the calendar year 1977, and operation of field gas compression facilities and appurtenances, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed projects would not exceed $3,000,000 and the out-of-pocket cost for any single project would not exceed $500,000. Applicant proposes to finance the projects through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30122 Filed 10-13-76;8:45 am]

[Docket No. RP76-164]

EL PASO NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 6, 1976.

Take notice that El Paso Natural Gas Company ("El Paso"), on September 16, 1976, tendered for filing a proposed change in special Rate Schedule F–1 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed change would increase the existing base rate by 2.5¢ per Mcf and result in increased revenues of $10,950 from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipe Line Company under El Paso's Rate Schedule F–1, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of the rate change on October 10, 1976.

El Paso states that Rate Schedule F–1 is comprised of: (i) the Assignment of Oil and Gas Leases dated July 23, 1973, between El Paso and Exxon Corporation, and (ii) the Gas Purchase Contract dated June 16, 1966, as amended April 5, 1967, between Michigan Wisconsin Pipe Line Company ("Mich-Wis") as Buyer, and El Paso, successor in interest to Exxon Corporation, as Seller. El Paso further states that the instant filing is being made pursuant to § 154.63(a) (3) of the Commission's Regulations in order that the rate charged under Rate Sched-

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ule F–1, commencing on October 20, 1976, may be adjusted to the contractual rate provided for under the Gas Purchase Contract dated June 16, 1966, comprising a part of said rate schedule.

In connection with the instant notice of change, El Paso also tendered for filing and acceptance Fourth Revised Sheet No. 1–D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. El Paso states that said tariff sheet reflects the rate proposed to be collected by El Paso under Rate Schedule F–1, commencing on October 20, 1976, of 25.0214¢ per Mcf after adjustment for taxes and Btu.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C., 20426, a petitution to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30116 Filed 10-13-76;8:45 am]

[Docket Nos. RP75-94 and RP72-140 (PGA 75-5)]

GREAT LAKES GAS TRANSMISSION CO.

Tariff Filing

OCTOBER 6, 1976.

Take notice that Great Lakes Gas Transmission Company (Great Lakes) tendered for filing on September 14, 1976, revised tariff sheets in purposed compliance with the Commission's "Order Approving Stipulation and Agreement with Condition" issue August 31, 1976, in the above-captioned dockets. Great Lakes requests that certain of these tariff sheets be made effective as of November 14, 1975, that certain other sheets be made effective May 1, 1976, and that other sheets be made effective September 1, 1976.

Great Lakes states than an additional tariff sheet has also been filed to incorporate certain minor revisions into its FPC Gas Tariff.

Great Lakes states that copies of the instant filing have been served upon all its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30110 Filed 10-13-76;8:45 am]

[Project No. 719]

JESSIE I. SMITH

Issuance of Annual License(s)

OCTOBER 6, 1976.

On June 30, 1972, Jessie I. Smith, Licensee for Trinity Power Project No. 719, located in Wenatchee National Forest, Chelan County, on the James and Phelps Creeks, tributaries of the Chiwawa River in Washington, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 719 was issued effective November 1, 1952, for a period ending October 31, 1972. Since the original date of expiration, the project has been under annual licenses, the most recent of which will expire on October 31, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to Jessie I. Smith.

Take notice that an annual license is issued to Jessie I. Smith under the Federal Power Act for the period November 1, 1976, to October 31, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Project No. 719, subject to the terms and conditions of its present license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before October 31, 1977, a new annual license will be issued each year thereafter, effective November 1 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30120 Filed 10-13-76;8:45 am]

[Docket No. E-9206]

KAISER ALUMINUM AND CHEMICAL CORP.

Withdrawal From Proceeding

OCTOBER 6, 1976.

In the matter of McDowell County Consumers Council, Inc. v. American Electric Power Co., et al.

Take notice that on September 27, 1976, Kaiser Aluminum and Chemical Corporation (Kaiser) submitted its Notice of Withdrawal as a party in the above-captioned proceeding. Kaiser states that as a result of a favorable decision by the Public Service Commission of Ohio (PUCO Case No. 75–161–EL–SLF) involving the application of the Ohio Power Company (OPC) for cancellation of a power agreement between Kaiser and OPC, it has determined that it is in its best interests to restore the prior business and contractual relationship of the parties and to avoid the cost incident to its continued participation in this proceeding.

Any person desiring to be heard or to make any protest with reference to said Submittal should, on or before October 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Submittal is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30115 Filed 10-13-76;8:45 am]

[Docket No. ER76-917]

KENTUCKY UTILITIES CO.

Rate Change

OCTOBER 6, 1976.

Take notice that on September 23, 1976, the Kentucky Utilities Company (Company) tendered for filing a change in its Rate Schedule FPC No. 74 which consists of a "1976 Supplemental Agreement" (Supplement) with City of Owensboro (City), City Utility Commission (Commission), and Company.

Kentucky Utilities Company states the Supplement provides for changes in the current rate schedule on file with FPC, as relates to certain bonds previously issued by the City which affect the charges under the rate schedule. The City is issuing a new bond issue designated as "Electric Light and Power Revenue Refunding Bonds, Station 2, 1976 Series" which is to refund a similar issue, "• • • Station 2, 1970 Series." The 1976 Series has a lower interest rate than the 1970 Series that will produce a savings in interest, over the life of the bonds, in the amount of approximately $6,802,159.81. The Company further states that since recovery of capital costs are included in the rate schedule charges under the contract between the parties, the filing is a reduction in the rate.

Included with the Company's filing was a Certificate of Concurrence executed jointly by City and Commission.

The Company in its filing requested waiver of prior notice requirement under § 35.11 which will allow implementation of the Supplemental Agreement and scheduled sale of the bonds on October 20, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not service to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30111 Filed 10-13-76;8:45 am]

[Docket No. RP73-97 (PGA 76-4) RP76-93]

KENTUCKY WEST VIRGINIA GAS CO.

Filing of Revised Tariff Sheet and Motion To Make Tariff Sheets Effective

OCTOBER 6, 1976.

Take notice that on September 23, 1976, Kentucky West Virginia Gas Company tendered for filing in the above entitled proceeding a proposed substitute tariff sheet and motion to make certain tariff sheets effective. In support thereof Kentucky West Virginia states as follows:

On April 23, 1976, Kentucky West Virginia tendered for filing and filed First Revised Volume No. 1 of its Federal Power Commission Gas Tariff.

By order issued May 28, 1973, the Commission, except insofar as it applied to the Equitable Gas Company for domestic service in Kentucky, accepted the abovementioned First Revised Volume No. 1 for filing and suspended the use until October 31, 1976.

Upon the filing of the necessary compliance material and the filing of a new service agreement between Kentucky West and Equitable Gas Company covering the natural gas required for domestic service in Kentucky, the Commission by Order dated July 20, 1976, made First Revised Volume No. 1 of Kentucky West's Federal Power Commission Gas Tariff applicable to the Equitable Gas Company for domestic service in Kentucky effective October 31, 1976.

The Commisison on July 27, 1976, in Opinion 770, Docket No. RM75–14, prescribed a new Uniform National Gas Rate for Sales of Natural Gas Dedicated to Interstate Commerce on and after January 1, 1973, for the period January 1, 1975, to December 31, 1976. Pursuant to that Order, the rates prescribing therein for gas qualifying thereunder are, under § 2.66 of the Commission's General Policy and Interpretations, Paragraph (C) of that Order, applicable to pipeline or pipeline affiliate production. Kentucky West produces the greater percentage of the gas it sells in interstate commerce.

In Opinion 770, Docket No. RM75–14, the Commission in Paragraph (D) of the Order provided that "• • • any jurisdictional pipeline company having a purchased gas adjustment clause in effect as of the date of this order may file on or before September 27, 1976 • • •." Kentucky West had a purchased gas adjustment clause in effect as of the date of this Order covering its own production where applicable as well as gas purchased from independent producers and, as a result of Opinion 770, Original Sheet No. 27, First Revised Volume No. 1 of Kentucky West's Federal Power Commission Gas Tariff no longer accurately reflects Kentucky West's gas costs. The purpose of the sheet entitled, "Substitute Original Sheet No. 27," is to reflect Kentucky West's gas costs since Opinion 770.

Kentucky West may, pursuant to Paragraph (D) of Opinion 770 file, on or before September 27, 1976, a special rate increase tracking its increased gas costs pursuant to Opinion 770 effective October 27, 1976. However, such action, in light of the fact that Kentucky West will make First Revised Volume No. 1 of Kentucky West's Federal Power Commission Gas Tariff effective as of October 31, 1976, would require a duplication of efforts on the case, Kentucky West requests, pursuant to § 154.66(b) of the Regulations of this Commission, special permission to file the sheet entitled, "Substitute Original Sheet No. 27," and a waiver by the Commission of the October 27, 1976 filing date in Opinion 770 to October 31, 1976, so that Kentucky West may make effective, simultaneously, all the tariff sheets comprising First Revised Volume No. 1 of its Federal Power Commission Gas Tariff as filed on April 23, 1976, except Original Sheet No. 27 for which the sheet entitled, "Substitute Original Sheet No. 27," shall be made effective in lieu thereof.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Kentucky West Virginia is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30123 Filed 10-13-76;8:45 am]

[Docket No. CP74-92]

McCULLOCH INTERSTATE GAS CORP.

Petition To Amend

OCTOBER 6, 1976.

Take notice that on September 13, 1976,[1] McCulloch Interstate Gas Corporation (Petitioner), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP74–92 a petition to amend the order of February 11, 1976, in said docket issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to expand the area in the Spearhead Ranch, Converse County, Wyoming, for which Petitioner has authority to perform a transportation service under an agreement with Colorado Interstate Gas Company (CIG), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition indicates that a gas transportation agreement between Petitioner and CIG, dated September 5, 1973, and later amended to expand the delineated area, provides for a transportation service by Petitioner for CIG for gas produced from a certain delineated area in the Spearhead Ranch, and as part of the consideration CIG gave Petitioner the right to purchase 40 percent of the gas of the 25 percent purchased by CIG from the expanded area.

Petitioner asserts that development of raw gas supplies outside the present area has occurred and that there are currently four new wells available for production from the proposed expanded area with a combined production capability of about 3,500 Mcf per day. Petitioner also states that by reason of its right to purchase a portion of the gas, this new supply would also increase gas volumes available to meet Petitioner's future market requirements. Petitioner further claims that no additional facilities would be required to transport the additional volumes available from the enlarged area.

[1] The application was tendered for filing September 13, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 26, 1976. Thus, filing was not completed until the latter date.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30112 Filed 10-13-76;8:45 am]

[Docket No. CP76-538]

MICHIGAN WISCONSIN PIPELINE CO.

Notice of Application

OCTOBER 7, 1976.

Take notice that on September 27, 1976, Michigan Wisconsin Pipe Line

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Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76–538 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Panhandle Eastern Pipe Line Company (Panhandle) on an emergency basis and the retention in place of facilities constructed for emergency operations, all as more fully set forth in the application on file with the Commission and open to the public inspection.

It is stated that to augment its gas supplies from traditional sources to assist in filling storage during the current injection cycle, Applicant acquired the right on an emergency basis to purchase during a sixty-day period commencing August 2, 1976, additional gas supplies from Oklahoma Natural Gas Company (Oklahoma Natural). In view of capacity limitations due to prior commitments on its Southwest mainline system, however, Applicant determined that it would be unable to take deliveries of all or a portion of the gas which Oklahoma Natural may have available under the emergency sale absent some alternate transportation arrangement, it is said. Applicant shows that Panhandle was requested and agreed to assist Applicant by providing an emergency transportation service for up to 100,000 Mcf of natural gas per day which Applicant would deliver, or cause to have delivered, to Panhandle for Applicant's account. Incident to effectuating the transportation service and pursuant to the provisions of § 157.22 of the Commission's Regulations, Applicant constructed for emergency operations an interconnection between its Dewey County gathering system and the pipeline system of Panhandle, it is said.

Applicant states that the interconnection comprises approximately 0.2 miles of 12-inch pipeline and includes a measuring station. It is shown that the facilities are located in Section 19, Dewey County, Oklahoma, and interconnect Applicant's 16-inch Trunk 464 extension and an existing 22-inch pipeline owned and operated by Panhandle. These facilities were placed in service for emergency operation on August 2, 1976, it is stated, and Applicant requests authorization to retain such facilities in place to serve as an emergency interconnection thereby to provide additional operating flexibility for both it and Panhandle since the facilities can be utilized for the purpose of making deliveries of natural gas by either party to the other. Applicant further requests authorization to exchange natural gas with Panhandle in accordance with the terms and conditions set forth in a letter agreement dated September 20, 1976, between Applicant and Panhandle.

Applicant estimates the cost of these facilities to be $105,190, which is subject to change after all invoices have been submitted to Applicant for payment.

It is stated that Panhandle would file an application for a certificate of public convenience and necessity authorizing it to retain in place the tap it made on its 22-inch pipeline to connect the facilities described herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30125 Filed 10-13-76;8:45 am]

[Docket No. ER76-925]

MONTAUP ELECTRIC CO.

Filing

OCTOBER 7, 1976.

Take notice that Montaup Electric Company ("Montaup") on September 28, 1976 tendered for filing an agreement made as of October 31, 1976, with Maine Public Service Company ("Maine Public Service"). Under the agreement Montaup assigns to Maine Public Service approximately 6 megawatts of Montaup's share of its entitlement to New Brunswick Power under the Second Supplement to the New Brunswick Participation Agreement dated as of December 1, 1971. The assignment by Montaup to Maine Public Service is for the period November 1, 1976 through December 31, 1977. Maine Public Service agrees to make all payments and discharge all obligations, duties and liabilities with respect to the assigned entitlement.

Copies of the filing were served upon Maine Public Service and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30117 Filed 10-13-76;8:45 am]

[Docket No. ER76-820]

PUBLIC SERVICE CO. OF OKLAHOMA

Extension of Time

OCTOBER 4, 1976.

On September 28, 1976, Public Service Company of Oklahoma filed a motion to extend the time for responding to the protest, petition to intervene, and motion for summary disposition filed by the Grand River Dam Authority on September 8, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time for responding to GRDA's submission is extended to and including October 8, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-30109 Filed 10-13-76;8:45 am]

[Docket No. CP76-532]

UNITED GAS PIPE LINE CO.

Application

OCTOBER 6, 1976.

Take notice that on September 21, 1976, United Gas Pipe Line Company (applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-532 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Elizabethtown Gas Company (Elizabethtown) from a point on Applicant's 6-inch Boggy Creek-Huntsville main line in Anderson County, Texas, to a mutually agreeable existing authorized point of interconnection with Transcontinental Gas Pipe Line Corporation (Transco) for Elizabethtown's account, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to deliver for a period of one year up to 750 Mcf of gas per day that Elizabethtown has purchased from National Exploration Company in the area traversed by Applicant's 6-inch Boggy creek-Huntsville main line. Applicant proposes to charge 16.55 cents per Mcf of gas at 14.73 psia for the transportation service and would retain 1.5 percent of the volumes transported as allowance for gas consumed in Applicant's system.

Applicant indicates that the proposed transportation of gas would enable Elizabethtown to take into its system volumes of gas purchased by it in an area in which it has no available facilities, without the construction of any new facilities. The proposed transportation of gas for Elizabethtown would not affect service to the existing customers of Applicant, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30121 Filed 10-13-76;8:45 am]

[Docket No. ER76-928]

WISCONSIN MICHIGAN POWER CO.

New Interconnection Agreement

OCTOBER 7, 1976.

Take notice that on September 30, 1976, Wisconsin Michigan Power Company tendered for filing with the Federal Power Commission a new interconnection agreement dated September 22, 1976 with Wisconsin Public Service Corporation.

The agreement, effective October 31, 1976, supersedes the following interconnection agreements which are presently on file with the FPC as Wisconsin Michigan Power Company Rate Schedules:

Interconnection agreement date:	FPC rate schedule No.
Nov. 7, 1945	26
Dec. 16, 1946	30
Dec. 8, 1948	34
Nov. 17, 1964	40–B
Oct. 14, 1963	48
Sept. 1, 1964	50
March 9, 1966	53

The major changes incorporated in the new agreement are as follows:

(a) Two additional points of interconnection between the parties;

(b) Each existing point of interconnection with varying terms and conditions is included as an appendix to the agreement;

(c) Classes of energy are specifically excluded; however, terms and conditions for interchange of power and energy shall be in accordance with the Interconnection Agreement between Wisconsin Public Service Corporation and Wisconsin Electric Power Company, who acts as agent for Wisconsin Michigan Power Company.

Wisconsin Public Service Corporation has been furnished with a duplicate original of this agreement.

Sufficient information to estimate with any degree of accuracy the quantities of energy which will be delivered by either party under the various classes of energy is not available.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with paragraph 1.8 and paragraph 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30124 Filed 10-13-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Approval of a Proposed Report

A request for clearance of a proposed report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on August 19, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

FEDERAL POWER COMMISSION

FPC requested clearance of a new FPC Form 108, Questionnaire Schedules for Continuing Review of Rate Schedules Analysis, Filed Rates, Volumes and Quality Conditions. Notice of this receipt and request for comments was published in the FEDERAL REGISTER on August 25, 1976 (See 41 FR 35909.)

We find that use of Form 108 to supply current annual information, to apply for a rate certificate, an amendment to the rate schedule or to request rate changes, is consistent with the provisions of the law. However, with regard to the requirement that respondents update rate schedule data from 1972 to the present, we find that this information is already available to the FPC. Additionally, we find that the burden on respondents has not been minimized.

Therefore, we are providing clearance for the use of all schedules of Form 108 for ongoing data collection. FPC may use Form 108 to collect any necessary data items which are not presently available in FPC files or from another Federal source. FPC may also provide completed forms to the respondents for verification of the data. However, the use of schedules 502, 503, and 504 to collect information to update 1972 rate schedule data is hereby denied.

FPC Form 108 was approved for ongoing data collection under number B–180228 (RO406) on October 4, 1976. This clearance expires September 30, 1979.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-30091 Filed 10-13-76;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 5, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 1, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

V41N200 OCT 14 76 UMI

NUCLEAR REGULATORY COMMISSION

NRC requests clearance of a new voluntary Construction Status Report. NRC requests schedule and status information from utilities on the construction of nuclear power plants, testing, and fuel loading. This information is needed by NRC for scheduling and meeting licensing commitments to the utilities, for forecasting licensing issuance, and to effectively utilize available NRC technical manpower for inspection and evaluation to assure the safe operation of nuclear facilities. The information obtained from the utilities is combined with information provided by NRC Regional Offices. NRC staff reviews and analyses all submissions of data, and incorporates changes to the construction networks and data sheets into the "Construction Status Report" issued monthly. Respondents are utilities with nuclear power plants under construction who submit monthly construction reports to the NRC. NRC estimates each report requires approximately one hour to prepare.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–30090 Filed 10–13–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921–162]

MELAMINE IN CRYSTAL FORM FROM JAPAN

Investigation and Hearing

Having received advice from the Department of the Treasury on September 20, 1976, that melamine in crystal form from Japan is being, or is likely to be, sold at less than fair value, the United States International Trade Commission, on October 6, 1976, instituted investigation No. AA1921–162 under section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing: A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United States International Trade Commisison Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.s.t., on November 9, 1976. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921 (19 U.S.C. 160(d)), shall be filed with the Secretary of the Commission, in writing, not later than the close of business on November 4, 1976.

By order of the Commission.

Issued: October 8, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76–30172 Filed 10–13–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

COMMITTEE ON AGENCY OPERATIONS

Proposed Meeting

OCTOBER 7, 1976.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the Committee on Agency Operations of the National Advisory Council on Economic Opportunity will hold a two-day meeting on November 17, 1976 and November 18, 1976 at the Council office at 1725 K Street, N.W. (Room 405), Washington, D.C. These meetings will begin at 9:30 a.m. and are open to the public.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all committee proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Acting Director.

[FR Doc.76–30127 Filed 10–13–76;8:45 am]

COMMITTEE ON LEGISLATION

Meeting

OCTOBER 7, 1976.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the Committee on Legislation of the National Advisory Council on Economic Opportunity will hold a meeting on November 18, 1976 at the Council office at 1725 K Street, N.W. (Room 405), Washington, D.C. This meeting will begin at 9:30 a.m. and is open to the public.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all committee proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Acting Director.

[FR Doc.76–30128 Filed 10–13–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Meeting

OCTOBER 7, 1976.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a meeting on November 19, 1976 at the Council office at 1725 K Street, N.W. (Room 405), Washington, D.C. The meeting will begin at 9:30 a.m. and is open to the public.

The purpose of the meeting will be to hear progress reports from the Committee on Agency Operations and the Committee on Legislation and to define the timeframe for further study for its Report to the President.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Acting Director.

[FR Doc.76–30129 Filed 10–13–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–89]

LEFFERTS A. McCLELLAND

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Lefferts A. McClelland, Indian Harbour Beach, Florida, a limited exclusive, revocable license to practice the invention described in U.S. Patent No. 3,715,660, for "Determining Distance to Lightning Strokes From a Single Station", issued to NASA on February 6, 1973, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain other appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless within 30 days of this Notice, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: October 7, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.76–30098 Filed 10–13–76;8:45 am]

[Notice 76–88]

TOMAR ELECTRONICS

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Tomar Electronics, Chicago, Illinois, a limited exclusive, revocable license to practice the invention described in U.S. Patent No. 3,889,264, for "Vehicle Locating System Utilizing AM Broadcasting Station Carriers", issued on June 10, 1975, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain other appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless within 30 days of this Notice, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: October 7, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.76–30097 Filed 10–13–76;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

DIGITAL INTERFACE CHARACTERISTICS FOR DATA COMMUNICATIONS EQUIPMENT

Proposed Federal Standards 1020A, 1030A, 1031, and 1040

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. Additionally, the Secretary of Commerce is authorized, under the provisions of Pub. L. 89–306, to develop and establish uniform Federal automatic data processing standards.

The proposed Federal Standards are part of a series of joint Federal Telecommunication Standards and Federal Information Processing Standards (FIPS) falling within the area of mutual responsibility of the NCS and National Bureau of Standards (NBS) as defined in FIPS PUB 23[2] and NCS Circular 175–1[3].

Proposed FED–STD–1020A and FED–STD–1030A will adopt proposed Electronic Industries Association (EIA) standards RS–422A and RS–423A respectively. These proposed EIA standards specify the general-purpose electrical characteristics to be applied to data communications interfaces. They are revised versions of FED–STD–1020 (RS–422) and FED–STD–1030 (RS–423) that have resulted from the first year of implementation experience. A number of editorial refinements have been incorporated to enhance understanding and remove ambiguities. There have been no changes to parameter values.

Proposed FED–STD–1031 with the companion FIPS PUB, adopts proposed EIA standard, temporarily called RS–XYZ, which specifies the functional and mechanical interface between data terminal equipment and data circuit-terminating equipment in applications where data is transmitted over telecommunication networks predominantly analog (i.e., nondigital) transmission facilities. The original announcement for this standard was made in FEDERAL REGISTER, Vol. 40, No. 235, December 5, 1975. As a result of a number of comments received, further development work was accomplished to provide a better performing interface for the future. RS–XYZ will now serve primarily as a transitionary interface, which is interoperable with RS–232C, followed by a new proposed EIA standard, temporarily called RS–ABC, which is the objective for future use after a transitionary period. Proposed RS–ABC, to be adopted by proposed FED–STD–1029, is currently under development and will be circulated for comment when completed.

FED–STD–1040, with the companion FIPS PUB, adopts the proposed American National Standard, temporarily called "ANSI X.21," which specifies the functional, mechanical, and procedural characteristics for interface applications with new digital telecommunication networks. This standard is based upon extensive work internationally where solid agreement has been reached among participating nations.

A proposed EIA Electronic Industries Bulletin, Application Note on Interconnection between Interface Circuits Using RS–XYZ/RS–423 and RS–232C, and National Communications Systems Technical Information Bulletin 76–1, provides further information on the transition from existing RS–232C interfaces to the new generation RS–XYZ/RS–ABC/ANSI X.21 interfaces. Copies of these documents, as well as the proposed EIA and ANSI standards, can be obtained from the Office of the Manager, National Communications System, Attn: NCS–TS, Washington, D.C. 20305.

Prior to submission of the final endorsement of these proposed Federal Standards and the companion FIPS Publications to the Department of Commerce (DOC); the Office of Telecommunications Policy (OTP), Executive Office of the President; and GSA, it is essential that proper consideration is given to the needs and views of industry, the public, and State and local governments. The purpose of this notice is to solicit such views. Interested parties may submit their comments to the Office of the Manager, National Communications System, Attn: NCS–TS, Washington, D.C. 20305. Particular comments are also solicited as to estimated cost impact of the requirement of paragraph 3b of FED–STD–1031. All comments should be submitted by 26 November 1976.

LEE M. PASCHALL,
Lieutenant General, USAF,
Manager.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 8, 1976.

PROPOSED FEDERAL STANDARD 1020A—
AUGUST 10, 1976

TELECOMMUNICATIONS: ELECTRICAL CHARACTERISTICS OF BALANCED VOLTAGE DIGITAL INTERFACE CIRCUITS

NOTE.—This draft standard was prepared by the Office of the Manager, National Communications System, and is subject to change. Do not use prior to approval.

1. *Introduction.*

1.1 *Scope.* This standard specifies the general purpose electrical characteristics of balanced voltage digital interface circuits normally implemented in integrated circuit technology that are to be employed for the interchange of serial binary data, timing, and control signals between voice or data telecommunication equipment where information is being conveyed at the DC baseband level at modulation rates up to 10 megabauds. This standard specifies one of a number of digital interface characteristics, and therefore, must be used in conjunction with other Federal Standards or special purpose design specifications giving any functional, mechanical, and procedural characteristics necessary to achieve full interoperability.

1.2 *Purpose.* The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems).

1.3 *Application.* This standard shall be used by all Federal departments and agencies in

[1] DOD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

[2] Filed as part of original. Copies available from U.S. Government Printing Office, Washington, D.C. 20402

[3] Filed as part of original. Copies available from Office of the Manager, NCS, Washington, D.C. 20305

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the design and procurement of telecommunication equipment employing balanced voltage digital interface circuits. It is to be used with other applicable Federal Standards of special purpose design specifications describing functional, mechanical, and procedural characteristics as necessary to achieve compatible interfaces.

2. *Applicable documents.* The following document forms part of this standard to the extent specified herein: Electronic Industries Association (EIA) Standard RS–422A, Electrical Characteristics of Balanced Voltage Digital Interface Circuits (currently being balloted by EIA). (For copies of RS–422A, write to Electronic Industries Association, 2001 Eye Street, NW., Washington, D.C. 20006.)

3. *Requirement.* The electrical characteristics of balanced voltage digital interface circuits shall conform to EIA Standard RS–422A.

4. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR SS 101–29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

5. *Conflict with referenced documents.* Where the requirements stated in this standard conflict with any requirements in a referenced document, the requirements of this standard shall apply. The nature of the conflict between this standard and a referenced document shall be submitted in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406.

Preparing activity: Office of the Manager, National Communications System (NCS–TS). Washington, D.C. 20305.

PROPOSED FEDERAL STANDARD 1030A—AUGUST 10, 1976

TELECOMMUNICATIONS: ELECTRICAL CHARACTERISTICS OF UNBALANCED VOLTAGE DIGITAL INTERFACE CIRCUITS

NOTE.—This draft standard was prepared by the Office of the Manager, National Communications System, and is subject to change. Do not use prior to approval.

1. *Introduction.*

1.1 *Scope.* This standard specifies the general purpose electrical characteristics of unbalanced voltage digital interface circuits normally implemented in integrated circuit technology that are to be employed for the interchange of serial binary data, timing, and control signals between voice or data telecommunication equipment where information is being conveyed at the DC baseband level at modulation rates up to 100 kilobauds. This standard specifies one of a number of digital interface characteristics, and therefore, must be used in conjunction with other Federal Standards or special purpose design specifications giving any functional, mechanical, and procedural characteristics necessary to achieve full interoperability.

1.2 *Purpose.* The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems).

1.3 *Application.* This standard shall be used by all Federal departments and agencies in the design and procurement of telecommunication equipment employing unbalanced voltage digital interface circuits. It is to be used with other applicable Federal Standards or special purpose design specifications describing functional, mechanical, and procedural characteristics as necessary to achieve compatible interfaces.

2. *Applicable documents.* The following document forms part of this standard to the extent specified herein: Electronic Industries Association (EIA) Standard RS–423A, Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits (currently being balloted by EIA). (For copies of RS–423A, write to Electronic Industries Association, 2001 Eye Street NW., Washington, D.C. 20006.)

3. *Requirement.* The electrical characteristics of unbalanced voltage digital interface circuits shall conform to EIA Standard RS–423A.

4. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 C.F.R. SS 101–29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

5. *Conflict with referenced documents.* Where the requirements stated in this standard conflict with any requirements in a referenced document, the requirements of this standard shall apply. The nature of the conflict between this standard and a referenced document shall be submitted in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406.

Maintenance agency: Office of the Manager, National Communications System (NCS–TS), Washington, D.C. 20305.

PROPOSED FEDERAL STANDARD 1031—AUGUST 10, 1976

TELECOMMUNICATIONS: TRANSITIONAL INTERFACE BETWEEN DATA TERMINAL EQUIPMENT AND DATA CIRCUIT-TERMINATING EQUIPMENT FOR OPERATION ON ANALOG TELECOMMUNICATION NETWORKS

NOTE.—This draft standard was prepared by the Office of the Manager, National Communications System, and is subject to change. Do not use prior to approval.

1. *Introduction*

1.1 *Scope.* This standard specifies the functional and mechanical interface characteristics between data terminal equipment (DTE) and data circuit-terminating equipment (DCE) for data transmission on analog telecommunication networks.

1.2 *Purpose.* The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems).

1.3 *Application.* This standard shall be used by all Federal departments and agencies in the design and procurement of DTEs and DCEs where interoperation with equipment meeting Electronic Industries Association RS–232C is required through a transition period. (DTEs complying with this standard may also, as an additional optional feature, comply with Federal Standard 1040 where data transmission on digital telecommunication networks is anticipated.)

2. *Applicable documents.* The following documents of the issue in effect on the date of invitation for bids or request for proposals, form part of this standard to the extent specified herein: Electronic Industries Association (EIA) Standard RS–_____ (tentatively identified as SP 1194A, Functional and Mechanical Interfaces between Data Terminal Equipment and Data Communication Equipment Employing Serial Binary Data Interchange. EIA Industrial Electronics Bulletin _____, Application Note on Interconnection between Interface Circuits Using RS–XYZ/RS–423 and RS–232C. (For copies of EIA documents, write to Electronic Industries Association, 2001 Eye Street, NW., Washington, D.C. 20006.)

Federal Standard 1020, Telecommunications: Electrical Characteristics of Balanced Voltage Digital Interface Circuits.

Federal Standard 1030, Telecommunications: Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits.

Federal Standard 1029 (proposed), General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Operation on Analog Telecommunication Networks.

Federal Standard 1040 (proposed), Telecommunications: General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operation on Digital Telecommunication Networks.

3. *Requirement.* This standard adopts in whole the EIA Standard RS–(XYZ).

(NOTE.—The proposed EIA standard is presently being balloted by EIA as SP 1194A. This note will be removed from this document when the proposed standard is finally approved by both the Federal Government and EIA.) The electrical characteristics of Federal Standard 1030 shall apply where SP 1194A specifies use of EIA RS–423. The following additional provisions for equipment meeting this standard shall apply:

a. DTEs and DCEs compliant with this standard shall be capable of interoperation with DCEs and DTEs, respectively, meeting EIA Standard RS–232C as specified by the EIA Industrial Electronics Bulletin _____.

b. DTEs and DCEs compliant with this standard shall be capable of field conversion to conform to Federal Standard 1029 (RS–ABC) by means of interchangeable plug-in circuit boards or through a switching or strapping arrangement of prewired components. The conversion shall include changing the electrical characteristics from Federal Standard 1030 (RS–423) to Federal Standard 1020 (RS–422) on circuits NS, SD, RD, RS, CS, RR, ST, RT, SQ, and TT. The Secondary Channel Functions, if implemented, shall be eliminated. The pin assignment plan in Table 1 shall apply. All other provisions of RS–(XYZ) remain unchanged.

TABLE 1.—*Pin assignment plan*

Contact No.	Circuit direction	Interchange circuit: Unbalanced—Federal Standard 1030	Interchange circuit: Balanced [1]—Federal Standard 1020	Circuit name
1				(Shield).
2	To DCE	RL		Remote loopback.
3	do		NS–A	New signal.
4	do		SD–A	Send data.
5	From DCE		ST–B	Send timing.
6	do		RD–A	Receive data.
7	To DCE		RS–A	Request to send.
8	From DCE		CS–A	Clear to send.
9	do	DM		Data mode.
10	do		RT–B	Receive timing.
11	To DCE	LL		Local loopback.
12	do	IS		Terminal in service.
13	From DCE		RR–A	Receiver ready.
14	do		SO–B	Signal quality.
15	do	SB		Standby indicator.
16	To DCE	SS		Select standby.
17	do		TT–B	Terminal timing.
18	From DCE			(Unassigned).
19	do	RC		Receive common.
20	To DCE	SC		Send common.
21	do		NS–B	New signal.
22	do		SD–B	Send data.
23	From DCE		ST–A	Send timing.
24	do		RD–B	Receive data.
25	To DCE		RS–B	Request to send.
26	From DCE		CS–B	Clear to send.
27	do			(Unassigned).
28	do		RT–A	Receive timing.
29	To DCE			(Unassigned).
30	do	TR		Terminal ready.
31	From DCE		RR–B	Receiver ready.
32	do		SQ–A	Signal quality.
33	do	IC		Incoming call.
34	To DCE	SR		Signaling rate.
35	do		TT–A	Terminal timing.
36	From DCE	TM		Test mode.
37		SG	SG	Signal ground.

[1] The A and B designations represent the 2 generator leads specified in Federal Standard 1020 (RS–422).

4. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR SS 101–29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

5. *Conflict with referenced documents.* Where the requirements stated in this standard conflict with any requirements in a referenced document, the requirements of this standard shall apply. The nature of the conflict between this standard and a referenced document shall be submitted in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406.

Maintenance agency: Office of the Manager, National Communications System (NCS–TS), Washington, D.C. 20305.

PROPOSED FEDERAL STANDARD 1040—AUGUST 10, 1976

TELECOMMUNICATIONS: GENERAL PURPOSE INTERFACE BETWEEN DATA TERMINAL EQUIPMENT AND DATA CIRCUIT-TERMINATING EQUIPMENT FOR SYNCHRONOUS OPERATION ON DIGITAL TELECOMMUNICATION NETWORKS

NOTE.—This draft standard was prepared by the Office of the Manager, National Communications System and is subject to change. Do not use prior to approval.

1. *Introduction.*

1.1 *Scope.* This standard defines the interface characteristics, interface procedures, timing of event signal formats, and failure detection and isolation for a general purpose interface between data terminal equipment (DTE) and data circuit-terminating equipment (DCE) for synchronous operation on digital telecommunication networks.

1.2 *Purpose.* The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems).

1.3. *Application.* This standard shall be used by all Federal departments and agencies in the design and procurement of DTEs and DCEs for data transmission on digital telecommunication networks. (DTEs complying with this standard may also, as an additional optional feature, comply with either Federal Standard 1031 or Federal Standard 1029 where data transmission on analog telecommunication networks is anticipated.)

2. *Applicable documents.* The following documents, of the issue in effect on the date of invitation for bids or request for proposals, form part of this standard to the extent specified herein:

Federal Standard 1020, Telecommunications: Electrical Characteristics of Balanced Voltage Digital Interface Circuits, September 24, 1975.

Federal Standard 1030, Telecommunications: Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits, September 24, 1975.

Federal Standard 1031 (proposed), Transitional Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Operation on Analog Telecommunication Networks.

Federal Standard 1029 (proposed), General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Operation on Analog Telecommunication Networks.

American National Standard _____ (proposed), General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operation on Public Data Networks.

3. *Requirement.* This standard adopts in whole the American National Standard _____, General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operation on Public Data Networks.

(NOTE.—The proposed American National Standard is presently being balloted by the American National Standards Institute (ANSI) Technical Committee X3S3 on Data Communications. This note will be removed from the document when the proposed standard is finally approved by both the Federal Government and ANSI.) The electrical characteristics of Federal Standards 1020 and 1030 shall apply where American National Standard _____ specifies use of for RS–422 and RS–423 respectively. DTEs and DCEs complying with this standard shall implement the electrical characteristics of Federal Standard 1020 (RS–422), except for those DTEs which also meet Federal Standard 1031, the Electrical characteristics of Federal Standard 1030 (RS–423) shall apply.

4. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR SS101–29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

5. *Conflict with referenced documents.* Where the requirements stated in this standard conflict with any requirements in a referenced document, the requirements of this standard shall apply. The nature of the conflict between this standard and a referenced document shall be submitted in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, D.C. 20406.

Preparing activity: Office of the Manager, National Communications System (NCS–TS), Washington, D.C. 20305.

PROPOSED FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION _____, DATE _____

ANNOUNCING THE STANDARD FOR THE GENERAL PURPOSE INTERFACE BETWEEN DATA TERMINAL EQUIPMENT AND DATA CIRCUIT-TERMINATING EQUIPMENT FOR SYNCHRONOUS OPERATION ON DIGITAL TELECOMMUNICATION NETWORKS

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of Standard. The General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operation on Digital Telecommunication Networks (FIPS PUB _____).

Category of Standard. Hardware Standard, Data Transmission.

Explanation. This Federal Information Processing Standard is one of a series that prescribe the interface parameters for interconnecting a variety of digital components and equipment. Each standard in this series addresses a particular interconnection, specifying the electrical, functional, and mechanical characteristics required at the interface to ensure interoperability across the designated interconnection boundary. This standard prescribes the Data Terminal Equipment interface for interconnecting with Data Circuit-Terminating Equipment employed with synchronous, digital (in contrast to analog) telecommunication networks. The interface with analog networks are specified in a separate standard.

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Approving Authority. Secretary of Commerce.

Maintenance agency. Institute for Computer Sciences and Technology, National Bureau of Standards.

Cross Index. a. American National Standards Institute Standard ANSI X.21 entitled "General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operations on Public Data Networks."

b. Electronic Industries Association Standard RS-422A entitled "Electrical Characteristics of Balanced Voltage Digital Interface Circuits" (that has been adopted by GSA as Federal Standard 1020A).

c. Electronic Industries Association Standard RS-423A entitled "Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits" (that has been adopted by GSA as Federal Standard 1030A).

Applicability. This Federal Information Processing Standard pertains to the interconnection between data terminal equipment (DTE) and data circuit-terminating equipment or between two or more DTE's where:

(1) The data terminal equipment is designed to interconnect with synchronous, digital (in contrast to analog) telecommunication networks.

(2) The interface electrical characteristics are to be compatible with integrated circuit capabilities.

(3) Serial binary data is conveyed across the interface at the dc baseband level.

This standard shall be used by all agencies of the Federal Government in the acquisition of data terminal and data communication equipment conforming to the above three criteria. While this standard is not intended to hasten the obsolescence of equipment currently in the Federal inventory, it is applicable to the planning, design, and procurement of all new data terminal equipment and related data communication facilities.

Specifications. Federal Information Processing Standard ------ (FIPS ------), The General Purpose Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Synchronous Operation on Digital Telecommunication Networks, is identified also as Federal Standard Number 1040. This joint Federal Information Processing Standard and Federal Standard adopts by reference the provisions of the following American National and Industry standards developed and adopted respectively by the American National Standards Institute and the Electronic Industries Association:

(1) The interface functional, timing, and mechanical characteristics of ANSI X.21 are specified without qualification.

(2) The electrical characteristics of RS-422 and RS-423, as prescribed by ANSI X.21, are specified without qualification.

Implementation schedule. All applicable equipment ordered on or after the date of this FIPS PUB must he in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals for Invitation for Bids have been issued) on the date of this FIPS PUB.

Qualifications. None.

Waiver procedure. (To be completed by NBS.)

Where to obain copies of the standards. (To be completed by NBS.)

PROPOSED FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION------

DATE------

ANNOUNCING THE STANDARD FOR THE TRANSITIONAL INTERFACE BETWEEN DATA TERMINAL EQUIPMENT AND DATA CIRCUIT-TERMINATING EQUIPMENT FOR OPERATION ON ANALOG TELECOMMUNICATION NETWORKS

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of standard. The Transitional Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Operation on Analog Telecommunication Networks (FIPS PUB -------).

Category of standard. Hardware Standard, Data Transmission.

Explanation. This Federal Information Processing Standard is one of a series that prescribe the interface parameters for interconnecting a variety of digital components and equipment. Each standard in this series addresses a particular interconnection, specifying the electrical, functional, and mechanical characteristics required at the interface to ensure interoperability across the designated interconnection boundary. This standard prescribes the Data Terminal Equipment interface for interconnecting with Data Circuit-Terminating Equipment employed with analog (in contrast to digital) telecommunication networks. The interface for digital networks is specified in a separate standard.

Approving authority. Secretary of Commerce.

Maintenance agency. Institute for Computer Sciences and Technology, National Bureau of Standards.

Cross Index.

a. Electronic Industries Association Standard RS-XYZ entitled "Electrical and Mechanical Interface Between Data Terminal Equipment and Data Communication Equipment Employing Serial Binary Data Interchange."

b. Electronic Industries Association Standard RS-422A entitled "Electrical Characteristics of Balanced Voltage Digital Interface Circuits" (that has been adopted by GSA as Federal Standard 1020A).

c. Electronic Industries Association Standard RS-423A entitled "Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits" (that has been adopted by GSA as Federal Standard 1030A).

Applicability. This Federal Information Processing Standard pertains to the interconnection between data terminal equipment (DTE) and data circuit terminating equipment or between two or more DTE's where:

(1) The data terminal equipment is designed to interconnect with analog (in contrast to digital) telecommunication networks.

(2) The interface electrical characteristics are to be compatible with integrated circuit capabilities.

(3) Serial binary data is conveyed across the interface at the dc baseband level.

This standard shall be used by all agencies of the Federal Government in the acquisition of data terminal and data communication equipment conforming to the above three criteria. While this standard is not intended to hasten the obsolescence of equipment currently in the Federal inventory, it is applicable to the planning, design, and procurement of all new data terminal equipment and related data communication facilities.

Specifications. Federal Information Processing Standard ------ (FIPS ------), The Transitional Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment for Operation on Analog Telecommunication Networks, is identified also as Federal Standard Number 1031. This joint Federal Information Processing Standard and Federal Standard adopts by references the provisions of the following American National and industry standards developed and adopted respectively by the American National Standards Institute and the Electronic Industries Association:

(1) The interface functional, timing, and mechanical characteristics are as specified by RS-XYZ.

(2) The electrical characteristics of RS-423 are specified for all interchange circuits.

Implementation Schedule. All applicable equipment ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals for Invitation for Bids have been issued) on the date of this FIPS PUB.

Qualifications: To provide for the capability of equipment to conform to both current and future requirements, all newly acquired DTE and DCE must provide the means for operating with both the RS-XYZ and RS-ABC standards as specified in Federal Standard 1031, Paragraph 3.

Waiver Procedure. (To be completed by NBS.)

Where to Obtain Copies of the Standards. (To be completed by NBS.)

[FR Doc.76-30130 Filed 10-13-76;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

RESEARCH GRANTS PANEL

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in Room 1130, from 9 am to 5:30 pm on November 15, 1976.

The purpose of the meeting is to review General Research applications in the field of Literature submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because of the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange on international views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W. Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-30031 Filed 10-13-76;8:45 am]

RESEARCH GRANTS PANEL

Meeting

OCTOBER 5, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in Room 1130, from 9 a.m. to 5:30 p.m. on November 19, 1976.

The purpose of the meeting is to review research tools applications to the Research Materials Program in the fields of History, Social Science, and Philosophy submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange on internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W. Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-30032 Filed 10-13-76;8:45 am]

RESEARCH GRANTS PANEL

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806-15th Street, N.W., Washington, D.C. 20506, in room 1130 from 9 am to 5:30 pm on November 29, 1976.

The purpose of the meeting is to review General Research applications in the field of Archaeology submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange on internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506 or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-30033 Filed 10-13-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-62, issued to Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant, Unit No. 2 located in Brunswick County, North Carolina.

The amendment would permit continuous reactor operation with one recirculation loop out of service, and establish operating limits associated with this mode of operation. The amendment is proposed by the licensee's application for amendment dated September 3, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 15, 1976, the licensee may file a request for a hearing and any person whose interest may be affecting by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Richard E. Jones, Esquire, Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 3, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 1st day of October 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactor Branch No. 1, Division of Operating Reactors.

[FR Doc.76-29970 Filed 10-13-76;8:45 am]

[Docket Nos. 50-329 and 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Order Rescheduling Hearing

On September 21, 1976, the Atomic Safety and Licensing Board (the Board) scheduled an evidentiary hearing on whether the construction permits for the above-identified nuclear facility should be continued, modified or suspended

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pending completion of reopened hearings which will consider all issues remanded to the U.S. Nuclear Regulatory Commission (the Commission) by the U.S. Court of Appeals for the District of Columbia Circuit in *Aeschliman* v. *NRC*, Appeal Nos. 73–1776 and 73–1867, decided July 21, 1976.

The Intervenors filed a motion to adjourn this suspension hearing or in the alternative to continue it from October 6, 1976, until on or after November 15, 1976. The basis for this request for continuance was that counsel for the Intervenors had previously scheduled court and administrative proceedings and commitments in connection with their preparation. The Commission Staff does not oppose the continuance but the licensee did file a response by telegram, taking the position that any continuance beyond a few days would not be acceptable since it wished to remove the cloud of the possibility of suspension as soon as possible.

The Board considers that the Intervenors have shown good cause for a continuance and, accordingly, hereby grants the Intervenors' motion in this regard. Insofar as the motion requests that the suspension hearing be adjourned and that the construction permits be immediately suspended, the Intervenors' motion is denied. In view of time limitations, the Board will issue a separate memorandum and order setting forth the reasons for this denial.

In addition, the Board has now received briefs from the parties in response to its Memorandum and Order of September 21, 1976, with regard to defining further steps in the reopened proceedings. After review of these briefs, the Board will issue a memorandum and order to control further conduct of this proceeding. That memorandum and order will deal with such items as the Board's action on the ACRS letter, with discovery, with procedures to sharpen and define the issues for the remanded hearing, with the requirements for filing written testimony in the suspension hearing and with any other actions that may aid in the orderly disposition of this proceeding.

Accordingly, please take notice, and it is hereby ordered, That the suspension hearing set for October 6, 1976, is hereby continued until 10:00 a.m. on Tuesday, November 16, 1976, at the Holiday Inn, 1500 West Wackerly Road, Midland, Michigan. This hearing shall run continuously until all evidence and oral argument on the suspension issues has been received or until continued by further order of the Board.

Members of the public are invited to attend the suspension hearing and the Board will receive limited appearances prior to taking of evidence at the hearing.[1] Limited appearances will be restricted to ten (10) minutes each, unless the person requesting the limited appearance can show good cause for taking more time.

It is so ordered.

By order of the Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland, this 4th day of October, 1976.

DANIEL M. HEAD,
Chairman.

[FR Doc.76-29972 Filed 10-13-76;8:45 am]

[1] The Board has received several letters and one telegram which requested permission to make limited appearances at the October 6 hearing. The Board has sent these requests to the Docketing and Service Section for service on the parties in accordance with § 2.780(b) of the Commission's Rules of Practice, 10 CFR Part 2.

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR–57 issued to Georgia Power Company and Oglethorp Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications relating to (1) the thermal discharge plume verification program, (2) fish collection procedures used to determine the migratory behavior of selected fish species, and (3) the administrative and management controls established to implement the Environmental Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 11, 1976, (2) Amendment No. 35 to License No. DPR–57 and (3) the Commission's reference letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of October, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-29975 Filed 10-13-76;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 32 and 31 to Facility Operating License Nos. DPR–29 and DPR–30, issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Unit Nos. 1 and 2 (the facilities) located in Rock Island County, Illinois. The amendments are effective as of their date of issuance.

These amendments modified the existing Quad Cities Unit Nos. 1 and 2 snubber Technical Specifications to (1) specify the safety related snubbers which must be inspected, (2) provide for adding snubbers to safety related systems, (3) delete the requirement that the initial inspection be performed within 4 months of issuance of Amendment No. 14 to License No. DPR–29 and Amendment No. 10 to License No. DPR–30 which were issued on June 17, 1975, and (4) delete the requirement to disassemble two snubbers per facility during each refueling outage.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 11, 1976, (2) Amendment Nos. 32 and 31 to License Nos. DPR–29 and DPR–30, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 60625. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this first day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29968 Filed 10-13-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR–46, issued to Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revised temporary restrictions in the Technical Specifications for the facility to authorize modifications designed to improve the functioning of the Low Pressure Coolant Injection System of the Emergency Core Cooling System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 9, 1976, (2) Amendment No. 31 to License No. DPR–46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29971 Filed 10-13-76;8:45 am]

[Docket Nos. 50-390 and 50-391]

TENNESSEE VALLEY AUTHORITY WATTS BAR NUCLEAR PLANT, UNITS 1 AND 2

Order Extending Construction Completion Dates

Tennessee Valley Authority is the holder of Construction Permits Nos. CPPR–91 and CPPR–92 issued by the Atomic Energy Commission[1] on January 23, 1973, for construction of the Watts Bar Nuclear Plant, Units 1 and 2, presently under construction at the Company's site in Rhea County, Tennessee.

On June 30, 1976, the Company filed a request for an extension of the completion dates because construction has been delayed due to:

(1) Delays in opening bids,
(2) Design difficulties caused by transient pressures,
(3) Redesign of embeds and resultant slippage in delivery,
(4) Increase of three feet in reactor building base slab thickness,
(5) Increased erection time caused by change to heavier plate material.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which the set forth in a staff evaluation dated October 5, 1976.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555, and at the Dayton Public Library, First Avenue, Dayton, Tennessee 37321.

It is hereby ordered, That the latest completion date for CPPR–91 is extended from August 1, 1976 to June 1, 1979, and the latest completion date for CPPR–92 is extended from May 1, 1977 to March 1, 1980.

For the Nuclear Regulatory Commission.

Date of Issuance: October 5, 1976.

D. B. VASSALLO,
Assistant Director for Light Water Reactors, Division of Project Management.

[FR Doc.76-29969 Filed 10-13-76;8:45 am]

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment permits changes in the sampling requirement for fecal coliform bacteria in the station's sewage treatment plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1975, and (2) Amendment No. 23 to License No. DPR–49. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of October, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch 3, Division of Operating Reactors.

[FR Doc.76-30108 Filed 10-13-76;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 16 and 10 to Facility Operating License Nos. DPR–42 and DPR–60, issued to the Northern States

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Power Company (the licensee), which revised Technical Specifications for operation of Units 1 and 2 of the Prairie Island Nuclear Generating plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

The amendments revised the Technical Specifications for the facilities to authorize operation of the facilities with modified operating limits based upon an evaluation of emergency core cooling system performance calculated in accordance with an acceptable evaluation model that conforms with the requirements of 10 CFR Part 50 of the Commission's regulations with the following exception. The analysis of the single failure criterion and correction of the ECCS analysis according the Commission Order of August 27, 1976 will be the subject of separate actions at a later date.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on March 1, 1976 (41 FR 8837). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

In connection with issuance of these amendments, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the application for amendments dated February 2, 1976, and earlier filings dated April 14, 1975, April 17, 1975, July 9, 1975, October 21, 1975, January 7, 1976 and March 1, 1976, (2) Amendment No. 16 to License No. DPR–42 and Amendment No. 10 to License No. DPR–60, (3) the Commission's related Safety Evaluation, (4) Commission's Negative Declaration dated October 4, 1976 (which is also being published in the FEDERAL REGISTER) and the associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-30106 Filed 10-13-76;8:45 am]

[Docket Nos. 50-282 and 50-306]

PRAIRIE ISLAND NUCLEAR GENERATING PLANT UNIT NOS. 1 AND 2 NORTHERN STATES POWER CO.

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License Nos. DPR–42 and DPR–60

The U.S. Nuclear Regulatory Commission (the Commission) has considered the issuance of amendments to Facility Operating License Nos. DPR–42 and DPR–60 issued to Northern States Power Company (the licensee) for operation of the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 (PINGP) located in Goodhue County, Minnesota. These amendments would revise the Technical Specifications for PINGP to authorize operation of the facilities with modified operating limits based upon an evaluation of emergency core cooling system performance calculated in accordance with an acceptable evaluation model that conforms with the requirements of 10 CFR Part 50 of the Commission's regulations except for the analysis of the single failure criterion.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Maryland, this 4th day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-30107 Filed 10-13-76;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The amendment would revise the provisions in the Technical Specifications to allow facility operation, following refueling, until the extended fuel exposure time is reached, in accordance with the licensee's application for amendment, dated September 3, 1976. This action would also revise the peak linear heat generation limits which were added to the facility operating license by the Commission's Order for Modification of License dated June 17, 1976, following reevaluation of the emergency core cooling system (ECCS) cooling performance, in accordance with the licensee's application for amendment, dated October 4, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 15, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Hope Babcock. Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendment dated September 3, 1976 and October 4, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

Dated at Bethesda, Maryland this 7th day of OCTOBER, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-30103 Filed 10-13-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.38, Revision 1, "Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Water-Cooled Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the quality assurance requirements for the packaging, shipping, receiving, storage, and handling of items for water-cooled nuclear power plants. This guide endorses ANSI Standard N45.2.2–1972, "Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants During the Construction Phase."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.38, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by Dcember 10, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 7th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-30104 Filed 10-13-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Environmental Subcommittee will meet on November 5, 1976, in Room 1046, 1717 H St., NW., Washington, DC 20555. The purposes of this meeting is to review the draft regulations on the use of mixed oxide fuels published in the FEDERAL REGISTER Vol. 41, No. 183, pages 40506 through 40510 on September 20, 1976.

The agenda for the subject meeting shall be as follows:

FRIDAY, NOVEMBER 5, 1976, 8:30 A.M.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above discussion.

9:00 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff.

At the conclusion of the open session, the Subcommittee will caucus in a closed session to determine whether the matters identified in the initial closed session have been adequately covered and to prepare a proposed draft for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than October 29, 1976 to Mr. Muller, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 4, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 12, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after February 7, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: October 8, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-30239 Filed 10-13-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic

Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on General Electric Water Reactors will hold a meeting on November 6, 1976 at the Quality Inn, 5249 W. Century Boulevard, Los Angeles, CA. The purpose of this meeting is to develop information for consideration by the ACRS in its review of the General Electric Standard Safety Analysis Reports 238 and 251 pertaining to the nuclear steam supply system.

The agenda for the subject meeting shall be as follows:

SATURDAY, NOVEMBER 6, 1976, 8:30 A.M.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent reviews of safety reports submitted by the Applicant and the NRC Staff regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will meet in open session to hear presentations by and hold discussions with the representatives of the NRC Staff and the General Electric Company and their consultants pertaining to review of the Standard Safety Analysis Reports 238 and 251.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matters are ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 30, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Wash., DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 5, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussd.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 15, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after February 7, 1977. Copies may be obtained upon payment of appropriate charges.

Date: October 12, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-30240 Filed 10-13-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Molecular Biology.
Date: November 1 and 2, 1976.
Time: 9:00 a.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Martin P. Schweizer, Program Director for Biophysics, Room 329, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4260.
Purpose of panel: To provide advice and recommendations concerning support for research in molecular biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 8, 1976.

[FR Doc.76-29960 Filed 10-13-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-42]

INCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Incident Report.—The National Transportation Safety Board announces the release on October 5 of report No. NTSB-AAR-76-18 which concerns the near collision last April 1 of Hughes Airwest Flight 5 and Northwest Airlines Flight 603. The incident occurred over the Spokane (Washington) International Airport.

The two McDonnell Douglas jet airliners came within an estimated 291 feet of collision as the Airwest DC-9 was executing a missed approach to Spokane's Runway 21, and the Northwest DC-10 was climbing out after takeoff from the same runway. The DC-9 was rolled into a steep bank by wake turbulence during its pilot's evasive maneuver. There were no injuries, however among the 176 persons aboard the two aircraft. The Spokane tower is not radar equipped. Both approaches and departures are controlled by the radar facility at nearby Fairchild Air Force Base; the Fairchild radar coverage is incomplete because of "blind spots" in the airport area. The Airwest crew was unaware of this.

The Safety Board determined that the probable cause of the incident was the inadequacy of the local air traffic control procedures to insure positive and adequate separation between arriving and departing aircraft. Contributing to the incident was the failure of the local controller to recognize and resolve the impending conflict in accordance with the basic mandate to insure positive separation between aircraft. Also contributing to the incident was the failure of the Airwest 5 crew to follow company ILS approach procedures and the recommended Federal Aviation Administration position reporting procedures.

As a result of the investigation of this incident, the Safety Board last July 15 recommended that FAA (1) revise the Airman's Information Manual so "the aviation community will not be misled" into overestimating the radar capabilities of terminals with air traffic control procedures and radar such as Spokane's. and (2) review all local procedures to assure positive separation wherever flights involve both radar and nonradar terminal operations. (Recommendations A-76-91 and A-76-92; see 41 FR 30215, July 22. 1976.)

Aviation Safety Recommendations.—A serious incident which involved a violent mental patient occurred July 16 aboard an Eastern Airlines Lockheed L-1011 flight out of San Juan. Puerto Rico. In an effort to prevent recurrence of similar incidents which could seriously jeopardize other passengers' safety, the Board on October 7 recommended that the Federal Aviation Administration (1) amend 14 CFR 121.584 to include provisions relevant to carriage of mental patients who are potentially dangerous to themselves or to others, these provisions to require that the mental patient be accompanied by a qualified medical attendant (recommendation A-76-132); and (2) amend Advisory Circular 121-18 to provide guidance to organizations and persons responsible for the transportation of mental patients with regard to the actions necessary and the responsibilities involved in escorting such persons (A-76-133). Both are Class II recommendations, for priority followup.

Letters in Response to Safety Board Recommendations.—During the past week, addressees of earlier recommendations have responded as follows:

National Highway Traffic Safety Administration letter of September 27 concerns recommendation H-76-7 which was issued following investigation of the METRO bus which caught fire and burned last November 20 on Interstate 95 in Alexandria, Virginia. (See 41 FR 12360, March 25, 1976.) The recommendation asked NHTSA to develop and issue a Federal motor vehicle safety standard to insure that wheelwell components can withstand fires and resist penetration by objections propelled by wheel rotation.

Before considering implementation of this recommendation NHTSA has forwarded letters if inquiry, dated September 27, to the three largest manufacturers of intercity buses: General Motors Corporation at Warren, Michigan; A. M. General Corporation at Wayne, Michigan; and The Fixible Company at Loudonville, Ohio. These letters (copies attached to NHTSA's letter) urge "consideration of improvements in this area, and [NHTSA's] desire to know the steps that have been taken, or contemplated, to assure that wheel well cap construction provides reasonable protection against violation of passenger compartment integrity."

NHTSA indicates that after reviewing the manufacturer's responses, determination will be made as to whether to initiate rulemaking based on available evidence of the presence or absence of a hazardous accident pattern and the manufacturers' reaction to such a pattern. NHTSA notes that its commencement of a rulemaking proceeding does not signify that the rule in question will be issued, stating, "A decision as to the issuance of the rule is made on the basis of all available information developed in the course of the rulemaking proceeding, in accordance with statutory criteria."

Materials Transportation Bureau letter of September 21 responds to recommendations I-76-5 and I-76-6, issued as a result of investigation of the Surtigas, S.A., tank-semitrailer overturn, explosion, and fire, which occurred near Eagle Pass, Texas, April 29, 1975. (See 41 FR 27135, July 1, 1976.) Concerning I-76-5, MTB has directed development of a contract proposal to study new approaches to reduce the injury and damage potential of liquefied flammable gases released from ruptured cargo tanks. MTB will consider adding other materials, such as liquefied ammonia, to the study. It is anticipated that the contract will be developed and let during FY 1977, depending upon availability of research and development funds.

Recommendation I-76-6 requested that MTB establish a regulation to require the safety registration statements authorized by section 106(b) of the Hazardous Materials Transportation Act of persons transporting bulk shipments of pressurized, liquefied petroleum gases in a form and quantity capable of causing widespread injury and property damage in transportation accidents.

In response, MTB challenges the Safety Board's rationale concerning statements made on page 14 of Board report NTSB-HAR-76-4, which supported recommendation I-76-6; namely, "The Safety Board believes that these carriers would be identified more effectively if registration statements were required, for safety purposes only," and "The possibility of losing their safety registrations would act as a strong incentive for compliance with safety regulations." MTB cites the Conference Report on the Transportation Safety Act of 1974 (Report No. 93-1347) in taking exception to the Board's suggestion that registration statements may be revoked should there not be compliance with MTB's safety regulations, making specific reference to the statement on page 21 of the Conference Report: "The Secretary is not authorized to revoke or suspend any registration statement which is filed."

MTB, after quoting requirements of § 177.824(f) of the Department of Transportation's Hazardous Materials Regulations, states that while the term "Registration" is not used in the regulation, "the provision is in essence a registration requirement." MTB notes that the regulation, in effect for several years, provides the Bureau of Motor Carrier Safety a means of identifying all carriers transporting liquefied petroleum gases in cargo tanks in the United States, "if such carriers come under the Department's jurisdiction and there has been compliance with the reporting requirement."

In conclusion, MTB states, "Since the Board's desires would not be accomplished by a regulation issued under section 106(b) and the Board's proposal would present a redundancy in the regulatory requirements for motor carriers, the Department will not act upon this recommendation. After reconsideration of the above information, it is recognized the Board may wish to withdraw NTSB I-76-6 and/or propose an alternate recommendation."

Gulf Refining Company letter of September 23 concerns recommendations P-76-30 through P-76-35, resulting from investigation of the West Texas Gulf Pipeline Company (owned by Gulf Refining Company) accident near Abilene. Texas. December 1, 1974. (See 41 FR 32794, August 5, 1976.) The Company states that recommendations P-76-30 through P-76-34 have been complied with and have been incorporated into its procedural requirements.

Re recommendation P-76-35, recommending that the Company examine its

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repair records of the system to determine the locations where other fillet weld repairs have been made and excavate these locations to inspect the weld, Gulf has checked its records and finds that in early 1971 full wrap was installed on the pipeline in about a dozen locations where a "line-a-log" survey showed evidence of external corrosion. The Company notes that these locations are all in sparsely populated areas and have been in service for almost 6 years with no indications of any problems. Gulf is concerned that "if we excavate them for examination we run the risk that in disturbing the soil again we could cause settling and place unnecessary and dangerous stress on the pipe." Gulf suggests that it not disturb the soil by excavation but continue to monitor these locations from the surface and only excavate at the first indication of a problem.

Safety Board Reply to Recommendation Response.—Board letter of October 1 to the Director, Materials Transportation Bureau, acknowledges a recent telephone conversation providing his observations regarding MTB's contributions to the training of firemen. The Board states, "We were aware of DOT's contributions to personnel safety in hazardous materials accidents when we directed recommendations I–76–7 and I–76–8 (41 FR 37166, September 2, 1976) to the Secretary of Commerce. We chose this course because of the developing activities and the Congressional mandate to the National Fire Prevention and Control Administration relative to the training of firefighters, and the communication of such information to firefighters throughout the nation." The Board adds that since MTB too has an important part to play in the reduction of unnecessary injury and loss of life among firefighters, it is hoped that MTB will coordinate its activities with those of the NFPCA.

The accident report and the safety recommendation are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISCHER,
Federal Register Liaison Officer.

OCTOBER 8, 1976.

[FR Doc.76–30157 Filed 10–13–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release 34–12869, File No. SR–NASD–76–12]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975) notice is hereby given on October 1, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

TEXT OF PROPOSED RULE CHANGE

The following is the full text of the proposed amendment to Schedule A, under Article III, Section 1 of the By-Laws of the National Association of Securities Dealers, Inc. Deletions are indicated by brackets; new material is italicized.

P 1301A—SCHEDULE A

Assessments and fees, pursuant to the provision of Article III of the By-Laws of the Association, shall be determined on the following basis after [December 1, 1975.] *October 1, 1976.*

Section 1—Assessments

Each member shall pay an annual assessment composed of the following:

(a) A basic membership fee of $250.00.

[(b) An amount equal to 0.3% of gross income defined in Section 5 of this Schedule for the preceding calendar year.]

(b) *An amount equal to 0.2% of gross income for the preceding calendar year from municipal securities transactions and an amount equal to 0.25% of gross income for the preceding calendar year from other over-the-counter transactions in securities. Gross income for this purpose is as defined in Section 5 of this Schedule.*

(c) Unchanged.

Section 2—Unchanged

Section 3—Unchanged

Section 4—Unchanged

Section 5

Gross income from sales of shares of investment companies shall include gross income from any shares purchased and later redistributed and from sales of shares by said member represented by reinvestment of income dividends. [In any case where gross income, net of deductions described below, from sales of investment company shares by a member acting as sponsor or underwriter (excluding sales to another member who is an underwriter or sponsor of a contractual plan for such shares) is less than 1.75% of such sales, then this amount shall be included as the minimum amount of gross income for the purpose of the assessment.]

Remainder—Unchanged.

Deductions—Unchanged.

Exclusions from the amount to be reported: Interest and dividends.

Advisory fees, investment management fees and finders' fees not directly involving the offering of securities[,]; proxy fees[,]; vault service fees[,]; safekeeping fees; [and] transfer fees[.]; and *fees for financial advisory services for municipalities.*

Remainder—Unchanged.

NASD'S STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

Proposed section 1(b) will allow the Association to equitably assess fees so that they reflect a firm's participation in municipal securities transactions.

Section 5 is amended so that the definition of Gross Income upon which the Association's assessments are based includes actual gross income, net of deductions, from sales of investment company shares by a member acting as sponsor or underwriter instead of a minimum amount equal to at least 1.75 percent of such sales.

Section 5 is further amended so that excluded from amounts to be reported to the Association are fees earned as the result of providing financial advisory services for municipalities.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

It is the responsibility of the Association under Section 15A of the Securities Exchange Act, as amended, to regulate its members and persons associated with its members who deal in municipal securities. The proposed changes in Schedule A provide for an equitable allocation of the reasonable dues and fees among the members of the Association and provide a revenue base to finance the costs of the regulation that the Association was not responsible for prior to the enactment of the new law.

Section 15A(b) provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the association provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the association operates or controls. The amendments to Schedule A provide an equitable allocation of fees and is in furtherance of the purposes of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Under section I of Article III of the By-Laws of the Association, membership approval of a change in a fee schedule is not necessary. Therefore, comments of the membership on the proposed amendments to Schedule A were not solicited or received.

BURDEN ON COMPETITION

Section 15A of the Securities Exchange Act places on the Association the responsibility to regulate the activities of its members' dealings in municipal securities, and provides the statutory basis for the assessment of equitable fees, thus it is felt that there is no burden on competition imposed by the proposed rule change, and that it is in furtherance of the purposes of the Act.

BASIS FOR RULE TAKING, OR BEING PUT INTO EFFECT PURSUANT TO SECTION 19(b)(3)

The proposed amendments are to take effect immediately under paragraph (A) of section 19(b)(3) of the Securities Exchange Act. The use of this paragraph is authorized because these amendments establish or change a due, fee, or other charge. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 15, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 6, 1976.

[FR Doc.76–30169 Filed 10–13–76;9:45 am]

[File Nos. 7–4879–7–4880]

NICOR INC. AND WESTERN AIR LINES, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 5, 1976.

In the matter of applications of the Cincinnati Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Nicor Incorporated, $5.00 Par common, File No. 7–4879.

Western Air Lines, Inc., $1.00 par common, File No. 7–4880.

Upon receipt of a request, on or before October 21, 1976 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular applications, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–30168 Filed 10–13–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

JAMES E. MARTIN

Statement of Appointment

Pursuant to subsection 302(b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 FR 8769), "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended, "I hereby furnish the following information for filing with the Division of the FEDERAL REGISTER for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

Association of American Railroads, Vice President, Operations & Maintenance Department.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

Gulf Oil Co.

Occidental Petroleum Co.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated at Washington, D.C. October 4, 1976.

JAMES E. MARTIN.

[FR Doc.76–30089 Filed 10–13–76;8:45 am]

[Notice No. 168]

ASSIGNMENT OF HEARINGS

OCTOBER 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 82841 (Sub-No. 166), Hunt Transportation, Inc., now assigned November 2, 1976 at Albuquerque, New Mexico; will be held in the Bernalillo County Juvenile Courtroom, Bernalillo County Courthouse, 415 Tijhras Avenue.

MC–C–9014, Whitfield Transportation, Inc., now assigned November 4, 1976 at Albuquerque, New Mexico; will be held in the Bernalillo County Juvenile Courtroom, Bernalillo County Courthouse, 415 Tijhras Avenue.

MC 25798 (Sub-No. 278), Clay Hyder Trucking Lines, Inc.; MC 138635 (Sub-No. 21), Carolina-Western Express, Inc. and MC 139495 (Sub-No. 128), National Carriers, Inc., now assigned November 8, 1976 at San Francisco, California; will be held in U.S. Court of Claims Courtroom, Room 2041, U.S. Courthouse & Federal Office Building, 450 Golden Gate Avenue.

MC–C–8829, Osborne West, Ltd., and West Transportation, Inc., Investigation of Operations and practices and Revocation of Certificates, now assigned November 10, 1976 at San Francisco, California; will be held in U.S. Court of Claims Courtroom, Room 2041, U.S. Courthouse & Federal Office Building, 450 Golden Gate Avenue.

MC 133566 (Sub-No. 51), Gangloff & Downham Trucking Co.; Inc., now assigned November 15, 1976 at Chicago, Illinois; will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123255 (Sub-No. 62), B & L Motor Freight, Inc., now assigned November 16, 1976 at Chicago, Illinois; will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 113651 (Sub-No. 188), Indiana Refrigerator Lines, Inc., and

MC 113651 (Sub-No. 189), Indiana Refrigerator Lines, Inc., now assigned November 18, 1976 at Chicago, Illinois; will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 140874, Schreiber Express, Inc., now assigned October 27, 1976 at Tallahassee, Florida, hearing canceled and the application dismissed.

MC 107295 (Sub-No. 819), Pre-Fab Transit Co., now being assigned December 1, 1976,

at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107445 Sub 10, Underwood Machinery Transport, Inc., now assigned November 30, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 138824 Sub 2, Redway Carriers, Inc.; and MC 141920, Keller Trucking, Inc., now assigned December 2, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 135725 Sub 17, Fry Trucking, Inc., now assigned December 7, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 115841 Sub 519, Colonial Refrigerated Transportation, Inc., now assigned December 6, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 35835 Sub 31, Jensen Transport, Inc.; MC 67450 Sub 53, Peterlin Cartage Co., A Corp.; MC 107496 Sub 1027, Ruan Transport Corp.; MC 112801 Sub 180, Transport Service Co.; MC 114194 Sub 182, Kreider Truck Service, Inc.; MC 115331 Sub 404, Truck Transport Incorporated; MC 119974 Sub 52, L.C.L. Transit Company; MC 124078 Sub 684, Schwerman Trucking Co.; MC 127840 Sub 44, Montgomery Tank Lines, Inc.; and MC 136774 Sub 5, Mc-Mor-Han Trucking Co., Inc., now assigned December 9, 1976, at Chicago, Ill., will be in Room 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC–C 8995, Dugan Truck Line, Inc.—Investigation and Revocation of Certificates And Certificates of Registration; and MC 120657 Sub 6, Dugan Truck Line, Inc., now assigned November 9, 1976, at Topeka, Kansas, will be held in Room 307, Federal Bldg., 424 Kansas Avenue.

MC 141609 Sub 2, C.T. Transport, Inc., and MC–F 12679, C.T. Transport, Inc.—Purchase—B & S Transportation, Inc., now assigned November 9, 1976 will be held in Room 226, Federal Bldg., 111 West Huron Street.

MC–C 9301, Greyhound Lines, Inc., Complainant-v-Superior Bus Service, Inc., d/b/a Travel Lines United, Defendant, now being assigned December 14, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30163 Filed 10-13-76;8:45 am]

[Ex Parte No. 55 (Sub-No. 22)]

ENERGY POLICY AND CONSERVATION ACT OF 1975 PROPOSED IMPLEMENTATION

Extension of Time for Filing Comments

OCTOBER 8, 1976.

At the request of James K. Pont, representative for National Energy Conservation Programs Energy Conservation and Environment, the time for filing comments in the above-entitled proceeding has been extended from October 12, 1976, to October 18, 1976.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30164 Filed 10-13-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 8, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR (Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by October 25, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E1) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of August 26, 1976, and republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th Street, Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Arizona on and north of a line beginning at the Arizona-California State line and extending along U.S. Highway 80 and Interstate Highway 8, to junction Arizona Highway 84, thence along Arizona Highway 84 and Interstate Highway 8 to junction Interstate Highway 10 and Arizona Highway 93, and thence along Interstate Highway 10 and Arizona Highway 80 to the Arizona-New Mexico State line, to points in Arkansas; from points in Arizona to points in District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, Michigan, Minnesota, New York, Ohio, Nebraska, on and east of a line beginning at the Nebraska-South Dakota State line and extending along Nebraska State Highway 61 to junction Interstate Highway 80 to the Nebraska-Colorado State line, Oklahoma, on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 60 and U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Texas State line, Pennsylvania, South Dakota, on and east of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 65, to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 63, thence along South Dakota Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line; Tennessee, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Pratt, Kans., Salina, Kans., Galena, Kans., and Ravenna, Ohio.

NOTE.—The purpose of this republication is to correct the territorial description and to include the destination States of Missouri, New York, and Ohio, previously omitted.

No. MC 52704 (Sub-No. E5) (Partial Correction), filed May 20, 1974, published in the FEDERAL REGISTER issue of April 16, 1975, and republished, as corrected, this issue. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers for beverages and food*, (5) from points in North Carolina (except points on and east of a line beginning at Morehead City, N.C., and extending along U.S. Highway 70 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line), to points in Delaware, that part of Maryland east of U.S. Highway 522, New Jersey, New York, and Pennsylvania (except points on and west of U.S. Highway 30 from the West Virginia-Pennsylvania State line to its junction with U.S. Highway 15). The purpose of this filing is to eliminate the gateway of Henderson, N.C.

NOTE.—The purpose of this partial correction is to state the correct destination description. The remainder of the letter-notice remains as previously published.

No. MC 95540 (Sub-No. E45) (Correction), filed April 15, 1974, published in the FEDERAL REGISTER issue of May 13, 1974, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in North Carolina on and west of a line beginning at Corneake Inlet on the Atlantic Ocean, thence north along U.S. Highway 421 to Wilmington, N.C., thence along U.S. Highway 17 to junction with U.S. Highway 264, thence along U.S. Highway 264 to junction with North Carolina Highway 32, thence along North Carolina Highway 32 to junction with U.S. Highway 64, thence along U.S. Highway 64 to junction with North Carolina Highway 32, thence along North Carolina Highway 32 to junction with U.S. Highway 17, thence along North Carolina Highway 17 to Elizabeth City, thence along North Carolina Highway 163 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E112) (Correction), filed April 19, 1974, and published in the FEDERAL REGISTER issue of June 21, 1974, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 18, thence along California Highway 18 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in New Jersey on, east and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 57 to its junction with U.S. Highway 46, thence along U.S. Highway 46 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E285) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER issue of June 19, 1974, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to points in Oklahoma on and south of a line beginning at the New Mexico-Oklahoma State line, and proceeding along U.S. Highway 56/64 to its junction with Oklahoma Highway 3, thence along Oklahoma Highway 3 to its junction with U.S. Highway 15, thence along U.S. Highway 15 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to Enid, thence along U.S. Highway 64 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to its junction with Oklahoma Highway 51, thence along Oklahoma Highway 51 to its junction with Oklahoma Highway 16, thence along Oklahoma Highway 16 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and points in Pike and Sapulding Counties, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E509) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue August 6, 1974, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in Georgia on or east of U.S. Highway 301 (except points on U.S. Highway 1), to points in Florida on or south of a line beginning at Cedar Key and extending along Florida Highway 24 to junction Florida Highway 345, thence along Florida Highway 345 to Chiefland, thence along U.S. Highway 129 to its junction with Florida Highway 26, thence along Florida Highway 26 to Gainesville, thence along Florida Highway 24 to Waldo, thence along U.S. Highway 301 to its junction with Florida Highway 16, thence along Florida Highway 16 to its junction with Florida Highway 215, thence along Florida Highway 215 to its junction Florida Highway 17, thence along Florida Highway 17 to its junction with Interstate Highway 95, thence along Interstate Highway 95 to junction with U.S. Highway 90, thence along U.S. Highway 90 to Jacksonville Beach.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E716) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER issues of April 3, 1975, and May 5, 1975, and republished, as corrected, this issues. Applicant: WATKINS MOTORLINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 17 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to the Atlantic Ocean, to those points in Colorado on and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 160 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 31, thence along Colorado Highway 31 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 13/789, thence along Colorado Highway 13/789 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

NOTE.—The purpose of this correction is to state the correct territorial description:

No. MC 95540 (Sub-No. E719) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER issue of April 3, 1975, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's represenattive: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *The Commodities classified as* (a) *meats, meat products, and meat by-products*, in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from Dteroit, Mich., to those points in Louisiana on and southeast of a line beginning at the Gulf of Mexico and extending along unnumbered Louisiana highway to junction U.S. Highway 167 (excluding Abbeville), thence along U.S. Highway 167 to junction Louisiana Highway 94, thence along Louisiana Highway 94 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 61 (excluding Baton Rouge), thence along U.S. Highway 61 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Louisiana Highway 41, thence along Louisiana Highway 41 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E734) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of May 1, 1975, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 301 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 74/76, thence along U.S. Highway 74/76 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean,

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to points in Utah. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E738) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of April 7, 1975, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of New Jersey Highway 33, to those points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along Texas Highway 21 to junction Texas Highway 294, thence along Texas Highway 294 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 158, thence along Texas Highway 158 to junction Texas Highway 59, thence along Texas Highway 59 to junction County Road 181, thence along County Road 181 to junction Texas Highway 115, thence along Texas Highway 115 to junction Texas Highway 128, thence along Texas Highway 128 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

NOTE.—The purpose of this correction is to state the correct territorial descriptions.

No. MC 95540 (Sub-No. E795) (Correction), filed November 25, 1974, published in the FEDERAL REGISTER issue of December 18, 1974, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Rocky Mount, N.C., to points in California, Arizona, New Mexico, and those points in Oklahoma on and north of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Oklahoma Highway 99, thence along Oklahoma Highway 99 to its junction with Oklahoma Highway 9, thence along Oklahoma Highway 9 to its junction with U.S. Highway 177, thence along U.S. Highway 177 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Texas State line, and to those points in Texas on and northwest of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 79 to its junction with U.S. Highway 180, thence along U.S. Highway 180 to its junction with Texas Highway 350, thence along Texas Highway 350 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Texas Highway 18, thence along Texas Highway 18 to its junction with U.S. Highway 290, thence along U.S. Highway 290 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the U.S.-Mexico International Boundary Line. The purpose of this filing is to eliminate the gateway of Washington, Pa.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E802) (Correction), filed November 25, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from those points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 18 to its junction with North Carolina Highway 115, thence along North Carolina Highway 115 to its junction with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line, to those points in Arizona on and north of a line beginning at the Arizona-California State line and extending along U.S. Highway 80 to its junction with Arizona Highway 84, thence along Arizona Highway 84 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with Arizona Highway 77, thence along Arizona Highway 77 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateway of Washington, Pa.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC–108341 (Sub-No. E5) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments and heat exchangers and parts thereof*, and *iron and steel castings and forgings*, which because of size or weight require the use of special equipment, and *turbines, steam condensers, feed water heaters, weldments and heat exchangers* and *parts thereof*, and *iron and steel castings* and *forgings*, which are contractors' materials, supplies and equipment, which do not require the use of special equipment in mixed loads with commodities which because of size or weight require the use of special equipment, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Chester, Eddystone, Essington, Pa., Wilmington, Dela., and the District of Columbia. The purpose of this correction is to complete the territorial description.

No. MC–114019 (Sub-No. E111) (Partial Correction), filed May 4, 1974, published in the FEDERAL REGISTER issue of January 28, 1976, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in New York, Pennsylvania and those in Ohio on and south of U.S. Highway 224 from the Indiana-Ohio State line to its junction with Ohio Highway 58 and on and east of Ohio Highway 58 to its junction with U.S. Highway 224 to Lake Erie and those points in Indiana on and south of U.S. Highway 24 from the Illinois-Indiana State line east if its junction with U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line, to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Lafayette, Ind.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of the letter-notice remains as previously published.

No. MC–114019 (Sub-No. E442) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER issue of June 23, 1976, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Frozen foods, and foods not frozen* when transported in the same vehicle with frozen food in vehicles equipped with mechanical refrigeration, from points in the Upper Peninsula of Michigan, to points in West Virginia, Maryland, Delaware, New Jersey (except points in New York, N.Y. and Philadelphia, Pa., Commercial Zones as defined by the Commission), (Chicago, Ill.)*; from points in Michigan, to points in North Dakota, South Dakota, Nebraska (Chicago, Ill.)*, Minnesota, Iowa, and points in that part of Missouri on and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 36 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas-Missouri State line. (Chicago, Ill., and Muscatine, Iowa)*. The above authority is restricted to the transportation of the commodities described therein when moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses.

The purpose of this filing is to eliminate the gateways marked with asterisks.

NOTE.—The purpose of this correction is to state the correct origin and destination and restriction that were omitted.

No. MC–114019 (Sub-No. E447) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER issue of June 23, 1974, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration: (1) from points in Rock Island, Henry, and Whiteside Counties, Ill., to points in that part of Michigan on, north, and east of a line beginning at Lake Huron and extending along Michigan Highway 53, to its junction with Michigan Highway 59, thence along Michigan Highway 59 to U.S. Highway 24, thence along U.S. Highway 24 to the Michigan-Ohio State line; (2) from points in that part of Illinois on and south of Illinois Highway 9 to points in Michigan. The purpose of this filing is to eliminate the gateway of LaFayette, Ind.

NOTE.—The purpose of this correction is to reflect the correct "E" number previously published as E440.

No. MC–127812 (Sub-No. E2), filed September 26, 1975. Applicant: TYSON TRUCK LINES, INC., 185—5th Ave., SW., New Brighton, Minn. 55112. Applicant's representative: Anthony C. Vance, 1111 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionaries, cocoa, cocoa syrup*, in vehicles equipped with mechanical refrigeration, from Minneapolis, Minn., to points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Trempeauleau, Washburn, and Vilas Counties, Wis. The purpose of this filing is to eliminate the gateway of New Brighton, Minn.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–30162 Filed 10–13–76;8:45 am]

[Notice No. 135]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 8, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 720 (Sub-No. 18TA) filed October 4, 1976. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, P.O. Box 8004, Madison, Wis. 53707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, food stuffs, canned goods, and materials, equipment and supplies* used or useful in the sale or distribution of frozen foods, foodstuffs, and canned goods; (1) from the plant and warehouse facilities utilized by Mass Feeding Corporation, at Darien, Wis., to Boston, Mass.; New York City, N.Y.; Newark, N.J.; Philadelphia, Pa.; Washington, D.C.; Watertown, Fall River and Norwood, Maine; and Baltimore, Md.; and (2) from the plant and warehouse facilities utilized by Mass Feeding Corporation, at Elk Grove Village, Ill., to Boston, Mass.; New York City, N.Y.; Newark, N.J.; Philadelphia, Pa.; Washington, D.C.; Watertown, Fall River and Norwood, Maine; Baltimore, Md., Toledo and Cleveland, Ohio; and Livonia and Grand Rapids, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mass Feeding Corporation, 2241 Pratt Blvd., Elk Grove Village, Ill. 60007. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 35203.

No. MC 34767 (Sub-No. 43TA) filed September 28, 1976. Applicant: GOOD'S TRANSFER, INCORPORATED, 234 Charles St., Harrisonburg, Ga. 22801. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Harrisonburg, Ga., to points in West Virginia, Garrett, Alleghany and Washington Counties, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern States Cooperative, P.O. Box 1656, Richmond, Va. 23213. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 107515 (Sub-No. 1025TA) filed September 24, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes and sauerkraut*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co. (an Oscar Mayer Suby), at or near Woodstock, Ill., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named destinations, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations. Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No MC 107515 (Sub-No. 1026TA) filed October 4, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the plantsite and facilities of Merrylog Farms, Nashville, Tenn., to Baltimore, Md., for 180 days. Supporting shipper: Merrylog Farms, Div. of Cal-Maine Foods, P.O. Box 1100, Nashville, Tenn. 37202. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 109397 (Sub-No. 3480TA) (correction) filed September 13, 1976, published in the FEDERAL REGISTER issue of September 28, 1976, and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O.

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Box 113, Jophlin, Mo. 64801. Applicant's representative: T.M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid radioactive waste*, in bulk, in tank vehicles, from the facilities of Arkansas Power & Light Co., at or near Russellville, Ark., to the facilities of Todd Shipyard, at or near Galveston, Tex., for 180 days. Applicant has also filed an undrelying ETA seeking up to 90 days of operating authority. Supporting shipper: South West Nuclear Company, 7066–A Commerce Circle, Pleasanton, Calif. 94566. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 111545 (Sub-No. 226TA) filed October 4, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., P.O. Box 6426, Station A, Marietta, Ga. 30067. Applicant's representative: J. Michael May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crossarms*, from East Point, Ga., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennslyvania, Virginia and West Virginia, for 180 days. Supporting shipper: Southern Wood Piedmont Company, P.O. Box 5447, Spartanburg, S.C. 29301. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 118431 (Sub-No. 22TA) filed October 4, 1976. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, (1) from Akron, Ohio, to Dubuque, Iowa; (2) from Miami, Okla., to Birmingham, Ala.; Dallas, Tex.; and Reno, Nev.; (3) from Oaks, Pa., to Kansas City, Kans.; and Reno, Nev.; (4) from Tuscaloosa, Ala., to Bensalem, Pa.; Columbus and Medina, Ohio; Dallas, Tex.; Kansas City, Kans.; and Reno, Nev.; and (5) from Woodburn, Ind., to Dallas, Tex.; Kansas City, Kans.; and Reno, Nev. Restrictions: (A) Restricted to traffic originating at and destined to facilities utilized by B. F. Goodrich Company; and (B) Restricted to traffic moving under a continuing contract with B. F. Goodrich Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B. F. Goodrich Company, 500 S. Main St., Akron, Ohio 44318. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118831 (Sub-No. 140TA), filed October 4, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry polyester resin, granules, or pellets*, between Fayettville, N.C., and Lewistown, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carodel Corporation, P.O. Box 630, Fayetteville, N.C. 28302. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 129394 (Sub-No. 3TA), filed October 4, 1976. Applicant: RONALD HACKENBERGER, doing business as RON'S TRUCKING SERVICE, Route 250, North, RFD No. 3, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 220 W. Bridge St., Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Morgan, Elliott and Carter Counties, Ky., to Huron, Ohio, under a continuing contract with Huron Lime Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huron Lime Company, 100 Meeker St., Huron, Ohio 44839. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 135861 (Sub-No. 12TA), filed October 4, 1976. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, Tex. 67106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift Fresh Meats Company, at or near Gering, Nebr., to points in Massachusetts, New York, New Jersey and Florida, and Philadelphia, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Fresh Meats Company, 115 West Jackson Blvd., Chicago, Ill. 60605. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 139577 (Sub-No. 1TA), filed October 4, 1976. Applicant: ADAMS TRANSIT, INC., 205 E. Winnebago St., Friesland, Wis. 53935. Applicant's representative: Delbert De Young, P.O. Box 338, Friesland, Wis. 53935. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts*, from the plantsites and warehouse facilities owned or leased by the Carnation Company, in Wisconsin, to Fort Dodge and Fort Madison, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating. Supporting shipper: Robert H. Kessenich, Manager, Midwest Motor Operations, Carnation Company, 132 S. Concord Road, Oconomowoc, Wis. 53066.

No. MC 141074 (Sub-No. 4TA), filed October 1, 1976. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 447, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 1030 15th St., NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and untreated piling*, from Sharptown, Md., to points in Massachusetts, Rhode Island, New Hampshire, Vermont and Ohio, under a continuing contract with J. V. Wells, Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. V. Wells, Co., P.O. Box 526, Sharptown, Md. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142129 (Sub-No. 2TA), filed September 30, 1976. Applicant: VALLEY PARCEL SERVICE, INC., 500 South Teilman Ave., Fresno, Calif. 93726. Applicant's representative: Rodney Heintz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fresno Airport on the one hand, and, on the other, points in Fresno, Kings, Tulare, Madera and Merced Counties, Calif., restricted to traffic having a prior or subsequent out of state movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Suite 500, 211 Main, San Francisco, Calif. 94105.

No. MC 142443 (Sub-No. 1TA), filed September 27, 1976. Applicant: HOLSTON BROTHERS, INC., 13711 Travilah Road, Rockville, Md. 20850. Applicant's representative: Barry Roberts, 888 17th St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potting soil, top soil, marble chips, limestone, chemical fertilizers, peat moss and manure* (otherwise exempt) when moving in the same vehicle as the above-named commodities (except in bulk), Potting soil, from Sussex, N.J., and Montgomery County, Md.; Top soil, from Montgomery County, Md., and Toughkenamon, Pa.; Marble chips and limestone, from Newton, N.J., Chemical fertilizer, from Lancaster, Pa.; Manure, from South Charleston, Ohio; and Peat moss, from Montgomery County, Md., to points in Maryland and Virginia, under a continuing contract with Continental Peat Co., and Leafco, for 180 days. Supporting shippers: Continental Peat Co., P.O. Box 7368, Toledo, Ohio 43615. Leafco, 2707 Weisman Road, Wheaton, Md. 20902. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142491TA, filed October 4, 1976. Applicant: D & E TRANSPORT, INC., P.O. Box 96, Bellevue, Nebr. 68005. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses* (except commodities in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Lakin Meat Processors, at or near Omaha, Nebr., to points in Washington, Oregon, California, Nevada, Arizona, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Michigan, Kentucky, Tennessee, Mississippi, Alabama, Ohio, New York, Pennsylvania, New Jersey, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, and Delaware. Restrictions: Restricted to traffic originating at the plantsite and storage facilities of Lakin Meat Processors, at or near Omaha, Nebr., under a continuing contract with Lakin Meat Processors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edward A. Ginsberg, General Manager, Lakin Meat Processors, Inc., 800 Harney, Omaha, Nabr. 68102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–30161 Filed 10–13–76;8:45 am]

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federal register

THURSDAY, OCTOBER 14, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

HOUSING ASSISTANCE PAYMENTS PROGRAM

Substantial Rehabilitation

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-387]

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Adoption of Final Rule

On April 26, 1976 at 41 FR 17488 the Department published amendments to Part 881, effective on an interim basis. The comment period closed May 26, 1976.

The Department has received 15 comments in response to the April 26 publication. All comments were carefully considered, and changes have been made to the Interim Regulations, as set forth below, based on these and other comments. A discussion of the principal changes and of the more recurrent and significant comments follows.

1. A new § 881.101(d) has been added to clarify that housing subsidized under other provisions of the U.S. Housing Act of 1937 is not eligible for assistance under this Part.

2. In § 881.102, in the definition of "Eligible Family," the term "handicapped" has been revised to clarify that it includes mentally or physically handicapped persons.

3. Section 881.108(a) has been revised to provide that where the estimated cost of the rehabilitation is less than 25 percent of the estimated value of the property after rehabilitation, initial Contract Rents plus any Allowance shall not exceed 75 percent of the Fair Market Rents for new construction, with certain exceptions.

4. In § 881.109(a), the provision that the term of the Contract shall be no more than five years where the estimated cost of the rehabilitation is less than 15 percent of the estimated value of the project after rehabilitation has been revised. Under the revision, where the estimated cost of the rehabilitation is less than 25 percent, the maximum total term of the Contract may be more than five but not more than 10 years. The 25 percent figure is the same as the percentage figure used for determining the applicable Fair Market Rent (see paragraph 3 of this preamble). The term is being lengthened from 5 to 10 years to enable an Owner to finance the rehabilitation cost over a longer term and thereby achieve lower rents. (A conforming change has also been made in § 881.109(b).)

5. Section 881.110(c) has been revised to clarify that when special additional adjustments are approved by HUD, they "shall," rather than "may," be granted.

6. In § 881.114, "Other Federal requirements," the statutory citation for the Archeological and Historic Preservation Act of 1974 (Public Law 93-291) has been corrected.

7. In response to several comments, a new § 881.205(t) has been added to permit the Owner to include in the Preliminary Proposal a designation of alternate properties if he wishes HUD to consider them as substitutes in the event that HUD finds defects or deficiencies with respect to the principally designated properties. In addition, § 881.208 has been revised to permit HUD, in its discretion, to consider such alternate properties in such cases.

8. Section 881.207(b)(2) has been revised to provide that, in the case of Proposals involving HUD mortgage insurance, the field office shall make a preliminary debt service analysis as part of the Technical Processing, rather than as part of the Preliminary Evaluation. The provision has also been revised to state that if the field office is unable to approve the mortgage amount requested, it shall notify the Owner of the maximum amount which is tentatively approvable, pursuant to § 881.208(e)(4) or in the notification of selection in accordance with § 881.208(h).

9. In response to a comment, § 881.208(j) has been clarified to provide that if, at any time after completing selection of Preliminary Proposals, the contract authority in the NOFA for an area is not fully committed or if a selected Proposal fails to result in an Agreement, the field office may proceed in accordance with specified alternatives. The comment stated that some field offices interpret the regulations to require publication of another NOFA if contract authority becomes available because a selected Proposal is withdrawn. This result was not intended. Conforming changes have been made in § 881.210(c)(3), in new § 881.210(e), in § 881.211(a), and in § 881.211(b)(4) to reflect the fact that § 881.208(j) states in one place in the regulations the alternatives available where there is residual contract authority.

10. Several comments suggested that § 881.108(b), "Reasonableness of Rents," be revised to require HUD to take into consideration the costs of the development and operation of the project in its determination that the Contract Rents are reasonable. This section has not been revised pending the results of further Departmental analysis to determine the effects of present procedures on program implementation.

11. It was suggested that the term "predominantly for the elderly," as used in § 881.111 in connection with the prohibition of high rise elevator projects for Families with children, be defined in terms of a specified minimum percentage. The Department has determined that the use of a percentage limitation is not necessary and that it would be better to leave the question to a case by case determination.

12. It was suggested that § 881.111 be amended to permit the use of high-rise elevator projects for families with children where the families already reside in the structure to be rehabilitated. Under the U.S. Housing Act, high-rise elevator projects may not be provided for families with children unless HUD determines that "there is no practical alternative." The fact that a high-rise elevator structure proposed for rehabilitation already has families in occupancy does not in itself make the requirement inapplicable, but is relevant in making the required determination. For example, if all the Proposals submitted in response to a NOFA for an area provide for high-rise elevator projects for families with children, this would be evidence that there is no practical alternative for this type of housing.

13. A number of comments suggested that certain of the site and neighborhood standards in § 881.112 were inappropriate for substantial rehabilitation projects. This section has not been revised pending completion of the review now underway of site and neighborhood standards for various HUD programs.

14. It was suggested that guidelines should be established to assure that the number of units advertised will be sufficient to permit feasible projects. The Department does not feel that the inclusion of such a provision in the regulations is necessary because the field offices have the responsibility for making determinations as to the number of units to be advertised for in accordance with all the pertinent factors and on a basis likely to result in the submission of viable Proposals.

15. It was suggested that § 881.203 of the regulations be revised to permit field offices to negotiate directly with developers without publishing a NOFA. The Department has determined not to accept this comment because of the importance of giving all interested parties an opportunity to submit a proposal.

16. One comment suggested that Notifications of Fund Availability be published once a week for three, rather than two, consecutive weeks (see § 881.203(a)). The Department has determined that two publications of the NOFA are sufficient and, therefore, that the expense of a third publication would not be warranted.

17. It was suggested that the regulations be amended to delete the provision authorizing the field office to shorten or extend the deadline because it was felt that it is "unreasonable, unfair and subject to manipulation." (See § 881.203(c)(4) and § 881.208(e)(7).) These provisions have not been changed because the Department has determined that sufficient safeguards exist to avoid any unfair result and that such a procedure provides flexibility important for the efficient processing of proposals.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A Finding of Inapplicability of inflation impact statement requirements has also been made in accordance with HUD procedures. Copies of these findings are available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh St., S.W., Washington, D.C. Accordingly, the interim rule, published April 26, 1976, 41 FR 17488, is hereby made final with the changes set forth in this amendment. Thus Part 881, section 8 Housing Assistance Payments Program—Substantial Rehabilitation, is adopted with the changes to §§ 881.101, 881.102, 881.108, 881.109, 881.110, 881.114, 881.205, 881.207, 881.208, 881.210, and 881.211 set forth as follows:

1. A new Sec. 881.101(d) is added to read:

* * * * *

§ 881.101 Applicability and scope.

(d) Housing subsidized under other provisions of the Act is not eligible for assistance under this Part.

§ 881.102 [Amended].

2. The second sentence of the definition of "Eligible Family 'Family')" in § 881.102 is revised to read:

* * * The term Family includes an elderly, mentally or physically handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act.

3. Section 881.108(a) is revised to read:

§ 881.108 Initial contract rents.

(a) Fair Market Rent Limitation. The sum of the initial Contract Rent and any Allowance for Utilities and Other Services for any unit shall not exceed the Fair Market Rent for newly constructed rental housing (or 75 percent thereof where the estimated cost of the rehabilitation is less than 25 percent of the estimated value of the property after rehabilitation), except that this limit may be exceeded

(1) By up to 10 percent if the field office director determines that special circumstances warrant such higher rent and the higher rent meets the test of reasonableness in paragraph (b) of this section, or

(2) By up to 20 percent, where the Regional Administrator determines that special circumstances warrant such higher rent or determines that such higher rent is necessary to the implementation of a Local Housing Assistance Plan, and that such higher rent meets the test of reasonableness in paragraph (b) of this section.

4. Section 881.109(a) and (b) are revised to read:

§ 881.109 Term of housing assistance payments contract.

(a) Where the estimated cost of the rehabilitation is less than 25 percent of the estimated value of the project after completion of the rehabilitation, the Contract may be for an initial term of not more than five years of any dwelling unit, with provision for automatic renewal (unless agreed otherwise) for one or more additional terms of not more than five years each; provided, however, that the total Contract term, including all renewals, shall not exceed 10 years for any dwelling unit.

(b) Where the estimated cost of the rehabilitation is 25 percent or more, the Contract may be for an initial term of not more than five years for any dwelling unit, with provision for automatic renewal (unless agreed otherwise) for additional terms of not more than five years each, for a total Contract term which will cover the financing of the cost of rehabilitation, or the remaining term of the existing indebtedness, if that be longer, or which will cover the financing of the cost of the rehabilitation and of acquisition or refinancing of the existing indebtedness; provided, however, that the total Contract term, including all renewals, for any dwelling unit shall not exceed 20 years, or 40 years where the project is owned by, or financed by a loan or loan guarantee from, a State or local agency.

5. Section 881.110(c) is revised to read:

§ 881.110 Rent adjustments.

(c) Special Additional Adjustments. Special additional adjustments shall be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to HUD financial statements which clearly support the increase.

§ 881.114 [Amended]

6. In § 881.114, "Other Federal Requirements," the citation in paragraph (e) for the Archeological and Historic Preservation Act of 1974 is revised to read: (Public Law 93-291).

7. Insert a new § 881.205(t) to read:

§ 881.205 Contents of preliminary proposal.

* * * * *

(t) Whether the Owner wishes to designate alternative properties for consideration by HUD, in its discretion, if HUD finds defects or deficiencies with respect to the principally designated properties; and, if so, the Owner shall include for each such alternate property the information required by paragraphs (a), (c), (e), (j), (k), and (o) of this section.

§ 881.207 [Amended]

The heading of § 881.207(b), *"Concurrent Pocessing,"* is corrected to read *"Concurrent Processing."*

9. Section 881.207(b)(2) is revised to read:

§ 881.207 Proposal involving HUD-FHA mortgage insurance.

* * * * *

(b) * * *

(2) As part of the Technical Processing (§ 881.208) of Proposals involving HUD mortgage insurance, the field office shall make a preliminary debt service analysis to determine the tentative approvable mortgage amount and maximum supportable cost based on the field office's estimate of market rentals, operating expenses and taxes for the proposed project. If the field office is unable to approve the mortgage amount requested, it shall notify the Owner in accordance with Sec. 881.208(e)(4) or in the notification of selection, in accordance with Sec. 881.208(h), of the maximum mortgage amount which is tentatively approvable and shall advise the Owner to inform the field office within the specified time whether he wishes processing of the Proposal to proceed based on the revised mortgage amount.

§ 881.208 [Amended]

10. In § 881.208(b), lines nine and ten, delete the phrase "with respect to the same property."

11. Insert the following at the end of § 881.208(b): Such amendments or modifications may, at HUD's discretion, include substitution of alternate properties if designated by the Owner in the Preliminary Proposal, provided that such alternate properties are otherwise acceptable to the field office.

12. Revise § 881.208(e)(4) and (j) to read:

§ 881.208 Screening and evaluation of preliminary proposals.

* * * * * *

(e) * * *

(4) If, in its evaluation of all pertinent factors, the field office finds deficiencies which, in its judgment, are correctable within a reasonable time, including the substitution of alternate properties designated by the Owner in the Preliminary Proposal, it may grant such additional time as it deems appropriate to enable the Owner to correct such deficiencies. Otherwise the Owner shall be sent a notification specifying the deficiencies and stating that the Proposal is rejected.

* * * * * *

(j) Use of Residual Contract Authority. If at any time after completing selection of Preliminary Proposals, the contract authority indicated in the NOFA for an allocation area is not fully committed or if a selected Proposal fails for any reason to result in an Agreement, the field office may:

(1) Give further consideration to Proposals which were either not found eligible for Technical Processing, or as a result of such processing were found not approvable, or were found approvable but were not selected as a result of the ranking, and afford the owners an opportunity to remedy any deficiencies, including substitutions of alternate properties designated by the Owner in the Preliminary proposal;

(2) Process Proposals not yet considered for projects to which the deadline does not apply (see § 881.203(c)(5));

(3) Publish another NOFA for the allocation area; or

(4) Reallocate the unused contract authority to another allocation area.

13. Revise § 881.210(c)(3) and add (e) to read:

* * * * * *

§ 881.210 Evaluation of final proposals.

(c) * * *

(3). Not approved. If a Final Proposal is not approved or if the conditions for

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approval under paragraph (c)(2) of this section are not met, HUD shall so advise the Owner.

. . . . . .

(e) Use of Residual Contract Authority. See Sec. 881.208(j).

14. Revise § 881.211(a) and (b)(4) to read:

§ 881.211 Owners acceptance of notification and submission of architect's certification.

(a) *Owner's Acceptance.* Upon receipt by the Owner of the notification of approval of the Final Proposal, the Owner shall return to HUD a copy indicating his acceptance within the time prescribed in such notification (copy to the PHA, if applicable). If the Owner does not accept the notification by the date specified, HUD may rescind the notification.

(b) . . .

(4) If the Owner fails to submit the certification by the date specified in the notification, HUD shall rescind the notification unless it determines that a reasonable extension of time should be granted.

Effective Date. These regulations are effective on Friday, November 12, 1976.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); sec. 5 U.S. Housing Act of 1937 (42 U.S.C. 1437 c(b)); sec. 8 U.S. Housing Act of 1937 (42 U.S.C. 1437f).)

Issued on October 5, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.76-29941 Filed 10-13-76;8:45 am]

federal register

THURSDAY, OCTOBER 14, 1976



PART III:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

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[Notice 1976-52, AOR 1976-90 through 1976-94]

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976-90 through 1976-94 have been made public at the Commission. Copies of AOR 1976-90 through 1976-92 were made available on October 4, 1976, and AOR 1976-93 and 1976-94 were made available on October 6, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, N.W., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976-90: Whether unexpended campaign funds of a retiring Member's committee may be used to pay for overseas travel expenses of the Member's spouse or for reimbursement of the committee treasurer.—Requested by Congressman William J. Randall, U.S. House of Representatives.

AOR 1976-91: Whether AMPAC and TEXPAC are subject to a shared $5,000 contribution limitation with respect to the period before May 11, 1976, or the period after that date.—Requested by Robert Thomson of Preston, Thorgrimson, Ellis, Holman & Fletcher for Senator Lloyd Bentsen, Washington, D.C.

AOR 1976-92: Whether the Civic Pledge Program of the Boeing Company requires registration of a political committee as a separate segregated fund.—Requested by Graham H. Fernald of Perkins, Coie, Stone, Olsen & Williams for the Civic Pledge Program, Seattle, Washington.

AOR 1976-93: Whether a candidate may include photographs of presidential and senate candidates in posters or newspaper ads; what disclaimers are required; how must the expenses be reported.—Requested by Congressman Parren J. Mitchell, U.S. House of Representatives.

AOR 1976-94: Whether corporate members of a trade association may use a payroll deduction plan to facilitate contributions to the separate segregated fund of the trade association.—Requested by John E. Ahearn, Counsel, Connecticut Insurance Political Action Committee, Hartford, Connecticut.

Dated: October 7, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-30088 Filed 10-13-76;8:45 am]

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PART IV:

DEPARTMENT OF COMMERCE

Economic Development Administration

■

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

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Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 316—LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Miscellaneous Amendments

Pursuant to the authority vested in it by section 107 of Title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.), the Economic Development Administration hereby amends 13 CFR Part 316.

On August 23, 1976, a document was published in the FEDERAL REGISTER (41 FR 35670) which was a notice of final rulemaking setting forth the rules and regulations which described procedures by which eligible applicants may receive financial assistance for the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of local public works projects and for the completion of plans, specifications, and estimates for local public works projects pursuant to Title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.). These rules and regulations were amended by documents published in the FEDERAL REGISTER on August 30, 1976 (41 FR 36637) and September 13, 1976 (41 FR 38996).

Although the material contained in the Regulations of August 23, 1976, and the amendments of August 30, 1976, and September 13, 1976, were a matter relating to an EDA grant program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in the effective date were inapplicable.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, EDA allowed interested persons to submit written comments, suggestions, data or arguments within 30 days to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

All comments with respect to the final rulemaking were given due consideration.

As a result of comments received, the following changes in the Final Rules and Regulations are made in addition to language changes for clarification and corrections for uniform format:

1. Section 316.2 is amended to revise the definition of "Initiation of construction" as it pertains to an eligible completed facility which has integrity in and of itself, and to an eligible project which has previously commenced construction but has been completely terminated for lack of funds.

2. Section 316.2 is amended by revising the definition of "General purpose unit of local government" to include school districts.

3. Section 316.8(b) is amended in order to define more precisely the data base that will be used to determine State planning ceilings for the 35% of the funds authorized by the Local Public Works Capital Development and Investment Act which will be based on severity of unemployment. The amendment specifies that the composite unemployment rate, which reflects the unemployment rate of all States as well as Puerto Rico, will be used for this purpose.

4. Section 316.10(a)(2)(ii)(C) is amended by changing the existing (C) to (D) and adding a new (C) which increases a project's basic rank by three percent if sponsored by a special purpose unit of local government or a political subdivision of a State. This addition emphasizes those project selection considerations which further the obectives of the program.

5. Section 316.10(a)(3)(iii) is revised to permit the Assistant Secretary to approve or deny projects regardless of project rank as may be necessary (1) to meet the required distribution of program resources between statutorily mandated priority classes, (2) to prevent an undue concentration of program resources in any area or areas of a State or (3) when the sum of total labor requirements of projects in an area exceeds the available labor in that area.

6. Section 316.10(b)(8) is amended by revising the nature of the information an applicant is required to submit to EDA if it is involved in a lawsuit or Federal administrative action alleging discrimination. This change is intended to allow better coordination between the regulations and the printed instructions on the application form.

7. Section 316.10(b)(10) is amended to explicitly authorize the rejection of applications which are incomplete.

8. Section 316.10(f)(1) is amended to clarify the type of ownership interest an applicant must demonstrate in the project facility and/or site. An eligible applicant is required to own, lease, or hold an enforceable option to purchase the project facility and/or site. For a lease to qualify, it must be non-cancellable and long term, defined as the longer of twenty years or the useful life of the project.

9. Section 316.10(f) is amended by the addition of a new paragraph (3) which states that applications will not normally be approved for projects whose labor requirements equal or exceed one-third of the project area's unemployed labor force. This provision is designed to prevent the Local Public Works Capital Development and Investment Program from generating labor demands in excess of the supply of unemployed labor in any particular area. This amendment is consistent with changes made at 13 CFR 316.10(a)(3)(iii).

10. Section 316.10(h) is amended to delete in its entirety the two-year construction requirement as a prerequisite for project approval. The purpose of this requirement was to assure that jobs were created immediately and not several years in the future; it has now been determined that this requirement may be overly restrictive since it precludes LPW funds from supplementing a large project having considerable labor impacts both immediately and in the future.

11. Section 316.11(d) is amended to provide additional guidance for applicants regarding OMB Circular No. A-95 procedures during the first ninety days in which applications are being accepted. The new paragraph (4) allows the acceptance of applications which lack State application identifier numbers during this period.

12. Section 316.11(e) is amended by deleting references to environmental legislation and procedures which have been determined inapplicable to this program.

13. Section 316.11(j) is amended to modify the application of 13 CFR Part 314, "Property management standards", to the Local Public Works Capital Development and Investment Program. Sections 314.6(a) and 314.6(b), pertaining to recording of covenants, and § 314.50, pertaining to general requirements for excess property, are inapplicable to this Program and therefore are deleted.

14. Section 316.13 is revised by deleting paragraph (c). Paragraph (c) concerned an environmental review pursuant to the Wild and Scenic Rivers Act, which is inapplicable to the procedures contained in this section. This amendment also redesignates the remaining paragraphs of § 316.13 as § 316.14.

15. A new § 316.13, Lease of project facilities, is added to Part 316. This section states EDA's policy concerning the lease of project facilities by recipients. It establishes the requirements governing the lease of facilities to private nonprofit and profit making operators.

16. Section 316.14 is redesignated as § 316.15 in line with the changes described previously.

17. Section 316.15 is amended by including suspensions among the types of actions EDA may take following the approval of a project. This section is also redesignated as § 316.16 to conform with previous changes.

Because these regulations pertain to a grant program administered by the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Consideration has been given as to whether matters set forth in these amendments constitute a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. A determination has been made that these regulations do not extend or go beyond the statute, and therefore, there is no inflationary impact of these regulations beyond the statute.

Accordingly 13 CFR Part 316 is revised as set forth below and the entire Part 316 with all amendments will be republished in the immediate future:

§ 316.2 [Amended]

1. Section 316.2 is amended by revising the definition of "Initiation of construction" as follows:

• • • • • •

Initiation of construction. Means that notice to proceed or its equivalent has been issued or on-site labor has begun, except where on-site labor has commenced on the project but the project was abandoned due to lack of funds or where the project is to expand or modify a completed facility which has integrity in and of itself.

• • • • • •

2. Section 316.2 is amended by revising the definition of "General purpose unit of local government" as follows:

• • • • • •

General purpose unit of local government. Means any city, county, town, parish, Indian tribe, school district or any other "unit of general local government" as included within the definition of that term by section 104 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et seq.).

• • • • • •

3. Section 316.8(b) is revised by amending the formula by which each State planning ceiling is determined to read as follows:

§ 316.8 Allocation of program resource levels to regional offices.

• • • • •

(b) • • •

Subject to program administrative costs and statutory minimum and maximum amounts allocated to individual States by the legislation, 65 percent of the funds will be set aside as planning ceilings for individual States based on the share of unemployed workers residing in a State of the total national unemployed; 35 percent of the funds will be set aside as planning ceilings to individual States based on the relative severity of unemployment for each State above the composite unemployment rate for all States.

4. Section 316.10 is amended as follows:

a. Paragraph (a)(2)(ii)(C) is amended by redesignating paragraph (C) as paragraph (D) and adding a new paragraph (C);

b. Paragraph (a)(3)(iii) is revised;

c. Paragraph (b)(8) is revised;

d. Paragraph (b)(10) is revised;

e. Paragraph (f)(1) is revised and a new subparagraph (3) is added to paragraph (f); and

f. Paragraph (h) is deleted in its entirety and paragraph (i) is redesignated as paragraph (h).

As amended, § 316.10 (a)(2)(ii)(C); (a)(3)(iii), (b)(10), (f)(1) and (f)(3) reads as follows:

§ 316.10 General considerations and requirements for financial assistance.

(a) • • •

(2) • • •

(ii) • • •

(C) Is sponsored by a special purpose unit of local government or a political subdivision of a State. Projects meeting this criterion will have their basic ranks increased by three percent.

• • • • • •

(iii) Within each State and priority category, projects will be selected until the State planning allocation has been exhausted or until such time as the Assistant Secretary determines that the remaining funds made available under the Act must be reallocated among the States. In selecting projects for funding, the Assistant Secretary shall give primary consideration to the final rank of a project. However, the Assistant Secretary may approve projects which rank below other projects as may be necessary to avoid an undue geographic concentration of program assistance in any particular area or areas of a State or as may be necessary to meet the required distribution of program resources between the statutorily mandated priority classes or when the sum of the total project labor requirements in a project area exceeds the available labor.

(b) • • •

(8) It contains adequate assurance by the applicant and by any "other parties" as defined in 15 CFR Subtitle A, Part 8, that no person shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under the proposed project; and an assurance that it is not invloved in any civil rights litigation or if it is involved in a lawsuit or Federal administrative action alleging discrimination it shall provide a brief narrative description of the action alleging discrimination and its outcome.

• • • • • •

(10) It is, in the opinion of the Assistant Secretary, accurate and complete.

• • • • • •

(f) • • •

(1) The applicant has not obtained rights to the project site, including easements and rights-of-way, in one of the following ways:

(i) The eligible applicant owns the project facility and/or site clear of any encumberances;

(ii) The eligible applicant holds a noncancellable long-term lease on the project facility and/or site which is defined as 20 years or the useful life of the facility, whichever is longer; or

(iii) The eligible applicant holds a clearly enforceable option through time of grant approval to purchase the project facility and/or site and demonstrates that it has sufficient funds available to complete the purchase.

• • • • • •

(3) The project's labor requirements equal or exceed one-third of the project area's unemployed labor force.

• • • • • •

(i) [Redesignated]

5. Section 316.11 is amended as follows:

a. Paragraph (d) is amended by redesignating subparagraph (4) as subparagraph (5) and a new subparagraph (4) is added;

b. Paragraph (e) is amended by deleting subparagraph (8) in its entirety and subparagraphs (5) and (7) are revised; and

c. Paragraph (j) is revised; as amended, § 316.11(d)(4), (e)(5), (7) and (8), and (j) read as follows:

§ 316.11 Compliance with other Federal requirements.

• • • • • •

(d) • • •

(4) During the first ninety days, applications received by EDA need not have State application identifier numbers.

• • • • • •

(e) • • •

(5) The Wild and Scenic Rivers Act (16 U.S.C. 1271–1287);

(7) The Historical and Archeological Data Preservation Act, as amended (16 U.S.C. 469 et seq.).

(8) [Deleted]

• • • • • •

(j) 13 CFR Part 314, entitled "Property management standards," except 13 CFR 314.6(a), 13 CFR 314.6(b), and 13 CFR 314.50.

6. Section 316.13 is amended by deleting paragraph (c) in its entirety and redesignating the section as § 316.14 to read as follows:

§ 316.14 Environmental considerations.

• • • • • •

7. The following new § 316.13 is added to Part 316 to read as follows:

§ 316.13 Lease of project facilities.

(a) The project facility may be leased by the grantee to a non-profit operator providing the applicant maintains a continuing significant economic interest in the project and is not acting simply in a passive role for a prospective lessee, and such facility is used for the purpose of the grant.

(b) The project facility may be leased by the grantee to a profit making operator provided all of the following conditions are met:

(1) The lease is incidental to the project and not its principal purpose;

(2) The lease does not change the public nature or character of the purpose of the project as a whole; and

(3) The applicant maintains a continuing significant economic interest in the project and is not acting simply in a passive role as applicant for a prospective lessee.

8. Section 316.14 is redesignated as § 316.15 to read as follows:

§ 316.15 Final Determination.

• • • • • •

9. Section 316.15 is amended by redesignating it as § 316.16 and revising it to read as follows:

§ 316.16 Termination.

(a) An appropriate official of the grantee may request EDA to cancel or suspend or terminate a public works project approved under this part. This request must be accompanied by a certified resolution or ordinance authorizing the requesting party to make such re-

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quest. Before agreeing to such request, EDA will determine the legal sufficiency of such request.

(b) EDA may initiate a cancellation or suspension or termination of a project approved under this part for failure by the grantee to adhere to the requirements of the grant

(c) EDA may initiate a cancellation or suspension or termination of a project approved under this part whenever it determines that such cancellation or suspension or termination is in the best interest of the government. Cancellation or suspension or termination shall be effected by delivering a notice to the grantee specifying the extent of the cancellation of suspension or termination and the date upon which it becomes effective.

(Title I, Pub. L. 94-369, (July 22, 1976); 42 U.S.C. 6701 et seq.; 90 Stat. 999; and Department of Commerce Organization Order 10-4 (September 30, 1975) as amended (40 FR 56702, as amended at 40 FR 58878 and at 41 FR 35548.)

Effective date: This amendment becomes effective on October 14, 1976.

NOTE.—The Economic Development Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular No. A-107.

Dated: October 8, 1976

JOHN W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-30266 Filed 10-14-76;8:45 am]

federal register

THURSDAY, OCTOBER 14, 1976

PART V:

POSTAL SERVICE

■

PRIVACY ACT OF 1974

Systems of Records

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POSTAL SERVICE
PRIVACY OF INFORMATION
Systems of Records

The primary purpose of this document is to publish the annual notice under 5 U.S.C 552a(e)(4) of the systems of records, as defined in the Privacy Act of 1974, Pub L No 93-579, which are maintained by the Postal Service. In the interests of providing complete, current information to the public in an easily accessible format, this document also provides final notice of several previously proposed changes in Postal Service systems of records These changes include the establishment of a new system of records, the modification of two previously established systems of records, the deletion of a superseded system of records, and the expansion of a routine use of a system of records This document also makes editorial corrections and revisions in the notices of several previously identified systems of records

Postal Service regulations concerning the privacy of information, 39 C.F.R Part 266, were published in the Federal Register on October 2, 1975 (40 FR 45721), and amended in minor respects on June 18, 1976 (41 FR 24709) Those Postal Service systems of records which are exempt from certain provisions of the Privacy Act are listed in 39 C.F.R 266.9(b)

ANNUAL NOTICE OF SYSTEMS OF RECORDS

The following points are relevant to the annual notice of Postal Service systems of records provided in this document:

a All systems containing contract records, as well as other legal records relating to those contracts, are considered business records by the Postal Service, rather than systems of personal records, as that term is defined in the Privacy Act. Accordingly, these systems are not listed

b All Postal Service records described in this list are subject to:

(1) The subpoena of a court of competent jurisdiction;

(2) Review by Congress or its representatives upon request;

(3) Audit by Postal Inspectors to insure that Postal Service managers are maintaining their systems of records in accordance with the requirements of the Privacy Act;

(4) Storage at GSA Federal Records Centers when the records become inactive, before destruction.

c The "routine use" portion of each system notice contains, as the first item, the system "purpose" The "purpose" is included to provide clarity and promote understanding of the system by the layman It may be defined as that activity performed by those officers and employees of the Postal Service who have a need for component records of the system in the performance of their duties Disclosure accounting is not maintained by the Postal Service for any activity listed as a "purpose"

NOTICE OF ADDITIONAL SYSTEM OF RECORDS

On May 13, 1976, the Postal Service published for comment in the Federal Register (41 FR 19924) initial notice of its intention to establish a new system of records One public comment was received after the time for comment had expired. In addition to being late this comment was irrelevant to the privacy impact of the proposed system Accordingly, after a review of the proposed text, the Postal Service has determined to make final. effective immediately its previously published notice of the existence and character of this system USPS 130.040, Philately—Philatelic Product Sales and Distribution This document constitutes final notice of the existence and character of this system, which appears in the list of Postal Service systems of records published at the end of this document.

MODIFICATION OF SYSTEMS OF RECORDS DELETION OF SUPERSEDED SYSTEM

On July 30, 1976, the Postal Service published for comment in the Federal Register (41 FR 32203) initial notice of its intention to modify earlier inadequate descriptions of two Postal Service systems of records No adverse comments were received regarding these proposed modifications Accordingly, after a review of the proposed text, the Postal Service has determined to make final, effective immediately its previously published, modified notice of the existence and character of the following two systems.

(1) USPS 160.010, Special Mail Services—Registered Mail Inquiry for Delivery or Application for Indemnity,

(2) USPS 160.020, Special Mail Services—Request for Payment of Domestic Postal Insurance (Claim) Records.

This document constitutes final notice of the existence and character of these systems, which appear in the list of systems at the end of this document

The review of the operation of these two systems has further indicated that they supersede and make obsolete a third system of records, USPS 070.030. Inquiries and Complaints—Inquiry for Loss or Rifling of Mail Matter Tentative Postal Service notice regarding this system was published in the Federal Register on August 28 1975 (40 FR 39814). final notice. with amendments, on October 8 1975 (40 FR 47422, 47423), and notice of additional routine uses on January 15, 1975 (41 FR 2287), and March 26 1976 (41 FR 12840)

Accordingly Postal Service maintenance of system USPS 070.030 is no longer relevant and necessary to the accomplishment of a purpose of the Postal Service The Postal Service has therefore determined under 5 U.S.C 552a(e)(1) effective immediately. to delete this system from its list of systems of records This document constitutes final notice of this deletion, and former system USPS 070.030 does not appear in the list of systems at the end of this document.

ROUTINE USE OF SYSTEM OR RECORDS

On July 28, 1976, the Postal Service published for comment in the Federal Register (41 FR 31431) initial notice of its intention to expand a routine use of a system of records maintained by the Postal Service This system USPS 050.020 Finance Records—Payroll System, contains general payroll information pertaining to postal employees The Postal Service proposed to expand a routine use of this system to permit the Postal Service to furnish pertinent information to groups other than financial organizations such as charitable organizations, which receive salary allotments at the election of the employee No adverse comment was received regarding the proposed change Accordingly. after a review of the proposed text, the Postal Service has determined to make final, effective immediately, its previously published notice of the expanded routine use, which appears in the notice of system USPS 050.020 contained in the list of systems at the end of this document.

EDITORIAL CORRECTIONS AND REVISIONS

The Postal Service has also determined it is necessary to make certain editorial corrections and revisions to several systems of records. The editorial corrections and revisions, all of which have been incorporated into the list of systems at the end of this document, and none of which changes the general character or purpose of an affected system, are as follows:

USPS 010.030

System location: CHANGE TO READ, "District Offices, Sectional Centers, Post Offices, Postal Data Centers."

USPS 050.010

System location: CHANGE TO READ, "Postal Data Centers. Postal Service Personnel Offices."

Notification procedure: CHANGE TO READ, "Requests for information should be presented to employee's personnel officer furnishing name and social security number."

USPS 050.020

System location: CHANGE TO READ, "Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information "

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: CHANGE USE NUMBER 3 TO READ, "3 Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees "

USPS 090.020

Notification procedure: CHANGE TO READ, "A customer wishing to know whether information about him is maintained in this system of records should address inquiries to the postmater of the office where a passport application was made. Inquiries should contain the full name and address of the customer."

USPS 110.010

Categories of records in the system: CHANGE TO READ, "Records controlling the issuance of accountable Postal Service property such as equipment, credentials, and controlled documents "

Retrievability: CHANGE TO READ, "Name of recipient of accountable property and types of equipment."

System manager(s) and address: CHANGE TO READ, "(1) Chief Postal Inspector, Headquarters; (2) APMG, Procurement and Supply Department Headquarters."

USPS 120.040

System name: CHANGE TO READ, "Personnel Records—Employee Job Bidding Records, 120.040."

System location: CHANGE TO READ, "Bidding system records are located and maintained in most Departments, facilities and certain contractor sites of the Postal Service."

System manager(s) and address: CHANGE TO READ, "APMG, Labor Relations Department, Headquarters."

USPS 120.070

System location: DELETE FROM LOCATION, "Civil Service Commission."

Notification procedure: ADD TO NOTIFICATION, "Former employees should submit requests to any Postal Service Personnel Officer, giving name, date of birth and social security number."

USPS 120.110

System location: CHANGE TO READ, "Post Offices/Facilities; Regional and National Headquarters."

Categories of individuals covered by the system: CHANGE TO READ, "Postal employees and applicants for employment."

Categories of records in the system: CHANGE TO READ, "Replies from character references; former employers and local police records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: CHANGE PURPOSE TO READ, "To determine suitability of employment."

Storage: CHANGE TO READ, "Information is maintained on preprinted forms and correspondence."

Retention and disposal: CHANGE TO READ, "Records are destroyed upon termination of employment if the employment is terminated before the end of the probationary period; or if the employee is retained beyond the probationary period, either at the end of the probationary period or upon receipt of the investigatory report from the Civil Service Commission—whichever comes later."

Record source categories: CHANGE TO READ, "Information is obtained from local police records, former employers, and character references."

USPS 120.120

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DELETE USE NUMBER 5.

USPS 120.140

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: CHANGE TO READ, "Purpose—Providing counselors with information to maintain caseload and follow-up counseling of individuals under Program. Used as a management data source for statistical reporting on the Program. DELETE FROM USE, "1. Used as a management data source for statistical reporting on the Program."

USPS 120.190

Categories of records in the system: CHANGE TO READ, "Records consist primarily of summaries or extractions from the following other personnel systems: 120.036, 120.070, 120.150, 120.180, 120.210. In addition, records may consist of other Postal Service documents."

USPS 150.010

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DELETE USE NUMBER 1.

System manager(s) and address: CHANGE TO READ, "Postal Service Records Officer, Headquarters.

USPS 150.020

System name: DELETE FROM NAME, "(Proposed System)"

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DELETE USE NUMBER 1.

System manager(s) and address: CHANGE TO READ, "Postal Service Records Officer, Headquarters."

USPS 150.025

System location: CHANGE TO READ, "Postal Service National Headquarters."

System manager(s) and address: CHANGE TO READ, "Postal Service Privacy Appeals Officer, Headquarters."

This document constitutes final notice of these editorial corrections and revisions.

General questions regarding this publication or the Postal Service Privacy regulations may be directed to:

Records Officer
U.S. Postal Service
Washington, DC 20260

Roger P. Craig,
Deputy General Counsel.

USPS 010.010

System name: Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010

System location: Post Offices.

Categories of individuals covered by the system: Postal customers requesting mail forwarding services from their local postal facilities.

Categories of records in the system: Records contain customer name, old address, new mailing address, mail forwarding instructions, effective date, information as to whether the move is permanent or temporary and the customer's signature.

Authority for maintenance of the system: 39 USC 403, 404.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide mail forwarding and address correction services to postal customers who have changed address. Use—

1. Records about any named individual are made available to any member of public upon request.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The source document is stored in filing cabinets at the delivery unit. They are filed alphabetically by name within month or quarter. Records generated from the source document are stored on cards or list forms or recorded on magnetic tape where central markup is computerized. These records are filed alphabetically by name and route number or zone.

Retrievability: This system of records is indexed by name and address. Information may be retrieved by route number or ZIP Code where a computerized system is in use.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

a. Source document is retained for two years from the effective date while related documents are retained one year. All records are disposed of by shredding or burning.

b. Information on magnetic tape is retained one year from the effective date and the tapes are erased.

System manager(s) and address: APMG, Delivery Service Department, Headquarters.

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address, effective date of change order, route number (if known) and ZIP Code.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: The individual to whom the record pertains.

USPS 010.020

System name: Collection and Delivery Records—Boxholder Records, 010.020

System location: Post Offices

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Categories of individuals covered by the system: Postal customers who have applied for lockbox or caller service, whether for private or public purposes.

Categories of records in the system: Records are in card form and contain names, addresses, a record of payments, and the names of persons or agents whether family members or business associates or employees.

Authority for maintenance of the system: 39 USC 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide post office box services to postal patrons.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. Disclosed to Federal, State and local government agencies for use in connection with official business.
3. Disclosed to persons authorized by law to serve judicial process when necessary to serve process.
4. Disclosed to public when box is being used for purpose of doing or soliciting business with the public.
5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored on card form filed in metal file cabinets. In locations where the Joint Venture program exists, information may be found on magnetic tape, magnetic cards or mylar strips.

Retrievability: Information is filed according to local needs, and the volume of records. Billing forms are filed numerically by box number within month in which rent is due. Applications are filed alphabetically by name of individual or firm.

Safeguards: Access limited to employees working in the boxholder section.

Retention and disposal: a. Billing forms are destroyed by shredding two years after closeout of the last entry.

b. Boxholder applications are retained for two years after termination of the rental.

System manager(s) and address:

APMG, Customer Services Department, Headquarters
APMG, Finance Department, Headquarters
APMG, Rates & Classification Department, Headquarters

Notification procedure: Inquiries should be addressed to the local postmaster; requestors in person should identify themselves with drivers license, military, government or other form of identification.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: The individual to whom the record pertains.

USPS 010.030

System name: Collection and Delivery Records—Carrier Drive-Out Agreements, 010.030

System location: District Offices, Sectional Centers, Post Offices, Postal Data Centers.

Categories of individuals covered by the system: Letter carriers who use privately owned vehicles to transport the mails pursuant to a valid agreement with the local postmaster.

Categories of records in the system: Information in these records contain Route Number, name and address of carrier, social security number and effective dates of the agreement.

Authority for maintenance of the system: 39 USC 1206.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide reimbursement to carriers driving their own vehicles.

Use—

1. Provide necessary tax information to Internal Revenue Service.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is contained on preprinted forms, magnetic tape and computer printout reports.

Retrievability: The system is indexed by employees' social security number, pay location number and pay period.

Safeguards: Normal precautions of filing equipment and limited access and the physical security measures of the computer facility.

Retention and disposal: Magnetic tape records are retained for two calendar years (January-December) and then deleted. Source forms are retained until a new or changed agreement and then destroyed by shredding or burning after one year.

System manager(s) and address: APMG, Delivery Services Department, Headquarters.

Notification procedure: A carrier wishing to know if there is information in this system of records concerning him should notify the post office worked of the pay periods the agreement was in force, the route worked, give his name and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: The individual to whom the record pertains.

USPS 010.040

System name: Collection and Delivery Records—City Carrier Route Records, 010.040

System location: Delivery Services Department, Headquarters, Regional Headquarters, Sectional Centers, Automatic Data Processing Centers, District Offices, Post Offices, and Postal Data Centers.

Categories of individuals covered by the system: Letter carriers, substitute carriers and flexible employees.

Categories of records in the system: Employee name, route number, age, length of service, leave time and whether or not a transportation agreement exists. It also includes information pertaining to workload, work schedule, performance analysis and individuals work habits. Inspection reports of employees, workload, and workload adjustments. Employee and examiners comments on route adjustments and inspection.

Authority for maintenance of the system: 39 USC 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To assist management in evaluating mail delivery and collection operations and administering these functions efficiently.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation

or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.
5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is contained on printed forms, computer tape, or computer printouts.

Retrievability: The system is indexed by route number, employee name, or postal facility name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: a. Route inspection records are retained for two years where inspections are made annually or more frequently, and for five years where inspections are made less than annually. Disposal of records is by shredding or burning. b. Other records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

System manager(s) and address: APMG, Delivery Services Department, Headquarters.

Notification procedure: Inquiries should contain employees name and social security number, specify the type of information being requested, and forwarded to post office where employed.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: From employees, carrier supervisors, and route inspectors.

USPS 010.050

System name: Collection and Delivery Records—Delivery of Mail Through Agents, 010.050

System location: Sectional Centers, Post Offices

Categories of individuals covered by the system: Postal customer requesting delivery of mail through an agent and the agent to whom the mail is to be delivered.

Categories of records in the system: Records contain the name and address of customer, name and address of agent and the signatures of both parties.

Authority for maintenance of the system: 39 USC, 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—It serves as the written authority for the delivery of mail other than as addressed.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file cabinets on pre-printed forms.

Retrievability: Forms are filed by customer name.

Safeguards: Access is limited to postal employees in the delivery section.

Retention and disposal: Records are maintained until contract is terminated then destroyed by shredding.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Submit to local postmaster proof of personal identity and name.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Co-signers of the request for delivery of mail through an agent.

USPS 010.070

System name: Collection and Delivery Records—Mailbox Irregularities, 010.070

System location: District Offices, Sectional Centers, Post Offices

Categories of individuals covered by the system: Postal Service customers whose mailbox does not comply with USPS standards and regulations.

Categories of records in the system: Information consists of the reports of irregularities as submitted by the carrier or route inspector, the name and address of customer and the date and signature of the postmaster.

Authority for maintenance of the system: 39 USC, 403,404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide for the efficient delivery of the mail.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is recorded on pre-printed forms.

Retrievability: Information is organized around route number.

Safeguards: File in cabinets and access is limited to those USPS personnel having a working requirement.

Retention and disposal: Retained for one year after completed action and destroyed by shredding or burning.

System manager(s) and address: APMG, Delivery Services Department, Headquarters

Notification procedure: Information may be obtained from the local postmaster, by presenting identification as to name and address and zip code.

Record access procedures: Make request of the local postmaster.

Contesting record procedures: Make request of the local postmaster.

Record source categories: Carrier or route inspector.

USPS 010.080

System name: Collection and Delivery Records—Rural Carrier Routes, 010.080

System location: Post Offices having rural carrier operations; Delivery Services Department, Sectional Centers; Regions; Districts; Postal Data Centers.

Categories of individuals covered by the system: Postal customers receiving rural mail delivery services, and rural carriers, substitute carriers and flexible employees.

Categories of records in the system: Records contained in this system are: Employee workload, work schedule and performance analysis. Inspection reports of employees, workload and workload adjustments, route travel description, employee and examiners'

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comments on adjustments and inspection. Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy. Customer addresses and names of persons at address location (some rural routes only)

Authority for maintenance of the system: 39 USC 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently and provide basis for payment of salary and vehicle maintenance allowance carriers.

Use—

1. Provide Bureau of the Census, Department of Commerce address information as requested to assist them in their statutory requirement of census taking.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its reguest when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appopriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Preprinted forms or lists in ordinary file equipment or on computer tape and printouts.

Retrievability: Records are maintained by name and address of customer, and by route number, employee name or postal facility name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: a. Records in card or list form are maintained as long as the customer resides on the route; they are destroyed by shredding one year after the customer moves. b. Route travel description records, and establishment and discontinuance orders are retained until route is discontinued and then transferred to the Federal Records Center within two years after discontinuance date. c. Trip reports are retained for three years and then disposed of by shredding or burning. d. Route inspection reports and mail count records (mail counts made annually or more frequently) are retained for two years. Where mail counts are made less than annually records are retained until the next mail counts. Disposal of records is by shredding or burning. e. Other carrier records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

System manager(s) and address: APMG, Delivery Services Department, Headquarters.

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address. Employee inquiries should state employee name and social security number, route number, specify the type of information being requested, and forward to post office where employed.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: The customer to whom the record pertains and from employees, carrier supervisors and route inspectors.

USPS 020.010

System name: Communications (Public Relations)—Biographical Summaries of Management Personnel for Press Release, 020.010

System location: Office of Public and Media Relations, Headquarters

Office of Communications and Public Affairs, Regional Headquarters

Categories of individuals covered by the system: USPS executives, directors and managers to include regional staff officers, division directors, district managers, sectional center managers and other key management officials who may have frequent contact with news media or public speaking engagements.

Categories of records in the system: Biographical summaries on sheets of paper plus photographs. Summaries include information as to present title and responsibility, length of service, age, place of birth, marital status and participation in local community activities.

Authority for maintenance of the system: 39 USC, 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose and Routine

Use—

1. To provide the public with background information on postal management personnel in connection with public relations matters such as speaking engagements, media appearances, appearances before civic, fraternal and employee organizations.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained on regular bond paper in file cabinets.

Retrievability: Information is filed by name and title.

Safeguards: File cabinets are located in communications offices where information is available only to individuals having a need for access.

Retention and disposal: a. Biographical sketches maintained at regions are retained while the individual is assigned within the region. If individual is promoted to or assigned to a position within the USPS outside the Region, biographical information is forwarded to the appropriate Public Affairs office; if employment with the USPS is terminated, the sketch is destroyed by shredding.

b. Biographical sketches maintained at USPS, Washington, DC, are retained indefinitely.

System manager(s) and address: APMG, Employee and Public Communications, Headquarters

Notification procedure: Inquiries should contain name and position held and presented to the Manager of Communications and Public Affairs where currently, or previously, employed.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: The individual to whom the record pertains.

USPS 020.020

System name: Communications (Public Relations)—Children's Art Contest, 020.020

System location: Customer Services Department, Headquarters

Categories of individuals covered by the system: Children of USPS employees who participated in the Children's Art Contest.

Categories of records in the system: Records contain the child's name, address, age, school and the signature of one parent.

Authority for maintenance of the system: Public Law 93-179

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To administer the Children's Art Program.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in filing equipment, information is contained on an application form.

Retrievability: Records are maintained by contestant name within state.

Safeguards: Normal physical security with access limited to members of the Children's Art Program.

Retention and disposal: Maintained until audited by the Inspection Service, then destroyed by shredding.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Inquiries should be addressed as above, providing individual's name and state.

Record access procedures: See SYSTEM MANAGER above.

Contesting record procedures: See SYSTEM MANAGER above.

Record source categories: The individual to whom the record pertains.

USPS 020.030

System name: Communications (Public Relations)—School Mailing Lists

System location: Customer Services Department, Headquarters

Categories of individuals covered by the system: School principals and teachers of the participating schools in the various USPS educational material mailing programs.

Categories of records in the system: Principal's name or teacher's name, school and address.

Authority for maintenance of the system: 39 USC. 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To mail educational material.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and typed or handwritten forms.

Retrievability: Zip Code, Principal or teacher name, school name.

Safeguards: Normal USPS physical security

Retention and disposal: During length of program—3 years then destroyed by shredding or burning.

System manager(s) and address: APMG, Customer Services Department, Headquarters.

Notification procedure: Inquiries should be addressed to the SYSTEM MANAGER shown above providing the name and Zip Code.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information mail-out to principals and teachers.

USPS 030.010

System name: Equal Employment Opportunity-EEO Discrimination Complaint Investigations, 030.010

System location: Office of Equal Employment Compliance, Employee Relations, Headquarters; EEO Office at Regions, Post Offices, Sectional Centers, Bulk Mail Centers, Automatic Data Processing Centers and Postal Data Centers.

Categories of individuals covered by the system: Current and former postal employees, applicants for positions within the USPS and third party complainants.

Categories of records in the system: Records contain names, work locations, dates, Social Security Numbers, and other information as included on affidavits, interviews and investigative forms.

Authority for maintenance of the system: Public Law 92-261, Equal Employment Act of 1972; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Used by EEO officers and Civil Service Commission to adjudicate complaints of alleged discrimination.

Use—

1. Disclosed by USPS to U.S. Civil Service Commission to adjudicate complaints of alleged discriminations.
2. Disclosed to courts and counsel in the event of litigation.
3. May be disclosed to the Office of Management and Budget in connection with the review of private relief investigation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in letter form from complainants, affidavits, interviews and investigative forms.

Retrievability: Files are accessed by case number, the custodian must also be furnished with the name of the complainant and the place where the complaint was filed. Case number consists of the last two digits of the year with case in chronological sequence.

Safeguards: Information is maintained in file cabinets in locked rooms.

Retention and disposal: Current files are purged quarterly and sent to local storage where they are retained indefinitely.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Individuals interested in finding out if there is information in this records system pertaining to them should contact EEO officers at the Region or Headquarters level, giving complainant name, postal location, region, file number and year.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is received from the complainant, respondent and from investigations and interviews.

Systems exempted from certain provisions of the act: Reference 39 CFR 266.9 for details.

USPS 030.020

System name: Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records, 030.020

System location: Employee Relations Department, Headquarters, Regional Headquarters, Federal Records Centers

Categories of individuals covered by the system: Candidates considered by Promotion Boards for EEO staff position.

Categories of records in the system: Name of candidate, level, address, service computation date, date of birth, Social Security Number, postal background, personal information required to assess employee qualifications for position, estimate of potential and record of members of Board.

Authority for maintenance of the system: 39 USC 1001, Executive Orders 11478 and 11590

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide Headquarters with information needed to complete selection process.

Use—

1. USPS Promotion Board reviews these records to determine applicant's eligibility for appointment.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms, paper files.

Retrievability: Name of applicant and pay location.

Safeguards: Maintained in locked file cabinets within secured facility.

Retention and disposal: Records are transferred to the Federal Records Center and maintained indefinitely.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Inquiries should be addressed to the head of the facility where application was made. Inquiries should contain full name, position applied for, the date the Promotion Board met and Social Security Number.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Employee, and employee personnel data.

USPS 040.010

System name: Customer Programs—Memo to Mailers Address File, 040.010

System location: USPS Headquarters, Customer Services Department

Categories of individuals covered by the system: Subscribers to Memo to Mailers monthly newsletter.

Categories of records in the system: Subscribers' mailing addresses and status of membership in Postal Customers Councils.

Authority for maintenance of the system: 39 USC 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To prepare mailing labels for the monthly mailing of Memo to Mailers.

Use—

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and computer printout.

Retrievability: Records are maintained by subscriber's name, city, state and ZIP Code.

Safeguards: The list contractor is forbidden by contract to use the list for any other means than to produce mailing labels for the U.S. Postal Service.

Retention and disposal: The master file is maintained indefinitely, and is updated each month.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER and supply their name and address.

Record access procedures: See "SYSTEM MANAGER" above.

Contesting record procedures: See "SYSTEM MANAGER" above.

Record source categories: Subscribers, Postmasters, USPS Customer Service Representatives.

USPS 040.020

System name: Customer Programs—Sexually Oriented Advertisements, 040.020

System location: Rates and Classification Department, Headquarters; Postal Data Center, Headquarters; Postal Data Center, New York; Postal Inspector-In-Charge NYC and Los Angeles, CA.

Categories of individuals covered by the system: Any adult who elects to have his name and address and that of his children under 19 years of age, placed on the list of persons who do not wish to receive sexually oriented advertisements through the mail.

Categories of records in the system: Records contain the name and address of head of household or other adult, the names and birth dates of children under 19 years of age.

Authority for maintenance of the system: 39 USC, Section 3010

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To maintain a list, available to mailers of sexually oriented advertisements, of persons desiring not to receive such matter through the mails.

Use—

1. Upon payment of prescribed fee, provide mailers of sexually oriented advertisements a list of individuals who do not wish to receive SOA.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored on magnetic tape, computer printouts microfiche cards and preprinted forms.

Retrievability: Information is stored in ZIP Code sequence and in application number sequence.

Safeguards: Printouts and microfiche are retained by the Office of Mail Classification and Postal Inspection Service; hard copy is maintained in file cabinets at Headquarters with limited access.

Retention and disposal: a. Names are retained on the computerized list for a maximum of five years as prescribed by law.

b. Forms, printouts and microfiche are retained indefinitely.

c. Any records that are to be destroyed are shredded.

System manager(s) and address: APMG, Rates & Classification Department, Headquarters

Notification procedure: Customers will furnish the system manager their name, address, application number and the date of filing.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Customers filing to have their names placed on lists so as not to receive SOA.

USPS 050.005

System name: Finance Records—Accounts Receivable File Maintenance, 050.005

System location: Postal Data Centers

Categories of individuals covered by the system: USPS Vehicle Operators and private individuals responsible for damages to postal vehicles.

Categories of records in the system: Invoice number, location name, Social Security Number, employee name, designation code.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To monitor and record collections made by the USPS.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on printed forms, punched cards and magnetic tapes.

Retrievability: Records are indexed by name of employee and his Social Security Number.

Safeguards: Authorization is limited to personnel of the General Accounting section. Computerized records are subject to the security of the computer room.

Retention and disposal: All information is retained for four years after claim is payed and then destroyed by burning or scratched.

System manager(s) and address: APMG, Finance Department, Headquarters

Notification procedure: Individuals requesting information from this system of records will apply to the pertinent postal facility and present the debtor's name and Social Security Number.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is passed to this system from the Payroll Section, General Accounting Section, Claims Section, and Postmasters and Regional Offices.

USPS 050.010

System name: Finance Records—Employee Travel Records (Accounts Payable), 050.010

System location: Postal Data Centers, Postal Service Personnel Offices.

Categories of individuals covered by the system: USPS Employees on official travel.

Categories of records in the system: Travel vouchers and travel advances containing employee name, social security number, Finance Number basic travel information and relocation data.

Authority for maintenance of the system: 39 USC 1001, 2008

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Reimburse Employees for official travel.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil. agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored on pre-printed forms and magnetic tape.

Retrievability: Information is indexed by social security number.

Safeguards: Access is subject to computer center access control.

Retention and disposal: Retained four years after payment and destroyed by burning or magnetic tape by scratching and reuse.

System manager(s) and address: APMG, Finance Department, Headquarters.

Notification procedure: Requests for information should be presented to Employee's Personnel Officer, furnishing name and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is received from the employee filing a voucher.

USPS 050.020

System name: Finance Records—Payroll System, 050.020

System location: Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information.

Categories of individuals covered by the system: USPS Employees.

Categories of records in the system: Records contain general payroll information including retirement deductions, family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding, allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, records of attendance, and other relevant payroll information.

Authority for maintenance of the system: 39 USC 401, 1003, 5 USC 8339

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—

1. Information within the system is for handling all necessary payroll functions and for use by employee supervisors for the performance of their managerial duties.

2. To provide information to USPS Management and executive personnel for use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection Committee and Regional Postmasters General.

3. To compile various lists and mailing lists, i.e., Postal Leader, Women's Programs Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Nonbargaining Position Evaluations, Evaluations of Probationary Employees, Merit Evaluations, Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs and analysis of employees in various salary ranges.

Use—

1. Retirement Deduction—To transmit to the Civil Service Commission a roster of all USPS employees under Title 5 USC, Section 8334, along with a check.

2. Tax withholdings—To disclose to State and local government agencies having taxing authority pertinent records, relating to individual employees, including name, home address, social security account number (in accordance with Section 7 of Pub. L. No. 93-579) and wages and taxes withheld for other jurisdictions.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W-2 tax mailings and Postal mailing such as Postal Life, Postal Leaders, etc.

5. Salary payments and allotments to financial organizations—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FI (SS Tax) Deduction—To SS Administration as record of earnings under the SS Act for all casual employees not under retirement.

7. Information from these records may be stored at emergency record centers.

8. Determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and transfer related records as appropriate.

9. Determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and authorizing payment of that amount and transfer related records as appropriate.

10. Transfer to Office of Workers' Compensation Program, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the in-

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dividual covered by this system of records, for use in determining an individual's claim for benefits under such system.

11. Transfer earnings information under the Civil Service Retirement System to the Internal Revenue Service as requested by the Internal Revenue Code of 1954, as amended.

12. Transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

13. Transfer information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program.

14. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

15. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

16. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

17. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

18. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

19. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

20. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

21. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

Retrievability: These records are organized by location, name and social security number.

Safeguards: Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

Retention and disposal: Records are retained and updated throughout employment with the Postal Service. Upon separation records become historical data, this data is retained at the local site for two years then forwarded to the Federal Records Center nearest the pay location.

System manager(s) and address: APMG, Finance Department, Headquarters.

Notification procedure: Request for information on this system of records should be made to the head of the facility where employed, giving full name and social security number. Headquarters employees should submit requests to the System Manager.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is furnished by employees, supervisors and the Postal Source Data System.

USPS 050.040

System name: Finance Records—Uniform Allowance Program, 050.040

System location: Postal Data Center, St. Louis, MO 63180

Categories of individuals covered by the system: USPS Employees entitled to uniform allowances.

Categories of records in the system: Information in this system of records consists of name, social security number, designation code, and pay location.

Authority for maintenance of the system: 39 USC 1206

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To fund the procurement of uniforms.

Use—

1. Information may be furnished to employee organizations in the event of complaints or grievance on the part of an employee.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained on preprinted forms, microfilm and magnetic tape.

Retrievability: System of records is indexed by Social Security Number.

Safeguards: Forms are kept in file cabinets and magnetic tape and microfilm is subject to Computer Center access control.

Retention and disposal: a. The Uniform Allowance Payment Record Card is destroyed by shredding 90 days after payment.

b. Pay listing information is retained for 12 years and then destroyed by shredding or burning.

System manager(s) and address: APMG, Finance Department, Headquarters.

Notification procedure: Correspond with the head of the facility where employed, furnishing name and Social Security Number.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Payroll system and Postmasters have input to this system of records.

USPS 060.010

System name: Fraud and False Representation Records—Consumer Protection Case Records, 060.010

System location: Consumer Protection Office, Law Department, USPS Headquarters.

Categories of individuals covered by the system: Respondents in proceedings initiated pursuant to 39 USC subsection 3005; names of attorneys representing parties; assigned Postal Inspectors; and promoter of scheme.

Categories of records in the system: Describes and provides history of the above and identifies interested parties.

Authority for maintenance of the system: 39 USC subsection 3005.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Ready reference source for determining status of pending case and identification of postal employees most familiar therewith.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on printed forms.

Retrievability: Records are maintained by an alphabetic indexing by name of respondent.

Safeguards: Records are maintained in closed filing cabinets under general scrutiny by personnel of the Law Department.

Retention and disposal: Records in this system are maintained indefinitely.

System manager(s) and address: Assistant General Counsel, Consumer Protection Office, Law Department, USPS Headquarters.

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name, name by which respondent in proceeding may have been designated; approximate time period in which proceedings may have been initiated.

Record access procedures: See SYSTEM MANAGER above.

Contesting record procedures: See SYSTEM MANAGER above.

Record source categories: Complaints, correspondence between parties involved and Postal Inspection Service investigative reports.

USPS 060.020

System name: Fraud and False Representation Records—Prohibitory Order, 060.020

System location: Consumer Protection, Law Department, Headquarters, Postal Service Centers, Regional Headquarters, Sectional Management Centers

Categories of individuals covered by the system: Persons requesting prohibitory orders, the mailers against whom such orders are issued.

Categories of records in the system: Applications for prohibitory orders, the mailing upon which request is predicated, the issued order and the registered mail receipt signed by mailer against whom order was issued.

Authority for maintenance of the system: 39 USC 3008

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To process request of an order to prohibit pandering advertisement and to determine whether violations of orders have occurred. Used by Consumer Protection Office and Regional Counsel to investigate violations of postal statutes.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in letter form, handwritten and typed.

Retrievability: Data may be found by prohibitory order number or by name of person requesting order.

Safeguards: Records are maintained in closed filing cabinets.

Retention and disposal: Information is retained indefinitely.

System manager(s) and address: Assistant General Counsel, Consumer Protection Office, Law Department, Headquarters

Notification procedure: Name and address of person requesting prohibitory order should be furnished the SYSTEM MANAGER.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Persons requesting prohibitory orders.

USPS 070.010

System name: Inquiries and Complaints—Correspondence Files of the Postmaster General, 070.010.

System location: Office of the Postmaster General, USPS Headquarters.

Categories of individuals covered by the system: USPS employees and Postal Service customers who have corresponded with the Office of the Postmaster General.

Categories of records in the system: General postal information.

Authority for maintenance of the system: 39 USC 401.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To maintain reference to letters from persons communicating with the Postmaster General.

Use—

1. Periodically transferred to custody of National Archives and Records Service (NARS) for keeping as historical documentation.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In original typed, printed, or handwritten form.

Retrievability: Records are filed by individual's name, chronologically by date and by subject.

Safeguards: Records are maintained in locked filing cabinets under scrutiny of PMG's secretary and in secured locked storage room with limited access.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Postmaster General, Headquarters.

Notification procedure: Inquiries should be addressed to the SYSTEM MANAGER above and should contain full name, date of letter, and subject.

Record access procedures: See SYSTEM MANAGER above.

Contesting record procedures: See SYSTEM MANAGER above.

Record source categories: Persons communicating with the Postmaster General.

USPS 070.020

System name: Inquiries and Complaints—Government Officials' Inquiry System, 070.020.

System location: Government Relations Dept., USPS Headquarters.

Categories of individuals covered by the system: Miscellaneous grouping of employees, former employees, applicants for employment, contractors, lessors, and customers who have written to non-postal Government officials.

Categories of records in the system: Miscellaneous information relating to all facts of operation which stems from correspondence described above.

Authority for maintenance of the system: 39 USC 401.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide USPS officials with the means of responding to inquiries from and/or for other government officials.

Use—

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1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In original, typed, printed, or handwritten form.

Retrievability: Subject category as derived from correspondence and the inquiring official's name.

Safeguards: Records are maintained in closed file cabinets under general scrutiny of personnel of Government Relations Dept.

Retention and disposal: These records are maintained for four years and then destroyed by shredding.

System manager(s) and address: APMG, Government Relations Department, USPS Headquarters.

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name, the name of the Government official to whom he wrote, the nature of his inquiry, and the approximate date.

Record access procedures: See SYSTEM MANAGER above.

Contesting record procedures: See SYSTEM MANAGER above.

Record source categories: Non-postal Government officials.

USPS 070.040

System name: Inquiries and Complaints—Patrons Complaint Records, 070.040

System location: Consumer Advocate, USPS, Regional and National Headquarters, District Offices, Post Offices

Categories of individuals covered by the system: USPS customers who have initiated complaints against the USPS.

Categories of records in the system: The complainant's name, address, and nature of the specific complaint, and resolution of same.

Authority for maintenance of the system: 39 USC 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To process USPS customer complaints regarding mail services.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file cabinets.

Retrievability: Complaints are filed chronologically and by name of complainant.

Safeguards: Records are maintained in closed filing cabinets.

Retention and disposal: These records are retained for a period of one year after the complaint has been satisfied.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they submitted their complaint.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: USPS customers.

USPS 080.010

System name: Inspection Requirements—Investigative File System, 080.010.

System location: Chief Postal Inspector, Headquarters, Inspection Service Regional Headquarters, Division Headquarters.

Categories of individuals covered by the system: Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

Categories of records in the system: Reports of investigations conducted in criminal, civil, and personnel suitability background matters, and information in various forms received from individuals, other law enforcement agencies and from the public, including information compiled for the purpose of identifying criminal offenders and reports identifiable to individuals. Personal information in this system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

Authority for maintenance of the system: 39 USC 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide information related to investigation of criminal matters; employee and contractor background investigations or other Inspection Service activities. Use—A record maintained in this system of records may be disseminated as a routine use of such records as follows:

1. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

2. In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trail or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

3. A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

4. A record relating to a case or matter may be disseminated in an aopropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

5. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

6. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

7. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction of after extradition proceeding; may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation or release of such a person;

8. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

9. A record may be disseminated to a Federal, state, local foreign or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

10. A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance; the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

11. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public concerning the activities and the accomplishment of the Postal Service or its employees;

12. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

13. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

14. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

15. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is collected on handwritten documents and located by computerized indexes.

Retrievability: Information is located by the name of the individual.

Safeguards: Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of Inspection Service personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords.

Retention and disposal: Postal Service case records are maintained for 30 years. Noncriminal records are maintained for 5 to 30 years, depending on type. Exceptions may be granted in specific instances for indefinite retention. All records are destroyed by burning, pulping or shredding.

System manager(s) and address: Chief Postal Inspector, Headquarters.

Notification procedure: Persons wishing to know whether information about them is contained in this system of records or if they were the subject of an investigation should furnish the SYSTEM MANAGER sufficient identifying information to distinguish them from other individuals of like name; identifying data will include name, address, type investigation, dates, places and the individuals involvement.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Personal interviews, written inquiries, and other records concerning persons involved with an investigation, whether subjects, applicants, witnesses, references, or custodians of record information.

Systems exempted from certain provisions of the act: Reference 39 CFR 266.9 for details.

USPS 080.020

System name: Inspection Requirements—Mail Cover Program, 080.020

System location: USPS Inspection Service National and Regional Headquarters; Divisional Headquarters

Categories of individuals covered by the system: Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security (2) locating a fugitive and (3) obtaining evidence of the commission or attempted commission of a crime which is punishable by imprisonment for a term exceeding one year.

Categories of records in the system: Names and addresses of individuals, inter-office memorandums, and correspondence with other agencies.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To investigate the commission or attempted commission of acts constituting a crime that is punishable by law.

Use—

1. Information from this system of records may be disclosed to an appropriate law enforcement agency, whether federal, state or local, charged by law with the responsibility for investigating, prosecuting or otherwise acting with respect to protecting the national security, locating a fugitive, or obtaining evidence of commission or attempted commission of a crime.

2. A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.

3. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original typed documents and/or duplicate copies.

Retrievability: Subject's name filed alphabetically by Fiscal year.

Safeguards: Mail cover data is stored in locked cabinets or in a safe. Classified mail cover material and any mail cover data which involves national security is stored in a safe or in metal file cabinets equipped with either steel lockbar hasp and staple, or locking device and an approved three or more combination dial-type padlock from which the manufacturer's identification numbers have been obliterated.

Retention and disposal: Files and records pertaining to mail covers are retained for eight years, and older data is destroyed by shredding or burning.

System manager(s) and address: Chief Inspector, USPS Headquarters.

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name and current address, together with previous addresses for past eight years when applicable.

Record access procedures: See SYSTEM MANAGER above.

Contesting record procedures: See SYSTEM MANAGER above.

Record source categories: Correspondence from requesting authority and record of action taken upon that request.

Systems exempted from certain provisions of the act: Reference 39 C.F.R. 266.9 for details.

USPS 080.030

System name: Inspection Requirements—Vehicular Violations Record System, 080.030

System location: USPS National Headquarters (Procurement and Supply Department, Washington, DC 20260; Planning and New Development Department, Rockville, MD 20852). Inspection Service, Special Investigations Division, Washington, DC 20260 and Rockville, MD 20852, Division Headquarters at Washington, DC 20260, Denver, CO 80201; Seattle, WA 98111; Atlanta, GA 30302.

Categories of individuals covered by the system: Persons who have been issued courtesy violation notices or violation notices by Security Police Officers.

Categories of records in the system: Individual violator's name, state operator permit, state operator permit number, violation cited, date of citation, citation number issued, state automobile license tag number, dates of court appearances.

Authority for maintenance of the system: 40 USC 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriations Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide

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USPS management with information necessary for appropriate administrative remedial action. Use—

1. To provide information to local, state, and Federal enforcement, prosecutive and judicial officials.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In original, typed, printed or handwritten form.

Retrievability: Records filed by name or violator in alphabetical order and by automobile license tag number.

Safeguards: Records maintained in limited access Security Force Control Centers manned 24 hours and in National Headquarters, in locked filing cabinets in Procurement and Supply Department and Planning and New Development Department under general scrutinizing of authorized personnel.

Retention and disposal: Records are maintained for two years and then destroyed. Some records may be retained longer when required for law enforcement investigations or court proceeding.

System manager(s) and address: Chief Postal Inspector, USPS Headquarters.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should furnish name and residence address as follows:

a. For National Headquarters: Inspector in Charge, Special Investigations Division, 475 L'Enfant Plaza West, SW, Washington, DC 20260.
b. For the Field: Inspector in Charge, USPS with appropriate field division title and address as listed above under "System Location."

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Individual violators, Security Police Officers, personnel observation, state motor vehicle registration bureaus, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, violator's personal identification cards, personnel locator listing and parking applications.

USPS 090.010

System name: Non-Mail Services—Food Coupon Program Records, 090.010

System location: Post Offices in 17 states (IL, MI, KY, GA, SC, NC, OK, TX, CA, WA, AK, MT, NM, CO, AR, OR, MA) 2316 Post Offices, Stations and Branches; (Locations are subject to frequent change.)

Categories of individuals covered by the system: Persons authorized to purchase food coupons.

Categories of records in the system: Name, address, and number of food coupons.

Authority for maintenance of the system: 39 USC 401, 411

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide local distrubution of food coupons authorized by the state governments listed in location above.

Use—

1. Transfer relevant records to the U. S. Department of Agriculture and to appropriate State or local administering authority.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file cabinets located in the Accounting Unit; some information is maintained on tape as well.

Retrievability: Name of purchaser and number of card issued by the State.

Safeguards: Records are maintained on secured premises in file cabinets.

Retention and disposal: Information in this system of records is maintained for thirty days and then returned to the State.

System manager(s) and address: APMG, Customer Services, Headquarters

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and upon location of the record purchasers will be required to produce the State-issued card authorizing purchase.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: The State and purchasers of the food coupons.

USPS 090.020

System name: Non-Mail Services—Passport Application Records, 090.020

System location: 886 Post Offices in all states except New Jersey

Categories of individuals covered by the system: Persons applying for passports.

Categories of records in the system: Name, phone number, address, and services received.

Authority for maintenance of the system: 39 USC 401, 411, 22 USC 214

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To process the application of passports.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. Records may be transferred to the State Department.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on printed forms in hard copy.

Retrievability: By name of applicant.

Safeguards: Information in this system of records is maintained in file cabinets in the Accounting Unit.

Retention and disposal: Information in this system is maintained for two years and destroyed by shredding.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: A customer wishing to know whether information about him is maintained in this system of records should address inquiries to the postmaster of the office where a passport application was made. Inquiries should contain full name and address of customer.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information in this system of records is obtained from the applicant.

USPS 090.030

System name: Non-Mail Service—U.S. Savings Bonds Application Record, 090.030

System location: Selected Post Offices throughout the United States where the Postal Service is the issuing agent.

Categories of individuals covered by the system: Persons applying for U. S. Savings Bonds to be issued in the names of natural persons in their own right only.

Categories of records in the system: Name and address, number of bonds applied for and total amount of purchase.

Authority for maintenance of the system: 39 USC 401, 411.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To process applications for U. S. Savings Bonds. Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
3. To refer, where there is an indication of a violation or potential violator of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
4. Records may be transferred to the Treasury Department.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on printed forms in hard copy.

Retrievability: By name of applicant.

Safeguards: Information in this system of records is maintained on secure premises in file cabinets.

Retention and disposal: Information in this system is maintained for two years and then destroyed.

System manager(s) and address: APMG, Finance Department.

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the postmaster in whose facility the application was filed, inquiries should contain full name and address of customer.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information in this system of record is obtained from the applicant.

USPS 100.010

System name: Office Administration—Carpool Coordination/Parking Records System, 100.010

System location: Employee Relations Department, Headquarters; PST&DI Centers, Procurement & Supply Department, Headquarters

Categories of individuals covered by the system: U. S. Postal Service employees at Headquarters and PST&DI Centers

Categories of records in the system: Records in this system contain name, address, Social Security Number and Finance number of employees.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide parking and carpooling services to employees.

Use—

1. To provide each employee of Headquarters, USPS, who desires to join or establish a carpool with the listing of employees who live in his/her ZIP Code area.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on punched cards and printed forms.

Retrievability: Alphabetical listing by each ZIP Code number in the surrounding area.

Safeguards: Retained in file boxes under minimum security.

Retention and disposal: Indefinite period and are destroyed by placing them in the trash.

System manager(s) and address: APMG, Procurement & Supply Department, Headquarters

Executive Manager, PST&DI Centers

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager where employed.

Record access procedures: See "NOTIFICATION" above

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: From employee desiring participation in a carpool.

USPS 100.020

System name: Office Administration—Marketing Memo, 100.020

System location: Regional Headquarters

Categories of individuals covered by the system: USPS Central Region Customer Service Representatives, District Managers, District Directors of Customer Services, Sectional Center Director of Customer Services, Regional Sales Division, BMC General Managers and Customer Engineers.

Categories of records in the system: Name and address of employees receiving newsletter

Authority for maintenance of the system: 39 USC 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To distribute on a sales and marketing newsletter to Postal Service Marketing employees.

Use—May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plates.

Retrievability: Employee name.

Safeguards: Information in this system of records is maintained in closed file cabinets in secured facility.

Retention and disposal: Information in this system is maintained only for as long as it is current and then is disposed of by usual means.

System manager(s) and address: Regional Postmaster General, Central Region Headquarters

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where they are employed.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information in this system is obtained from in-house listings of employees in marketing positions.

Notification procedure: 00.030

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USPS 100.030

System name: Office Administration—Pre-Paid Pass Program—Massachusetts Bay Transit Authority (MBTA), 100.030

System location: Boston Post Office

Categories of individuals covered by the system: USPS Employees in the Boston Post Office who volunteered to join the Massachusetts Bay Transit Authority pre-paid pass program to ride the busses and subways in Boston.

Categories of records in the system: Records information consists of names, addresses, plan number and amount of monthly deductions.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide a list of those employees participating in the pre-paid plan, to identify which plan and the amount of payroll deduction.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is kept on magnetic tape, punched cards, pre-printed forms and computer printouts.

Retrievability: Information is retrieved on employee's Social Security Number.

Safeguards: Information is protected by computer center physical security.

Retention and disposal: Computerized records and hard copy records are retained for two years then destroyed by scratching or shredding.

System manager(s) and address: Postmaster, Boston, MA

Notification procedure: Name and Social Security Number

Record access procedures: Write or contact "SYSTEM MANAGER" above.

Contesting record procedures: Write or contact "SYSTEM MANAGER" above.

Record source categories: Information in this system of records is obtained from the applicant.

USPS 100.040

System name: Office Administration—Response to General Services Administration (GSA) Basic Order Agreement (BOA) Solicitations, 100.040

System location: Management Information Systems Department, USPS Headquarters

Categories of individuals covered by the system: Contractor personnel skilled and experienced in information systems.

Categories of records in the system: Personnel and professional resumes together with statements of company capabilities and rates.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide postal managers with information on the skills, experience and education of contractor personnel so that a selection may be made to fill a specific job.

Use—May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In original typed, printed or handwritten form.

Retrievability: Filed by employee name and organized by contractor.

Safeguards: Records are maintained in closed filing drawers within a secured facility.

Retention and disposal: Records are maintained through the length of the contract, non-selected companies and individuals may be retained if under consideration for future contracts. Destroyed by shredding.

System manager(s) and address: APMG, Management Information Systems Department, Headquarters

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name and the name of the company that has bid his/her services.

Record access procedures: See "SYSTEM MANAGER" above.

Contesting record procedures: See "SYSTEM MANAGER" above.

Record source categories: Companies listed on G.S.S. B.O.A. responding to solicitations.

USPS 110.010

System name: Personal Property—Management—Accountable Property Records, 110.010.

System location: All USPS Components.

Categories of individuals covered by the system: Employees assigned accountable property.

Categories of records in the system: Records controlling the issuance of accountable Postal Service property, such as equipment, credentials, and controlled documents.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide a record of accountable property on hand and to whom it has been assigned. Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate law enforcement agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its requests when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on printed forms.

Retrievability: Name of recipient of accountable property and types of equipment.

Safeguards: Physical security.

Retention and disposal: As long as individual is charged with equipment, records are returned to individual when he is no longer accountable.

System manager(s) and address: (1) Chief Postal Inspector, Headquarters; (2) APMG, Procurement and Supply Department, Headquarters.

Notification procedure: Employees wishing to know whether information about them is maintained in this system should address inquiries to the Custodian in the facility where assignment was made. Headquarters employees should submit request to the SYSTEM MANAGER.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained by the individual to whom the record pertains.

USPS 120.010

System name: Personnel Records—Architect Engineers Selection Records, 120.010

System location: Real Estate and Buildings Department, USPS Headquarters and Postal Regions.

Categories of individuals covered by the system: Professional Architect Engineers.

Categories of records in the system: Information profile on individual's past experience and qualifications in the field of providing architect engineering services.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To facilitate the review and assessment of the qualifications of architect-engineers which have potential for selection and award of a contract to perform architect-engineering services under a designated facility project.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on printed forms.

Retrievability: Records are indexed by state, city and name of individual or firm.

Safeguards: Records access is limited to authorized personnel in the Department of Real Estate and Buildings. Records are retained in filing receptacles in locked quarters and in a secured building facility.

Retention and disposal: Records are retained for one year and then are destroyed.

System manager(s) and address: APMG, Real Estate and Building Department, USPS Headquarters.

Notification procedure: Persons desiring information about this system of records should address their inquiries to the designated SYSTEM MANAGER and provide his name and project title.

Record access procedures: See SYSTEM MANAGER above.

Contesting record procedures: See SYSTEM MANAGER above.

Record source categories: Persons and firms interested in being considered for the negotiation and award of architect-engineering service contracts under the Major Facilities Program.

USPS 120.020

System name: Personnel Records—Blood Bank Record System, 120.020

System location: Health Units at USPS Facilities; District Chapters of the American Red Cross.

Categories of individuals covered by the system: USPS employees who volunteer to join the USPS Blood Donor Program.

Categories of records in the system: Name, address, pay location number, and information as to month they wish to donate blood.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide the USPS Blood Donation Program with Blood Bank information so that donors can be spread throughout the year in their donation.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on magnetic tape, punched cards, preprinted forms and computer printed reports.

Retrievability: Employee's name and social security number.

Safeguards: Maintained in closed file cabinets in secured facilities.

Retention and disposal: These records are retained for a period of two years and then destroyed by shredding and automatic deletion in the case of computer information.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained from the individual.

USPS 120.030

System name: Personnel Records—Contract Employee Assignment Records, 120.030

System location: Logistics Department, Headquarters; Regional Offices, Sectional Centers; Bulk Mail Centers, Post Offices.

Categories of individuals covered by the system: Persons under contract with the USPS.

Categories of records in the system: Name and social security number.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To ascertain employees having an assignment requiring access to mail or postal premises under contract with the USPS.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original typed, printed or handwritten form.

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Retrievability: Name of contract employee.

Safeguards: Retained in locked file cabinets by Administrative Official.

Retention and disposal: Contract records are maintained for the life of the contract. Upon expiration of the contract, the records are held one year and then destroyed by shredding.

System manager(s) and address: APMG, Logistics Department, Headquarters

Notification procedure: Contractors wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the Regional Office where employed. Inquiries should contain full name and region where employed. Headquarters contractors should submit requests to the SYSTEM MANAGER.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained from the contractor.

USPS 120.033

System name: Personnel Records—Contractor Employee Fingerprint Records

System location: Logistics Department, Headquarters; Regional Headquarters; Sectional Centers; Bulk Mail Centers, Post Offices.

Categories of individuals covered by the system: Persons under contract with the USPS.

Categories of records in the system: Name and social security number, fingerprints.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide information to the Contracting Officer with regard to the USPS screening procedures if a contractor employee has had a previous arrest record.

Use—

1. All USPS fingerprint charts are sent to the Federal Bureau of Investigations.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In original typed, printed or handwritten form.

Retrievability: Contractor employee name.

Safeguards: Maintained in locked file cabinets by Administrative Officials.

Retention and disposal: Records are kept until employee leaves employment of USPS and then destroyed one year later by shredding.

System manager(s) and address: APMG, Logistics Department, Headquarters

Notification procedure: Inquiries should be addressed to the Regional Postmaster General within the region where employed. Inquiries should contain full name and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Contractor employed by the USPS.

USPS 120.035

System name: Personnel Records—Employee Accident Records, 120.035

System location: USPS Headquarters, Employee Relations Department; Regional Headquarters; District Offices; Sectional Centers; Post Offices; Bulk Mail Centers; Postal Data Centers.

Categories of individuals covered by the system: All postal employees that have an accident that involves

100 or more damage and/or an occupational injury or illness.

Categories of records in the system: Name, address, age, sex and type of accident.

Authority for maintenance of the system: Public Laws 91-596 and 94-82, Executive Orders 11807

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide data for analytical studies.

Use—

1. USPS safety and health officers and personnel in the course of their inspections.

2. To furnish the US Department of Labor with serious accident reports, information to reconcile claims filed with the Office of Worker's Compensation, and quarterly and annual summaries of occupational injuries and illnesses; and to make information available to the Secretary of Labor upon his request.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulOation or order issued pursuant thereto.

4. To a court, party, orcounsel for a party, to litigation involving accident or to which it is relevant or to persons insurance companies or counsel for the foregoing settlement or attempting to settle claims involving the accident.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on index cards, magnetic tape, preprinted forms and computer print-outs.

Retrievability: Employee name and social security number.

Safeguards: Maintained in closed file cabinets within secured facilities.

Retention and disposal: Records are maintained for five years following the end of the calendar year to which they relate.

System manager(s) and address: APMG, Employee Relations Department, Headquarters.

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, address, finance number and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: USPS Accident Reports

USPS 120.036

System name: Personnel Records—Employee Discipline, Grievance and Appeals Records, 120.036

System location: All postal facilities

Categories of individuals covered by the system: Records are maintained on non-bargaining unit employees in the Postal Service (PS), Postal Management Salary (PMS), Postal Executive Salary (PES) (except officers) and Fourth-Class Salary (FCS) Schedules, who have completed six months of continuous service in the U. S. Postal Service or a minimum of twelve months of combined service, without break of a work day, in positions in the same line of work in the Civil Service and the Postal Service, unless any part of such service was pursuant to a temporary appointment in the competitive service with a definite time limitation.

Categories of records in the system: Notice to employee of proposed action, reply to notice, summary of oral reply, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions from installation head, region or Headquarters, notice of action, investigative reports and related records.

Authority for maintenance of the system: 39 USC 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Provides a grievance and appeal procedure for an employee, not subject to the provisions of a collective bargaining agreement, who alleges that his rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected. Use—

1. To respond to a request from a member of Congress regarding the status of an appeal, complaint or grievance.

2. To respond to a court subpoena and/or refer to a court in connection with a civil suit.

3. To adjudicate an appeal, complaint, or grievance.

4. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

5. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if neccessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

6. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

7. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. Records from the employee file will be disclosed to the Federal Employees Appeals Authority Office of the Civil Service Commission for action on Veterans Preference Appeals.

9. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

10. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

11. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on paper in the form of letters, forms, notices. In some instances, records of hearing proceedings are on magnetic tape.

Retrievability: Employee name

Safeguards: Records are kept in locked filing cabinets or secured record storage rooms and are available only to authorized officials.

Retention and disposal: Appeal records are kept for two years after close of file. All others are kept one year after close of file. Records are destroyed by shredding.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Field employees must submit a written request to the head of the field installation where the action was initiated. Headquarters employees must submit a written request to the System Manager. He may also request permission to listen to or record tape recordings of hearings. This must be done in the presence of a postal official. He must identify himself to the satisfaction of official authorized to aoprove request.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Employee initiating actions; employee's supervisors, management, complaining customer, law enforcement agencies, and others.

USPS 120.038

System name: Personnel Records—Employee Bicentennial Awards List, 120.038

System location: Customer Services Department, Headquarters

Categories of individuals covered by the system: U. S. Postal Service employees nominated for Bicentennial award.

Categories of records in the system: Employee's name, work location, supervisor and involvement in the Bicentennial.

Authority for maintenance of the system: 39 USC 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To verify bicentennial involvement and to notify supervisor.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original letters in files.

Retrievability: Employee name.

Safeguards: Normal physical security with access limited to those members of the Bicentennial Branch.

Retention and disposal: Three years, then destroyed by shredding or burning.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Inquiries should be addressed to the SYSTEM MANAGER as shown above, providing the employee's name and state.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Bicentennial groups and Postal Service employees.

USPS 120.040

System name: Personnel Records—Employee Job Bidding Records, 120.040

System location: Most departments, facilities and certain contractor sites of the Postal Service.

Categories of individuals covered by the system: Employees who have made a "Bid for Preferred Assignment" with the USPS.

Categories of records in the system: Knowledge of schemes, vacant position characteristics, seniority of the employee, level of the candidate, and craft.

Authority for maintenance of the system: 39 USC 1001, 1206

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide the Office of Personnel with fair and impartial information to match vacant position to the most qualified candidate.

Use—

1. To provide information for offical bulletin boards and release to various employee organizations.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape, punched cards, pre-printed forms and computer printed reports.

Retrievability: This system is indexed by employee name and Social Security Number.

Safeguards: Computer center access control and limitation within offices to those employees maintaining the system.

Retention and disposal: Computer records are saved two years, then automatically deleted. Paper records are kept six months after a vacancy is filled, then destroyed. Some records are retained until employee separation.

System manager(s) and address: APMG, Labor Relations Department, Headquarters

Notification procedure: The employee should state the position of bid and identify himself with name, Social Security Number, closing date of the bid notice, and forward this information to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Employee personnel data, scheme knowledge, qualifications of the job and of the candidate, successful bidders notices from vacant duty assignment postings.

USPS 120.050

System name: Personnel Records—Employee Suggestion Control, 120.050

System location: USPS Headquarters, Regional Headquarters, Post Offices, Bulk Mail Centers, Postal Data Centers

Categories of individuals covered by the system: USPS employees

Categories of records in the system: Name of employee, employee number, employment location, suggestion number, subject, and decision. If adopted, estimate of benefits and recognition granted.

Authority for maintenance of the system: Chapter 45 of Title 5, USC

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide a source of data on individual performance which is often one factor in identifying nominees for other individual recognitions including case awards. This information also provides data on the effectiveness of the program which is summarized in an Annual Report.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on printed forms and on magnetic tape.

Retrievability: Employee name, region where employed, pay location, and district.

Safeguards: This information is maintained in file cabinets in secured facilities.

Retention and disposal: Information in this system is retained for two years and then destroyed by shredding and automatic deletions for computer tapes.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should contact the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is obtained from the individual making the suggestion.

USPS 120.060

System name: Personnel Records—Employement and Financial Interest Records, 120.060

System location: Law Department, Headquarters, Offices of Associate Ethical Conduct Officers at Headquarters, Regional Headquarters, and Postal Data Centers

Categories of individuals covered by the system: USPS employees in levels 22 and above and Special Employees as determined by criteria established in Executive Order 11222 as implemented by Postal Service regulations, vix., 39 C.F.R. 447.41(a).

Categories of records in the system: Employee name, title, salary, date of appointment to present position; list of organizations in which employee has a financial interest, types of indebtedness, interest in real property.

Authority for maintenance of the system: Executive Orders 11222 and 11590

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To review a statement by designated Postal Service officials for possible conflicts of interest.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original preprinted forms.

Retrievability: Records are filed by name of employee, but organized according to organizational components.

Safeguards: Records are kept in locked safe and access is limited to designated Postal Service officials on need-to-know basis.

Retention and disposal: Records are maintained for as long as employee is subject to reporting requirements and for two years thereafter. They are destroyed by shredding.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Employees wishing to gain access to information pertaining to them should direct inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and place of employment.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information submitted by individual employee on PS Form 2417 and 2418.

USPS 120.070

System name: Personnel Records—General Personnel Folders (Official Personnel Folder and records related thereto), 120.070

System location: Personnel offices of all USPS facilities; St. Louis Personnel Records Center.

Categories of individuals covered by the system: USPS employees.

Categories of records in the system: Applications, resumes, promotion/salary changes and other Personnel actions, letters of

recommendation and all information relative to Federal employement including pre-postal employment and current postal employment history.

Authority for maintenance of the system: 39 USC 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Used by administrators in Personnel Offices and by individual employee supervisors to perform routine personnel functions.

Use—

1. To provide information to a prospective employer of a USPS employee or former USPS emoloyee.
2. To provide data for the automated Central Personnel Data File CPDF, maintained by U.S. Civil Service Commission.
3. To provide statistical reports to Congress, agencies, and the public on characteristics of the USPS work force.
4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.
5. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
7. To provide data for the compilation of a local seniority list that is used by management to make decisions pertaining to appointment and assignments among craft personnel. The list is posted in local facilities where it may be reviewed by USPS employees.
8. Transfer to the CSC upon retirement of an employee for processing retirement benefits.
9. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
10. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
12. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, preprinted forms, Official Personnel Folders.

Retrievability: Employee name and location of employment.

Safeguards: Folders are maintained in locked cabinets to which only authorized personnel have access.

Retention and disposal: Maintained until employee is separated, then portions are sent to the Federal Records Center, St. Louis for processing and storage. Folders for employees who transfer to other Federal agencies are sent to the agency where employee is reemployed.

System manager(s) and address: APMG, Employee Relations Department, Headquarters.

Notification procedure: Employees wishing to gain access to their Official Personnel Folders should inquire to the facility head where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Former employees should submit requests to any Postal Service personnel officer, giving name, date of birth, and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Employee, references, and past employers.

USPS 120.080

System name: Personnel Records—Master Minority File Records, 120.080

System location: Employee Relations Department, Headquarters and Postal Data Centers.

Categories of individuals covered by the system: All USPS employees.

Categories of records in the system: The file contains the Minority Designation Code, date of birth, and social security Numbers of all USPS employees.

Authority for maintenance of the system: 42 USC 2000e-16, Executive Orders 11478 and 11590

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide the USPS Office of Equal Employment Opportunity with minority statistics as required.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes

Retrievability: Employee's social security number..

Safeguards: Computer Password authentication and physical security.

Retention and disposal: Computer records are retained for two years.

System manager(s) and address: APMG, Employee Relations Department

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER. Inquiries should contain full name and social security number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained from the employee.

USPS 120.090

System name: Personnel Records—Medical Records, 120.090

System location: Personnel Office of employing facility for present employee records, and the National Personnel Records Center, St. Louis, MO 63118 for former employee records.

Categories of individuals covered by the system: USPS employees present and former.

Categories of records in the system: Name, address, and pertinent medical information, i.e., history, findings, diagnosis, and treatment.

Authority for maintenance of the system: 39 USC 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To process medical records which are kept on each postal employee.

Use—

1. Information in these records is provided to the Civil Service Commission and is used to make the following determinations:
   a. Veterans Preference
   b. Disability retirement
   c. Postal Service seniority
   d. Disabled child
   e. Competency
   f. "Insurable interest" survivor annuity elections
   g. Health benefit eligibility
   h. Disputed health benefit claim validity
   i. Suitability for employment or continued employment of individuals
   j. Benefit entitlement
   k. Medical Counseling

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2. Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by:
a. Office of Workmen Compensation Programs
b. Retired Military Pay Centers
c. Veterans Administration
d. Social Security Administration
e. Specific private contractors engaged in providing benefits under Federal contracts.

3. Information in these records is used or a record may also be used:
a. to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
b. to request information from a federal, state or local agency, maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
c. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
d. Used as a record in line of duty injury cases and referral to Public Health Services, HEW.
4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Preprinted forms and paper files.

Retrievability: Charts filed alphabetically by name.

Safeguards: No one sees records without employee's written permission.

Retention and disposal: Records are destroyed the 6th year after employee leaves the USPS. All records are shredded after sixth year.

System manager(s) and address: APMG, Employee Relations Department, Headquarters.

Notification procedure: Employee wishing to know whether information about him is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: USPS employees and medical staff.

USPS 120.100

System name: Personnel Records—Performance Awards System Records, 120.100

System location: Headquarters Personnel Division and Inspection Service, and Inspection Service Regional and Divisional Offices; District Offices; Post Offices; Bulk Mail Centers; Postal Data Centers.

Categories of individuals covered by the system: USPS employees.

Categories of records in the system: Name of employee, employee number, pay location, basis for award and award granted.

Authority for maintenance of the system: Chapter 45 of Title 39, USC

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To control and measure the effectiveness of the Cash Awards Program.

Use—
1. Information is summarized and furnished to the U.S. Civil Service Commission annually, to be included in the CSC report on incentive awards to the president.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief leoislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and printed forms.

Retrievability: Employee name, region where employed, pay location and district.

Safeguards: Physical security.

Retention and disposal: Records are maintained for three years and then destroyed by shredding.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Employees wishino to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headouarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, and pay location.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained in summary printouts supplied to each region by Postal Data Centers.

USPS 120.110

System name: Personnel Records—Personnel Investigations Records, 120.110.

System location: Post Offices/Facilities; Regional and National Headquarters.

Categories of individuals covered by the system: Postal Employees and applicants for employment

Categories of records in the system: Replies from character references; former employers and local police records.

Authority for maintenance of the system: 39 USC 410(b), 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To determine suitability for employment. Use—

1. To any agency from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.
2. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charge with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other interagency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

3. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on matters.
4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained on preprinted forms and correspondence.

Retrievability: Information is indexed alphabetically by name.

Safeguards: Information is stored in locked file cabinets accessible to those with an appropriate security clearance.

Retention and disposal: Records are destroyed upon termination of employment if the employment is terminated before the end of the probationary period; or if the employee is retained beyond the probationary period; either at the end of the probationary period or upon receipt of the investigatory report from the Civil Service Commission—whichever comes later.

System manager(s) and address: APMG, Employee Relations Department, Headquarters.

Notification procedure: Apply to the head of the postal facility where employed giving name. Headquarters employees should submit requests to the SYSTEM MANAGER.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained from local police records, former employers, and character references.

Systems exempted from certain provisions of the act: Reference 39 CFR 266.9 for details.

USPS 120.120

System name: Personnel—Personnel Research and Test Validation Records, 120.120

System location: USPS National Test Administration Center, Los Angeles, CA; USPS National and Regional Headquarters; Bulk Mail Centers; District Offices; and the Oklahoma City Computer Center.

Categories of individuals covered by the system: Applicants for postal employment and USPS employee applicants for reassignment and/or promotion.

Categories of records in the system: Computer scannable answer sheets which contain the applicants' identification information and the applicants' answers to the test questions.

Authority for maintenance of the system: 39 USC 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide verification of the applicants' test score.

Use—
1. Data are collected on a project by project basis and are used for the construction, analysis, and validation of written tests; for research on personnel measurement and selection methods and techniques and research on personnel management practices such as performance evaluation or productivity. Routine use includes the exchange of personnel records between the Civil Service Commission and the Postal Service for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personal information in this system of records is used by the personnel research staff in the Civil Service Commission or the U.S. Postal Service.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or order issued pursuant thereto.
3. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Answer sheets in handwritten form.

Retrievability: This system of records is indexed by employee name, batch number or employee's date of examination and examination center administering the examination.

Safeguards: These records are maintained in closed file cabinets in a secured facility.

Retention and disposal: These records are maintained for six months and then destroyed by shredding.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Persons wishing to know whether this system of records contains information on them should address inquiries to the head of the Test Administration Center where they were examined. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, Social Security Number, date of examination, examination number, and place of participation in the examination.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Applicants' test answers.

Systems exempted from certain provisions of the act: Reference 39 CFR 266.9 for details.

USPS 120.130

System name: Personnel Records—Postmaster Selection Program Records, 120.130

System location: USPS Headquarters; Regional Headquarters

Categories of individuals covered by the system: USPS emplovees desiring to be considered for promotion to Postmaster position.

Categories of records in the system: Name, address, date of birth, social security number, education summary, postal background, other employment experience, Postal Inspector's Investigative memorandum, and other pertinent personal information.

Authority for maintenance of the system: 39 USC 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide Regional Management Selection Board and the National Management Selection Board with fair and impartial information to match

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requirements for Postmaster position to the best qualified candidate.

Use—

1. To furnish selection boards with necessary information to make Postmaster selection.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed, typed or handwritten forms.

Retrievability: Employee name and Postal facility where employed.

Safeguards: Locked file cabinets in a secured facility.

Retention and disposal: These records are maintained for two years and then destroyed by shredding.

System manager(s) and address: APMG, Employee Relations Department, Headquarters. Notification Procedure: Employees wishing to know whether this system of records contains information on them should address inquiries to the Regional Postmaster General in the area of vacancy where application was made. Inquiries should contain full name and the Postal facility to which application was made, title, and place of employment.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained from the employee, postal background personnel data, and from forms completed by the employee.

USPS 120.140

System name: Personnel Records—Program for Alcoholic Recovery (PAR), 120.140

System location: USPS Headquarters; Regional Headquarters.

Categories of individuals covered by the system: USPS employees who volunteer for the Program.

Categories of records in the system: Number of counseling contacts and leave usage while participating in the Program, name and personal information necessary to assist employees in a Program of recovery.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide Counselors with information to maintain caseload and follow-up counseling of individuals under the Program. Used as a management data source for statistical reporting on the Program.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms and paper files.

Retrievability: Employee name and case number.

Safeguards: These confidential files are maintained in locked file cabinets with limited access to PAR personnel and in secured facilities.

Retention and disposal: Records are maintained for two years then destroyed by shredding. Historical Case Record Card is maintained indefinitley.

System manager(s) and address: APMG, Employee Relations Dept., Headquarters

Notification procedure: Employees participating in the Program should address inquiries to the head of the facility where participating in the Program. Inquiries should contain employees name and location of employment. Headquarters employees should submit requests to the SYSTEM MANAGER.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Employee, correspondence from hospital and/or doctor, and USPS PAR counselors.

USPS 120.150

System name: Personnel—Recruiting, Examining Training and Placement Records, 120.150

System location: U. S. Postal Service personnel offices and/or other offices within Postal Service facilities authorized to make appointments to positions.

Categories of individuals covered by the system: Job applicants.

Categories of records in the system: Personal and professional resumes, personal applications, test scores, academic transcripts, letters of recommendation notes and comments from interviews, investigations and related correspondence; employee grade, promotion, merit forms, including those for Management Associate and Management Trainee Programs.

Authority for maintenance of the system: 39 USC 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide managers and supervisors information in recruiting and recommending appointment of qualified persons to any grade level.

Use—

1. To refer applicants to USPS officials for purposes of consideration for placement in positions for which an applicant has applied and is qualified.

2. To exchange or furnish information to other employees or employment reference services.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. To request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

6. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, Xerox copies, index cards magnetic tape, punched cards, pre-printed forms, and computer printed reports.

Retrievability: Employee name and social security number.

Safeguards: Records are maintained in closed filing cabinets under scrutiny of designated managers within secured facilities.

Retention and disposal: a. Register of eligibles—Transferred to Federal Records Center one year after date of termination. Destroyed five years after date of termination.

b. Index cards—Destroyed when no longer needed.

c. Cancelled and ineligible applications—Destroyed two years after date of establishment of register or when register is terminated, whichever is shorter.

d. Examination record cards—Transferred to Federal Records Center ten years after initiated; destroyed five years later.

e. Inquiries and replies thereto regarding availability for appointment—Destroyed after pertinent information has been recorded.

f. Certificates of transfer reinstatement of change in status of Federal employees—Destroyed one year after date of certificate.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Persons wishing to know whether information is contained on them in this system of records should address inquiries to the head of the facility to which application was made. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, Social Security Number, and if applicable approximate date of application submitted and residence.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Individual, school officials, former employers, supervisors, named references, training coordinators.

Systems exempted from certain provisions of the act: Reference 39 CFR 266.9 for details.

USPS 120.170

System name: Personnel Records—Safe Driver Award Records, 120.170

System location: Motor Vehicle Offices of Postal Facilities

Categories of individuals covered by the system: USPS employees who are full-time drivers of postal vehicles.

Categories of records in the system: Contains employees' name, yearly Safe Driver Awards and record of any accidents in which employee is involved.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide information for awarding Safe Driver Awards.

Use—

1. To furnish information to the National Safety Council for award purposes.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards.

Retrievability: Filed alphabetically by name of employee.

Safeguards: Kept in closed file cabinet with limited access.

Retention and disposal: Maintained on each full-time driver until he retires, or otherwise separates from full-time driving, and then destroyed by shredding.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit the request to the SYSTEM MANAGER Inquiries should contain full name.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained from the driver and from USPS accident reports.

USPS 120.180

System name: Personnel Records—Skills Bank (Human Resources Records), 120.180

System location: Maintained by various postal facilities as determined by local management.

Categories of individuals covered by the system: USPS employees.

Categories of records in the system: Employee name, Social Security Number, address, job position, educational background, special qualifications, skills, performance code, potential for advancement code, career goals, sex, salary, and other personal information. (The various systems in existence may contain more or less information than specified herein.)

Authority for maintenance of the system: Public Law 92-261, 39 USC 401, 1001

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Used by USPS management to place employees in new positions, and to assist in career planning and training in general; also used by management to provide statistics for management of personnel.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, punched cards, magnetic tape, computer reports.

Retrievability: Name and Social Security Number.

Safeguards: Locked file cabinets, controlled access, computer password authentication, magnetic tape library, physical security.

Retention and disposal: Maintained for the period employed and updated as employee status changes. Destroyed by shredding or computer erasure.

System manager(s) and address: APMG, Employee Relations Department, Headquarters

Notification procedure: Employees wishing to know whether such a system exists at their place of employment or whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, Social Security Number, and place of employment.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is obtained directly form employee, and USPS personnel forms.

USPS 120.190

System name: Personnel Records—Supervisor's Discretionary Records, 120.190.

System location: Any Postal Facility.

Categories of individuals covered by the system: USPS Employees.

Categories of records in the system: Records consist primarily of summaries or extractions from the following other personnel system: 120.036, 120.070, 120.150, 120.180, 120.210. In addition, records may consist of other Postal Service documents.

Authority for maintenance of the system: 39 USC 401, 1001.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To enable supervisors to efficiently manage assigned personnel.

Use—

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1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Indexed by employee name.

Safeguards: Locked in supervisor's desk or filing cabinets.

Retention and disposal: Retained for the duration of the subject's employment as needed. Records pertaining to employee counseling must be destroyed after one year if the incident that precipitated the counseling is not reported during a 12 month period.

System manager(s) and address: APMG, Employee Relations Department, Headquarters.

Notification procedure: Employees wishing to know whether this system of records contain information on them should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM Manager.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Other personnel records systems, supervisor notes, subject employees.

USPS 120.210

System name: Personnel Records—Vehicle Maintenance and Operators Records, 120.210

System location: Vehicle Service Operations at Post Offices, Sectional Centers, District Offices, Regional Offices, Headquarters, Bulk Mail Centers, Postal Data Centers and Automatic Data Processing Centers.

Categories of individuals covered by the system: USPS employees

Categories of records in the system: Employee workload, work schedule, performance analysis and work habits. Employee name, age, length of service, physical condition, vehicle accidents, driving citations, safety awards records, driver license revocation and suspension, driving habits, vehicle training, results of driving tests, qualifications to drive vehicles.

Authority for maintenance of the system: 39 USC 401

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide local post office managers, supervisors and Director of Fleet Management Operations with information to adjust workload, change schedules, change type equipment operated, lists of equipment assigned to employee, and used as a basis for corrective action or safe driving awards.

Use—
1. To provide GSA and USPS driver credentials.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any state of the legislative coordination and clearance process as set forth in that Circular.
4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, and computer tapes.

Retrievability: Employee name, vehicle number, route number, work order number and facility name.

Safeguards: Records are maintained in closed file cabinets in secured facilities.

Retention and disposal: a. Records pertaining to postal-owned vehicle driver's individual testing and driver's records are retained for three years after separation of the employee and destroyed by shredding.

b. Accident reports are retained for three years and destroyed by shredding.

c. Inspection reports are retained for two years after the date of the report and destroyed by shredding.

d. Other records are retained as long as the individual is employed as a vehicle operator, held for one year from the date of reassignment and destroyed by shredding.

System manager(s) and address: APMG, Delivery Services Department, Headquarters

Notification procedure: Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Inquiries should contain employee's full name, Social Security Number, route number, work station and facility where employed.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: The employee, medical doctors, driver examiner/instructor state vehicle departments and supervisors.

USPS 130.010

System name: Philately—Ben Franklin, Stamp Club Sponsors Records, 130.010

System location: Office of Stamps, USPS Headquarters

Categories of individuals covered by the system: Adult sponsors of stamp clubs for youth groups as well as club presidents of adult groups.

Categories of records in the system: Name and address of club sponsors or president.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—As an adjunct to a philatelic program, lists of club sponsors or presidents of stamp clubs are used by Sectional Center personnel and District personnel as well as individual postmasters as follows:

1. To assist sponsors in forming stamp clubs.
2. Making contact with clubs to assist in program presentation and USPS cooperation at stamp shows and philatelic exhibits.
3. Responsiveness to philatelic sales reouests.
4. Determining USPS needs of films, graphics, and publications related to philately.

Use—
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Indexed by name of individual within the club or stamp group to which he is associated.

Safeguards: Records are maintained in closed file cabinets in secured facility.

Retention and disposal: Records are maintained for one year and then destroyed by shredding.

System manager(s) and address: APMG, Customer Services Department, Headquarters.

Notification procedure: Customers wishing to know whther information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER above. Inquiries should contain full name, address, and the club or stamp group he is associated with.

Record access procedures: See "SYSTEM MANAGER" above.

Contesting record procedures: See "SYSTEM MANAGER" above.

Record source categories: Information is obtained from the individual.

USPS 130.020

System name: Philately—Elementary School Teacher Records File, 130.020

System location: Customer Services Department, Headquarters

Categories of individuals covered by the system: Elementary school teachers in schools around the country.

Categories of records in the system: Teachers' name, address of school, number of students in the school, number of known stamp collectors in the school, existence of a stamp club.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose - These Records are used by the Philatelic Education Division of the Office of Stamps to mail periodically issues of "Stamp Fun".

Use—
1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched cards

Retrievability: Index by coding number or school teacher name.

Safeguards: Stored in locked room.

Retention and disposal: Indefinitely with annual updates.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should include full name and name and address of school.

Record access procedures: See "SYSTEM MANAGER" above.

Contesting record procedures: See "SYSTEM MANAGER" above.

Record source categories: Return responses from national mailing of "Stamp Fun".

USPS 130.030

System name: Philately—Philatelic Automatic Distribution Service (PADS), 130.030

System location: Customer Services Department, Headquarters

Categories of individuals covered by the system: Customers who have opened subscription accounts for souvenir pages with first-day cancellations.

Categories of records in the system: Subscriber name and account number, address, and funds on deposit.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To operate a deposit account system for customers who place money on deposit for a particular philatelic product.

Use—
1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in original typed or handwritten form and on magnetic tape and computer printouts.

Retrievability: Records filed by customer name and by account number.

Safeguards: Records are maintained in closed filing cabinets under general scrutiny of personnel of Philatelic Sales Division and on magnetic tapes protected by the Headquarters Management Information Systems Department.

Retention and disposal: Records are maintained until such time a subscription is cancelled. Records for cancelled accounts are destroyed after two years.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER above. Inquiries should contain full name and address.

Record access procedures: See "SYSTEM MANAGER" above.

Contesting record procedures: See "SYSTEM MANAGER" above.

Record source categories: Customers who open subscriptions.

USPS 130.040

System name: Philately—Philatelic Product Sales and Distribution, 130.040

System location: Customer Services Department, Headquarters.

Categories of individuals covered by the system: Customers who have initiated correspondence expressing an interest in philately by: (1) responding to various philatelic product sales promotion programs by submitting order forms, business reply cards, or cut outs from posters and promotional literature; (2) providing Postal clerks with name and address information to receive future philatelic product announcements; (3) opening subscription accounts for souvenir pages with first day cancellations; or (4) requesting products unsolicited in nonstructured correspondence, such as letters.

Categories of records in the system: Subscribers or customer name and account number, address, funds on deposit, product type code, and products purchased history.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—(1) To operate a subscription service for customers who remit money for a particular philatelic product or products; (2) to maintain a file to send philatelic product announcements and sales literature to customers or subscribers; (3) to serve as a source for statistical data for research and market analysis, billing and inventory data, and mailing basis for product shipment.

Use—
1. Disclosure may be made where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in original typed or handwritten form, or microfilm, and on magnetic tape or disk and computer printouts.

Retrievability: Records are indexed by customer name and by account number, if assigned.

Safeguards: Paper and microfilmed records are mai ed in closed filing cabinets under general scrutiny of personnel of Philatelic Sales Division and the Building Guard Force, and when maintained on magnetic tape and disk, the information is protected by ADP physical, software and administrative security of the Headquarters Data Center or by contractors providing similar protection which is subject to audit and inspection of the USPS Inspection Service.

Retention and disposal: (1) Information received is destroyed after it is converted to ADP or microfilm media. (2) Converted records are maintained for two years after the individual has failed to make a purchase or has indicated no other interest. These

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records are then destroyed after two years by burning, shredding or obliterating readability.

System manager(s) and address: APMG, Customer Services Department, Headquarters.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Inquiries should contain full name and address.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information is obtained directly from the individual as is described in "Category of Individuals Covered by the System" above.

USPS 140.010

System name: Postage—Postage Refund Records, 140.010

System location: Post Offices

Categories of individuals covered by the system: Any postal customer who applies for a refund of funds previously given to the USPS for services, box rentals, postage meter setting, advance deposits, etc.

Categories of records in the system: Name and address of customer and reason for request for refund.

Authority for maintenance of the system: 39 USC 401, 403, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Used as official documentation that a legal disbursement of postal funds has been made to customers for services not rendered after customer has paid for service or has advanced funds in anticipation of the service.

Use—

1. Provides management information for periodic financial audits of the system.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to Postal Inspection Service, or to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Completed forms.

Retrievability: Indexed by post office, name and accounting period.

Safeguards: Maintained in closed file cabinet in secured facilities.

Retention and disposal: Records are maintained for three years and then destroyed by shredding.

System manager(s) and address: APMG, Finance Group, Headquarters

Notification procedure: Inquiries should be addressed to the local postmaster within the facility where monies were deposited. Inquiries should contain full name.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Postal customer completing the form.

USPS 140.020

System name: Postage—Postal Meter Records, 140.020

System location: Post Offices

Categories of individuals covered by the system: Meter users

Categories of records in the system: Customer Name and address, meter update activity, schedule for meter upgradings for on-site meter settings, license application, and transaction documents.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To enable responsible administration of postal meter activities.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
2. To disclose identity and address of meter user and identity of agent of user to any member of public upon request.
3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms.

Retrievability: Records are indexed by customer name and by numeric file of postage meters.

Safeguards: Records are maintained in closed file cabinets in secured facilities.

Retention and disposal: Records are maintained for one year after final entry or the duration of the license and then destroyed by shredding.

System manager(s) and address: APMG, Customer Services Department, Headquarters

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the local postmaster from which license was obtained supplying name and meter number.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is obtained from the individual and officials making entries to reflect activities.

USPS 150.010

System name: Records and Information Management Records—Information Disclosure Accounting Records (Freedom of Information Act), 150.010

System location: Records Officer, USPS Headquarters, and records Custodians at all USPS facilities.

Categories of individuals covered by the system: USPS employees and citizens requesting information under the Freedom of Information Act.

Categories of records in the system: Name of requestor and the type of information requested.

Authority for maintenance of the system: 39 USC 401, 412; 5 USC 552; Public Law 93-502

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—These records are kept in order to determine the status of information requested and to facilitate the processing of requests.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files

Retrievability: Individuals name and date of request.

Safeguards: Locked file drawers and access control.

Retention and disposal: Records are maintained by Custodians and the Records Officer for a period of two years. The Headquarters Library and General Counsel keep permanently copies of legal proceedings and appeals related to these records.

System manager(s) and address: Postal Service Records Officer, Headquarters

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain full name and date of request.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is obtained from the individual making the request.

USPS 150.015

System name: Records and Information Management Records—Freedom of Information Appeals System, 150.015.

System location: USPS National Headquarters, Law Department

Categories of individuals covered by the system: The system encompasses all individuals who submit appeals under the Freedom of Information Act from denials of access to or copies of records maintained by the Postal Service.

Categories of records in the system: The system consists of copies of all correspondence relating to appeals from the denials of requests for access to or copies of records pursuant to the Freedom of Information Act,of pleadings on civil actions arising under the Act, and of other documents incidental thereto.

Authority for maintenance of the system: 5 USC 552

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To enable the General Counsel to carry out his duties as appellate authority and to comply with reporting requirements. Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions, and to prepare reports required by 5 USC 552(d).
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in paper folders.

Retrievability: Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney. In those cases, the attorney's name might appear as the requester appellant.

Safeguards: These records are stored in locked file cabinets.

Retention and disposal: These records are kept indefinitely.

System manager(s) and address: General Counsel, Law Department, National Headquarters.

Notification procedure: Inquiries should be addressed to the System Manager above and should contain the name of the requester and the name of that person's attorney.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: The individual to whom the record pertains, and that person's attorney.

USPS 150.020

System name: Records and Information Management Records—Information Disclosure Accounting Records (Privacy Act), 150.020

System location: Records Officer, USPS Headquarters and records Custodians at all USPS facilities.

Categories of individuals covered by the system: Any USPS employee or citizen who makes an inquiry under the Privacy Act.

Categories of records in the system: Name of inquirer and the type of information requested and USPS response thereto.

Authority for maintenance of the system: 39 USC 401; Public Law 93-579, 88 Statute 1896

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—These records are to provide information related to requestors of personal information under the Privacy Act.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files

Retrievability: Requesters' name and date of inquiry.

Safeguards: Locked file drawers and access control.

Retention and disposal: Five years or the life of the requested record and then disposed of in accordance with that record.

System manager(s) and address: Postal Service Records Officer, Headquarters.

Notification procedure: Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain full name, and date of the request.

Record access procedures: See "NOTIFICATION" above.

Contesting record procedures: See "NOTIFICATION" above.

Record source categories: Information is obtained from the individual making the request.

USPS 150.025

System name: Records and Information Management Records—Privacy Appeals System, 150.025.

System location: Postal Service, National Headquarters.

Categories of individuals covered by the system: The system encompasses all individuals who submit appeals under the provisions of the Privacy Act of 1974.

Categories of records in the system: The system consists of copies of all correspondence relating to appeals from Postal Service denials of amendment of records pursuant to the Privacy Act, of pleadings in civil actions arising under the Act, and of other documents incidental thereto.

Authority for maintenance of the system: 5 USC 552a

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To enable the USPS Privacy Appeals Officer to carry out his duties as appellate authority and to comply with reporting requirements. Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions and to prepare reports required by 5 USC 552a(p).
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored as paper files.

Retrievability: Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney. In those cases, the attorney's name might appear as the requester appellant.

Safeguards: These records are stored in locked cabinets.

Retention and disposal: These records are kept indefinitely.

System manager(s) and address: Postal Service Privacy Appeals Officer, Headquarters.

Notification procedure: Inquiries should be addressed to the System Manager above and should contain the name of the requester and name of attorney if applicable.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: The individual to whom the record pertains, and that person's attorney.

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USPS 160.010

System name: Special Mail Services—Registered Mail Inquiry for Delivery and/or Application for Indemnity, USPS 160.010

System location: Rates and Classification Department, USPS Headquarters, Post Offices, Postal Data Center, St. Louis, Mo; New York, New Orleans, San Francisco, Chicago Post Offices (international mail inquiries).

Categories of individuals covered by the system: Registered mail claimant.

Categories of records in the system: Name, address and description of claim.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—This information is used in the adjudication of domestic and foreign registered mail claims. Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
2. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
4. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, magnetic tape, punched cards, computer printed reports.

Retrievability: Box number, batch number or vendor number and name.

Safeguards: Computer access control and locked offices.

Retention and disposal: Domestic inquiries are maintained for 2 years, International inquiries are maintained for 3 years. Records are maintained for one year at St. Louis Postal Data Center and then transferred to the Federal Records Center and maintained for another three years. All records are destroyed by shredding.

System manager(s) and address: APMG, Rates and Classification Department, Headquarters.

Notification procedure: Inquiries should be addressed to the facility head at which claim was made and should contain claim number, date of claim, name of sender and addressee, address of sender and addressee, and insured number of article mailed.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information obtained from the individual completing the claim form.

USPS 160.020

System name: Special Mail Services—Request for Payment of Postal Insurance (Claim) Records, 160.020.

System location: Rates and Classification Department, USPS Headquarters; Post Offices; New York, New Orleans, San Francisco, Chicago Post Office (international mail claim).

Categories of individuals covered by the system: Insured Mail Claimant.

Categories of records in the system: Name, address and description of claim.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—This information is used in the adjudication of domestic and foreign insured mail claims. Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms.

Retrievability: Box number, batch number or vendor number and name.

Safeguards: Maintained in closed file cabinets within secured facilities.

Retention and disposal: Domestic inquiries are maintained for 2 years, International inquiries are maintained for 3 years and destroyed by shredding.

System manager(s) and address: APMG, Rates and Classification Department, Headquarters.

Notification procedure: Inquiries should be addressed to the facility head at which claim was made and should contain claim number, date of mailing, date of claim, name of sender and addressee, address of sender and addressee, and insured number of article mailed.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Information obtained from the individual completing the claim form.

USPS 170.010

System name: Workload Reporting Records, 170.010

System location: Workload Reporting Records are located and/or maintained in various Departments and Facilities of the USPS.

Categories of individuals covered by the system: USPS employees and contract employees assigned to work on specific projects.

Categories of records in the system: May include employee initials and surname, organizational unit and division, work hours on daily, weekly, or pay period basis by course number designated, social security number, systems code, weekly totals and pay period totals; project number, project name, name of customer contact, estimated completion date, estimated resources, actual contact, and general remarks about the development of the project.

Authority for maintenance of the system: 39 USC 401, 404

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—The system is used to determine project costs for billing customers for services and by management to schedule work loads and staffing. Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, magnetic tape and disks.

Retrievability: Employee initials and name, project number, system code, social security number, pay period or project name.

Safeguards: Maintained in secured area within secured facility.

Retention and disposal: In some cases, records are retained for one year and then automatically deleted from computer disks and paper files are destroyed by shredding. Some records are maintained on computer tape beyond one year for historical and trend analyses.

System manager(s) and address: The department or facility head where such records are required.

Notification procedure: Employees wishing to gain access to this information should address inquiries to the department or facility head where employed at the time of work load reporting. Inquiries should contain full name and project name and number.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Prepared by employee or supervisor as activities occur.

USPS 180.010

System name: Tort Claims—Tort Claims Records, 180.010

System location: Law Department at Headquarters and Regions, Postal Inspection Service, Division Headquarters, Post Offices and Postal Data Centers.

Categories of individuals covered by the system: Persons involved in accident as a result of postal operations or alleging money damages under the provisions of the Federal Tort Claims Act.

Categories of records in the system: Accident reports, tort claims filed, documentary evidence in support of tort claims, and litigation arising out of tort claims.

Authority for maintenance of the system: 28 USC 2671-80; 39 USC 409(c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—Used by attorneys and other employees of the Postal Service to consider, settle and defend against tort claims made against the USPS under the Federal Tort Claims Act. To refer to accident prevention and safety officers, manufacturers of equipment and supplies and their insurers.

Use—

1. Transferred to Department of Justice, other government agencies, and other persons involved in a claim against the Postal Service, for use in ajudication, civil litigation and criminal prosecution.
2. In the case of accidents, provide statistical information to members of the American Insurance Association Index System.
3. Provide information to USPS accident prevention and safety officers.
4. Furnish information to insurance companies that have named the United States as an additional insured or co-insured in liability insurance policies.
5. Provide information to equipment manufacturers and their insurers for claims considerations and possible improvement of equipment.
6. To respond to a subpeona dueces tecum and other appropriate court order and summons.
7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.
8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
9. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form, original or copies, preprinted or handwritten forms.

Retrievability: Information may be retrieved by person's name or Postal Inspection Service case number.

Safeguards: Records are maintained in ordinary filing equipment under general scrutiny of postal personnel.

Retention and disposal: Paid claims records at Headquarters are retained for seven years after payment; Postal Inspection Service files are retained for 25 years after closing; all other files are retained for five years after closing. All records are destroyed by shredding or burning.

System manager(s) and address: General Counsel, Law Department, Headquarters

Notification procedure: Furnish person's name, data and place of occurrence giving rise to a claim under the Federal Tort Claims Act, to the head of the facility where the claim was filed.

Record access procedures: See NOTIFICATION above.

Contesting record procedures: See NOTIFICATION above.

Record source categories: Claimants making demands for money damages, reports of postal employees involved in accidents, local police reports, Inspection Service investigative reports and American Insurance Association Index reports.

LIST OF U.S. POSTAL SERVICE FACILITIES REFERENCED HEREIN

The address of each Postal Service facility referred to in each system notice, other than post offices, and the geographical area served, is provided on the pages following. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, to include locations in the Canal Zone, Guam-Samoa, Puerto Rico, and the Virgin Islands, are contained in THE DIRECTORY OF POST OFFICES, Publication 26, Stock Number 3900-00247, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—Price $3.90.

Postmasters, upon request, will supply the addresses of the District Offices and Sectional Management Centers to which they report.

The following excerpt of addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the repetition in each notice. All "Headquarters" addresses are:

(Office), U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

POSTAL SERVICE REGIONAL OFFICES

Regional Postmaster General, Central Region, Main PO Bldg., Chicago, IL 60699. (States serviced: IL, MI, OH, IN, KY, WI, MN, IA, MO, ND, SD, NE, KS (Except 679)).

Regional Postmaster General, Eastern Region, PO Box 8601, Philadelphia, PA 19101. (States serviced: VA, WV, MD, DE, PA, DC, and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Postmaster General, Southern Region, 5100 Popular Ave., Memphis, TN 38166. (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR and KS (679).)

Regional Postmaster General, Northeast Region, Main PO Bldg., New York, NY 10098. (States serviced: New York City, RI, MA, NH, VT, ME and those portions of New York State, Connecticut, and New Jersey within the New York City Metropolitan area, also Puerto Rico and Virgin Islands.)

Regional Postmaster General, Western Region, 850 Cherry St., San Bruno, CA 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, El Paso, TX Dist. and Guam.)

INSPECTION SERVICE

Chief Postal Inspector, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington DC 20260.

Regional Chief Postal Inspector, Central Region, Chicago, Illinois 60607. (States serviced: IL, MI, OH, IN, KY, WI, MN, IA, MO, ND, SD, NE, and KS (ZIP Codes 660-678 only).)

Regional Chief Postal Inspector, Eastern Region, No. 1 Decker Square, East Lobby, Bala Cynwyd, Pennsylvania 19004. (States serviced: VA, WV, MD, DE, PA, DC and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Chief Postal Inspector, Northeast Region, 2 Penn Plaza, 20th Street, New York, New York 10097 (States serviced: New York City and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Chief Postal Inspector, Southern Region, U.S. Postal Service, 5100 Poplar Avenue, Room 1510, Memphis, Tennessee 38161 (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR, and KS (ZIP Codes 67901-67954).)

Regional Chief Postal Inspector, Western Region, 850 Cherry Street, San Bruno, California 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, El Paso, TX, District and Guam.)

Postal Inspector in Charge, Room 517, U.S. Post Office Federal Annex, South Forsyth and West Hunter Streets, Atlanta, Georgia 30302.

Postal Inspector in Charge, Room 537, Main Post Office Building, Devonshire Street and Milk Street, Boston, Massachusetts 02107.

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Postal Inspector in Charge, Room 257, U.S. Post Office and Court House, Georgia Ave. and East Ninth Street, Chattanooga, Tennessee 37401.

Postal Inspector in Charge, Room 642, U.S. Post Office Building, Canal and Van Buren Streets, Chicago, Illinois 60607.

Postal Inspector in Charge, Room 220, U.S. Post Office and Court House, Walnut St. and Government Square, Cincinnati, Ohio 45201.

Postal Inspector in Charge, Room 339, U.S. Post Office and Court House, 18th and Stout Streets, Denver, Colorado 80201.

Postal Inspector in Charge, Room 400, General Post Office Building, 1401 West Fort Street, Detroit, Michigan 48232.

Postal Inspector in Charge, Room 202, U.S. Postal Office Building, Landcaster and Jennings Streets, Fort Worth, Texas 76101.

Postal Inspector in Charge, P.O. Box 30456, Los Angeles, California 90030.

Postal Inspector in Charge, U.S. Postal Service, P.O. Box 3180, Memphis, Tennessee 38103.

Postal Inspector in Charge, Room 233, Post Office and Court House Building, Federal Square, Newark, New Jersey 07101.

Postal Inspector in Charge, Room 4102, U.S. Post Office Main Office Building, Eighth Avenue and 33 Streets, New York, New York 10001.

Postal Inspector in Charge, Room 419, General Post Office Building, 30th and Market Street, Philadelphia, Pennsylvania 19101.

Postal Inspector in Charge, 1500 Chamber of Commerce Building Pittsburgh, Pennsylvania 15219.

Postal Inspector in Charge, Room 712, 200 South Hanley Building, 200 South Hanley Rd., St. Louis, Missouri 63199.

Postal Inspector in Charge, Room 309, U.S. Post Office and Customhouse, East Kellogg Blvd., and Jackson Street, St. Paul, Minnesota 55165.

Postal Inspector in Charge, P.O. Box 367, San Francisco, California 94101.

Postal Inspector in Charge, Room 306, Main Post Office Building, 3rd Avenue and Union Street, Seattle, Washington 98111.

Postal Inspector in Charge, Room 3016, City Post Office Building, North Capitol Street and Massachusetts Avenue, Washington, D.C. 20013.

Postal Inspector in Charge, Room 3400, Special Investigation Division, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

USPS POSTAL DATA CENTERS

Minneapolis Postal Data Center, Box 63, Main Post Office Building, Minneapolis, MN 55470 (States serviced: IL, MI, OH, IN, KY, WI, MN, IA, MO, ND, SD, NE, KS, TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR).

New York Postal Data Center, General Post Office Building, New York, NY 10099. (States serviced: NY, NJ, CT, ME, MA, RI, VT, VA, WV, MD, DE, PA, DC, Puerto Rico, and Virgin Islands).

Saint Louis Postal Data Center, Post Office Building, Saint Louis, MO 63180 (Serves as national financial support).

San Bruno Postal Data Center, 850 Cherry Street, San Bruno, CA 94097 (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, and Guam.)

TRAINING INSTITUTE

Postal Service Training and Development Institute, 7900 Wisconsin Avenue, Washington, D.C. 20014.

BULK MAIL CENTERS

Atlanta, 1805 Bolton Road, NW., Atlanta, GA 30369.

Chicago, 7500 West Roosevelt Road, Building No. 1, Forest Park, IL 60130.

Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235.

Dallas, P.O. Box 21106, Dallas, TX 75211.

Denver, 7755 East 56th Avenue, Commerce City, CO 80022.

Des Moines, 4000 NW., 109th Street, Des Moines, IA 50395.

Detroit, 17500 Oakwood Boulevard, Allen Park, MI 48101.

Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27495.

Jacksonville, 7415 Commonwealth Avenue, Jacksonville, FL 32099.

Kansas City, 4900 Speaker Road, Kansas City, KS 66106.

Los Angeles, 4701 South Eastern Avenue, Bell, CA 90201.

Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136.

Minneapolis-St. Paul, 3165 South Lexington Avenue, St. Paul, MN 55121.

New York, 80 County Road, Jersey City, NJ 07307.

Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116.

Pittsburgh, R.D. No. 2, Wexford, PA 15090.

St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042.

San Francisco, 2501 Rydin Road, Richmond, CA 94850.

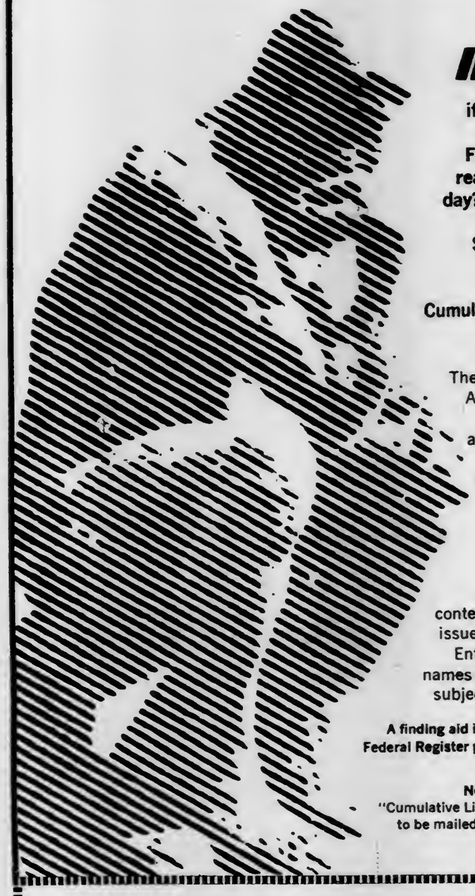
Seattle, P.O. Box 5000, Federal Way, WA 98002.

Springfield, 190 Fiberloid Street, Springfield, MA 01151.

Washington, 9201 Edgeworth Drive, Washington, D.C. 20027.

[FR Doc.76-29129 Filed 9-29-76;5:06 pm]

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THURSDAY, OCTOBER 14, 1976

PART VI:

BOOK 2 OF 2 BOOKS

DEPARTMENT OF THE TREASURY

PRIVACY ACT OF 1974

Systems of Records

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DEPARTMENT OF THE TREASURY
PRIVACY ACT OF 1974
Annual Notice of Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Department of the Treasury republishes notice of the systems of records maintained by it. All of the systems have been previously published and adopted. Except as noted below, under "Public Comment Invited", there are no changes requiring public comment. Numerous minor changes have been made, consisting principally of address changes, revision of organizational titles, and grammatical and typographical corrections. Sixty-four systems have been deleted entirely, as noted below, under "Deletions".

DELETIONS

The following 64 systems are deleted for the reasons shown.

DEFINITIONS:

"Destroyed (month and year)"—Month and year actually destroyed or reported destroyed.

"Not Privacy Act system"—Information is not retrieved by name or other personal identifier.

"Entrepreneurial system"—Information maintained is not personal. Records of sole proprietorships which do not meet the definition of a Privacy Act System, see Office of Management and Budget guidelines, volume 40, Federal Register, page 28951, July 9, 1975.

"Duplicate of (system number)"—System is a duplicate of, or is included in, other notice cited.

"Included in CSC/Govt (system number)"—Included in system notice published by the Civil Service Commission.

OFFICE OF THE SECRETARY (OS)

OS 021—Assistant Secretary Personnel Administrative Files; Destroyed Aug 1976.

OS 030—Bilateral Development Program Office Personnel File; Destroyed Apr 1976.

OS 031—IFI & USG Officials Connected with IFI Annual Meetings or Project Inspection Trips; Not Privacy Act system.

OS 038—DC 11/4 Gold Licensees; Destyroyed Aug 1975.

OS 046—Planning & Evaluation Division Employee Locator Card Copy & Information Sheet Filed; Destroyed Apr 1976.

OS 047—Planning & Evaluation Division Employee Personnel File; Destroyed Apr 1976.

OS 080—Banks' Affirmative Action Files; Not Privacy Act system.

OS 120—Chief Counsel Revenue Sharing Personnel; Duplicate of OS 143.

OS 122—ORS Compliance Division Employee File; Destroyed Aug 1976.

OS 155—State Attorneys General Records (ORS); Duplicate of OS 131.

OS 197—Wage Case Files—ESP/CLC; Entrepreneurial system.

OS 500—Affirmative Action Plan; Employment of Handicapped Individuals; Not Privacy Act system.

INTERNAL REVENUE SERVICE (IRS)

IRS 10.006—Technical Information Release Mailing List, Public Affairs; Destroyed Sep 1976.

IRS 22.001—Actuary Mailing File (AMF) ACTS, A; Entrepreneurial system.

IRS 22.055—Tax Practitioner, Extension-of-Time Card File, ACTS, A; Destroyed Sep 1976.

IRS 22.056—Tax Practitioner Mail File, ACTS, A; Entrepreneurial system.

IRS 42.007—Experts in Economic Assistance Examinations; Entrepreneurial system.

IRS 42.010—Enrollment & Practice Files; Entrepreneurial system.

U.S. CUSTOMS SERVICE (CS)

CS 015—Aircraft & Yacht Arrival Notice; Not Privacy Act system.

CS 019—Applicants File; Not Privacy Act system.

CS 020—Applicant Supply File; Included in CSC/Govt 5.

CS 023—Authorization to Perform Travel; Not Privacy Act system.

CS 029—Baggage Declaration File on Local Residents of the Virgin Islands; Not Privacy Act system.

CS 052—Complaints Against Customs Personnel; Not Privacy Act system.

CS 059—Correspondence Log for the Classification & Value Divison; Not Privacy Act system.

CS 065—Crew Declaration File; Not Privacy Act system.

CS 066—Crew List File; Not Privacy Act system.

CS 084—Employee Relocation Allowances; Duplicate of CS 194.

CS 086—EEO Complaints Processing; Duplicate of CS 276.

CS 087—Equal Employment Opportunity Program; Not Privacy Act system.

CS 095—Film Library of Seizures; Not Privacy Act system.

CS 106—Freedom of Information Requests; Not Privacy Act system.

CS 108—Government Employees' Drivers License file; Not Privacy Act system.

CS 110—Identification Cards (CF 3135) File; Not Privacy Act system.

CS 139—Locator Cards; Included in CSC/Govt 3.

CS 145—Merit Promotion Plan Case Files; Destroyed Aug 1976.

CS 147—Military Declarations File; Not Privacy Act system.

CS 154—Narcotics Importers; Not Privacy Act system.

CS 158—Non-Disciplinary Grievance Case Files; Included in CSC/Govt 1.

CS 168—Overtime File; Not Privacy Act system.

CS 173—Parking Space File (Los Angeles Region); Not Privacy Act system.

CS 174—Passengers' Declarations File; Not Privacy Act system.

CS 179—Patrol Officers Case File; Duplicate of CS 212.

CS 181—Payroll Report; Duplicate of CS 194.

CS 195—Personnel Records System, Office of Regional Counsel, Region X; Duplicate of CS 193.

CS 202—Protest Inventory System; Not Privacy Act system.

CS 216—Service Records of Former Employees; Included in CSC/Govt 3

CS 225—Telephone Analysis Program (TELAN); Not Privacy Act system.

CS 230—Time and Attendance and Leave Records; Duplicate of CS-194.

CS 235—Tort Claims File; Not Privacy Act system.

CS 246—Uncollectible Checks File; Not Privacy Act system.

CS 250—Uniform Allowance File; Not Privacy Act system.

CS 256—Violation Index File; Duplicate of CS 212.

CS 259—Violators File; Duplicate of CS 128.

CS 263—Work Hour Records of Employees; Duplicate of CS 194.

CS 264—Workman's Compensation & Job-Related Injury File; Not Privacy Act system.

BUREAU OF ENGRAVING AND PRINTING (BEP)

BEP 001—Accident and Safety Report; Destroyed Aug 1976.

BEP 010—Employee's Health Unit Daily Report; Not Privacy Act system.

BEP 011—Employees Home Contact File; Destroyed Apr 1976.

BEP 015—Employee Seniority List; Not Privacy Act system.

BEP 026—Personal Protective Equipment File; Not Privacy Act system.

COMPTROLLER OF THE CURRENCY (CC)

CC 130—Bank Files; Not Privacy Act system.

CC 138—Employee Mailing Labels; Not Privacy Act system.

CC 153—Identification Pin Control Register; Destroyed Sept 1976.

PUBLIC COMMENT INVITED

Only one change requiring public comment under 5 U.S.C. 552a(e)(11) is being made. Public comment is accordingly invited on the revised routine uses proposed for the Automated Directory System—Treasury/OS 00.190.

Any interested person may submit written data, views or arguments on these proposed routine uses to the Acting Departmental Disclosure Officer, Office of Administrative Programs, United States Department of the Treasury, 1331 G Street NW., room 300, Washington, D.C. 20220, on or before November 15, 1976. All written comments received from the public by then will be considered by the Department before taking action on a final notice of adoption. Comments received will also be available for public inspection at the above address between the hours of 9:00 a.m. and 5:30 p.m., Mondays through Fridays, except public holidays. Further information is available by telephone at (202)964-2792

SYSTEMS COVERED BY THIS NOTICE

This notice covers all systems of records finally adopted up to and including September 24, 1976.

Dated: September 30, 1976.

Warren F. Brecht,
Assistant Secretary (Administration).

Treasury/OS 00.010

System name: Office of Capital Markets and Debt Management, Actuarial Valuation System—Treasury/OS.

System location: Office of the Secretary of the Treasury, Office of Capital Markets and Debt Management, Office of the Government Actuary, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Participants and beneficiaries of the following pension plans: District of Columbia: Teachers, Policemen, Firemen, Judges. U.S. Tax Court Judges, U.S. Foreign Service officers and staff personnel, U.S.I.A. Officers and staff personnel.

Categories of records in the system: Information in the system is as follows: Active Records: name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, & refund if any; indication of LWOP status (if any); Retired Records: same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number and ages of children on annuity roll; year of termination of survivors.

Authority for maintenance of the system: Statutes require the Secretary of the Treasury to certify the valuation of pension funds as follows: D.C. Teachers, 60 Stat. 881; D.C. Judges, 78 Stat. 1061; U.S. Tax Court Judges 26 U.S.C. 7448; U.S. Foreign Service Officers, USIA Officers and staff 22 USC 1101. In addition, the House District Committee formally requested certification of the pension funds for D.C. police and firemen.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Government Actuary performs mathematical computations to assess expected income and outlays of pension funds listed in the "Category of Individual" section. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Data are on punched cards and computer print-outs. Individuals are listed alphabetically. Records are stored in the Actuary's office in the locked and guarded Treasury Building. The records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

System manager(s) and address: The Government Actuary, Office of the Secretary of the Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: The Government Actuary keeps subject records for statistical purposes only and does not release information on individual records. See System Manager above.

Record access procedures: Inquiries should be directed to the organization whose pension funds are valued. If that organization's address is unknown to the inquirer, the Government Actuary will forward the inquiry to the appropriate organization.

Contesting record procedures: See Notification and Access above.

Record source categories: Data for actuarial valuation are provided by organizations responsible for pension funds listed under "Category of Individual," namely the District of Columbia Government, the U.S. Tax court, the U.S. Foreign Service and the U.S. Information Agency.

Treasury/OS 00.011

System name: Office of Capital Markets and Debt Management, General Correspondence—Treasury/OS.

System location: Records are stored in the CM & DM Secretariat, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. A card file with each writer's name, address and subject of inquiry is maintained as a quick reference in the Office of Debt Analysis.

Categories of individuals covered by the system: General public, other executive agencies and the Congress.

Categories of records in the system: Control logs on letters from the general public, other executive agencies and the Congress regarding the national debt, the economy and monetary and fiscal policy.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Previous correspondence with the same writer is reviewed to enable us to provide complete, nonrepetitive replies to current inquiries. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: A log of incoming letters is kept alphabetically by the individual's name. The alphabetical control logs are stored in the locked main Treasury Building for 3 months after letters are answered and then are discarded.

System manager(s) and address: Assistant Secretary for Capital Markets and Debt Management, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Treasury, Director, Office of Debt Analysis, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Requests should be submitted to the Assistant Secretary for Capital Markets and Debt Management, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Letters are from the general public, other executive agencies and the Congress. They come directly to the Treasury or are referred to the Treasury by the White House, Congressional offices, or other executive agencies.

Treasury/OS 00.020

System name: Energy Policy Office Administrative File—Treasury/OS.

System location: Room 4464, Treasury Building, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Employee (presently in a position in this office). Applicant (one who will be hired).

Categories of records in the system: Employee: regular personnel papers, which are duplicates and this file is not complete. Applicant: S.F. 171.

Authority for maintenance of the system: Federal Personnel Manual. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Administrative Personnel File: for general reference. Applicant: used in interviews. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Located in Room 4464.

Safeguards: Filed by name. Usual Security.

Retention and disposal: Disposed when no longer needed for reference.

System manager(s) and address: Deputy Assistant Secretary for Investment and Energy Policy, Department of the Treasury, Room 3025, MT, Washington, D.C. 20220.

Notification procedure: Same as the above.

Record access procedures: Written request to: Director, Regulatory and Legislative Policy, Room 4460, MT, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Administrative Personnel Folder: routine personnel actions. Applicant: SF 171.

Treasury/OS 00.239

System name: Contractors file—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Contractors.

Categories of records in the system: Files on contractors.

Authority for maintenance of the system: 5 USC 301.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of work performed by OSR by contractors. Reference for preparation of documentation for future contracts. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: Chronological, not indexed.

Safeguards: Regular office procedures.

Retention and disposal: 3-5 years.

System manager(s) and address: Director, Office of Statistical Reports OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Documentation of past contracts for professional services.

Treasury/OS 00.240

System name: Contracts and Research Proposals—Treasury/OS.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Contractors; and (2) Solicited and unsolicited research proposals by author.

Categories of records in the system: Contains information about technical and administrative aspects of external research contracts or proposals.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine administration of contract matters; (2) Evaluation of performance of contracts and utility of research proposals; and (3) If joint contract sponsored with another Federal agency, share information necessary to carry out contract. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Information submitted by researcher voluntarily or by request; (2) Office notations on the status of contracts; and (3) Evaluations by Treasury personnel of contract work.

Treasury/OS 00.241

System name: Directory file of reporters on Treasury Foreign Exchange and Foreign Currency Forms—Treasury/OS.

System location: Headquarters: Office of Statistical Reports, OASIA. Working data files maintained by Federal Reserve Banks. Central computer file maintained by Federal Reserve Bank of New York. Headquarters: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Banks, brokers, nonbanking business concerns, nonprofit institutions (may include individuals operating as sole proprietorships or in partnerships), and names of principal executive officers and officers responsible for the reports.

Categories of records in the system: Type and characteristics of firms responsible for reporting Treasury Foreign Exchange reports, and Treasury Foreign Currency forms

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Classifying and sorting TFEX and TFC data by type and characteristics of reporters. Identifying principal executive officers and officers responsible for reporting. For additional routine uses Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files, punched cards, magnetic tape, magnetic disc.

Retrievability: Name of firm, ID number, location, type of business, characteristics.

Safeguards: Procedures and directives to assure confidentiality of reports of individual reporters. Computer access controlled by "pyramid" security system.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Reports filed by reporters on TFEX and TFC forms.

Treasury/OS 00.242

System name: General Correspondence.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: People outside of OASIA Research with whom we have had correspondence.

Categories of records in the system: Copies of correspondence to and from OASIA Research.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine in office use for the accomplishment of OASIA Research business. (2) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: Name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: General public.

Treasury/OS 00.032

System name: OASIA Correspondence Files—Treasury/OS.

System location: (1) Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220. (2) Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

Categories of individuals covered by the system: (a) U.S. Foreign Service Officials (b) Officials of Municipalities and State Governments (c) Members of Congress and (d) the General Public.

Categories of records in the system: Incoming request for information concerning international financial, economic, and monetary matters, and reply to same by individuals in the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Routine correspondence file is maintained to provide record of response to initial inquiry in the event of future correspondence. (b) Category of Users. Officials of the Department to respond to queries. (c) Purpose. Respond to inquiries. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carbon (file) copy attached to incoming letter maintained in File Folders. Identification of individuals maintained on alphabetical 3 x 5 card.

Retrievability: Retrieval controlled by card systems. Card, filed by name, shows folder identification in which correspondence is held.

Safeguards: Maintained in electronically secured area and vaults. Disclosure limited to official personnel of the Department.

Retention and disposal: Correspondence containing no substantive information of permanent value is culled for destruction 3 years after the close of the calendar year in which the records were created. Destruction accomplished by burning. Substantive correspondence retained indefinitely.

System manager(s) and address: Chief, Document Management Branch, Office of Administrative Programs, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: (a) See System Manager above. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible and subject matter. Also include any other information you can furnish to help locate files.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: See categories of individuals and related responses from Treasury officials.

Treasury/OS 00.033

System name: OASIA Invitation Lists—Treasury/OS.

System location: OASIA Secretariat, Department of Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of Congress and Congressional staff, present and former officials of the Executive Branch, The Supreme Court, U.S. executives and staff of the international institutions (IBRD, IMF, IDB) and observers from other international organizations, representatives of the business and financial community, and the Press, who are invited to the Secretary's reception during the annual meetings of the International Monetary Fund and International Bank for Reconstruction and Development.

Categories of records in the system: Name, title, name of government agency, international organization or business affiliation.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Files on previous receptions maintained and used as background for preparation of new lists for the Secretary's reception. (b) Category of Users. Staff of Secretariat. (c) Purpose. To prepare invitations and verify invitees at reception.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Lists maintained in 3 ring binders. Identification of individual maintained on alphabetical 3 x 5 card. Cards filed in card file boxes.

Retrievability: Retrieval controlled by card systems. Card, filed alphabetically by name, shows list identification.

Safeguards: None necessary.

Retention and disposal: 2 years after the end of each reception.

System manager(s) and address: Director, OASIA Secretariat, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Director, OASIA Secretariat, Department of the Treasury, Washington, D.C. 20220. Identifying Information: Full name, title, name of government agency or international organization.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: U.S. Government telephone directories. Card files and lists of previous receptions. U.S. Government Organizational Manual. Congressional directories. Lists of special guests, members of Delegations and staff supplied by the IMF-IBRD. Lists of members of the Press supplied by Public Affairs Office of the Treasury.

Treasury/OS 00.034

System name: OASIA Time cards listed on Form 2384 and State Form 1130A—Treasury/OS.

System location: Room 5416, Main Treasury, 15th and Penn. Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA: Developing Nations Staff, local and overseas.

Categories of records in the system: Contains hours worked and leave record.

Authority for maintenance of the system: Payroll preparation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for payroll and annual and sick leave used. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carbon of punch card and original of Form 1130A.

Retrievability: Alphabetically by name.

Safeguards: Kept personally by timekeeper.

Retention and disposal: Kept in office for 1 year then sent to Accounting and Financing for storage.

System manager(s) and address: OASIA: Developing Nations Office, Room 5416, Main Treasury, Washington, D.C. 20220.

Notification procedure: OASIA: Developing Nations Office, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Information obtained by the hours employee works.

Treasury/OS 00.035

System name: Office of Debt Correspondence Files—Treasury/OS.

System location: (1) Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (a) Officials of Municipalities and State Governments. (b) Members of Congress and (c) the General Public.

Categories of records in the system: Incoming request for information concerning international financial, economic, and monetary matters, and reply to same by individuals in the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Routine correspondence file is maintained to provide record of inquiries for which replies are pending. (b) Category of Users. Officials of the office to respond to queries. (c) Purpose. Respond to inquiries. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 piece of paper.

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Retrievability: Indexed by name.

Safeguards: None required.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Secretary to the Director, Office of Debt, OASIA, U.S. Treasury.

Notification procedure: Director, Office of Debt, OASIA, Department of the Treasury, Washington, D.C.

Record access procedures: Same address as above, Notification.

Contesting record procedures: See Notification above.

Record source categories: Letters from the public.

Treasury/OS 00.036

System name: Office of Debt, Home addresses and telephone number File—Treasury/OS.

System location: Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in Office of Debt, OASIA, U.S. Treasury.

Categories of records in the system: Telephone numbers and home addresses.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. To provide record of home telephone numbers and addresses; (b) Category of Users. Professionals of OASIA; (c) Purpose. To contact after normal duty hours for urgent situations. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 card.

Retrievability: Indexed by name.

Safeguards: None required.

Retention and disposal: Disposed when employee terminates employment in office.

System manager(s) and address: Secretary to the Director, Office of Debt, OASIA, U.S. Treasury.

Notification procedure: Director, Office of Debt, OASIA, Department of the Treasury, Washington, D.C. 20220.

Record access procedures: Same address as above.

Contesting record procedures: See above.

Record source categories: Employees in Office of Debt.

Treasury/OS 00.037

System name: OIDB Employee and Employee Candidate Files—Treasury/OS.

System location: OIDB, 5th Floor, Department of Treasury, 15th & Penna. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OIDB staff members and the candidates for OIDB, including prospective candidates for ED or Alt. ED positions at the IFIs.

Categories of records in the system: Bio data and curriculum vitae.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use by OIDB Director in making recommendations for promotions and other job classification changes and in interviewing job candidates. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet. Disclosure limited to official personnel on need to know basis.

Retention and disposal: Records on OIDB employees kept while employee is in office. Job candidates for one year.

System manager(s) and address: Director, OIDB, OASIA, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: (a) Address. OASIA Personnel Office, Room 2050 Main Treasury, 15th & Penna. Ave., N.W., Washington, D.C. 20220. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Supplied by the persons themselves.

Treasury/OS 00.243

System name: Personnel. Personnel; Recruitment. Personnel; Evaluations—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220

Categories of individuals covered by the system: Employees, past employees, employee prospects.

Categories of records in the system: Files on personnel.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes in file folders.

Retrievability: Name.

Safeguards: Safe.

Retention and disposal: Until no longer useful.

System manager(s) and address: Director, Office of Statistical Reports, Deputy Director, Office of Statistical Reports. OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, personnel actions, etc. Evaluations.

Treasury/OS 00.244

System name: Personnel Files—Treasury/OS.

System location: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA Research personnel and job applicants.

Categories of records in the system: Records on personnel and job applicants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluate job applicants; (2) Routine administrative use of records on OASIA Research personnel; and (3) At the request of the individual, to provide potential employees with information on past work experience. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Deputy Assistant Secretary for Research, OASIA Research, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Constitution Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Employment applications; (2) Description of current work in office; (3) Personnel Office of OASIA; (4) Supervisor's observations; and (5) Information submitted by individuals for their own file.

Treasury/OS 00.245

System name: Public correspondence—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have requested data or other information.

Categories of records in the system: Files on public correspondence.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: File record of public and Government inquiries and replies. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: One file named for respondent. Others are chrono files of "release data," "request for information," etc.

Safeguards: Locked bar safe.

Retention and disposal: As long as needed.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Inquiries and requests for data from members of the public, members of Congress, members of other Government agencies and the Federal Reserve System.

Treasury/OS 00.246

System name: Treasury Foreign Currency (TFC) Reporters—Treasury/OS.

System location: Working data files maintained by Federal Reserve Banks. Central computer file maintained by Federal Reserve Bank of New York. Headquarters: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Banks and nonbanking business concerns and nonprofit institutions. (May include individuals operating as sole proprietorships or as partnerships.)

Categories of records in the system: Data on foreign exchange operations.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of aggregate figures for analysis of foreign exchange market developments and for publication. Compilation of data reported by particular groups of reporters or pertaining to particular countries, or types of assets, liabilities or transactions, for internal analysis of particular problems. Occasional compilation of data reported by individual reporters for internal analysis of adequacy of reporting. Statistical analysis of data file. Individual reports may be used by Federal Reserve System for surveillance of foreign exchange markets, bank examination, and monetary policy, and by Comptroller of Currency and FDIC for bank examination. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files, punch cards, magnetic tape, magnetic disc.

Retrievability: Lists of reporters and prospective reporters. Name, ID number, location, type of report.

Safeguards: Procedures and directives to assure confidentiality of reports of individual reporters. Computer access controlled by "pyramid" security system.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Reports filed on Treasury Foreign Currency Forms. Oral and written communications with reporters and their agents, directly or through Federal Reserve Banks.

Treasury/OS 00.247

System name: Treasury Foreign Exchange (TFEX) Reporters—Treasury/OS.

System location: Working data files maintained by Federal Reserve Banks. Central computer file maintained by Federal Reserve Bank of New York. Headquarters: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Banks, brokers, nonbanking business concerns, nonprofit institutions (may include individual operating as sole proprietorships or in partnerships).

Categories of records in the system: Data on international financial transactions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of aggregate statistics on capital movements for balance of payments and international monetary and financial policy and for publication.

Compilation of data reported by particular groups of reporters or pertaining to particular countries, or types of assets, liabilities or transactions, for internal analysis of particular problems.

Occasional compilation of data reported by individual reporters for internal analysis of adequacy of reporting.

Statistical analysis of data file.

Names of reporters furnished periodically to Board of Governors, Federal Reserve System, for their use in connection with the Information System for Banking Agency Reports (ISBAR).

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files, punch cards, magnetic tape, magnetic disc. Lists of reporters and prospective reporters.

Retrievability: Name, ID number, location, type of report.

Safeguards: Procedures and directives to assure confidentiality of reports of individual reporters. Computer access controlled by "pyramid" security system.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

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Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Reports filed on Treasury Foreign Exchange Forms. Oral and written communications with reporters and their agents, directly or through Federal Reserve Banks.

Treasury/OS 00.040

System name: Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary—Treasury/OS.

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Statements are required from all Treasury employees under the categories listed under Section 0.735-70, Department of the Treasury Minimum Standards of Conduct as reprinted from the Federal Registers, December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Categories of records in the system: Forms TD 3086 and 3087 (Confidential Statement of Employment (1)) and Form TD 3086 (Statement of Employment and Financial Interests)—For Special Government Employees) and Form TD 3087 (Confidential Statement of Employment and Financial Interests) prepared by the incumbent or potential incumbent as prescribed.

Authority for maintenance of the system: In conformance with Sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, OS:PD and Title 5, Chapter I, Part 735, of the Code of Federal Regulations as published in the Department of the Treasury Minimum Standards of Conduct reprinted from the Federal Registers dated December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statements are prepared by employees or applicants and are submitted through the Personnel Office to the agency reviewing officer. If there are no indications that a conflict of interest condition exists, the reviewing official signs and dates the form and returns it to the Personnel Office for retention. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To meet the requirements of confidentiality set forth in Subchapter 4-10, Part 735, Federal Personnel Manual, each Statement of Employment and Financial Interests is filed alphabetically in three-ring binders which in turn are filed in metal containers designed for the storage of classified information and secured by government-approved three-position, combination locks.

Retrievability: Since these statements are filed alphabetically in three-ring binders, they are retrieved accordingly.

Safeguards: In addition to being stored in a secure, metal container with government-approved, combination locks, the metal container is situated in a room which, during normal work hours, is under the supervision of authorized employees, and during nonwork hours is locked. The files are in the custody of security specialists for secure storage and access is made only to personnel and administrative officials in the performance of their official functions or to the incumbents who executed the statements.

Retention and disposal: Statements of active employees are retained during incumbent employment tenure and subject to annual up-date as required by law. Records of personnel who depart are retired and maintained for two years, then destroyed as required by Item 26, Appendix B, General Records Schedule, Title 3.

System manager(s) and address: Personnel Officer, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1330, 15th and Pennsylvania Avenue, N.W. Washington, D.C. 20220.

Notification procedure: Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.Access on request of contributor

Contesting record procedures: See Access above.

Record source categories: The information contained in these records is provided by the employee or applicant pursuant to the authority reflected above.

Treasury/OS 00.501

System name: Disabled Veterans Statistical Report—Treasury/OS.

System location: Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All government employees within the Office of the Secretary claiming either a five or ten point veteran preference.

Categories of records in the system: The record is a computer printout that categorizes all Office of the Secretary employees claiming a veteran preference by their veteran preference code number. Inside each numerical category, the employees are listed alphabetically along with their employing bureau, office; physical handicap code, pay plan, and social security number.

Authority for maintenance of the system: Public Law 93-508.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is used solely to gather statistics on the total number of Office of the Secretary employees claiming either 10 point compensable, 10 point noncompensable, or 5 point veteran preference codes, in addition to the number of them that have reportable handicaps. This data is then used to prepare the Treasury Department's report required by the Civil Service Commission pursuant to its authority under the Vietnam Era Veterans Readjustment Assistance Act of 1974 (P.L. 93-508) and in accordance with the guidelines contained in FPM Letter No. 306-8. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept in a file cabinet and is available to authorized personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved by the veteran preference code number and then alphabetically within the code.

Safeguards: As indicated above under Storage, during official business hours the file is available to authorized personnel only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and disposal: The record is maintained for one week in order to gather the statistics for the Disabled Veterans report and then it is placed in a "Classified Waste" bag to be burned.

System manager(s) and address: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.055

System name: EEO Counselor Complaint Files—Treasury/OS.

System location: U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, N.W., Room 4313, 2438.

Categories of individuals covered by the system: Individuals alleging discrimination related to employment with the Office of the Secretary and who have been assigned to a counselor for informal counseling.

Categories of records in the system: The files contain the names of the complainants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period; notification of final counseling session; and the counselor's report, if required.

Authority for maintenance of the system: Treasury Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by name.

Safeguards: Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal: Indefinite.

System manager(s) and address: Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure: Same as above. Include name and approximate date of counseling.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS 00.041

System name: Management Analysis Division (MAD) Personnel Working Files—Treasury/OMO.

System location: Office of Management and Organization, Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: All prospective and current employees in MAD.

Categories of records in the system: Standard Forms: 52 (Personnel Action), 171 (Employment Application), 1012 (Travel Voucher), 1038 (Travel Advance). Office of the Secretary Forms: 3015 (Travel Authorization), 3016 (Training Authorization). Personal Data Summary Sheet, Summary of Employee Training, Letters of Appreciation, Position Descriptions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by the Chief, MAD, for planning and managing staff development; by his secretary; and by individual employees, as reference files to obtain information stated under CATEGORY OF RECORD. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetical order by employee's last name.

Safeguards: All material is unclassified, kept in a secured file cabinet.

Retention and disposal: Records are maintained as long as person is employed in MAD. Upon resignation, records are given to employee or discarded. Prospective employee files are held for twelve months then discarded.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Employees have free access to their individual files. Inquiries should be written addressed to the System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Copies of official forms; data prepared by each individual employee; and material from any official who deems it appropriate to submit a letter of appreciation for services rendered by employee.

Treasury/OS 00.042

System name: OMO Management Consultants File—Treasury/OS.

System location: Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: Individual Consultant's or Management Consultant firms' brochures identifying individual firm officials.

Categories of records in the system: Published brochures of Management Consultant firms and resumes prepared by individual Consultants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When the Department is considering letting a contract for a Management Consultant, the file is used as a reference for submission of Request For Proposal. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Alphabetical order by Management Consultant firm or individual Consultant name.

Safeguards: All material is unclassified. Kept in a file cabinet.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: By request to System Manager.

Contesting record procedures: Same as Access above.

Record source categories: Information is submitted unsolicited by the individual Consultants or Management Consultant firms.

Treasury/OS 00.043

System name: Payroll, Time and Attendance Records—Treasury/OS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund, the Working Capital Fund, and the office of Revenue Sharing.

Categories of records in the system: Carbon copies of original punch card type record of time in pay status, annual/sick leave accrued/taken by individual by calendar year. Original cards are maintained by IRS Data Center where payment is initiated.

Authority for maintenance of the system: Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Duplicates of official records, used by payroll staff as ready reference to verify employment and leave information. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch type cards.

Retrievability: By name.

Safeguards: Handled routinely in index files.

Retention and disposal: Retained for five years then burned or shredded.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Information compiled by Time and Attendance Clerks in applicable offices.

Treasury/OS 00.044

System name: Personnel and Payroll Data: Transaction Lists; Employee Service Record Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing; and Alphabetical Locator List.—Treasury/OS.

System location: Room 1330, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Office of the Secretary employees.

Categories of records in the system: The types of information in the system are names, position titles, grades and salary.

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Authority for maintenance of the system: IRS Computer system generates reports. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reports are used to answer inquires made by employees and to verify whether information submitted by this office has been updated by the IRS Data Center. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked room. File cabinets.

Retrievability: By name and social security number.

Safeguards: Locked cabinets.

Retention and disposal: Most reports are retained for at least 1 year after which they are destroyed.

System manager(s) and address: Personnel Officer, Room 1330, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Room 1330, Main Treasury Building. Employee should give name, office title and social security number.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: SF-50 and Time and Attendance cards.

Treasury/OS 00.045

System name: Personnel Security Files—Treasury/OS

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees or applicants occupying or applying for Sensitive positions in the Office of the Secretary of the Treasury as defined in EO 10450 and FPM 736 and Chapter 736, Treasury Personnel Manual. Also, contract employees who require access to classified information as defined in EO 11652.

Categories of records in the system: Full field or limited background investigations, and FBI Name Checks.

Authority for maintenance of the system: Sections 2 and 3, EO 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consistent with the provisions of Sections 5 and 6, EO 10450, when unfavorable or questionable information is developed on an employee or applicant which could conceivably have a deleterious affect on the position filled or to be filled or adversely affect the granting of a security clearance, such information is made available to the appropriate employing officials limited only to those transcendent authorities who are in a position to make final determinations on hiring, continued employment or access to classified information. In addition, files are periodically made available to official investigative or security personnel from other U.S. Government agencies, upon request, when an employee or former employee is being considered for employment by another U.S. Government agency for a Sensitive position as defined in EO 10450. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each security file is inserted into an individual file folder which is filed in metal containers designed for the storage of classified information and secured by government approved three-position, combination locks.

Retrievability: Each security file folder is identified by the name of the person to whom it applies and these are filed in alphabetical order.

Safeguards: In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances consistent with the provisions of EO 10450 for critical-sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions as required by EO 10450.

Retention and disposal: Active security files are retained during incumbent employment tenure, and subject to up-date investigation as required by EO 10450. Files of employees who affect intra-agency transfers (to other Department of the Treasury Bureaus) are automatically transferred to the gaining Bureaus. If an employee leaves the government or is transferred to another governmental department, the file is retained, but separated from the active files, for a period of five years, except for background investigations completed by the Civil Service Commission which are returned to that agency immediately following the employee's departure from the Department.

System manager(s) and address: Personnel Division, Security Branch, Office of the Secretary, Room 1306, Main Treasury Building, 15th St. and Pennsylvania Avenue, NW, Washington, D.C. 20220.

Systems exempted from certain provisions of the act: Exempt under Subsection (K), 31 C.F.R. 1.36.

Treasury/OS 00.502

System name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

System location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury. Room 1330, Diebold File, after candidate is on board.

Categories of individuals covered by the system: Secretarial candidates applying for positions within the Office of the Secretary.

Categories of records in the system: Evaluation for placement of applicants.

Authority for maintenance of the system: Federal Personnel Manual Chapter 335.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Completed letters are retained with SF-171 while an applicant.

Retrievability: After employment, letters are retrieved from SF-171 or OPF.

Safeguards: Letters are filed in an envelope marked "Confidential" in OPF.

Retention and disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

System manager(s) and address: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information reflected on the reference form was obtained from previous supervisors and personal references candidate fills in on employment application forms.

Treasury/OS 00.503

System name: Roster of Office of the Secretary Employees—Treasury/OS.

System location: Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Office of the Secretary employees.

Categories of records in the system: Position titles, grades and salary for Office of Secretary employees.

Authority for maintenance of the system: Assistant Secretary (Administration) request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System manager(s) and address: Personnel Officer.

Notification procedure: Room 1330, Main Treasury Building. Employee must give his name and office.

Record access procedures: Personnel Officer.

Contesting record procedures: Personnel Officer.

Record source categories: Standard Form 50.

Treasury/OS 00.048

System name: Scheduled Annual Leave Records—Treasury/OS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund, the Working Capital Fund, and the Office of Revenue Sharing.

Categories of records in the system: Dates of scheduled annual leave for the calendar year TR-Form 4067 and Request for Restoration of Annual Leave TR-Form 4068.

Authority for maintenance of the system: Public Law 93-181.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used as a basis for determinations on granting requests for restoration or forfeited annual leave. For additional routine use, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original documents in a file cabinet.

Retrievability: By name of individual.

Safeguards: Non-sensitive material; handled routinely in file cabinet.

Retention and disposal: Maintained until file updated.

System manager(s) and address: Chief, Financial Management Division. Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The individual scheduled for annual leave.

Treasury/OS 00.049

System name: Security Clearance Index Card File, Security Branch, Office of the Secretary of the Treasury—Treasury/OS.

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, including Consultants, occupying Sensitive positions and on whom security investigations have been completed pursuant to EO 10450 and who have been granted security clearances for access to classified information as defined in EO 11652.

Categories of records in the system: TD Form 4027 (Notice of Security Clearance) reflecting identification data on incumbent and record and type of EO 10450 investigation and degree and date of security clearance.

Authority for maintenance of the system: Local implementation to facilitate responses for inquiries on security clearances from within Treasury and from other federal agencies on Treasury employees who may transfer or who may attend classified conferences or meetings.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When inquiries are received from offices within Treasury or other federal agencies as to the clearance status of Treasury employees who may have an official need to attend classified conferences or meetings or have access to classified documents, the availability of this index system facilitates a response. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized indices are filed in a metal, 3 x 5 card file cabinet available to authorized security and administrative specialists on duty in the Security Branch during normal working hours. During non-working periods, the office in which the file is located is locked, with keys issued only to those who are normally employed in the office and an emergency key in the custody of the Officer in Charge of the Treasury Security Force.

Retrievability: Since each card is filed alphabetically by the last name of the individuals concerned, they are retrieved accordingly

Safeguards: As indicated under "Storage" above, the metal card file is located in an office which is under direct supervision of an authorized employee of the Security Branch during normal working hours, and in a locked office during non-working hours.

Retention and disposal: The active indices are maintained on current employees and when an employee departs the Office of the Secretary for employment elsewhere, the card is transferred to an inactive index where it is maintained indefinitely.

System manager(s) and address: Chief, Security Branch, Personnel Division, Room 1306, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, Northwest, Washington, D.C. 20220.

Notification procedure: Chief, Security Branch, Personnel Division, Room 1306, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, Northwest, Washington, D.C. 20220.

Record access procedures: Chief, Security Branch, Personnel Division, Room 1306, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, Northwest, Washington, D.C. 20220.

Contesting record procedures: Access on request as appropriate.

Record source categories: The information reflected on these cards was obtained from personnel data provided by each incumbent on security and employment application forms, and from the dates reflected on reports of completed EO 10450 security investigations thus indicating when such investigations were completed and used as a basis for granting security clearances or for being appointed to Sensitive positions. Also, the dates of security clearances as well as the degree of security clearance as granted by the Security Office in which the cards are maintained, all of which information is contained in Personnel Security files which are identified as a separate System of Records.

Treasury/OS 00.504

System name: Summer Employees Listing Treasury/OS.

System location: Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Summer Employees within the Office of the Secretary, excluding OASIA.

Categories of records in the system: Summer Employees' names, college majors, academic level, grade, position title and office.

Authority for maintenance of the system: Chapter 410 of the Federal Personnel Manual, Subchapter 3, section 3-1, paragraph (b), Section (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

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Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personnel Officer.

Retention and disposal: Records are kept for one year then are destroyed by burning.

System manager(s) and address: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information taken from Official Personnel Folder and SF-171.

Treasury/OS 00.051

System name: Time and Attendance Cards—Treasury/OS.

System location: Room 1330 & Room 1312 Main Treasury Building.

Categories of individuals covered by the system: Personnel Division employees.

Categories of records in the system: Time in pay status and annual and sick leave balances.

Authority for maintenance of the system: IRS Timekeepers Manual 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Time cards are used to pay employees and also to inform employees of leave balances when needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal file box.

Retrievability: By name.

Retention and disposal: Time and attendance records are kept by the timekeeper for 1 year and are then forwarded to Fiscal Division.

System manager(s) and address: Chief, Fiscal Branch, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Fiscal Branch, 1900 Pennsylvania Avenue, N.W., Employee must furnish name, office and social security number.

Record access procedures: Chief, Fiscal Branch, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: International Revenue Data Center, Detroit, Michigan.

Treasury/OS 00.052

System name: Travel Records—Treasury/OS.

System location: Treas. Dept. Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Ave., NW, Washington, D.C. 20220.

Categories of individuals covered by the system: All individuals authorized to perform travel for the Office of the Secretary.

Categories of records in the system: Form OS-3015, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler. SF 1038, Request for Advance of Funds.

Authority for maintenance of the system: 5 USC 5701-5709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The supporting documentation for entering a charge against, and disbursing funds from, the appropriation for salaries and expenses, Office of the Secretary of the Treasury and for the Exchange Stabilization Fund. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original document form in file cabinet.

Retrievability: Filed by name on a fiscal year basis.

Safeguards: Non-sensitive material handled routinely in regular file cabinet.

Retention and disposal: Presently retained for ten years then burned or shredded.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Facts and figures are presented by the individual related to authorized travel.

Treasury/OS 00.053

System name: Treasury Emergency Preparedness Information Program. The information system of this program contains the following information records which are subject to this inventory: (1) Emergency Executive Teams Lists, (2) Alert Notification Procedures, (3) Federal Emergency Assignee Identification—Treasury/OS.

System location: Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Treasury Emergency Executive Team Members (Teams A, B, & C) (2) Key Treasury Personnel.

Categories of records in the system: (1) Emergency Executive Team Member Lists (By Office of the Secretary and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Federal Emergency Assignee Identification Card and E&FD Pass-Badge; Name, Date of Birth, Physical Identification Characteristics, Agency.

Authority for maintenance of the system: (1) Emergency Executive Teams: Treasury Emergency Planning Circular No. 2 (Rev.) March 14, 1973; OEP Circular 9100.2 April 12, 1972; Executive Order 11490. (2) Key Treasury Personnel Alert Notification: Treasury EPC No. 2. (3) Application for Identification Card-Badge: (a) SF-138 Pass: Title 32-National Defense, Part 231 (Federal Register page 11893, October 30, 1962) Civil Defense Identification for Federal Employees. (b) GSA form 9033: Office of Preparedness (OP)/GSA-APGS Order 604.1B dated November 15, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Emergency Executive Teams Lists: Assigns key Treasury personnel (who are essential to the performance of essential emergency functions) to Teams A, B, & C. See EPC No. 2. Forms the basis for issuance of SF-138 Cards and E&FD Passes. Forms the basis for the personnel on the Alert Notification Lists who are to be notified during an emergency situation and when Civil Readiness Levels are established or changed. See EPC No. 1.

(2) Key Treasury Personnel Alert Notification Lists: Used by Treasury Telecommunications Center personnel and Emergency Planning officials in alerting key Treasury personnel and Emergency Executive Team Members during an emergency and the setting of Civil Readiness Levels.

(3) Federal Emergency Assignee Identification: (a) SF-138 Pass: Issued to all members of the three Emergency Executive Teams (A, B, & C) and to certain other key Treasury personnel. Identifies the person described on the card as having been assigned essential emergency duties for the Federal Government. It is imperative that the bearer be assisted in travel by the fastest possible means to his emergency assignment. Permits admission to emergency operating facilities to which Teams A & C members are assigned. (b) E&FD Pass: Permits admission to Federal Preparedness Agency (FPA)/GSA Special Facility, which is the emergency operating facility to which Team B members are assigned.

(4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Emergency Executive Team Lists and Alert Notification Lists: Master copies maintained in MPS office. Copies are prepositioned within the Office of the Secretary, Telecommunications Center, Treasury Emergency Operating Facilities (TARS and FPA/GSA/SF). (2) Federal Emergency Assignee Identification: (a) SF-138 application: Original in MPS, (b) E&FD application: Original filed within Federal Preparedness Agency (FPA)/GSA. Copy filed in MPS office.

Retrievability: All mentioned records are indexed by name.

Safeguards: Treasury Master Records are filed in official records in MPS office. Office is secured and locked when no office personnel are present.

Retention and disposal: Files are retained and disposed of in accordance with Treasury Department directives for record scheduling. (See Treasury Adm. Bulletin No. 74-68, September 10, 1974 and Treasury Department Order No. 227, October 24, 1973.) Passes are retrieved and destroyed by shredding when employee no longer has official need for the pass (e.g., no longer employed by Treasury as a Team member). Team List and Alert Notification Lists are maintained current. Obsolete lists are destroyed.

System manager(s) and address: Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Notification procedure: (a) Address: Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220. (b) Identifying Information: Name, Official Capacity as a Treasury employee or former employee.

Record access procedures: By written request to Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (a) Key Treasury officials in assigning key personnel to the Emergency Executive Teams provide position title and name of person. (b) The key personnel and team members voluntarily provide information on themselves when applying for identification cards or passes and also provide telephone numbers for the Alert Notification Lists.

Treasury/OS 00.054

System name: Treasury Payroll/Personnel Information System (To be implemented approximately January 1977 to July 1978)—Treasury/OS.

System location: Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232.

Categories of individuals covered by the system: Personnel and payroll data on all Treasury Department employees.

Categories of records in the system: Year-to-date and historical data pertaining to personnel actions and payroll.

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 291), establishes control of the automated personnel information under the agency Director, Personnel. The Department of the Treasury, in the Fiscal Requirement Manual, establishes control of the automated payroll information under the agency Fiscal Assistant Secretary. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Treasury Payroll/Personnel Information System is used to furnish payroll and personnel data, information and statistics to the Civil Service Commission and other requesting agencies. It is also used to generate the necessary payroll information, deductions and allotments to pay the employees on a biweekly basis and to furnish the necessary payroll information to concerned agencies required by law. The basic payroll and personnel master file provides input to management information systems, as well as related accounting and budget systems. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Treasury Payroll/Personnel Information System master file is kept on disc and mag tape. Information concerning the employee is retrievable through the use of the individual's name and/or social security number. Information is reduced to hard copy in the form of reports and payroll information and documentation. The Director, Detroit IRS Data Center, is the designated Treasury official responsible to insure that data is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Request in writing to: Bureau Designee....., Bureau of.....; Department of the Treasury, Washington, D.C. 20220.An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures: Written requests for information on the procedures for gaining access to and contesting information is to be made to: Bureau Designee....., Bureau of....., Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The Processing Clerk enters each new employee's personnel and payroll information on a copy of the SF-50, SF-52, or other standard input documents and transmits it to the processing data center. Subsequent personnel or payroll data is forwarded in this manner also.

Treasury/OS 00.505

System name: Upward Mobility Program; Counseling Application—Treasury/OS.

System location: Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

Categories of records in the system: Application form reflecting identification of employees, type of position, degree of education and skill, etc.

Authority for maintenance of the system: Affirmative Action Plan.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea of what type of training and/or experience the applicant has, and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability: The system is indexed by name.

Safeguards: The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and disposal: Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

System manager(s) and address: Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

Notification procedure: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220. The employee should submit name and social security number.

Record access procedures: Request for gaining access can be made orally. See access and notification above.

Record source categories: The information reflected on these applications was obtained from personal data provided by each applicant.

Treasury/OS 00.060

System name: Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/OS.

System location: Office of Personnel, Room 2425, Main Treasury Bldg., Washington, D.C. 20220.

Categories of individuals covered by the system: Former or current Department employees.

Categories of records in the system: Correspondence dealing with employee complaints.

Authority for maintenance of the system: Departmental discretion on maintenance of correspondence files. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference purposes; evaluation of personnel management; responding to inquiries from Congressmen, the White House, and other government officials. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, file cabinets.

Retrievability: By employee name.

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Safeguards: Filed in filing cabinet and released only to individuals with a legitimate right to review.

Retention and disposal: Records are maintained and disposed of in accordance with Treasury Department's Records Retention and Disposal Schedule for Administrative correspondence.

System manager(s) and address: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel, Employee Relations and Services, Department of the Treasury, Room 2425, Main Treasury Building, Washington, D.C. 20220.

Record access procedures: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

Treasury/OS 00.061

System name: Employee Grade Complaint file—Treasury/OS.

System location: Office of Personnel, 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Category IV (memorandums and letters about individuals involved in any kind of case action).

Authority for maintenance of the system: Title V grants agencies authority to adjudicate classification and pay appeals. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in comparing similar case appeals in connection with the job; not specifically in reference to the employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: by bureau and alphabetically by name of individuals.

Safeguards: File in file cabinets and released only to individuals with a legitimate right to review.

Retention and disposal: policy is to destroy after 3 years of completion of appeal cases.

System manager(s) and address: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Deputy Director of Personnel, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Memos to and from appellant, including bureau, Treasury and Civil Service Commission memorandums and letters on the subject.

Treasury/OS 00.062

System name: Executive Inventory Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All GS and GG-15, 16, 17, 18 employees of the Department of the Treasury.

Categories of records in the system: A brief description of identifying biographical data, work experience, education, professional activities, honors, special qualifications and references.

Authority for maintenance of the system: Executive Order 11315 which authorized the Executive Assignment System and subsequent Civil Service Commission procedures and regulations which established the Executive Inventory Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used in making personnel decisions and in processing personnel actions on executives in the Department of the Treasury. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: The records are kept by organizational units and position grade level in alphabetical order.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: The records are kept as long as the employee is assigned to a GS or GG-15, 16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are burned when we dispose of them.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual needs to provide his name, present organizational assignment, position title and grade.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The SF-161 and SF-161-A are provided by the employees or their servicing personnel offices.

Treasury/OS 00.063

System name: Personnel Security Files and Indices—Treasury/OS.

System location: Assistant Director of Personnel (Personnel Security), Room 652, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Current and former employees of the Department of the Treasury.

Categories of records in the system: The files and records contain investigative information related to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments, for the purpose of granting security clearances and making suitability determinations.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used within the Federal government as follows:

(1) To officers and employees of the Department of the Treasury who have a need for the information in the performance of their official duties.

(2) To designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States government.

(3) To designated officers and employees of other agencies and departments of the Federal government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance or access, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States government.

(4) To designated officers and employees of other agencies and departments of the Federal government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States government, in connection with performance of a service to the Federal government under a contract or other agreement.

(5) To any agency of the Federal government having oversight or review authority with regard to Treasury Department activities.

(6) To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

(7) To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

(8) In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters; and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

(9) To the Department of Justice for consideration of prosecution for violation of laws regarding Federal employment, including fraud in the application, examination, or appointment, and in cases where the Department of Justice is required to represent the Department of the Treasury or any other agency or department of the Federal government.

(10) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision.

(11) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(12) To any agency, department, or other branch of the Federal government having a legitimate need under statutory authority.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Personnel Security Index—4 x 5 cards.

Retrievability: Filed in a rotary file in alphabetical order, and retrieved by name.

Safeguards: Office is locked during non-business hours.

Retention and disposal: This is a permanent file; no cards have been retired. Personnel security files are maintained in security-type file cases with 3 position combination locks. These files are retired to the Federal Records Center one year after the employee leaves Treasury.

System manager(s) and address: Assistant Director of Personnel (Personnel Security) Room 652, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt System.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt, subsection (K)(S), 31 C.F.R. 1.36.

Treasury/OS 00.064

System name: Timecards—Treasury/OS.

System location: 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees in Office of Personnel.

Categories of records in the system: Category III (official records on employees kept and used by the employer).

Authority for maintenance of the system: Federal Employees Compensation Act. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The person receives his pay based on the number of hours recorded on the timecard. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: computer cards, in filing box.

Retrievability: name.

Safeguards: locked in filing cabinet.

Retention and disposal: retain in this office for one year then forward to Fiscal Division, Office of Secretary

System manager(s) and address: Timekeeper, Office of Personnel, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Director of Personnel, Department of the Treasury, 15th & Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Personnel records.

Treasury/OS 00.065

System name: Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury

Treasury/OS 00.066

System name: Combined Applicant/Applicant Correspondence File—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

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Categories of individuals covered by the system: Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Categories of records in the system: Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority for maintenance of the system: Most material is not solicited though on occasion applications are sought for specific positions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they desire consideration. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards: Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal: Files are maintained for a period of two years at the end of which time they are burned.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name: Detailed Employee Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Categories of records in the system: Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Departmental level. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the detail requested requiring approval at the Departmental level.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name: Whitten Amendment Exception Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinet in secured building.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the Whitten Amendment exception requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.070

System name: Office of Computor Science, Work Assignment and Control Form—Treasury/OS.

System location: 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Categories of individuals covered by the system: All personnel in Office of Computer Science.

Categories of records in the system: List of projects and time spent on each project. List of projected project milestone dates and actual dates completed.

Authority for maintenance of the system: Implied authority of manager to maintain records of staff assignments and workload. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of work to individuals. (2) Record of manpower resources spent for each customer organization. (3) Performance evaluation. (4) Historical records used as examples for budget preparation. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, mag. tape files.

Retrievability: Indexed by name.

Safeguards: Under supervision of responsible manager during working hours. Room locked at other times.

Retention and disposal: Retained one year, then erased or discarded.

System manager(s) and address: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Notification procedure: Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220. Identifying information—name.

Record access procedures: Written request, to: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Forms filled out by staff members.

Treasury/OS 00.081

System name: Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)—Treasury/OS.

System location: Office of the Chief, Fiscal Division, Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232. This is the location of data processing support for the REST System.

Categories of individuals covered by the system: Employment statistics on Treasury minority groups and female employees.

Categories of records in the system: The following information is contained in the system: (1) Submitting Office Number, (2) Bureau, (3) Region, (4) Office, (5) Social Security Number, (6) Minority Designation Code, (7) Geographical Location Code, (8) Series (Occupational), (9) Pay Plan Code, (10) Grade, (11) Sex, (12) Code for Full-time, Part-time, and Intermittent, (13) Code for Seasonal (WAE), (14) Citizenship Code, (15) Supervisory Code, (16) Birth Month, (17) Birth Year, (18) Nature of Action Code, (19) Effective Date of Action, (20) On/Off Roll Code, (21) Salary (for Employees Who Do Not Have a Grade, i.e. Wage Systems, Special Emphasis, etc.)

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 713, Subchapter 3A), establishes the full control of an automated minority group identification system under the agency Director, Equal Employment Opportunity (EEO), or his designated EEO Official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The centralized system for Reporting Employment Statistics in the Treasury is used to furnish statistics on employment distribution to Personnel Officers, EEO Officers and Department staff as needed. Also, a periodic report of employment statistics on distribution of minority groups and female employees is provided to all Personnel and EEO Offices. Data will be provided OMB, the White House and Congress upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Centralized Automated System for Reporting Employment Statistics is kept on a mag-tape which is the master file for minority and female statistics. Information concerning the employee is retrievable through the use of the individual's social security number. The mag-tape is not kept more than a year and is reused normally for the same or similar data. Tape data is reduced to hard copy in the form of reports.The Director, Equal Opportunity Program (EOP), is the designated Treasury official responsible to insure that minority group identification of Department employees is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures: Written requests for information on the procedures for gaining access to and contesting information is to be made to: Director, Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The Processing Clerk enters each new employee's minority group designation code, cost code or organization designation code, sex code, citizenship code and supervisory position code on one copy of the SF-50 and sends it to the IRS Data Center.

Treasury/OS 00.082

System name: EEO Complaint Processing System—Treasury/OS.

System location: Office, Equal Opportunity Program, Department of the Treasury, Room 1000, 1612 K Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment and aggrieved employees who have filed formal Equal Employment Opportunity complaints against the Department and its Bureaus.

Categories of records in the system: Each EEO investigative file contains: (a) a copy of each affidavit of the complainant, the alleged discriminatory official, and other witnesses; (b) a copy of each agency record obtained; and (c) a copy of the other information acquired in the investigation. When information concerning the agency's policies or procedures is essential to an understanding of matters covered by the investigation, a copy of, or an excerpt from this material will be included in the file. Files may include, depending on complainants exercising appeal rights, Hearing Transcripts and Decisions by Civil Service Commission Complaints Examiners, and Decisions by the Appeals Review Board.

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Authority for maintenance of the system: Part 713.203(k) of the Civil Service Commission's Rules and Regulations, require agencies to "provide for the prompt, fair and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex or national origin." Federal Personnel Manual Letter No. 713-25, provides "an agency will process complaints of discrimination on account of age."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The EEO investigative record is used to resolve complaints of discrimination between aggrieved employees or applicants for employment, and agency management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are maintained in EEO complaint case file folders. The files are maintained by the name of the complainant in an alphabetical order. The Director, Equal Opportunity Program, and his EEO staff, and the Civil Service Commission have access to these files. The Federal District Courts have access to the files in the event the complainant appeals to that level. Normally, the files are maintained in the Department of Treasury for a period of from two (2) to three (3) years before being forwarded to the Federal Records Center, Alexandria, Virginia.

System manager(s) and address: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. The individual requesting the information must identify the date he or she filed a formal complaint, the Bureau against whom the complaint was filed, and if known, the date the complaint was closed.

Notification procedure: See System Manager above.

Record access procedures: To obtain information on the procedure for gaining access to and contesting records write to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The information came from Affidavits of the parties involved and witnesses. Information also comes from personnel records, as well as from other documents relating to personnel management.

Treasury/OS 00.083.

System name: Spanish Speaking Informal Application File (S.F. 171)—Treasury/OS.

System location: Office, Equal Opportunity Program, Spanish Speaking Program, Department of the Treasury, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Categories of individuals covered by the system: Spanish Speaking citizens who are seeking employment and/or promotions with the Federal Government.

Categories of records in the system: CSC Standard Form 171 (Personal Qualifications Statement).

Authority for maintenance of the system: Civil Service Commission EPM Letter 713-18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Standard Forms 171 are referred to the Bureaus by the Spanish Speaking Program Coordinator to the Bureau Spanish Speaking Program Coordinators to assure that Spanish Speaking are fairly considered for job openings and/or promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The applications are kept in a file by name. Safeguards are taken to prevent unauthorized disclosures of records. The office is locked and physical security is maintained at the entrance of the building when closed. The Standard Forms 171 are kept at least one year and/or disposed of after individual has been employed or promoted. If no action is taken within one year, the application is returned to the individual concerned.

System manager(s) and address: Spanish Speaking Program Coordinator, U.S. Treasury Department, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Notification procedure: Same as above. No identifying information of an individual is required except his/her name.

Record access procedures: An individual can gain access to his/her records by requesting them by letter, or visit to the Office of Equal Opportunity Program's Director, Equal Employment Opportunity's Deputy Director, or the Spanish Speaking Program Coordinator at: Mailing Address: Office of the Secretary, Office of Equal Opportunity Program, U.S. Treasury Department, Washington, D.C. 20220. Office Location: Same as Systems Manager.

Contesting record procedures: See Access above.

Record source categories: All Standard Forms 171 (Federal Government applications) were submitted by the individuals and/or other Spanish Speaking Program Coordinators.

Treasury/OS 00.090

System name: EOTA FOI Request/Appeals Files—Treasury/OS.

System location: Office of the Assistant Secretary (Enforcement, Operations & Tariff Affairs), Main Treasury Building, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals submitting original requests for information or appeals of initial denials to this office under the Freedom of Information Act.

Categories of records in the system: Copies of the requests or appeals under FOIA submitted by individual; other correspondence on the FOI matter; copies of disclosed material.

Authority for maintenance of the system: 5 USC 301, 5 USC 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consult and advise other offices and bureaus of Treasury and of other Federal Departments and agencies; advise Members and committees of Congress. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy paper files.

Retrievability: Manual, by name and/or number assigned.

Safeguards: Locked file cabinet or safe-cabinet storage; access to personnel with need to know.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Official prescribing policies and practices—Assistant Secretary (Enforcement, Operations & Tariff Affairs)-Officials maintaining the system—Director of Law Enforcement, Director of Operations, Director of Tariff Affairs.

Notification procedure: Office of the Assistant Secretary (Enforcement, Operations & Tariff Affairs), Department of the Treasury, Washington, D.C. 20220—Name, signature & date of original and appellate requests.

Record access procedures: Office of the Assistant Secretary (Enforcement, Operations & Tariff Affairs), Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individual making FOI request or appeal; offices, bureaus, agencies, departments and personnel of Federal Government who have relevant information or must be consulted for appropriate processing.

Treasury/OS 00.101

System name: International Criminal Police Organization (INTERPOL) Criminal Investigative Records—Treasury/OS

System location: Room 1116—Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violations in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 22 USC 263a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Stored in file folders at the U.S. National Central Bureau and certain limited data in Treasury Enforcement Communications System (TECS). Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which is retained for 20 years from the date of the judicial action. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name or file number and by weapons number and motor vehicle number. Access is limited to personnel of the U.S. NCB—INTERPOL except for certain fugitive/wanted records in TECS which are accessible to all TECS terminals. Disposal of records is by shredding or burning. Safeguards include need to know procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Room 1116, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsections (J)(2) and (K), 31 C.F.R. 1.36.

Treasury/OS 00.102

System name: Treasury Enforcement Communications System (TECS)—Treasury/OS.

System location: International Criminal Police Organization (INTERPOL) Criminal Investigative Records, Room 1116—Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violation in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Magnetic tape and disc storage and hard copy. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name, file number, personal identification number, system identification number, weapons or motor vehicle number. Access safeguards include need to know, procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems backed up by armed security force. Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which are retained for 20 years from the date of judicial action. Disposal of records is by shredding or burning.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Room 1116, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Exempt System.

Record access procedures: Exempt System.

Contesting record procedures: Exempt System.

Record source categories: Exempt System.

Systems exempted from certain provisions of the act: Exempt under Subsections (J)(2) and (K), 31 C.F.R. 1.36.

Treasury/OS 00.110

System name: Foreign Assets Control Administrative Records—Treasury/OS.

System location: Office of Foreign Assets Control, 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Office of Foreign Assets Control employees. Treasury Department General Counsel employees assigned to FAC work. Former Office of Foreign Assets Control employees. Applicants for employment with Treasury Department, Office of Foreign Assets Control.

Categories of records in the system: Applications for employment with the Office of Foreign Assets Control, or with the Office of Chief Counsel, Foreign Assets Control; records of grade promotions of Foreign Assets Control employees; records of within grade salary step increases of Foreign Assets Controls employees; analysis of performance of legal professionals assigned to Foreign Assets Control Work; supervisory evaluation of Foreign Assets Control Employees; confidential financial statements.

Authority for maintenance of the system: 5 U.S.C. Sections 301 and 302, Treasury Department Order No. 128, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As source of information in consideration of hiring of new Foreign Assets Control employees. To determine whether a grade promotion of an employee is indicated. To determine whether annual within grade salary step increase is warranted. To compile mailing list of employees for Foreign Assets Control uses and purposes. To determine what training of Foreign Assets Control employees is needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Foreign Assets Control administrative records are placed in folders which are kept in file cabinets, secured by approved detachable combination locks. FAC administrative records are retrieved from the administrative file by the name of the individual. Each FAC file cabinet containing administrative records is locked when not in use. Such files are located in an area which is manned during duty hours by FAC employees. No person other than the Director (Acting) is allowed access to such records, except as specifically designated by the Acting Director. During off-duty hours the file area is safe-guarded by appropriate electronic protective devices. FAC administrative

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records (other than application for employment) are kept indefinitely for so long as they are useful to the Office of Foreign Assets Control.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control Administrative Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in FAC Administrative Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: All information contained in the FAC administrative records is usually obtained from the individual, or from Treasury Department Personnel Office.

Treasury/OS 00.111

System name: FAC 1950 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is individuals residing in China who had an interest in property in the U.S. on December 18, 1950. This category would include (a) U.S. citizens who left China after December 17, 1950; and (b) non-U.S. citizens who left China after December 17, 1950, and became U.S. citizens or permanent alien residents of the U.S.

In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of the Peoples Republic of China, or individuals who had an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (6) Reports containing a brief description, including location and value, of assets in the U.S. on December 18, 1950, in which, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.603 of the Foreign Assets Control Regulations (31 CFR 500.603).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records: (1) is used by staff to verify the accuracy of reports submitted under the 1970 Census of Blocked Chinese Assets; (2) is made available to the Chief of Enforcement, in connection with determining the present whereabouts of holders or custodians who cannot be located; (3) is made available to the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (4) is made available to the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (5) is made available to the Acting Director in connection with questions regarding the property reported under the 1950 census; (6) is made available to the original holder or custodian of blocked Chinese property or his successor in interest to aid in preparation of the 1970 census report; (7) is made available to the legal representatives of persons listed in (1) to aid in preparation of the 1970 census report; (8) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence files.

Retrievability: Reports are indexed by name of holder or custodian of blocked property, by name of individual for whom blocked accounts are maintained, and by report number. Files are indexed by name of holder or custodian of blocked property or by name of individual.

Safeguards: The FAC 1950 Census of Blocked Chinese Assets records consist of documents in folders and a computer print out. Some of these files are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures. The remainder of these files are stored in a supply room which is always locked except when in use by FAC personnel.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC 1950 Census of Blocked Chinese Assets records contain information relating to him should be—(a) Mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) Presented in person: Office of Foreign Assets Control, 1331 G. Street N.W., Room 500, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in Foreign Assets Control 1950 Census of Blocked Chinese Assets records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.112

System name: FAC 1970 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G. Street N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category are Foreign nationals, namely Chinese who had interests in property in the U.S. on December 18, 1950, and on July 1, 1970. Also included are individuals in the U.S. who had been in China on or since December 17, 1950, or who had acted for or on behalf of the government of the Peoples Republic of China, or who had on either date an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description including location and value, of assets in the U.S. on December 18, 1950, or on July 1, 1970, in which, on either date, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.610 of the Foreign Assets Control Regulations (31 CFR 500.610).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records: (1) is made available to the Director, Chief of Licensing, Chief of Enforcement, and the Legal Section for assistance with problems requiring their advice and expertise. (2) is made available to the Chief of Licensing in connection with applications to unblock property of Chinese nationals. (3) is used for statistical purposes. (4) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: files and index cards.

Retrievability: Files and index cards indexed by name of holder or custodian of property with I.D. number and by name of individual for whom blocked accounts are held with I.D. number.

Safeguards: The Foreign Assets Control 1970 Census of Blocked Chinese Assets records consist of documents in folders and a bound computer print out which are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures.

Retention and disposal: None have been destroyed.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC 1970 Census of Blocked Chinese Assets records contain information relating to him should be (a) Mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) Presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 500, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in Foreign Assets Control 1970 Census of Blocked Chinese Assets records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.113

System name: FAC 1964 Census of Blocked Cuban Assets—Treasury/OS

System location: Federal Record Center, Suitland, Maryland

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of Cuba. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Cuban national, Administrator or Executor of the estate of a Cuban national, heir of the estate of a Cuban national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is residents of Cuba, who had an interest in property in the U.S. on July 8, 1963. This category would also include (a) U.S. citizens who left Cuba after July 8, 1963, and (b) non-U.S. citizens who left Cuba after 1963 and became U.S. citizens or permanent alien residents of the U.S. In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of Cuba, or individuals who had an interest in property in which there was also an interest of a Cuban national on or since July 8, 1963, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description, including location and value of assets in the U.S. on July 8, 1963, in which Cuba or a Cuban "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a)). Cuban Assets Control Regulations 31 CFR Part 515.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records may be used in connection with a future census of blocked Cuban assets. This census would be undertaken as part of a vesting and claims program to compensate Americans who had property nationalized or expropriated by the Cuban government. The uses may be as follows: (1) by staff to determine persons to whom specific correspondence should be addressed advising them of the census requirements; (2) by staff to verify the accuracy of reports submitted under a new census; (3) by the Chief of Enforcement, in connection with determining the present where-abouts of holders or custodians who cannot be located; (4) by the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (5) by the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (6) by the Director in connection with questions regarding the property reported under the 1964 census; (7) may be made available to the original holder or custodian of blocked Cuban property or his successor in interest to aid in preparation of a new census report; (8) may be available to the legal representatives of persons listed in (7) to aid in preparation of a new census report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence.

Retrievability: All of these records are located at the Federal Record Center, Suitland, Maryland. They are retrievable by name of individual.

Safeguards: GSA.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC 1964 Census of Blocked Cuban Assets records contain information relating to him should be (a) Mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) Presented in person: Office of Foreign Assets Control, 1331 G Street, NW, Room 500, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in Foreign Assets Control 1964 Census of Blocked Cuban Assets records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Cuban property.

Treasury/OS 00.114

System name: Foreign Assets Control Enforcement Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have engaged in unlicensed financial, commercial or other transactions which are prohibited under regulations administered by the Office of Foreign Assets Control. Individuals who have made any unlicensed importation of prohibited merchandise from a foreign country which is a "designated country" under regulations administered by the Office of Foreign Assets Control. Individuals who have made an unlicensed remittance of funds or exportation of goods to a "designated country" or national thereof, or to a "specially designated national." Individuals who have otherwise violated any Treasury ruling, license or regulation issued under or pursuant to the Trading with the Enemy Act or the United Nations Participation Act. Individuals suspected of having engaged in activities or transactions which violated statutes or regulations administered by the controls. Individuals who have applied for Foreign Assets Control Licensing when there is reason to suspect the truth of statements contained in an individual's application. Individuals who have or are suspected of misuse or misappropriation of blocked property.

Categories of records in the system: Reports of investigations of suspected or actual violations by an individual of relevant statute and regulations administered by the Office of Foreign Assets Control; intelligence reports requested from other official sources regarding suspected or actual criminal or civil violations by an individual of the relevant statutes, or of the regulations administered by the Office of Foreign Assets Control; evidence obtained during investigation of suspected or actual violations by an individual of the relevant statutes and regulations administered by the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act (22 USC Section 287(c)); Foreign Assistance Act of 1961, (22 USC Section 2370 (a)). Executive Orders: E.O. 9193; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations (31 CFR, Sections 500.601 and 500.602), Cuban Assets Control Regulations (31 CFR, Sections 515.601 and 515.602), Rhodesian Sanctions Control Regulations (31 CFR Sections 530.601 and 530.602).

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used as a source of reference in other FAC enforcement investigations. (2) As a source of information in consideration of applications for Foreign Assets Control specific licenses. (3) Referral of information to the Department of Justice in civil or criminal cases involving the individual. (4) Disclosure to U.S. Customs Service, Internal Revenue Service or Department of Commerce (Office of Export Administration), of information concerning possible violations of laws and/or regulations of such agencies. (5) Notice to the United States Customs Service (a) of importers who have made illegal commercial importations of prohibited publications, and, (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (6) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Enforcement Records consist of documents, etc., in folders which are stored in locked file cabinets in secure file rooms. Enforcement records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by Foreign Assets Control personnel who are instructed not to admit unauthorized persons into the file areas, nor to release any material from the enforcement records to persons other than Foreign Assets Control personnel. During off duty hours the file rooms are secured by appropriate electronic protective devices. These Enforcement Records are maintained indefinitely, for so long as the assets and transactions involved are subject to regulation.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C.

Notification procedure: Proposed exempt system.

Record access procedures: Proposed exempt system.

Contesting record procedures: Proposed exempt system.

Record source categories: Proposed exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (K)(2), 31 C.F.R. 1.36.

Treasury/OS 00.115

System name: Foreign Assets Control General Correspondence Files-Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Records are maintained of all correspondence from individuals seeking information from the Office of Foreign Assets Control regarding embargoed or blocked foreign countries (and assets and nationals thereof), which are affected by implementing Treasury Department Regulations. Current regulations, and corresponding blocked or embargoed countries, are: Foreign Assets Control Regulations (China, Vietnam, and North Korea); Cuban Assets Control Regulations (Cuba); and the Rhodesian Sanctions Regulations (Rhodesia). Records are also maintained of letters to individuals initiated by the Foreign Assets Control.

Categories of records in the system: General correspondence of every kind, e.g.: individuals seeking information about FAC regulations re some particular country; requests for advice on proposed or possible transaction involving a designated country or a national thereof; letters reporting possible violation of some FAC administered regulation; requests from law students and other researchers; requests for copies of regulations administered by FAC; requests for information regarding possible employment opportunities with the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC Section 287 c), Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC Section 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR Part 500, Cuban Assets Control Regulations 31 CFR Part 515, Rhodesian Sanctions Regulations 31 CFR Part 530; Transaction Control Regulations 31 CFR Part 505; Foreign Funds Control Regulations 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Intra-Agency—Used by the staff to effectuate the purposes of the Regulations which it is charged with administering: (1) Used by the Enforcement Section as background information in connection with investigations. (2) Used by the Licensing Section as background information in connection with the processing of license applications submitted by the individual. (3) Used by the Legal Section as background information in connection with preparation of briefs, etc. (4) Used by all staff as background information in connection with subsequent inquiries from an individual. (5) Used in connection with the formulation of or as examples of policy followed by the office. (6) Used by all staff to initiate correspondence with third parties mentioned in an individual letter regarding potential or apparent violations of the regulations. (7) Used by all staff to prepare statistics useful in implementing the Regulations. (8) Used by all staff to compile mailing lists for use by Foreign Assets Control to advise individuals interested in a particular aspect of the Regulations of changes relating to these aspects. (9) Used to detect an interest in a particular aspect of the Regulations which necessitate the publication of amendments to the Regulations regarding interpretations of the Regulations. (B) Inter-Agency: (1) Referred to the Department of State, Department of Commerce, Internal Revenue Service, Foreign Claims Settlement Commission, (and other agencies) where the individuals inquiry concerns matters under the jurisdiction of such agencies as well as under the jurisdiction of the Office of Foreign Assets Control. (2) Referred to the Department of Justice, where it appears likely that a crime or civil offense was committed. (3) Referred to other agencies where it appears that an individual has violated the laws, statutes or regulations of such agency. (C) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control General Correspondence Records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. General Correspondence records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by FAC personnel who are instructed not to admit unauthorized persons into the file-areas, nor to release any material from the enforcement record to persons other than FAC personnel. During off-duty hours, the file rooms are safeguarded by appropriate electronic protective devices. The General Correspondence records are maintained indefinitely for so long as the assets or transactions involved are subject to regulation.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC Licensing Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in FAC Licensing Records, should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals who initiated correspondence with Treasury Department's Office of Foreign Assets Control or who responded to correspondence from the Office of Foreign Assets Control; other governmental agencies (Federal, State and Local); foreign individuals and official sources.

Treasury/OS 00.116

System name: Foreign Assets Control Litigation files—Treasury/OS

System location: 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters which involve statutes and/or regulations which are administered by the Office of Foreign Assets Control (e.g.: criminal prosecution for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation).

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act, (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act, (22 USC, Section 287c); Section 620 (a) of the Foreign Assistance Act of 1961, (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Funds Control Regulations (31 CFR, Part 520), Foreign Assets Control Regulations, (31 CFR, Part 500), Cuban Assets Control Regulations, (31 CFR, Part 515), Rhodesian Sanctions Regulations (31 CFR, Part 530), Transactions Control Regulations (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices. The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Director, Office of Foreign Assets Control, 1331 G Street, N.W., U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC Litigation Records contain information relating to him should be: (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in FAC litigation Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: PLEADINGS AND OTHER MATERIALS FILED DURING COURSE OF A LEGAL PROCEEDING; DISCOVERY OBTAINED PURSUANT TO APPLICABLE COURT RULES; Materials obtained from FAC Enforcement Section; material obtained pursuant to request made on other Federal agencies; Orders, opinions, decisions of courts.

Treasury/OS 00.117

System name: Foreign Assets Control Mailing List—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have asked to be advised of any amendments, announcements, etc., pertaining to the Regulations administered by this Office.

Categories of records in the system: Index cards and addressograph plates containing names and addresses of all persons to whom information regarding the Regulations is sent.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 5 of the United Nations Participation Act (22 USC Section 287c). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a). Executive Orders: Executive Order 9193; Executive Order 9989; Executive Order 11322; Executive Order 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations, 31 CFR Part 500; Cuban Assets Control Regulations, 31 CFR Part 515; Rhodesian Sanctions Regulations, 31 CFR Part 530; Transaction Control Regulations, 31 CFR Part 505; Foreign Funds Control Regulations, 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system of records is used by FAC to enable the Government Printing Office to send out information regarding our Regulations to all interested parties. (2) For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and addressograph plates.

Retrievability: Indexed by name of individual or corporation.

Safeguards: The FAC mailing list records consist of index cards filed in index card boxes. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safe-guarded by appropriate security measures.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control mailing list contains information relating to him should be—(a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 500, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in the Foreign Assets Control Mailing List should be mailed to—Director, Office of FAC, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: See Category of Individual.

Treasury/OS 00.118

System name: Foreign Assets Control Licensing Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for license to import prohibited goods from countries designated in Regulations administered by Office of Foreign Assets Control. Applicants for license to remit funds to countries designated in Regulations of the Office of Foreign Assets Control. Applicants for license authorizing engagement in other transactions and activities which are prohibited by Regulations of the Office of Foreign Assets Control.

Categories of records in the system: Applications for Treasury license; information in support of applications submitted by applicant; information from other sources regarding such applications; copies of agency action granting or denying applications; requests for amendment of license; requests for rehearing or appeal of denial actions; other information related to any of the foregoing.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC 287 (1)(c)(1)). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR, Part 500; Transaction Control Regulations 31 CFR, Part 505; Cuban Assets Control Regulations 31 CFR, Part 515; Foreign Funds Control Regulations 31 CFR, Part 520; Rhodesian Sanctions Regulations 31 CFR, Part 530.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Furnishing of information to the FAC Enforcement Section where it appears that some willful violation of Treasury regulation or requirement may have occurred. (2) Comparison with subsequent application from same applicant. (3) Consultation with State, Commerce and

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Defense, as appropriate concerning applicable policy and relevant facts. (4) Furnishing information to the U.S. Customs Service where it appears that a Customs requirement or regulation has not been complied with. (5) Furnishing information to Internal Revenue Service where it appears that a matter within the jurisdiction of that agency is involved. (6) Furnishing of information to the Department of Commerce where it appears that a requirement or regulation of that agency is involved. (7) Notice to the U.S. Customs Service (a) of importers who have made illegal importations or prohibited publications, and (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (8) Furnishing of report to Justice Department where it appears that some civil or criminal violation by applicant of a Treasury regulation or other requirement has occurred. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Licensing records consist of documents in folders which are stored in file cabinets. Each such file cabinet is outfitted with a detachable combination lock.The records are retrieved by license numbers, and may also be obtained by means of a card-index file. During normal working hours, the file room is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the file rooms are safe-guarded by appropriate electronic protective devices. The FAC licensing records are maintained indefinitely for so long as the assets or transactions involved are subject to regulations.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether the FAC Licensing Records contain information relating to him should be—(a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in FAC Licensing Records, should be mailed to— Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The majority of information concerning an individual applicant in a FAC License Record will typically have come from the applicant. On infrequent occasions some such information will have been obtained from other governmental agencies; or, during the course of an investigation by the FAC Enforcement Section.

Treasury/OS 00.121

System name: ORS Auditors' Address File—Treasury/OS

System location: Office of Computer Science, Department of the Treasury, 1435 G Street, N.W., Washington, D.C.

Categories of individuals covered by the system: All State Auditors

Categories of records in the system: Mailing Addresses & Phone Numbers.

Authority for maintenance of the system: PL 92-512 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File & Telephone Index. For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Indexed by state code & unique numeric suffix.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated by the Audit Division, Office of Revenue Sharing.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street N.W., Washington D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: State audit address lists.

Treasury/OS 00.123

System name: ORS Contractors File—Treasury/OS

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Contractors offering services.

Categories of records in the system: File containing individual contracts maintained in alphabetical sequence. Contents include: contract request, justification, source recommended, sole source when applicable, experience, references, bid for services.

Authority for maintenance of the system: For Administrative Officer in providing necessary services and Budget Analysis for payment of accounts. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Manager in checking services required. For Administrative Officer in securing contract. For Budget Analysis in payment for services. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Director's office, Managers and persons assigned to project may review file along with Contract Officers from Administrative Services, Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request mailed to: Administrative Officer, 2401 "E" Street, N.W. Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from consultants giving services, contract officer for agreement, budget analysis for approval of funds and payment upon approved completion of the contract.

Treasury/OS 00.124

System name: ORS Governors' Address File—Treasury/OS

System location: Systems & Operations Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Categories of individuals covered by the system: All current governors.

Categories of records in the system: Mailing Addresses.

Authority for maintenance of the system: PL 92-512. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File. For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: MCST Magnetic Cards.

Retrievability: Indexed by state code.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Congressional Directory, State submissions.

Treasury/OS 00.125

System name: ORS Governors & Governors Authorized Representatives List—Treasury/OS.

System location: Systems & Operations Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Categories of individuals covered by the system: All current governors & their authorized representatives.

Categories of records in the system: Individual Names & Addresses.

Authority for maintenance of the system: PL 92-512. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File, for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook (Hardcopy).

Retrievability: Indexed by State name.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street NW, Washington, DC 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: State official and address files.

Treasury/OS 00.126

System name: Office of Revenue Sharing, Intergovernmental Relations Division mailing list—Treasury/OS.

System location: Office of Revenue Sharing, 2401 E Street, N.W., Rm. 1407, Washington, D.C. 20226.

Categories of individuals covered by the system: Not all entries on the mailing list are by name of individual; many entries are identified only by agency or organization name. Names of individuals or organizations on the reveNews mailing list were placed there by personal request, designation of the State Governor or by the screening of mailing lists of local officials of national public interest groups.

Categories of records in the system: The system identifies name and address only and is arranged in such a way as to be sorted and retrieved by State. The system is further broken down into a sub-list of frequent liaison contacts which can be retrieved separately.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The reveNews mailing list is used to distribute copies of reveNews, the Office of Revenue Sharing newsletter. It also is used to mail program and technical assistance materials to service agencies of State and local government and to distribute ORS publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The system is stored on mag. tape.

Retrievability: The system is indexed by nine digit I.D. number; the first two digits represent the State of the address and are the only parts of the I.D. which are used for retrieving address information.

Safeguards: System listings can be authorized only by written request to the Systems and Operations Division, ORS.

Retention and disposal: The records are retained indefinitely; individual records can be amended or deleted at any time. Coding sheets for address changes and deletions are forwarded periodically to the Systems and Operations Division, ORS.

System manager(s) and address: Administrative Officer: ORS, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226, Room 1564.

Record access procedures: Written request to System Manager.

Contesting record procedures: Written request to System Manager.

Record source categories: See Category of Individual.

Treasury/OS 00.127

System name: ORS Leave Records—Treasury/OS

System location: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: All ORS employees.

Categories of records in the system: Maintenance of time and attendance on all types of leave earned and used by employees. Correspondence pertaining to action on employees leave. Leave transcripts on employees transferring to ORS from other government agencies.

Authority for maintenance of the system: Office of the Secretary—Timekeepers' Handbook.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Time and attendance cards are the basis for the pay check and are submitted to Main Treasury Payroll Office every two weeks. Leave transcripts (SF 1150) are recorded to the employees record when received at ORS. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: These records are maintained in alphabetical order and are retrievable by the employees last name.

Safeguards: Locked safe file cabinet.

Retention and disposal: T & A cards are maintained at ORS until such time as Main Treasury Payroll Office requests the records be turned in.

System manager(s) and address: Administrator Officer, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Personnel Office, Main Treasury.

Treasury/OS 00.128

System name: ORS Personnel Records—Treasury/OS

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees.

Categories of records in the system: A current employees file, in alphabetical sequence, is maintained which includes: application, certification and appointment, promotional appraisals, performance appraisals, corrective action, absence and leave, training and development programs, recognition for outstanding performance.

A former employee's file, in alphabetical sequence, is maintained for six months at which time all material is sent to official file in Office of the Secretary, Main Treasury.

A recruitment file, in alphabetical sequence, is maintained for one year. Applicants submit forms and resumes for consideration.

Authority for maintenance of the system: Personnel records kept to furnish Office of the Secretary Personnel, Main Treasury, status and development of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Managers and individual employees use in checking personnel records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Records maintained in locked file cabinet. Managers may request the files of their employees for review and approval. Individual employees may request files for update or review. Any other requests for personnel information is handled by Office of the Secretary Personnel Division at Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Notification procedure: Same as above.

Record access procedures: Written request mailed to: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from individual employees, supervisors, Personnel, Main Treasury.

Treasury/OS 00.129

System name: ORS Public Affairs Personnel file—Treasury/ORS

System location: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel, Public Affairs Division.

Categories of records in the system: Miscellaneous information relating to history of employee's activity at ORS.

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Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public Affairs staff maintain these files for their convenience. No access is provided to others. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in drawers.

Retrievability: Indexed by name and file number.

Safeguards: No confidential information is kept in these files.

Retention and disposal: Records are maintained until employees discard them.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Administrative Officer, 2401 E St., N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Memoranda from Treasury Personnel Office. Copies of form 171s and resumes prepared by Public Affairs personnel themselves. In-house memoranda, Miscellaneous correspondence.

Treasury/OS 00.130

System name: ORS Senate, House & Governors' Address File—Treasury/OS

System location: Office of Computer Science, Department of the Treasury, 1435 G Street, NW, Washington, DC.

Categories of individuals covered by the system: All current U.S. Senators, Congressmen, & Governors.

Categories of records in the system: Mailing Addresses.

Authority for maintenance of the system: PL 92-512, 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Indexed by state code & unique numeric suffix.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated by the Public Affairs Division, Office of Revenue Sharing.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Congressional Directory, State submissions.

Treasury/OS 00.131

System name: ORS State Attorneys General Records—Treasury/OS

System location: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: State Attorneys General or Assistant Attorneys General.

Categories of records in the system: Correspondence with State offices of Attorney Generals concerning State laws as they affect the expenditure of funds under the Revenue Sharing Act.

Authority for maintenance of the system: State and Local Fiscal Assistance Act of 1972 (P.L. 92-512). 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used by the Chief Counsel for Revenue Sharing. They are used for determining the applicability and effect of State laws on the expenditure of funds under the Revenue Sharing Act. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing cabinet.

Retrievability: The system is alphabetically indexed by name of State.

Safeguards: Locked file room.

Retention and disposal: Records are updated periodically.

System manager(s) and address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Notification procedure: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W. Room 1545, Washington, D.C. 20226.

Record access procedures: An individual may write to the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W. Room 1545, Washington, D.C. 20226.

Contesting record procedures: See Contest above.

Record source categories: Correspondence with State offices of Attorney Generals.

Treasury/OS 00.140

System name: Annual Performance Rating and Annual Performance Analysis—Treasury/OS

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Annual Performance Rating—Present and former employees of the Office of the General Counsel. Annual Performance Analysis—Present and former attorneys of the Legal Division.

Categories of records in the system: The information in this system takes the form of ratings and performance analyses prepared by the employee's supervisors.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules for promotion and Treasury Personnel Manual, Chapter 430, 8, D(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and review of employee's general work performance level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By year, name of employee, and bureau.

Safeguards: The files are kept in cabinets with an extremely limited number of employees permitted access (such as the General Counsel, Deputy General Counsel, Assistant General Counsels, or Chief Counsels).

Retention and disposal: The records are maintained for five years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Head of the office to which the employee is assigned.

Treasury/OS 00.141

System name: Attorney Books—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present attorneys of the Legal Division of the Treasury Department.

Categories of records in the system: The information in this system takes the form of brief personal and professional information on attorneys in the Legal Division. Includes date of birth, educational and professional data, and pay grade.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for employment and promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by General Counsel, Deputy General Counsel, and Administrative Officer for reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk copies for three officials.

Retrievability: By name of individual and bureau or organization.

Safeguards: Copies kept in the office of the official to whom assigned.

Retention and disposal: The records are maintained only while the attorney is employed by the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.142.

System name: Attorneys Past and Present—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of materials relating to the employee's application and employment with the Office of the General Counsel. It includes letters of recommendation, hiring recommendations, and other similar information concerning the employee.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and reviewing employee's general work performance level. With respect to former employees, information used for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records contain information on all present attorney-employees of the General Counsel's Office and on former attorney-employees for the past two years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom record is maintained, employee's supervisors, and applicant's interviewer.

Treasury/OS 00.143

System name: Chief Counsel for Revenue Sharing personnel—Treasury/OS.

System location: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel employed by the Chief Counsel for Revenue Sharing.

Categories of records in the system: The records are copies of the employee records kept for their convenience.

Authority for maintenance of the system: Employee copies of personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are employee copies of official Treasury Department personnel actions. They are referred to by the employee for convenience concerning personnel matters affecting him or her. Personnel may take their own records with them when they terminate their employment with the Chief Counsel's Office. The file is maintained for the convenience of the employee who wishes to maintain official Treasury Department personnel actions in a convenient location. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual.

Safeguards: The records may only be reviewed by the employees of the Chief Counsel's Office.

Retention and disposal: The records are maintained only while the individual is employed with the Chief Counsel's Office.

System manager(s) and address: Administrative Officer, 1500 Pennsylvania Ave., N.W., Main Treasury, Room 3006, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: Call or write the Chief Counsel for Revenue Sharing at the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226, Telephone—(202) 634-5182, 634-5183.

Contesting record procedures: See Access above.

Record source categories: Official Treasury Department Personnel Records—employee copies only.

Treasury/OS 00.144

System name: Civil Litigation Records—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who are parties, plaintiff or defendant, in civil litigation (as described below) with the Treasury Department.

Categories of records in the system: This system of records contains information or documents related to litigation involving or concerning the Department or its officials. The records consist of pleadings, investigative reports, legal memoranda and related correspondence.

Authority for maintenance of the system: Title 31, U.S.C., Section 1009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to prosecute or defend court cases related to certain general civil litigation. For additional routine uses see Appendix AA except for tax matters or matters litigated in the U.S. Customs Courts, and to provide cooperation to the U.S. Department of Justice in marshalling facts, correlating evidence, and preparing pleadings and briefs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders with index cards.

Retrievability: These records are indexed by the title of the case.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained during the pendency of the litigation and approximately one year thereafter are transferred to the Federal Records Center, Suitland, Maryland. They are destroyed by the Federal Records Center when the records are 7 years old.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.145

System name: Claimants, Disbursing—Treasury/OS

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Claimants for Disbursements by the United States.

Categories of records in the system: Correspondence, memoranda, and related material.

Authority for maintenance of the system: 50 U.S.C. App. 1705-1707, Title 31, United States Code, Department Circulars No. 145 and 830.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process disbursements in accordance with Departmental regulations. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in Federal Records Center.

Retrievability: Name of claimant.

Safeguards: Files are in Records Center; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Individuals and their representatives.

Treasury/OS 00.146

System name: Employee Inventions—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, Opinion Section, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employee-Inventors.

Categories of records in the system: Information relating to inventions of employees.

Authority for maintenance of the system: 5 U.S.C., Section 301, 31 CFR Part 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in connection with Government and employee rights in employee inventions, disclosure to U.S. Patent Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: By name of inventor-employee.

Safeguards: File cabinet is in office of attorney, but unlocked.

Retention and disposal: Indefinite as precedent files.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Employees involved.

Treasury/OS 00.147

System name: Employee Promotion Information—Treasury/OS.

System location: Room 2314, Main Treasury Building.

Categories of individuals covered by the system: Past and present employees of the Office of the Assistant General Counsel for International Affairs.

Categories of records in the system: The information in this system of records takes the form of recommendations for promotion of various past and present employees in the office.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal memoranda and accompanying forms circulated to Treasury Department officials authorized to grant promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed memoranda and required personnel forms.

Retrievability: The file is labeled "Personnel" and contains separate memoranda designating the employee's name after the heading "subject".

Safeguards: The file is kept in a locked file cabinet. A limited number of employees retain the combination to the file.

Retention and disposal: The records date back to 1969, the time of the first promotion arising under the last Assistant General Counsel for International Affairs.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Department of the Treasury, 1500 Pennsylvania Ave., N.W. Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: These records take the form of memoranda drafted by the Assistant General Counsel for International Affairs, recommending various members of his staff for grade and/or step increases.

Treasury/OS 00.148

System name: Employment Applications—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment as attorneys within the Office of the General Counsel.

Categories of records in the system: Contains original or copy of Standard Form 171, resume, and any correspondence between the applicant and the General Counsel, Deputy General Counsel and Administrative Officer.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules relating to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in making decisions on employment of attorneys by the Office of the General Counsel, responding to inquiries from members of Congress regarding constituents, and for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are maintained for a period of two years unless the applicant is subsequently employed by the Department. These latter records are transferred to the Treasury Department/OS; Attorneys Past and Present system.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom the record is maintained and other interested parties at the initiation of the individual concerned.

Treasury/OS 00.149

System name: Foreign Assets Control Legal Files—Treasury/OS

System location: 1331 G Street N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have corresponded with (or been the subject of correspondence) regarding legal matters and regulations administered by the Office of Foreign Assets Control; and individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters involving statutes and/or regulations administered by the Office of Foreign Assets Control (e.g.: criminal prosecutions for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation); or other general correspondence regarding the Office of Foreign Assets Control legal matters.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC, Section 287c). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Funds Control Regulations, (31 CFR, Part 520); Foreign Assets Control Regulations, (31 CFR, Part 500); Cuban Assets Control Regulations, (31 CFR, Part 515); Rhodesian Sanctions Regulations, (31 CFR, Part 530); Transactions Control Regulations, (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices.The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Pleadings and other materials filed during course of a legal proceeding; discovery obtained pursuant to applicable court rules; materials obtained from FAC Enforcement Section; material obtained pursuant to requests made on other Federal agencies; orders, opinions, decisions of courts.

Treasury/OS 00.150

System name: Freedom of Information Requests for Office of Secretary and other Department records-Treasury /OS.

System location: Freedom of Information Request, OS, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making an FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Assistant General Counsel (ALFO), Room 1410, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/OS 00.151

System name: Gifts to the United States—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Donors of inter vivos and testamentary gifts to the United States.

Categories of records in the system: Correspondence, copies of wills and court proceedings, and other material related to gifts to the United States.

Authority for maintenance of the system: 50 U.S.C. 1151-1156. Department Circular No. 865 (revised).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process gifts to the United States and claims against such gifts in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Boxes in Federal Records Centers.

Retrievability: Name of donor.

Safeguards: Files are in Records Center; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Individuals, executors, administrators and other involved persons.

Treasury/OS 00.152

System name: General Counsel Personnel Files—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys and applicants for positions within the Office of the General Counsel.

Categories of records in the system: The information in this system consists of applications, letters of recommendation and other information concerning the qualifications of the individuals within the category.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with statutory and Department of the Treasury Office of the General Counsel rules for Presidential appointments, hiring and promotions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the General Counsel and other senior Department officials in connection with promotions and hiring of senior attorneys within the General Counsel's office. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Filed alphabetically.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records include individuals who are or have been employed or sought employment with the General Counsel's Office since 1956.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned, letters of recommendation, and other data submitted pursuant to the General Counsel's and the individual's request.

Treasury/OS 00.153

System name: Personnel: General Counsels, Deputy General Counsels, and Assistant General Counsels—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and past General Counsels, Deputy General Counsels, and Assistant General Counsels.

Categories of records in the system: Contains information on the individual's tenure in office: date of appointment and resignation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in Office of the Administrative Officer, Office of the General Counsel.

Retrievability: By title of position and name of individual.

Safeguards: Administrative Officer controls access to the system.

Retention and disposal: Information retained on officials for indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.154

System name: Private relief bill system—Treasury/OS.

System location: Office of the General Counsel, Room 1417, Treasury Department, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief bills introduced in Congress on their behalf.

Categories of records in the system: Congressional committee or OMB request for Treasury views on proposed legislation plus comments on proposal from offices or bureaus of Treasury.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the General Counsel is to handle and coordinate legislative work that concerns Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports on proposed legislation to Congress or OMB. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Indexed on 5 by 8 card by bill number but cross-indexed to individual's name. Complete file is kept by bill number and Congress. Permanent file.

System manager(s) and address: Administrative Officer, Room 3006, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Sources of the request are usually Congressional committees or OMB. Other information comes from Treasury bureau or office concerned in matter and from the individual concerned.

Treasury/OS 00.156

System name: Tax Court Judge Applicants—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals requesting consideration for appointment to Tax Court judgeships.

Categories of records in the system: Information concerning the qualification of individuals for appointment to the Tax Court.

Authority for maintenance of the system: In accordance with the requirements for Presidential appointments, 26 U.S.C. 7443.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by senior Treasury Department officials in making recommendations to the President on appointments to the Tax Court. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records relating to individuals date from 1966.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned and letters of recommendation from other individuals submitted at the request of the individual and/or the Department.

Treasury/OS 00.157

System name: Employee Record Cards—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former employees of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are retained on all present and former employees of the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: See Access above.

Record source categories: Standard Form 171 and Standard Form 50.

Treasury/OS 00.160

System name: Abandoned Enrollment Applications—Treasury/OS.

System location: Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals who applied for enrollment to practice before the Internal Revenue Service but subsequently abandoned their applications.

Categories of records in the system: Application for enrollment to practice before the Internal Revenue Service and, in some cases, information regarding individuals' fitness for enrollment.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original application form and information relating to it fastened to each other.

Retrievability: This system is indexed by name of applicant.

Safeguards: Those safeguards in effect at Federal Record Center.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220, Telephone: (207) 634-5071.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) present address, (3) former address where appropriate because of age of record.

Record source categories: Information contained in this system may have been provided by: (1) Applicant, (2) Individuals, (3) Internal Revenue Service, (4) Other government agencies, (5) Professional organizations.

Treasury/OS 00.161

System name: Applicant Appeal Files—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals whose applications for enrollment to practice before the Internal Revenue Service have been denied and who have appealed such denial to the Director of Practice.

Categories of records in the system: Information relating to individuals' applications and eligibility for enrollment to practice before the Internal Revenue Service.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Decision on appeal by Director of Practice from denial of application by the Internal Revenue Service. (2) Decision by Secretary of Treasury on appeal from Director of Practice's sustaining of denial of application for enrollment. (3) For individuals, denial of whose applications for enrollment is reversed by the Director of Practice, for use in connection with subsequent determinations by the Director of Practice as to whether violation of the regulations governing practice before the Internal Revenue Service has occurred. (4) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.162

System name: Closed Files containing Derogatory Information about individuals' practice before the Internal Revenue Service and files of attorneys and certified public accountants formerly enrolled to practice—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals eligible to practice before the Internal Revenue Service (attorneys, certified public accountants and enrolled agents).

Categories of records in the system: Information relating to individuals' enrollments to practice before the Internal Revenue Service and, derogatory and other information regarding such practice.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Office of Chief Counsel, Internal Revenue Service so that that Office can represent the Director of Practice in hearings before administrative law judges held to determine whether violations of the regulations governing practice before the Internal Revenue Service have occurred and, if so, the appropriate disciplinary action. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violations of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: The Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

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Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.163

System name: Derogatory Information (No Action)—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants, enrolled agents and others.

Categories of records in the system: Such files contain derogatory information concerning attorneys, certified public accountants, and enrolled agents and others over whom there is no current jurisdiction, where such information is subject to future development, or where such information is not sufficiently serious to be currently considered a case file.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose after 5 years by burning.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36

Treasury/OS 00.164

System name: Disbarments—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals formerly eligible to practice before the Internal Revenue Service but now disbarred from such practice.

Categories of records in the system: Information relating to individuals' enrollment to practice before the Internal Revenue Service, derogatory and other information regarding such practice, and record of proceedings.

Authority for maintenance of the system: Title 31 U.S. Code. Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain record of those who have been disbarred from practice before the Internal Revenue Service and reasons for such disbarment. (2) Determinations by the Director of Practice as to whether disbarred individuals' petition for reinstatement to practice before the Internal Revenue Service shall be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law. (4) Transfer of information regarding disbarment of attorneys, certified public accountants and enrolled agents to professional organizations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31, C.F.R. 1.36.

Treasury/OS 00.165

System name: General Correspondence File—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: General public.

Categories of records in the system: General inquiries and comments from the general public.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide answers to inquiries or other information regarding the operation of this Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folder.

Retrievability: Correspondence is indexed alphabetically by writer.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which correspondence is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Destroyed after 3 years.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) present address, (3) former address where appropriate because of age of record.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records of this system has been provided by the writers of correspondence contained in the system.

Treasury/OS 00.166

System name: Inventory—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents about which alleged misconduct in their practice before the Internal Revenue Service is being reviewed and evaluated.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, and information relating to their conduct in such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative hearings and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violations of Federal law or regulations. (4) Transfer of information to Internal Revenue Service for investigation with respect to apparent violation of the regulations governing practice before the Internal Revenue Service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which this system is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case is closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.167

System name: Register of Docketed Cases and Applicant Appeals—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals against whom complaints have been filed with the Office of Director of Practice pursuant to Title 31, CFR, Subpart C, Section 10.54, for alleged violation of the regulations governing practice before the Internal Revenue Service and individuals who have appealed to the Director of Practice the denials of their application for enrollment to practice before the Internal Revenue Service.

Categories of records in the system: Record of actions taken in cases docketed for hearings and record of actions taken on appeals from denials of applications for enrollment.

Authority for maintenance of the system: 31 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Director of Practice administrative recordkeeping. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binder.

Retrievability: This system is indexed by complaint number and by name of the individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) complaint number.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records in this system has been provided by: (1) this office, (2) administrative law judges, (3) Internal Revenue Service.

Treasury/OS 00.168

System name: Resigned Enrolled Agents (action pursuant to 31 CFR, Section 10.55(b))—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Those individuals who were formerly enrolled to practice before the Internal Revenue Service and who resigned from such enrollment.

Categories of records in the system: Information relating to individuals' applications for enrollment to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

Authority for maintenance of the system: 26 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use in connection with resigned enrollees' future applications for enrollment to practice before the Internal Revenue Service. (2) In cases where resigned enrollees are again enrolled to practice before the Internal Revenue Service, for use in connection with determinations as to whether violations of the regulations governing such practice have occurred. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36.

Treasury/OS 00.169

System name: Roster of Former Enrollees—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys and certified public accountants who were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, Title 5 U.S. Code, Section 500.

Categories of records in the system: This system contains individuals' names, addresses, professions, the dates of their enrollments and the expiration dates of such enrollments.

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Authority for maintenance of the system: 31 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations as to whether the Office of Director of Practice has jurisdiction over an individual's violation of the regulations governing practice before the Internal Revenue Service. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binders.

Retrievability: This system is indexed by profession (i.e., attorney or certified public accountant) and by the individual's name.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) present address, (3) former address (during period of time covered by record).

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220, Telephone: (202)634-5071.

Contesting record procedures: See Access above.

Record source categories: Information contained in records in this system has been provided by: (1) Individuals, (2) Internal Revenue Service.

Treasury/OS 00.170

System name: Present suspensions from practice before the Internal Revenue Service.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents who have offered their consent to voluntary suspension from practice before the Internal Revenue Service or who have been suspended from such practice after due notice and opportunity for hearing.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, derogatory and other information relating to their conduct in such practice.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Determinations by the Director of Practice as to whether suspended practitioners' petitions for reinstatement to practice should be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of Office files and are instructed to lock file cabinets containing these records during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Exempt under Subsection (k)(2), 31 C.F.R. 1.36

Treasury/OS 00.180

System name: Accounting for Investment Credit File, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Taxpayers applying for permission to the Secretary of the Treasury to obtain the method of accounting for the investment tax credit as required by Section 101(c) of the Revenue Act of 1971.

Categories of records in the system: Correspondence to and from applicants for change of method of accounting for the investment tax credit.

Authority for maintenance of the system: Section 101(c) of the Revenue Act of 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Issuance of approvals and rejections of applications for change of method of accounting for the investment tax credit and insuring uniformity of administration of the Secretary's powers under Section 101(c) of the Revenue Act of 1971. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are in writing on paper and are stored in a file cabinet.

Retrievability: The records are commingled with other material concerning accounting for the investment tax credit, are filed chronologically, and are identifiable by the name of the applicant.

Safeguards: Informal.

Retention and disposal: Indefinite.

System manager(s) and address: Tax Legislative Counsel, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Contact the System Manager.

Record access procedures: Through the System Manager.

Contesting record procedures: Contact the System Manager.

Record source categories: Correspondence to and from the applicant.

Treasury/OS 00.181

System name: FOI Compliance File, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who have requested disclosure of records under the Freedom of Information Act.

Categories of records in the system: Forms or letters written by persons to request disclosure of records under the Freedom of Information Act, letter responses thereto, referrals thereof, and copies of requested records.

Authority for maintenance of the system: 5 U.S.C. Section 552(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To monitor compliance with the Freedom of Information Act, to insure uniformity of compliance, and to assist in continuing compliance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are in writing on paper and are stored in file cabinets.

Retrievability: The records are arranged chronologically and are identifiable by name of the requester.

Safeguards: Informal.

Retention and disposal: Indefinite.

System manager(s) and address: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Write the System Manager.

Record access procedures: By application to the System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Correspondence between the Office and persons requesting documents under the Freedom of Information Act and the requested documents from existing Office records.

Treasury/OS 00.182

System name: Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3112, 3122, 3108, 4217, 4045, 3064, 4222, 4028, 4004, 4040, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, and Room 1036, 1425 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Past, present, and prospective employees and consultants of the Office of the Assistant Secretary and of certain other tax-related governmental institutions.

Categories of records in the system: Correspondence with and about past and prospective employees; memoranda of conversations; time, leave, pay, promotion records, evaluation records; et cetera.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory and administrative personnel of the Office of the Assistant Secretary as supplementary and complementary to official Departmental personnel files to record personnel actions regarding employees of the Office and as a reference tool in preparation for or review of anticipated or past personnel actions and for advising others, both within and without the Government, as to the qualifications and performance of past, present, and prospective employees of the Office of the Assistant Secretary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper in writing.

Retrievability: The records are indexed by the name of the person with respect to whom the record is maintained.

Safeguards: Various.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Secretary for Tax Policy, Deputy Assistant Secretary for Tax Policy (Tax Legislation), Deputy Assistant Secretary for Tax Policy (Tax Analysis), Tax Legislative Counsel, Deupty Tax Legislative Counsel, Associate Tax Legislative Counsel, International Tax Counsel, Deputy International Tax Counsel, Associate Director Office of Tax Analysis, Director Office of Industrial Economics.

Notification procedure: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, with sufficient identification as to individual's identity and information sufficient to determine within which office the records would most likely be located and the probable age of the record.

Record access procedures: By application to Freedom of Information Officer.

Contesting record procedures: By application to Freedom of Information Officer.

Record source categories: The records are developed from correspondence, memoranda, and official Treasury Department personnel forms.

Treasury/OS 00.183

System name: Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3064 and 4222 and 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief tax bills introduced in Congress on their behalf.

Categories of records in the system: Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the Assistant Secretary for Tax Policy and the Office of the Tax Legislative Counsel is to coordinate legislative work in the tax field that concerns Treasury and to advise the Secretary with respect thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports and testimony to Congress or OMB. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: System manager(s) and address: Tax Legislative Counsel, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Contact the System Manager.

Record access procedures: Through the System Manager.

Contesting record procedures: Contact the System Manager.

Record source categories: Principally the Congress and the Internal Revenue Service.

Treasury/OS 00.190

System name: Automated Directory System—Treasury/OS.

System location: Main Computer—Bowne Timesharing, New York, New York. Terminal and Readout—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension. (To be added in near future: home address, home telephone, emergency notification data.)

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To compile Departmental and Bureau Telephone Directories.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (2) To be used in the future at the Treasury Switchboard information Positions using online visual display units to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS: Subscribers to Treasury Telephone System and Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag. tape.

Retrievability: Indexed by name and block code numbers.

Safeguards: Computer access codes.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of information on mag-tape is by erasure.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: Director, Office of Administrative Programs, see above.

Record source categories: Each individual Treasury employee.

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Treasury/OS 00.191

System name: Buildings Management Employee Folder—Treasury/OS.

System location: Office of Buildings Manager.

Categories of individuals covered by the system: All employees of Buildings Management—includes all shops as follows: Cabinet shop, Elevator shop, Electric shop, Engineer shop, Day and Night Maintenance, Paint shop, Locksmith.

Categories of records in the system: Each employee has individual folder containing items such as Letters of Counseling, suspensions, awards, step increases, evaluations as well as copies of official personnel actions such as SF-52's.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normally a storage file for information purposes. Can be examined during periods of potential promotion, training needs, proposed advise actions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normal 8 x 10 letter size paper.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet utilizing Treasury "Open" "Closed" security program.

Retention and disposal: Maintained until employee leaves Treasury service—purged annually to remove adverse comments not followed through with formal actions.

System manager(s) and address: Buildings Manager, The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220, Attn: Buildings Manager. Only personal identification required to review his own personal record.

Record access procedures: Simple presentation of the individual at the Buildings Management Office during normal work hours is sufficient to review personal record. Office is located in Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See System Manager above.

Record source categories: Information received from official records such as time cards and SF-52's. Information also received through interviews and private counselings with the individual employee.

Treasury/OS 00.192

System name: Real Property Management Staffing & Recruitment File—Treasury/OS.

System location: The Department of the Treasury, Office of the Secretary—OAP, Real Property Management, Washington, D.C. 20220.

Categories of individuals covered by the system: Real Property Management and Buildings Management Branch personnel.

Categories of records in the system: Contains historical data on positions in the Real Property Management and Buildings Management Branch offices, including evaluative comments about applicants (current employees) and associated selection criteria statements.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Historical reference data for reconstructing RPM and BMB staffing patterns and positions development for organizational/periodic reviews and evaluations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: By subject.

Safeguards: File locked in office during non-working hours.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Director, Real Property Management, Office of Administrative Programs.

Notification procedure: All inquiries should be addressed to: The Department of the Treasury, Office of Administrative Programs—OS, Assistant Director, Real Property Management, Washington, D.C. 20220.

Record access procedures: All inquiries concerning procedures for gaining access to and contesting records should be addressed to: The Department of the Treasury, Office of Administrative Programs—OS, Assistant Director, Real Property Management, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: RPM and BMB position descriptions, copies of; Standard Form 52, copies of RPM and BMB personnel actions; RPM and BMB position justifications; Memoranda concerning RPM and BMB staffing patterns, applicant selection criteria, and position classifications.

Treasury/OS 00.198

System name: Daily Bindery Log, Reproduction Branch—Treasury/OS 00.198.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Branch Employees.

Categories of records in the system: Name, date, and Machine No., Jacket and GPO number; prime and cut stock sizes; types work performed and clocktime with totals; hours and category of leave taken; employees and equipment production and time employment; materials used.

Authority for maintenance of the system: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 29, Subchapter II, Section 2952 and 2953; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541 and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: It is used to enable accurate completion of Fiscal Year Annual and Planning and Estimation Reports; Employee and Machine evaluations. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained for a minimum of 4 yrs.—shredded.

System manager(s) and address: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Branch Binderymen.

Treasury/OS 00.199

System name: Daily Work Log, Reproduction Branch—Treasury/OS 00.199.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Pressmen.

Categories of records in the system: All specifications/determinations with regard to employee printing press production.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I, Joint Committee on Printing, Printing & Binding Regulations, Title IV, Para. 47.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is collected for the purposes of enabling accurate accounting and/or

record maintenance of: job/jacket number, type plates, impressions and unitsa time and hours to complete job, equipment downtime, leave time, name and date; employee/machine production and time employment; materials used. It will be used to enable accurate completion of: information/paperwork necessary for Joint Committee on Printing Form No. 1, including TD Form 3223; Monthly Production Report; Fiscal Year Planning and Estimation Report; Employee and Machine Evaluation, and necessary administrative processes carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: Press number/employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Three years maximum—shredded.

System manager(s) and address: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Pressmen.

Treasury/OS 00.193

System name: Employee Locator Record—Treasury/OS.

System location: Main Treasury Building, 1500 Penna. Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension, home address, home telephone, emergency notification data.

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS—Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Form 2723 (Rev. 6-72), Department of the Treasury.

Retrievability: Indexed by name.

Safeguards: 24-hour switchboard operation with controlled access.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of records is by burning.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: See System Manager.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.194

System name: Library Circulation Control Records—Treasury/OS.

System location: U.S. Treasury Department, Office of Administrative Programs, Library Division, Room 5030, Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Library users.

Categories of records in the system: Individuals who borrow library materials, receive library materials on distribution, or request the purchase of library materials.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used by the Library Staff to identify the location of materials withdrawn from the library collection and to distribute library publications in response to a request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card file. Serial records will also be placed on the computer during Fiscal Year 1977.

Retrievability: Files are maintained by individual name for material borrowed from the Library collection. A name file for individuals who receive periodicals in routing or who request the purchase of a serial publication will be available when serial records are placed on the computer.

Safeguards: Information is not classified.

Retention and disposal: Records are kept as long as they are current.

System manager(s) and address: Chief, Library Division, Room 5010, Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: Access is by request, see System Manager.

Contesting record procedures: See System Manager.

Record source categories: Library users.

Treasury/OS 00.200

System name: Monthly Production Report, Reproduction Branch-Treasury/OS 00.200.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Pressmen.

Categories of records in the system: Monthly summation by press number/employee name of jobs and units produced, and a daily synopsis of time schedule.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I; Joint Committee on Printing, Printing & Binding Regulations, Title IV, Para. 47.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information/paperwork necessary for completion of Joint Committee on Printing Form No. 1; Fiscal Year Planning and Estimation Report, and Annual Report; Employee and Machine Evaluation. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained for a minimum of 4 yrs.—shredded.

System manager(s) and address: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Pressmen.

Treasury/OS 00.201

System name: Overtime Records, Reproduction Branch-Treasury/OS 00.201.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All employees working overtime for Reproduction Branch.

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Categories of records in the system: On duty and departure times; job/jacket numbers; and total overtime hours worked.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapters I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: TD Forms 2384, Time and Attendance Report, 3035, Report of Overtime Worked, 3036, Report of Overtime Worked Not Recorded on Form 2384—and related forms; job cost accounting for financial charges to customer Bureaus for services rendered during overtime hours; and employee and equipment evaluations; and necessary administrative processes and record maintenance carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained for a minimum of 4 yrs.—shredded.

System manager(s) and address: Chief; Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager abover.

Record source categories: Information supplied by Reproduction Branch employees.

Treasury/OS 00.195

System name: Parking Permit Application—Treasury/OS.

System location: The system of records is maintained at: (1) The Great Plaza Parking Lot, 14th & D Streets, N.W., Washington, D.C., in the custody of the Manager, and (2) Office of the Assistant Director (Environmental Programs), OAP, OS, Room 701, Washington Building.

Categories of individuals covered by the system: Treasury employees who meet specified requirements for application, and are working in locations within the zone of consideration for parking at the Great Plaza Parking Lot.

Categories of records in the system: The card (GSA Form R3-1615) includes the following information: (1) Name of applicant; (2) Permit No.; (3) Organization; (4) Office Phone No.; (5) Applicant's signature; (6) Agency Parking Representative's signature. In addition, the applicant's car pool members are listed on the card, along with their organization and office phone numbers. The system is set up by Permit Number.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used only on an individual basis, by the holder of the Form R3-1615, on a monthly basis, in addition to a fee for parking. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in a file cabinet and retained for six months, at which time GSA revises departmental quotas, eligibility requirements and card color, resulting in a new Treasury Department-wide survey and issuance of new parking permit applications.

System manager(s) and address: Assistant Director (Environmental Programs), Office of Administrative Programs, Room 701, Washington Building, c/o Main Treasury Mailroom, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: The information in this system came from individuals who are included in the system.

Treasury/OS 00.202

System name: Printing Procurement Charge Ticket, Printing Procurement-Treasury/OS 00.202.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, NW, Washington, D.C. 22020.

Categories of individuals covered by the system: All Printing Procurement Employees.

Categories of records in the system: Employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following; Title 5, United States Code, Chapters. 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Public Law 91-614.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance. It will be used to enable accurate completion of: Assistance charge and/or incidental expenses computation for Treasury customer Bureaus under provisions of Working Capital Fund; employee evaluation and necessary administrative processes carried out in accordance with existing regulations and published notices of systems and records. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By month/employee initials.

Safeguards: Office secure after normal duty hours.

Retention and disposal: Retained for a minimum of four years, then shredded.

System manager(s) and address: Printing Procurement Chief, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, NW, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Printing Procurement employees.

Treasury/OS 00.196

System name: Physical Security Information System—Treasury/OS.

System location: Assistant Director (Physical Security), Office of Administrative Programs, Room 706, 1331 G Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Categories of individuals covered by the system: Each Department of the Treasury official, who actually classifies a document using a national security classification, i.e., Top Secret, Secret, or Confidential.

Each Department of the Treasury official by name and position title, who have been delegated the authority to downgrade and declassify national security information and material. The authority is delegated only by a Departmental official authorized to exercise original classification authority for Top Secret or Secret Information or an official acting in that office.

Each Department of the Treasury official by name and position title, who have been delegated the authority for original classification of national security information and material as Confidential. This authority is delegated only by a Departmental official authorized to exercise original classification authority for Top Secret or Secret information or material or an official acting in that office.

An alphabetical listing of Department of the Treasury employees who are responsible for valid security violations regarding the handling of classified information or material. Each Department of the Treasury official who communicated or transferred classified information or material to an unathorized person.

All Department of the Treasury and contractor personnel, employed in the metropolitan Washington, D.C. area, who utilized the building pass system for the Main Treasury and Annex Buildings.

Each Department of the Treasury official who has used an unnecessary national security classification, an over or under national security classification, or fails to assign the proper downgrading and declassification schedule, or improperly applies national security classification markings. It also includes any national security classification action by any official not authorized in writing to exercise appropriate classification or exemption authority or the improper delegation of such.

Categories of records in the system: (1) Report of Authorized Classifiers. (2) Report of Unauthorized Disclosures. (3) Request for Building Pass. (4) Record of Security Violations. (5) Report of Classification Abuses. (6) Report of Authorized Downgrading and Declassification Officials. (7) Data Index System for Originally Classified Documents within the Department of the Treasury.

Authority for maintenance of the system: Executive Order No. 11652, dated March 8, 1972. National Security Council Directive, dated May 17, 1972. Department of the Treasury Administrative Circular No. 242, Supplement No. 1, dated October 3, 1973. 31 CFR, Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is designed to assist the Interagency Classification Review Committee, National Security Council, and the Department of the Treasury to (1) oversee compliance with Executive Order No. 11652 and Departmental programming and implementation; and (2) prevent improper classification of national security information and material; (3) to eliminate unauthorized disclosure and (4) to ensure prompt declassification of appropriate documents.

The system is utilized by the Office of the Assistant Director (Physical Security), Office of Administrative Programs, to ensure Departmental compliance with Executive Order No. 11652 and any implementing National Security Council Directives.

The system is used to (1) record details of valid security violations on any one employee for a three year period (2) assist in determining the effectiveness of the physical security program and (3) provide a basis for administrative or judicial actions, when such action is indicated. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The building pass records are maintained for a period of an individual's eligibility for a building pass on Treasury Form No. 4074. These passes are valid for a period of five (5) years, unless sooner invalidated. Destruction of these records and actual passes is accomplished by shredding or other comparable means.The record of documents originally classified within the Treasury Department is maintained on Treasury Form No. 4029 (Data Index System Card) which are indexed according to office or bureau and in date order.

The record of classification abuse is maintained on Standard Form 322, and filed in file folders and is indexed according to office or bureau and name of official. The system is maintained on a quarterly basis, i.e., January 1, April 1, July 1 and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

The record of personnel authorized to classify documents is on Treasury Form No. 4036 and filed in file folders which is indexed according to office or bureau and name of official and position title. The system is maintained on a quarterly basis with the quarters being January 1, April 1, July 1 and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

A list of authorized persons for declassification action is maintained on Treasury Form No. 4037, in file folders and is indexed according to office or bureau and name of official and position title. The system is maintained on a quarterly basis, i.e., January 1, April 1, July 1 and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

The record of security violations is maintained on Treasury Form No. 3158 and related correspondence filed in file folders. The system is indexed alphabetically by name. The records on any one individual are maintained for a three year period at which time they are destroyed.

The record of unauthorized disclosures is maintained on Standard Form 323, in file folders and is indexed according to office or bureau and name of official responsible for the unauthorized disclosure. The system is maintained on a quarterly basis, i.e., January 1, April 1, July 1, and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

The information in the system is made available to those officials with a "need to know" and is secured in locked security containers.

System manager(s) and address: Assistant Director (Physical Security), Office of Administrative Programs, Room 706, 1331 G Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Notification procedure: Assistant Director (Physical Security), Office of Administrative Programs, Room 706, 1331 G Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Record access procedures: Assistant Director (Physical Security), Office of Administrative Programs, Room 706, 1331 G Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The sources of the information are offices and bureaus of the Department of the Treasury.

The information concerning any security violation is reported on Treasury Form No. 3158, as reported by the Treasury Security Force or Department of the Treasury security officials and the U.S. Department of State security officials as concerns Department of the Treasury personnel attached to U.S. Embassies.

The sources of the information are those offices and bureaus requesting a building pass utilized in the Main Treasury and Annex Buildings.

Treasury/OS 00.203

System name: Sign-in Sheet, Reproduction Branch-Treasury/OS.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Branch Employees.

Categories of records in the system: Arrival and Departure times, or total on-duty or off-duty times for each workday with leave category determination.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a; Budget and Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: It will be used to enable accurate completion of TD Forms 2384, Time and Attendance Card—and related forms; employee and equipment evaluation. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name and social security number.

Safeguards: Office secure after normal duty hours.

Retention and disposal: Retain maximum three years, then shredded.

System manager(s) and address: Reproduction Branch Chief, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Branch Employees.

Treasury/OS 00.204

System name: Weekly Activity Report, Printing Procurement Branch-Treasury/OS.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, NW, Washington, D.C. 22020.

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Categories of individuals covered by the system: All employees of the Printing Procurement Branch.

Categories of records in the system: Employee summation of weekly activities.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters 1, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information received serves as constitutive elements in Office or Branch Weekly Activity Report; employee evaluation; and Fiscal Year Annual, and Planning and Estimation Reports; and necessary administrative processes carried out in accordance with notice authorizations. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Retained in forms submitted by employees.

Retrievability: By week and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained five years and shredded.

System manager(s) and address: Printing Procurement Branch Chief, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, NW, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Printing Procurement Employees.

Treasury/OS 00.300

System name: Personnel files—Treasury/OS.

System location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in the Office of Public Affairs.

Categories of records in the system: SF 171s, Notification of within grade raises, Personnel action information, Letters of appreciation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employees, when requesting information from their files. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicates of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and disposal: Records are kept until employee is separated and then destroyed.

System manager(s) and address: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Record access procedures: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contesting record procedures: See Access above.

Record source categories: Information for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury/OS.

System location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Categories of records in the system: Letters, personnel documents, memorandums, investigation reports, and extracts from investigation files.

Authority for maintenance of the system: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and disposal: One year after matter resolved, material is then shredded.

System manager(s) and address: Office of Audit, Director, Room 902, 1025 Vermont Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See system Manager above.

Record access procedures: See system Manager above.

Contesting record procedures: See system Manager above.

Record source categories: Complainant, official personnel files, investigation files and grievance files.

Treasury/IRS 10.001

System name: Biographical Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: IRS Employees.

Categories of records in the system: Records are biographical data on key IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file cabinets without locks.

Retrievability: By name.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs) IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Information is supplied by the IRS official on an IRS biographical data form.

Treasury/IRS 10.002

System name: By-Line Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Writers of articles of interest to IRS.

Categories of records in the system: Primarily newspaper and magazine clippings.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: By subject, including individual names.

Safeguards: Office doors locked at night.

Retention and disposal: Governed generally by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Newspapers and Magazines.

Treasury/IRS 10.003

System name: Intelligence Clips, Public affairs—Treasury/IRS.

System location: Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Records are maintained on individuals who are of interest to the IRS, generally those whose names have been mentioned in the press in connection with their relationship with IRS.

Categories of records in the system: Records are primarily newspaper and magazine clippings about taxpayers and IRS Intelligence Division.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfiche. Records are stored in file cabinets without locks.

Retrievability: Accessible by subject including individual names.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Sources of clips are newspapers and magazines.

Treasury/IRS 10.004

System name: Subject Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Records are maintained on individuals who are of interest to the IRS, generally those whose names have been mentioned in the press in connection with their relationship with IRS.

Categories of records in the system: The records include correspondence, newspaper clippings, inter-office memoranda and similar documents.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: Alphabetical by subject.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Records are generally correspondence with persons outside IRS, news media, internal documents and memoranda and similar sources.

Treasury/IRS 10.005

System name: Tax Case Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Individual taxpayers.

Categories of records in the system: Primarily newspaper clippings on taxpayers whose tax litigation activities are reported by the newspapers. Records include correspondence, inter-office memoranda and similar documents.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

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Retrievability: By subject and individual names.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Primarily news media clippings.

Treasury/IRS 10.007

System name: Public Speaking and Other Public Appearances, Public Affairs—Treasury/IRS.

System location: Region, District Offices and Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: IRS employees who are selected as representatives of IRS to appear before community group and radio and television audiences.

Categories of records in the system: Records are card files and lists of names of individuals.

Authority for maintenance of the system: IRM 1(19)00

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets.

Retrievability: By name or function.

Safeguards: Office doors locked at night.

Retention and disposal: Continuously updated and extraneous material destroyed.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers.

Notification procedure: Same as Access.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instuctions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record source categories: Information is supplied by individual himself.

Treasury/IRS 22.002

System name: Airway Use Tax Registrant, Data, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: Individual or businesses that have registered new aircraft with the Federal Aviation Administration (FAA).

Categories of records in the system: The records come from the FAA Supplemental File and are edited at NCC to delete all but information on new airplane registrations.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout.

Retrievability: Name of registrant.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Register is destroyed after case has been sent to the district office for personal contact.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.003

System name: Annual Listing of Undelivered Refund Checks, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and District Offices (see IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose refund checks have been returned as undeliverable since the last Annual Listing of Undelivered Refund Checks was produced.

Categories of records in the system: Taxpayer entity information (Name, Street Address, City, State, Zip Code and Taxpayer Identification Number) and records containing tax module information (Tax Period, Amount of Credit Balance and Control Document Locator Number).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Individuals entitled to undeliverable refund checks will be notified of such checks by publication of their names in the news media. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to

the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document stored in files.

Retrievability: Information is retrievable by taxpayer's name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding retention and disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.004

System name: Audit Trail File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: Employees who accessed a specific taxpayer's account.

Categories of records in the system: A record log of every transaction posted to the Integrated Data Retrieval System (IDRS) according to the employee who input it and the terminal through which it posted.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made during judicial processes. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape

Retrievability: By employee number

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Permanent retention.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Computer statistical record of all transactions input to the Integrated Data Retrieval System.

Treasury/IRS 22.005

System name: Audit Underreporter Case File, ACTS: A—Treasury/IRS.

System location: National Computer Center (NCC) Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have declared on their income tax returns (Forms 1040 and 1040A) all income paid to them in the tax year under study.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for one year; then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

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Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.011

System name: Card Index File of Erroneous Refunds (ACTS)—Treasury/IRS.

System location: Memphis Internal Revenue Service Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers issued erroneous refunds.

Categories of records in the system: Case reference name, number, control number, date of erroneous refund, statute expiration date, status of case and location.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card file.

Retrievability: Retrieved by name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained four years then destroyed.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.012

System name: Collection Case File, ACTS: A—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have filed income tax returns (Forms 1040 or 1040A) for the tax year in which that income was paid to them.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for up to one and a half years, then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.013

System name: Combined Account Number File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals and businesses having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number or employer identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.014

System name: Discriminant Function File (DIF), ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose Forms 1040 and 1040A have a DIF Score higher than a cutoff score determined by Audit Division, indicating high audit potential. The DIF Score is the computation of Audit potential, based on formulae prescribed by Audit.

Categories of records in the system: Document Locator Number of the return, the Regional and District Offices of the taxpayer, the taxpayer's DIF Score and data from the individual's Income Tax Return needed to conduct an audit of his return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: By magnetic tape and computer printout.

Retrievability: By individual's Social Security Number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for three years. Disposed of thereafter.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purpose of determining, if the system contains a record pertaining to a particular individual.

Record access procedures: This System of records may not be accessed for the purpose of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.017

System name: Employer Inquiry Look-Up for TDA Inquiries, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual taxpayers who have paid Federal Insurance Contributions Act (FICA), wages to the Social Security Administration (SSA) through the 3rd quarter of the year and those taxpayers who file Federal Individual Income Tax returns Form 1040 and 1040A through the Individual Master File (IMF) Delinquency and Underreporting Program (WAID).

Categories of records in the system: Taxpayer's name, taxpayer's address, taxpayer's identification number, taxpayer's wages, taxpayer's marital status, taxpayer's employer/s name/s, employer's address, employer's identification number, tax period and other indicators relating to the program operation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

For other routine uses see Appendix AA.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

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Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by taxpayer name or identity number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The file is maintained approximately for six months and then destroyed and recreated as updated information is received from SSA or WAID.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.024

System name: Form 1042 Index Register, ACTS: A—Treasury/IRS.

System location: Philadelphia Service Center. (See IRS Appendix A)

Categories of individuals covered by the system: Taxpayers whose taxes are covered by IRC Chapter 3 Withholding.

Categories of records in the system: Records include taxpayer's name and address, tax data, and withholding agent's Employer Identification Number and name.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: Withholding agent EIN.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A.)

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.025

System name: Form 1042 Name Directory, ACTS: A-Treasury/IRS.

System location: Philadelphia Service Center (see IRS appendix A).

Categories of individuals covered by the system: Taxpayers whose taxes are covered by IRC Chapter 3 Withholding.

Categories of records in the system: Taxpayer name and address and Employer Identification Number and name of withholding agent.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses, see Appendia AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: By name of withholding agent.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS).Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the

Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A)

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.026

System name: FORM 1042S Index By Name of Recipient, ACTS: A/Treasury-IRS.

System location: PHILADELPHIA SERVICE CENTER (See IRS Appendix A).

Categories of individuals covered by the system: Non-resident aliens and U.S. citizens living abroad whose taxes are covered by IR Chapter 3 Withholding.

Categories of records in the system: Information provided by taxpayer including name, address, tax data, country of residence and Employer Identification Number of withholding agent.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosures may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: By taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.027

System name: Forms filed by U.S. Citizens or Residents relating to Foreign Companies, ACTS-Treasury/IRS.

System location: Philadelphia Internal Revenue Service Center and its servicing Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 957—Foreign Personal Holding Company; 958—Foreign Personal Holding Company; 959—Return by an Officer, Director, or Shareholder—With Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its Stock.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

(See IRS Appendix A).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officals maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

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Treasury/IRS 22.028

System name: IDRS Security Profile System, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individual employees on whom records are retained.

Categories of records in the system: A record log of the employees (IDRS users) and containing pertinent data for identifying each user.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used to verify the employee's authorization to access records retained on IDRS. It is so used at the moment of attempted access to the computer files.

The file is used to generate the identifying employee number of the using employee to be recorded on the computer retained disk files or on printed matter produced by the computer for purposes of case control or document routing.

The file is used in connection with computerized security routines to produce printed reports that are used by IRS internal security personnel to monitor use of IDRS.

Use is restricted to IRS personnel and there are no routine uses in connection with other Federal agencies.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage and magnetic tape backup.

Retrievability: By social security number only.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The records are updated daily or weekly depending on the activity.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Information supplied by the IRS employee on standard personnel forms.

Treasury/IRS 22.029

System name: Individual Account Number File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individuals having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance, no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Officials prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.030

System name: Individual Master File (IMF); ACTS A—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, West Virginia.

Categories of individuals covered by the system: Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A).

Categories of records in the system: Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including Zip Code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Recorded here are tax transactions such as tax amount, additions, abatements of tax payments, interest and like type transactions recorded relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: By identification number and alphabet.

Storage: Magnetic Tape.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.(See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency cntries made in the administration of the individual's tax account.

Treasury/IRS 22.031

System name: Individual Master File Change and Adjustment Document File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have had changes made to their accounts either at their request or by the service.

Categories of records in the system: 5143—Tax Transfer Schedule, 1127—Application for Extension of Time for Payment of Tax, 1247—Examination Record, 1664—Undelivered Return Check Freeze Release, 1664PR—Disbursing Center Notification of Undelivered Refund Checks and/or Cancellation, 1962—Advance Payment Record, 2158—Credit Transfer Voucher, 2287—Dishonored Check Posting Voucher, 2287D—Advice of Dishonored Check, 2350—Application for Extension of Time for Filing U.S. Income Tax Return, Citizen Abroad, 2363—Master File Entity Change, 2424—Account Adjustment Voucher, 2650—TDA/TDI Transfer, 2688—Application for Extension of Time to File U.S. Individual Income Tax, 2710—Appellate Division Action and Transmittal Memorandum, 2758—Application for Extension of Time to File U.S. Fiduciary or Partnership Return, Non-Remittance, 3177/A/B—Notice of Action for Entry on Master File, 3244—Payment Posting Voucher, 3245—Cancellation or Repayment, 3258—Summary Transfer Voucher, 3354—Assessment Adjustment Document, 3413—Transaction List of Account Transfer-In, 3446—Notice of Federal Tax Due, 3552—Statement of Tax Due on Federal Tax Return (Part 4), 4732—Special Tax Receipts (11, 11B) (CP 444), 4733—Special Tax Receipt (CP 445), 4768—Application for Extension of Time to File U.S. Estate Tax Return and/or Pay Estate Tax, 4779—Statement of Use Tax Due IRS on Highway Motor Vehicles, 4839—3rd Notice (Balance Due), 4840—4th Notice (Balance Due), 4848—Annual Employer Return for Employees' Pension or Profit Sharing Plans, 4849—Financial Statement of Employees' Pension or Profit Sharing Fund or Fiduciary Account, 4901-04—Request for Information About Tax Return—First, Second, Third and Fourth Notice, 4907—TDA, 4915—RMF, Balance Due (CP 411), 4917—RMF, Balance Due Less than

1.00 (CP 413), 4918—RMF, No Math Error, Balance Due (CP 414), TY-D14—Taxpayer Delinquency Investigation, TY-15—Unidentified and Excess Collection Voucher, TY-16—Tax Transfer Schedule, TY-26—Statement of Tax Due IRS, TY-54—Posting Voucher, TY-D69—Taxpayer Delinquent Account, W-2—Wage and Tax Statement, W-2P—Statement for Recipients of Annuities, Pension or Retired Pay.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Document files.

Retrievability: Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Officials prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

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Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.032

System name: Individual Master File (IMF) Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are individual taxpayers who file Federal individual tax returns (Forms 1040 or 1040A).

Categories of records in the system: The categories of records maintained are abstracts of tax and/or entity modules that have been removed from the IMF. These abstract records indicate the taxpayer name, identification number, specific tax returns, document locater number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module(s).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: IMF Reference Register, SSN Tax Period and name (explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook (330-731) published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.033

System name: Individual Master File (IMF) 608 and 388 Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers. (See IRS Appendix A)

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are individual taxpayers who file Federal individual tax returns (Forms 1040 or 1040A).

Categories of records in the system: The categories of records maintained are abstracts of tax and entity modules containing a credit (TC 608) or debit (TC 388) that is written off when the module is removed from the IMF (magnetic tape) to the IMF (microfilm) 608 and 388 Retention Register. This register shows the taxpayer's name, identification number, specific tax returns, amount of credit or debit that has been written off, tax years and other transactions which have been recorded relative to the module before removal from the IMF (magnetic tape).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: IMF Reference Register, SSN, Tax period and Name (Explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.034

System name: Individual Returns Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms in the 1040 series including any schedules and Forms 5329. 1040 U.S. Individual Income Tax Return, 1040A U.S. Individual Income Tax Return—Short Form, 1040ES Declaration of Estimated Tax For Individuals, 1040ES (Spanish) Declaration of Estimated Tax for Individuals (Puerto Rico), 1040ES (OIO) Declaration of Estimated Tax for Individuals—Non-Resident Alien Individuals, 1040NB U.S. Non-Resident Alien Income Tax Return, 1040NR U.S. Non-Resident Alien Income Tax Return, 1040B U.S. Non-Resident Alien Income Tax Return, 1040C U.S. Departing Alien Income Tax Return.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.036

System name: Interest Equalization Tax Forms File, ACTS: A—Treasury/IRS.

System location: Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who filed Forms: 3969—Notice of Acquisition of Original or New Japanese Debt Obligation, 4410—Interest Equalization Tax—Quarterly Return of Tax Withheld by Participating Firm, 4363—Notice of Acquisition of Stock Pursuant to Conversion of an Original or New Japanese Debt Obligation, 4322—Validation Certificate of Prior American Ownership and Interest Equalization Tax Compliance, 3845—Interest Equalization Tax—Broker's Quarterly Information Return, 3779—Notice of Acquisition of Original or New Canadian Stock or Debt Obligation.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5. U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.037

System name: IRS Employee Delinquency Notice List, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers, Regional Offices, and National Office. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees who have been sent notices (Forms 4901) informing them that they

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appear not to have filed individual income tax returns (Forms 1040 and 1040A) for a certain tax year.

Categories of records in the system: Records maintained are records containing the individual's name, address, taxpayer identification number (social security number), and other indicators relating to the salary and location of the individual. As cases have been worked, the service center's list is annotated with the disposition of each case.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

For other routine uses see Apppendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hardcopy printouts are maintained in agency offices.

Retrievability: By employee SSN and name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Specified in Records Disposition Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the adminstration of the individual's tax account.

Treasury/IRS 22.039

System name: Miscellaneous Forms Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file forms: 56—Notice of Fiduciary Relationship, 678—Special Tax Return: Application for Registry and Special-Tax Stamp Opium, etc., 709—U.S. Quarterly Gift Tax Return, 1964—Certification of Exempt Official (Narcotics), 2031—Waiver Certificate to Elect Social Security Coverage for Use by Ministers, Certain Members of Religious Orders, and Christian Science Practitioners, 2063—U.S. Departing Alien Income Tax Statement, 2555—Statement to Support Exemption of Income Earned Abroad, 2950—Statement in Support of Deduction for Payments to an Employee's Pension, Profit-Sharing, Stock Bonus Trust or Annuity Plan and Compensation Under a Deferred-Payment Plan, 3115—Application for Change in Accounting Method, 3491—Exemption Application, 3520—Creation of or Transfers to Certain Foreign Trusts, 4361—Application for Exemption from Self-Employment Tax for Use by Ministers, Members of Religious Orders and Christian Science Practitioners, 4415—Election to Exempt From Self-Employment Coverage Fees Received by Certain Public Officers and Employees of a State or a Political Subdivision Thereof, 4908—Declaration of a Candidate for Public Office Receiving Political Contributions Qualifying for Credit or Deduction.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors. Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.040

System name: Multiple Refund File, ACTS: A—Treasury/IRS.

System location: Austin Service Center. (See IRS Appendix A).

Categories of individuals covered by the system: Tax return preparers or other individuals who prepare possibly fraudulent,

bogus, or otherwise illegal returns and preparers who use their own address as the taxpayer's address.

Categories of records in the system: Names and addresses used on returns; names and addresses of preparers; correspondence pertaining to these.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders, by districts, in file cabinets.

Retrievability: Alphabetically by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and disposal instructions for paper documents in this file is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Internal Revenue Austin Service Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.042

System name: Penalty Case File ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Taxpayers who have had substantial penalties assessed to their accounts.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: By name, type of tax, and identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. See IRS Appendix A for locations.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. See IRS Appendix A for locations.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.043

System name: Potential Refund Litigation Case Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayer who have indicated to the Service that they may file suit against the service for a refund.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report the apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This is a paper document file.

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Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.044

System name: P.O.W.—M.I.A. Reference File, ACTS: A—Treasury/IRS.

System location: Austin Service Center and each district office. (See IRS Appendix A).

Categories of individuals covered by the system: P.O.W./M.I.A.—originated from Department of Defense lists.

Categories of records in the system: Lists of P.O.W./M.I.A., Regulations, Rulings, and Instructions as to how to handle specific tax questions relating to their special tax status, copies of individual tax returns, claims, and other documents germane to specific clases.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Cases filed alphabetically by last name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All cases have been retained and no current provisions have been established for disposal.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Internal Revenue Austin Service Center and District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.046

System name: Residual Master File (RMF) ACTS—Treasury/IRS.

System location: Internal Revenue Service Centers (Currently there are 10 such centers). See IRS Appendix A for locations.

Categories of individuals covered by the system: Persons in a sole proprietary role who file Excise Tax Returns (Form 11), Wagering Returns (Form 11C), Highway Use Returns (Form 2290), and Airways Use Returns (Form 4638) and Estate and Gift Taxes (Form 706 and 709), the latter can be individuals not in a sole proprietorship role.

Categories of records in the system: Taxpayer entity records (name, address, identification name (TIN) which may be either EIN or SSN, and other indicators pertaining to entity maintenance, including Zip Code), and tax modules which are all the records relative to specific tax returns for each applicable tax period. Recorded are tax transactions such as tax amount, statements/additions to tax, payments, interest and like type transactions relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: By name, type of tax, and identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS). Officials maintaining the system, Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with Instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with Instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the Individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.047

System name: Residual Master File Change and Adjustment Document File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have had changes made to their accounts either at their request or by the service.

Categories of records in the system: 5143—Tax Transfer Schedule, 1247—Examination Record, 1962—Advance Payment Record, 2158—Credit Transfer Voucher, 2287—Dishonored Check Posting Voucher, 2287D—Advice of Dishonored Check, 2363—Master File Entity Change, 2424—Account Adjustment Voucher, 2650—TDA/TDI Transfer, 2710—Appellate Division Action and Transmittal Memorandum, 3177 A/B—Notice of Action for Entry on Master File, 3244—Payment Posting Voucher, 3245—Posting Voucher, Refund Check Cancellation or Repayment, 3258—Summary Transfer Voucher, 3333—TDI Status Report, 3354—Assessment Adjustment Document, 3446—Notice of Federal Tax Due, 3552—Statement of Tax Due on Federal Tax Return (Part 4), 3731—Unidentified Remittance Voucher, 3552—Prompt Assessment Billing Assembly, 3731—Unidentified Remittance Voucher, 3753—Manual Refund Posting Voucher, 3809—Miscellaneous Adjustment Voucher, 3870—Request for Adjustment (Part 1), 3870—Request for Adjustment (Part 3), 3967—Notice of Delinquency Tax Account, 4188—Settlement Notice (CP 21, 22, 210, 421, 422), 4296—Audit Requisition & Information Report, 4338—Transcript or Information Request (Tax Class 9 applies to TC 991, 993 only), 4446—Notice of Action for Entry on Master File (Part 4), 4695—Notification Refund Repayment Check not Accepted by Bank, 3553—Prompt Assessment Billing Assembly, 3731—Unidentified Remittance Voucher, 3753—Manual Refund Posting Voucher, 3809—Miscellaneous Adjustment Voucher, 3870—Request for Adjustment (Part 3), 3912—Taxpayer SSN Validation (CP 53 & 54), 3967—Notice of Delinquency Tax Account, 4084—Math Error Notice (CP 11), 4085—Math Error Notice (CP 12), 4086—Math Error Notice (CP 13), 4188—Settlement Notice (CP 21, 22, 210, 421, 422), 4192—Notice of Balance Due (CP 161), 4256—Dual Debit/Credit Transfer, 4296—Audit Requisition & Information Report, 4602—Notice of Balance Due (CP 23), 4604—Notice of Settlement Under

1.00 (CP 25), 4694—Notification Refund Repayment Check not Accepted by Bank, 4839—3rd Notice (Balance Due), 4840—4th Notice (Balance Due), 4907—TDA, 4960—IMF, Balance Due, Audit/Unallowable Items (CP 15), 4961—IMF, Overpayment, Audit/Unallowable Items (CP 16), RSC-137—Remittance Return to Taxpayer for Correction, TY-15—Unidentified and Excess Collection Voucher, TY-16—Tax Transfer Schedule, TY-18—Statement of Payment Due, TY-26—Statement of Tax Due IRS, TY-54—Posting Voucher and TY-D69—Taxpayer Delinquent Account.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are Paper Document files.

Retrievability: Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Official maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with Instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.048

System name: Residual Master File (RMF) Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are taxpayers who have a business in Airways, Motor Vehicles, Wagering, Beer/etc., or Coin Operated Amusement Devices; or those responsible for Gift Tax or U.S. Estate Tax. The tax return forms are: 4638, 709, 706, 2290, 11, 11B, 11C, 730.

Categories of records in the system: The categories of records maintained are abstracts of tax and entity modules that have been removed from the RMF. These abstract records indicate the business taxpayer name, identification number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

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Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosures may be made during judicial processes For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: EIN or SSN, Name, Tax Period, and Type of Tax (explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Two policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook and the Research Operations Handbook (330-731).

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.049

System name: Residual Master File (RMF) Transaction. Codes 608 and 388 Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are taxpayers who have a business in Airways, Motor Vehicles, Wagering, Beer/etc., or Coin Operated Amusement Devices; as well as those responsible for Gift Tax or U.S. Estate Tax. The tax return forms are: 4638, 709, 706, 2290.

Categories of records in the system: The categories of records maintained are abstracts of tax and entity modules containing a credit (TC608) or debit (TC388) that is written off when the module is removed from the RMF (magnetic tape) to the RMF (microfilm) 608 and 388 Retention Register. This register shows the taxpayer's name, identification number, specific tax returns, amount of credit or debit that has been written off, tax years and other transactions which have been recorded relative to the module before removal from the RMF (magnetic tape).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: EIN or SSN, Name, Tax Period, Type of Tax (explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.050

System name: Residual Returns Files, ACTS: A—Treasury IRS.

System location: Internal Revenue Service Centers and Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 4638—Federal Use Tax Return on Civil Aircraft, 2290—Federal Use Tax Return on Highway Motor Vehicles, 11—Special Tax Return, 11B—Special Tax Return, 11C—Special Tax Return and Application for Registry—Wagering, 730—Tax on Wagering.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States. to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Center, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.051

System name: Return of Initial Excise Taxes on Private Foundations, Foundations Managers, and Disqualified Persons File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers, (see IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 4720—Retention of Initial Excise Taxes on Private Foundations, Foundation Managers and Disqualified Persons.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connnection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Center, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are no subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.052

System name: Social Security Administration's Daily Search File (SSA DSF), ACTS: A—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, W. VA.

Categories of individuals covered by the system: Individuals on whom records are maintained are all individuals with social security numbers.

Categories of records in the system: Records maintained are records containing the name and social security number of the individual, along with fields dealing with the individual's sex, race, age, dates of birth and death, and military service; fields dealing with earnings and FICA; and fields dealing with inquiries, claims, disability, and beneficiary situations.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape in SSN sequence.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

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Retention and disposal: Received from SSA in October and retained until the following May; then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themeslves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revnue Service Center servicing the area in which the individual resides. See IRS Appendix A for locations.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. See IRS Appendix A for locations.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.053

System name: Statistics of Income Individual Selection Sheet, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers whose returns are selected by pre-determined stratification and random selection within groups of states.

Categories of records in the system: Printouts developed by the Service showing both taxpayer-provided and Service-generated data concerning selected items of tax return data.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information of contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents

Retrievability: By SSN, Document Locator Number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retained by Service Center for one year, then shipped to warehouse until National Office orders destruction.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.054

System name: Subsidiary Accounting Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Dsitrict Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: The categories of individuals on whom records are maintained are taxpayers affected by one or more of the transactions reflected in the categories of records listed below.

Categories of records in the system: The types of records maintained in the system are documents containing entity information (name, address, taxpayer identification number or employer identification number and other information necessary to identify the taxpayer) and accounting information relevant to one of the following categories: funds held pending, disposition and not applied to the taxpayer's liability at present, properties, tangible or intangible, now in the custody of the Interal Revenue Service, counterfeit money, misappropriations or robbery of Internal Revenue Service funds, credits which cannot be applied to a specific taxpayer account at this time, accounts transferred to other Service Centers or agencies, substantiation for the receipt of funds collected by the Service for other agencies, abatements or assessments of tax on individuals, deposits received from taxpayers, refunds to taxpayers, taxpayer accounts written off by the Service as uncollectible, credits allowed taxpayers requiring special consideration due to processing constraints, litigation, seized and acquired property and Offers-in-Compromise.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsidiary Accounting Files consist of paper documents stored in files.

Retrievability: Records are retrievable by Social Security No. and by name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Records are retired to the Records Center and are retrieved by request from authorized individuals where account substantiation is necessary. Policies regarding disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are no subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Some Justice Department investigations are an additional source for the information contained in litigation case files.

Treasury/IRS 22.057

System name: Taxpayer Delinquent Investigation Notice File; ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual and business taxpayers relating to taxpayer delinquency investigations and the generation of delinquency notices.

Categories of records in the system: Delinquency investigation information on business and individual taxpayers.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system or records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal adivce.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judical processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by identity number or name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Dependent upon the activity to each taxpayer record.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See IRS Appendix A.)

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 22.058

System name: Tentative Carryback Allowance File; ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers who have filed for a tentative carryback adjustment.

Categories of records in the system: records of tentative carryback adjustment Form 6702, including taxpayer name, address, and identifying number, tax years involved, amounts of tax decrease, and date Notice of Disallowance (if any) mailed.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files

Retrievability: Taxpayer name and/or identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM I (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

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Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.059

System name: Unidentified Remittance File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Remittances which have been received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Categories of records in the system: Each record contains a fourteen digit unidentified remittance (UR) control number, the amount, received date, and all known identifying data. In addition, the URF contains a record of all doubtfully applied Estimated Tax (ES) credits. The ES record contains the taxpayer's name, address, type of payment, taxpayer identification number, tax period, received date, money amount, and the transaction document locator number (DLN).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is used only to report Revenue Receipts Breakout and total amount shown on General Ledger to U.S. Treasury. The file is an internal file and contains a record of each remittance which is received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk Storage

Retrievability: Remittance amount, Unidentified Remittance Control Number, taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: 180 days after the amount is reduced to zero balance.

System manager(s) and address: Offical prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Record access procedures: Indivduals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries, should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Remittances received from taxpayers that cannot be positively identified either as to the taxpayer who sent it or the type of tax to which it is to be applied.

Treasury/IRS 22.060

System name: Unit Ledger Cards, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Records Center.

Categories of individuals covered by the system: Records are maintained on taxpayers having accounts with the Internal Revenue Service which are not compatible with normal master file processes, e.g.: penalties, transferee assessments, termination assessments, excise protest accounts, RMF overflow accounts, culpable and nonpetitioning spouses, Forms 1042, 1040-NR, 926, 5330, 4720, 990-AR (Penalty) and any pre-ADP returns.

Categories of records in the system: The categories of records maintained are taxpayer entity records (name, address, taxpayer identification number or employer identification number and other indicators relevant to entity maintenance) and records containing tax module information (the tax return, the tax period, the balance due or credit balance, and transactions which have been recorded relative to the module).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The unit ledger cards are a card file.

Retrievability: Information is retrievable by Taxpayer Identification Number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Disposition is prescribed by the appropriate Records Control Schedule.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.061

System name: Wage and Information Document (WAID) File; ACTS: A—Treasury/IRS.

System location: National Computer Center, Martinsburg, W. Va.

Categories of individuals covered by the system: recipients of various types on income: wages; dividends; interest; rents and royalties; medical payments; capital gains distributions; non-taxable distributions' pensions and annuities; patronage dividends, distributions, and allocations; and prizes, gambling winnings and miscellaneous income.

Categories of records in the system: Records maintained are records representing certain wage and information returns: Forms W-2, W-2P, 1087 and 1099; and records of agricultural subsidy payments. Information included on each record identifies the recipient of the income (name, address, taxpayer identifying number, and other indicators relating to payee identification), identifies the income payer (very similar information), and identifies the type(s) and amount(s) of income.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in social security number sequence.

Retrievability: By taxpayer social security number and name control.

Safeguards: Safeguards will not be less than provided by the Physical Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Until tax year 1974, only until processed; after tax year 1974, two years; then magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), national office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.001

System name: Acquired Property Records, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Delinquent taxpayers whose property has been acquired by purchase by government or right of redemption.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, revenue officer reports.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are stored in locked facility when not in use.

Retrievability: Retrievable by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains data for government accounting purposes from Service sources.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.002

System name: Adjustment and Payment Tracer Files, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers against whom tax assessments have been made but who have either offered substantiating evidence for adjustment or proof of payment.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, TDA or notice, cancelled checks, amended returns, claims, etc.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: In accordance with records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revneue. (See IRS Appendix A.)

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Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.003

System name: Collateral Files, ACTS: C—Treasury/IRS.

System location: Districts Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers against whom tax assessments have been made and who have submitted collateral such as bonds, mortgages, escrow, etc,. to stay collection.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figure and collateral submitted.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59. Collateral is returned to taxpayer after collection or adjustment is effected. Collateral forfeited in event of default.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determing if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.023

System name: Defunct Special Service Staff File being retained because of Congressional directive, ACTS: C-Treasury/IRS.

System location: National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals suspected of violating the Internal Revenue laws.

Categories of records in the system: Internal Revenue Service Master File printouts; returns and field reports; information from other law enforcement government investigative agencies; Congressional Reports, and news media articles.

Authority for maintenance of the system: U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is no longer being used by the Internal Revenue Service. The Special Service Staff was abolished August 13, 1973. Disclosure of information contained in this System of Records may be made to the Department of Justice in connection with actual or potential litigation. Access to the System is limited to Congressional Committees and individuals making Freedom of Information requests pertaining to themselves. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained alphabetically by individual and organization contained in vault at IRS National Office.

Retrievability: By alphabet .

Safeguards: Access controls are in conformance with provisions of the physical and Document Security Handbook, IRM 1 (16) 41. No IRS official has access to these records except for retrieval purposes in connection with Congressional or Freedom of Information inquiries and litigation cases.

Retention and disposal: Records are being maintained solely for Congressional Committees at their request. When the Congressional Committees have completed their inquiries, the records will be destroyed except for those documents pertaining to pending litigation. Those records will be destroyed upon direction by the Court having jurisdiction over the documents.

System manager(s) and address: Assistant Commissioner (ACTS) National Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may address inquiries to the Assistant Commisssioner (ACTS) National Office. (See IRS Appendix A for location.)

Record access procedures: Individuals seeking access to any System of Records may inquire in accordance with the instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (ACTS), National Office. (See IRS Appendix A for location.)

In addition, this System may contain some records provided by other agencies which are exempt from the Access and Contest provisions of the Privacy Act as published in the Notices of the Systems of Records for those agencies.

Contesting record procedures: See Access above.

Record source categories: News media articles, taxpayers' returns and records, informant and third party information, other Federal agencies and examinations of related or other taxpayers.

Systems exempted from certain provisions of the act: Information from an exempt system of records duplicated in this system of records retains the exempt status.

Treasury/IRS 26.005

System name: File of Persons Making Threats of Force or Forcible Assaults, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have or may threaten or assault Collection activity personnel.

Categories of records in the system: Names, addresses, taxpayer identification number (if known), physical description (if known) of individuals.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name of individual.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: In accordance with records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.006

System name: Form 2209, Courtesy Investigations, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom a delinquent account or delinquency or other investigation is or was located in one IRS district office, but the individual is now living or has assets located in the jurisdiction of another IRS district office.

Categories of records in the system: Contains taxpayer name, current and former addresses, taxpayer identifying number, if known. Contains the information, including class of tax, if applicable, or information concerning the action desired to be taken, and chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.007

System name: Form 2990—Miscellaneous Investigations, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom an investigation has been initiated for purposes of securing information necessary for Federal Tax Administration purposes.

Categories of records in the system: Name and address of party that was contacted, taxpayer identifiction number, if known, chronological investigative history and/or information secured. The following types of investigations are included in this system. Form SSA-7010 cases—Notice of Determination of FICA Wages—Issued when SSA obtains evidence that wages paid to claimant have not been recorded on his earnings record. Requests for data needed in proof of claim cases. Applications for discharge of property from tax lien. Service of tax court subpoenas. Complaints of employers failing to provide withholding statements. Recovery of unassessable erroneous refunds. Form SSA-1273 cases—Request for Preferential Investigation: This is a request for preferential treatment (over other SSA cases) on an earnings discrepancy case. Secure application for exemption from self-employment tax. Offers in Compromise and related activities; i.e., follow-up on defaulted installments, secure payment on collateral agreements, etc. Maximize compliance with withholding requirements on aliens' earnings. Other miscellaneous uses.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is on paper records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook. IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determing if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

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Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.008

System name: IRS and Treasury Employee Delinquency, ACTS:C—Treasury/IRS.

System location: National Office, Regional Offices, District Offices and Service Centers, National Computer Center and Data Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS and Treasury employees who are shown on the Master file as delinquent in meeting Federal tax requirements.

Categories of records in the system: Taxpayer name, social security number, address, fact of IRS or Treasury employment code, District location code.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Assistant Commissioner (ACTS), Regional Commissioners, District Directors of Internal Revenue and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.009

System name: Lien Files (Open and Closed), ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal Tax Liens have been filed.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment including class of tax, period, dollar amount. Open and closed Federal tax liens including: Certificates of Discharge of Property from Federal Tax Lien; Certificates of Subordination; Certificates of Non-Attachment; Exercise of Government's Right of Redemption of Seized Property; Releases of Government's Right of Redemption.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: This system contains copies of public records, the originals of which are filed in accordance with the laws of each State, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States. See Notification above.

Contesting record procedures: See notification above.

Record source categories: Taxpayers' Federal Tax Returns.

Treasury/IRS 26.010

System name: Lists of Prospective Bidders at Internal Revenue Sales of Seized Property—ACTS:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have requested that they be notified of Internal Revenue sales of seized property.

Categories of records in the system: Name and address and phone number (if provided).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records. File cabinets.

Retrievability: By name of Prospective Bidder.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue determine if need for this system exists. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the District Director of Internal Revenue Service servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire inaccordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of Internal Revenue Service servicing the areas in which the individual resides.

Contesting record procedures: See Access above.

Record source categories: Supplied voluntarily by the subject prospective bidder.

Treasury/IRS 26.011

System name: Litigation Case Files, ACTS: C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made but against whom litigation has been initiated or is being considered by the government or who have instituted suits against the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, and dollar amount. This file includes: Suit to Reduce Tax Claim to Judgement; Suit for Failure to Honor a Levy; Suit to Enforce Federal Tax Lien; Suit Against Transferee; Suit to Set Aside Fraudulent Transfer; Suit to Recover Erroneous Refund; other suits include those which the United States may intervene to assert a Federal Tax Lien; a proceeding to require opening of a safe deposit box, etc. The following suits against the United States are also included in this file: Quiet Title Suit; Foreclosure of Mortgage or other Lien; Partition; Condemnation; Interpleader; Refund Suits Involving 100-Percent Penalty Assessments; Injunction Suits Under Freedom of Information Act. Also included in Litigation Files are: Individuals against whom bankruptcy proceedings are pending; decedent estates in probate with outstanding Federal tax liabilities; individuals executing Assignments for the Benefit of Creditors; individuals in Receivership Proceedings; individuals conducting a bulk sale; summons referrals; subpoena files; advisory opinions; revenue officer reports; and various other legal instruments and correspondence. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/26.012

System name: Offer in Compromise (OIC) File, ACTS: C—Treasury/IRS.

System location: District Offices, Service Center, Regional Offices, and National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have submitted an offer to compromise a liability imposed by the Internal Revenue Code.

Categories of records in the system: Form 2515, used to control offer cases, contains space for entering taxpayer name, address, taxpayer identification number, and all other pertinent information for identifying and assigning the OIC investigation. The file contains all records, documents, reports and work papers relating to the assignment, investigation, review and adjudication of the offer. This includes such items as the original offer, results of property records checks, interviews with third parties and the taxpayer, collateral income agreements, financial statements, tax return copies, and other information submitted by the taxpayer.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS), Officials maintaining the system (Regional Commissioners, Service Center Directors and District Directors of Internal Revenue). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

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Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported. If an offer is accepted, an abstract and statement which identifies the taxpayer, the liability, the amount compromised and the basic circumstances of the case is made available for public inspection in accordance with EO 10386 and EO 10906.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.013

System name: One Hundred Percent Penalty Cases, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom Federal tax assessments have been made or are being considered as a result of their being deemed responsible for payment of unpaid corporation withholding taxes and social security contributions.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, waiver extending the period for asserting the 100-percent penalty (if any) and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By individual or corporation name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS)), Officials maintaining the system (District Directors of Internal Revenue). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.014

System name: Record 21, Record of Seizure and Sale of Real Property. Acts:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom tax assessments have been made and whose real property was seized and sold to satisfy their tax liability. Also name and address of purchaser.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, property description.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of this System of Records evidences chain of title to real property and is a matter of public record. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS)), Officials maintaining the system (District Directors of Internal Revenue). (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may address inquiries to or appear in person at the office of District Director for each District whose records are to be searched.

Contesting record procedures: See Access above.

Record source categories: This System of Records evidences chain of title to real property and is a matter of public record. (See Category of Record above).

Treasury/IRS 26.015

System name: Records being maintained at the request of Congressional Committees. ACTS:C—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have previously been the subject of Collection case assignments and/or individuals who have been identified as potential tax delinquents. Includes Former Sensitive Case Files and various returns compliance files which are normally not retained.

Categories of records in the system: Names, addresses, taxpayer identification number, class of tax, period, location of levy sources (if known), other financial data (if known), dollar figures (if known), and correspondence (if any).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agences. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records will be destroyed when no longer required by Congressional Committees.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS)), Officials maintaining the system—Director, Collection Division; ARCs (ACTS); District Directors of Internal Revenue (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.016

System name: ACTS:C—TREASURY/IRS—Returns Compliance Programs (RCP).

System location: District Offices and Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who may be delinquent in filing or paying Federal taxes.

Categories of records in the system: Records consist of name, address, taxpayer identification number (if known) and information concerning the potential tax liability. Returns Compliance Programs involve any type of Federal tax administered by the Collection Division and are conducted in accordance with Section 7601 of the Internal Revenue Code. RCP programs can be initiated by the National Office, Regional Offices, or by individual districts. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner) (ACTS), Officials maintaining the system District Directors of Internal Revenue and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.017

System name: Seized Property Records, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose property has been seized for subsequent sale by IRS to satisfy tax liabilities.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, copy of Notice of Federal Tax Lien, information about basis of assessment, including class of tax, period, dollar amount, and Revenue Officer reports.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.018

System name: Tax Collection Waiver Form 900 Files, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers for whom tax assessments exist and for whom statutory collection period has been extended by waiver.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment based on TDA, including class of tax, period, etc.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforce-

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ment agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.019

System name: TDA (Taxpayer Delinquent Accounts), ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, chronological investigative history, etc. This system includes Part Payment Files; Large Dollar Reports; No Activity Reports; TDA Register; Uncollectable Accounts Register; Uncollectable Accounts Register (over 25,000); Advance Dated Remittance Check Files; Uncollectable Accounts Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is on paper records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue, Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes if determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.020

System name: TDI (Taxpayer Delinquency Investigation) Files, ACTS: C—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers believed to be delinquent in filing Federal tax returns.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information from previously filed returns, information about the potential delinquent return(s), including class of tax, chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is on paper records.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue, Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.021

System name: Transferee Files, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Includes taxpayers on whom tax assessments have been made but who have allegedly transferred their assets in order to place them beyond the reach of the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts. Also the name, address, taxpayer identification number and related information about transferee.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Record.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS). Officials maintaining the system, District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.022

System name: Delinquency Prevention Programs, ACTS:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers having a history of Federal tax delinquency.

Categories of records in the system: Taxpayer name, taxpayer identification number, address, filing requirements, chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinet.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in records disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 30.005

System name: Accident Investigation Files System Administration—Treasury/IRS.

System location: National Office, Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals involved in accidents involving either property damage of over 500.00 or any personal injury.

Categories of records in the system: Information consisting of injuries, damages, dollar estimate, causes and conditions of accidents, interviews and statements pertaining to IRS employees and private individuals involved in accidents which result in over 500.00 in property damage or personal injury to either party.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—National Office—file folders, Regional Offices—card file. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—National Office—records are stored in the Protective Programs Branch for a period of three years. They are then transferred to the Federal Records Center and destroyed seven years after case file year.

System manager(s) and address: National Office—Safety Management Officer, Protective Programs Branch, Regional Offices (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

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Record source categories: The information originates from the IRS Inspection Branch.

Treasury/IRS 30.002

System name: Employee Administrative Files, Tax Administration, Advisory Services Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the TAAS Division, both current and former.

Categories of records in the system: Overseas Employee Work Folders (active and inactive), Headquarters Staff Employee Work Folders (active and inactive), Official Passport and Control Card File, ID Cards (AID). Maintained for reference and administrative processing purposes; for selection and nomination for overseas assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By individual name.

Safeguards: Files are kept in a locked file or locked room with limited access by division employees.

Retention and disposal: Obsolete files are destroyed when further assignments with the division are considered unlikely. Passports are returned to State Department. ID's are returned to Agency for International Development.

System manager(s) and address: Director, Tax Administration Advisory Services Division, National Office (See IRS Appendix A).

Notification procedure: See system manager above.

Record access procedures: See system manager above.

Contesting record procedures: See system manager above.

Record source categories: From the individual, and from standard Personnel and other governmental administrative forms relating to the individual.

Treasury/IRS 30.001

System name: Personal Data on Official Contacts, Tax Administration Advisory Services Division—Treasury/IRS (See IRS Appendix A).

System location: National Office.

Categories of individuals covered by the system: Selected officials and work contacts in: IRS, AID, State Department; and other Government agencies; the Inter-America Center of Tax Administrators; foreign governments; international organizations; and educational institutions in the U.S.

Categories of records in the system: Locator Card Files of official contacts (5); Liason Listing of official training program contacts; biannual international tax advisors listing; TAAS advisors and National Office staff listing; bio-data sketches on individuals (IRS and others). Maintained for quick reference in order to locate and contact an individual, and to keep record of personal information for use in connection with official business.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By individual name.

Safeguards: Access limited to authorized persons.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Tax Administration Advisory Services Division, National Office (See IRS Appendix A).

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: From the individual, from the organization with which he is associated, or from other knowledgeable experts in the field of Tax Administration.

Treasury/IRS 30.003

System name: Requests for Printed Tax Materials Including Lists, Administration—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Files include those individuals and/or businesses that request various IRS printed materials such as Package X, TIRs, reproduction proofs, etc.

Categories of records in the system: Letter or order blank submitted by the individual and/or business and any related correspondence. A cross reference index may also be developed to identify and control requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—magnetic tapes, paper records or mailing plates. Retrievability—alphabetically or numerically. Safeguards—not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—names dropped as system is updated.

System manager(s) and address: Chief, Publishing Services Branch A:FM:P National Office, and Chief, Administration in Regional Offices, District Offices and Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Record source categories: The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

Treasury/IRS 30.004

System name: Security Violations, Administration—Treasury/IRS.

System location: Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Violators of IRS Security Regulations.

Categories of records in the system: Name of violator, circumstances of violation (date, time, actions of violator, etc), supervisory action taken.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folder (notices of violation); 3 x 5 inch card file. Retrievability—3 x 5 inch card file—name; lateral file cabinets, access by PPO staff only. Retention and disposal—3 x 5 inch card file—indefinite; file folder—3

years. On-site location: 3 x 5 inch card file—indefinite; file folder—3 years (1 year in PSS Office, 2 years in Records Holding area).

System manager(s) and address: Chief, Facilities Management Branch, Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Contract Guard Force.

Treasury/IRS 32.001

System name: Travel Expense Record, Administration—Treasury/IRS.

System location: National Office, Regional Offices and District Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: All IRS employees who have incurred travel or moving expenses in conjunction with official business.

Categories of records in the system: Records consist of travel advances, personal travel vouchers, household move vouchers, Forms W-2, schedule of disbursements, GAO decisions/rulings, Transportation Requests, Overdue Notices, Certification of Deposits, Government Bills of Lading & Form 2221, (Schedule of Collections). Records are for the purpose of maintaining accurate financial accounting of travel and moving expenses of employees.

Authority for maintenance of the system: GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Chapter 2, Sections 5 & 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—locked files. Retrievability—indexed in alphabetical order or assigned numerical sequence. Safeguards—access is restricted to designated Fiscal Management employees, to individuals concerned on a need-to-know basis, and to administrative offices through the authority of the Travel Management Supervisor. As required, IRS Internal Audit and Security has access to the files. Retention and Disposal—retired after 3 years to Federal Records Center; disposed in accordance with Records Retention Handbook.

System manager(s) and address: Chief, Fiscal Section, IRS National Office or Regional Office. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Information supplied by employees and by GAO as required.

Treasury/IRS 32.002.

System name: Payroll/Personnel System, Administration—Treasury/IRS. (See Related System Treasury/OS 00.054)

System location: IRS Data Center, National Office, Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Current and Former IRS Employees. IRS also processes payroll data relating to current or former employees of the Bureau of Alcohol, Tobacco and Firearms, Secret Service, Customs, and the Office of the Secretary of the Treasury (exchange stabilization fund). See information contained in notices published by Department of the Treasury constituent units whose payroll is serviced by this system.

Categories of records in the system: Data storage and file records system for processing payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, and minority group designator codes. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission, Treasury and IRS regulations.

Authority for maintenance of the system: 5 U.S.C. 301, 6 USC. (Chapter 1, Section 2), GAO Policy and Procedures manual for Guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission, Treasury and IRS regulations. Separations may be reported to State Unemployment Agencies. For additional routine uses see Appendix AA and routine uses published for system Treasury/OS 00.054.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—data files maintained on magnetic tape; folder records maintained in file cabinets. Retrievability—indexed by social security number or by name. Safeguards—access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—retired after 3 years to the Federal Records Center; disposed of after 56 years.

System manager(s) and address: Personnel Data: Director, Personnel Division, IRS National Office. Payroll Data: Fiscal Management Officer, IRS National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking information pertaining to these records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Administration), IRS National Office.

Record access procedures: Same as "notification" above.

Record source categories: Information is compiled from the existing master records, i.e. employees' official personnel folders. Information also provided by payroll coordinators and administrative officers.

Treasury/IRS 32.003

System name: Schedules of Collections and Schedules of Canceled Checks, Administration—Treasury/IRS.

System location: National Office and Regional Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: Employees of Internal Revenue Service.

Categories of records in the system: Checks received from employees in connection with jury duty and overpayments. System maintained to place all collections under security control promptly upon receipt and to record amount of deposit to general ledger control accounts.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records maintained in locked file cabinet. Retrievability—indexed by name. Safeguards—access controls are not less than provided for by the

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Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—records are maintained until transferred to the Federal Records Center to be retained in accordance with the Records Retention Manual.

System manager(s) and address: Chief, Fiscal Section, National Office or Regional Offices. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employees, District Directors, Regional Commissioners.

Treasury/IRS 32.004

System name: Scholarship Program Cost Record, Administration—Treasury/IRS.

System location: Regional Offices (See IRS Appendix A).

Categories of individuals covered by the system: Employees in the IRS Scholarship Program.

Categories of records in the system: Actual and estimated expenditure per student for purposes of monitoring and controling costs.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—in file cabinet. Retrievability—indexed by District (within District, individual recipients indexed by name). Safeguards—employees in the Budget and Reports Section have access to records. Retention and disposal—records maintained for 2 years and then disposed.

System manager(s) and address: Chief, Budget and Reports Section, Fiscal Management Branch, IRS Regional Offices. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Information provided by employees concerned.

Treasury/IRS 34.009

System name: Accident Reporting Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service and non-Federal employees.

Categories of records in the system: Information consists of conditions surrounding accident, injuries, and damages pertaining to Internal Revenue Service employees' accidents while on duty and non-Federal employees who suffered an accident on IRS space or who were employed through a temporary manpower agency.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders; card file. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-working hours. Retention and disposal—records are stored in the Protective Programs Branch for three years and are then transferred to the Federal Records Center. Records are destroyed seven years after case file year.

System manager(s) and address: For National Office—Safety Management Officer, Protective Programs Branch, Facilities Management Division, National Office. For Regional and District Offices—Chief, Facilities Management Branch, appropriate Regional or District office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name must be provided to ascertain whether or not the system has a record pertaining to the individual.

Record access procedures: Individuals may go to Internal Revenue Service Regional Office to gain information on procedures for gaining access to and contesting records of this system. The Regional Protective Programs Officer is the official to be contacted.

Contesting record procedures: See access above.

Record source categories: Information originates from the employee involved in the accident and his/her supervisor or the nonfederal employee involved and, sometimes, a witness or an accident investigation.

Treasury/IRS 34.010

System name: Damage and Injury Claims Files System—Treasury/IRS.

System location: National Office and Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees and private individuals acting as claimants against the Service. Private parties against which the Service has a claim.

Categories of records in the system: Claims consisting of information on dollar amounts of claims of property damage and personal injuries and estimated property damage related to the Federal Claims Collection Act, Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act of 1964, and the Small Claims Act.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—access to the records is restricted to official use of Internal Revenue Service employees. Records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—records are kept for three years and then are transferred to the Federal Records Center where they are destroyed seven years after the case file date.

System manager(s) and address: For National Office—Safety Management Officer, Protective Programs Branch, Facilities Management Division. For Regional Offices—Chief, Facilities Management Branch, appropriate Regional Office. (See IRS Appendix A).

Notification procedure: Same as for National Office above. Individual must submit the name of the party or individual involved in the claim to determine whether or not the system contains a record pertaining to the party or individual.

Record access procedures: Individuals may go to IRS Regional Office to gain information for procedures for gaining access and contesting records of this system. The Regional Protective Programs Officer is the official to be contacted.

Contesting record procedures: See Access above.

Record source categories: Information originates from private individuals, private parties, Internal Revenue Service employees, and Internal Revenue Service officials.

Treasury/IRS 34.011

System name: Driver Licensing Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service.

Categories of records in the system: Information consists of personal information on driving records relating to motor vehicle records of IRS drivers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—records are actively maintained as long as license is in effect.

System manager(s) and address: Chief, Facilities Management in the appropriate office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name of person must be submitted.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information originates from IRS motor vehicle drivers.

Treasury/IRS 34.001

System name: Economic Stabilization Program Closed Case Files—Treasury/IRS.

System location: National Office, Regional Offices, District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals acting as sole proprietorships or partnerships involved in any pursuit subject to the Economic Stabilization Program.

Categories of records in the system: Case files for the period 1971 through 1974 originating from the investigation of complaints alleging violation of the Stabilization program or in granting or denying of exception/exemption requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in servicing Federal Records Centers. Retrievability—indexed alphabetically by name. Safeguards—Federal Record Center security with access restricted to Internal Revenue Service employees. Retention and Disposal—to be destroyed in the years 1976 through 1979 (five years after the end of the case file year).

System manager(s) and address: Chief, Disclosure Staff, National Office; Regional Offices and District Offices. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Letters from the public, applications from individuals, investigative reports, disclosure statements, determination letters, legal appeals and notifications of decisions.

Treasury/IRS 34.002

System name: Economic Stabilization Program Special Correspondence Files—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Congressmen, government officials and private individuals.

Categories of records in the system: Congressional, public officials, and private individuals' correspondence pertaining to Stabilization activities for the period 1971 through 1974 which is not part of a case file.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in the Washington National Records Center. Retrievability—filed alphabetically by name. Safeguards—Federal Records Center security with access limited to Internal Revenue Service employees. Retention and Disposal—the records are to be transferred to the National Archives in 1979 as historical records.

System manager(s) and address: Chief, Disclosure Staff, National Office.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Queries for information, interpretations and rulings originating either from Congressmen, public officials or private individuals.

Treasury/IRS 34.012

System name: Emergency Preparedness Cadre Assignments and Alerting Rosters Files System—Treasury/IRS.

System location: National Office, Regional Offices, and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Key IRS, Treasury and FPA personnel.

Categories of records in the system: Cadre assignments—personal information on employees, i.e., name, address, phone number, family data, security clearance, relocation assignment, etc. Alerting rosters—current listing of individuals by name and title stating their work and home address and phone numbers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—individual forms and correspondence kept in file folders. Retrievability—cadre assignments are filed by relocation site and alerting rosters by title of list. Safeguards—records are kept in a secured office. Retention and disposal—records are kept as required by Records Disposition Handbook.

System manager(s) and address: For National Office—Chief, Protective Programs Branch, Facilities Management Division. For Regional Offices—Chief, Facilities Management Branch, Appropriate Region. For Service Centers—Director, Appropriate Service Center, Protective Programs Officer. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Provided by individuals themselves.

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Treasury/IRS 34.003

System name: Employee Accountability for Personal Property and Miscellaneous Items—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All Employees.

Categories of records in the system: Receipts for Government property and miscellaneous items issued to employees.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution of civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in locked filing cabinets. Retrievability—indexed alphabetically by name. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—receipts are destroyed upon return of property.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by individuals who receive property, such as credit cards, identification cards, pocket commissions, Government driver's licenses, keys, etc.

Treasury/IRS 34.004

System name: Executive Resources Information System—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: IRS Executives at GS-15 and above.

Categories of records in the system: A time-share computer data base containing biographical data, current job status, and position availability of IRS Executives.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to assist the Executive Resources Board to make selections for vacant executive positions. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on computer disk file. Retrievability—indexed by name. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—records maintained until employee leaves IRS at which time that record is deleted from the file.

System manager(s) and address: Executive Secretary, Executive Resources Board, National Office.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information supplied by IRS Executive and taken from SF 50's and SF 52's.

Treasury/IRS 34.013

System name: Identification Media Files System for Employees—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees having one or more items of identification.

Categories of records in the system: Records contain individual's name, home address, SSN, physical description, and other personal information and reports on loss, theft, or destruction of pocket commissions, enforcement badges and other forms of identification.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders; 3 x 5 inch card files. Retrievability—Indexed separately by name and Identification Media serial number. Access controls—access to the records is restricted to official use of Internal Revenue. The files are stored in locked security containers in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—the records are destroyed 3 years after last entry turn-in.

System manager(s) and address: Security Program Manager, Protective Programs Branch, Facilities Management Division, National Office.

Notification procedure: Individual's name, SSN, address and type of ID media, plus the approximate date that he/she was issued and/or turned in the particular item of identification, would have to be furnished the Service office that issued the item for them to be able to ascertain whether or not their system contains a record about the individual. (See IRS Appendix A).

Record access procedures: By writing or visiting applicable Service office.

Contesting record procedures: See Access above.

Record source categories: Information was furnished by each individual at the time they received the particular item of identification.

Treasury/IRS 34.014

System name: Motor Vehicle Registration and Entry Pass Files System—Treasury/IRS.

System location: Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals requiring continued access to the facility and parking area violators.

Categories of records in the system: Name of employee, registered owner of vehicle, branch, telephone, description of car, license number, employee's signature, name and expiration date of insurance, parking violations, decal number.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—records are kept in a secured container in a secured office. Retention and disposal—records are kept until obsolete.

System manager(s) and address: Protective Programs Officer, appropriate Service Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is supplied by individual except for parking violations information which is supplied by the security guard personnel.

Treasury/IRS 34.005

System name: Parking Space Application and Assignment—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees who apply for assignment of carpool or reserved parking spaces.

Categories of records in the system: Contains the name, grade, position title, organization, vehicle identification, arrival and departure time, and service computation date of individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members, for parking spaces.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on an 8-1/2 x 10 inch or other local form. Retrievability—indexed by name of individual or principal carpool applicant. Safeguards—records are maintained in a file cabinet in a locked room. Retention and Disposal—Records are maintained for a period of not more than one year. Previous years' records are destroyed after each parking review.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individuals applying for parking spaces.

Treasury/IRS 34.015

System name: Personnel Identification Files System for service centers—Treasury/IRS.

System location: Service centers. (See IRS Appendix A).

Categories of individuals covered by the system: Federal and non-Federal personnel working in or visiting a particular service center.

Categories of records in the system: Records contain individual's name, home address, SSN and other such personal information. Visitor registers contain names and addresses of all visitors to the facility. Restricted area registers contain the names of all persons who visited the particular restricted area. Forms file contains the name of individuals who have lost or forgotten their badge.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—5 x 8 inch card file; 8 x 11 inch sheets. Retrievability—indexed separately by name and serial number for cross reference purposes. Registers filed by date. Access controls—access to the records is restricted to official use of Internal Revenue Service. The files are kept in offices which are locked or guarded during non-work hours. Retention and disposal—the records are destroyed 3 years after last entry turn-in.

System manager(s) and address: Security Program Manager, Protective Programs Branch, Facilities Management Division, National Office.

Notification procedure: Individual's name, SSN and address, plus the inclusive date(s) that he/she visited or was assigned to a particular service center, would have to be furnished to a center for them to be able to ascertain whether or not their system contains a record about the individual. (See IRS Appendix A).

Record access procedures: By writing or visiting applicable service center.

Contesting record procedures: See Access above.

Record source categories: Information was furnished by each individual at the time he/she made application for a permanent or temporary badge to enter a center.

Treasury/IRS 34.006

System name: Property Pass for Government Property—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All individuals removing property from IRS space.

Categories of records in the system: Description of property and reason for removal.

Authority for maintenance of the system: FPMR (41 CFR) 101-19.108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on various sized forms. Retrievability—indexed by name. Safeguards—access controls will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—destroyed when property is returned.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Office, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individual requesting a property pass.

Treasury/IRS 34.007

System name: Record of Government Books of Transportation Requests—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees issued Transportation Requests.

Categories of records in the system: Form 496, alphabetical card record by name of the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on card file box or file cabinets. Retrievability—by name or serial number. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—retained and disposed in accordance with Records Disposition Handbook, IRM 1(15)59-301 (GRS-9).

System manager(s) and address: Administrative Officers, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Government Books of Transportation Requests and employees to whom Books were issued.

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Treasury/IRS 34.008

System name: St. Louis District Office and Other Selected Economic Stabilization Program Closed Case Files—Treasury/IRS.

System location: St. Louis Federal Records Center, 111 Winnebago Street, St. Louis, Mo. 63118.

Categories of individuals covered by the system: Individuals acting as sole proprietorships or partnerships involved in any pursuit subject to the Economic Stabilization Program.

Categories of records in the system: Case files for the period 1971 through 1974 originating from the investigation of complaints alleging violation of the Stabilization program or in granting or denying of exception/exemption requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in the St. Louis Federal Records Center. Retrievability—indexed alphabetically by name. Safeguards—Federal Records Center security with access limited to Internal Revenue Service employees. Retention and Disposal—the records are to be transferred to the National Archives in 1979 as historical records.

System manager(s) and address: Chief, Disclosure Staff, National Office.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Letters from the public, applications from individuals, investigative reports, disclosure statements, determination letters, legal appeals and notifications of decisions.

Treasury/IRS 34.016

System name: Security clearance files system—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service requiring a security clearance, having their security clearance cancelled or transferred and individuals who have violated IRS security regulations.

Categories of records in the system: Records contain individual's name, employing office, date of security clearance, level of clearance, reason for clearance, and any changes in such clearance. Security violations records contain name of violator, circumstance of violation and supervisory action taken.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide. information to agencies and individuals on a need-to-know basis to determine the current status of an individual's security clearance. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders; 3 x 5 inch card file. Retrievability—indexed by name. Access controls—stored in locked security container in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—correspondence files relating to administration and operation of the Personnel Security Clearance Program are disposed after 2 years. Personnel Security Clearance Status files maintained in security unit to show the security clearance status of individuals in the form of lists or rosters are disposed when superceded or obsolete.

System manager(s) and address: Security Program Manager, Protective Programs Branch, Facilities Management Division, National Office.

Notification procedure: Chief, Protective Programs Branch, Facilities Management Division, National Office. Full name, to include previous names used, date of birth and current status should be provided with inquiry.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by the employee, his/her supervisor or employee's personnel record. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, supervisor's reports, Internal Audit Reports, etc.

Treasury/IRS 36.001

System name: Appeals, Grievances and Complaints Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The IRS Data Center, (See Appendix A.).

Categories of individuals covered by the system: Applicants for Federal employment, current and former Federal employees, agencies, and annuitants who appeal a determination made by an official of an agency or the Civil Service Commission to the Civil Service Commission, a Board established to adjudicate appeals, or an agency.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to an agency about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7151, 7154, 7301, 7512, 7701, 8347, Executive Order 9830, 10577, 10987, 11222, 11478, 11491, and P.L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (a) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (b) To request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (d) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (e) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (f) These records may also be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (g) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (h) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on card files, flat paper, lists, forms, folders, binder, microfilm and microfiche, punch card, and tape.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: (a) EEO Discrimination Complaint Records—IRS EEO Officer, National Office; (b) all other records. Director, Personnel Division, National Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Admin.), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations). Individuals should provide their name, date of birth, agency in which employed, and the approximate date, and the kind of action taken by the agency when making inquiries about records.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, date of birth, POD, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures: See Access.

Record source categories: (a) Individual to whom the record pertains. (b) Agency and/or Commission officials. (c) Affidavits or statements from employee. (d) Testimonies of witnesses. (e) Official document relating to the appeal, grievance, or complaints. (f) Correspondence from specific organization or persons.

Treasury/IRS 36.002

System name: Employee Activity Records, Administration—Treasury/IRS.

System location: National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

Categories of individuals covered by the system: Current and former employees of the Internal Revenue Service.

Categories of records in the system: This system contains records and information relating to voluntary employee activities and functions which are not directly related to the mission of the IRS or any of its functional components. These records will contain the names of participants and such other information only to the extent that it is necessary for the operation of the activity.

Authority for maintenance of the system: Title 5, U.S.C., Section 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on flat paper, card files, lists, and in folders, and binders.

Retrievability: These records are indexed by the name of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is in conformance with existing CSC regulations.

Retention and disposal: indefinite.

System manager(s) and address: Supervisor of the organizational segment participating in the activity.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Contesting record procedures: See Access.

Record source categories: Information is derived only from the individual to whom the record pertains.

Treasury/IRS 36.003

System name: General Personnel Records (Official Personnel Folder and records related thereto), Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center, (See Appendix A.).

Categories of indlviduals covered by the system: Current IRS employees and those formerly employed by the IRS (death, resignation, retirement, and separation).

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letter of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

This system also consists of a variety of records containing information about an individual relating to position management actions; position classification actions; promotion records; evaluation records; clearance upon separation; suggestion files; financial and tax matters, incoming letters of complaint; employee and former employee locator information; jury duty records; participation in and implementation of special emphasis programs; Combined Federal Campaign records; Unemployment Compensation notices; outside employment statements; savings bond records; and correspondence files pertaining to any of the personnel information referred to in this notice.

The records within this system may also be contained in TR/IRS 32,002, payroll/personnel system.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an IRS employee or former IRS employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (d) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (e) To request information from a Federal, state, or local agency maintaining civil, criminal, or other

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relevant enforcement or other pertinent information, such as licenses. If necessary, obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (g) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (h) Information in these records is used or a record may be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (i) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations. (j) Routine disclosure may be made to hospitals and similar institutions or organizations involved in voluntary blood donation activites. (k) Routine disclosure may be made to educational institutions which are involved in the cooperative education program. (l) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, punched cards, flat paper, lists, card files, forms, folders, binders, microfilm and microfiche.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)-59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Admin.), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official; (See Appendix A.). Inquiries should include name, date of birth, social security number and POD.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: National Personnel Records Center, General Services Administration, 111 Winnebago St., St. Louis, Missouri 63118.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

Treasury/IRS 36.004

System name: Labor Management Relations Records, Administration—Treasury/IRS.

System location: National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

Categories of individuals covered by the system: Employees of the IRS, current and former, who hold or have held bargaining unit positions pursuant to any negotiated LMR agreement covering such individuals and all IRS officials who have participated in the implementation of the terms of such agreements.

Categories of records in the system: This system of records contains information held as a result of bilateral agreements entered into between the IRS and the exclusive representatives of employees. These records include, but are not limited to, lists of bargaining unit employees, lists of union stewards, records of time used by union stewards, records pertaining to dues withholding, records of training pursuant to the agreement, lists of members of EEO Committees, Labor Management Relations Committees, and Training Advisory Committees, records and minutes emanating from any of these committees, narrative recordation, correspondence and records relating to the preparation for and negotiation of agreements, and all other records relating to a negotiated agreement or emanating from any provision of a negotiated agreement.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (a) To respond to a request from a member of Congress regarding anything relating to any of our negotiated agreements. (b) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (c) To adjudicate any dispute arising from the interpretation of an existing agreement. (d) To resolve disputes before the proper authorities in the negotiation of an agreement. (e) To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. These records and information in the records may also be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on card files, flat paper, forms, lists, folders, and binders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: indefinite.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched; Service Center Directors for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioners for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; or other appropriate official. Individuals should provide their name, POD, the approximate date and the general nature of the record when making inquiries about records (See Appendix A.).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, and the POD in which currently or formerly employed.

Record source categories: (a) Individual to whom the record pertains. (b) Agency officials. (c) Affidavits or statements from employee. (d) Testimony of witnesses. (e) Official documents relating to the negotiated agreement. (f) Correspondence from specific organizations or persons.

Treasury/IRS 36.005

System name: Medical Records, Administration—Treasury/IRS.

System location: (1) Applicants and current IRS employees: National, Regional and District Offices, POD's, the National Computer Center and the Data Center (See Appendix A.). (2) Former IRS employees: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Records may also be maintained in the National Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center (See Appendix A.).

Categories of individuals covered by the system: (1) Applicants for IRS employment. (2) Applicants rejected on medical grounds. (3) Applicants for disability retirement under the Civil Service Retirement Law. (4) IRS employees. (5) Former IRS employees.

Categories of records in the system: (1) Applications for IRS employment containing information relating to an individual's medical qualifications to hold a position in the IRS. (2) Applications rejected on medical grounds. Information relating to an applicant's rejection for a position because of medical reasons. (3) Disability retirement records. Information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held. (4) Health unit medical records (Federal civilian employees). Information relating to an employee's participation in an occupational health services program. (5) Qualification examinations (Federal employees). Information relates to pre-employment, or periodic re-qualification medical examinations to assure that the incumbent are qualified (physically and mentally) to satisfactorily perform the duties of the position. (6) Fitness-for-duty examinations. Information relating to a medical examination to determine an individual's physical or mental condition with respect to ability to satisfactorily perform the duties of the position held. (7) Alcohol/drug patient information records. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Program. (8) Former IRS employees. Any of the categories of records enumerated above may be retained in a former IRS employee's Official Personnel Folder at the National Personnel Records Center, St. Louis, Missouri. (9) Injury Compensation Records. Information relating to on-the-job injuries of employees and former employees. (10) Records relating to the Blood Donor Program.

Authority for maintenance of the system: Medical Information relating to the Retirement, Life Insurance and Health Benefits Programs—5 USC, Chapters 83, 87 and 89. Information relating to physical and mental qualifications for Federal employment—5 USC 3301. Information relating to the Alcoholism and Drug Abuse Programs—Public Laws 91-616 and 92-255 which are amended in regard to confidentiality of patient records by Public Law 93-282. Information relating to the Occupational Health Program—Public Law 79-658 (5 USC 7901) as further defined in OMB Circular A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by: (a) Office of Workmen Compensation Programs. (b) Retired Military Pay Centers. (c) Veterans Administration. (d) Social Security Administration. (e) Specific Private contractors engaged in providing benefits under Federal contracts. (f) Civil Service Commission. Routine Disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information in these records is used or a record may also be used: (a) to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

(b) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as license, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(c) to provide information or disclosure to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

(d) Routine disclosure may be made to the public health service.

(e) Routine disclosure may be made to employees' private physicians where medical considerations or the content of medical records indicate that such release is appropriate.

(f) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, flat paper, lists, forms, folders, card files, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, date of birth, and/or claim number.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office; Director, Administrative Services Division, National Office and Regional Counsels. (See IRS Appendix A for Locations).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Location). Former employees should direct inquiries to: The National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access above.

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Record source categories: (1) The individual to whom the record pertains. (2) Private physicians. (3) Medical institutions. (4) Office of Workers' Compensation Programs. (5) Military Retired Pay Systems Records. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) General Accounting Office pay, leave allowance cards. (8) CSC Retirement, Life Insurance and Health Benefits Records System. (9) CSC Personnel Management Records System.

Treasury/IRS 36.006

System name: Personnel Investigation Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and the Data Center.

Categories of individuals covered by the system: Current and former applicants for employment in the IRS. Current and former IRS employees. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs. Individuals considered for assignment as representatives of the Federal Government in volunteer programs. Individuals who are neither applicants nor employees of the IRS, but are or were involved in Federal programs under a cooperative assignment or similar agreement. Individuals who are neither applicants nor employees of the IRS, but are or were involved in matters related to the Administration of the merit system.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, behavior, in the community where he or she lives; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, former employers, educational institution attended; and other information developed from the above.

Authority for maintenance of the system: Section 2, Civil Service Act of 1883—original authority, now codified in Title 5, U.S.C. Section 5.2, Civil Service Rule V. Section 1303 and 304, Title 5, U.S.C. Sections 8(b), 8(c) and 9(c), Executive Order 10450. Public Law 92-261 and Sections 713.216 and 713.220 of the Civil Service Regulations. Section 7701, Title 5, U.S.C. Code (formerly Section 14 of the Veterans Preference Act of 1944, as amended), and Executive Order. Sections 1501-1508 and 7324-7327 of Title 5, U.S. Code (formerly Section 12(b) of the Hatch Act). Section 2165 of Title 42, U.S. Code (formerly the National Aeronautics and Space Act, P.L. 85-568). Section 2585 of Title 22, U.S. Code (formerly P.L. 87-287). Section 1434 of Title 22, U.S. Code (formerly P.L. 80.402). In addition to the provisions cited above, there are various acts of Congress that contain implied authority for the Commission to investigate, such as laws prohibiting the purchase and sale of office, holding of two offices, conspiracy and other prohibitory statutes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: (a) To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. (b) To designated officers and employees of other agencies and departments of the Federal Government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, loyalty to the United States Government, or access to classified information or restricted areas. (c) To designated officers and employees of other agencies and departments of the Federal Government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement. (d) To any agency of the Federal Government having oversight or review authority with regard to IRS activities. (e) To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation. (f) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on matters.

Routine disclosure of information contained in this system of records may also be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the systems of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local, or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties. These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in card files, lists, flat paper, forms, folders, microfilm and microfiche, punch card, and tape.

Retrievability: Records are indexed by name, alphabetically.

Safeguards: Access Controls will be not less then provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office, (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; or other appropriate official. (See IRS Appendix A for Locations). The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Portions of this system of records may not be accessed for purposes of inspection or for contest of content of records, in accordance with various exemptions authorized by the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Information contained in the system was obtained from the following categories of sources: Applications and other personnel and security forms furnished by the individual; Investigative material furnished by other federal agencies, Notices of personnel actions furnished by other Federal agencies; By personal investigation or written inquiry from sources such as; Employers, Schools, References, Neighbors, Associates, Police Departments, Courts, Credit Bureau, Medical Records, Probation Officials, Prison Officials; Newspaper, magazines, periodicals, and other publications, Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 36.008

System name: Recruiting, Examining and Placement Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, The National Computer Center and The Data Center, (See Appendix A.).

Categories of individuals covered by the system: Persons who have applied for IRS employment or are employed in the IRS.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference, birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal Service. Records may also contain information relating to eligibility for or participation in special emphasis placement and recruiting program; placement follow-up; and employee turnover. Records may also be correspondence pertaining to any of the personnel information referred to in this notice.

Authority for maintenance of the system: Title 5 U.S.C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (3) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (4) Information in these records is used or a record may be used: (a) to refer applicants to officials of Federal government agencies for purposes of consideration for placement in positions for which an applicant has applied and is qualified. (b) to refer applicants to state and local governments with permission of an applicant for the purpose of employment consideration. (c) to refer current IRS employees to Federal agencies for consideration for transfer, reassignment, and promotion. (d) to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule. (e) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (f) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (5) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, card files, lists, flat paper, microfilm, microfiche, forms and folders.

Retrievability: Records are indexed by name, combination of birth date, special security account number, and an identification number that is applicable.

Safeguards: "Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41." This is in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15) 59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Admin), National Office; or other appropriate official. (See Appendix A.). Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and title of examination or announcement with which concerned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official as listed above. This system of records may not be accessed for purposes of inspection or for contest of content of Treasury Forms 4825 (Evaluation of Candidates for Initial Executive Placement) and Treasury Form 4245 (Report of Managerial Potential) prepared prior to September 27, 1975.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualification; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 36.007

System name: Personnel Research and Test Validation Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The IRS Data Center, (See Appendix A.).

Categories of individuals covered by the system: IRS employees; applicants for IRS employment.

Categories of records in the system: These records include education and employment history, test scores, responses to test items and questionnaires, interview and ratings of supervisors regarding the individuals to whom the records pertain.

Authority for maintenance of the system: Title 5, U.S. Code Sec. 3301, Sec. 1303.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use includes the exchange of personnel records between the Civil Service Commission and the IRS for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personnel decisions are made in the use of these research records. Personal information in this system of records is used by the personnel research staff in the IRS or the Civil Service Commission. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies.

These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. These records may be also used: To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, state, or local charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. For additional uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records may be maintained on magnetic tape, discs, punch cards, flat paper, lists, card files, forms, folders, microfilm and microfiche.

Retrievability: Records are maintained by project. Personal information can be retrieved by name or personal identifier only for certain research projects such as those that involve longitudinal studies. Confidential and/or protected information such as ratings and test materials will not be disclosed.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched: Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; or other appropriate official. (See Appendix A.). Individuals should provide their name, social security number, POD, approximate date and general nature of record involved.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, social security number, POD approximate date and general nature of record involved.

Contesting record procedures: See Access.

Record source categories: Individual Federal, state or local employees or applicants, supervisors, assessment center assessors or data from agency or Commission personnel files and records.

Treasury/IRS 36.009

System name: Retirement, Life Insurance and Health Benefits Records System, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center, and the IRS Data Center, (See Appendix A.). For former employees: Records Division, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Boyers, Pennsylvania.

Categories of individuals covered by the system: (1) IRS employees who are covered by the Civil Service Retirement System. (2) IRS employees who have either declined or are covered by the Federal Employees' Group Life Insurance Program or the Federal Employees Health Benefits Program.

Categories of records in the system: (1) Documentation of Federal service creditable under the Civil Service Retirement System. (2) Documentation of coverage or declination of coverage under the Federal Employees' Group Life Insurance Program, and the Federal Employees Health Benefits Program. (3) Documentation of claim for refund or for annuity benefits under Civil Service Retirement System. (4) Documentation of claim for survivor annuity or death benefits under Civil Service Retirement System. (5) Medical records supporting claims for disability retirement under the Civil Service Retirement System. (6) Designations of beneficiary for benefits payable under the Civil Service Retirement System or the Federal Employees' Group Life Insurance Program. (7) All other information necessary to enable offices to recruit annuitants for short term assignments and to send them requested publications.

Authority for maintenance of the system: Chapters 83, 87, and 89 of Title 5, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system is used to determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (2) Information in this systems is used to determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (3) Information in this system is used to transfer to Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system. (4) Information in this system is used to transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. (5) Information in this system is used to transfer information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program. (6) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (7) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (8) Information in this system is used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) Information in this system is used to request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant or other benefit. (10) Information in this system is used to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (11) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (12) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, forms, flat paper, card files, lists, folders, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, birth date, and by annuity or death claim number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office, Director, Administrative Services Division, National Office and Regional Counsels (See IRS Appendix A for Locations.).

Notification procedure: (1) Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations.) (2) If the individual is retired from Federal service he should direct inquiries to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 H. Street, N.W., Washington, D.C. 20415. (3) If the individual is not retired, but has been separated from Federal service, he should direct inquiries to: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, claim number, if assigned, and the POD in which currently or formerly employed.

Record source categories: The information in this system is obtained from the following sources: (1) The individual whom the information is about. (2) GAO Pay, Leave and Allowance Records System. (3) CSC Personnel Management Records System. (4) GSA National Personnel Records Center. (5) CSC Medical Records System. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) Military retired pay system records. (8) Office of Workers' Compensation Programs. (9) Veterans Administration Pension Benefits Programs. (10) Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.

Treasury/IRS 38.001

System name: General Training Records, Administration—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers (See Appendix A.).

Categories of individuals covered by the system: IRS employees who have participated (students, instructors, program managers, etc.) in training activities. Other Federal or non-Government individuals who have assisted (instructors, course developers, or interpreters) for training programs.

Categories of records in the system: Variety of records containing information about an individual related to training; such as: course rosters, student registrations, nomination forms, course evaluations, instructor lists, individual development plans, counseling records, examination materials, payment records, and other recordations of training necessary for reporting and evaluative purposes.

Authority for maintenance of the system: Chapter 41, Title 5 USC; EO 11348; and FPM 410.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system may be made available to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records may be maintained on computer tapes, index cards, forms, or flat paper.

Retrievability: Computer records are indexed by social security account numbers; other records by name or course title.

Safeguards: Computer records available only to CSC and System Manager; other records restricted to employees directly involved with training function.

Retention and disposal: All records are disposed of in accordance with established retention schedules. 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Training Division, National Office; Chief, Training Branches, Regional and District Offices, and Service Centers (See Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched, see System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested, see System Manager.

Contesting record procedures: See Access.

Record source categories: Information taken from participants' registration forms, and other input documents (e.g., Form 5061, Reporting Training and Obligating Funds; and Form 5092, Individual Training Record).

Treasury/IRS 42.001

System name: Audit Administrative File—Treasury/IRS

System location: Jurisdictional District Office where the individual resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Any taxpayer who is being considered for examination or is being examined for tax determination purposes, i.e., income, estate and gift, excise or employment tax liability.

Categories of records in the system: Records containing investigatory materials required in making a tax determination or other verification in the administration of tax laws and all other related sub-files directly related to the processing of the tax case. This system also includes other management material related to a case and used for tax administrative purposes including the appeals process.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number and employer identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1 (16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, Officials maintaining the system—Director of jurisdictional District Office (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) taxpayer's return. (2) taxpayer's books and records. (3) Informants and third party information. (4) city, state governments. (5) other federal agencies. (6) examinations

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of related taxpayers. (7) examinations of other taxpayers. (8) taxpayer's representative.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.025

System name: Appraisal and Valuation Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose examinations warrant an appraisal or valuation of real estate, stock, fees, or any other commodity or service which does not have a readily ascertainable value.

Categories of records in the system: Listing of individuals, items valued or appraised, date of valuation or appraisal, and other descriptive matter such as the name of the corporation with regards to stock and a description of the location in terms of real estate.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, file cabinets.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) outside engineer valuation; (2) outside fee appraisers; (3) taxpayer's returns; (4) taxpayer's books and records; (5) taxpayer's representative; (6) trade journals and publications; (7) public records.

Treasury/IRS 42.008

System name: Audit Information Management System (AIMS)—Treasury/IRS.

System location: As originally published, this system was piloted in the Atlanta Service Center and the five Districts served by that center. The five Districts are Atlanta, Columbia, Jacksonville, Birmingham and Jackson. As the pilot has proven successful, nationwide implementation is scheduled October 12, 1976 (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose tax returns are under the jurisdiction of the Audit Division; Examining Officer.

Categories of records in the system: Tax return information from the Master File, Tax return status and location changes, Audit Closing information on examined and non-examined tax returns, examining officer's name including related internal management information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer; Microfilm; Paper.

Retrievability: Social Security number, taxpayer's name, examining officer's name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Computer: Agreed cases are eliminated from data base 90 days after case is closed from Audit; unagreed cases are eliminated from data base after tax liability is agreed to. "A" Register Microfilm: 6 years or earlier. Examination Record Forms 1247 (including temporary and interim processing files for management and control purposes): 6 years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. Officials maintaining the system—Each jurisdictional (taxpayer's place of residence) District Director; Each jurisdictional (the Service Center where taxpayer's tax return was filed) IRS Service Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory materials compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.016

System name: Classification and Audit Selection Files—Treasury/IRS

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals whose returns are classified for audit.

Categories of records in the system: Listing of individuals or returns and sub-files consisting of financial information and other information considered in classification and selection of an individual's return for examination—individual's request for audit, missing return information, change in accounting method or period, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to

other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, computer printouts.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: until information is associated with return.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Tax returns, (2) Requests from taxpayer, (3) Requests from Collection Division for prompt examination.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.021

System name: Compliance Programs and Projects Files—Treasury/IRS.

System location: Initiated and maintained in National Office, Regional Offices, or jurisdictional District where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be involved in tax evasion schemes or areas of non-compliance grouped by industry, occupation or financial transactions, i.e., return preparers, political contributions, corporate kickbacks.

Categories of records in the system: Records pertaining to individuals in project, such as Joint Compliance.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.024

System name: Coordinated Examinations of Large Cases Program—Treasury/IRS.

System location: Jurisdictional District Office where taxpayer resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayer whose tax audit is identified as a large case examination.

Categories of records in the system: Alphabetic listing of taxpayers and all other related files including those used for management purposes.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

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Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Taxpayer's returns. (2) Annual reports. (3) Corporate minutes. (4) Large case proposed change in key district. (5) Published documents.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.005

System name: Correspondence Files—Treasury/IRS.

System location: Director, Audit Division, National Office (See IRS Appendix A).

Categories of individuals covered by the system: (1) Taxpayers corresponding with the National Office Audit Division, either directly or through Congressmen or other elected governmental officials. (2) Congressmen and other elected government officials corresponding with IRS on Audit matters.

Categories of records in the system: This system consists of incoming letters, Field reports which are requested when necessary, copies of responses and other materials incidental to the correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in folders, filed alphabetically and kept in filing cabinets.

Retrievability: By name of individual who initiated the correspondence. Taxpayer correspondence is retrievable by taxpayers name. General inquiries from congressmen or other elected officials are retrievable by name of correspondent.

Safeguards: Filing cabinets are kept in rooms which are locked except when occupied by authorized personnel.

Retention and disposal: Retained 3 years and then destroyed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. (See IRS Appendix A). Official maintaining the system—Director, Audit Division, National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Director, Audit Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Director, Audit Division, National Office.

Contesting record procedures: See Access above.

Record source categories: Materials in the System are provided by: (1) The individual to whom they pertain. (2) Field Offices which provide information pertaining to the taxpayers correspondence. (3) Limited information is sometimes provided by correspondents writing in behalf of a taxpayer.

Treasury/IRS 42.002

System name: Correspondence Files, Audit—Treasury/IRS

System location: Regional and District Offices throughout the U.S. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Taxpayers, practitioners and general members of the public corresponding with IRS offices on audit matters. (2) Congressmen and other elected government officials corresponding with IRS offices on audit matters.

Categories of records in the system: Incoming letters, copies of reports and other materials necessary to respond to correspondent's inquiries or requests, and copies of responses.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301-6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are generally maintained in file folders.

Retrievability: By taxpayer's or correspondent's name.

Safeguards: Records are stored in lockable metal file cabinets or desks and located in secured rooms with access limited to authorized personnel.

Retention and disposal: Retention and disposal, No uniform period of time has been established on a National basis. Some Regional and District offices have established guidelines for retention for one to three years after which they are destroyed. Others retain them indefinitely.

System manager(s) and address: Regional Commissioners and/or District Directors. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Materials in the system are provided by: (1) The taxpayer, practitioner or other person corresponding with IRS. (2) IRS reports containing information necessary for a response.

Treasury/IRS 42.027

System name: Data on Foreign Corporations—Treasury/IRS.

System location: IRS Data Center, Detroit, Michigan; National Office Audit Division, Washington, D.C.; District Offices; Regional Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals required to file Form 959, United States Information Return with Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its stock.

Categories of records in the system: Names of individuals filing on foreign holdings.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in Data Center; Paper at other listed locations.

Retrievability: By individual name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Three years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. Officials maintaining the system—District Directors; Regional Commissioners; Director, Audit Division, National Office; Director, Data Center, Detroit, Michigan. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the System of Records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Form 959 only.

Treasury/IRS 42.006

System name: Expropriation of Property by Cuban Government.—Treasury/IRS.

System location: Director, Audit Division, National Office (See IRS Appendix A).

Categories of individuals covered by the system: Owners of property expropriated by the Cuban Government during the period 1959-1964.

Categories of records in the system: Names of owners and brief descriptions of property used to verify losses claimed for expropriation of property.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of this System of Records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper materials stored in file folders.

Retrievability: Indexed by name of individual owner.

Safeguards: Records are maintained in open shelves in an office which is locked during non-office hours.

Retention and disposal: No guidelines have been established, but records are expected to be retained until they have served their purpose and then destroyed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division National Office. Official maintaining the system—Director, Audit Division, National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Audit Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Audit Division, National Office.

Contesting record procedures: See Access above.

Record source categories: Gaceta Oficial de la Republica de Cuba (Official Gazette of the Republic of Cuba), a public information publication of the Cuban government in which various official actions of the government are recorded.

Treasury/IRS 42.020

System name: Highway Use Tax Audit Program—Treasury/IRS

System location: Internal Revenue Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers owning trucks that are liable for tax.

Categories of records in the system: List of registered trucks and truck owners.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: magnetic tape and computer printout.

Retrievability: By taxpayer's name, social security number, and employer's identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until tax year examined is completed and then shredded.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Service Center Directors (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Service Center where individual has filed tax returns.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of Service Center where individual has filed tax returns. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: R.L. Polk Company, Detroit Mich.

Treasury/IRS 42.028

System name: Identity of Taxpayers Using ADP Accounting Records and the Evaluation Thereof—Treasury/IRS.

System location: Regional and District Offices; National Office, Audit Division, Washington, D.C. (See IRS Appendix A.)

Categories of individuals covered by the system: Any taxpayer who uses a computer to process accounting records and taxpayers for which an ADP record retention evaluation has been made.

Categories of records in the system: Name of taxpayer and a description of the types of machine-sensible records the taxpayer has agreed to retain, the retention period and any other related provisions relating to these records. (These records usually pertain to corporations.)

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with

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request for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By Taxpayer's Name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Identification Retention: Information is periodically updated.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. Officials maintaining the system—Jurisdictional District Directors (place of taxpayers residence). (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director that made the evaluation or the taxpayers current jurisdiction (place of residence) District Director.

Record access procedures: Individuals seeking access to any record contained in the System of Records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director that made the evaluation or the taxpayers current jurisdiction (place of residence) District Director.

Contesting record procedures: See Access above.

Record source categories: Examining Officers; commercial listing of ADP users; The evaluator and taxpayer during an ADP record retention evaluation.

Treasury/IRS 42.014

System name: Internal Revenue Service employees' returns Control Files—Treasury/IRS.

System location: District Office where individual is employed. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual who is employed by the Internal Revenue Service.

Categories of records in the system: Alphabetic listing of employee, income tax return information including prior audit results and other tax related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: employee's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: updated periodically and retained as long as individual is employed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of District or office where individual is employed. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employee's tax return.

Treasury/IRS 42.017

System name: International Enforcement Program Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual having substantial foreign business activities.

Categories of records in the system: Listing of individual, summary of income expenses, financial information as to foreign operations, acquisition of foreign stock, controlling interest of a foreign corporation, organization or reorganization of foreign corporation, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, micro-film, magnetic tape.

Retrievability: Individual's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) European treaty countries, (2) Individual's tax returns, (3) Examination of related taxpayers, (4) Public sources of information.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.018

System name: Married Taxpayers Filing Separately File—Treasury/IRS.

System location: Jurisdictional Service Center.

Categories of individuals covered by the system: Married individuals who file separate income tax returns.

Categories of records in the system: Listing identifying each married individual filing separately.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout and magnetic tape.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposal of after returns are matched.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division; Officials maintaining the system—Service Center Directors.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Service Center where the individual filed tax returns.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Information obtained from taxpayer's return.

Treasury/IRS 42.015

System name: Open and Closed Narcotics Traffickers Files—Treasury/IRS.

System location: Maintained in jurisdictional District Office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayer suspected of being involved as a middle or upper echelon narcotics trafficker and whose return has been or will be examined.

Categories of records in the system: Prior audit results, tax related information indicating a possible need for audit action.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional district. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.013

System name: Project Files for the Uniform Application of laws as a result of technical determinations and court decisions. Treasury/IRS.

System location: Jurisdictional district office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals grouped as to project, i.e., individual shareholders of a corporation where a determination having a tax effect has been made.

Categories of records in the system: Listing of individuals and their income tax information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until project is completed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at

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31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Shareholder records. (2) Individual's tax return. (3) Examination of related taxpayer.

Treasury/IRS 42.023

System name: Request and Submittal File for Technical Advice, Assistance, Determination or Coordination—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individual whose return contains questioned or unprecedented technical areas.

Categories of records in the system: Narrative fully explaining or interpreting the technical area in question.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Revenue agent who examined taxpayer's return. (2) Taxpayer who is not being examined or is initiating a request while under examination. (3) Taxpayer's representative.

Treasury/IRS 42.019

System name: Runaway Parents List—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Parents who have deserted families on public assistance.

Categories of records in the system: Identity and financial support information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to Health, Education and Welfare to administer the Runaway Parent Act; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: magnetic tape and computer printout.

Retrievability: by name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until tax year examined is completed and then shredded.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Service Center Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center where records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Information obtained from state governments.

Treasury/IRS 42.009

System name: Strike Force—Treasury/IRS.

System location: Jurisdictional District Office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Files on subject under examination, potential subjects and related taxpayers.

Categories of records in the system: Audit records of current and prior examinations of individuals suspected of being involved in illegal activity such as organized crime, information from other sources and agencies and other investigative material.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security numbers.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records is exempt under the Privacy Act and may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.003

System name: System for Controlling Returns in Inventory and Production Data (SCRIP)—Treasury/IRS.

System location: This system is composed of files located as follows: "A" Register Microfilm: Each jurisdictional District Office (taxpayer's place of residence); each jurisdictional IRS Service Center (where taxpayer's tax return was filed); Examination Record Form 1247 (including temporary and interim processing files for management and control purposes): Each jurisdictional District (taxpayer's place of residence) Office; each jurisdictional IRS Service Center. (Where taxpayer's tax return was filed). (See IRS Appendix A). This system is being phased out of existence concurrently with the implementation of the Audit Information System (AIMS).

Categories of individuals covered by the system: Taxpayers whose tax returns are or have been under the jurisdiction of the Audit Division; Examining Officer.

Categories of records in the system: Tax return information from the Master File, prior Audit history from the master file, tax return status and location changes; Audit closing information on examined and non-examined tax returns; Examining Officer name and related internal management information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advise. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: "A" Register Microfilm. Microfilm Examination Record Forms 1247 (including temporary and interim processing files for management and control purposes). Paper.

Retrievability: "A" Register Microfilm. By taxpayer's name. Examination Forms 1247 (including temporary and interim processing files for management and control purposes). By taxpayer's name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: "A" Register Microfilm: 6 years or earlier. Forms 1247 (including temporary and interim processing files for management and control purposes): 6 years or earlier.

System manager(s) and address: Official Prescribing Policies and Practice: Director, Audit Division National Office; Official maintaining the System: "A" Register Microfilm: Each jurisdictional District Director (taxpayer's place of residence); each jurisdictional IRS Service Center Director (where taxpayer's tax return was filed); Examination Record Forms 1247: (including temporary and interim processing files for management and control purposes); Each jurisdictional District Director (taxpayer's place of residence); each jurisdictional IRS Service Center Director (where taxpayer's tax return was filed). (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose Sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.012

System name: Tax Shelter Program Files—Treasury/IRS.

System location: National, Regional, and jurisdictional District offices (not necessarily carried out in every district). (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be abusing the tax laws through the use of tax shelters.

Categories of records in the system: Tax information relating to the tax shelter for use in determining abuses of tax laws.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until individual projects are completed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Individual's tax return. (2) Related taxpayer's.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

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Treasury/IRS 44.003

System name: Appellate Division Case Data Source Document, Form 3564—Treasury/IRS.

System location: Director, Appellate Division, National Office; Appellate branch office. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Provides case and work unit control data and printouts.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape.

Retrievability: By taxpayer's name.

Safeguards: IRS personnel on need to know basis.

Retention and disposal: Generally, six years after case is closed but earlier if no longer needed.

System manager(s) and address: Director, Appellate Division, National Office; Assistant Regional Commissioners (Appellate). (See IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Record clerks and Appellate Conferees.

Treasury/IRS 44.001

System name: Appellate Case Files—Treasury/IRS.

System location: Director, Appellate Division, National Office; Assistant Regional Commissioners (Appellate). (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Tax returns, Revenue Agents' Reports, case correspondence, legal opinions and Appellate closing actions.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinets.

Retrievability: Name of taxpayer.

Safeguards: Locked file cabinets, locked doors, need to know.

Retention and disposal: Some retained until action on assignment is completed. Some six-year retention period on closed case file unless needed for reference, or when determined no longer needed, whichever is earlier. Disposal by shredding.

System manager(s) and address: Director, Appellate Division, National Office; Assistant Regional Commissioners (Appellate). (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to the individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 44.002

System name: Appellate Conferee Inventory and Unit Time Report, Form 2568—Treasury/IRS.

System location: Appellate branch office. (See IRS Appendix A.)

Categories of individuals covered by the system: Appellate Conferee.

Categories of records in the system: Records time spent on assignments and determines cumulative time on open and closed work units.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By conferee name.

Safeguards: IRS personnel on need to know basis.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Chief, Appellate Office (see IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Appellate Conferees.

Treasury/IRS 46.001

System name: Alphabetical Name File and Index, Intelligence Division—Treasury/IRS.

System location: National Office, District Offices, Regional Offices, Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: (a) informants; (b) subjects of information items; (c) subjects of intelligence investigations; (d) subjects of special interest to the Justice Department; (e) racketeers and associates; (f) subjects of field queries; and (g) foreign bank account holders.

Categories of records in the system: Index cards and folders containing identifying details; Letters; Memoranda.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinets.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As per Record Control Schedules Numbers 5 and 207.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Regional Commissioners, District Directors, Service Center Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain Provisions of the Privacy Act.

Treasury/IRS 46.002

System name: Case Management and Time Reporting System, Intelligence Division—Treasury/IRS.

System location: National, Regional, and District Offices, Data Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of Intelligence Division Investigations, Special Agents, and U.S. District Court Judges.

Categories of records in the system: Personal and financial information developed in open and closed criminal tax investigations, including schedules, listings, memorandums, reports, news articles, inventory controls, income tax returns, assessment records, summaries of case activities, time reports, collateral investigation reports and workpapers, court actions, analyses of sentencing practices, and related materials.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in binders; Magnetic tape; Computer printouts.

Retrievability: Name and Case Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; Director, Intelligence Division; Director, Data Center. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.003

System name: Confidential Informants, Intelligence Division—Treasury/IRS.

System location: District Offices, National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Confidential Informants; Subjects of Confidential Informant's Reports.

Categories of records in the system: Memorandums, Index Cards, Related Data.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.004

System name: Controlled Accounts—Open and Closed, Intelligence Division TC 910/TC 914—Treasury/IRS.

System location: Service Centers, Computer Center, District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects and potential subjects of criminal tax investigation.

Categories of records in the system: Intelligence Information and Control Notices; Lists of names and related data; Lists of action taken; Transcripts of account.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103

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where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper.

Retrievability: By name or Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper destroyed after 1 year. Magnetic tape erased after 3 months.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, Computer Center Director. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Contesting record procedures: See Access above.

Record source categories: District Office Personnel; Service Center Personnel.

Treasury/IRS 46.005

System name: Electronic Surveillance File, Intelligence Division—Treasury/IRS.

System location: National Office (see IRS Appendix A).

Categories of individuals covered by the system: Subjects of electronic surveillance. Individuals who have been subjects of queries by other agencies.

Categories of records in the system: Information relating to conduct of electronic surveillance.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Names, addresses, and telephone numbers.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Permanent; None authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Director, Intelligence Division. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.008

System name: Treasury/IRS Intelligence Division, Information and Correspondence Files, Intelligence Division—Treasury/IRS.

System location: National Office, District Offices, Regional Offices, Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of correspondence which has been referred to or processed by the Intelligence Division. Other individuals of interest to, or who have had contact with, the Intelligence Division. Individuals potentially dangerous to Service personnel. Service personnel who have been threatened or who have provided armed escort.

Categories of records in the system: Correspondence to and from other agencies and individuals. Reports; Identifying data; Fiduciary reports.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and microfilm.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—District Directors, Service Center Directors, Regional Commissioners. Officials maintaining the system—Same. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.006

System name: Information Gathering and Retrieval System, Intelligence Division—Treasury/IRS.

System location: District Offices, Data Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Potential subjects of criminal tax investigations. Associates of subjects.

Categories of records in the system: Financial records, newspaper articles, reports from other agencies, and similar leads, and photographs.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Discontinued January 22, 1975. Destruction when authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Director, Data Center. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.007

System name: Information Indexing System, Intelligence Division—Treasury/IRS.

System location: District Offices, Data Center, and Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Potential subjects of criminal tax investigations.

Categories of records in the system: Financial records, newspaper articles, reports from other agencies, and similar leads.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper shredded after use. Magnetic Tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, Data Center Director. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.009

System name: Information Items, Intelligence Division—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers about whom the Internal Revenue Service has received information alleging a violation of laws within IRS jurisdiction.

Categories of records in the system: Copies of income tax returns, special agent's reports, revenue agent's reports, reports from police and other investigative agencies, memorandum of interview, question-and-answer statements, affidavits, collateral request and replies, information items, newspaper and magazine articles and other published data, financial information from public records, case initiating documents and other similar and related documents.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Tape, paper, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper—shredded after use. Microfilm—destroyed after 5 years. Magnetic tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Service Center Directors, District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.010

System name: Joint Compliance Program, Intelligence Division—Treasury/IRS.

System location: District Offices; Service Centers; Regional Offices; National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers in general.

Categories of records in the system: Tax returns, public records, lists of names, occupational listings, newspaper articles, trade journals, correspondence from other agencies and the public, and other similar and related data.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors; Service Center Directors; Regional Commissioners; Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.011

System name: Land Trust Files, Intelligence Division—Treasury/IRS.

System location: District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Beneficiaries of Land Trusts, Related individuals.

Categories of records in the system: Notices of Fiduciary Relationships. Related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Intelligence Division, National Office. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Intelligence Division, National Office. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Financial institutions, Fiduciary reports, Notices of Fiduciary Relationships.

Treasury/IRS 46.012

System name: National Register, Intelligence Division—Treasury/IRS.

System location: National Office, Data Center. (See IRS Appendix A).

Categories of individuals covered by the system: Subjects of open investigations and potential Special Enforcement Program subjects.

Categories of records in the system: Identifying details of subjects.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine disclosures may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic tape.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: This system was discontinued May 1, 1975. Destruction when authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Director, Intelligence Division; Director, Data Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.013

System name: Project Files, Intelligence Division—Treasury/IRS.

System location: National, Regional and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Potential subjects of criminal tax investigations.

Categories of records in the system: Tax returns, master file data, Court records, Congressional reports, reports from other agencies, reports from Special Prosecutor, project reports, statistical data, other personal and financial information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name and Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; and Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.014

System name: Project Personnel, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents.

Categories of records in the system: Financial, documentary, memorandums and reports.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite retention.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office, Officials maintaining the system, Director, Intelligence Division, National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

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Treasury/IRS 46.015

System name: Relocated Witnesses, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Relocated Witnesses.

Categories of records in the system: Documentation & Relocation Information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosures may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: By Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite retention.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, Director, Intelligence Division, National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.016

System name: Secret Service Details, Intelligence Division—Treasury/IRS.

System location: District Offices, Service Centers, Regional Offices, National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents.

Categories of records in the system: Lists of names, and Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite. No disposal provisions.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office, Officials maintaining the system, District Directors, Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.017

System name: Special Agent Skills Inventory, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Present and former Special Agents.

Categories of records in the system: Personal History, Skills, and Training.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office, Officials maintaining the system, District Directors, Service Center Directors, Regional Commissioners, Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Intelligence Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Intelligence Division, National Office.

Contesting record procedures: See Access above.

Record source categories: Special Agents.

Treasury/IRS 46.018

System name: Strike Force Disclosure Authorization List, Intelligence Division—Treasury/IRS.

System location: National Office, and District Offices.

Categories of individuals covered by the system: Names of all entities for which disclosure of information to the Department of Justice has been authorized.

Categories of records in the system: Alphabetical list of names. Memorandums from Justice Dept. and Disclosure Staff.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Memorandums, permanent. Lists, destroyed after 2 years.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, District Directors, Director, Intelligence Division.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.019

System name: Tax Practitioner Files, Intelligence Division—Treasury/IRS.

System location: District Offices, and Service Centers.

Categories of individuals covered by the system: Tax Practitioners, return preparers, and attorneys. Related taxpayers.

Categories of records in the system: Letters and miscellaneous types of internal and external correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office, Officials maintaining the system, District Directors, and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.020

System name: Tax Termination File, Intelligence Division—Treasury/IRS.

System location: District Offices, Regional Offices, and Service Centers.

Categories of individuals covered by the system: Taxpayers whose tax years have been terminated.

Categories of records in the system: Income Tax returns, Assessment records, Requests for controls, and Other related documents.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name or Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, District Directors, and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.021

System name: Training Records, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents, and State and local law enforcement personnel.

Categories of records in the system: Names, pictures, personal history, and performance data.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Performance evaluation burned after 3 years. Other records permanent.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, Director, Intelligence Division, National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Intelligence Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Intelligence Division, National Office.

Record source categories: Students, Instructors, Advisors, Other evaluators.

Treasury/IRS 46.022

System name: Treasury Enforcement Communications System (TECS), Intelligence Division—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Fugitives; Subjects of open Special Enforcement Program investigations; Subjects of open Narcotics Traffickers Program investigations; Subject of interest to Special Enforcement Program.

Categories of records in the system: Name, Date of Birth, Social Security Number, Address, Identifying details.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc.

Retrievability: By name or social security number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Cancellation after 2 years.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, Director, Intelligence Division, National Office.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.006

System name: Disclosure Staff Control Card System, Compliance—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: (1) Individuals identified by correspondence or telephone inquiry from taxpayers, Congressmen, States, IRS National Office, or IRS field offices, on whom or by whom income tax information is requested. (2) Individuals on whom address information is requested.

Categories of records in the system: Correspondence from requesters for tax, address, or other general information received and answered in the Disclosure Staff and by whom.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the

Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in file folders arranged in alphabetical order in locked cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. The records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that internal control records be disposed of after six years.

System manager(s) and address: Assistant Commissioner (Compliance), National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office.

Record access procedures: (1) Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office. (2) Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Serves as a central point for locating correspondence of a general nature handled by the Disclosure Staff which is not otherwise processed under any other system of records reported by the Disclosure Staff. For example, this system of records contains requests for address information; inquiries from members of Congress, both on their own behalf and those of their constituents; requests from Governors to inspect out of state tax returns; and requests for general information about the Service's disclosure practices and policies. In most cases, the file contains only the incoming request and reply. On occasion, the file may contain memoranda to further clarify the request or to seek additional information to satisfy the nature of the inquiry. For the most part, information required to respond to these inquiries is obtained from the National Computer Center, showing the latest address on record for the taxpayer, or information may be obtained from field offices concerning the individual tax affairs of the persons making the inquiry or who are of interest to the persons making the request. This information would include data from the individual's income tax return, that supplemental to it, and that obtained by the Service in its examination or investigation. In some instances, information directly bearing on the request would be obtained from functions within the National Office, such as the Audit Division, to clarify a matter within their jurisdiction.

Treasury/IRS 48.001

System name: Disclosure to Department of Justice, Disclosure—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Individuals alleged or suspected by U.S. Attorneys or by attorneys of the Department of Justice to have violated, or to be connected with violations of, federal laws other than the Internal Revenue Code. Included are individuals who have initiated legal actions against the federal government, or who are connected with such actions. (2) Individuals identified by the Assistant Attorney General, Criminal Division, as being strike force targets, as persons connected with organized crime activities, or under investigation for other purposes by his office. (3) Individuals of interest to the Internal Security Division and the Criminal Division of the Department of Justice who were under investigation for national security reasons. (4) Individuals alleged or suspected by attorneys of the Department of Justice and U.S. Attorneys to have violated or to be connected with violations of the narcotics laws. (This includes requests from the Bureau of Customs prior to the transfer of that agency's narcotics activities to the Department of Justice.) (5) Individuals identified by the Attorney General as being of interest to the Watergate Special Prosecution Force, or individuals whose tax matters have been referred by the Service to that office for investigation. (6) Individuals alleged by the Internal Revenue Service to have violated, or to be connected with violations of, federal laws other than the Internal Revenue Code. (7) Individuals alleged or suspected by attorneys of the Department of Justice to have violated, or to be connected with violations of, laws administered by the Department of Housing and Urban Development (FHA).

Categories of records in the system: (1) Requests for inspection of tax information received from any of the above components of the Department of Justice, and IRS replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (3) Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in chronological order in folders in cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine requests be disposed of after seven years. Records of historical significance are retained.

System manager(s) and address: Director, Disclosure Operations Division, National Office, District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.002

System name: Disclosure to Executive Departments and Congressional Committees, Disclosure—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who are under investigation or of interest to an Executive Department (other than the Department of Justice or U.S. Attorneys) and Congressional Committees, and for whom tax information has been requested under 26 U.S.C. 6103 and regulations issued pursuant thereto.

Categories of records in the system: (1) Requests for inspection of tax information and replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in

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some instances, their responses. (3) Copies of individuals' tax information, internal memoranda, file search requests, etc.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in chronological order in folders in cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine requests be disposed of after seven years. Records of historical significance are retained.

System manager(s) and address: Director, Disclosure Operations Division, National Office, District Directors.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.005

System name: File of Freedom of Information Act and Privacy Act Correspondence, Disclosure—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center and Office of International Operations. (See IRS Appendix A).

Categories of individuals covered by the system: Requesters for access to records pursuant to the Freedom of Information Act, 5 U.S.C. 552, and initiators of requests for access, amendment or other action pursuant to the Privacy Act of 1974, 5 USC 552a, to the extent covered information may be contained in such requests, may be contained in the records requested, or may be incidental to the processing of the request.

Categories of records in the system: Correspondence Controls, Freedom of Information Act and Privacy Act related correspondence and responses to such correspondence. Copies of records requested or affected by such correspondence. Internal memoranda pertaining to the processing of such requests. Billing assemblies necessary to process, account for or collect costs involved in FOIA and Privacy Act operations. Copies of some records pertaining to subsequent appeals and suits involving such requests.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files consist of paper copies maintained by the receiving or servicing official.

Retrievability: Records are generally retrievable by name of requester.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that records pertaining to routine requests under the Freedom of Information Act be disposed after six years. Records of historical significance may be retained.

System manager(s) and address: Official prescribing policies and practices—Director, Disclosure Operations Division Officials maintaining the system—Director, Disclosure Operations Division, District Directors, Service Center Directors or other officials receiving or servicing Freedom of Information Act or Privacy Act correspondence. (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the official to whom the requester has submitted Freedom of Information Act or Privacy Act correspondence, the official who has responded to such correspondence, or the Director, Disclosure Operations Division. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the official to whom the requester has submitted Freedom of Information Act or Privacy Act correspondence, the official who has responded to such correspondence or the Director, Disclosure Operations Division. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: The system may duplicate all or portions of any Internal Revenue Service record to which a request relates; the requester himself is therefore the determinant of the sources of the records contained.

Systems exempted from certain provisions of the act: Information from an exempt system of records duplicated in this system of records retains the exempt status.

Treasury/IRS 48.004

System name: Pre-Employment Tax Check for Executive Departments, Disclosure—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Persons who have applied for employment on the White House Staff, with offices of Treasury (other than IRS), with the Department of Justice, the State Department, the Export Import Bank, or the Department of Agriculture. Persons being considered for Presidential appointment, for appointment to the National Security Counsel, or for appointment to an IRS Advisory Panel. Persons connected with applicants for "E" Awards, which are awarded by the Department of Commerce. For additional routine uses see Appendix AA.

Categories of records in the system: Employment applications, Records of tax filing status, payment status, civil and criminal investigation status.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To executive departments requesting the tax check as specified in the Sources Section. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in file folders arranged in alphabetical order in locked cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine tax check cases be disposed of after seven years. Those cases which have historical significance are retained.

System manager(s) and address: Director, Disclosure Operations Division, National Office, District Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Director, Disclosure Operations Division, National Office, District Directors. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C. Appendix B. Inquiries should be addressed to: Director, Disclosure Operations Division, National Office, District Directors. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax check reports will be made only pursuant to a written request signed by a designated individual who is charged by the White House or the head of the requesting agency with the responsibility for making such requests. Generally, the Service receives a copy of the employment application, or like information, and uses it to obtain information from field offices to complete a Type "X" or "E" report. The field reports whether the person under consideration has filed Federal income tax returns for the past three years, whether such individual owes any unpaid taxes and if so for what years, whether such individual has been or is under investigation of possible criminal offenses under the Internal Revenue laws and the result of such investigation, and whether such individual has been assessed any penalty for fraud or negligence. The information is sent to the requesting official in a written narrative report, and is to supplement investigations concerning the character, loyalty, and suitability of such prospective appointees or nominees.

Treasury/IRS 48.003

System name: Testimony of IRS Employees in Nontax Matters, Disclosure—Treasury/IRS.

System location: National Office, Regional Offices, and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who are parties to criminal or civil nontax litigation.

Categories of records in the system: Contains requests for testimony of IRS employees and/or submission of IRS documents for use in nontax litigation; background information on the relationship of the request to the litigation and Service information concerning litigants; and copies of the approvals or denials for testimony.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in chronological order in folders in cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine testimony cases be disposed of after six years. Those cases which have historical significance are retained.

System manager(s) and address: Director, Disclosure Operations Division, National Office, Regional Commissioners and District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.001

System name: Collateral and Information Requests System—Treasury/IRS.

System location: The central files for this system are maintained at the Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Canberra, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Lumpur, Malaysia; (6) London, England; (7) Manila, Philippines: (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Tehran, Iran; and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Record of interviewing witnesses regarding financial transactions of taxpayers; employment data; bank and brokerage house records; probate records; property valuations; public documents; payments of foreign taxes; inventories of assets; business books and records. These records relate to tax investigations conducted by the U.S. Internal Revenue Service where some aspects on an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802, Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 5 years.

System manager(s) and address: Director of International Operations.

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Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.002

System name: Collateral Files and Competent Authority Requests—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: U.S. citizens, resident aliens, nonresident aliens.

Categories of records in the system: These records relate to tax fraud investigations conducted by the U.S. Internal Revenue Service where some aspects of an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made, as provided by treaty, to the foreign government (Competent Authority) having jurisdiction over the situs of the foreign aspects of a U.S. tax-fraud investigation.

Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By taxpayer name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose three years after the collateral request has been closed.

System manager(s) and address: Director, Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of the records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law-enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.003

System name: Financial Statements File—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Taxpayers who submitted financial statements when interviewed overseas by audit division employees.

Categories of records in the system: Financial Statements.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer's name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries may be addressed to the Director of International Operations, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations.

Contesting record procedures: See Access above.

Record source categories: Overseas audit division employees.

Treasury/IRS 49.004

System name: Foreign Stock Ownership File—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: United States Citizens, Resident Aliens.

Categories of records in the system: Computer Printout of Individuals Filing Forms 959.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer Printout.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 1 year.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Computer Printouts of Form 959 Returns.

Treasury/IRS 49.005

System name: Index Card Retrieval System—Treasury/IRS.

System location: Office of International Operations, Tax Treaty and Technical Services Division, 1325 "K" St., N.W., Washington, D.C. 20025.

Categories of individuals covered by the system: U.S. Citizens, Resident Aliens, and Nonresident Aliens whose tax returns come under the jurisdiction of the U.S. Competent Authority in accordance with pertinent provisions of tax treaties with foreign countries.

Categories of records in the system: Individual case files of taxpayers; (1) who request relief from double taxation or any other assistance that is pertinent to carrying out the provisions of income tax treaties, and (2) on whom information (as is pertinent to carrying out the provisions of the convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this convention) is exchanged with foreign tax officials of treaty countries.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulations (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to Foreign Tax Agencies of treaty countries upon receipt of a specific request in accordance with the exchange of information provisions of tax treaties.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer's name.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 10 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director of International Operations, 1325 "K" St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director of International Operations, 1325 "K" St., N.W., Washington, D.C. 20225.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayer or authorized representative; IRS and other Governmental Agencies; U.S. Revenue Service Representative overseas; Foreign treaty country tax officials; and public periodicals.

Treasury/IRS 49.006

System name: Manual Accounting Index of Uncollectible Accounts—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Accounts which were reported uncollectible prior to the implementation of automatic data processing of account records.

Categories of records in the system: Master file index cards TY 60.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal service. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By Taxpayer's Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: To be retained indefinitely.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Revenue Accounting Branch, Office of International Operations.

Treasury/IRS 49.007

System name: Overseas Compliance Projects System.

System location: The central files for this system are maintained at the Office of International Operations, 1325 K Street, N.W., Washington, D.C., 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Canberra, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Lumpur, Malaysia; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Tehran, Iran; and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

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Categories of records in the system: Documents and factual data relating to: (1) personal expenditures or investments not commensurate with known income and assets; (2) receipt of significant unreported income; (3) improper deduction of significant capital or personal living expenses; (4) failure to file required returns or pay tax due; (5) omission of assets or improper deduction or exclusion of items from estate and gift tax returns.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 5 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.008

System name: Taxpayer Service Correspondence System—Treasury/IRS.

System location: This system is separately maintained by each one of the 14 overseas posts of the Office of International Operations, located in: (1) Bonn, Germany, (2) Canberra, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Lumpur, Malaysia; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Tehran, Iran; and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Correspondence from taxpayers, foreign post personnel and Office of International Operations headquarters offices in Washington, D.C.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 5 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CRF Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, 1325 K Street, N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and Office of International Operation's foreign posts and headquarter's offices.

Treasury/IRS 50.002

System name: Employee Plans/Exempt Organizations, Employee Plan Determination Letter Records—Treasury/IRS.

System location: District Offices. See IRS Appendix A.

Categories of individuals covered by the system: Applicants for approval of individually designed plans and bond purchase plans, covering self-employed individuals.

Categories of records in the system: Contains plan name, type, treatment accorded, etc. Sub-systems include plan files containing applications, attachments, determination letters, related documents, and audit history file.

Authority for maintenance of the system: 26 USC 7801, 7802 and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the Department of Labor and to other agencies to the extent provided by law or regulation, including 26 U.S.C. 6103 and 26 CFR 301.6103, and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: District Director who has jurisdiction over the plan. See IRS Appendix A.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director having jurisdiction. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Applicants requesting a determination letter.

Treasury/IRS 50.001

System name: Employee Plans/Exempt Organizations, Employee Plans/Exempt Organizations Assignment Record (Form M-6209)—Treasury/IRS.

System location: National Office See IRS Appendix A.

Categories of individuals covered by the system: Requestors of letter rulings, and subject of field office requests for technical advice and assistance and other correspondence.

Categories of records in the system: Contains the name, date, nature and subject of an assignment, and work history. Sub-systems include case files that contain the correspondence, internal memoranda, and related material. They also include digests of issues involved in proposed revenue rulings.

Authority for maintenance of the system: 26 USC 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the Department of Labor and to other agencies to the extent provided by law or regulation, including 26 U.S.C. 6103 and 26 CFR 301.6103, and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: Indexed by name.

Safeguards: security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: Assistant Commissioner (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (EP/EO), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See above.

Record source categories: Individuals requesting rulings or information and field offices requesting technical advice or assistance.

Treasury/IRS 50.003

System name: Employee Plans/Exempt Organizations, Reports of Significant Matters in EP/EO (M-5945)—Treasury/IRS.

System location: National Office. See IRS Appendix A.

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in EP/EO," has been prepared because of the presence of a matter significant to tax administration.

Categories of records in the system: Copies of "Reports of Significant Matter in EP/EO."

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: indexed by name.

Safeguards: safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: not specific.

System manager(s) and address: Assistant Commissioner, (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner, (Employee Plans/Exempt Organizations), National Office.

Contesting record procedures: See access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, etc., where a "Report of Significant Matter in EP/EO." has been prepared.

Treasury/IRS 60.001

System name: Assault and Threat Investigation Files Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices, (See IRS Appendix A).

Categories of individuals covered by the system: Persons who attempt to interfere with the administration of the Internal Revenue laws through threats, assaults or forcible interference of any officer or employee while discharging the official duties of his position.

Categories of records in the system: Document citing the complaint, Documentary evidence (i.e., threatening letter), Report of investigation, with possible statements, or affidavits as exhibits. Report of legal action, if case is prosecuted. Local police record of individual named in case. FBI record of individual named in the case.

Authority for maintenance of the system: 26 U.S.C. 7608, 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Documents Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after final legal action or date of closing. Retire two years after final legal action or date of closing.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

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Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury 60.002

System name: Bribery Investigation Files, Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department, and Taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Service.

Categories of records in the system: A report of investigation including exhibits, affidavits, transcripts, and documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring. A report of legal action concerning the results of prosecution. Prior criminal record of subject.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after final legal action or date of closing. Retire two years after final legal action or date of closing.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.003

System name: Conduct Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, and the Consolidated Federal Law Enforcement Training Center.

Categories of records in the system: Document citing complaint of alleged misconduct or violation of statute; Report of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during investigation; Report of action taken by management personnel adjudicating any misconduct substantiated by the investigation; andReport of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, or 25 years after date of last report if separation date is not known. Retire two years after separation of employee.

System manager(s) and address: Assistant Commissioner (Inspection) (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification section.

Record source categories: Department of Treasury personnel and records, Taxpayers (Complainants, Witnesses, Confidential Informants), Other Federal Agencies, State and local agencies, Tax Returns and related documents, Personal observations of the investigator, and subjects of the investigation.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.004

System name: Disclosure Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (a) Internal Revenue Service employees who have allegedly disclosed confidential tax information. (b) State and Local Government employees who have allegedly disclosed confidential Federal tax information. (c) Tax return preparers who have allegedly disclosed confidential Federal tax information.

Categories of records in the system: (a) Document citing the complaint of the alleged criminal or administrative violation. (b) Investigative report, including statements, affidavits and any other pertinent documents supporting the investigative report, which will be attached as an exhibit. (c) Report of legal action if case is accepted by U.S. Attorney for prosecution. (d) Report of action by management personnel if case is referred for administrative adjudication.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. (d) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (e) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, 25 years after date of last report if separation is not known, or 25 years after final legal action or date of closing if subject is not an employee of IRS. Retire two years after separation of employee, or two years after date of final legal action or date of closing if subject is not an employee of IRS.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.005

System name: Enrollee Applicant Investigation Files; Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Former employees and non-IRS persons who apply for enrollment to practice before IRS under the provisions of Circular 230.

Categories of records in the system: Investigative report covering results of checks of: FBI files; Inspection files; local police; Audit and Intelligence Division files; and verification of Federal tax filing status. Also, appropriate documents attached as exhibits showing results of above file checks.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. (d) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (e) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of one year after date of report.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Record source categories: Internal Revenue Service, Federal Bureau of Investigation, Local police departments.

Treasury/IRS 60.006

System name: Enrollee Charge Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices.

Categories of individuals covered by the system: IRS employees or former employees, tax practitioners, attorneys, certified public accountants or enrolled persons.

Categories of records in the system: A documented complaint or request for investigation alleging criminal or administrative misconduct affecting IRS integrity. A report of investigation, including exhibits such as affidavits, statements or documents which have been reviewed. A report of legal action resulting from violations of statutes referred for prosecution. A report of action taken by management personnel adjudicating any misconduct on the part of an IRS employee substantiated by the investigation.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, 7608.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

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Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after final legal action or date of closing. Retire two years after final legal action or date of closing.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K of the Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury, Personnel and Records, Other Federal agencies, Taxpayers/Complainants, State and local agencies, Tax returns, Newspapers, Person acquainted with the individual under investigation, Subjects of the investigation, and Personal observations of the investigator.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.007

System name: Miscellaneous Information File, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of the Internal Revenue Service, Tax practitioners (Attorneys, Certified Public Accountants, Enrolled Persons, Return Preparers), Alleged tax violators, Persons whose actions or alleged actions indicate a threat to IRS employees, facilities, or the integrity of the tax system, Confidential Informants, and Reputed members of the organized criminal element.

Categories of records in the system: Complaint type information regarding IRS employees which is not, in itself, specific or significant enough to initiate an investigation when received. Allegations of bribery and gratuities by taxpayers and/or their representatives which are not by themselves specific or significant enough to initiate an investigation when received. Allegations of misconduct by tax practitioners, enrolled persons, or tax preparers which are not by themselves specific or significant enough to initiate an investigation when received. Any information received or developed by Inspection that has a bearing on IRS, but is not of itself specific or significant enough to initiate an investigation when received. Information received by Inspection pertaining to alleged violations enforced by other agencies or Divisions of IRS, copies of which are referred to those respective agencies or divisions. Photographs and descriptive data of some IRS employees and of persons arrested by Inspection. Information concerning lost or stolen Government documents, property, credentials or IRS employee personal property lost or stolen on Government premises. List of persons in State or Local Government agencies working under State agreements and having access to Federal Tax information. Newspaper or periodical items about IRS. Newspaper items regarding attorneys, CPA's, Tax Practitioners or Return Preparers arrested, indicted, convicted or under investigation by other agencies. Allegations of threats, assaults, forcible interference or other violence type activity aimed at employees or facilities of IRS which are not by themselves specific or significant enough to initiate an investigation when received. Information regarding Inspection's mission which does not fall into any of the above categories.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine review by Inspection personnel for information relating to pending investigations or for areas of IRS procedures where investigative probes may disclose or dispel non-specific allegations of breaches of integrity. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual, subject, or incident involved.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose after 5 years, except Confidential Informant files are retained as long as informant remains active.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: Some of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as notification section.

Contesting record procedures: See notification above.

Record source categories: Department of Treasury Personnel and Records, Newspapers and Periodicals, Taxpayers (Complainants, Witnesses, and Informants), State and Local Government Agency Personnel and Records, and Anonymous Complainants.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.008

System name: Security, Background and Character Investigations Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Current, former and prospective employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, Consolidated Federal Law Enforcement Training Center, and Private Contractors at IRS Facilities.

Categories of records in the system: (a) Federal Employment Application Forms (b) Results of National Agency Checks (prior reports and records from) FBI Investigative Files, Fingerprint Files, Civil Service Commission, Defense Central Index of Investigations, House Committee on Internal Security, and Coast Guard Intelligence. (c) Employee's Tax Account History (d) Results of Employees Audit (e) Employee's Financial Statement (f) A summary report, a narrative report, notes and/or written replies resulting from the investigator's inquiries into the subject's scholastic record, prior employments, military service, references, neighbors, police records and past credit record. (g) Report of action taken by management personnel adjudicating any derogatory information developed by the investigation. (h) Report of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 10450; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection Personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, or after date of last report if separation date is unknown or applicant was not appointed. Retire two years after separation of employee.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may be exempt and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Employment Application Forms submitted by subject of investigation. Financial information from subject. Federal, State and Local Government Agencies (Police, Court and Vital Statistics records). Credit Reporting Agencies. Neighbors (former and present). References. Former and present employers and co-workers. Other third party sources. Schools. Tax Returns and Audit Results. Information provided by the individual under investigation.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.009

System name: Special Inquiry (Complaint) Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department and the Internal Revenue Service. Non-employees whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

Categories of records in the system: A documented complaint from some source alleging criminal or administrative misconduct affecting Internal Revenue Service integrity. A report of investigation to resolve the complaint, including exhibits of IRS or public documents reviewed during the investigation.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel of a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, or 25 years after date of last report. Retire two years after separation of employee or date of last report (if no employee is named).

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Taxpayers (Complainants, Witnesses, Confidential Informants), Federal, State and Local Government Agencies' personnel and records (Police, court, property, etc.), Newspapers or periodicals, Department of the Treasury personnel and records, Financial institutions, and Other Private Business records.

Systems exempted from certain provisions of the act: Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.010

System name: Tort Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Department of the Treasury and non-Federal persons involved in accidents on property under Department of the Treasury jurisdiction or with Department of the Treasury employees.

Categories of records in the system: A report of investigation including exhibits such as SF-91, Operator's Report of Motor Vehicle Accident; SF-91A, Investigation Report of Motor Vehicle Accident; SF-92A, Report of Accident Other Than Motor Vehicle; SF-94, Statement of Witness; Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. In addition, attached as exhibits might be a Police Report of the accident; copies of insurance policies of the involved drivers; photographs of the scene or vehicles after the accident; Treasury Department vehicle maintenance record, medical records.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosures may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in con-

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nection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Routine disclosure may be made to Chief Counsel personnel for defense of U.S. Government in claims or litigation filed against the Government. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of one year after date of report.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury personnel and records, Federal, State and local police agencies, Witnesses, Subjects involved in the investigation, Hospitals (medical records), Doctors (medical records and personal observations), Personal observations of the investigator, Automobile repair facilities, Insurance Companies, Attorneys, Federal, state and local driver license records, and Federal and State vehicle registration records.

Treasury/IRS 70.001

System name: Individual Income Tax Returns, Statistics of Income—Treasury/IRS

System location: Primary-Internal Revenue Service Data Center, Secondary-(a)Internal Revenue Service, Statistics Division, (b) Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers selected for an annual statistical sample.

Categories of records in the system: Sources of income, exemptions deductions, income tax, and tax credits, as reported on Forms 1040 and 1040A. The records are used to prepare and publish each year statistics, aggregated so as to prevent disclosure of taxpayer identity.

Authority for maintenance of the system: 26 U.S.C. 6108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to: (a) The Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; (b) other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; and (c) States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The statistical output records (i.e., those from which the statistics are directly derived) are maintained on magnetic tape. The input records are maintained as paper documents or copies thereof. The input records are of two types: (1) Copies of U.S. Individual Income Tax Returns (primary input records) and (2) Edit sheets (intermediate input records) which contain information manually abstracted from the primary records.

Retrievability: Each magnetic tape record is identified by social security number and a unique Document Locator Number assigned by the Internal Revenue Service. Those with sole proprietorship income, in addition, contain employer identification number, if reported by the taxpayer. Each primary input record and, for years before 1972, each intermediate input record are identified by name and address.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 40 years.

System manager(s) and address: Assistant Commissioner (Planning and Research), National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: Forms 1040 and 1040A, Individual Income Tax Returns.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 80.001

System name: Artist File, Assistant Commissioner (TECHNICAL)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Famous or noted artists whose works have been evaluated.

Categories of records in the system: Commissioner's Art Panel decisions on values of works of art by named artists and appraisal documentation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, System has been retained since 1968.

System manager(s) and address: Assistant Commissioner (Technical), National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Appraisal documentation and Art Panel decisions.

Treasury/IRS 80.003

System name: Correspondence Control and Records, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence from the Office of the Assistant Commissioner (Technical).

Categories of records in the system: Cards containing taxpayer names, date of correspondence, issue, and related information, and related letter ruling, technical advice, and other correspondence files.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the

Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instruction appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individual seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence; field office personnel.

Treasury/IRS 80.002

System name: Expert witness and fee appraiser files, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Potential expert witnesses for litigation and fee appraisers for art valuation.

Categories of records in the system: Biographical sketches, application letters or list of names by specialty.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained for many years, will be purged periodically to reflect current data.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Varied, generally from the named individual, often unsolicited.

Treasury/IRS 80.004

System name: Reference Index Digest Cards, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence, where case was published as a Revenue Ruling or classified as "Reference":

Categories of records in the system: Cards containing taxpayer names, issue, disposition of case, and related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained indefinitely.

System manager(s) and address: Assistant Commissioner (Technical), National Office (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence, and field office personnel where case was published as a Revenue Ruling or classified as "Reference".

Treasury/IRS 80.005

System name: Reports of Significant Matters (Form M-5945), Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (Certain Division and Branch Offices) (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical" has been prepared because of the presence of a matter significant to Tax Administration.

Categories of records in the system: Copies of "Reports of Significant Matter in Technical".

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records.

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Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, varied.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, and other correspondence; field office personnel, where a "Report of Significant Matter in Technical" has been prepared.

Treasury/IRS 90.001

System name: Chief Counsel Criminal Tax Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office and each branch Regional Counsel Office are listed in the Appendix, IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers and related parties against whom tax-related criminal recommendations have been made. (2) Taxpayers and related parties under investigation for criminal tax-related violations who have corresponded with the Regional Counsel's Office. (3) Taxpayers and related parties on whom advice has been requested concerning investigation for tax-related offenses. (4) Potential witnesses in criminal tax investigations. (5) Investigative subjects in connection with Organized Crime Drive, Strike Force, Narcotics Project, or HUD project.

Categories of records in the system: (1) Internal Control Records. (2) Legal and administrative files including investigative reports. (3) Correspondence files. (4) Information on potential witnesses including expert witnesses. (5) Special project files such as Organized Crime Drive, Narcotics Project and HUD project.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are locked up during nonworking hours and during periods when the work area is vacant. Access is strictly controlled and limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional Counsel legal files are generally retired to the Federal Records Center 2 years after they are closed and disposed of 20 years after closing. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Criminal Tax Division is the system manager of the National Office system. The addresses are in the Appendix. See IRS Appendix A.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as it is exempt under 5 U.S.C. 552a(j) (2).

Record access procedures: This system of records may not be accessed for the purposes of inspection or for contest of content of records as it is exempt under 5 U.S.C. 552a(j) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.002

System name: Chief Counsel Disclosure Division Case Files—Treasury/IRS.

System location: Disclosure Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who communicate with the Service regarding disclosure matters or who are involved with a disclosure issue involving the Service.

Categories of records in the system: (1) Legal Case and Administrative Case Files, (2) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: A background investigation is made on personnel. Division offices are located in a security area to which only personnel of the Disclosure Division and the Intelligence Division have keys. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: All records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Disclosure Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k)(2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purpose of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Persons who communicate with the agency regarding disclosure matters, Department of Treasury Employees, State, local, and foreign governments, Other Federal agencies, Witnesses, Informants, Parties to disputed matters of fact or law.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.003

System name: Chief Counsel General Administrative Systems. Each of the 37 Regional Counsel Offices and Branch Regional Counsel Offices, each of the 9 Divisions in the National Office, the Office of the Chief Counsel, and the Offices of the Associate Chief Counsels (Tax Litigation) and General)maintain a General Administrative System. This notice applies to all 50 of these systems.—Treasury/IRS.

System location: The location of these systems are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Past, present and prospective employees of the Chief Counsel's Office. (2) Tax Court Witnesses.

Categories of records in the system: (1) Employee records other than Official Personnel Files of the Civil Service Commission. (2) Time and Attendance Cards. (3) Financial Records such as Travel Expenses, Notary Public Expenses, Moving Expenses, Expenses of Tax Court Witnesses and Miscellaneous Expenses. (4) Employee Recruiting Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) An apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Civil Service Commission for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are generally retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. Each Division Director is the system manager of the system in his or her Division. The Chief Counsel and the Associate Chief Counsels (Tax Litigation) and (General) are the system managers of the system in each of their Offices. See IRS Appendix A.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of records in the National Office. The addresses are listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of records in the National Office. The addresses are listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Tax Court Witnesses, Civil Service Commission, Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.004

System name: Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office do or will maintain a General Legal Services Case File System. The information in this notice applies to all eight systems.—Treasury/IRS.

System location: The addresses of the National Office and each Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: Persons involved in litigation, actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons—(1) who have caused service of subpoenas, summonses, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity. (2) who are parties in personnel matters, as well as discrimination and labor management

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relations matters, of the Internal Revenue Service, Chief Counsel's Office ore in some instances, other agencies in the Treasury Department. (3) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries. (4) who are parties in procurement matters and under the Federal Claims Collection Act. (5) who are parties in litigation or administrative claims involving the Federal Tort Claims Act, the Military Personnel and Civilian Employee Compensation Act, relief of accountable officers for loss of Government funds, rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service. (6) who are parties in miscellaneous matters referred to the General Legal Service Division. (7) who are the subjects of investigations made by the Internal Security Division if the case is referred to the General Legal Services Division. (8) who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative. (9) who have corresponded regarding a matter under consideration within the General Legal Services Division.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Cards. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purposes of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Department of Labor in the performance of its functions in the area of personnel, discrimination and labor management matters. (4) To the Director of Practice and Joint Board of Actuaries in practitioner disciplinary matters. (5) To the Civil Service Commission in personnel, discrimination and labor management matters. (6) To arbitrators, the Federal Labor Relations Council, the Federal Service Impasses Panel, and the Federal Mediation and Conciliation Service in labor management matters. (7) To the General Services Administration in property management matters. (8) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (9) To members of Congress for the purposes of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (10) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case then it is generally retrievable only by the first named person.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed. Other records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the system in his or her Region. The Director of the General Legal Services Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest or content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.005

System name: Chief Counsel General Litigation Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office and each branch Regional Counsel Office are listed in the Appendix; see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers or other individuals involved in matters referred to the General Litigation function including: (A) Taxpayers with outstanding tax liabilities or with potential outstanding tax liabilities. (B) Persons from whom information is being sought (summons). (C) Persons requesting information (disclosure). (D) Present or former Internal Revenue Service employees who are being or may be sued in connection with their duties or who have been called upon to testify in private litigation. (E) Persons who are or may be liable to the United States on non-tax claims. (F) Persons who have submitted offers in compromise of federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the General Litigation function.

Categories of records in the system: (1) Legal and Administrative Files. (2) Internal Control Records. (3) Offer in Compromise Files. (4) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To other Federal agencies holding funds of taxpayer for the purpose of collecting a liability owed by the taxpayer. (2) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (3) State and local taxing authorities for purpose of enforcing federal tax laws. (4) Federal, state and local regulatory authorities for purposes of collection of federal taxes. (5) Appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (6) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (7) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (8) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional Counsel legal files are generally retired to the Federal Records Center three years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Records other than legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the General Litigation Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of this Privacy Act.

Treasury/IRS 90.006

System name: Chief Counsel Interpretative Division Case Files—Treasury/IRS.

System location: Interpretative Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers concerning whom legal issues have been referred to the Interpretative Division for opinion.

Categories of records in the system: (1) Legal Case and Administrative Files and Advisory Legal Opinions, (2) General Counsel Memorandums, (3) Office Memorandums, (4) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Social Security Administration to consult about a matter involving legal issues concerning the imposition of Social Security taxes. (4) To the Department of Labor or the Pension Benefit Guaranty Corporation concerning the Employee Retirement Income Security Act. (5) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (6) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: General Counsel Memorandums, Office Memorandums, and Internal Control Records are retained indefinitely and disposed of when no longer useful. Legal files are transferred to the National Archives 25 years after the case is closed.

System manager(s) and address: Director, Interpretative Division, Internal Revenue Service, Office of the Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Treasury/IRS 90.007

System name: Chief Counsel Legislation and Regulations Division Correspondence and Private Bill Files—Treasury/IRS.

System location: Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Persons who have corresponded to the Service, the Department of the Treasury, the White House or Members of Congress regarding a matter in which the Legislation and Regulations Division was asked to draft a reply. (2) Persons on whose behalf private relief bills were introduced in Congress involving tax related matters.

Categories of records in the system: (1) Correspondence Files, (2) Private Relief Bill Legal Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of

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Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the agency or individual who directed correspondence to the Legislation and Regulations Division for the Division to draft a response. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301. 6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Correspondence files are retrievable by the name of the individual who initiated the correspondence. Private Relief Bill files are retrievable by the H.R. or S. number for each Congress.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the compnay of authorized personnel.

Retention and disposal: Correspondence files are generally disposed of after 3 years. Private Relief Bill files are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix; IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Persons who initiate correspondence referred to the Legislation and Regulations Division, Congressional documents, taxpayers and their representatives, Department of Treasury personnel, other Federal agencies, state, local, and foreign governments, witnesses, informants.

Treasury/IRS 90.008

System name: Chief Counsel Refund Litigation Division Case Files—Treasury/IRS.

System location: Refund litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Taxpayers who have filed suits for refunds of Federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the Refund Litigation Division.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) An apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Legal files are retired to the Federal Records Center after the case has been closed for 5 years. Non-precedent cases are transferred to the National Archives after the case has been closed for 20 years. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Director, Refund Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.009.

System name: Chief Counsel Tax Court Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office, and each branch Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers who have filed petitions with the Tax Court. (2) Taxpayers upon whom the issuance of a statutory notice is or was contemplated whose case has been referred to the Tax Court function. (3) Taxpayers who are the subject of formal or informal advisory opinions during the investigative stage of the case or while under administrative processing. (4) Persons who have corresponded regarding a matter under consideration within the Tax Court function.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this

agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional Routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional Counsel legal files of cases tried in Tax Court are generally retired to the Federal Records Center two years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Tax Court Litigation Division is the system manager of the National Office system. The addresses are in the Appendix, See IRS Appendix A.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal Agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.010

System name: Digest Room Files Containing Briefs and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws-Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who have sought Internal Revenue Service rulings and those whose cases are being or have been adjudicated.

Categories of records in the system: (1) Internal Control Records; (2) Briefs; (3) Legal Opinions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Justice Department personnel for research purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are kept in a secured area. Access is limited to authorized personnel. Users of the system must show identification and sign a register each time the room is used. Background checks are made on employees.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. (See IRS Appendix A.)

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury personnel; Department of Justice personnel; taxpayers and their representatives; other Federal agencies; witnesses; informants; state, local, and foreign governments; parties to disputed matters of fact and law; other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.011

System name: Employee Recruiting Files Maintained by the Administrative Services Division—Treasury/IRS.

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System location: Administrative Services Division, Internal Revenue Service; Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who have applied for attorney positions with the Chief Counsel's Office, both National Office and field and persons who have applied for non-attorney positions in the National Office only.

Categories of records in the system: Applicant Files and lists of eligible applicants, Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Civil Service Commission for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: The applicant files and other records are destroyed when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix, see IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the appendix. Information leading to the identity of a confidential sourse is exempt pursuant to 5 U.S.C. 552a(k)(5).

Contesting record procedures: See Access above.

Record source categories: Applicants, Department of Treasury Personnel, Civil Service Commission, Other Federal Agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.012

System name: Internal Control Records for Chief Counsel Legal Files—Treasury/IRS.

System location: Administration Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who file petitions, suits for refund, request for revenue rulings and those who have had other matters pending before the Office of Chief Counsel.

Categories of records in the system: (1) Docket Cards. (2) Closed Card Records. (3) Drop Cards and Charge-Out Records. (4) Federal Record Center File Binder Index.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of Justice to inform them of the location of a legal case file. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: An individual who wishes to determine whether the system contains any records pertaining to himself may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Individuals seeking access to any record or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury Personnel, Taxpayers and other individuals who initiate documents submitted to the Service.

Treasury/IRS 90.013

System name: Legal case files of the Chief Counsel, Deputy Chief Counsel, Associate Chief Counsels (Tax Litigation) and (General), Deputy Associate Chief Counsel and their Staffs. Treasury/IRS.

System location: Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons whose cases at one time involved important issues or unusual circumstances which were brought to the attention of the above persons.

Categories of records in the system: Legal case files which include internal control records of such case files of both the persons currently holding the above positions and those who previously held such positions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential

violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records pertaining to individuals are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are kept indefinitely and disposed of when no longer useful.

System manager(s) and address: Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.014

System name: Management Files Maintained by Administrative Services Division and the Associate Chief Counsel (General)other than the Civil Service Commission's Official Personnel Files—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The location of the Chief Counsel Selection Board Files is: Associate Chief Counsel (General), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Current and former employees of Chief Counsel's Office, both National Office and field.

Categories of records in the system: Contains some materials which are duplicated materials contained in the Official Personnel File, or is payroll data duplicated in the master payroll records and include material such as: transfer and reassignment requests, correspondence, evaluations, personnel listings, retirement eligibility, home and office address and telephone numbers, information regarding employees' participation in training programs, resumes, information on participation in Health Maintenance Program, employees' suggestions, awards, lists of material typed by the Transcription Center according to the name of the attorney for whom it was typed, loans from Chief Counsel's Assistance Fund, records of keys and identification cards issued to employees, lists of individuals given special duties such as being a floor marshal, information on loss suffered by employees who are theft victims, list of long distance calls not made on FTS, list of bus tokens issued, list of parking permits, records of requests for use of GSA vehicles, case assignments, and financial information on employees.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, Executive Order 11222, and Executive Order 11590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Civil Service Commission for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The system manager of the Chief Counsel Selection Board Files is: Associate Chief Counsel (General), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the

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Director of the Disclosure Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Civil Service Commission, Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.015

System name: Reference Records of the Library in the Office of Chief Counsel—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Authors of books and materials in library. (2) Taxpayers who have sought Congressional tax relief by means of a Private Bill. (3) Taxpayers involved in tax litigation.

Categories of records in the system: (1) Library Card Catalog. (2) Numerical and alphabetical listing of Private Relief Bill and files related to the Bill. (3) Reference cards for tax cases.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All information about individuals is available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the individual to whom they pertain and Private Bill material can also be retrieved by H.R. or S. number.

Safeguards: Although access is limited to authorized individuals, this material would be available to any person through a Freedom of Information Act request.

Retention and disposal: Records are regularly updated. If the library materials to which the references pertain are no longer in the library collection, the reference cards are destroyed.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C. Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Material to which reference information pertains.

Treasury/IRS 90.016

System name: Reports and Information Retrieval Activity Computer and Microfilm Records—Treasury/IRS.

System location: Computer Records: Internal Revenue Service Data Center, 1300 John Lodge Freeway, Detroit, Michigan 48226. Microfilm Records: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C., 20224.

Categories of individuals covered by the system: (1) Taxpayers who initiated suits for refund in district courts or the Court of Claims. (2) Taxpayers who have filed petitions with the United States Tax Court. (3) Taxpayers who have requested rulings from the Service in those cases in which the request has been referred to the Office of Chief Counsel for a legal opinion. (4) Taxpayers who have been involved in litigation concerning the collection of taxes. (5) Taxpayers whose cases were the subject of technical advice, memoranda to the solicitor general and similar advisory memoranda.

Categories of records in the system: (1) Skeletal legal files. (2) Indexes. (3) Actions on Decisions. (4) Case Abstracts. (5) Technical Advice Replies by the Tax Court Litigation Division. (6) Miscellaneous Advisory Memoranda regarding a case usually going to the Solicitor General.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action, seeking legal advice, or for research purposes. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Skeletal legal files and indexes to the narrative material or microfilm excluding the General Litigation Division's Actions on Decisions are stored on magnetic tape. Actions on Decisions, Case Abstracts, Technical Advice and Advisory Memoranda are stored on microfilm. Input documents are on paper.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Magnetic tape and microfilm retained indefinitely and disposed of when no longer useful. Input documents are retained for one year.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division whose address is listed in the Appendix, see Appendix A.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division whose address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 00.001

System name: Correspondence files and correspondence control files—Treasury/IRS.

System location: Various offices of the Internal Revenue Service maintain files of correspondence received. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Initiators of the correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Subjects of the correspondence.

Categories of records in the system: (1) Correspondence received. (2) Responses to correspondence. (3) Associated records. Special categories of correspondence may be included in other systems of records described by specific notices. Files are maintained in connection with a variety of correspondence received and the uses vary widely in accordance with the content of the correspondence. Correspondence may include letters, telegrams, memoranda of telephone calls and other calls and other forms of communication.

Authority for maintenance of the system: 5 U.S.C. 301, 26 USC 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in various files may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulations and as necessary to report apparent violation of law to appropriate law enforcement agencies.

Routine disclosure may be made to other parties as necessary in the administration and enforcement of law. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Head of the office maintaining the file. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if a system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the office believed to have received the correspondence. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in a system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the office believed to have received the correspondence.

Contesting record procedures: See Access above.

Record source categories: Information supplied by the initiators of the correspondence and information secured internally from other systems of records.

Treasury/IRS 00.002

System name: Correspondence Files/Inquiries About Enforcement Activities—Treasury/IRS.

System location: National Office, Regional Offices, District Offices and Service Centers.

Categories of individuals covered by the system: Individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

Categories of records in the system: Taxpayer name, address, taxpayer identification number (if applicable), information about tax matters (if applicable), chronological investigative history. Other information relative to the conduct of the case and/or the taxpayer's compliance history (if applicable). Correspondence may include letters, telegrams, memoranda of telephone calls and other forms of communication.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Assistant Commissioners, Regional Commissioners, District Directors and Service Center Directors of Internal Revenue.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act, Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been designated as exempt from certain provisions of the Privacy Act.

System name: Treasury/IRS

System name: Appendix A

Inquiries under Treasury/IRS systems should be addressed to the office whose records are to be searched. The titles and addresses of the Systems Managers are as follows:

NATIONAL OFFICE INTERNAL REVENUE SERVICE
- Assistant Commissioner (Public Affairs)
- Assistant Commissioner (Accounts, Collection and Taxpayer Service)
- Assistant Commissioner (Administration)

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Assistant Commissioner (Compliance)
Assistant Commissioner (Employee Plans and Exempt Organizations)
Assistant Commissioner (Inspection)
Assistant Commissioner (Planning and Research)
Assistant Commissioner (Technical)
Director, Disclosure Operations Division
Chief Counsel

The address for all of the above Systems Managers is as follows: 1111 Constitution Avenue, N.W. Washington, D.C. 20224

REGIONAL OFFICE INTERNAL REVENUE SERVICE

Central Region:
Regional Commissioner, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
Regional Inspector, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
District Director, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
District Director, Internal Revenue Service, 1240 East 9th Street, Cleveland, Ohio 44199.
District Director, Internal Revenue Service, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226.
District Director, Internal Revenue Service, Federal Office Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204.
District Director, Internal Revenue Service, U.S. Post Office Building, 601 West Broadway, Louisville, Kentucky 40201.
District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101.
Director, Internal Revenue Service Center, Central Region, Cincinnati, Ohio 45298.

Mid-Atlantic Region:
Regional Commissioner, Internal Revenue Service, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.
Regional Inspector, Internal Revenue Service, 600 Arch Street, Philadelphia, Pennsylvania 19106.
District Director, Internal Revenue Service, Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
District Director, Internal Revenue Service, 970 Broad Street, Newark, New Jersey 07102.
District Director, Internal Revenue Service, 600 Arch Street, Philadelphia, Pennsylvania 19106.
District Director, Internal Revenue Service, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
District Director, Internal Revenue Service, 400 North 8th Street, Richmond, Virginia 23240.
District Director, Internal Revenue Service, 844 King Street, Wilmington, Delaware 19801.
Director, Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

Midwest Region:
Regional Commissioner, Internal Revenue Service, One North Wacker Drive, Chicago, Illinois 60606.
Regional Inspector, Internal Revenue Service, Suite 646, 35 East Wacker Drive, Chicago, Illinois 60601.
District Director, Internal Revenue Service, 115 Fourth Avenue, S.E., Aberdeen, South Dakota 57401.
District Director, Internal Revenue Service, 230 South Dearborn Street, Chicago, Illinois 60604.
District Director, Internal Revenue Service, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.
District Director, Internal Revenue Service, Federal Building & Post Office, 653 Second Avenue, North, Fargo, North Dakota 58102.
District Director, Internal Revenue Service, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.
District Director, Internal Revenue Service Federal Office Building, 106 South 15th Street, Omaha, Nebraska 68102.
District Director, Internal Revenue Service, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri 63101.
District Director, Internal Revenue Service, Federal Building and Court House, 316 North Robert Street, St. Paul, Minnesota 55101.
District Director, Internal Revenue Service, 325 West Adams, Springfield, Illinois 62704.
Director, Internal Revenue Service Center, Midwest Region, 2306 East Bannister Road, Kansas City, Missouri 64170.

North-Atlantic Region:
Regional Commissioner, Internal Revenue Service, 90 Church Street, New York, New York 10007.
Regional Inspector, Internal Revenue Service, 26 Federal Plaza (14th Floor), New York, New York 10007.
District Director, Internal Revenue Service, 68 Sewall Street, Augusta, Maine 04330.
District Director, Internal Revenue Service, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
District Director, Internal Revenue Service, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207.
District Director, Internal Revenue Service, 120 Church Street, New York, New York 10007.
District Director, Internal Revenue Service, 35 Tillary Street, Brooklyn, New York 11201.
District Director, Internal Revenue Service, 111 W. Huron Street, Buffalo, New York 14202.
District Director, Internal Revenue Service, 11 Elmwood Avenue, Burlington, Vermont 05401.
District Director, Internal Revenue Service, 450 Main Street, Hartford, Connecticut 06103.
District Director, Internal Revenue Service, Federal Building, 80 Daniel Street, Portsmouth, New Hampshire 03801.
District Director, Internal Revenue Service, 130 Broadway, Providence, Rhode Island 02903.
Director, Internal Revenue Service Center, North-Atlantic Region, 310 Lowell Street, Andover, Massachusetts 01812.
Director, Internal Revenue Service Center, North-Atlantic Region, 1040 Waverly Avenue, Holtsville, New York 11799.

Southeast Region:
Regional Commissioner, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30303.
Regional Inspector, Internal Revenue Service, 4th Floor, CWC Building, 221 Courtland Street, N.E., Atlanta, Georgia 30303.
District Director, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30303.
District Director, Internal Revenue Service, 2121—8th Avenue, North, Birmingham, Alabama 35203.
District Director, Internal Revenue Service, 901 Sumter Street, Columbia, South Carolina 29201.
District Director, Internal Revenue Service, 320 Federal Place, Greensboro, North Carolina 27401.
District Director, Internal Revenue Service, 301 North Lamar Street, Jackson, Mississippi 39202.
District Director, Internal Revenue Service, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202.
District Director, Internal Revenue Service, 801 Broadway, Nashville, Tennessee 37202.
Director, Internal Revenue Service Center, Southeast Region, 4800 Buford Highway, Chamblee, Georgia 30006.
Director, Internal Revenue Service Center, Southeast Region, 3131 Democrat Road, Memphis, Tennessee 38110.

Southwest Region:
Regional Commissioner, Internal Revenue Service, 7839 Churchill Way, Dallas, Texas 75251.
Regional Inspector, Internal Revenue Service, 7839 Churchill Way, Dallas, Texas 75251.
District Director, Internal Revenue Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87101.
District Director, Internal Revenue Service, 300 E. 8th Street, Austin, Texas 78701.
District Director, Internal Revenue Service, 308 W. 21st Street, Cheyenne, Wyoming 82001.
District Director, Internal Revenue Service, 1100 Commerce Street, Dallas, Texas 75202.
District Director, Internal Revenue Service, 1050 17th Street, Denver, Colorado 80202.
District Director, Internal Revenue Service, 700 W. Capitol, Little Rock, Arkansas 72203.
District Director, Internal Revenue Service, 500 Camp Street, New Orleans, Louisiana 70130.
District Director, Internal Revenue Service, 200 N.W. 4th Street, Oklahoma City, Oklahoma 73102.
District Director, Internal Revenue Service, 412 S. Main Street, Wichita, Kansas 67202.
Director, Internal Revenue Service Center, Southwest Region, 3651 S. Interregional Highway, Austin, Texas 78740.

Western Region:

Regional Commissioner, Internal Revenue Service, 525 Market Street, San Francisco, California 94101.
Regional Inspector, Internal Revenue Service, 160 Pine Street, Suite 500, San Francisco, California 94111.
District Director, Internal Revenue Service, 310 K Street, Anchorage, Alaska 99501.
District Director, Internal Revenue Service, P.O. Box 041, 550 West Fort Street, Boise, Idaho 83724.
District Director, Internal Revenue Service, 209 Federal Building, Helena, Montana 59601.
District Director, Internal Revenue Service, 335 Merchant Street, Honolulu, Hawaii 96813.
District Director, Internal Revenue Service, 300 N. Los Angeles Street, Los Angeles, California 90012.
District Director, Internal Revenue Service, 230 N. 1st Avenue, Phoenix, Arizona 85025.
District Director, Internal Revenue Service, 319 S.W. Pine Street, Portland, Oregon 97204.
District Director, Internal Revenue Service, 300 Booth Street, Reno, Nevada 89502.
District Director, Internal Revenue Service, 465 S. 4th East, Salt Lake City, Utah 84111.
District Director, Internal Revenue Service, 450 Golden Gate Avenue, San Francisco, California 94102.
District Director, Internal Revenue Service, 915 Second Street, Seattle, Washington 98174.
Director, Internal Revenue Service Center, Western Region, 1160 W. 1200 South Street, Ogden, Utah 84201.
Director, Internal Revenue Service Center, Western Region, 5045 East Butler Avenue, Fresno, California 93888.

ADDRESSES OF CHIEF COUNSEL AND REGIONAL COUNSEL OFFICES

National Office
Administrative Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Criminal Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Disclosure Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
General Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Interpretative Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Refund Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Tax Court Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Chief Counsel, and Associate Chief Counsels (Tax Litigation) and (General), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Regional Counsel Offices
North-Atlantic Region
Regional Counsel Office
Regional Counsel's Office, IRS, North-Atlantic Region, 26 Federal Plaza, 12th Floor, New York, New York 10007.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 100 Summer St., 17th Floor, Boston, Massachusetts 02203.
Regional Counsel's Office, IRS, 304 U.S. Court House, Niagara Square, Buffalo, New York 14202.

Mid-Atlantic Region
Regional Counsel Office
Regional Counsel's Office, IRS, Mid-Atlantic Region, Room 464, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, Room 1117 Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
Regional Counsel's Office, IRS, Ninth Floor, 970 Broad Street, Newark, New Jersey 07102.
Regional Counsel's Office, IRS, Federal Building, Room 726, 100 Liberty Ave., Pittsburgh, Pennsylvania 15222.
Regional Counsel's Office, IRS, 2018 Federal Building, 8th and Marshall Streets, Richmond, Virginia 23240.
Regional Counsel's Office, IRS, Room 422, Universal Building, North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009.

Southeast Region
Regional Counsel Office
Regional Counsel's Office, IRS, Southeast Region, Federal Office Building, 275 Peachtree St., N.E., Atlanta, Georgia 30303; Mailing Address: P.O. Box 1074, Atlanta, Georgia 30301.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, Room 1624, 2121—8th Avenue, North, Birmingham, Alabama 35203.
Regional Counsel's Office, IRS, Room 509, 320 Federal Place, Greensboro, North Carolina 27401.
Regional Counsel's Office, IRS, Box 35027 Federal Building, 400 West Bay Street, Jacksonville, Florida 32202.
Regional Counsel's Office, IRS, Room 1502, Federal Office Building, 51 SW First Avenue, Miami, Florida 33130.
Regional Counsel's Office, IRS, 703 U.S. Court House Building, 801 Broadway, Nashville, Tennessee 37202.

Central Region
Regional Counsel Office
Regional Counsel's Office, IRS, Central Region, 7510 Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202; Mailing Address: P.O. Box 2059, Cincinnati, Ohio 45201.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 1620 Williamson Building, 215 Euclid Avenue, Cleveland, Ohio 44114.
Regional Counsel's Office, IRS, 1870 Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226.
Regional Counsel's Office, IRS, 575 North Pennsylvania St., Room 508, Indianapolis, Indiana 46244.
Regional Counsel's Office, IRS, 579 Federal Office Building, Louisville, Kentucky 40202.

Midwest Region
Regional Counsel Office
Regional Counsel's Office, IRS, 22d Floor South, Everett McKinley Dirksen Building, 219 South Dearborn St., Chicago, Illinois 60604.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 2700 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
Regional Counsel's Office, IRS, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue, Milwaukee, Wisconsin 53233.
Regional Counsel's Office, IRS, 215 North 17th Street, Room 3101, U.S. Post Office & Court House, Omaha, Nebraska 68101.
Regional Counsel's Office, IRS, 935 U.S. Court & Custom House, 1114 Market Street, St. Louis, Missouri 63101.
Regional Counsel's Office, IRS, Room 572, Federal Building & U.S. Court House, 140 East Fourth Street, St. Paul, Minnesota 55101.

Southwest Region
Regional Counsel Office
Regional Counsel's Office, IRS, Southwest Region, Room 12D27, Earle Cabell Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, Texas 75242.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 20th Floor, 1050—17th Street, Denver, Colorado 80202.
Regional Counsel's Office, IRS, Room 8102, 515 Rusk Avenue, Houston, Texas 77002.
Regional Counsel's Office, IRS, Room 845, F. Edward Hebert Building, 600 South Street, New Orleans, Louisiana 70130.
Regional Counsel's Office, 220 Northwest 4th Street, Courthouse & Federal Office Bldg., Oklahoma City, Oklahoma 73101.

Western Region
Regional Counsel Office
Regional Counsel's Office, IRS, Western Region, Two Embarcadero Center, Suite 900, San Francisco, California 94111.
Branch Regional Counsel Offices

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Regional Counsel's Office, IRS, 3018 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.
Regional Counsel's Office, IRS, 810 Crown Plaza, 1500 S.W. First Avenue, Portland, Oregon 97201.
Regional Counsel's Office, IRS, Security Center Building, Suite 1214, 222 North Central Avenue, Phoenix, Arizona 85004.
Regional Counsel's Office, IRS, Room 2710, Federal Building, 915 Second Avenue, Seattle, Washington 98174.
Regional Counsel's Office, 3438 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

Treasury/Customs 00.001

System name: Acceptable Level of Competence, Negative Determination—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Any employee of U.S. Customs Service Region I, who receives a negative determination regarding acceptable level of competence.

Categories of records in the system: Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

Authority for maintenance of the system: Five U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include general reference to the records by supervisors when considering appropriate actions to take with regard to the individuals; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in locked file cabinets.

Retrievability: The records are filed by the individual's name.

Safeguards: Direct access is limited to the Director and five employees of the Personnel Division. In addition to being stored in locked cabinets, the area in which these records are stored is locked during non-duty hours and the building is guarded by uniformed security police.

Retention and disposal: Records are retained until the employee leaves the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is furnished by the employee, employee's supervisor and the Federal Employee Appeals Authority.

Treasury/Customs 00.002

System name: Accident Reports—Treasury/Customs.

System location: Logistics Management Division, Region IV, 7370 N.W. 36th Street, Suite No. 300, Miami, Florida 33166.

Categories of individuals covered by the system: Any employee of Region IV who has had an accident on Government property or in an official vehicle since 1973.

Categories of records in the system: Standard Government forms dealing with accidents and personal injuries.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Executive Order 11807 and Section 19 of Occupational Health & Safety Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in an unlocked drawer in chronological order by date.

Retrievability: Each case is identified by employee name and date of accident.

Safeguards: The metal container described above is maintained within the area assigned to the Logistics Management Division within the Region IV Headquarters Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: Accident Record files are retained in accordance with the Records Disposal Manual.

System manager(s) and address: Director, Logistics Management Division, Region IV, Headquarters, 7370 N.W. 36th Street, Suite No. 300, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner, Region IV, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system or records, and how he can contest its content shall be in writing and directed to the Regional Commissioner, Region IV, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to five thousand dollars.

Contesting record procedures: See Access above.

Record source categories: Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

Treasury/Customs 00.003

System name: Accident Reports—Treasury/Customs.

System location: Each Regional Commissioner Office (See Customs Appendix A).

Categories of individuals covered by the system: Employees of Customs Service injured on-the-job.

Categories of records in the system: Information furnished by employee and his/her supervisor regarding facts relating to accidents or injuries involving the employee. Sometimes includes doctor's statements and witnesses' statements. Includes log sheet kept in order of arrival during calendar year.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability of Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked file cabinet.

Retention and disposal: In accordance with the Records Control Manual.

System manager(s) and address: Each Director, Logistics Management Division, each Customs Region (See Customs Appendix A for addresses).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified of how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information obtained from person filing the report as well as witness's reports and statements, the employees' supervisors' statements and doctors' reports.

Treasury/Customs 00.004

System name: Accident and Injury Report File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Information furnished by employee and his/her supervisor regarding facts relating to accidents or injuries involving the employee. Sometimes includes doctor's statements and witnesses' statements. Includes log sheet kept in order of arrival during calendar year.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 5 U.S.C. 8101-8150, 8191-8193.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in a lockable filing cabinet.

Retrievability: The file for each employee is placed according to when it is received during the calendar year. The name of the employee is shown on an index sheet on top of the file.

Safeguards: The files are contained within a lockable file cabinet within an office which is locked during non-working hours.

Retention and disposal: Active files are retained indefinitely. Files of deceased, retired, etc., employees are forwarded to U.S. Customs Region VIII Personnel Division for inclusion within the person's official personnel folder.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, Room 2057, 450 Golden Gate Avenue, San Francisco, California 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctor's reports.

Treasury/Customs 00.269

System name: Accounts Payable Voucher File—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All Region V personnel to whom travel and other disbursements are made. All individuals who provide goods and services to Region V.

Categories of records in the system: Invoices and travel/other vouchers and supporting disbursements schedules.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Used to substantiate disbursements made; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in unlocked file cabinets.

Retrievability: By name.

Safeguards: Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

Retention and disposal: In accordance with Records Control Manual; records are disposed of when no longer needed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in

which the records are located (see Customs Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Invoices and travel/other vouchers submitted by the individual.

Treasury/Customs 00.005

System name: Accounts Receivable Correspondence and Follow-Up—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

Categories of records in the system: Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the personnel of the Financial Management Division to effect collections or refund overpayments for duties and services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders which are contained in an unlocked metal file cabinet.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection or refund is effected and 2 years thereafter, then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system is obtained from data gathered from the automated billing system and ports of entry.

Treasury/Customs 00.006

System name: Accounts Receivable—Treasury/Customs.

System location: Financial Management Division—District and ports, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Importers and Brokers, Corporate and Individuals.

Categories of records in the system: Names, Entry Number, Amounts Due (Reimb) Names, Importer Number, Amounts Due.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue Accounting Personnel to ascertain receivables and to determine appropriate follow up action to effect collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Monthly hard copy printout, by bill category, alphabetized within.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing, and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Headquarters Data Center.

Treasury/Customs 00.007

System name: Accounts Receivable—Treasury/Customs.

System location: U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 WTC, New York, N.Y. 10048.

Categories of individuals covered by the system: File on individuals and corporations that owe the Customs Service money.

Categories of records in the system: Each file lists name of debtor, address, its liquidated and unliquidated entries, and notices sent out regarding debtors to all branches of Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To expedite collection of money and to hold refunds.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in cabinets.

Retrievability: Rolex file maintained alphabetically refers to all cases.

Safeguards: Office locked.

Retention and disposal: Retained until case is closed and then destroyed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting

identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Newspapers, Regional Counsel, Customshouse Brokers.

Treasury/Customs 00.008

System name: Accounts Receivable Files—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All individuals incurring Customs obligations (duties, taxes, fines, and penalties).

Categories of records in the system: Customs bills and related supporting documentation and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to determine collection status of individual obligations for processing of collection actions; (b) Disclosures to those officers and employees of Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked file cabinets.

Retrievability: By bill number. Can be identified to individual by referring to alphabetical listing on monthly aged accounts receivable report.

Safeguards: Usage limited to Regional personnel. Files located in office which is locked during non-working hours.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: See "Location" above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: All individuals incurring Customs obligations.

Treasury/Customs 00.009

System name: Acting Customs Inspector (Excepted)—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and Offices of the District Directors, Region IX, Chicago, Illinois.

Categories of individuals covered by the system: Employees or members of other Federal agencies who are designated by the District Directors as Customs Inspectors (Excepted).

Categories of records in the system: System has name, social security number, rank or grade and duty station of the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers as a control and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: CF 55 forms kept in manila folders in file cabinet.

Retrievability: Filed alphabetically.

Safeguards: During non-working hours the offices and/or buildings in which records are located are locked.

Retention and disposal: Until individual transfers or designation is cancelled. Form is then destroyed.

System manager(s) and address: Director, Personnel Management Division.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is supplied by the individual and his or her agency.

Treasury/Customs C0.010

System name: Acting Customs Inspectors (Excepted)—Treasury/Customs.

System location: Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Those employees of other agencies (including military) within Region VI designated as Customs Inspectors.

Categories of records in the system: The name of individual, location, social security number, rank or grade, position and agency and date of designation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duites; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sheet is inserted in a folder which is filed in an unlocked metal file cabinet.

Retrievability: Each sheet is identified by the name of the designee.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active sheets are maintained in the file indefinitely. However, the system is reviewed every six months and outdated sheets are discarded.

System manager(s) and address: Director, Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas, Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Copy of action designating the individual from the District Directors.

Treasury/Customs 00.011

System name: Acting Customs Inspectors (Excepted)—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: All individuals of other Federal agencies who have been cross-designated as Acting Customs Inspectors (Excepted).

Categories of records in the system: Name, date of birth, social security number, duty location, GS-level and training statement from Customs Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention or an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a list of those employees of other agencies who have met the minimum requirements of Acting Customs Inspectors and record of training for such designation. Maintain minimum requirements for primary and secondary inspection programs, policies, procedures, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper in manila folder in a file cabinet.

Retrievability: By name of individual and duty station.

Safeguards: Locked file cabinets, buildings locked during non-working hours.

Retention and disposal: Indefinitely or until rescinded.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District, according to the list that is attached as Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Officers, employees, and officers of other Governmental agencies.

Treasury/Customs 00.012

System name: Acting Customs Officer (Excepted)—Treasury/Customs.

System location: In the office of all District Directors in Region IX, Chicago, Illinois. (See Customs Appendix A).

Categories of individuals covered by the system: Employees of other Government agencies who have been designated to act as Customs officers excepted.

Categories of records in the system: Names, social security numbers, rank or grade, Customs designation, position and agency or service, duty stations, and effective date. Customs Form 55.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in file folders in open file cabinets.

Retrievability: These forms are maintained in alphabetical order by name of employee.

Safeguards: The file cabinet is maintained in the offices or areas assigned to the District Directors. During non-working hours the room and/or building in which the cabinet is located is locked.

Retention and disposal: Retention period is indefinite or until canceled by reason of transfer or retirement.

System manager(s) and address: All District Directors, as appropriate, in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Requests for designation by the agencies involved and memoranda certifying completion of training.

Treasury/Customs 00.013

System name: Acting Customs Officer (Excepted)—Treasury/Customs.

System location: U.S. Customhouse, P.O. Box 111, District Director's Office, St. Albans, Vermont 05478.

Categories of individuals covered by the system: Present employees of other agencies designated as Customs Officers (Excepted).

Categories of records in the system: Name, social security number, rank or grade, Customs designation, position and agency or service, duty station.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be diclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders stored in filing cabinet.

Retrievability: Alphabetically; by name.

Safeguards: These records are filed at the District Director's office under the supervision of District Director's secretary during working hours. The office is locked during non-working hours.

Retention and disposal: Retention period is indefinite or until canceled by reason of transfer or retirement.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service

Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is furnished by the individual employee and his agency.

Treasury/Customs 00.014

System name: Advice Requests (Legal) (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel—15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Categories of individuals covered by the system: Individuals who are the subject of any request for legal advice by another office within Customs, another Government agency, or the private individual himself. An example would be a request by a District Director for advice as to whether or not a violation of a Customs law for which a penalty may be assessed has occurred.

Categories of records in the system: Intra-agency or inter-agency memoranda and reports of investigation and other documents submitted by the requesting office for use in handling the request. Correspondence from the private individual submitting the request.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used in handling the request for advice and in preparing a response to the request; (d) Information contained in the files may be used internally by the Regional Counsel and members of his staff insofar as it relates to precedent or guidelines for their handling of future cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the individual who is the subject of the request and in the alphabetical file folder within the metal file cabinet by the name of the individual who is the subject of the request.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Request for legal advice files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Record Center.

System manager(s) and address: Regional Counsel, Room 15001, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information which may concern the subject individual is sourced in the memoranda or correspondence from the office or individual requesting the advice and in any supporting documents that office or individual may transmit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.016

System name: Aircraft Ownership File—Treasury/Customs

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are the registered owners of record of U.S. aircraft.

Categories of records in the system: This file contains the name and address of the registered owner of the aircraft; the registration number, category and type of aircraft; and an indication of whether or not the aircraft is on record with the TECS system.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a

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license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a looseleaf container within a security area.

Retrievability: The information is in the form of Micro-film and is retrieved by means of an Alpha-numerical code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.017

System name: Aircraft Registers—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V, RDI, 2900 Plaza Tower Building, New Orleans, La. 70113; RA, 1719 West End Building, Rm. 303, Nashville, Tennessee 37203.

Categories of individuals covered by the system: Owners and co-owners of U.S. registered aircraft.

Categories of records in the system: Name indices of owners of U.S. registered aircraft and indices of co-owners of U.S. registered aircraft indexed by aircraft registration number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This microfiche is maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: This microfiche file is identified by alphabetical name of the categories of individials maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C.552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.018

System name: Aircraft Sanctioned List—Treasury/Customs.

System location: All ports and Regional Headquarters in Region VI, U.S. Customs Service, 500 Dallas St., Suite 1280, Houston, Texas 77002.

Categories of individuals covered by the system: Private aircraft owners and/or operators entering Region VI ports from a foreign country.

Categories of records in the system: Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

Authority for maintenance of the system: Public Law 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Provide ready reference to officers and employees of the U.S. Customs Service in Region VI of parties-in-interest with past due accounts; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List is maintained in file folder at work site.

Retrievability: Alphabetical order by name.

Safeguards: The list is placed in locked cabinet during non-working hours. The building is guarded by uniformed security police.

Retention and disposal: Quarterly an updated list is issued and the prior list is destroyed by shredding.

System manager(s) and address: Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individial to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individial can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source of information for the listing is obtained from a suspension file purged from the automated system of Aged Accounts Receivable.

Treasury/Customs 00.021

System name: Arrest/Seizure/Search Report and Notice of Penalty File—Treasury/Customs.

System location: Office of the District Director of Customs, Room 228, United States Customs Service, 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

Categories of records in the system: Names of individuals, vessels, aircraft; identifying factors; nature of violation or suspected violation; circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Enforcement use by Customs Patrol Officers.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each report is assigned a case number and filed accordingly in a locked, metal file located in the office of the Director of Patrol.

Retrievability: Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

Safeguards: In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are controlled and issued only to authorized personnel.

Retention and disposal: These records are retained for one year or until action has been completed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Post Office Box 1641, Honolulu, Hawaii 96806.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.022

System name: Attorney Case File—Treasury/Customs

System location: Office of Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or sub-units, or employees or officers thereof, in matters which affect or involve the U.S. Customs Service.

Categories of records in the system: Seizure reports, investigative reports, Customs forms and documents relative to the case, petitions for relief, decisions on petitions, other background information relating to the litigation, motions, orders, etc., filed in connection with the litigation; investigative reports relative to an individual's economic ability to pay a claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual involved in the litigation.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the

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Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, Customs penalty case files, other Government agencies, parties involved in litigation, banks and credit bureaus, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, denials of tort claims, denials of information under the Freedom of Information Act, and from other parties' information pertinent to the litigation.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.024

System name: Automated Customs Air Fleet Management Reporting System (CAMS)—Treasury/Customs

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Patrol Pilots and Crew Members.

Categories of records in the system: Flight time, budget data, maintenance, material and labor data, pilot and crew qualification for all types of aircraft used by Customs.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used for management purposes, such as, to determine experience and qualifications of pilots and flight time in various types of aircraft, budget information, enforcement activity involving Customs aircraft, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc storage.

Retrievability: Indexing is by the name or personal identifier of Customs Pilots and/or Crew members.

Safeguards: All users must have full field background investigation. Only management can request the information on a "need to know" basis. Procedural and physical safeguards are utilized at all facilities; such as accountability and receipt records, guards, patrolling restricted access alarm protection system, and other special communications security.

Retention and disposal: All records are kept until the employee is transferred or is no longer able to fly. A copy of the record is given to the employee and the record is erased from the disc if the employee transfers or is no longer able to fly.

System manager(s) and address: Assistant Commissioner, Officer of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Pilot/Crew Qualification Report (Customs Form 180) which is filled out by a Customs pilot and/or crew member.

Treasury/Customs 00.025

System name: Automated Merchandise Processing System (AMPS) Liquidation File—Treasury/Customs.

System location: The computer is located at 1900 West Park Drive, McLean, Virginia 23701. Computer terminals are located at the Customhouses in Boston, Massachusetts, Baltimore, Maryland, Miami, Florida, Philadelphia, Pennsylvania and Chicago, Illinois and in U.S. Customs Headquarters, Washington, D.C. (See Customs Appendix A for addresses of Customhouses)

Categories of individuals covered by the system: Personnel authorized to liquidate Customs entries.

Categories of records in the system: Name of person, liquidator code.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Identification

of persons who are authorized to accomplish liquidation of entries; (d) To provide management and supervisory information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored on magnetic discs.

Retrievability: By liquidator code.

Safeguards: Information is retrieved from a computer terminal. The terminals are kept in guarded rooms, and only authorized persons are permitted into the room. The terminal will operate only after being fed a password and identification code. The room is locked at all times when not guarded.

Retention and disposal: The files are retained indefinitely and are updated periodically.

System manager(s) and address: Director, Duty Assessment Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Liquidation codes are assigned by Customs officials to employees authorized by Customs to liquidate entries.

Treasury/Customs 00.270

System name: Background—Record File of Non-Customs Employees—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois—for addresses see Customs Appendix A.

Categories of individuals covered by the system: Present and past non-Customs personnel requiring a background investigation to gain admittance to restricted U.S. Customs premises.

Categories of records in the system: Report of background investigations, names, addresses, social security numbers and date and place of birth, etc. of non-Customs employees.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include ensuring the security of merchandise, contraband and information in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the non-Customs employee.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to 5,000 dollars. Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another

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person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records are proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.026

System name: Badge and Gun Report—Treasury/Customs

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees assigned to the Office of Investigations and the Office of Internal Security to whom badges and guns have been issued.

Categories of records in the system: Name, Social Security number, badge number, serial number of gun.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) Provide Customs with a record of those employees to whom badges and guns have been issued, and to provide personal accountability for badges and guns.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and computer printout.

Retrievability: By name or Social Security number of the person to whom the badge or gun has been issued.

Safeguards: The magnetic tape and computer are maintained under procedural and physical safeguards such as accountability and receipt access, guards patrolling the area, restricted access, and alarm systems. Print-outs are stored in locked metal file cabinets. The room where the cabinets are kept is locked during non-working hours. The building is patrolled by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: The records in this system are kept for as long as the individual remains in possession of a badge or gun. Thereafter the record is erased from the tape. The print-outs are retained for two years and then disposed of as paper trash.

System manager(s) and address: Director, Logistics Management Division, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is recorded by the issuing officer at the time the badge or gun is issued.

Treasury/Customs 00.027

System name: Badge Number File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Customs officers who have been assigned badges.

Categories of records in the system: Names, Badge Numbers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Available to Supervisors and other Customs personnel who have need for badge identification.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on single 8 x 10 sheet by property clerk and Port Director.

Retrievability: Alphabetical.

Safeguards: Building is locked during non-working hours.

Retention and disposal: Indefinite while employee in duty status; otherwise destroyed.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District, according to the list that is attached as Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information supplied by individual and the Customs Service.

Treasury/Customs 00.028

System name: Baggage Declaration—Treasury/Customs

System location: Located at the District and Port Directors' offices in the Ogdensburg, New York district. (Boston region)

Categories of individuals covered by the system: Persons required to make a written baggage declaration.

Categories of records in the system: Name, address, items declared and value.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To substantiate cases of failure to declare or false declarations or investigation by Office of Investigations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders in file cabinet.

Retrievability: By name.

Safeguards: Available to authorized Customs personnel only.

Retention and disposal: Free entry declarations are retained for three years then destroyed. Dutiable declarations are retained for three years at the Port, seven years at the Federal Record Center, and then destroyed.

System manager(s) and address: District and Port Directors.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A

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comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above

Record source categories: The individual who files the baggage declaration.

Treasury/Customs 00.030

System name: Bankrupt Parties-in-Interest—Treasury/Customs.

System location: Regional Headquarters in Region VI, U.S. Customs Service, 500 Dallas St., Suite 1280, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals indebted to U.S. Customs.

Categories of records in the system: Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

Authority for maintenance of the system: Public Law 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Provide ready reference to officers and employees of the U.S. Customs Service in Region VI of parties-in-interest with past due accounts who have filed in bankruptcy court; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cases are maintained in file folders at work site.

Retrievability: Alphabetical order by name.

Safeguards: These cases are placed in locked cabinets during nonworking hours. The building is guarded by uniformed security police.

Retention and disposal: As satisfaction received, cases are closed. Records are maintained per Records Control Manual FIS-4 No. 124.

System manager(s) and address: Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notifed if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

Treasury/Customs 00.031

System name: Bills Issued Files—Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Individuals to whom bills have been issued.

Categories of records in the system: Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical file folders in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the offices of the Regional Commissioner, Region IX, Chicago, Illinois. During nonworking hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

Retention and disposal: Correspondence file is maintained for a period of three years then destroyed.

System manager(s) and address: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notifed if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 2022?. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

Treasury/Customs 00.033

System name: Biographical Information File—Treasury/Customs.

System location: Public Information Office, U.S. Customs Service, Region VI, Suite 1240, One Allen Center, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Employees who by virtue of position and/or achievement are the subject of official news releases and news inquiries.

Categories of records in the system: Name; title; office; location; employment date; professional status; schools and colleges attended; dates of graduation; degrees received; major subjects studied; special courses completed; work experience; memberships in professional societies; achievements; books and articles written; committee service; military service and honors; date and place of birth; marital status; spouse's name; number of children; home address; hobbies; civic activities; list of publications to be sent press releases; names and addresses of parents and spouse's parents; personal photograph; copies of press releases; copies of news clippings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide biographical and personal data used in the preparation of news releases; (d) To provide biographical and personal data used in responding to inquiries from the news media; (e) To provide biographical and personal data used in preparing articles for internal publications.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file folders and stored in metal file cabinets in an office with security lock.

Retrievability: The files are arranged alphabetically by name.

Safeguards: The file cabinet is located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel.

Retention and disposal: Retained indefinitely as long as subjects are employed by Customs within the region. Files are destroyed when they are no longer useful.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, Region VI, Suite 1240, One Allen Center, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

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Record source categories: Information in press biographical information files is supplied by the individual to whom it pertains. The information is submitted in the form in which persons submitting the data prefer to see it in print.

Treasury/Customs 00.032

System name: Biographical Files (Headquarters)—Treasury/Customs.

System location: Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and the Regional Public Information offices located at the addresses listed in Customs Appendix A.

Categories of individuals covered by the system: General biographical records are maintained on all Customs employees for news release and public information purposes.

Categories of records in the system: General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include release of information to the news media and for use in internal Customs publications; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

Retrievability: File folders are identified by the name of the person and are filed in alphabetical order.

Safeguards: The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

Retention and disposal: Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

System manager(s) and address: Director, Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The individual involved, Customs personnel officers and co-workers.

Treasury/Customs 00.034

System name: Boarding Report—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, La. 70113; Dir., District Patrol Division, Rm. 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: All suspect vessels and/or boats that information has been received on indicating unlawful or suspicious activity requiring a Customs search.

Categories of records in the system: Regional form giving name of vessel, registration number, boarding date, hailing port, documentation port, name and address of master and all other important information pertaining to suspect vessel or boat.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System is filed alphabetically by name of vessel owner.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinet is locked.

Retention and disposal: Boarding Reports are normally destroyed after 3 years. On active cases, files could presumably be retained for duration of interest in vessel. Disposal is by means of shredding.

System manager(s) and address: Director, District Patrol Division, Suite 2800, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, La. 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.035

System name: Boat Automated Management System (BAMS)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Patrol Marine Officers.

Categories of records in the system: Officer's name, personal identification number, type of vessel, maintenance and parts data, inspection reports and crime data.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Management use is to determine qualifications and experience of Customs Patrol marine officers.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage.

Retrievability: By patrol officer name, Social Security number and boat type.

Safeguards: Only management can request information on a "need to know" basis. Procedural and physical safeguards are utilized at all facilities; such as accountability and receipt records, guards patrolling restricted access areas, alarm protection systems, etc.

Retention and disposal: Records are kept as long as the employee is in the Marine Patrol. When the employee is no longer qualified or able to operate a boat, a copy of the record is given to him and then the record is erased from the disc and tape.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: An internal Customs Form which is prepared by the Patrol Marine officer.

Treasury/Customs 00.036

System name: Boat Owners Mailing List—Treasury/Customs.

System location: Inspection & Control Division, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Individual boat owners who own boats; (a) 28 feet and over—residing in Texas, Louisiana and Alabama; (b) 16 feet and over—in counties contiguous to and available to Lake Amistad and Falcon Lake, Texas.

Categories of records in the system: Name of individual boat owners meeting above criteria, address and boat identification and description.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

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Routine uses of records maintsined in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to printer and/or mailing center for distribution of advisory material; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is expected to be in a computer sheet printout which will be kept in the desk of an operations officer until needed.

Retrievability: It is expected that the lists from each state will be in alphabetical order.

Safeguards: The lists will be in an operations officer's desk which is located within an office that is locked during nonworking hours.

Retention and disposal: The information in these lists will be kept through initial mailing of required information after which they will be destroyed under supervision.

System manager(s) and address: Director, Inspection & Control Division, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters; 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Boat registration lists from: (a) State of Texas; (b) State of Louisiana; (c) State of Alabama; (d) U.S. Coast Guard.

Treasury/Customs 00.037

System name: Cargo Security File—Treasury/Customs.

System location: Special Agent in Charge, Room 501, 243 West Congress Street, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Longshoremen, Customs Bonded Warehouse employees, licensed Cartmen employees and other persons having access to cargo.

Categories of records in the system: Names, place of employment, residence, criminal records, date of birth, Social Security numbers, photographs, descriptions and other identifying data.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties and/or to cooperating Law Enforcement Agencies; (b) Disclosures required in administration of the Freedom of Information Act. (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in loose-leaf binders and cross indexed index cards showing license numbers are kept in a metal box. They are kept in the communications room for rapid access.

Retrievability: Names of companies and individuals can be retrieved by checking the loose-leaf binders kept in an alphabetical listing. License plate numbers are listed in numerical sequence on index cards.

Safeguards: The records are kept in a room within the office which is locked when not in use. Keys are available only to employees, and are not accessible to persons other than employees. Employees having access to the room have received a security background and clearance. The offices are located in buildings with guards and controlled by sign-in, sign-out sheets after regular hours.

Retention and disposal: Information remains in the system indefinitely or until no longer needed. The records are disposed of by shredding or burning.

System manager(s) and address: Special Agent in Charge, Room 501, 243 West Congress Street, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.271

System name: Cargo Security Record System—Treasury/Customs.

System location: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Categories of individuals covered by the system: Drivers of motor vehicles of licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

Categories of records in the system: Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include protection of the revenue of the United States and protection of merchandise in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and special security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

Retrievability: By individual name or corporate name.

Safeguards: Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

Retention and disposal: Information on drivers is retained in an active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

System manager(s) and address: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (K)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.038

System name: CARNET Information System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who make temporary exportation from the United States of an automobile or other motor vehicle under the provisions of certain international agreements which cause a document known as "Carnet de Passages en Douanes" to be issued to the exporter.

Categories of records in the system: Individual's name, personal identifiers, vehicle information, countries visited, and expected length of stay.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those

officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used in support of Customs enforcement activity, such as the verification of Customs declarations of persons arriving at United States ports of entry.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc storage.

Retrievability: Indexing is by vehicle identification numbers and by name of applicant for the Carnet document.

Safeguards: All inquiries are made by Customs officers who have had a full field background investigation on a "need-to-know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, etc.

Retention and disposal: The computerized records are automatically cancelled from the computer data base upon the return of the Carnet subject or vehicle to the United States.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.039

System name: Carrier File—Treasury/Customs.

System location: Room 130, U.S. Customhouse, Terrace & International Streets, Nogales, Arizona.

Categories of individuals covered by the system: Applicants for Bonded Carrier's License.

Categories of records in the system: Application with pertinent documents and bonds covering approval as bonded carrier.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Granting of Bonded Carrier status and collection of penalties for Customs violations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carrier files retained in alphabetical order at District Office.

Retrievability: By name.

Safeguards: Records are retained in lockable file cabinet and building is locked during other than office hours.

Retention and disposal: Records retained until obsolete and destroyed by burning.

System manager(s) and address: District Director, U.S. Customshouse, Nogales, Arizona 85621.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained herein originates with the applicant and includes required licenses and information relative to equipment utilized.

Treasury/Customs 00.040

System name: Carrier File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Officers or owners, employees, associates of Customs Bonded Carriers.

Categories of records in the system: Name, date of birth, Social Security No., place of birth and other information relating to Officers, Associates, employees, etc., of Bonded Carriers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a current file relating to operations, bond status, possible violations, and employment history of individuals working for the Bonded Carrier.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folder in file cabinet.

Retrievability: Filed by name of company or individual.

Safeguards: Building locked during non-working hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Bonded Carriers' employees and correspondence.

Treasury/Customs 00.041

System name: Cartmen or Lightermen—Treasury/Customs.

System location: Customs ports, districts, and regional offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs personnel in determining eligibility of applicants to be approved as licensed cartmen or lightermen; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a metal file cabinet in the office maintaining the system.

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Retrievability: Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file cross-referenced with company names.

Safeguards: The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24-hour basis the work area is locked and only authorized persons are permitted in the building.

Retention and disposal: Files are reviewed at least once a year at which time cancelled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same company or transferred to another company after a new investigation.

System manager(s) and address: Port Directors, District Directors, and Regional Commissioners of the U.S. Customs Service. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Systems exempted from certain provisions of the act: The commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.042

System name: Case and Complaint File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

Categories of records in the system: The System contains the individual's name, the type of case, the uniform filing guide number, the Regional Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to retrieve files by attorneys and staff by use of the individual's name.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each alphabetical card is inserted in a metal file drawer.

Retrievability: Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetical by last name.

Safeguards: The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois 60603. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Regional Counsel's office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

Treasury/Customs 00.043

System name: Case Files (Regional Counsel-Region V)—Treasury/Customs.

System location: The system is located in Room T-13021, 701 Loyola Avenue, New Orleans, Louisiana 70113, Office of the Regional Counsel, Region V, United States Customs Service.

Categories of individuals covered by the system: (1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within Region V; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Regional Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Regional Counsel by prospective employees; (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within Region V; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 1592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

Categories of records in the system: The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental petitions for fines, penalties, and forfeitures cases in Region V; criminal case reports for pending litigation and prosecution of cases in Region V; supplemental petitions for civil and technical violations committed within Region V; and employment applications for positions in the Office of the Regional Counsel, Region V.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as if necessary to obtain information relevant to an agency decision concerning the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Routine uses of the records contained in the system are for the processing and evaluation of complaints and claims submitted in adverse actions, equal employment opportunity complaints, grievances, tort claims, criminal investigations, civil investigations, collection efforts, employment actions, and personnel actions; (g) Routine uses include reference for the processing of claims; continuous updating of the records necessary for the processing of claims; references to the files for the satisfaction of claims and closing cases by or against the United States Customs Service within Region V; submission of copies of records to the General Services Administration and the Justice Department for prosecution of criminal and civil violations and collections; submissions of copies of records to various branches of the United States Customs Service within Region V for the purposes of investigating and/or processing outstanding civil and criminal cases, collection cases, tort claims, and various personnel actions; (h) The purposes of such uses include the processing of all of the abovecited claims by the Office of the Regional Counsel and the preparation of legal memoranda to various department heads and other agencies to expedite the ordinary course of business of the United States Customs Service within and without Region V.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the Office of the Regional Counsel, Region V, and they are maintained under lock and key outside the ordinary business hours.

Retrievability: Records maintained by the Office of the Regional Counsel, Region V, are retrievable by identifying the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

Safeguards: (a) The steel filing cabinets described above are maintained within the area assigned to the Office of the Regional Counsel within the U.S. Postal Service Building, Room T-13021, 701 Loyola Avenue, New Orleans, Louisiana 70113. During non-working hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards; (b) The policies and practices of the Office of the Regional Counsel regarding access controls are that only members of the staff of the Office of the Regional Counsel have access to the records maintained by the office.

Retention and disposal: (a) Records collected by this office are currently retained on a permanent basis as the office has only been in operation since August 1973; (b) Individual records are not disposed of by the Office of the Regional Counsel, Region V, and are simply placed into a further file of closed cases by category as stated above, and within each category by name. However, when applicable, this office will comply with appropriate disposal regulations whereby the oldest closed cases will be forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

System manager(s) and address: The agency official responsible for the system of records maintained by the Office of the Regional Counsel is the Regional Counsel, Region V, United States Customs Service, Room T-13021, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner, U.S. Customs Service, Room T-13036, 701 Loyola Avenue, New Orleans, Louisiana 70113 (the region in which the records are located), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester

will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity; and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Services by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers.

Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of inter-office memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.044

System name: Certificates of Clearance—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: All employees of Region I, Boston, Massachusetts who have transferred, retired or resigned.

Categories of records in the system: Documented detailed information on an in-house prepared form indicating that the employee has returned all Government property in his personal possession and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a check-off list to insure that the employee has complied with his obligation for the return of Government property and money. The system is used by all employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders by District and name of employee in a metal file cabinet in the work area of the Payment Section.

Retrievability: The file is retrievable by District and name of employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 10 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system originates at the District where the individual is employed.

Treasury/Customs 00.045

System name: Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claim Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

Treasury/Customs 00.046

System name: Claims Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

Categories of records in the system: Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual making a claim or against whom a claim is made; cross-referenced file with name of Government employee, if any, involved.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.047

System name: Claims Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102

Categories of individuals covered by the system: The categories included are: (1) Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment; (2) Current or former Customs employees filing claims under the Military Personnel and Civilan Employees' Claims Act of 1964 for damage to or loss of personal property incident to their service; (3) Individuals against whom the Government may have a claim for property damage caused by a wrongful or negligent act or omission on the part of the individual.

Categories of records in the system: Reports of invstigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 28 U.S.C. 2672, et seq; 31 U.S.C. 240-243, 28 CFR 14.1 et seq; 31 CFR 3.1, et seq; 31 CFR, Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) The information contained in these files with respect to Category 1 individuals above is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in the Category 1 files is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (d) The information contained in these files with respect to Category 2 individuals above is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (e) Information contained in these files with respect to Category 3 individuals above is used to make recommendations and is made available to officials within the Customs Service who make final determinations with respect to whether or not Customs should proceed to collect a claim against an individual for damage to Government property and how this should be done.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is indentified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal file cabinet by the name of the person who filed the claim in the case of Categories 1 and 2 above and by the name of the individual against whom the Government may have a claim in the case of Category 3 above.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Claim files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in the Federal Tort Claim files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the

Customs Service by the claimant. Investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

The information contained in the Military Personnel and Civilian Employees Claims Act files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Information contained in the files concerning property damage claims by the Government originates with a report by a Government employee of an incident or of facts from which it appears that the Government may have a claim. Based upon the reports, investigations are conducted to determine the facts surrounding the claims. During the investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.048

System name: Claims for Automobile Accidents—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons involved in automobile accidents for which Customs is pursuing collection.

Categories of records in the system: Accident reports, estimate of damages, insurance company correspondence, statements of witnesses, scope of employment of motor vehicle operation, and copies of bills sent to debtors.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Operating Accountant and Collection Section employees to collect claims resulting from damage to Customs vehicles.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders located in the office of the Revenue Accountant in a 4-drawer metal file under his physical security.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed Security Police, and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection is effected or referred to the Regional Counsel. The file is kept for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in the system originates with the operator of the motor vehicle in conjunction with the investigation report obtained from the Office of Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.049

System name: Claims (Receivable and Payable)—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons who have presented claims for payments by Customs or one involved in debts due Customs.

Categories of records in the system: Documented detailed information concerning the claims or debts involved in each case and related financial data on individuals involved in the debt or claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising

by general statute or particular program stature, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Chief, Accounting Branch as a guide in information-gathering to effect payment or collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders maintained in a metal file cabinet under the physical security of the Chief, Accounting Branch of the Financial Management Division.

Retrievability: The file is retrieved by the name of the individual on subject matter.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files on unusual cases are kept indefinitely for reference; routine cases are destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W, Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system is obtained from the Personnel Department and the Payroll Data Center.

Treasury/Customs 00.266

System name: Collection File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals against whom the Customs Service has asserted monetary claims and maintains collection efforts, principally for damages done to Government property.

Categories of records in the system: Reports of investigation regarding damage done to Government property by private individuals and documents relating to the administrative determination and handling of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims asserted by the Customs Service for damage done to government property by private individuals. The information is made available to those officials within the Customs Service who review and process such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government's case when suit is filed in court because administrative collection efforts are unsuccessful.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained with the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Division of Facilities Management, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester

will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a memorandum filed by the Customs employee accountable for the damaged property. An investigation is then conducted by authorized Customs Service investigative personnel in order to determine the appropriate facts. During the investigation, information may be elicited from Customs Service employees, private individuals, or any other party who may have relevant information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.050

System name: Community Leader Survey—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: The names, titles, and organization of persons who may be construed to be occupying a community leadership role and who may be in a position to furnish information or have some influence in regard to the equal employment opportunity program area.

Categories of records in the system: These records will consist of a card index of the names, titles, and organization of community leaders.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To provide an evaluation of the Regional equal employment opportunity posture; (b) To provide planning for an affirmative action program and to assist in evaluating and monitoring progress in the equal employment opportunity program area; (c) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To be prepared in an alphabetical card listing and filed in a metal file cabinet.

Retrievability: To be listed and filed alphabetically.

Safeguards: The metal file cabinet described above will be maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours this office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: To be useful, this information file must be kept current. Non-current files will be destroyed locally.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information to be included in these files will be developed from local agencies (city, county, state, and Federal) and from local civic organizations.

Treasury/Customs 00.051

System name: Complaints Against Customs Personnel—Treasury/Customs.

System location: Director, District Patrol Division, Suite 2800, Plaza Tower Building, 1001 Howard Avenue, New Orleans, LA 70113; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Present and past employees of the Patrol Division and U.S. Customs Service.

Categories of records in the system: Letters and official government memoranda.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general

statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in file folders and stored in locked metal cabinets.

Retrievability: File folders for this system are filed according to Customs filing code system.

Safeguards: File is maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Complaints against Customs Personnel files are normally destroyed after 1 year. If there are any pending complaints, the file may be kept until the case is closed. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, Suite 2800, Plaza Tower Building, 1001 Howard Avenue, New Orleans, La 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates from any Federal, state or local law enforcement agencies or individuals, from any private business or individuals who may have any complaints against Customs personnel.

Treasury/Customs 00.053

System name: Confidential Source Identification File—Treasury/Customs.

System location: Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals (Sources) supplying confidential information to the U.S. Customs Service, Office of Investigations.

Categories of records in the system: This system contains some or all of the following information: name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, date and place of birth, physical description, photograph, Social Security number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072, Title 19, United States Code; Title 18, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is primarily for the exclusive internal use of authorized employees of the Office of Investigations in connection with civil and criminal investigations and in connection with payments made for information received. Stringent controls are placed upon access to the files, even among Office of Investigations personal. In extremely rare and unusual situations, information with full source concurrence may be supplied to such organizations as Federal, state, and/or other law enforcement or prosecutorial agencies as the demands of law or justice might require.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a metal storage cabinet which remains locked except when momentarily opened for filing purposes.

Retrievability: The name of each source is filed in both alphabetical order and by location of the submitting office.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the metal files are located in a closely watched room of the Office of Investigations. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only after having been cleared by a full field investigation. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security guards.

Retention and disposal: Indefinite retention periods have been established for all records contained in the file. When a file no longer has any utility it is destroyed by either shredding or burning.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.054

System name: Confidential Statements of Employment and Financial Interests—Treasury/Customs.

System location: Located in the Regional office or Personnel Management Division, U.S. Customs Service, of each region and headquarters, according to Customs Appendix A.

Categories of individuals covered by the system: Those employees as listed in Treasury Personnel Manual Chapter 735 Subpart C, Section 0.735-320, Customs Appendix A, and the currently effective edition of Customs Circular PER-2-PER (Subject: Personnel; Departmental Rules of Conduct and Requirements Concerning Financial Statement).

Categories of records in the system: Form TD 3087, Confidential Statement of Employment and Financial Interests.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) All financial statements are to be reviewed for an indication of any conflict of interest or apparent conflict of interst as defined in the Federal, Treasury, and Customs Personnel Manuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked safe.

Retention and disposal: Records are destroyed two (2) years after employee leaves a position in which a statement is required, or two (2) years after the employee leaves the agency, whichever is earlier.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229, or appropriate Regional Principal Field Officer.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals required to submit Form TD 3087.

Treasury/Customs 00.055

System name: Congressional and Employment Correspondence—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on individuals who have written to their Congressman or directly to Customs requesting assistance in resolving problems and/or securing employment.

Categories of records in the system: Incoming letters and the agency's reply and related materials.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Records are used as a point of reference should the individual submit other inquiries either from him personally or his Congressman.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source of records in the system are the inquiries originated by the individual.

Treasury/Customs 00.056

System name: Congressional and Public Correspondence File—Treasury/Customs.

System location: Support Branch, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Those persons sending letters of complaint or making written inquiries concerning Customs inspectional activities and procedures. Those persons include Congressmen acting on behalf of their constituents, industrial and commercial representatives, and private individuals.

Categories of records in the system: The name of the person or persons concerned, file number, date of inquiry, date inquiry received, closing date, member of staff closing case, and the nature of the complaint or inquiry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine use of records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a record of public inquiries and complaints received by the Division, to determine priority for responding to inquiries and complaints; to provide quick retrieval of such correspondence; to ensure timely response to inquiries and complaints; and to prepare responses to inquiries and complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence records are maintained on 3 x 5 index cards. The cards are placed within a 6 x 9 metal file box, which is kept in an unlocked desk drawer. The correspondence files themselves are placed in legal and letter size metal file cabinets which are kept in a locked file room.

Retrievability: Correspondence records are identified by the name of the person making inquiry or complaint. The cards are then filed alphabetically.

Safeguards: Access to the file is granted only to authorized Customs personnel. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security police.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address: Office Manager, Support Branch, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings; U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained in this record system is obtained from the correspondence of the individual making the inquiry or complaint and from investigations and/or inquiries into complaints conducted by Customs Service personnel which include interviews of involved Customs employees and private individuals or other witnesses to the incident in question.

Treasury/Customs 00.057

System name: Container Station Operator Files—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Present and past container station operators and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the container station operator.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with container station operator.

System manager(s) and address: District Director, each district within Region IX, Chicago, Illinois. See Customs Appendix A

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this file originates from the individual applicant for container station operator bond, from reports of investigation and other Customs memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.058

System name: Cooperating Individual Files—Treasury/Customs.

System location: These files are located in regional and local Customs Patrol Offices within the United States. See Customs Appendix A.

Categories of individuals covered by the system: Persons providing confidential information to the U.S. Customs Service Patrol Division.

Categories of records in the system: These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as Social Security numbers, driver's license number, etc.; date individual's record was established; amount and date of reward paid for information supplied.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used primarily by the Customs Patrol Officer who receives confidential information for the purpose of detecting and apprehending suspected violators of Customs and related laws, and for the purpose of processing the payment of rewards for information received. Disclosure may be made only in extremely rare and unusual situations when demands of law or justice require that information be supplied to such organizations as Federal, state and/or other agencies.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

Retrievability: The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Patrol Division alpha numeric code number. All other indentifying data is used for verification of identity rather than method of retrieval.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Patrol Division. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Patrol Division personnel maintain visual control and during off-duty hours the area containing the files is locked.

Retention and disposal: Indefinite retention periods have been established for almost all records contained in the file. When a file no longer has any utility, it is destroyed by either shredding or burning.

System manager(s) and address: The Regional Patrol Director in Regional Customs Patrol Offices; the District Patrol Director in District Patrol Offices; and the Supervisory Customs Patrol Officer in suboffices of District Customs Patrol. See Customs Appendix A.

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Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.060

System name: Counseling Reports—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Present and past employees who have received counseling service offered by the Equal Employment Opportunity Officer or a designated counselor.

Categories of records in the system: Internal Customs Service memoranda, notes, excerpts from the official personnel files and other information pertinent to the counseling session(s).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To gather information to prove or disprove complainant's allegation and to resolve complaint informally, if possible; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in a locked metal file cabinet drawer.

Retrievability: Each case file is identified on the alphabetical file folder within the metal file drawer.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours the office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer adequate local storage space at which time they are transferred to the Federal Records Center at Ft. Worth, Texas.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, 1301 Constitution Ave., N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with the receipt of a complaint by an employee. Additional information may be obtained from the employee's official personnel file and inquiries concerning the specific complaint.

Treasury/Customs 00.061

System name: Court Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Court documents with exhibits, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166. 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purpoes of such uses: Information contained in this file is maintained for the use of the Regional Counsel and may be made available to the appropriate United States Attorney upon request to assist him in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Disclosure to Treasury and Customs employees who have need for the records in the performance of their duties and disclosures under the Freedom of Information Act.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified by the name of the person against whom the Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a request by a District Director to the appropriate United States Attorney that he institute suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the Customs laws, and upon which final administration action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.062

System name: Court Case Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 15th Floor, Federal Bldg., 450 Golden Gate Ave., S.F. CA 94102.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 28 U.S.C. 507, 19 U.S.C. 1603, E.O. 6166.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice or individual U.S. Attorneys upon request to assist that Department or individual U.S. Attorney in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Files are often channeled through the office of the Chief Counsel of Customs and the Treasury Department; (d) Information contained in these files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for handling subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition each case file is similarly identified on the alphabetical file folder within the metal file cabinet.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Counsel within the Federal Building, 450 Golden Gate Ave., San Francisco. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 15001, United States Customs Service, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice or an individual United States Attorney which results in a written report to that Department or U.S. Attorney regarding the facts of the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal employment opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.c. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.063

System name: Court Docket Records System—Treasury/Customs.

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System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons either suing or being sued by the U.S. Customs Service in civil actions for damages; recovery or enforcement of obligations to U.S. Customs, including duties, tort claims, fines, penalties, forfeitures, seizures; reversal of adverse personnel actions, and any other proceeding in U.S. District Courts and U.S. Circuit Courts of Appeal, involving the U.S. Customs Service and/or officers and employees of the U.S. Customs Service in their official capacity, or persons accused of violation of laws enforced by the United States Customs Service.

Categories of records in the system: Court pleadings, litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, 28 U.S.C. 2671 et. seq.; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in this file is provided as a routine use to the Department of Justice to assist that department in representing the interest of the Government, the agency or officer involved in the litigation, or to other agencies involved in the same or similar litigations. Files are often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the plaintiff in a proceeding against the U.S. Government, Customs Service, and/or employee, or by the name of the defendant in proceedings brought by the government. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal file drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX, at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Services Administration, 7358 S. Pulaski, Chicago, Illinois 60602, in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which is channeled through the Treasury Department, or with the receipt of a court pleading from one of the members of the U.S. Customs Service. Information in this file is derived from reports of investigations regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, denials of tort claims plus tort claim information, denials of information under the Freedom of Information Act request, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.064

System name: Credit Card File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service Employees to whom national gasoline credit cards and Hertz and Avis automobile rental cards have been issued.

Categories of records in the system: Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the

records in the performance of their duties. Such duties may include: maintaining an inventory of gasoline credit cards and automobile rental cards which are assigned to high level Customs Service officials or which are issued on a one transaction basis to other Customs Service officials or employees for their use in connection with the performance of their official duties; ensuring accountability for the cards issued; and providing a means for collecting issued cards when they are no longer needed by the officers or employees to whom they were issued; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards which are placed in a locked metal file cabinet within one office.

Retrievability: A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one transaction basis, and these index cards are filed by the applicable credit card number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Index cards filed alphabetically by name are retained during the period that the officials named thereon are in possession of the credit cards, and these index cards are disposed of when the officials are no longer in possession of the credit cards. Index cards filed by credit card number are retained until all signature lines have been used, at which time these index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

Treasury/Customs 00.272

System name: Currency Declaration File (IRS Form 4790)—Treasury/Customs.

System location: One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

Categories of individuals covered by the system: Individuals departing from or entering the country who filed IRS Form 4790.

Categories of records in the system: Name, identifying number, birthdate, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

Authority for maintenance of the system: 31 U.S.C. 1101; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such duties include referencing and verifying currency declarations filed; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The Form 4790 is maintained in a file folder or binder in an open storage rack.

Retrievability: They are indexed and filed by name in the folder or binder.

Safeguards: The office and building are locked during nonworking hours.

Retention and disposal: The records are retained from one to five years and then destroyed.

System manager(s) and address: District Directors of Customs.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting

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identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information on the IRS Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding 5,000 dollars.

Treasury/Customs 00.067

System name: Currency and Monetary Instrument Reporting System (CMIR)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Categories of individuals covered by the system: Listing of Individuals who filed Internal Revenue Service Form 4790 (Currency and Monetary Instrument Report).

Categories of records in the system: Name of individuals filing form, name of owner of monetary instrument, amount of currency reported, address, personal identifiers, date of birth, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Records the fact that the individual of record conveyed the monetary instruments into or out of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes.

Retrievability: By name and other unique identifiers.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.068

System name: Customhouse Brokers Examination Records—Treasury/Customs.

System location: Duty Assessment Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who have taken the customhouse brokers' examination.

Categories of records in the system: The name of the examinee, the Customs district where the examination was taken, the examination date and the examination grade.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1641; 19 CFR Part 111.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include informing examinees of examination results, retention for statistical purposes and for general reference for the examinees and Duty Assessment Division employees. (b) Disclosures required in administration of the Freedom of Information Act (U.S.C. 552).

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in a file drawer in the offices of the Duty Assessment Division.

Retrievability: The records are maintained on four by six inch index cards and are filed alphabetically.

Safeguards: During working hours, employees of the Duty Assessment Division are present in the offices where the records are maintained and the U.S. Customs Service Headquarters building is guarded by security police. During non-working hours the offices are locked and the building is guarded by security police.

Retention and disposal: The current policy of the Duty Assessment Division is to retain the records indefinitely.

System manager(s) and address: Director, Duty Assessment Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information supplied by examinees on the customhouse brokers' examinations.

Treasury/Customs 00.069

System name: Customhouse Brokers File, Chief Counsel—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Licensed customhouse brokers.

Categories of records in the system: Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customhouse brokers for violation of the regulations governing the conduct of their business.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part 111; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to evaluate reported derelictions and to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that such action not be taken. In addition, information in these files is used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the customhouse broker and in the alphabetical file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses which include review of customhouse brokers' business records and interviews of Customs Service personnel, private parties, customhouse brokers and employees of customhouse brokers. The audits or investigations result in recommendations from appropriate Customs Service field personnel regarding possible disciplinary action against customhouse brokers which in turn result in the information contained in these files which consists of evaluations of the recommendations and the proposed disposition of the cases.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.070

System name: Customhouse Brokers, Headquarters Records—Treasury/Customs.

System location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

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Categories of individuals covered by the system: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' license for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which has been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Categories of records in the system: The records system contains executed individual customhouse brokers' license application forms, report of investigation concerning individual broker applicants, transmittal letters, and general correspondence corrobative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contains information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority for maintenance of the system: 19 U.S.C. 1641, Part 111; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) Processing of individual applications for individual customhouse brokers' licenses; processing of corporation, partnership, and association brokers' licenses; approval of use of trade or fictitious brokers' names; maintenance of centralized files on licensed customhouse brokers for verification and updating of names, addresses, place of employment, district where licensed, and compliance with regulatory requirements of duties and obligations of customhouse brokers; determinations that each corporate, association, or partnership licensed as a broker have not less than two officers or members licensed as individual brokers; and the availability of file information to verify licensing of customhouse brokers and to provide data or information upon request to the Federal Maritime Commission, the Civil Aeronautics Board, an appropriate U.S. Attorney's office, or other Federal agency.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a file card system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is limited to Customs employees assigned to processing and reviewing Customhouse brokers' license applications. At least one employee of the Entry and Licensing Branch is present in the office at all times during working hours. At all other times the room is locked. The building is guarded by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: Cancelled Customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager(s) and address: Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information in the records is obtained from the license applications of the individual Customhouse brokers; references as to good character and integrity of the applicant; reports of investigations by Customs regarding applicants for licenses and disciplinary action; responses to posted notices of individual applicants applying for Customhouse brokers' licenses; local credit reporting services; Customs audit reports; court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.071

System name: Customhouse Brokers Records—Treasury/Customs.

System location: Customs regional, district and port offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold status as a licensed customhouse broker and individuals employed by licensed customhouse brokers.

Categories of records in the system: License applications, internal Customs memoranda and related materials regarding background investigations, complaints, names, addresses, social security numbers, dates and places of birth, investigative reports, telephone numbers, credit information and other related business data. Information on disciplinary action and legal actions regarding the customhouse broker.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 1641; 19 CFR Part 111.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that it used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders in drawers and metal file cabinets.

Retrievability: The records are filed either alphabetically or chronologically with a cross index by name.

Safeguards: Offices in which the records are maintained are locked during non-working hours. Office buildings are locked and/or patrolled by uniform guards during non-working hours.

Retention and disposal: Records are maintained either indefinitely or as long as the customhouse broker retains an active license.

System manager(s) and address: Customs Regional commissioners, district directors, and port directors.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information contained in the license applications, references as to good character and integrity of the applicant, reports of investigations on applications and disciplinary action, local credit reporting services, Customs audit reports and court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.072

System name: Customhouse Brokers Records (Headquarters)—Treasury/Customs.

System location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' licenses for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which have been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Categories of records in the system: The records system contains executed individual customhouse brokers' license application forms, reports of investigation concerning individual broker applicants, transmittal letters, and general correspondence corroborative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contains information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1641, 19 CFR Part III.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include the processing of individual applications, verification and updating of names, addresses, place of employment and other information in the records, review of records to assure compliance with regulatory requirements regarding duties and obligations of customhouse brokers, review of records to decide whether to approve the use of trade or fictitious brokers' names, and review of files to determine that partnerships or corporations licensed as customhouse brokers have not less than two officers or members licensed as individual brokers; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or order issued pursuant thereto. Such uses would include referring records to the Federal Maritime Commission, the Civil Aeronautics Board, the office of an appropriate U.S. Attorney or other Federal agency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a card file system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is generally limited to Customs employees assigned to processing and reviewing customhouse brokers' license applications. During non-working hours the offices are locked and the building is guarded by security police.

Retention and disposal: Cancelled customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager(s) and address: Chief, Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information in the records is obtained from the license applications of the individual customhouse brokers, references as to good character and integrity of the applicant, reports of investigations by Customs regarding applications for licenses and disciplinary action responses to posted notices of individual applicants applying for customhouse brokers' licenses, local credit reporting services, Customs audit reports and court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k)(2) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.073

System name: Customs Fugitive Program—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Categories of individuals covered by the system: Those persons for which an outstanding arrest warrant exists.

Categories of records in the system: Contains identification and warrant data on those individuals who have become Customs fugitives.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) The system may be utilized by authorized personnel of any enforcement agency having access to either TECS or NCIC, with the purpose of identifying and apprehending these fugitives.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage, (2) Hard copy printout, (3) Microfiche.

Retrievability: Indexing by name.

Safeguards: All inquiries are made by duly authorized officers with a "need to know" basis. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: (1) Permanent mircofiche record. (2) Magnetic disc/tapes and hardcopy are maintained until apprehension of the individual or dismissal. (3) Erasure of disc/tape storage, shredding or burning of hardcopy.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.074

System name: Customs Licensing and Identification Program (Proposed)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Carriers, Bonded Cartmen, Lightermen, Customhouse Brokers, and private citizens applying for U.S. Customs Bonds or Licenses.

Categories of records in the system: Individual Records on Carriers, Customhouse Licensed Brokers, Customhouse Cartmen and Lightermen and individuals doing business with the U.S. Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Personal identification of the licensee. (g) Provides basis for granting of Customs license and/or bonds. (h) Provides basis for update investigation every five years.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape, (2) Microfiche, (3) Hardcopy.

Retrievability: Name of individual or company and/or personal or company identifiers.

Safeguards: "Need to know" access by investigators and District Directors' staff members with full field background investigations. Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the areas, restricted access and alarm protection system, special communications security, etc.

Retention and disposal: Indefinite (Reviewed annually; investigation updated every five years.)

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The applicants who apply for a Customs license or bond and Customs Officers investigating cases involving Customs Licenses or Bonds.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.075

System name: Customs Officer Badge Inventory—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Service officers to whom badges are issued.

Categories of records in the system: Signed recipts and officer's name, social security number, and badge number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include maintaining administrative control over badges, providing for accountability for badges, and providing a means for collecting badges from officers who are leaving the Customs Service or who no longer have a need for the badge. (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards within a file box which is placed in a locked metal cabinet within the supply room office. In addition, the information is contained in a Customs Service computer record system.

Retrievability: Each index card is identified by the name of the person to whom the badge is issued and these cards are filed in alphabetical order. The computer records are accessed by the badge number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked when the supply clerk is absent from the room and during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building. With regard to the computer records, procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access, and alarm protection systems.

Retention and disposal: Each index card and each computer record is maintained during the period in which the officer is in possession of the badge. The index cards are discarded, and the information in the computer is erased when the officer no longer has possession of the badge.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitutuon Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system is furnished to the Customs Service by the officers to whom the badges are issued.

Treasury/Customs 00.076

System name: Custom Patrol Officer (CPO) Daily Activity Reporting System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: All Customs Patrol Officers.

Categories of records in the system: Type of work assigned, work performed, time work was done, area where work was performed, and activity performed on daily basis by each Patrol Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Management uses such records for keeping qualification and work experience of employees up to date. To facilitate manpower employment and improve productivity.

For additional routine uses sée Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage. (2) Hard copy printouts.

Retrievability: By name, social security number, code of area worked, type of activity performed.

Safeguards: Inquiries for special printouts and reports can be made only by management. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, etc.

Retention and disposal: Until employee transfers out of the Patrol organization or the record is no longer needed for statistical information. Erasure of tapes and discs; printouts are retired to Federal Records Center and will be destroyed after 5 years.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Patrol Officer Activity Report (Customs Form 169) which is filled out by a Customs Patrol Officer.

Treasury/Customs 00.077

System name: Disciplinary Action and Resulting Grievance or Appeal Case Files—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters, and in District, Port, and appropriate post of duty offices. (See Customs Appendix A).

Categories of individuals covered by the system: Customs employees on whom disciplinary action is pending or has occurred.

Categories of records in the system: Records on such action as leave restriction letters, reprimands, suspension, adverse actions, etc., and resulting grievance or appeal by employee. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Used by certain members of the Personnel Management Division or supervisors in justifying action, for maintenance of records in the event of appeals or grievances, for statistical use, for audit and review of actions, for recommendations on decision, for uniform disciplinary actions, for proper handling of potential grievance or appeal, to establish grievance or appeal file.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file and stamped "For Official Use Only".

Retention and disposal: Records are maintained for five years and then transferred to Federal Records Center where they are maintained for fifteen years and then destroyed.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters, or appropriate managerial official in employee's district, port, or post of duty. (See Custom Appendix A).

Record source categories: Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.078

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

Categories of records in the system: Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

Authority for maintenance of the system: 5 U.S.C 552, 31 CFR Part 1, 19 CFR Part 103, 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure or denial to the requester of the information sought. (d) Disclosure to the Department of Justice and/or United States Attorney in any litigation arising from any decision regarding the disclosure of information.

For additional routine uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses in punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.079

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Requesters under the Freedom of Information Act.

Categories of records in the system: Correspondence containing the individual's name, address, and whatever information deemed necessary to locate record being sought if that record is of a personal nature. Information will also include whatever records relating to that individual are sought and ultimately are gathered for use in denying or granting the Freedom of Information Act request.

Authority for maintenance of the system: 5 U.S.C. 552; U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury, and the Department of Justice who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of

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records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation of charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Information contained in this file is used by the attorneys in the Regional Counsel's office in determining whether to recommend granting or denial of the request made pursuant to the Freedom of Information Act. Litigation regarding the Freedom of information request will require disclosure of the information to the Department of Justice and the appellate level before this step would require information to be disclosed to the Department of the Treasury. Information disclosed to the Department of Justice is often routed through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the Freedom of Information Act request. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602, in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Custom Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in these files can originate from the U.S. Customs Service, any of the agencies of the Treasury Department, or any agency of the Government if the record sought and ultimately placed within the file is within the possession and/or control of the U.S. Customs Service, Region IX. However, the only information placed within these files is that information being sought by the individual making the request and the information supplied by the requester. The information being sought, and therefore within the file, could be from any of the following, given as examples: present or former Customs employees, private parties, corporations, other Government agencies as outlined above, credit bureaus, past employers, official Government or other forms filed by any entity or person, confidential informers, foreign countries or officials thereof, and foreign citizens.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.080

System name: Disclosure of Information Request Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel—15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Categories of individuals covered by the system: Individuals who have submitted requests for disclosure of information contained within files or records of the Customs Service.

Categories of records in the system: Letters and other documents submitted by the individual requesting the disclosure and documents relating to the internal review and consideration of the request for disclosure and the decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 31 CFR 1.5 and Appendix C; 5 U.S.C. 552(a)(3); 19 CFR Part 103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for disclosure and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them: (d) Information contained in an individual file may be made available to officials within the Customs Service responsible for considering and making a final decision with respect to any appeal from a decision denying disclosure in that case; (e) Information contained in the files may also be used internally by the Regional Counsel and members of his staff insofar as it related to precedent or guide lines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the requester and in the alphabetical file folder within the metal file cabinet by the name of the requester.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controled at all times by uniformed guards.

Retention and disposal: Disclosure of information files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 15001, Federal Building, 450 Golden Gate Avenue, San Francisco, CA. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information contained in these files originates with the individual's request for disclosure of information. Records are searched for the information which is the subject of the request, and advice and recommendations with respect to the information and its disclosure may be elicited and received from offices within Customs, other agencies, or private individuals concerned with the information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5.U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.081

System name: Dock Passes—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg, 335 Merchant Street, Honolulu, Hawaii.

Categories of individuals covered by the system: Consulate staff members, brokers, private individuals, etc.

Categories of records in the system: Form lists following information: pass no.; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copy of each pass issued is retained for record purpose and a log maintained showing name of holders of annual dock passes. Disclosure to Customs and Treasury officers and employees who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 card box loose leaf binder.

Retrievability: By name.

Safeguards: Building locked during non-working hours.

Retention and disposal: Retained until expiration.

System manager(s) and address: District Director, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individual applicants.

Treasury/Customs 00.277

System name: Drivers License File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service 450 Golden Gate Ave. San Francisco, Ca. 94102.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Personal information furnished by employee before being issued a government drivers license. It may also include information from National Driver Register Service if they have any information on the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within U.S. Customs Service with sufficient information to make a decision as to whether an employee may be issued a government drivers license. (d) Information

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from these records furnished to National Driver Register Service to determine whether they have any information on the individual which would concern the employee's suitability for receiving a government drivers license.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Standard Form 47 (physical fitness inquiry for motor vehicle operators) and Treasury Form 2770 (application for motor vehicle operator's ID card and operator's record) These forms are kept in a desk file.

Retrievability: Each set of forms for a particular employee is numbered and those numbers are shown on an index sheet as pertaining to the particular employee.

Safeguards: The desk in which the records are kept is within an office which is locked during non-working hours.

Retention and disposal: Active forms are retained in this system indefinitely. Forms of past employees who were issued drivers licenses are periodically destroyed.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, Rm 2057, 450 Golden Gate Avenue, San Francisco, California 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs at the region in which the Records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or the the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Thr requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access Above.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicants on forms SF-47 and form 2770. There is a possibility that in the future there will be a response from the National Driver Register Service on a particular applicant. At the present time there are none in this system of records.

Treasury/Customs 00.082

System name: Duty Assessment By Account (DABA), Interested Persons List—Treasury/Customs.

System location: Duty Assessment Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and firms who have requested that their names be included on the list.

Categories of records in the system: The name of the individual or firm, title, and address.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Notifying individuals and firms of new information concerning DABA.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in the offices of the Duty Assessment Division at U.S. Customs Service Headquarters.

Retrievability: The records are retrievable by the name of the individual or firm.

Safeguards: During working hours employees of the Duty Assessment Division are present in the offices where the records are located and the U.S. Customs Service Headquarters building is guarded by security police. During nonworking hours the offices are locked and the building is guarded by security police.

Retention and disposal: The listing is to be maintained until the DABA program is fully implemented, after which the listing will be destroyed.

System manager(s) and address: Director, Duty Assessment Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting

identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access Above.

Record source categories: The individual or firm which requests inclusion on the list.

Treasury/Customs 00.273

System name: Employee Debts—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

Categories of records in the system: Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the employees of the Payment Section to gather all the data necessary to collect debts due from present or past employees of Customs.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

Retrievability: Records are indexed by name.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the debt is collected and then destroyed. Unusual cases are retained indefinitely as a reference for similar type cases.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

Treasury Customs 00.083

System name: Employee Relations Case Files—Treasury/Customs.

System location: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records maintained on all individuals who have requested assistance in a problem, such as: OFWC, leave, health and life insurance, etc.

Categories of records in the system: Copies of correspondence. Copies of initiating correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Use is in assessing the problem and having the capability to provide timely followup. Used by the employee relations staff only (professional and clerical).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

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Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not present in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals and offices depending on problem.

Treasury/Customs 00.085

System name: E.E.O. Complaint File—Treasury/ Customs.

System location: Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and District Director's Offices in Chicago, Cleveland and Detroit.

Categories of individuals covered by the system: Customs employees and applicants for Customs positions who make allegations of discriminatory job treatment based on sex, religion, race or national origin, color and age.

Categories of records in the system: An individual file is opened when an oral or written complaint is received. Eventually, a Civil Service Form 894 and all other pertinent correspondence such as responses from various offices, decisions and appeals are added to the file.

Authority for maintenance of the system: Title VII of the 1964 Civil Rights Act, as last amended by Public Law 92-261 effective March 24, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The file is used to organize relevant documents within the E.E.O. office. As appropriate, it may also be transferred to such offices as Regional Counsel and Customs Service Headquarters.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file at Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois. 60603.

Retrievability: Case file by last name of complainant.

Safeguards: The file cabinet is locked and only the E.E.O. Specialist has a key. Other keys will be available to additional staff as office expands. The building has limited access and a uniformed patrol in non-working hours.

Retention and disposal: Retained indefinitely by E.E.O Specialist. When cases are closed, they are removed from the alphabetical file but still maintained in the same locked cabinet.

System manager(s) and address: E.E.O. Specialist. (See location above).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is supplied by complaining parties originally and supplemented by other interested parties as the case progresses.

Treasury/Customs 00.088

System name: Equal Opportunity Complaint Processing Records System-Training/Customs

System location: Office of Regional Commissioner, Customs Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113, District Director, 423 Canal Street, New Orleans, La. 70130, District Director, P.O. Box 2748, Mobile, Ala. 36601.

Categories of individuals covered by the system: Employees of Customs Region V (New Orleans) who file Equal Opportunity complaints.

Categories of records in the system: Notices of efforts by counselors to resolve charges of discriminatory actions or conditions. These records are in the form of lists, memorandums, interview notices, transcripts, and reports.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide the needed information for reports which become part of the formal investigative file if the complaint of discrimination reaches the formal stage.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in a cabinet.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: In accordance with Records Control Manual.

System manager(s) and address: Equal Opportunity Officer, Customs Region V, 701 Loyola Avenue, New Orleans, La. 70113, Equal Opportunity Counselors, New Orleans District, 423 Canal Street, New Orleans, La. 70130, Equal Opportunity Counselors, Mobile District, P.O. Box 2748, Mobile Ala. 36601.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Individual to whom the record pertains.

Treasury/Customs 00.276.

System name: Equal Opportunity Informal Discrimination Complaint Files—Treasury/Customs.

System location: Equal Opportunity Offices at Customs Headquarters and at each Customs Regional Headquarters and all EO Counselors at those locations (for addresses see Customs Appendix A) and Customs District offices.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees and applicants for jobs, who have filed informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment, medical histories, reports of investigation, complaints filed, correspondence from members of Congress, attorneys representing the complainants, labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and merit promotion information.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearings held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The case files are inserted alphabetically in file drawers within locked metal or wooden containers.

Retrievability: Each case file is identified on each alphabetical file folder within the metal or wooden container by the complainant's name.

Safeguards: The metal or wooden containers in which the file folders are placed are locked during non-working hours, and the room in which the containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

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Retention and disposal: Informal case files are retained during the time period in which the cases remain open informally and thereafter, until there is no longer a specific need for them, or until they are forwarded to the Regional EO Officer or Director, Equal Opportunity Division, at which time they are periodically destroyed.

System manager(s) and address: Equal Opportunity Officers and EO Counselors at the above locations.

Notification procedure: Request by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statment asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in this system originated with an informal written or oral complaint to the appropriate equal opportunity counselor. Information in this system is obtained from the claimant through interviews during the informal complaint procedures and through other interviews during the informal complaint procedures. This system also contains information derived from a complaining Customs employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from inquires into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provision of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.089

System name: Equal Opportunity Discrimination Complaint Case File—Treasury/Customs.

System location: Equal Opportunity Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees, who have filed formal and informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment and medical histories, reports of investigation, complaints filed, correspondence from members of Congress and attorneys representing the complainants and labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and affidavits and other sworn statements.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearing held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complaints and to attorneys, labor unions or other parties representing the interests of the complaints. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The cases files are inserted alphabetically in file drawers within locked metal containers.

Retrievability: Each case file is identified in an alphabetical index card file by the name of the complainant and on each alphabetical file folder within the metal container by the complainant's name.

Safeguards: The metal containers in which the file folders are placed are locked during non-working hours, and the room in which the metal containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Case files are retained during the time period in which the cases remain open and, thereafter, until there is no longer any space available for them within the metal containers, at which time the case files are transferred periodically to the Federal Record Center for storage. Records having no pertinent information are periodically destroyed.

System manager(s) and address: Director, Equal Opportunity Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, be may be required to make a signed statement asserting identity and stipulation that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate indentification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, be may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: The information in this system originates with an informal written or oral complaint to the appropriate equal opportunity counselor and with the filing of a Civil Service Commission Form 894 (Formal Complaint of complaint procedures and through the filing of Civil Service Commission Discrimination in the Federal Government). Information in this system is also obtained from the claimant through interviews during the informal and formal complaint procedures and through the filing of Civil Service Commission Form 171 (Personal Qualification Statement). This system also contains information derived from a complaining Customs Service employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from investigations into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence or testimony adduced at administrative hearings held in connection with the complaints.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.090

System name: Equipment Record File—Treasury/Customs.

System location: Office of the District Director, United States Customs Service, 103 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevent enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 103 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.091

System name: Equipment Record File—Treasury/Customs.

System location: Patrol Office, Room 807, 103 South Gay Street, Baltimore, Maryland 21202. (After August, Room 15, 40 South Gay Street, Baltimore, Maryland 21202).

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclousures required in administration of the Freedom of Information Act (5 U.S.C 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant therto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcemnt information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 103 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adeuqate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.092

System name: Exit Interview—Treasury/Customs.

System location: Personnel Management Division, in each Region and Headquarters. See Customs Appendix A.

Categories of individuals covered by the system: Employees terminating from the Customs Service.

Categories of records in the system: Individual's name, position, time in grade and position, time with Customs, organization designation, supervisor's name and answers to various questions about employment with Customs.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers to monitor employee morale and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms are kept in manila folders.

Retrievability: By organization or by name.

Safeguards: Locked office.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Director, Personnel Management Division. See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information obtained from departing employee and Employee's supervisor.

Treasury/Customs 00.093

System name: Federal & New York State licenses for commercial importation of alcoholic beverages—Treasury/Customs

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: All companies and individuals who have filed import licenses for alcoholic beverages with this office.

Categories of records in the system: Licenses.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) to verify that importers of alcoholic beverages have the required permit.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical listing.

Safeguards: Office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Regional Commissioner (Area Director, New York Seaport Area).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals who have applied for an alcoholic beverage license.

Treasury/Customs 00.267

System name: Federal Tort Claims Act File—Treasury/Customs.

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System location: Office of Regional Counsel, Suite 1220, 500 Dallas Streett Houston, Texas 77002.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act.

Categories of records in the system: Reports of Investigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to those officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the office of the Regional Counsel on the 12th Floor of 500 Dallas Street. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled by uniformed security guards maintained by the lessor.

Retention and disposal: Tort claim files are retained until closed at which time the closed files are transferred to the Regional Director, Internal Affairs, Houston, Texas. Ultimately, the files are sent to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.094

System name: Federal Tort Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act.

Categories of records in the system: Reports of investigations regarding claims filed, documents relating to the administrative handling of the claims and documents submitted by the claimants in support of the claims.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing and reviewing recommendations for decisions on claims, and making final decisions on claims. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identityt and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations, information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.096

System name: Fines, Penalties and Forfeiture Control and Information Retrieval System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and/or businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

Categories of records in the system: Individual and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator—prior to the disposition of the penalty or liquidated damage case.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to these officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Control Customs district caseload and report each action taken by Customs and violator. (d) Provides management information regarding most frequent types of violations, penalty/liquidated damages case timeliness, budget allocation, violation history of individual and firms for investigative purposes, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape, (2) Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for Payment) and Customs Form 151 Search/Arrest/Seizure Report.

Retrievability: Individual's name or case number.

Safeguards: All inquiries are made by officers with a full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Until the statute of limitations has run or a disposition has been made. Erasure of disc/tapes and shredding and/or burning of hard copy Customs Form 5955a.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Form 5955a (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs Employees at the time and place where the violation has occurred.

Treasury/Customs 00.097

System name: Fines, Penalties, and Forfeitures (Supplemental Petitions)—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Categories of individuals covered by the system: Any person requesting further relief from the Regional Commissioner after having his Petition acted on by the District Director from any fine, penalty, forfeiture or claim for liquidated damages incurred under the provisions of any law administered by the Customs Service.

Categories of records in the system: Case file including copies of the notice of penalty, seizure or claim for liquidated damages, search, arrest and seizure forms, investigative reports, documents relating to any importation having to do with the penalty, forfeiture or claim, documents relating to the administrative handling of the case and documents submitted by the Petitioner in support of his Petition and Supplemental Petition.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process Supplemental Petitions for relief from any fine, penalty, forfeiture or claim for liquidated damages incurred under the provisions of any law administered by Customs. The information is made available to the officials within the Customs Service who review recommendations and who make final decisions on such petitions. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government case if the case is referred to them for filing of a suit based on an administrative denial of the Petition or removal to the District Court by action on the part of the Petitioner under the provisions of section 1608 of title 19. Information in these files may also be made available to persons working for the governmental agencies who are empowered to review and make recommendations concerning the granting of relief for violations of law administered by such agencies but enforced by Customs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is labeled with the name of the person who filed the claim and filed in alphabetical order in the metal file cabinet marked Supplemental Petitions. In addition a chronological record is kept in a separate book, kept by the office secretary, of each case received, with district case number, decision, name of the Petitioner, law violated and ultimate decision of the Regional Commissioner.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the filing of a Supplemental Petition as prescribed by section 171.33 and 172.33 of the Customs Regulations with the District Director of the District in which the fine, penalty, forfeiture or claim for liquidated damages issued. The Petition along with all supporting documents or documents relating to the case are forwarded to the office of the Regional Commissioner who refers the case to the office of the Regional Counsel for review and recommendation. During this period of review further information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.098

System name: Fines, Penalties and Forfeiture Records—Treasury/Customs

System location: Customs district offices. (See Customs Appendix A).

Categories of individuals covered by the system: Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

Categories of records in the system: Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include reference to the files for information as to prior violations and ongoing investigations and cases. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation, the appropriate U.S. Attorney and other Federal agencies for recommendations and enforcement of fines, penalties and forfeiture cases.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in folders in file cabinets and safes.

Retrievability: The records are filed either by the name of the individual or chronologically with a cross reference index by the name of the individual.

Safeguards: During non-working hours, the records are maintained in locked rooms, locked buildings and buildings guarded by uniform guards.

Retention and disposal: The records are retained for three to five years after which they are either destroyed or forwarded to the Federal Records Center.

System manager(s) and address: District Directors of Customs (See Customs Appendix A).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected of actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.099

System name: Fines, Penalties, and Forfeiture Files (Supplemental Petitions)—Treasury/Customs

System location: Office of the Regional Counsel—15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Categories of individuals covered by the system: Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

Categories of records in the system: Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the internal review and consideration of the request for relief and decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 19 U.S.C. 1618; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for relief from fines, penalties and forfeitures and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them; (d) Information contained in the files may be made available to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (e) Information contained in the files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the alphabetical file folder within the metal file cabinet by the name of the petitioner.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Supplemental petition files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 15001, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information contained in these files is obtained from the individual petitioning for relief and from the District Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.100

System name: Fines, Penalties and Forfeiture Records (Headquarters)—Treasury/Customs.

System location: Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation for providing information regarding such violations.

Categories of records in the system: Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases and applications for awards of compensation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses include the processing and disposition of fines, penalties and forfeiture cases pursuant to 19 CFR Parts 171 and 172 and reference to the records for information as to prior violations and ongoing investigations. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would in-

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clude referring records to the Environmental Protection Agency, the Department of Transportation and other Federal agencies for recommendations on the administration of fines, penalties and forfeiture cases. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in file cabinets in the central file room of the Entry Procedures and Penalties Division at U.S. Customs Service Headquarters.

Retrievability: The records are filed chronologically with a case number given to each file. The records are retrievable by means of an alphabetical card index system by names of individuals charged with a violation.

Safeguards: The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police.

Retention and disposal: The records are generally retained for five years after the close of the case. The records are then forwarded to the Federal Records Center.

System manager(s) and address: Chief, Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2340, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.101

System name: Fines, Penalty, and Forfeiture (FP&F) Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons seeking relief from fines, penalties, and forfeitures incurred for alleged violations of the laws enforced by the United States Customs Service, and/or restoration of proceeds from the sale of seized and forfeited property.

Categories of records in the system: Statement from individual explaining circumstances justifying relief sought and history of the fine, penalty, forfeiture or seizure involved.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 CFR part 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury and the Department of Justice, who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues, in denying or granting the petition and possibly in litigation. Litigation will require disclosure of the information to the Department of Justice, and the information is often channeled through the Department of Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the petition for relief. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX, at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a

large area containing cardboard boxes with metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Services Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, Illinois 60603 or the Entry Procedures and Penalties Division, Customs Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates either with the receipt of any correspondence indicating that relief is desired or any notice from within the Customs Service that a fine or penalty is to be assessed. Further information in this file is derived from investigatory files and other information submitted by the petitioner and will include information from: informers, Customs employees, private parties, corporations, other Governmental agencies, state, local and Federal, credit bureaus, Seizure Reports (Customs Form 5955A, Customs Form 151) foreign countries, officials of foreign countries, citizens of foreign countries.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.102

System name: Firearms Qualification Certificate Record—Treasury/Customs

System location: Office of the Chief Inspector, U.S. Customhouse, Rm. 102, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: All Customs Inspectors under the jurisdiction of the Philadelphia District who have qualified on the firing range within a previous 6-month period.

Categories of records in the system: The date of actual qualification, firing scores, and the category of marksmanship into which the individual's score places him or her.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. I of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each qualification certificate, on 8 1/2 x 11 inch bond paper, is inserted in a file folder which is then placed in a file drawer.

Retrievability: Certificates are identified by the name of the individual and in alphabetical order within the folder.

Safeguards: The records folder is stored in a file cabinet drawer which is locked during non-working hours. Access to the building is controlled at all times by uniformed guards.

Retention and disposal: Firearms qualification certificates are retained for 1 year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates from reports submitted by the District Range Officer upon completion of the individual's qualification with a firearm.

Treasury/Customs 00.103

System name: Firearms Qualification Records—Treasury/Customs.

System location: Office of the Assistant Regional Commissioner (Operations), Region IX, Chicago, Illinois and Offices of District Directors, Region IX, Chicago, Illinois: (See Customs Appendix A).

Categories of individuals covered by the system: Customs Inspectors receiving firearms training.

Categories of records in the system: Records include date of firing, qualification status, date of qualification, card issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, revised, as amended.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the office of the Assistant Regional Commissioner (Operations) of Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the office of the Assistant Regional Commissioner (Operations) in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: Assistant Regional Commissioner (Operations).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files results from firing scores recorded on targets used during the course of firearm qualification firings.

Treasury/Customs 00.104

System name: Florida Boat Registration File—Treasury/Customs.

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are registered owners of record of boats or vessels bearing Florida registration numbers.

Categories of records in the system: This file contains the name and address of the registered owner of the vessel; a description of the vessel; and an indication of whether or not the vessel is of record with the Treasury Enforcement Communications Systems (TECS).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a wooden box within a security area.

Retrievability: The information is in the form of Micro-film and is retrieved by means of Alpha-numerical code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs Service, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.105

System name: Former Employees—Treasury/Customs.

System location: Laboratory Division, Room 1508, 630 Sansome Street, San Francisco, California, 94111.

Categories of individuals covered by the system: All past employees of the Customs Laboratory.

Categories of records in the system: Contains copies of personnel action notices.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in a metal file cabinet.

Retrievability: The record is filed alphabetically by name.

Safeguards: The file is stored in a metal file cabinet in a private inner office of a government building protected by 24 hour guard service with limited access. The file is only used on a need to know basis and only by the laboratory employees.

Retention and disposal: Files are maintained for reference purposes only. The file is permanent to office.

System manager(s) and address: Director, Laboratory Division, U.S. Customs Service, 630 Sansome Street, Room 1508, San Francisco, California, 94111.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained in personnel action files.

Treasury/Customs 00.107

System name: Full-Field Investigation—Active and Completed Log—Treasury/Customs.

System location: Personnel Management Division of Region VIII (See Customs Appendix A).

Categories of individuals covered by the system: Persons on whom full-field investigation has been conducted.

Categories of records in the system: System is a log of names and dates Full-Field request forwarded to Headquarters and Internal Affairs (if requested) and date Full-Field completed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To identify individuals who are under Full-Field Investigation, and completion date to permit permanent promotion, or arrange an entrance on duty date. (2) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (3) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Looseleaf Binder.

Retrievability: By name.

Safeguards: Limited access.

Retention and disposal: Destroyed at end of two years.

System manager(s) and address: Director, Personnel Management Division, Region VIII.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Personnel Management Division, Region VIII, 450 Golden Gate Avenue, Box 36117, San Francisco, California 94102 or Entry Procedures and Penalties Division, Customs Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Personnel Management Division, Region VIII, 450 Golden Gate Avenue, Box 36117, San Francisco, California 94102 or the Entry Procedures and Penalties Division, Customs Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting

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identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information recorded from Full-Field Request, Standard Form 86.

Treasury/Customs 00.109

System name: Handicapped Employee File—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: All employees identified as handicapped.

Categories of records in the system: Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to assure that employees are not placed in positions that they cannot physically perform. Also, for reporting and statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: Lists employees alphabetically by district.

Safeguards: None at present and none required.

Retention and disposal: Employee's name removed from list at time of termination.

System manager(s) and address: Director, Personnel Management Division. (See Customs Appendix A).

Notification procedure: Requests by an indivual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Data furnished by employee and employee's physician.

Treasury/Customs 00.111

System name: I.D. Cards—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii.

Categories of individuals covered by the system: All employees to whom I.D. card, CF 3135, OF 55, Red-bordered cards, have been issued.

Categories of records in the system: The register lists the following information: name; I.D. card no.; and date issued.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides information of name, date and number of I.D. card issued to district employees. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kardex file card.

Retrievability: By name.

Safeguards: Locked Kardex file.

Retention and disposal: Information is kept current until employee is terminated and I.D. cards are cancelled.

System manager(s) and address: District Director, 228 Federal Bldg., Merchant Street, Honolulu, Hawaii.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content

shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Data obtained from employees.

Treasury/Customs 00.112

System name: Immediate Delivery Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeiture Section, Room 102, United States Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Persons qualified to obtain release of imported merchandise under the immediate delivery privilege.

Categories of records in the system: The record reveals the individuals' or Customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm, or Customhouse broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purpoes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Immediate Delivery Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fine, Penalties and Forfeiture section in Room 102 of the Customhouse, Philadelphia; during nonworking hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Immediate Delivery Record cards are retained at location 3 years; then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Custom Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the record may be made where the records contain the necessary signature.

Record access procedures: Request by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on these cards originates from liquidated damage cases instituted for failure to timely file entries and pay duty.

Treasury/Customs 00.274.

System name: Importer, Brokers, Carriers, Individuals and Sureties Master Files-Treasury/Customs.

System location: Financial Management Division, 7370 NW. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Brokers, Importers, Individuals, Carriers, and Sureties.

Categories of records in the system: Copies of correspondence—incoming and outgoing, copies of bonds, entries, bills, data center listings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue technicians to retain in one place all correspondence with a debtor. Bonds, entries and bills when available are included in the file.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alphabetical by name appearing on correspondence.

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Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 NW. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access, above.

Record source categories: Correspondence, Customs Service Data Center, Districts and Ports.

Treasury/Customs 00.265

System name: Importer Name and Address Record System—Treasury/Customs.

System location: Office of the Special Agent in Charge, U.S. Customs Service, 200 East Bay Street, Charleston, S.C. 29401.

Categories of individuals covered by the system: Importers who have immediate delivery bonds.

Categories of records in the system: Names, addresses, and employee identification numbers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1509; 19 U.S.C. 1511; 26 U.S.C. 7607.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on microfiche and stored in a metal security cabinet. The cabinet is kept in a room that is locked after normal business hours.

Retrievability: The records are maintained in alphabetical order and cross indexed by Internal Revenue Employee Identification Number.

Safeguards: In addition to being stored in a metal container with a lock, the metal container is located in a locked room, the keys of which are controlled and issued to the office staff. The office staff who maintain and have access to the files are selected for their experience and afforded access only after having been cleared by a full field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

Retention and disposal: This file is retained until an updated file is received. The obsolete file is then destroyed by burning or shredding.

System manager(s) and address: Special Agent in Charge, Charleston, S.C. (See Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Ave., N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Ave., N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in this system is furnished to the Customs Service by the importers contained in the file.

Treasury/Customs 00.113

System name: Import specialist activities—investigation referrals—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of referrals made to the Office of Investigations in connection with 220 visits.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep track of the referrals made by each import specialist to the Office of Investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: The information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Obtained from Regional Form IX-RC-220 prepared by the import specialist.

Treasury/Customs 00.114

System name: Import specialist activities—laboratory samples—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist team.

Categories of records in the system: Monthly report of the number of laboratory samples processed by the import specialist teams.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used as an administrative tool to keep track of laboratory samples processed by import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by team number and located on a wall chart in the training room.

Retrievability: Indexed by name and team number of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Assistant Regional Commissioner (Operations), 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division,

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Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: A monthly report submitted by the Director of the Laboratory Division.

Treasury/Customs 00.115

System name: Import Specialist Activities—Seminars—Treasury/Customs.

System location: Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of seminars the import specialist has attended.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used by the Classification and Value Division to keep track of special training given to import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access Above.

Record source categories: The records of the seminar.

Treasury/Customs 00.116

System name: Import specialist activities—220 visits, Region IX—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A record of importer premises visits performed by the import specialist including the time, cost, and number of visits listed monthly.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep an account of the visits made by import specialists to importers' premises.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where

the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Reports submitted by import specialists on Regional Form IX-RC-220.

Treasury/Customs 00.117

System name: Information and Investigative Reports from other Federal Agencies—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800 Plaza Tower Building, 1001 Howard Ave., New Orleans, Louisiana 70113. Dir., District Patrol Division, Rm. 213, International Trade Center 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, address, phone number, place of business, associates, vessels or aircraft identified with; make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law. All information received from other federal agencies' investigative reports.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During nonworking hours, the room housing the metal cabinets is locked.

Retention and disposal: Memoranda of Information Received are normally destroyed after 3 years. On active cases or individuals, files could presumably be retained for duration of interest in individual. Disposal is by means of shredding. The same procedure is followed for Investigative Reports from other Federal agencies.

System manager(s) and address: Director, District Patrol Division, Suite 2800 Plaza Tower Building, 1001 Howard Ave., New Orleans, La. 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.118

System name: Information Received File—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged

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with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are inserted in alphabetical and chronological file folders which are filed within a metal container.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.119

System name: Information Received File (Patrol Division—New Orleans, LA)—Treasury/Customs.

System location: Office of the Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, file number, location, and date information received on individuals suspected of unlawful activity.

Authority for maintenance of the system: 5 USC 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System maintained on filed 4 x 6 index cards.

Retrievability: System indexed alphabetically by name and manually retrieved.

Safeguards: Cards maintained in index file holder stored in secure combination safe, with the combination thereto restricted to four employees. Those departmental officials who may occasionally be granted access consistent with their position have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the safe is locked.

Retention and disposal: Index cards are retained for duration of interest in individual named there on. Disposal is by means of shredding.

System manager(s) and address: Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.120

System name: Information Received File (Patrol Division—New Orleans, LA)—Treasury/Customs.

System location: Office of the Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, address, phone number, place of business, associates, vessels or aircraft identified with; make, year, license number and registration of vehicles, area of activity, method of operation, and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 USC 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant

to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Custom file folders in locked, metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked, metal file cabinet the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the metal cabinets is locked.

Retention and disposal: Memoranda of Information Received are normally destroyed after three years. On active cases or individuals, files could presumably be retained for duration of interest in individual. Disposal is by means of shredding.

System manager(s) and address: Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.121

System name: Information Received (Moir) File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. Los Angeles region. See Customs Appendix A.

Categories of individuals covered by the system: All Persons who have been found or suspected of being in violation of Customs or other Governmental Agency regulations or laws.

Categories of records in the system: Name, physical description, DOB, driver's license information and informing individual if suspect of being involved.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. To alert all Customs personnel or interested Agencies of possible violations or whereabouts of individuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on CF 4621 in file cabinet.

Retrievability: Cross-indexed by name and file number.

Safeguards: Locked office after duty hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.122

System name: Information Received File—Treasury/Customs.

System location: District Patrol Division, Room 200, United States Customhouse, La Marina, Old San Juan, P.R. 00901.

Categories of individuals covered by the system: Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

Categories of records in the system: Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each memorandum, or group of memoranda, is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

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Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed Customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These memoranda are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division, United States Custom Service, Room 200, La Marina, Old San Juan, P.R. 00901.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.123

System name: Injury Notice—Treasury/Customs.

System location: Each Logistics Management Division in each regional HQ Office (see Customs Appendix A for addresses) and all offices of the District Director, Region IX, Chicago, Ill.

Categories of individuals covered by the system: Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

Categories of records in the system: Name, date of birth, home address, organization, place of injury, date and hour of injury, dependants, occupation, cause of injury, nature of injury, statement of witness, supervisor's report of injury.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Department of Labor for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CA forms. The CA forms are filed in a loose leaf, alphabetical binder and placed in a metal file container.

Retrievability: Each CA form is identified by the name of the injured employee and filed alphabetically in a binder.

Safeguards: The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

Retention and disposal: Notice of injury reports are maintained in the employee's OPF indefinitely. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

System manager(s) and address: Each Director, Logistics Management Division, in each Customs Regional Headquarters (see Appendix A for address), each District Safety Officer, Region IX, Chicago, Ill. (see Customs Appendix A for addresses of District Directors).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

Treasury/Customs 00.124

System name: Inspector Training Quarterly Checklist Forms and Inspector Correspondence Course Enrollment Forms (CF-66)—Treasury/Customs.

System location: Regional Office, Personnel Management, Career and Staff Development, U.S. Customs, 300 N. Los Angeles Street, Los Angeles, California 90012.

Categories of indlviduals covered by the system: All Inspectors in training status in Region VII.

Categories of records in the system: Progress records of on-the-job Inspector training and enrollment forms for the correspondence course.

Authority for maintenance of the system: U.S. Customs Headquarters Training Manual, 5 USC 301; Reorganizational Plan No. 1 of 1950; Treasury Dept. Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant

to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine if trainee Inspectors have satisfactorily completed their standard training requirements so that they are eligible for promotion at the end of their first year.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Loose leaf binder.

Retrievability: By name.

Safeguards: Locked office.

Retention and disposal: Until employee completes his training.

System manager(s) and address: Regional Training Officer, Personnel Management, Career Development Branch, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90012.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The inspectors' supervisors originate both the training progress checklists and the Correspondence Course Enrollment forms.

Treasury/Customs 00.125

System name: Intelligence Log—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The intelligence log is a chronological file which is maintained within a security area.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, Patrol Division, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.126

System name: Internal Security File—Treasury/Customs.

System location: Area Director, New York Seaport Area, 6 World Trade Center, New York, New York 10048.

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Categories of individuals covered by the system: Commercial and non-commercial importers.

Categories of records in the system: Correspondence from importing public concerning parcels received through mail without being processed through Customs and Voluntary Tenders submitted in conjunction with same.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Use by Customs Officers in enforcing laws and regulations and use as background information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in a file drawer.

Retrievability: Listed alphabetically by name.

Safeguards: The office is locked at the end of the day.

Retention and disposal: Files destroyed after two years.

System manager(s) and address: Area Director, New York Seaport Area, 6 World Trade Center, New York, New York 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information submitted by individuals.

Treasury/Customs 00.127

System name: Internal Security Records System—Treasury/Customs.

System location: Internal Security Division, U.S. Customs Service Headquarters, Room 5335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Tort Claim Investigation Files and index card files at each Regional Director (Internal Affairs) Office. See Customs Appendix A.

Categories of individuals covered by the system: Present and past employees, applicants for positions that require an investigation, and others that are the subject of an investigation.

Categories of records in the system: Security clearance records; background, tort claim, special inquiry, conduct, and equal employment opportunity investigations and other Customs related investigations including individuals involved in accidents under investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within the Department of the Treasury with sufficient information to make a decision as to whether or not an applicant or employee is suitable for employment in a sensitive position, and to make a determination regarding a subject's loyalty; (d) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (e) Serves as a basis for granting access to classified information and material. When necessary, advise Government agencies and private industry of employees having security clearances; (f) To provide basis for disciplinary action, criminal prosecution establishing guilt or innocence, identifying procedural weaknesses, establishing liability in tort claim investigations, give information to Equal Employment Opportunity Division in EEO cases, provide information to appropriate officials, management and Congressmen; (g) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (i) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Investigative records are maintained on microfiche and in file folders and stored in metal security cabinets secured by government approved three-position, combination locks. Security clearance records are stored on magnetic tape with a manual back-up system.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

Retention and disposal: With exception of tort claim investigations, the file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and for 1 year after the subject terminates employment. The files are then transferred to the Federal Records Center.

Tort Claim investigations are retained for 5 years after the close of the investigation and then destroyed. Once files are transferred, they are retained for the following periods of time by the Federal Records Center and then destroyed: Background investigations—25 years, Conduct and special inquiry investigations—15 years, Equal Employment Opportunity investigations—10 years.

System manager(s) and address: Director, Internal Security Division, U.S. Customs Service Headquarters, Room 5335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Record source categories: Sources of information for background investigations are: employers; educational institutions; police; government agencies; credit bureaus; references; neighborhood checks; medical sources; personal interviews; military, financial, citizenship, birth and tax records; and the applicants or employee's personal history and application forms.

Treasury/Customs 00.128

System name: Investigations Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V. RDI, 2900 Plaza Tower Building, New Orleans, La. 70113; SAC, P.O. Box 1704, Mobile, Ala. 36601; RA, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Categories of individuals covered by the system: Special Agents assigned to office.

Categories of records in the system: Record of cases assigned to individual agent showing date assigned, status, date closed, time spent on case, arrests, dispositions of arrests, seizures, penalties, and recoveries, if any. An inventory of types of cases handled by an agent.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively as an inventory of investigative cases; measurement of the results of investigative efforts; and an account of man hours devoted to investigative categories.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is contained in a printout.

Retrievability: Information is retrieved from the printout by case number, name of agent, and date by month and year.

Safeguards: During non-working hours the room in which the above described printouts are located is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, Ala., 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information furnished by Customs Special Agents.

Treasury/Customs 00.129

System name: Investigations Record System—Treasury/Customs.

System location: All Office of Investigations offices located within each Customs Service Region in the United States and within each Office of Investigations office located in a foreign country. (See Customs Appendix A).

Categories of individuals covered by the system: Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Investigations, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries. (3) Fugitives with outstanding warrants, Federal or State. (4) Suspect violators of U.S. Customs or other related laws. (5) Victims of violations of the U.S. Customs or related laws.

Categories of records in the system: The subject records may contain any identifying or other relevant information on subject in-

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dividuals which might relate to the following categories of investigations:

Smuggling Investigations Branch: Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation, Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports.

Regulatory Investigations Branch: Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal Cases; Currency Violations.

Special Investigations Branch: Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort Claims; Personnel Background Investigations.

Technical Investigations Branch: Undervaluation and False Invoicing; Petitions for Relief.

Verification Investigations Branch: Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures; Collections of Duties and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft.

Foreign Investigations Branch: Classification; Market Value; Dumping; Countervailing Duties.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of Treasury who have a need for the records in the performance of their duties which may include the administration, investigation, enforcement and prosecution of civil and criminal Customs and related laws; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure may be made to any civil or criminal law enforcement authorities, whether Federal, state, local or foreign; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

Retrievability: The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and microfiche records are retrieved by means of the investigative case numbers.

Safeguards: All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Investigations employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

Retention and disposal: The index cards are retained indefinitely. The hard copy and microfiche records are retained for one year or more depending on the subject matter to which they relate and are then either destroyed or transferred to the appropriate Federal Record Center, all in accordance with standard Customs Service record retention and disposal procedures.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, Room 3106, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.130

System name: Investigative Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.,; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: United States Customs Special Agents and Operations Officers.

Categories of records in the system: Case assignment information such as case number, case hours, court hours, case description and disposition, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Provide management information such as caseload, budget, manpower, performance and experience, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tape. (2) Manual files maintained by the Office of Investigations field officer.

Retrievability: By name and Social Security Number of subject Customs Officer.

Safeguards: On a need-to-know basis to the Office of Investigations personnel only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the areas restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite; None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Supervisory Customs Special Agents when making case assignments to Special Agents or Operations Officers on foreign assignments.

Treasury/Customs 00.131

System name: Justice Court Case File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is routinely provided to the Department of Justice upon request to assist that Department in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Files are often channeled through the Treasury Department.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition each case file is similarly identified on the alphabetical file folder within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which results in a written report to that Department regarding the facts of the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal employment opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.132

System name: Justice Court Case File—Treasury/Customs.

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System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or agencies or employees or officers thereof, in matters which affect or involve the Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation, including any information on individuals which has relevance to the matter in litigation.

Authority for maintenance of the system: 28 U.S.C. 507; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is provided as a routine use to the Department of Justice to assist that Department in representing the interests of the Government, the agency or officer or employee involved in the litigation, and may be provided to other agencies involved in same or similar litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition, each case file is similarly identified on the alphabetical file folder within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which results in a written report to that Department regarding the facts of the particular case. Information in this file may also be derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.133

System name: Justice Department Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is routinely provided to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Appendix A), or to the Director,

Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the request from the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.134

System name: Laboratory Report Card—Treasury/U.S. Customs.

System location: Chicago Regional Laboratory, U.S. Customhouse, Room 714, 610 South Canal Street, Chicago, Illinois 60607.

Categories of individuals covered by the system: The system covers those persons from whom suspected narcotics or dangerous drugs have been seized by Customs officials in the Region served by the Chicago laboratory when the seizure in question was submitted to the laboratory for analysis.

Categories of records in the system: Information on the report includes the name of the person, a description of the seized material, the date and place of seizure, the submitting official and his office and the results of the laboratory analysis regarding the identity of the seized material.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by laboratory staff within laboratory as a record of a submitted sample and the analysis results; (d) Used by laboratory staff and the staff of the office from which the seizure submitted to inform the seizing office of the analysis results; (e) Used by the chemist who performed the analysis as a memory aid when in court; (f) A copy of the report is used for the information of the prosecuting and/or defense attorneys involved in the case.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file cabinets.

Retrievability: By identification number and name.

Safeguards: Records are maintained in the laboratory and are not made available to non-laboratory personnel (except as under Subsection (e)(4) (d). All laboratory personnel are the subject of Federal investigative clearance prior to employment.

Retention and disposal: Retention—Records are retained at location for 15 years. Disposal—Destroyed by Laboratory Personnel by means of shredding.

System manager(s) and address: Director, U.S. Customs Laboratory, Customhouse, 610 South Canal Street, Room 714, Chicago, Illinois 60607.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information comes from copy of seizure report which accompanies sample and by analysis of the sample.

Treasury/Customs 00.135

System name: Legal Case Inventory System—Treasury/Customs.

System location: Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees to whom legal cases are assigned for initial review at Customs Headquarters.

Categories of records in the system: Name of Customs employees to whom legal cases are assigned for initial review, name of inquirer, date of correspondence, description of request, control number, and status.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the

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records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a log system of all requests received in the Office; be able to locate each request, obtain present status, and to whom assigned. Obtain statistical information indicating the number of requests received per month for budget purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and hard copy print-out.

Retrievability: A weekly print-out for each division in the Office of Regulations and Rulings by the name of the employee assigned to the case is prepared. Retrieval of information by employee is accomplished by a manual search of the print-out.

Safeguards: The weekly printout is used only by division personnel to locate a specific case. Each branch in the division receives a copy of the printout for their use. During non-working hours the room is locked and the building is guarded by security police. Only authorized persons are permitted in the building.

Retention and disposal: An inquirer's name will remain in the computer until 90 days after a reply has been made to afford the inquirer ample time for resubmission of a request for consideration. Thereafter, his name is expunged by erasure of the tape. The print-out is disposed of as paper trash when a new print-out is received.

System manager(s) and address: Director, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Branch Chief or delegate at the time the protest case is assigned to an individual for initial review.

Treasury/Customs 00.136

System name: Liquidated Damage Cases; Prior Violators—Treasury/Customs.

System location: Office of the District Director, Fines and Penalties Office, U.S. Customs Service, 2 India Street, Boston, Massachusetts 02109, and Office of the District Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 111, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Prior violators of Customs Laws: e.g. Customhouse brokers, individual T/B violators, liquidated damage cases only.

Categories of records in the system: Name, address, Social Security number, type of violation and frequency of past violations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to determine those persons who are repeatedly assessed liquidated damages so appropriate administrative action may be taken.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on 3 x 5 index cards and in file folders.

Retrievability: Alphabetically; by name.

Safeguards: In locked file cabinet when not in use.

Retention and disposal: Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five years and then destroyed.

System manager(s) and address: Fines and Penalties Officer, U.S. Customhouse, Bonton, Massachusetts 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, Vermont 05478.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedure to

be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the office of Investigations provides any information developed during its investigation.

Treasury/Customs 00.137

System name: List of Vessel Agents Employees—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Persons employed by Vessel agents.

Categories of records in the system: Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open file.

Retrievability: Alphabetical listing of employees by vessel agent name.

Safeguards: The file described is maintained in the Offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Employee name retained for period of employment with vessel agent agency.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois. See Location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Submission of data by importing carrier or his agent.

Treasury/Customs 00.138

System name: Litigation Issue Files—Treasury/Customs.

System location: Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Categories of individuals covered by the system: Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 19 U.S.C. 1514—1516; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each issue file is inserted in a numerical file folder (according to issue) which is filed in an unlocked drawer within a metal container.

Retrievability: Each issue filed is cross-indexed in the following card files: (a) by name of party-plaintiff; (b) by issue; and, (c) by titles of decided cases.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Coun-

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sel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Districts and/or litigation report requests from the Department of Justice which result in a written report to that Department regarding the facts of the particular case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.140

System name: Lookout Notice—Treasury/Customs.

System location: Lookout files are maintained in Offices of the District and Port Directors and the District and Local offices of the Patrol Division. See Customs Appendix A.

Categories of individuals covered by the system: Suspected violators of laws enforced by Customs.

Categories of records in the system: Name, address, height, weight, and any other information available on the individual at the time the notice is instituted.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The lookout notices are used by Customs to identify persons suspected of violating laws and to keep them under active review.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The notice is printed on regular paper and then copied and stored within a file box.

Retrievability: Alphabetically, by name.

Safeguards: Stored in locked filing cabinet and access is limited to administrative personnel.

Retention and disposal: Retained for two years and then destroyed on site.

System manager(s) and address: Regional Commissioner of Customs, Regional Director of Investigations, Regional Patrol Director at appropriate Region. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.142

System name: Mail Entry Protest—Treasury/Customs.

System location: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Categories of individuals covered by the system: Individual member of armed forces, commercial importers, commercial exporters and private importers.

Categories of records in the system: Name, home address, and action by customers for which relief is sought.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is placed in alphabetical file folder and placed within a metal file cabinet.

Retrievability: Each letter of protest is filed in alphabetical order by last name first.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours.

Retention and disposal: The records are maintained in the files for a complete fiscal year. Records are removed to inactive files and held for three years prior to destruction.

System manager(s) and address: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information of this office originated with and consists solely of information supplied by the protestor or requester.

Treasury/Customs 00.143

System name: Mail Protest—Treasury/Customs.

System location: District: Anchorage, 204 E. 5th Ave., Anchorage, Alaska; Great Falls, 215 1st Ave, No., Great Falls, Montana; Hopolulu, 335 Merchant, Honolulu; Portland, 511 N.W. Broadway, Portland, Oregon; San Francisco, 555 Battery St., San Francisco, California; Seattle, First & Marion Sts., Seattle, Washington.

Categories of individuals covered by the system: Individual protesting duty assessed.

Categories of records in the system: Correspondence relating to individual.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during nonworking hours.

Safeguards: Protest number.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director, See Location above for addresses.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are loeated (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person; the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individual and Customs employees involved with case.

Treasury/Customs 00.144

System name: Mail Protest File—Treasury/Customs.

System location: Foreign Mail Section, District Office, 150 N.E. 7th St., Miami, Fla.

Categories of individuals covered by the system: Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

Categories of records in the system: Letters, invoices, and other pertinent documents pertaining to protests.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Customs Personnel processing mail protests; (d) In the

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event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licences, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in the Foreign Mail Section of the District Office, 100 N.E. 7 St., Miami, Fla.

Retrievability: Records are retrievable by name or protest number.

Safeguards: Access is limited to appropriate personnel and office is locked during non-working hours.

Retention and disposal: Records are kept until 3 years after the protest is decided.

System manager(s) and address: District Director of Customs, 100 N.E. 7 St., Miami, Fla.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Source information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

Treasury/Customs 00.148

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include making recommendations for decisions on claims and making final decisions on claims; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

fully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.149

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CRF Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form NO. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant, the claimant's supervisor, or other reviewing Customs officers.

Treasury/Customs 00.150

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964 for damage to or loss of personnal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

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Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 1331, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personnel Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.268

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service to make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Director, Logistics Management Division, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaing access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified of how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.151

System name: Motor Vehicle Accident Reports—Treasury/Customs.

System location: Each Logistics Management Division, in each Customs Regional Headquarters (see Customs Appendix A).

Categories of individuals covered by the system: U.S. Customs Employee involved in an automobile accident while on official duty.

Categories of records in the system: Name, Social Security Number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

Retrievability: Each case file is identified in a file folder identified by the name of the Customs employee involved in the automobile accident.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Regional Commissioner of Customs. Access to the building during nonworking hours is controlled.

Retention and disposal: Files are maintained at location for 2 years and then transferred to the Federal Records Center where they are retained for four years.

System manager(s) and address: Each Director, Logistics Management Division in each Regional Headquarters (see Customs Appendix A for addresses).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

When the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in these files originates from the employee involved in the automobile accidents, police report and report of investigation conducted by the Office of Internal Affairs.

Treasury/Customs 00.152

System name: Motor Vehicle Operator's Identification Card—Treasury/Customs.

System location: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601; Regional Commissioner, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All Customs employees in Region V whose official duties require the use and operation of an agency-owned vehicle or a government-owned vehicle leased from General Service Motor Vehicle Pool.

Categories of records in the system: Records on file contain the follwoing information: Name, address, place and date of birth, statement of physical fitness, results of examination on driving capability, summary of past driving record, record of summonses,

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arrests, and accidents during past five years, record of safe driving awards.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On SF-47 and Treasury Department Form 2770 in appropriate file.

Retrievability: By name.

Safeguards: Unlocked file cabinet in locked office.

Retention and disposal: Forms are maintained for the period in which the individual is employed in the Customs Service, or until revoked. Upon separation or revocation, forms are removed from active file and placed in an inactive file for a period of three years, after which time the cards are disposed of as provided in GSA's General Records Schedule.

System manager(s) and address: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601; District, Logistics Management Division, 701 Loyola Avenue, New Orleans, LA 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system or records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: All information contained on SF-47 and TD Form 2770 is obtained directly from employee.

Treasury/Customs 00.153

System name: Motor Vehicle Operators I.D. Card and Record—Treasury/Customs.

System location: Room 102, Federal Building, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District authorized to drive government vehicles.

Categories of records in the system: Name, position, driving record of employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To account for those employees to whom driver's licences have been issued and to maintain information concerning their driving record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in index card file. Stored in unlocked metal cabinet.

Retrievability: Information is on cards, indexed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years, then destroyed.

System manager(s) and address: District Director, Federal Building Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information furnished by employee and his supervisors. Accident reports.

Treasury/Customs 00.155

System name: Narcotics Suspect File—Treasury/Customs.

System location: Customs Patrol Office, Room 807, Appraisers' Stores Building, 103 South Gay Street, Baltimore, Maryland 21202 (after August 1975, Customs Patrol Office, Room 15, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Known violators of Federal narcotics laws. Suspected violators of Federal narcotics laws. Associates of known and suspected violators. Informants and other persons of interest to patrol officers in the performance of their duties.

Categories of records in the system: Criminal and civil case files; information of possible violators, informant files, known suspect files, and files of information of interest to patrol officers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by patrol officers to determine an individual's previous record when determining the proper recommendations for criminal and civil penalties; (d) Used by patrol officers to determine patterns of violations and assist in the more efficient performance of their duties; (e) Used by officers and employees of the Customs Service and the Department of the Treasury to compile statistics and determine patterns of violators; (f) In the event that this system of records includes information which indicates a violation or possible violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (g) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (h) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in metal file cabinets which are located in locked or occupied offices which are located in locked and guarded Federal Buildings.

Retrievability: A manual master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers, the containers are maintained in offices which are either occupied or locked at all times. These offices are located in locked Federal buildings.

Retention and disposal: The file records are maintained indefinitely.

System manager(s) and address: Director, Baltimore Patrol Division, Appraisers' Stores Building, Room 807, 103 South Gay Street, Baltimore, Maryland 21202, (after August 1975, Director, Baltimore Patrol Division, U.S. Customhouse, Room 17, 40 South Gay Street, Baltimore, Maryland 21212).

Systems exempted from certain provisions of the act: QD

The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system or records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.156

System name: Narcotic Violator File—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Office, District Director of Customs, Room 603, U.S. Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Categories of individuals covered by the system: Persons who have been found in possession of any controlled substance within the Buffalo District.

Categories of records in the system: Alphabetized cross reference of violators names and the associated case numbers assigned to these individuals.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an em-

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ployee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open card file (3 x 5) is kept in metal flip file.

Retrievability: Narcotic violator case files are cross-referenced by a 3 x 5 alphabetized card which contains both name and case number.

Safeguards: Open card file is kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24-hour guard.

Retention and disposal: File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

System manager(s) and address: District Director, United States Customs Service, Room 603, 111 West Huron Street, Buffalo, New York 14202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willingly seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the district.

Treasury/Customs 00.159

System name: Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs—Treasury/Customs.

System location: Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Customs employees who are suspected of misconduct.

Categories of records in the system: A written or telephonic notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Notification serves to notify certain Personnel Management Division employees of the investigation to assure compliance with Chapter 751 of the Customs Personnel Manual which precludes the processing of certain personnel actions while employees are under investigation. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be refeired, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notifications provided by the Office of Internal Affairs are maintained in a file folder and stored in a metal security cabinet equipped with a lock.

Retrievability: The file contains the name of the employee; therefore retrievability is by the individual's name.

Safeguards: A metal container, described above, is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The name file is retained until notification has been received that the investigation has been cancelled or on receipt of a report of investigation from the Office of Internal Affairs.

System manager(s) and address: Director, Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Record source categories: The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.160

System name: Operations Officer's (Classification and Value) Work Accomplishments—Treasury/U.S. Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, Classification and Value Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Operations Officers in the Classification and Value Division.

Categories of records in the system: Travel File—Names, dates, purpose and locations travelled. Assignments Folder—Correspondence of specific assignments filed by name. Reading File—Copies of all originally written documents filed by name.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Historic record of work accomplishments in one file by name. (d) It is used as a file index to locate the master file record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder under secretarial control.

Retrievability: Manual file system.

Safeguards: Stored in the division area away from unescorted public.

Retention and disposal: Filed for five years then destroyed.

System manager(s) and address: Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The sources are from the Operations Officers and a copy of typewritten work.

Treasury/Customs 00.275

System name: Operator Identification File—Treasury/Customs.

System location: Honeywell Computer Center, 7900 Westpark Drive, McLean, Virginia.

Categories of individuals covered by the system: Customs Service employees who are authorized to operate computer terminals under the AMPS/Entry Processing System.

Categories of records in the system: Terminal identification number, operator identification number, operator name, and transaction class code.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties include collecting statistics for supervisors and management and ensuring that only authorized persons have access to information on transactions contained in the AMPS/Entry Processing System and that only authorized terminals are utilized on authorized transactions; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc.

Retrievability: By operator name or identification number.

Safeguards: The terminal is locked when not in use, the entrances to the building are locked, the building is patrolled by security guards, and access to the file is restricted to authorized persons.

Retention and disposal: The file is retained indefinitely but is periodically updated to reflect changes in the employment or authorization of each operator.

System manager(s) and address: Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or will-

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fully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content, shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Administratively created through Internal Customs Service records.

Treasury/Customs 00.161

System name: Optional Retirement List—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: All employees who are eligible for optional retirement.

Categories of records in the system: Name, date of mandatory retirement, and service computation date.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a locked file cabinet.

Retrievability: By name.

Safeguards: Accessible only to the Personnel Officer. The area in which these records are stored is locked during non-working hours, and the building is guarded by uniformed security police.

Retention and disposal: Records are retained for two years then destroyed.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information is obtained from the Employees Service Record Report.

Treasury/Customs 00.162

System name: Organization (Customs) and Automated Position Management System (COAPMS)—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: All Customs employees by organizational entity.

Categories of records in the system: Position control number and other personnel data such as social security number, date of birth, name, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 522); (c) Used by managers and planners at all levels for position control purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on Mag-tape.

Retrievability: Records are indexed by organizational segment, code, position control number, and name.

Safeguards: Limited access.

Retention and disposal: Records are maintained on mag-tapes indefinitely or until employee separation.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: COAPMS is composed of four basic inputs: CF-105-Position Change Form—presently prepared by the Headquarters Personnel Branch and operating offices, Post of Duty Codes—established by the Accounting Division, Ceilings—established by the Budget Division, CF-112—a Request for PPBS Code and Standard Abbreviation of Position.

In addition to these four sources, the IRS payroll tape has many inputs—1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

Treasury/Customs 00.163

System name: Outside Employment Requests—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters and/or appropriate District, Port, or post of duty office of employee making request.

Categories of individuals covered by the system: All employees engaged in outside employment.

Categories of records in the system: Outside employment request.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used to ensure the Customs employees are not engaged in other employment that would create a conflict of interest with Customs Service or Treasury Department.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF-3031 kept in manila folder.

Retrievability: By employee name.

Safeguards: Locked file cabinet or limited access offices.

Retention and disposal: Until disengagement from outside employment or employee separation.

System manager(s) and address: Director, Personnel Management Division in each regional office and Headquarters and/or appropriate managerial official in each port or district of employee.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C.

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20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Employee submission of form CF-3031.

Treasury/Customs 00.164

System name: Overtime Earnings—Treasury/Customs.

System location: Office of the Regional Commissioner, Region IX, Inspection and Control Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603 and each District Director's office in Region IX.

Categories of individuals covered by the system: U.S. Customs inspectional and warehouse personnel engaged in performance of overtime and reimbursable work assignments in Region IX.

Categories of records in the system: Summary of total overtime earnings for individual employees participating in overtime assignments in Region IX.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Review of overtime earnings to insure required equalization of overtime is maintained in each port in Region IX.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in loose leaf binder in alphabetical listing by individual name and kept in the office of the Director, Inspection and Control Division, Region IX.

Retrievability: By individual name in alphabetical order.

Safeguards: Locked in the desk of Director, Inspection and Control Division and made available only to authorized U.S. Customs personnel.

Retention and disposal: Retained for two years then destroyed.

System manager(s) and address: Director, Inspection and Control Division, Region IX, 55 East Monroe, Suite 1501, Chicago, Illinois 60603 and respective District Directors.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Record is compiled from information supplied by employee on Customs Form 6082 (Work Ticket) that is completed for each overtime assignment worked.

Treasury/Customs 00.165

System name: Overtime Earnings—Treasury/Customs.

System location: Inspection and Control Division, San Francisco District, 555 Battery Street, Room 111, San Francisco, CA 94126.

Categories of individuals covered by the system: Inspection and Control employees participating in overtime assignments within the district of San Francisco.

Categories of records in the system: Name and the total current monetary earnings computed to the nearest dollar.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To maintain records of extra compensation earnings on a yearly basis for each employee in each participating group; i.e., Customs Inspectors, Supervisory Customs Inspectors, Inspectional Aids, etc. (b) A report of the monetary earnings from each overtime participant is given to each station supervisor every two weeks. (c) The report is available to all employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept on a visible chart board and the information on earnings is constantly changing.

Retrievability: The individual's name appears alphabetically according to their geographical location within the Port.

Safeguards: The room wherein the visible chart is kept, is locked at other than regular working hours.

Retention and disposal: The information on each employee constantly changes and is maintained as long as the employee is working in the inspection overtime system.

System manager(s) and address: Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, California 94126.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in

which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from actual overtime earnings made by each employee in the system.

Treasury/Customs 00.166

System name: Overtime Earnings Daily Log Book—Treasury/Customs.

System location: Chief Inspector, 1001 N. American Way, Miami, Fla., Port Director of Customs, Port Everglades, Fla., Port Director of Customs, West Palm Beach, Fla., Director Airport Operations, Miami International Airport.

Categories of individuals covered by the system: All participants in overtime.

Categories of records in the system: Monetary amount of overtime earned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Supervisors and participants in overtime earnings; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is kept in file folders at assignment offices listed under location.

Retrievability: Records are retrievable by name of participant.

Safeguards: Record is kept in non-public portions of listed offices.

Retention and disposal: Records are kept on a calendar year basis and are disposed of after computer printouts are received.

System manager(s) and address: District Director of Customs, 100 N.E. 7th St., Miami, Fla. 33132.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information for this record is obtained from the overtime work tickets.

Treasury/Customs 00.167

System name: Overtime Earnings Record—Customs Warehouse Officers—Treasury/Customs.

System location: Office of the Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Customs Warehouse Officers under the supervision of the Philadelphia District who participate in 1911 Overtime earnings.

Categories of records in the system: Bi-monthly postings of participating employees' actual 1911 Overtime earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each posting is made manually on a 5 inch by 8 inch index card which is filed in the Supervisory Warehouse Officer's desk.

Retrievability: Each card is identified by the name of the Warehouse Officer and his grade.

Safeguards: The records are kept in a closed desk drawer; during working hours, only the Supervisory Warehouse Officer has access to the desk. During non-working hours, the building is either locked or controlled by uniformed guards.

Retention and disposal: Overtime earnings records of Customs Warehouse Officers are kept for one year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identify and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates from a bi-monthly data center print-out, number RCS-AA66-10, for the Port of Philadelphia.

Treasury/Customs 00.169

System name: Overtime Log—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Employees of U.S. Customs Service participating in overtime under the Act of Feb. 13, 1911.

Categories of records in the system: Name, overtime rate, overtime amount earned by date, overtime earned on holiday or Sunday or during any other night, and running total of earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To keep a record of overtime earnings worked by each individual participant. (b) To keep a record of overtime earnings by different participating groups; i.e., Inspectors, Supervisory Customs Inspectors, Warehouse officers, etc. (c) Used to make a daily list of overtime participants by earnings.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on loose leaf folder paper in a black binder. This binder is located adjacent to the documents examiner's desk.

Retrievability: Each loose leaf folder paper is identified by name and is filed according to current overtime earnings and participating groups.

Safeguards: The documents examiner's desk is located next to the manifest desk in the U.S. Customs Service office. The manifest desk is manned 24 hours a day, seven days a week by Customs personnel.

Retention and disposal: The files are kept in the binder for one calendar year then placed in a folder, boxed, sealed, labeled and placed in our locked storeroom. The files are destroyed after five years.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notifed in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Overtime records are compiled by Customs personnel responsible for accounting for overtime.

Treasury/Customs 00.170

System name: Overtime Reports—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V. RDI, 2900 Plaza Tower Building, New Orleans, La. 70113; SAC, P.O. Box 1704, Mobile, Ala. 36601; RA, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Categories of individuals covered by the system: All Special Agents in region certified to receive premium compensation.

Categories of records in the system: Numbers of hours worked by Special Agents over and above the normal 40 hour week.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No.1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Record of number of unscheduled overtime hours worked by each Special Agent.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These forms are maintained in file folders in a locked filing cabinet.

Retrievability: Files are kept in alphabetical order.

Safeguards: During non-working hours the rooms in which the above described containers are located are locked.

Retention and disposal: These files are maintained on Special Agents and are destroyed three years after agent leaves agency or office.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, Ala., 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with, and consists solely of information supplied by employees.

Treasury/Customs 00.171

System name: Parking Permit File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, C.C. 20229.

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Categories of individuals covered by the system: Individuals and members of car pools to whom vehicle parking permits have been issued.

Categories of records in the system: Name, home phone number, home address, organization, office telephone number, years of service, and make, year, license number and registration number of vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service Headquarters to evaluate applications and to assign and monitor available parking spaces. (d) Disclosure to the General Services Administration for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on GSA Forms 7415 (Parking Permit Applications) which consist of index card applications. The index card applications are placed within a file box which is located in a metal file container.

Retrievability: Each index card is identified by the name of the applicant, and the cards are filed alphabetically within the file box.

Safeguards: The card file box is placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active index cards are retained in this system indefinitely. However, the information in this sytem is reviewed every six months, and outdated index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicant(s) on GSA Form 7415 (Parking Permit Application).

Treasury/Customs 00.172.

System name: Parking Permits File (N.Y. Region)—Treasury/Customs.

System location: U.S. Customs Service, Assistant Regional Commissioner (Administration), 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Organizational units and persons holding parking permits.

Categories of records in the system: Name of person issued parking permit, and number of parking spot assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To keep track of permits issued and to identify the holder of the permit if violations occur or problems develop (i.e. car lights left on).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Office locked at night.

Retention and disposal: Retained until changed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is compiled when parking permit is assigned.

Treasury/Customs 00.175

System name: Patrol Division Daily Activity Report—Treasury/Customs.

System location: Offices of the Patrol Division, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Individuals employed as Customs Patrol Officers.

Categories of records in the system: Internal Patrol Division folder maintained by Director, Patrol, by name to record work performance on a daily basis of each individual Patrol Officer. Also, individual record of scheduled overtime, sick or annual leave hours.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to maintain evaluation rating on employees of Patrol Division;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual activity records are maintained in file folders stored in a locked metal file cabinet.

Retrievability: Each folder is filed alphabetically by an individual's name.

Safeguards: File folders are kept in a locked metal file cabinet which is located in an office that is locked during non-working hours.

Retention and disposal: Folders are maintained for the duration of an employee's service with the Patrol Division and then destroyed.

System manager(s) and address: Supervisory Customs Patrol Officers, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in this record system originates from reports of Customs Patrol Officers involving records of their daily patrol activities.

Treasury/Customs 00.176

System name: Patrol Information Data System—Treasury/Customs.

System location: Office of Director, District Patrol Division, U.S. Customs Service, Room 1400 Customhouse, Boston, Massachusetts 02109.

Categories of individuals covered by the system: Customs violators, suspects, known narcotic violators; business names; suspect vessels, aircraft and vehicles.

Categories of records in the system: Name, address and numerical file reference number and date.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the record contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to investigating suspected law violations. Used to alert patrol officers of persons to watch for;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index card with name, address and related number filed in metal index file drawer.

Retrievability: By name.

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Safeguards: The metal index file is maintained within the office of Director, District Patrol Division. The room is locked during non-working hours.

Retention and disposal: These files are retained for a period of three years and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customshouse, 2 India Street, Boston, Massachusetts 02109.

Notification procedure: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as Notification above.

Record source categories: Same as Notification above.

Systems exempted from certain provisions of the act: Same as Notification above.

Treasury/Customs 00.177

System name: Patrol Officer Activity Listing—Treasury/Customs.

System location: Regional Patrol Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Mass. 02203.

Categories of individuals covered by the system: Employees of the Regional Patrol Division, Boston, Massachusetts.

Categories of records in the system: Ledger listing of arrests, seizures and other job-related activities.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an administrative tool to keep track of the activities performed by each patrol officer;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledger.

Retrievability: Alphabetical by name.

Safeguards: Locked file.

Retention and disposal: Individual record retained while employee is assigned to the Regional Patrol Division. Upon separation of employee, individual record is destroyed.

System manager(s) and address: Director, Regional Patrol Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, Headquarters, 301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from reports prepared by the Patrol Officers.

Treasury/Customs 00.178

System name: Payroll Administration/Problems—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Any individual employed by Region I who has a payroll problem.

Categories of records in the system: Name, social security number, office location, type of problem and background.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in locked cabinet.

Retrievability: By District and name.

Safeguards: Records are accessible to employees of Personnel Management Division whose duties require them to use these records. In addition to being stored in a locked cabinet, the area in which the records are located is locked during non-working hours and the building is guarded by uniformed security police.

Retention and disposal: Records are destroyed three months after resolution of the problem.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington DC 20229. The requestet will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is supplied by the employee who has the problem.

Treasury/Customs 00.180

System name: Payroll Record of Employees Not Covered By The Automated System—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Records of various types of earnings and taxes withheld from employees who are not covered by the automated payroll system.

Categories of records in the system: Recorded detail of earnings and taxes.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1.of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a record for reporting and paying payroll taxes;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is placed in a file folder maintained in an unlocked file cabinet located within the Payment Section work area.

Retrievability: Each file is identified by the name of the individual.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are retained for two years on the premises and then sent to the Federal Records Center where they are retained for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request in presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system originates from the individual's preparation of his travel voucher and compensation forms.

Treasury/Customs 00.182

System name: Penalty Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Individuals who have submitted supplemental petitions in relation to penalties, claims for liquidated damages or forfeitures of property which are being processed by the U.S. Customs Service, Region I and which have been referred to the Regional Commissioner of Customs, Region I.

Categories of records in the system: (a) Reports relative to the circumstances of an alleged violation (including any Customs forms or documents relating to the incident, agents' investigative reports, seizure reports); (b) Reports relative to an individual's economic interest in a penalty case; (c) Investigative reports relative to claims made in petitions for relief; (d) Recommendations made by other Government agencies that have an interest in the case.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of alleged violator.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked file cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Exemption below.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, petitions for relief, other Government agencies with an interest in the case and members of the general public who have pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.183

System name: Personal Search (Negative)—Treasury/ Customs.

System location: All ports, Region IX, Chicago, Illinois.

Categories of individuals covered by the system: All individuals subject to U.S. Customs inspection.

Categories of records in the system: Records contain date, time and place of search in addition to reason for and result of search, names of Customs officers conducting and authorizing search, name and address and date of birth of parties searched.

Authority for maintenance of the system: 19 U.S.C. 482; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required

in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are located in Port Office.

Retrievability: Records kept in alphabetical order.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the room and/or building in which the cabinet is located is locked.

Retention and disposal: Files are retained in Port Office for five years after which they are destroyed.

System manager(s) and address: District Directors/Port Directors as applicable, in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request in not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Form is prepared by Customs offices performing the personal search and is the sole source of information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.184

System name: Personal Search N.Y. District (Negative results)—Treasury/Customs.

System location: District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, NY 13699.

Categories of individuals covered by the system: Any person who an inspector at any port or station in the district has deemed should be searched because of his appearance, associations, or other valid reason.

Categories of records in the system: Name, address, date of birth, social security number, place of birth, occupation, driver's license number, and other identification number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Means of determining number of personal searches being performed (to see authority is not abused). Establishes a record in case of complaint; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file jackets in steel file cabinet.

Retrievability: By name.

Safeguards: Available to the District Director and authorized personnel of his staff only.

Retention and disposal: Retained for five years then destroyed by burning or shredding.

System manager(s) and address: District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, N.Y. 13699.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: From inspectors throughout the district.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justifiication for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.185

System name: Personal Search—Negative (District Director—Mobile, Alabama)—Treasury/Customs.

System location: District Director of Customs, Room 218, International Trade Center, 250 North Water Street, Mobile, Alabama 36602.

Categories of individuals covered by the system: Individuals who have been subjected to search by Customs Officers in which no arrest or seizure is made.

Categories of records in the system: CF 151-Search/Arrest/Seizure Report: Used to record any occasion when a Customs Officer is involved or participates in a personal search, an arrest, or a seizure of merchandise or contraband articles. CF 5211-Record Log of Fines, Penalties and Forfeitures-Record, by case number, of all CF 151's issued; reflects name and address of person searched, name of searching officer, reason for search, and brief summary of the situation which resulted in the search.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Violator name and/or penalty case number.

Safeguards: In file cabinets in secure office area which is locked when not occupied, in building with 24-hour guard service.

Retention and disposal: Maintained with penalty case files for five years and after clearance by Security and Audit, shredded on site. CF 5211-(Record Group 217) Retained for 10 yrs. and 3 months and destroyed by shredding after clearance by Security and Audit.

System manager(s) and address: District Director of Customs, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, Region V, Room T-13210-V, Postal Service Building, New Orleans, La. 70113, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity,and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If any individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, Region V, Room T-13210-B, Postal Service Building, New Orleans, La. 70113, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquaters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signatures and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individual involved. Arrest and violation records from Federal, state and local police. Customs Officers. TECS Query and NCIC Query—These systems provide data by name, license numbers and other numerical identifiers on prior records of violations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.186

System name: Personal Search—Negative (District Patrol—New Orleans, La. and Mobile, Al.)—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800 Plaza Tower Building, 1001 Howard Avenue, New Orleans, Louisiana 70113; Director, District Patrol Division, Room 213, International Trade Center, 250 International Trade Center, 250 N. Water Street, Mobile, Al. 36602.

Categories of individuals covered by the system: Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

Categories of records in the system: Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with, make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employeee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistant with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Negative Search Reports are destroyed after a five year period. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, Suite 2800 Plaza Tower Building, 1001 Howard Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A.), or to the Director, Entry Procedure and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Hradquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person; it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: The information in this sytem originates with, and consists soely of, information supplied by the individual being searched and the patrol officer doing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.187

System name: Personal Search File—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Passengers, arriving from foreign countries, the Customs Service found necessary to search.

Categories of records in the system: Name, address, date, time, date of bith, region, port, race, sex, carrier, (airline and flight number), description, passport number, birth place, social security number, marital status, citizenship, reasons for search, searching officer, witness, result of search, search authorized by, and extent or type of search.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950. Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) All three forms used in this system are kept so as to have a clear and concise record of all searches conducted by the U.S. Customs Service; (b) The files are used to answer all inquiries into any aspect of any personal searches conducted at this station; (c) The current CF 151 file is used as the primary input document for the Customs Law Enforcement Activity Reporting (CLEAR) system which provides, in turn, accurate and timely statistical reporting; (d) Disclosure to officers and employees of the Customs Service and the Department of the Treasury who have a need for records in the performance of their duties; (e) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Region Form VIII-RC-51-BNF, CF 43, CF 151. These forms are found in binders on the reference shelves in the Customs office.

Retrievability: Each form is identified by name and is filed alphabetically. The files are further broken down by form number and calendar year.

Safeguards: The files are located in the Customs office. This office is manned 24 hours a day, 7 days a week by Customs personnel.

Retention and disposal: Active file forms are kept for five years. After five years the files are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regu-

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lations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue; N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identitiy, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identitiy and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates from personal searches conducted on passengers arriving from foreign destinations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in Federal Register.

Treasury/Customs 00.188

System name: Personel Search Report—Treasury/Customs.

System location: Ports of enry, —Nogales, Arizona District.

Categories of individuals covered by the system: Persons on whom personnel searches are performed at the various ports of entry.

Categories of records in the system: Customs Form 151 containing personal information on individual searched and reasons for search.

Authority for maintenance of the system: 19 U.S.C. 1467,5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department, Order No. 165 Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Retained as record to answer inquires into any aspects of personal searches conducted by the Customs Service. Disclosed to Treasury Department Personnel as necessary for performance of duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each CF 151 covering personal searches is maintained in alphabetical order at the various ports of entry.

Retrievability: By name of person searched.

Safeguards: Records are retained in file cabinets (lockable) and buildings are locked during other than office hours.

Retention and disposal: Records are retained for 5 years and destroyed by burning.

System manager(s) and address: Port Directors at the various ports of entry in the Nogales, Arizona District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedure to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained herein originates with the Inspector and contains personal information obtained from the individual searched and reasons for performing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.189

System name: Personnel Action Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons employed by the Treasury Department, Customs Service who either initiate a grievance, discrimination complaint, an unfair labor practice com-

plaint against the U.S. Customs Service and officer or employee therof, or have a disciplinary or other adverse action initiated against him or her by the U.S. Customs Serivce in Region IX.

Categories of records in the system: The Personnel Action Records System contains information regarding employment history, i.e. basic personnel data, age, birth, marital status, address, phone number, general health, details of the incident leading to the grievance, discrimination complaint, disciplinary action, adverse action, or unfair labor practice complaint.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Personnel Action Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury, the Civil Service Commission, and the Department of Justice who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation, or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues related to the personnel action involved, in preparing for, and representing management in, administrative hearings and administrative appeals, and providing information and assistance to U.S. Attorneys and the Department of Justice in litigation. Potential litigation or litigation will require disclosure of the information to the Department of Justice, and this information is often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the action against the Customs Service, or against whom it was initiated. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Record Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the initiation of any personnel action either by or against an employee. The information submitted by the employee is in the file as will be the information submitted by the employer if the action is initiated by the employer. Further information in this file is derived from both employee and employer information of an investigation made by the Office of Internal Affairs, investigation reports by the Office of Investigations, memoranda from the Civil Service Commission and possibly other agencies having employed the individual. Information could also be obtained form Customs employees, former Customs employees, private parties, corporations, confidential informers, credit bureaus, foreign countries or officials thereof, foreign citizens and any other source with information pertinent to the Personnel Action.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.190

System name: Personnel Case File—Treasury/Customs.

System location: Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending displinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the

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records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include evaluating proposed disciplinary actions, grievances and EO complaints, recommending action to be taken in such cases, preparing necessary decisional documents in such cases, preparing proposed charges where appropriate, preparing for administrative hearings held in regard to these matters and making the records a part of the record at such hearings; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Civil Service Commission in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During nonworking hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private nongovernmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.191

System name: Personnel Case File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y 10048.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The information contained in this file is used administratively to evaluate proposed disciplinary actions, grievances and EO complaints, to recommend action to be taken in such cases, to prepare necessary decisional documents in such cases, and to prepare proposed charges where appropriate. The information contained in this file is used to prepare for administrative hearings held in regard to these matters and is routinely made a part of the record at such hearings. Information contained in this file is also made available to the Civil Service Commission in connection with such hearings and may be made available to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Inforamtion Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel of Customs, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stupulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.192

System name: Personnel Case Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 15th Floor, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used administratively to evaluate proposed disciplinary actions, grievances and EO complaints, to recommend action to be taken in such cases, and to prepare necessary decisional documents in such cases, and to prepare proposed charges where appropriate. The information contained in this file is used to prepare for administrative hearings held in regard to these matters and is routinely made a part of the record at such hearings. Information contained in this file is also made available to the Civil Service Commission in connection with such hearings and may be made available to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inse.ted alphabetically in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal file cabinet.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours, the metal file cabinet and the room in which the metal file cabinet is located are locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 15th Floor, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.193

System name: Personnel Files of Customs Employees—Treasury/Customs.

System location: Files are located in Headquarters, Regional, District, Port and other post of duty offices throughout the Customs Service depending upon post of duty of employee. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees, present and former.

Categories of records in the system: In addition to the appropriate Personnel offices, records are also maintained by district, port, or other post of duty management on personnel matters such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publicaions, skills, chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, senority status, leave, overtime earnings, productivity, locator card information, and related employment records.

Authority for maintenance of the system: 5 U.S.C. 301 Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) In the event that this system of records includes information which indicates a violation or potential violation of law,

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whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regultion, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) For supervisors and appropriate managers in making job-related determinations about employees(g) For employment and salary verification upon request from public.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, and/or on index cards, and/or ledgers.

Retrievability: Records are indexed by name, or social security number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with limited access.

Retention and disposal: Records are maintained as long as they are of use, i.e., while employee is still employed or may be considered desirable for re-employment. Otherwise destroyed.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regualtions and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompained by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

Treasury/Customs 00.194

System name: Personnel/Payroll System—Treasury/Customs.

System location: Located in Personnel and Financial Management Divisions of each region and headquarters. Computerized through a Servicing Data Processing Center. See Customs Appendix A.

Categories of individuals covered by the system: All Customs employees, present and former.

Categories of records in the system: These records contain Personnel data maintained primarily in the Official Personnel Folder and Payroll information such as name, social security number, grade, series, step, organizational codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and all payroll information. Also in this system are records of time and attendance and leave.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision conerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Records are used for payroll processing, reports on payroll information such as Employee Service Record report (IRS Form 3695), Comprehensive Payroll listing (IRS Form 2979), Payroll Journal Detail Listing (IRS Form 3124) and others.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on mag-tape and computer printout.

Retrievability: Records are indexed by name or social security number.

Safeguards: Records are maintained in locked files, secured rooms, or limited access.

Retention and disposal: Individual records are not in system after separation; Official Personnel Records of separated employees either are sent to new agency or to Records Center. Time and attendance records are maintained three years or until after audit; then destroyed.

System manager(s) and address: Directors, Personnel and Financial Management Division in each region and headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from Official Personnel Folders employee management, Time and attendance and leave records.

Treasury/Customs 00.196

System name: Preclearance Costs—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: All Customs Inspectors and Foreign Service employees of Region I, Boston who are stationed at Toronto and Montreal Canada.

Categories of records in the system: Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Budget Section of the Financial Management Office to accumulate costs which are used for the preparation of quarterly reporting to Headquarters. These costs are used by Headquarters as the basis of assessment of charges to airline carriers for the use of Customs facilities outside of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

Retrievability: The file is identified as the "Pre-clearance Record" which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or will-

fully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

Treasury/Customs 00.197

System name: Private Aircraft Inspection Reporting System (PAIRS)—Treasury/Customs.

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Names of pilots and yacht masters arriving in the United States.

Categories of records in the system: Names and personal identifiers of pilots with appropriate registration numbers and characteristics, and arrival dates at port of entry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs Officers for documenting the arrival of aircraft form foreign countries and in the enforcing of Customs and related laws; (b) Used for Customs management functions such as measuring workload of Customs officers performing aircraft arrival inspections; (c) Used as an intelligence gathering source; (d) Used by Department of Justice in prosecuting court cases; (e) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (f) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage; microfiche.

Retrievability: By individual name and aircraft/yacht registration number.

Safeguards: All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Proposed Customs Form 178 (Private Aircraft Inspection Report) which will be prepared by arriving pilots and other Federal agencies and confidential informers.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(z) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.198

System name: Private Yacht Inspection Reporting System—Treasury/Customs.

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Names of private yacht masters arriving in the United States.

Categories of records in the system: Names and personal identifiers of yacht masters with appropriate private yacht registration numbers and characteristics, and arrival dates at port of entry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by

Customs Officers for documenting the arrival of private yachts from foreign areas and in the enforcing of Customs and related laws; (d) Used for Customs management functions such as measuring workload of Customs offices performing private yacht inspections; (e) Used as an intelligence gathering source.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (a) Magnetic disc and tape storage; (b) Microfiche.

Retrievability: By vessel name, private yacht registration number, and name of yacht master.

Safeguards: All inquiries are made by officers with full field backgound investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, then destroyed.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in the writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Yacht masters who report their arrival to a United States port of entry, other Federal agencies and confidential informers.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(z) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.199

System name: Property Assigned to Employee—Treasury/Customs.

System location: District Director's Office, Entry Control Section, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: Individual assignment of Customs badges, listing name, Social Security number and duty phone. Signed by Custodian and Property Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Local Property Officer to determine individual badge assignments.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in alphabetical order in an unlocked filing cabinet in the Entry Control Section.

Retrievability: By name.

Safeguards: The office where the records are located is locked during non-working hours and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The records are maintained for the duration of the property assignment. Outdated records are destroyed after 3 years.

System manager(s) and address: Local Property Officer, Room 228, federal Building, Entry Control Section. See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understans that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is provided by the property officer and the person to whom the property is assigned.

Treasury/Customs 00.200

System name: Property File—Treasury/Customs.

System location: Logistics Management Division, Region IV, U.S. Customs Service, Suite No. 300, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Any Customs employee who is designated as the official custodian of a serially numbered badge, weapon, or transportation request forms.

Categories of records in the system: Name, geographical location and number of item assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service employees to record names of individuals designated as custodians of accountable property.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is stored, in printout form, in files organized by District. The file folders are stored in an unlocked drawer in a metal file cabinet.

Retrievability: Each folder is filed by District.

Safeguards: The files are stored in a metal cabinet located within an office that is locked during non-working hours.

Retention and disposal: Records have been retained since the inception of the system, three years. No policy exists for disposal.

System manager(s) and address: Director, Logistics Management Division, U.S. Customs Service, Region IV, Suite No. 300, 7270 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source document for this record is the Customs form 35.

Treasury/Customs 00.201

System name: Property File—Non-Expendable-Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois (see Customs Appendix A).

Categories of individuals covered by the system: Employees issued non-expendable property.

Categories of records in the system: Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the offices of the District Directors in Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: District Directors in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above

Record source categories: The information in this system consists of receipts of employees receiving non-expendable property.

Treasury/Customs 00.203

System name: Receipt for property assigned—Treasury/Customs.

System location: Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District to whom property has been assigned.

Categories of records in the system: Name, address, Social Security number, and listing of articles assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make accountable those employees to whom property has been assigned.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in wooden index card file on desk of property clerk.

Retrievability: Cards are filed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years after transfer or separation, then destroyed.

System manager(s) and address: District Director, Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Cards filled out by property clerk when property is issued.

Treasury/Customs 00.204

System name: Receipt for Property Assignment—Treasury/Customs.

System location: Office of District Director, Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, California 94126.

Categories of individuals covered by the system: Employees of Customs to whom Government property is issued—such as badges, cap insignia, guns, etc.

Categories of records in the system: Name, home address, District number, Port, social security number, signature of person receiving property, phone number, date.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Used administratively to account and control Government property issued to Customs employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 35. These forms are kept in a metal Index File Box.

Retrievability: Each receipt is filed by the name of the employee to which property has been assigned.

Safeguards: The metal Index File Box is stored in an office under constant supervision during regular working hours, and the office is locked during other than regular working hours.

Retention and disposal: These records forms are retained until the property is surrendered and/or the employee leaves Customs.

System manager(s) and address: Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, California 94126.

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Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters,,1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with and consists of information developed when property is given to employees.

Treasury/Customs 00.205

System name: Reclassification Requests—Treasury/Customs.

System location: Located in the Position Classification and Management Branch, Personnel Management Division, 500 Dallas St., Houston, Texas 77002.

Categories of individuals covered by the system: Any employee whose position is to be reviewed and/or evaluated for possible reclassification.

Categories of records in the system: All correspondence prepared by, or directed to, the employee, supervisor or manager, and classification staff.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Maintained as a ready reference file for any inquiry related to the case and for historical purposes. See Appendix AA. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, or local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Requests are maintained in a file folder and retained in a metal file cabinet.

Retrievability: By employee name.

Safeguards: A metal container is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: When reviews are made and a classification decision is reached, the case is considered closed and all related papers are disposed of in accordance with Records Disposition Schedule (3 years).

System manager(s) and address: Director, Personnel Management Division, 500 Dallas St., Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information to pursue requests for reclassification are obtained from concerned employees, supervisors, and knowledgeable managerial officials. Other information is obtained from appropriate Civil Service classification publications.

Treasury/Customs 00.206

System name: Regulatory Audits of Customhouse Brokers—Treasury/Customs.

System location: Division of Regulatory Audit, Room 2114, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and at each of the nine regional offices of Regulatory Audit (see Customs Appendix A for addresses).

Categories of individuals covered by the system: Persons licensed to conduct customhouse brokerage business pursuant to 19 U.S.C. 1641.

Categories of records in the system: Audit reports of customhouse broker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customhouse broker and disposition made of such inquiries; names of officers of customhouse brokerage firms, license numbers and dates issued and district covered.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part III. 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) The information may be furnished to other government agencies which may have an interest in the broker. (d) Copies of broker audit reports will be retained in the office that performed the audit and at the headquarter's office. These reports will serve as a permanent file providing such essential information as the names and broker license number of company officers and other licensed employees. The reports will create a historical record of broker performance. The headquarter's file will also provide a means of evaluating the effectiveness of audits conducted by the regional audit staffs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each customhouse broker file is inserted in alphabetical order by name of the firm in one of nine regional file folders which are filed in an unlocked drawer within a metal file cabinet. Duplicate copies are maintained at Customs Service Headquarters.

Retrievability: Each broker file is identified on alphabetical file locator cards which contain the name and address of the broker, the region and district in which he operates, and the number of the file drawer. In addition each regional office maintains their own alphabetical file, containing the above information, for broker activities within their region.

Safeguards: The files described above are maintained within the area assigned to the Regulatory Audit Division within the Customs Service Building. During non-working hours, the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely, or until there is no longer any space available for them at which time the oldest files are destroyed by burning or shredding.

System manager(s) and address: Director, Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Regional Director, Regulatory Audit Division at each of the nine regional offices (see Customs Appendix A for addresses).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signatue and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates from audits conducted by the regional Regulatory Audit staff, of customhouse brokers' businesses. The audits may be supplemented with information furnished by the Office of the Chief Counsel, Office of Investigations, and the Office of Regulations and Rulings. These audits include examinations of broker's business records, including all financial books of accounts, check books, and financial statements. In the event that the broker is engaged in various business enterprises such as freight forwarding and insurance, and these financial records are commingled with those financial records relating to the brokerage business, it would be necessary to examine the other business records to complete the audit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.207

System name: Reimbursable Assignment System—Treasury/Customs.

System location: U.S. Customs Service Data Center, William Building, 7923 Eastern Avenue, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Customs Service employees who perform reimbursable services and parties in interest for whom reimbursable services are performed.

Categories of records in the system: Name, address, social security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.

Authority for maintenance of the system: 19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which may include monitoring reimbursable assignments, editing items of information that have been rejected because of erroneous coding, and equalizing Customs overtime assignments at ports of entry. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Internal Revenue Service Data Center at Detroit, Michigan, for the purpose of including overtime earnings in

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salary checks issued to Customs Service employees who performed reimbursable services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

Retrievability: The information in this system is retrieved by the individual's social security number or by the individual's importer of record number.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Ave, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Custom Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall by accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Custom Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with the receipt of a request, for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services..

Treasury/Customs 00.208

System name: Restoration of Forfeited Annual Leave Cases—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and Headquarters according to list in CustomsAppendix A.

Categories of individuals covered by the system: Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

Categories of records in the system: Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Certain employees of the Personnel Management Division and supervisors. Justification of action, respond to inquiries, post-audit of action, statistics, reports to Treasury and Civil Service Commission.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files.

Retention and disposal: Records are retained idefinitely or until Treasury issues instructions.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person

under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

Treasury/Customs 00.209

System name: Resumes of Professional Artists—Treasury/Customs.

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Professional Artists.

Categories of records in the system: Artist's name and professional art background.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To classify imported works of art.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetical listing.

Safeguards: Filing cabinet, office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Area Director N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Resume information provided by artist.

Treasury/Customs 00.210

System name: Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List—Treasury/Customs.

System location: Financial Management Division—Districts and Ports, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Corporate and Individual Brokers, Importers, Carriers, and Private Individuals.

Categories of records in the system: Corporations and individuals in financial difficulty.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) This is a monthly list originated in the Region informing all Districts and Ports of debtors for which no credit may be extended.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha File in Manila Folder by Month.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Generated in house by Accounting Personnel from delinquent bill listings and open file of outstanding bills. Additionally, feedback from Districts and Ports on bankrupt firms and from Regulatory Audit Division on firms in Financial difficulty or under investigation.

Treasury/Customs 00.211

System name: Sanction List Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons who are indebted to the United States Government for bills that are unpaid and past due.

Categories of records in the system: Listing is issued monthly showing individual's name and address plus number and amount of unpaid and past due bills.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sanction list is stored in a file drawer in an unlocked file cabinet.

Retrievability: Each sanction list is identified by month and year of issuance.

Safeguards: The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obraining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this listing is secured from CF 6084 and 6084A, Miscellaneous Bill Form issued to each individual and correspondence files maintained fo. individuals.

Treasury/Customs 00.212

System name: Search/Arrest/Seizure Report—Treasury/Customs.

System location: Patrol Division Offices of the U.S. Customs Service. See Customs Appendix A.

Categories of individuals covered by the system: Persons who have or may have violated a law of the United States.

Categories of records in the system: Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to law enforcement and to identify persons suspected of violating the law; (d) Cases are referred to Investigative Branch since same are evident of violations of law; (e) Since this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal-file box.

Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These cases are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.213

System name: Search, Arrest and Seizure Reporting System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Violators of Customs and related laws apprehended by U.S. Customs Officers.

Categories of records in the system: Name, address, date of birth, date of violation, seizure number, identifying numbers, and characteristics, details and circumstances of search, arrest or seizure.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine violation trends and develop enforcement techniques and lookout information for use in the enforcement of Customs and related laws; (g) To provide management information such as the number and types of seizures, arrests and searches associated with arrests or seizures.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage; (2) Hardcopy; (3) Microfiche.

Retrievability: By individual's name, seizure number, unique identifiers, system identification number.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.214

System name: Seizure File—Treasury/Customs.

System location: Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Ships Masters, Ships Crew Members, Longshoremen, Vessels, Private Aircraft, Private Vessels, Individuals from whom seizures have been made, or upon whom Memoranda of information have been received.

Categories of records in the system: Memoranda of Information Received, which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Reference file for identifying violators or suspected violators.

For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila files within metal file cabinets.

Retrievability: Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

Safeguards: Room has a 24-hour guard and is locked.

Retention and disposal: Seizure files are maintained for three years after final disposition. Memoranda of information received: not determined how long they will be retained at present.

System manager(s) and address: Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.215

System name: Seizure Report File—Treasury/Customs.

System location: U.S. Customs Mail Facility, 1675—7th Street, Oakland, California 94615.

Categories of individuals covered by the system: Individuals to whom prohibited merchandise is addressed.

Categories of records in the system: Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by the Mail Facility to record seizures and their disposal.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 5955 Seizure Reports, Customs Form 6043—Delivery Ticket, and Customs Form 151—Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

Retrievability: Each Seizure Report and Delivery Ticket (stapled together) are identified by the name of the person to which the seized items are addressed and the names are filed alphabetically by fiscal year.

Safeguards: The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

Retention and disposal: Last three fiscal years records are kept in a file cabinet in the office. Three fiscal years prior are kept in boxes in the detention area.

System manager(s) and address: Head, Surface Mail Section. See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with and consists of information obtained from mail shipments.

Treasury/Customs 00.217

System name: Set Off Files—Treasury/Customs.

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Importer of Record, Customhouse Broker, Parties In Interest.

Categories of records in the system: Name, address, identification number, copies of refund checks and copies of set off bills.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Document files identifying debtors for whom refunds are withheld and amounts applied against delinquent bills.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: File folders with individual's name annotated with set off.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: District Directors, Port Directors, Import Control Officers, External Auditors and Other Customs Employees.

Treasury/Customs 00.218

System name: Archives Search System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Vehicle license number and individual names.

Categories of records in the system: Date, time, lane number, port of entry, and vehicle license numbers of vehicles and/or names of indidivuals entering the United States from Mexico and Canada at Ports of Entry that have Treasury Enforcement Communication System (TECS) terminals.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) To determine if a suspected U.S. Customs or other law violator has entered from Mexico or Canada during an annual period. (g) To determine if a pattern of travel by the suspect can be detected.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage.

Retrievability: License number, individual name.

Safeguards: Only Supervisory Customs Enforcement officers can request these records. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and protection systems, with all special communications protection features.

Retention and disposal: One year, then erased.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.,; Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.219

System name: Skills Inventory Records—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on Customs personnel in grades GS-13 and above.

Categories of records in the system: Data elements to provide a complete skills profile of the employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To identify potential candidates for managerial positions. Used by members of the Evaluation Boards.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on a Customs Form 121 and Mag-tape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file and limited access to computer system.

Retention and disposal: Records are maintained until separation of an employee from the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: CF-121 which is prepared by the employee.

Treasury/Customs 00.220

System name: Supervisory Notes and SF-7B Files—Treasury/Customs.

System location: Appropriate duty station or with supervisor of each employee. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: SF-7B card contains identical information to that contained on SF-7 card; in addition it can have attached or separately-maintained supervisory notes concerning an employee's performance on-the-job, conduct, counseling sessions, training recommended or taken, awards granted, emergency contact information, job assignments, to be used for administration resource purposes in recommending or authorizing discipline, recognition, assignment of performance rating, training, job assignments, leave requests, and/or similar matters.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or other issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by supervisors as documentation or by certain Personnel Management Division employees helping supervisors to initiate appropriate commendatory, corrective, or disciplinary action.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders or special file cabinets.

Retrievability: Records are indexed by organizational code and name.

Safeguards: Records are maintained in locked file.

Retention and disposal: Records are retained while employee is employed, and are destroyed upon separation.

System manager(s) and address: Employee's supervisor.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service

Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Form SF-50, Employee and employee's supervisors.

Treasury/Customs 00.221

System name: Suspect File—Treasury/Customs.

System location: Patrol Headquarters, 100 N.E. 7 St., Miami, Fla.

Categories of individuals covered by the system: Individuals on whom suspect information is received by Patrol Headquarters.

Categories of records in the system: Memoranda of Information, Lookout Notices, Letters re: suspects, other notices of suspected violations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by the employees in the Patrol Division for enforcement purposes; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in restricted area of offices.

Retrievability: Records are retrievable by name.

Safeguards: Records are kept in locked buildings when unattended.

Retention and disposal: Records are retained as long as information is pertinent but destroyed immediately after information becomes obsolete.

System manager(s) and address: District Director of Customs, 100 N.E. 7 St., Miami, Fla.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.223

System name: Suspect File—Treasury/Customs.

System location: Office of the Customs Patrol Division, Room 202, U.S. Customhouse, Nogales, Arizona, and at each port: Douglas, San Luis and Lukeville, Arizona.

Categories of individuals covered by the system: Persons in whom Customs is interested from a law enforcement point of view.

Categories of records in the system: Name, address, file reference number, memoranda of information, lookout notices.

Authority for maintenance of the system: Memorandum dated 6/16/74, File ADM-4-01:O:P, from Director of Patrol Division, Headquarters; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide rapid and accurate retrieval of information previously recorded to officers of the U.S. Customs Service who have need of such information in the performance of their official duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked metal card file.

Retrievability: Alphabetical.

Safeguards: Room is locked during non-working hours.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Nogales, Arizona. (See above.)

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.224

System name: Suspect Persons Index—Treasury/Customs.

System location: U.S. Customs District Officers located at the following addresses: 204 E. 5th Ave., Anchorage, Alaska; 215 1st Ave. No., Great Falls, Montana; 335 Merchant, Honolulu; 511 N.W. Broadway, Portland, Oregon; 555 Battery St., San Francisco, California; First & Marion Sts., Seattle, Washington.

Categories of individuals covered by the system: Persons suspected of violation of Customs Laws.

Categories of records in the system: Name and related file number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to aid in law enforcement and to identify persons suspected of violating the law.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during non-working hours.

Safeguards: Alphabetical by use of cross index.

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Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director of Customs. See location above.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.226

System name: Television System—Treasury/Customs.

System location: Office of Port Director, San Ysidro, California.

Categories of individuals covered by the system: Persons involved in incidents related to search and subsequent disturbance while entering the United States from Mexico.

Categories of records in the system: An audio-video cassette recording of persons being escorted into, as well as inside, the business offices of the Customs area of the Port of Entry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Dept. Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Evidence for use in court, record of disturbances and record of actions involving complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Audio-video cassette.

Retrievability: By subject's name, date, and time.

Safeguards: Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

Retention and disposal: All cassettes with incident are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, wipeout occurs when new recording takes place.

System manager(s) and address: Port Director, San Ysidro, California.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Audio-vidio recording of persons being escorted into the Customs area.

Treasury/Customs 00.227

System name: Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

Categories of records in the system: Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by Customs officers to determine whether an individual is eligible for T.I.B. privileges and to collect appropriate liquidated damages owed by an individual. Provides Customs management information such as total outstanding liquidated damages, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage; (2) Hard Copy; (3) Microfiche files.

Retrievability: Indexing is by violator name.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only.

Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Customs officers completing Customs Form 164 (TECS—TIB Defaulter Control).

Treasury/Customs 00.228

System name: Temporary Importation Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Section, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Persons making importations against Temporary Importation Bonds.

Categories of records in the system: The record reveals the individual's or Customhouse Broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or Customhouse Broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Temporary Importation Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102, of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Temporary Importation Record Cards are retained at location three years, then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the record may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the record contain the necessary signature.

Contesting record procedures: See Access above.

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Record source categories: The information contained on the cards originated from liquidated damage cases instituted for failure to comply with T.I.B. provision.

Treasury/Customs 00.229

System name: Theft Information System (TIS)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals who are suspected of, or that have been arrested for, thefts from international commerce.

Categories of records in the system: Name of individual(s), personal identifying numbers and characteristics, case information such as merchandise and values, methods of theft, seizure, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950, Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by Customs officers to identify high theft areas, types of cargo being stolen or pilfered, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs theft cases and to provide management information such as the value and volume of theft from international shipping.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage, hard copy; (2) Customs Form 153 (Theft Information Report); (3) Microfiche.

Retrievability: By name, other personal identifying numbers and by cargo location code.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Three years; by burning and/or shredding of Customs Form 153 and magnetic disc and tape erased.

System manager(s) and address: Assistant Commissioner, Officer of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.231

System name: Tort Claims Act File-Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding claim filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Centers.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originated with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.232

System name: Tort Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., L.A., Calif. 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, Calif. 90053 or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.233

System name: Tort Claims Act File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Services and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the

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metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.234

System name: Tort Claims Act File—Treasury/Customs

System location: Offices of the District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A.)

Categories of individuals covered by the system: All individuals presenting claims of damage to personal property resulting from Customs activities.

Categories of records in the system: Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

Authority for maintenance of the system: 31 C.F.R. Part 3; 5 U.S.C. 301; Reorganization plan No. 1 of 1950; Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in cabinets in the District Directors offices.

Retrievability: Folders filed in alphabetical sequence.

Safeguards: File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

Retention and disposal: Retained in District Directors offices for 3 years then transferred to the Federal Record Center for 7 years and 3 months prior to destruction.

System manager(s) and address: District Director as appropriate in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with a written claim submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

Treasury/Customs 00.236

System name: Tort Claim Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Claimants under the Federal Tort Claim Act.

Categories of records in the system: Tort Claim, Standard Form 95 (claim for damage or injury) containing name, address, marital status, personal injury and property damage information, and insurance information; also correspondence, accident reports and investigatory records regarding the alleged damage or injury and possible medical information.

Authority for maintenance of the system: 28 U.S.C. 2671 et seq.; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Tort Claim Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues, in recommending approval, denial, compromise or settlement of the claim, and possibly in litigation. Litigation will require disclosure of the information to the Department of Justice, and the information is often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the tort claim against the Customs Service, and officer or employee thereof. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the Office of the Regional Counsel of Customs, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Counsel, Region IX, Room 1417, 55 E. Monroe Street, Chicago, Illinois 60603. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of any correspondence indicating an alleged claim for damage or injury resulting from the conduct of the Government, U.S. Customs Service or an employee or officer of the U.S. Customs Service in Region IX. Further information in this file is derived from later correspondence from the individual, Standard Form 95 (Claim for Damage or Injury) filed by the claimant, other information submitted by the claimant, information submitted by Customs employee and/or his supervisors, and an investigation made by the Office of Internal Affairs or the Office of Investigations regarding the alleged claim or injury, as applicable. Information in these reports can be made from private parties, (witnesses), businesses, medical professionals, hospitals and other medical institutions.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.237

System name: Tort Claimants System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals filing Tort Claims against the U.S. Customs Service.

Categories of records in the system: By name and personal identifiers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by U.S. Customs Officers when investigating claims against the U.S. Customs Service for damages.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: (1) Magnetic disc and tape; (2) Microfiche; (3) Hard copy.

Retrievability: By name of individual or company and/or personal or company identifiers.

Safeguards: "Need to know" access by investigators and District Directors staff members with full field background investigations. Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the areas, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite (Reviewed Annually); None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals or companies making a claim for damage against the U.S. Customs Service and U.S. Customs Officers investigating cases involving such claims.

Treasury/Customs 00.238

System name: Training and Career Individual Development Plans—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and headquarters and/or district, ports, and post of duty of employees.

Categories of individuals covered by the system; All U.S. Customs employees.

Categories of records in the system: Records are maintained on training or other development activities completed and/or planned for individual employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine individual training needs, to schedule training and development activities and to budget funds.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are located in file folders, and/or official personnel folder.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file or office.

Retention and disposal: Records are retained until separation or until employee is no longer part of a special emphasis program.

System manager(s) and address: Director, Personnel Management Division, in each region and headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content

shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the Requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from the employee and supervisors.

Treasury/Customs 00.239

System name: Training Records—Treasury/Customs.

System location: Personnel Management Division of each region and headquarters. Also located in districts, ports, and posts of duty.

Categories of individuals covered by the system: Customs employees who have completed training.

Categories of records in the system: Certificates of completion of training courses, memoranda documenting successful completion of training assignments, grades assigned by educational institutions when appropriate, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The information compiled is used primarily to prepare the annual and quarterly reports for training which are required by higher Headquarters. The information also serves as a ready reference to ascertain the state of training with the Region and as an instrument to equate, insofar as possible, training opportunities for all employees, and also to verify information submitted by employees on application forms.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on file cards, on Training forms, or on mag-tape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file or room, or with limited access.

Retention and disposal: Records are maintained for up to three years after employee separates from the Service.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S.Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Civil Service Commission, Department of the Treasury, etc.

Treasury/Customs 00.240.

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, U.S. Customs Service, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Employees who receive travel advances to cover travel expenses in the course of traveling on official government business.

Categories of records in the system: Files are maintained to record the amount of the advance payment and repayment of the advance, if necessary.

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Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Payment Section employees to determine the amount owed to or by Customs for travel expenses.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in an unlocked metal, 5 x 8 file.

Retrievability: The name of each individual is listed on a record card in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the employee pays or accounts for the travel advance, and kept one year. After one year the record is sent to the Federal Record Center; kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in the system originates from the employee and his supervisor.

Treasury/Customs 00.241

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Advances to Customs Employees only.

Categories of records in the system: Name, address and Social Security Number of employees.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used administratively to record travel advances and clearance of advance, as travel is completed. Outstanding balances reflect indebtedness of individuals until travel is completed or refunds of average in advance.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha Employee Name File of SF 1038, "Application for Advance of Funds".

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the

records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: SF 1038—"Application and Account for Advance of Funds".

Treasury/Customs 00.242

System name: Travel Advance File—Treasury/Customs

System location: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Customs employees to whom advances have been issued.

Categories of records in the system: SF 1038, "Application and Account for Advance of Funds."

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical card file in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the office of the Regional Commissioner, Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked.

Retention and disposal: Retained and disposed of in accordance with requirements of Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Completed Form 1038 received from any Customs employee within Region IX, Chicago, Illinois.

Treasury/Customs 00.243

System name: Travel Payment System—Treasury/Customs

System location: Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service officials and employees who travel on official business.

Categories of records in the system: Travel authorizations, travel vouchers, and travel advance records, which contain the officer's or employee's name, residence, place and mode of travel, travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding and division code.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing disbursement schedules so that the officer or employee will be paid for travel expenses, recording the cost of travel, advising the employee's supervisor when a travel advance is outstanding for an extended period, and compiling cost and budget information. (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

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For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques.

Retrievability: The information on the index cards relates only to travel advance payments, and the index cards are filed alphabetically by the name of the traveling individual; each file folder is placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

Safeguards: The room in which this system of records is located is locked during non-working hours, the building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature..

Contesting record procedures: See Access above.

Record source categories: The information in this system is derived from information supplied to the Accounting Division by the traveling individual on Standard Form 1012 (Travel Voucher) and from organizational and accounting information maintained by the Customs Service.

Treasury/Customs 00.244

System name: Treasury Enforcement Communications System (TECS)—Treasury/Customs

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: (1) Known violators of U.S. Customs Laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Fugitives with outstanding warrants-Federal or state. (4) Suspected violators of U.S. Customs or other related laws. (5) Victims of U.S. Customs law violations.

Categories of records in the system: Every possible type of information concerning an individual which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to wanted persons, suspected persons, lookouts (temporary and permanent), and document reference records. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) As a law enforcement tool, for example, to aid in the detection and prevention of violations, to provide and disseminate information on suspected or known violators within system to Federal, state and local enforcement officers within the United States and to other cooperating foreign countries' enforcement officers and officials. Also used by the Department of Justice in prosecuting court cases. (d) Also disclosed to the Drug Enforcement Administration.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage, microfiche, and hard copy.

Retrievability: Name, personal identification number and systems identification number.

Safeguards: (1) All TECS users must have a full field background investigation. (2) The "need to know" principle is followed. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling restricted areas, alarm protection systems, special microfiche and communications security, etc.

Retention and disposal: (1) Review by Customs officer each time it is retrieved and on periodic basis to see if it should be retained or modified. (2) Since both temporary and permanent records are maintained, period of retention will vary with type record entered activity of record and category of record. (3) A complete review of each record in system is made annually at Headquarters. (4) Temporary Records, erasure of magnetic disc (5) Permanent Records, no disposal. (6) Hard Copy Documents, by shredding and/or burning of the hard copy document.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.245

System name: Treasury enforcement communications system card file—Treasury/Customs.

System location: Ports and Stations in the District of Ogdensburg, New York.

Categories of individuals covered by the system: Suspected violators of Customs or other laws.

Categories of records in the system: Name and system ID number and category of suspicion (i.e. narcotics, currency, counterfeit, etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Quick or ready reference at ports or stations not equipped with TECS secondary machines. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (g) Also disclosed to the Drug Enforcement Administration.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Rollex card file.

Retrievability: Alphabetically by name.

Safeguards: Available to inspectors only. Kept in rollex file in custody of inspector on duty.

Retention and disposal: Card is dated for disposal per original TECS message.

System manager(s) and address: Port Director, RFD Constable, Trout River, New York 12926.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the jurisdiction for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.247

System name: Uniform Allowance—Treasury/Customs.

System location: Management Services Branch, Administration Division, District Director, San Juan, Puerto Rico.

Categories of individuals covered by the system: Employees entitled to uniform allowance and date received.

Categories of records in the system: Name, position held, amount received for uniform allowance and date received.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Verify payments are received as requested and authorized.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual cards stored in an index card box which is within a locked drawer of a desk.

Retrievability: Each card is identified by the name of the employee and filed alphabetically within the box.

Safeguards: The drawer in which the cards are kept is locked and is in the area assigned to the Management Services Branch within the Customs Service Building. During non-working hours the room in which the desk is located is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Records are maintained until the employee leaves the district or is no longer entidled to uniform allowance at which time his card is moved to the back of the box. When there is no more space available within the box, the oldest cards are destroyed.

System manager(s) and address: District Director, U.S. Customs Service, P.O. Box 2112, Old San Juan, Puerto Rico 00903.

Notification procedure: Request by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may by made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identitiy and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information is posted on the cards when checks for uniform allowance are received.

Treasury/Customs 00.248

System name: Uniform Allowance—Treasury/Customs.

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System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building Boston, Massachusetts 02203.

Categories of individuals covered by the system: Employees of the Customs Service who are eligible to receive payments for maintaining uniforms.

Categories of records in the system: Name of employee, date of eligibility, period of eligibility, amount paid and District assigned.

Authority for maintenance of the system: 5 U.S.C 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statutue or particular program, statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used to determine the status of eligibility of uniformed employees so that payment can be processed by the employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a 5 x 8 two drawer file, accessable to employees of the Payment Section of the Financial Management Division.

Retrievability: The name of each individual is listed on a card which is filed in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: Files are maintained until employee leaves position, retained for two years and then destroyed.

System manager(s) and address: Director, Financial Management Dvision, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachutetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see, Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system originates from the District office where the employee is stationed.

Treasury/Customs 00.249

System name: Uniform Allowances—Unit Record—Treasury/Customs.

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: U.S. Customs Employees.

Categories of records in the system: Name—Record of Uniform Allowance Payments.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Accounting technicians to record amounts paid to uniformed personnel annually.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha by Name. Appropriation Accounting Document Number.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Direction of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: From Memo's received from Districts. Data Transcribed from Payment Vouchers.

Treasury/Customs 00.251.

System name: Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

System location: Director, Office of Operations, 6 World Trade Center, Rm. 508, New York, New York.

Categories of individuals covered by the system: Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime renumeration.

Categories of records in the system: Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which the overtime was performed and the case number of investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to account for and control unscheduled overtime.

additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CF 31, the forms are contained within a file folder and are placed in a metal file cabinet.

Retrievability: By name.

Safeguards: The file cabinet is maintained within the area assigned to the Regional Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

Retention and disposal: The forms are destroyed after three years.

System manager(s) and address: Regional Director of Investigations. (See Customs Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates from the Special Agent who performs the unscheduled overtime.

Treasury/Customs 00.252

System name: Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

System location: District Director of Customs, Chicago, Illinois.

Categories of individuals covered by the system: Customs employees collecting and transmitting funds to cashier for deposit.

Categories of records in the system: Name of employee, collection document serial numbers, amount of collection.

Authority for maintenance of the system: Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

Retrievability: Each record folder is filed by name of individual.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

Retention and disposal: Retained for three years and then forwarded to FRC for seven years retention.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of rhe region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Data submitted by individual Customs employee involved.

Treasury/Customs 00.253

System name: Vehicle Microfiche Files—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V, 2900 Plaza Tower Building, New Orleans, La. 70113.

Categories of individuals covered by the system: Owners of movable vehicles registered in the State of Louisiana.

Categories of records in the system: Name indices of vehicles.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These microfiche files are maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: These microfiche files are identified by alphabetical name of the catagories of individuals maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113.

Notification procedure: Requests by an individual to be notified if the system of record contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousands dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these microfiche files originates and consists of information generated from vehicle registration forms submitted to the State of Louisiana.

Treasury/Customs 00.254

System name: Vessel Identification Report—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800 Plaza Tower Building, 1001 Howard Ave., New Orleans, La. 70113. Dir., District Patrol Division, Rm 213, International Trade Center, 250 N. Water Street, Mobile, Al. 36602.

Categories of individuals covered by the system: All suspect vessels and/or boats that information has been received on indicating unlawful or suspicious activity.

Categories of records in the system: Regional form containing vessel's name, photograph, date of photo, place of photo, name of boat owner, his address, and any other important information pertaining to suspect vessel.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to law enforcement and to identify vessels that require watching.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System filed alphabetically and retrieved manually.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistant with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the metal cabinets is locked.

Retention and disposal: Retain indefinitely.

System manager(s) and address: Director, District Patrol Division, Suite 2800 Plaza Tower Bldg., 1001 Howard Ave., New Orleans, La. 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.255

System name: Vessel Violation Profile System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Washington, D.C. 20229.

Categories of individuals covered by the system: Masters associated, in the capacity of ship agent or representative, with vessels in actual or suspected violation of Customs and related laws.

Categories of records in the system: Vessel's name, Master's name, search results and history of the prior violations of Customs and related laws. Includes lookout information, if available.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Documentation of vessel violations committed while in United States ports. (g) Determination of search operations by consideration of past violations and selective intelligence information. (h) Provides management information. (i) In the support of the Department of Agriculture, by assisting in the quarantine control of infested vessels. (j) In support of the Immigration and Naturalization Service, by assisting in the collection of payments attendant to the handling of aliens. (k) In support of other regulatory and/or enforcement agencies.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage. (2) Hardcopy record in manual files. (3) Microfiche.

Retrievability: By name of vessel, Master, owner, or agent.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: The records are retained infefinitely.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.257

System name: Violators Card File—Treasury/Customs.

System location: Office of District Director, U.S. Customs Service, U.S. Customhouse, 101 E. Main Street, Norfolk, Va. 23510.

Categories of individuals covered by the system: Persons or firms who have violated any law administered by the U.S. Customs Service within the Norfolk District.

Categories of records in the system: Name of individual or firm, case number and date and section of law violated. This information is obtained from Customs Forms, 151 and 5955-A.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1; Treasury Department Order No. 165, Revised, as Amended.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Provide the proper authority within the U.S. Customs Service with a ready reference to make a decision for the remission or mitigation of penalties, forfeitures and claims for forfeiture value.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each card is filed alphabetically in an unlocked drawer within a metal container.

Retrievability: Each manual alphabetical card file is identified by the name of the person or firm who has violated any law administered by the U.S. Customs Service within the Norfolk District.

Safeguards: The metal container described above is maintained within the area assigned to the Fines, Penalties & Forfeitures Officer within the U.S. Customhouse. During non-working hours the room in which the metal container is located is locked. Security for the building is maintained by GSA.

Retention and disposal: Active cards are retained in this system indefinitely. However, upon periodic review, information on firms no longer in business are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customshouse, 101 E. Main St., Norfolk, Va. 23510.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files is derived from Customs Form 151 (Search/Arrest/Seizure Report) and Customs Form 5955-A (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) which are prepared by the Customs Service.

Treasury/Customs 00.258

System name: Violator's Case Files—Treasury/Customs.

System location: District Director of Customs, U.S. Customs Service, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds.

Categories of records in the system: Individual's name and address, social security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and 3 x 5 index cards.

Retrievability: Alphabetized by name of individual and local control number.

Safeguards: Files are under the supervision of the Fines, Penalties and Forfeitures Officer 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

Retention and disposal: Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years. At the conclusion of this period, they are destroyed by shredding.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.260

System name: Warehouse Proprietor Files—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois, See Customs Appendix A.

Categories of individuals covered by the system: Present and past warehouse proprietors and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: Customs Regulations, Part 19, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the warehouse proprietor.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with warehouse proprietor.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption in contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.261

System name: Warehouse Violation Record.—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Section, Room 102, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Persons making importations against their Warehouse Proprietor's Bond.

Categories of records in the system: The record reveals the individual's or Customhouse Broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or Customhouse Broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties: (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Warehouse violation record cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102 of the Customhouse, Philadelphia; during nonworking hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Warehouse violation record cards are retained at location three years; then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed.

Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable document for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the record may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting

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identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on these cards originates from liquidated damage cases instituted for failure to comply with Warehouse Proprietors Bonds.

Treasury/Customs 00.262

System name: Warnings to Importers in lieu of penalty.—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms in violation of Customs's laws.

Categories of records in the system: Brief record of violation and warning.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Available to Inspectors, Import Specialists and Agents, and other Customs employees who have need for this information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 x 7 cards.

Retrievability: Alphabetically indexed.

Safeguards: Not accessible to other than Customs officers.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester, will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Officials.

UNITED STATES CUSTOMS SERVICE

APPENDIX A

Addresses of Headquarters, U.S. Customs Service, Regional Commissioners of Customs, Regional Directors (Internal Affairs), District Directors of Customs, and Customs Office of Investigations field offices:

U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.
Regional Commissioner of Customs, 40 S. Gay Street, Baltimore, Maryland 21202, (301)962-3288.
Regional Commissioner of Customs, JFK Federal Building, 100 Summer Street, Boston, Massachusetts 02110. (617)223-7506.
Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, Illinois 60603, (312)353-4731.
Regional Commissioner of Customs, 500 Dallas Street, Houston, Texas 77002, (713)226-4893.
Regional Commissioner of Customs, 300 N. Los Angeles Street, Los Angeles, California 90053, (213)688-5900.
Regional Commissioner of Customs, 7370 N.W. 36th Street, Miami, Florida 33166, (305)350-5952.
Regional Commissioner of Customs, 701 Loyola Avenue, New Orleans, Louisiana 70113, (504)589-6324.
Regional Commissioner of Customs, 6 World Trade Center, New York, New York 10048, (212)466-4444.
Regional Commissioner of Customs, 450 Golden Gate Avenue, San Francisco, California 94102, (415)556-3500.

Office of Internal Affairs field offices
Regional Director (Internal Affairs), 100 Summer Street, Boston, Massachusetts 02110.

Regional Director (Internal Affairs), 6 World Trade Center, New York, New York 10048.
Regional Director (Internal Affairs), Gay and Water Streets, Baltimore, Maryland 21202.
Regional Director (Internal Affairs), P.O. Box 3201, Miami, Florida 33101.
Regional Director (Internal Affairs), 1440 Canal Street, New Orleans, Louisiana 70112.
Regional Director (Internal Affairs), 500 Dallas Street, Houston, Texas 77002.
Regional Director (Internal Affairs), 55 East Munroe Street, Chicago, Illinois 60603.
Regional Director (Internal Affairs), 681 Market Street, San Francisco, California 94105.
Regional Director (Internal Affairs), P.O. Box 951, Main Post Office, Los Angeles, California 90053.

Customs District Offices.
(Note: New York has Area Directors instead of District Directors. Roman numeral designates Customs region).

VIII Anchorage, Alaska 99501/204 E. Fifth Ave. (907)279-2543.
III Baltimore, Maryland 21202/103 S. Gay St. (301)962-2666.
I Boston, Massachusetts 02109/2 India St. (617)223-6598.
I Bridgeport, Connecticut 06609/120 Middle St. (203)366-7851.
I Buffalo, New York 14202/111 W. Huron St. (716)842-5901.
IV Charleston, South Carolina 29401/200 E. Bay St. (803)577-4171.
IX Chicago, Illinois 60607/610 S. Canal St. (312)353-6100.
IX Cleveland, Ohio 44199/1240 E. 9th St. (216)522-4284.
IX Detroit, Michigan 48226/243 W. Congress St. (313)226-3177.
IX Duluth, Minnesota 55802/515 W. First St. (218)727-6692.
VI El Paso, Texas 79985/Bldg. B, Room 134, Bridge of the Americas (P.O. Box 9516) (915)543-7435.
VI Galveston, Texas 77550/17th & Strand Sts. (713)763-1211.
VIII Great Falls, Montana 59401/215 1st Ave. N. (406)453-7840.
VIII Honolulu, Hawaii 96806/335 Merchant St. (808)546-3115.
VI Houston, Texas 77052/701 San Jacinto St. (713)226-4316.
VI Laredo, Texas 78040/Mann Road and Santa Maria (512)723-2956.
VII Los Angeles/Long Beach/300 S. Ferry St., San Pedro, California 90731 (213)548-2441.
IV Miami, Florida 33132/100 N.E. 7th St. (305)350-5791.
IX Milwaukee, Wisconsin 53202/628 E. Michigan St. (414)224-3924.
IX Minneapolis, Minnesota 55401/110 S. Fourth St. (612)725-2317.
V Mobile, Alabama 36602/250 N. Water St. (205)690-2106.
V New Orleans, Louisiana 70130/423 Canal St. (504)589-6353.
II New York, New York: New York Seaport Area, New York, New York 10048, Customhouse, 6 World Trade Center, (212)466-5817. Kennedy Airport Area, Jamaica, New York 11430, Seaboard World Building, Room 178, (212)995-7083. Newark Area, Newark, New Jersey 07105, 400 Delaney St. (201)645-3760.
VII Nogales, Arizona 85621/International & Terrace Sts. (602)287-4955.
III Norfolk, Virginia 23510/101 E. Main St. (804)441-6546.
I Ogdensburg, New York 13669/127 N. Water St. (315)393-0660.
IX Pembina, North Dakota 58271/Post Office Bldg. (701)825-6201.
III Philadelphia, Pennsylvania 19106/2nd & Chestnut Sts. (215)597-4605.
VI Port Arthur, Texas 77640/5th & Austin Ave. (713)982-2831.
I Portland, Maine 04111/312 Fore St. (207)775-3131.
VIII Portland, Oregon 97209/N.W. Broadway & Glisan Sts. (503)221-2865.
I Providence, Rhode Island 02903/24 Weybosset St. (401)528-4383.
I St. Albans, Vermont 05478/Main & Stebbins Sts. (802)524-6527.
IX St. Louis, Missouri 63105/120 S. Central Ave. (314)622-4491.
IV St. Thomas, Virgin Islands 00801/(P.O. Box 510) (809)774-2510.
VII San Diego, California 92101/2262 Columbia St. (714)293-5360.
VIII San Francisco, California 94111/555 Battery St. (415)556-4340.
IV San Juan, Puerto Rico 00903/(P.O. Box 2112) (809)723-2091.
IV Savannah, Georgia 31401/1 East Bay St. (912)232-4321.
VIII Seattle, Washington 98104/First & Marion Sts. (206)442-5491.
IV Tampa, Florida 33602/301 S. Ashley Dr. (813)228-2381.
III Washington, D.C. 20018/3180 Bladensburg Rd., N.E. (202)964-8511.
IV Wilmington, North Carolina 28401/2094 Polk St. (919)763-9971.

Office of Investigations field offices

Region I-Boston
Office of Regional Director of Investigations, Room 1700, U.S. Customhouse, Boston, Massachusetts 02109.
Office of Resident Agent, P.O. Box 368, Derby Line, Vermont 05830.
Office of Resident Agent, P.O. Box 432, Houlton, Maine 04111.
Office of Special Agent In Charge, Room 17, U.S. Customhouse, Portland, Maine 04111.
Office of Special Agent In Charge, 127 N. Water St., Ogdensburg, New York 13669.
Office of Resident Agent, 770 Chapel Street, Suite 2B, New Haven, Connecticut.
Office of Special Agent In Charge, U.S. Federal Building, Rm. 1206, 111 West Huron, Buffalo, New York 14202.
Office of Special Agent In Charge, P.O. Box 68, Rouses Point, New York 12979.

Region II-New York
Office of Regional Director of Inv., U.S. Customs Service, Room 508, 6 World Trade Center, New York, New York 10048.
Office of Special Agent In Charge, Room 203 C, 400 Delancey Street, Newark, New Jersey 07105.
Office of Special Agent In Charge, J.F.K. International Airport, Inter. Arrival Bldg., 160-19 Rockaway Blvd., New York, New York 11430.

Region III-Baltimore
Office of Regional Director of Inv., Room 810, U.S. Appraisers Stores Bldg., 103 South Gay Street, Baltimore, Maryland 21202.
Office of Resident Agent, 701 West Broad Street, Rm. 301, Falls Church, Virginia 22046.
Office of Special Agent In Charge, 201 U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106.
Office of Resident Agent, Room 2236, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
Office of Special Agent In Charge, 201 U.S. Customhouse, Norfolk, Virginia 23510.

Region IV-Miami
Office of Regional Director of Inv., Eastern Union Building, 111 S.W. 3rd Street, Miami, Florida 33130.
Office of Resident Agent, 700 Clematis Street, Rm. 253, West Palm Beach, Florida 33401.
Office of Special Agent In Charge, P.O. Box 1516, Tampa, Florida 33601.
Office of Resident Agent, 2701 Talleyrand Avenue, Jacksonville, Florida 32206.
Office of Special Agent In Charge, Drawer A, Savannah, Georgia 31408.
Office of Resident Agent, 1585 Phoenix Boulevard, Suite 5, Atlanta, Georgia 30349.
Office of Special Agent In Charge, P.O. Box 898, Wilmington, North Carolina 28401.
Office of Special Agent In Charge, U.S. Customs Service, P.O. Box S-1272, Old San Juan, Puerto Rico 00902.
Office Of Resident Agent, P.O. Box 127, Ponce Playa, Puerto Rico.
Office of Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, Puerto Rico.
Office of Special Agent In Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, Virgin Islands.
Office of Resident Agent, P.O. Box 1801—Christiansted, St. Croix, Virgin Islands.

Region V-New Orleans
Office of Regional Director of Inv., Suite 2900, Plaza Tower Building, 1001 Howard Street, New Orleans, Louisiana 70113.
Office of Special Agent In Charge, International Trade Center, P.O. Box 1704, Mobile, Alabama 36601.
Office of Resident Agent, 1719 West End Building, Room 303, Nashville, Tennessee 37203.

Region VI-Houston
Office of Regional Director of Inv., Suite 1380, 500 Dallas Street, Houston, Texas 77002.

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Office of Resident Agent, Suite 210, 700 Paredes Ave., Brownsville, Texas 78520.
Office of Resident Agent, P.O. Drawer 1169, Del Rio, Texas 78440.
Office of Resident Agent, 1114 Commerce Street, 17th Floor, Dallas, Texas 75202.
Office of Special Agent In Charge, P.O. Box 498, Laredo, Texas 78040.
Office of Resident Agent, P.O. Box 828, Eagle Pass, Texas 78852.
Office of Resident Agent, 2600 North 10th Street, McAllen, Texas 78501.
Office of Resident Agent, 1802 N.E. Loop 410, Suite 302, San Antonio, Texas 78217.
Office of Special Agent in Charge, P.O. Box 10719, El Paso, Texas 79997.
Office of Resident Agent, 5301 Central Avenue, N.E., Suite 919, 1st National Bank Building, East, Albuquerque, New Mexico 87108.
Office of Resident Agent, 721 19th Street, Room 404, P.O. Box 2771, Denver, Colorado 80201.

Region VII-Los Angeles
Office of Regional Director of Inv., 300 South Ferry Street, Room 2037, Terminal Island, San Pedro, California 90731.
Office of Special Agent In Charge, P.O. Box 1385, Nogales, —Arizona 85621.
Office of Resident Agent, P.O. Box 5752, Suite 200, First Federal Savings Building, 350 West 16th Street, Yuma, Arizona 85364.
Office of Resident Agent, P.O. Box 1076, 1065 F Avenue, Glenn Bldg., Douglas, Arizona 85607.
Office of Resident Agent, Room 328, Amerco Towers, 2721 No. Central Avenue, P.O. Box 2259, Phoenix, Arizona 85002.
Office of Resident Agent, P.O. Box 2911, Tucson, Arizona 85702.
Office of Special Agent In Charge, P.O. Box 187, San Ysidro, California 92073.
Office of Resident Agent, P.O. Box 1510, Calexico, California 92231.

Region VIII-San Francisco
Office of Regional Director of Inv., 681 Market Street, Room 300, San Francisco, California 94101.
Office of Special Agent In Charge, 4100 Federal Office Building, 909 First Avenue, Seattle, Washington 98174.
Office of Resident Agent, P.O. Box 1360, Blaine, Washington 98230.
Office of Resident Agent, P.O. Box 1483, Spokane, Washington 99210.
Office of Special Agent In Charge, P.O. Box 199, Anchorage, Alaska 99510.
Office of Special Agent In Charge, P.O. Box 71, Great Falls, Montana 59403.
Office of Special Agent In Charge, 1000 Bishop Street, Suite 1210, Honolulu, Hawaii 96813.
Office of Special Agent In Charge, P.O. Box 2841, Portland, Oregon 97208.

Region IX-Chicago
Office of Regional Director of Inv., 55 E. Monroe Street, Suite 1423, Chicago, Illinois 60603.
Office of Special Agent In Charge, 628 East Michigan Street, Room 208, Milwaukee, Wisconsin 53202.
Office of Special Agent In Charge, 120 South Central Ave., Suite 440, St. Louis, Missouri 63105.
Office of Resident Agent, Room 259, Federal Building, 301 West Lexington Street, Independence, Missouri 64050.
Office of Special Agent In Charge, Plaza Nine, 55 Erieview Plaza, Room 210, Cleveland, Ohio 44114.
Office of Resident Agent, P.O. Box 1035, Fountain Square Station, Cincinnati, Ohio 45201.
Office of Resident Agent, P.O. Box 44835. Federal Building, Room 511 Indianapolis, Indiana 46204.
Office of Special Agent In Charge, Room 507, Meierhoff Building, 325 Lake Avenue, South, Duluth, Minnesota 55802.
Office of Special Agent In Charge, Room 501, 243 West Congress St., Detroit, Michigan 48226.
Office of Special Agent In Charge, P.O. Box 192, Pembina, North Dakota 58271.
Office of Special Agent In Charge, 574 Federal Building, Ft. Snelling, Twin Cities, Minneapolis, Minnesota 55111.

Treasury/USSS 00.001

System name: Administrative Operations Information System—Treasury/USSS

System location:

System location: U.S. Secret Service (Headquarters), 1800 G Street N.W., Washington, D.C. 20223. Components of the Administrative Operations Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service, Appendix A, listing the addresses of Secret Service offices). Executive Protective Service 1310 L Street, N.W., Washington, D.C. 20500. Treasury Security Force, Main Treasury Building, Washington, D.C. 20220. Presidential Protective Division, U.S. Secret Service, Room 1 EOB 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. Vice Presidential Protective Division, U.S. Secret Service, Executive Office Building Room 295, Washington, D.C. 20500. Foreign Dignitary Protective Division U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 2005. Protective Support Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. Eisenhower Protective Division, U.S. Secret Service, Gettysburg, Pennsylvania 17325. Johnson Protective Division, U.S. Secret Service, Stonewall, Texas 78671. Kennedy Protective Division, U.S. Secret Service, 1040 Fifth Avenue, New York, New York 10028. Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051. Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. Technical Security Division, Executive Office Building, Washington, D.C. 20500.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees; (b) Individuals, contractors, and vendors, etc., who are presently doing or previously did business with the Secret Service; (c) Claimants against the Service under the Federal Tort Claims Act and the Military Personnel and Federal Employees Claims Act.

Categories of records in the system: (a) Records containing information on issuance of Secret Service equipment and accountable government property; (b) Records containing procurement negotiations, contracts, agreements, etc., with the Secret Service; (c) Records containing information on past, present and future administrative inquiries, with individuals, contractors, vendors, etc., who have or plan to enter into contractual agreements with the Secret Service; (d) Records on vehicle accidents, injuries, fatalities; (e) Records on motor vehicle operators in the Secret Service; (f) Statement of employment and financial interests of certain Secret Service employees required under Treasury Department standards of conduct.

Authority for maintenance of the system: The authority of the Administrative Operations Information System is contained in various Executive Orders, Treasury Orders and delegations; Title 40 and 41 of the U.S. Code and other rules and regulations where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Administrative Operations Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain administrative control of equipment assigned to Secret Service employees; (d) Referral of information to U.S. Treasury, GAO, OMB, GSA, Department of Justice and other Federal, state, and local governments regarding purchases, contracts, and anticipated purchases and contracts of the Secret Service; (e) To provide administrative services for the Secret Service and maintain administrative records as required by law; (f) To use in the adjudication of any claim for or against the Secret Service; (g) Referral to individuals, contractors, vendors, etc., for the purpose of inquiries relating to or confirmation of orders and purchases; (h) Records maintained in the Administrative Operations Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (l) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Administrative Operations Information System are contained in file folders located in Headquarters, 1800 G Street, N.W., Washington, D.C. 20223, and in Secret Service field offices (see United States Secret Service Appendix A).

Retrievability: The Administrative Operations Information System is indexed alphabetically by name either in a master index file system or on microfilm. Access to the physical files containing records is by class code number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Administrative Operations Information System located at the U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on an around the clock basis. Access is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master file indices comprising the Administrative Operations Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The file jackets and master indices comprising the Administrative Operations Information System are retained indefinitely. Disposal is by burning or shredding.

System manager(s) and address: Assistant Director, Office of Administration, U. S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were Secret Service employees; (b) Individuals, corporations, companies, contractors, etc., previously engaged or presently engaged in business with the Secret Service; (c) Claimants.

Treasury/USSS 00.002

System name: Treasury/USSS Criminal Investigation Information System.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Components of the Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service Appendix A listing the addresses of Secret Service field offices). (c) Treasury Security Force, Room 1044—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service in connection with the performance by that agency of its authorized criminal investigative functions; (b) Individuals who are payees, registered owners or endorsers of stolen or lost obligations and other securities of the United States; (c) Individuals who are witnesses, complainants, informants, suspects, defendants, fugitives, released prisoners, correspondents, organized crime figures, and victims of crimes who have been identified by the Secret Service in the conduct of criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public.

Categories of records in the system: (a) Records containing information complied for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable with an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remission of forfeitures; notice of non-receipt of treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securities of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; and reports necessary for the settlement of check and bond claims.

Authority for maintenance of the system: The criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Treasury Department Orders transferring investigative and security functions to the U.S. Secret Service by virtue of the authority vested in the Secretary of the Treasury pursuant to Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Criminal Investigation Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to Federal, state, and local governments, foreign and domestic, having prosecutive and civil law enforcement functions for use by attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; (d) Referral to personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service criminal investigations and assisting other law enforcement agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing; (e) Referral to personnel of Federal, state, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (f) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; (g) Referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (h) Records maintained in the Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation,

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rule or order issued pursuant thereto, may be referred to the appropriate agencyn whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico and one foreign country. (See below, United States Secret Service Appendix A.)

Components of the Criminal Investigation Information System may be located in the Office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the records are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Criminal Investigation Information System of the U.S. Secret Service is indexed alphabetically by name at Headquarters, in the field master and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The field jackets and indices containing the records comprising the Criminal Investigation Information System located at the U.S. Secret Service Headquarters are secured by alarms, and other internal security devices, in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for records management and operational employees with a need to know, each of whom have top secret security clearances; (2) The file jackets and the master field indices comprising the Criminal Investigation Information System in Secret Service Field Offices and the Treasury Security Force are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service and the Treasury Security Force holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Criminal Investigation Information System is as follows: (1) All Judicial cases, 20 years; (2) Non-judicial criminal investigative cases (except non-judicial check and bond cases), 10 years; (3) Non-judicial check claim and bond forgery cases, 5 years; (4) Administrative files of an investigative nature, 5 years; (5) All other files and records the disposition of which is not otherwise specified, 5 years; (6) Investigations for other districts, 2 years; (7) Receipts for counterfeits and contraband, 2 years; (8) Investigation Control Forms, Indefinite; (9) Arrest History Forms, Indefinite; (10) Disposal of records contained in the Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.003

System name: Treasury/USSS—Financial Management Information System.

System location: (a) U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223; (b) Components of the Financial Management Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service, Appendix A listing the addresses of Secret Service field offices); (c) Executive Protective Service, 1310 L Street, N.W., Room 210, Washington, D.C. 20005; (d) Treasury Security Force, Room 1044, Main Treasury Building, Washington, D.C. 20220; (e) Protective Support Division, U.S. Secret Service, 1310 L Street N.W., Suite 400, Washington, D.C. 20005; (f) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500; (g) Vice Presidential Protective Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500; (h) Foreign Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W.,' Washington, D.C. 20005; (i) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325; (j) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671; (k) Kennedy Protective Division, U.S. Secret Service, 1040 Fifth Avenue, New York, New York 10028; (l) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051; (m) Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672; (n) Technical Security Division, Room 14, Executive Office Building, Washington, D.C. 20500.

Categories of individuals covered by the system: (a) Individuals who are now, or were previously, Secret Service employees; (b) Individuals, contractors, vendors, etc., who are presently doing business with or previously did business with the Secret Service; (c) Individuals who are involved in or were previously involved in tort claims with the Secret Service; (d) Individuals who are or previously were involved in payments (accounts receivable) with the Secret Service; (e) Individuals who have been recipients of awards.

Categories of records in the system: (a) Records containing information compiled for the purpose of pay, travel, property damage, expenses incurred other than travel, and retirement annuities and taxes; (b) Records containing information of accounts receivable and payable, involving Secret Service employees and other persons; (c) Records containing information of tort claims dealing with Secret Service property, concerning payment and accounts receivable; (d) Records containing information on the expenditures, anticipated expenditures, and budget studies of the Secret Service; (e) Records of time and attendance of work.

Authority for maintenance of the system: The Financial Management Authority of the U.S. Secret Service is contained in various Executive Orders, Treasury Orders and delegations, Title 7 of the General Accounting Office Policy and Procedure Manual for Guidance of Federal Agencies and other rules and regulations and fiscal procedures where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Financial Management Information System are as follows: (a) Referral to the Internal Revenue Service, U.S. Treasury, GAO, Civil Service and other Federal agencies dealing with the payment and collection of monies concerning Secret Service employees; (b) Referral to the Internal Revenue Service, U.S. Treasury Department, Civil Service, GAO and other Federal agencies dealing with the payment, collection and audit of monies concerning persons who have financial dealings with the Secret Service; (c) To establish a means of budget projections and studies for anticipated expenses to be incurred; to record the actual expenses claimed; to analyze any unliquidated obligations at the end of the fiscal year; (d) To establish a means of responding to questions by Secret Service employees regarding their financial dealings; (e) To establish and maintain a means of gaining statistical information needed to answer inquiries from other Federal, state and local governments and Congress; (f) To establish a reporting system to Treasury, Office of Management & Budget and the General Accounting Office of Secret Service expenditures; (g) To establish a means of payments to contractors and vendors for purchases made by Secret Service; (h) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (i) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (j) Records maintained in the Financial Management Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (k) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (l) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (m) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (n) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Financial Management Information System of the U.S. Secret Service are contained in files and/or microfilm located at Headquarters, Washington, D.C., Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country, (see location section of this notice and United States Secret Service Appendix A), and Secret Service Protective Divisions. Portions of the indices and information contained in the Financial Management Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Financial Management Information System is indexed by name and/or numbers in the Headquarters office and by name only in the U.S. Secret Service field offices and protective divisions. Access to the physical files containing records is by number and/or name. Access to the information stored in the computer is also by name and/or number.

Safeguards: (1) The file jackets, indices and computer containing the record systems located at U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on a 24 hour basis; (2) Access to the records is available only to employees responsible for records management and operational employees who have a need for such information, each of whom hold a top secret security clearance; (3) The file jackets and/or indices comprising the Financial Management Information System in U.S. Secret Service field offices and protective divisions are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Financial Management Information System are as follows: (1) Financial Management Division automated accounting systems, Paris Field Office file and paid files are retained for six years; (2) Accounts receivable systems maintained for four years unless they are not liquidated; (3) Systems for holiday, overtime hour and other pay adjustments, enter on duty information, resignations, retirements, reassignments, etc., are held indefinitely; (4) Records on personnel actions, leave, change of station, bonds, health benefits and insurance policies, bank deposits, allotments, etc., are held for six months. Disposal of records contained in the Financial Management Information System is by burning.

System manager(s) and address: Assistant Director, Office of Administration, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains a record pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were previously Secret Service employees; (b) Individuals who are presently or were service contractors or suppliers with the Secret Service; (c) Individuals who are presently or were previously involved in tort claims with the Secret Service; (d) Individuals who are presently or were previously involved in collections and dispersement with the Secret Service; (e) Internal Revenue Service; (f) Surviving spouse of deceased personnel.

Treasury/USSS 00.004

System name: Freedom of Information Request System—Treasury/USSS.

System location: United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: Individuals or organizations who have requested information under the Freedom of Information Act.

Categories of records in the system: (a) Correspondence relating to requests for information; (b) Documents relevant to appeals and law suits under the Freedom of Information Act.

Authority for maintenance of the system: The authority of the U.S. Secret Service is contained in 5 U.S.C. 552, Freedom of Information Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act; (d) Records maintained in the Freedom of Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (e) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (f) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Freedom of Information Request System are maintained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

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Retrievability: The file jackets and indices containing the records comprising the Freedom of Information Request System are indexed alphabetically.

Safeguards: The file jackets and indices containing the records comprising the Freedom of Information Request System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for the management of the system and operational employees who have a need for such information, each of whom have a top secret security clearance.

Retention and disposal: All files and indices are held indefinitely. Disposal is by burning.

System manager(s) and address: Freedom of Information and Privacy Acts Officer, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: Individuals or organizations requesting information pursuant to the Freedom of Information Act.

Treasury/USSS 00.005

System name: Treasury/USSS—Legal Counsel Record System.

System location: Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W.,Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Individuals who have filed administrative claims involving an employee of the U.S. Secret Service; (b) Any individual who is involved in litigation against the U.S. Secret Service; (c) Individuals who have filed a petition for remission of forfeiture of equipment that was seized from them during an investigation and/or arrest by the U.S. Secret Service.

Categories of records in the system: (a) Copies of administrative claims involving employees of the U.S. Secret Service, responses and legal proceedings in those cases where litigation is involved in administrative claims; (b) Any type of legal document, including complaints, summaries, and litigation reports that are prepared for the Department of Justice at their request; (c) Petitions for remission of forfeiture of seized equipment; (d) Records concerning requests for information regarding the use of reproductions of obligations of the United States including bonds, checks, coins, coupons, currencies (U.S. and foreign), fractional notes, postage stamps (U.S. and foreign), postal money orders, and postmarks.

Authority for maintenance of the system: 18 U.S.C. 3056; 28 U.S.C. 2672 (Federal Tort Claims Act); 18 U.S.C. 471-509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Legal Counsel Record System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Administrative claims may be routinely sent to the Department of Justice to the Attorneys who will represent the Secret Service in any possible litigation. The purpose of sending administrative claims to these attorneys is to assist them in preparation of litigation involving the Secret Service; (d) Legal records are routinely used in preparation for litigation proceedings against the U.S. Secret Service. Litigation reports are routinely sent to the Department of Justice at their request for assistance in preparation of the litigation proceedings. The purpose of such referals is to assist the Dept. of Justice in the preparation of litigation concerning the U.S. Secret Service; (e) All routine uses for petitions for remission of forfeiture of seized equipment are within the agency; (f) Files concerning requests for information regarding the use of reproductions of Government obligations are used in responding to general requests from the public or for requests for interpretation of legality with the Department of Justice and Postal authorities; (g) Records maintained in the Legal Counsel Record System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h)Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k)For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Legal Counsel Record System of the U.S. Secret Service are contained in file jackets located in the Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The Legal Counsel Record System is indexed chronologically for administrative claims, petitions for remission and requests for information regarding reproductions. Access to the physical files containing litigation records is by an alphabetized listing of the case names.

Safeguards: The file jackets containing records comprising the Legal Counsel Record System located at U.S. Secret Service Headquarters, Office of Legal Counsel, are secured in a locked room with guards on duty on an around the clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: The retention schedule of records comprising the Legal Counsel Record System is as follows: (1) All judicial case records are retained for a period of 20 years; (2) Administrative claims, petitions for remission, and requests for information are retained indefinitely. Any disposal is by shredding and/or burning.

System manager(s) and address: Legal Counsel, U.S. Secret Service, 1800 G Street, N.W., Room 842, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether the system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Administrative claims are filed by those individuals who believe that they have a claim against the U.S. Secret Service; (b) Individuals who are involved in legal proceedings against the U.S. Secret Service. All litigation reports are initiated by Office of Legal Counsel, U.S. Secret Service; (c) Individuals and organizations who have petitioned for remission of forfeiture of seized equipments; (d) Requests for information regarding the use of reproductions from Secret Service field offices, the general public, and from professional organizations.

Treasury/USSS 00.006

System name: Non Criminal Investigation Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.(b) Office of Inspection, U.S. Secret Service, Edison Building, Suite 654, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226.(c) Components of the Non-Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices in the United States, Puerto Rico, and one foreign country. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who are applicants for employment with the U.S. Secret Service and other bureaus of the Department of the Treasury;(b) Individuals who are employees of the U.S. Secret Service and other bureaus of the Department of the Treasury holding security clearances granting access to classified documents and records;(c) Individuals who have filed administrative claims with the Secret Service and other bureaus of the Department of the Treasury under the Federal Tort Claims Act or who have been involved in automobile accidents or other incidents involving employees of the Secret Service and other bureaus of the Department of the Treasury resulting in tort claims against such individuals;(d) Individuals involved in investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act;(e) Individuals who are employees of the Secret Service and other bureaus of the Department of the Treasury who have been accused of misconduct in the performance of their duties, or who have been the subject of a complaint involving the performance of their official functions;(f) Individuals who are the subject of investigations or supply information to investigative agents conducting special investigations relating to the performance by the Secret Service of its statutory and regulatory functions.

Categories of records in the system: (a) Record containing investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information;(b) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, reports of investigators relating to claims under the Federal Tort Claims Act; Government Losses in Shipment Act; the Gold Reserve Act and the Silver Purchase Act; and employee misconduct or malfeasance;(c) Records containing reports or statement of investigators, witnesses, complainants, claimants and correspondents associated with identifiable individuals.

Authority for maintenance of the system: The non-criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056; Executive Order 10450 and Treasury Order 82 (revised January 17, 1973); and Treasury Order 173-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Non-Criminal Investigation Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal agencies for administrative, civil, or other legal proceedings to be used by personnel officials, attorneys, administrative law officers, and judges; (d) Referral to personnel of other Federal, state and local governmental agencies, foreign and domestic, for the purpose of developing or confirming information on individuals involved in non-criminal investigations conducted by the Secret Service; (e) Referral to personnel of private institutions and to private individuals for the purpose of confirming and/or determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; and for the purposes of furthering the efforts of the Secret Service to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations; (f) Referral to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency or instrumentality; (g) Records maintained in the Non-Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k) Disclosures of information relating to civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (l) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Non-Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in the Office of Inspection, Edison Building, 1900 Pennsylvania Avenue, N.W., Washington, D.C. and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (See Location Section of this notice and United States Secret Service Appendix A.) Portions of these indices and information contained in the Non-Criminal Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Non-Criminal Investigation Information System is indexed alphabetically by name in the Headquarters, Inspection, field master, and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Non-Criminal Investigation Information System located at U.S. Secret Service Headquarters and the Office of Inspection are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master field indices comprising the Non-Criminal Investigation Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Non-Criminal Investigation Information System is as follows: (1) All judicial case records are retained for a period of twenty years; (2) Applicant security and background investigation records of Secret Service employees are retained for thirty years after retirement or separation of the employee from Secret Service employment; (3) Applicant investigation records relating to employees of Bureaus of the Treasury Department other than the Secret Service, are retained for three years; (4) All other records, the disposition of which are not otherwise specified, are retained for five (5) years. Disposal: Disposal of records contained in the Non-Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provision of 5 U.S.C. 552 a (e) (4) (H).

Contesting record procedures: See access above.

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Record source categories: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a—elsewhere in the Federal Register.

Treasury/USSS 00.007

System name: Protection Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. (c) Vice Presidential Protection Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500. (d) Foreign Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. (e) Protective Support Division, U.S. Secret Service, 1310 L Street, N.W., Suite 400, Washington, D.C. 20005. (f) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325. (g) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671. (h) Kennedy Protective Division, U.S. Secret Service, 1040 Fifth Avenue, New York, New York 10028. (i) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051. (j) Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. (k) Executive Protective Service, Room 210, 1310 L Street, N.W., Washington, D.C. 20005. (l) Treasury Security Force, Room 1040, Main Treasury Building, Washington, D.C. 20220. (m) Technical Security Division, Room 14, Executive Office Building, Washington, D.C. 20500. (n) Components of the Protection Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service or another law enforcement agency for the violation of certain criminal statutes relating to the protection of persons or the security of properties; (b) Individuals who are the subjects of investigative records and reports supplied to the Secret Service by Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and individuals for evaluation by the Secret Service in connection with the performance by that agency of its authorized protective functions; (c) Individuals who are the subjects of noncriminal protective and background investigations by the Secret Service and other law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Secret Service, indicates a need for such investigations; (d) Individuals who are granted ingress and egress to areas secured by the Secret Service, the Executive Protective Service, or to areas in close proximity to persons protected by the Secret Service, including but not limited to invitees, passholders, tradesmen, law enforcement, maintenance and service personnel; (e) Individuals who have attempted or solicited unauthorized entry into areas secured by the Secret Service; individuals who have sought an audience or contact with persons protected by the Secret Service or who have been involved in incidents or events which relate to the protective functions of the Secret Service; (f) Individuals who are witnesses, protectees, complainants, informants, suspects, defendants, fugitives, released prisoners, and correspondents who have been identified by the Secret Service or from information supplied by other law enforcement agencies, governmental units, private institutions, and members of the general public in connection with the performance by the Secret Service of its authorized protective functions.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports relative to an individual compiled at various stages of the process of enforcement of certain criminal laws from arrest or indictment through release from supervision; (d) Records containing information supplied by other Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and persons concerning individuals who, because of their activities, personality traits, criminal or mental history, or history of social deviancy, may be of interest to the Secret Service in connection with the performance by that agency of its protective functions; (e) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Secret Service, and/or the Executive Protective Service; (f) Records containing information relating to incidents and events, such as attempted intrusions into secured areas, or activities of mentally disturbed persons demonstrating an unusual or abnormal interest in persons protected by the Secret Service; (g) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance and service personnel who have access to areas secured by or who may be in close proximity to persons protected by the Secret Service and/or the Executive Protective Service; (h) Records containing correspondence, records of telephone calls, visits to and efforts to contact persons protected by the Secret Service by certain individuals who, according to criteria established by the Secret Service, are considered to be of protective interest.

Authority for maintenance of the system: The protective authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Section 1 of Public Law 90-331. Criminal Investigations relating to protection, such as threats or unauthorized entry (18 U.S.C. 871; 18 U.S.C. 1751), are authorized by 18 U.S.C. 3056. The protective and security authority of the Executive Protective Service is contained in 3 U.S.C. 202 and of the Treasury Security Force in Treasury Orders issued by the Secretary of the Treasury pursuant to the provisions of Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Protective Information System of the U.S. Secret Service are as follows: (a) Disclosures to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal, state and local governmental agencies having a prosecutive function for the use of attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Secret Service and Executive Protective Service protective functions; (d) Referral to personnel of other Federal state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the U.S. Secret Service in the performance of its protective functions; (e) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where such referrals are considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of those persons considered to be of protective interest; (f) Referral to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign and domestic, where there is a showing of a reasonable need to accomplish a valid enforcement purpose; (g) Referral to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Secret Service efforts to evaluate the danger such individuals pose to persons protected by that agency; (h) Records maintained in the Protection Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Protection Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. or in file jackets located in the offices of various protective units of Secret Service; the Technical Security Division; and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (see Location Section of this notice and United States Secret Service Appendix A.) Components of the Protection Information System are located in the office of the Executive Protective Service, 1310 L Street, N.W., Washington, D.C. and in the office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the Protective Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Protective Information System is indexed alphabetically by name in the Headquarters, field master, protective units and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Protection Information System located at the U.S. Secret Service Headquarters, in the protective units, the Executive Protective Service, the Treasury Security Force, and the Technical Security Division of the Secret Service are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance. 2. The file jackets and the master field indices comprising the Protective Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Protection Information System is as follows: (1) All judicial case records are retained for a period of twenty years. In cases where checkups are being made or quarterly investigations are conducted in protective intelligence cases, the retention period is computed from the date of the final checkup or quarterly investigation. In the event of a protective intelligence subject's death, the file is destroyed immediately. Otherwise the quarterly investigative files are maintained for a period of twenty years; (2) All other protective intelligence case records including protective surveys and nonjudicial protective intelligence cases are retained for a period of five years; (3) Administrative records on all types of protective activities are retained for a period of ten years; (4) Disposal of records contained in the Protective Information System is by burning.

System manager(s) and address: Assistant Director, Office of Protective Intelligence, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.008

System name: Public Affairs Record System—Treasury/USSS.

System location: U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Persons who are private citizens who correspond requesting information relating to the Secret Service; (b) Persons who are members of the news media, authors and publishers requesting information about the Secret Service; (c) Members of Congress who make inquiries with the Secret Service; (d) Persons who are recipients of the Director's Honor Award, who have received recognition from or assisted the Secret Service.

Categories of records in the system: (a) Records of inquiries received from the general public, the communication media and the press relative to Secret Service activities; (b) Records of awards presented by the Secret Service; (c) Records of Congressional inquiries and correspondence.

Authority for maintenance of the system: 18 U.S.C. 3056 and Treasury Department Order Number 173-3, dated October 29, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Public Affairs Record System are as follows: (a) To maintain a record of responses made to the general public, the news media, members of Congress, and other individuals who correspond with the Service; (b) To maintain a record of awards and honors given by the Secret Service and to establish statistical information on these awards and honors; (c) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552). (e) Records maintained in the Public Affairs Records System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (f) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (g) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (h) Disclosures to Federal agencies, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (i) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Records comprising the Public Affairs Record System are maintained in file folders located at U.S. Secret Service, Headquarters, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: Records of the Public Affairs Record System are filed alphabetically and chronologically. Access is by name and/or date.

Safeguards: The files containing the Public Affairs Record System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for management of the system and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: Records in this system are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedure for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) The general public, the news media and members of Congress who correspond with the Service; (b) Persons who have received awards or honors from the Secret Service.

Treasury/USSS 00.009

System name: Training Information System—Treasury/USSS.

System location: (a) U.S. Secret Service, Training Division, 1717 H Street, N.W., Washington, D.C. 20223. (b) Treasury Security Force, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. (c) Beltsville Training Center, Beltsville, Maryland 20705.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees, officers of the Executive Protective Service or the Treasury Security Force.

Categories of records in the system: Records containing the type and dates of training programs of the U.S. Secret Service employees, officers of the Executive Protective Service or the Treasury Security Force.

Authority for maintenance of the system: 18 U.S.C. 3056 is the statute that establishes Secret Service criminal and protective jurisdiction and training is conducted pursuant to that statute and in accordance with Treasury and Civil Service Regulations relating to training.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Training Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to assist in performing administrative functions of the Training Division and is used to prepare class directories, class rosters, program evaluation reports and statistical reports, and maintain records of performance; (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Training Information System are maintained on cards at the Secret Service Training Division, 1717 H Street, N.W., Washington, D.C., Main Treasury Building, 1500 Pennsylvania Avenue, N.W., and Beltsville Training Center, Beltsville, Maryland.

Retrievability: Records of the Training Information System are filed alphabetically and access to the record card is by name.

Safeguards: The Training Information System record cards located at the U.S. Secret Service Training Divisions are secured in locked rooms with alarms when Secret Service employees are not on duty. Access to the records is available only to employees responsible for management of the records and operational employees who have a need for such information, each of whom hold a top secret security clearance.

Retention and disposal: Records in this System are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Training, U.S. Secret Service, 1717 H Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information & Privacy Acts Officer, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are now or were Secret Service employees, officers of the Executive Protective Service and the Treasury Security Force officers; (b) Individuals from other Federal, state and local law enforcement agencies.

Appendix A—

U.S. Secret Service field offices

Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87103, 505—766—3336.
601 Rockwell Avenue, Cleveland, Ohio 44114, 216—522—4365.
Equitable Building, 100 Peachtree Street, N.E., Atlanta, Georgia 30301, 404—526—6111.
950 South Stadium Road, Columbia, South Carolina 29201, 803—765—5446.
Federal Office Building, 300 East 8th Street, Austin, Texas 78701, 512—397—5103.
85 Marconi Boulevard, Columbus, Ohio 43215, 614—469—7370.
Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 20201, 301—962—2200.
1100 Commerce Street, Dallas, Texas 75202, 214—749—3461.
66 Bagby Drive, Birmingham, Alabama 35209, 205—325—3144.
1660 Lincoln Street, Denver, Colorado 80203, 303—837—3027.
575 Technology Square, Cambridge, Massachusetts 02139, 617—223—2728.
Federal Building & U.S. Courthouse, Detroit, Michigan 48226, 313—226—6400.
Federal Building, 111 West Huron Street, Buffalo, New York 14202, 716—842—3542.
511 East San Antonio Street, El Paso, Texas 79901, 915—543—7546.
New Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301, 304—343—1316.
110 Michigan Avenue, N.W., Grand Rapids, Michigan 49502, 616—456—2276.
226 Skeens Building, 4530 Park Road, Charlotte, North Carolina 28209, 704—372—7491.
677 Ala Moana Boulevard, Honolulu, Hawaii 96813, 808—546—5637.
219 S. Dearborn Street, Chicago, Illinois, 60604, 312—353—5431.
515 Rusk Street, Houston, Texas 77208, 713—226—5791.
Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202, 513—684—3448.
46 E. Ohio Street, Indianapolis, Indiana 46204, 317—269—6444.
U.S. Post Office & Courthouse, Jackson, Mississippi 39205, 601—969—4436.
Post Office Building, Jacksonville, Florida 32201, 904—791—2777.
546 Carondelet Street, New Orleans, Louisiana 70190, 504—589—2219.
811 Grand Avenue, Kansas City, Missouri 64142, 816—374—5021.
6 World Trade Center, New York, New York 10048, 212—266—4400.
611 Gaines Street, Little Rock, Arkansas 72201, 501—378—6241.

Bank of Virginia Building, Norfolk, Virginia 23502, 804—441—6736.
312 North Spring Street, Los Angeles, California 90012, 213—688—4830.
210 Northwest Sixth Street, Oklahoma City, Oklahoma 73102, 405—231—4476.
Post Office Building, Louisville, Kentucky 40201, 502—582—5171.
215 North 17th Street, Omaha, Nebraska 68102, 402—221—4671.
167 North Main Street, Memphis, Tennessee 38103, 901—534—3568.
58 bis, Rue la Boetie, American Embassy, Paris 8, France, 265—7460.
5255 N.W. 87th Avenue, Miami, Florida 33161, 305—350—5961.
600 Arch Street, Philadelphia, Pennsylvania 19106, 215—627—6800.
517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, 414—224—3587.
3033 North Central Avenue, Phoenix, Arizona 85012, 602—261—3556.
110 South 4th Street, Minneapolis, Minnesota 55401, 612—725—2801.
1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, 412—644—3384.
107 Saint Francis Street, Mobile, Alabama 36602, 205—690—2851.
900 S.W., 5th Avenue, Portland, Oregon 97204, 503—221—2162.
801 Broadway, Nashville, Tennessee 37203, 615—749—5841.
Federal Building & U.S. Courthouse, Providence, Rhode Island 02901, 401—528—4462.
60 Evergreen Place, East Orange, New Jersey 07018, 201—645—2334.
400 North Eighth Street, Richmond, Virginia 23240, 804—782—2274.
205 Whitney Avenue, 3rd Floor, New Haven, Connecticut 06511, 203—432—2144.
650 Capitol Mall, Sacramento, California 95814, 916—449—2413.
1114 Market Street, St. Louis, Missouri 63101, 314—425—4238.
234 Summit Street, Toledo, Ohio 43604, 419—259—6434.
350 South Main Street, Salt Lake City, Utah 84101, 801—524—5910.
1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226, 202—634—5100.
727 E. Durango, San Antonio, Texas 78206, 512—225—4277.
100 West "A" Street, San Diego, California 92101, 714—293—5640.
450 Golden Gate Avenue, San Francisco, California 94102, 415—556—6800.
255 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00917, 809—622—0539.
Post Office Building, Washington & Linden Streets, Scranton, Pennsylvania 18501, 717—344—7333.
915 Second Avenue, Seattle, Washington 98174, 206—442—5495.
761 U.S. Courthouse, Spokane, Washington 99201, 509—456—2532.
600 East Monroe Street, Springfield, Illinois 62701, 217—527—4033.
Main Post Office Building, Syracuse, New York 13201, 315—473—6680.
1000 Ashley Drive, Tampa, Florida 33602, 813—228—2636.

Treasury/ATF 00.001

System name: Administrative Record System-Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Claimants against the Bureau of ATF.

Categories of records in the system: (1) Accident Report—non-vehicle (2) Accident Report—Vehicle (3) Accountability records for Government property (4) Credit card purchases (5) Disability reports (6) Fatality reports (7) Motor pool records (8) Injury reports (9) Motor vehicle operator's records. (10) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) Federal Claims Collection Act (2) Federal Employees Compensation Act (3) Federal Property and Administration Services Act of 1949 as amended. (4) Federal Tort Claims Act (5) Military Personnel and Federal Employees Claim Act (6) Occupational Safety and Health Act of 1970 (7) Small Claims Act. (8) 5 U.S.C. 1302, 3301, 3302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide administrative services for the Bureau; to maintain administrative records as required by law or regulation; and to be used in the adjudication of any claims for or against the Bureau. When required or authorized by statute, regulation, or executive order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information if necessary to obtain information relevant to an agency decision concerning the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Local, state and Federal law enforcement agencies; Local, state and Federal regulatory agencies; Members of the public, employees of other Governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrievable by name of individual.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Chief, Administrative Services Division Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Requests may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

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Appeals may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Administrative records.(2) Claimants.(3) Doctors.(4) Employee records.(5) Fiscal records.(6) Former employees of the Bureau of ATF.(7) Former employers. (8) General Services Administration.(9) Individuals who have information relevant to claims.(10) Inspections records.(11) Internal Investigation reports.(12) Police reports.(13) Present employees of the Bureau of ATF.(14) Supervisors.(15) Witnesses.

Treasury/ATF 00.002

System name: Correspondence Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see address listed Appendix E-1.

Categories of individuals covered by the system: (1) Persons who correspond with the Bureau requesting information relating to Bureau personnel. (2) Persons who correspond with the Bureau requesting information relating to Bureau activities. (3) Persons who correspond with the Bureau requesting rulings, interpretations, or technical and scientific matters of a general nature. (4) Persons who correspond with others and whose correspondence is referred to ATF for response. (5) Persons referred to in correspondence with the Bureau. (6) Authors and publishers of technical and scientific matters relating to Bureau activities.

Categories of records in the system: Correspondence with individuals who contact the Bureau requesting information relating to Bureau personnel and/or activities, Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: 5 U.S.C. 301, E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of the system is to record the nature of reponses made to general public; to maintain a record of responses to individuals who correspond with the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies. A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrieved by name, subject matter and date of correspondence.

Safeguards: Transmitted to routine users on a need to know basis. Stored in lockable file cabinets in rooms locked during nonduty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant to the Director (Public Affairs) Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Appeals may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: Persons who correspond with the Bureau on general, technical or scientific matters.

Treasury/ATF 00.003

System name: Criminal Investigation Report System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Criminal offenders or alleged criminal offenders acting alone or in concert with other individuals and suspects who have been or are under investigation for a violation or suspected violation of laws enforced by the Bureau. (2) Criminal offenders or alleged criminal offenders acting alone or in concert with individuals who have been referred to the Bureau of Alcohol, Tobacco and Firearms by other law enforcement agencies, governmental units and the general public. (3) Informants. (4) Persons who come to the attention of the Bureau in the conduct of criminal investigations. (5) Persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year and who have applied for relief from disabilities under Federal law with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and explosives and whose disability was incurred by reason of such conviction. (6) Victims of crimes. (7) Witnesses.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable to an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records compiled and maintained by the Bureau as generally described in (a), (b), and (c) above including the following: (1) Abandoned property reports. (2) ATF Criminal Investigation Reports (not resulting in formal prosecution reports). (3) ATF referrals to foreign, Federal, State, and local law enforcement agencies. (4) Chief and Regional Counsel opinions. (5) Contemporaneous investigative notes. (6) Criminal investigatory correspondence from and to foreign, Federal, State and local law enforcement agencies. (7) Criminal intelligence information on individuals suspected to be violating ATF laws and regulations. (8) Documentary proof of defendant's criminal record, identity; or lack or registration of N.F.A. (as amended) firearm(s). (9) FBI Criminal Record Reports. (10) Fingerprints and palmprints. (11) Fugitive arrest warrants. (12) Handwriting exemplars. (13) Index cards, violation and reputation. (14) Illicit liquor and raw material surveys. (15) Laboratory reports of evidence analysis. (16) Memoranda of expected testimony of witnesses. (17) Organized crime members violating or suspected of violating ATF laws. (18) Parole and pardon reports. (19) Personal histories (address, employment, social security number, financial background, physical descriptions, etc.). (20) Photographs. (21) Purchase of evidence records. (22) Records of electronic surveillance by ATF. (23) Records received in response to summons and subpoenas. (24) Reliefs from disability. (25) Reports of interview with witnesses. (26) Search warrants and affidavits for search warrants. (27) Seized property reports. (28) Significant criminals, armed and dangerous, firearms, explosives, liquor, and wagering. (29) Special agent's daily activity diary (accessible by date only). (30) State and local law enforcement criminal investigative reports. (31) Statements of defendants. (32) Statements of witnesses. (33) Summons and subpoenas issued pursuant to criminal investigations. (34) Voice prints. (35) Wagering tax suspected violators. (36) Warning and demand letters. (37) Criminal violation reports (a formal report compiling all or portions of the foregoing for prosecutive purposes).

Authority for maintenance of the system: (1) 26 U.S.C. Chapters 35 and 40. (2) 26 U.S.C. Chapters 51 and 52. (3) 26 U.S.C. Chapters 53, as amended. (4) 26 U.S.C. Chapters 61 through 80, as amended. (5) 27 U.S.C. Chapter 8, as amended, (Federal Alcohol Administration Act). (6) 18 U.S.C. Chapter 40. (7) 18 U.S.C. Chapter 44. (8) 18 U.S.C. Chapter 59 (9) 18 U.S.C. App. 1201-1203 (Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title III of the Gun Control Act of 1968). (10) 22 U.S.C. section 414, (Mutual Security Act of 1954, as amended). (11) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan of 1950), Treasury Order 221, 5 U.S.C. section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to suppress traffic in illicit untaxpaid distilled spirits; to enforce the Federal laws relating to the illegal possession and use of firearms, destructive devices, explosives, explosive materials, and wagering activities; and to assist Federal, State, local and foreign law enforcement agencies in reducing crime and violence. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies.

A record in this system may be disclosed as a routine use to: officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, State, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing and determining the parole and probation status of criminal offenders or suspected criminal offenders; Personnel of other Federal, State and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; Personnel of Federal, State, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; Personnel of Federal, State and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; Employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of, and when appropriate, to apprehend, criminal offenders and suspected criminal offenders; Defense attorneys under Discovery Procedures; Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at ADP Division, Technical and Scientific Services Branch of Bureau Headquarters and at the IRS Data Center, Detroit, Michigan. Records are stored in on-line mass computer storage at San Diego, California. (Treasury Enforcement Communications System.)

Retrievability: Records are retrievable by name, date of birth, social security number, unique identifier, investigation number, serial number of firearm, or a combination of any of these; plus date and geographical location of incident giving rise to investigation.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records on tape or on-line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director (Criminal Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

Record source categories: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

Systems exempted from certain provisions of the act: System exempted from certain provisions of the Act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/ATF 00.004

System name: Fiscal-Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvanina Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees. (2) Former employees. (3) Recipients of rewards. (4) Vendors furnishing goods and services to the Bureau.

Categories of records in the system: (1) Advance of Funds. (2) Agreements. (3) Contracts. (4) Designated Agents or recommended Designated Agents. (5) Designated timekeepers and alternates. (6) Employee pay records. (7) Purchase Orders. (8) Payment vouchers. (9) Time and attendance records. (10) Travel and moving vouchers. (11) Travel request and authorization. (12) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan No. 26 of 1950), Treasury Order 221; 5 U.S.C. section 301. (2) E.O. 6166 (amended).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide fiscal services to employees of the Bureau and former employees of the Bureau; to record fiscal information as required by law and regulations; to prevent unauthorized disclosures; to provide accountability for government funds. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, Employee of the General Accounting Office for review, Vendors of contractual services to the Bureau, members of the public, employees of other governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5

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U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); local, state and Federal law enforcement agencies; local, state and Federal regulatory agencies; for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan.

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records Controls Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tapes, discs or in on-line mass storage, are disposed of by degaussing.

System manager(s) and address: Chief, Fiscal Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Requests may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Requests may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Appeals may be delivered personally to Room 6015, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Former employees of the Bureau of ATF. (2) IRS Data Center. (3) Present employees of the Bureau of ATF. (4) Surviving spouse of deceased personnel. (5) Vendors of necessary goods and services for operations of Bureau of ATF.

Treasury/ATF 00.005

System name: Freedom of Information Requests—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records, and Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/ATF 00.006

System name: Internal Security Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Applicants for employment.

Categories of records in the system: (1) Records containing investigative material compiled for law enforcement purposes including reports relating to: (a) conduct of employees. (b) integrity of employees. (2) Records containing investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information including reports relating to security clearances of employees.

Authority for maintenance of the system: (1) 18 U.S.C. 201 (2) E.O. 10450 (3) E.O. 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is used to assure the Bureau Director, the Department of the Treasury, and the public that the Bureau is taking strong and vigorous steps to maintain the highest standards of integrity, loyalty, conduct, and security among Bureau personnel. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the AT&F Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contact, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation to an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system of records may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, state, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; personnel of Federal, state and local governmental agencies, where such referral is considered reasonably necessary for the

purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; personnel of Federal, state and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; defense attorneys under Discovery Procedures; members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Center.

Retrievability: Records are retrievable by name.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant Director, Inspection, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Employees of this Bureau. (2) Internal Investigative report forms. (3) witnesses. (4) informants. (5) Federal, State and local enforcement agencies. (6) Employers. (7) Educational institutions. (8) Credit agencies. (9) Neighbors. (10) References. (11) Professional Organizations. (12) other government agencies.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/ATF 00.007

System name: Personnel Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Present Employees of the Bureau of ATF. (2) Former Employees of the Bureau of ATF. (3) Applicants for employment with ATF.

Categories of records in the system: (1) Allotment and Dues. (2) Annual Tax Reports. (3) Applicants for employment. (4) Applications for reassignment. (5) Awards, honors, and fellowship records. (6) Classification appeal records. (7) Death claim records. (8) Educational history. (9) Employee indebtedness records. (10) Employees qualified as Grievance Examiners. (11) Employee Suggestions. (12) Employee history. (13) Employee relations case file. (14) Equal employment opportunity case file. (15) Health maintenance records. (16) Insurance records. (17) Military history. (18) Occupational injuries, disabilities, and Worker's Compensation Records. (19) Official personnel folder. (20) Outside employment and identification numbers, business or professional records. (21) Outside employment. (22) Outside financial interests. (23) Overtime and/or Premium Pay records. (24) Performance evaluation records. (25) Personal history. (26) Pocket commission, badge number. (27) Position description records. (28) Promotion/Selection Certificates Records. (29) Property custody records. (30) Retirement records. (31) Security clearance records. (32) Statement of career goals. (33) Supervisory or managerial potential records. (34) Temporary assignments and details. (35) Time application reports and records. (36) Training record. (37) U.S. Savings Bond participation records. (38) Upward mobility applications. (39) Vehicle accidents. (40) Withholding tax records. (41) Work schedule records. (42) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. Chapter 29, Subchapter II. (2) 5 U.S.C. Chapters 31 and 33. (3) 5 U.S.C. Chapter 43. (4) 5 U.S.C. Chapter 45. (5) 5 U.S.C. Chapter 51. (6) 5 U.S.C. Chapter 55, subchapter III. (7) 5 U.S.C. Chapter 61. (8) 5 U.S.C. Chapter 75. (9) 5 U.S.C. Chapter 83. (10) 5 U.S.C. Section 301. (11) 5 U.S.C. 4503. (12) 5 U.S.C. Section 5101—5115. (13) 5 U.S.C. Section 7151—7154. (14) 5 U.S.C. Section 7901. (15) P.L. 92—261 (Equal Employment Act of 1972). (16) P.L. 93—579. (17) Federal Employees Compensation Act. (18) Occupational Safety and Health Act of 1970. (19) Executive Order 10561. (20) E.O. 11222. (21) E.O. 11478. (22) E.O. 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide personnel services to employees of the Bureau, former employees of the Bureau, and applicants for employment with the Bureau; to record personnel information as required by law and regulations; to prevent unauthorized disclosures; provide identification information in accident or medical emergency situations. When required or authorized by statute, regulations, or executive order, information in the record system is made available to members of the public, news media or other governmental agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system maybe disclosed to the following as a routine use: (1) The Department of Labor; (2) Congressmen; (3) Equal Employment Opportunity Commission; (4) Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); (5) Officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; (6) Federal, state and local law enforcement agencies; (7) Federal, state and local regulatory agencies. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan. Records are stored in on—line mass computer storage at San Diego, California (Treasury Enforcement Communications System).

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and

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propriety of the request. Stored in lockable file cabinets in rooms locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director (Administration), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: Same as access above.

Record source categories: (1) Administrative Records. (2) Applicants for employment with Bureau. (3) Acquaintances. (4) Business and professional associates. (5) Creditors. (6) Criminal records. (7) Educational institutions attended. (8) Employee records. (9) Equal Employment Opportunity Commission. (10) Financial institutions. (11) Fiscal records. (12) Former employees. (13) Former employers. (14) Inspection records. (15) Internal investigation reports. (16) Internal Revenue Service. (17) Military records. (18) Outside employers. (19) Physicians. (20) Police reports. (21) Position classification specialists. (22) Psychiatrists. (23) References. (24) Supervisors. (25) Training officers. (26) Unions, accredited. (27) U.S. Civil Service Commission. (28) Witnesses.

Treasury/ATF 00.008

System name: Regulatory Enforcement Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this system of records are also geographically dispersed throughout ATF's regional and field offices. For locations, see addresses of regional and field offices listed in Appendix E—1.

Categories of individuals covered by the system: (1) Individuals who have been issued permits or licenses, have filed applications with ATF, or have registered with ATF as: (a) Brewers; (b) Claimants for refund, abatement, credit, allowance or drawback of excise or special occupational taxes; (c) Collectors of firearms or ammunition; (d) Distillers, bonded warehousemen, rectifiers, or bottlers of distilled spirits; (e) Importers of firearms, ammunition or implements of war; (f) Importers or wholesalers of beer, wine or distilled spirits; distillers, rectifiers, bottlers, or warehousemen of distilled spirits; or wine producers; (g) Individuals engaged in wagering activities; (h) Individuals who produce, receive, blend, store or treat wine or distilled spirits for experimental or research purposes; (i) Individuals who establish experimental distilled spirits plants; (j) Limited retail dealers in beer or wine; (k) Liquor bottle manufacturers; (l) Manufacturers of stills; (m) Manufacturers, importers, or dealers of firearms or ammunition; (n) Manufacturers, importers, dealers, or users of explosive materials; (o) Manufacturers, proprietors of export warehouses or importers of tobacco products; (p) Nonbeverage drawback claimants; (q) Operators of pilot brewing plants; (r) Possessors of stills and related equipment; (s) Producers of wine for family use; (t) Proprietors of vinegar plants, fruit—flavor concentrate plants or class 6 bonded warehouses; (u) Proprietors of bonded wine cellars, bonded wineries, taxpaid wine bottling houses, or bonded wine warehouses; (v) Reprocessors or rebottlers of specially denatured spirits; (w) Retailers of beer, wine or distilled spirits; (x) Users of tax—free alcohol, dealers or users of specially denatured spirits, or recoverers of specially denatured or completely denatured spirits.

(2) Individuals who are employed by businesses engaged in the activities specified in paragraph 1 and who are officers, directors, holders of 10 percent or more of the outstanding stock, designated agents, or responsible persons. (3) Individuals who are not qualified to engage in any of the activities listed in paragraph 1, but who are assessed excise or special occupational taxes. (4) Individuals who submit Offers in Compromise.

Categories of records in the system: Records containing investigative material compiled for law enforcement purposes which may consist of the following: (1) Abstracts of offers in compromise. (2) Administrative law judge decisions. (3) Assessment records: (a) notices of proposed assessments; (b) notices of shortages or losses; (c) notices to IRS to assess taxes; (d) recommendation for assessments. (4) Claim records: (a) claims; (b) letters of claim rejection; (c) sample reports; (d) supporting data; (e) vouchers and schedules of payment. (5) Comments on proposed rulemakings. (6) Complaints from third parties. (7) Correspondence concerning records in this system and related matters. (8) Financial statements. (9) Inspection and investigation reports. (10) Joint demands on principals and sureties for payment of excise tax liabilities. (11) Letters of reprimand. (12) Lists of permittees and licensees. (13) Lists of officers, directors and principal stockholders. (14) Mailing lists and addressograph plates. (15) Notices of delinquent reports. (16) Offers in compromise. (17) Operation records: (a) operating reports; (b) reports of required inventories; (c) reports of thefts or losses of firearms; (d) reports of thefts of explosive materials; (e) transaction records; (f) transaction reports. (18) Orders of revocation, suspension or annulment of permits or licenses. (19) Regional and Chief Counsel opinions and memoranda. (20) Reports of violations. (21) Permit status records. (22) Qualifying records: (a) access authorizations; (b) advertisement records; (c) applications; (d) bonds; (e) business histories; (f) criminal records; (g) diagrams of premises; (h) educational histories; (i) employment histories; (j) environmental records; (k) financial data; (l) formula approvals; (m) label approvals; (n) licenses; (o) notices; (p) permits; (q) personal references; (r) plant profiles; (s) plant capacities; (t) plats and plans; (u) registrations; (v) sample reports; (w) signature authorities; (x) special permissions and authorizations; (y) statements of process. (23) Show cause orders. (24) Tax records: (a) control cards relating to periodic payment and prepayment of taxes; (b) excise and special tax returns; (c) notices of tax discrepancy or adjustment.

Authority for maintenance of the system: (1) 26 U.S.C. 5172. (2) 26 U.S.C. 5271(b)(1). (3) 26 U.S.C. 5356. (4) 26 U.S.C. 5401. (5) 26 U.S.C. 5417. (6) 26 U.S.C. 5502(b). (7) 26 U.S.C. 5511(3). (8) 26 U.S.C. 5521(a). (9) 26 U.S.C. 5179(a). (10) 22 U.S.C. 204(c). (11) 26 U.S.C. 5105. (12) 26 U.S.C. 5275. (13) 26 U.S.C. 5301(b). (14) 26 U.S.C. 5132. (15) 26 U.S.C. 5042(a)(2). (16) 26 U.S.C. 7011. (17) 26 U.S.C. 5712. (18) 18 U.S.C. 923(a). (19) 18 U.S.C. 923(b). (20) 18 U.S.C. 843(a). (21) 22 U.S.C. 414. (22) 26 U.S.C. 4401(a). (23) 26 U.S.C. 6001. (24) 26 U.S.C. 6011(a). (25) 26 U.S.C. 5001. (26) 26 U.S.C. 5021—5023. (27) 26 U.S.C. 5041. (28) 26 U.S.C. 5051. (29) 26 U.S.C. 6201. (30) 26 U.S.C. 5008. (31) 26 U.S.C. 5044. (32) 26 U.S.C. 5056. (33) 26 U.S.C. 5705. (34) 26 U.S.C. 6423(b). (35) 26 U.S.C. 5009(a). (36) 26 U.S.C. 5006(a). (37) 26 U.S.C. 5055. (38) 26 U.S.C. 5062(c). (39) 26 U.S.C. 5106. (40) 26 U.S.C. 5131(c). (41) 26 U.S.C. 5064. (42) 26 U.S.C. 7122. (43) 27 U.S.C. 207. (44) 18 U.S.C. 843(d). (45) 18 U.S.C. 923(f). (46) 27 U.S.C. 204(e). (47) 26 U.S.C. 5312(a). (48) 26 U.S.C. 5042(a)(3). (49) Reorganization Act of 1949, 5 U.S.C. Sections 901 et seq.; Revenue Act of 1951, Section 616; Treasury Department Order 221 (37 F.R. 11696, June 19, 1972). (50) 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to determine suitability, eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; assure full collection of revenue due from legal industries; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits, beer and wine industries; interact with Federal, state and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in responses to its request, in connection with the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.When an ATF criminal investigation results in compilation of information contained in this system of records, the information shall be transferred to the Treasury ATF—Criminal Investigation Report System and shall become part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Federal, State or local regulatory or law enforcement agencies in the performance of their duties on a need to know basis; Members of the public, employees of other Governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; card forms in card filing cabinets; and on magnetic tapes or microfiche at IRS Service Centers, ATF Headquarters, or Department of the Treasury.

Retrievability: Records are retrievable by name, permit or license number, or by document locator number.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and others upon verification of the substance and propriety of the request. Stored in file cabinets in rooms locked during non—duty hours. Wagering records are maintained in safes or file cabinets which are locked at all times.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Acquaintances. (2) Bureau Personnel. (3) Business and Professional Associates. (4) Creditors. (5) Criminal Records. (6) Financial Institutions. (7) Former Employers. (8) Internal Revenue Service. (9) Military Records. (10) Physicians. (11) Psychiatrists. (12) References. (13) Police Reports. (14) Witnesses. (15) Federal Law Enforcement Agencies. (16) State Law Enforcement Agencies. (17) Local Law Enforcement Agencies. (18) State Regulatory Agencies. (19) Federal Regulatory Agencies. (20) Local Regulatory Agencies. (21) Chief Counsel's Opinions. (22) Regional Counsel's Opinions. (23) Chief Counsel's Memoranda. (24) Regional Counsel's Memoranda. (25) Field Investigation Reports. (26) Third Parties.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/ATF 00.009

System name: Technical and Scientific Services Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Applicants to register firearms under the National Firearms Act. (2) Applicants for Surplus Military Firearms under the Director of Civilian Marksmanship Program. (3) Importers of implements of war as defined under the Mutual Security Act of 1954. (4) Licensed importers registered under the Mutual Security Act of 1954. (5) Manufacturers of National Firearms Act who are exempt from payment of Special (Occupational) tax provisions. (6) Non—Bureau chemists certified to make analysis of alcoholic beverages. (7) Persons involved in explosives tagging and detection program. (8) Registered owners of National Firearms Act firearms. (9) Special (Occupational) taxpayers as defined under title II of the Gun Control Act of 1968. (10) Victims of explosives. (11) Individuals involved in Government funded research projects.

Categories of records in the system: (1) Alterations of registered National Firearms Act firearms. (2) Applications for surplus military firearms. (3) Applications to register firearms and destructive devices under the National Firearms Act. (4) Applications to import articles on the U.S. Munitions list. (5) Blueprints. (6) Certifications of payment of Special (occupational) tax payments. (7) Changes of address for owner of firearms registered under the National Firearms Act. (8) Claims for erroneous Special (Occupational) taxes payments. (9) Descriptions of Inventions. (10) Delinquency notices regarding proof of importation of National Firearms Act Firearms. (11) Explosive reports. (12) Non—Bureau chemists' statements of qualification. (13) Patent information. (14) Registrations of firearms and destructive devices under the National Firearms Act. (15) Registration of war trophy firearms. (16) Requests and authorizations for temporary movement and/or temporary storage of National Firearms Act firearms. (17) Technical and scientific data. (18) Transaction records concerning National Firearms Act firearms. (19) Trade secrets. (20) U.S. Government contracts to manufacturers of National Firearms Act firearms. (21) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 18 U.S.C. Chapter 40. (2) 18 U.S.C. Chapter 44. (3) 18 U.S.C. Section 3056. (4) 26 U.S.C., Sections 6001(a), 5001, 5008, 5009(a), 5006(a), 5021—5023, 5041, 5042(a)(2), 5051, 5053, 5056, 5062(c), 5705, 6201, 6423(b), 5105, 5106, 5131(c), 5132, 5172, 5172(b)(1), 5275, 5301(b), 5356, 5401, 5417, 5502(b), 5511(3), 5521(a), 5179(a), 5712, 7011. (5) 27 U.S.C. Sections 204(c). (6) 26 U.S.C. Chapter 35. (7) Executive Order 10973 as amended by Executive Order 11432.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide technical and scientific support and expertise to Criminal and Regulatory Enforcement activities of the Bureau; to other Federal, State, local and foreign law enforcement agencies; and to industries involved in activities regulated by the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Records in this system may be disclosed as a routine use to: (1) Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties. (2) Federal law enforcement agencies. (3) State law enforcement agencies. (4) Local law enforcement agencies. (5) Foreign law enforcement agencies. (6) Industries involved in activities regulated by the Bureau. (7) Department of Defense. (8) Federal regulatory agencies. (9) State regulatory agencies. (10) Local regulatory agencies. (11) Members of the public, employees of other government agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). (12) Smithsonian Institution. (13) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Active records stored in file folders in filing cabinets; on 3 by 5 and 5 by 8 cards stored in card file cabinets; on microfilm reels; magnetic tape reels and discs; and on keypunch cards.

Retrievability: Records are retrievable by name, by unique identifier, control number, serial number of National Firearms Act firearms.

Safeguards: Stored in file cabinets locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tape discs or on—line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director, Technical and Scientific Services, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552 (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Individuals. (2) Companies. (3) Corporations. (4) Firearms Licensees. (5) Firearms Permittees. (6) Explosive Licensees. (7) Explosive Permittees. (8) Bureau personnel. (9) Federal law enforcement agencies. (10) State law enforcement agencies. (11) Local law enforcement agencies. (12) Foreign law enforcement agencies. (13) Federal Regulatory agencies. (14) State Regulatory agencies. (15) Local Regulatory agencies. (16) Non—Bureau Chemists.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

APPENDIX E—1

(List of geographically dispersed offices referred to in the "Location" sections of each system of records)

Regional Offices

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, Room 620 H, New York, New York 10048.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 300, 2 Penn Center, Philadelphia, Pennsylvania 19102.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 6503, 550 Main Street, Cincinnati, Ohio 45202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 1502, 230 S. Dearborn Street, Chicago, Illinois 60604.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 3835 Northeast Expressway, Atlanta, Georgia 30340.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 345, Main Tower, 1200 Main Street Dallas, Texas 75202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, 34th Floor, San Francisco, California 94105.

CRIMINAL ENFORCEMENT OFFICES

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Corner of Cambridge & New Sadbury Streets, BOSTON, MASSACHUSETTS 02203.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 32 N. Winooski Avenue, BURLINGTON, VERMONT 05401.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 323, 55 Pleasant Street, CONCORD, NEW HAMPSHIRE 03301.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 450 Main Street, HARTFORD, CONNECTICUT 06101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 205 Whitney Avenue, NEW HAVEN, CONNECTICUT 06511.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, 156 Federal Street, PORTLAND, MAINE 04112.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Howard Building, 10 Dorrance, PROVIDENCE, RHODE ISLAND 02903.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 346, SPRINGFIELD, MASSACHUSETTS 01103.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 212, 595 Main Street, WORCESTER, MASSACHUSETTS 01601.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 120 Church Street Station, NEW YORK, NEW YORK 10008.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 521, 111 W Huron Street, BUFFALO, NEW YORK 14202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 271 Cadman Plaza E, BROOKLYN, NEW YORK 11202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 114 Old Country Road, MINEOLA, NEW YORK 11501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building—Suite 411, Broadway and Clinton Avenue, ALBANY, NEW YORK 12201.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 208, Brinkerhoff & Maragaret Street, PLATTSBURGH, NEW YORK 12901.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 95 Church Street, WHITE PLAINS, NEW YORK 10601.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse and Federal Bldg., 100 S. Clinton St., SYRACUSE, NEW YORK 13202.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 204, 701 W Broad Street, FALLS CHURCH, VIRGINIA 22046.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 825, 31 Hopkins Plaza, BALTIMORE, MARYLAND 21201.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 9th & King Streets, WILMINGTON, DELAWARE 19801.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 20 S Cameron Street, WINCHESTER, VIRGINIA 22601.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2401 Morris Avenue, UNION, NEW JERSEY 07083.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Reutter Building, 3rd Floor, 840 Cooper Street, CAMDEN, NEW JERSEY 08102.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 209, TRENTON, NEW JERSEY 08608.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs House, Second & Chestnut Streets, PHILADELPHIA, PENNSYLVANIA 19106.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Ansley Building, 1260 Old Easton Road, DOYLESTOWN, PENNSYLVANIA 18901.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 620, 228 Walnut Street, HARRISBURG, PENNSYLVANIA 17108.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Berks Title Building, Room 316, 6th & Washington Streets, READING, PENNSYLVANIA 19602.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, Room 104, Perry Square, ERIE, PENNSYLVANIA 16501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 2104, 100 Liberty Avenue, PITTSBURGH, PENNSYLVANIA 15222.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 400 N 8th Street, RICHMOND, VIRGINIA 23219.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 301, 700 Main Street, DANVILLE, VIRGINIA 24541.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 110 Piedmont Street, BRISTOL, VIRGINIA 24201.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 215, E Market Street, CHARLOTTESVILLE, VIRGINIA 22901.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Tarkington Building, Room 203, 2600 Memorial Avenue, LYNCHBURG, VIRGINIA 24501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Bank of Virginia Building, Room 210, 870 N Military Circle, NORFOLK, VIRGINIA 23502.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Atlantic Building, 3517 Brandon Avenue, ROANOKE, VIRGINIA 24018.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 304, 5th & Walnut Streets, CINCINNATI, OHIO 45202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 3414, 500 Quarrier Street, CHARLESTON, WEST VIRGINIA 25301.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room B—303, BLUEFIELD, WEST VIRGINIA 24701.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Prichard Building, Rooms 423—424, Corner of 9th Street and 6th Avenue, HUNTINGTON, WEST VIRGINIA 25722.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 202, 6th and Gay Streets, PORTSMOUTH, OHIO 45662.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & U.S. Courthouse, Room 427, Chaplin & 12th Streets, WHEELING, WEST VIRGINIA 26003.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 329, 1240 E 9th Street, CLEVELAND, OHIO 44199.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Court & Customs Building, Room 302, 1716 Spielbusch, TOLEDO, OHIO 43624.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 329, YOUNGSTOWN, OHIO 44501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 237, 85 Marconi Boulevard, COLUMBUS, OHIO 43215.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office & Courthouse Building, 118 W. 3rd Street, DAYTON, OHIO 45402.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 371, 241 LaFayette Street, DETROIT, MICHIGAN 48231.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 600 Church Street, FLINT, MICHIGAN 48502.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & Courthouse, Room 710, 110 Michigan NW, GRAND RAPIDS, MICHIGAN 49502.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 872—D, 600 Federal Place, LOUISVILLE, KENTUCKY 40202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Commonwealth of Kentucky Building, Room 107, 1844 Carter Street, ASHLAND, KENTUCKY 41101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 304, BOWLING GREEN, KENTUCKY 42101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 133, 101 NW 7th Street, EVANSVILLE, INDIANA 47708.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Gettle Building, Rooms 707 & 708, 803 S Calhoun Street, FORT WAYNE, INDIANA 46802.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 21, HAMMOND, INDIANA 46325.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse & Post Office Building, Room 507, INDIANAPOLIS, INDIANA 46204.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, Rooms 114—116, Barr & Limestone Streets, LEXINGTON, KENTUCKY 40501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 4, PADUCAH, KENTUCKY 42001.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Town and Country Shopping Center, Williamson Road, PIKEVILLE, KENTUCKY 41501.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 304 S Pine Street, PINEVILLE, KENTUCKY 40977.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Security Building, Room 120, 207 W Mt. Vernon Street, SOMERSET, KENTUCKY 42501.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2625 Butterfield Road, OAKBROOK, ILLINOIS 60521.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 35 E Wacker Drive, Room 1012, CHICAGO, ILLINOIS 60601.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 600 E Monroe, Room 213, SPRINGFIELD, ILLINOIS 62705.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 100 Northeast Building, Room 402, PEORIA, ILLINOIS 61601.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1705 Second Avenue, Cleveland Building, Room 424, ROCK ISLAND, ILLINOIS 61201.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 941 U.S. Courthouse, 811 Grand Avenue, KANSAS CITY, MISSOURI 64102.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office, Room 209, CEDAR RAPIDS, IOWA 52406.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building, Room 527, 1210 Walnut Street, DES MOINES, IOWA 50309.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building, 215 N 17th Avenue, OMAHA, NEBRASKA 68101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Graham Building, Room 10, 211 W Broadway, WICHITA, KANSAS 67201.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 309 N Jefferson Street, Room 205, SPRINGFIELD, MISSOURI 65806.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1114 Market Street, Room 615, ST. LOUIS, MISSOURI 63101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 339 Broadqay, CAPE GIRARDEAU, MISSOURI 63701.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 160, 316 N Robert Street, ST. PAUL, MINNESOTA 55101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 596, 517 E Wisconsin Street, MILWAUKEE, WISCONSIN 53202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 653 2nd Avenue N, FARGO, NORTH DAKOTA 58102.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & U.S. Courthouse, 110 S 4th Street, MINNEAPOLIS, MINNESOTA 55401.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Mellgren Building, 520 Kansas City Street, RAPID CITY, SOUTH DAKOTA 57701.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 218 W 13th Street, SIOUX FALLS, SOUTH DAKOTA 57102.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 200, 106 E Doty Street, MADISON, WISCONSIN 53703.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1 West Court Square, C&S Bank Building, Suite 265, DECATUR, GEORGIA 30030.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 355 E Hancock Street, Room 230, ATHENS, GEORGIA 30601.

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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 207, 816 Walker Street, AUGUSTA, GEORGIA 30903.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Jackson Building, 1509 4th Avenue, COLUMBUS, GEORGIA 31902.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 124 South Main Street, CORNELIA, GEORGIA 30531.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Bldg. & Courthouse E, 121 Spring Street SE, GAINESVILLE, GEORGIA 30501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 229, 451 College Street, MACON, GEORGIA 31201.
Resident Agent in Chargé, Bureau of Alcohol, Tobacco and Firearms, Executive Court, Room 211, 5105 Paulsen Street, SAVANNAH, GEORGIA 31406.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 255, 401 N Patterson Street, VALDOSTA, GEORGIA 31601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms (Airborne), 3835 Northeast Expressway, ATLANTA, GEORGIA 30340.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 704 Jane Street, WAYCROSS, GEORGIA 31501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Charter Oak Building, 405 N Jackson Street, ALBANY, GEORGIA 31705.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 613 Belleview Avenue, DUBLIN, GEORGIA 31021.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Executive Park Building A, Office No. 5, N Main Street, SWAINSBORO, GEORGIA 30401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms. Federal Office Building, Room 210, 18 Greenville Street, NEWMAN, GEORGIA 30263.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 342, 600 E 1st Street, ROME, GEORGIA 30161.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2121 Building, Room 1025, 2121 8th Avenue, BIRMINGHAM, ALABAMA 35203.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 110, ANNISTON, ALABAMA 36201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Foster Park N, Suite 3, 313 N Foster Street, DOTHAN, ALABAMA 36301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, McDonough Building, Suite 215, 770 McDonough Boulevard, MONTGOMERY, ALABAMA 36104.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 210 Seminary Street, P.O. Building, Room 307, FLORENCE, ALABAMA 35630.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Clinton Building, Room 103, 2109 W Clinton Avenue, HUNTSVILLE, ALABAMA 35805.
Residents Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 1009, 109 St. Joseph Street, MOBILE, ALABAMA 36602.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 605 Second Avenue, Suite 125, OPELIKA, ALABAMA 36801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Office Center Building, Highway No. 5 South, HALEYVILLE, ALABAMA 35565.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1118 Greensboro Avenue, U.S. Courthouse & Federal Building, Room 133, TUSCALOOSA, ALABAMA 35401.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Suite 504, 5821 Park Road, CHARLOTTE, NORTH CAROLINA 28209.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Rooms 8—10, Otis and Post Streets, ASHEVILLE, NORTH CAROLINA 28801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 15, West Broad Street, DUNN, NORTH CAROLINA 28334.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room G—16, 207 W Main Street, WILKESBORO, NORTH CAROLINA 28697.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 895 Peters Creek Parkway, Rooms 201—203, WINSTON—SALEM, NORTH CAROLINA 27103.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Federal Building, Room 310, Main Avenue Place SW, HICKORY, NORTH CAROLINA 28601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Rowan Building, 103 Corriher Avenue, SALISBURY, NORTH CAROLINA 28144.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Browning Building, 3905 Orleander Drive, WILMINGTON, NORTH CAROLINA 28401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 313, 413 Middle Street, NEW BERN, NORTH CAROLINA 28560.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office and Federal Building, Rooms 230—234, Green & Mason Streets, FAYETTEVILLE, NORTH CAROLINA 28301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Manning Building, Room 8, 115 E Main Street, WILLIAMSTON, NORTH CAROLINA 27892.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 321 Falls Road, ROCKY MOUNT, NORTH CAROLINA 27801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Rooms 211 & 215, Mulberry & Johns Streets, GOLDSBORO, NORTH CAROLINA 27530.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Post Office Building, Room 644, 310 New Bern Avenue, RALEIGH, NORTH CAROLINA 27611.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 804 W Ehringhaus Street, Rooms 2C & 2F, ELIZABETH CITY, NORTH CAROLINA 27909.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 501, 901 Sumter Street, COLUMBIA, SOUTH CAROLINA 29201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1700 Highway 171, Suite C, Northbridge Shopping Center, CHARLESTON, SOUTH CAROLINA 29407.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 231 S Warley Street, FLORENCE, SOUTH CAROLINA 29501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & Courthouse, Rooms 240—242, 300 E Washington Street, GREENVILLE, SOUTH CAROLINA 29603.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 301 Building, Room 506, 301 N Lamar Street, JACKSON, MISSISSIPPI 39202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 801 Security S&L Building, 2301 14th Street, GULFPORT, MISSISSIPPI 39501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Ellison Building, 106 Court Square, LEXINGTON, MISSISSIPPI 39095.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1414 23rd Avenue, MERIDIAN, MISSISSIPPI 39301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Commerce & James Streets, ABERDEEN, MISSISSIPPI 39730.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 137, 911 Jackson Avenue, OXFORD, MISSISSIPPI 38655.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 888, 400 W Bay Street, JACKSONVILLE, FLORIDA 32202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 110 U.S. Post Office Bldg. & Courthouse, MARIANNA, FLORIDA 32446.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office & Courthouse, Rooms 8—17, Palafax Street, PENSACOLA, FLORIDA 32593.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, 551 SW First Avenue, MIAMI, FLORIDA 33130.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Bradshaw Building, Suite 201, 14 E Washington Street, ORLANDO, FLORIDA 32801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Barnett Bank Building, Room 810, 1000 N Ashley Street, TAMPA, FLORIDA 33602.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 4004 Hillsboro Road, Room 210, NASHVILLE, TENNESSEE 37215.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Franklin Building, Suite 315, E. Gate Center, CHATTANOOGA, TENNESSEE 37411.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Suite 210, 502 N Garden Street, COLUMBIA, TENNESSEE 38401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 410 E Spring Street, COOKEVILLE, TENNESSEE 38501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Snapps Ferry Road AT, Sparta Street, GREENEVILLE, TENNESSEE 37743.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 109 S Highland, JACKSON, TENNESSEE 38301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Parkway Building, Room 100, 1212 Pierce Parkway, KNOXVILLE, TENNESSEE 37921.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 167 N Main Street, Room 22, MEMPHIS, TENNESSEE 38103.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 3 Corporate Square Building—Suite 260, 3910 Kirby Drive, HOUSTON, TEXAS 77027.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 300 E. 8th Street, AUSTIN, TEXAS 76010.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Koger Building, 444 Executive Center Boulevard, EL PASO, TEXAS 79902.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 111, 10 E. Elizabeth St., BROWNSVILLE, TEXAS 78520.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building—Room A—405, 727 E Durango Street, SAN ANTONIO, TEXAS 78206.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 12 C52, 1100 Commerce Street, DALLAS, TEXAS 75202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 110 E Houston, TYLER, TEXAS 75701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Old Federal Building—Room 3008, 517 Gold Avenue SW, ALBUQUERQUE, NEW MEXICO 87111.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 625, 1205 Texas Avenue, LUBBOCK, TEXAS 79401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building—Room 11001, 819 Taylor Street, FORT WORTH, TEXAS 76102.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 301, 546 Carondelet Street, NEW ORLEANS, LOUISIANA 70130.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 278, FORT SMITH, ARIZONA 72901.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office, Room 213, TEXARKANA, ARIZONA 75502
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building—Room 3409, 700 W Capitol, LITTLE ROCK, ARKANSAS 72203.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 8 A 15 500 Fannin Street, SHREVEPORT, LOUISIANA 71162.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 50 Penn Place, Suite 810, 50th & N Pennsylvania, OKLAHOMA CITY, OKLAHOMA 73118.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, J.C. O'Mahoney Federal Center, 2120 Capitol Avenue, CHEYENNE, WYOMING 82001.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 6042, 1961 Stout Street, DENVER, COLORADO 80202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 131, MUSKOGEE, OKLAHOMA 74401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Page Belcher Federal Building, Suite 4520, 333 W 4th Street, TULSA, OKLAHOMA 74101.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 4354, 300 N Los Angeles Street, LOS ANGELES, CALIFORNIA 90012.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Financial Plaza, 500 Esplanade Drive, OXNARD, CALIFORNIA 93030.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2721 North Central, Suite 910, PHOENIX, ARIZONA 85004.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Rm. 202, 610 A Street, SAN DIEGO, CALIFORNIA 92101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 912, 34 Civic Center Plaza, SANTA ANA, CALIFORNIA 92701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 101, 390 W 5th Street, SAN BERNARDINO, CALIFORNIA 92402.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 301 W Congress Street, TUCSON, ARIZONA 85702.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Rm 2s11, 6230 Van Nuys Blvd., VAN NUYS, CALIFORNIA 91408.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, Room 2540, SAN FRANCISCO, CALIFORNIA 94105.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 930 Truxtun Avenue, Room 207, BAKERSFIELD, CALIFORNIA 93310.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 5019, 1130 O Street, FRESNO, CALIFORNIA 93721.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 300 Las Vegas Blvd., Room 4627, LAS VEGAS, NEVADA 89101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1515 Clay Street, Room 906, OAKLAND, CALIFORNIA 94612
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1716 Court Street, REDDING, CALIFORNIA 96001.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 300 Booth Street, Room 4055, RENO, NEVADA 89502.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 131, Gish Road E, SAN JOSE, CALIFORNIA 95112.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 3508, 650 Capitol Mall, SACRAMENTO, CALIFORNIA 95814.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 350 S. Main Street, Room 409, SALT LAKE CITY, UTAH 84110.
Special Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Federal Building, Room 818, 915 Second Avenue, SEATTLE, WASHINGTON 98174.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office, Room G-19, ANCHORAGE, ALASKA 99501.
Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, U.S. Courthouse and Federal Building, Room 487, 550 W Fort Street, BOISE, IDAHO 83724.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, W. 6th & Park Streets, Room 323, HELENA, MONTANA 59601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse & Federal Building, Room 230, 211 E Seventh Avenue, EUGENE, OREGON 97401.

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Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Crown Plaza Building, Room 820, 1500 S.W. First Avenue, PORTLAND, OREGON 97207.
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Treasury/BEP 00.002

System name: Civilian Employee Claim File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Civilian officers and employees of the Bureau of Engraving & Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

Categories of records in the system: Contains investigative and adjudication documents relative to personal property damage claim.

Authority for maintenance of the system: Military Personnel and Civilian Employees' Claims Act of 1964, Public Law 88-558. Treasury Department Administrative Circular No. 136, Rev.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee for adjudication and settlement of claims. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: By Name.

Safeguards: Locked file cabinet—access limited to Safety Division Staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individuals having claim for damage to or loss of personal property.

Treasury/BEP 00.003

System name: Continuation of Pay Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees, incurring work connected injuries or illnesses and making claim for continuation of pay.

Categories of records in the system: Memoranda from Safety Manager authorizing Office of Financial Management to continue employee's pay up to 45 days.

Authority for maintenance of the system: Federal Employee Compensation Act as amended; Treasury Department Personnel Bulletin 74—73

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division & Office of Financial Management and Treasury Department to initiate statistical records for continuation of pay cases and costs. Used to document and authorize continuation of pay. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: Name

Safeguards: Locked file cabinet, access limited to Safety Manager and Compensation Claims Staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14 & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee and Safety Division reports and recommendations.

Treasury/BEP 00.005

System name: Compensation Claims—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees incurring work connected injuries or illnesses, necessitating absence, making claim under Compensation Act.

Categories of records in the system: All pertinent documentation, including investigative reports, forms, etc. relative to work—connected injuries of employees.

Authority for maintenance of the system: Federal Employees Compensation Act, as amended—Public Law 93—416.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Compensation Claims staff (Safety Division) and Department of Labor to initiate, adjudicate and maintain status of employees who may or have initiated claims for continuation of pay and compensation. For additional uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and card file.

Retrievability: Name and claim no.

Safeguards: Locked file cabinets; access limited to Safety Manager and Compensation Claims staff.

Retention and disposal: Retained five years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C St., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee's Health Unit Daily Report, Notification of Public Health Service Recommendation and information provided by employee.

Treasury/BEP 00.004

System name: Counseling Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees whose actions or conduct warrants counseling.

Categories of records in the system: Contains correspondence relative to counseling information and follow-up reports.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for counseling of individual employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in file cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for one year and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Divison Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee.

Treasury/BEP 00.006

System name: Debt Files (Employees)—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees on whom debt complaints are received.

Categories of records in the system: Contains employee's name, complaint information, court judgements, counseling efforts, receipts, and final disposition of complaint.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for employee counseling, credit reference, and disposition of complaint. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for two years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts,. SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

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Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee, Complaintants, and Court Judgements.

Treasury/BEP 00.007

System name: Departmental Integrated Personal Services System (DIPS)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees of the Bureau of Engraving & Printing.

Categories of records in the system: The Department Integrated Personal System (DIPS) is an automated data system which contains both personal and financial information relating to an employee during his employment with the Bureau of Engraving & Printing. It includes historical and cumulative data concerning such items as; education, work history, training pay rates, pay adjustments, health benefits, tax information, withholdings, allotments, leave data, time and attendance, retirement information, salary, residence, veterans preference, status, savings bonds, cost center, social security number or other functional category.

Authority for maintenance of the system: Treasury Department memorandum dated January 10, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel in both Office of Industrial Relations and Office of Financial Management for activities related to; Manpower Planning and Forecasting, Statistical Reporting, Payroll Preparation, Personnel Action Changes, creation of tapes for issuance of pay checks, deductions and other withholdings, earnings statements, preparation of savings bonds, income tax withholding data submitted to applicable states and other similar types of reporting activities. Records may also be used or reviewed by other government agencies such as Civil Service Commission and General Accounting Office in connection with inspections, appeals or for audit purposes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored on tabulating cards, computer tape and magnetic disks.

Retrievability: By Name, Date, Employee Number, category of information listed within Category of Record shown above.

Safeguards: Raw data files are maintained in locked files in both Office of Industrial Relations & Office of Financial Management. Tape & disk information is accessible only through specific computer programs.

Retention and disposal: Retention periods and disposal guidelines for these records have not yet been officially determined.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Bureau of Engraving & Printing Employees, Official Personnel Files, Payroll & Financial Records.

Treasury/BEP 00.008

System name: Emergency Contact Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Employees of Product Control Division

Categories of records in the system: Record contains Name, Address and Designation of person to be contacted in case of emergency.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Product Control Division personnel for notification of designated person in case of emergency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Quality Control Branch personnel; Kept in metal file cabinets.

Retention and disposal: Record maintained during employee's tenure with the Quality Control Branch. Destroyed after employee's separation by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Infomation.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Product Control Division employees.

Treasury/BEP 00.009

System name: Employee Arrest Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing employees who have been arrested.

Categories of records in the system: Telephone conversation memo for file regarding arrest information supplied by Office of Security.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel as background material for possible discipline or adverse action. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained until conviction, acquittal or other disposition and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Office of Security and police records.

Treasury/BEP 00.012

System name: Employee Index File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Supply Branch Employees.

Categories of records in the system: Record contains employee name, address, phone number, social security number, cost center number, position, grade, and date of employment.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Supply Branch personnel to notify designated person in case of emergency or when employee is absent. Also used as Office reference file to provide information for other Bureau components upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 Cards.

Retrievability: Indexed by name.

Safeguards: Kept on clerical supervisors desk, access limited to Supply Branch personnel.

Retention and disposal: Record retained for two years following departure of employee from Branch, then destroyed by shredding.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supply Branch Employees.

Treasury/BEP 00.013

System name: Employee Locator Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees of the Bureau of Engraving & Printing.

Categories of records in the system: The system provides current information for the Treasury telephone directory. It also provides employee information data which is needed to locate employees in case of emergency.

Authority for maintenance of the system: The Department of the Treasury, Office of Administrative Programs, Telecommunications Circular No. 21—June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Telephone Services Unit to locate employees within the Bureau of Engraving & Printing. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name of employee.

Safeguards: Access limited to Telephone Services Unit personnel; maintained in locked cabinet.

Retention and disposal: Record maintained during employees tenure with the Bureau and then destroyed.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Bureau of Engraving & Printing Employees.

Treasury/BEP 00.014

System name: Employee's Daily Production Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Craft and noncraft employees (bookbinders, examiners, verifiers, exchangers, note packaging workers, counters and assemblers).

Categories of records in the system: Contains Employee Name, Date, Hours, Shift and record of Daily Production.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Examining Division personnel for evaluation of employee's level of productivity. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and production books.

Retrievability: Indexed by Name and Date.

Safeguards: Maintained in locked cabinets; access is limited to Examining Division personnel.

Retention and disposal: Retained five years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Securities Processing, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information furnished by employee at end of shift.

Treasury/BEP 00.016

System name: Employee Suggestions—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees submitting suggestions under the incentive award program.

Categories of records in the system: Contains employee's suggestion, reviewer evaluation and final disposition information.

Authority for maintenance of the system: Title 5, United States Code, 4502 (c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel and other management personnel for system improvements, cost saving ideas, determination of employee awards and other reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in File Folders.

Retrievability: Indexed by Name.

Safeguards: Maintained in locked file cabinets; access limited to Employee Relations Branch personnel and employee's Supervisor.

Retention and disposal: Retained for three years following date of submission and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Employee Supervisor and review committee.

Treasury/BEP 00.040

System name: Freedom of Information Requests—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 C.F.R. Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

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Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts. , SW., Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., S.W., Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/BEP 00.018

System name: Guard Uniform Control Account—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All uniformed guard force personnel of the Bureau of Engraving and Printing.

Categories of records in the system: Record contains the guard's name, badge number, rank, employment anniversary date, current inventory of guard's uniform, history of uniform issuance, activity and current dollar balance of guard's uniform allowance.

Authority for maintenance of the system: Federal Uniform Allowance Act, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Chief, Office of Security and Head, Protective Service Branch to monitor and control guard annual uniform allowance, maintain a current inventory of guard uniforms, plan required stock levels and changes in authorized uniform issues. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 x 10 1/2 Ledger sheets in a notebook.

Retrievability: Alphabetical by guard's name.

Safeguards: Access limited to Chief, Office of Security, Head, Protective Services Branch, and the Uniform Control Clerk. Maintained in a locked file cabinet.

Retention and disposal: This is a new system and no retention period has yet been established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Guard Force Personnel of Bureau of Engraving and Printing.

Treasury/BEP 00.019

System name: Identification Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Visitors to the Bureau, Contractor & Service Company Employees (Incumbent & Separated).

Categories of records in the system: Category: Request for Issuance of Badge or Pass, Badge and Pass Photograph, Employee Identification Badge or Pass, Employee Identification Badge and Pass Record Card, Control Record for Issuance of Badges & Passes, Record of Lost Badges, Record of Funds Collected for Issuance of Badges or Passes and receipts for funds released to appropriate authority, Record of Destruction of Badges and Passes, Type of Information: The following information is retained as it applies to each individual issued a Pass and/or Badge in the present system: Name, Date of Birth, Physical Description, Work area assignment, Name of Firm or Government Agency, Requesting Data for Pass/Badge, Signatures of persons receipting for Passes and Badges, Badge and Pass Numbers, Date of Issue, to whom issued and area or firm, Dates and method of destruction, Date, place and circumstance of loss of Pass/Badges.

Authority for maintenance of the system: Executive Order 11652 and implementing Treasury and Bureau regulations and 31 United States Code, Section 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Bureau of Engraving and Printing management officials, Bureau of Engraving and Printing security personnel, Federal, State, and local law enforcement or investigative agencies. For additional routine uses see Appendix AA. Purpose of Each Use: Identification of personnel, Determine status of personnel, Limit access of personnel to specified Bureau security areas, Control access to the Bureau.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledgers, Cards, File Folders, Loose Leaf Binders, Envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.020

System name: Industrial Truck Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate self—propelled material and/or machinery handling equipment.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division staff personnel to validate employee operational authority and determine renewal dates. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and Card file.

Retrievability: By Name.

Safeguards: Locked file cabinet, access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.042

System name: Informal EEO Complaint Processing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who register informal EEO complaints.

Categories of records in the system: Contains information and data developed through counseling sessions and appropriate inquiries.

Authority for maintenance of the system: U.S. Civil Service Commission Regulations; Section 713 Treasury Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to inform complainants of the results of the counselor's inquiries. Also used to provide EEO Complaint Investigator with historical background data on cases which could not be resolved on an informal basis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in combination lock safe. Access limited to EEO Specialists and Counselors.

Retention and disposal: Retained up to ten years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual complainants and other employees and supervisors necessary to make an appropriate inquiry.

Treasury/BEP 00.021

System name: Investigative Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, Non—Bureau Correspondents, Contractor & Service Company Employees (Incumbent and Separated).

Categories of records in the system: Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Food Coupon Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Record, Crank Letters, Security Files Reference Record, Employee Indebtedness Record, Type of Information: Character references, Guard force reports, Previous employment verifications, Newspaper articles, Social Security Numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Civil Service Commission, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, i.e. summons, subpoenas, warrants, etc., Personnel security case numbers, dates case opened and closed, and recommendations, Certificate of Security clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources, and assorted documents, Tape recorded testimony, Type of Information: Bureau investigation reports, Information supplied by law enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, Other pertinent governmental records, Education records and information, Date of Birth and physical description of individual in the files.

Authority for maintenance of the system: Executive Order 10450 and implementing Treasury and Bureau regulation and 31 U.S.C. 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Office of Security and staff, Bureau of Engraving & Printing management officials, Federal, state, county, and city law enforcement agencies, Investigatory Government agencies, other Governmental agencies requesting information, Contractor plant management officials. Purpose of Each Use: Determine employment suitability from a security point of view, Data for bi—weekly & quarterly reports, Means of identifying employees and employee misconduct and criminal activities and their actions affecting security suitability, Social Security numbers as a means of identification, Recommendations for disciplinary action to include dismissal from the Bureau, Determine employees' acceptability for assignment to security areas/duties from a security standpoint, Grant access to the Bureau, Develop Bureau policies and procedures, Determine patterns of employee behavior regarding misconduct, debts, illegal activities, etc., Develop investigative leads, Compile lists of suspects, Maintain numerical record of cases received during year, Maintain record of visitors to Bureau, Determine prospective firms suitability to conduct business with the Bureau, Evidence in legal cases and other judicial and non—judicial actions, Grant security clearances, Determine non—Bureau employee suitability to work on Bureau premises and/or products. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose Leaf Binders, Ledger, Recording Tape.

Retrievability: Numerically by case number and year, Alphabetically by name and social security number, Alphabetically by company name.

Safeguards: Access is limited to Office of Security staff and maintained in locked file cabinets.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Proposed exempt system.

Record access procedures: Proposed exempt system.

Contesting record procedures: Proposed exempt system.

Record source categories: Proposed exempt system.

Systems exempted from certain provisions of the act: System exempted from certain provisions of the Act. Notice of proposed exemption from 5 U.S.C. 552a (j) and/or (k) elsewhere in the Federal Register.

Treasury/BEP 00.022

System name: Monthly Equal Employment Opportunity Activity Report—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Minority and female employees receiving significant appointments and promotions.

Categories of records in the system: Name and Position of Promotion or Appointment.

Authority for maintenance of the system: Affirmative Action Plan for Fiscal Year 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Bureau Equal Employment Opportunity Staff to inform the Director, Office of Equal Employment Opportunity Program, Department of the Treasury, of the monthly progress of minority and female employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Cross referenced by month and employee's name.

Safeguards: Access is limited to Bureau Equal Employment Opportunity Staff and is maintained in locked combination safe.

Retention and disposal: Retained 5 years and then destroyed by incineration.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

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Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Personnel Action Records maintained by Supervisor.

Treasury/BEP 00.023

System name: Motor Vehicle Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate passenger vehicles, trucks, and/or vans for Bureau business.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating passenger and/or truck vehicles.

Authority for maintenance of the system: United States Civil Service Commission Regulations 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division and/or Security Staff, District of Columbia or State Enforcement Authorities to validate employee operational authority. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder and card file.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.043

System name: Parking Program Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau, Non-Bureau personnel.

Categories of records in the system: Parking space applicant information—shows applicant's name and address, vehicle model and year, vehicle license number, work hours, work component, home and work telephone number.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on all parking permit applicants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 card file and lettersize file folders.

Retrievability: Alphabetically by applicant and parking space number.

Safeguards: Access is limited to Office of Security staff and maintained in locked office.

Retention and disposal: Retention period and disposal instructions have not been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Parking permit applicants.

Treasury/BEP 00.024

System name: Payroll Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Current Pay and Cumulative Pay—Record consists of all payroll transactions affecting the employee's pay checks, e.g., withholdings, allotments, net check, cumulative year—to—date total.

Authority for maintenance of the system: Federal Personnel Manual and various Federal, State and Local regulatory agencies 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel to create the pay tape for the disbursing officer for routine payroll. Also used to produce the bi-weekly, quarterly and annual employee earnings statement which enables the employee to verify his or her record. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch Card.

Retrievability: By Social Security Number.

Safeguards: Records are maintained in locked files in locked area. Access limited to Payroll personnel.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, allotment authorizations, withholding statements or related financial information.

Treasury/BEP 00.025

System name: Payroll Statistical Data—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees.

Categories of records in the system: Payroll History—Record consists of all required payroll information including leave data, time and attendance history, allotment information, retirement information, and required pay status information.

Authority for maintenance of the system: Federal Personnel Manual and various regulatory bodies. 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel for routine payroll reporting to Bureau financial and personnel record—keeping personnel; tax reporting at Federal, state and local levels, and required reports to Department of Treasury, Civil Service Commission and other Government agencies (as required by Federal directives). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch Card.

Retrievability: Social Security Number.

Safeguards: Maintained in locked files in locked area. Access limited to Payroll Personnel.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, payroll records, and related financial information.

Treasury/BEP 00.044

System name: Personnel Security Files and Indices—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employee applicants, current and former Bureau employees, contractor and service company employees.

Categories of records in the system: Investigative information related to personnel investigations conducted by the Bureau of Engraving and Printing Security office and other Federal Agencies.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used for the purpose of granting security clearances and making employment suitability determinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders/3 x 5'' Index cards.

Retrievability: Alphabetically by name.

Safeguards: Access is limited to Office of Security staff and records are maintained in locked file cabinets.

Retention and disposal: Retention periods and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual employee and information supplied by other Federal Investigative Agencies.

Treasury/BEP 00.027

System name: Personnel Movement Control Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing Employees, Official Visitors to the Bureau, Contractor & Service Company Employees.

Categories of records in the system: Record contains Name, Office, Division, Branch, Unit, Badge Number, Picture, Work Shift Code, Work Area Code, Personnel Category, Time & Location of each passage through a Security Control point.

Authority for maintenance of the system: Executive Order 11652 and implementing Treasury and Bureau regulations and 31 U.S.C. 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management and security employees for identification of personnel and for limiting access to and movement within controlled Bureau security areas. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledgers, cards, file folders, loose leaf binders, envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.028

System name: Personnel Progress & Achievement Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Management Analysts and Clerical Personnel within Management Analysis Branch.

Categories of records in the system: This record contains a history of an employee's work assignments and information relative to performance as well as information on training schools attended or other pertinent information.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisor of Management Analysis Branch to evaluate work performance of Branch employees for promotion, training and reference material for future assignments. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Filed alphabetically by employee's name.

Safeguards: Access is limited to Branch Head and kept in locked desk drawer.

Retention and disposal: Maintained for the duration of employee's assignment within the Branch. Upon termination, they are either given to the employee or destroyed.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Management Analysis Branch employees or Supervisor knowledge of employee.

Treasury/BEP 00.029

System name: Petition of Election—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Listing of employees eligible for inclusion within the Union bargaining for recognition.

Categories of records in the system: Alphabetical listing of eligible employees to include position title & occupational codes.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information compiled & furnished to United States Dept. of Labor, Labor—Mgmt Services Admin. in order to supervise the election; to the Dept. of Treasury to fulfill reporting requirement in Treasury Personnel Manual 711; and to the petitioning Union to verify eligibility of voters at the poll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

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Safeguards: Maintained in a locked cabinet; access limited to Labor—Mgmt. Relations staff & designated Union Representatives as required.

Retention and disposal: Retained indefinitely for reference & historical purposes.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Position Description file & Personnel Manpower file.

Treasury/BEP 00.030

System name: Project REST (Reporting Employment Statistics in Treasury), Minority Statistics—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains employee name, Social Security Number, Minority Group Identification, Sex, Occupational Series, Grade, Pay Plan, and Date of Birth.

Authority for maintenance of the system: Assistant Secretary for Administration, Department of the Treasury, Administrative Circular No. 232 (October 5, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity staff to provide Minority Group Statistical Data for evaluating the Bureau Equal Employment Opportunity responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On computer print—out.

Retrievability: By Name, Sex and Minority Group Identifier.

Safeguards: Access limited to Bureau Equal Employment Opportunity staff; maintained in locked combination safe.

Retention and disposal: Retained for three years and then destroyed by incineration.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Equal Employment Opportunity Counselors, Equal Employment Opportunity Investigators.

Treasury/BEP 00.041

System name: Record of Discrimination Complaints—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who have initiated discrimination complaints.

Categories of records in the system: Data developed as a result of inquiry by the person making the allegation of discrimination.

Authority for maintenance of the system: U.S. Civil Service Commission (Federal Personnel Manual Letter, No. 713—21).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity Complaint Investigators and Hearing Officers to provide reference data for making rulings on discrimination cases. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Complainants, Equal Employment Opportunity Staff, Equal Employment Opportunity Investigator; maintained in locked combination safe.

Retention and disposal: Maintained for 10 years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employees who have discrimination complaints.

Treasury/BEP 00.031

System name: Reemployment Information Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Former Bureau of Engraving & Printing employees.

Categories of records in the system: Information relative to reemployment rights and reemployment recommendations.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel staff for re—hiring determinations and statistical studies and reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name and year.

Safeguards: Maintained in locked file cabinet, access limited to Personnel staff.

Retention and disposal: Maintained for a period of 10 years after termination and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from supervisor as employees separate.

Treasury/BEP 00.032

System name: Retention Register—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Information on retention rights of employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 351.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In cases of reduction in force, used primarily by personnel staff to determine retention rights and also by the Civil Service Commission on inspections and for resolving appeals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on punch cards.

Retrievability: Indexed by name, retention subgroup, and competitive level.

Safeguards: Access limited to Manpower Information and Records Section, Staffing Classification and Supervisory Personnel. Maintained in locked file cabinets.

Retention and disposal: Registers are maintained until a new register replaces it. The old register is then destroyed.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Data is obtained from the Official Personnel Folder.

Treasury/BEP 00.033

System name: Roster of Bureau of Engraving & Printing Employees—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Roster of employees employed at the Bureau of Engraving & Printing (Active).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Industrial Relations personnel, auditors and Bureau managers for statistical reports, locator system and manpower forecasting. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on flexoline cards.

Retrievability: By name of employee.

Safeguards: Access limited to Office of Industrial Relations personnel, locked in standard card file.

Retention and disposal: Maintained indefinitely and changed as personnel are hired or separated.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from appointment papers and separation papers.

Treasury/BEP 00.034

System name: Time & Attendance Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains time & attendance information.

Authority for maintenance of the system: Federal Personnel Manual and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Section to compute employee payroll records and used by Supervisor & time—keeping personnel to record time & attendance information. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in tabulating card files.

Retrievability: By name.

Safeguards: Locked in Supervisor's Office; access limited to employees, Supervisor & clerical personnel in Payroll Section.

Retention and disposal: Retained for three years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee and Supervisor.

Treasury/BEP 00.035

System name: Tort Claims (Against the United States)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by the neglect or wrongful act or omission of a Bureau of Engraving & Printing employee while acting within the scope of his office or employment.

Categories of records in the system: Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

Authority for maintenance of the system: Federal Tort Claims Act, Title 28 U.S.C. 2672, Public Law 89—506, Treasury Department Circular 131.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee in conjunction with the General Counsel, Department of the Treasury for adjudication and settlement of claims. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: By name.

Safeguards: Locked file cabinet; access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual or organization's claim and/or investigative reports.

Treasury/BEP 00.036

System name: Union Dues Allotments—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who authorize or revoke Union dues allotments.

Categories of records in the system: An authorization for or revocation of voluntary union dues allotments.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Office employees to effect allotments of Union dues in accordance with voluntary determination of employee member. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of employee.

Safeguards: Maintained in locked file cabinet; access limited to personnel in the Records & Payroll Sections.

Retention and disposal: Record maintained for length of time necessary to perform payroll activities, disposed when superseded by new card or on transfer or separation of employee whichever is earlier. Destroyed by shredding.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

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Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Authorization or revocation statement originated by employee.

Treasury/BEP 00.037

System name: Union Index—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Name & Title of designated Union officials to include the President, Vice President, Secretary, Treasurer, & Stewards.

Categories of records in the system: Listing of recognized Union officials by title, bargaining unit, and jurisdiction.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management personnel for the purpose of normal conduct of established Labor-Mgmt. Relations business. Copies provided to the Treasury Dept., U.S. Dept. of Labor and the Civil Service Commission as required by Treasury Personnel Manual. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in locked file; access limited to Labor—Mgmt Relations staff & Mgmt. officials as required.

Retention and disposal: Retained for duration of recognition of the Union and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Provided by recognized unions.

Treasury/BEP 00.038

System name: Unscheduled Absence Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees who have had unscheduled absences.

Categories of records in the system: Record contains chronological documentation of unscheduled absences.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by an employee's supervisor to record the number of times an employee has an unscheduled absence. This information is used by Employee Relations Branch for statistical reports depicting frequency rate for all Bureau employees. It can also be used as a basis for counseling an employee concerning overall job performance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

Retention and disposal: These records are maintained during an employee's tenure with the Bureau and are destroyed three years after termination by shredding.

System manager(s) and address: Chief, Office of Industrial Relation, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee time & attendance record and employee's supervisor.

Treasury/BEP 00.039

System name: Work Performance Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees and former employees of the Office of Audit.

Categories of records in the system: Detailed information supporting work performance records and reports, such as performance, evaluation, training, audit assignments, audit progress reports, audit working papers and audit files.

Authority for maintenance of the system: Public Law 656, 81st Congress, Bureau of Engraving & Printing Publication No. 7, dated July 17, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Chief, Office of Audit for work performance, administrative, management, and audit purposes to evaluate promotion, training, and reference material for future assignments. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Cross referenced by name and audit number or title.

Safeguards: Area is locked after hours. In addition, there are specified locked controls in the area, depending on the importance for administrative purpose. Access limited to Audit personnel.

Retention and disposal: Retained six years three months; Destroyed by shredding.

System manager(s) and address: Chief, Office of Audit, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Developed internally from within the Office of Audit or other Offices in the Bureau of Engraving and Printing or by referral documents.

Treasury/GFO 00.001

System name: Administrative Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Bureau personnel.

Categories of records in the system: (1) Civil Defense Cards, (2) Motor Vehicle Drivers Permits, (3) Distribution List of individuals requesting various Treasury publications, (4) Motor Vehicle Accident Reports, (5) Parking Permits, (6) Treasury Credentials.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on holders of Civil Defense Cards, drivers permits, parking permits, accident reports, credentials and for servicing public on Treasury publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hardcopy.

Retrievability: By name.

Safeguards: Locked containers.

Retention and disposal: (1) Destroy upon resignation, retirement or transfer; Hold—Individual no longer assigned relocation duties. (2) Destroy 3 years from date of separation or 3 years after rescission of authorization. (3) Destroy when superseded. (4) Indefinitely. (5) Destroy when superseded. (6) Destroy upon retirement, resignation or transfer.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel.

Treasury/GFO 00.002

System name: Check issue records for regular recurring benefit payments—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Beneficiaries of Title II of the Social Security Act, (2) Beneficiaries of Title XVI of the Social Security Act, (3) Beneficiaries of the Civil Service Retirement System, (4) Beneficiaries of the Railroad Retirement System, (5) Beneficiaries of the Foreign Service Retirement System, (6) Holders of Series H Bonds (interest payment).

Categories of records in the system: Check issue records for regular recurring benefit payments showing name, check number and symbol, address, account number, payment amount, and date of issuance for each of the categories of individuals listed above.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issue verification for banking industry, Federal investigative agencies, Division of Check Claims of this bureau, and Departments and agencies for whom checks are issued, and payees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm-magnetic tape for categories of individuals 1 through 4, and category 6. Hard copy for category 5.

Retrievability: By account number.

Safeguards: Held in secure buildings.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR, Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: Vouchers certifications for check issuances by departments and agencies for whom checks are issued.

Treasury/GFO 00.003

System name: Claims and Inquiry Records on Treasury checks, U.S. currencies, and International claimants—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Payees and holders of Treasury checks, (2) Holders of mutilated currency, (3) Claimants awarded benefits under War Claims Act and International Claims Settlement Act of 1949.

Categories of records in the system: (1) Treasury check claim file: Treasury check, claim of payee with name and address, settlement action taken. (2) Mutilated currency claim file: Mutilated currency, name of bank assisting claim of individual, settlement action taken. (3) Awards for claims for losses sustained by individuals.

Authority for maintenance of the system: 5 U.S.C. 301; (1) For Treasury check claims—31 U.S.C. 71 with delegation of authority from Comptroller General of the U.S.; (2) Mutilated currency claims—31 CFR 100; (3) International claims—50 U.S.C. 2012; 22 U.S.C. 1627, 1641, 1642.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Check Claims—Information is used routinely by the Division of Check Claims and by indorsers on checks having liability, Federal and State investigative agencies, General Accounting Office, Congressional offices and media assistance offices on behalf of payee claimants. (2) Mutilated Currency Claims—Information in files is used routinely by employees of the Division of Cash Services. Information is furnished to the Internal Revenue Service for claims of 5000 dollars or more. (3) International Claims—Information in files is used by employees of the Division of Financial Management, claimants (awardees) and Foreign Claims Settlement Commission. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Claim file folders, Card checks, microfilm. (2) Correspondence files. (3) Claim file folders.

Retrievability: (1) Name of payee and check number and symbol. (2) Alpha cross-reference to case number. (3) Name of claimant or alpha reference to claim number.

Safeguards: (1) Secured building, (2) Secured building, (3) Secured files in secured building.

Retention and disposal: (1) Claim files and checks; six years nine months; Microfilm—indefinitely. (2) Seven years. (3) Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: (1) Individual payees of Treasury checks, indorsers of Treasury checks, investigative agencies, disbursing officers issuing checks, contesting claimants. (2) Individual owners of mutilated currencies, commercial banks. (3) Awards certified to Treasury for payment by Foreign Claims Settlement Commission.

Treasury/GFO 00.004

System name: Freedom of Information Requests—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

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Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Special Assistant (F.O.I.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/GFO 00.005

System name: GFO Personnel Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Penn. Ave. and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau (Separated employees—in certain cases) and applicants.

Categories of records in the system: (A) Official Personnel Folder, (B) Personnel Roster, (C) Logs of SF-52's, (D) Locator Cards, (E) Chronological Journal File, (F) Service Record Card (SF-7), (G) Correspondence File, (H) Written Verifications of Employment, (I) Roster of Retirement Eligibles, (J) Summary of Training (Card File), (K) Training Course Nominations, (L) Evaluation of Training Program, (M) Tuition Assistance Files, (N) GED Test Scores, (O) Executive Development File, (P) Position Listings, (Q) Position Descriptions with Evaluation Statements, (R) Personnel Management Evaluation Survey Reports, (S) Position Maintenance Reviews, (T) Applicant Supply File, (U) Suitability File, (V) Incentive Awards Record, (W) Request for Certification File, (X) Merit Promotion File, (Y) Exit Interview File, (Z) Performance Appraisal File, (AA) Statistical Reports—(Which Show Names) (1) Personnel Status Report, (2) Monthly Retiree Report, (3) Monthly EEO report, (4) Direct Hire Authority Report, (BB) Registers Worked File, (CC) Statements of Employment and Financial Interest.

Authority for maintenance of the system: Executive Order 10561 dated 9-13-54, Federal Personnel Manual, and Title 5 of US Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A—(1) Process Personnel Actions, (2) Verifying Service Computation Date, (3) Evaluating Qualifications for Promotion. B—(1) Compile Statistical Reports, (2) For Budget and Manpower Planning, (3) For Promotion Information, (4) Verification of Employment. C—(1) Control of Processing SF-52's, (2) Verify Receipt and Non Receipt of SF-52's. D—(1) Emergency Notifications, (2) Listing for Bureau Phone Directory, (3) Verification of Employment. E—(1) Regulatory Audits, (2) Personnel Management Evaluations, (3) Compilation of Data for Statistical Reports on Personnel Actions. F—(1) Tickler System, (2) A Comprehensive and Continuing Record of each Employee's Status, Skills, etc., (3) Control over budgeted positions both filled and vacant, (4) Cards on Separated Employees are used to verify prior employment. G—(1) Data for Statistical Reports, (2) Reference of prior actions. H—(1) Verify current or past employment. I—(1) Retirement Planning Program, (2) Projected Staffing Plans. J-K-L-M-N—(1) Record of all training—used for reference by Employment Development Specialist for planning future training as needed. O—(1) Reference by Appraisal Committee and Employee Development. P-Q—(1) Documented duties of employees for original allocated positions. R—(1) Audit and Evaluation of programs and specific positions. S—(1) Official Record of annual review of positions required by FPM. T—(1) Current Source of Recruitment. U—(1) Reconstruction of case if appealed or grieved, (2) Assure continuity in handling troubled employees, (3) Document positive efforts made to rehabilitate employees, (4) Serve as source documents for suspensions or reprimands as cases warrant. V—(1) Quarterly and Annual Reports, (2) Used as reference to assure approval of an award or amount of award consistent with regulations. W—(1) Used as statistical base for planning future recruitment activities and reports for Fiscal Year. X—(1) Reconstruction of actions if appeal is filed, (2) Assure compliance with FPM regulations. Y—(1) Annual statistical report of turnover rate and reasons for leaving, (2) Obtain feedback from supervisors on advisability of rehiring. Z—(1) To assure employee performance is at least satisfactory and/or at an acceptable level of competence. AA—(1) Maintenance of records for reporting and informational purposes. BB—(1) Maintain records of recruitment activities for staffing reports, (2) Used to assure compliance with CSC regulations. CC—(1) Used to determine conflict of interest or possible conflict of interest. DD—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy and in some instances mag-tape.

Retrievability: Alphabetically by name—also in some instances by organization, then social security number.

Safeguards: Personnel Records are locked when unattended—Access is limited to Personnel Employees, Supervisors, Promotion Panels, Investigators from CSC, etc., Top Management, and members of Fair Employment Staff.

Retention and disposal: Records are maintained and disposed of in accordance with General Services Administration Schedule.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone: 202-964-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Applicant Personnel Action Forms (SF-50), SF-171 (Completed by applicant), Payroll Actions References, Educational Institutions, etc.

Treasury/GFO 00.006

System name: Identification files on individuals cashing Treasury checks at the U.S. Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All individuals not employed by the Treasury Department cashing Treasury checks.

Categories of records in the system: (1) Identifying information by name, address, date of birth, social security number, and agency responsible for issuance of check. (2) Film records with picture and other identification.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identification for check cashing purposes. (2) Identification for check cashing purposes and for apprehension of forgers. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file in individual's handwriting; Film.

Retrievability: By name; By identification number and date.

Safeguards: Locked files; By contractor in secured building.

Retention and disposal: Indefinite.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/GFO 00.011

System name: Individual Retirement Cards, SF2806—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of the Bureau.

Categories of records in the system: Individual retirement cards maintained to record annual contribution to the Retirement Fund of each employee.

Authority for maintenance of the system: 5 U.S.C. 8707; 5 CFR 831.102

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Bureau to record annual contribution to the Retirement Fund. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card.

Retrievability: By name.

Safeguards: All persons requesting information are screened.

Retention and disposal: Retained for tenure of employment then transferred to CSC or other Government agency.

System manager(s) and address: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above or telephone him at the following number 202-964-8707. All individuals are urged to examine the rules of the U.S. Department of the Treasury concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel office.

Treasury/GFO 00.007

System name: Payroll & Pay Administration—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau & Separated Employees.

Categories of records in the system: (A) Official Payroll Folder—(1) Levy & Garnishment Records; (2) SF-1192—Savings Bond Authorization; (3) SF-1198—Allotment of Pay to Saving Account; (4) SF-1189—Payment of Wages to Financial Organization; (5) Copies of SF-50—Notification of Personnel Action; (6) Withholding Tax Exemptions; (7) Copy of Health Benefit Designation; (8) Copy of Life Insurance Forms; (9) Payroll Change Slips; (10) Combined Federal Campaign Designations; (11) Copy of SF-1150. (B) Time & Attendance Reports (TUS-430)—(1) SF-71 Request for Leave; (2) Court Leave Documents; (3) Request for Advancement of Leave. (C) Payroll Comprehensive Listing—(1) Current Payment Information; (2) Record of Leave Earned and Used; (3) All Deductions from Pay; (4) Personnel Information such as Grade, Step, Salary, Title, Date of Birth, Social Security Number, Veterans Preference, Tenure, etc. (D) Payroll Control Registers.

Authority for maintenance of the system: Title 5—Pay, Leave & Allowances.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Payroll Preparation; (B) Issuance of W-2 Forms for Tax Purposes; (C) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are stored, maintained and disposed of in accordance with General Services Administration Schedules.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974: Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: From individual Bureau employees.

Treasury/GFO 00.008

System name: Personnel Security Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees and applicants for position in the bureau.

Categories of records in the system: Results of full field investigations, national agency checks and written inquiries, and other limited investigations.

Authority for maintenance of the system: Title 5, U.S.C., Chap 73, Executive Order 10450, and Treasury Order 82.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are reviewed for purpose of granting clearances for employees to occupy nonsensitive and sensitive positions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are hard copy, filed alphabetically by name and stored in a safe cabinet secured with a combination lock. Access to the records is restricted to key personnel who have been granted clearances to occupy critical-sensitive positions. The records on employees are retained by the bu-

reau during their employment. The records on applicants not selected and separated employees are returned to the investigating agency.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone 202-964-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the System Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Sources are applicants, employers, former employers, references, fellow workers, neighbors, educational authorities, military records, police. and criminal records, credit records and others as required.

Treasury/GFO 00.012

System name: Precomplaint Counseling and Complaint Activities—GFO.

System location: B/GFO—U.S. Treasury Department, Treasury Annex No. 1 Madison Place & Penna. Ave., N.W. Washington, D.C. 20226.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly precomplaint activity reports from twelve Disbursing Centers and Headquarters.

Authority for maintenance of the system: 5 U.S.C. 7154; 42 U.S.C. 200e-16; E.O. 11478; and 5CFR 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on EEO Counseling activities for monthly submission to Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by station and date of receipt.

Safeguards: Staff supervision during day. Records under lock and key.

Retention and disposal: Reports destroyed at the end of four years.

System manager(s) and address: Bureau of Government Financial Operations, Treasury Annex No. 1, Madison Place & Penna. Ave., N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the PRIVACY ACT of 1974 shall be addressed to the System Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Monthly submissions by Disbursing Centers and Headquarters.

Treasury/GFO 00.009

System name: Postal Savings Deposits—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Postal Savings depositors.

Categories of records in the system: (1) Account cards of Open Deposits. (2) Paid cases from 1967. (c) Record of reissued certificates.

Authority for maintenance of the system: 39 U.S.C. 5225-5229; 31 CFR 257.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For payment by depositors, legal representatives, heirs; Internal Revenue Service Inspectors; for tax purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing system.

Retrievability: Name, account number, within Post Office, City, State, by Postal Data Center.

Safeguards: In secured filing system. Accessible only to office personnel.

Retention and disposal: Closed cases; disposed after payment (10 yrs). Open accounts; indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: Records received from the Post Office Department.

Treasury/GFO 00.010

System name: Records of Accountable Officers' authority with Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Disbursing Officers; (2) Certifying Officers; (3) Agent Cashiers; (4) Designated Agents.

Categories of records in the system: Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Banking institutions, Federal Reserve Banks, Government agencies and other bureaus and offices of the Treasury Department for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card files.

Retrievability: By name.

Safeguards: Held in secured buildings. Disbursing Officers file is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1,

Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/Mint 00.001

System name: Applicant and Information Forms for Great Plaza Parking Permits—Treasury/Mint.

System location: Administrative Services Division, Warner Building, Room 906, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Mint Federal employees.

Categories of records in the system: (a) Applicant's name; home address; home and office telephone numbers; place of employment; social security number; years of Federal service; make, model, year and license number of automobile.

Authority for maintenance of the system: Federal Property Management Regulations—Temporary Regulations D-47. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses: To determine parking entitlement. (b) Categories of users: Appropriate agency and General Services Administration officials. (c) Purpose of use: Fair determination of parking permit entitlement. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By applicant's name.

Safeguards: Combination safe file accessible by authorized personnel only.

Retention and disposal: Applications are maintained one year and then destroyed by shredding.

System manager(s) and address: Chief, Administrative Services Division, Bureau of the Mint, Warner Building, Room 906, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager for address to which inquiries may be directed or address at which the individual may present a request as to whether a system contains records pertaining to himself. The individual must supply name.

Record access procedures: See System Manager for information on procedures for gaining access to and contesting records.

Contesting record procedures: See access above.

Record source categories: Information voluntarily provided by applicant.

Treasury/Mint 00.002

System name: Applicants for selection for the current Annual Assay Commission, and members of former Commissions.—Treasury/Mint.

System location: Treasury Building, Office of the Director of the Mint, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220. Warner Building, 501 13th St., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of public seeking appointment by President to Assay Commission and their sponsors or endorsers, and members of former Commissions.

Categories of records in the system: Biographies of candidates and correspondence with applicants, sponsors and endorsers.

Authority for maintenance of the system: 31 U.S.C. 363.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to screen applicants for Presidential selection and to determine whether applicants had previously served on Assay Commission. (b) Used by appropriate agency officials and other Federal officials responsible for processing selection. (c) Used to select a committee to test the nation's coinage. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Accessible only to appropriate agency and other Federal officials. Secured Files.

Retention and disposal: Retained permanently.

System manager(s) and address: Administrative Assistant to the Director, Treasury Building, Room 2064, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as listed under System Manager. Individuals are required to furnish name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Information submitted voluntarily by general public and Congressional or other endorsers and sponsors.

Treasury/Mint 00.003

System name: Cash Receivable Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint and the general public who have: (a) Served on jury duty when employed by the Bureau of the Mint. (b) Paid for lost government property belonging to the Mint. (c) Purchased numismatic items from Mint sales outlets.

Categories of records in the system: (1) Cash received from Mint employees who have served on jury duty or received witness fees. (2) Cash received from Mint employees and general public for lost government property, assay sample work and cash sales of over-the-counter numismatic items.

Authority for maintenance of the system: 5 USC 5537 (Fees for jury service); 31 USC 369 (Sale of numismatic items).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: to record cash payment made to the Mint by employees, former employees and general public for services, lost government property and jury and witness fees. (B) Categories of Users: accounting office, managers and supervisors and government officials. (C) Purpose of Use—to account for cash receivables. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General records control schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th & Pa. Ave., N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall. Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office,

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reau during their employment. The records on applicants not selected and separated employees are returned to the investigating agency.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone 202-964-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the System Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Sources are applicants, employers, former employers, references, fellow workers, neighbors, educational authorities, military records, police and criminal records, credit records and others as required.

Treasury/GFO 00.012

System name: Precomplaint Counseling and Complaint Activities—GFO.

System location: B/GFO—U.S. Treasury Department, Treasury Annex No. 1 Madison Place & Penna. Ave., N.W. Washington, D.C. 20226.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly precomplaint activity reports from twelve Disbursing Centers and Headquarters.

Authority for maintenance of the system: 5 U.S.C. 7154; 42 U.S.C. 200e-16; E.O. 11478; and 5CFR 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on EEO Counseling activities for monthly submission to Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by station and date of receipt.

Safeguards: Staff supervision during day. Records under lock and key.

Retention and disposal: Reports destroyed at the end of four years.

System manager(s) and address: Bureau of Government Financial Operations, Treasury Annex No. 1, Madison Place & Penna. Ave., N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the PRIVACY ACT of 1974 shall be addressed to the System Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Monthly submissions by Disbursing Centers and Headquarters.

Treasury/GFO 00.009

System name: Postal Savings Deposits—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Postal Savings depositors.

Categories of records in the system: (1) Account cards of Open Deposits. (2) Paid cases from 1967. (c) Record of reissued certificates.

Authority for maintenance of the system: 39 U.S.C. 5225-5229; 31 CFR 257.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For payment by depositors, legal representatives, heirs; Internal Revenue Service Inspectors; for tax purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing system.

Retrievability: Name, account number, within Post Office, City, State, by Postal Data Center.

Safeguards: In secured filing system. Accessible only to office personnel.

Retention and disposal: Closed cases; disposed after payment (10 yrs). Open accounts; indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: Records received from the Post Office Department.

Treasury/GFO 00.010

System name: Records of Accountable Officers' authority with Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Disbursing Officers; (2) Certifying Officers; (3) Agent Cashiers; (4) Designated Agents.

Categories of records in the system: Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Banking institutions, Federal Reserve Banks, Government agencies and other bureaus and offices of the Treasury Department for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card files.

Retrievability: By name.

Safeguards: Held in secured buildings. Disbursing Officers file is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1,

Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/Mint 00.001

System name: Applicant and Information Forms for Great Plaza Parking Permits—Treasury/Mint.

System location: Administrative Services Division, Warner Building, Room 906, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Mint Federal employees.

Categories of records in the system: (a) Applicant's name; home address; home and office telephone numbers; place of employment; social security number; years of Federal service; make, model, year and license number of automobile.

Authority for maintenance of the system: Federal Property Management Regulations—Temporary Regulations D-47. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses: To determine parking entitlement. (b) Categories of users: Appropriate agency and General Services Administration officials. (c) Purpose of use: Fair determination of parking permit entitlement. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By applicant's name.

Safeguards: Combination safe file accessible by authorized personnel only.

Retention and disposal: Applications are maintained one year and then destroyed by shredding.

System manager(s) and address: Chief, Administrative Services Division, Bureau of the Mint, Warner Building, Room 906, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager for address to which inquiries may be directed or address at which the individual may present a request as to whether a system contains records pertaining to himself. The individual must supply name.

Record access procedures: See System Manager for information on procedures for gaining access to and contesting records.

Contesting record procedures: See access above.

Record source categories: Information voluntarily provided by applicant.

Treasury/Mint 00.002

System name: Applicants for selection for the current Annual Assay Commission, and members of former Commissions.—Treasury/Mint.

System location: Treasury Building, Office of the Director of the Mint, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220. Warner Building, 501 13th St., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of public seeking appointment by President to Assay Commission and their sponsors or endorsers, and members of former Commissions.

Categories of records in the system: Biographies of candidates and correspondence with applicants, sponsors and endorsers.

Authority for maintenance of the system: 31 U.S.C. 363.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to screen applicants for Presidential selection and to determine whether applicants had previously served on Assay Commission. (b) Used by appropriate agency officials and other Federal officials responsible for processing selection. (c) Used to select a committee to test the nation's coinage. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Accessible only to appropriate agency and other Federal officials. Secured Files.

Retention and disposal: Retained permanently.

System manager(s) and address: Administrative Assistant to the Director, Treasury Building, Room 2064, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as listed under System Manager. Individuals are required to furnish name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Information submitted voluntarily by general public and Congressional or other endorsers and sponsors.

Treasury/Mint 00.003

System name: Cash Receivable Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint and the general public who have: (a) Served on jury duty when employed by the Bureau of the Mint. (b) Paid for lost government property belonging to the Mint. (c) Purchased numismatic items from Mint sales outlets.

Categories of records in the system: (1) Cash received from Mint employees who have served on jury duty or received witness fees. (2) Cash received from Mint employees and general public for lost government property, assay sample work and cash sales of over-the-counter numismatic items.

Authority for maintenance of the system: 5 USC 5537 (Fees for jury service); 31 USC 369 (Sale of numismatic items).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: to record cash payment made to the Mint by employees, former employees and general public for services, lost government property and jury and witness fees. (B) Categories of Users: accounting office, managers and supervisors and government officials. (C) Purpose of Use—to account for cash receivables. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General records control schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th & Pa. Ave., N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office,

155 Hermann Street, Budget and Accounting Officer; New York, NY 10005n United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.004

System name: Confidential Statements of Financial Interest—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, special employees, consultants, and advisers of the Bureau of the Mint who are required to file statements of financial interest.

Categories of records in the system: Statements of Employment and Financial Interests.

Authority for maintenance of the system: 18 U.S.C. 207, 208; 5 CFR 735.406 and 31 CFR 0.735-70 through 0.735-235.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to record, document, and maintain required financial interest statements submitted by Bureau employees under Treasury Department regulations.To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (b) Categories of users agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose to maintain current financial interest statements to avoid conflicts of interest. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Records are maintained as long as the employee is with the Bureau.

System manager(s) and address: Personnel Officer, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Same address and individual listed under System Manager. The employee may be required to show an identification such as: employee identification, driver's license; or other means of identification which will clearly identify an individual.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Submitted by individual.

Treasury/Mint 00.005

System name: Current Employee Security Identification Record—Treasury/Mint.

System location: Philadelphia, Pennsylvania, United States Mint, Independence Mall. Denver, Colorado, United States Mint, 320 West Colfax Avenue. San Francisco, California, United States Assay Office, 155 Hermann Street. New York, New York, United States Assay Office, 32 Old Slip Street. West Point, New York, United States Bullion, Depository. Fort Knox, Kentucky, United States Bullion, Depository. San Francisco, California, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Current Bureau of the Mint employees.

Categories of records in the system: Security information system used to verify proper admittance to restricted areas within the Mint facilities detailed under "LOCATION". The card record (Mint Form 8925) names the employee; provides date and place of birth; descriptive data on height, weight, hair and eyes; office and division in which employed; along with photograph and signature of the employee. The record also indicates approval by facility management for the issuance of personal identification to the employee, which is subsequently carried by the employee.

Authority for maintenance of the system: 40 U.S.C. 318—318c. Treasury Department Order No. 177-25, dated August 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use: security access control. (b) Categories of Users: security Force Officers. (c) Purpose of Use: protection of persons and property. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is 5 inches x 8 inches card filed in Kardex Binder or circular-type index system.

Retrievability: Alphabetical by name.

Safeguards: Maintained in secure area by Security Force Officers.

Retention and disposal: Records are retained until separation of the employee and are destroyed upon termination in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th St., N.W., Washington, D.C. 20220, Chief of Security (Coordinator); United States Mint, Independence Mall, Philadelphia, Pa. 19106, Security Officer (Facility Manager); United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Security Officer (Facility Manager); United States Assay Office, 155 Hermann Street, San Francisco, Ca. 94102, Security Officer (Facility Manager); United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Security Officer (Facility Manager); United States Bullion, Depository, West Point, New York 10996, Security Officer, NYAO (Facility Manager); United States Bullion Depository, Fort Knox, Kentucky 40121, Security Force Captain (Facility Manager); United States Old Mint, 88 Fifth Street, San Francisco, Ca. 94103, Security Force Captain (Facility Manager).

Notification procedure: Same as shown under System Manager. An employee is free to examine his card record upon request, after properly identifying himself as the employee of record. The following would be used to prove identity: (a) Employee identification; (b) Driver's license; (c) Other acceptable personal documents.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief of Security, Bureau of the Mint, Room 1037, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Personal information provided by employee himself and identification approval by management staff.

Treasury/Mint 00.006

System name: Employee and Former Employee Travel and Training Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint who have engaged in travel and training.

Categories of records in the system: (1) SF 1166 Voucher and Schedule of Payments with supporting documents such as: (A) SF 1012 Travel Voucher, (B) SF 1038 Application and Account for Advance of Funds, (2) Travel Authorities, (3) Government Travel Request SF 1169, (4) Request, Authorization, Agreement and Certification of Training.

Authority for maintenance of the system: 5 U.S.C. Chapter 41 (Training) and Chapter 57 (Travel).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: To record travel and training information on all Mint employees and former employees for the purpose of making disbursements. (B) Categories of Users: Accounting office, managers and supervisors and government officials. (C) Purpose of Use: To administer the travel program of the Bureau in accordance with the regulations. Also, to assist the Personnel Division in administering the training program. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General Records Control Schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services, Administration regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th St. & Pa. Ave., N.W., Washington, DC 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Drivers' license, (C) Other names of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems, and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.007

System name: Employee, Former Employee and Visitors, Occupational Safety and Health, Accident and Injuries Records; and Claims for Injuries or Damage Compensation Records—Treasury/Mint.

System location: Location and Category of Records Maintained: Washington, D.C., Bureau of the Mint, Warner Building, 501 13th St. N.W., Accident/Injury/Illness Records, Vehicle Accident, and Claims Against the Government; Philadelphia, Pennsylvania, United States Mint, Independence Mall, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; Denver, Colorado, United States Mint, 320 West Colfax Avenue, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Licensing; San Francisco, California, United States Assay Office, 155 Hermann Steet, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; New York, New York, United States Assay Office, 32 Old Slip Street, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, and Safety Equipment Logs; West Point, New York, United States Bullion Depository, Accident/Injury/Illness Records, and Motor Vehicle Accident Data; Fort Knox, Kentucky, United States Bullion Depository, Accident/Injury/Illness Records, Motor Vehicle Accident Data, and Claims Against the Government; San Francisco, California, United States Old Mint, 88 Fifth Street, Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Issuance, and Operators Licensing.

Categories of individuals covered by the system: Bureau of the Mint employees, former employees and visitors to Mint offices and facilities, reporting accidents and injuries occurring on Federal Government property or in areas immediately adjacent to Government property, for which potential liability exists due to local laws.

Categories of records in the system: (See Location).

Authority for maintenance of the system: 29 U.S.C. 668; E.O. 11807, 28 U.S.C. 2680 et seq.; 31 CFR Part 3, 31 U.S.C. 240-243; 31 CFR Part 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in these records is used for the following purposes: (a) Accident prevention, reduction and compilation of statistics. (b) Accident investigations. (c) Determination of Government liability under Federal Tort Claims Act. (d) Determination of Government liability under Military Personnel and Civilian Employees' Claims Act. (e) Determination of employee compensation benefits under Federal Employees' Compensation Act. (f) Health and medical treatment and care to employees and assuring industrial hygiene improvements. (g) Determining accountability for safety equipment. (2) Information in these records may be provided to appropriate agency officials and officials of the following other Federal agencies responsible for the administration of relevant programs or the evaluation, adjudication, litigation and settlement of claims by or against the Government: (a) Department of Labor, (b) Department of Justice, (c) General Accounting Office, (d) Civil Service Commission, (e) Social Security Administration, (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: by name.

Safeguards: Locked containers in Safety Health Office available to authorized personnel only.

Retention and disposal: Records are retained in accordance with General Records Control Schedules, and Bureau of the Mint Records Control Schedules; and are destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Safety Officer; United States Mint, Independence Mall, Philadelphia, PA 19106, Safety Manager; United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Safety Manager; United States Assay Office, 155 Hermann Street, San Francisco, California 94102, Safety Manager; United States Assay Office, 32 Old Slip Street, New York, New York 10005, Safety Manager; United States Bullion Depository, West Point, New York 10996, Safety Manager; United States Bullion Depository, Fort Knox, Kentucky 40121, Safety Manager; United States Old Mint, 88 Fifth Street, San Francisco, California 94103, Safety Manager.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Employees, supervisors, medical staff, general public, and visitors to the facilities of the Bureau of the Mint.

Treasury/Mint 00.008

System name: Employee Payroll, Personnel and Time and Attendance History Automated Recording System; Departmental Integrated Personal services System (DIPS).—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, Pennsylvania, United States Mint, Independence Mall. Denver, Colorado, United States Mint, 320 West Colfax Avenue. San Francisco, California, United States Assay Office, 155 Hermann Street. New York, New York, United States Assay Office, 32 Old Slip Street. San Francisco, California, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint.

Categories of records in the system: Name; address; social security number; employment history; earnings record; personnel activity (actions); leave and attendance; labor cost distribution.

Authority for maintenance of the system: Payroll: Section 113 of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66a. Personnel: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information derived from these records may be used for the following purposes: (a) The preparation and distribution of bi—weekly pay checks, allotments, payroll savings bonds, and the preparation of supporting documents of the above; (b) The preparation of labor distribution reports for reconciliation to cost accounts; (c) The preparation of personnel action forms, reports of personnel actions and status; (d) The compilation of statistical data relating to payroll, personnel and labor distribution. (2) Information in these records may be provided to appropriate agency officials and officials of the following other Federal agencies responsible for the administration of relevant programs: Department of Labor; Department of Justice; Civil Service Commission; Social Security Administration. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape, disk, punch cards, and paper records.

Retrievability: Name, social security number, employee number.

Safeguards: Master records are kept on magnetic tape/disk which is under program control; other records are maintained in limited access areas available to authorized personnel and are under further security as appropriate.

Retention and disposal: General Records and Control Schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule. Records kept on magnetic tape/disk are automatically deleted under program control. Other records are destroyed in accordance with GSA regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, DIPS Coordinator; United States Mint, Independence Mall, Philadelphia, PA 19106, DIPS Coordinator; United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, DIPS Coordinator; United States Assay Office, 155 Hermann Street, San Francisco, California 94102, DIPS Coordinator; United States Assay Office, 32 Old Slip Street, New York, New York 10005, DIPS Coordinator; United States Old Mint, 88 Fifth Street, San Francisco, CA 94103, DIPS Control Group, DIPS Coordinator.

Notification procedure: Same as System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification; (B) Driver's license; (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Contest: See Access.

Record source categories: Department of Interior DIPS Group; Employees; Budget & Finance Divisions; Payroll Divisions; Management & Organization Divisions; Personnel Divisions; Computer Generated; Field Office Cost Accountants; Security Officers; Time Keepers; Payroll and Personnel Technicians; Time & Leave Branch—Field Offices.

Treasury/Mint 00.009

System name: Employee- Supervisor Performance, Evaluation, Counseling and Time and Attendance Records—Treasury/Mint.

System location: San Francisco Old Mint, 88 Fifth Street, San Francisco, California. San Francisco Assay Office, 155 Hermann Street, San Francisco, California. Denver Mint, 320 West Colfax Avenue, Denver, Colorado. Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia Mint, Independence Mall, Philadelphia, Pa. New York, N.Y., United States Assay Office, 32 Old Slip Street. Fort Knox, Kentucky, United States Bullion Depository. West Point, N.Y., United States Bullion Depository.

Categories of individuals covered by the system: Bureau of the Mint employees and former employees.

Categories of records in the system: Information necessary for managers and supervisors to effectively carry out supervisory responsibilities. Included are such records as: copies of personnel actions, performance appraisal including production and control, disciplinary actions, overtime reports, tardiness reports, work assignments, training reports, applications for employment, home addresses, leave reports, employee awards. (Supervisors maintain varying combinations of the above records. Some supervisors may maintain all or none of the above records depending upon the nature and size of the operation or organization and the number of individuals supervised.)

Authority for maintenance of the system: 5 U.S.C. 301 and FPM Supplement 990—1, Section 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Employee performance, evaluation, counseling and operational control. Categories of Users—Managers and supervisors throughout the Mint. Purpose of Use—To effectively carry out their personnel management responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents maintained in folders.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of supervisors.

Retention and disposal: Retained as long as employee is under their supervision.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W. 20220, Assistant Directors; United States Mint, Independence Mall, Philadelphia, Pa. 19106, Superintendent; United States Mint, 320 West Colfax Avenue, Denver, CO. 80204, Superintendent; United States Assay Office, 155 Hermann Street, San Francisco, CA. 94102, Officer-in-Charge; United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Officer-in-Charge; United States Bullion Depository, Fort Knox, Kentucky 40121, Officer-in-Charge; United States Old Mint, 88 Fifth Street, San Francisco, CA. 94103, Officer-in-Charge; United States Bullion Depository, West Point, N.Y., Officer-in-Charge.

Notification procedure: Same as listed under system manager, Employee or former employee is required to show identification such as: I.D. card, driver's license.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Contest: See access above.

Record source categories: Employees; previous employers; and appropriate agency officials.

Treasury/Mint 00.017

System name: Equal Employment Opportunity (EEO) Complaint Counseling Records - Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501 - 13th Street, N.W.; Philadelphia, Pennsylvania, United States Mint, Independence Mall; Denver, Colorado, United States Mint, 320 West Colfax Avenue; San Francisco, California, United States Assay Office, 155 Hermann Street; New York, New York, United States Assay Office, 32 Old Slip Street; San Francisco, California, United States Old Mint, 88 Fifth Street; and Fort Knox, Kentucky, United States Bullion Depository.

Categories of individuals covered by the system: Employees and applicants for employment at the Bureau of the Mint.

Categories of records in the system: Allegations of Discrimination and all evidence collected during the counseling process.

Authority for maintenance of the system: Public Law 92-261; Executive Order 11478; 5 CFR Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use - Informal processing of employee complaints of discrimination. Categories of users - Agency officials who have a need for the records in the performance of their duties. Purpose of use - Informal resolution of complaints of discrimination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders of paper documents.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of Counselors and EEO Officer.

Retention and disposal: Indefinite.

System manager(s) and address: EEO Officer, Bureau of the Mint, Warner Building, 501 - 13th Street, N.W., Washington, D.C. 20220; EEO Officer, United States Mint, Independence Mall, Philadelphia, Pennsylvania 19106; EEO Officer, United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204; EEO Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005; EEO Officer, United States Assay Office, 155 Hermann Street, San Francisco, California 94102; EEO Officer, United States Old Mint, 88 Fifth Street, San Francisco, California 94103; EEO Officer, United States Bullion Depository, Fort Knox, Kentucky 40121.

Notification procedure: See System Manager for address to which inquiries may be addressed. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the Systems Manager.

Contesting record procedures: See access above.

Record source categories: Information is voluntarily obtained from employee(s), management, applicants and pertinent documents.

Treasury/Mint 00.010

System name: Examination reports of coins forwarded to Mint from U.S. Secret Service—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals from whom U.S. Secret Service has seized coins suspected to be counterfeit or fraudulently altered.

Categories of records in the system: Reports prepared for U.S. Secret Service regarding the examination of the questioned coin or coins by Mint.

Authority for maintenance of the system: 18 U.S.C. 331, 485, 486, 489, 490 and 491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to determine whether a coin is counterfeit or altered and submit report to U.S. Secret Service or other Federal agency charged with law enforcement responsibilities. To give expert testimony as to the coins examined in a criminal or civil proceeding before a Federal or state court. (b) Categories of users, agency officials who have a need for the records in the performance of their duties. (c) Purpose of use, to preserve the integrity of the coinage system by detecting counterfeit or altered coins and to assist in the enforcement of Federal counterfeiting statutes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in locked metal file cabinets in area accessible only to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule.

System manager(s) and address: Assistant Director for Technology, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: This system is proposed for exemption elsewhere in the Federal Register.

Record access procedures: This system is proposed for exemption elsewhere in the Federal Register.

Contesting record procedures: Contest: This system is proposed for exemption elsewhere in the Federal Register.

Record source categories: This system is proposed for exemption elsewhere in the Federal Register.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/Mint 00.011

System name: General Correspondence—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. United States Assay Office, 32 Old Slip, New York, NY. United States Old Mint, 88 Fifth Street, San Francisco, CA.

Categories of individuals covered by the system: Members of the public, Members of Congress, agency officials and other Federal agencies.

Categories of records in the system: Incoming correspondence and replies pertaining to the mission, function and operation of the Bureau of the Mint.

Authority for maintenance of the system: 31 U.S.C. 251, 253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to maintain documentation of information supplied by the agency to the correspondent. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to provide documentation and reference for future correspondence. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name of correspondent.

Safeguards: Maintained in limited access area available only to appropriate agency officials.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220. Superintendent, United States Assay Office, 155 Hermann Street, San Francisco, California 94102. Officer-in-Charge, United States Old Mint, 88 Fifth Street, San Francisco, California 94103.

Notification procedure: See System Manager for addresses to which inquiries may be addressed and addresses at which the individual may present a request as to whether a system contains records pertaining to himself. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The general public, Members of Congress, agency and other Federal officials.

Treasury/Mint 00.016

System name: Grievances. Union/Agency Negotiated—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501-13th Street, N.W.
Philadelphia, PA, United States Mint, Independence Mall.
Denver, CO, United States Mint, 320 West Colfax Avenue.
San Francisco, CA, United States Assay Office, 155 Hermann Street.
New York, NY, U.S. Assay Office, 32 Old Slip Street.
San Francisco, CA, U.S. Old Mint, 88 Fifth Street.
Ft. Knox, KY, United States Bullion Depository.
West Point, NY, West Point Buillion Depository.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint.

Categories of records in the system: This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, including decision of appropriate third parties where applicable.

Authority for maintenance of the system: Executive Orders 11491, 11616, 11636 and 11838; negotiated agreements between Mint and exclusively recognized labor unions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To process an employee grievance, including submission to an arbitrator and appeal to the Federal Labor Relations Council. (b) To refer a question of grievability or arbitrability to appropriate officials of the Department of Labor. (c) To provide information or disclose to the appropriate Federal agency in connection with civil litigation involving the Bureau of the Mint. (d) For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders or binders.

Retrievability: These records are filed by the names of the individuals on whom they are maintained or by the subject of the grievance.

Safeguards: Access to and use of these records are limited to those agency officials whose official duties require such access.

Retention and disposal: Retained in accordance with the Bureau of the Mint Records Control Schedules and destroyed in accordance with General Service Administration rules and regulations.

System manager(s) and address: For current and former employees:

Personnel Officer, Bureau of the Mint, Department of the Treasury, 15th & Pennsylvania Ave., NW., Washington, DC 20220.

Personnel Officer, U.S. Mint, Independence Mall, Philadelphia, PA 19106.

Personnel Officer, U.S. Mint, 320 Colfax Ave., Denver, CO 80204.

Personnel Officer, U.S. Assay Office, 155 Hermann Street, San Francisco, CA 94102.

Personnel Officer, U.S. Assay Office, 32 Old Slip Street, New York, NY 10005.

Personnel Officer, U.S. Old Mint, 88 Fifth Street, San Francisco, CA 94103.

Officer-in-Charge, U.S. Bullion Depository, Fort Knox, KY 40121.

Administrative Officer, West Point Bullion Depository, West Point, NY 10996.

Notification procedure: Individuals who have fled a grievance are aware of that fact and have been provided a copy of the record. They may, however, contact the Personnel Officer indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

Record access procedures: Individuals who have filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a grievance record is permitted during the prosecution of the grievance to whom the record pertains. However, after a grievance case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate Personnel Officer indicated above. Individuals should provide their name; date of birth; a brief description of grievance and the approximate date of submission.

Contesting record procedures: See access above.

Record source categories: The sources of these records are indicated below. (a) Individual to whom the record pertains. (b) Agency officials. (c) Affidavits or statements from employee(s). (d) Testimonies of witnesses. (e) Official documents and correspondence relating to the grievance.

Treasury/Mint 00.012

System name: Investigatory Files on Theft of Mint Property—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Mint employees and members of public suspected of the theft of Government property.

Categories of records in the system: Name of individual; location of Mint facility; and theft item.

Authority for maintenance of the system: 18 U.S.C. 332, 641.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to investigate suspected theft of Government property on Mint premises. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. (b) Categories of users, agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose, to safeguard and account for Government property; assist in enforcement of applicable Federal criminal statutes; and attempt to recoup value of property stolen. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Chief, Office of Security, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: This system is proposed for exemption elsewhere in the Federal Register.

Record access procedures: This system is proposed for exemption elsewhere in the Federal Register.

Contesting record procedures: See access above.

Record source categories: This system is proposed for exemption elsewhere in the Federal Register.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/Mint 00.013

System name: Numismatic Coin Operations System (NUCOS) Records; Customer Mailing List and Order Processing Records for Coin Sets, Medals and Numismatic Items—Treasury/Mint.

System location: San Francisco, California, Old Mint, 88 Fifth Street, San Francisco, CA 94175. (Records concerning undelivered orders are maintained at the San Francisco Assay Office, 155 Hermann Street.)

Categories of individuals covered by the system: Customers for numismatic items.

Categories of records in the system: Names, addresses, order history of customers purchasing numismatic items and of individuals who wish to receive notification of numismatic offerings by the Mint.

Authority for maintenance of the system: 31 U.S.C. 324g, 324h, 369, 391(d); P.L. 89—81, P.L. 92—228; 31 CFR Part 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, generating order cards, acknowledgement cards, labels, and correspondence. (b) Categories of Users, appropriate agency officials. (c) Purposes of Use, to announce the availability of numismatic items produced by the Mint; process and acknowledge receipt of orders; process payments received from customers; mail and trace numismatic items ordered. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, discs, paper and cards.

Retrievability: Name, customer number or order number.

Safeguards: CRT, password protection; only designated persons may request computer generated reports. Access to any information pertaining to any individuals' name is limited to only those individuals requiring the information to accommodate handling of transactions with the customers. Separation of functions; source documents maintained in one division and programming systems in another.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations. Order cards are retained two weeks, reports three months; they are then shredded. Customer names and addresses are maintained as long as they are active.

System manager(s) and address: Officer in Charge, San Francisco Old Mint, 88 Fifth Street, San Francisco CA 94175.

Notification procedure: Bureau of the Mint, 55 Mint Street, San Francisco, CA 94175. Individuals should supply order number as provided on order card or copy of both sides of cancelled check; customer number which appears on pre-punched order cards or on face of check.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Members of the public; appropriate agency officials; and General Services Administration.

Treasury/Mint 00.014

System name: Purchases, Sales, Exchange and Assays of Precious Metals—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: General public and Government agencies who had precious metal transactions with the Bureau of the Mint.

Categories of records in the system: Bar schedules, deposit tickets, reports on special assays, records of sales and purchases of precious metals.

Authority for maintenance of the system: 31 U.S.C. 327, 328, 335, 358, 360, 361, 362, 405a—1, 733 and 734. 31 CFR Parts 90 and 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to record and accomplish sale, purchase, exchange or assay of precious metals. (b) Categories of users, appropriate agency officials and appropriate officials of the General Services Administration. (c) Purpose of use, to determine and verify that proper payments are made or correct charges are assessed for services rendered and to accomplish sale and purchase of precious metals. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and computer magnetic tapes.

Retrievability: Name or assay number.

Safeguards: Metal file cabinet with locks and secured area available to authorized personnel only.

Retention and disposal: Bureau of the Mint Records Control Schedule.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th & Pa. Ave., N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. Member of the general public or Government agency is required to produce proper identification to satisfy the System Manager.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Same as access above.

Record source categories: General public; agency officials; and other Federal agencies.

Treasury/Mint 00.015

System name: Redemption of Uncurrent or Mutilated Coins—Treasury/Mint.

System location: United States Assay Office, 32 Old Slip, New York, N.Y. 10005.

Categories of individuals covered by the system: General public; financial institutions; and other Government agencies.

Categories of records in the system: Records of names, addresses and reference numbers pertaining to those submitting mutilated or uncurrent coins for exchange.

Authority for maintenance of the system: 31 U.S.C. 317c; 31 CFR Part 100.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, issuance of payments in exchange of coins. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to insure that payments are made to proper individuals, banks or Government agencies. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name or reference number.

Safeguards: Metal file cabinet with lock.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Budget and Accounting Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005.

Notification procedure: See System Manager. Individual is required to supply name and if available reference and/or settlement number.

Record access procedures: For information on procedure for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: General public, financial institutions, and other Government agencies.

Treasury/BPD 00.001

System name: Personnel and Administrative Records—Treasury/BPD.

System location: Bureau of the Public Debt: Washington, D.C.; Parkersburg, West Virginia; Ravenswood, West Virginia; Williamstown, West Virginia. Federal Records Center: St. Louis, Missouri.

Categories of individuals covered by the system: Past, present and prospective employees.

Categories of records in the system: All personnel records not mentioned in this system, but maintained at the Bureau, are considered to belong to the Civil Service Commission and will be reported by that agency. (1) Personnel Folders (Temporary side): Contain the following types of records or information apart from official records, but which may duplicate or supplement official records: Pre-employment records and vouchering; orientation records; requests for personnel action; requests for training; performance evaluation records; letters of reference; debt correspondence; correspondence between employee and personnel office; disciplinary action papers; duplicate copies of personnel actions; payroll, leave and retirement benefits data; compensation forms and reports relating thereto; and tax check records, reduction-in-force data; requests for outside employment; letters of reprimand; and credit and employment verification. (2) Locator File: Contains the employee's office and home address and telephone numbers; emergency notification information and indication of permission or denial to disclose this information upon inquiry. (3) Applications for Employment File: Contains inquiries concerning employment, applicants' resumes and correspondence. (4) Upward Mobility Program Files: Contain but are not limited to, all pertinent information, such as applications, vouchering, correspondence, developmental plans and appraisal forms of candidates for said program. (5) Investigation Security Files: Contain background information and the results of investigations conducted by Internal Revenue Service, Secret Service, or other Federal agencies, on Bureau attorneys and

certain other employees. (6) Awards Case Files: Contain reports and background data concerning awards for employees. (7) Informal Equal Employment Opportunity Complaint Files: contain records of informal EEO complaints and discussions thereon which have not reached the level of formal complaints. (8) Administrative Grievance Files: Contain informal or formal grievance complaints and background documentation thereon which do not fall within Union jurisdiction. (9) General Correspondence Files: Contain inquiry and reply letters and documentation concerning general administrative, policy, transactional and personnel matters. (10) Union-related Files: Contain formal and informal, contractual and administrative grievance complaints and background documentation thereon; reports of union dues participation. (11) Merit Promotion Files: Contain records of competitive promotion actions, including but not limited to vacancy announcements, candidates considered, assessments of candidates, and disposition of applications. (12) Exit Interview Files: Contain records of employee's critique of Bureau, final interview, and supervisors' recommendations. (13) Suitability Files: Contain information documenting the suitability for employment of prospective and current employees, such as arrest records, National Agency checks and background information. (14) Budget Files: (a) Employee Travel Records File: Contains travel vouchers, authorization and receipts for travel which an employee performed in connection with official business and which is reimbursable by government funds. (b) Comprehensive Listing of Employee Master File: Contains salary, grade, leave, retirement, health-life insurance, tax, payroll deduction and other information. (c) Time and Attendance Records: Contain the daily posting of employee's leave and/or attendance. (15) Medical Records File: contains pre-appointment and fitness-for-duty medical reports and records. (16) Disciplinary and Adverse Action File: contains all pertinent information, such as, but not limited to, statements and background information regarding such actions. (17) Confidential Financial Statements File: contains personal financial statements required by certain employees as defined in the Department's Minimum Standards of Conduct. (18) Classification Appeals File: contains statements and pertinent information relating to the adjudication of an appeal. (19) History of Employment File: contains service record cards.

Authority for maintenance of the system: Title 5 USC; Federal Personnel Manual; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the aforementioned records are routinely used to determine the suitability of an applicant for employment; to verify an employee's orientation processing; to supplement official personnel records for clarification of personnel actions; to authorize deductions of state and/or local or District of Columbia taxes from an employee's salary for payroll functions; to provide information for determining the eligibility and suitability of an employee for promotion or award; to appraise an employee's performance following hiring or promotion; to judge the necessity for disciplinary action and to make record of the same; to inform an employee of his present leave and retirement benefits status; to make record of all correspondence exchanged between an employee and the Division of Personnel for reference purposes; to locate an employee in an emergency situation if the employee's permission was granted; to issue building passes and make record thereof; to record work-related injuries and illnesses and to process compensation therefor; to perform security investigations and to provide security clearance for attorneys and certain other employees in order to protect security information; to furnish Internal Revenue Service, Secret Service, and other Federal agencies with information in the course of their investigations; to document grievances or complaints of discrimination for purposes of hearing and passing decision on a case; to furnish management with information necessary for the hearing and resolution of administrative grievances; to record, analyze and approve travel expenditures; to furnish data needed by the Division of Budget and Accounts in the performance of its duties relating to the estimating and accounting for budget expenditures, maintaining records, providing payroll data to the Fiscal Service Payroll Facility, Bureau of Government Financial Operations, to the individual employee, and to supervisors who have need of such information in the performance of their duties; to maintain records of correspondence for reference and precedence purposes; to provide Federal income tax filing information on employees, GS grade 12 and above, for the purpose of tax checks; to process and document merit promotion actions; and to conduct turnover studies.

Routine users of records within the Department are the Division of Personnel; the Division of Budget and Accounts; the Division of Management Services; the EEO Officers; Internal Revenue Service; Secret Service; and all other employees who have need of such information in the performance of their authorized duties.

Outside the Department of the Treasury, qualified information is routinely used to furnish other Federal Agencies with pre-employment information for hiring purposes; to verify debt complaints and employment data upon request by creditors; to respond to requests for information by Federal investigative agencies for the purpose of security or criminal investigation, and civil or criminal judicial proceedings; to provide data to the Civil Service Commission and other Federal agencies upon authorized requests; to supply data necessary for employee compensation; to provide union representatives and arbitrators, when applicable, with data needed in the performance of their duties and which is authorized for disclosure under the terms of the Union-Bureau contract; to disclose to Members of Congress who inquire on behalf of constituents; to disclose to next-of-kin, voluntary guardian and other representative or successor in interest of a deceased or incapacitated employee or former employee.

Routine users outside the Department are other Federal Agency Personnel Offices; the Civil Service Commission; U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives and arbitrators, as qualified in the routine use; creditors; Federal agencies; Members of Congress and next-of-kin; voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Electronic media, paper and microfilm.

Retrievability: By name, and in some cases social security number.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of the Bureau who are subject to the Bureau's personnel screening procedures and the Treasury Department Code of Conduct. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records are maintained in accordance with GSA and CSC retention schedules. All records are destroyed by incineration, maceration or shredding. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: For Administrative records: Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226. For Personnel records: Director of Personnel, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226.

Notification procedure: Address Administrative inquiries and initial requests for correction of records to: Privacy Act Request, Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226, (202) 964-2427. Address Personnel inquiries and initial requests for correction of records to: Privacy Act Request, Director of Personnel, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 964-7717; or Privacy Act Request, Personnel Officer, Savings Bond Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records should be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity in certain cases. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) Requests for records concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in the system is furnished by the individuals, by creditors, by supervisors, medical personnel, other employees, or as the result of security investigations.

Treasury/BPD 00.002

System name: United States Savings-Type Securities—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226 and Parkersburg, West Virginia 26101, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present and former owners or first-named coowners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon—including but not limited to United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds. In addition, second-named coowners of Series G savings bonds.

Categories of records in the system: (1) Issuance: Records relating to registration, registers of issuance of securities and records of correspondence in connection with issuance of savings-type securities. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, including inscription information; interest activity; correspondence in connection with notice of change of name and address, non-receipt of interest and over- and under-payments of interest; numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's program to deliver such securities to the owners or persons entitled. (3) Transactions (redemptions, payments and reissues): Records which include securities transaction requests; interest activity; legal papers supporting transactions, applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288) and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities, and others entitled in connection with reissue, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished, when appropriate, pertaining to securities to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, to the Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities, interest thereon and transactions therein to the Department of Justice in connection with lawsuits to which the Department is a party; and to Trustees in Bankruptcy; users are Federal officials for the purpose of carrying out their duties. (4) Information is routinely disclosed to the Veterans Administration and selected veterans publications in connection with attempts to locate owners, or their next of kin or persons otherwise entitled to bonds undeliverable and being held in safekeeping by the Department. (5) Information regarding records of holdings of securities registered in coownership form is routinely disclosed to either coowner upon request. Information regarding records of holdings for securities registered in beneficiary form ("P.O.D.") is routinely disclosed to the beneficiary named thereon provided acceptable proof of death of the registered owner is submitted. (Note: If the request for disclosure is made by the second-named coowner, or by a beneficiary the name or social security number of the first-named person must be furnished, except in the case of Series G savings bonds.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original form in file cabinets, as information in electronic media or on microfilm.

Retrievability: Information can be retrieved alphabetically by name, bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can only be retrieved by the name or in some cases social security number of the first-named coowner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information

stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interest of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Ave., N.W. Washington, D.C. 20226.

Notification procedure: Address inquiries to: Privacy Act Request, Assistant Commissioner of the Public Debt, Savings Bond Operations Office, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551. Inquiries should include the full name, social security number, address and security serial number(s), if known.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning holdings of securities, the type of security involved (e.g., Series E savings bond, Series H savings bond, savings note, retirement plan bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify the approximate date of issue, serial number(s) and exact form of registration, including social security number and address. Requests which do not furnish all or some of the above information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for information concerning records of holdings of securities except Series G savings bonds registered in coownership form must be accompanied by the name and, wherever possible, social security number of the first-named coowner. Requests for information concerning securities registered in beneficiary form must also be accompanied by the name and social security number of the owner thereof and, if made by the beneficiary, must be accompanied by proof of death of the registered owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor, as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in this system is furnished by the individuals or their authorized representatives listed in "Categories of Individuals," by issuing agents for securities, or is generated within the system itself.

Treasury/BPD 00.003

System name: United States Securities (Other than Savings-Type Securities)—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present owners of, former owners of, subscribers to, claimants to, persons entitled to and inquirers concerning United States Treasury Securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent and interest thereon, including but not limited to Treasury Bonds, Notes and Bills, Adjusted Service Bonds, Armed Forces Leave Bonds, securities of the Federal Financing Bank, the Federal Housing Administration and the Farm Credit Administration.

Categories of records in the system: (1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue and correspondence concerning erroneous issue and non-receipt of securities. (2) Holdings: Records of ownership and interest activity on registered United States securities (other than savings-type securities); change of name and address notices; correspondence concerning errors in registration, non-receipt of interest, over- and under-payments of interest; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers and exchanges): Records which include securities transaction requests; legal papers supporting transactions; applications for transfer, disposition or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; file of certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of

records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled in connection with transfer, exchange, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished pertaining to securities reported as lost or stolen to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities and transactions therein to the Department of Justice in connection with lawsuits to which the Bureau is a party; users are law enforcement officials for the purpose of administration of justice. (4) Information concerning holdings of Armed Forces Leave Bonds is routinely furnished to the Veterans Administration in connection with redemption or disposition of these securities. Users of the resultant information furnished by the Veterans Administration are officers and authorized employees of the Bureau, for the purpose of making proper disposition of these bonds. (5) Information regarding records of holdings of securities registered in the names of two or more owners is routinely disclosed to either owner upon his request. (Note: requests for disclosure by owners other than the first-named owner should include the name or social security number of the first-named owner.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original paper form and as information in electronic media and on microfilm.

Retrievability: Information can be retrieved alphabetically by name or, in some cases, numerically by social security number. In the case of securities registered in more than one name, which matured prior to January 1, 1973, information relating thereto can only be retrieved by the name or social security number of the first-named owner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by Federal Reserve Banks and Branches as Fiscal Agents. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 964-7994. Inquiries should include the full name and social security number of the inquirer.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 and 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests and access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning records of holdings of securities, the type of security involved (e.g., Treasury Note, Armed Forces Leave Bond, Adjusted Service Bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify: the loan and issue thereof, approximate date of issue, denomination, serial number and form of registration, including address. Requests which do not furnish some or all of the latter information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for records of holdings of securities which matured prior to January 1, 1973 registered in the name of more than one person must include the name and, wherever possible, social security number of the first-named owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual must be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of Records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the record to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See Notification and Access above.

Record source categories: Information contained in records in the system is furnished by individuals listed in "Categories of Individuals" or those specifically authorized by the individuals to act on their behalf; or is generated within the system itself.

Treasury/Comptroller 00.001

System name: Annual Employee Leave Record—Treasury/Comptroller.

System location: 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave reference, Personal advice, Leave performance, For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: desk file.

Retention and disposal: 3 years.

System manager(s) and address: Director, Administrative Operations Division.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Employees of the Comptroller.

Treasury/Comptroller 00.002

System name: Attendence and Leave records of Comptroller of the Currency employees—Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Record of Employee Attendance.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Official work time of each employee and verification of leave taken. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Limited access to locked cabinet.

Retention and disposal: Twelve months and then disposal by shredding.

System manager(s) and address: Comptroller of the Currency, Director of Personnel.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Time and Attendance Personnel, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Treasury/Comptroller 00.003

System name: Supervisor's Attorney file—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Attorneys in Bank Operations Division.

Categories of records in the system: List of Attorneys work products in chronological order and actions affecting individual attorneys.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized for reference purposes to assist in the resolution of new issues which are similar to previously resolved ones. Evaluation of individual attorneys for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by the name of the attorneys.

Safeguards: File cabinet.

Retention and disposal: Records are not destroyed.

System manager(s) and address: Comptroller of the Currency, Assistant Chief Counsel, 409 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Attorneys in Bank Operations Divisions.

Treasury/Comptroller 00.004

System name: Consumer Complaint Letter File—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Persons who files complaints against banks.

Categories of records in the system: This system contains a series of computer printout setting forth the name, address, bank complained of, date of incoming complaint letter, attorney assigned to examine said complaint and the nature of the resolution.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are utilized to determine whether individual has previously filed a complaint with this Office, the date of complaint and the disposition. For additonal routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name of complaining consumer.

Safeguards: Records are in file drawers.

Retention and disposal: The records are retained in perpetuity.

System manager(s) and address: Comptroller of the Currency, Assistant Chief Counsel, 409 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Persons filing complaints against national banks.

Treasury/Comptroller 00.005

System name: Daily Absentee Reports of Comptroller of the Currency employees Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: List of absent personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 9 and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Analysis of daily absences, For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Protected by roving guard after working hours.

Retention and disposal: Retained for one year and then destroyed.

System manager(s) and address: Comptroller of the Currency, Branch Chief, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Employees records.

Treasury/Comptroller 00.006

System name: Employee Locator Map—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Comptroller employees.

Categories of records in the system: Personal records.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 3 U.S.C. 501.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist employees in the formation of car pools. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual employee.

Safeguards: Protected by roving guard after working hours.

Retention and disposal: Retained while employed and then destroyed.

System manager(s) and address: Comptroller of the Currency, Director, Administrative Operations Division, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Employees of the Comptroller.

Treasury/Comptroller 00.018

System name: Employee Management and Planning, Employee Relations, Incentive Awards, Performance Evaluation—Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Training, Executive development training program files, Training requests, cancellation and competion records, Reference files, Seminar work shop records, In-house training plan files, Training reports, Individual employee training plans, Reference material, private and public training attendance files, Training announcements.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses are associated with the employee's work record, grade progress, training, etc. The users are authorized personnel and officials within the division and the purpose is to assure proper training, progress, executive development, etc. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of employee.

Safeguards: Files are available only to authorized personnel within the personnel division for official action.

Retention and disposal: Files are maintained through the life of the employee's employment and moved from agency to agency as he changes jobs and are eventually stored in St. Louis Record Center. Other records are destroyed within three years to five years, or upon separation of employee.

System manager(s) and address: Comptroller of the Currency, Director of Personnel, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information obtained for our use in the above defined records comes from in-house applications for training actions, taken by the agency to sustain on-going historical information of official action on the employee.

Treasury/Comptroller 00.007

System name: Employee Parking Permit & Space No.—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Parking permits.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of issued parking spaces and permits. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by division & within division by name.

Safeguards: Locked in File cabinet.

Retention and disposal: Retained and employed with the Comptroller and then destroyed.

System manager(s) and address: Comptroller of the Currency, Director, Administrative Operations Division.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Administrative Operations Division.

Treasury/Comptroller 00.008

System name: Employee payroll records—Treasury/Comptroller.

System location: Comptroller of the Currency, Fiscal Management Division, 6th Floor, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Individual employee earnings record and related payroll reports.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To support bureau salary costs and to prepare payroll reports. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: Filed by social security number and geographic location.

Safeguards: Security provided by building guards during nonworking hours. Files under supervision of accounting personnel during working hours.

Retention and disposal: Retained by the fiscal management division for 4 years and then stored at the federal records center (St. Louis, Missouri) for 52 years.

System manager(s) and address: Comptroller of the Currency, Director, Fiscal Management Division, 490 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Standard Form 50—Notification of Personnel Action and other supporting documents prepared by the employee.

Treasury/Comptroller 00.009

System name: Employee Reference File—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Names of Employees with Reference of informal personnel actions & recommendations.

Authority for maintenance of the system: 12 U.S.C. 1, 9, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference file of informal personnel actions & recommendations. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Protected by roving guard after working hours.

Retention and disposal:

System manager(s) and address: Comptroller of the Currency, Branch Chief 490 L'Enfant Plaza East Washington, D.C. 20219.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Comptroller.

Treasury/Comptroller 00.019

System name: Employee Relations—Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Employee Relations Reports, Employee Counseling Reports, Disciplinary Action Files, Grievance Files, Adverse Action Files, Incentive Awards Program Files, Annual Performance Records, Informal Records Concerning Employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All employee relations records are maintained and used solely as itemized case file of events involving employees grievances, adverse actions, disciplinary actions, counseling reports, etc. These case files are used in the course of administrative appeals, hearings and court actions. Other uses involve consolidated statistical data reports of such cases as required by regulation. Only authorized personnel management division employees, assigned grievance examiners, or hearing officers are authorized use of such case files. Routine uses of incentive awards files are for annual reports and internal statistical analysis. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: All files are indexed by name with the exception of Incentive Awards and employee relations reports. These files are indexed according to subject category. For example, incentive awards are broken down under subheadings of special achievement awards, employee suggestions and special award categories.

Safeguards: Files are available only to authorized personnel with the personnel division for official action.

Retention and disposal: All employee relations and files relating to grievances, disciplinary actions, adverse actions and counseling reports are retained in the employee relations branch files until the subject employee leaves the agency. These case files are then purged with only pertinent documents placed in the Official Personnel File. Extraneous materials are then destroyed. All other employee relations files are retained for a period of three years, then sent to the Records Center for retention as prescribed by records management regulations.

System manager(s) and address: Comptroller of the Currency, Director Personnel, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: All sources of records are obtained through various means relating to the development of a case file. Such means include written records of meetings, counseling sessions, appeals, hearings, and letters of charges, intent, final decision, and administrative procedures. Award recommendations are submitted by supervisors.

Treasury/Comptroller 00.010

System name: Federal Bureau of Investigation Report Card Index—Treasury/Comptroller.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Persons who have been involved in or associated with unlawful activity respecting national banking associations.

Categories of records in the system: This system consists of an alphabetized indices of the names of individuals involved in or associated with unlawful activity respecting national banks and a cross reference to pertinent Federal Bureau of Investigation Reports relating thereto.

Authority for maintenance of the system: This system is established, maintained and utilized pursuant to 12 U.S.C. sections 481, 21, 1818, and 1829, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are utilized as a cross reference for the purpose of making determination with respect to potential or existing violations of law. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: The records are retrieved by the name of the individual.

Safeguards: Records are maintained by the Office in files with security procedures consistent with the sensitivity of the data.

Retention and disposal: Currently there are no provisions for disposal of records contained in this system.

System manager(s) and address: Director of Enforcement Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: The Department of Justice has exempted this system elsewhere in the Federal Register.

Record access procedures: Exempted as above.

Contesting record procedures: Exempted as above.

Record source categories: Exempted as above.

Systems exempted from certain provisions of the act: Criminal investigative records exempted elsewhere in the Federal Register by the Department of Justice.

Treasury/Comptroller 00.011

System name: Formal Complaint Reports—Treasury/Comptroller.

System location: Comptroller of the Currency, Equal Employment Office, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees filing formal complaints of discrimination because of race, color, religion, age or sex.

Categories of records in the system: All records and memorandums pertaining to case—Civil Service Investigation Reports—; all

notifications sent to employee—copies of all information submitted by employee.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control purposes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Confidential numerical system, each case assigned a number.

Safeguards: Each case assigned a number, only EEO staff has code numbers and identifications.

Retention and disposal: Confidential—Indefinite retention time.

System manager(s) and address: Comptroller of the Currency, Equal Employment Opportunity Officer, 490 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Reports from Formal Complaint Cases.

Treasury/Comptroller 00.012

System name: Freedom of Information log—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Persons making request under the Freedom of Information Act.

Categories of records in the system: List of names of persons making requests under the Freedom of Information Act.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control and reference regarding Freedom of Information Act, For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Unlocked file cabinet.

Retention and disposal: Perpetuity.

System manager(s) and address: See Comptroller Appendix A.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Persons making requests under Freedom of Information Act.

Treasury/Comptroller 00.013

System name: Information file on individuals and commercial entities known or suspected of being involved in fraudulent activities—Treasury/Comptroller.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Individuals and entities involved in actual or suspected fraudulent activities.

Categories of records in the system: This system consists of alphabetized indices of the names of individuals or commercial entities known or suspected of involvement in fraudulent activities both foreign and domestic.

Authority for maintenance of the system: This system is established and maintained pursuant to 12 U.S.C. sections 21, 481, 1818, and 1829.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is utilized in connection with the national bank examination program to ascertain whether any transactions were made between examined bank and any of the individuals or entities who may be involved in fraudulent schemes. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged such violation or charged with enforcing or implementing such law. A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in file cabinets.

Retrievability: The records are retrieved by name of the individual, trade style used or by the name of the bank involved.

Safeguards: Records are maintained by the Office in files with security procedures consistent with the sensitivity of the data.

Retention and disposal: Currently there are no provisions for disposal of records contained in this system.

System manager(s) and address: Director of Enforcement Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: The Department of Justice has exempted this system elsewhere in the Federal Register.

Record access procedures: Exempted as above.

Contesting record procedures: Exempted as above.

Record source categories: Exempted as above.

Systems exempted from certain provisions of the act: Exempted elsewhere in the Federal Register by the Department of Justice.

Treasury/Comptroller 00.014

System name: Investigation Files/Employee Reference File - Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employee of Comptroller of the Currency.

Categories of records in the system: Compilation of material for a determination regarding security clearance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9 / 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the Personnel Management Division, the routine uses are associated with the employee's position. Used only by authorized security-cleared employees within the division. Investigations are used to properly grant clearances. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked steel file cabinets and a safe with combination lock.

Retrievability: Filed in alphabetical order by geographical location.

Safeguards: Combination locks are changed once a year and only security-cleared employees within the Personnel Management Division have access.

Retention and disposal: Materials are retained for one month after employee leaves and the records are disposed by shredding.

System manager(s) and address: Director of Personnel, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, DC 20219.

Notification procedure: The Comptroller of the Currency has exempted this system elsewhere in the Federal Register.

Record access procedures: Exempted as above.

Contesting record procedures: Exempted as above.

Record source categories: Exempted as above.

Systems exempted from certain provisions of the act: Portions of this system are exempted elsewhere in the Federal Register due to the investigative nature of the record.

Treasury/Comptroller 00.015

System name: Leave Applications.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Leave Requests of employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Making judgement regarding leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Protected by roving guard after working hours.

Retention and disposal: 3 years and then destroyed.

System manager(s) and address: Comptroller of the Currency, Branch Chief, 490 L'Enfant Plaza East, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.020

System name: Precomplaint Counseling and Complaint Activities—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly Precomplaint Activity Reports from 14 Regions and Headquarters, 14 Regions and Headquarters.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on Regional Counseling activities for monthly submission to Treasury. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by date of receipt.

Safeguards: Staff supervision during day; data in statistics only, no names used.

Retention and disposal: Individual reports shredded at end of two years.

System manager(s) and address: Comptroller of the Currency, Director of Personnel, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Monthly submission by regions.

Treasury/Comptroller 00.016

System name: Parking Space Applications—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Parking space applications.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignment of spaces to eligible employees. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Maintained in locked file cabinet.

Retention and disposal: While employed with the Comptroller.

System manager(s) and address: Comptroller of the Currency, Director, Administrative Operations Div., 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee Applicant.

Treasury/Comptroller 00.017

System name: Travel expense voucher-Treasury/Comptroller.

System location: Comptroller of the Currency, Fiscal Management Division, 6th Floor, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees traveling in performance of official duties.

Categories of records in the system: Travel expense voucher.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Form used by employee to claim and support reimbursement for travel expenses incurred in performance of official duties. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed in alphabetical order by geographic location.

Safeguards: Security provided by building guards during nonworking hours. Files under supervision of voucher payment clerks during working hours.

Retention and disposal: Retained for 2 years by fiscal management division. Stored in the federal records center for 10 years and then disposed of by the records center.

System manager(s) and address: Comptroller of the Currency, Director, Fiscal Management Division, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Travel expense claims submitted by employee under bureau travel regulations.

Treasury/Comptroller 00.023

System name: Address Card—CC-6020-01—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Addresses and telephone number of Regional Office Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Locater's personal information. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Kept for all active employees.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional employees.

Treasury/Comptroller 00.024

System name: Bond Issue Listing—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees in the Regional Office.

Categories of records in the system: Schedule of bond listing.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide an index of employees who have been issued E Bonds. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical by Social Security Number.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained on a quarterly basis, then destroyed.

System manager(s) and address: Regional Administrator (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Fiscal Management Office, Washington, D.C.

Treasury/Comptroller 00.025

System name: Civil Defense Card Control Sheet—CC-6020-08—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of Regional Office.

Categories of records in the system: Defense control card listing.

Authority for maintenance of the system: 12 U.S.C. 1 AND 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for listing Civil Defense Cards issued by name and number. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active field employees. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.026

System name: Employee Vehicle Authorization CC-6042-22—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Authorization for vehicle travel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to afford employee permission to use privately owned automobiles in performance of official duty. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Kept for all employees who use privately owned auto in performance of official duty. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Employees.

Treasury/Comptroller 00.232

System name: Evaluation Cards—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, MA 02108.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Card listing employee evaluations.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to generate annual evaluation of employees on their anniversaries. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By month, alphabetical by employees' name.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active employees. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional office.

Treasury/Comptroller 00.234

System name: Inactive Personnel Files—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, VA 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Not normally used unless reemployment considered. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Destruction 2 years after termination.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisor, Washington Office.

Treasury/Comptroller 00.022

System name: Monthly Outstanding Report of Travel Advances—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the region.

Categories of records in the system: Schedule of Outstanding travel advances.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computer listing of employees who have travel advances. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical by Social Security Number.

Safeguards: Maintained in locked file.

Retention and disposal: Current listing maintained for all employees who have an outstanding travel advance.

System manager(s) and address: Regional Administrator (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Fiscal Management Division, Comptroller of the Currency—Washington.

Treasury/Comptroller 00.245

System name: Personnel Files—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, MA 02108.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Compilation Personnel form and sections.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotion, training, insurance, employment history, performance, evaluation, employment reference, personnel advice, career planning, address and telephone number. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active employees and for prior employees for three years from time of retirement or resignation.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees, supervisors and administrative personnel.

Treasury/Comptroller 00.021

System name: Picket Identification Card, Control Sheet—CC—6020-09—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the First National Bank Region.

Categories of records in the system: Control sheet for regional employees identification cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for listing of ID cards issued by number and name of employee. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active field employees. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.027

System name: Time and Attendance Report Form TUS-430—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Report of time in a pay status and on a pay period basis.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assist in accurate maintenance of leave balance. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Numerical by control number within organizational codes.

Safeguards: Maintained in locked file.

Retention and disposal: Current year plus last three prior years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Philadelphia, PA, Payroll Center.

Treasury/Comptroller 00.261

System name: Time and Leave Register—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, MA 02108.

Categories of individuals covered by the system: Employees of the region.

Categories of records in the system: Pay Period listing of time in work status, time in leave status, and leave balances.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assist in accurate maintenance of leave balances. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical by Social Security number within organizational codes.

Safeguards: Maintained in locked file.

Retention and disposal: Retained for one pay period then destroyed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza S.W., Washington, DC 20219.

Record access procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza S.W., Washington, DC 20219.

Contesting record procedures: Director of Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza S.W., Washington, DC 20219.

Treasury/Comptroller 00.028

System name: Travel Advance Listing—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of Region.

Categories of records in the system: Computation of travel expense.

Authority for maintenance of the system: 12 U.S.C. 1, 2 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide internal control for travel advance. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all employees who have received a travel advance. Disposed of when advance has been repaid.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of Region.

Treasury/Comptroller 00.029

System name: ADP Time and Attendance Reports—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 1005.

Categories of individuals covered by the system: All active employees of the Region.

Categories of records in the system: Time and Attendance.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of annual leave and sick leave; compilation of payroll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: After two years shredded.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.030

System name: Automobile Authorization—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All personnel of the Region using automobile for official business.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review driving records. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked file.

Retention and disposal: After four years shredded by Federal Record Center Staff.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.031

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Entire Examination Staff of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by name.

Safeguards: Locked file cabinet

Retention and disposal: Permanent Retention.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.032

System name: Computer Leave Balance Printout—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All active employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of annual leave and sick leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Shredded after three years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Personnel Management Division—Washington Office.

Treasury/Comptroller 00.033

System name: "E" Bond List—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All active employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of "E" Bond deductions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Shredded after three years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Personnel of the Region.

Treasury/Comptroller 00.034

System name: Employee Annual Leave Cards—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of the Region filing said applications.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application for leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Shredded after three years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region who are filing for leave.

Treasury/Comptroller 00.035

System name: Examiner ID Card Register—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Entire Examination Staff of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control purposes. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Permanent Retention.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Examination Staff of the Region.

Treasury/Comptroller 00.036

System name: Inventory Control Records—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Inventory.

Categories of records in the system: Administrative Services.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Property Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Permanent retention.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Administrator and employees.

Treasury/Comptroller 00.238

System name: Job Application File—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All job applicants.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide source of prospective employees. For additional routine uses see TreasuryAppendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Permanent retention.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Job applicants.

Treasury/Comptroller 00.037

System name: Mailing Plates—Treasury/Comptroller.

System location: 33 Liberty Steet, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Entire Examining Staff of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9. 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Addressing envelopes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal plates.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Until obsolete.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Examining Staff of the Region.

Treasury/Comptroller 00.246

System name: Personnel Files (Current Employees)—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of staff.

Categories of records in the system: Personnel files.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verifications; statistical reports; contains history of employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Kept in Regional Office until severance.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information supplied by employees.

Treasury/Comptroller 00.260

System name: Personnel Files (Former Employees)—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All former employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference, further employment possibilities. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Disposed after termination of employment.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Former employees.

Treasury/Comptroller 00.038

System name: Travel Advance Files—Treasury/Comptroller.

System location: 33 Liberity Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of the Region issued travel advances.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reference purposes. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Retained one year, shredded thereafter.

System manager(s) and address: Regional Administrator (See Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Fiscal Management Division, Washington Office.

Treasury/Comptroller 00.039

System name: Travel Voucher Files—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of the Region in travel status.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reference purposes. For Additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: After four years, records are shredded.

System manager(s) and address: Regional Administrator (See Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region filling out vouchers.

Treasury/Comptroller 00.223

System name: Active Personnel File—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Act, Promotion, Training, Performance, Address, Reference and Verification of Employment, Career Planning. For additional routine uses see previously published Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.040

System name: Automobile Authorization—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Approval and Insurance Determination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by Name.

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.041

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date of issue (cross referenced by name of employee).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.042

System name: Comprehensive History of Employees Master Files—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification purposes, i.e. SCD & PSI. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Last report and PP No. 26 for two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.043

System name: Computer Leave Balance Print—out—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification Leave Balance. For Additional Routine Use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.044

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Complainants.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Processing and Follow-up. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date received (cross referenced by name).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.045

System name: E Bond List—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll Deductions, Employee Participation. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Current.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.046

System name: Employees Annual Leave Record—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.047

System name: Employees I.D. Register—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date of issue (cross referenced by name of employee).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.048

System name: Employees I.D. Pen Register—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date of issue (cross referenced by name of employee).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.229

System name: Employment Applications—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Examiner, Summer Aides, Clerk/Typists, Stenographers, F.I.'s.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment Positions. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.049

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Date.

Safeguards: None.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.233

System name: Inactive Personnel File—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: All former employees and LWOP's.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.050

System name: Regional Telephone Log—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Persons placing or receiving calls.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Date.

Safeguards: None.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Callers to Regional Office.

Treasury/Comptroller 00.051

System name: Travel Advances—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping Purposes. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Current report.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.052

System name: Travel Vouchers Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Travel expenses incurred, Career Development and Training, City Tax Verification. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by month (cross reference to name).

Safeguards: Locked cabinets.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.053

System name: Visitors Log—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Office Visitors.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Date.

Safeguards: None.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Visitors to Regional Office.

Treasury/Comptroller 00.054

System name: Weekly Itineraries—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: National Bank Examiners, Representatives in Trusts, Associates in Trusts.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignments, Projected Assignments, Leave Information. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by Name.

Safeguards: Locked cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.055

System name: Annual Leave Request—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: SF 71, Application for Leave.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after employee leaves.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: From employee.

Treasury/Comptroller 00.224

System name: Application for Employment—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Employment inquiries and applications.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment of new employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed after two years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Individuals seeking employment.

Treasury/Comptroller 00.056

System name: Application for Travel Advances—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Request for advance of funds for official business.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel file (Checked for return of funds when employee leaves). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Retained in active file.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: From employee.

Treasury/Comptroller 00.057

System name: Comprehensive Listing of Employees—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Grade, Social Security Number, Salary, Withholdings, etc., for each employee.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office Management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.058

System name: Employee Vehicle Authorization—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Authority to use privately-owned automobile for official duty.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Required for use of POV. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Renewed January 1 of each odd numbered year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Submitted by employee for authorization by Regional Administrator.

Treasury/Comptroller 00.059

System name: Examination Failures—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Names of prospective employees who have failed test administered for assistant national bank examiner position.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check list if individual re-applies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.060

System name: Examiner Authorization Certificate—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Authority for Regional Administrator to sign examiner's bank reports.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Standing Power of Attorney. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after employee leaves.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.061

System name: Government Transportation Requests—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Numbers of Transportation Requests and names to whom issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of issuance and return of Government Transportation Requests. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Name removed after employee separates.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.062

System name: Greater Cleveland Federal Campaign—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: List of Cleveland employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Solicitation of contributions to United Fund. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.063

System name: Inventory of Identification cards and pins—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Treasury Department, Civil Defense, Comptroller of the Currency Pin.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent (Retained concurrently).

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office, Originated entries.

Treasury/Comptroller 00.064

System name: List of E Bonds—Treasury/Comptroller

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, Social Security Number, amount of bond, etc.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Checking possible loss of bond and date of issue. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed after one year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.065

System name: Mailing Plates—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Addresses for all field employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailing assignments, circulars, etc. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Permanent (Employee's plate destroyed after separation).

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.066

System name: Monthly list of Travel Advances—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Print-out list of outstanding travel advances.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of travel advances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office—CC.

Treasury/Comptroller 00.067

System name: Personnel Directory—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, address, telephone number of each employee.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contacting employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: One copy retained permanently.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Issued by-yearly by Regional Office.

Treasury/Comptroller 00.256

System name: Personnel Records (Active)—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel files of current employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll, performance evaluations and overall management matters. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of employee or Social Security Number.

Safeguards: Locked file cabinets.

Retention and disposal: Retained in active file.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, supervisors, and other miscellaneous sources.

Treasury/Comptroller 00.257

System name: Personnel Records (Inactive)—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel files of former employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Miscellaneous, reference and inquiries. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed 10 years after employee leaves.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, supervisors and other miscellaneous sources.

Treasury/Comptroller 00.068

System name: Salary Cards—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Card for each employee with salary, grade, and date.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of yearly performance evaluation of employee.For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Filed in inactive personnel, file after separation.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.069

System name: Time and Leave Register—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: TUS 430, Bi-weekly employee time and attendance record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll Purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: CC Payroll Center.

Treasury/Comptroller 00.070

System name: Travel Expense Vouchers—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Record of expenses in travel status.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Claim for reimbursement of travel expenses and audit thereof. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Submitted by employee monthly.

Treasury/Comptroller 00.071

System name: Weekly Itineraries—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Schedule of bank assignments of examiners.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contacting examiners. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Submitted weekly by examiners.

Treasury/Comptroller 00.072

System name: Address Card File—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address information, headquarters information, telephone No., Organizational Code, Social Security No. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.073

System name: Addressograph Plates—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal and Bank Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel and Bank Mailings—Bulletins. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent, with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, Personnel.

Treasury/Comptroller 00.225

System name: Applications for Employment—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, VA 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Pending files—before offer or declination. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Retain 2 years—destruction.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: Comptroller Appendix A.

Record access procedures: Comptroller Appendix A.

Contesting record procedures: Comptroller Appendix A.

Record source categories: Applicants.

Treasury/Comptroller 00.074

System name: Automobile Authorizations—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check for authority to use personal vehicle for official travel. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent until termination then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.075

System name: Civil Defense ID Card Register—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory—Reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: Permanent, with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.076

System name: E Bond Lists—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by Security No.

Safeguards: Locked Files.

Retention and disposal: Retention 2 years then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee information.

Treasury/Comptroller 00.077

System name: Employee Annual & Sick Leave Record (T&A)—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Ready reference for supervisors and personnel re leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: 1 1/2 years retention then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Computer Center, Regional Office Personnel.

Treasury/Comptroller 00.078

System name: Employee Index—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check for voucher submission & record of authority to use personal vehicle. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: Routine updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office personnel.

Treasury/Comptroller 00.079

System name: Examiner ID Card Register—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory—Reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.080

System name: History of Employee-Master File TUS 404—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Ready reference—all employee information re salary, SCD, PSI. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by Social Security No.

Safeguards: Locked files.

Retention and disposal: Retain current pay period plus 1st and last pay period annually.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.081

System name: ID Pin Register—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory-Reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.082

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Numerical—Property No.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Required Recordkeeping for control of inventory. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Number Cross-referenced by name.

Safeguards: Locked Files.

Retention and disposal: Permanent record, with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.083

System name: List of Travel Advances—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference-checked upon employee termination of employment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by Social Security No.

Safeguards: Locked files.

Retention and disposal: Retention 2 years then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee information.

Treasury/Comptroller—00.247

System name: Personnel Files—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, VA 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employee history, personal references, evaluations, training, career planning. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Destruction 2 years after termination.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisor, Washington Office.

Treasury/Comptroller 00.084

System name: Personnel Notebook—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Synopsis of information contained in personnel file-ready reference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office Personnel.

Treasury/Comptroller 00.085

System name: TR Index—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintain control and verification of annual travel expenses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerically and alphabetically by name.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office Personnel.

Treasury/Comptroller 00.086

System name: Travel Vouchers—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 .S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit-Reports-Reclaim; Recommended Suspension and Allowances; For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: 2 1/2 years-retention-destruction.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.087

System name: Visitor and Telephone Logs, Persons calling or visitiong regional office—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Daily logs.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral for Names-Dates. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By date.

Safeguards: Locked files.

Retention and disposal: 1 year retention then destruction.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.088

System name: Weekly Itineraries—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Location of personnel, Leave verification. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical, name and date.

Safeguards: Locked Files.

Retention and disposal: 1 year—destruction.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.226

System name: Active Personnel Files—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Personnel Matters. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinets.

Retrievability: Name or Social Security Number.

Safeguards: Lock and key.

Retention and disposal: Active file permanent retention.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.089

System name: Automobile Authorizations—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Travel and Accident. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk drawer.

Retrievability: Name or Social Security Number.

Safeguards: None.

Retention and disposal: Two year renewal.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.090.

System name: Bank Organizers & Proposed Officer Files (listed by name of bank)—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Bank Organizers; Proposed Officers.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 CFR 42, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appraise charter & Competence of Management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Held in Charter File in file cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Approved Charters—Permanent Retention, Disapproved—destroyed after three years.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Applicants, References, Employee.

Treasury/Comptroller 00.091

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Register. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.092

System name: E Bond—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update and change records, employee participation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: 90 days.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.093

System name: Employee compensation—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update & change records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: 90 days.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.094

System name: Employee Leave—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update Records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Three years—destroyed.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroll, Appendix A.

Contesting record procedures: See Comptroll, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.095

System name: Employee Residence—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name or Social Security Number.

Safeguards: None.

Retention and disposal: Kept Current.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.096

System name: Examiner I.D. Register—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Register. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.097

System name: Inventory (Property) Control Card—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verifying fixed assets. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked File.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Current plus one year; destroyed.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.239

System name: Job Applications—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Applicant.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recruitment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked desk.

Retrievability: Name or Social Security Number.

Safeguards: Lock and key.

Retention and disposal: Two years—destroyed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Applicant.

Treasury/Comptroller 00.098

System name: Payroll Roster—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: 90 days.

System manager(s) and address: Regional Administrator (See "Location" above for address.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.099

System name: Regional Advisory Committe—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Advisory Committee Member.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Participation in two meetings per year. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked File.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.100

System name: Time & Attendance—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Posting T&A; Leave Balances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Three years—destroyed.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.101

System name: Travel Advance—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked Desk.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Kept current.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee and Washington, D.C.

Treasury/Comptroller 00.102

System name: Travel Vouchers—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Adjust. Action; check agency leave records; check bills for Special Services; Compile Monthly Travel report. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Office files.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Four year retention, kept current.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.103

System name: Weekly Itinerary—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave and locate examiners. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Six months in office; 1-1/2 years Record Center.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.104

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Persons filing complaints with regional office against national banks.

Categories of records in the system: Card file index to pending and inactive consumer complaints against banks.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a ready reference for the location and status of pending and closed complaints against banks. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetical.

Safeguards: Maintained in closed cabinet.

Retention and disposal: Indefinite period of time.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Record source categories: Complaints against banks.

Treasury/Comptroller 00.105

System name: E Bond Listing—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Personnel.

Categories of records in the system: Enrollment records of all employees participating in United States Savings Bond Program.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral for proper mailing of E Bonds to enrollees. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Indexed by Social Security Number.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Listing received bi-weekly. Previous listing destroyed upon receipt of most current listing.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.106

System name: Educational Record File—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Listing of various training programs by subject category.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral for purpose of selection for available training programs. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Each training program listed by dates conducted, listing each participant attending.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Indefinitely or until training program has been cancelled.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.107

System name: Employee Comprehensive Listing—Treasury/Comptroller

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Listing of all salaried employees detailing salary, leave balance, itemized deductions of salaries and participation in sundry federal fringe benefit programs.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Personnel matters relating to salary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Index by social security number.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Listing received by-weekly. Destroyed upon receipt of updated listing.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.231

System name: Employment Applications Under Competitive Appointment basis—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional office personnel.

Categories of records in the system: Job applications referenced through Civil Service List of Eligibles.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referrals for primarily clerical positions in the Regional Office. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name of applicant.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Two year retention period.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.240

System name: Job Applicants (Active)—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Personnel applying for positions with regional office.

Categories of records in the system: Employment applications for staff positions in the Seventh National Bank Region.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for available positions. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Retained two years, then destroyed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Job applicants.

Treasury/Comptroller 00.248

System name: Personnel Files (Active)—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional office employees.

Categories of records in the system: Employment records of all active Employees in the Seventh National Bank Region.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General personnel matters. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Retained until termination of employment, then transferred to inactive file.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees, School Officials, Job Reference, Former Employees.

Treasury/Comptroller 00.258

System name: Personnel Files (Inactive)—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional office employees.

Categories of records in the system: Employment records of all retired or terminated employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of employment, promotion, training, insurance, employment history, performance, evaluation, personnel advice, career planning, retirement security clearance. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Five year retention subsequent to retirement or termination. File is shredded after this period.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees, School Officials, Job Reference, Former Employees.

Treasury/Comptroller 00.108

System name: Time and Attendance Records—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Record of employee attendance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record official work time of each employee and verification of leave taken. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number.

Safeguards: Limited access to locked cabinet.

Retention and disposal: 12 months.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.109

System name: Travel & Per Diem Vouchers—Treasury/Comptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Expense vouchers submitted on Employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of official travel incurred in accordance with duty assignment. For addtional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Restrictive access to locked cabinet.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.110

System name: Weekly Examiner Itinerary—Treasury/Cpmptroller.

System location: 233 South Walker Drive, Suite 5750, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Weekly record of official assignments and anticipated itinerary for following week.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of actual duty assignment for National Bank Examiner. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetical by week.

Safeguards: Limited access to locked cabinet.

Retention and disposal: 12 months.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.111

System name: Accident Report—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennesse 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: From 91, 91A and Optional Form 26.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Matter of record; Approval of renewal of employee vehicle authorization, for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Name/Date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.112

System name: Automobile Authorization—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of employee authorized to use a privately-owned automobile. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Name.

Safeguards: Locked file cabinets.

Retention and disposal: Destroyed after 4 months.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.113

System name: Civil Defense Card Control Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennesse 38103.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Civil Defense Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Civil Defense Card Number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.114

System name: Comprehensive Listing of Employee Master File Form TUS 404—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Administrative control. Also see Appendix AA for routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.115

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Any individual who lodges a complaint against a national bank.

Categories of records in the system: Name of individual and address; name of bank involved and address; date bank notified of complaint; follow-up date; closing date of complaint.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to check complaint status until closing date. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Date complaint letter is forwarded to bank for comment.

Safeguards: Locked file cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Counsel.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Filing of a complaint letter by a complainant.

Treasury/Comptroller 00.116

System name: E Bond Listing—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issuances of Series E Bonds. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Computer, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.117

System name: Employee Annual and Sick Leave Card—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennesee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Shows annual and sick leave by month, by day.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to post leave to TUS—430's; used for review of leave used which is easily accessible on one card or sheet in one place. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.118

System name: Employee Vehicle Authorization Form CC—6042—22—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Description of the automobile, insurance, driving violations and accidents.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to use auto for official duty. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded due to any change; renewed every two years.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee

Treasury/Comptroller 00.119

System name: Identification Pin Control Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Identification Lapel Pins.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name as issued by date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.120

System name: Inventory Control of Property—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Listings of property assignments for briefcases, portable typewriters, and electronic calculators.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of Inventory and Property. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Initially by Item and Property No., thereafter by Serial No. and Employee name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Assignment.

Treasury/Comptroller 00.241

System name: Job Application—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Applicants for positions.

Categories of records in the system: File folder containing letters, resumes, college transcripts, pre-employment tests, and interview form relating to application for employment.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening applicants for employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name, by year.

Safeguards: Locked file cabinet.

Retention and disposal: Three years shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information furnished by applicant; test and interview administered by Regional Recruiter.

Treasury/Comptroller 00.121

System name: Mailing List Master Sheet—Treasury Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: All employees except Regional Office employees.

Categories of records in the system: Xerox master for making address labels on Xerox machine.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailings to employees. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.249

System name: Personnel File—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees with excepted appointments.

Categories of records in the system: Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notification of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD—214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See category of record.

Treasury/Comptroller 00.250

System name: Personnel File—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Clerical personnel with Career and Career-Conditional Appointments.

Categories of records in the system: Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.122

System name: Pocket Identification Card Control Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts, and Financial Interns.

Categories of records in the system: Listing of issuances of Idenitification Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: ID Card Number by type (National Bank Examiner, Assistant Examiner, etc.)

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Controller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.123

System name: Telephone Log—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Public, including bankers and all employees.

Categories of records in the system: A daily log of incoming and outgoing telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Placing telephone calls. Checking telephone bills. Reference. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: In sequence by date.

Safeguards: Locked Desk Drawer.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.124

System name: Time and Attendance Report (TUS—430)—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees

Categories of records in the system: Time in pay status, annual and sick leave, and other leave. Leave supported by Application for Leave (SF 71) Carbon copies.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment of salary. Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by Agency ID No. by pay period.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.125

System name: Time and Leave Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave used and leave balances. For routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.126

System name: Application for Travel Advance Form CC—6042-17—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees

Categories of records in the system: Request for advance of funds.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advance of funds by Fiscal Management Division, Repayment of advance upon resignation, retirement or termination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets

Retrievability: Alphabetically (Form CC-6042-17), (Carbon copy) and EDP Printout by Social Security number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent; until repaid.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptrolller, Appendix A.

Record source categories: Form CC-6042-17 from employee, EDP Printout from Washington Office.

Treasury/Comptroller 00.127

System name: Travel and Expense Vouchers Form CC-6040-03—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Carbon copy of monthly record of travel claims.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel expenses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet

System name: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee and Washington Office.

Treasury/Comptroller 00.128

System name: Weekly Itinerary Form CC-1427-OX—Treasury/Comptroller.

System location: 165 Madison Aveune, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: National Bank Examiners and Representatives in Trusts.

Categories of records in the system: Location of Bank Examination.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Scheduling, Location of Personnel in travel status, Report of Examinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by week.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: National Bank Examiners and Representatives in Trusts.

Treasury/Comptroller 00.129

System name: Automobile Authorization File—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Approval and Insurance Determination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: 2 years then dispose

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.131

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.132

System name: Computer Leave Printout—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of leave balance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked File Cabinets.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.133

System name: Computer List of Travel Advances—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control of advances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked File Cabinet.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Adminstrator. (See "Location" above for addresss.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.134

System name: Computer Printout, Series E Bond Subscribers—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing payroll deductions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.135

System name: Employee Annual Leave Cards—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing leave balance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Direct Access.

Safeguards: Locked File Cabinet.

Retention and disposal: one year.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix.

Record source categories: Employee.

Treasury/Comptroller 00.136

System name: Employee Annual Leave, Computer Printout—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing leave balance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked File Cabinets.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee

Treasury/Comptroller 00.137

System name: Employee Identification Card Register—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and U.S.C 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.230

System name: Employment Applications Files—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Analyzed for employment opportunity. For additional routine uses see Treasury Appendix. AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct access.

Safeguards: Locked file cabinet.

Retention and disposal: 2 years then dispose of.

System manager(s) and address: Regional Administrator (see "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.139

System name: Financial & Biographical Reports of Organizers of New National Banks—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent retention.

System manager(s) and address: Regional Adminstrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.140

System name: Identification Pin Register—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Control. For additional routine uses see Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.141

System name: Inventory Control Cards—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.251

System name: Personnel Files (Active)—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel actions, promotions, training, performance, i.e. addresses. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct access.

Safeguards: Locked, metal fireproof file cabinet.

Retention and disposal: Permanent while active.

System manager(s) and address: Regional Administrator (see "Location" above for address).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.259

System name: Personnel Files (Inactive—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference employment career planning. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct access.

Safeguards: Locked, metal fireproof file cabinet.

Retention and disposal: 1 year in Region, 2 years in Fed. Records Center.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.142

System name: Public Files—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Mineapolis, Minnesota 55402.

Categories of individuals covered by the system: Bank Officials General Public.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: 10 years; 3 years in region. 7 years in Fed Records Ctr. then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.143

System name: Regional Telephone log—Treasury/Comptroller.

System location: 882 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: 1 year.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.144

System name: Travel Voucher Files-Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel voucher. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: 4 years; 1 year in region & 3 years at Fed. Records Center.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.145

System name: Weekly Itineraries—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignment projected assignments & leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: 6 mos. in region & 1-1/2 years in records center.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.146

System name: Accident Report—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105

Categories of individuals covered by the system: Employees.

Categories of records in the system: Form 91, 91A and Optional Form 26.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Matter of record; Approval of renewal of employee vehicle authorization. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Name/Date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.147

System name: Civil Defense Card Control Register-Treasury/Comptroller

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Civil Defense Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files Cabinet.

Retrievability: Civil Defense Card Number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.148

System name: Comprehensive Listing of Employee Master File Form TUS 404—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix AA for routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.149

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Any individual who lodges a complaint against a national bank.

Categories of records in the system: Name of individual and address; name of bank involved and address; date bank notified of complaint; follow-up date; closing date of complaint.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to check complaint status until closing date. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Date complaint letter is forwarded to bank for comment.

Safeguards: Locked File Cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Counsel (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Filing of a complaint letter by a complainant.

Treasury/Comptroller 00.150

System name: E Bond Listing—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issuances of Series E Bonds. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.151

System name: Employee Annual and Sick Leave Card—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Shows annual and sick leave by month, by day.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to post leave to TUS-430's; used for review of leave used which is easily accessible on one card or sheet in one place. For additional routine uses Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.152

System name: Employee Vehicle Authorization Form CC-6042-22—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Description of the automobile, insurance, driving violations and accidents.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to use auto for official duty. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded due to any change; renewed every two years.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.154

System name: Inventory Control of Property—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Listings of property assignments for briefcases, portable typewriters, and electronic calculators.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Initially by Item and Property No., thereafter by Serial No. and Employee name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Assignment.

Treasury/Comptroller 00.242

System name: Job Applications—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Applicants for positions.

Categories of records in the system: File folder containing letters, resumes, college transcripts, pre-employment test, and interview form relating to application for employment.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening applicants for employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name, by year.

Safeguards: Locked file cabinet.

Retention and disposal: Three years, shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information furnished by applicant; test and interview administered by Regional Recruiter.

Treasury/Comptroller 00.155

System name: Mailing List Master Sheet.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: All employees except Regional Office employees.

Categories of records in the system: Xerox master for making address labels on Xerox machine.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailings to employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.252

System name: Personnel File—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Clerical Personnel with Career and Career-Conditional Appointments.

Categories of records in the system: Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C.9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See category of records.

Treasury/Comptroller 00.253

System name: Personnel File—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees with excepted appointments.

Categories of records in the system: Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notifications of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See Category of Record.

Treasury/Comptroller 00.156

System name: Pocket Identification Card Control Register—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts, and Financial Interns.

Categories of records in the system: Listing of issuances of Identification Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: ID Card. Number by type (National Bank Examiner, Assistant Examiner, etc.)

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.157

System name: Telephone Log—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Public, including banders and all employees.

Categories of records in the system: A daily log of incoming and outgoing telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Placing telephone calls. Checking telephone bills. Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: In sequence by date.

Safeguards: Locked Desk Drawer.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.158

System name: Time and Attendance Report (TUS-430)—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Time in pay status, annual and sick leave, and other leave. Leave supported by Application for Leave (SF 71) Carbon copies.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment of salary. Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by Agency ID No. by pay period.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.159

System name: Time and Leave Register—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing of Leave used and leave balances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.160

System name: Application for Travel Advance Form CC-6042-17—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Request for advance of funds.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advance of funds by Fiscal Management Division, Repayment of advance upon resignation, retirement or termination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically (Form CC-6042-17), (Carbon copy) and EDP Printout by Social Security number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent; until repaid.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Form CC-6042-17 from employee, EDP Printout from Washington Office.

Treasury/Comptroller 00.161

System name: Travel and Expense Vouchers Form CC-6040-03—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Carbon copy of monthly record of travel claims.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel expenses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee and Washington Office.

Treasury/Comptroller 00.162

System name: Weekly Itinerary Form CC-1427-OX.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: National Bank Examiners and Representatives in Trusts.

Categories of records in the system: Location of Bank Examination.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Scheduling, Location of Personnel in travel status, Report of Examinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by week.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.(See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: National Bank Examiners and Representatives in Trusts.

Treasury/Comptroller 00.163

System name: Accident Report—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Form 91, 91A and Optional Form 26.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Matter of record; Approval of renewal of employee vehicle authorization. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Name/Date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.164

System name: Civil Defense Card Control Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Civil Defense Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Civil Defense Card Number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.165

System name: Comprehensive Listing of Employee Master File Form TUS 404—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employee utilization file. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.166

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Any individual who lodges a complaint against a national bank.

Categories of records in the system: Name of individual and address; name of bank involved and address; date bank notified of complaint; follow-up date; closing date of complaint.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to check complaint status until closing date. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Date complaint letter is forwarded to bank for comment.

Safeguards: Locked File Cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Counsel (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Filing of a complaint letter by a complainant.

Treasury/Comptroller 00.167

System name: E Bond Listing—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issuances of Series E Bonds. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.168

System name: Employee Annual and Sick Leave Card—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Shows annual and sick leave by month, by day.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to post leave to TUS-430's; used for review of leave used which is easily accessible on one card or sheet in one place. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.169

System name: Employee Vehicle Authorization Form CC-6042-22—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Description of the automobile, insurance, driving violations and accidents.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to use auto for official duty. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded due to any changes renewed every two years.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.170

System name: Identification Pin Control Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Identification Lapel Pins.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name as issued by date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent file.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.171

System name: Inventory Control of Property—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Listings of property assignments for briefcases, portable typewriters, and electronic calculators.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Initially by Item and Property No., thereafter by Serial No. and Employee name.

Safeguards: Locked File Cabinet.

Retention and disposal: Retained as superseded or changed.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Assignment.

Treasury/Comptroller 00.243

System name: Job Applications—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Applicants for positions.

Categories of records in the system: File folder containing letters, resumes, college transcripts, pre-employment tests, and interview form relating to application for employment.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening applicants for employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name, by year.

Safeguards: Locked file cabinet.

Retention and disposal: After three years shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information furnished by applicant; test and interview administered by Regional Recruiter.

Treasury/Comptroller 00.172

System name: Mailing List Master Sheet—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: All employees except Regional Office employees.

Categories of records in the system: Xerox master for making address labels on Xerox machine.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailings to employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.254

System name: Personnel File—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees with excepted appointments.

Categories of records in the system: Application Form (SF 171), Security Investigation Data Form (SF 86), Standard Interview Form (CSC Form 299), Notifications of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career

Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses, see Treasury Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See Category of Record above.

Treasury/Comptroller 00.255

System name: Personnel File—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Clerical Personnel with Career and Career-Conditional Appointments.

Categories of records in the system: Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See Category of Record above.

Treasury/Comptroller 00.173

System name: Pocket Identification Card Control Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts, and Financial Interns.

Categories of records in the system: Listing of issuances of Identification Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: ID Card Number by type (National Bank Examiner, Assistant Examiner, etc.).

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.174

System name: Telephone Log—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Public, including bankers and all employees.

Categories of records in the system: A daily log of incoming and outgoing telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Placing telephone calls. Checking telephone bills. Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: In sequence by date.

Safeguards: Locked Desk Drawer.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.175

System name: Time and Attendance Report (TUS-430)—Treasury/Comptroller

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Time in pay status, annual and sick leave, and other leave. Leave supported by Application for Leave (SF 71) Carbon copies.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment of salary. Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by Agency ID No. by pay period.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.176

System name: Time and Leave Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave used and leave balances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.177

System name: Application for Travel Advance Form CC-6042-17—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Request for advance of funds.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advance of funds by Fiscal Management Division, Repayment of advance upon resignation, retirement or termination—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically (Form CC-6042-17), (Carbon copy) and EDP Printout by Social Security number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Form CC-6042-17 from employee, EDP Printout from Washington Office.

Treasury/Comptroller 00.178

System name: Travel and Expense Vouchers Form CC-6040-03—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Carbon copy of monthly record of travel claims.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel expenses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee and Washington Office.

Treasury/Comptroller 00.179

System name: Weekly Itinerary Form CC-1427-OX—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners and Representatives in Trusts.

Categories of records in the system: Location of Bank Examination.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Scheduling, Location of Personnel in travel status, Report of Examinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by week.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: National Bank Examiners and Representatives in Trusts.

Treasury/Comptroller 00.227

System name: Active Personnel files—Treasury/Comptroller.

System location: 1405 Curtis Street Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Active Employee file.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotion, training, employment history, evaluation. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.180

System name: Automobile authorization file—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Form CC—6042—22 (Rev. 9/74).

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of reeords maintained in the system, including categories of users and the purposes of such uses: Authority to drive and driving record. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In individual personnel files, file cabinets.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: Renewable every two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.181

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Listing as issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of cards issued, destroyed or lost. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook in File Cabinet.

Retrievability: Alphabetically and chronologically.

Safeguards: Secured file cabinet.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.182

System name: Computer Leave Printout—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Computer listing of leave balance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verify leave records and to respond to individual inquiry. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Organization Code and Social Security number.

Safeguards: Locked files.

Retention and disposal: Retained until reconciled.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Pay Center.

Treasury/Comptroller 00.183

System name: E Bond List—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Computer listing of bonds issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of bond issue for response to individual inquiries on receipt thereof. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Organization Code and Social Security number.

Safeguards: Locked files.

Retention and disposal: Six months.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Pay center, pay records.

Treasury/Comptroller 00.184

System name: Employee mailing list—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Addresses and telephone numbers of personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For telephone use and mailing list. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Office.

Retention and disposal: New list made every two months. Others destroyed.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.185

System name: Employee Time Cards Copies—Treasury/Comptroller

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: TUS—430.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of leave taken each pay period. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File box.

Retrievability: Organization Code and Social Security number.

Safeguards: Steel Box.

Retention and disposal: One year until reconciled.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.235

System name: Inactive Personnel Files—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Former employee file.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment history. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.186

System name: Identification Card Register—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Listing as issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of cards issue, destroyed or lost. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook—File Cabinet.

Retrievability: Alphabetically and chronologically.

Safeguards: Locked File Cabinet.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.187

System name: Identification Pin Register—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Listing as issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of Pins issued, destroyed or lost. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically and chronologically.

Safeguards: Bookcase—File cabinet.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.188

System name: Telephone Log—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Receptionists.

Categories of records in the system: Daily records of telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verify incoming and outgoing long distance calls. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook.

Retrievability: chronologically.

Safeguards: Locked desk drawers.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Receptionist.

Treasury/Comptroller 00.189

System name: Transportation request—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Request for travel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For record of issue to individual employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook.

Retrievability: Alphabetically.

Safeguards: File cabinets.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.262

System name: Travel Advance List—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Computer listing of each employee and amount owed department.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine obligation to department upon resignation or employee going on LWOP. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Organization Code and Social Security number.

Safeguards: Locked files.

Retention and disposal: Retain current list only.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.190

System name: Travel Vouchers—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Form CC—6040—03 7/74 (copy).

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Expense records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.191

System name: Visitor's Log—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Official Office Visitors.

Categories of records in the system: Daily calendar.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of visits for documentation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook, Locked desk drawer.

Retrievability: Daily calendar.

Safeguards: Locked desk drawer.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location below).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Receptionist.

Treasury/Comptroller 00.192

System name: Weekly itineraries—Treasury/Comptroller.

System location: 1405 Curtis Street, Suite 3000, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Form CC—1457—OX.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verify examining schedules. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location below).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.193

System name: Active Personnel Files, automobile authorization and Travel Advances—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Personal history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotions, Training, Insurance, Performance evaluation, Employment reference, Personal advice, Career and Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisors, former employees.

Treasury/Comptroller 00.194

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Card Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.195

System name: Comprehensive history of Employee Master File—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Payroll history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center & Washington Office.

Treasury/Comptroller 00.196

System name: Computer Leave, Balance Printout—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Leave history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center & Washington Office.

Treasury/Comptroller 00.197

System name: E Bond List—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Bond history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center & Washington Office.

Treasury/Comptroller 00.198

System name: Employee Annual Leave Record Cards—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Leave records or personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Three years—shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center.

Treasury/Comptroller 00.199

System name: Examiners I.D. Card Register—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Card Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.200

System name: Examiners I.D. Pin Register—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Card Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Records. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Secured File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.236

System name: Inactive Personnel Files—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Personal history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment reference. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisors, former employees.

Treasury/Comptroller 00.201

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Items, cost depreciation.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Number (referenced by name).

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.244

System name: Job Application Forms—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Personal history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Hiring, decisions, job assignments. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: One year—shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.202

System name: Mailing Plates—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Address.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailing. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: until obsolete.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.203

System name: Regional Telephone Log—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper. File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Desk.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.204

System name: Travel Voucher Files—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Work related expenditures.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for leave, educational purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper. File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Locked file cabinet.

Retention and disposal: three years—shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.205

System name: Weekly Itineraries—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Bank Examination Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Communication with employees, determining work progress. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.228

System name: Active Personnel Files—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotion Training Insurance, Employment History Performance, Evaluation. For additional routine uses see previously published Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetic index by name.

Safeguards: Locked file cabinets.

Retention and disposal: While employed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.206

System name: Automobile Authorizations—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Approval of private automobile use. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file Cabinets.

Retention and disposal: While in force.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.207

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of Civil Defense Cards. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical Order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.208

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Examining.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine the nature of existing problems and if possible assist in the resolution thereof. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Complaints and Banks.

Treasury/Comptroller 00.209

System name: "E" Bond List—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit. For additonal routine uses see Appendex AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Treasury Department Disbursing Center.

Treasury/Comptroller 00.210

System name: Employee Annual Leave, Record Cards—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and compilation of proper leave materials—For additonal routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (See Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.211

System name: Examiners ID, Card Register—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control-for additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.212

System name: Form TUS 404 Comprehensive, History of Employee Master, File—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Former employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit—For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file Cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Treasury Department Disbursing Center.

Treasury/Comptroller 00.213

System name: Form TUS 430 Computer, Leave Balance Printout—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and payroll preparation and analysis—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.214

System name: ID Pin Register—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and Reference of who called, when, and purpose of call—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Office (see location above).

Notification procedure: See Comptroller Apoendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.237

System name: Inactive Personnel File—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Former employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment Reference, Personal Advice, Career Planning, Retirement Security Clearance, Address and Telephone numbers. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.215

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of issued and accountable materials and equipment—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by Name.

Safeguards: Locked file cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees and Subscribers.

Treasury/Comptroller 00.216

System name: List of Travel Advances—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit—For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file Cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Comptroller of the Currency, Washington, D.C.

Treasury/Comptroller 00.217

System name: Mailing Plates—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees and Subscribers to Publications.

Categories of records in the system: Mail.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Envelope Addressing—For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical Order.

Safeguards: Metal Cabinets While Active.

Retention and disposal: Until Obsolete.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees and Subscribers.

Treasury/Comptroller 00.218

System name: Regional Telephone log—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Reference.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and Reference of who called, when, and purpose of call—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Chronological Order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.219

System name: Travel Vouchers—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Former Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of Employee who travel pursuant to official business—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by Name.

Safeguards: Locked file Cabinets.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.220

System name: Visitors log—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Callers.

Categories of records in the system: Reference.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and Reference of who called, when, and purpose of call—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File drawer.

Retrievability: Chronological Order.

Safeguards: Locked file cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.221

System name: Weekly Itineraries—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

COMPTROLLER OF THE CURRENCY

APPENDIX A

NOTIFICATION:

Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

ACCESS AND CONTEST:

Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Treasury/USSBD 00.001

System name: Savings Bonds Employee Records System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of USSBD.

Categories of records in the system: Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction in Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Personnel Office of the Savings Bonds Division, Department of the Treasury, maintains in its system of records detailed information pertaining to each of the specific categories listed in Categories of Individuals. Routine use of the various files enables Personnel to have ready access to applicants for hiring purposes, placement and to aid in assessing the need for employee training and promotion. Necessary information about an individual employee is also provided to other Federal Personnel Offices when a Division employee is under consideration for a position in another Federal Agency. Also, other records carry accrual information that permits annual reviews on an employee's performance. All information is used solely for the purpose for which it was collected which serves as a general internal source bank.

The Budget and Fiscal section of the Savings Bonds Division maintains in its record system data pertaining to each of the identifiable categories listed in Categories of Individuals. This information permits the Section to make employee payroll reconciliations, budget forecasts, check and bond issuance verifications, internal audits, supply retirement records to the Civil Service Commission, prepare earning statements and document payments of employee travel claims.

Diclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data. Files are accessible to Personnel employees and are locked at the close of each day. Records pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. The records of a less important nature are destroyed after the two-year period.Storage of financial information is maintained on computer printouts supplied by Government Financial Operations. Individual retirement cards, time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and social security number. All payroll and time and attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Retirement cards go to the gaining agency or to the Civil Service Commission. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

System manager(s) and address: Director of Administration, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System Manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

Systems exempted from certain provisions of the act: Portions of this system are exempted elsewhere in the Federal Register.

Treasury/USSBD 00.002

System name: Savings Bonds Sales Promotion/Volunteer Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional and Branch Offices.

Categories of individuals covered by the system: Bond Tellers, Campaign Managers, Campaign Nominees, Committee Volunteer Lists and Contacts, General Correspondence, Geographic Chairmen, Governmental Biographical Sketches, Honorary Chairmen, Individual Volunteer Lists, Mailing Lists—General and Labor, Major Corporation Executives, National Panel of Public Relations.

Categories of records in the system: Administrative lists and related detail.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purpoes of such uses: The Sales Office of the Savings Bonds Division, Department of the Treasury, maintains a nation-wide volunteer sales force that promotes the sale of Savings Bonds. The listing in Category of Individuals describes the type of data that supports this effort. This information provides a means by which the Sales Division may review plans and follow progress of individuals in their sale and promotion of Savings Bonds, supplies volunteer lists and bios for recruiting, appointing and retiring volunteer leaders. Lists also provide a means of supplying volunteers with Savings Bonds program materials and information, invitations to meetings, special bulletins, letters of progress, sales reports and newsletters. Lists are available only for Savings Bonds purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Mailing lists are accessible to employees and stored on addressograph plates. Other correspondence and materials are filed in the regular correspondence file cabinets and permanently retained.

System manager(s) and address: Deputy National Director, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System Manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the volunteer's appointment.

Treasury/USSBD 00.003

System name: Savings Bonds Sales Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional Offices.

Categories of individuals covered by the system: Blue Ribbon Target Cards, Blue Ribbon Target Status Control Sheets, Field Call Reports, Itineraries, Net Saver Reports, Payroll Savings Reporting Procedures Forms, Progress Summaries, Time and Attendance Records, Training Reports, Work Plans, State-County Chairmen, State and Volunteer Fund Lists, "Take stock in America" Records, Telephone calls, Volunteer Bio's.

Categories of records in the system: Routine lists and administrative details associated with sales.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales unit of the Savings Bonds Division houses records of individual sales plans, program plans and regional reports for the purpose of coordinating plans for smoother operation of field work. Final plans are disseminated to field and/or volunteer offices for implementation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records of this nature are filed in large notebooks and are indexed according to individual names, regions, areas and states. Notebooks are placed on shelves and do not warrant tight security. High priority records are kept for long periods as references, others are destroyed after a two year period.

System manager(s) and address: Director of Sales, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See Notification and System Manager.

Contesting record procedures: See Notification and System Manager.

Record source categories: Data accumulated in the sales record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

Treasury/FLETC 00,003

System name: FLETC Confidential Financial Records—Treasury/FLETC.

System location: FLETC, Office of the Director, Administration Building, Glynco, Georgia 31520.

Categories of individuals covered by the system: Employees classified at GS-13 or above who are in positions identified as positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement. Specifically, Director; Deputy Director; Assistant Director for Administration; Assistant Director for Training; Director, Criminal Investigator School; Director, Police School; Management and Financial Planning Officer, Administrative Officer, Education Specialist.

Categories of records in the system: All information required by or related to employment and financial interests of GS-13 and above employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 735 and Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide certification to the Civil Service Commission that Statements of Employment and Financial Interests are on file for each employee and special Government employee required to submit such statement under the regulations of the employing agency. Also, information for the agency head only to be disclosed only upon his determination or that of the Chairman of the U.S. Civil Service Commission for good cause shown. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained and updated annually and destroyed at the departure of employee from FLETC rolls.

System manager(s) and address: Director, FLETC, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, dates of employment with the Center to: Director, FLETC, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: The employee on whom the record is maintained.

Treasury/FLETC 00.001

System name: FLETC Payroll System—Treasury/FLETC.

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia, 31520.

Categories of individuals covered by the system: Any person employed by or detailed to the Center.

Categories of records in the system: All payroll records including Standard Forms 50 and 52, leave status, training authorizations and retirement records.

Authority for maintenance of the system: Treasury Order No. 217, dated July 1, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of all required accounting, payroll functions and reports. GAO and Treasury audits. Related FLETC accounting and financial procedures. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained indefinitely, except retirement records which are transferred at the departure of the employee.

System manager(s) and address: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, dates of employment with, or date of application of employment to the Center to: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Personnel documents and payroll documents computed by The Bureau of Government Financial Operations.

Treasury/FLETC 00.002

System name: FLETC Trainee Records—Treasury/FLETC.

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Categories of individuals covered by the system: Any person who officially attends a formal FLETC training program.

Categories of records in the system: Personal background information supplied by the trainee, grades and performance evaluation, student advisory form and relevant public health records.

Authority for maintenance of the system: Treasury Order No. 217 (Revision 1), dated July 1, 1970, and The Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Dissemination upon request to the individual himself, the individual's parent agency, to any other agency or organization at the request of the individual and to members of the FLETC staff responsible for the individual's performance evaluation or rating and FLETC staff members on a need-to-know basis. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and 3 x 5 cards.

Retrievability: Name and/or class number.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: All records maintained indefinitely.

System manager(s) and address: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, parent agency, type of course and approximate dates of attendance to: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: The trainee himself and the members of the training staff responsible for grading, rating or evaluating the trainee.

DEPARTMENT OF THE TREASURY

APPENDIX AA

Additional Routine Uses

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record maintained by this agency to carry out its functions may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed as a routine use to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in 28 C.F.R. 50.2.

A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with formal or informal international agreements.

A record maintained by this agency to carry out its functions may be disclosed to unions recognized under E.O. 11491 when required or relevant to union's duties as exclusive representative under E.O. 11491.

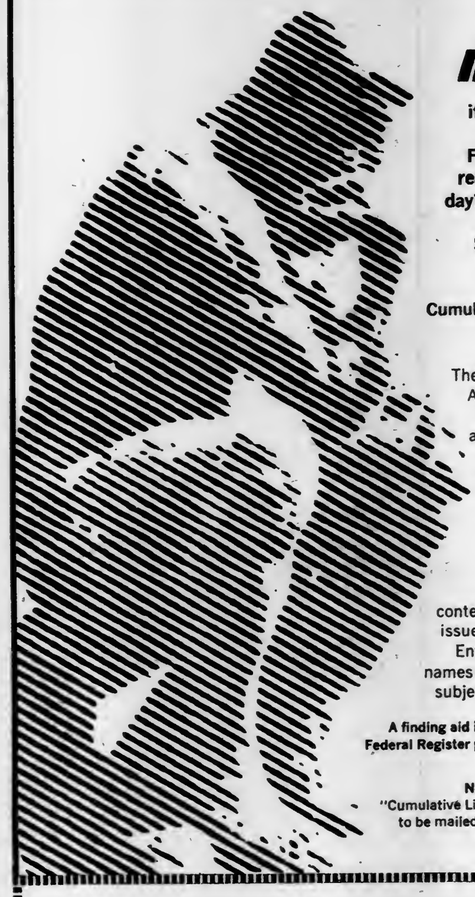
A record maintained by this agency to carry out its functions may be disclosed to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

A record maintained by this agency to carry out its functions may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

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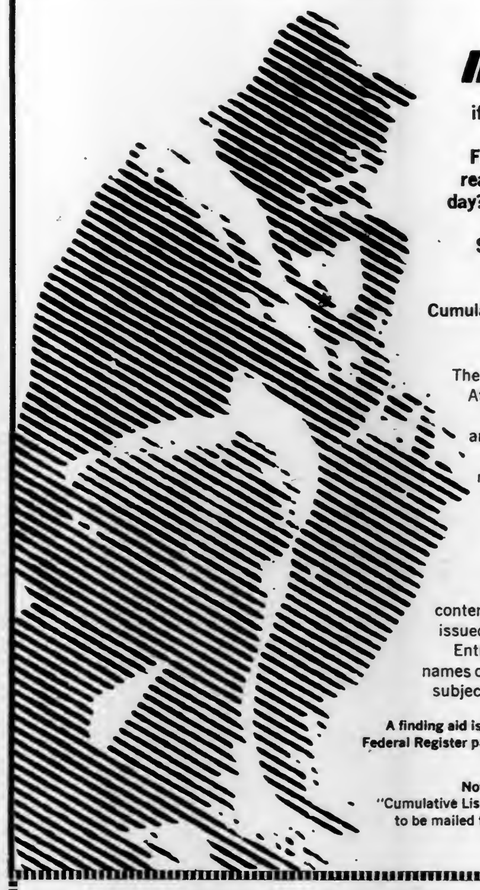
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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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Rules Going Into Effect Today

DOT/CG—Anchorage grounds; Puget Sound Area, Wash.... 39743; 9–16–76
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FAA—British aircraft corporation Viscount Model 744, 745D and 810 airplanes. 39737; 9–16–76

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Labor/WHD—Newly covered employment in Puerto Rico other than government service; wage order..... 43403; 10–1–76

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 3954..... Pub. Law 94–464
To provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of medical personnel of the armed forces, the Defense Department, the Central Intelligence Agency, and the National Aeronautics and Space Administration, and for other purposes
(Oct. 8, 1976; 90 Stat. 1985)

H.R. 9019..... Pub. Law 94–460
Health Maintenance Organization Amendments of 1976
(Oct. 8, 1976; 90 Stat. 1945)

H.R. 10339..... Pub. Law 94–463
"Farmer-to-Consumer Direct Marketing Act of 1976"
(Oct. 8, 1976; 90 Stat. 1982)

H.R. 11407..... Pub. Law 94–468
To amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy
(Oct. 11, 1976; 90 Stat. 2002)

H.R. 12838..... Pub. Law 94–462
"Arts, Humanities, and Cultural Affairs Act of 1976"
(Oct. 8, 1976; 90 Stat. 1971)

H.R. 13035..... Pub. Law 94–461
"Sea Grant Program Improvement Act of 1976"
(Oct. 8, 1976; 90 Stat. 1961)

H.R. 13374..... Pub. Law 94–466
"Minnesota Valley National Wildlife Refuge Act"
(Oct. 8, 1976; 90 Stat. 1992)

H.R. 15552..... Pub. Law 94–467
"Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons"
(Oct. 8, 1976; 90 Stat. 1997)

S. 2981..... Pub. Law 94–465
To authorize appropriations for the Indian Claims Commission for fiscal year 1977, and for other purposes
(Oct. 8, 1976; 90 Stat. 1990)

S. 3430..... Pub. Law 94–458
To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes
(Oct. 7, 1976; 90 Stat. 1939)

S. 3651..... Pub. Law 94–456
To amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, and for other purposes
(Oct. 4, 1976; 90 Stat. 1934)

S. 3734..... Pub. Law 94–457
To approve the sale of certain naval vessels, and for other purposes
(Oct. 5, 1976; 90 Stat. 1938)

S. 3843..... Pub. Law 94–459
To name the Visitors' Center at the Sleeping Bear Dunes National Lakeshore the "Philip A. Hart Visitors' Center"
(Oct. 8, 1976; 90 Stat. 1944)

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presidential documents

Title 3—The President

Directive of October 7, 1976

Amending the National Security Council Directive of May 17, 1972, Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information

The President has directed that the National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information dated May 17, 1972 (37 FR 10053), be amended as follows:

Delete Paragraph C, Regulations and Reports, in Section X, DEPARTMENTAL IMPLEMENTATION AND ENFORCEMENT, and add a new Paragraph C in Section X as follows:

"C. Regulations and Reports. Each Department shall submit its proposed implementing regulations of the Order and Directives thereunder to the Chairman of the Interagency Classification Review Committee for approval by the Committee. Upon approval such regulations shall be published in the FEDERAL REGISTER to the extent they affect the general public. Each Department shall also submit to the said Chairman (1) semiannual reports of Departmental actions on classification review requests, classification abuses and unauthorized disclosures, and (2) provide progress reports on information accumulated in the data index system established under Part VII hereof and such other reports as said Chairman may find necessary for the Interagency Classification Review Committee to carry out its responsibilities."

This Directive shall be published in the FEDERAL REGISTER and become effective January 1, 1977.

BRENT SCOWCROFT,
Assistant to the President
for National Security Affairs

October 7, 1976

[FR Doc.76-30409 Filed 10-13-76;1:49 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Z; Docket No. R-0048]

PART 226—TRUTH IN LENDING

Amendments to Regulation Z To Implement the Consumer Leasing Act

On July 9, 1976, the Board published for comment proposed amendments to Regulation Z implementing the Consumer Leasing Act of 1976 (41 FR 28313). The Board also conducted an informal public hearing on the proposed amendments on August 3, 1976, at which five persons testified.

Forty-seven written comments on the proposal were received. The written comments and hearing testimony have been analyzed and careful consideration has been given to them. On the basis of the comments and testimony and its own analysis, the Board has adopted final amendments to implement the Act.

Several commenters requested that the Board issue a separate leasing regulation rather than incorporate the leasing amendments into Regulation Z. The Board still believes that the incorporation of the leasing regulation into Regulation Z permits utilization of terms and concepts previously defined under Regulation Z and substantially limits duplication of provisions. Confusion among lessors unfamiliar with Regulation Z can be greatly reduced, the Board believes, by education efforts, which may include the issuance of approved lease disclosure forms.

A detailed discussion of the revisions to the amendments follows:

1. Technical changes have been made in § 226.1(c) by (1) limiting the protection from civil and criminal liability granted to creditors who act in conformity with duly authorized staff opinion letters to Sections 112 and 130 of the Act, and (2) adding a statement concerning the provisions of § 185(b) which imposes civil liability for lessor violations of the advertising provisions of Section 184 when such violations result in actual damages.

2. The definition "aggregate cost of the lease" has been redesignated "total lease obligation" in order to reflect more accurately the concept embodied in the definition.

The Board wishes to clarify that for purposes of this definition and the calculations of which it is an element, the term "scheduled periodic payments under the lease" includes that portion of the payments attributable to depreciation, cost of money, lessor's profit and taxes, but excludes, in leases where such charges are included in the periodic payments, charges for maintenance and insurance.

The words "fair market" have been deleted from the third element of the definition, "the estimated value of the leased property at the end of the lease term," to permit the use of underestimation in determination of the figure.

3. The words "fair market" have been deleted from the definition "value at consummation" because the amount used in the definition may not approximate a "fair market value" as it permits inclusion of a lessor markup. The Board believes that the legislative history of the Consumer Leasing Act is clear that such a markup is permissible (see 122 Cong. Rec., S. 1025, February 2, 1976).

4. The definition "realized value" has been amended to exclude any deduction for actual disposition costs. It is the Board's position that such costs should be disclosed at consummation of the lease and should not be used to circumvent the limitations imposed by section 183(a) of the Act on the lessee's end-term liability.

The Board also wishes to clarify that the methods of disposition presented in the definition of "realized value" are alternatives and may be chosen at the lessor's option. The use of the right of appraisal (§ 226.15(b)(14)) by the lessee and lessor constitutes a binding determination of realized value.

5. A new paragraph has been added to § 226.3 which deals with exempted transactions. This paragraph exempts from the requirements of the Act lease transactions of personal property incident to leases of real property which provide that (1) the lessee has no liability for the value of the property at the end of the term other than for abnormal wear and tear, and (2) there is no option to purchase the leased property.

It is the Board's position that the definition of "consumer lease" excludes such leases as it is limited to "a contract for the *use of personal property*" (emphasis added) and a lease for a furnished apartment is a real property lease to which the personal property is incidental.

Neither the Act nor the legislative history mentions leases of personal property incident to leases of real property. The Board believes that such an exemption is justified by the increased costs and the decreased availability of advertising information and services associated with furnished apartments, which may be generated by requiring compliance with the Act by such lessors.

6. Section 226.6(f) has been amended to permit lessors to understate in purchase option leases the estimated value of the property at the end of the lease term. This will allow lessors to use a "safety factor" when estimating this value.

7. A new paragraph, § 226.10(h), has been added to the advertising provisions to permit use of triggering terms in merchandise tags for items normally used in multiple-item leases without full advertising disclosures, provided that such tags clearly and conspicuously refer to a prominently posted sign or display which contains a table or schedule of items to be disclosed under § 226.10(g).

The table or schedule of lease terms may be similar to that used in credit transactions as set forth in Interpretation § 226.1002, which will be amended to include lease advertisements.

8. The Board makes the following comments concerning § 226.15:

(a) The requirement of § 226.15(a) that disclosures be made on one side of a single page of a separate disclosure statement has been deleted. A number of commenters questioned their ability to provide the required disclosures, a number of which are textural rather than numerical, on a single page. Thus, lessors would be permitted to make disclosures on both sides of a separate disclosure statement.

(b) Certain arithmetical disclosures have been rearranged to provide a more meaningful sequence of disclosures.

(c) Security deposits, as used in §§ 226.15(b) (2) and (9), have been limited to refundable cash deposits to distinguish them from other types of security interests. Further, a security deposit disclosed under § 226.15(b)(2) need not be further disclosed under § 226.15(b)(9).

(d) Section 226.15(b)(5) has been changed to incorporate in the total of "all other charges" the amount of any liabilities imposed upon the lessee at the end of the term (formerly § 226.15(b)(13)), excluding the difference between the estimated and realized values.

(e) The warranty disclosure (§ 226.15(b)(7)) has been amended to require only that the lessor provide a statement identifying any express warranties or guarantees made by the lessor or manufacturer and available to the lessee. This paragraph permits the lessor to refer to any express warranties without the necessity of reproducing them in the disclosure statement.

(f) The lessor is under no obligation to set standards for wear and use. However, such standards, if they are set, must be reasonable and must be disclosed in accordance with § 226.15(b)(8).

(g) Section 226.15(b)(14), dealing with the right of appraisal, has been limited, as provided in § 183(c) of the Act, to leases where the lessee's liability at

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the end of the term is based upon the estimated value of the leased property.

(h) The Board solicited comments on a proposed exemption from the renegotiation and extension requirements (§ 226.15(c)) for multiple item leases. As a result of the comments received, the Board now changes the exemption by increasing the threshold change in the monthly payment above which new disclosures must be made from 10 to 25 per cent.

The Board also exempts from the new disclosure requirement lease extensions for a total of six months or less, either on a month-to-month basis or otherwise. If a lease is extended for more than six months new disclosures must be made.

The Board believes that the addition or subtraction of items from a multiple item lease, resulting in relatively small changes in the monthly payments, as well as short term extensions, are primarily accommodations to consumers and that requiring new disclosures in these limited situations would inconvenience lessees and lessors without a corresponding increase in consumer protection.

In consideration of the comments received and pursuant to the authority granted in 15 U.S.C. 1604 (1968), 12 CFR. Part 226 is amended as follows, effective March 23, 1977.

A. Section 226.1 is amended as follows:

§ 226.1 [Amended]

1. By revising the last sentence of paragraph (a)(1) to read as follows:

(a) *Authority, scope, purpose, etc.,* (1) • • • Except as otherwise provided herein, this Part, within the context of its related provisions, applies to all persons who are creditors, as defined in paragraph(s) of § 226.2, and in the case of consumer leases, as defined in paragraph (mm) of § 226.2, to all persons who are lessors, as defined in paragraph (oo) of § 226.2.

2. In paragraph (a)(2) by inserting the words "and consumer lease" between the words "Advertising of consumer credit" and "terms must comply" and by adding the following sentence before the last sentence of the paragraph:

(2) • • • This Part is also designed to assure that lessees of personal property are given meaningful disclosures of lease terms, to delimit the ultimate liability of lessees in leasing personal property and to require meaningful and accurate disclosures of lease terms in advertisements. • • •

3. In paragraph (b)(1) by inserting a comma after the word "creditors," deleting the word "and" between the words "creditors" and "credit" and inserting the words "and lessors" between the words "issuers" and "is."

4. By amending paragraph c) to read as follows:

• • • • •

(c) *Penalties and liabilities.* Section 112 of the Act provides criminal liability for willful and knowing failure to comply with any requirement imposed under the Act and this Part. Section 134 provides for criminal liability for certain fraudulent activities related to credit cards. Section 130 provides for civil liability in individual or class actions for any creditor or lessor who fails to comply with any requirement imposed under Chapter 2, Chapter 4 or Chapter 5 of the Act and the corresponding provisions of this Part. Section 130 also provides creditors or lessors a defense against civil and criminal liability under sections 130 and 112 for any act done or omitted in good faith in conformity with the provisions of this Part or any interpretation thereof by the Board, or with any interpretations or approvals issued by a duly authorized official or employee of the Federal Reserve System, notwithstanding that after such act or omission has occurred, such rule, regulation, interpretation or approval is amended, rescinded or otherwise determined to be invalid for any reason. Section 130 further provides that a multiple failure to disclose in connection with a single account or single consumer lease shall permit but a single recovery. Section 115 provides for civil liability for an assignee of an original creditor where the original creditor has violated the disclosure requirements and such violation is apparent on the face of the instrument assigned, unless the assignment is involuntary. Section 185(b) provides for civil liability under section 130 for any lessor who fails to comply with any requirement imposed under section 184 to any person who suffers actual damage from the violation. Pursuant to section 108 of the Act, violations of the Act or this Part constitute violations of other Federal laws which may provide further penalties.

B. Section 226.2 is amended as follows:

§ 226.20 [Amended]

1. In paragraph (d) by inserting the words "or lessee or prospective lessee" between the words "prospective customer" and "in."

2. By amending paragraph (h) to read as follows:

• • • • •

(h) *"Arrange for the extension of credit or for lease of personal property"* means to provide or offer to provide consumer credit or a lease which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit or lease

(1) Receives or will receive a fee, compensation, or other consideration for such service, or

(2) Has knowledge of the credit or lease terms and participates in the preparation of the contract documents required in connection with the extension of credit or the lease. It does not include honoring a credit card or similar device where no finance charge is imposed at the time of that transaction.

3. In paragraph (jj) by deleting the word "and" after the words "consumer loan" and adding the words "and 'lease' to mean 'consumer lease'" after the words "consumer credit transaction."

4. In paragraph (kk) by inserting the words "or a lessor and lessee" between the words "customer" and "irrespective."

5. By adding the following after paragraph (11):

• • • • •

(mm) *"Consumer lease"* means a contract in the form of a bailment or lease for the use of personal property by a natural person primarily for personal, family or household purposes, for a period of time exceeding four months, for a total contractual obligation not exceeding $25,000, whether or not the lessee has the option to purchase or otherwise become the owner of the property at the expiration of the lease. It does not include a lease which meets the definition of a credit sale in § 226.2(t), nor does it include a lease for agricultural, business or commercial purposes or one made to an organization.

(nn) *"Lessee"* means a natural person who leases under, or who is offered, a consumer lease.

(oo) *"Lessor"* means a person who in the ordinary course of business regularly leases, offers to lease or arranges for the leasing of personal property under a consumer lease.

(pp) *"Personal property"* means any property which is not real property under the law of the State where it is located at the time it is offered or made available for lease.

(qq) *"Realized value"* means (1) the price received by the lessor for the leased property at disposition, (2) the highest offer for disposition, or (3) the fair market value at the end of the lease term.

(rr) *"Total lease obligation"* equals the total of (1) the scheduled periodic payments under the lease, (2) any nonrefundable cash payment required of the lessee or agreed upon by the lessor and lessee or any trade-in allowance made at consummation, and (3) the estimated value of the leased property at the end of the lease term.

(ss) *"Value at consummation"* equals the cost to the lessor of the leased property including, if applicable, any increase or markup by the lessor prior to consummation.

C. Section 226.3 is amended by adding a new § 226.3(f) to read as follows:

§ 226.3 Exempted transactions.

• • • • •

(f) *Certain lease transactions.* Lease transactions of personal property which are incident to the lease of real property and which provide that (1) the lessee has no liability for the value of the property at the end of the lease term except for abnormal wear and tear, and (2) the lessee has no option to purchase the leased property.

D. Section 226.6 is amended as follows:

1. By adding a new § 226.6(b)(3) to read as follows:

§ 226.6 [Amended]

(b)(3)(i) A State law which is similar in nature, purpose, scope, intent, effect or requisites to a section of Chapter 5 of the Act is not inconsistent with the Act or this Part within the meaning of § 186(a) of the Act if the lessor can comply with the State law without violating this Part. If a lessor cannot comply with a State law without violating a provision of this Part which implements a section of Chapter 5 of the Act, such State law is inconsistent with the requirements of the Act and this Part within the meaning of § 186(a) of the Act and is preempted.

(ii) A State, through its Governor, Attorney General, or other appropriate official having primary enforcement or interpretative responsibilities for its consumer leasing law, may apply to the Board for a determination that the State law offers greater protection and benefit to lessees than a comparable provision(s) of Chapter 5 of the Act and its implementing provision(s) in this Part, or is otherwise not inconsistent with Chapter 5 of the Act and this Part, or for a determination with respect to any issues not clearly covered by § 226.6(b)(3)(i) as to the consistency or inconsistency of a State law with Chapter 5 of the Act or its implementing provisions in this Part.

2. In paragraph (c) by inserting the words "or lessor's" between the words "creditor's" and "option" and by inserting the words "or lessee" between the words "customer" and "or" in the first sentence, and by inserting the words "or lessor" between the words "creditor" and "who elects" in the second sentence.

3. By revising paragraphs (d), (e) and (f) to read as follows:

• • • • •

(d) *Multiple creditors or lessors; joint disclosure.* If there is more than one creditor or lessor in a transaction, each creditor or lessor shall be clearly identified and shall be responsible for making only those disclosures required by this Part which are within his knowledge and the purview of his relationship with the customer or lessee. If two or more creditors make a joint disclosure, each creditor or lessor shall be clearly identified. The disclosures required under paragraphs (b) and (c) of § 226.8 shall be made by the seller if he extends or arranges for the extension of credit. Otherwise disclosures shall be made as required under paragraphs (b) and (d) of § 226.8 and paragraph (b) of § 226.15.

(e) *Multiple customers or lessees; disclosure to one.* In any transaction other than a credit transaction which may be rescinded under the provisions of § 226.9, if there is more than one customer or lessee, the creditor or lessor need furnish a statement of disclosures required by this Part to only one of them other than an endorser, comaker, guarantor, or a similar party.

(f) *Unknown information estimate.* If at the time disclosures must be made, an amount or other item of information required to be disclosed, or needed to determine a required disclosure, is unknown or not available to the creditor or lessor and the creditor or lessor has made a reasonable effort to ascertain it, the creditor or lessor may use an estimated amount or an approximation of the information, provided the estimate or approximation is clearly identified as such, is reasonable, is based on the best information available to the creditor or lessor and is not used for the purpose of circumventing or evading the disclosure requirements of this Part.

Notwithstanding the requirement of this paragraph that the estimate be based on the best information available, a lessor is not precluded in a purchase option lease from understating the estimated value of the leased property at the end of the term in computing the total lease obligation as required in § 226.15(b)(15)(i).

4. By revising the footnote to paragraph (g) to read as follows:

*Such acts, occurrences, or agreements include the failure of the customer or lessee to perform his obligations under the contract and such actions by the creditor or lessor as may be proper to protect his interests in such circumstances. Such failure may result in the liability of the customer or lessee to pay delinquency charges, collection costs, or expenses of the creditor or lessor for perfection or acquisition of any security interests or amounts advanced by the creditor or lessor on behalf of the customer or lessee in connection with insurance, repairs to or preservation of collateral.

5. In paragraph (i) by inserting the words "or lessor" between the words "creditor" and "for" in the first sentence and between the words "creditor" and "shall" in the last sentence.

E. Section 226.10 is amended by redesignating the introductory text of § 226.10(a) as § 226.10(a)(1), § 226.10(a)(1) as § 226.10(a)(1)(i) and § 226.10(a)(2) as § 226.10(a)(1)(ii), and by adding new paragraphs (a)(2), (g) and (h) as follows:

§ 226.10 Advertising credit and lease terms.

(a) *General rule.* • • •

(2) No advertisement to aid, promote or assist directly or indirectly any consumer lease may state that a specific lease of any property at specific amounts or terms is available unless the lessor usually and customarily leases or will lease such property at those amounts or terms.

(b) *Catalogs and multi-page advertisements.* If a catalog or other multiple-page advertisement sets forth or gives information in sufficient detail to permit determination of the disclosures required by this section in a table or schedule of credit or lease terms, such catalog or multiple-page advertisement shall be considered a single advertisement provided:

(1) The table or schedule and the disclosures made therein are set forth clearly and conspicuously; and

(2) Any statement of credit or lease terms appearing in any place other than in that table or schedule of credit or lease terms clearly and conspicuously refers to the page or pages on which that table or schedule appears, unless that statement discloses all of the credit or lease terms required to be stated under this section. For the purpose of this subparagraph, cash price is not a credit term.

• • • • •

(g) *Advertising of consumer leases.* No advertisement to aid, promote or assist directly or indirectly any consumer lease shall state the amount of any payment, the number of required payments, or that any or no downpayment or other payment is required at consummation of the lease unless the advertisement also states clearly and conspicuously each of the following items of information as applicable:

(1) That the transaction advertised is a lease.

(2) The total amount of any payment such as a security deposit or capitalized cost reduction required at the consummation of the lease, or that no such payments are required.

(3) The number, amounts, due dates or periods of scheduled payments, and the total of such payments under the lease.

(4) A statement of whether or not the lessee has the option to purchase the lease property and at what price and time. The method of determining the price may be substituted for disclosure of the price.

(5) A statement of the amount or method of determining the amount of any liabilities the lease imposes upon the lessee at the end of the term and a statement that the lessee shall be liable for the difference, if any, between the estimated value of the lease property and its realized value at the end of the lease term, if the lessee has such liability.

(h) *Multiple-item leases; merchandise tags.* If a merchandise tag for an item normally included in a multiple-item lease sets forth information which would require additional disclosures under paragraph (g) of this section, such merchandise tag need not contain such additional disclosures, provided it clearly and conspicuously refers to a sign or display which is prominently posted in the lessor's showroom. Such sign or display shall contain a table or schedule of those items of information to be disclosed under paragraph (g) of this section.

F. Section 226.12 is amended as follows:

§ 226.12 Exemption of certain state regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplements II, IV, V, and VI to Regulation Z, any State may make application to the Board for exemption of any class of transactions within the State from the requirements of Chapters 2, 4 or 5 of the Act and the corresponding provisions of this Part, Provided that:

(1) The Board determines that under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 or Chapter 4 of the Act, or both, or under Chapter 5, and the corresponding provisions of this Part; or in the case of Chapter 4, the consumer is afforded greater protection than is afforded under Chapter 4 of the Act, or in the case of Chapter 5, the lessee is

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afforded greater protection and benefit than is afforded under Chapter 5 of the Act, and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z with respect to disclosure and rescission requirements (sections 121–131 of Chapter 2), Supplement IV with respect to the prohibition of the issuance of unsolicited credit cards and the liability of the cardholder for unauthorized use of a credit card (sections 132–133 of Chapter 2), in Supplement V with respect to fair credit billing requirements (sections 161–171 of Chapter 4) and in Supplement VI with respect to consumer leasing (sections 181–186 of Chapter 5).

* * * * *

G. A new section 226.15 is added to read as follows:

§ 226.15 Consumer leasing.

(a) *General requirements.* Any lessor shall, in accordance with § 226.6 and to the extent applicable, make the disclosures required by paragraph (b) of this section with respect to any consumer lease. Such disclosures shall be made prior to the consummation of the lease on a dated written statement which identifies the lessor and the lessee, and a copy of such statement shall be given to the lessee at that time. All of the disclosures shall be made together on either

(1) The contract or other instrument evidencing the lease on the same page and above the place for the lessee's signature; or

(2) A separate statement which identifies the lease transaction.

In any lease of multiple items, the description required by § 226.15(b)(1) may be provided on a separate statement or statements which are incorporated by reference in the disclosure statement required by § 226.15(a).

(b) *Specific disclosure requirements.* In any lease subject to this section the following items, as applicable, shall be disclosed:

(1) A brief description of the leased property, sufficient to identify the property to the lessee and lessor.

(2) The total amount of any payment, such as a refundable security deposit paid by cash, check or similar means, advance payment, capitalized cost reduction or any trade-in allowance, appropriately identified, to be paid by the lessee at consummation of the lease.

(3) The number, amount and due dates or periods of payments scheduled under the lease and the total amount of such periodic payments.

(4) The total amount paid or payable by the lessee during the lease term for official fees, registration, certificate of title, license fees or taxes.

(5) The total amount of all other charges, individually itemized, payable by the lessee to the lessor, which are not included in the periodic payments. This total includes the amount of any liabilities the lease imposes upon the lessee at the end of the term, but excludes the potential difference between the estimated and realized values, required to be disclosed under § 226.15(b)(15)(i).

(6) A brief identification of insurance in connection with the lease including (i) if provided or paid for by the lessor, the types and amounts of coverages and cost to the lessee, or (ii) if not provided or paid for by the lessor, the types and amounts of coverages required of the lessee.

(7) A statement identifying any express warranties or guarantees available to the lessee made by the lessor or manufacturer with respect to the leased property.

(8) An identification of the party responsible for maintaining or servicing the leased property together with a brief description of the responsibility, and a statement of reasonable standards for wear and use, if the lessor sets such standards.

(9) A description of any security interest, other than a security deposit disclosed under paragraph (b)(2) of this section, held or to be retained by the lessor in connection with the lease and a clear identification of the property to which the security interest relates.

(10) The amount or method of determining the amount of any penalty or other charge for delinquency, default or late payments.

(11) A statement of whether or not the lessee has the option to purchase the leased property and, if at the end of the lease term, at which price, and, if prior to the end of the lease term, at what time and the price or method of determining the price.

(12) A statement of the conditions under which the lessee or lessor may terminate the lease prior to the end of the lease term and the amount or method of determining the amount of any penalty or other charge for early termination.

(13) A statement that the lessee shall be liable for the difference between the estimated value of the property and its realized value at early termination or the end of the lease term, if such liability exists.

(14) Where the lessee's liability at early termination or at the end of the lease term is based on the estimated value of the leased property, a statement that the lessee may obtain at the end of the lease term or at early termination, at the lessee's expense, a professional appraisal of the value which could be realized at sale of the leased property by an independent third party agreed to by the lessee and the lessor, which appraisal shall be final and binding on the parties.

(15) Where the lessee's liability at the end of the lease term is based upon the estimated value of the leased property:

(i) The value of the property at consummation of the lease, the itemized total lease obligation at the end of the lease term, and the difference between them.

(ii) That there is a rebuttable presumption that the estimated value of the leased property at the end of the lease term is unreasonable and not in good faith to the extent that it exceeds the realized value by more than three times the average payment allocable to a monthly period, and that the lessor cannot collect the amount of such excess liability unless the lessor brings a successful action in court in which the lessor pays the lessee's attorney's fees, and that this provision regarding the presumption and attorney's fees does not apply to the extent the excess of estimated value over realized value is due to unreasonable wear or use, or excessive use.

(iii) A statement that the requirements of paragraph (b)(15)(ii) of this section do not preclude the right of a willing lessee to make any mutual agreeable final adjustment regarding such excess liability.

(c) *Renegotiations or extensions.* If any existing lease is renegotiated or extended, such renegotiation or extension shall be considered a new lease subject to the disclosure requirements of this Part, except that the requirements of this paragraph shall not apply to (1) a lease of multiple items where a new item(s) is provided or a previously leased item(s) is returned, and the average payment allocable to a monthly period is not changed by more than 25 per cent, or (2) a lease which is extended for not more than six months on a month-to-month basis or otherwise.

By order of the Board of Governors, October 8, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-30336 Filed 10-14-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0361]

PART 17—BAKERY PRODUCTS

Standards of Identity for Bakery Products; Partial Confirmation of Effective Date and Stay of Certain Provisions

In the FEDERAL REGISTER of February 12, 1976 (41 FR 6242), the Food and Drug Administration (FDA) issued a regulation revising the standards for bakery products in Part 17 (21 CFR Part 17) to (1) relax recipe requirements to permit the use of any safe and suitable ingredients that do not change the basic identity of the food or adversely affect its physical and nutritional characteristics, (2) require label declaration of all ingredients, (3) permit use of the names "egg bread," "enriched egg bread," "enriched milk bread," "enriched milk and egg bread," and "raisin and egg bread," when the food meets certain requirements, and (4) provide for other appropriate changes.

Written objections and requests for a hearing were to be filed on or before March 15, 1976.

Thirteen letters were received in response to the regulation. Six contained comments that were not in the form of objections or requests for a hearing. Five letters did contain objections and requests for a hearing. One letter, which was filed after the closing date of the objection period, objected to certain provisions of the regulation but did not request a hearing. The contents of one letter did not pertain to the regulation but made reference to it. The Commissioner has reviewed the comments and objections to determine those provisions of the regulations that should be stayed pending resolution of the objections; his conclusions follow:

1. Two objections and requests for a hearing were received concerning the minimum amount of egg required by §§ 17.10(e), 17.20(b), and 17.40(b) when the word "egg" is used in the name of the food. The objections were that the presence of as little as one medium-size egg in a pound of bread, as permitted by the standards, is not enough to justify use of the name "egg bread." One objection stated that a minimum of two eggs is necessary for each pound of bread. The second recommended egg yolk solids equivalent to two medium eggs, the amount to be expressed on the label in ounces and grams per pound.

Accordingly, the provisions of §§ 17.10(e), 17.20(b), and 17.40(b) pertaining to the use of the word "egg" in the name of the food are being stayed pending consideration whether a hearing will be necessary to resolve the issue.

2. Two objections and requests for a hearing were received on § 17.10(c)(5)(i) as it pertains to the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns. The objections contended that the egg content of egg bread supplies sufficient emulsification to make the use of lecithin unnecessary, and if lecithin and related phosphatides are not present it is possible to test in the laboratory for the presence of egg yolk in the finished bread, thus making continual plant inspection unnecessary.

Accordingly, § 17.10(c)(5)(i), as it pertains to the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns is stayed pending consideration whether a hearing will be necessary to resolve the issue.

3. Four adverse comments and two objections and requests for a hearing were received concerning restrictions in § 17.10(c)(5)(ii) on the use of certain mono- and diglycerides to a total of not more than 0.5 part for each 100 parts by weight of flour; the comments stated that this quantity unnecessarily limits the baker's flexibility. Three of the comments recommended that the maximum limit be 0.75 part for each 100 parts by weight of flour. The other comment recommended that the maximum limit be no more than necessary to accomplish the intended effect. One objection stated that the limit should be one part for each 100 parts or that it be specified on the basis of the alpha monoglyceride present and not on the basis of the total mono- and diglycerides, in which case it would be 0.5 part, or possibly 0.56 part, per 100 parts of flour. The other objection stated that the limit should be removed completely, or if any limitation is to be imposed, it be based on flour weight and tied to alpha monoglyceride level only.

Accordingly, § 17.10(c)(5)(ii) is stayed pending consideration whether a hearing will be necessary to resolve the issue. Until the issue is resolved, § 17.1(a)(1)(ii) of the superseded standard will apply. That standard reads as follows:

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed 10 percent by weight of the combination.

4. One objection and request for a hearing was received on § 17.10(c)(14)(i), which retains the limits of the superseded standard on the amount of potassium bromate, calcium bromate, and calcium peroxide. The objection stated that experience with the continuous breadmaking process has demonstrated that under certain conditions it is difficult to obtain proper loaf size and bread texture without using bromates at a higher level. The objection recommended that the standard be revised by removing the limit on the use of bromates. No objection was made to the limit on calcium peroxide.

The Commissioner points out that the provisions of § 17.10(c)(14)(i) are identical with those of § 17.1(a)(12)(i) of the superseded standard, which reads as follows:

(12)(i) Potassium bromate, calcium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

Hence, the staying of the provisions of § 17.10(c)(14)(i) as they pertain to potassium bromate and calcium bromate would have no practical effect. Therefore, the Commissioner declines to stay this provision as it applies to bromates. The objector is free to submit a petition to amend the standard to raise or eliminate the limits.

5. One comment and one objection and request for a hearing were received on § 17.10(c)(16). The comment stated that spices, spice oil, and spice extract which may be yellow or which, when used as directed, may impart a yellow color to the finished product, should be permitted in bread, rolls, and buns that are not identified as egg bread, egg rolls, or egg buns, provided that the foods are properly labeled to show the presence of the ingredients. The objection and request for a hearing stated that the consumer would be best benefited by limiting the prohibition set forth in § 17.10(c)(16) to egg bread, egg rolls, and egg buns. It also stated that the issue to be discussed at the hearing and the data to be presented concern the benefit to consumers of the use of colored spice mix in standardized bakery products not purporting to contain egg.

Because the objection stated that the issue to be addressed at a hearing will be limited to the use of spices, spice oils, and spice extracts that impart a yellow color to standardized bakery products not purporting to contain egg, the Commissioner believes that the stay of the relevant provisions should be limited to their application to that issue. Accordingly, the provisions of § 17.10(c)(16) as they pertain to the use of spices, spice oil, or spice extract that impart a color simulating that of egg to a standardized bakery product not represented on the label as containing egg or egg product and not purporting to contain egg or egg product is stayed pending consideration whether a hearing is necessary to resolve the issue.

6. One objection and request for a hearing was received on § 17.10(c)(17) stating that the use of artificial color in butter, but not in margarine, would not promote honesty and fair dealing in the interest of consumers. The objection stated that there is no basis for discriminating between butter and margarine and that artificial color should be allowed in both ingredients in like amounts.

Accordingly, the provisions of § 17.10(c)(17) as they pertain to the use in bread of butter to which color has been added is stayed pending consideration whether a hearing will be necessary to resolve the issue. This will have the effect of barring the use of artificially colored butter as well as artificially colored margarine during the period of the stay, i.e., from January 1, 1978, until the termination of the stay.

7. Two objections and requests for a hearing were received on § 17.10(f) as it applies to label declaration of dough conditioners, dough strengtheners, and yeast nutrients. The paragraph requires that all ingredients used in the food be declared on the label as required by the applicable sections of 21 CFR Part 1. The significant aspect of the provision is that it requires that all ingredients be identified by their common or usual names and in order of predominance.

Those who objected stated that, in order to maintain uniform quality of product, the amounts of ingredients such as dough conditioners, dough strengtheners, and yeast nutrients must be varied to adjust to variations in raw materials that are beyond the control of the baker and to other variable manufacturing conditions. It was claimed that the requirement to revise product labels as substitutions are made would result in substantial loss of inventories of labels

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and bread wrappers and would increase costs.

One of the objections recommended that a functional description such as "dough strengthener/conditioner" would be sufficient for the purpose of informing the consumer. Two letters commented in a similar manner on the issue but did not object or request a hearing. The second objection indicated that the lengthy names of particular dough conditioners and yeast nutrients would confuse consumers and that a short "coined" name would more effectively serve any consumer interest in disclosure.

Because of the revocation of Trade Correspondence TC–94 in the FEDERAL REGISTER of January 6, 1976 (41 FR 1166), the practice of declaring dough conditioners and yeast nutrients by class or function rather than by common or usual name is no longer permissible. About coined names being used for identifying food ingredients, the Commissioner points out that the use of coined names would not resolve the difficulty of listing ingredients in the order of predominance as required by 21 CFR Part 1.

In revoking TC–94 and in revising the standards for bakery products, the Commissioner implemented the policy set forth in § 3.88 *Label designation of ingredients for standardized foods* (21 CFR 3.88) by including in § 17.10(f) the requirement for label declaration of all ingredients in accordance with the applicable sections of 21 CFR Part 1. Because the issue of label declaration of ingredients in standardized foods extends beyond the concerns of the standards for bakery products, any action by the Commissioner on that issue is not appropriate in connection with the objections and requests for a hearing filed on § 17.10(f).

Therefore, the Commissioner is retaining § 17.10(f) without modification in the final regulation and is denying the requests for a hearing on this provision. Anyone desiring to use a collective (generic) name to use a colspecific name may petition for an amendment to § 1.10 (21 CFR 1.10) in accordance with the procedures described in § 1.10b (21 CFR 1.10b).

8. One objection and request for a hearing was received on the requirement that nutrients be declared on the label in two places: (1) in the list of ingredients as required by §§ 17.10(f) and 17.20 (a) and (2) in the nutrition label statement as required by § 1.17 (21 CFR 1.17).

The Commissioner points out that what is referred to in the above objection is not declaration of ingredients in two locations. Section 1.17 (21 CFR 1.17) does not require the declaration of ingredients. Section 1.17 requires declaration of nutrients, but not the actual compounds that supply the nutrients; so thiamine, for example, would be declared in accordance with § 1.17, but the actual compound used (which might be, for example, thiamine mononitrate) would be declared only in the ingredient statement. Also, because the issue of label declaration of ingredients in standardized foods extends beyond the concerns of the standards for bakery products, any action by the Commissioner on that issue is not appropriate in connection with the objection and request for a hearing filed on §§ 17.10(f) and 17.20(a). Accordingly, the Commissioner is retaining these provisions without modification in the final regulation and is denying the request for a hearing on them.

9. One objection and request for a hearing was received on the note at the end of § 17.20(a)(3), which states that the provision relating to overages of vitamins and minerals does not relate to iron.

In the FEDERAL REGISTER of October 15, 1973 (38 FR 28558), the Commissioner issued a final regulation revising the standard of identity for enriched bread (currently 21 CFR 17.20) and changed the requirements for vitamins and minerals from ranges with minima and maxima to single levels. With the change to single levels, provision was made for reasonable overages within the limits of good manufacturing practice. As a result of objections to the final regulation and requests for a hearing, the provision of the standard pertaining to iron content was stayed in the FEDERAL REGISTER of February 11, 1974 (39 FR 5188). Accordingly, the requirement was restored to the previous range of not less than 8 milligrams and not more than 12.5 milligrams per pound of bread. Because the iron issue has already been the subject of a hearing, no new hearing is justified.

10. One objection, dated May 13, 1976, was filed after the time permitted by section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), and is therefore not a valid objection. It objected to the prohibition in § 17.10(c)(16), (17), and (18) of the use of ingredients that may impart a color simulating that of egg to the finished food.

The Commissioner advises that those portions of § 17.10(c) (16) and (17) objected to have been stayed by the filing of other timely objections. The objection to § 17.10(c)(18) is denied because it was an untimely and therefore invalid objection.

11. It has come to the Commissioner's attention that there may be some question whether the limitation on yeast nutrients and calcium salts provided for in § 17.10(c)(13) applies to calcium propionate used as a preservative in bakery products. The Commissioner intends that any calcium propionate so used will not be subject to the limitation in § 17.10(c)(13). Accordingly, the Commissioner is clarifying that portion of the regulation by adding a sentence to state his intent.

12. The Commissioner is clarifying a point regarding application of the standards to the food, challah. The preamble to the regulations published in the February 12, 1976 FEDERAL REGISTER stated that the use of the word "challah" is not controlled by the standards. The Commissioner points out that, even though the requirements for egg bread do not apply to challah, the food known as challah does purport to be white bread or enriched bread and, accordingly, must meet the requirements in § 17.10 or § 17.20, as applicable. For example, the ingredient and labeling requirements in § 17.10 and the restrictions on the use of coloring apply to foods represented as "challah" (including any generally accepted variant spelling).

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Part 17 is amended as follows:

1. In § 17.10, paragraph (c)(13) is revised to read as follows:

§ 17.10 Bread, white bread, rolls, white rolls, buns, white buns; identity; label statement of optional ingredients.

* * * * * *

(c) * * *

(13) Yeast nutrients and calcium salts, if the total quantity of such ingredients, with the exception of monocalcium phosphate and calcium propionate, is not more than 0.25 part for each 100 parts by weight of flour used. The quantity of monocalcium phosphate, including any quantity in the flour used, is not more than 0.75 part for each 100 parts by weight of flour used. Any calcium propionate used as a preservative in bread, rolls, or buns is not subject to the limitation prescribed in this paragraph.

* * * * * *

§ 17.10 [Amended]

2. In § 17.10, the following provisions are stayed pending full review of the objections and requests for hearing:

a. Paragraph (c)(5)(i) as it pertains to egg bread, egg rolls, and egg buns.

b. Paragraph (c)(5)(ii): Pending resolution of the issue, the requirements of § 17.1(a)(1)(ii) of the superseded standard will apply. That standard reads as follows:

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed 10 percent by weight of the combination.

c. Paragraph (c)(16) as it pertains to the use of spices, spice oil, or spice extract that imparts a color simulating that of egg to a standardized bakery product not represented on the label as containing egg or egg product and not purporting to contain egg or egg product.

d. Paragraph (c)(17), to include that portion that reads "except that which may be present in butter if the intensity of the butter color does not exceed 'medium high' (MH) when viewed under diffused light (7400 Kelvin) against the Munsell Butter Color Comparator. The MH designation corresponds to the Munsell re-notation of 3.8Y 7.9/7.6." Pending resolution of the issue, coloring may not be added as such or as part of another ingredient.

e. Paragraph (e) as it pertains to the use of the word "egg" in the name of the food.

§ 17.20 [Amended]

3. In § 17.20, paragraph (b) as it pertains to the use of the word "egg" in the name of the food.

§ 17.40 [Amended]

4. In § 17.40, paragraph (b) as it pertains to the use of the word "egg" in the name of the food.

Accordingly, except as to those provisions that are stayed, compliance with the final regulations for bakery products published on February 12, 1976 (41 FR 6242), may begin immediately and all products initially introduced into interstate commerce on or after January 1, 1978, shall comply.

Effective date: The revision of § 17.10(c)(13) is effective October 15, 1976.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e)).)

Dated: October 6, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–30082 Filed 10–14–76;8:45 am]

[Docket No. 76P–0354]

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrate for Lemonade and Colored Lemonade; Standards of identity

The Food and Drug Administration is revising the standards of identity for frozen concentrate for lemonade and frozen concentrate for colored lemonade to (1) remove the proportionality limitations on the use of sweeteners other than sugar; (2) permit the use of any safe and suitable nutritive carbohydrate sweetener; and (3) require the label declaration of all optional ingredients. Except as to any provisions that may be stayed by the filing of proper objections, compliance with these final regulations, including any required labeling changes, may begin December 14, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978 shall fully comply; objections by November 15, 1976.

The Commissioner of Food and Drugs issued a proposal in the FEDERAL REGISTER of April 9, 1975 (40 FR 16085) to revise the standards of identity for frozen concentrate for lemonade under § 27.101 (21 CFR 27.101) and frozen concentrate for colored lemonade under § 27.102 (21 CFR 27.102). The proposal was made in response to a petition submitted by the Corn Refiners Association (CRA), 1001 Connecticut Ave. NW., Washington, D.C. 20036, which was published with the proposal. In the proposal, the Commissioner invited comments on the merits of (1) removing the proportionality limitation for certain sweeteners (2) providing for the use of safe and suitable nutritive carbohydrate sweeteners as a class rather than the present "recipe" listing and (3) requiring the label declaration of optional ingredients.

In response to the proposal, fourteen letters (each containing one or more comments) were received from six consumers, one State Health Department dietitian, four lemonade concentrate producers, one industry association, and two sugar companies. Subsequent to the comment period, two letters (one each from the petitioner and a lemonade producer) responding to certain of these comments were received.

One comment endorsed and supported the proposed revisions. Five comments expressed support for certain proposed provisions. The remaining comments expressed opposition to revising the existing standards, offered suggested changes, and requested clarification of certain proposed provisions. A summary of the comments and the Commissioner's conclusions are as follows:

1. Five comments supported the proposed provision for the use, without limitation, of any "safe and suitable" nutritive carbohydrate sweeteners. Two of the comments expressed the view that such a provision would allow the industry to utilize the most recent advances in sweetener technology in packing quality products which would benefit the consumer in areas of price and nutrition. The remaining three comments expressed the opinion that the use of corn sugars or sirups should be permitted in any amount desired by the packer, sales force, and customer since the products have been found acceptable.

The Commissioner agrees with these comments and, except for minor modifications, is adopting the final regulations as proposed.

2. One comment, which was supported by subsequent comments, opposed permitting the use of any "safe and suitable" nutritive sweetener. It stated that the degree of variation in the relationship between sweetness and tartness of the product which is acceptable to the average consumer is relatively narrow and that to permit the use of any safe and suitable nutritive sweetener without restriction would greatly extend the range of permissible sweetness to sourness in lemonade. This comment was supported by (a) a table relating to the sweetness of certain corn sirups in comparison to sucrose "Handbook of Sugars" by Junk and Pancoast, p. 148) and (b) a study completed in 1960 by Pangborn et al., entitled "Consumer Opinion of Sweeteners in Frozen Concentrated Lemonade and Orange Juice Drink" (copies are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852). The comment expressed the opinion, based upon the Pangborn study, that to amend the current standards as proposed so that a decreased level of sweetness is possible would seriously change the product's nature which the consumer expects from lemonade. One of the supporting comments added that "all alternative sweeteners as we understand it do not provide as sweet a taste as sucrose." Another supporting comment expressed the opinion that the proposal would permit the increased use of corn sweeteners, which may be less sweet than sucrose. It argued that to do so would permit competition detrimental to sound marketing practices.

The petitioner, in response to these comments, agreed with the figures in the table relating to the sweetness of sweeteners, but stated that the study by Pangborn et al., which involves the substitution of certain amounts of dextrose and corn sirup for sucrose, does not represent the situation that exists today. The petitioner pointed out that significant advances have been made in the production of new corn sirups. Thus, these new materials have compositions substantially identical to invert sirups and their sweetness is practically equivalent to that of sucrose. The petitioner noted that the corn sirup used in the Pangborn study was a 52.5–DE (dextrose equivalent) acid converted corn sirup and, as such, had a sweetness about 50 to 55 percent of the sweetness of sucrose, while sirups available today would be identical in sweetness to sucrose when measured by taste panels. A lemonade concentrate producer, in support of the CRA position, stated that it is possible to obtain the desired effects of body, flavor, and sweetness by judicious blending of nutritive carbohydrate sweeteners.

In view of the factors discussed above as they refer to a broad range of sweeteners, the Commissioner concludes that it would be in the best interest of consumers for a manufacturer of frozen concentrate for lemonade and colored lemonade to be permitted to satisfy consumer tastes in his particular marketing areas by having the freedom to provide the levels of sweetness desired by those markets.

3. One comment interpreted the proposal as permitting "the use of any sweetener in lemonade as long as the minimum brix in the concentrate is 48.4 degrees and the minimum solids (Brix) in the drink are 10.5 degrees."

The Commissioner concurs with that interpretation except that it appears that due to a typographical error the comment stated "48.4 degrees" when it should have stated "48.0 percent," which is reflected in the final regulation.

4. One comment stated that to use "corn syrup at lemon juice prices" is a "ruse" and requested that this proposed revision not be adopted.

The Commissioner believes that this comment results from a misunderstanding of the proposal with regard to the deletion of the proportionality limitation on the use of sweeteners other than sugar. He points out that the substitution of any nutritive carbohydrate sweetener, including "corn sirup", for the flavoring ingredient "lemon juice" is precluded by the minimum acidity requirement in § 27.101(a). The Commissioner concludes that, because the pro-

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posal did not address the amendment of paragraph (a) of this section, the substitution of "corn sirup" for "lemon juice" is not an issue.

5. One comment recommended "* * * that in the absence of an objective measure of sweetness which could become part of a standard, and to avoid requiring the consumer to guess at the sweetness of a can of frozen concentrate for lemonade prior to purchase, that this proposal be rejected."

The Commissioner agrees that an objective measure of the relative sweetness of frozen concentrate for lemonade is lacking. He points out that, at the present time, relative sweetness is normally measured using a subjective "preference rating test" (taste testing panel). He points out further that the present standard as well as the proposed revision provides for a broad range of sweetness and that neither provides for labeling to allow the consumer to differentiate between products of different sweetness levels. No data were submitted in support of establishing specific sweetness levels. If such data are available, they should be submitted in the form of a petition proposing to amend the standard to establish such levels and to provide for appropriate labeling so as to afford opportunity for other interested persons to comment. The Commissioner concludes that it is not in the interest of the consumer to delay action on the proposed revision until an objective measure of sweetness becomes available.

6. One comment, opposing the proposed revisions, asserted that "I see no need to increase the limit on corn sweeteners or giving manufacturers complete freedom of choice for sweeteners in lemonade. The product is already overly sweet." The comment suggested "* * * that if economy requires a change, it be in the addition of less sweetener. The consumer can always add more."

A comment responded to this assertion by stating that: "If the comment alleging concentrates for lemonade to be too sweet is a factual observation, then it argues for the use of blended sweeteners by which means the sweetness of the product may be controlled without greatly affecting the other organoleptic properties."

The Commissioner agrees that a producer who wishes to provide a less sweet product may simply add less sweetener and he recognizes that consumers desire sweetness variation. However, he concludes that it would be in the consumers' interest to allow the optional use of a wider range of safe and suitable sweetening ingredients since this will permit manufacturers to supply products with varying levels of sweetness for different markets.

7. One comment stated that the purpose of "freedom of choice" in use of sweeteners as proposed is ruled out because of the kinds of containers used for the frozen concentrate for lemonade. It further stated that the long "lead time" necessary for the ordering of containers wherein the labels are an integral part rules out complete freedom to change mixtures of sweeteners as the market price of sweeteners changes.

The Commissioner agrees that this regulation, which requires declaration of the name of sweeteners used, will not allow manufacturers to switch from one sweetener to another as the market price changes, unless the manufacturer is willing to maintain alternate stocks of labels or labeled containers declaring the alternate sweeteners that he might switch to. He further recognizes that this is particularly true for the type of container normally used for frozen concentrate for lemonade. He concludes, however, that providing for the optional use of safe and suitable nutritive carbohydrate sweeteners permits the manufacturer to be flexible in developing products to satisfy different market demands. He further concludes that the manufacturer must weigh the benefits to be derived from changing sweeteners, relative to fluctuations in market price against the cost of planning for and maintaining an adequate label inventory.

8. One comment stated that the provision for "safe and suitable nutritive carbohydrate sweeteners" without the specific listing of each in the standard along with a requirement that each sweetener used must be declared on the label defeats the goal of complete consumer information. In addition the comment wanted to know "exactly" which sweeteners are being used in the foods so that an intelligent choice could be made, based on current scientific knowledge of the safety of particular sweeteners, possible allergies, specific health conditions, etc.

The Commissioner is of the opinion that this comment reflects a misunderstanding of the proposal. In recent years, the standards of identity have permitted broad classes of optional ingredients but require label declaration of each ingredient used by its common or usual name. Therefore, he concludes that, since the standards as revised require that the common or usual name of each of the optional ingredients used be declared on the label, the goal desired by this comment is met.

9. One comment, supporting the proposed deletion of the limitation on certain sweeteners, stated that the manufacturers should be allowed complete freedom in choosing the type of sweetener used in lemonade with the stipulation, however, that the sweeteners in the amounts used are generally recognized as safe (GRAS). Another comment opposed the proposed "class" listing saying that it would make it too easy for the manufacturer to decide that a new chemical is "safe and suitable" without subjecting it to proper review.

The Commissioner points out that the sweeteners provided for in the proposal are required to be safe and suitable. It should be noted that the term "safe and suitable" is defined in § 10.1(d)(3) (21 CFR 10.1(d)(3)), which states, in part, that the ingredient "is not a food additive * * * as defined in section 201(s) * * * of the Federal Food, Drug, and Cosmetic Act as used in that food, or is a food additive * * * as so defined and is used in conformity with regulations established pursuant to section 409 * * * of the act." The Commissioner, therefore, concludes that safety is not an issue in the regulation as set forth below.

10. One comment concerned the petitioner's statement in support of his proposal that the restriction on optional sweeteners in the existing standard is "inconsistent with the more recently promulgated (albeit stayed) standards for lemonade (21 CFR 27.99) and colored lemonade (21 CFR 27.100)" and that an amendment of the existing standard to remove the restriction would be consistent with the Commissioner's action in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304), in removing the 25-percent limitation on the use of corn sirups in fruit jellies (21 CFR 29.2) and fruit jams (21 CFR 29.3), on the grounds that it would promote honesty and fair dealing in the interest of consumers. The comment states that the proposed standards for lemonade and colored lemonade have no bearing on this present case and that it would be more pertinent to change the proposed standard for lemonade to correspond to the existing standard for frozen concentrate for lemonade than to change the existing standard to match both the proposed and the stayed standards. The comment states further that there is no inconsistency in applying different principles to the formulation of lemonade than are applied to fruit jams and jellies since at the 65-percent solids level prevailing in fruit jams and jellies, "the sweetness, regardless of which sweetener is used, becomes overpowering and has little relation to the delicate balance of sweetness and acidity necessary in lemonade."

The Commissioner rejects the comment. It was appropriate for the petitioner to refer to similar situations in which the Commissioner has allowed greater flexibility in the use of sweeteners. Even if the choice of sweeteners affects the balance of taste in the food, as asserted in the comment, manufacturers still should have flexibility to meet the range of consumer preference with respect to the balance achieved, just as manufacturers have flexibility with respect ot other similar matters of taste, such as the use of a smaller total amount of sweetener in the food.

The Commissioner has also reviewed the reasons for the stay of effective date of the lemonade and colored lemonade standards published in the FEDERAL REGISTER of July 27, 1968 (33 FR 10713) and notes that the stay was not because of objections to the lack of "sweetener proportionality" requirements but because of objections to other provisions. Furthermore, the Commissioner does not believe that the comment has provided adequate grounds for considering an amendment of the stayed regulation in lemonade, and he also points out that the proper procedure for proposing an amendment of the promulgated standard would be to file a petition under § 2.65 (21 CFR 2.65).

11. Two comments opposed giving manufacturers a "freedom of choice" of the kind of sweeteners added to food. One comment indicated concern about the physiological effects of the new corn sweeteners (i.e., high fructose-containing sirups) which might be used in the concentrates for lemonade within the interpretation of this standard.

The Commissioner is aware of no data to show, nor reason to believe, that substitution of fructose, e.g., in the form of the high fructose-containing sirups, for the conventional sucrose or invert sugar in lemonades will lead to any unusual physiological effects. The standard permits nutritive sweeteners to be used only if they are safe and suitable as defined in § 10.1

12. The second comment referred to in item 11 above, generalized about the effects on health of a high consumption of sugar.

The Commissioner is aware that there are hypotheses concerning the relationship between sugar consumption and diseases such as diabetes, obesity, and heart disease, but their validity is not established. If it were established that sugar is not safe and suitable as defined in § 10.1, it could no longer be used in these foods under the revised standard.

13. One comment questioned the petitioner's statement concerning the inconsistency of the existing standards for frozen concentrate for lemonade with the Codex Alimentarius Commission standards that allow different sweeteners to be freely admixed. Also, the comment stated that he was not aware of any standard for lemonade or frozen concentrate for lemonade having been proposed by the Food and Agriculture Organization and the World Health Organization.

The Commissioner agrees that the Codex Alimentarius Commission has not recommended any standard for lemonade or frozen concentrate for lemonade and points out that the petitioner's statement concerning the Codex Alimentarius Commission standards referred to the canned fruit jellies, jams, and preserves standards which have recently been amended to provide for the use of any safe and suitable nutritive carbohydrate sweetener.

14. One comment supported label declaration of all "optional" ingredients whether or not the finished food is standardized. The comment added that the declaration "should include preservatives used to treat food packaging, since these are known to migrate into the foods."

The Commissioner points out that, in nonstandardized foods, all ingredients must be declared and, for standardized foods, in accordance with provisions of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is moving toward label declaration of all optional ingredients. As set forth in § 3.88 (21 CFR 3.88), FDA does not have legal authority to require the labels of standardized foods to declare mandatory ingredients. Frozen concentrate for lemonade, however, contains only optional ingredients; that is, there is a choice of the source of lemon juice (e.g., single strength or concentrated) and a choice of the sweetener or sweeteners used. Therefore, the Commissioner concludes that all ingredients used in frozen concentrate for lemonade and for frozen concentrate for colored lemonade must be declared on the label.

The Commissioner is not aware of the use of preservatives in food packaging used for frozen concentrate for lemonade. However, if preservatives or other substances are used which migrate to food from packaging, which are present in the food at insignificant levels, and which do not have any technical or functional effect in the food, they are exempt from label declaration under the provisions of § 1.10a(a)(3)(iii) (21 CFR 1.10a(a)(3)(iii)). On the other hand, preservatives present at functional levels, which are authorized for such use in conformity with section 409 of the act, must be declared on the label.

The Commissioner had made an editorial change in § 27.101(a) to update the method for determining soluble solids (by refractometer) in frozen concentrate for lemonade. A copy of the correction, which was published in the "Journal of the Association of Official Analytical Chemists," vol. 59, p. 368, March 1976, is on file with the Hearing Clerk, Food and Drug Administration.

Accordingly, having considered the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to revise the identity standards for frozen concentrate for lemonade and frozen concentrate for colored lemonade as set forth below.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in 21 CFR 6.1(d)(4) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this final regulation. The Commissioner has also considered the inflation impact of this final regulation and has found that it would not cause a major inflationary impact as defined in Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare. Therefore, no inflation impact statement is required. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)): *It is ordered*, That Part 27 be amended by revising §§ 27.101 and 27.102 to read as follows:

§ 27.101 Frozen concentrate for lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for lemonade is the frozen food prepared from one or both of the lemon juice ingredients specified in paragraph (b) of this section together with one or any mixture of safe and suitable nutritive carbohydrate sweeteners. The product contains not less than 48.0 percent by weight of soluble solids taken as the sucrose value determined by refractometer and corrected for acidity as given in "Correction of Refractometer Sucrose Readings for Citric Acid Content in Frozen Concentrate for Lemonade," by Yeatman, Senzel and Springer, "Journal of the Association of Analytical Chemists," vol. 59, p. 368 (1976).[1] When the product is diluted according to directions for making lemonade which shall appear on the label, the acidity of the lemonade, calculated as anhydrous citric acid, shall be not less than 0.70 gram per 100 milliliters, and the soluble solids, measured as described for the concentrate, shall be not less than 10.5 percent by weight.

(b) The lemon juice ingredients referred to in paragraph (a) of this section are:

(1) Lemon juice or frozen lemon juice or a mixture of these.

(2) Concentrated lemon juice or frozen concentrated lemon juice or a mixture of these.

For the purposes of this section, lemon juice is the undiluted juice expressed from mature lemons of an acid variety; and concentrated lemon juice is lemon juice from which part of the water has been removed. In the preparation of the lemon juice ingredients, the lemon oil content may be adjusted by the addition of lemon oil or concentrated lemon oil in accordance with good manufacturing practice, and the lemon pulp in the juice as expressed may be left in the juice or may be separated. Lemon pulp that has been separated, which may have been preserved by freezing, may be added in preparing frozen concentrate for lemonade, provided that the amount of pulp added does not raise the proportion of pulp in the finished food to a level in excess of that which would be present by using lemon juice ingredients from which pulp has not been separated. The lemon juice ingredients may be treated by heat, either before or after the other ingredients are added, to reduce the enzymatic activity and the number of viable microorganisms.

(c) Each of the ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 27.102 Frozen concentrate for colored lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for colored lemonade conforms to the definition and

[1] Copies are available from: Association of Official Analytical Chemists, PO Box 540, Benjamin Franklin Station, Washington, DC 20044.

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standard of identity prescribed for frozen concentrate for lemonade by § 27.101, except that it is colored with a safe and suitable fruit juice, vegetable juice, or any such juice in concentrated form, or with any other color additive ingredient suitable for use in food, including artificial coloring, used in conformity with regulations established pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

(b) The name of the food is "Frozen concentrate for _____ lemonade," the blank being filled in with the word describing the color: for example, "Frozen concentrate for pink lemonade."

(c) Each of the ingredients specified in paragraph (a) of this section shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 15, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin December 14, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: October 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER September 15, 1976.

[FR Doc.76-30243 Filed 10-14-76;8:45 am]

[Docket No. 76F-0036]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Candida Guilliermondii

The Food and Drug Administration is amending the food additive regulations to provide for use of *Candida guilliermondii* for the fermentative production of food grade citric acid; effective October 15, 1976; objections by November 15, 1976.

Notice was given by publication in the FEDERAL REGISTER of March 5, 1976 (41 FR 9584) that a food additive petition (FAP 6A3168) had been filed by Pfizer Inc., 235 East 42d St., New York, NY 10017, proposing that the food additive regulations (21 CFR Part 121) be amended in Subpart D to provide for the safe use of *Candida guilliermondii* for the fermentative production of food grade citric acid from an aqueous carbohydrate substrate where the components of the substrate consist of substances permitted in carbohydrate substrates used in the conventional enzymatic production of citric acid.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that Part 121 should be amended by adding § 121.1255 (21 CFR 121.1255) to provide for safe use of *Candida guilliermondii*.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Part 121 is amended by adding to Subpart D a new § 121.1255 to read as follows:

Subpart D—Food Additives Permitted in Food for Human Consumption; Candida Guilliermondii

§ 121.1255 Candida guilliermondii.

The food additive *Candida guilliermondii* may be safely used as the organism for fermentation production of citric acid in accordance with the following conditions:

(a) The food additive is the enzyme system of the viable organism *Candida guilliermondii* and its concomitant metabolites produced during the fermentation process.

(b)(1) The nonpathogenic and nontoxicogenic organism descending from strain, American Type Culture Collection (ATCC) No. 20474[1], is classified as follows:

Class: *Deuteromycetes.*
Order: *Moniliales.*
Family: *Cryptococcaceae.*
Genus: *Candida.*
Species: *guilliermondii.*
Variety: *guilliermondii.*

(2) The taxonomic characteristics of the reference culture strain ATCC No. 20474 agree in the essentials with the standard description for *Candida guilliermondii* variety *guilliermondii*, listed in "The Yeasts—A Taxonomic Study," 2d ed., 1970,[2] by Jacomina Lodder.

(c)(1) The additive is used or intended for use as a pure culture in the fermentation process for the production of citric acid using an acceptable aqueous carbohydrate substrate.

(2) The organism *Candida guilliermondii* is made nonviable and is completely removed from the citric acid during the recovery and purification process.

(d) The additive is so used that the citric acid produced conforms to the specifications of the "Food Chemicals Codex," 2d ed., 1972.[3]

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 15, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and sought, and shall include a detailed delegally sufficient to justify the relief scription and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective October 15, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director, Office of the Federal Register on July 10, 1973 and (September 9, 1976). The incorporated provisions are on file in the Federal Register Library.

[FR Doc.76-30083 Filed 10-14-76;8:45 am]

[Docket No. 76F-0041]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact with Containers or Equipment and Food Additives Otherwise Affecting Food, Antioxidants and/or Stabilizers for Polymers

The Food and Drug Administration is amending the food additive regulations to provide for the safe use of octadecyl 3,5 - di - *tert*-butyl-4-hydroxyhydrocinnamate in rigid acrylic and modified acrylic plastics intended to contact food. This amendment is effective October 15, 1976; objections by November 15, 1976.

Notice was given by publication in the FEDERAL REGISTER of March 5, 1976 (41 FR 9583) that a food additive petition (FAP 6B3165) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that the food additive regulations be amended to provide for the use of octadecyl 3,5 - di - *tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in rigid acrylic and modified acrylic plastics intended to contact food.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that § 121.2566(b) (21 CFR 121.2566(b)) and § 121.2591(a)(5) (21 CFR 121.2591(a)(5)) should be amended as set forth below.

(Federal Food, Drug and Cosmetic Act (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Subpart F of Part 121 is amended as follows:

1. In § 121.2566(b), by amending the item "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" by revising the second limitation to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * * * *	
Octadecyl 3,5 - di-*tert* - butyl-4-hydroxyhydrocinnamate.	For use only:
* * * * *	
	2. As provided in § 121.2520 and § 121.2591(a)(5).
* * * * *	

2. In § 121.2591(a)(5), by alphabetically adding a new item to the list of substances, to read as follows:

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

* * * * *

(a) * * *
(5) * * *

Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate: For use only at levels not exceeding 0.01 percent by weight in rigid acrylic and modified acrylic plastics intended for repeated food-contact use.

* * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 15, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective October 15, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 6, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-30080 Filed 10-14-76;8:45 am]

[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

[2] Copies may be obtained from: Director, Division of Food and Color Additives, Bureau of Foods, 200 C St. SW., Washington, DC 20204.

[3] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Euthanasia Solution

The Food and Drug Administration approves a new animal drug application (100–809V) filed by Hoechst-Roussel Pharmaceuticals, Inc., Route 202–206 North, Somerville, N.J. 08876, for a drug intended for the humane euthanasia of animals without excitation or pain. The product is intended for use in dogs, cats, horses, mink, laboratory animals and birds. The approval is effective October 15, 1976.

The Commissioner Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended by adding new § 522.900 to read as follows:

§ 522.900 Euthanasia solution.

(a) *Specifications.* Each milliliter contains 200 milligrams of N-[2-(m-methoxy-phenyl)-2-ethyl-butyl-(1)]-gamma-hydroxybutyramide, 50 milligrams of 4,4'-methylene-bis(cyclohexyl-trimethyl-ammonium iodide), 5 milligrams of tetracaine hydrochloride, with 0.6 milliliter dimethylformamide in distilled water.

(b) *Sponsor.* No. 000039 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the humane euthanasia of animals without excitation or pain. It is used in dogs, cats, horses, mink, small laboratory animals (mice, rats, guinea pigs, and rabbits) and birds (pigeons and parakeets).

(2) Dosage—(i) *Dogs.* Intravenous or intracardiac injection: Use 0.3 milliliter/kilogram (0.14 milliliter/pound). Intrapulmonary injection: For animals weighing up to 10 kilograms, use 7 to 10 milliliters. In larger animals, follow initial 10 milliliters by another 3 to 10 milliliters by intrapulmonary or intracardiac administration.

(ii) *Cats.* Intravenous injection: Use 0.3 milliliter/kilogram (0.14 milliliter/pound). Intrapulmonary injection: Kittens a few days old, 1 milliliter; kittens up to 6 months of age, 3 milliliters; cats over 6 months of age, 5 milliliters; cats weighing more than 5 kilograms (11 pounds), 10 milliliters.

(iii) *Horses.* Intravenous injection: Use 4 to 6 milliliters/50 kilograms (110 pounds of body weight).

(iv) *Mink.* Intraperitoneal injection: 0.5 to 1 milliliter.

(v) *Birds and small laboratory animals.* Intrapulmonary injection: 0.5 to 2 milliliters.

(3) Not to be used for therapeutic purposes.

(4) Do not use in animals intended for food.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation shall be effective October 15, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: October 7, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-30242 Filed 10-14-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Reimbursement for Employment of Public Employees on Federal-Aid Projects; Amendment

In Chapter I of title 23 of the Code of Federal Regulations, § 140.703(f) is amended by striking the period at the end thereof and adding the following: "in 23 CFR, Part 140, Subpart E".

Issued on: October 6, 1976.

DOWELL H. ANDERS,
Acting Chief Counsel.

[FR Doc.76-30221 Filed 10-14-76;8:45 am]

V41N201 OCT 15 76 UM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2367]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER (November 15, 1976). This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Lee	Auburn, city of	H 010144B 01 through H 010144B 15.	Director of planning, P.O. Box 511, Auburn, Ala. 36830	Oct. 3, 1975 June 7, 1974 Sept. 10, 1976
Arkansas	Ouchita	Louann, town of	H 050262 01	Mayor, Town Hall, Louann, Ark. 71751	Nov. 5, 1976
California	San Diego	Coronado, city of	H 060287A 01 through H 060287A 05.	Building official, 1825 Stand Way, Coronado, Calif. 92118	June 28, 1974 Sept. 10, 1976
Colorado	Jefferson	Golden, city of	H 080090 01 through H 080090 03.	Mayor, City Hall, 911 10th St., Golden, Colo. 80401	Nov. 5, 1976
Connecticut	New Haven	New Haven, city of	H 090084A 01 through H 090084A 12.	Mayor, City Hall, 200 Orange St., New Haven, Conn. 06510.	June 7, 1974 Sept. 10, 1976
Florida	Orange	Edgewood, city of	H 120183A 01	Mayor, P.O. Box 13274, Orlando, Fla. 13274	July 19, 1974 Sept. 10, 1976
Idaho	Bingham	Blackfoot, city of	H 160019A 01 through H 160019A 03.	Mayor, City Hall, 157 North Broadway, Blackfood, Idaho 83221.	Jan. 23, 1974 Sept. 10, 1976
Do	Ada	Boise City, city of	H 160002B 01 through H 160002B 12.	Environmental planner, Ada Council of Governments, 525 West Jefferson St., Boise, Idaho 83702.	June 21, 1974 Sept. 12, 1976 Sept. 10, 1976
Illinois	Saline	Carrier Mills, village of	H 170786 01	Village president, Village Hall, Carrier Mills, Ill. 62917	Nov. 5, 1976
Do	Henry	Geneseo, city of	H 170284B 01 through H 170284B 07.	Mayor, 101 South State St., P.O. Box 64, Geneseo, Ill. 61254	Mar. 5, 1976 Dec. 17, 1973 Sept. 10, 1976
Indiana	Noble	Kendallville, city of	H 180185B 01 through H 180185B 02.	Mayor, City Hall, Kendallville, Ind. 46755	Dec. 26, 1975 June 14, 1976
Iowa	Webster	Barnum, city of	H 190528 01	Mayor, City Hall, Barnum, Iowa 50518	Nov. 5, 1976
Do	Marshall	Clemons, city of	H 190201 01	Mayor, City Hall, Clemons, Iowa 50051	Do.
Do	Fayette	Clermont, city of	H 190374 01	Mayor, City Hall, Clermont, Iowa 52135	Do.
Do	Webster	Dayton, city of	H 190565 01	Mayor, City Hall, Dayton, Iowa 50530	Do.
Do	Dallas	Dexter, city of	H 190360 01	Mayor, City Hall, Dexter, Iowa 50070	Do.
Do	Worth	Kensett, city of	H 190749 01 through H 190749 02.	Mayor, City Hall, Kensett, Iowa 50448	Do.
Do	Mitchell	Mitchell, city of	H 190459 01	Mayor, City Hall, Mitchell, Iowa 50485	Do.
Do	Boone	Pilot Mound, city of	H 190326 01	Mayor, City Hall, Pilot Mound, Iowa 50223	Do.
Do	Bremer	Plainfield, city of	H 190327 01	Mayor, City Hall, Plainfield, Iowa 50666	Do.
Do	Allamakee	Postville, city of	H 190041 01	Mayor, City Hall, Postville, Iowa 52162	Do.
Do	Adams	Prescott, city of	H 190004 01	Mayor, City Hall, Prescott, Iowa 50859	Do.
Do	Buchanon	Quasqueton, city of	H 190332 01 through H 190332 04.	Mayor, City Hall, Quasqueton, Iowa 52326	Do.
Do	Wright	Rowan, city of	H 190797 01	Mayor, City Hall, Rowan, Iowa 50470	Do.
Do	Humbolt	Rutland, city of	H 190422 01 through H 190422 02.	Mayor, City Hall, Rutland, Iowa 50582	Do.
Do	Sac	Schaller, city of	H 190552 01	Mayor, City Hall, Schaller, Iowa 51053	Do.
Do	Cerro Gordo	Ventura, city of	H 190674 01 through H 190674 02.	Mayor, City Hall, Ventura, Iowa 50482	Do.
Do	Dubuque and Jackson.	Zwingle, city of	H 190371 01	Mayor, City Hall, Zwingle, Iowa 52079	Do.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Kansas	Sedgwick	Garden Plains, city of	H 200498B 01	City clerk, City Hall, Garden Plains, Kans. 67050	Aug. 15, 1975 Jan. 2, 1976
Do	Sherman	Goodland, city of	H 200338B 01 through H 200338B 02.	Building inspector, P.O. Box 57, Goodland, Kans. 67735	Feb. 15, 1974 Dec. 26, 1975 Sept. 10, 1976
Do	Wichita	Leoti, city of	H 200517 01	Mayor, City Hall, 201 North 4th St., Leoti, Kans. 67861	Nov. 5, 1976
Do	Wabaunsee	Maple Hills, city of	H 200436 01	Mayor, City Hall, Main St., Maple Hills, Kans. 66507	Do.
Do	Jefferson	Meridan city of	H 200149 01	Mayor, City Hall, Main St., Meridan, Kans. 66512	Do.
Do	Harvey	North Newton, city of	H 200542 01 through H 200542 02.	Mayor, City Hall, P.O. Box 87, North Newton, Kans. 677117.	Do.
Do	Grant	Ulysses, city of	H 200551 01	Mayor, City Hall, 114 West Grant Ave., Ulysses, Kans. 67880.	Do.
Louisiana	Brenville, Parrish.	Bienville, village of	H 220265 01	Mayor, Village Hall, Bienville, La. 71008	Do.
Do	Natchitoches, Parrish.	Campti, town of	H 220317 01 through H 220317 02.	Mayor, Town Hall, Campti, La. 71411	Do.
Do	Jackson, Parrish	North Hodge, village of	H 220341 01	Mayor, Village Hall, North Hodge, La. 71247	Do.
Do	Webster, Parrish	Sarepta, village of	H 220348 01	Mayor, Village Hall, Sarepta, La. 71071	Do.
Maine	Cumberland	Casco, town of	H 230044A 01 through H 230044A 15.	Selectman, Town Hall, Casco, Maine 04015	July 26, 1974 Sept. 10, 1976
Do	Aroostook	Frenchville, town of	H 230165A 01 through H 230165A 13.	Town manager, Box 116, Frenchville, Maine 04745	Sept. 20, 1974 Sept. 10, 1976
Do	Oxford	Oxford, town of	H 230869 01 through H 230869 17.	Chairman, Planning Board, R.F.D. No. 1, Mechanic Falls, Maine 04256.	Nov. 5, 1976
Do	York	Sanford, town of	H 230156A 01 through H 230156A 19.	Assistant town engineer, Town Hall, Sanford, Maine 04073.	Sept. 13, 1974 Sept. 10, 1976
Do	Piscataquis	Sangerville, town of	H 230413A 01 through H 230413A 12.	Town manager, Town Office, Sangerville, Maine 04479	Feb. 7, 1975 Sept. 10, 1976
Do	Knox	Union, town of	H 230080A 01 through H 230080A 14.	Chairman, Board of Selectman, Selectmans Office, Box 221, Union, Maine 04862.	Sept. 20, 1974 Sept. 10, 1976
Massachusetts	Hampshire	Cummington, town of	H 250159A 01 through H 250159A 06.	Selectman, Town Hall, Main St., Cummington, Mass. 01026.	July 19, 1974 Sept. 10, 1976
Do	Norfolk	Medway, town of	H 250243A 01 through H 250243A 04.	Selectman, Town Hall, 155 Village St., Medway, Mass. 02053.	Aug. 9, 1974 Sept. 10, 1976
Do	Worcester	North Brookfield, town of	H 250323A 01 through H 250323A 07.	Selectman, Town Hall, Main St., North Brookfield, Mass. 01535.	June 21, 1974 Sept. 10, 1976
Do	do	Templeton, town of	H 250339A 01 through H 250339A 13.	Selectman, Town Hall, Central St., Baldwinville, Mass 01436.	Aug. 2, 1974
Do	do	Winchendon, town of	H 250348A 01 through H 250348A 13.	Selectman, Town Hall, 109 Front St., Winchendon, Mass. 01475.	Aug. 23, 1974 Sept. 10, 1976
Michigan	Huron	Huron, township of	H 260415 01 through H 260415 12.	Supervisor, Town of Huron, Port Hope, Mich. 48468	Nov. 5, 1976
Do	Wayne	Inkster, city of	H 260232A 01 through H 260232A 04.	City manager, 2121 Inkster Rd., Inkster, Mich. 48141	Apr. 12, 1974 Sept. 10, 1976
Do	Jackson	Norvell, township of	H 260424 01 through H 260424 10.	Township supervisor, 109 Sweezy Lake Rd., Box 57, Norwell, Mich. 49263.	Nov. 5, 1976
Do	Branch	Ovid, township of	H 260362 01 through H 260362 12.	Supervisor, 438 East Central Rd., Coldwater, Mich. 49036.	Do.
Do	Macomb	Sterling Heights, city of	H 260128B 01 through H 260128B 04.	Mayor, 40555 Utica Rd., Sterling Heights, Mich. 48078	June 28, 1974 Apr. 12, 1974 Sept. 10, 1976
Do	do	Washington, township of	H 260447 01 through H 260447 12.	Supervisor, Township Hall, 155 South Rawles St., Romeo, Mich. 48065.	Nov. 5, 1976
Minnesota	Crow Wing	Baxter, city of	H 270092A 01 through H 270092A 06.	Mayor, Rt. 8, Brainerd, Minn. 56401	Sept. 13, 1974 Sept. 10, 1976
Do	Swift	Benson, city of	H 270467A 01 through H 270467A 02.	Mayor, City Hall, 1411 Pacific Ave., Benson, Minn. 56215	May 17, 1974 Sept. 10, 1976
Do	do	De Graff, city of	H 270470A 01	Mayor, City Hall, De Graff, Minn. 56233	Aug. 9, 1974 Sept. 10, 1976
Do	Wabasha	Hammond, city of	H 270485A 01	Mayor, City Hall, Hammond, Minn. 55938	Aug. 2, 1974 Sept. 10, 1976
Do	Murray	Unincorporated areas	H 270645 01 through H 270645 48.	Chairman, County Commissioners, Murray County Courthouse, Slayton, Minn. 56172.	Nov. 5, 1976
Do	Carver	Watertown, city of	H 270056 01	Mayor, P.O. Box 606, Watertown, Minn. 55388	Do.
Mississippi	Bolivar	Duncan, town of	H 280017 01	Mayor, City Hall, Duncan, Miss. 38740	Do.
Missouri	Washington	Caledonia, village of	H 290850 01	Chairman, Village Hall, Caledonia, Mo. 60631	Do.
Do	Camden	Camdenton, city of	H 290742 01 through H 290742 04.	Mayor, City Hall, 112 Court Circle St., Camdenton, Mo. 65074.	Do.
Do	Montgomery	New Florence, city of	H 290692 01	Mayor, City Hall, New Florence, Mo. 63363	Do.
Do	Francois	Leadwood, city of	H 290706 01	Mayor, City Hall, 102 East 7th St., Leadwood, Mo. 63653	Do.
Do	Andrew	Savannah, city of	H 290661 01 through H 290664 02.	Mayor, City Hall, 402 Court St., Savannah, Mo. 64485	Do.
Do	Scotland	South Gorin, city of	H 290527 01	Mayor City Hall, South Gorin, Mo. 63543	Do.
Do	Newton	Sunnyvale, village of	H 290508 01	Chairman, Village Hall, 3505 Finley Ave., Joplin, Mo. 64801.	Do.
Do	Greene	Willard, city of	H 290653 01	Mayor, City Hall, Box ts7, Willard, Mo. 65781	Do.
Do	Shannon	Winona, city of	H 290119 01	Mayor, City Hall, Winona, Mo. 65588	Do.
Do	Ray	Wood Heights, village of	H 290639 01 through H 290639 02.	Chairman, Village Hall, P.O. Box 253, Excelsior Springs, Mo. 64021.	Do.
Montana	Treasure	Hysham, town of	H 300080A 01	Mayor, Town Hall, Hysham, Mont. 59038	Do.
Nebraska	Holt	Atkinson, city of	H 310343 01	Mayor, City Hall, Atkinson, Nebr. 68713	Do.
Do	Cass	Unincorporated areas	H 310407 01 through H 310407 40.	Zoning administrator, County House, Plattsmouth, Nebr. 68048.	Do.
Do	Fillmore	Exeter, village of	H 310080 01	Chairman, Village Hall, Exeter, Nebr. 68351	Do.
Do	Cedar	Laurel, city of	H 310085 01	Mayor, City Hall, Laurel, Nebr. 68745	Do.
Do	Kearney	Wilcox, village of	H 310334 01	Chairman, Village Hall, Wilcox, Nebr. 68982	Do.
New Hampshire	Coos	Jefferson, town of	H 330033A 01 through H 330033A 16.	Selectman, Town Hall, Jefferson, N.H. 03583	Feb. 21, 1975 Sept. 10, 1976
New Jersey	Camden	Camden, city of	H 340128A 01 through H 340128A 03.	Mayor, 6th and Market St., Camden, N.J.	Apr. 12, 1974 Sept. 10, 1976
Do	Essex	Cedar Grove, township of	H 340180A 01 through H 340180A 02.	Mayor, 525 Pompton Ave., Cedar Grove, N.J. 07009	Nov. 5, 1976
Do	Hunterdon	East Amwell, township of	H 340498A 01 through H 340498A 10.	Mayor, P.O. Bin F. Ringoes, N.J. 08551	July 26, 1974 Sept. 10, 1976
Do	Monmouth	Englishtown, borough of	H 340294 01 through H 340294 02.	Mayor, 13 Main St., Englishtown, N.J. 07726	Nov. 5, 1976
Do	Cumberland	Greenwich, township of	H 340169 01 through H 340169 08.	Mayor, Box 64, Greenwich, N.J. 08323	Do.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Middlesex	Metuchen, borough of	H 340266 01	Mayor, P.O. Box 592, 500 Main St., Metuchen, N.J. 08840	Do.
Do.	Monmouth	Ocean, township of	H 340319B 01 through H 340319B 05.	Mayor, Monmouth and Deal Rd., Oakhurst, N.J. 07755	June 1, 1973 May 31, 1974 Sept. 10, 1976
Do.	Passaic	Totowa, borough of	H 340408A 01 through H 340408A 02.	Mayor, Municipal Bldg., 537 Totowa, N.J. 07521	Sept. 10, 1976
Do.	Salem	Upper Penns Neck, township of	H 340424A 01 through H 340424A 07.	Mayor, Corner D and Walker Ave. Carney's Point, N.J. 08069.	Nov. 5, 1976
Do.	Bergen	Washington, township of	H 340080 01 through H 340080 06.	Administrator, 350 Hudson Ave., Westwood, N.J. 07675	Do.
New Mexico	Bernalillo	Los Ranchos De Albuquerque, village of.	H 350123 01	Mayor, Village Hall, 7115 Guadalupe Trapl NW., Los Ranchos De, Albuquerque, N. Mex. 87107.	Do.
New York	Orleans	Albion, village of	H 360641A 01 through H 360641A 02.	Mayor, Village Hall, Albion, N.Y. 14411	May 24, 1974 Sept. 10, 1976
Do.	Oneida	Ava, town of	H 360518A 01 through H 360518A 05.	Supervisor, R.D. 2, Boonville, N.Y. 13309	June 28, 1974 Sept. 10, 1976
Do.	Chatauqua	Cherry Creek, village of	H 360139A 01	Mayor, Village Hall, Cherry Creek, N.Y. 14723	May 10, 1974 Sept. 10, 1976
Do.	Rockland	Clarkstown, town of	H 360679A 01 through H 360679A 05.	Town supervisor, Town Hall, Maple Ave., New City, N.Y. 10956.	Apr. 12, 1974 Sept. 10, 1976
Do.	Albany	Coeymans, town of	H 360005A 01 through H 360005A 04.	Supervisor, Russell Ave., Revina, N.Y. 12143	June 28, 1974 Sept. 10, 1976
Do.	Chemung	Elmira Heights, village of	H 360152 01 through H 360152 02.	Mayor, Village Hall, Elmira Heights, N.Y. 14903	Nov. 5, 1976
Do.	Steuben	Erwin, town of	H 360774A 01 through H 360774A 11.	Supervisor, Town Hall, Painted Post, N.Y. 14870	Nov. 23, 1973 Sept. 10, 1976
Do.	Onondaga	Fayetteville, village of	H 360578A 01	Mayor, 425 East Genesee St., Fayetteville, N.Y. 13066	Nov. 5, 1976
Do.	Oneida	Forestport, town of	H 360529A 01 through H 360529A 11.	Supervisor, North Lake Rd., Forestport Station, N.Y. 13338.	June 28, 1974 Sept. 10, 1976
Do.	Cattaraugus	Franklinville, town of	H 360072 01 through H 360072 14.	Town supervisor, Town Hall, Franklinville, N.Y. 14737	Nov. 5, 1976
Do.	Monroe	Gates, town of	H 360416A 01 through H 360416A 02.	Town supervisor, 1605 Buffalo Rd., Rochester, N.Y. 14624	Do.
Do.	Ontario	Geneva, city of	H 360599A 01 through H 360599A 03.	City manager, City Hall, 47 Castle St., Geneva, N.Y. 14456.	May 17, 1974 Sept. 10, 1976
Do.	Warren	Hague, town of	H 360673A 01 through H 360673A 11.	Town supervisor, Town Hall, Hague, N.Y. 12836	Nov. 5, 1976
Do.	Columbia	Kinderhook, village of	H 361048A 01 through H 361048A 05.	Mayor, Village Hall, Kinderhook, N.Y. 12106	Do.
Do.	Jefferson	Lyme, town of	H 360343A 01 through H 360343A 06.	Supervisor, Aradamy St., Chaumont, N.Y. 13624	Do.
Do.	Wayne	Macedon, town of	H 361230A 01 through H 361230A 12.	Town supervisor, 7 Drumlin Dr., Macedon, N.Y. 14502	Dec. 20, 1974 Sept. 10, 1976
Do.	Schoharie	Middleburg, village of	H 361245B 01	Mayor, 58 Lawyers Lane, Middleburg, N. Y. 12122	Sept. 12, 1975 May 31, 1974 Sept. 10, 1976
North Carolina	Davidson, Guilford and Randolph.	High Point, city of	H 370113A 01 through H 370113A 15.	Mayor, P.O. Box 230, High Point, N.C. 27261	June 28, 1974 Sept. 10, 1976
North Dakota	Sheridan	McClusky, city of	H 380109 01	Mayor, City Hall, McClusky, N. Dak. 58463	Nov. 5, 1976
Do.	Stark	Taylor, city of	H 380118 01	Mayor, City Hall, P.O. Box 125, Taylor, N. Dak. 58656	Do.
Ohio	Summit	Akron, city of	H 390535A 01 through H 390535A 18.	Mayor, 166 South High St., Akron, Ohio 44308	Mar. 15, 1974 Sept. 10, 1976
Do.	Hocking	Logan, city of	H 390274A 01 through H 390274A 02.	Mayor, City Hall, 101 East Main St., Logan, Ohio 43138	May 31, 1974 Sept. 10, 1976
Do.	Portage	Ravenna, city of	H 390458 01 through H 390458 04.	Mayor, 210 Parkway, P.O. 32, Ravenna, Ohio 44266	Nov. 5, 1976
Do.	Wayne	Shreve, village of	H 390647A 01	Mayor, 150 West McConley, Shreve, Ohio 44676	Mar. 29, 1974
Oklahoma	Custer	Butler, town of	H 400266 01	Mayor, Town Hall, South Main St., P.O. Box 81, Butler, Okla. 73625.	Nov. 5, 1976
Do.	Pushmataha	Clayton, town of	H 400358 01	President, Town Hall, P.O. Box 278, Clayton, Okla. 74536.	Do.
Do.	Garvin	Elmore City, town of	H 400374 01	Mayor, Town Hall, P.O. Box 68, Elmore, Okla. 73035	Do.
Do.	Comanche	Indiahoma, town of	H 400287 01	Town clerk, Town Hall, Indiahoma, Okla. 73552	Do.
Do.	Gervin	Paoli, town of	H 400317 01	President, Town Hall, P.O. Box 187, Paoli, Okla. 73074	Do.
Do.	Jefferson	Rayan, city of	H 400439 01	Mayor, City Hall, Ryan, Okla. 73565	Do.
Do.	Dewey	Vici, town of	H 400448 01	President, Town Hall, P.O. Box 277, Vici, Okla. 73859	Do.
Oregon	Washington	Cornelius, city of	H 410261 01	Mayor, City Hall, Cornelius, Oreg. 97113	Do.
Pennsylvania	Crawford	Athens, township of	H 421562A 01 through H 421562A 04.	Chairman, R.D. 1, Box 9, Centerville, Pa. 16404	Do.
Do.	Clinton	Flemington, borough of	H 420336A 01	Mayor, 502 Frederick St., Flemington, Pa. 17745	June 15, 1973 Sept. 10, 1976
Do.	Allegheny	Forest Hills, borough of	H 420035A 01	Mayor, 2071 Ardmore Blvd., Pittsburgh, Pa. 15221	May 10, 1974 Sept. 10, 1976
Do.	do	Frazer, township of	H 421288 01	Chairman, R.D. 3, Tarentum, Pa. 15084	Nov. 5, 1976
Do.	Franklin	Greene, township of	H 421649A 01 through H 421649A 11.	Chairman, township supervisor, Route 1, Chambersburg, Pa. 17201.	Dec. 6, 1974 Sept. 10, 1976
Do.	Centre	Gregg, township of	H 421194A 01 through H 421194A 04.	Chairman, R.D. 1, Spring Mills, Pa. 16875	Oct. 18, 1974 Sept. 10, 1976
Do.	Allegheny	Ingram, borough of	H 420045 01	President of council, 40 West Prospect Ave., Pittsburgh, Pa. 15205.	Nov. 5, 1976
Do.	Berks	Kenhorst, borough of	H 420135 01	President, 339 South Kenhorst, Kenhorst, Pa. 19607	Do.
Do.	Northampton	Lower Saucon, township of	H 420682A 01 through H 420682A 03.	Mayor, R.D. 3, Town Hall, Bethlehem, Pa. 18015	June 28, 1974 Sept. 10, 1976
Do.	Westmoreland	Murrysville, borough of	H 421207 01 through H 421207 12.	Mayor, P.O. Box 127, Murrysville, Pa. 15668	Nov. 5, 1976
Do.	Tioga	Nelson, township of	H 421181A 01 through H 421181A 08.	Chairman, Township Bldg., Nelson, Pa. 16940	Sept. 6, 1974 Sept. 10, 1976
Do.	Clearfield	Pike, township of	H 421190A 01 through H 421190A 07.	Chairman, R.D., Curwensville, Pa. 16833	Sept. 6, 1974 Sept. 10, 1976
Do.	Dauphin	Royalton, borough of	H 420394A 01	Mayor, 310 Wyoming St., Royalton, Middletown, Pa. 17057.	June 15, 1973 Sept. 10, 1976
Do.	Westmoreland	South Greensburg, borough of	H 420600A 01 through H 420600A 02.	Mayor, 1515 Poplar St., South Greensburg, Pa. 15601	June 14, 1974 Sept. 10, 1976
Do.	do	South Huntingdon, township of	H 422194A 01 through H 422194A 07.	Chairman, Box 133, West Newton, Pa. 15089	Aug. 9, 1974 Sept. 10, 1976
Do.	Chester	Westtown, township of	H 420294 01 through H 420294 02.	Chairman, Township Bldg., Westtown, Pa. 19395	Nov. 5, 1976
Do.	Allegheny	White Oak, borough of	H 420089A 01 through H 420089A 05.	Mayor, 2280 Lincoln Way, White Oak, Pa. 15131	Jan. 16, 1974 Sept. 10, 197

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Rhode Island	Providence	Foster, town of	H 440033A 01 through H 440033A 18.	President, Town Council, Town Hall, Foster, R.I. 02825	Sept. 13, 1974 Sept. 10, 1976
South Dakota	Perkins	Bison, town of	H 460090 01	Town president, Town Hall, Bison, S. Dak. 57620	Nov. 5, 1976
Do.	Harding	Buffalo, town of	H 460087 01	President, Town Hall, Buffalo, S. Dak. 57720	Do.
Do.	Custer	Buffalo Gap, town of	H 460247 01	Town president, Town Hall, Buffalo Gap, S. Dak. 57722	Do.
Do.	Edmunds	Ipswich, city of	H 460184 01	Mayor, City Hall, Ipswich, S. Dak. 57451	Do.
Texas	Fannin	Bailey, town of	H 480808 01	Mayor, Town Hall, Bailey, Tex. 75413	Do.
Do.	Cass	Bloomburg, town of	H 480782 01	Mayor, Town Hall, Bloomburg, Tex. 75556	Do.
Do.	Hunt	Commerce, city of	H 480366A 01 through H 480366A 14.	Mayor, City Hall, Commerce, Tex. 75428	Mar. 8, 1974 Sept. 10, 1976
Do.	Rains	East Tawakoni, town of	H 480976 01 through H 480976 04.	Mayor, Town Hall, P.O. Box 477, Lone Oak, Tex. 75453	Nov. 5, 1976
Do.	Rockwall	Fate, city of	H 480544 01 through H 480544 04.	Mayor, City Hall, P.O. Box 31, Fate, Tex. 75032	Do.
Do.	Trinity	Groveton, city of	H 481032 01 through H 481032 04.	Mayor, City Hall, P.O. Box 37, Groveton, Tex. 75842	Do.
Do.	Hansford	Gruver, city of	H 481104 01 through H 481104 02.	Mayor, City Hall, P.O. Box 217, Gruver, Tex. 79040	Do.
Do.	Hill	Itasca, city of	H 480860 01	Mayor, City Hall, 136 North Hill, Itasca, Tex. 76055	Do.
Do.	do	Martens, town of	H 480863 01	Mayor, Town Hall, P.O. Box 53, Mertens, Tex. 76666	Do.
Do.	Motley	Matador, town of	H 480946 01	Mayor, Town Hall, P.O. Box 367, Matador, Tex. 79244	Do.
Do.	Hill	Mount Calm, city of	H 480868 01	Mayor, P.O. Box 73, Mount Calm, Tex. 76673	Do.
Do.	Medina	Natalia, city of	H 481112 01	Mayor, City Hall, Natalia, Tex. 78059	Do.
Do.	Rusk	New London, city of	H 481113 01 through H 481113 02.	Mayor, City Hall, P.O. Box 428, New London, Tex. 75682.	Do.
Do.	Young	Olney, city of	H 480680B 01	Mayor. City Hall, Olney, Tex. 76374	Apr. 12, 1974 Mar. 19, 1976
Do.	Upshur	Ore City, city of	H 481038 01	Mayor, P.O. Box 327, Ore City, Tex. 75683	Nov. 5, 1976
Do.	Clay	Petrolia, town of	H 480745 01	Mayor, P.O. Box 154, Petrolia, Tex. 76377	Do.
Do.	Rains	Point, city of	H 481156 01	Mayor, City Hall, Point, Tex. 75472	Do.
Do.	Barker and Tarrant.	Reno, town of	H 480969 01 through H 480969 06.	Mayor, Town Hall, Reno, Tex. 76020	Do.
Do.	Cameron	San Benito, city of	H 480113 01 through H 480113 07.	Mayor, City Hall, 485 North Sam Houston, San Benito Tex. 78586.	Do.
Do.	Henderson	Seven Points, city of	H 480332 01 through H 480332 02.	Clerk, Route 5, Kemp, Tex. 75143	Do.
Do.	Burleson	Snook, city of	H 480090 01	Mayor, City Hall, Snook, Tex. 77878	Do.
Do.	Travis	Sunset Valley, city of	H 481127 01	Mayor, 16 Sunset Ter., Sunset Valley, Tex. 78745	Do.
Do.	Limestone	Thornton, town of	H 480914 01	Mayor, P.O. Box 45, Thornton, Tex. 76687	Do.
Do.	Shelby	Timpson, city of	H 481007 01 through H 481007 02.	Mayor, City Hall, Timpson, Tex. 75975	Do.
Do.	Collin	Westminster, town of	H 480758 01 through H 480758 02.	Mayor, City Hall, P.O. Box 616, East Side Square, Westminster, Tex. 75096.	Do.
Do.	Grayson	Whitewright, town of	H 480839 01 through H 480839 02.	Mayor, Town Hall, West Grand Ave., Whitewright, Tex. 75491.	Do.
Utah	Cache	Paradise, town of	H 490025 01	Town president, Town Hall, Paradise, Utah 84328	Do.
Vermont	Franklin	Bakersfield, town of	H 500216A 01 through H 500216A 15.	Chairman, selectman, Town Hall, Bakersfield, Vt. 05441	Feb. 7, 1975 Sept. 10, 1976
Do.	do	Berkshire, town of	H 500049A 01 through H 500049A 12.	Zoning administrative officer, East Berkshire, Vt. 05477	May 31, 1974 Sept. 10, 1976
Do.	Windham	Dummerston, town of	H 500128A 01 through H 500128A 12.	Selectman, P.O. Putney, Vt. 05346	Aug. 30, 1974 Sept. 10, 1976
Do.	Rutland	Hubbardton, town of	H 500313A 01 through H 500313A 06.	Chairman, Board of Selectman, R.F.D. No. 1, Fair Haven, Vt. 05743.	Dec. 13, 1974 Sept. 10, 1976
Do.	Washington	Waitsfield, town of	H 500120A 01 through H 500120A 12.	Chairman, Waitsfield Planning Commission, Box 112, Waitsfield, Vt. 05673.	June 28, 1974 Sept. 10, 1976
Do.	Rutlands	Wells, town of	H 500271A 01 through H 500271A 08.	Chairman, Board of Selectman, Wells, Vt. 05774	Jan. 10, 1975 Sept. 10, 1976
Virginia	Accomack	Belle Haven, town of	H 510242A 01 through H 510242A 04.	Mayor, Municipal Bldg., Belle Haven, Va. 23306	Nov. 1, 1974 Sept. 10, 1976
Do.		Charlottesville, city of	H 510033B 01 through H 510033B 03.	City manager, P.O. Box 911, Charlottesville, Va. 22902	Jan. 3, 1975 May 24, 1974 Sept. 10, 1976
Do.	Giles	Rich Creek, town of	H 510070 01 through H 510070 02.	Mayor, Box 65, Rich Creek, Va. 24147	Nov. 5, 1976
Do.		Winchester, city of	H 510173A 01 through H 510173A 05.	Mayor, City Hall, Winchester, Va. 22601	Sept. 6, 1974 Sept. 10, 1976
Washington	Snohomish	Monroe, city of	H 530169 01 through H 530169 02.	Mayor, City Hall, 209 East Main St., Monroe, Wash. 98272.	Nov. 5, 1976
West Virginia	Webster	Cowen, town of	H 540206A 01	Mayor, Box 386, Cowen, W. Va. 26206	Do.
Wisconsin	Sauk	Baraboo, city of	H 550392A 01 through H 550392A 02.	Mayor, 135 Fort St., Baraboo, Wis. 53913	Dec. 17, 1974 Sept. 10, 1976
Do.	Racine	North Bay, village of	H 550350A 01	Village president, 301 North Vincennes, Circle, Racine, Wis. 53402.	Sept. 6, 1974 Sept. 10, 1976
Do.	Milwaukee	Milwaukee, city of	H 550283A 01 through H 550283A 02.	Mayor, P.O. Box 367, South Milwaukee, Wis. 53172	Dec. 28, 1973 Sept. 10, 1976
Do.	Douglas	Superior, city of	H 550116A 01 through H 550116A 14.	Mayor, 1409 Hammond Ave., Superior, Wis. 54880	June 28, 1974 Sept. 10, 1976
Do.	do	Superior, village of	H 550117 01	Mayor, 6402 Ogden Ave., Superior, Wis. 54880	Nov. 5, 1976
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Alabama	Washington	Millry, town of	H 010207 01 through H 010207 04.	Mayor, P.O. Box 11, Millry, Ala. 36558	Nov. 12, 1976
Do.	Madison	Huntsville, city of	H 010153A 01	Mayor, P.O. Box 308, Huntsville, Ala. 35804	May 24, 1974 Sept. 10, 1976
California	Riverside	Lake Elsinore, city of	H 060636A 01 through H 060636A 10.	Planning Assistant, 130 S. Main St., Lake Elsinore, Calif. 92330.	June 28, 1974 Sept. 17, 1976
Do.	Marin	San Rafael, city of	H 065058A 01 through H 065058A 12.	Mayor, City Hall, San Rafael, Calif. 94901	June 28, 1974 Sept. 17, 1976
Do.	Sonoma	Sonoma, city of	H 060383B 01	Public Works Director, No. 1, The Plaza, Sonoma, Calif. 95476.	Feb. 22, 1974 Jan. 30, 1976 Sept. 17, 1976
Do.	Mendocino	Ukiah, city of	H 060186A 01 through H 060186A 02.	Mayor, City Hall, 208 South School St., Ukiah, Calif. 95482	Aug. 9, 1974 Sept. 17, 1976
Colorado	Grand	Grand Lake, town of	H 080214A 01	Mayor, P.O. Box 5, Grand Lake, Colo. 80447	Aug. 15, 1975 Sept. 17, 1976
Do.	Delta	Hotchkiss, town of	H 080044A 01	Mayor, Town Hall, 202 Bridge, P.O. Box 368, Hotchkiss, Colo. 81419.	June 21, 1974 Sept. 17, 1976
Connecticut	Fairfield	Brookfield, town of	H 090003A 01 through H 090003A 10.	Selectman, Town Hall, Route 25, Brookfield Center, Brookfield, Conn. 06805.	July 26, 1974 Sept. 17, 1976
Do.	do	Easton, town of	H 090006A 01 through H 090006A 11.	Selectman, Town Hall, 274 Center Rd., P.O. Box 61, Easton, Conn. 06425.	Oct. 18, 1974 Sept. 17, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Seminole	Longwood, city of	H 120292A 01 through H 120292A 03.	Mayor, 175 West Warren Ave., Longwood, Fla. 32750	Jan. 23, 1974 Sept. 17, 1976
Illinois	Kankakee	Bourbonnais, village of	H 170337 01 through H 170337 02.	Village President, Village Hall, 700 Main St., NW., Bourbonnais, Ill. (no ZIP code).	Nov. 12, 1976
Do	Lawrence	Russellville, village of	H 170800A 01	Village President, Rural Route 2, Vincennes, Ill. 47591	Do.
Do	Union	Unincorporated areas	H 170656A 01 through H 170656A 32.	Chairman, County Board, Route 1, Anna, Ill. 62906	Nov. 29, 1974 Sept. 17, 1976
Do	Will	Wilmington, city of	H 170715A 01	Mayor, 114 North Maine St., Wilmington, Ill. 60081	Apr. 12, 1974 Sept. 17, 1976
Iowa	Clinton	Clinton, city of	H 190068A 01 through H 190068A 21.	Mayor, City Hall, Clinton, Iowa 52732	June 28, 1974 Sept. 17, 1976
Do	Allamakee	Lansing, city of	H 190006 01 through H 190006 03.	Mayor, City Hall, Lansing, Iowa 52151	Nov. 12, 1976
Do	Marshall	Le Grand, city of	H 190606 01	Mayor, City Hall, Le Grand, Iowa 50142	Do.
Do	Greene	Scranton, city of	H 190654 01 through H 190654 02.	Mayor, City Hall, Scranton, Iowa 51462	Do.
Do	Woodbury	Smithland, city of	H 190300 01	Mayor, City Hall, Smithland, Iowa 51056	Do.
Do	Jones	Wyoming, city of	H 190434 01	Mayor, City Hall, Wyoming, Iowa 52362	Do
Kansas	Ness	Ransom, city of	H 200450 01	Mayor, City Hall, Ransom, Kans. 67572	Do.
Kentucky	Jessamine	Nicholasville, city of	H 210126A 01 through H 210126A 02.	Mayor, 205 West Oak St., Nicholasville, Ky. 40356	June 28, 1974 Sept. 17, 1976
Louisiana	Rapides Parish	Forest Hills, village of	H 220287 01 through H 220287 03.	Mayor, Village Hall, Forest Hills, La. 71430	Nov. 12, 1976
Do	De Soto Parish	Keatchie, village of	H 220297 01 through H 220297 02.	Mayor, Village Hall, Keatchie, La. 71046	Do.
Do	Red River Parish	Martin, village of	H 220372 01 through H 220372 05.	Mayor, Village Hall, Martin, La. 71019	Do.
Do	St. Helena Parish	Montpelier, village of	H 220300 01 through H 220300 03.	Mayor, Village Hall, Montpelier, La. 70422	Do.
Do	Morehouse Parish	Oak Ridge, village of	H 220393 01	Mayor, Village Hall, Oak Ridge, La. 71264	Do.
Do	La Salle Parish	Olla, city of	H 220343 01	Mayor, City Hall, Olla, La. 71465	Do.
Do	Ouachita Parish	West Monroe, city of	H 220138A 01 through H 220138A 03.	Mayor, City Hall, West Monroe, La. 71291	Nov. 16, 1973 Sept. 17, 1976
Maine	Piscataquis	Atkinson, town of	H 230407A 01 through H 230407A 03.	Selectman, R.F.D. No. 3, Dover-Foxcroft, Maine, 04426	Feb. 21, 1975 Sept. 17, 1976
Do	Washington	Danforth, town of	H 230136A 01 through H 230136A 16.	Selectman, Town Hall, Danforth, Maine 04424	Aug. 9, 1974 Sept. 17, 1976
Do	Penobscot	Dexter, town of	H 230105A 01 through H 230105A 12.	Selectman, Town Hall, Dexter, Maine 04930	Mar. 15, 1974 Sept. 17, 1976
Do	do	Eddington, town of	H 230382A 01 through H 230382A 11.	Town Clerk, R.F.D. No. 1, P.O. Box 380, East Holden, Maine (no ZIP code).	Jan. 24, 1975 Sept. 17, 1976
Do	Hancock	Tremont, town of	H 230268A 01 through H 230268A 18.	Town Manager, Tremont, Maine 04612	Jan. 31, 1975 Sept. 17, 1976
Do	Kennebec	Windsor, town of	H 230251A 01 through H 230251A 12.	Chairman, Board of Selectman, Town Hall, Windsor, Maine 04363.	Jan. 17, 1975 Sept. 17, 1976
Do	Cumberland	Yarmouth, town of	H 230055A 01 through H 230055A 10.	Town Manager, Town Hall, P.O. Box 455, Yarmouth, Maine 04096.	Mar. 1, 1974 Sept. 17, 1976
Massachusetts	Worcester	Ashburnham, town of	H 250290A 01 through H 250290A 14.	Chairman, Board of Selectman, Town Hall, Main St., Ashburnham, Mass. 01430.	July 19, 1974 Sept. 17, 1976
Do	Franklin	Buckland, town of	H 250111A 01 through H 250111A 09.	Chairman, Board of Selectman, Ashfield Road, Shelburne Falls, Mass. 01370.	May 31, 1974 Sept. 17, 1976
Do	Norfolk	Dover, town of	H 250288A 01 through H 250288A 07.	Chairman, Town Hall, Conservation Commission, Dover, Mass. 02030.	Sept. 20, 1974 Sept. 17, 1976
Do	Berkshire	Florida, town of	H 250023 01 through H 250023 11.	Selectman, Town Hall, Drury Post Office, Florida, Mass. 01343.	Nov. 12, 1976
Do	Franklin	Gill, town of	H 250117A 01 through H 250117A 07.	Selectman, Town Hall, Gill Center, Gill, Mass. 01376	Mar. 15, 1974 Sept. 17, 1976
Do	Essex	Ipswich, town of	H 250086A 01 through H 250086A 16.	Selectman, Town Hall, Elm St., Ipswich, Mass. 01938	Oct. 18, 1974 Sept. 17, 1976
Do	do	Lynn, city of	H 250088A 01 through H 250088A 07.	Mayor, City Hall, Square Lynn, Mass. 01901	June 28, 1974 Sept. 17, 1976
Michigan	Monroe	Berlin, township of	H 260143 01 through H 260143 09.	Supervisor, 5651 Trombley Rd., Newport, Mich. 48166	Nov. 12, 1976
Do	Lenawee	Hudson, city of	H 260146A 01	City Manager, 121 North Church St., Hudson, Mich. 49247	May 17, 1974 Sept. 17, 1976
Do	Marquette	Ishpening, city of	H 260133 01 through H 260133 04.	Mayor, 100 East Division, Ishpeming, Mich. 49849	Nov. 12, 1976
Do	Kent	Kentwood, city of	H 260107A 01 through H 260107A 07.	Mayor, 1661 44th St., SE., Kentwood, Mich. 49508	Nov. 2, 1973 Sept. 17, 1976
Do	Berrien	Watervliet, township of	H 260048 01 through H 260048 06.	Supervisor, R.D. 3, Box 143, Beechwood Cr., Watervliet, Mich. 29008.	Nov. 12, 1976
Missouri	St. Louis	Bel-Ridge, village of	H 290333A 01 through H 290333A 02.	Chairman, Village Hall, 8765 Natural Bridge, Normandy, Mo. 63121.	Mar. 29, 1974 Sept. 17, 1976
Do	Crawford	Cuba, city of	H 290656 01 through H 290656 04.	City Hall, 112 North Smith, Cuba, Mo. 65453	Nov. 12, 1976
Do	St. Louis	Hanley Hills, village of	H 290356A 01	Chairman, Village Hall, 7713 Utica, St. Louis, Mo. 63133	Aug. 2, 1974 Sept. 17, 1976
Do	Platte	Platte Woods, city of	H 290536 01	Mayor, City Hall, 6820 Tower Dr., Kansas City, Mo. 64151	Nov. 12, 1976
Do	Jackson	Raytown, city of	H 290176A 01 through H 290176A 08.	Mayor, City Hall, 1000 East 59th St., P.O. Box 9332, Raytown, Mo. 64133.	Dec. 21, 1973 Sept. 17, 1976
Do	Warren	Truesdale, village of	H 290511 01	Chairman, Village Hall, Warrenton, Mo. 63380	Nov. 12, 1976
Nebraska	Knox	Creighton, city of	H 310360 01	Mayor, City Hall, Creighton, Nebr. 68729	Do.
New Hampshire	Grafton	Campton, town of	H 330048A 01 through H 330048A 12.	Selectman, Office of Selectman, P.O. Box 75, West Campton, N.H. 03228.	Apr. 5, 1974 Sept. 17, 1976
Do	Rockingham	Greenland, town of	H 330210A 01 through H 330210A 06.	Selectman, Town Hall, Greenland, N.H. 03840	Feb. 21, 1975 Sept. 17, 1976
Do	Hillsborough	Peterborough, town of	H 330101 01 through H 330101 14.	Selectman, Town Hall, Peterborough, N.H. 03458	Nov. 12, 1976
New Jersey	Hudson	Bayonne, city of	H 340218A 01 through H 340218A 03.	Mayor, 630 Avenue C, Bayonne, N.J. 07002	May 17, 1974 Sept. 17, 1976
Do	Monmouth	Colts Neck, township of	H 340291A 01 through H 340291A 10.	Vice Chairman, Environmental Commission, Hayers Mill Rd., R.F.D. No. 2, Colts Neck, N.J. 07722.	Apr. 12, 1974 Sept. 17, 1976
Do	Somerset	Franklin, township of	H 340434A 01 through H 340434A 13.	Mayor, 475 Demotte Lane, Somerset, N.J. 08873	Oct. 12, 1973 Sept. 17, 1976
Do	Camden	Lawnside, borough of	H 340502A 01	Mayor, 4 Douglass Ave., Lawnside, N.J. 08045	Nov. 12, 1976
Do	Bergen	Park Ridge, borough of	H 340063A 01 through H 340063A 06.	Mayor, 55 Park Ave., Park Ridge, N.J. 07656	Jan. 23, 1974 Sept. 17, 1976
Do	Burlington	Southampton, township of	H 340115A 01 through H 340115A 14.	Mayor, Plum St., Vincentown, N.J. 08088	Jan. 9, 1974 Sept. 17, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
New Mexico	Chaves	Dexter, town of	H 350112A 01	Mayor, Box 247, Dexter, N. Mex. 88230	May 2, 1975 Sept. 17, 1976
Do	Valencia	Grants, town of	H 350090 01 through H 350090 03.	Mayor, Town Hall, P.O. Box 879, Grants, N. Mex. 87020	Nov. 12, 1976
New York	Jefferson	Black River, village of	H 361525B 01 through H 361525B 04.	Mayor, Village Hall, Black River, N.Y. 13612	Jan. 30, 1976 Jan. 3, 1975 Sept. 17, 1976
Do	Orange	Blooming Grove, town of	H 360608A 01 through H 360608A 11.	Supervisor, Town Hall, Blooming Grove, N.Y. 10992	June 7, 1974 Sept. 17, 1976
Do	Madison	Brookfield, town of	H 360392A 01 through H 360392A 18.	Supervisor, Town Hall, Brookfield, N.Y. 13314	Aug. 2, 1974 Sept. 17, 1976
Do	Rensselaer	Brunswick, town of	H 361130A 01 through H 361130A 13.	Supervisor, R.D. 1, Box 321, Troy, N.Y. 12180	Nov. 12, 1976
Do	Jefferson	Cape Vincent, town of	H 361062A 01 through H 361062A 06.	Supervisor, R.D., Cape Vincent, N.Y. 13618	Feb. 13, 1976 Sept. 17, 1976
Do	do	Cape Vincent, village of	H 361574A 01	Treasurer, Village Hall, Cape Vincent, N.Y. 13618	May 21, 1976 Sept. 17, 1976
Do	Clinton	Champlain, town of	H 361311A 01 through H 361311A 07.	Town Supervisor, Rouses Point, N.Y. 12979	Nov. 12, 1976
Do	Thompkins	Ithaca, town of	H 360851A 01 through H 360851A 03.	Supervisor, 126 East Seneca St., Ithaca, N.Y. 14850	June 4, 1976 Sept. 17, 1976
Do	Onondaga	Onondaga, town of	H 360588A 01 through H 360588A 17.	Supervisor, 4801 West Seneca Turnpike, Syracuse, N.Y. 13215.	Aug. 30, 1974 Sept. 17, 1976
Do	Rockland	Piermont, village of	H 360687A 01	Mayor, 478 Piermont Ave., Piermont, N.Y. 10968	Mar. 15, 1974 Sept. 17, 1976
Do	Steuben	Rathbone, town of	H 360781A 01 through H 360781A 06.	Supervisor, R.D. 3, Addison, N.Y. 14801	Aug. 2, 1974 Sept. 17, 1976
Do	Clinton	Schuyler Falls, town of	H 360172A 01 through H 360172A 03.	Town Supervisor, Box 99, Morrisville, N.Y. 12962	Sept. 13, 1974 Sept. 17, 1976
Do	Chenango	Sherburne, town of	H 361307A 01 through H 361307A 06.	Town Supervisor, Town Hall, Sherburne, N.Y. 13460	Nov. 12, 1976
Do	Sullivan	Tusten, town of	H 360831A 01 through H 360831A 04.	Supervisor, Town Hall, Narrowsburg, N.Y. 12764	Aug. 9, 1974 Sept. 17, 1976
North Carolina	Bladen	Bladenboro, town of	H 370020A 01 through H 370020A 02.	Mayor, P.O. Box 425, Bladenboro, N.C. 28320	Nov. 30, 1973 Sept. 17, 1976
Do	Union	Monroe, city of	H 370236A 01 through H 370236A 04.	Mayor, P.O. Box 69, Monroe, N.C. 28110	Sept. 20, 1974 Sept. 17, 1976
Oklahoma	Creek, Tulsa, and Pawnee	Mannford, town of	H 400399 01 through H 400399 19.	President, Town Hall, P.O. Box 327, Mannford, Okla. 74044.	Nov. 12, 1976
Do	Sequoyah	Muldrow, town of	H 400197A 01 through H 400197A 03.	Chairman, Town Council, Town Hall, Muldrow, Okla. 74948.	June 28, 1974 Sept. 17, 1976
Do	Creek	Oilton, city of	H 400427 01	Mayor, City Hall, 105 South C. Ave., Oilton, Okla. 74052	Nov. 12, 1976
Do	Grant	Pond Creek, city of	H 400433 01	Mayor, City Hall, 105 South 2d, Pond Creek, Okla. 73766	Do.
Do	Roger Mills	Reydon, town of	H 400032 01	Mayor, Town Hall, Reydon, Okla. 73660	Do.
Do	Washita	Sentinel, city of	H 400442 01	President, City of Sentinel, City Hall, P.O. Box 38, Sentinel, Okla. 73664.	Do
Do	Hughes	Stuart, town of	H 400330 01	Mayor, Town Hall, Stuart, Okla. 74570	Do.
Oregon	Washington	Durham, city of	H 410263 01	Mayor, City Hall, Durham, Oreg. 97223	Do.
Pennsylvania	Lebanon	Cornwall, borough of	H 420968 01 through H 420968 03.	Mayor, Box 264, Cornwall, Pa. 17016	Do.
Do	Tioga	Covington, township of	H 412175A 01 through H 421175A 09.	Supervisor, R.D. 1, Box 71, Covington, Pa. 16917	Aug. 30, 1974 Sept. 17, 1976
Do	Cumberland	Mount Holly Springs, borough of	H 420365A 01	Borough Manager, Borough Hall, Mount Holly Springs, Pa. 17065.	Feb. 9, 1973 Sept. 17, 1976
Do	Montgomery	Skippack, township of	H 421149A 01 through H 421149A 07.	Chairman, Box 164, Skippack, Pa. 19474	July 26, 1974 Sept. 17, 1976
Do	Allegheny	Thornburg, borough of	H 420077 01	Mayor, 1124 Cornell Rd., Pittsburgh, Pa. 15205	Nov. 12, 1976
Do	Washington	Washington, city of	H 420861 01 through H 420861 03.	Mayor, 55 West Maiden St., Washington, Pa. 15301	Do.
Do	Northumberland	Washington, township of	H 421045A 01 through H 421045A 06.	Chairman, R.D., Dornsife, Pa. 17823	Nov. 1, 1974 Sept. 17, 1976
Do	Dauphin	Wiconisco, township of	H 421030A 01 through H 421030A 06.	Chairman of Supervisors, Municipal Bldg., Wiconisco, Pa. 17097.	Dec. 13, 1974 Sept. 17, 1976
South Carolina	York	Rock Hills, city of	H 450196A 01 through H 450196A 09.	Mayor, P.O. Box 11706, Rock Hill, S.C. 29730	Aug. 2, 1974 Sept. 17, 1976
South Dakota	Grant	Big Stone City, city of	H 460156 01 through H 460156 02.	Mayor, City Hall, Big Stone City, S. Dak. 57216	Nov. 12, 1976
Do	Dewey	Eagle Butte, city of	H 460170 01	Mayor, City Hall, Eagle Butte, S. Dak. 57625	Do.
Do	Sanborn	Letcher, town of	H 460126 01	Mayor, Town Hall, Letcher, S. Dak. 57359	Do.
Do	Edmunds	Roscoe, town of	H 460136 01	Mayor, Town Hall, Roscoe, S. Dak. 57471	Do.
Do	McCook	Spencer, town of	H 460140 01	Town President, Town Hall, Spencer, S. Dak. 57374	Do.
Do	Dewey	Timber Lake, city of	H 460218 01	Mayor, City Hall, Timber Lake, S. Dak. 57656	Do.
Do	Clay	Wakonda, town of	H 460232 01	Town President, Town Hall, Wakonda, S. Dak. 57073	Do.
Tennessee	Bedford	Bell Buckle, town of	H 470007A 01	Mayor, P.O. Box 276, Bell Buckle, Tenn. 37020	June 14, 1974
Do	Hardeman	Bolivar, city of	H 470081 01 through H 470081 04.	Mayor, 115 No. Washington, Bolivar, Tenn. 38008	Nov. 12, 1976
Do	Maury	Mount Pleasant, city of	H 470125A 01 through H 470125A 04.	Mayor, P.O. Box 426, Mount Pleasant, Tenn. 38474	Feb. 15, 1974 Sept. 17, 1976
Do	Morgan, Roane, and Anderson	Oliver Springs, city of	H 470005A 01 through H 470005A 05.	Mayor, P.O. Box 303, Oliver Springs, Tenn. 37840	Mar. 22, 1974 Sept. 17, 1974
Do	Lincoln	Petersburg, city of	H 470100A 01	Mayor, P.O. Box 7, Petersburg, Tenn. 37144	Feb. 15, 1974 Sept. 17, 1976
Do	Loudon	Philadelphia, city of	H 470276A 01 through H 470276A 03.	Mayor, City Hall, Philadelphia, Tenn. 37856	Mar. 8, 1974 Sept. 17, 1976
Do	Hancock	Sneedville, city of	H 470080A 01 through H 470080A 03.	Mayor, City Hall, Sneedville, Tenn. 37869	Feb. 1, 1974 Sept. 17, 1976
Do	Bedford	Wartrace, town of	H 470009B 01	Mayor, P.O. Box 158, Wartrace, Tenn. 37183	June 14, 1974 Apr. 23, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Duval	Benavides, city of	H 480392 01	Mayor, City Hall, Drawer R, Benavides, Tex. 78341	Nov. 12, 1976
Do	McLennan	Beverly Hills, village of	H 480925 01	Mayor, Village Hall, P.O. Box 1852, Waco, Tex. 76701	Do.
Do	Smith and Cherokee.	Bullard, city of	H 480583A 01	Mayor, City Hall, P.O. Box 107, Bullard, Tex. 75757	Do.
Do	Lubbock	Idalou, town of	H 480946 01	Mayor, Town Hall, P.O. Box 1277, Idalou, Tex. 79329	Do.
Do	Caldwell	Lockhart, city of	H 480095A 01	Mayor, City Hall, P.O. Box 239, Lockhart, Tex. 78644	Do.
Do	Bosque	Morgan, village of	H 481123 01	Mayor, Village Hall, Hutchinson and Mary, Morgan, Tex. 76671.	Do.
Do	Coryell	Oglesby, city of	H 480769 01	Mayor, City Hall, Oglesby, Tex. 76561	Do.
Do	Dickens	Spur, city of	H 480788 01	Mayor, City Council, Spur, Tex. 79370	Do.
Do	Bell	Troy, city of	H 480709 01 through H 480709 02.	Mayor, City Hall, Belton St., Troy, Tex. 76579	Do.
Do	Haskell	Weinert, city of	H 480855 01	Mayor, City Hall, Weinert, Tex. 79588	Do.
Do	Mitchell	Westbrook, city of	H 480968 01	Mayor, City Hall, Westbrook, Tex. 79565	Do.
Do	Parker	Willow Park, city of	H 481164 01 through H 481164 02.	Mayor, 100 Hilltop Court, L. V., Weatherford, Tex. 76086	Do.
Do	Titus	Winfield, town of	H 481025 01	Mayor, Town Hall, Winfield, Tex. 75493	Do.
Do	Collin	Wylie, city of	H 480759 01 through H 480759 06.	Mayor, City Hall, P.O. Box 207, Wylie, Tex. 75098	Do.
Utah	Weber	Huntsville, town of	H 490188A 01	President of Town Board, Town Hall, Huntsville, Utah 95476.	June 21, 1974
Do	Rich	Laketown, town of	H 490099 01	Town President, Town Hall, Laketown, Utah 84038	Nov. 12, 1976
Do	Wayne	Torrey, city of	H 490186 01	Town President, Town Hall, Torrey, Utah 84775	Do.
Vermont	Caledonia	Barnet, town of	H 500024A 01 through H 500024A 15.	Planning Commission, Town Hall, Anderson St., Barnet, Vt. 05821.	Feb. 22, 1974 Sept. 17, 1976
Do	Addison	Bristol, village of	H 500165A 01 through H 500165A 02.	Village Manager, Bristol, Vt. 05443	Dec. 13, 1974 Sept. 17, 1976
Do	Rutland	Ira, town of	H 500250A 01 through H 500250A 09.	Chairman, Ira Vermont Planning Board, Box 129, Rutland, Vt. 05602.	Dec. 6, 1974 Sept. 17, 1976
Do	Orleans	Lowell, town of	H 500254A 01 through H 500254A 17.	Treasurer, Town Hall, Lowell, Vt. 05847	Sept. 20, 1974 Sept. 17, 1976
Do	Lamoille	Morrisville, village of	H 500065A 01 through H 500065A 01.	Trustee, Morrisville, Vt. 05661	Feb. 1, 1974 Sept. 17, 1976
Do	do	Waterville, town of	H 500233A 01 through H 500233A 10.	Town Selectman, Town Hall, Waterville, Vt. 05492	Dec. 20, 1974 Sept. 17, 1976
Virginia		Buena Vista, city of	H 510027 01 through H 510027 04.	Mayor, City Hall, Buena Vista, Va. 24416	Nov. 12, 1976
Do		Colonial Heights, city of	H 510039A 01 through H 510039A 05.	Mayor, Municipal Building, Colonial Heights, Va. 23834	June 14, 1974 Sept. 17, 1976
Do	Loudoun	Hillsboro, town of	H 510316A 01	Mayor, Box 25, Hillsboro, Va. 22132	Apr. 4, 1975 Sept. 17, 1976
Do	Mathews	Unincorporated areas	H 510096A 01 through H 510096A 11.	County Administrator, Box 88, Mathews, Va. 23109	Nov. 8, 1974 Sept. 17, 1976
Washington	Calallam	Forks, town of	H 530022 01 through H 530022 02.	Mayor, Town Hall, P.O. Box 28, Forks, Wash. 98331	Nov. 12, 1976
Do	Clark	La Center, town of	H 530248 01	Mayor, Town Hall, La Center, Wash. 98629	Do.
Wisconsin	Rusk	Weyerhauser, village of	H 550378 01	Village President, Village Hall, Weyerhauser, Wis. 54895	Do.
Wyoming	Platte	Guernsey, town of	H 560072 01	Mayor, P.O. Box 323, Guernsey, Wyo. 82214	Do.
Arkansas	Nevada	Bodcaw, town of	H 050474 01 through H 050474 02.	Mayor, Town Hall, P.O. Rosston, Bodcaw, Ark. 71858	Nov. 12, 1976
Do	Washington	Winslow, city of	H 050390 01	Mayor, City Hall, Winslow, Ark. 72959	Do.
California	Alameda	Albany, city of	H 060003 01 through H 060003 04.	Mayor, City Hall, 1000 San Pablo Ave., Albany, Calif. 94706.	Do.
Do	Lake	Lakeport, city of	H 065038 01 through H 065038 04.	Mayor, City Hall, 145 North Main St., Lakeport, Calif. 95453.	Do.
Do	Santa Clara	Los Altos, city of	H 060341A 01 through H 060341A 03.	City Engineer, One North, San Antonio Rd., Los Altos, Calif. 94022.	June 7, 1974 Sept. 24, 1976
Do	Contra Costa	Moraga, town of	H 060637 01 through H 060637 06.	Mayor, Town Hall, Moraga, Calif. 84556.	Nov. 19, 1976
Do	Amador	Plymouth, city of	H 060455 01 through H 060455 02.	Mayor, City Hall, Plymouth, Calif. 95669	Do.
Connecticut	Fairfield	Monroe, town of	H 090009A 01 through H 090009A 11.	Town Manager, Town Hall, 11 Fan Hill Rd., Monroe, Conn. 06468.	Aug. 16, 1974 Sept. 24, 1976
Florida	Brevard	Melbourne Village, town of	H 120329B 01 through H 120329B 02.	Mayor, 535 Hammock Rd., Melbourne Village, Fla. 32901	Feb. 15, 1974 Sept. 24, 1976
Georgia	Miller	Colquitt, city of	H 130135A 01 through H 130135A 01.	Mayor, 154 East College St., Colquitt, Ga. 31737	July 26, 1974 Sept. 24, 1976
Idaho	Canyon	Caldwell, city of	H 160036A 01 through H 160036A 05.	Mayor, City Hall, 704 Blaine, Caldwell, Idaho 83605	Nov. 19, 1976
Illinois	Kane	Aurora, city of	H 170320A 01 through H 170320A 17.	Mayor, 44 East Downer Place, Aurora, Ill. 60501	June 14, 1974 Sept. 24, 1976
Do	Lake and Cook	Barrington, village of	H 170057A 01 through H 170057A 02.	Village manager, 206 South Hough St., Barrington, Ill.	Mar. 22, 1974
Do	St. Clair	Belleville, city of	H 170618A 01 through H 170618A 07.	Mayor, 101 South Illinois St., Belleville, Ill. 62220	May 3, 1974 Sept. 24, 1976
Do	Putnam	Hennepin, village of	H 170570 01 through H 170570 01.	Village president, Village Hall, Hennepin, Ill. 61327	Nov. 19, 1976
Do	McHenry	McHenry, city of	H 170483A 01 through H 170483A 02.	Mayor, 1111 North Green St., McHenry, Ill. 60050	Mar. 29, 1974 Sept. 24, 1976
Do	Rock Island	Milan, village of	H 170590A 01 through H 170590A 04.	Village president, 321 West Second, Ave., Milan, Ill. 61264	May 10, 1974
Do	Rock Island	Moline, city of	H 170501A 01 through H 170501A 06.	Mayor, 619–16th St., Moline, Ill. 61265	May 3, 1974 Sept. 24, 1976
Do	Richland	Olney, city of	H 170581C 01 through H 170581C 02.	City manager, P.O. Box 369, Olney, Ill. 62450	June 25, 1976 Feb. 22, 1974 Mar. 26, 1976 Sept. 24, 1976
Do	Cook	Western Springs, village of	H 170171B 01 through H 170171B 02.	Village president, 740 Hillsgrove Ave., Western Springs, Ill. 60185.	Dec. 20, 1974 Mar. 15, 1974 Sept. 24, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Indiana	Madison	Alexandria, town of	H 180149A 01 through H 180149A 02.	Mayor, 125 North Wayne St., Alexandria, Ind. 46001	Nov. 23, 1974 Sept. 24, 1976
Do	Elkhart	Bristol, town of	H 180060A 01 through H 180060A 02.	President, Town Board, Town Hall, Bristol, Ind. 46500	Nov. 19, 1976
Do	Madison	Chesterfield, town of	H 180151A 01 through H 180151A 02.	President, Town Board, P.O. Box 95, Chesterfield, Ind. 46017.	Dec. 17, 1974 Sept. 24, 1976
Do	Vermillion	Clinton, city of	H 180259A 01	Mayor, City Hall, 259 Vine St., Clinton, Ind. 47842	Nov. 23, 1973 Sept. 24, 1976
Do	Whitley	Columbia City, city of	H 180300A 01	Mayor, City Hall, Columbia City, Ind. 46725	Dec. 17, 1973 Sept. 24, 1976
Do	Hancock	Greenfield, town of	H 180084A 01 through H 180084A 03.	Mayor, Town Hall, Greenfield, Ind. 46140	Nov. 23, 1973 Sept. 24, 1976
Do	Gibson	Hazleton, town of	H 180327A 01	President of board, City Hall, Hazleton, Ind. 57640	Nov. 23, 1973 Sept. 24, 1976
Do	Marion	Indianapolis, city of	H 180159A 01 through H 180159A 88.	Mayor, 2501 City County Bldg., Indianapolis, Ind. 46204	May 17, 1974 Sept. 24, 1976
Do	Spencer	Rockport, city of	H 180239A 01	Mayor, Box 151, Rockport, Ind. 47635	Dec. 7, 1973 Sept. 24, 1976
Do	St. Joseph	South Bend, city of	H 180231A 01 through H 180231A 10.	Mayor, Room 1400, City Hall, South Bend, Ind.	Aug. 16, 1974 Sept. 24, 1976
Do	Fountain	Veedersburg, town of	H 180067A 01	President, Town board, 510 North Walnut St., Veedersburg, Ind. 47987.	Dec. 17, 1973 Sept. 24, 1976
Do	Knox	Vincennes, city of	H 180120A 01 through H 180120A 04.	Mayor, City Hall, Vincennes, Ind. 47591	June 21, 1974 Sept. 24, 1976
Iowa	Hancock	Crystal Lake, city of	H 190724 01	Mayor, P.O. Box 68, Crystal Lake, Iowa 50432	Nov. 19, 1976
Do	Montgomery	Grant, city of	H 190466 01 through H 190466 02.	Mayor, City Hall, Grant, Iowa 50847	Do.
Do	Keokuk	Harper, city of	H 190741 01	Mayor, City Hall, Harper, Iowa 52231	Do.
Do	Story	Kelley, city of	H 190748 01	Mayor, City Hall, Kelley, Iowa 50134	Do.
Do	Jackson	Miles, city of	H 190779 01 through H 190779 02.	Mayor, City Hall, Miles, Iowa 52064	Do.
Do	Buena Vista	Newell, city of	H 190334 01	Mayor, City Hall, Newell, Iowa 50568	Do.
Do	Winneshiek	Ossian, city of	H 190639 01	Mayor, City Hall, Ossian, Iowa 52161	Do.
Do	Johnson	Shueyville, city of	H 190832 01 through H 190832 02.	Mayor, City Hall, Shueyville, Iowa 52401	Do.
Do	Muscatine	Stockton, city of	H 190469 01	Mayor, City Hall, Stockton, Iowa 52769	Do.
Do	Benton	Urbana, city of	H 190672 01	Mayor, City Hall, Urbana, Iowa 52345	Do.
Kansas	Norton	Lenora, city of	H 200247 01	Mayor, City Hall, P.O. Box 203, Lenora, Kans. 67645	Do.
Kentucky	Hickman	Clinton, city of	H 210111A 01 through H 210111A 02.	Mayor, P.O. Box 103, Clinton, Ky. 42031	May 17, 1974 Sept. 24, 1976
Louisiana	Lincoln Parish	Grambling, village of	H 220328 01	Mayor, Village Hall, Grambling, La. 71245	Nov. 19, 1976
Do	Avoyelles Parish	Hessmer, village of	H 220244 01	Mayor, Village Hall, Hessmer, La. 71341	Do.
Maine	Kennebec	Benton, town of	H 230233A 01 through H 230233A 12.	First Selectman, Town Hall, Route 1, P.O. Box 56, Clinton, Maine 04927.	Jan. 24, 1975 Sept. 24, 1976
Do	Somerset	Bingham, town of	H 230124A 01 through H 230124A 12.	Chairman planning board, Town Hall, Bingham, Maine 04920.	July 19, 1974 Sept. 24, 1976
Do	Cumberland	Bridgton, town of	H 230041A 01 through H 230041A 26.	Town manager, Town Hall, Bridgton, Maine 04009	Nov. 22, 1974 Sept. 24, 1976
Do	Penobscot	Bradley, town of	H 230103A 01 through H 230103A 17.	Selectman, Town Hall, Bradley, Maine 04411	Sept. 20, 1974 Sept. 24, 1976
Do	Waldo	Burnham, town of	H 230130A 01 through H 230130A 17.	Chairman, Town Office, Burnham, Maine 04922	July 26, 1974 Sept. 24, 1976
Do	Hancock	Franklin, town of	H 230282A 01 through H 230282A 14.	First Selectman, Town Hall, Franklin, Maine 04634	Feb. 28, 1975 Sept. 24, 1976
Do	York	Kittery, town of	H 230171A 01 through H 230171A 11.	Town manager, P.O. Box 303, Kittery, Maine 03904	Nov. 1, 1974 Sept. 24, 1976
Do	Penobscot	Lee, town of	H 230394A 01 through H 230394A 12.	First Selectman, Town Hall, Lee, Maine 04455	Jan. 31, 1975 Sept. 24, 1976
Do	Washington	Marshfield, town of	H 230316A 01 through H 230316A 09.	First Selectman, R.F.D. No. 1, Machias, Maine 04654	Oct. 20, 1974 Sept. 24, 1976
Do	Somerset	Mercer, town of	H 230176A 01 through H 230176A 11.	Selectman, R.F.D. No. 2, Norridgewock, Maine 04957	Jan. 31, 1975 Sept. 24, 1976
Do	Somerset	Smithfield, town of	H 230370A 01 through H 230370A 12.	Chairman, planning board, R.F.D. No. 2, Box 165	Jan. 24, 1975 Sept. 24, 1976
Do	Waldo	Unity, town of	H 230131A 01 through H 230131A 14.	First Selectman, Town Office, Unity, Maine 04988	Aug. 16, 1974 Sept. 24, 1976
Do	Aroostook	Van Buren, town of	H 230036A 01 through H 230036A 12.	Town Manager, 65 Main St., Van Buren, Maine 04785	June 14, 1974 Sept. 24, 1976
Maryland	Prince Georges	Laurel, city of	H 240053B 01 through H 240053B 03.	Mayor, Office of the Mayor, Laurel, Md. 20810	Dec. 19, 1975 Aug. 9, 1974 Sept. 24, 1976
Massachusetts	Plymouth	Bridgewater, town of	H 250260A 01 through H 250260A 12.	Selectman, Town Hall, 64 Central Square, Bridgewater, Mass. 02324.	July 19, 1974 Sept. 24, 1976
Do	Middlesex	Medford, city of	H 250205A 01 through H 250205A 04.	Medford Planning Commission, Medford City Hall, Medford, Mass. 02155.	July 26, 1974 Sept. 24, 1976
Do	Hampden	Wales, town of	H 250152A 01 through H 250152A 06.	Selectman, Town Hall, Hollow Rd., Wales, Mass. 01081	Nov. 19, 1976
Michigan	Delta	Bark River, township of	H 260385 01 through H 260385 12.	Supervisor, Route 2, Box 119, Bark River, Mich. 49807	Do.
Do	Jackson	Jackson, city of	H 260273A 01 through H 260273A 03.	Mayor, 132 West Washington, Jackson, Mich. 49201	June 7, 1974 Sept. 24, 1976
Do	Berrien	New Buffalo, township of	H 260039A 01 through H 260039A 06.	Supervisor, P.O. Box 160, New Buffalo, Mich. 49117	July 26, 1974 Sept. 24, 1976
Do	Eaton	Olivet, city of	H 260069A 01 through H 260069A	Mayor, 106 South Main St., Olivet, Mich. 49076	May 17, 1974 Sept. 24, 1976
Do	Emmett	Petoskey, city of	H 260072A 01 through H 260072A 02.	Mayor, 200 Division St., Petosky, Mich. 49770	June 21, 1974 Sept. 24, 1976
Do	Clare	Redding, township of	H 260382 01 through H 260382 12.	Supervisor, Robert Drive, Temple Park, Harrison, Mich. 48625.	Nov. 19, 1976
Do	St. Clair	St. Clair, township of	H 260205A 01 through H 260205A 11.	Supervisor, 1539 South Bartlett Rd., St. Clair, Mich. 48079.	Sept. 20, 1974 Sept. 24, 1976
Minnesota	Faribault	Elmore, city of	H 270119A 01	Mayor, City Hall, Elmore, Minn. 56027	May 14, 1974
Do	Hennepin	Maple Grove, city of	H 270169A 01 through H 270169A 12.	Mayor, 14310–93 Ave., Maple Grove, Minn. 55369	Mar. 22, 1974 Sept. 24, 1976
Do	Washington	Newport, city of	H 270510A 01 through H 270510A 02.	Mayor, City Hall, 600–7th Ave., Newport, Minn. 55055	Mar. 22, 1974 Sept. 24, 1976
Do	Swift	Unincorporated areas	H 270636 01 through H 270636 54.	Chairman, County Commissioner, Courthouse, Benson, Minn. 56215.	Nov. 19, 1976

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State	County	Location	Map No.	Local map repository	Effectiv date of identi-fication of areas which have special flood hazards
Mississippi	Chickasaw	Okolona, city of	H 280031A 01 through H 280031A 02.	Mayor, P.O. Box 111, Okolona, Miss. 38860	June 21, 1974 Sept. 24, 1976
Missouri	Jackson	Lake Lotawana, city of	H 290697 01 through H 290697 02.	Mayor, City Hall, Lake Lotawana, Mo. 64063	Nov. 19, 1976
Do	Jackson	Lake Tapawingo, city of	H 290699 01	Mayor, City Hall, Box 135, Blue Springs, Mo. 64015	Do.
Nebraska	Nuckolls	Hardy, village of	H 310283 01	Chairman, Village Hall, Hardy, Nebr. 68943	Do.
Do	Red Willow	McCook, city of	H 310181 01 through H 310181 02.	Mayor, City Hall, McCook, Nebr. 69001	Do.
Do	Saline	Western, village of	H 310333 01	Chairman, Village Hall, Western, Nebr. 68464	Do.
New Hampshire	Hillsborough	Bennington, town of	H 330081A 01 through H 330081A 08.	Chairman Selectman, Town Hall, Bennington, N.H. 03442.	Mar. 8, 1974 Sept. 24, 1976
Do	Merrimack	Bow, town of	H 330107A 01 through H 330107A 12.	Town Engineer and Building Inspector, 10 Grandview Rd., Bow, N.H. 03301.	May 3, 1974 Sept. 24, 1976
Do	Grafton	Haverhill, town of	H 330057A 01 through H 330057A 18.	Chairman, Town Hall, Haverhille, N.H. 03765	Mar. 8, 1974 Sept. 24, 1976
New Jersey	Gloucester	Elk, township of	H 310201A 01 through H 310201A 08.	Mayor, Rural Delivery 1, Box 317, Glassboro, N.J. 08028	June 28, 1974 Sept. 24, 1976
Do	Atlantic	Hammonton, town of	H 340010A 01 through H 340010A 10.	Mayor, Central Ave., Hammonton, N.J. 08037	May 31, 1974 Sept. 24, 1976
Do	Bergen	Harrington Park, borough of	H 340040A 01 through H 340040A 02.	Mayor, 85 Harriot Ave., Harrington Park, N.J. 07640	June 28, 1974 Sept. 24, 1976
Do	do	Hillsdale, borough of	H 340083A 01 through H 340083A 05.	Mayor, 380 Hillsdale Ave., Hillsdale, N.J. 07642	Jan. 16, 1974 Sept. 24, 1976
Do	Essex	Millburn, township of	H 340187A 01 through H 340187A 03.	Mayor, Town Hall, 375 Millburn Ave., Millburn, N.J. 07041	Apr. 27, 1973 Sept. 24, 1976
Do	do	Newark, city of	H 340189A 01 through H 340189A 08.	Mayor, 920 Broad St., Newark, N.J. 07102	Mar. 15, 1974 Sept. 24, 1976
Do	Middlesex	South Brunswick, township of	H 340278A 01 through H 340278A 11.	Mayor, Kingston Lane, Monmouth Junction, N.J. 08852	Jan. 16, 1974 Sept. 24, 1976
Do	Mercer	West Windsor, township of	H 340256A 01 through H 340256A 09.	Mayor, P.O. Box 38, Princeton Junction, West Windsor, N.J. 08550.	July 19, 1974 Sept. 24, 1976
Do	Bergen	Woodcliff Lake, borough of	H 340082A 01 through H 340082A 06.	Mayor, 188 Paseack Rd., Woodcliff Lake, N.J. 07645	Feb. 22, 1974 Sept. 24, 1976
New York	Jefferson	Antwerp, village of	H 361554C 01 through H 361554C 02.	Mayor, Van Buren, Antwerp, N.Y. 13608	Apr. 16, 1976 May 31, 1974 Nov. 28, 1975 Sept. 24, 1976
Do	Washington	Argyle, town of	H 361222A 01 through H 361222A 17.	Supervisor, Town Hall, Argyle, N.Y. 12809	Oct. 18, 1974 Sept. 24, 1976
Do	Delaware	Bovina, town of	H 360190A 01 through H 360190A 04.	Supervisor, Town Hall, Bovina Center, N.Y. 13740	June 28, 1974 Sept. 24, 1976
Do	Chautauqua	Cassadaga, village of	H 361033A 01	Mayor, Village Hall, Cassadaga, N.Y. 14718.	May 31, 1974 Sept. 24, 1976
Do	Madison	Eaton, town of	H 360398A 01 through H 360398A 12.	Supervisor, Town Hall, Morrisville, N.Y. 13408	May 3, 1974 Sept. 24, 1976
Do	do	Lenox, town of	H 360404A 01 through H 360404A 01.	Supervisor, P.O. Box 129, Canastota, N.Y. 13032	May 10, 1974 Sept. 24, 1976
Do	Suffolk	Lloyd Harbor, village of	H 360799A 01 through H 360799A 04.	Mayor, 32 Middle Hollow Rd., Huntington, N.Y. 11743.	Apr. 12, 1974 Sept. 24, 1976
Do	Wayne	Lyons, village of	H 360801A 01 through H 360801A 02.	Mayor, 76 William St., Lyons, N.Y. 14489	May 3, 1974 Sept. 24, 1974
Do	St. Lawrence	Madrid, town of	H 361181A 01 through H 361181A 14.	Town Supervisor, 70 State St., Madrid, N.Y. 13660	Nov. 1, 1974 Sept. 24, 1976
Do	Onondaga	North Syracuse, village of	H 360887A 01	Mayor, Municipal Building, 600 South Bay Rd., North Syracuse, N.Y. 13212	June 7, 1974
Do	Chenango	Oxford, town of	H 361301A 01 through H 361304A 07.	Supervisor, Town Board, Oxford, N.Y. 13830	Dec. 20, 1974 Sept. 24, 1976
Do	Yates	Penn Yan, village of	H 360962A 01 through H 360962A 02.	Mayor, Village Hall, Penn Yan, N.Y. 14527	May 31, 1974 Sept. 24, 1976
Do	Monroe	Perinton, town of	H 360428A 01 through H 360428A 11.	Supervisor, 31 South Main St., Fairport, N.Y. 14450	Apr. 5, 1974 Sept. 24, 1976
Do	Ulster	Shandaken, town of	H 360864A 01 through H 360864A 04.	Supervisor, Town Hall, Shandaken, N.Y. 12480	May 31, 1974 Sept. 24, 1976
Do	Wyoming	Sheldon, town of	H 360949A 01 through H 360949A 06.	Town Supervisor, 3288 Route 77, Varysburg, N.Y. 14167	Nov. 19, 1976
Do	Suffolk	Smithtown, town of	H 360810A 01 through H 360810A 15.	Supervisor, 99 West Main Street, Smithtown, N.Y. 11787	Oct. 18, 1974 Sept. 24, 1976
Do	Cattaraugus	South Valley, town of	H 360100A 01 through H 360100A 14.	Supervisor, Rural Delivery 1, Frewsburg, N.Y. 14738	Sept. 6, 1974 Sept. 24, 1976
Do	Westchester	Tarrytown, village of	H 360933A 01 through H 360933A 02.	Mayor, 21 Wildey St., Tarrytown, N.Y. 10591	May 31, 1974 Sept. 24, 1976
Do	Jefferson	Theresa, town of	H 360352H 01 through H 360352H 09.	Mayor, 307 Mill St., Theresa, N.Y. 13691	Jan. 30, 1976 Aug. 16, 1974 Sept. 24, 1976
Do	Lewis	Turin, village of	H 361355A 01	Mayor, Village Hall, Turin, N.Y. 13473	Nov. 29, 1974 Sept. 24, 1976
Do	Orange	Wawayanda, town of	H 360639A 01 through H 360639A 03.	Supervisor, Town Hall, Slate Hill, N.Y. 10973	May 10, 1974 Sept. 24, 1976
Do	Saratoga	Wilton, town of	H 360736A 01 through H 360736A 16.	Supervisor, Rural Delivery 2, Traver Road, Wilton, N.Y. 12831.	June 14, 1974 Sept. 24, 1976
North Carolina	Robeson	Fairmont, town of	H 370395A 01	Mayor, P.O. Box 248, Fairmont, N.C. 28340	Feb. 15, 1974 Sept. 24, 1976
Do	Craven	Havelock, city of	H 370265A 01 through H 370265A 02.	Mayor, City Hall, P.O. Drawer 368, Havelock, N.C. 28532.	Sept. 13, 1974 Sept. 24, 1976
Ohio	Logan	Belle Center, village of	H 390339 01	Mayor, Village Hall, Belle Center, Ohio 43310	Nov. 19, 1976
Do	Darke	Unincorporated areas	H 390137A 01 through H 390137A 36.	Chairman, County Commissioners, Broadway and Fourth St., Greenville, Ohio.	Dec. 20, 1974 Sept. 24, 1976
Do	Cuyahoga	Strongsville, city of	H 390132A 01 through H 390132A 06.	Mayor, 18688 Royalton Rd., Strongsville, Ohio 44136	June 21, 1974 Sept. 24, 1976
Do	Fayette	Washington, city of	H 390166A 01 through H 390166A 03.	City Manager, 208 North Fayette St., Washington, Ohio 43160.	Nov. 23, 1974
Oklahoma	Delaware	Colcord, town of	H 400281 01 through H 400281 02.	President, Town Hall, Main St., Colcord, Okla. 74338	Nov. 19, 1976
Do	Creek	Depew, town of	H 400368 01	Town Clerk, Town Hall, Depew, Okla. 74028	Nov. 19, 1976
Do	McClain	Goldsby, town of	H 400102 01 through H 400102 08.	Mayor, Town Hall, Route 1, Washington, Okla. 73093	Nov. 19, 1976
Do	Harmon	Hollis, city of	H 400683H 01	City Attorney, Fancher & Moore, Attorneys at Law, 119 North Second St., Hollis, Okla. 73550.	June 28, 1974 Sept. 26, 1975 Sept. 24, 1976

State	County	Location	Map No.	Local map repository	Effective date of identi-fication of areas which have special flood hazards
Pennsylvania	Clinton	Beech Creek, borough of	H 420082A 01 through H 420320A 02.	Mayor, 36 Beverly Drive, Beech Creek, Pa. 16822	May 10, 1974
Do	Westmoreland	Bell, township of	H 422185A 01 through H 422185A 03.	Chairman, Box D, Saline, Pa. 15680	Sept. 24, 1976 Sept. 13, 1974 Sept. 24, 1976
Do	Northampton	Bethlehem, township of	H 420980A 01 through H 420980A 16.	President, 2740 Fifth St., Bethlehem, Pa. 18017	June 14, 1974 Sept. 24, 1976
Do	Butler	Butler, township of	H 421138A 01 through H 421138A 06.	President, Six Chesapeake, Lyndora, Pa. 16045	Oct. 18, 1974 Sept. 24, 1976
Do	Lehigh	Coopersburg, borough of	H 420587 01	Mayor, No. 5 North Main St., Coopersburg, Pa. 18036	Nov. 19, 1976
Do	Perry	Duncannon, borough of	H 420749A 01	Mayor, P.O. Box 9, Duncannon, Pa. 17020	July 20, 1973 Sept. 24, 1976
Do	Cambria	Ehrenfeld, borough of	H 420228A 01	Mayor, First St., Ehrenfeld, Pa. 15933	Aug. 9, 1974 Sept. 24, 1976
Do	Schuykill	Gilberton, borough of	H 421007A 01 through H 421007A 02.	Mayor, P.O. Box 418, Gilberton, Pa. 19734	Dec. 28, 1973 Sept. 24, 1976
Do	Centre	Haines, township of	H 420261A 01 through H 420261A 08.	Chairman, Box 9, Woodward, Pa. 16882	Aug. 9, 1974 Sept. 24, 1976
Do	Franklin	Hamilton, township of	H 421651A 01 through H 421651A 03.	Chairman, 801 Highland Dr., Chambersburg, Pa. 17201	Sept. 6, 1974 Sept. 24, 1976
Do	Lycoming	Hepburn, township of	H 420640A 01 through H 420640A 08.	Chairman, Rural Delivery 1, Cogan Station, Pa. 17728	May 10, 1974 Sept. 24, 1976
Do	Centre	Huston, township of	H 421195A 01 through H 421195A 02.	Chairman, Rural Delivery 1, Julian, Pa. 16844	Sept. 6, 1974 Sept. 24, 1976
Do	Perry	Juniata, township of	H 421140A 01 through H 421140A 04.	Township Chairman, Rural Delivery 3, Newport, Pa. 17074.	Aug. 9, 1974 Sept. 24, 1976
Do	Luzerne	Laflin, borough of	H 420665 01 through H 420995 02.	Mayor, 41 Laflin Rd., Wilkes Barre, Pa. 18702	Nov. 19, 1976
Do	Tioga	Lawrenceville, borough of	H 420821A 01	President of Council, Borough Hall, Lawrenceville, Pa. 16929.	Sept. 13, 1974
Do	Carbon	Lehigh, township of	H 421234A 01 through H 421234A 05.	Chairman, Rural Delivery 2, Weatherly, Pa. 18255	Aug. 9, 1974 Sept. 24, 1976
Do	Northumberland	Little Mahanoy, township of	H 421015A 01 through H 421015A 03.	Chairman, Rural Delivery 1, Shamokin, Pa. 17872	Sept. 13, 1974 Sept. 24, 1976
Do	Cambria	Lorain, borough of	H 420232 01	Mayor, 389 Lunen St., Johnstown, Pa. 15902	Nov. 19, 1976
Do	Montour	Mahoning, township of	H 421234A 03.	Chairman, 1335 Bloom St., Danville, Pa. 17821	Sept. 13, 1974 Sept. 24, 1976
Do	Allegheny	Marshall, township of	H 421080A 01 through H 421080A 05.	Chairman, Box 94, Warrendale, Pa. 15086	Sept. 20, 1974 Sept. 24, 1976
Do	Bradford	Monroe, township of	H 421083A 01 through H 421083A 11.	Chairmai, Township Supervisors, Rural Delivery 4, Towanda, Pa. 18848.	Sept. 13, 1974 Sept. 24, 1976
Do	Erie	North East, township of	H 421368A 01 through H 421368A 05.	Chairman, Township Supervisors, 8347 Gulf Road, Rural Delivery 2, North East, Pa. 16428.	Sept. 20, 1974 Sept. 24, 1976
Do	Berks	North Heidelberg, township of	H 421086A 01 through H 421086A 06.	Chairman, Rural Delivery 1, Robesonia, Pa. 19551	Sept. 13, 1974 Sept. 24, 1976
Do	Westmoreland	North Huntington, township of	H 420893A 01 through H 420893A 08.	Township President, Town House, 11279 Center Highway, North Huntington, Pa. 15642.	Sept. 13, 1974 Sept. 24, 1976
Do	Luzerne	Plains, township of	H 420621A 01 through H 420621A 05.	President, Township Commission, 120 North Main, Municipal Building, Plains, Pa. 18705.	July 20, 1973 Sept. 24, 1976
Do	Allegheny	Pleasant Hills, borough of	H 420064 01 through H 420064 03.	Mayor, P.O. 10071, Pleasant Hills, Pa. 15236	Nov. 19, 1976
Do	Armstrong	South Bethlehem, borough of	H 420100A 01	Mayor, Hamilton St., South Bethlehem, Pa. 16242	June 28, 1974
Do	Northumberland	Sunbury, city of	H 420743A 01 through H 420743A 02.	Mayor, 225 Market St., Sunbury, Pa. 17801	July 27, 1973
Do	Bradford	Sylvania, borough of	H 420177A 01 through H 420177A 02.	Mayor, Rural Delivery 3, Box 42, Troy, Pa. 16947	June 7, 1974
Do	Montgomery	Upper Pottsgrove, township of	H 421910A 01 through H 421910A 04.	President, 197 Snyder Rd., Pottstown, Pa. 19464	Oct. 25, 1974 Sept. 24, 1976
Do	Chester	Upper Uwchlan, township of	H 421491A 01 through H 421491A 02.	Chairman, Box 38, Uwchland, Pa. 19480	Dec. 20, 1974 Sept. 24, 1976
Do	Beaver	Vanport, township of	H 421320A 01	President of Commission, 477 State St., Vanport, Pa. 15009	Mar. 22, 1974 Sept. 24, 1976
Do	Crawford	Vernon, township of	H 421675A 01 through H 421575 08.	Chairman, 66 Jackson Ave., Meadville, Pa. 16335	Oct. 18, 1974 Sept. 24, 1976
Do	Northampton	Washington, township of	H 421156A 01 through H 421156A 06.	Supervisor, Box 100, Ackermanville, Pa. 18010	Nov. 1, 1974 Sept. 24, 1976
Do	Indiana	West Wheatfield, township of	H 421724A 01 through H 421724A 05.	Chairman, Supervisor, Rural Delivery 2, Box 265A, New Florence, Pa. 15944.	Nov. 19, 1976
South Carolina	Greenville	Unincorporated areas	H 450089 01 through H 450089 65.	County Executive, Courthouse Annex, Greenville, S.C. 29601.	Nov. 19, 1976
Do	Berkeley	Hanahan, city of	H 450030A 01 through H 450030A 04.	Mayor, P.O. Box 9278, Hanahan, S.C. 29410	June 28, 1974 Sept. 24, 1976
Do	Lancaster	Lancaster, city of	H 450121A 01 through H 450121A 04.	Mayor, P.O. Box 190, Lancaster, S.C. 29720	May 24, 1974 Sept. 24, 1974
South Dakota	Minnehaha	Brandon, city of	H 460296 01 through H 460296 02.	Mayor, City Hall, P.O. Box 38, Grandon, S. Dak. 57005	Nov. 19, 1976
Do	McCook	Bridgewater, city of	H 460158 01	Mayor, City Hall, Bridgewater, S. Dak. 57319	Nov. 19, 1976
Tennessee	Jackson	Gainesboro, town of	H 470096A 01 through H 470096A 02.	Mayor, P.O. Box 322, Gainesboro, Tenn. 38562	June 21, 1974 Sept. 24, 1976
Do	Carroll	Huntingdon, town of	H 470022A 01 through H 470022A 05.	Mayor, P.O. Box 666, Huntingdon, Tenn. 38344	Feb. 22, 1974 Sept. 24, 1976
Do	Dekalb	Smithville, city of	H 470045A 01 through H 470045A 02.	Mayor, 109 Public Square, Smithville, Tenn. 37166	May 31, 1974 Sept. 24, 1976
Texas	Austin	Bellville, city of	H 481095 01 through H 481095 02.	Mayor, City Hall, P.O. Box 817, Bellville, Tex. 77418	Nov. 19, 1976
Do	Robertson	Bremond, city of	H 481096 01	Mayor, City Hall, Bremond, Tex. 76629	Do.
Do	Taylor	Buffalo Gap, town of	H 481138 01 through H 481138 02.	Mayor, Town Hall, P.O. Box 506, Buffalo Gap, Tex. 79508.	Do.
Do	El Paso	Clint, town of	H 481260 01 through H 481260 02.	Mayor, City Hall, Clint, Tex. 79836	Do.
Do	Panola	Gary, town of	H 481148 01 through H 481148 03.	Mayor, Town Hall, Gary, Tex. 75643	Do.
Do	Dallas and Ellis	Glenn Height, city of	H 481265 01 through H 481265 02.	Mayor, City Hall, Box 418 A, De Soto, Tex. 75116	Do.
Do	Polk	Goodrich, town of	H 481070 01	Mayor, Town Hall, Goodrich, Tex. 77335	Do.
Do	Houston	Grapeland, town of	H 480673 01	Mayor, Town Hall, P.O. Box 567, Grapeland, Tex. 78844	Do.
Do	Jones	Hawley, town of	H 480085 01 through H 480085 02.	Mayor, Town Hall, Hawley, Tex. 79525	Do.
Do	Kaufman and Rockwall.	Heath, city of	H 480545 01 through H 480545 06.	Mayor, City Hall, Route 1, Rockwall, Tex. 75087	Do.
Do	Tarrant	Keller, city of	H 480902A 01 through H 480902A 07.	Mayor, City Hall, P.O. Drawer N, Keller, Tex. 76248	Do.
Do	McLennan	Lacy-Lakeview, city of	H 480927 01 through H 480927 02.	Mayor, City Hall, 501 East Craven St., Lacy-Lakeview, Tex. 76705.	Do.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Tarrant	Lake Worth, city of	H 480905 01 through H 480905 04.	Mayor, City Hall, 6720 Telephone Rd., Fort Worth, Tex. 76134.	Do.
Do.	Leon	Leona, town of	H 480907 01 through H 480907 02	Mayor, Town Hall, Leona, Tex. 75850	Do.
Do.	Cherokee	New Summerfield, city of	H 481153 01	Mayor, City Hall, New Summerfield, Tex. 75780	Do.
Do.	Walker	Riverside, town of	H 481044 01	Mayor, Town Hall, Riverside, Tex. 77367	Do.
Do.	Tarrant	Saginaw, city of	H 480610A 01 through H 480610A 05.	Mayor, 404 S. Saginaw Blvd. City, Hall, Saginaw, Tex. 76079.	Mar. 8, 1974 Sept. 24, 1975
Vermont	Addison	Addison, town of	H 500163A 01 through H 500163 15.	Chairman, Board of Selectmen, Route 3, Bergernes, Vt. 05491.	Nov. 22, 1974 Sept. 24, 1976
Do.	Addison	Bristol, town of	H 500001A 01 through H 500001A 14.	Town Manager, Town hall, Bristol, Vt. 05443	Aug. 9, 1974 Sept. 24, 1976
Do.	Bennington	Dorset, town of	H 500014A 01 through H 500014A 12.	Town Manager, Municipal Office, East Dorset, Vt. 05253	July 26, 1974 Sept. 24, 1976
Do.	Orleans	Greensboro, town of	H 500085A 01 throguh H 500085A 12.	Chairman, Board of Selectman, Town Hall, Greensboro, Vt. 05841.	July 19, 1974 Sept. 24, 1976
Do.	Washington	Moretown, town of	H 500116 01 through H 500116A 12.	Chairman, R.F.D., Moretown, Vt. 05660	May 31, 1974 Sept. 24, 1976
Do.	Washington	Northfield, town of	H 500118A 01 through H 500118A 17.	Town Manager, Town Hall, Northfield, Vt. 05663	May 31, 1974 Sept. 24, 1976
Do.	Windsor	Rochester, town of	H 500299A 01 through H 500299A 23.	Chairman, P.O. Box 193, Rochester, Vt. 05767	Dec. 20, 1974 Sept. 24, 1976
Do.	Rutland	Rutland, town of	H 500267A 01 through H 500267A 08.	Selectman, c/o Richard Del Bianco, Town Clerk, P.O. Box 6, Center Rutland, Vt. 05736.	Feb. 7, 1975 Sept. 24, 1976
Do.	Caledonia	Sutton, town of	H 500198A 01 through H 500198A 15.	Chairman, Town Hall, Sutton, Vt. 05867	Dec. 13, 1974 Sept. 24, 1976
Do.	Orange	Williamstown, town of	H 500080A 01 through H 500080A 12.	Chairman, R.F.D. No. 1, Williamstown, Vt. 05679	June 28, 1976 Sept. 24, 1976
Virginia	Charlotte	Phenix, town of	H 510302A 01 through H 510302A 03.	Mayor, P.O. Box 86, Phenix, Va. 23959	Nov. 15, 1974 Sept. 24, 1976
Do.	York	Poquoson, town of	H 510183A 01 through H 510183A 11.	Mayor, Municipal Bldg., Poquoson, Va. 23362	July 26, 1974 Sept. 24, 1976
Washington	Lewis	Chehalis, city of	H 530104A 01 through H 530104A 10.	Mayor, City Hall, P.O. Box 871, Chehalis, Wash. 98532	June 7, 1974 Sept. 24, 1976
Do.	Whitman	Farmington, town of	H 530295 01	Mayor, Town Hall, Farmington, Wash. 99128	Nov. 19, 1976
Do.	Franklin	Mesa, town of	H 530252 01 through H 530252 04.	Mayor, Town Hall, P.O. Box 146, Mesa, Wash. 99343	Do.
Do.	Skamania	North Bonneville, town of	H 530256 01 through H 530256 04.	Planning Director, Town Hall, P.O. Box 333, North Bonneville, Wash. 98639.	Do.
Do.	Pierce	South Prairie, town of	H 530145 01	Mayor, Town Hall, P.O. Box F, South Prairie, Wash. 98385	Do.
West Virginia	Mingo	Williamson, city of	H 540138A 01 through H 540138A 03.	Mayor, Box 1517, Williamson, W. Va. 25661	May 31, 1974 Sept. 24, 1976
Wisconsin	Dodge	Beaver Dam, city of	H 550095B 01 through H 550095B 02.	Mayor, City Hall, Beaver Dam, Wis. 53916	Oct. 10, 1975 Dec. 17, 1973 Sept. 24, 1976
Do.	Eau Claire	Eau Claire, city of	H 550128A 01 through H 550128A 05.	President, City Council, City Hall, Eau Claire, Wis. 54701	Sept. 20, 1974 Sept. 24, 1976
Do.	do.	Fall Creek, village of	H 550130A 01	Village President, Village Hall, Falls Creek, Wis. 54742	May 24, 1974 Sept. 24, 1976
Do.	Trempealeau	Independence, city of	H 550444A 01	Mayor, City Hall, Independence, Wis. 54747	Dec. 14, 1973
Do.	Shawano	Mattoon, village of	H 550419A 01	President, Village Hall, Mattoon, Wis. 54440	Aug. 30, 1974
Do.	Washburn	Shell Lake, city of	H 550469 01 through H 550469 04.	Mayor, Box 332, Shell Lake, Wis. 54871	July 7, 1974 Sept. 24, 1976
Do.	Racine	Wind Point, village of	H 550355A 01	Village President, 5120 Hunt, Club Road, Racine, Wis. 53402.	June 28, 1974 Sept. 24, 1976
Alabama	Morgan	Flint City, city of	H 010354 01 through H 010354 02.	Mayor, Route 4, Box 150, Decatur, Ala. 35601	Nov. 26, 1976
Do.	Baldwin	Foley, city of	H 010007A 01 through H 010007A 02.	Mayor, P.O. Box 400, Foley, Ala. 36535	Do.
Do.	Russell	Phenix City, city of	H 010184 01 through H 010184 07.	Mayor, P.O. Box 1207, Phenix City, Ala. 36867	Do.
Arizona	Cochise	Willcox, city of	H 040018A 01 through H 040018A 03.	Mayor, 151 West Maley, City Hall, Willcox, Ariz. 85643	May 24, 1974
Arkansas	Prairie	Biscoe, town of	H 050415 01 through H 050415 03.	Mayor, Town Hall, Biscoe, Ark. 72017	Nov. 26, 1976
Do.	Crawford	Mulberry, city of	H 050354 01 through H 050354 03.	Mayor, City Hall, Mulberry, Ark. 72947	Do.
California	Orange	Fountain Valley, city of	H 060218B 01 through H 060218B 03.	City Engineer, City Hall, 10200 Slater Ave., Fountain Valley, Calif. 92708.	Mar. 29, 1974 May 28, 1976
Colorado	Adams	Thornton, city of	H 080007A 01 through H 080007A 09.	Mayor, City Hall, 9471 Dorothy Blvd., Thornton, Colo. 80229.	Nov. 1, 1974 Oct. 1, 1976
Connecticut	Litchfield	Warren, town of	H 090175A 01 through H 090175A 12.	1st Selectman, Route 341, New Preston, Conn. 06777	Feb. 7, 1974 Oct. 1, 1976
Florida	Brevard	Melbourne, city of	H 120025A 01 through H 120025A 12.	Mayor, 900 East Strawbridge Ave., Melbourne, Fla. 32901	Aug. 30, 1974 Oct. 1, 1976
Illinois	Rock Island	Cordova, village of	H 170586B 01	Village Pres., 906 Main Ave., Cordova, Ill. 61242	Feb. 14, 1976 Mar. 15, 1975 Oct. 1, 1974
Do.	Macon	Decatur, city of	H 170429B 01 through H 170429B 17.	Mayor 707 East Wood St., Decatur, Ill. 62523	Sept. 12, 1975 May 24, 1974 Oct. 1, 1976
Do.	Madison	Unincorporated areas	H 170436A 01 through H 170436A 47.	County Chairman, Courthouse, Edwardsville, Ill. 62025	Jan. 31, 1975 Oct. 1, 1976
Do.	Cook	Oak Lawn, village of	H 170137A 01 through H 170137A 03.	Mayor, 5252 West James St., Oak Lawn, Ill. 60453	Apr. 12, 1974 Oct. 1, 1976
Do.	DuPage	West Chicago, city of	H 170219A 01 through H 170219A 05.	Mayor, 175 Main St., P.O. Box 447, West Chicago, Ill. 60185	Apr. 12, 1974 Oct. 1, 1976
Indiana	Dubois	Huntingburg, city of	H 180362B 01	Mayor, 511 4th St., Huntingburg, Ind. 47542	Feb. 6, 1976 Mar. 28, 1975 Oct. 1, 1976
Kansas	Osborne	Downs, city of	H 200490 01	Mayor, City Hall, 715 Railroad, Downs, Kans. 67437	Nov. 26, 1976
Kentucky	Floyd	Prestonburg, city of	H 210072B 01 through H 210072B 02.	Mayor, City Hall, Prestonburg, Ky. 41653	Feb. 13, 1976 May 10, 1974 Oct. 1, 1976
Louisiana	W. Carroll Parish.	Forest, village of	H 220286 01 through H 220286 02.	Mayor, Village Hall, Forest, La. 71242	Nov. 26, 1976
Do.	St. Tammany Parish.	Mandeville, town of	H 220202A 01 through H 220202A 03.	City Engineer, 350 North Carsway, Mandeville, La. 70448	June 28, 1974 Oct. 1, 1976
Maine	Waldo	Searsmont, town of	H 230265A 01 through H 230265A 15.	Chairman Board of Selectmen, Town Hall, Searsmont, Maine 04973.	Feb. 14, 1975 Oct. 1, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Hancock	Verona, town of	H 230300 01 through H 230300 04.	Selectman, Town Hall, Verona, Maine 04416	Nov. 26, 1976
Do.	Oxford	West Paris, town of	H 230100A 01 through H 230100A 09.	Selectman, Town Hall, West Paris, Maine 04289	July 26, 1974 Oct. 1, 1976
Massachusetts	Bristol	Berkley, town of	H 250050A 01 through H 250050A 08.	Selectman, Town Hall, Rural Route 1, Berkley, Mass. 02780.	July 26, 1974 Oct. 1, 1976
Do.	Essex	Hamilton, town of	H 250084 01 through H 250084 08.	Selectman, Town Hall, 588 Bay Rd., Hamilton, Mass. 01936.	Nov. 26, 1976
Do.	Worcester	West Brookfield, town of	H 250346A 01 through H 250346A 09.	Selectman, Town Hall, Main St., West Brookfield, Mass. 01585.	July 26, 1974 Oct. 1, 1976
Do.	Middlesex	Weston, town of	H 250226A 01 through H 250226A 10.	Executive Secretary, Town Hall, P.O. Box 278, Weston, Mass. 02193.	July 26, 1974 Oct. 1, 1976
Do.	Norfolk	Weymouth, town of	H 250257A 01 through H 250257A 12.	Selectman, Town Hall, 75 Middle St., Weymouth, Mass. 02189.	June 14, 1974 Oct. 1, 1976
Michigan	Genesee	Atlas, township of	H 260393 01 through H 260393 11.	Supervisor, 8233 So. State Road, Goodrich, Mich. 48438	Nov. 26, 1976
Do.	Oceana	Claybanks, township of	H 260482 01 through H 260482 08.	Supervisor, Route 1, New Era, Mich. 49446	Do.
Do.	Manistee	Filer, township of	H 260130A 01 through H 260130A 07.	Supervisor, 1311 25th St., Manistee, Mich. 49660	Do.
Do.	Lenawee	Clinton, village of	H 260437A 01 through H 260437A 02.	Mayor, 117 East Michigan Ave., Clinton, Mich. 49226	Apr. 18, 1975 Oct. 1, 1976
Do.	Washtenaw	Dexter, township of	H 260536A 01 through H 260536A 12.	Supervisor, 6880 Dexter Pinckney Rd., Dexter, Mich. 48130.	July 18, 1976 Oct. 1, 1976
Do.	Branch	Gilead, township of	H 260360 01 through H 260360 07.	Township Supervisor, 2531 Booth Rd., Bronson, Mich. 49028.	Nov. 26, 1976
Do.	Berrien	Lake, township of	H 260036A 01 through H 260036A 07.	Township Supervisor, 8559 Gaft Rd., Bridgman, Mich. 49106.	June 28, 1974 Oct. 1, 1976
Do.	Rocommon	Lake, township of	H 260496 01 through H 260496 12.	Township Supervisor, Box 224A, Houghton Lake, Mich. 48629.	Nov. 26, 1976
Do.	Montcalm	Lakeview, village of	H 260463A 01	President of Council, Lincoln Ave., Lakeview, Mich. 48850.	July 11, 1976 Oct. 1, 1976
Do.	Alger	Limestone, township of	H 260344 01 through H 260344 21.	Supervisor, Township Hall, Traunik, Mich. 49890	Nov. 26, 1976
Do.	Allegan	Manlius, township of	H 260348 01 through H 260348 12.	Township Supervisor, Route 2, Hamilton, Mich. 49419.	Do.
Do.	Cass	Marcellus, township of	H 260367 01 through H 260367 12.	Supervisor, Route 2, Marcellus, Mich. 49067	Do.
Do.	Washtenaw	Scio, township of	H 260537 01 through H 260537 11.	Supervisor, 827 North Zeeb Rd., Ann Arbor, Mich. 48103.	Do.
Do.	Cass	Silver Creek, township of	H 260369 01 through H 260369 10.	Supervisor, Route 5, Leach Rd., Dowagiac, Mich. 49047.	Do.
Do.	Chippewa	Soo, township of	H 260378 01 through H 260378 07.	Township Supervisor, Route 1, Box 250, Sault St., Marie, Mich. 49783.	Do.
Do.	Iosco	Wilber, township of	H 260547 01 through H 260547 20.	Supervisor, East Tawas, Mich. 48730	Do.
Minnesota	Chisago	Branch, city of	H 270070A 01 through H 270070A 11.	Mayor, Rural Delivery 3, Branch, Minn. 55056	Aug. 30, 1974 Oct. 1, 1976
Do.	Roseau	Unincorporated areas	H 270633 01 through H 270633 99.	Chairman, commissioners, Roseau County Courthouse, Roseau, Minn. 56751.	Nov. 26, 1976
New Hampshire	Carroll	Eaton, town of	H 330204A 01 through H 330204A 14.	Selectman, Box 110, Eaton Center, N.H. 03832	Jan. 17, 1975 Oct. 1, 1976
Do.	Cheshire	Fitzwilliam, town of	H 330207 01 through H 330207 12.	Selectman, Town Hall, Fitzwilliam, N.H. 03447	Nov. 26, 1976
Do.	Hillsborough	Hudson, town of	H 330092A 01 through H 330092A 10.	Selectman, Town Hall, Hudson, N.H. 03051	Mar. 8, 1974 Oct. 1, 1976
New Jersey	Essex	Orange, city of	H 340192 01 through H 340192 03.	Mayor, 29 North Day St., Orange, N.J. 07050	Nov. 26, 1976
New York	Ontario	Canandaigua, city of	H 360597A 01 through H 360597A 02.	Mayor, City Hall, Two No. Main St., Canandaigua, N.Y. 14424.	Do.
Do.	Saratoga	Hadley, town of	H 360718A 01 through H 360718A 13.	Supervisor, Town Hall, Hadley, N.Y. 12835	Sept. 13, 1974 Oct. 1, 1976
Do.	Sullivan	Mamakating, town of	H 360626A 01 through H 360626A 13.	Town Supervisor, Box 276, Wurtsboro, N.Y. 12790	Nov. 26, 1976
Do.	Onelda	Onelda Castle, village of	H 361526A 01	Mayor, Ten Steuben Pl., Onelda, N.Y. 13421	Do.
Do.	do.	Paris, town of	H 360539 01 through H 360539 12.	Town Supr., Town Clerk's Office, Clayville, N.Y. 13322	Do.
Do.	Nasau	Plandome, village of	H 360484A 01	Mayor, 65 South Drive, Plandome, N.Y. 11030	June 14, 1974 Oct. 1, 1976
N. Carolina	Swain	Bryson City, town of	H 370228A 01 through H 370228A 04.	Mayor, P.O. Box 726, Bryson City, N.C. 28713	June 14, 1976 Oct. 1, 1976
Do.	Avery	Newland, town of	H 370012A 01	Mayor, P.O. Box 586, Newland, N.C. 28657	June 14, 1974 Oct. 1, 1976
Ohio	Vinton	McArthur, village of	H 390718 01	President, Village Council, 112 West Main St., McArthur, Ohio 45651.	Nov. 26, 1976
Oklahoma	Grady	Alex, town of	H 400063 01 through H 400063 02.	President, Town Hall, 101 South Main St., Alex, Okla. 73002.	Do.
Do.	Carter	Lone Grove, town of	H 400395 01 through H 400395 13.	Chairman, Town Hall, P.O. Box 144, Lone Grove, Okla. 73443.	Do.
Pennsylvania	Montour	Anthony, township of	H 421232A 01 through H 421232A 09.	Chairman, Township Supervisor, Rural Delivery 1, Turbotville, Pa. 17772.	Sept. 13, 1974 Oct. 1, 1976
Do.	Bedford	Bedford, borough of	H 421228A 01 through H 421228A 03.	Mayor, Juliana Heights, Bedford, Pa. 15522	Oct. 18, 1974
Do.	Warren	Brokenstraw, township of	H 422115A 01 through H 422115A 11.	Chairman, Rural Delivery No. 1, Pittsfield, Pa. 16340	Dec. 20, 1974 Oct. 1, 1976
Do.	Lebanon	Cleona, borough of	H 420571A 01	Mayor, 401 Chestnut St., Cleona, Pa. 17042	Dec. 28, 1973
Do.	Delaware	Clifton Heights, borough of	H 420407A 01	Mayor, Seven South Springfield Rd., Clifton Heights, Pa. 19018.	Oct. 12, 1973
Do.	Monroe	Coolbaugh, township of	H 421886 01 through H 421886 25.	Chairman, Supervisor, Laurel Dr., Rural Delivery 1, Tobyhanna, Pa. 18466.	Nov. 26, 1976
Do.	Berks	Douglass, township of	H 420131A 01 through H 420131A 04.	Chairman, Rural Delivery 2, Douglas Dr., Boyertown, Pa. 19512.	Nov. 9, 1973 Oct. 1, 1976
Do.	Beaver	Hanover, township of	H 421223A 01 through H 421223A 07.	Chairman, Rural Delivery 1, Clinton, Pa. 15026	Sept. 6, 1974 Oct. 1, 1976
Do.	Lycoming	Hughesville, borough of	H 420641A 01 through H 420641A 02.	Mayor, Borough Hall, Hughesville, Pa. 17737	Jan. 23, 1974 Oct. 1, 1976
Do.	Berks	Jefferson, township of	H 421071A 01 through H 421071A 05.	Township Supervisor, Rural Delivery 2, Bernville, Pa. 19506.	Nov. 26, 1976
Do.	Mercer	Mill Creek, township of	H 421871B 01 through H 421871B 02.	Chairman of Supervisors, Rural Delivery No. 3, Box 30, Sandy Lake, Pa. 16145.	June 18, 1976 Dec. 20, 1974 Oct. 1, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Berks	Mt. Penn, borough of	H 420143 01	Mayor, 200 North 25th St., Mount Penn, Pa. 19606	Nov. 26, 1976
Do	Columbia	Orange, township of	H 421003A 01 through H 421003A 06.	Chairman, Rural Delivery 2, Orangeville, Pa. 17859	Feb. 15, 1974 Oct. 1, 1976
Do	Schuylkill	Port Carbon, borough of	H 420783A 01	Mayor, 325 Second St., Port Carbon, Pa. 17965	Mar. 23, 1973 Oct. 1, 1976
Do	do	Port Clinton, borough of	H 420781A 01 through H 420781A 02.	Mayor, Borough Hall, Port Clinton, Pa. 19549	Mar. 9, 1973 Oct. 1, 1976
Do	Tioga	Putnam, township of	H 430824A 01	Chairman, 187 Canada Rd., Covington, Pa. 16917	Feb. 1, 1974 Oct. 1, 1976
Do	Allegheny	Sewickley Hills, borough of	H 420072A 01 through H 420072A 04.	Mayor, Route 4, Fairhill Rd., Sewickley, Pa. 15143	Nov. 26, 1976
Do	Berks	Upper Bern, township of	H 421118A 01 through H 421118A 03.	Supervisor, Bernville, Pa. (No ZIP Code)	Sept. 20, 1974 Oct. 1, 1976
Do	Lehigh	Upper Macungie, township of	H 421044A 01 through H 421044A 08.	Chairman, Township Supervisor, Wescosville, Pa. 18106	Nov. 26, 1976
Do	Greene	Washington, township of	H 421678A 01 through H 421678A 03.	Chairman of Township Supervisor, Township Bldg., Waynesburg, Pa. 17266.	Nov. 1, 1974 Oct. 1, 1976
Do	Luzerne	Wright, township of	H 420632A 01 through H 420632A 07.	Township Supervisor, 321 South Mountain Blvd., Mountaintop, Pa. 18707.	Mar. 8, 1974 Oct. 1, 1976
Rhode Island	Providence	Scituate, town of	H 440024A 01 through H 440024A 18.	Town Clerk, Town Hall, Main St., North Scituate, R.I. 02857.	Sept. 6, 1974 Oct. 1, 1976
Tennessee	Hickman	Centerville, city of	H 470092A 01 through H 470092A 04.	Mayor, P.O. Box 226, Centerville, Tenn. 37033	Feb. 1, 1974 Oct. 1, 1976
Do	Bradley	Charleston, city of	H 470014A 01 through H 470014A 02.	Mayor, Route 1, Box 4, Charleston, Tenn. 37310	Feb. 1, 1974
Do	Ithea	Graysville, city of	H 470153A 01 through H 470153A 02.	Mayor, P.O. Box 108, Graysville, Tenn. 37338	Mar. 8, 1974 Oct. 1, 1976
Do	Metropolitan government of Nashville and Davidson Counties.		H 470040A 01 through H 470040A 42.	Mayor, Metropolitan Courthouse, Nashville, Tenn. 37201	Dec. 27, 1974 Oct. 1, 1976
Do	Morgan	Oakdale, city of	H 470140A 01 through H 470140A 02.	Mayor, P.O. Box 116, Oakdale, Tenn. 37829	Feb. 1, 1974 Oct. 1, 1976
Texas	Hamilton	Hamilton, city of	H 480281A 01 through H 480281A 02.	Mayor, City Hall, 400 North Rice Ave., Hamilton, Tex. 76531.	Nov. 26, 1976
Do	Randall	Lake Tanglewood, village of	H 481259 01 through H 481259 03.	Mayor, Village Hall, Route 2, Box A40, Amarillo, Tex. 79105.	Do.
Do	Bowie	Leary, city of	H 481142 01 through H 481142 02.	Mayor, City Hall, Leary, Tex. 75501	Do.
Do	Brazoria	Liverpool, city of	H 480075 01 through H 480075 02.	Mayor, City Hall, Liverpool, Tex. 77577	Do.
Do	Montgomery	Montgomery, city of	H 481483 01 through H 481483 02.	Mayor City Hall, P.O. Box 708, Montgomery, Tex. 77345	Do.
Do	Polk	Onalaska, city of	H 480974 01	Mayor, Town Hall, P.O. Box 803, Onalaska, Tex. 77360	Nov. 26, 1976
Utah	Davis	Clearfield, city of	H 490041A 01 through H 490041A 08.	Building Inspector, 140 East Center St., Clearfield, Utah 84015.	Aug. 2, 1974 Oct. 1, 1976
Vermont	Franklin	Fairfield, town of	H 500053A 01 through H 500053A 25.	Town Clerk, Town Hall, P.O. Box 203, Fairfield, Vt. 05455.	Jan. 10, 1975 Oct. 1, 1976
Do	Addison	Lincoln, town of	H 500007A 01 through H 500007A 14.	Chairman, Board of Selectmen, R.D. No. 1, Box 60, Bristol, Vt. (no ZIP code).	Aug. 2, 1974 Oct. 1, 1976
Do	Bennington	Manchester, village of	H 500179A 01 through H 500179A 02.	President, Board of Trustees, Box 613, Manchester, Vt. 05254.	Oct. 13, 1974 Oct. 1, 1976
Do	Orange	Newbury, village of	H 500238 01 through H 500238 03.	Selectman, Village Hall, Newbury, Vt. 05051	Nov. 26, 1976
Do	Rutland	Pittsfield, town of	H 500263A 01 through H 500263A 09.	Chairman, Board of Selectmen, Box 51, Pittsfield, Vt. 05762.	Dec. 13, 1974 Oct. 1, 1976
Do	Orleans	Westmore, town of	H 500311A 01 through H 500311A 12.	Town Clerk, R.D. No. 2, Orleans, Vt. 05860	Oct. 1, 1976 Oct. 1, 1976
Wisconsin	Wood	Marshfield, city of	H 550515 01 through H 550515 05.	Mayor, 112 East 2d St., Marshfield, Wis. 54449	Nov. 26, 1976
Do	Winnebago	Winneconne, village of	H 550512A 01	President, 224 West Main St., Winneconne, Wis. 54986	Jan. 16, 1974 Oct. 1, 1976
Wyoming	Sheridan	Sheridan, city of	H 560041A 01 through H 560041A 07.	City Engineer, P.O. Box 848, Sheridan, Wyo. 82801	Jan. 16, 1974 Oct 1 1976
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Alabama	Madison	New Hope, town of	H 010154A 01	Mayor, P.O. Drawer T, New Hope, Ala. 35760	June 14, 1974 Oct. 18, 1976
Do	Pickens	Reform, town of	H 010221A 01 through H 010221A 06.	Mayor, P.O. Box 431, Reform, Ala. 35481	Dec. 27, 1974
Do	Talladega	Sylacauga, city of	H 010199A 01 through H 010199A 06.	Mayor, City Hall, Sylacauga, Ala. 35150	Nov. 22, 1974 Oct. 8, 1976
Arkansas	Craighead	Jonesboro, city of	H 050018A 01 through H 050018A 08.	Mayor, City Hall, Jonesboro, Ark. 72401	Oct. 26, 1973 Oct. 8, 1976
California	Imperial	Calexico, city of	H 060067A 01 through H 060067A 03.	Director of Public Works, city of Calexico, Courthouse, El Centro, Calif. 92245.	Feb. 1, 1974 Oct. 8, 1976
Do	Sacramento	Folsom, city of	H 060263A 01 through H 060263A 08.	Mayor, City Hall, 50 Natoma St., Folsom, Calif. 95630	Dec. 3, 1976
Do	Monterey	Sand City, city of	H 060135 01	Mayor, City Hall, No. 1 Sylvan Park, Sand City, Calif. 93955.	Do.
Do	Contra Costa	Walnut Creek, city of	H 065070A 01 through H 065070A 41.	City Engineer, 1445 Civic Dr., Walnut Creek, Calif. 94596.	Nov. 8, 1974 Oct. 8, 1976
Colorado	Rio Grande	Monte Vista, city of	H 080155A 01 through H 080155A 04.	City Manager, City Hall, P.O. Box 431, Monte Vista, Colo. 81144.	Dec. 3, 1976
Connecticut	Litchfield	Salisbury, town of	H 090052A 01 through H 090052A 18.	First Selectman, Town Hall, Salisbury, Conn. 06068	June 28, 1974 Oct. 8, 1976
Do	Hartford	Southington, town of	H 090037A 01 through H 090037A 21.	Town Planner, Planning and Zoning Commission, Town Hall, 75 Main St., Southington, Conn. 06489.	May 10, 1974 Oct. 8, 1976
Florida	Putnam	Crescent City, city of	H 120408 01 through H 120408 02.	Mayor, 115 N. Summit St., Crescent City, Fla. 32019	Dec. 3, 1976
Do	do	Interlachen, town of	H 120391 01 through H 120391 04.	Mayor, P.O. Box 85, Interlachen, Fla. 32048	Do.
Illinois	McLean	Carlock, village of	H 170491A 01	Village President, 206 East Douglas, Carlock, Ill. 61725	Do.
Do	Knox	Williamsfield, village of	H 170355A 01	Village President, Village Hall, Williamsfield, Ill. 61489	Do.
Iowa	Mitchell	Osage, city of	H 190639 01	Mayor, City Hall, Osage, Iowa 50461	Do.
Kansas	Doniphan	Wathena, city of	H 200085A 01	Mayor, City Hall, Wathena, Kans. 66090	Mar. 22, 1974 Oct. 8, 1976
Louisiana	Ouachita Parish	Monroe, city of	H 220136A 01 through H 220136A 11.	Mayor, City Hall, Monroe, La. 71201	Sept. 6, 1974 Oct. 8, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Maine	Sagadahoc	Bowdoinham, town of	H 230119A 01 through H 230119A 16.	Selectman, Town Hall, Bowdoinham, Maine 04008	Dec. 3, 1976
Do	Lincoln	Bremen, town of	H 230214A 01 through H 230214A 13.	Chairman Bremen Planning Board, Bremen Planning Board, Meomak, Maine 04551.	Jan. 31, 1975 Oct. 8, 1976
Do	Washington	Calais, city of	H 230134A 01 through H 230134A 16.	City Manager, City Hall, Calais, Maine 04619	June 28, 1974 Oct. 8, 1976
Do	Penobscot	Corinna, town of	H 230397 01 through H 230397 12.	Selectman, P.O. Box 428, Corinna, Maine 04928	Dec. 3, 1976
Do	Aroostook	Eagle Lake, town of	H 230016A 01 through H 230016A 12.	Town Manager, Town Hall, Eagle Lake, Maine 04739	June 28, 1974 Oct. 8, 1976
Do	Cumberland	Harpswell, town of	H 230169A 01 through H 230169A 24.	Board of Selectman, Town Hall, South Harpswell, Maine 04079.	Nov. 1, 1974 Oct. 8, 1976
Do	Kennebec	Litchfield, town of	H 230238A 01 through H 230238A 16.	Town Manager, Town Hall, Litchfield, Maine 04350	Feb. 7, 1975 Oct. 8, 1976
Do	Knox	North Haven, town of	H 230228A 01 through H 230228A 18.	Chairman, Board of Selectmen, Town Hall, North Haven, Maine 04853.	Feb. 28, 1975 Oct. 8, 1976
Do	Penobscot	Patten, town of	H 230115A 01 through H 230115A 12.	Selectmen, Town Hall, Dearnborn St., Patten, Maine 04765.	Nov. 1, 1974 Oct. 8, 1976
Do	Sagadahoc	Richmond, town of	H 230121A 01 through H 230121A 12.	Town Manager, Town Office, Main St., Richmond, Maine 04357.	May 31, 1974 Oct. 8, 1976
Do	Knox	Rockland, city of	H 230076A 01 through H 230076A 07.	City Manager, 4 Union St., Rockland, Maine 01841	Nov. 8, 1974 Oct. 8, 1976
Massachusetts	Middlesex	Chelmsford, town of	H 250188A 01 through H 250188A 11.	Chairman, Flood Prevention Commission, Town of Chelmsford, 18 Fenwick Dr., Chelmsford, Mass. 01824.	Oct. 25, 1974 Oct. 8, 1976
Do	Bristol	Freetown, town of	H 250056A 01 through H 250056A 14.	Chairman, Planning Board, 106 High St., Assonet, Mass. 02702.	Aug. 2, 1974 Oct. 8, 1976
Do	Middlesex	Hopkinton, town of	H 250196A 01 through H 250196A 11.	Chairman, Conservation Commission, 20 Mayhew St., Hopkinton, Mass. 01748.	July 19, 1974 Oct. 8, 1976
Do	Plymouth	Plympton, town of	H 250279A 01 through H 250279A 05.	Town Planner, Town Hall, Plympton, Mass. 02367	Sept. 13, 1974 Oct. 8, 1976
Do	Essex	Rockport, town of	H 250100A 01 through H 250100A 05.	Town Engineer, Town Office Bldg., Rockport, Mass. 01966.	Aug. 9, 1974 Oct. 8, 1976
Do	Berkshire	Washington, town of	H 250044A 01 through H 250044A 15.	Selectman, Town Hall, Washington, Mass. 01223	Nov. 1, 1974 Oct. 8, 1976
Do	Hampshire	Williamsburg, town of	H 250174A 01 through H 250174A 10.	Selectman, Town Hall, Haydenville, Mass. 01039	Sept. 13, 1974 Oct. 8, 1976
Michigan	Genesee	Burton, city of	H 260287A 01 through H 260287A 09.	Mayor, 4303 South Center Rd., Burton, Mich. 48507	Dec. 3, 1976
Do	Delta	Ford River, township of	H 260062 01 through H 260062 07.	Supervisor, Rural Delivery 1, Bark River, Mich. 49807	Do.
Do	Schoolcraft	Thompson, township of	H 260519 01 through H 260519 11.	Supervisor, Township Office, P.O. Box G, Thompson, Mich. 49889.	Do.
Minnesota	Ramsey	North St. Paul, city of	H 270382A 01 through H 270382A 02.	Mayor, City Hall, 2526 East Seventh Ave., North St. Paul, Minn. 55109.	Mar. 29, 1974 Oct. 8, 1976
Montana	Sweet Grass	Big Timber, city of	H 300106 01	Mayor, City Hall, Big Timber, Mont. 59011	Dec. 3, 1976
Nebraska	Furnas	Wilsonville, village of	H 310335 01	Mayor, Village Hall, Wilsonville, Nebr. 69046	Do.
Nevada	Clark	Las Vegas, city of	H 325276A 01 through H 325276A 28.	Director of Public Works, 400 East Stewart Ave., Las Vegas, Nev. 89101.	Do.
New Jersey	Essex	Essex Fells, borough of	H 340575 01 through H 340575 02.	Mayor, 225 Roseland Ave., Essex Fells, N.J. 07021	Do.
Do	Hunterdon	Flemington, borough of	H 340520A 01	Mayor, 38 Park Ave., Flemington, N.J.	Nov. 1, 1974 Oct. 8, 1976
Do	Salem	Pittsgrove, township of	H 340421A 01 through H 340421A 12.	Mayor, R.F.D. 1, Olivet, Elmer, N.J. 08318	Dec. 3, 1976
Do	Burlington	Willingboro, township of	H 340119A 01 through H 340119A 03.	Township Manager, Salem Rd., Willingboro, N.J. 08046	Nov. 30, 1973 Oct. 8, 1976
New York	Jefferson	Alexandria, town of	H 360326B 01 through H 360326B 06.	Supervisor, Town Hall, Alexandria, N.Y. 13612	Dec. 5, 1975 May 31, 1974 Oct. 8, 1976
Do	Schuyler	Catharine, town of	H 360745A 01 through H 360745A 14.	Town Supervisor, Rural Delivery, Odessa, N.Y. 14869	Dec. 3, 1976
Do	Steuben	Corning, town of	H 360773A 01 through H 360773A 36.	Supervisor, 19 South Elm St., Corning, N.Y. 14830	Sept. 14, 1973 Oct. 8, 1976
Do	Jefferson	LeRay, town of	H 360341B 01 through H 360341B 10.	Town Supervisor, Evans Mills, N.Y. 13637	June 28, 1974 Oct. 8, 1976
Do	Ontario	Phelps, village of	H 361050A 01	Mayor, Main St., Phelps, N.Y. 15432	Dec. 3, 1976
Do	Monroe	Riga, town of	H 360430A 01 through H 360430A 12.	Supervisor, Sight South Main St., Churchville, N.Y. 14428.	Mar. 8, 1974 Oct. 8, 1976
Do	Wayne	Sodus, town of	H 360898A 01 through H 360898A 18.	Supervisor, Box 89, Sodus, N.Y. 14551	Aug. 16, 1974 Oct. 8, 1976
Do	Wayne	Williamson, town of	H 360900B 01 through H 360900B 05.	Supervisor, 7 East Main St., Williamson, N.Y. 14589	Feb. 27, 1976 June 28, 1974 Oct. 8, 1976
Do	Westchester	Yonkers, city of	H 360936A 01 through H 360936A 06.	Engineer, City Hall, Yonkers, N.Y. 10701	Jan. 9, 1974 Oct. 8, 1976
North Carolina	Caldwell	Lenoir, city of	H 370040A 01 through H 370040A 06.	Mayor, P.O. Drawer 958, Lenoir, N.C. 28645	Dec. 3, 1976
Do	Cherokee	Murphy, town of	H 370061A 01 through H 370061A 05.	Mayor, P.O. Box 130, Murphy, N.C. 28906	Mar. 8, 1974 Oct. 8, 1976
Ohio	Hamilton	Terrace Park, village of	H 390633A 01	Mayor, 428 Elm Ave., Terrace Park, Ohio 45174	Feb. 8, 1974 Oct. 8, 1976
Oklahoma	Garfield	Lahoma, town of	H 400294 01	President, Town Hall, Lahoma, Okla. 73754	Dec. 3, 1976
Pennsylvania	Lancaster	Adamstown, borough of	H 420541A 01	Mayor, P.O. Box 546, Adamstown, Pa. 19501	Apr. 12, 1974 Oct. 8, 1976
Do	Dauphin	Dauphin, borough of	H 420375A 01 through H 420375A 02.	Mayor, 706 Edison Rd., Dauphin, Pa. 17018	Nov. 9, 1973 Oct. 8, 1976
Do	Allegheny	Emsworth, borough of	H 420034A 01 through H 420034A 02.	Mayor, 171 Center Ave., Emsworth, Pa. 15202	Dec. 3, 1976
Do	Lycoming	Fairfield, township of	H 420972A 01 through H 420972A 05.	Chairman, Rural Delivery 3, Montoursville, Pa. 17754	Mar. 1, 1974 Oct. 8, 1976
Do	Armstrong	Freeport, borough of	H 420065A 01	Mayor, 420 Market St., Freeport, Pa. 16229	May 31, 1974 Oct. 8, 1976
Do	Tioga	Knoxville, borough of	H 420819 01	President of Council, Knoxville, Pa. 16928	Dec. 3, 1976
Do	Clinton	Lamar, township of	H 420327A 01 through H 420327A 14.	Chairman, Township Hall, Mackeyville, Pa. 17750	Feb. 1, 1974 Oct. 8, 1976
Do	Carbon	Mahoning, township of	H 421041A 01 through H 421041A 02.	Chairman, Rural Delivery 1, Lehighton, Pa. 18255	July 26, 1974 Oct. 8, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Chester	Malvern, borough of	H 420281 01	Mayor, Box 437, Malvern, Pa. 19355	Dec. 3, 1976
Do	Lancaster	Marietta, borough of	H 420558A 01 through H 420558A 05.	Mayor, P.O. Box 167, Marietta, Pa. 17547	Oct. 12, 1973
Do	Wyoming	Meshoppen, township of	H 421009A 01 through H 421009A 06.	Chairman, R.D. 1, Meshoppen, Pa. 18630	May 3, 1974 Oct. 8, 1976
Do	do	Monroe, township of	H 421186A 01 through H 421186A 03.	Chairman, R.D. 5, Box 166, Tunkhannock, Pa. 18656	Aug. 30, 1974 Oct. 8, 1976
Do	Schuylkill	Mount Carbon, borough of	H 421955A 01	President, Council, 75 Main St., Mount Carbon, Pittsville, Pa. 17901.	Dec. 3, 1976
Do	Franklin	Southampton, township of	H 421657A 01 through H 421657A 04.	Chairman, R.D. 3, Shippensburg, Pa. 17257	May 31, 1974 Oct. 8, 1976
Do	do	Waynesboro, borough of	H 420173 01 through H 420173 03.	Mayor, P.O. Box 310, Waynesboro, Pa. 17268	Dec. 3, 1976
South Dakota	Brookings	Brookings, city of	H 460004A 01 through H 460004A 04.	Mayor, City Hall, Brookings, S. Dak. 57006	Mar. 22, 1974 Oct. 8, 1976
Do	Hutchinson	Tripp, city of	H 460219 01	Mayor, City Hall, Tripp, S. Dak	Dec. 3, 1976
Tennessee	Marshall	Chapel Hill, town of	H 470120A 01 through H 470120A 02.	Mayor, P.O. Box 74, Chapel Hill, Tenn. 37034	June 14, 1974
Do	Tipton	Covington, city of	H 470189C 01 through H 470189C 05.	Mayor, P.O. Box 130, Covington, Tenn. 38019	Dec. 3, 1976
Do	Rhea	Dayton, city of	H 470152A 01 through H 470152A 06.	Mayor, P.O. Box 226, Dayton, Tenn. 37321	Mar. 1, 1974 Oct. 8, 1976
Do	Henderson	Lexington, city of	H 470089A 01 through H 470089A 10.	Mayor, P.O. Box 87, Lexington, Tenn. 38351	June 14, 1974 Oct. 8, 1976
Do	Perry	Linden, town of	H 470145A 01 through H 470145A 02.	Mayor, P.O. Box 46, Linden, Tenn. 37096	June 14, 1974 Oct. 8, 1976
Do	Loudon	Loudon, city of	H 470110A 01 through H 470110A 02.	Mayor, P.O. Box 189, Loudon, Tenn. 37774	Feb. 1, 1974 Oct. 8, 1976
Do	Giles	Lynnville, town of	H 470065A 01	Mayor, P.O. Box 116, Main St., Lynnville, Tenn. 38472	June 14, 1974
Texas	Wichita	Electra, city of	H 480659 01 through H 480659 02.	Mayor, 108 North Main St., City Hall, Electra, Tex. 76360	Dec. 3, 1976
Do	Carson	Groom, city of	H 480726 01	Mayor, City Hall, P.O. Box 217, Groom, Tex. 79039	Do.
Vermont	Rutland	Benson, town of	H 500259A 01 through H 500259A 14.	Chairman, Board of Selectmen, Benson, Vt. 05731	Dec. 13, 1974 Oct. 8, 1976
Do	Chittenden	Colchester, town of	H 500033A 01 through H 500033A 17.	Chairman, Board of Selectmen, Town Office, Colchester, Vt. 05404.	Aug. 23, 1974 Oct. 8, 1976
Do	Rutland	Rutland, city of	H 500101B 01 through H 500101B 04.	Chairman, Rutland City Planning Commission, P.O. Box 69, Rutland, Vt. 05701.	Mar. 15, 1974 Sept. 19, 1975 Oct. 8, 1976
Do	Chittenden	South Burlington, city of	H 500195A 01 through H 500195A 07.	City Manager, 1175 Williston Rd., South Burlington, Vt. 05401.	Nov. 1, 1974 Oct. 8, 1976
Do	Addison	Starksboro, town of	H 500172A 01 through H 500172A 15.	Town Clerk, Town Hall, Box 91, Starksboro, Vt. 05487	Jan. 31, 1975 Oct. 8, 1976
Washington	King and Pierce	Milton, city of	H 530204 01	Mayor, Town Hall, Box 578, Milton, Wash. 98354	Dec. 3, 1976
Do	Pierce	Ruston, town of	H 530300 01	Mayor, Town Hall, Ruston, Wash.	Do.
Wisconsin	Lafayette and Iowa.	Blanchardville, village of	H 550227C 01	Village President, Village Hall, Blanchardville, Wis.	Do.
Do	Marathon	Edgar, village of	H 550248 01	Village President, Box 67, Edgar, Wis. 54426	Do.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 18704, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: October 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–30001 Filed 10–14–76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on the Ahtanum Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 37117 of the September 2, 1976, FEDERAL REGISTER (41 FR 172), there was published a notice of intention to modify § 221.1 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1977 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given until October 4, 1976, to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. Sufficient justification exists for modifying the rate for water charges for the Ahtanum Indian Irrigation Project as set forth below.

The modified § 221.1 shall become effective November 15, 1976.

Therefore, 25 CFR Part 221 is amended by revising § 221.1 as set forth below.

§ 221.1 Charges.

The operation and maintenance rate on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1977 and subsequent years until further notice, is hereby fixed at $5.25 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

Dated: October 8, 1976.

DOYCE L. WALDRIP,
Acting Area Director.

[FR Doc.76–30200 Filed 10–14–76;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on the Toppenish-Simcoe Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 37117 of the September 2, 1976, FEDERAL REGISTER (41 FR 172), there was published a notice of intention to modify § 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1977 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

Interested persons were given until October 4, 1976, to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. Sufficient justification exists for modifying the rate for water charges for the Toppenish-Simcoe Indian Irrigation Project as set forth below.

The modified § 221.73 shall become effective November 15, 1976.

Therefore, 25 CFR Part 221 is amended by revising § 221.73 as set forth below.

§ 221.73 Charges.

The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington for the Calendar Year 1977 and subsequent years until further notice, is hereby fixed at $5.45 per acre per annum for all lands for which application for water is made and approved by Project Engineer.

Dated: October 8, 1976.

DOYCE L. WALDRIP,
Acting Area Director.

[FR Doc.76–30201 Filed 10–14–76;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Wapato Indian Irrigation Project

These final regulations are issued under the authority delegated by the Secretary of Interior to the Commissioner of Indian Affairs by 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 37117 of the September 2, 1976, FEDERAL REGISTER (41 FR 172), there was published a notice of intention to modify § 221.86 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rates for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1977 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914, (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given until October 4, 1976, to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. Sufficient justification exists for modifying the rate for basic and other water charges for the Wapato Indian Irrigation Project as set forth below.

The modified § 221.86 shall become effective November 15, 1976.

Therefore, 25 CFR Part 221 is amended by revising § 221.86 as set forth below.

§ 221.86 Charges.

The basic operation and maintenance rates on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1977 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$14.00
(2) Flat rate upon all farm units or tracts for each assessable acre except additional works lands	14.00
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	1.80
(4) Flat rate upon all farm units or tracts for each assessable acre of additional works lands	14.90

Dated: October 8, 1976.

DOYCE L. WALDRIP,
Acting Area Director.

[FR Doc.76–30202 Filed 10–14–76;8:45 am]

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 252—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Retail Business and Credit Transactions; Notice of Effective Date of Certain Provisions

OCTOBER 6, 1976.

This notice is published in exercise of authority delegated by Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On Thursday, January 22, 1976, FR Doc. 76–1915 appearing at page 3288 in the FEDERAL REGISTER gave notice that the effective date for §§ 252.7(b), 252.14 and 252.32(c) of 25 CFR contained in FR Doc. 75–22997 appearing at page 39835 in the FEDERAL REGISTER of Friday, August 29, 1975 (40 FR 39835), was being deferred until further notice.

On Thursday, April 1, 1976, FR Doc. 76–9212 appearing at page 13938 in the FEDERAL REGISTER proposed revisions to those provisions. Those revisions were published as final regulations on Tuesday, June 8, 1976, in FR Doc. 76–16466 appearing at page 22936 in the FEDERAL REGISTER.

The effective date had been deferred to correct certain defects in the affected provisions. Since FR Doc. 76–16466 corrects those defects, this document gives notice of the effective date for the deferred provisions.

Effective date: 25 CFR 252.7(b), 252.14 and 252.32(c) become effective October 15, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–30199 Filed 10–14–76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Maryland Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On July 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 17834) of the approval of the Maryland Plan and the adoption of Subpart O of Part 1952 containing the decision and describing the plan. By letters dated April 29, 1975, September 26, 1975, October 2, 1975, October 24, 1975, October 29, 1975, and January 30, 1976, the State of Maryland submitted supplements to the plan involving developmental changes and State-initiated changes (see Subparts B and E of 29 CFR Part 1953). The supplements consist of various rules, regulations and administrative procedures promulgated by the State designee as well as certain developmental changes. On January 28, 1976, a notice was published in the FEDERAL REGISTER (41 FR 4035) concerning the submission of the supplements to the Assistant Secretary for approval; notice was also given in that publication that interested persons were afforded thirty days from the date of publication to submit written comments.

2. *Description of supplements*—(a) *Health plan.* In accordance with the requirement of the developmental step set forth in 29 CFR 1952.213(1), the State of Maryland was to develop and implement an occupational health plan by July 1975. Following review by OSHA, the State submitted changes to its plan by letters dated October 24, 1975, October 29, 1975, and January 30, 1976, describing the manner and methodology by which Maryland is implementing and will implement its health program under the plan. Among other things, the health plan describes the organization and staffing of health personnel, training, inspection scheduling, and compliance activities to be implemented under the health plan. The plan also provides for consultation services regarding occupational health whenever requested by an employer.

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(b) *Management information system.* In accordance with the requirement of the developmental step set forth in 29 CFR 1952.213(n), the designee would have developed and implemented a Management Information System by December 1975. By an additional letter dated January 30, 1976, the State submitted a document describing the operation of its Management Information System, which became fully operational as of May 1, 1975.

(c) *Enforcement of agricultural standards.* The decision approving the Maryland plan provided that agricultural standards would be enforced by the Maryland Department of Agriculture by agreement with the Division of Labor and Industry. By a letter dated April 29, 1975, the designated agency indicated that the agreement with the Department of Agriculture has been terminated and that the State's agricultural standards are now being enforced by the Division of Labor and Industry.

(d) *Maritime enforcement.* The decision approving the Maryland Plan indicated that the State intended to adopt and enforce Federal standards applicable to maritime activities by December 1975. By an additional letter dated October 29, 1975, the State stated that it does not intend to adopt and enforce the standards contained in 29 CFR Parts 1915, 1916, 1917, and 1918 (and therefore 29 CFR 1910.13 through 1910.16) and accordingly has amended its plan to delete all references to enforcement of maritime standards within the State.

(e) *Boiler inspections.* The decision approving the Maryland State plan provided that the State would conduct boiler certification inspections. By a letter dated October 2, 1975, the designated agency indicated that this function is being deleted from coverage under the State plan. The designee has requested the Maryland Board of Public Works to remove all boiler personnel from the MOSH portion of the State's budget.

(f) *Fire inspection program.* By a letter dated September 26, 1975, the State indicated that an interagency agreement between the Division of Labor and Industry and the State Fire Marshal's Office for the enforcement of fire safety standards has been terminated as of March 31, 1975. The State indicated that inspectors from the Fire Marshal's staff would be transferred to the Division of Labor and Industry and that specialized training in the fire safety standards would be provided for additional inspectors already in the Department of Labor and Industry.

3. *Public participation.* Interested persons were afforded 30 days to submit written comments or request a hearing concerning the proposed supplements listed above. No comments or requests for a hearing were received on the items during the period allotted. The changes meet current requirements, are enforcement oriented or administrative in nature, and will undergo evaluation with the plan as a whole.

4. *Location of the plan and its supplements for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Technical Data Center (OSHA), Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 15220 Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202.

5. *Decision.* After careful consideration, the Maryland plan supplements outlined above are approved under 29 CFR Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, §§ 1952.213 and 1952.214 of Subpart O of 29 CFR Part 1952 are amended to reflect the plan amendments in the State's developmental schedule and the completion of two developmental steps. 29 CFR 1952.213 is amended by deleting the existing paragraphs (c) and (o), redesignating paragraph (n) as paragraph (c), and revising paragraph (k) as follows:

§ 1952.213 Developmental schedule.

* * * * *

(k) Inspection and enforcement of agriculture standards by December 1974.

* * * * *

In addition, 29 CFR 1952.214 is amended to reflect the completion of developmental steps by adding paragraphs (c) and (d) as follows:

§ 1952.214 Completed developmental steps.

* * * * *

(c) In accordance with the commitment expressed in § 1952.213(l), the State of Maryland developed and implemented an occupational health plan by December 31, 1975.

(d) In accordance with the commitment expressed in § 1952.213(n), the designee developed a fully operational Management Information System by May 1, 1975.

(Secs. 8(g), 18, Pub. L. 91-596, 85 Stat. 1600, 1608 (29 U.S.C. 657(g), 667).)

Signed at Washington, D.C. this 7th day of October 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-30291 Filed 10-14-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 2—PUBLIC USE AND RECREATION

Smoking in Caves

Pursuant to the authority contained in section 3 of the Act of August 25. 1916 (39 Stat. 535, 16 U.S.C. 3) and 245 DM 1 (34 FR 13879), as amended, a new § 2.38 is hereby added to Title 36, Code of Federal Regulations, as set forth below.

The purpose of this amendment is to reduce a recently discovered health hazard to park, concessioner, and contractor employees who work in cave environments. This is necessary because of medical and scientific evidence which indicates that there is a detrimental synergistic effect associated with the combined inhalation, over an extended period of time, of tobacco smoke and certain radioactive particles which have been found to be existent in caves and which are known as "radioactive daughters of radon gas."

Park Superintendents presently have authority to prohibit smoking on any lands in park areas; this authority has been used in the past and is being used at the present time to close some caves to smoking. However, the regulation providing this authority, 36 CFR §2.12(f), is principally for purposes of fire prevention. Because the need to close caves to smoking relates primarily to an environmental health hazard and not to fire prevention, the National Park Service considers it advisable in this instance to promulgate a regulation which provides a clearer basis for action by park Superintendents.

It has been determined, pursuant to the National Environmental Policy Act of 1969 and applicable guidelines, that the regulation set forth below is not a major Federal action which will have a significant effect on the quality of the human or natural environment and, therefore, no environmental impact statement is required.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process by providing a public comment period prior to the implementation of a new or amended regulation. However, in this instance it has been determined that the emergency nature of this action requires immediate implementation, without waiting for the passage of the public comment period and 30 day waiting period which are usually required. Nevertheless, the National Park Service is interested in receiving public comment on this regulation; interested persons may submit written comments or suggestions to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. All comments received will be reviewed with regard to the need for any modifications in the regulation. Comments will be received until November 15, 1976.

Effective Date: This regulation shall become effective on October 15, 1976.

Part 2 of Title 36, Code of Federal Regulations is amended by the addition of §2.38 as follows:

§ 2.38 Smoking in caves.

(a) The smoking of tobacco or the carrying of burning or smoldering tobacco is prohibited in all caves where the alpha radiation exposure to radon daughter products is above 0.1 working levels (WL).

(b) Signs notifying the public, park employees, contractors, and concession employees of this prohibition shall be prominently displayed at cave entrances. Verbal notification of this prohibition shall be made during orientation programs prior to cave tours. Documentation of the specific needs for this prohibition shall be available for the inspection of persons requesting this information.

JOHN COOK,
Associate Director,
Park System Management.

[FR Doc.76-30282 Filed 10-14-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 630-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revocation of Gasoline Rationing Regulations

Under the Clean Air Act as amended in 1970, State Implementation Plans (SIP's) were required to contain all regulations necessary to attain the health-related national ambient air quality standards (NAAQS) no later than mid-1977. To the extent that State-developed SIP regulations are inadequate to insure such NAAQS attainment, the Act requires EPA to promulgate the necessary SIP regulations.

In 1973, EPA was required by Court orders to promulgate SIP regulations providing for timely attainment of the NAAQS for carbon monoxide and photochemical oxidants in certain areas of the United States. In response to these orders, EPA added to some SIP's a gasoline rationing regulation to take effect in 1977. This type of regulation was imposed only in those areas where EPA found that all reasonably available measures would not be adequate to attain the NAAQS by mid-1977.

At the time EPA promulgated the gasoline rationing regulations and several times since then, EPA has publicly stated that such regulations would produce extremely adverse social and economic consequences if implemented. Since EPA has had no desire to implement the regulations, EPA has since 1973 proposed and endorsed amendments to the Clean Air Act which would authorize their revocation. Over the last several months, new Clean Air Act amendments which would have authorized such a revocation passed both Houses of Congress (H.R. 10498 and S. 3219). Such authorization was retained in the compromise amendments approved by the House and Senate Conferees. On October 1, however, Congress adjourned without completing action on the new Clean Air Act amendments.

Since it appears quite unlikely that Congress will enact new legislation before implementation of the gasoline rationing regulations is scheduled to begin (certain reports are to be filed by March 1977 and full implementation is to occur in May 1977), and since EPA has no intention of implementing the regulations, I believe that EPA should revoke them now.

I realize that this revocation will render the affected SIP's defective as a legal matter, since such SIP's will no longer contain regulations which provide for NAAQS attainment. I am convinced, however, that whatever benefits may be gained from keeping a technically legal SIP on the books by retaining the gasoline rationing regulations are outweighed by the seriously disruptive social and economic consequences of such regulations.

This revocation should not be construed as indicating that EPA will accept SIP's which do not insure attainment of the health-related NAAQS on grounds of cost. In fact, EPA is currently in the process of notifying many States that their presently-inadequate SIP's must soon be revised to include all achievable measures necessary to attain the NAAQS as expeditiously as practicable. Onerous, expensive, and/or "technology-forcing" requirements must be imposed wherever necessary. EPA's action today is thus a special case; it is being taken only because of the extraordinarily disruptive nature of the gasoline rationing regulations and because both Houses of Congress have affirmatively expressed their desire that such regulations not be implemented.

This revocation is effective October 15, 1976.

(Secs. 110, 301, Clean Air Act, as amended, (42 U.S.C. 1857c-5, 1857g).)

Dated: October 12, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

§ 52.241 [Revoked]

1. Section 52.241 is revoked.

Subpart G—Colorado

§ 52.330 [Revoked]

2. Section 52.330 is revoked.

Subpart V—Maryland

§ 52.1110 [Revoked]

3. Section 52.1110 is revoked.

Subpart FF—New Jersey

§ 52.1592 [Revoked]

4. Section 52.1592 is revoked.

Subpart SS—Texas

§ 52.2293 [Revoked]

5. Section 52.2293 is revoked.

[FR Doc.76-30317 Filed 10-14-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Miscellaneous Amendments

A notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 37343) on September 3, 1976, which would make the Committee Regulations 41 CFR Part 51 compatible with the new Government fiscal year and clarified the channels and timing for the submission of annual workshop certifications and workshop information required by the Committee to prepare its annual report required by section 1(i) of Pub. L. 92-28.

In addition to the proposed changes § 51-4.2(c) has been modified to reflect the new Federal fiscal year and in § 51-2.4 (a) and (c) the word "price" has been deleted since price is no longer published in the Procurement List as most prices changes at least twice each year as the result of the semiannual review of prices or significant changes in workshop costs.

No unfavorable comments have been received. The proposed regulations are hereby adopted as set forth below.

Effective date: October 15, 1976.

By the Committee.

C. W. FLETCHER,
Executive Director.

PART 51-1—GENERAL

1. Section 51-1.2 is amended by revising paragraph (c) and adding paragraph (o) as follows:

§ 51-1.2 Definitions.

* * * * *

(c) "Fiscal Year" means the 12-month period beginning on October 1 of each year.

* * * * *

(o) "Participating workshop" means any workshop which has been authorized by the Committee to produce a commodity or provide a service to the Government under the Act.

PART 51-2—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

§ 51-2.4 [Amended]

2. Section 51-2.4 is amended by deleting the word "price" in paragraphs (a) and (c).

PART 51-3—CENTRAL NONPROFIT AGENCIES

3. Section 51-3.2 is amended by revising the last sentence of paragraph (j) and adding paragraph (k) as follows:

§ 51-3.2 Responsibilities.

* * * * *

(j) * * * This report will be submitted by December 15 covering the fiscal year ending the preceding September 30.

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(k) Review and forward to the Committee by December 15 the annual workshop certification for each of its participating workshops covering the fiscal year ending the preceding September 30.

PART 51–5—WORKSHOPS

4. Section 51–4.2 is amended by revising paragraph (c) as follows:

§ 51–4.2 Procedures for qualification.

* * * * *

(c) To maintain its qualification under the Act, each workshop authorized to produce a commodity or provide a service under the Act must continue to meet the requirements of a "workshop for the blind" or "workshop for the other severely handicapped" as defined in § 51–1.2 (h) and (i) respectively and shall complete and submit an annual workshop certification to its central nonprofit agency by November 15 for the fiscal year ending the preceding September 30.

5. Section 51–4.3 is amended by revising paragraph (a)(4) as follows:

§ 51–4.3 Responsibilities.

(a) * * *

(4) Submit to its central nonprofit agency by November 15 the appropriate annual workshop certificate and the information required by the central nonprofit agency to prepare its annual report both covering the fiscal year ending the preceding September 30.

[FR Doc.76–30253 Filed 10–14–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2408]

PART 3100—OIL AND GAS LEASING

Bond Requirements

On November 25, 1975, there was published in the FEDERAL REGISTER (40 FR 54585) a proposed revision of the bonding procedures for oil and gas leasing activities to provide for adequate bonding and for a simple, modern method for requiring bonds consistent with the policy in the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181–287) and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–357). The public was given until December 26, 1975, to comment on the proposal. Nine comments were received and considered as follows.

Commenters suggested not deleting, as proposed, § 3104.9 which deals with exploration bonding requirements. It is planned to revise § 3104.9 under separate rulemaking action, at which time it will be placed in 43 CFR Part 3045. However, to preclude a possible void in the regulations between the two rulemaking actions, § 3104.9 is being retained in these regulations until changed by the separate rulemaking.

A suggestion to delete the words "geophysical exploration" from § 3104.2(a) was not adopted but the section was clarified to show that the section relates to exploration by the lessee or the lessee's operator.

Several commentors thought that the proviso in § 3104.2(b) and § 3104.3 (a) and (b), that an operator's bond will not be accepted unless the operator holds an approved operating agreement, is a new procedure. The procedure is not new. It presently appears in 43 CFR subpart 3104. The procedure remains in the regulations.

It was suggested that in the definition of "operator" the words "manages operations" be changed to "conducts operations". This suggestion has been adopted.

A suggestion to change the term "unit bond" in § 3104.2(c) to "unit operator's bond" has been adopted. The suggestion to add the term "unit operator's bond" to § 3104.3 was not adopted because a unit operator's bond is unique to a unit and cannot be replaced with a statewide or nationwide bond.

Request was made to establish a maximum bond limit in § 3104.4 and to base an increase in a bond upon the sole determination of the Area Oil and Gas Supervisor. Neither suggestion was adopted. It is essential that the size of a bond remain flexible so that all situations may be covered. In addition, the authorized officer of the Bureau must also have the authority to increase the amount of a bond in order to fulfill the Bureau's responsibilities for the surface management of a mineral activity.

A suggestion was made for more specificity in § 3104.8 in identifying an acceptable alternative bond. The wording remains broad to give the authorized officer latitude in meeting all situations.

Except for the changes discussed and other minor editorial changes the amendment remains as proposed. The present §§ 3104.9, 3104.9–4, and 3104.9–5 are retained in their entirety. The remainder of 43 CFR Subpart 3104 is revised as set forth below and shall become effective on November 16, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

OCTOBER 8, 1976.

1. The table of contents for Subpart 3104 is amended as follows:

Sections 3104.0–5 through and including § 3104.8 are revised to read as follows:

Subpart 3104—Bonds

Sec.
3104.0–5 Definitions.
3104.1 Types of bonds.
3104.2 Types of coverage.
3104.3 Statewide and Nationwide bonds.
3104.4 Amount of bonds.
3104.5 Where filed and number of copies.
3104.6 Form of bonds.
3104.7 Default.
3104.8 Termination of period of liability.
3104.9 Exploration bond.
3104.9–4 Riders to existing bond forms.
3104.9–5 Termination of period of liability.

AUTHORITY: Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented (30 U.S.C. 181–287) and the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–357).

Subpart 3104—Bonds

§ 3104.0–5 Definitions.

For the purpose of this subpart: (a) "Operator" means the person authorized under the operating agreement approved by the Department to conduct operations on the leased land as specified in such agreement.

(b) "Unit Operator" means the person authorized under the unit agreement approved by the Department to conduct operations on unitized lands as specified in such agreement.

2. Sections 3104.1 through 3104.8 are revised to read as follows:

§ 3104.1 Types of bonds.

Bonds under this subpart must be either surety bonds or personal bonds.

(a) *Surety bond.* Surety bonds must be issued by qualified surety companies approved by the Treasury Department (see Department of the Treasury Circular 570, as revised periodically in the FEDERAL REGISTER).

(b) *Personal bond.* Personal bonds must be accompanied by a deposit as security therefor of negotiable Treasury bonds of the United States or cash of a value equal to the amount specified in the bond. Negotiable Treasury bonds must be accompanied by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the terms and conditions of the lease.

§ 3104.2 Types of coverage.

(a) *General lease and drilling bond.* A general lease and drilling bond in the amount of not less than $10,000, conditioned upon compliance with all the terms and conditions of the lease must be furnished prior to entry and commencement of geophysical exploration or drilling operations by the lessee or his operator.

(b) *Operator's bond.* An operator's bond in the amount of not less than $10,000, conditioned upon compliance with all the terms and conditions of the lease, may be furnished in lieu of a general lease and drilling bond. Where there are two or more operators having interests in different formations or portions of the lease, each operator may file an operator's bond in his own name as principal on the bond in lieu of the general lease and drilling bond. In any event, every operator shall be covered by either a general lease and drilling bond or an operator's bond.

(c) *Unit operator's bond.* The approved unit operator may furnish and maintain a unit operator's bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms and conditions of every lease subject thereto in lieu of a separate general lease and drilling bond or operator's bond for each lease committed to the unit agreement. All unit operator's bonds must be furnished upon request and in at least the amount recommended by the Area Oil and Gas Supervisor. (See 30 CFR § 226.15 for form of Unit Operator's bond.)

(d) *Bond for the protection of the surface owner.* Separate bonds for the protection of surface owners are no longer required. Adequate protection of surface owners is provided by bonds required from either the lessees, operators, or unit operators.

§ 3104.3 Statewide and Nationwide bonds.

(a) *Statewide bond.* In lieu of general lease and drilling bonds and operator's bonds, holders of leases or approved operating agreements, may furnish a bond in the amount of at least $25,000 covering all leases and operations in any one State under either the Mineral Leasing Act of 1920 or the Mineral Leasing Act for Acquired Land of 1947. Operators functioning under both Acts will be required to furnish separate bonds.

(b) *Nationwide bond.* In lieu of general lease and drilling bonds, operator's bonds, or statewide bonds, holders of leases or approved operating agreements may furnish a bond in the amount of at least $150,000 covering all leases or operations nationwide under both the Mineral Leasing Act of 1920 and the Mineral Leasing Act for Acquired Lands of 1947.

§ 3104.4 Increased amount of bonds.

The authorized officer, on his own motion or upon the recommendation of the Area Oil and Gas Supervisor, may elect to increase the amount of any bonds required under this Subpart 3104 when additional coverage is determined appropriate.

§ 3104.5 Where filed and number of copies.

All bonds must be filed in the proper office (See Part 1820). A single copy executed by the principal and, in the case of surety bonds, by both the principal and an acceptable surety is sufficient.

§ 3104.6 Form of bonds.

All bonds must be furnished on forms approved by the Director.

§ 3104.7 Default.

(a) *Payment by surety.* Where, upon a default, the surety makes payment to the Government of any obligation incurred under a lease, the face amount of the surety bond or personal bond and the surety's liability thereunder shall be reduced by the amount of such payment.

(b) *Penalty.* After default, upon penalty of cancellation of all of the leases covered by such bond, that principal shall post a new bond in the amount previously held by the Government, within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate or substitute bonds for each lease or operating agreement. Where a bond is furnished by an operator or unit operator, suit may be brought thereon without joining the lessee when not a party to the bond.

§ 3104.8 Termination of period of liability.

The authorized officer will not give consent to termination of the period of liability of any bond unless an acceptable alternative bond has been filed or until all the terms and conditions of the lease have been met.

[FR Doc.76–30193 Filed 10–14–76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. No. 995–A]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of October 1976.

Upon further consideration of Revised Service Order No. 995 (35 FR 7016; 36 FR 23726; 37 FR 28301; 38 FR 35002; 39 FR 44011 and 40 FR 59744), and good cause appearing therefor:

It is ordered, That § 1033.995 Revised Service Order No. 995–A—(Appointment of embargo agents), be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)).)

It is further ordered, That this order shall become effective at 11:59 p.m., October 12, 1976; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–30321 Filed 10–14–76;8:45 am]

[Rev. S. O. No. 1002–A]

PART 1033—CAR SERVICE

Car Distribution Directions, Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of October 1976.

Upon further consideration of Revised Service Order No. 1002 (35 FR 7016; 36 FR 23803; 37 FR 28301; 38 FR 35002; 39 FR 44011; and 40 FR 59744), and good cause appearing therefor:

It is ordered, That: § 1033.1002–A Revised Service Order No. 1002–A—Car distribution directions—appointment of agents be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), (17(2)).)

It is further ordered, That this order shall become effective at 11:59 p.m., October 7, 1977; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–30323 Filed 10–14–76;8:45 am]

[S. O. No. 1253]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of October 1976.

It appearing, that the matter of car service (Section 1, Paragraphs 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is unable to control freight traffic movements, because car accumulations, threatened congestions, or other interferences of a temporary nature compel restrictions against car movements, car service will be promoted in the interest the public and the commerce of the people by the appointment of agents with authority to direct the placement of embargoes; that notice and public procedures are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1253 Service Order No. 1253.

(a) *Appointment of embargo agents.* Joel E. Burns, Director, and Lewis R. Teeple, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where

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freight cars are being unduly delayed due to accumulations, congestions, or emergency situations.

(b) Embargoes placed under this order shall be at the direction of the Agents of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with Rule 16 of the "Code of Car Hire Rules and Interpretations—Freight" of the Association of American Railroads and of Circular CSD–87, Sixth Revision, both published in the official Railway Equipment Register, ICC–RER No. 400 issued by W. J. Trezise, or successive issues or re-issues thereof.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Rules, Regulations, and Practices Suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(e) *Effective date.* This order shall become effective at 11:59 p.m., October 12, 1976.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4) 17(2)).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30320 Filed 10-14-76;8:45 am]

[S.O. No. 1252]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic, Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of October 1976.

It appearing, That the matter of car service (Section 1, Paragraphs 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is, for any reason, unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1034.1252 Service Order No. 1252.

(a) Rerouting of traffic—appointment of agents. Joel E. Burns, Director, and Lewis R. Teeple, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., October 12, 1976.

(d) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the care service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30322 Filed 10-14-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Lake Alice National Wildlife Refuge, North Dakota to the Hunting of Migratory Game Birds, Upland Game and Big Game

On August 30, 1976, there was published in the FEDERAL REGISTER (No. 41 FR 36518) a notice of proposed rulemaking adding Lake Alice National Wildlife Refuge, North Dakota, to the list of refugee areas which are open for the hunting of migratory game birds, upland game, and big game. These lists are published at 50 CFR 32.11, 32.21 and 32.31. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that the opening of Lake Alice National Wildlife Refuge to public hunting would not be contrary to the provisions of law applicable to the areas, would be compatible with the principles of sound wildlife management, would be in the public interest and would not be detrimental to the objectives for which the area was established.

The public was provided a 30-day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection.

No comments were received on the proposed rulemaking.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that the hunting of migratory game birds, upland game and big game on Lake Alice National Wildlife Refuge, North Dakota, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Accordingly, the proposed rulemaking is hereby adopted without change and §§ 32.11, 32.21 and 32.31 are amended as set forth below:

§ 32.11 List of open areas; migratory game birds.

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

§ 32.21 List of open areas; upland game.

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

§ 32.31 List of open areas; big game.

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

Effective date: Because of the time limitations involved with rapid approach of the State hunting season, and the need to coordinate state and federal hunting regulations and seasons, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedures Act to expedite the implementation of this rulemaking. Therefore, this rulemaking will become effective immediately upon publication.

Dated: October 7, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.76-30210 Filed 10-14-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Prohibition on Encircling Marine Mammals in the Course of Fishing Operations for Yellowfin Tuna

On December 5, 1975, the Director, National Marine Fisheries Service promulgated amendments to regulations, § 216.24, 40 FR 56899 governing the incidental taking of marine mammals in the course of commercial fishing operations during 1976.

On June 11, 1976 (41 FR 23680), the Director announced a limit of 78,000 porpoises that may be killed in 1976 pursuant to the general permit issued to the American Tunaboat Association. Accordingly, § 216.24(d)(2)(i)(A) was amended to establish a 78,000 quota and provide a notice 30 days prior to the date upon which a prohibition on encircling porpoise is to become effective.

On July 27, 1976 (41 FR 31227), the Director proposed to adopt a method by which the National Marine Fisheries Service would determine when the limit would be reached and further setting on porpoise would be prohibited, and to amend § 216.24(d)(2)(i)(A) to provide a notice 7 days prior to the date upon which a prohibition is to become effective.

On October 4, 1976 (41 FR 43726), the Director adopted as final the method for determining the date when the 78,000 limit would be reached and amended the regulations to provide for a notice 7 days prior to the date when a prohibition is to be effective.

Based on information gathered by National Marine Fisheries Service observers and utilizing the adopted method to determine when the limit will be reached, the National Marine Fisheries Service has determined that 78,000 porpoise will have been killed by U.S. vessels by October 19, 1976. The total mortality for 1976 which was projected on August 31, 1976 had been below 70,000; however, due to unusually heavy porpoise fishing which occurred in September, the limit is now projected to be reached by October 19, 1976. Because of the necessity to provide notice to each of the affected U.S. vessels, many of them thousands of miles at sea, the regulations adopted on October 4, 1976 provided for 7 days FEDERAL REGISTER notice prior to the effective date of prohibition. Therefore, effective 0001 October 22, 1976, marine mammals may not be encircled by purse seine in the course of yellowfin tuna purse seine fishing. The calculation of the projected mortality by October 19, 1976 is as follows:

Estimated mortality through Sept. 30, 1976[1]	71,557
Historical average U.S. catch of yellowfin on porpoise in October is 8,813 tons×1.23 (average kill per ton) equals projected kill for October	10,962
Estimated cumulative mortality through October	82,519

[1] Utilizing the prorating procedures adopted, it is projected that 78,000 will be reached by October 19, 1976.

Because of the necessity to provide a seven day notice to U.S. vessels, the prohibition is being imposed two days later than the date when the total is projected to be reached, resulting in slightly exceeding the 78,000 limit.

Copies of the detailed computation are available for review at the Office of the Director of the Southwest Fisheries Center, La Jolla, California.

By this publication, the American Tunaboat Association and holders of certificates of inclusion are hereby notified that effective 0001 October 22, 1976, the limit of 78,000, which is a condition of the general permit, in 1976 will have been reached and therefore certificates of inclusion issued under the general permit are no longer valid for encircling or taking porpoise as of October 22, 1976.

All daily log sheets required by 50 CFR 216.24(d)(2)(i)(B)(iii) outstanding as of October 22, 1976, must be mailed or delivered to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 on October 22, 1976, or as soon thereafter as practicable.

Observers have been placed aboard U.S. tuna purse seine vessels under the authority of the general permit to record information regarding porpoise mortality. Because the general permit no longer permits encircling or taking of porpoise, there is no clear signal authority for the NMFS to require that the observers be kept on U.S. tuna purse seine vessels.

U.S. tuna purse seine vessels may return National Marine Fisheries Service scientific observers and gear technicians on board purse seine vessels at sea on October 22, 1976, at no cost to the Federal government, to the port of departure, any U.S. port, or any of the following ports: Mazatlan, Mexico; Acapulco, Mexico; Puntarenas, Costa Rica; Balboa, Canal Zone; or Honolulu, Hawaii; or may be returned at the end of the voyage, at the pleasure of the vessel captain.

Yellowfin tuna caught in association with marine mammals after October 21, 1976, may not be imported into the United States. Section 216.24(e)(3)(v) is amended to reflect this change. It should be noted, however, that yellowfin tuna not caught in association with marine mammals may continue to be imported under the provisions of paragraph (e).

Nations that have filed certificates will be requested to reaffirm their certifications for shipments after October 21, 1976, and nations importing yellowfin under individual shipment certifications under § 216.24(e)(3)(iv) will be required to state whether the vessels which caught the fish in the shipment did or did not encircle or take marine mammals.

The conditions under which other species of fish may be imported are not affected by this amendment.

The amendments to part 216 are effective October 22, 1976.

Dated: October 13, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

§ 216.24 [Amended]

Section 216.24(e)(3)(v) is amended by deleting the period from the sentence ending with ("January 22, 1974") and adding in lieu thereof: ", or (3) if the yellowfin tuna was caught subsequent to October 20, 1974, and prior to October 22, 1976, that the yellowfin tuna was caught in conformance with the regulations pertaining to purse seining in effect for that period of time."

[FR Doc.76-30390 Filed 10-14-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 230—NONFOOD ASSISTANCE PROGRAM

Appendix—Initial Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, for the Transition Quarter July 1–September 30, 1976

Correction

In FR Doc. 76-28497, appearing on page 43388 in the issue of Friday, October 1, 1976, in the second column, in table *Section 5(b)* the entry for South Carolina should read:

South Carolina	92,571	91,807	764

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 62]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 17–23,

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1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.362 Lemon Regulation 62.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons early this week is steady.

Average f.o.b. price was $5.94 per carton the week ended October 9, 1976, compared to $5.90 per carton the previous week. Track and rolling supplies at 80 cars were up 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 12, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 17, 1976, through October 23, 1976, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: October 14, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.76–30543 Filed 10–14–76;11:29 am]

[Lime Reg. 27, Amdt. 6]

PART 911—LIMES GROWN IN FLORIDA

Container Regulation

This amendment to the current container regulation permits the handling of fresh Florida limes in two sizes of 10-pound containers on and after October 18, 1976. The current container regulation suspends the use of 10-pound containers during the period August 29 through October 30, 1976. The amended regulation continues to authorize the use of six containers with minimum content requirements of 20 pounds and 38 pounds net weight of limes.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of present and prospective marketing conditions for limes. Indications are that permitting the handling of limes in 10-pound containers on and after October 18 will help maintain sales during the period when the price of limes is seasonally higher. The sale of limes in the smaller 10-pound containers should encourage purchases, particularly by those segments of the trade such as small retailers and institutional customers. Hence, the action would contribute to orderly marketing of limes and be in the public interest.

After consideration of all relevant matters presented, including the recommendations and information submitted by the committee, and other available information, it is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said amended marketing agreement and order; and such amendment will tend to effectuate the declared policy of the act with respect to effectuating orderly marketing in the public interest.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes by authorizing the use of two sizes of 10-pound containers.

Order. The provisions of paragraph (a) (2) of § 911.329 (Lime Regulation 27; 38 FR 12323, 15726; 41 FR 15685, 19299, 30343, 36013) are hereby amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) (1) • • •

(2) On and after October 18, 1976, no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: October 12, 1976, to become effective October 18, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–30288 Filed 10–14–76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF STATE

[22 CFR Part 42]

[S.D. 123]

INELIGIBLE CLASSES OF IMMIGRANTS

Proposed Rulemaking; Extension of Time for Comments

Notice is hereby given that the closing date for the submission of written comments concerning the notice of proposed rulemaking issued September 7, 1976 (41 FR 37591–92) concerning amendments in the public charge regulations is extended from October 15, 1976 to December 1, 1976. This extension of time has been granted at the request of the American Council of Voluntary Agencies for Foreign Service, Inc., and the Association of Immigration and Nationality Lawyers to allow them and other interested parties additional time for research and correlation of their comments.

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs, Department of State.

OCTOBER 12, 1976.

[FR Doc.76–30384 Filed 10–14–76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31]

INCOME AND EMPLOYMENT TAXES

Treatment of Original Issue Discount Realized by Nonresident Alien Individuals or Foreign Corporations and Denial of DISC Benefits With Respect to Energy Resources and Certain Other Products; Public Hearings

Public hearings on the provisions of the below-listed proposed regulations will be held on November 18, 1976, beginning at 10 a.m. in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The public hearings will be in respect to:

(1) Proposed regulations under sections 871, 881, 1441, and 1442 and 3401 of the Internal Revenue Code of 1954, relating to treatment of original issue discount realized by nonresident alien individuals or foreign corporations, appearing in the FEDERAL REGISTER for July 12, 1976 (41 FR 28517).

(2) Proposed regulations under section 993 of the Internal Revenue Code of 1954, relating to the denial of DISC benefits with respect to energy resources and certain other products, appearing in the FEDERAL REGISTER for June 29, 1976 (41 FR 26695).

The rules of § 601.601 (a) (3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearings. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601 (a) (3) persons who have submitted written comments within the time prescribed in the respective notices of proposed rulemaking and who desire to present oral comments at the respective hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 9, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601 (a) (3) (26 CFR Part 601) each speaker will be allowed 10 minutes for an oral presentation on each of the above-listed proposed regulations for which he or she has submitted timely comments, exclusive of time consumed by questions from the panel for the Government and answers thereof.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearings should notify the Commissioner, in writing, at the above address by November 12, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on November 17, 1976, by telephoning (Washington, D.C.), 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76–30307 Filed 10–14–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3500, 3520]

COAL LEASES

Diligent Development and Continued Operation

On August 4, 1976, the Federal Coal Leasing Amendments Act of 1975, Pub. L. 94–377, 90 Stat. 1083, became law. Many of the coal leasing regulations recently promulgated by the Department must be revised to conform to the new statutory provisions. Amendments to the regulations on diligent development and continuous operations published on May 28, 1976 (41 FR 21779), have been prepared and are now published as proposed rulemaking.

It has been determined that the new statutory requirements will be applicable to all leases issued after August 4, 1976, and to all existing leases at the next readjustment of terms and conditions. However, the new statutory requirements are not made applicable to existing leases prior to their next readjustment, and, accordingly, the proposed regulations reflect the fact that the provisions applicable to existing coal leases prior to the time of readjustment may differ from those applicable to all leases issued or readjusted after August 4, 1976.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on or before November 29, 1976. Comment is particularly requested on the definitions of "diligent development" and "continued operation".

Under the authority granted under section 32 of the Mineral Leasing Act, 30 U.S.C. 189, it is proposed that 43 CFR Subparts 3500, 3503, 3520, 3522 and 3523 be amended, as follows:

1. Paragraphs (d), (e), (f), and (g) of 43 CFR 3500.0–5 are hereby revised as follows:

§ 3500.0–5 Definitions.

• • • • • •

(d) *Logical Mining Unit (LMU).* A Logical Mining Unit or LMU is an area of coal land that can be developed and mined in an efficient, economical, and orderly manner with due regard to the conservation of coal reserves and other resources. An LMU may consist of one or more Federal leaseholds, and may include intervening or adjacent non-Federal lands, but all lands in an LMU must be contiguous, under the effective control of a single operator, and capable of being developed and operated as a unified operation with complete extraction of the LMU reserves within 40 years from the first approval of a mining plan for that LMU. For purposes of this paragraph (d) "contiguous" shall mean having at least one point in common. No LMU other than one approved before August 4, 1976, shall exceed 25,000 acres, including both Federal and non-Federal coal deposits.

(e) *Logical Mining Unit (LMU) Reserves.* LMU Reserves are defined as being equal to the sum of (1) estimated recoverable reserves under Federal lease

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in the LMU, and (2) estimated non-Federal recoverable reserves in the LMU which will be mined prior to the extraction of all estimated Federal reserves in the LMU. The LMU reserves associated with a Federal lease are the estimated LMU reserves as of the effective date of the approval of the LMU, of which that lease is a part, except that the estimate of LMU reserves under both subparagraphs (1) and (2) of this paragraph may be adjusted by the Mining Supervisor whenever he approves a modification of the LMU boundaries, whenever the lessee surrenders deposits subject to a lease in the LMU, or whenever significant new information becomes available about the amount of such reserves, including the time at which a mining plan is approved.

(f) *Diligent Development.* (1) Diligent development of any Federal coal lease issued or readjusted after August 4, 1976, means the timely preparation for and initiation of production of coal from the LMU of which the lease is a part so that coal is actually produced in commercial quantities by the end of the tenth year from the effective date of the lease in the case of a lease issued after August 4, 1976, or by June 1, 1986, in the case of a lease issued before August 4, 1976, unless the period of time during which diligent development had to be achieved on a lease issued prior to August 4, 1976, has been extended pursuant to subparagraph (2) of this paragraph in which case the period of time authorized thereunder may continue in effect, but not beyond August 4, 1986, or the date on which the lease terms first become subject to readjustment after August 4, 1976, whichever is later. For the purpose of this subparagraph (1), coal will be deemed to have been produced in commercial quatities if one percent of the LMU reserves associated with that lease are extracted by the end of the tenth year from the effective date of the lease, if the lease was issued after August 4, 1976, or by June 1, 1986 (or a later date if authorized under the immediately preceding sentence), if the lease was issued before August 4, 1976.

(2) Diligent development of any coal lease which was issued before August 4, 1976, and the terms and conditions of which have not been readjusted since that date means the timely preparation for and initiation of production of coal from the LMU of which the lease is a part so that coal is actually produced in commercial quantities before June 1, 1986, except that the period of time during which production of coal in commerical quantities must be achieved may be extended as provided below. For the purpose of this subparagraph (2) coal will be deemed to have been produced in commercial quantities if one-fortieth of the LMU reserves associated with that lease are extracted before June 1, 1986, or such later date as may be prescribed under this subdivision. The period of time during which production in commercial quantities must be achieved may be extended as provided below, but in no event beyond August 4, 1986, or the date on which the lease terms first become subject to readjustment after August 4, 1976, whichever is later:

(i) Upon application by the lessee, the period by the end of which development must have been achieved shall be increased by an amount of time equal to the period during which diligent development is, in the opinion of the Secretary, significantly impaired by (A) a strike, the elements, or casualties not attributable to the lessee, (B) an administrative delay in the Department which is not caused by the lessee's action, or (C) extraordinary circumstances not attributable to the lessee and not foreseeable by a reasonably prudent operator. In the determination of whether any of the conditions listed in subdivisions (A)–(C) of this subdivision occurred and whether one or more of those conditions did in fact significantly impair diligent development, the Secretary's finding shall be final. The Secretary shall, however, not find to be an extraordinary circumstance under (C) any condition arising out of normally foreseeable business risks such as: Fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales.

(ii) Upon application by the lessee, the Secretary may grant one extension, not exceeding five years, of the ten-year period within which diligent development must be achieved. An extension may be granted when the lessee shows to the satisfaction of the Secretary that diligent development cannot be achieved within the ten-year period because of (A) time needed to complete development of advanced technology, e.g., in situ, gasification or liquefaction processes; (B) the large magnitude of the project (ordinarily large magnitude means a mine in which the production in the first year after the end of the extended period for diligent development is expected to be at least two million tons if an underground mining operation or five million tons if a surface mining operation); or (C) a contract or its equivalent which is a firm commitment for the sale or use of the first one-fortieth of the LMU reserves after the ten-year period. Irrespective of the reason for granting an extension, the lessee must produce the first one-fortieth of the LMU reserves before the end of the extension.

(iii) At the time when the Secretary grants any extension of time for achieving diligent development under subdivision (i) or (ii) of this subparagraph (2), he shall notify the lessee of the revised date by which diligent development must be achieved.

(g) *Continued Operation.* Continued operation means the extraction, processing, and marketing of coal in the amount of one percent of all the LMU reserves associated with the lease for each of the first two years of continued operation and an annual average amount of one percent of all the LMU reserves associated with the lease for all years after the first two years of continued operation. The annual average amount shall be computed on a three year basis, and the three-year period for which the average shall be computed shall consist of the year in question and the two preceding years.

2. 43 CFR 3503.3–2(b)(1) is amended to read as follows:

§ 3503.3–2 General statement on royalties.

* * * * * *

(b) * * *

(1) The Mining Supervisor shall have discretion, upon the request of the lessee, to authorize the payment of an advance royalty in lieu of continued operation for any particular year. Each lease issued or readjusted after August 4, 1976, shall make provision for this annual advance royalty which shall be based on a minimum number of tons of coal; for any lease issued after August 4, 1976, the minimum number of tons shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from the date of approval of the mining plan for the LMU of which the lease is a part; for any lease issued before August 4, 1976, the minimum number of tons shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from June 1, 1976. Advance royalties shall not be paid for more than ten years in all during the life of any lease, including the life of the lease after readjustment.

3. 43 CFR 3520.2–1 is amended by the addition of the following:

§ 3520.2–1 Duration of leases.

* * * * * *

(a) * * *

(3) *Coal.* A coal lease shall be for a period of 20 years and as long as thereafter as coal is produced annually in commercial quantities from that lease or the LMU of which it is a part. As the term "commercial quantities" is used in this subparagraph (3) it means quantities of coal sufficient to meet the requirements for continued operation under § 3500.0–5(g) of this chapter. Any coal lease which is issued or readjusted after August 4, 1976 and on which diligent development has not been achieved by the end of the tenth year from the effective date of the lease or by June 1, 1986 (or such other date as may be provided under § 3500.0–5(f)(2) of this chapter), whichever is later, will automatically terminate.

4. 43 CFR 3520.2–5 is amended to read as follows:

§ 3520.25 Coal: Diligent development and continued operation.

Section 7 of the Mineral Leasing Act (30 U.S.C. 207) provides that each coal lease shall require:

(a) Diligent development; and

(b) Either continued operation or, in lieu thereof, an annual advance royalty on a minimum number of tons of coal, except that advance royalties may not be paid in lieu of continued operation for more than ten years. Each lease will become subject to the requirement of continued operation beginning with the year after the achievement of diligent development, and shall remain subject to the requirement of continued operation except when operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee. However, the Secretary has determined that the public interest will be served by authorizing the Mining Supervisor to permit the payment of an annual advance royalty in lieu of continued operation for any particular year. The payment of annual advance royalties is described in § 3503.3–2(b)(1) of this chapter.

5. 43 CFR Subpart 3520 is amended by adding the following:

§ 3520.2–6 Coal: Logical mining unit.

(a) *Establishment and modification of logical mining units.* Every Federal coal lease will automatically be considered by itself an LMU as of the effective date of the lease or June 1, 1976, whichever is later, unless it is included in an LMU with other Federal coal leases or with interests in non-Federal coal deposits, or both. An LMU containing any interest other than a single Federal lease will become effective only at the direction of the Mining Supervisor or upon its approval by the Mining Supervisor where it is requested by the lessee; the Mining Supervisor shall not direct or approve the establishment of such an LMU unless he has determined that the maximum economic recovery of all Federal deposits in the LMU will be served thereby. The boundaries of an LMU may later be changed either upon application by the lessee and with the approval of the Mining Supervisor after consultation with the authorized officer or by direction of the Mining Supervisor after consultation with the authorized officer.

(b) *Amendment of lease terms.* When a Federal coal lease is included in an LMU with other Federal coal leases or with interests in non-Federal coal deposits, the terms and conditions of the lease will be amended so that they are not inconsistent with the requirements imposed on that LMU of which it has become a part. In particular, diligent development, production in commercial quantities, and continued operation anywhere within the LMU, with respect to either Federal or non-Federal coal deposits, shall be deemed to have occurred on each Federal lease in the LMU. The rental and royalty payments on all Federal leases in an LMU shall be combined and advanced royalties paid on any Federal lease in that LMU may, at the request of the operator of the LMU, be credited against those combined royalties.

(c) *Computation of LMU reserves.* When the Mining Supervisor is determining the LMU reserves, he shall consult the lessee as to any deposits (such as deposits in specified strata) subject to his lease which the lessee does not intend to mine and the rights to which the lessee is prepared to surrender in order to decrease the LMU reserves upon which the requirements of diligent development, production in commercial quantities, and continued operation will be based. The lessee may surrender his rights to any deposits, and, if he does so, the LMU reserves shall be adjusted.

6. 43 CFR 3522.2–1 is amended to read as follows:

§ 3522.2–1 Terms and conditions.

(a) *Potassium and phosphate.* The terms and conditions of potassium and phosphate leases are subject to readjustment at the end of each 20-year period succeeding the effective date of the lease unless otherwise provided by law at the time of the expiration of such periods. Before the expiration of each 20-year period, whenever feasible, the lessee will be notified of the proposed readjustment of terms or notified that no readjustment is to be made. Within 30 days after receipt of the notice, unless the lessee files his objection to the proposed readjusted terms, or the lessee files a relinquishment of the lease, he will be deemed to have agreed to such readjusted terms.

(b) *Coal.* All coal leases will be subject to readjustment at the end of the first 20-year period following the issuance of the lease and at the end of each ten-year period thereafter. Before the expiration of the initial 20-year period or any succeeding 10-year period thereafter, the authorized officer shall, if it is feasible, notify the lessee of any proposed readjustment of terms and conditions or that no readjustment will be made. Unless the lessee within 30 days after receipt of notice of any proposed readjustment from the authorized officer files either an objection to the proposed readjustment or a relinquishment of his lease, he will be deemed to have agreed to the readjusted terms. At the time for their next scheduled readjustment of terms and conditions, all coal leases will be readjusted, if necessary, by the addition of provisions consistent with § 3503.3–2(b)(1) of this chapter so that they authorize advance royalties. The percentages of reserves on which the advance royalty for the years following the readjustment of terms for leases issued before August 4, 1976, will be based, will be the same percentages as those appropriate for a lease dated June 1, 1976. No lessee will be allowed to credit against production royalties due after the twentieth year of a lease any advance royalties paid during the first 20 years of that lease. If the date on which a coal lease became liable for readjustment of terms and conditions occurred before August 4, 1976, but the authorized officer prior to that date neither readjusted the terms and conditions nor informed the lessee that no readjustment would be made, the terms and conditions of that lease shall be readjusted to conform to the requirements of the Federal Coal Leasing Amendments Act of 1975.

7. 43 CFR 3523.2–1(b)(1) is amended by the insertion of "(i)" after the word "Coal" and by adding the following subdivisions (ii) and (iii):

§ 3523.2–1 Judicial proceedings.

* * * * * *

(b) * * *

(1) * * *

(ii) Any coal lease issued or readjusted on or after August 4, 1976, on which the lessee does not meet diligent development requirements will terminate automatically. Any other coal lease on which the lessee does not meet diligent development requirements will be subject to cancellation in whole or in part. Any coal lease on which the lessee does not meet either continued operation or advance royalty requirements will be subject to cancellation in whole or in part. In deciding whether to cancel a lease under this subdivision (ii), the Secretary will not consider adverse circumstances which arise out of: (A) Normally foreseeable costs of compliance with requirements for environmental protection; (B) commonly experienced delays in delivery of supplies or equipment; or (C) inability to obtain sufficient sales. The requirements as to notice included in subdivision (i) of this subparagraph are applicable to cancellations under this subdivision (ii) also.

(iii) Should a lease be cancelled or relinquished for any reason, all rentals and royalties, including advance royalties already paid or due, will be forfeited to the United States.

* * * * * *

Approved: October 8, 1976.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.76-30217 Filed 10-14-76;8:45 am]

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE; SEA TURTLES

Denial of Request for Public Hearing on Proposed Regulations

Section 4(f)(2)(A)(ii) of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) states that if any person, who feels that he may be adversely affected by a regulation proposed pursuant to the Act, requests a public hearing thereon, the Secretary may grant such request, but shall, if he denies such request, publish his reasons therefore in the FEDERAL REGISTER.

On July 22, 1976, Mr. Carleton S. Jones, Counsel for Cayman Turtle Farm, Ltd., requested that a public hearing be held on the Proposed Regulations Treating Three Species of Sea Turtles as Threatened under the Similarity of Appearance Clause of the Endangered Species Act of 1973, published by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of June 16, 1976 (41 FR 24378–24380). Mr. Jones gave the following reasons for his request: (1) The alleged

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inadequacy of the Environmental Impact Assessment concerning the Proposed Regulations; (2) The alleged failure of the Services to prepare an Environmental Impact Statement on the Proposal; and (3) The absence of a provision excepting from the prohibitions of the Proposed Regulations turtles taken for or derived from captive populations in the course of mariculture operations, or, in the alternative, of provisions specifically authorizing the grant of permits to such operations based upon enumerated criteria.

The Fish and Wildlife Service and National Marine Fisheries Service consider that the Environmental Impact Assessment is adequate and covers all necessary points. When reviewed in conjunction with the public comments received, the Environmental Impact Assessment supports the contention that an Environmental Impact Statement is not necessary to satisfy the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Services also consider that the permit provisions of the Proposed Regulations are fully sufficient and applicable to mariculture operations. Moreover, the Services consider that the comment period established by the Proposal is adequate for purposes of public participation, and that no further delay is warranted, especially in the light of the extensive past public discussion of the whole Sea Turtle issue. Therefore, this request for public hearing is denied.

Dated: October 6, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.76-30250 Filed 10-14-76;8:45 am]

Mining Enforcement and Safety Administration

[30 CFR Part 100]

CIVIL PENALTY ASSESSMENT

Proposed Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173; 83 Stat. 803; 30 U.S.C. 957) it is proposed that section 100.7(c), Part 100, Title 30, Code of Federal Regulations be amended as set forth below.

Concurrent with this Notice there is published in this issue of the FEDERAL REGISTER (at page 45574) a Notice of Proposed Rulemaking for special procedural rules applicable to summary disposition of civil penalty cases during mine health and safety hearings (43 CFR Part 4). The purpose of this proposed amendment to 30 CFR Part 100 is merely to conform those regulations to the proposed changes in 43 CFR Part 4, which would authorize the assessment officer to enter the order of assessment as the final order of the Department of the Interior when the respondent coal mine operator has waived its right to a hearing.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons are invited to submit written data, views and comments to: Administrator, Mining Enforcement and Safety Administration, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Comments received on or before November 15, 1976, will be considered before final action is taken on this proposal.

Accordingly, it is proposed to amend 30 CFR Part 100 by revising § 100.7(c) to read as follows:

§ 100.7 Request for hearing.

* * * * *

(c) In accordance with 43 CFR 4.545, the Office of Hearings and Appeals shall thereafter issue an order, based on findings of fact and conclusions of law unless the petition is dismissed by consent of the parties, or summarily dismissed pursuant to 43 CFR 4.544.

Dated: October 8, 1976.

KENT FRIZZELL,
Under Secretary of the Interior.

[FR Doc. 76-30215 Filed 10-14-76; 8:45 am]

Office of Hearings and Appeals

[43 CFR Part 4]

SPECIAL RULES APPLICABLE TO MINE HEALTH AND SAFETY HEARINGS AND APPEALS—SUMMARY DISPOSITION

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173; 83 Stat. 803; 30 U.S.C. 957) it is proposed that § 4.544, Part 4, Subtitle A, Title 43, Code of Federal Regulations be amended as set forth below.

The proposed amendment will relieve the Department from the unnecessary burden of preparing a formal decision based upon proposed findings of fact and conclusions of law for civil penalty cases where the respondent fails to file a timely answer to a petition for civil penalty, or fails to timely comply with a prehearing order. As an added protection, the respondent coal mine operators will be given an opportunity to show cause and thereby avoid summary dismissal. This procedure is virtually identical to the prior regulations in effect during the period from June 28, 1972 until April 24, 1973.

The amendment does not affect the rights of respondent coal mine operators to a full and fair hearing in contested civil penalty proceedings where the respondent has complied with procedural regulations consistent with his prior request for a hearing. Under present practice, undue time and expense are spent preparing routine proposed findings of facts and conclusions of law prior to the imposition of default civil penalties by Administrative Law Judges. A conforming amendment to 30 CFR Part 100 is also proposed in this issue of the FEDERAL REGISTER (at page 45574).

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons are invited to submit written data, views and comments to: James R. Richards, Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. Comments received on or before November 15, 1976 will be considered before final action is taken on this proposal.

Accordingly, it is proposed to amend 43 CFR Part 4 by revising § 4.544 to read as follows:

§ 4.544 Summary Disposition.

(a) Where the respondent fails to file a timely answer to the Mining Enforcement and Safety Administration's petition for assessment of civil penalty, or fails to timely comply with any prehearing order of an administrative law judge, the Office of Hearings and Appeals shall issue an order to show cause why (1) the respondent should not be deemed to have waived his right to a hearing and (2) the proceedings should not be summarily dismissed and referred to the assessment officer.

(b) If the order to show cause is not satisfied as provided in the order, the administrative law judge shall order the proceedings summarily dismissed and referred to the assessment officer, who shall enter the order of assessment as the final order of the Department and institute collection procedures pursuant to section 109(a)(4) of the Act.

(c) Where the respondent fails to appear at a hearing, the respondent will be deemed to have waived his right to a hearing and the administrative law judge may assume for purposes of the assessment: (1) That each violation listed in the petition occurred; and (2) the truth of any fact alleged in any order or notice concerning such violation. In order to issue an initial decision assessing an appropriate penalty for each violation cited in accordance with § 4.545(a), an administrative law judge shall either conduct such hearing or require the Mining Enforcement and Safety Administration to furnish proposed findings of fact and conclusions of law.

(d) Nothing in this section shall be construed to deprive the respondent of its opportunity to have the Mining Enforcement and Safety Administration prove the violations charged in open hearing with confrontation and cross-examination of witnesses, except where said respondent fails to file timely answer to a petition for civil penalty, fails to timely comply with a pre-hearing order, or fails to appear at the scheduled hearing.

Dated: October 8, 1976.

KENT FRIZZELL,
Under Secretary of the Interior.

[FR Doc.76-30216 Filed 10-14-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Change in Minimum Grade Standards for Packed Raisins

Notice is given of a proposal to temporarily change the minimum grade standards for certain varietal types of packed raisins. This change is pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), hereinafter referred to collectively as the "order." The order regulates the handling of raisins produced from grapes grown in California and is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Raisin Administrative Committee.

Section 989.59(a) prescribes minimum standards for packed raisins. Section 989.59(b) provides that the standards for any varietal type then in effect may be changed by the Secretary, on the basis of a recommendation by the Committee or other pertinent information, if he finds that to do so would tend to effectuate the declared policy of the act. Paragraph (b) also authorizes the Secretary, upon recommendation of the Committee, to prescribe minimum standards for any varietal type. The minimum standards for packed natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached Valencia, and Zante Currant raisins, are prescribed in § 989.59(a)(2). The minimum standards for packed Dipped Seedless raisins are prescribed in § 989.212 of Subpart—Supplementary Regulations (7 CFR 989.201-989.231).

Heavy rains and poor drying conditions during September 1976, seriously damaged this year's raisin crop. Although the full extent of the rain damage is still unknown, total production this season is expected to be much smaller than market needs. In addition, cool weather and rain earlier in the season delayed proper development of sugar in the raisin grapes, and thus adversely affected the maturity of the 1976 raisin crop. Also, when grapes are subjected to rain while drying in the field, there is a sugar loss. This leaching of sugar further reduced the maturity of the 1976 raisin crop.

The proposed changes in the minimum grade standards for packed raisins, as hereinafter set forth, would end November 30, 1977, and would aid in the recovery of raisins acceptable for human consumption from the 1976 production and since they are less restrictive, would help make more raisins available to consumers than would be made available without the temporary change in grade standards. Because the proposed changes are temporary, it is proposed that they be set forth in § 989.202 (currently reserved) in Subpart—Supplementary Regulations.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 1, 1976. All written submissions made pursuant to the notice shall be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 989.202 Changes in minimum grade standards for certain packed raisins for the period ending November 30, 1977.

Pursuant to § 989.59(b), the requirements set forth in § 989.59(a)(2) for natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached and Valencia raisins, and the requirement set forth in § 989.212 for Dipped Seedless raisins, shall be as prescribed in those respective sections, except that the tolerances prescribed for mold shall be changed to five percent, and the total tolerance for discolored, damaged or moldy raisins shall be changed to 10 percent. Pursuant to § 989.59(b), the requirement set forth in § 989.59(a)(2) for Zante Currant raisins shall be as prescribed in that section, except that the tolerance prescribed for mold shall be changed to five percent and the total tolerance for discolored, damaged or moldy raisins shall be changed to eight percent. In addition, for natural (sun-dried) Thompson Seedless, Golden Seedless, Sulfur Bleached, and Dipped Seedless raisins, the term "with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured" shall not be applicable. These changes shall terminate November 30, 1977.

Dated: October 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.76-30233 Filed 10-14-76;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

CIGAR TOBACCO

Proposed Grade Loan Rates for Price Support on 1976-Crop

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1976-crop cigar tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To assure consideration, all submissions must be received not later than November 15, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1976-crop Ohio filler tobacco, types 42-44, Connecticut Valley broadleaf tobacco, type 51, Connecticut Valley Havana seed tobacco, type 52, New York and Pennsylvania Havana seed tobacco, type 53, and Southern Wisconsin tobacco, type 54, Northern Wisconsin tobacco, type 55, and Puerto Rican tobacco, type 46, as set forth herein. These proposed rates, calculated to provide the level of support of 75.6 cents per pound for types 51-52, 56.7 cents per pound for type 46 and 54.6 cents per pound for types 42-44, 53-55, are determined under Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445).

In consideration of the foregoing, it is proposed to amend 7 CFR Part 1464, as follows:

By revising §§ 1464.22-1464.27 to read as follows:

§ 1464.22 1976 Crop—Ohio Filler Tobacco, Types 42-44, Loan Schedule.[1]

Grade:	*Loan rate**
Crop run (stripped together):	
X1	58.5
X2	53.6
X3	48.5
X4	43.5
Nondescript:	
N	36

*Dollars per hundred pounds, farm sales weight.

§ 1464.23 1976 Crop—Connecticut Valley Broadleaf Tobacco, Type 51 Loan Schedule.[1]

Grade:	*Loan rate**
Binders:	
B1	99
B2	90
B3	79
B4	69
B5	61
Nonbinders:	
X1	48

*Dollars per hundred pounds, farm sales weight.

§ 1464.24 1976 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Loan Schedule.[1]

Binders:	*Loan rate**
B1	95
B2	87
B3	76
B4	67
B5	61
Nonbinders:	
X1	48

*Dollars per hundred pounds, farm sales weight.

See footnotes on page 45576.

§ 1464.25 1976 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Loan Schedule.[1]

Grade:	Loan rate*
Crop run:	
X1	61
X2	55
X3	48
Farm fillers:	
Y1	42.5
Y2	40.5
Y3	38.5
Nondescript:	
N1	35
N2	30

*Dollars per hundred pounds, farm sales weight.

§ 1464.26 1976 Crop—Northern Wisconsin Tobacco, Type 55, Loan Schedule.[1]

Grade:	Loan rate*
Binders:	
B1	77
B2	71
B3	66
Strippers:	
C1	62
C2	56
C3	50
Crop run:	
X1	61
X2	55
X3	49.5
Farm fillers:	
Y1	41
Y2	39
Y3	36
Nondescript:	
N1	34.5
N2	29

*Dollars per hundred pounds, farm sales weight.

§ 1464.27 1976 Crop—Puerto Rican Tobacco, Type 46, Loan Schedule.[2]

Grade:	Loan rate*
Price block I (C1F and C1P)	62
Price block II (X1F, X1P, and X1S)	56
Price block III (X2T, X2F, X2P, and X2S)	47.5
Price block IV (N)	25.5

*Dollars per hundred pounds, farm sales weight.

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[2] Tobacco is eligible for loan only if consigned by the original produced. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

Signed at Washington, D.C. on October 8, 1976.

KENNETH E. FRICK,
Executive Vice-President,
Commodity Credit Corporation.

[FR Doc.76-30194 Filed 10-14-76;8:45 am]

[7 CFR Part 1871]

[FmHA Instruction 455.1]

CHATTEL SECURITY

Liquidation of Chattel Property and Related Actions

The purpose of this notice is to withdraw the proposal published in the FEDERAL REGISTER (40 FR 5539) on February 6, 1975 amending § 1871.40(c)(3). The proposed amendment provided that the interest rate on Operating and Emergency loans to be paid by an ineligible transferee would be the current interest rate in effect at the time the transfer is approved or the rate in the note(s) being assumed, whichever was greater. In consideration of a new proposal pertaining to eligibility requirements being published as of this date, the proposed rule amending the § 1871.40 (c)(3) is hereby withdrawn.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 of Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

Effective date. This withdrawal shall become effective October 15, 1976.

Dated: October 1, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-30235 Filed 10-14-76;8:45 am]

[7 CFR Part 1871]

[FmHA Instruction 462.1]

CHATTEL SECURITY

Securing Emergency Loans, Clarification

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of § 1871.11 of Subpart A of Part 1871, Title 7, Code of Federal Regulations (36 FR 1110; 37 FR 17543; 41 FR 24700) is amended by adding paragraph (b)(10) and amending paragraph (c). The addition of paragraph (b)(10) clarifies the reasons for subordinating chattel liens security Emergency loans; the amendment of paragraph (c) establishes that the amount of a new subordination plus the principal balance of any existing subordinations or waivers will not exceed the loan approval authority of the loan official.

Interested persons are invited to submit written comments, suggestions, data or arguments regarding the proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before November 29, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours. (8:15 a.m.-4:45 p.m.)

As amended, § 1871.11(b)(10) and (c) read as follows:

§ 1871.11 Use of other credit and subordination of chattel security.

• • • • • • •

(b) *Purposes and limitations.* • • •

(10) FmHA may subordinate chattel liens securing EM loans to another creditor or permit that creditor to loan for any authorized EM loan purpose including capital purchases, providing it is determined:

(i) The borrower needs the loan to continue his farming operation and it will be to his benefit to receive such a loan.

(ii) The loan will enhance the borrower's possibility of accomplishing the objectives of loans owed FmHA.

(iii) FmHA's financial interest will not be adversely affected.

(c) *Approval authorization.* Loan approval officials are authorized to approve subordinations and waivers of FmHA lien priority provided the amount of the proposed subordination or waiver, plus the principal balance of existing subordinations or waivers does not exceed their loan approval authority stated in Subpart B of Part 1810 of this chapter for the type of loan being subordinated. When the lien priority for more than one type of loan is subordinated or waived, the total amount of the approval officials authority will be limited to the amount of the loan approval authority for the type of loan with the lowest approval authority for that official, as stated in Subpart B of Part 1810 of this chapter. However, the State Director may approve subordinations or waivers regardless of the amount, except as provided in paragraph (b)(9) of this section. State Directors may redelegate their authority for approving subordinations to qualified State Office personnel, including District Directors.

• • • • • • •

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C 2942; 5 USC 301; Sec. 10 PL 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.

Dated: October 1, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-30236 Filed 10-14-76;8:45 am]

[7 CFR Part 1871]

[FmHA Instruction 455.1]

CHATTEL SECURITY

Liquidation of Property and Related Actions

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of § 1871.40 of Subpart B of Part 1871, Title 7, Code of Federal Regulations (36 FR 1118) by amending paragraph (b)(3) and (c)(3). Paragraph (b)(3) is amended to clarify the eligibility requirements for transfer of an Emergency loan to an eligible applicant; paragraph (c)(3) is amended to provide the interest rates to be paid by an ineligible transferee for Operating, Economic Opportunity, and Emergency loans. A proposed amendment of § 1871.40(c)(3) published at 40 FR 5539 which sets forth this interest rate on Operating or Emergency loans at the rates in effect at the time the transfer is approved or the rate in the note being assumed, whichever is greater, is being withdrawn as of this date.

Interested persons are invited to submit written comments, suggestions, or arguments regarding the proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20050, on or before November 15, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, § 1871.40 (b)(3) and (c)(3) read as follows:

§ 1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability.

• • • • • • •

(b) *Transfer to eligible.* • • •

(3) Transfer of Emergency (EM) actual loss loans, or EM loans made before September 12, 1975, can only be made as provided under paragraph (c) of this section for transfers to ineligibles. Except that a transfer to a remaining borrower(s) or partner(s) may be made as to an eligible transferee when one or more of the joint borrowers or jointly obligated partners withdraw from the operation and the remaining borrower(s) or partner(s) desire to assume the total indebtedness and continue the operation.

(c) *Transfer to ineligibles.* • • •

(3) FmHA debts assumed will be scheduled for repayment in amortized installments not to exceed five years using Form FmHA 460-5. The transferred property (including EO property) will be made subject to any existing FmHA lien. In the absence of an existing FmHA lien a new lien instrument will be executed. Interest rates to the transferee will be as follows:

(i) Interest rates for Operating loans will be the current interest rate in effect at the time of approval of the transfer or the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater.

(ii) Interest rate for EO loans will be 6 percent.

(iii) Interest rate for EM loans will be the current prevailing market rate, as established by the Secretary, in effect at the time of the transfer or the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater.

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(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Dated: October 1, 1976.

FRANK B. ELLIOTT
Administrator,
Farmers Home Administration.

[FR Doc.76-30234 Filed 10-14-76;8:45 am]

Office of the Secretary

[7 CFR Part 2]

Forest Service

[36 CFR Parts 251, 261, 291 and 295]

PROHIBITED ACTS

Notice of Proposed Rulemaking

Notice is hereby given that the Department of Agriculture is considering amending regulations in 7 CFR Part 2 and 36 CFR Parts 251, 261, 291 and 295.

The provisions of 36 CFR 212.7, 212.20 (c) and (d) and 212.21 will also be revised in accordance with this proposal.

The purposes of these amendments are to bring all acts prohibited in the National Forest System into one CFR part; to establish a uniform system for adopting and posting rules; and to clarify the delegations of authority regarding certain acts which may be prohibited in the National Forest System. In addition, all regulations which presently prohibit acts on National Forest lands have been reviewed to determine whether such regulations are necessary.

It is proposed that all regulations prohibiting certain acts in the National Forest System be in 36 CFR Part 261. This part is divided as follows:

(1) Subpart A, General Provisions, contains general regulations that apply to all parts of the National Forest System.

(2) Subpart B, Prohibitions in Areas Designated by Order, contains national regulations which are effective only if applied by an order.

(3) Subpart C, Delegations of Authority, contains delegations to the Chief and Regional Foresters to promulgate regulations in specific situations.

(4) Subpart D, Rewards and Impoundments, contains regulations governing rewards in connection with fire or property prosecutions. It also contains regulations on impoundment of property on National Forest System lands.

The provisions of 7 CFR 2.60(b)(1) currently reserves to the Assistant Secretary for Conservation, Research, and Education the authority to issue regulations. Upon adoption of the proposed 36 CFR Part 261, 7 CFR 2.60(b)(1) would be amended to allow for the delegation of authority proposed in 36 CFR 261.70.

All persons wishing to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the U.S. Department of Agriculture, Forest Service, Fiscal and Accounting Management Staff, Washington, D.C. 20250, on or before November 29, 1976.

All written submissions made pursuant to this notice will be available for public inspection in room 4007—South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C., during regular business hours (7 C.F.R. 1.27(b)).

In consideration of the foregoing, the Department of Agriculture proposes to revoke §§ 251.25, 291.4, 291.5, 291.6, 295.6, 296.7 and 295.8 of title 36 of the Code of Federal Regulations. It is also proposed that 7 CFR 2.60(b)(1) be amended to read as follows:

§ 2.60 Chief, Forest Service.

• • • • • • •

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Conservation, Research, and Education.

1) The authority to issue regulations, except as provided in 36 CFR 261.70.

• • • • • • •

(60 Stat. 379, 5 U.S.C. 301.)

In addition, 36 CFR 261 is revised as follows:

PART 261—PROHIBITED ACTS

Subpart A—General Prohibitions

Sec.
261.1 Definitions.
261.2 Posting.
261.3 Interference within the National Forest System.
261.4 Disorderly conduct.
261.5 Fire.
261.6 Timber and other forest products.
261.7 Livestock.
261.8 Hunting, trapping, and fishing.
261.9 Restrictions on hunting, trapping, or fishing within the boundaries of national refuge.
261.10 Property.
261.11 Occupancy.
261.12 Sanitation.
261.13 Roads and trails.
261.14 Vehicles.
261.15 Developed recreation sites.
261.16 Admission and recreation-use fees.
261.17 National Forest wilderness.

Subpart B—Prohibitions in Areas Designated by Order

261.50 Orders.
261.51 Fire.
261.52 Disease.
261.53 Protection of property.
261.54 Health, safety and protection of special areas.
261.55 Forest development roads.
261.56 National forest development trails and national scenic trails.
261.57 Use of vehicles off roads.
261.58 National Forest wilderness.
261.59 Occupancy and use.
261.60 Violation of an order or permit.

Subpart C—Delegation of Authority

261.70 Authority to issue local regulations.

Subpart D—Rewards and Impoundments

261.90 Rewards in connection with fire or property prosecutions.
261.91 Impounding and disposal of unauthorized livestock.
261.92 Impounding of dogs.
261.93 Impounding of personal property.
261.94 Removal of obstructions.

AUTHORITY: The provisions of this part 261 are issued under 30 Stat. 35, as amended, Sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472; 50 Stat. 526, 80 Stat. 379; U.S.C. 1011(f), 5 U.S.C. 301), unless otherwise noted.

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Subpart A—General Prohibitions

§ 261.1 Definitions.

The following definitions apply to this subpart and to subparts B and C.

(a) "Areas of concentrated public use" means those areas identified by a posted map delineating their boundaries.

(b) "Campfire" means a fire, outside of any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. "Campfire" includes a fire in the open, a fireplace, an enclosed stove, a portable brazier, or a space-heating device. "Campfire" also includes a fire in a stove using pressurized liquid or gaseous fuel.

(c) "Camping" means the temporary use of land for the purpose of occupancy without a permanently-fixed structure.

(d) "Camping equipment" means the personal property used in or suitable for camping, and includes any vehicle used for transport and all personal property in possession of a person camping.

(e) "Developed recreation site" means an area which has been improved for visitor use by the addition of improvements to facilitate human occupancy for picnicking, camping or other outdoor recreation use.

(f) "Forest development road" means a road wholly or partly within or adjacent to and serving a National Forest and other lands administered by the Forest Service and which has been included in the forest development transportation plan.

(g) "Forest development trail" means a trail wholly or partly within or adjacent to and serving a National Forest and other lands administered by the Forest Service and which has been included in the forest development transportation plan.

(h) "Forest officer" means an agent or employee of the Forest Service.

(i) "National Forest System" shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and lands utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012), and other lands, waters, or interests therein which are administered by the Forest Service or designated for administration through the Forest Service as a part of the system.

(j) "National Forest wilderness" means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of National Forest lands as have been or may later be, added to the wilderness system by act of Congress.

(k) "Permission" means oral authorization of a Forest officer.

(l) "Permit" means authorization in writing by a Forest officer.

(m) "Road" means any continuous set of wheel tracks which has been established by and can be used by motor vehicles with an overall width exceeding 40 inches including bridges currently open and used for general travel.

(n) "Trail" means a designated path or way of travel other than a road, which is commonly used by, and maintained for, hikers, horsemen, snow travelers, bicyclists or other vehicles with a total width of 40 inches or less.

(o) "Unauthorized livestock" means cattle, sheep, goats, hogs, and equines not defined as wild free-roaming horses and burros, which are not authorized by permit to be upon the land on which the livestock is located and which are not related to use authorized by a grazing permit.

§ 261.2 Posting.

Posting is accomplished by:

(a) Placing a copy of the prohibitions imposed by an order in the offices of the District Ranger and Forest Supervisor who have jurisdiction over the lands affected by the order.

(b) Attaching the prohibitions imposed by an order to posts, structures, buildings, or other objects in such a manner as to reasonably bring the prohibitions to the attention of the public. Signs displaying the prohibitions may be placed:

(1) At or near the boundary of the area affected;

(2) At or near the principle routes of entry to the area affected;

(3) On or near the road or trail affected;

(4) As part of a permit issued to a person for the occupancy and use of the National Forest System.

§ 261.3 Interference within the National Forest System.

Interfering in the National Forest System by threat, intimidation, physical or verbal assault or otherwise, with any Forest officer, or with any person engaged in lawful activity pursuant to a Forest Service contract, lease, permit or easement is prohibited.

§ 261.4 Disorderly conduct.

Disorderly conduct is prohibited in the National Forest System. A person is guilty of disorderly conduct if, to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he shall:

(a) Engage in fighting or in threatening, violent tumultuous behavior; or

(b) Make unreasonable noise or offensively cause utterance, gesture or display, or address abusive language to person present; or

(c) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

§ 261.5 Fire.

The following are prohibited in the National Forest System:

(a) Setting or causing to be set on fire any timber, brush, grass, leaves, rotten wood, or large or hollow logs or stumps, except as authorized by permit.

(b) Maintaining or using a fire in or near timber, brush, grass, leaves, rotten wood , large hollow logs, or stumps or any other place from which it spreads, or is likely to spread, or is difficult to completely extinguish.

(c) Setting, causing to be set, maintaining, or using any fire during windy weather not confined to holes, devices or cleared spaces from which all growing vegetable material had been removed.

(d) Leaving any fire set, caused to be set, maintained or used which is not completely extinguished.

(e) Using an internal or external combustion engine not equipped with either a spark arrester or an exhaust system approved by a Forest Officer.

(f) Throwing, shooting, or placing any tracer bullet, flare incendiary ammunition, other burning, glowing or ignited substance, or any other substance into any place where it might start a fire.

(g) Allowing any fire to escape from control.

(h) Setting, causing to be set, maintaining, using or leaving a fire in violation of State law.

§ 261.6 Timber and other forest products.

The following are prohibited in the National Forest System:

(a) Cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or removing, any timber or other forest product, except as authorized by permit, timber sale contract, or regulation of the Secretary of Agriculture.

(b) Damaging or cutting any living tree, under permit or timber sale contract, before it is marked or otherwise designated for cutting by a forest officer.

(c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before scaled, measured, counted or otherwise accounted for by a forest officer.

(d) Stamping, marking with paint, or otherwise identifying any timber or other forest product in a manner similar to that employed by forest officers to mark or designate timber or other forest product for cutting or removal.

(e) Planting, releasing, or spreading seed of any tree or plant without a permit.

(f) Removing, destroying or damaging any plant that is classified as threatened, endangered or is otherwise protected by State or Federal law unless authorized by permit.

§ 261.7 Livestock.

The following are prohibited in the National Forest System:

(a) Placing or allowing unauthorized livestock to enter or be in the National Forest System.

(b) Not removing unauthorized livestock from the National Forest System when requested by a Forest officer.

(c) Abandoning any animal.

(d) Failing to reclose an entry to an area of the National Forest System.

§ 261.8 Hunting, trapping, and fishing.

The following are prohibited in the National Forest System:

(a) Hunting, trapping, fishing, catching, molesting, killing or possessing any kind of wild animal, bird, amphibian, crustacean, mollusk, reptile or fish or taking the eggs of any of the above in violation of federal or State law.

(b) Carrying or possessing in violation of Federal or State law, a firearm, or any other implement designed to discharge missiles capable of destroying animal life in violation of State law.

(c) Possessing equipment which could be used for hunting, fishing or trapping in violation of Federal or State law.

(d) Permitting a dog or other domesticated animal to run at large in violation of the laws of the State in which such land is situated.

(e) Removing or attempting to remove, converting to use, causing the death or harassing or interfering with, selling or commercially processing any part or carcass of, any wild, free-roaming horse or burro.

§ 261.9 Restrictions on hunting, trapping or fishing within the boundaries of national refuge.

The following are prohibited within the boundaries of a national game refuge or preserve or wildlife preserve, which is part of the National Forest System, unless authorized by permit:

(a) Hunting, trapping, fishing, catching, molesting, taking the eggs of, or having in possession, any kind or parts of a game or wild nongame animal, amphibian, crustacean, mollusk, reptile, bird, or fish.

(b) Carrying or possessing a firearm or any other implement designed to discharge missiles in the air or under water and which is capable of destroying animal life.

(c) Possessing a dog not on a leash or otherwise confined.

§ 261.10 Property.

The following are prohibited in the National Forest System:

(a) Mutilating, defacing, removing, disturbing, injuring or destroying any property of the United States, or, if not authorized by a permit, any natural feature or plant.

(b) Being in any building or structure owned or controlled by the United States without a permit, except in an emergency to prevent suffering, or leaving any building or structure without placing it in the same condition as when entered.

(c) Using any herbicide, pesticide or fungicide except as authorized by permit, or for personal use for medical purposes or as insect repellants or other minor uses as are determined to be exempt by a Forest officer.

(d) Digging in, excavating, distributing, injuring, or destroying any archeological, paleontological, or historic site, or removing, disturbing, injuring, or destroying an object in such a site except as authorized by a permit.

§ 261.11 Occupancy.

The following are prohibited in the National Forest System:

(a) Taking possession of, occupying, or otherwise using such lands for residential purposes without a permit.

(b) Constructing, placing, maintaining, or using any kind of structure, fence, enclosure, or improvements without a permit.

(c) Selling or offering for sale any merchandise, conducting any kind of business enterprise, or performing any kind of work unless authorized by federal law, regulation or permit.

(d) Discharging a firearm or other implement capable of destroying life, or causing injury of property damage in or within 150 yards of a residence, building, camp, recreation site or occupied area, or across or on a road or body of water adjacent to or within such area whereby any person is exposed to injury as a result of such discharge.

(e) Operating a motorboat in excess of 5 miles per hour within 150 feet of a bather, boat landing, or boat not being operated under motorized power.

(f) Abandoning a vehicle or other personal property.

(g) Placing a vehicle or other object upon such lands in such a manner that it is an impediment or hazard to the safety, convenience or comfort of other users in the area.

(h) Distributing any handbill, circular or similar notice, or posting, placing, or erecting any bill, notice, paper, advertising material, sign, or similar matter of any kind without a permit.

(i) Operating or using any audio device, including a radio, television, or musical instrument, or any other device which produces noise, such as an electrical generator plant, motor driven equipment or engines in such a manner and at such times so as to disturb other persons.

(j) Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a camp, developed recreation site, area of concentrated use, recreation area, or over an adjacent body of water without a permit.

(k) Installing, maintaining, or using special radio, telephone or television aerial or tower equipment in or near a camp, developed recreation site, recreation area, or over an adjacent body of water without a permit.

(l) Inciting or participating in riots, or engaging in boisterous, abusive, threatening, or indecent conduct which is prohibited by State law.

(m) Conducting, demonstrating, or participating in a public meeting, assembly, or special event, except as authorized by permit.

(n) Violating any requirement for manufacture, transportation, use, storage, or disposal of a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136–136Y).

§ 261.12 Sanitation.

The following are prohibited in the National Forest System:

(a) Depositing, except in places or receptacles provided for that purpose, any body waste, refuse, debris, or litter.

(b) Depositing in any toilet or plumbing fixture any bottle, can, cloth, rag, metal, wood, stone, or other substance which could damage the fixture.

(c) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.

(d) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.

(e) Failing to dispose of all garbage, including paper, cans, bottles, waste materials, or rubbish either by removal from the site or area, or disposal at places provided for such disposition.

(f) Polluting or contaminating water supplies or water used for human consumption.

(g) Dumping or leaving in a refuse container, dump, or similar facility, refuse, debris, or litter brought as such from private property or from land occupied under permit.

§ 261.13 Roads and trails.

The following are prohibited on forest development roads and trails under Forest Service jurisdiction:

(a) Damaging and leaving in a damaged condition any road or trail or segment thereof or failing to report such damage to a Forest officer.

(b) Blocking, restricting, or otherwise interfering with the use of a road or trail.

§ 261.14 Vehicles.

The following are prohibited in the National Forest System:

(a) Operating any vehicle, including an "off-road" vehicle:

(1) Without a valid operator's license or learner's permit as required by the law of the State in which the vehicle is being operated;

(2) Without adult supervision as required by State law;

(3) With an internal or external combustion engine not equipped with a properly installed spark arrestor, or exhaust system. A spark arrestor shall meet either Forest Service standard 5100–1a, or the 80 percent efficiency level determined in accord with appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350, and shall be determined to be qualified thereunder by a Forest officer;

(4) Without an operable braking system, or a properly installed and working exhaust system;

(5) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights;

(6) In violation of any applicable noise emission standard established by any Federal or State agency. If standards overlap, the most stringent will govern.

(b) Driving any vehicle, including an "off-road" vehicle:

(1) In excess of posted or established limits on speed, load, weight, or width;

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(2) While under the influence of alcohol or other drug;
(3) In violation of State law;
(4) In a manner that creates excessive or unusual noise or smoke;
(5) Carelessly and without regard for the safety of others;
(6) In a manner that endangers, or is likely to endanger, any person or property.

§ 261.15 Developed recreation sites.

The following are prohibited in the National Forest System within developed recreation sites and posted areas of concentrated public recreation use:
(a) Occupying any portion of a site for other than recreation purposes.
(b) Erecting or using unsightly or inappropriate structures.
(c) Building, attending, maintaining, or using a fire outside of fire rings provided for such purpose or outside stoves, grills or fireplaces.
(d) Cleaning or washing personal property, fish, animals, or food at a hydrant or at a water faucet located in a restroom.
(e) Discharging a firearm, or any other implement designed to discharge missiles capable of destroying life or inflicting injury or damaging property.
(f) Discharging firecrackers, rockets or other fireworks.
(g) Occupying between 10 p.m. and 6 a.m. places designated for day use only.
(h) Failing to remove camping equipment, personal belongings, or litter when departing the area of site.
(i) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.
(j) Failing to have at least one person occupy a camping area during the first night after camping equipment has been set up without obtaining permission from a Forest officer.
(k) Leaving camping equipment unattended for more than 24 hours without permission from a Forest officer.
(l) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than 6 feet, or otherwise under physical restrictive control.
(m) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.
(n) Bringing in or possessing a saddle, pack, or draft animals, except as authorized by an official sign.
(o) Driving or parking a motor vehicle or trailer except in places developed for this purpose.
(p) Driving a bicycle, motorbike, or motorcycle on a trail within a developed recreation site unless designated for this use.
(q) Driving a motorbike, motorcycle, or other motor vehicle on a road in a developed recreation site for any purpose other than access into, or egress out of, the site.

§ 261.16 Admission and recreation-use fees.

The following are prohibited in the National Forest System:
(a) Failing to pay fees where required for the use of sites, facilities, equipment, or services furnished at Federal expense.
(b) Failing to pay a prescribed fee applicable to any site or area under 16 U.S.C. 406L–4 to 460L–10.

§ 261.17 National Forest wilderness.

The following are prohibited in National Forest wilderness:
(a) Using motorized equipment except small battery-powered, hand-held devices, such as cameras, shavers, flashlights and Geiger counters.
(b) Possessing or using a hang glider, motorboat, motor vehicle, bicycle or other form of mechanical transport.
(c) Possessing or using a power saw.
(d) Landing of aircraft, or the dropping or picking up of materials from aircraft.
(e) Transporting over land any watercraft by mechanical means, including the use of wheels, rollers, or other devices, except as authorized by a permit.
(f) Possessing any motor or other mechanical device capable of propelling a water craft through water.
(g) Leaving unattended any watercraft, motor, mechanical device, or equipment not used in connection with a current visit to the area.

Subpart B—Prohibitions in Areas Designated by Order

§ 261.50 Orders.

(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of specified areas within the area over which he has jurisdiction. An order may prohibit all or any of the uses of the designated area. Any or all of the prohibitions authorized in this subpart may be applied to an area by order.
(b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close, restrict the use of, or otherwise establish the conditions for use of, forest development roads or trails under the jurisdiction of the Forest Service.
(c) Each order shall:
(1) For orders issued under § 261.50 (a), describe the area which is restricted or closed.
(2) For orders issued under § 261.50 (b), describe the road or trail to which the order applies.
(3) Specify the times during which the prohibitions apply.
(4) State the prohibitions which is applied or established.
(5) Be posted in accordance with § 261.2.
(d) The prohibitions which are applied by an order are supplemental to the general prohibitions in subpart A.
(e) An order may exempt the following persons from any of the prohibitions contained in the order:
(1) Persons with a permit authorizing the otherwise prohibited acts;
(2) Owners or lessees of land in the area;
(3) Residents in the area;
(4) Persons traveling on a public road or public highway;
(5) Any Federal, State, or local officer, or member of an organized fire fighting force in the performance or an official duty; and
(6) Persons engaged in a business, trade, or occupation in the area.
(f) The Chief, each Regional Forester, each Experiment Station Director, Administrator of the Lake Tahoe Basin Management Unit, each Forester Supervisor and each District Ranger or equivalent officer may issue permits to persons authorizing the occupancy or use of a road, trail, area or other part of the National Forest, for the promotion of ficer may include in any permit such conditions as he considers necessary for the protection and administration of the National Forest, for the promotion of public health, safety, or welfare.
(g) In an area which is not closed to vehicular use, the Chief, each Regional Forester, the Administrator of the Lake Tahoe Basin Management Unit, and each Forest Supervisor may establish by order limits on the type, speed, load, weight, length, height, or width, of vehicles which may use such areas.
(h) Any person wishing to use a National Forest or portion thereof, should contact the Forest Supervisor or District Ranger to ascertain the special restrictions which may be applicable to that National Forest or portion thereof.

§ 261.51 Fire.

When provided by an order, the following are prohibited:
(a) Setting, building, maintaining, attending or using a fire.
(b) Failing to extinguish a fire when set, built, maintained, or used.
(c) Using an explosive.
(d) Smoking.
(e) Smoking outside buildings or vehicles.
(f) Going into or being upon an area of fire danger without a permit.
(g) Possessing, discharging or using any kind of fireworks or other pyrotechnic devices.
(h) Using a portable stove fueled by gas or liquid except at a developed recreation site.
(i) Going or being upon an area of fire danger without firefighting tools, such as axes, shovels, and similar implements when entry is by motor vehicle, pack outfit, or other forms of transportation which provides a means for carrying such tools or implements.

§ 261.52 Disease.

When provided by an order, the following are prohibited:
(a) Possessing an animal.
(b) Possessing a bird.
(c) Transporting an animal.
(d) Transporting a bird.
(e) Possessing any part of a severed tree or plant.
(f) Transporting any part of a tree or plant.

§ 261.53 Protection of property.

When provided by an order, the following are prohibited:
(a) Going into or being upon an area designated by an order to protect public or privately owned property from malicious injury or destruction.
(b) Entering, occupying, or using any building or structure owned or controlled by the United States which is closed to the public by an order, except in an emergency to prevent suffering.

§ 261.54 Health, safety, and protection of special areas.

It is prohibited to go upon or be in a part of the National Forest System closed by an order for the protection of:
(a) Endangered, threatened, rare or vanishing species of plants or animals.
(b) Special biological communities.
(c) Objects or areas of historical or archaeological interest.
(d) Scientific experiments or investigations.
(e) The public health or safety of users of the National Forests System.

§ 261.55 Forest development roads.

The following are prohibited on roads designated in an order:
(a) Using a prohibited vehicle on a road which has been restricted by an order to certain classes of vehicles, such a passenger cars, buses, trucks, motorcycles, snowmobiles, and trailers or restricted to certain types of traffic such as commercial hauling, recreational and administrative traffic.
(b) Using a road for commercial hauling without a permit.
(c) Using a road without a permit.
(d) Operating a vehicle in violation of the speed, load, weight, height, length, width or other limitations established for such road.

§ 261.56 National forest development trails and national scenic trails.

It is prohibited to travel by foot, or use a motorized vehicle, bicycle or animal on national forest development trails or national scenic trails.

§ 261.57 Use of vehicles off roads.

It is prohibited to possess or use a vehicle off roads in areas and trails of the National Forest System designated closed by an order.

§ 261.58 National Forest Wilderness.

When designated by an order, the following are prohibited in National Forest wilderness:
(a) Entering or being in a National Forest wilderness without a permit.
(b) Possessing any camping or pack-outfitting equipment.
(c) Possessing firearms or fireworks.
(d) Possessing bottles, cans or similar containers.
(e) Camping, using a campfire, grazing, or storing equipment or supplies.
(f) Disposing of debris, garbage, or other waste.

§ 261.59 Occupancy and use.

When designated by an order, the following are prohibited:
(a) Camping for a period longer than permitted by the order.
(b) Entering or using a developed recreation site.
(c) Entering or remaining in a campground during established night periods except for persons who are occupying such campgrounds.
(d) Occupying a developed recreation site with prohibited camping equipment.
(e) Camping without a permit.
(f) Using a campsite by more than eight persons unless authorized by permit.
(g) Parking or leaving a vehicle in violation of a posted sign.
(h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.
(i) Possessing, parking or leaving more than two vehicles, excluding two-wheel vehicles other than trailers, per camp unit.
(j) Being publicly nude.
(k) Entering or being in a body of water.
(l) Being in the area after sundown or before sunrise.
(m) Firing a firearm, air rifle, or gas gun.
(n) Possessing or operating a motorboat.
(o) Water skiing.
(p) Storing or leaving a boat or raft.
(q) Operating any watercraft in excess of a posted speed limit.
(r) Launching a boat except at a designated launching ramp.
(s) Being in area.

§ 261.60 Violation of an order or permit.

It is prohibited to enter, be in, or use, an area designated by an order in violation of the terms or conditions of a permit issued under 261.50(f).

Subpart C—Delegation of Authority

§ 261.70 Authority to issue local regulations.

(a) The Chief and each Regional Forester may issue regulations prohibiting acts within all or any part of the area over which he has jurisdiction, for one or more of the following purposes:
(1) Fire prevention or control.
(2) Disease prevention or control.
(3) Protection of property, roads or trails.
(4) Protection of threatened, endangered, rare, or unique species of plants or animals, or special biological communities.
(5) Protection of objects or places of historical, archeological, geological or paleontological interest.
(6) Protection of scientific experiments or investigations.
(7) Public safety.
(8) Protection of health.
(9) Establishing reasonable rules of public conduct.
(b) No regulation may be issued under this subpart if the act is prohibited by existing regulations or may be prohibited by order.
(c) In issuing any regulations under paragraph (a) of this section, the issuing officer shall comply with the Administrative Procedure Act, 5 U.S.C. 553, by:
(1) Publishing the proposed rule in the FEDERAL REGISTER.
(2) Providing a period of not less than 30 days for public comment.
(3) Publishing the final rule in the FEDERAL REGISTER.
(d) In an emergency situation, the issuing officer shall:
(1) State that the proposed regulation is effective immediately upon publication in the FEDERAL REGISTER as a proposed regulation.
(2) Follow the procedures in paragraph (c) of this section for publication as a final rule.
(3) In the case of a regulation issued by a Regional Forester, obtain the approval of the Chief, Forest Service.
(e) No regulation issued in any emergency situation may be effective for more than 90 days unless adopted as a final rule as provided in paragraph (c) of this section.

Subpart D—Rewards and Impoundments

§ 261.90 Rewards in connection with fire or property prosecutions.

(a) Hereafter, provided Congress shall make the necessary appropriation or authorize the payment thereof, the Department of Agriculture will pay the following rewards:
(1) Not exceeding $500 and not less than $100 for information leading to the arrest and conviction of any person on the charge of willfully and maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within or near a National Forest;
(2) Not exceeding $300 and not less than $25 for information leading to the arrest and conviction of any person on the charge of building a fire on lands within or near the National Forest System in or near any forest timber or other inflammable material, and leaving said fire before the same has been totally extinguished;
(3) Not exceeding $100 and not less than $25 for information leading to the arrest and conviction of any person charged with destroying or stealing any property of the United States within the custody of the Chief of the Forest Service, United States Department of Agriculture.
(b) A reward may be paid to the person or persons giving the information leading to such arrest and conviction upon presentation to the Department of Agriculture of satisfactory evidence thereof, subject to the necessary appropriation as aforesaid, or otherwise as may be provided.
(c) Officers and employees of the Department of Agriculture are barred from receiving such rewards.

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(d) The Department of Agriculture reserves the right to refuse payments of any claim for reward when, in its opinion, there has been collusion or that improper methods used to secure arrest and conviction. The Department also reserves the right to allow only one reward where several persons have been convicted or several offenses, unless the circumstances entitle the person to a reward on each conviction.

(e) Applications for reward should be forwarded to the Regional Forester, Research Director, or Area Director who has responsibility for the land or property involved in the trespass. However, no application will be considered unless presented to a responsible Forest Service officer within 3 months from the date of conviction of an offender. In order that all claimants for rewards may have an opportunity to present their claims within the prescribed limit, the Department will not take action with respect to rewards for 3 months from the date of the conviction of an offender. (58 Stat. 736; 16 U.S.C. 559a)

§ 261.91 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock or livestock in excess of those authorized by a grazing permit on the National Forest System, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a forest officer as provided herein.

(a) When a Forest officer determines that such livestock use is occurring, has definite knowledge of the kind of livestock, and knows the name and address of the owners, such livestock may be impounded any time 5 days after written notice of intent to impound such livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When a Forest officer determines that such livestock use is occurring, but does not have complete knowledge of the kind of livestock, or if the name of the owner is unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area in which it will be effective.

(c) Unauthorized livestock or livestock in excess of those authorized by a grazing permit on National Forest System which are owned by persons given notice under paragraph (a) of this section, and any such livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the 12-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of livestock, a notice of sale of impounded livestock will be published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of the sale. The date shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering impounding, and feeding or pasturing the livestock. However, when the impoundment costs exceed fair market value a minimum acceptable redemption price at fair market value may be established for each head of livestock.

(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing this bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the forest officer making the sale shall furnish the purchaser a bill or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock of unknown ownership are released to the agency for disposition in accordance with State law.

§ 261.92 Impounding of dogs.

Any dog found running at large in a part of the National Forest System, which has been closed to dogs running at large, may be captured and impounded by Forest officers. Forest officers will notify the owner of the dog, if known, of such impounding, and the owner will be given 5 days to redeem the dog. A dog may be redeemed by the owner submitting adequate evidence of ownership and paying all expenses incurred by the Forest Service in capturing and impounding it. If the owner fails to redeem the dog within 5 days after notice, or if the owner cannot be ascertained within 10 days from the date of impounding, the dog may be destroyed or otherwise disposed of at the discretion of the Forest officer having possession of it.

§ 261.93 Impounding of personal property.

(a) Automobiles or other vehicles, trailers, boats, camping equipment and other inanimate personal property on National Forest or other land or waters under Forest Service control without the authorization of a Forest officer which are not removed therefrom within the prescribed period after a warning notice as provided in this regulation may be impounded by a Forest officer. Whenever, such Forest officer knows the name and address of the owner, such impoundment may be effected at any time 5 days after the date that written notice of the trespass is mailed by registered mail or delivered to such owner.

(b) In the event, the local Forest officer does not know the name and address of the owner, impoundment may be effected at any time fifteen days after the date a notice of intention to impound the property in trespass is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. A copy of this notice shall also be posted in at least one place on the property or in proximity thereto.

(c) Personal property impounded under this regulation may be disposed of at the expiration of 90-days after the date of impoundment. The owner may redeem the personal property within the 90-day period by submitting proof of ownership and paying all expenses incurred by the United States in advertising, gathering, moving, impounding, storing, and otherwise caring for the property, and also for the value of the use of the site occupied during the period of the trespass.

(d) If the personal property is not redeemed on or before the date fixed for its disposition, it shall be sold by the Forest Service at public sale to the highest bidder. If no bid is received, the property, or portions thereof, may, in the discretion of the responsible Forest officer, be sold at private sale or be condemned and destroyed or otherwise disposed of. When personal property is sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale.

§ 261.94 Removal of obstructions.

A Forest officer may remove or cause to be removed, to a more suitable place, a vehicle or other object which is an impediment of hazard to the safety convenience, or comfort, or other users of the area.

ROBERT W. LONG,
Assistant Secretary.

OCTOBER 12, 1976.

[FR Doc.76-30289 Filed 10-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

[Docket No. 75P-0038]

CANNED CHERRIES

Withdrawal of Petition and Termination of Proposed Rule Making Procedure

The National Red Cherry Institute has requested that the petition to provide for safe and suitable color additives as optional ingredients in canned cherries be withdrawn without prejudice to a future filing.

The Food and Drug Administration issued a proposal in the FEDERAL REGISTER of June 23, 1975 (40 FR 26276), based on this petition filed by the National Red Cherry Institute, 415 West Grand River Ave., East Lansing, MI 48823, to amend the standard of identity for canned cherries under § 27.30 (21 CFR 27.30) by adding in § 27.30(a) color additives to the list of safe and suitable optional ingredients.

In accordance with § 10.2(d) (21 CFR 10.2(d)), the petitioner has withdrawn its petition without prejudice to a future filing. Therefore, the Commissioner of Food and Drugs announces that the petition to provide for use of safe and suitable color additives in canned cherries is withdrawn and the rule making procedure on this matter is terminated.

This action is taken under the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919, 72 Stat. 748 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-30244 Filed 10-14-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 411]

[FRL 631-2]

CEMENT MANUFACTURING POINT SOURCE CATEGORY

Amendment of New Source Performance Standards

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to revise standards of performance for new sources for the cement manufacturing point source category (40 CFR Part 411) by revising § 411.35 to the materials storage piles runoff subcategory (Subpart C), pursuant to section 306(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). On February 20, 1974 the EPA promulgated the effluent limitations guidelines for the cement manufacturing point source category by adding Part 411 to Title 40 of the Code of Federal Regulations (39 FR 6590). That regulation established effluent limitations and guidelines for existing sources based on the best practicable control technology currently available and the best available technology economically achievable. Also established were standards of performance for new sources and pretreatment standards for existing and for new sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the cement manufacturing category. Standards of performance for new cement manufacturing sources were proposed in the FEDERAL REGISTER of September 7, 1973 (38 FR 24462) and promulgated on February 20, 1974 (39 FR 6590). Section 306(b)(1)(B) of the Act authorizes the Administrator in the event of changes in technology and alternatives to revise promulgated standards of performance. In revising Federal standards of performance the Administrator is to consider the cost of achieving the effluent reduction and any non-water quality environmental impact and energy requirements. Section 411.35, proposed below, revises the standards of performance applicable to new sources for the materials storage piles runoff subcategory (Subpart C) of the cement manufacturing point source category.

On February 20, 1974 standards of performance for new sources were promulgated specifying no discharge of pollutants for the materials storage piles runoff subcategory (Subpart C). That standard was based on several alternate technologies. For new wet process plants excess precipitation can be used as makeup water in the mixing of the raw materials. Runoff can be diverted from storage piles by means of diversion berms and ditches, thus minimizing the amount of contaminated storage piles runoff. The storage piles can be situated so as to prevent the discharge of contaminated runoff into navigable waters. Storage piles can also be covered to prevent any contaminated runoff from them.

Since the regulation was promulgated, the industry has decided to construct only totally dry process plants. This has resulted from the concern over fuel cost and availability, since the evaporation of the mixing water in a wet process requires considerable energy. For the same reason it is desirable to store the raw materials in locations where they can naturally dewater to the maximum extent. The storage of raw materials in rainproof enclosures is a costly alternative which was assumed to be needed in only unusual situations. The present emphasis on building new plants which use the dry process will necessitate the extensive use of these enclosures.

Subsequently, Ideal Basic Industries and the Portland Cement Association representing several cement manufacturing companies petitioned the EPA to revise the new source standards for the materials storage piles runoff subcategory (Subpart C). After several meetings and discussions with the industry, sufficient documentation was presented to initiate review of the standards.

Based upon the data submitted and prior documentation, the Agency believes there is sufficient evidence to revise the standards of performance for new sources for the materials storage piles runoff subcategory of the cement manufacturing point source category. Treated contaminated materials storage piles runoff will be allowed to be discharged. The Agency has not found sufficient data to justify making the effluent limitations more stringent than the promulgated limitations representing the best practicable control technology currently available and the best available technology economically achievable. Those limitations require discharges of materials storage pile runoff not to exceed 50 milligrams per liter of total suspended solids and to be within the pH range of 6.0 to 9.0. An untreated discharge is allowed during a major rainfall event if the treatment facilities are designed to handle the 10-year 24 hour precipitation event. These limitations can be achieved by the construction of diversion berms and ditches to exclude excess runoff from storage piles areas in order to minimize the volume of contaminated runoff that must be treated in adequately sized and designed sediment ponds with pH control, if necessary.

The proposed regulations will significantly reduce the capital cost of complying with the standards of performance, and the operating costs and energy requirements attributed to environmental controls will be the same as for existing sources.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Cement Manufacturing Point Source Category" and an errata for this report detail the analysis undertaken in support of the regulation being proposed herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. Copies of the Development Document are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The errata for that report can be obtained by writing the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. Criticisms as to the adequacy of the data relied upon by the Agency should be accompanied by new or additional data which the commenter thinks should have been used by the EPA in the development of this regulation. In the event comments address the approach taken by the Agency in establishing a standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 306 of the Act.

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A copy of all public comments will be available for inspection and copying at EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of the Development Document and errata and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before December 14, 1976, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: October 12, 1976.

JOHN QUARLES,
Acting Administrator.

Subpart C—Materials Storage Piles Runoff Subcategory

Subpart C is proposed to be amended by revising § 411.35 to read as follows:

§ 411.35 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS	Not to exceed 50 mg/l.
pH	Within the range 6.0 to 9.0.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

[FR Doc.76-30318 Filed 10-14-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 21, 81]

[Docket No. 19943; RM-1894; FCC 76-894]

DOMESTIC PUBLIC LAND MOBILE RADIO AND MARITIME SERVICES

Fixed Relay and Control Operations in Hawaii

Adopted: September 28, 1976.

Released: October 7, 1976.

In the matter of amendment of Parts 2, 21, and 81 of the Commission's Rules to permit fixed relay and control operations in the state of Hawaii on certain frequencies in the 76–108 MHz band in the Domestic Public Land Mobile Radio and Maritime Services.

1. On February 21, 1974, the Commission adopted a Notice of Proposed Rule Making (NPRM), in response to a petition (RM–1894) from Radiocall, Inc. (Radiocall), to amend the Commission's Rules as stated in the above caption. The NPRM was published in the FEDERAL REGISTER on March 7, 1974 (39 FR 8932). Comments and/or reply comments were received from the Hawaiian Telephone Company, Radiocall, and Heftel Broadcasting Honolulu, Inc.

2. In the Notice the Commission proposed to make available five channels (totalling 100 kHz) in the 107–108 MHz band for fixed relay and control operations in Hawaii. Radiocall had requested access to all of the unused portions (those frequencies not assigned to the Hawaiian Telephone Company) in the 76–108 MHz band. After studying the request in detail the Commission determined that five channels could be made available and it appeared that this would satisfy the immediate needs of the petitioner. However, in its comments Radiocall indicated that the proposed allocation would not provide sufficient spectrum to adequately satisfy its total long term control and fixed relay circuit requirements and that at least 2.5 MHz of spectrum would be necessary. Since it did not appear that this requirement could be met within the 76–108 MHz band, Radiocall concurrently filed a separate petition (RM–2364) requesting that TV Broadcast Channel 17 be reallocated for this purpose in Hawaii.

3. On December 2, 1974, the Commission received from Radiocall late comments suggesting that Radiocall be allowed to use the five frequencies proposed in the NPRM for control of its one-way paging operations on the island of Oahu. While the staff was reviewing this new requirement to determine the availability of the five frequencies for controlling one-way paging operations, Radiocall, through its attorneys, filed a letter dated May 14, 1976 requesting withdrawal of its petition. Although Radiocall's letter did not indicate any specific reason for withdrawing their petition, the staff has informally been advised that Radiocall hopes to fulfill its wideband control requirements (both one-way paging and two-way voice) through a petition (RM–2261) filed by the National Association of Radiotelephone System (NARS). The NARS petition, if granted, would allow access to the 952–960 MHz band by the Domestic Public Land Mobile Radio Service for control and repeater operations. Since none of the parties commenting in the subject rule making (RM–1894) supported the NPRM, the staff can see no justification for adopting the rule amendments proposed in the NPRM.

4. Radiocall's new petition (RM–2364) is currently under study, and in disposing of that petition, all relevant comments filed in Docket 19943 will be taken into consideration.

5. Accordingly, *It Is Ordered*, That proceedings in Docket 19943 are hereby Terminated. *It Is Further Ordered*, That petition RM–1894 is hereby Denied.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-30275 Filed 10-14-76;8:45 am]

[47 CFR Parts 81 and 83]

[Docket No. 20937; FCC 76-900]

VESSEL TRAFFIC SERVICES SYSTEMS

Proposed Addition of San Francisco and Seattle Ports to Designated Radio Protection Areas

Adopted: September 28, 1976.

Released: October 7, 1976.

In the matter of amendment of Parts 81 and 83 of the rules to add the ports of San Francisco and Seattle to the designated radio protection areas for Vessel Traffic Services purposes.

1. Notice of proposed rulemaking in this matter is hereby given.

2. In recent rule making proceedings in Dockets 20444 and 20717, we have provided, pursuant to U.S. Coast Guard requests, VHF frequencies in the Maritime Mobile Service for use in Coast Guard designated Vessel Traffic Services (VTS) areas in the ports of New York, New Orleans and Houston. The Coast Guard has now similarly requested that effective January 1, 1977, the frequency 156.6 MHz (channel 12) be designated for exclusive use in the San Francisco radio protection area and effective July 1, 1977, the frequency 156.7 MHz (channel 14) be designated for exclusive use in the Seattle radio protection area, for VTS purposes.

3. The rule changes proposed in the attached Appendix comply with this latest request of the Coast Guard.

4. The proposed amendments to the Commission's rules, as set forth in the attached Appendix, are issued pursuant to the authority contained in Sections 4(i) and 303(c), (h) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 11, 1976, and reply comments on or before November 22, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rulemaking, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

In § 81.357 new paragraphs (b) (4) and (5) are added as follows:

§ 81.357 Frequencies available for use in Vessel Traffic Services Systems.

* * * * *

(b) * * *

(4) San Francisco, effective January 1, 1977: The rectangle between north latitudes 37°15′ and 39° and west longitudes 121° and 123°; frequency 156.6 MHz.

(5) Seattle, effective July 1, 1977: From 49° North 121° West on the U.S.-Canadian Border, south to 46°30′ North 121° West, then west to 46°30′ North 125° West, then north to 48°30′ North 125° West, then east to the U.S.-Canadian Border and thence along the U.S.-Canadian Boarder to 49° North 121° West; frequency 156.7 MHz.

* * * * *

In § 83.361 new paragraphs (b) (4) and (5) are added as follows:

§ 83.361 Frequencies available for use in Vessel Traffic Services Systems.

* * * * *

(b) * * *

(4) San Francisco, effective January 1, 1977: The rectangle between north latitudes 37°15′ and 39° and west longitudes 121° and 123°; frequency 156.6 MHz.

(5) Seattle, effective July 1, 1977: From 49° North 121° West on the U.S.-Canadian Border, south to 46°30′ North 121° West, then west to 46°30′ North 125° West, then north to 48°30′ North 125° West, then east to the U.S.-Canadian Border and thence along the U.S.-Canadian Border to 49° North 121° West; frequency 156.7 MHz.

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[FR Doc.76-30276 Filed 10-14-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

AVIATION FUEL ALLOCATION LEVELS

Proposed Rulemaking and Public Hearing

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend certain provisions of the Mandatory Petroleum Allocation Regulations relating to allocation levels of aviation fuels. FEA will receive written comments and hold a public hearing with respect to this proposal.

Evidence available to FEA suggests that significant adjustments are occurring within the aviation industry with respect to the nature of aviation operations and changes in the use of aviation facilities. Such changes are occurring as a result of increased use of aviation turbine fuel and a decrease in use of aviation gasoline largely due to the continuing conversion of various classes of aircraft fleets from piston-powered to jet-powered equipment. Similarly, airport facility operation and usage is changing. For example, many airport authorities have separated civil air carrier facilities from facilities serving general aviation and public aviation. In some instances, general aviation usage of commercial airports has been restricted, necessitating relocation or redirection of such usage to other airports.

In connection with this, continuing fuel supply problems are currently being experienced by an increasing number of fixed base operators and the wholesale purchaser-consumers and end-users which they supply. FEA believes that many of the supply problems associated with these changes may be due to the fact that allocation levels for fixed base operators and many of their purchasers are established with reference to such firms' base period uses and to the apparent difficulty of adjusting such allocation levels under the regulations. In addition, overall demand for aviation fuels has increased substantially since the 1972 base year.

These changes within the industry and the apparent inadequacy of the regulations to permit allocation obligations to shift to correspond to current demand patterns are presenting a particulary severe problem to fixed base operators and their customers. FEA believes that the resultant supply dislocations are sufficiently widespread to warrant amendments to the regulations to provide to fixed base operators and their customers a more expeditious means of assuring predictable sources of fuel supplies. While the allocation program presently contains a number of provisions designed to respond to changed circumstances and special needs, only the Exceptions and Appeals process under Subpart D of Part 205 is currently available to adjust the base period uses for fixed base operators. Civil air carriers have been able to keep generally abreast of current needs because of the availability of adjustments as provided in § 211.145 to accommodate such factors as changes in routes, equipment, and traffic demand. It appears, however, that the pervasiveness of the fuel supply problems of fixed base operators is such that they should no longer be resolved by means of the exceptions process.

Accordingly, the FEA hereby proposes to adopt a new § 211.144 effective November 1, 1976, which would provide that fixed base operators are entitled to 100 percent of their current requirements subject to application of an allocation fraction for use in the conduct of an ongoing business of selling aviation fuels to wholesale purchaser-consumers and end-users.

The provisions proposed hereby would establish a fixed base operator's allocation entitlement with reference to the requirements of his customers rather than with reference to a base period volume as currently provided. The new § 211.144 would generally give fixed base operators a comparable basis for establishing an allocation entitlement as is currently provided to some wholesale purchaser-consumers and end-users of aviation fuels which are entitled to one hundred percent of current requirements subject to application of an allocation fraction.

Because fixed base operators are resellers of fuel and not consumers of fuel, a new definition of "current requirements" applicable specifically to the activities of fixed base operators is also proposed. As proposed, the current requirements of a fixed base operator would be equal to the sum of the allocation entitlements of all its customers including base and transient customers.

FEA is aware of the difficulties that some fixed base operators could experience in determining their own allocation entitlements under the proposal with reference to the allocation entitlements of their transient purchasers. In cases where it is difficult for a fixed base operator to certify the actual allocation entitlements attributable to transient purchasers, the proposed definition of current requirements provides that the entitlements of such purchasers may be based on either amounts actually certified to the fixed base operator or on amounts equal to the volumes sold to transient purchasers in the immediately preceding calendar year. Comments on this particular aspect of the proposal are solicited including alternative methods of determining a fixed base operator's current requirements.

The intended effect of the proposed change with respect to establishing allocation levels for fixed base operators will be to permit fixed base operators to purchase volumes of fuel commensurate with actual requirements of their purchasers.

A definition of "fixed base operator" substantially identical to that contained in § 212.31 of the Mandatory Petroleum Price Regulations has also been proposed to be added which would appear at § 211.142.

In light of the foregoing, § 211.143 which establishes allocation levels for wholesale purchaser-consumers and end-users of aviation fuel is also proposed to be amended with respect to those customers which traditionally have obtained aviation fuel supplies from fixed base operators. Therefore, uses of aviation fuel for business flying, public aviation, personal flying, instructional flying and air travel club flying are proposed to be eligible for an allocation level of one hundred percent of current requirements subject to application of an allocation fraction. FEA believes that the proposed allocation level modifications for these uses, in conjunction with the proposed changes in allocation levels applicable to fixed base operators, will tend to alleviate substantially the aviation fuel supply dislocations currently occurring within these segments of the aviation industry.

The general rule establishing the allocation entitlements of wholesale purchaser-resellers contained in § 211.12(b) is also proposed to be amended to make reference to the proposed new § 211.144.

Interested persons are invited to participate in this rulemaking proceeding by submitting data, views, or arguments

with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box JE, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Aviation Fuel Allocation Levels". Fifteen copies should be submitted. All comments received by October 27, 1976, and all relevant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on October 27, 1976 in Room 2105, 2000 M Street, NW., Washington, D.C.

Any person who has an interest in the subject matter of the hearing, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., October 20, 1976.

Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 22, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m. e.d.t., October 22, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. before 4:30 p.m., e.d.t., on October 26, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m., e.d.t., October 22, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules need for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185; E.O. 11933, 41 FR 36641.)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 8, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 211.12 is amended in subparagraph (1) of paragraph (b) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

* * * * *

(b) *Entitlements*—(1) *Wholesale purchaser-reseller.* A wholesale purchaser-reseller, other than a fixed base operator whose allocation entitlement for aviation fuels is determined as provided in § 211.144, shall be entitled to receive a volume of an allocated product equal to the sum of the volumes allocable to it from each of its suppliers. The volume supplied to a wholesale purchaser-reseller by each of its suppliers shall equal the sum of (i) any amounts which that purchaser has certified to a supplier to be for ultimate use under an allocation level not subject to an allocation fraction plus (ii) the product of that supplier's allocation fraction multiplied by an amount equal to that part of that wholesale purchaser's base period use purchased or obtained from that supplier minus any amounts which that purchaser has certified to be for ultimate use under an allocation level not subject to an allocation fraction.

2. Section 211.142 is amended to add new definitions of "current requirements" and "fixed base operator" in appropriate alphabetical sequence as follows:

§ 211.142 Definitions.

* * * * *

"Current requirements" means current requirements as defined in § 211.51, except that as to a fixed base operator, current requirements means the sum of the volumes of aviation fuels that the based and transient wholesale purchaser-consumers and end-users supplied by such fixed base operator are entitled to purchase under the allocation levels prescribed in § 211.143. For the purpose of determining a fixed base operator's current requirements, the allocation entitlements of transient purchasers shall be an amount equal to either the total volumes certified to the fixed base operator by such purchasers or the total volumes sold to transient purchasers in the corresponding quarter of the preceding calendar year.

* * * * *

"Fixed base operator" means a firm or that portion of a firm which maintains facilities at an airport for the purpose of (1) engaging in the retail sale of aviation fuels primarily to purchasers other than (a) scheduled or supplemental air carriers certificated by the Civil Aeronautics Board pursuant to 49 U.S.C. 1371 or (b) the Department of Defense; and (2) performing one or more of the following general aviation activities: (a) Aircraft maintenance, servicing, parking, tie-down, storage and other aircraft services; (b) baggage and cargo handling and other passenger/freight services; and (c) maintenance of avionics equipment and systems.

* * * * *

3. Section 211.143 is amended in paragraph (c) to read as follows:

§ 211.143 Allocation levels.

* * * * *

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency aviation services, safety and mercy missions;

(ii) Energy production flying;

(iii) Aircraft manufacturing but not to exceed one hundred thirty (130) percent of base period use;

(iv) Telecommunications flying;

(v) Business flying, including requirements for crew training and proficiency flying;

(vi) Public aviation;

(vii) Personal non-business flying;

(viii) Instructional flying; and

(ix) Air travel club flying, including requirements for crew training and proficiency flying.

(2) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(i) Domestic, supplemental and scheduled cargo air carriers, including requirements for crew training and proficiency flying;

(ii) International air carriers, including requirements for crew training and proficiency flying—the total of both bonded and non-bonded fuels;

(iii) Intrastate carriers, including requirements for crew training and proficiency flying;

(iv) Local service air carriers, including requirements for crew training and proficiency flying;

(v) Other air carriers, including requirements for crew training and proficiency flying; and

(vi) Non-flying use of aviation fuels;

4. Part 211 is amended by adding a new § 211.144 to read as follows:

§ 211.144 Fixed base operators.

Notwithstanding the general provisions of § 211.12(b)(1), fixed base operators are entitled to receive from their suppliers an amount of aviation fuel equal to one hundred (100) percent of current requirements as reduced by the application of the supplier's allocation fraction for use in the conduct of an ongoing business of selling aviation fuels to wholesale purchaser-consumers and end-users.

[FR Doc.76-30237 Filed 10-12-76;12:49 pm]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM77-1]

POSTAL SERVICE DETERMINATIONS TO CLOSE OR CONSOLIDATE POST OFFICES

Appeals Procedures

OCTOBER 7, 1976.

Pursuant to 5 U.S.C. 553, and 39 U.S.C. 404(b) and 3603, the Commission gives notice that it proposes to amend certain sections of 39 CFR Part 3001, Subpart A, and to add a new Subpart H to implement procedures governing appeals of determinations of the United States Postal Service to close or consolidate any post office.

Section 9(a) of the Postal Reorganization Act Amendments of 1976 (Pub. L. 94–421) has added a new § 404(b) to title 39 which circumscribes the specific power of the Postal Service contained in 39 U.S.C. 404(a) to "determine the need for post offices." The statute creates a set of substantive criteria which must be considered by the Postal Service in making any determination to close or consolidate a post office and establishes procedures whereby the rights of affected postal patrons to adequate service can be protected through sufficient notice of intended closing or consolidation, the opportunity for hearing on the record, a written determination which specifies the reasons for any closing or consolidation, and the right of appeal to the Postal Rate Commission. During the pendency of any appeal the Commission may suspend the effectiveness of the determination to close or consolidate which is under review.

Adequate notice of the intention of the Postal Service to close or consolidate any post office must be given to persons served by that facility at least 60 days prior to the proposed action. The opportunity to present information relevant to the proposed action, including the opportunity for a hearing, must be accorded to these patrons. Thereafter, a determination by the Postal Service to close or consolidate must be in writing and must include specific findings regarding each of the criteria set forth in 39 U.S.C. 404(b)(2). This written determination, in turn, is to be made available to effected postal patrons at least 60 days prior to closing or consolidation. Continuing the time sequence, local postal patrons, aggrieved by this determination, have 30 days after it has been made available to them in which to appeal to this Commission. In reviewing a determination to close or consolidate a post office, the Commission may affirm, set aside, or remand for further consideration based upon the appellate standards of 39 U.S.C. § 404(b)(5). It should be noted that a strict time frame of 120 days is imposed upon all appellate action of this Commission, from inception of appeal to issuance of the decision.

Proposed amendments to 39 CFR Part A are designed to expand the scope of certain rules of general application of fit the requirements of appellate practice. Section 3001.5 would be amended to add a new paragraph "(m)" defining the term "appellant." Section 3001.7(a) would be amended to include appellate proceedings under new Subpart H within the proscription of ex parte communications. Section 3001.12(d) would be amended to require the Secretary of this Commission to serve a copy of the official service list in any appellate proceeding on the postmaster of the affected post office with instructions that it be prominently displayed for the information of postal patrons. A new paragraph "(b)" to § 3001.17 would be added to govern the issuance of notice in appellate proceedings, in distinction to proceedings subject to hearing on the record. A new paragraph "(c)" to § 3001.17 would be added in lieu of existing paragraph "(b)", which would include appellate proceedings within the provision governing the publication and service of notice of proceedings. Finally, a new paragraph "(d)" to § 3001.17 would be added, in lieu of existing paragraph "(c)," expanding the requirements of the contents of a notice of proceedings before the Commission.

The Commission also proposes a new Subpart H to 39 CFR, "Rules Applicable to Appeals of Postal Service Determinations to Close or Consolidate Post Offices." New §§ 3001.110 through 3001.117 generally are modeled upon the Federal Rules of Appellate Procedure, 28 U.S.C., which govern the United States Courts of Appeals in the review of orders of administrative agencies. In instances where sections within Subpart H are borrowed from the Federal Rules, time requirements for pleading have been significantly tightened in recognition of the statutory 120 day limitation placed upon the appelate deliberation of this Commission by 39 U.S.C. 404(b)(5).

New § 3001.110 would govern the application of proposed Subpart H to appellate proceedings. The right of appeal is strictly limited to local patrons of the post office to be closed or consolidated, consistent with the language of 39 U.S.C. 404(b)(5).

Section 3001.111 would require that appeals be initiated by means of a petition for review, filed with the Commission within 30 days after the Postal Service issues a written determination to close or consolidate a post office as prescribed by statute. Consistent with the requirement imposed upon appellants, intervention is limited to persons served by the affected post office.

Section 3001.112 follows the language of 39 U.S.C. 404(b)(1) through (3) to include in the appellate record all documentation which the Postal Service is required to provide to local postal patrons (including notice of proposed action), plus all materials filed in response by interested persons. The record is to contain all evidence considered by the Postal Service in making a determination to close or consolidate; extraneous, non-record evidence will not suffice on appeal, governed by the standard of "substantial evidence on the record" contained in 39 U.S.C. 404(b)(5)(C). The Commission stresses the fact that its appellate proceedings may not be viewed as an opportunity for de novo review of the evidence. The record on review shall not include any evidence not previously considered by the Postal Service in making the determination under review.

Section 3001.113 would require the Postal Service to file the record on review expeditiously, within 15 days after service on it of the petition for review.

Section 3001.114 would govern an application for suspension of a Postal Service determination to close or consolidate a post office, which the Commission may grant pursuant to 39 U.S.C. 404(b)(5). Consistent with precedent, applicants would be expected to present all facts and reasons necessary to meet the four criteria for suspension of an administrative decision established in *Virginia Petroleum Jobbers Association* v. *FPC*,

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259 F.2d 921 (D.C. Cir. 1958). The requirement that an application for suspension be made at the time of filing of a petition for review, or for leave to intervene, is necessitated by the overall time limitations imposed upon appellate proceedings before the Commission.

Section 3001.115 would govern the content and time requirements for the filing of appellant's initial and reply briefs and for the answering brief of the Postal Service. These requirements would also apply to the briefs of intervenors.

Section 3001.116 would create a right of participation in appellate proceedings for those who are not local patrons of the post office to be closed or consolidated. Briefs of amicus curiae would be permitted when in the opinion of the Commission, or that of all parties to an appeal, they would facilitate the illumination of the issues on review.

Finally, § 3001.117 would require the Secretary of this Commission to serve appellate pleadings, notices, orders, etc., upon postmasters of post offices affected by the determination under review with the direction that they be publicly displayed. It is the intention of the Commission that all information relevant to an appeal be made available locally to postal patrons. Should a postmaster fail to comply with this directive, it would be incumbent upon any appellant, intervenor, or other interested person to bring the matter to the attention of the Commission, where it will be deemed adequate grounds for suspension of the determination pending review.

In consideration of the foregoing, the Commission proposes amendments and additions to 39 CFR Part 3001 which would govern all procedural aspects of such appeals as follows:

Subpart A—Rules of General Applicability

1. By adopting a new § 3001.5(m) to read as follows:

§ 3001.5 Definitions.

* * * * *

(m) "Appellant" means a person who as permitted by section 404(b) of the Act appeals to the Commission a determination of the Postal Service to close or consolidate a post office.

2. By revising § 3001.7(a) to read as follows:

§ 3001.7 Ex Parte communications.

(a) *Prohibition.* To avoid the possibility or appearance of impropriety or of prejudice to the public interest and persons involved in proceedings pending before the Commission, no person who is a party to any on-the-record proceeding, or a proceeding conducted pursuant to Subpart H of this part, or who is granted limited participation in accordance with § 3001.19(a) or his counsel, agent, or other person acting on his behalf, nor any interceder, shall volunteer or submit to any member of the Commission or member of his personal staff, to the presiding officer, or to any employee of the Commission, any ex parte off-the-record communication regarding any matter, either substantive or procedural, which is at issue, or any substantive matter which is likely to be at issue in the on-the-record proceeding, except as authorized by law; and no Commissioner, member of his personal staff, presiding officer, or employee of the Commission, shall request or entertain any such communication. For the purposes of this section, the term "on-the-record proceeding" means a proceeding noticed pursuant to § 3001.17(a). The prohibitions of this paragraph shall apply from the date of issuance of such notice. The prohibitions of this section do not apply to a communication between a participant or a limited participator and the Officer of the Commission designated to represent the interest of the general public (or his staff or the technical staff designated to support him), if such communication relates to matters of procedure only, including matters arising in the course of requests for interrogatories or discovery and informal requests for clarification of evidentiary material. Said Officer shall file with the Commission a monthly report briefly describing any ex parte communication received pursuant to this exception, and this report, which shall be a public record of the Commission, shall identify the individuals involved and the nature of the subject matter discussed.

* * * * *

3. By amending § 3001.12(d) to read as follows:

§ 3001.12 Service of documents.

* * * * *

(d) *Service list.* The Secretary shall maintain a current service list in each proceeding which shall include the participants in that proceeding and the person or persons designated for service of documents by each party with the address designated in the party's initial pleading in such proceeding or a notice of appearance as provided in § 3001.6(c); *Provided, however,* The Secretary is not required to include on such list more than two designated representatives for any party to the proceeding. The service list shall show the participants actively participating in the hearing and representative groups established pursuant to paragraph (c) of this section. Service on the persons, active participants or groups on the Secretary's service list in any proceeding, as directed by the Commission or hearing officer, shall be deemed service in compliance with the requirements of this section. In the instance of a proceeding conducted pursuant to Subpart H of this Part, the Secretary shall additionally serve a copy of the service list on the postmaster(s) of post office(s) proposed to be closed or consolidated with the instruction that such list be posted within the post office(s) in a place reserved for prominent display of information to postal patrons.

* * * * *

4. By revising § 3001.17 (b), (c), and (d) to read as follows:

§ 3001.17 Notice of proceedings.

* * * * *

(b) *Appellate proceedings under 39 U.S.C. 404(b).* The Commission shall issue a notice of proceeding to be determined on a record compiled by the Postal Service whenever:

(1) An appeal of a determination of the Postal Service to close or consolidate a post office is taken to the Postal Rate Commission pursuant to Subpart H of this Part; or

(2) An application to suspend the effective date of a determination of the Postal Service to close or consolidate a post office pending appeal to the Postal Rate Commission is made pursuant to Subpart H of this Part.

(c) *Publication and service of notice.* Each notice of proceeding shall be published in the FEDERAL REGISTER and served on the Postal Service, the complainant in a complaint proceeding, and the appellant in the appeal of a Postal Service determination to close or consolidate a post office.

(d) *Contents of notice.* The notice of a proceeding shall include the following:

(1) The general nature of the proceeding involved in terms of categories listed in paragraphs (a) and (b) of this section;

(2) A reference to the legal authority under which the proceeding is to be conducted;

(3) A concise description of proposals for changes in rates of fees, proposals for the establishment of or changes in the mail classification schedule, proposals for changes in the nature of postal services, in the case of a complaint, an identification of the complainant and a concise description of the subject matter of the complaint or, in the case of an appeal, an identification of the appellant and a summarization of the Postal Service determination to close or consolidate under review;

(4) The date by which petitions for leave to intervene and requests for hearing must be filed; and

(5) Such other information as the Commission may desire to include.

5. By adding a new Subpart H, initially containing §§ 3001.110 through 3001.117, to read as follows:

Subpart H—Rules Applicable to Appeals of Postal Service Determinations To Close or Consolidate Post Offices

Sec.
3001.110 Applicability.
3001.111 Initiation of review proceedings.
3001.112 Record on review.
3001.113 Filing of record.
3001.114 Suspension pending review.
3001.115 Briefs on appeal.
3001.116 Briefs on amicus curiae.
3001.117 Service of documents on postmasters of affected post offices.

AUTHORITY: Sections 404(b), 3603 of the Postal Reorganization Act; 39 U.S.C. 404(b), 90 Stat. 1303; 39 U.S.C. 3603, 84 Stat. 759; 5 U.S.C. 553, 80 Stat. 383.

Subpart H—Rules Applicable to Appeals of Postal Service Determinations To Close or Consolidate Post Offices

§ 3001.110 Applicability.

Rules in this Subpart govern the procedure regarding the appeal of a determination of the Postal Service to close or consolidate a post office by patrons of the post office in question. Pursuant to section 404(b) of the Act any decision

to close or consolidate a post office must be preceded by 60 days notice to persons served by such post office, the opportunity for a hearing on the record, and a written determination based upon consideration of each of the factors listed in section 404(b)(2) of the Act. Appeal to this Commission may be taken by an aggrieved local patron within 30 days after the issuance of a written determination by the Postal Service. The Rules of General Applicability in Subpart A of this Part, which do not relate solely to evidentiary proceedings on the record, are also applicable to proceedings subject to this Subpart.

§ 3001.111 Initiation of review proceedings.

(a) *Petition for review.* Review of a determination of the Postal Service to close or consolidate a post office shall be obtained by filing a petition for review with the Secretary of this Commission within 30 days after the Service has made available to persons served by that post office the written determination to close or consolidate required by 39 U.S.C. 404(b)(3)-(4).

The petition shall specify the parties seeking review, all of whom must be persons served by the post office proposed to be closed or consolidated and shall identify the Postal Service as respondent. A copy of the Postal Service written determination shall be appended to the petition for review as an exhibit thereto. If two or more persons are entitled to petition for review of the same determination and their interests are such as to make joinder practicable, they may file a joint petition for review and may thereafter proceed as a single petitioner.

(b) *Intervention.* A person served by the post office to be closed or consolidated pursuant to the Postal Service written determination under review who desires to intervene in the proceeding shall file with the Secretary of the Commission and serve upon all parties a petition for leave to intervene. The petition shall contain a concise statement of the interest of the moving party and the grounds upon which intervention is sought. A petition for leave to intervene shall be filed within 20 days of the date on which the petition for review is filed. The provisions of § 3001.20(c)-(f) of Subpart A of this part shall apply to petitions for leave to intervene in review proceedings.

§ 3001.112 Record on review.

The written determination sought to be reviewed or enforced, the conclusions and findings upon which it must be based under section 404(b)(3) of the Act, and the notices to local patrons, pleadings, evidence and proceedings before the Postal Service shall constitute the record on review. The record shall contain all evidence considered by the Postal Service in making its determination, and shall contain no evidence not previously considered by the Postal Service.

§ 3001.113 Filing of record.

(a) *Time for filing of the record by the Postal Service.* The Postal Service shall file the record with the Secretary of the Commission within 15 days after service on it of the petition for review. The Commission may shorten or extend the time prescribed above. The Secretary shall give notice to all parties of the date on which the record is filed.

(b) *Composition of the filing.* The Postal Service may file the entire record or such parts thereof as the parties may designate by stipulation filed with the Postal Service. The original papers in the Postal Service proceeding or certified copies thereof may be filed. All parts of the record retained by the Postal Service shall be a part of the record on review for all purposes.

§ 3001.114 Suspension pending review.

(a) *Application.* Application for suspension of a determination of the Postal Service to close or consolidate any post office pending the outcome of an appeal to the Postal Rate Commission shall be made at the time of the filing of a petition for review or of the filing of a petition for leave to intervene in an extant appellate proceeding. The application shall show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by affidavits or other sworn statements or copies thereof. The applicant must be a person served by the affected post office. With the application shall be filed such parts of the record as are relevant to the relief sought. Immediate notice of the application shall be given to all parties to the proceeding. The application shall be filed with the Secretary of the Commission.

(b) *Answer by the U.S. Postal Service.* Within 10 days after the application for suspension is filed, the Postal Service shall file with the Secretary of the Commission and serve on the petitioners an answer to the application.

§ 3001.115 Briefs on appeal.

(a) *Appellant's initial brief.* The initial brief of the appellant shall be filed with the Secretary of the Commission and served on all parties 30 days after the filing of the petition for review of a decision to close or consolidate a post office. The brief will be limited in length to 30 pages, typewritten and double spaced, and shall include the following in the order indicated:

(1) A subject index with page references, and a list of all cases and authorities relied upon, arranged alphabetically, with references to the pages where the citation appears;

(2) A concise statement of the case from the viewpoint of the filing participant;

(3) A clear, concise and definitive statement of the position of the author as to the merits of the determination under review;

(4) A discussion of the evidence, reasons, and authorities relied upon with exact references to the record and the authorities; and

(5) Proposed holding with appropriate references to the record or the prior discussion of the evidence and authorities relied upon, and to the appellate criteria of section 404(b)(5) of the Act.

Briefs before the Commission shall be completely self-contained and shall not incorporate by reference any portion of any other brief, pleading or document. Testimony and exhibits shall not be quoted or included in briefs except for short excerpts pertinent to the argument presented.

(b) *Answering brief of the Postal Service.* The answering brief of the Postal Service shall be filed 15 days after the date designated for filing of the appellant's brief and shall follow the format detailed in paragraph (a) of this section.

(c) *Reply brief.* The appellant may file a brief in reply to the brief of the Postal Service 15 days after the date designated for filing of that brief, which shall be strictly limited in content to reply to arguments made by the Postal Service. It shall conform to the format detailed in paragraph (a) of this section.

(d) *Intervenor briefs.* An intervenor shall file its brief within the time allowed for initial and reply, or answering, briefs, as appropriate and shall follow the format detailed in paragraph (a) of this section.

§ 3001.116 Briefs of amicus curiae.

A brief of an amicus curiae may be filed only if accompanied by written consent of all parties, or by leave of the Commission granted on motion or at the request of the Commission, except that consent or leave shall not be required when the brief is presented by the United States or an elected official, officer or agency thereof, or by a State, Territory or Commonwealth. The brief may be conditionally filed with the motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable. An amicus curiae shall limit its brief to the issue in which it has interest and file its brief within the time allowed the party whose position as to affirmance or reversal the amicus brief will support.

§ 3001.117 Service of Documents on postmasters of affected post offices.

In all proceedings conducted pursuant to this Subpart H, the Secretary of the Commission shall serve a copy of all pleadings, notices, orders, briefs and opinions on the postmaster(s) in charge of the post office(s) affected by the determination to close or consolidate which is under review. The Secretary shall provide instruction that the notice be displayed within the post office(s) in a place reserved for prominent display of information to postal patrons. Failure by the postmaster(s) to prominently display any document served on him or her by the Secretary of the Commission pursuant to this Section shall be deemed sufficient reason to suspend the effectiveness

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of the Postal Service determination under review until final disposition of the appeal.

Comments are invited regarding the efficacy and fairness of the proposed rules which are to be filed by November 22, 1976. Any replies to such comments are to be filed by December 13, 1976. An original plus 19 fully conformed copies of all comments and replies must be filed with the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268.

(Secs. 404(b), 3603 of the Postal Reorganization Act; 39 U.S.C. 404(b), 90 Stat. 1306; 39 U.S.C. 3603, 84 Stat. 759; 5 U.S.C. 553, 80 Stat. 383.)

By the Commission.

DAVID F. HARRIS,
Acting Secretary.

[FR Doc.76-30218 Filed 10-14-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/111]

ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Thursday, November 4, in Room 1207 of the State Department. The meeting will run from 9:30 a.m. until 12:30 p.m., and from 2:00 p.m. until 4:30 p.m.

There will be two items on the agenda, in addition to any old or new business which any Commission member wishes to raise.

1. 9:30 a.m.–12:30 p.m. A discussion of the role of sports in international exchange.
2. 2:00 p.m.–4:30 p.m. A reexamination of this country's exchanges with the People's Republic of China.

Members of the general public may attend and participate in the discussion subject to the instructions of the Chairman. They will be accommodated up to the seating capacity of the room.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Staff Director of the Commission by close of business Monday, November 1, of his intention to attend. He may be reached by telephone at (202) 632-2764.

Dated: October 8, 1976.

W. E. WELD, Jr.,
Staff Director,
Commission Secretariat.

[FR Doc.76-30195 Filed 10-14-76;8:54 am]

DEPARTMENT OF THE TREASURY

[Order No. 160]

Internal Revenue Service

ASSISTANT REGIONAL COMMISSIONER ET AL.

Delegation of Authority; Authority of Regional Appellate Division in Termination of Taxable Year Assessments and Jeopardy Assessments

OCTOBER 14, 1976.

1. Pursuant to the authority vested in the Comimssioner of Internal Revenue under 26 CFR 301.6020-1, 26 CFR 301.6201-1, 26 CFR 301.7701-9 and Treasury Department Order No. 150-37 dated March 17, 1955, authority is hereby delegated to each Assistant Regional Commissioner (Appellate), each Chief, and Assistant Chief, Appellate Branch Office, to conduct conferences and determine final disposition of requests for administrative reviews in termination of taxable year assessment and jeopardy assessment cases.

2. This authority may not be redelegated.

DAVID C. ALEXANDER,
Commissioner.

[FR Doc.76-30308 Filed 10-14-76;8:45 am]

[Order No. 157]

SPECIAL AGENTS AND INTERNAL SECURITY INSPECTORS ET AL.

Delegation of Authority Regarding Seizure and Forfeiture of Personal Property

Correction

In FR Doc. 76-27025 appearing on page 39355 in the issue for Wednesday, September 15, 1976, the reference to "403.-65" in the third line of the first paragraph should have read "403.403-65".

FEDERAL ENERGY ADMINISTRATION

INTERNATIONAL ENERGY AGENCY'S LONG-TERM COOPERATION PROGRAM

Request for Expressions of Interest and Public Comments; Extension of Time

On September 7, 1976, the Federal Energy Administration (FEA) requested expressions of interest and public comments in support of its function under the Long-Term Cooperation Program of the International Energy Agency (IEA) to identify potential commercial energy projects in the United States in which participation by public or private enterprises and parties from other IEA member countries may be appropriate, and elicited from U.S. enterprises and parties their views on and interest in participating in such energy projects located in other IEA countries (41 FR 38818, September 13, 1976). The period for furnishing such expressions of interest was scheduled to expire on October 15, 1976. In view of the complexity of preparing these responses, FEA hereby extends that period through November 1, 1976. In all other respects, the notice remains the same.

Issued in Washington, D.C., on October 8, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-30230 Filed 10-12-76;11:05 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

MILITARY AIRLIFT COMMITTEE

Meeting

SEPTEMBER 23, 1976.

The Military Airlift Committee of the National Defense Transportation Association (NDTA) will hold a meeting on November 17, 1976 from 1:00 p.m. to 5:00 p.m. and on November 18, 1976 from 9:00 a.m. to 12:15 p.m. at the Emery Air Freight headquarters, main conference room, Wilton, Connecticut.

The purpose of this meeting is to permit the NDTA Military Airlift Committee, serving as an industry advisory committee, to advise the Commander, Military Airlift Command on broad management problems pertaining to his command responsibilities. Presentations and discussions, in consonance with the theme, "The Impact of the User on Future Transportation Systems," will be featured.

A summary of the tentative agenda follows:

Wednesday, Nov. 17, 1976:		
1300..	Meeting convenes, opening remarks.	Mr. Emery, General Carlton, Mr. Mangold.
1315..	The Need for a Civil-Military Airlift Partnership.	General Carlton.
1345..	Report on Special Panel Activities/Discussion.	Mr. Mangold.
1415..	Meeting the Shippers Needs with Supplemental Carriers.	National Air Carriers Association.
1445..	Break	
1500..	Manufacturers/Shippers Future Transportation Needs.	To be announced.
1630..	Discussion/adjournment	
Thursday, Nov. 18, 1976:		
0900..	Meeting reconvenes	Mr. Mangold, General Carlton.
0905..	User Needs for a Common Military - Commercial Air Cargo System.	Lockheed.
0930..	Large Cargo/Logistics Aircraft.	NASA.
1000..	Air Freight in 1986-Integrated Transportation or Unfulfilled Promise.	Shulman Transport Enterprises.
1030..	Break	
1045..	The Emery Air Force—An Aggressive Response to the Public's Need for Night Time Airlift.	Emery Air Freight.
1115..	Discussion/adjournment/tour.	

The meeting is open for general public attendance, but this does not include participation in the proceedings or questioning the briefers and committee members. If an individual wishes to make a formal, oral statement germane to the meeting, he may submit a formal application, including the substance of

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the statement in advance to the Commander, Military Airlift Command, Attention: Executive Agent, Military Airlift Committee, Scott Air Force Base, Illinois 62225. Formal written statements may be submitted to the Commander at any time before or after the meeting.

For additional information concerning this meeting, contact Colonel Floyd D. Castleman (Executive Agent), at (618) 256-3025.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-30197 Filed 10-14 76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Meeting

Notice is hereby given that the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention will meet Friday and Saturday, November 5 and 6, 1976 in Washington, D.C. The meeting is scheduled to convene at 9:00 a.m. on Friday, November 5, at the Grammercy Inn, Room 227, 1616 Rhode Island Avenue, N.W., Washington, D.C. The meeting is scheduled to run until 9:00 p.m. Friday, and will adjourn by 3:30 p.m. on Saturday, November 6th.

Discussion at the meeting will focus on preparation of standards on delinquency prevention, custodial programs, and privacy of records.

The meeting will be open to the public.

For further information, please contact: Richard Van Duizend, National Institute of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Fourth Floor, Washington, D.C. 20531, (202) 376-3952.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.76-30263 Filed 10-14-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT FES 76-52]

NAVAJO INDIAN IRRIGATION PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a Final Environmental Statement for the Navajo Indian Irrigation Project, as authorized by Pub. L. 87-483, which is located in San Juan County, New Mexico.

The Environmental Statement considers human and physical environmental effects associated with the construction and operation of the 216,843 acre irrigation project which includes 110,630 acres being sprinkler irrigated by water diverted from the San Juan River at the Navajo Dam.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs, Division of Trust Facilitation, Room 4554—Department of Interior Bldg., Washington, D.C. 20245. Telephone: (202) 343-4004.

Bureau of Indian Affairs, Navajo Area Office, Window Rock, Arizona 86515. Telephone: (602) 871-4366.

Bureau of Indian Affairs, Shiprock Agency, Shiprock, New Mexico 87420. Telephone: (505) 368-4427.

Bureau of Indian Affairs, Eastern Navajo Agency, Crownpoint, New Mexico 87313. Telephone: (505) 786-5226.

Copies of the Final Environmental Statement may be obtained from the Navajo Area Office, Bureau of Indian Affairs.

Date: October 12, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-30190 Filed 10-14-76;8:45 am]

ALASKA

Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, 555 Cordova Street, Anchorage, Alaska 99501, effective at 10:00 a.m. November 15, 1976.

COPPER RIVER MERIDIAN, ALASKA

T. 4 N., R. 6 W.
Sec. 31: Lots 1 to 17 inclusive, SE¼NE¼, NE¼SE¼SW¼, S½SE¼SW¼, NE¼SE¼, S½SE¼
Sec. 32: Lots 1, 2, W½NE¼, NW¼, S½ Tract A
Containing 22,280.28 acres.

2. The center of this township is located approximately 25 miles west of Glennallen, Alaska. The terrain is broken. Numerous small lakes are scattered throughout the township.

Vegetation consists of small to medium spruce with willow underbrush abundant. Soil consists generally of sandy loam with a humus and moss overburden.

The Glenn Highway extends easterly through this township from its intersection with the south township boundary near the southwest corner of the township.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: October 4, 1976.

IRVING ZIRPEL, JR.,
Chief, Division of Cadastral Survey.

[FR Doc.76-30204 Filed 10-14-76;8:45 am]

Bureau of Land Management

[Wyoming 56846]

WYOMING

Application

OCTOBER 6, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Champlin Petroleum Company of Englewood, Colorado, filed an application for a right-of-way to construct to 10¾ inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 98 W.,
sec. 30, lot 8, SE¼SW¼, S½SE¼;
sec. 32, N½N½;
sec. 34, SW¼NE¼, S½NW¼, NE¼SE¼;
sec. 36, SW¼.

The pipeline will be used as a gathering line to transport natural gas to connect the Texaco Table Rock Station in sec. 36, T. 19 N., R. 98 W. with Champlin Petroleum Company's Patrick Draw Gas Plant in sec. 25, T. 19 N., R. 99 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-30209 Filed 10-14-76;8:45 am]

[Colorado 24424]

COLORADO

Pipeline Application

OCTOBER 4, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rio Blanco Oil Shale Project, 9725 E. Hampden Avenue, Denver, Colorado 80231, has applied for a right-of-way for a 10-inch shale oil pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 100 W.,
Section 7, 17, 18, 20, 21, 26, 27, 28, 35
T. 1 N., R. 101 W.,
Section 4, 5, 7, 8, 9, 10, 11, 12, 15
T. 1 N., R. 102 W.,
Section 3, 4, 10, 11, 12
T. 1 S., R. 99 W.,
Section 19, 28, 29, 30
T. 1 S., R. 100 W.,
Section 2, 11, 12, 13
T. 2 S., R. 101 W., 6th P.M.
Section 21: S½SE¼NE¼
Section 22: Lots 1, 3, 8, 9, S½NW¼, SE¼SE¼
Section 27: Lots 1, 16, 17, 21 and 24
Section 34: E½SW¼, SE¼NW¼, NE¼NW¼, W½NE¼
Section 35: Lots 1, 4, W½NE¼, SE¼NE¼, E½SE¼
Section 36: SW¼SW¼, SW¼SE¼SW¼.

The facilities will enable applicant to make natural gas from shut-in wells available for industrial and domestic use.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

MERRILL G. ANDERSON,
Acting Chief, Branch of Land Operations.

[FR Doc.76-30207 Filed 10-14-76;8:45 am]

UTAH

Applications

In the matter of Department of the Interior, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Under the provisions of Section 2275 and 2276 of the Revised Statutes (43 U.S.C. Sec. 851, 852), the State of Utah has filed applications U-0147222 et. al., to select the following described lands:

UINTAH COUNTY, UTAH

SALT LAKE MERIDIAN

T. 10 S., R. 22 E.,
Sec. 23, E½SE¼, SW¼SE¼;
Sec. 24, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 26, E½, SW¼;
Sec. 34, E½NE¼, SE¼;
Sec. 35, All.
Containing 1,640.00 Acres
T. 11 S., R. 22 E.,
Sec. 1, All;
Sec. 11, E½;
Sec. 12, All;
Sec. 13, All;
Sec. 14, NE¼;
Sec. 24, All;
Sec. 25, All.
Containing 3,741.28 Acres
T. 12 S., R. 22 E.,
Sec. 1, Lots 1, 2, S½NE¼, E½SE¼.
Containing 240.00 Acres
T. 10 S., R. 23 E.,
Sec. 13, Lots 1, 4, E½NE¼, SE¼SW¼, SE¼, SE¼SW¼;
Sec. 19, Lots 1, 2, 3, 4, E½SW¼; SE¼;
Sec. 20, S½NE¼, S½;
Sec. 21, SW¼NW¼, W½SW¼;
Sec. 22, SE¼;
Secs. 23 to 27 inclusive;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 29, All;
Sec. 30, Lots 1, 2, 3, 4, NE¼NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, All;
Sec. 33, All;
Sec. 34, NE¼, E½NW¼, NW¼NW¼, S½SW¼, NE¼SE¼;
Sec. 35, All.
Containing 8,726.78 Acres
T. 11 S., R. 23 E.,
Sec. 1 lots 1 to 17 inclusive; SW¼NE¼, S½NW¼, N½SE¼, SE¼SE¼;
Secs. 3 to 11 inclusive;
Sec. 12 lots 1 to 6 inclusive, SW¼NE¼, W½, W½SE¼;
Secs. 13 to 15 inclusive;
Secs. 17 to 31 inclusive;
Secs. 33 to 35 inclusive.
Containing 20,557.53 acres
T. 12 S., R. 23 E.,
Sec. 1, all;
Secs. 3 to 15 inclusive;
Sec. 17, N½, N½N½SE¼SE¼, N½SW¼SE¼, N½SE¼SW¼, NW¼SE¼SE¼SW¼, N½SW¼SE¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼, NE¼SE¼SW¼SW¼;
Sec. 18, all;
Sec. 19, lots 1, 2, 3, 4, E½W½, SE¼, W½NE¼, W½NE¼NE¼, W½E½NE¼NE¼, W½SE¼NE¼, W½NE¼SE¼NE¼, SE¼SE¼NE¼;
Sec. 20, SW¼SW¼NW¼SW¼, W½W½SW¼SW¼, SE¼SW¼SW¼SW¼;
Sec. 21, E½NE¼NE¼NE¼;
Sec. 22, NE¼, E½NE¼NE¼NW¼, NW¼NW¼NE¼NW¼, N½N½NW¼NW¼, E½SE¼, E½NW¼SE¼, E½SW¼SE¼, E½W½NW¼SE¼;
Secs. 23 to 26 inclusive;
Sec. 27 E½, NE¼NE¼NE¼NW¼, S½N½NE¼NW¼, S½NE¼NW¼, SE¼NE¼NW¼NW¼, E½SE¼NW¼NW¼, E½NE¼SW¼NW¼, SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, N½SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, E½SE¼SW¼, W½W½SW¼, W½SW¼SE¼SW¼;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 34, NE¼, E½NE¼NW¼, E½E½SE¼NW¼, N½NE¼SE¼, SW¼NE¼SE¼, N½SE¼NE¼SE¼, N½NW¼NW¼SE¼;
Sec. 35, E½, NW¼, E½NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼, SE¼SW¼NE¼SW¼, N½W¼SW¼, E½SE¼SW¼, E½W½SW¼NW¼SW¼, E½SE¼SW¼, E½W½SW¼SE¼SW¼;
Sec. 36, all.
Containing 16,063.05 acres
T. 13 S., R. 23 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, E½SE¼, E½W½SE¼, N½NW¼NW¼SE¼, N½N½N½SW¼;
Sec. 12, E½NE¼, E½W½NE¼, NE¼SE¼, NE¼NW¼SE¼, S½NW¼NW¼SE¼, S½NW¼SW¼.
Containing 647.12 acres
T. 10 S., R. 24 E.,
Sec. 7, SE¼SE¼;
Sec. 11, E½;
Sec. 12, all;
Sec. 13, all;
Sec. 14, NE¼, NE¼NW¼, S½NW¼, S½;

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Sec. 15, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 17, W½NW¼, SW¼, NW¼SE¼, S½SE¼;
Secs. 18 to 24 inclusive;
Sec. 25, W½W½;
Secs. 26 to 31 inclusive;
Secs. 33 to 35 inclusive.
Containing 13,356.48 acres
T. 11 S., R. 24 E.,
Sec. 1, all;
Sec. 3, all;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, SE¼;
Sec. 5, all;
Sec. 6, lots 1 to 7 inclusive and lots 9 to 12 inclusive, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 7, lots 1 to 6 inclusive, and lots 8, 9, and 11, S½NE¼, NW¼NE¼, NE¼NW¼, SE¼SW¼;
Sec. 8, lots 1 to 10 inclusive, NE¼NE¼, SW¼NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 9, lots 1 to 5 inclusive, N½, SW¼SW¼, N½SE¼, SE¼SE¼;
Secs. 10 to 19 inclusive;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, W½SW¼, N½SE¼;
Sec. 21, E½, W½W½, SE¼SW¼, the following for mineral estate only: E½NW¼;
Sec. 22, N½NE¼, SE¼NE¼, SW¼NW¼, SW¼, SW¼SE¼;
Secs. 23 to 25 inclusive;
Sec. 26, N½, NE¼SW¼, NW¼SE¼, E½SE¼;
Secs. 27 to 29 inclusive;
Sec. 30, lots 1 to 4 inclusive, NE¼, E½W½, N½SE¼;
Secs. 31 to 35 inclusive.
Containing 19,147.71 acres
T. 12 S., R. 24 E.,
Sec. 1, all;
Sec. 3, all;
Sec. 4, lots 2, 3, 4, S½N½, S½;
Secs. 5 to 12 inclusive;
Sec. 13, N½N½, SW¼NW¼, SW¼, S½SE¼, the following for mineral estate only: S½NE¼, SE¼NW¼, N½SE¼;
Sec. 14, all;
Sec. 15, all;
Secs. 17 to 31 inclusive;
Sec. 33, all;
Sec. 34, N½, SW¼, W½SE¼, SE¼SE¼, the following for mineral estate only: NE¼SE¼;
Sec. 35, N½, SW¼SW¼, E½SW¼, SE¼, the following for mineral estate only: NW¼SW¼.
Containing 20,344.83 acres
T. 13 S., R. 24 E.,
Sec. 1, all;
Sec. 3, lots 1 to 8 inclusive, S½N½, S½SW¼, SE¼, the following for mineral estate only: N½SW¼;
Secs. 4 to 6 inclusive;
Sec. 7, lots 1 to 4 inclusive, NE¼NE¼, E½W½, W½E½;
Sec. 8, N½, N½;
Sec. 9, NW¼NW¼;
Sec. 10, all;
Sec. 11, N½, SW¼;
Sec. 12, N½;
Sec. 15, N½;
Sec. 18, NW¼NE¼.
Containing 5,969.40 acres
T. 9 S., R. 25 E.,
Sec. 24, lot 6;
Sec. 25, lots 1 to 4 inclusive, W½NW¼;
Sec. 33, lots 6 to 9, inclusive;
Sec. 35, S½.
Containing 631.72 acres
T. 10 S., R. 25 E.,
Sec. 1, all;
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Sec. 5, lots 1, 2, S½NE¼, S½;
Sec. 8, NE¼;
Sec. 9, W½;
Sec. 10, NW¼NW¼SE¼, S½N½SE¼, S½SE¼;
Secs. 11 to 15 inclusive;
Sec. 18, all;
Sec. 19, all;
Sec. 20, S½;
Sec. 21, S½;
Secs. 22 to 31 inclusive;
Secs. 33 to 35 inclusive.
Containing 13,736.93 acres
T. 11 S., R. 25 E.,
Sec. 1, all;
Sec. 5, SW¼NW¼, W½SW¼;
Sec. 6, SE¼NE¼, NE¼SE¼;
Sec. 8, W½NE¼, NW¼;
Sec. 12, all;
Sec. 13, all;
Sec. 19, W½;
Sec. 23, E½, S½SW¼;
Secs. 24 to 26 inclusive;
Sec. 27, NE¼SE¼, S½S½;
Sec. 28, SE¼;
Sec. 30, lots 1, 2, E½W½, NW¼NW¼, SW¼SW¼;
Sec. 31, Frac NE¼, W½, SE¼;
Secs. 33 to 35, all.
Containing 8,879.30 acres
T. 12 S., R. 25 E.,
Sec. 1, all;
Sec. 3, all;
Secs. 4 to 10 inclusive;
Sec. 11, lot 1, N½, N½S½, SE¼SW¼, SE¼SE¼;
Sec. 12, lots 1 to 10 inclusive, lot 13, NE¼NW¼, SW¼NW¼;
Sec. 13, lot 11, SW¼NW¼;
Sec. 14, lots 1, 2, 3, 6, 8, SE¼NE¼, W½SW¼;
Sec. 15, all;
Sec. 17, all;
Sec. 18, SE¼NE¼, N½N½, SE¼, the following for mineral estate only: SW¼NE¼, S½NW¼, SW¼;
Sec. 19, E½, SW¼, the following for mineral estate only: NW¼;
Secs. 20 to 22 inclusive;
Sec. 23, W½;
Sec. 25, lots 1, 2, 5, 6, 7, and 12;
Secs. 26 to 31 inclusive;
Secs. 33 to 35 inclusive.
Containing 18,439.32 acres
T. 13 S., R. 25 E.,
Secs. 4 to 7 inclusive;
Sec. 8, N½, NW¼SW¼, S½S½;
Sec. 9, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 17, all.
Containing 4,505.15 acres
Total acreage 156,626.60

The purpose of this notice is to allow all persons claiming the land adversely to file in this office their objections to issuance of a clearlist to the State. Any objections must be filed with evidence that a copy thereof has been served on the Director, Division of State Lands, 105 State Capitol, Salt Lake City, Utah 84114, on or before November 15, 1976.

Dated: October 7, 1976.

WILLIAM G. LEAVELL,
Associate State Director.

[FR Doc.76-30208 Filed 10-14-76;8:45 am]

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Oil and Gas Lease Sale No. 44

NOVEMBER 16, 1976.

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., c.s.t., November 15, 1976; or by personal delivery to the Presidential Salon, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70140, between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., November 16, 1976. Bids received by the Manager later than the times and date specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., November 16, 1976. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 41 FR 43747, October 4, 1976.

3. *Rent, Royalty and Bonus.* Bids submitted on all tracts to be offered at this sale must be on a cash bonus bid basis. The royalty for all tracts is fixed at 16⅔ percent. Leases which may be issued will provide for a yearly rental or minimum royalty of $3.00 per acre or fraction thereof.

4. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., November 16, 1976." must be submitted for each tract. A suggested bid format appears in paragraph 16. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash, or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR 3302. The form for this statement to be used in joint bids appears in paragraph 16. Other documents may be required of bidders under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

5. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m. c.s.t., November 16, 1976, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140–8 (November 1973), and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

6. *Bid Opening.* Bids will be opened on November 16, 1976, beginning at 10:00 a.m., c.s.t., in the Presidential Salon at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, November 16, 1976, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. *Deposit of Payments.* Any cash, checks, drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) His bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the United States.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25.00 or more per acre or fraction thereof.

10. *Successful Bidders.* Each person who has submitted a bid accepted by the United States will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

11. *Leasing Maps.* Tracts offered for lease may be located on the following official leasing maps which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf, Louisiana Leasing Maps—Set of 26. These maps may be purchased for $15 per set.

(b) Outer Continental Shelf, East Texas Leasing Maps—Set of 8. These maps may be purchased for $5 per set.

(c) Official Leasing Map, Mobil South No. 2 NH 16–10. This may be purchased for $2.

12. *Tract Descriptions:*

OCS official leasing maps

Tract No.	Block	Description	Acreage
Brazos Area, South Addition, Texas Map No. 5B [1]			
44-1	A-104	All	5,760
Galveston Area, Texas Map No. 6 [2]			
44-2	144	All	5,760
High Island Area, Texas Map No. 7 [3]			
44-3	109	All	5,760
44-4	141	E½	2,880
High Island Area, East Addition, Texas Map No. 7A [4]			
44-5	A-228	All	5,760
High Island Area, East Addition, South Extension, Texas Map No. 7C [5]			
44-6	A-281	All	5,760
44-7	A-310	All	2,908
West Cameron Area, Louisiana Map No. 1 [6]			
44-8	69	S½	2,500
44-9	103	All	5,000
44-10	134	E½	2,500
44-11	170	E½	2,500
44-12	264	All	5,000
44-13	279	All	5,000
West Cameron Area, South Addition, Louisiana Map No. 1B [7]			
44-14	455	All	5,000
44-15	459	All	5,000
44-16	460	All	5,000
44-17	506	All	5,000
44-18	507	S½	2,500
44-19	528	All	5,000
44-20	539	All	5,000
44-21	601	All	5,000
East Cameron Area, South Addition, Louisiana Map No. 2A [7]			
44-22	333	All	5,000
44-23	336	All	5,000
44-24	340	All	5,000
Vermilion Area, Louisiana Map No. 3 [8]			
44-25	25	All	5,000
44-26	37	All	5,000
44-27	50	All	4,605.36
44-28	102	All	4,587.70
44-29	146	All	5,000
44-30	156	All	5,000
44-31	160	SW¼	1,250
44-32	163	NW¼	1,250
Vermilion Area, South Addition, Louisiana Map No. 3B [7]			
44-33	277	All	5,000
44-34	286	All	5,000
44-35	310	All	5,000
South Marsh Island Area, Louisiana Map No. 3A [9]			
44-36	8	All	3,146.45
South Marsh Island Area, South Addition, Louisiana Map No. 3C [7]			
44-37	183	All	3,509.89
South Marsh Island Area, North Addition, Louisiana Map No. 3D [10]			
44-38	273	All	5,000
44-39	276	All	5,000
Eugene Island Area, Louisiana Map No. 4 [8]			
44-40	37	(11)	419.13
44-41	229	All	5,000
Eugene Island Area, South Addition, Louisiana Map No. 4A [7]			
44-42	301	N½	2,500
44-43	302	All	5,000
44-44	310	All	5,000
44-45	311	All	5,000
44-46	351	All	5,000
44-47	352	All	5,000
Ship Shoal Area, Louisiana Map No. 5 [12]			
44-48	15	(11)	1,311.12
44-49	36	NW¼	1,250
44-50	111	All	5,000
44-51	213	All	5,000
44-52	232	All	5,000
South Timbalier Area, Louisiana Map No. 6 [12]			
44-53	182	All	2,148.46
West Delta Area, Louisiana Map No. 8 [12]			
44-54	34	N½	2,500
44-55	47	All	5,000
South Pass Area, Louisiana Map No. 9 [12]			
44-56	57	(13)	477.84
Main Pass Area, Louisiana Map No. 10 [8]			
44-57	72	(14)	3,382.43
	74		
44-58	114	All	4,994.55
44-59	116	All	4,994.55
Main Pass Area, South and East Addition, Louisiana Map No. 10A [7]			
44-60	160	All	4,994.55
Mobile South No. 2, NH 16-10 [15]			
44-61	N658 E47	All	2,178.08

[1] Approved Sept. 24, 1959.
[2] Approved July 16, 1954.
[3] Approved July 16, 1954; revised Aug. 1955.
[4] Approved Jan. 23, 1967.
[5] Approved Sept. 24, 1959.
[6] Approved June 8, 1954; revised July 22, 1954.
[7] Approved Sept. 8, 1959.
[8] Approved June 8, 1954; revised June 25, 1954; July 22, 1954.
[9] Approved Aug. 7, 1959.
[10] Approved Apr. 16, 1971; revised Jan. 18, 1972.
[11] That portion of the lease block which is more than 3 geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975, (*United States* v. *Louisiana*, 422 U.S. 13).
[12] Approved June 8, 1954.
[13] Approved June 8, 1954; revised July 22, 1954; Dec. 9, 1954.
[14] Approved June 8, 1954; revised July 22, 1954; May 11, 1973.
[15] That portion of South Pass block 57 and Main Pass blocks 72 and 74 located more than 3 geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975, (*United States* v. *Louisiana*, 422 U.S. 13) to 1 ft. seaward of the 3d supplemental decree line (404 U.S. 388, Dec. 20, 1971).
[16] Approved Feb. 15, 1973.

See footnotes at end of document.

V41201 OCT 15 76 UM

13. *Lease Terms and Stipulations.* Leases issued as a result of this sale will be on Form 3300–1 (May 1976), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

Stipulation No. 1. (To apply to all leases resulting from this sale.)

If the Supervisor, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct geophysical surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such geophysical surveys shall be examined by the Supervisor to determine if anomalies are present which suggest the existence of a cultural resource that may be adversely affected by any lease operation.

If such anomalies exist the lessee shall: (1) locate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine archaeological surveyor using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operation will not adversely affect the anomaly identified or that the potential cultural resource suggested by the occurrence of the anomaly does not exist.

A report of this investigation prepared by the marine archaeological surveyor shall be submitted to the Supervisor for review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archaeological significance shall be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

Stipulation No. 2. (This stipulation will be applied to any leases for tracts 44–10, 44–11, and 44–61 resulting from this sale.)

The lessee agrees that, prior to any drilling activity or placement of any permanent production platform or pipeline, he will submit as part of his exploration and/or development plan, a bathymetry map sufficiently detailed to indicate the presence and location (or absence) of hard bank biological communities.

Stipulation No. 3. (To apply to all leases resulting from this lease sale.)

Structures for drilling or production, including pipelines and subsea systems, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere unnecessarily with other significant uses of the Outer Continental Shelf.

14. *Restriction on Leases.* Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Department of the Army permits are required for construction of any structures in or over any navigable waters of the United States pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and for artificial islands and fixed structures located on the Outer Continental Shelf in accordance with section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333 (f)).

Permit applications and inquiries should be directed to the appropriate District Engineer, New Orleans District or Galveston District, U.S. Army Corps of Engineers.

15. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Area OCS Orders, issued effective February 1976 and any other applicable OCS Order, as it becomes effective. Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult the Department of Transportation for regulations applicable to offshore pipelines under its jurisdiction.

16. *Suggested Bid Form.* It is suggested that bidders submit their bids to the Manager, New Orleans Outer Continental Shelf Office, in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per acre	Amount of cash bonus submitted with bid

PROPORTIONATE INTEREST OF COMPANY(S) SUBMITTING BID

N.O. Misc. No. ---------- ----------%

Company

Address

Signature
(Please type signers name under signature)

JOINT BIDDER'S STATEMENT

I hereby certify that ---------- (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature

Sworn to and subscribed before me this ---- day of ---------- 19 ----

---
Notary Public

State of----------
(County) of----------

Approved: October 12, 1976.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

H. GREGORY AUSTIN,
Acting Secretary of the Interior.

[FR Doc.76-30175 Filed 10-14-76;8:45 am]

[NM 28940]

NEW MEXICO

Notice of Application

OCTOBER 4, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Cities Service Oil Company has applied for one 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 8 S., R. 30 E.,
Sec. 32, SE¼SW¼ and W½SE¼.
T. 9 S., R. 30 E.,
Sec. 6, NE¼SE¼.

This pipeline will convey natural gas across .547 of a mile of national resource lands in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-30259 Filed 10-14-76;8:45 am]

[NM 28957 and 28958]

NEW MEXICO

Notice of Applications

OCTOBER 6, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two cathodic protection station site rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 4, lots 3, 4 and SE¼NW¼;
Sec. 5, lot 3.

The cathodic protection stations will be used in connection with natural gas operations and will cross .494 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-30258 Filed 10-14-76;8:45 am]

MONTROSE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

OCTOBER 8, 1976.

Notice is hereby given that the Montrose District, Bureau of Land Management Multiple Use Advisory Board originally scheduled for September 28 and 29, 1976, will now meet on November 12, 1976.

The meeting will begin at 8:00 a.m., November 12, 1976, in the Montrose District Office, Highway 550 South, Montrose, Colorado.

The agenda for the meeting will include discussions on new legislation and proposed regulations affecting the Bureau of Land Management. A status report on the Uncompahgre Livestock Grazing Environmental Statement will be presented.

The meeting is open to the public. Interested persons may make brief oral presentations to the Board on November 12, 1976, at the Montrose District Office, or present written statements. Persons who wish to make oral statements should notify the Montrose District Manager, P.O. Box 1269, Montrose, Colorado 81401 (Phone No. (303) 249–7791) prior to the meeting.

MARLYN V. JONES,
District Manager.

[FR Doc.76-30261 Filed 10-14-76;8:45 am]

ROSWELL DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Bureau of Land Management, Roswell District Multiple Use Advisory Board, will meet from 9:00 a.m. to 4:30 p.m., November 15, 1976, at the Roswell Inn, 1815 North Main, Roswell, New Mexico.

This meeting is for further discussion, review and possible recommendations by the Board regarding antelope fencing and fence modifications.

The meeting will be open to the public. Written communications or telephone requests for information on the meeting should be directed to James H. O'Connor, District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201—Telephone No. (505) 622–7670.

JAMES H. O'CONNOR,
District Manager.

OCTOBER 7, 1976.

[FR Doc.76-30262 Filed 10-14-76;8:45 am]

[ES15832; Survey Group 98]

WISCONSIN

Filing of Plats of Survey

OCTOBER 6, 1976.

The plats of survey for the following described lands will be officially filed in the Eastern States Office, Silver Spring, Maryland as of 10:00 a.m. on November 17, 1976. The plat for the island in Crawling Stone Lake in T. 40 N., R. 5 E. was accepted on November 10, 1975, and the plat of islands in Statenaker and Toulish Lakes was accepted on May 11, 1976. The remaining plats were accepted on March 31, 1976. All the islands are: similar in all respects to the adjacent surveyed mainland; well over 50% upland in character within the meaning of the Swampland Act of September 28, 1850; and located in the Fourth Principal Meridian, Wisconsin. The surveys were executed at the request of the Bureau of Indian Affairs since the lands are located within the Lac du Flambeau Reservation.

The plat of survey of an island in Crawling Stone Lake represents the survey of an island not previously surveyed or included within the areas as shown on the original survey plat. This island is described as:

T. 40 N., R. 5 E.
Tract 37
Containing 3.54 acres.

The soil is typically glacial till and sand, mixed with small amounts of clay, gravel and larger rocks and topped with a thin layer of organic matter. Timber consists of oak, Norway pine and white pine, and the elevations of the island range up to approximately 25 feet above the ordinary high-water mark.

The plat of survey of an island in Toulish Lake, now described as Tract 37, containing 1.40 acres, and another in Statenaker Lake, now described as Tract 38, containing 1.75 acres, represents the survey of previously unsurveyed lands in T. 40 N., R. 6 E. The soil of both tracts is sandy and gravelly loam, and the vegetation consists of pine, birch, poplar, maple and native grasses. Tract 38 is about 25 feet above the original high-water mark of Statenaker Lake.

The plat of survey of ten islands in Pokegana Lake represents the survey of lands omitted from the previous survey of T. 41 N., R. 5 E., as well as a dependent resurvey of a portion of the east and south boundaries and a portion of the subdivisional lines and the survey of the subdivisions of Section 34. The previously omitted islands are now described as:

T. 41 N., R. 5 E.
Tract 37 (1.28 acres)
Tract 38 (0.85 of an acre)
Tract 39 (1.15 acres)
Tract 40 (4.58 acres)
Tract 41 (0.40 of an acre)
Tract 42 (0.26 of an acre)
Tract 43 (0.20 of an acre)
Tract 44 (0.31 of an acre)
Tract 45 (0.42 of an acre)
Tract 46 (0.37 of an acre)
The area aggregates 9.82 acres.

Tract 37 rises abruptly from the water line to an elevation of approximately 14 feet with soil composed of a thin layer of duff on a base of glacial till and some organic matter near the surface. Vegetation consists of red and white pine, aspen, white birch, grasses and alder.

Tract 38 rises abruptly from the ordinary high-water mark and levels off to a plateau with an elevation of 10 to 12 feet. On the east side of the island, a low, narrow strip of boggy land supports a stand of alder. Having a soil of glacial till with a moderate amount of organic matter in the top layer, this island maintains vegetation consisting of white and red pine, white birch, grasses, northern white cedar, balsam fir, and alder.

Tract 39 rises sharply 7 to 8 feet to a plateau and has typical glacial till soil. Timber is limited to aspen, white birch and white pine, while the undergrowth is comprised of northern white cedar and grasses.

Tract 40, having a soil of glacial till covered with layer of duff, rises from the shore line to a high point of approximately 40 feet on the south end. Aspen, oak, white birch and red and white pine comprise the forest; the undergrowth consists of young timber, hazel and grasses.

Tract 41 rises to about 5 feet above the ordinary high-water mark and has a soil composed of organic matter on glacial till. Vegetation consists of white and red pine, white birch, aspen, balsam fir, northern white cedar and alder.

V 41 201 OCT 15 76 UM

Tract 42, with a soil of glacial till, supports growth of white birch, northern white cedar, balsam fir, grass and alder. The highest point on the island is approximately 7 feet above the ordinary high-water mark.

Tract 43, having a high point approximately 4 feet above the ordinary high-water mark, has a typically glacial till soil with an accumulation of organic matter on top. Timber consists of white and red pine and white birch, with an almost complete ground cover of moss. Alder and some grass are also found.

Tract 44 rises approximately 10 feet above ordinary high water. The glacial till soil sustains red and white pine, aspen, northern white cedar, balsam fir, yellow birch, grasses and alder.

Tract 45, with vegetation consisting of red pine, white brich and alder, has glacial till soil topped by a layer of organic material. Elevations on this island range up to 15 feet above the ordinary high-water mark.

Tract 46, with rises sharply to 30 feet above the ordinary high-water mark, has soil consisting of glacial till with a covering of duff. Red pine, white birch, aspen, northern white cedar and alder comprise the vegetation.

The plat designating Tracts 37 through 40, T. 41 N., R. 6 E. represents a survey of portions of two islands and two complete islands in Ike Walton Lake not previously surveyed. Tract 40, containing 0.99 of an acre, is a portion of an island with elevation ranging up to 10 feet above the ordinary high-water line. The glacial till soil has a thin topping or organic matter and vegetation consisting of birch, fir, maple, hemlock, hazelnut brush and alder. Tract 39, containing 15.08 acres, is a portion of an island having an elevation of 25 feet above the ordinary high-water line. In a low, swampy area in the northwest portion of this tract, the soil is mostly peat; elsewhere the soil is glacial till with a thin layer of humus. Again the vegetation consists of birch, fir, maple, pine, hemlock, hazelnut brush and alder. Tract 38 is an island with an elevation of approximately 5 feet above the ordinary high-water line which covers 0.06 of an acre. Having a glacial till soil, it sustains growths of birch, fir, maple, pine, hemlock and alder. Tract 37, containing 15.60 acres, is an island with elevation ranging up to approximately 20 feet above the ordinary high-water line. Vegetation growing in the soil of glacial till topped with a thin layer of organic matter consists of birch, fir, maple, pine, hemlock, hazlenut brush and alder. The total area surveyed in T. 40 N., R. 6 E. aggregates 31.73 acres.

A plat in two sheets represents: the dependent resurvey of a portion of the east boundary of T. 41 N., R. 5 E.; a portion of the subdivisional lines and the reestablishment of the west record meander line of Big Crooked Lake within Section 15, T. 41 N., R. 5 E.; a survey of two islands in Ike Walton Lake; and the survey of 4 islands in Big Crooked Lake and 1 island in Muskesin Lake which were omitted from the original township survey. The islands are described as:

T. 41 N., R. 5 E.
- Tract 47 (0.56 of an acre)
- Tract 49 (0.33 of an acre)
- Tract 50 (1.61 acres)
- Tract 51 (0.05 of an acre)
- Tract 52 (0.60 of an acre)
- Tract 53 (2.37 acres)
- Tract 54 (0.99 of an acre).

The area aggregates 6.51 acres.

Elevations of the areas described as Tracts 52 and 54, which are located in Ike Walton Lake, range up to approximately 10 feet above the ordinary high-water mark. The typically glacial till soil is topped with a thin layer of organic matter, and vegetation is comprised of birch, fir, maple, pine, hemlock, hazelnut brush and alder.

Tracts 47, 49, 50 and 51 are islands located in Big Crooked Lake. Tract 47 has an elevation ranging up to 15 feet above the ordinary high-water mark, typically glacial till soil with a thin covering of organic matter, and vegetation consisting of Norway and white pine, birch, aspen, grasses and alder. Tract 49 rises to about 6 feet, has typically glacial till soil covered with a layer of duff, timber comprised of Norway and white pine and birch and an understory of hazelnut brush and alder. The elevation of Tract 50 ranges up to approximately 25 feet above the ordinary high-water mark, and the soil is typically glacial till covered with a layer of organic matter. Its vegetation consists of Norway and white pine, red and white oak, birch, aspen, grasses, hazelnut brush and alder. Tract 51 rises to about 3 feet, has glacial till soil covered with a layer of duff, and the only vegetation consists of white pine and alders.

Located in Muskesin Lake, Tract 53 has an elevation ranging up to 15 feet and typical glacial till soil with a thin topping of organic matter. A small portion of the island has swamp characteristics with more organic matter in the soil. Timber on this island is comprised of birch, fir, maple and pine, with an undergrowth of hazelnut brush and alder.

All the lands described above, being located within the boundaries of the Lac du Flambeau Indian Reservation, are hereby added to and made a part of this reservation and hereafter shall be subject to all laws and regulations applicable thereto.

All inquiries relating to these islands should be sent to Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

CLAUDE A. MARTIN,
Acting Director, Eastern States.

[FR Doc.76-30260 Filed 10-14-76;8:45 am]

[Colorado 22843]

COLORADO

Proposed Withdrawal and Reservation of Lands

OCTOBER 7, 1976.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial Number Colorado 22843, for the withdrawal of lands described below from all forms of appropriation under the public land laws, including location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights. The withdrawal would prohibit construction of roads under Revised Statutes 2477 and other authorities, except under authorization of Special Land Use Permits (43 U.S.C. 315g).

The applicant wishes to secure Tenure of the described lands for the protection of BLM constructed campground facilities and to preserve public recreation, scenic, and other values near DeWeese Reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (CO–943).

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

6TH PRINCIPAL MERIDIAN

COLORADO

T. 21 S., R. 72 W.,
- Sec. 19, SE¼SE¼;
- Sec. 20, SE¼SE¼;
- Sec. 21, W½SW¼;
- Sec. 28,, NW¼NW¼;
- Sec. 29, Lots 1 and 2.

The area described aggregates 281.44 acres in Custer County.

JAMES S. LAVENDER,
Acting State Director.

[FR Doc.76-30206 Filed 10-14-76;8:45 am]

National Park Service

NAVAJO NATIONAL MONUMENT

Public Use Restrictions

By proclamation No. 1186 dated March 14, 1912 (37 Stat. 1733) and an Act for the Preservation of American Antiquities of June 8, 1906 (345 Stat. 225, 16 U.S.C. 433) warning is expressly given to all unauthorized persons not to appropriate, excavate, injure or destroy any of the relics declared to be a National Monument.

In the administration of Navajo National Monument, the Secretary of the Interior is authorized to utilize statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authority otherwise available to him for the conservation and management of natural and historic resources as he deems appropriate to carry out the purpose of the Act of August 25, 1916 (39 Stat. 535 as amended, 16 U.S.C. 1 et seq.), the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321, 4332 and 4335 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915), Executive Order 11593 dated May 13, 1971 (36 FR 8921) and subsections 3(a) (1), 4(a) (2) and 245 DM–1 (34 FR 13879) as amended, notice is given to all persons planning to visit the monument that local restrictions have been established to control use and safeguard the prehistoric ruins. A written permit or a guide must be obtained through the Superintendent's office prior to any visit to Betatakin, Keet Seel, and Inscription House ruins.

Persons who are planning to visit the monument are urged to request copies of free informational material which describe the monument, authorized activities and public use restrictions and limits by writing to the Superintendent, Navajo National Monument, Tonalea, Arizona 86044.

FRANK E. HASTINGS,
Superintendent.

[FR Doc.76-30283 Filed 10-14-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-443]

CHEROKEE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861 (c) (1970), Cherokee Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1 and 2 Mines, both located in Tazewell County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, and in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner's Nos. 1 and 2 Mines have sections in which coalbed height is 38 inches or less.

2. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator proper vision for safe operation of the equipment while remaining under the cab or canopy, which will clear the top in areas where the equipment must operate in these mines, or which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

3. Petitioner contends that application of 30 CFR 75.1710 and 75.1710–1(a) (5) to its present electrical face equipment in the coalbed height shown in paragraph 1 of its Nos. 1 and 2 Mines will result in a diminution of safety in the operation of said equipment.

4. Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mines:

a. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraph 2 above.

b. In addition to complying with the roof control plan in effect at each of the subject mines, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib falls recognition and prevention techniques as well as safe equipment operation.

5. Wherefore, Petitioner Cherokee Coal Company, respectfully requests that its Petition for Modification of the application of 30 CFR 75.1710 and 1710–1(a) (5) be granted until such time as it is able to acquire or construct cabs or canopies configured for safe operation in the coalbed heights at these mines for which this Petition is filed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 5, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-30211 Filed 10-14-76;8:45 am]

[Docket No. M 76-475]

PATHFORK HARLAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pathfork Harlan Coal Company has filed a petition to modify the application of 30 CFR 75.800 to its Lucky Star Mine, Karen Mine, and Rice Harlan Mine, all located in Harlan County, Kentucky.

30 CFR 75.800 provides:

High-voltage circuits entering the underground area of any coal mine shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and over-current.

The substance of Petitioner's statement is as follows:

1. The present ground fault system gives no less protection to the personnel at the mine than would a system in compliance with § 75.800.

2. The electrical system that is used at these mines consists of a Wye-connected secondary which is resistance grounded. This transformer then feeds a bank of fan transformers prior to entering the underground portion of the mine. The frames of all transformers (except the fan transformers) and hardware in the electrical enclosure are grounded to the power company's ground. The resistance ground is insulated and removed by a minimum of 50 feet. The bank of transformers which feed the fan are fused on the primary side in accordance with the National Electrical Code of 1975.

3. The fan transformers are insulated from all paths to ground except for two solid connected wires from the frames of the fan transformers back to the grounded side of the grounded resistor. These two ground wires are insulated from any other ground.[1] The fan trans-

[1] A diagram enclosed with the petition for modification is available for inspection at the address shown in the last paragraph.

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formers are mounted 15 feet above ground. In case the fan transformer had a phase to frame short, no hazard would exist. The two separate frame conductors would conduct fault current to the 160-ohm current limiting resistor and would limit the fault current to 15 amps and the fault voltage to a safe standpoint. If the ground wire were to become open, which is unlikely since there are two separate wires, no safety hazard would exist. Since the transformers are insulated from all grounds no current would flow, therefore, it poses no hazard to the underground system of the mine.

4. Petitioner feels that the ground fault protection provided at these mines is in compliance with the Federal Mine Safety law and offers no less protection for the men as any method proposed by MESA.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 5, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-30212 Filed 10-14-76;8:45 am]

[Docket No. M 76-408]

SLATER MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Slater Mining Corp., has filed a petition to modify the application of 30 CFR 75.1710 to its Apple Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6), of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two S & S 86 UNA TRAC's. The other face equipment consists of an LRB 15A Long Airdox roof bolter, an 11 RU Joy cutting machine, and a Long Airdox mobile drill.

3. The Apple Mine is in the Thacker seam which ranges from 39 to 44 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support, cables and ventilation curtains. Installation of canopies on the equipment allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 5, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-30213 Filed 10-14-76;8:45 am]

[Docket No. M 76-388]

THACKER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Thacker Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1 and 2 Mines, both located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment and face equipment.

2. Petitioner feels that the canopies that have been installed on the haulage and face equipment are creating a hazard to the operators and to the people working around the equipment.

3. The Thacker Coal Company Mines are located in the No. 2 Elkhorn seam. This seam ranges from 42 to 48 inches in height. This seam is always running into ascending and descending grades. This seam is also subject to rolls and sways in the roof rock. These conditions, plus the canopies, limit the equipment operators' vision from up to 50 or 75 percent, creating a hazard to them and anyone around them.

4. After having discussed this situation with the operators of this equipment, Petitioner feels that further use of these canopies can only result in more haulage and tramming accidents.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: October 5, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-30214 Filed 10-14-76;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD—GULF OF MEXICO

Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 93-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Gulf of Mexico Regional Board will meet during the period 10:00 a.m. to 2:00 p.m., October 29, at the U.S. 5th Circuit Court of Appeals, 600 Camp Street, Room 105, New Orleans, Louisiana.

The meeting will include a presentation by SUSIO concerning contract problems, a briefing on the coastal energy impact fund and a review of the agenda for the national meeting.

This meeting is open to the public. Interested persons may make oral or written presentations to the committee. Such requests should be made by October 26 to the Gulf of Mexico Board Chairman:

Mike Hutsell, Energy Coordinator, Texas Office of State-Federal Relations, 1019 19th Street, N.W., Suite 830, Washington, D.C. 20036; 202/223-3265.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

OCTOBER 8, 1976.

[FR Doc.76-30176 Filed 10-14-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A379]

UTAH

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Utah Counties as a result of drought April 1, 1976 through August 19, 1976.

Beaver	Millard
Iron	San Pete
Juab	Sevier

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Calvin L. Rampton that such designation be made.

Applications for emergency loans must be received by this Department no later than November 18, 1976, for physical losses and June 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 28th day of September 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-30246 Filed 10-14-76;8:45 am]

Forest Service

CHEQUAMEGON NATIONAL FOREST TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Timber Management Plan for the Chequamegon National Forest, USDA-FS-R9-DES-(ADM)-77-01.

The environmental statement concerns a proposed plan for managing the timber resources on the Chequamegon National Forest for the period 10/1/76 through 9/30/86. The Chequamegon National Forest is located in parts of Ashland, Bayfield, Sawyer, Price, Taylor, and Vilas Counties, Wisconsin.

This draft environmental statement was transmitted to CEQ on October 8, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, Chequamegon National Forest, Federal Building, Park Falls, Wisconsin 54552.

A limited number of single copies are available upon request to Forest Supervisor, Chequamegon National Forest, Federal Building, Park Falls, Wisconsin 54552.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Chequamegon National Forest, Federal Building, Park Falls, Wisconsin 54552. Written comments must be received by December 7, 1976, in order to be considered in the preparation of the final environmental statement.

W. D. WILLIAMS,
Acting Regional Forester.

OCTOBER 8, 1976.

[FR Doc.76-30252 Filed 10-14-76;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Fourth Quarterly Estimates

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

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In accordance with the requirements of the Act, the following fourth quarterly estimates are published:

1. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1976 is 1,120.9 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1976 is 1,250 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2(a) of the Act, action is required to be taken under the Act with respect to the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or froden meat of goats and sheep (TSUS 106.20), which may be entered during the calendar year 1976.

Done at Washington, D.C., this 8th day of October 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.

[FR Doc.76-30224 Filed 10-14-76;8:45 am]

Soil Conservation Service

UPPER NANTICOKE RIVER WATERSHED PROJECT, DELAWARE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Nanticoke River Watershed project, Kent and Sussex Counties, Delaware.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement remaining to be installed include conservation land treatment supplemented by about 38.3 miles of multiple-purpose channels.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Treadway Towers, Suite 2-4, 9 East Loockerman Street, Dover, Delaware 19901. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken on or before November 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566.)

Dated: October 6, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-30196 Filed 10-14-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

The meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee scheduled for Tuesday, October 19, 1976, has been rescheduled for Tuesday, December 7, 1976, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. The agenda and other information relating to the Committee meeting, as published in the FEDERAL REGISTER, (41 FR 42689), on Tuesday, September 28, 1976, remain unchanged.

Date: October 12, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.76-30517 Filed 10-14-76;9:36 am]

Office of the Secretary

[Department Organization Order 15-7]

OFFICE OF REGIONAL AFFAIRS

Delegation of Authority

DEPARTMENT ORGANIZATION ORDER SERIES

SEPTEMBER 23, 1976.

This order effective September 23, 1976 supersedes the material appearing at 41 FR 8520 of February 27, 1976.

Section 1. Purpose.

This order establishes, and prescribes the functions of, the Office of Regional Affairs.

Section 2. Establishment, reorganization and transfers.

.01 The Office of Regional Affairs is hereby established and the functions, personnel, funds, property and records of the Field Programs Staff are hereby transferred to it.

.02 In accord with the above, the Field Programs Staff is abolished.

.03 The position title of Deputy Under Secretary for Field Programs is changed to Deputy Under Secretary for Regional Affairs.

Section 3. Status and line of authority.

The Office of Regional Affairs, a Departmental Office, shall be headed by the Deputy Under Secretary for Regional Affairs who shall coordinate the activities of the Secretarial Representatives, who shall be representatives of the Secretary to business, government, and other individuals and organizations in the Standard Federal Regions described in OMB Circular A-105. There shall be ten Secretarial Representatives, one stationed in each of the ten Standard Federal Regional cities. The Secretarial Representatives shall be responsible to the Secretary.

Section 4. Functions.

.01 The Deputy Under Secretary for Regional Affairs shall coordinate the activities of the Secretarial Representatives on behalf of the Secretary; he shall assist the Under Secretary in his function as a member of the Under Secretaries' Group for Regional Operations established in Executive Order 11647, as amended by Executive Order 11892; and shall be the liaison between the Secretarial Representatives and Washington-based officials in the Department and other Federal agencies.

The Deputy Under Secretary for Regional Affairs shall also be responsible for assuring that the Department's policies and programs are communicated to, and are responsive to the needs of, the public and business, government, and other individuals and organizations in the Standard Federal Regions; and that Department programs which affect the Regions are coordinated with related programs of other government agencies.

.02 The Secretarial Representatives shall:

a. Represent the Secretary to individuals and organizations in the Regions.

b. As authorized by Executive Order 11892, represent the Department on, and provide staff support to, the Federal Regional Councils.

c. Maintain continuing liaison with the regional programs operating officials of the Department to insure coordination both among the Department's programs and between these programs and the programs of other Federal agencies, states, and local governments.

d. Initiate, plan, and conduct studies and reviews to identify conditions which may limit the ability of the Department's operating officials to coordinate their programs with other programs of the Department, and those of other Federal agencies, states, and local governments; recommend to the Secretary and to other officials in the Department, in other Federal agencies, and in state and local governments, the policy and procedural changes which could eliminate these conditions; and work with these officials to implement decisions consequent thereto.

e. Maintain continuing liaison with the public, and with business, government, and other officials in the Regions to facilitate the delivery of the Department's services within these Regions.

f. Make periodic reviews of the effectiveness of the Department's programs in meeting the needs of the Regions, and report the findings and recommendations of such reviews to the Secretary.

g. Provide the Secretary with information on developments and activities in the Regions, particularly on legislative, business, and economic issues which may affect the Department's programs in the Regions.

h. Perform such other functions as the Secretary may from time to time direct.

Section 5. Limitation on authority.

Nothing in this order shall alter, amend, modify, or repeal any parts of other standing orders which delineate the duties and responsibilities of program officials operating in the Regions.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-30249 Filed 10-14-76;8:45 am]

ADVISORY COMMITTEE ON PRODUCT LIABILITY

Open Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act. 5 U.S.C. App. I (Supp. V. 1975), notice is hereby given that a meeting of the Advisory Committee on Product Liability will be held at 9:30 a.m., Monday November 1, 1976 in Room 6802 of the Main Commerce Building 14th Street between E. Street and Constitution Avenue, N.W., Washington, D.C.

The Committee was established to advise the Department, through the Under Secretary, on measures that might be taken in the public policy area to facilitate improvements in the product liability process.

Agenda items are as follows:

1. Progress report on Department product liability activities.

2. Discussion of questions generated by first meeting.

3. Discussion of major issues involving products liability claims.

4. Evaluation of potential remedies.

5. Comments and questions from the public.

6. Setting of the date for the next meeting and tentative agenda.

The meeting will be open to public observation and a period will be set aside for oral comments or questions by the public. Any person who wishes to file a written statement with the Committee may do so before or after the meeting. Approximately 40 seats will be available to the public on a first come, first serve basis.

Minutes of the meeting will be available on request 30 days after the meeting from the Committee Control Officer.

Additional information may be obtained from Edward T. Barrett, II, Committee Control Officer, Room 2898C, United States Department of Commerce, Washington, D.C. 20230.

Dated: October 13, 1976.

EDWARD O. VETTER,
Under Secretary of Commerce.

[FR Doc.76-30552 Filed 10-14-76;12:01 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1976:

Name: National Advisory Mental Health Council.

Date and time: December 6-7, 9:30 a.m. Open meeting.

Place: Conference Room 14-105, Parklawn Building, Rockville, Maryland.

Contact: Mrs. Zella Diggs, Parklawn Building Room 11-101, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: The entire meeting will be devoted to discussion of NIMH policy issues and will be open to the public. Discussions will include current administrative, legislative, and program developments.

Attendance by the public will be limited to space available.

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the Council members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3600.

Dated: October 8, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-30238 Filed 10-14-76;8:45 am]

Food and Drug Administration

ARTHRITIS ADVISORY COMMITTEE

Meeting Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41771), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the open committee discussion portion of the meeting of the Arthritis Advisory Committee for October 21 will also include new drug application (NDA) 12-141, Cytoxan (cyclophosphamide).

Dated: October 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-30079 Filed 10-14-76;8:45 am]

[Docket No. 76N-0295; DESI 9698]

MEPROBAMATE ORAL PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 9698; Docket No. FDC-D-227 (now Docket No. 76N-0295)) published in the FEDERAL REGISTER of September 19, 1970 (35 FR 14663), the Food and Drug Administration announced its conclusions that the drug products described below are (1) effective for the relief of anxiety and tension; as an adjunct in the treatment of various disease states in which anxiety and tension are manifested; and to promote sleep in anxious, tense patients; (2) probably effective in anxiety states associated with tension headache, medical and surgical disorders and procedures, heart disease, and behavior disorders; (3) possibly effective as adjunctive therapy in the control and rehabilitation of chronic alcoholic patients, and as adjunctive therapy in the treatment of psychoses; and (4) lacking substantial evidence of effectivenes for all their other labeled indications. The notice also offered an opportunity for a hearing concerning the indications concluded at that time to lack substantial evidence of effectiveness. The manufacturers of the drug products deleted from the labeling of the drug products the probably effective indications, the possibly effective indications, and the indications lacking substantial evidence of effectiveness. No person has submitted any data in support of the probably effective and possibly effective indications and those indications are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning those indications and sets forth the conditions for marketing the drug products for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before November 30, 1976.

The notice that follows does not pertain to the indications stated in the September 19, 1970 notice to lack sub-

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stantial evidence of effectiveness. No person requested a hearing concerning them and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 9-698; Miltown Tablets and Meprotabs (sugar-coated tablets); and

2. NDA 11-284; Meprospan (sustained-release) Capsules, each containing meprobamate; Wallace Laboratories, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.

3. NDA 10-028; Equanil Tablets and Enteric Coated Tablets; and

4. NDA 11-535; Equanil Suspension; and

5. NDA 12-455; Equanil LA (long acting) Tablets, each containing meprobamate; Wyeth Laboratories, Division American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101.

6. NDA 12-432; Meprobamate Tablets; Gyma Laboratories of America, Inc., 118-21 Queens Blvd., Forest Hills, NY 11375.

The following new drug applications, all providing for products containing meprobamate, were not included in the notice of September 19, 1970, but they are affected by this notice:

1. NDA 10-511; Miltown Tablets and Capsules, and Meprobamate Tablets; Lederle Laboratories, Division of American Cyanamid Co., P.O. Box 500, Pearl River, NY 10965.

2. NDA 12-513; Pertranquil Tablets; Philadelphia Pharmaceutical & Cosmetic Co., 9815 Roosevelt Blvd. & Blue Grass Rd., Philadelphia, PA 19114.

3. NDA 12-866; Meprobamate Tablets; Riverton Laboratories, 852 Clinton Ave., & 20th St., Newark, NJ 07108.

4. NDA 14-322; Meprobamate Tablets; Richlyn Laboratories, 3725 Castor Ave., Philadelphia, PA 19124.

5. NDA 14-344; Meprobamate Tablets; Bryant Pharmaceutical Corp., 70 S. Mac Questen Pkwy., Mt. Vernon, NY 10550.

6. NDA 14-359; Neuramate Tablets; Halsey Drug Co., Inc., 1827 Pacific St., Brooklyn, NY 11233.

7. NDA 14-364; Meprobamate Tablets; Bates Laboratories, Inc., Division LTC Pharmaceuticals Corp., 2312 West Main St., Evanston, IL 60202.

8. NDA 14-365; Meprobamate Tablets; Philadelphia Laboratories, Inc., Division Philadelphia Pharmaceutical & Cosmetic Co.

9. NDA 14-367; Meprobamate Tablets; American Pharmaceutical Co., P.O. Box 2222, Elizabeth, NJ 07207.

10. NDA 14-368; Meprobamate Tablets; McKesson Laboratories, P.O. Box 548, Bridgeport, CT 06602.

11. NDA 14-417; Meprobamate Tablets; BBC Laboratories, Division Brunswig Drug Co., 700 N. Seperlueda Blvd., El Segundo, CA 90245.

12. NDA 14-464; Meprobamate Tablets; Towne Paulsen & Co., Inc., 140 East Duarte Rd., Monrovia, CA 91016.

13. NDA 14-474; Meprobamate Tablets; Stanley Drug Products, Inc., Division Sperti Drug Corp., P.O. Box 3108, Portland, OR 97208.

14. NDA 14-509; Meprobamate Tablets; Chase Chemical Co., 280 Chestnut St., Newark, NJ 07105.

15. NDA 14-511; Meprobamate Tablets; Davis-Edwards Pharmacal Corp., Davis-Edwards Rd., Danbury, CT 06810.

16. NDA 14-547; Meprobamate Tablets; Premo Pharmaceutical Laboratories, Inc., 111 Leuning St., S. Hackensack, NJ 07606.

17. NDA 14-600; Meprobamate Tablets; Vitamix Pharmaceuticals, Inc., Division Philadelphia Pharmaceutical & Cosmetic Co., Inc., 1500 Walnut St., Philadelphia, PA 19102.

18. NDA 14-601; Meprobamate Tablets; Leo Linden Laboratories, Inc., 5353 Grosvenor Blvd., Los Angeles, CA 90066.

19. NDA 14-644; Meprobamate Tablets; Wynlit Pharmaceuticals, Division Unimed, Inc., Rt. 202, Morristown, NJ 07960.

20. NDA 14-769; Meprobamate Tablets; Nysco Laboratories, Inc., Division USV Pharmaceuticals Corp., 34-24 Vernon Blvd., Long Island City, NY 11106.

21. NDA 14-772; Viobamate Tablets; Rowell Laboratories, Inc., Baudette, MN 56623.

22. NDA 14-862; Meproleaf Tablets; Gold Leaf Pharmacal Co., Inc., Division Ormont Drug & Chemical Co., 520 South Dean St., Englewood, NJ 07631.

23. NDA 14-882; Meprobamate Tablets; The Lannett Co., Inc., 9000 State Rd., Philadelphia, PA 19136.

24. NDA 15-023; Meprobamate Tablets; Wynlit Pharmaceuticals.

25. NDA 15-072; Probamin Tablets and Sedabamate Tablets; Mallard, Inc., 3021 Wabash Ave., Detroit, MI 48216.

26. NDA 15-079; Meprobamate Tablets; Rexall Drug Co., P.O. Box 7189, St. Louis, MO 63115.

27. NDA 15-081; Meprobamate Tablets; Kirkman Laboratories, Inc., P.O. Box 3929, Portland, OR 97208.

28. NDA 15-132; Meprobamate Tablets; Professional Drug Products, 621 West Pico Blvd., Los Angeles, CA 90015.

29. NDA 15-139; Meprobamate Tablets and Meprobamate Yellow Tablets; ICN Pharmaceuticals, 222 North Vincent Ave., Covina, CA 91722.

30. NDA 15-170; Fas-cile Tablets; Schlicksup Drug Co., Inc., 420 Southwest Washington St., Peoria, IL 61602.

31. NDA 15-202; Meprobamate Tablets; Truett Laboratories, Division Southwestern Drug Corp., P.O. Box 34029, Dallas, TX 75234.

32. NDA 15-417; Meprobamate Tablets; West-Ward, Inc., 745 Eagle Ave., Bronx, NY 10456.

33. NDA 15-426; Meprobamate Tablets; Ketchum Laboratories, Inc., 26 Edison St., Amityville, NY 11701.

34. NDA 15-437; Meprobamate Tablets; Phoenix Laboratories, Inc., 175 Lauman Ln., Hicksville, NY 11811.

35. NDA 15-438; Meprobamate Tablets; Zenith Laboratories, Inc., 140 LeGrand Ave., Northvale, NJ 07647.

36. NDA 16-021; Meprobamate Tablets; Pennex Products Co., Inc., Eastern Ave. at Pennex Dr., Verona, PA 15147.

37. NDA 16-025; Meprobamate Tablets; Barrows Chemical Co., Inc., 303 Prospect St., Inwood, Long Island, NY 11696.

38. NDA 16-039; Meprobamate Tablets; Vita-Fore Products Co., Inc., 95-07 98th St., Ozone Park, NY 11416.

39. NDA 16-051; Meprobamate Tablets; Lit Drug Co., 2530 Polk St., Union, NJ 07083.

40. NDA 16-068; Meprobamate Tablets; Leeds Dixon Laboratories, Inc., Moonachie, NJ 07074.

41. NDA 16-069; Klort Tablets; Lemmon Pharmacal Co., Sellersville, PA 18960.

42. NDA 16-107; Protran White Tablets and Protran Yellow Tablets; Rand Laboratories, Inc., P.O. Box 7312, Metairie, LA 70002.

43. NDA 16-112; Meprobamate Tablets; Purepac Corp., Division Elizabeth Laboratories, 200 Elmora Ave., Elizabeth, NJ 07207.

44. NDA 16-249; Meptran Tablets and Traner Tablets; Reid-Provident Laboratories, Inc., 25 Fifth St., N.W., Atlanta, GA 30308.

45. NDA 16-254; Meprobamate Tablets; Modern Drugs, Inc., 21020 Soledad Canyon Rd., Saugus, CA 91350.

46. NDA 16-316; Tamate Tablets; Merrell-National Laboratories, Division Richardson-Merrell, Inc., P.O. Box 15260, Cincinnati, OH 45215.

47. NDA 16-686; Meprobamate Tablets; Philips Roxane Laboratories, Inc., P.O. Box 1738, Columbus, OH 43216.

48. NDA 16-789; Meprobamate Tablets; Rondex Laboratories, Inc., 68 69th St., Guttenberg, NJ 07093.

49. NDA 16-928; Meprobamate Tablets; Heather Drug Co., Inc., No. 1 Fellowship Rd., Cherry Hill, NJ 08034.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indications listed in the labeling conditions below. The drug products now lack substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the September 19, 1970 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet, capsule, or suspension form suitable for oral administration. The dosage form may be formulated for standard or controlled release.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For the relief of anxiety and tension; as an adjunct in the treatment of various disease states in which anxiety and tension are manifested; and to promote sleep in anxious, tense patients.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before December 14, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (ANDA) (21 CFR 314.1(f)) must be obtained prior to marketing such product. For controlled release forms, data from appropriate bioavailability studies will be required as part of the ANDA. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

c. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 15, 1976, a written notice of appearance and request for hearing, and (2) on or before December 14, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgments against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 9698, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

(Secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355 and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Dated: October 4, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-30081 Filed 10-14-76;8:45 am]

[Docket No. 76N-0411]

NAPROSYN TABLETS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The Food and Drug Administration (FDA) proposes to withdraw approval of the new drug application (NDA 17-581) for Naprosyn (naproxen) Tablets held by Syntex Corporation, 3401 Hillview Ave., Palo Alto, CA 94304, on the ground that it contains untrue statements of material facts. Any request for a hearing or comments must be submitted on or before November 15, 1976.

V41N201 OCT 15 76 UM

Naproxen is a nonsteroidal anti-inflammatory agent indicated for use in the management of rheumatoid arthritis and thus intended for long term administration when appropriate. NDA 17-581 authorizing marketing of Naprosyn brand of naproxen tablets was approved on March 11, 1976. The application contained statements regarding studies of the long-term toxicity of Naprosyn which represented the drug to be safe for chronic human use.

The Director of the Bureau of Drugs now has reason to believe that certain material facts either were misstated in the application for Naprosyn or were omitted from the application. As a consequence, the agency's evaluation of the safety of Naprosyn was based on erroneous data. Therefore, the Director is proposing to withdraw the approval of the application for Naprosyn.

BACKGROUND

The new drug regulations require that an NDA contain full reports of adequate preclinical tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling. The reports are to include all studies made on laboratory animals, the methods used, and the results obtained. 21 CFR 314.1(c). The NDA form itself states that the application may be refused unless it contains full reports of such preclinical tests and unless those tests adequately take into consideration such special factors as whether the drug is intended for long-term administration. 21 CFR 314.1(c), Form FD-356H, paragraph 10a, b.

This regulatory requirement supplements section 505(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)(1)), under which the Commissioner of Food and Drugs shall, after affording the applicant due notice and an opportunity for a hearing, refuse to approve an NDA that fails to contain evidence of adequate safety testing by all reasonably applicable methods. Protection of the public health, as well as the strictures of the act and regulations, requires that new drugs lacking evidence of adequate tests of safety not be permitted on the market.

The act also provides for the withdrawal of approval of an application that contains any untrue statement of a material fact. Section 505(e)(4) (21 U.S.C. 355(e)(4)). Among the grounds on which an application may be deemed to contain an untrue statement of a material fact is the omission from the application of any information obtained from investigations as to safety if such omission prevents a proper evaluation of the safety of the drug. 21 CFR 314.12 (b)(1). Likewise, the misstatement, whether inadvertent or not, of significant data from which conclusions as to safety are to be drawn must be deemed to constitute an untrue statement of material fact.

ANIMAL STUDIES

Because Naprosyn is intended for long-term administration to humans, one test essential to a determination of its safety is a long-term animal toxicity study designed to measure the effects of chronic exposure to the drug over a substantial portion, or all, of the life span of the animal. It has long been the policy of FDA that an NDA for a drug intended for chronic administration, i.e., more than 6 months, is not approvable unless the preclinical tests include a long-term rodent toxicity study. This policy is widely recognized among drug manufacturers and has been enunciated publicly in speeches made between 1968 and 1972 by Dr. William D'Aguanno, Chief Pharmacologist of the FDA Bureau of Drugs, and in publications. ("Drug Toxicity Evaluation—Pre-Clinical Aspects," FDA Introduction to Total Drug Quality, U.S. Government Printing Office No. 1712-00220, Nov. 1973, pp. 35-40; and "Drug Safety Evaluation—Pre-Clinical Considerations," Industrial Pharmacology, Vol. I, S. Fielding, ed., Futura Publishing Co., Mount Kisco, NY, 1974, pp. 317-332.)

To comply with this requirement for Naprosyn, Syntex submitted the results of one study, a 22-month chronic oral toxicity study in 160 albino rats carried out by Industrial Bio-Test Laboratories (IBT) of Northbrook, IL, under Syntex sponsorship (the "IBT rat study"). That study was used for evaluating both the chronic toxic effect of the compound and the likelihood of its having carcinogenic potential. Two other long-term animal toxicity studies (a 12-month study in the mini-pig and 39-week study in the rhesus monkey) were not adequate to answer these questions because they were not carried out over the major portion of the life span of the animals, and they did not involve a sufficient number of animals to permit a meaningful assessment of carcinogenic potential. The clinical trials and usage to date are also not sufficient to assure long-term safety or lack of oncogenic potential; only a relatively small number of patients have received the drug for as long as 3 years, while the latent period for chemical carcinogenesis in humans may be 10 years or more. Furthermore, clinical experience is an insensitive indicator of carcinogenic potential of drugs.

The agency's assessment of long-term safety underlying the approval of NDA 17-581 was based, therefore, exclusively on the IBT rat study. The materiality of this study and the data reported to FDA is evident from the fact that without the study, Syntex's application would not have been approved, for it would have failed to meet the agency's requirement of adequate long-term animal toxicity data to show whether Naprosyn is safe for chronic use.

UNTRUE MATERIAL STATEMENTS

FDA scientific and regulatory personnel have recently conducted an investigation of the circumstances of performance and the laboratory records of the IBT rat study. On the basis of this investigation, the Director of the Bureau of Drugs has determined that the report of the study submitted to FDA contained serious discrepancies from the records of the study held by IBT, and that other significant information concerning the study was omitted from the reports in the NDA. The Director of the Bureau of Drugs therefore finds that the report of the study in the NDA contains untrue statements of material facts that render the report uninterpretable in documenting the lack of chronic toxic effects or carcinogenic potential of the drug and thereby vitiate the earlier conclusions reached by the agency regarding the long-term safety of Naprosyn. Specifically:

1. The original NDA submitted by Syntex represents that the IBT rat study contained a sufficient number of animals for which records pertaining to necropsy, urinalysis, hematology, histopathology, general animal condition, and feeding and weight data were available to permit an adequate evaluation of the long-term toxic and carcinogenic potential of the drug.

Instead, the original laboratory records revealed that for no single animal among the 160 animals that began the study was a complete set of such records maintained as required by the study protocol agreed upon by Syntex and IBT and submitted to FDA in the application, and that the extent of missing records was substantial and serious. For example, the protocol required daily examinations of all animals, with special attential to be given to the presence of externally visible tissue masses likely to be tumors; however, no systematic records of such daily examinations were available during the FDA investigation. Further, while the results of hematology, clinical chemistry, and urinalysis determinations and gross (readily visible without a microscope) pathology observations were reported in the NDA, the agency's investigation revealed no records at all to support the hematology and clinical chemistry determinations and only partial records on urinalysis determinations, body-weight values, and gross observations, ante and post mortem.

2. Syntex's submissions regarding the IBT rat study represented that a specified set of tissues had been examined histopathologically (with a microscope). In fact, laboratory records show that only some of these tissue samples were collected or prepared for examination. In addition, FDA inspection of the raw data in IBT's files disclosed that, in certain cases, actual tumors were found in animals but were not mentioned in the submission, which is part of the NDA, and that the same was true with certain lesions other than tumors.

3. Withheld from the report submitted in the NDA was the fact that the majority of the animals observed post mortem had already entered a state of advanced autolysis or decomposition at the time of examination, rendering unreliable any gross observations made. Despite such unreliability, the NDA contains data on the results of gross observations of certain organs, and reports, for example, that the lung tissues of animals showed signs of congestion or, by a lack of attribution of findings, implies that the tissues examined were normal. The original laboratory records discovered at IBT indicate that the problem of autolysis was so extensive that, had it been made known to FDA during the agency's review and evaluation of the IBT rat study, this discovery alone would have rendered the entire study unacceptable in documenting the safety of the drug. In addition, many of the 47 animals described in one log kept by IBT as being "too badly autolysed, technician destroyed animal" were found to have certain gross pathologic findings ascribed to them in another log and reported in the NDA. Whether, in fact, these pathology observations were not made because of immediate discarding of the animals or instead were made in animals too badly decomposed to permit a reliable evaluation is not known, but either conclusion renders unacceptable the findings reported in the NDA.

4. An inspection of the records at IBT disclosed numerous inconsistencies with the report, which is part of the NDA, indicating that experimental animals were either identified incorrectly or were misplaced within and among the various treatment groups. For example, many animal weights were recorded as having been collected while the animals were alive on date subsequent to their dates of death; several animals were recorded as having died on more than one date, usually with different versions of gross post mortem findings; extreme variations in body weight were noted both during successive weighings of the same animals and within any group of animals weighed at the same time, even though all animals were reported to have received standard care and drug administration. Such confusion with respect to animal identity renders unreliable any estimate of the onset and persistence of certain important toxic manifestations of naproxen, such as gastrointestinal ulcerations.

The applicant, Syntex, was made aware of these findings by a letter dated August 5, 1976, from the Director of the Bureau of Drugs. The company was more fully advised of the findings in a meeting held between representatives of the Food and Drug Administration and Syntex on August 20, 1976, during which the Syntex representatives acknowledged and discussed many of the discrepancies and deficiencies found in the report of the IBT rat study. Copies of the letter and minutes of the meeting have been placed on file at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

LEGAL BASIS FOR WITHDRAWAL OF NDA

When an approved NDA is later found to have contained untrue statements of facts which were material at the time of approval and which remains material when the untruth is discovered, the law requires that the application be withdrawn, after appropriate notice of opportunity for a hearing and the holding of such hearing if justified. In certain circumstances, statements of fact that were material to approval of an NDA at the time the agency evaluated the application may have ceased to be material when they are discovered to be untrue. For example, evidence invalidating a study that was essential to the original evaluation of the safety of a drug may not be discovered until years after the drug is approved and marketed, and under some circumstances intervening wide clinical experience or additional studies with the drug may be sufficient to resolve the questions of safety originally addressed by the study in question. In another possible situation, the Bureau of Drugs might determine that the studies that were required at the time of the initial approval of an NDA are not, in light of more recent toxicological standards, in fact essential to such continuing approval. An untrue statement in such information would not be regarded as material for purposes of withdrawing approval of the NDA, notwithstanding that initial approval would not have been granted had the untrue statements been known at the time. In such situations, the Director of the Bureau of Drugs may decline to initiate withdrawal of approval of the NDA.

No such circumstances exist in this case, however. Naprosyn is not a long-approved or an extensively used drug. Moreover, the agency regards a long-term toxicity study as having been essential to the approval of the NDA for Naprosyn and essential to a current assessment of its safety, and thus as material. The Director concludes, therefore, that the misstated facts, which were material to the original approval of the NDA for Naprosyn and continue to be material, justify its withdrawal at this time.

In a proceeding to determine whether to withdraw approval of the NDA for Naprosyn under section 505(e)(4) of the act, the only issues are whether the statements in the application (a) were actually made, (b) were untrue, and (c) were material, and continue to be material, to the approval of the application. To justify a hearing on the proposed withdrawal of approval, Syntex must be able to show that there is a genuine dispute with respect to one or more of these issues. No other issues are germane to a decision to withdraw approval of an NDA on this ground.

Evidence supporting a claim that statements in the report of the IBT rat study included in the NDA were not untrue must demonstrate that the report as submitted was complete and accurate in all respects. This evidence must consist of original records, such as laboratory records, log books, and pathology slides which prove that the report is supported by the actual raw data and is therefore true.

Evidence supporting a claim that the misstatements in and omissions from the report of the IBT rat study were not material must demonstrate either of the following two propositions:

(a) That valid scientific conclusions can be drawn from the actual raw data generated during the study and therefore that the misstatements and omissions are not material to an evaluation of the study as evidence of the safety of Naprosyn for long-term use. Evidence to support this proposition must consist of original records, such as laboratory records, log books, and pathology slides which demonstrate clearly and objectively that the study was performed with the requisite number of property identified animals, that adequate contemporaneous records were maintained, and that unequivocal scientific conclusions regarding the safety of the drug for long-term use can be drawn from the data obtained from this study. Hypothetical reconstructions of portions of the IBT rat study, such as those offered by Syntex representatives in the August 20, 1976 meeting, and plausible, but conjectural, explanations cannot suffice to demonstrate that the errors in the report are not material.

(b) That the IBT rat study itself was not material to the approval of the application at the time it was approved or is not now material to an evaluation of the long-term safety of the drug. Evidence to support this proposition must demonstrate either (1) that the study was not essential to the original evaluation of the safety of the drug; or (2) that intervening events since the time of approval, e.g., new scientific information derived from human experience or animal investigations or changing scientific standards, have rendered the study scientifically obsolete and therefore not material to a current appraisal of safety.

In the absence of a showing that such proof is available to demonstrate that the statements are not untrue or are not material, the statute mandates that FDA withdraw the NDA.

If approval of the Naprosyn NDA is withdrawn, Syntex may resubmit the application and may include either new data providing evidence of long-term safety from a rodent study completed since March 1976 or a resubmission of the IBT rat study. If the application is resubmitted, the Bureau of Drugs will determine whether the application is approvable under the statutory criteria set forth in section 505(d). If the Bureau finds the application to be not approvable, it would follow the customary procedures for denying an NDA, including providing Syntex with an opportunity for a hearing on the proposed denial. That process provides the proper forum for assessing whether Syntex's attempt to reconstruct the IBT rat study provides an acceptable basis for determining the safety of Naprosyn for long-term use.

Accordingly, notice is hereby given to the holder of the new drug application for Naprosyn, and to all other interested persons, that the Director of the Bureau

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of Drugs proposes to issue an order under section 505(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)(4)), withdrawing approval of the new drug application and all amendments and supplements thereto on the ground that the application contains untrue statements of material facts.

If any person subject to this notice elects to avail himself of the opportunity for a hearing, he shall file on or before November 15, 1976, a written notice of appearance and request for hearing, and the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant and any other person subject to the notice to file a timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such persons not to avail themselves of the opportunity for a hearing, and the approval will be summarily withdrawn.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. For the purposes of such a hearing, the sole issue in this case is whether the application as originally submitted and approved contained untrue statements of a fact material to such approval and to a current evaluation of safety. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate and directed to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

(Sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 4, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-30084 Filed 10-8-76;11:44 am]

[Docket No. 76F-0389]

BORG-WARNER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 6B3169) has been filed by Borg-Warner Corp., Technical Centre, Washington, WV 26181, proposing that § 121.2633 Acrylonitrile/butadiene/styrene copolymer (21 CFR 121.2633) be amended to provide for expansion of the use of the subject copolymer to conditions of use C and D described in table 2 of § 121.2526(c) (21 CFR 121.2526(c)).

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: October 6, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-30245 Filed 10-14-76;8:45 am]

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Ophthalmic Prosthetic Devices Subcommittee of the Ophthalmic Device Classification Panel.	Nov. 1, 9:30 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9:30 a.m. to 10:30 a.m.; open committee discussion 10:30 a.m. to 4:30 p.m.; James G. Dillon, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to establishment of experience and training requirements for intraocular lens implant surgeons to James G. Dillon, Ph.D., Executive Secretary.

Open committee discussion. Section 520(e)(3)(D)(iii) of the Medical Device Amendments of 1976 establishes that the Secretary may choose to restrict intraocular lenses to investigational use by experts qualified by scientific training and experience. This intent was reemphasized in the Congressional Record of the House, May 13, 1976, page H-4383.

In view of the above, the panel will discuss and render guidelines concerning experience and training requirements for intraocular lens implant surgeons for consideration by the Bureau of Medical Devices and Diagnostic Products. Any person and/or organization wanting to present comments to the panel or to the Bureau of Medical Devices should contact Dr. James G. Dillon, Executive Secretary, Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, 8757 Georgia Ave., Silver Spring, MD 20910, (301) 427-7238.

Committee name	Date, time, and place	Type of meeting and contact person
2. Pediatric Subcommittee of the Psychopharmacological Agents Advisory Committee.	Nov. 1, 8:30 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 5 p.m.; Julius J. Cinque, (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3300.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Report on long-term effects of stimulant medication; report on the pediatric guidelines subcommittee; final report on the long-term protocol subcommittee; final report on efficacy of phenothiazine and haloperidol for less than psychotic indications.

Committee name	Date, time, and place	Type of meeting and contact person
3. Science Advisory Board....	Nov. 4 and 5; on Nov. 4, 9 a.m., lecture room, building 12, NCTR, Jefferson, Ark.; on Nov. 5, 8 a.m., conference room 510, University of Arkansas, Little Rock, Ark.	Open public hearing Nov. 4, 9 a.m. to 10 a.m.; open committee discussion Nov. 4, 10 a.m. to 5 p.m., Nov. 5, 8 a.m. to 12 m.; Ruth Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-526 6200.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Board.

Open committee discussion. Report on status of facilities, staff, good laboratory practices and research overview: Carcinogenesis, teratogenesis, mutagenesis, hormone program, computer development, and new initiatives. Discussion of subcommittee reports on the following: bladder cancer, aromatic amines, hormones, matrix approach, risk analysis, teratology, graduate education, immunology, pathology, and inhalation.

Committee name	Date, time, and place	Type of meeting and contact person
4. Diagnostic and Monitoring Instruments and Devices Subcommittee of the Neurological Device Classification Panel.	Nov. 5, 9 a.m., room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; James R. Veale, (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. There will be a presentation by Allen Grahn, Ph.D., Utah Biomedical Test Laboratories, on the results of a study performed on Electroconvulsive Therapy Apparatus. Interested parties are encouraged to present safety or efficacy information pertinent to the classification of the devices listed below to James R. Veale, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The subcommittee will classify the following devices: Cortical electrodes; depth electrodes; electroconductive media; EEG electrode/lead testers; naso-pharyngeal electrodes; needle electrodes; surface cutaneous electrodes; electrical stimulators, evoked response; mechanical stimulators, evoked response; photostimulators, evoked response; sonic (aural) stimulators, evoked response; audiometers; two-point discriminators; dynamanual esthesiometers; neurodermamometers (GSR measurement); percussion hammers; percussors; pinwheels; rheoencephalographs; rigidity analyzers; tuning forks; electroencephalograph units; electromyograph units; nerve conduction velocity measurement instruments; intracranial pressure measuring systems; physiological signal telemetry systems.

Committee name	Date, time, and place	Type of meeting and contact person
5. Surgical Implants and Instruments Subcommittee of the Neurological Device Classification Panel.	Nov. 6, 9 a.m., Crystal City Marriott Hotel, Arlington, Va.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; James R. Veale, (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present safety and/or efficacy information pertinent to the classification of the devices listed below to James R. Veale, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The subcommittee will classify the following devices: Ventricular cannulas; angiographic catheters; ventricular catheters; drill motors (electric and pneumatic); manual drill handpiece (brace); manual drills, burrs; trephines and accessories; powered compound drills, burrs, trephines and accessories; powered simple drills, burrs, trephines and accessories; cranioplasty material forming instruments; skull plate anvils; skull plate screwdrivers; skull punches; angiographic needles; angiographic wire guides and accessories; neurosurgical needles; neurosurgical probes; neurosurgical chairs; neurosurgical head holders (skull clamps); neurosurgical headrests; neumoencephalographic chairs; fiber optic illuminators; neurosurgical headlights; operating microscope systems; stereotaxic instruments and accessories; electrical cutting/coagulating devices (electrosurgical units); chisels and osteotomes; curettes; dissectors; dowel cutters and accessories; elevators; coagulation forceps; manual forceps; gouges; hooks.

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Committee name	Date, time, and place	Type of meeting and contact person
6. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	Nov. 8 and 9, room 4131, HEW-North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Nov. 8, 9 a.m. to 10 a.m.; open committee discussion Nov. 8, 10 a.m. to 5 p.m., Nov. 9, 9 a.m. to 5 p.m.; Kaiser Aziz, Ph. D., (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the petition for reclassification of OVA II to: Kaiser Aziz, Ph.D., Head of Classification.

Open committee discussion. The subcommittee will classify the following clinical chemistry in vitro diagnostic products: Aspartate amino transferase; alanine amaino transferase; lactate dehydrogenase; phosphatase (acid and alkaline); lipase; albumin; protein (total); proteins (abnormal); phosphorus inorganic; amylase; creatinine; creatine phosphokinase; lipids (total); lipids (fractionation); phospholipids; catecholamines and epinephrine; estrogens (total); estrone; estriol; estradiol; 17-ketogenic steroids; cortisol; folic acid; deoxycorticosterone; gamma-glutamyl transpeptidase; triiodothyronine; thyroxine; vanilmandelic acid; vitamin B_{12}; follicle-stimulating hormone; luteinizing cell-stimulating hormone; prolacting; human chorionic gonadotropin; galactose; calcium.

Committee name	Date, time, and place	Type of meeting and contact person
7. Microbiology Subcommittee of the Diagnostic Products Advisory Committee.	Nov. 8 and 9, room 3131, HEW-North, 330 Independence Ave., SW., Washington, D.C.	Open public hearing Nov. 8, 9 a.m. to 10 a.m.; open committee discussion Nov. 8, 10 a.m. to 5 p.m. Nov. 9, 9 a.m. to 3 p.m.; closed committee deliberations Nov. 9, 3 p.m. to 4:30 p.m.; Bobbi Dresser, (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Submission of data relative to tentative classification findings is invited and should be submitted to Mr. Thomas M. Tsakeris, Head of Classification.

Open committee discussion. The subcommittee will review for classification of the following products: Desoxycholate reagent (bile solubility); optochin discs; bacitracin differentiation discs; fluorescent antisera; typing phages, all types; enterotoxins, all types; enterotoxin antisera, all varieties; oxidase (cytochrome oxidase) differentiation discs, strips and reagents; X and V factor discs; fluorescent antisera (pertussis and parapertussis); B. pertussis agglutinating sera, all; B. pertussis antigen; B. parapertussis agglutinating sera; B. parapertussis antigen; corynebacterium diphtheriae flourescent antisera; C. diphtheria antiserum; exotoxin tests virulence strips; corynebacterium acnes antisera (544,605); salmonella sp. fluorescent antisera, all globulins; Bethesda-ballerup polyvalent antisera; Arizona antisera, antisera, all; shigella sp. fluorescent antisera, all globulins; klebsiella antisera, all types; klebsiella sp. fluorescent antisera, all; shigella sp. fluorescent antisera, all; febril antigens, all groups; proteus all globulins; klebsiella antisera, all herella vaginicola antiserum; acinetobacter calcoaceticus (mima polymorpha) antiserum; flavobacterium meningosepticuum antiserum, all groups; pseudommas pseudomallei antiserum; pseudomonas aeruginosa fluorescent antisera pseudomonas pseudomallei fluorescent antisera; vibrio cholerae antiserum, all varieties; vibrio fetus fluorescent antisera; brucella agglutination antigens (febrile antigens); brucella sp. febrile antigen control serum (positive and negative controls); brucella sp. fluorescent antisera; franchisella tularensis antigen (slide and tube); francisella tularensis antiserum; franchisella tularensis fluorescent antisera; listeria antigens (slide and tube), all types; listeria antisera, all types; listeria fluorescent antisera, all types; erysipelothrix rhusiopathiae antigen; erysipelothrix rhusiopathiae antiserum; erysipelothrix rhusiopathiae fluorescent antisera; mycoplasma discs; mycoplasma complement fixation antigens, all; mycoplasma antisera, all; mycoplasma fluorescent antisera, all; leptospira antigens, all; leptospira antisera, all; leptospira fluorescent antisera, all; mycobacterium tuberculosis fluorescent antisera; auramine differentiation discs; TB niacin test strips; TB niacin test control; clostridium sp. antisera, all types; clostridium sp. fluorescent antisera, all types; botulinum antitoxin; stains-acid fast, albert, auramine-rhodamine fluorescent, giemsa, gram, koster, methylene; blue, silver, spore (dorner), wayson; wright, macchriavello, gimenez and iodine; rhinovirus neutralizing sera, all types; CF antigens, all (including control); CF antisera, all; reovirus CF antigen, all (including control); reovirus hemagglutinating antigens all types (including control); reovirus CF antisera; reovirus chicken HAI antisera, all types; reovirus neutralizing serum, all types; psittacosis (chlamydia group) CF antigen; psittacosis (chlamydia group) CF serum; Q fever antigen for CF; Q fever CF serum; screen antigen for spotted fever group; rocky mountain spotted fever serum; screen antigen for typhus fever group; typhus fever serum; murine typhus fever serum; rickettsiae control antigen; rickettsiae pox serum, Q fever fluorescent antisera; lactophenol cotton blue preparation; sporatrichum schenekil fluorescent antisera; Wood's light fluorescence; complement fixing kit for aspergillin; trichinella antigen for bentonite flocculation test; trichinella antiserum for bentonite flocculation test; trichinella spiralis antibody; echinococcosis agglutinating antigen; echinococcosis positive sera; echinococcosis granulosus antigen for fluorescent antisera; schistosoma mansoni antigen for fluorescent antibody test; countercurrent electrophoresis Kit (T. cruzi); Latex Kit for chagas disease (T. cruzi); indirect hemagglutination test kit for T-cruzi.

Closed committee deliberations. The subcommittee will be reviewing a new drug application (NDA) for a transitional in vitro diagnostic product. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
8. Fetal Monitoring Devices Subcommittee of the Obstetrics and Gynecological Device Classification Panel.	Nov. 9, 9 a.m., room 6821, FB-8, 200 C St. SW., Washington, DC.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Lillian Yin, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to fetal monitoring devices to Lillian Yin, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The subcommittee will discuss specific clinical hazards of fetal monitoring devices.

Committee name	Date, time, and place	Type of meeting and contact person
9. FDA-NIDA Drug Abuse Research Advisory Committee.	Nov. 11, conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 2:15 p.m.; closed committee deliberations 2:15 p.m. to 5 p.m.; John A. Seigliano, Ph. D., (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

General function of the committee. Advises the Food and Drug Administration on action to be taken with respect to investigational use of substances with abuse potential. Advises the National Institute on Drug Abuse on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability of investigational drugs may be estimated.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of FDA policy regarding opening of meetings; guide for use of cannabis/THC for I.O.P. reduction; use of females with terminal cancer in cannabis research: take-home medication; psychoactive effects from "new" street herbs; and report of Schedule I brochure.

Closed committee deliberations. Review of IND application and amendments; review of preclinical requests. This portion of the meeting will be closed to protect the confidentiality of personnel and medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal property (5 U.S.C. 552(b)(6)).

Committee name	Date, time, and place	Type of meeting and contact person
10. Pulmonary-Allergy and Clinical Immunology Advisory Committee.	Nov. 11 and 12, conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 11, 9 a.m. to 10 a.m.; open committee discussion Nov. 11, 10 a.m. to 4 p.m., Nov. 12, 9 a.m. to 11 a.m.; closed committee deliberations Nov. 12, 11 a.m. to 2 p.m.; Gerald M. Rachanow, (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and disease with allergenic and/or immunologic mechanisms.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of changes in FDA advisory committee procedures; new drug application (NDA) 17-573, Vancenil Inhaler: Discussion of Phase 4 studies and management of patients continued on oral steroids while receiving inhaled Vancenil; stinging insect hypersensitivity: the potential role of Daroil-whole body extract preparations and the role of epinephrine (aerosol vs. parenteral); experimental design of bronchodilator clinical studies; and discussion of intravenous aminophylline dosage requirements in the treatment of asthma.

Closed committee deliberations. Review of investigational new drug (IND) 3369. IND's presently under consideration. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
11. Panel on Review of Blood and Blood Derivatives.	Nov. 12 and 13, 9 a.m., room 121, N111, building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Nov. 12, 9 a.m. to 10 a.m.; open committee discussion Nov. 12, 10 a.m. to 1 p.m.; closed committee deliberations Nov. 12, 1 p.m. to 5 p.m., Nov. 13, 9 a.m. to 5 p.m.; Clay Sisk, (HFB-6), 8800 Rockville Pike, Bethesda, Md. 20014. 301-443-5155.

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General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Administrative discussion of meeting format and records; discussion of fibrinogen (human) and minutes of previous meeting.

Closed committee deliberations. Review of data submissions from producers of plasma fractionation products including fibrinogen (human), antihemophilic factor (human), factor IX complex (human), normal serum albumin (human), plasma protein fraction (human), Rh_0 (D) immune globulin (human), and stored red blood cell products. This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Miscellaneous External Drug Products.	Nov. 12 and 13, 9 a.m., Conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 12, 9 a.m. to 10 a.m.; closed committee deliberations Nov. 12, 10 a.m. to 4:30 p.m., Nov. 13, 9 a.m. to 4:30 p.m.; Michael D. Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Miscellaneous Internal Drug Products.	Nov. 14 and 15, 9 a.m. on Nov. 15, conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 14, 9 a.m. to 4:30 p.m.; open public hearing Nov. 15, 9 a.m. to 10 a.m.; closed committee deliberations Nov. 15, 10 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
14. Toxicology Subcommittee of the Diagnostic Products Advisory Committee.	Nov. 15 and 16, 9 a.m., room 4131, HEW-North, 330 Independence Ave., SW., Washington, DC.	Open public hearing Nov. 15, 9 a.m. to 10 a.m.; open committee discussion Nov. 15, 10 a.m. to 5 p.m.; Nov. 16, 9 a.m. to 5 p.m.; Nabeeh Mourad, Ph. D., (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to classification of in vitro diagnostic products listed in the announcement to Nabeeh Mourad, Ph.D., Executive Secretary, Toxicology Subcommittee, 8757 Georgia Ave., Rm. 1219-D (HFK-200), Silver Springs, MD 20910, or S. K. Vadlamudi, Ph.D., D.V.M., Head of Classification, 8757 Georgia Ave., Rm. 1351-E (HFK-440), Silver Spring, MD. 20810.

Open committee discussion. The subcommittee will classify the following in vitro diagnostic products: Products (kits) marketed for the determination of heavy metals in human specimens, products marketed for the determination of drugs other than drugs of abuse in human specimens, and products marketed for use as controls and calibrators in the clinical toxicology laboratory.

The subcommittee on November 16 will classify the following products marketed for use in clinical laboratories: Multipurpose reagents, instruments, systems and components used for the quantitative or qualitative determination of drugs in human specimens.

Committee name	Date, time, and place	Type of meeting and contact person
15. Antiinfective Agents Advisory Committee.	Nov. 16, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 12 m.; closed committee deliberations 1 p.m. to 3 p.m.; open committee discussion 3 p.m. to 4 p.m.; Mary K. Bruch, (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of pediatric dosage forms of tetracycline; revised FDA policy on open advisory committee meetings; and discussion of new drug application (NDA) 50-502.

Closed committee deliberations. Discussion of NDA 50-502 will involve trade secret and safety and effectiveness data. This portion of the meeting will be closed to protect trade secret data (5 U.S.C. 552(b)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Topical Analgesics.	Nov. 17 and 18, 9 a.m. on Nov. 18, conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 17, 9 a.m. to 4:30 p.m.; open public hearing Nov. 18, 9 a.m. to 11 a.m.; closed committee deliberations Nov. 18, 11 a.m. to 4:30 p.m.; Lee Geismar, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
17. Panel on Review of Contraceptives and Other Vaginal Products.	Nov. 19 and 20, 9 a.m., conference room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 19, 9 a.m. to 10 a.m.; closed committee deliberations Nov. 19, 10 a.m. to 4:30 p.m., Nov. 20, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation of new FDA policy concerning open meetings will be given.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some

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cases, portions of pending or approved new drug applications (NDA's). Also discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552 (b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
18. Panel on Review of Antimicrobial Drugs.	Nov. 19, 20, and 21, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 19, 9 a.m. to 10 a.m.; closed committee deliberations Nov. 19, 10 a.m. to 4:30 p.m., Nov. 20 and 21, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impedeing thep rogress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying a preliminary draft of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552 (b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
19. Panel on Review of Hemorrhoidal Drug Products.	Nov. 21, 22, and 23, 9 a.m. on Nov. 22, conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 21, 9 a.m. to 4:30 p.m.; open public hearing Nov. 22, 9 a.m. to 10 a.m.; closed committee deliberations Nov. 22, 10 a.m. to 4:30 p.m., Nov. 23, 9 a.m. to 4:30 p.m.; Gary P. Trosclair, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation of new FDA policy concerning open meetings will be given.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying draft #9 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
20. Immunology Subcommittee of the Diagnostic Products Advisory Committee.	Nov. 22 and 23, room 4131, HEW-North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Nov. 22, 9 a.m. to 10 a.m.; open committee discussion Nov. 22, 10 a.m. to 5 p.m., Nov. 23, 9 a.m. to 5 p.m.; Amiram Daniel, Ph. D., (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7180.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of products listed in this announcement to S. K. Vadlamudi, Ph. D., D.V.M., Head of Classification. Submission of data relative to tentative classification findings is also invited. Inquiries or information pertaining to other portions of the agenda should be addressed to Amiram Daniel, Ph. D., Executive Secretary.

Open committee discussion. The subcommittee will classify the following products: Rheumatoid factor detection products; hemolytic system (complement fraction) products; C-reative protein (quantitative) products. Antiserum to: C_3–C_6–C_7 inhibitors; C_{1q}-factor B; ceruloplasmin (also FITC and rhodamine labeled); fibrinogen (also peroxidase labeled and FITC labeled); ferritin; factor VIII; transferrin (also FITC and rhodamine labeled); thyroglobulin (also FITC and rhodamine labeled); DNA (labeled H^3,C^{14}); total immunoglobulins; complement protein; I_gG_1; I_gG_2; I_gG_3; I_gG_4; Albumin (also FITC and rhodamine labeled); alpha-1-acid glycoprotein; alpha-1-lipoprotein; alpha-2-macroglobulin (also FITC and rhodamine labeled); low density lipoprotein; beta-2-microglobulin; C-reative protein (qualitative) (also FITC and rhodamine labeled); factor XIII–A & S; free secretory component; hemoglobin (also FITC and rhodamine labeled); lipoprotein X; myoglobin (also FIIC and rhodamine labeled); whole human serum and whole human plasma.

Committee name	Date, time, and place	Type of meeting and contact preson
21. Obstetrical and Gynecological Device Classification Panel.	Nov. 22 and 23, room 6821, FB-8, 200 C St. SW., Washington, DC.	Open public hearing Nov. 22, 9 a.m. to 10 a.m.; open committee discussion Nov. 22, 10 a.m. to 4 p.m., Nov. 23, 9 a.m. to 3 p.m.; Lillian Yin, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to vaginal vibrators and vaginal electrical muscle stimulators to Lillian Yin, Ph. D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The panel will classify vaginal vibrators and vaginal electrical muscle stimulators. The panel will also review the recommendations of the classifications of obstetrical and gynecological devices, and the panel will draft the classification report.

Committee name	Date, time, and place	Type of meeting and contact person
22. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Nov. 22, 23, and 24, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 22, 9 a.m. to 10 a.m.; closed committee deliberations Nov. 22, 10 a.m. to 4:30 p.m., Nov. 23 and 24, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing/open committee discussion. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation of new FDA policy concerning open meetings will be given.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying draft No. 5 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552 (b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
23. Pulmonary Functions and Respiratory Therapy Subcommittee of the Anesthesiology Device Classification Panel.	Nov. 29, room 6821, FB-8, 200 C St. SW., Washington, DC.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 4:30 p.m.; Franklyn K. Coombs, (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

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General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to devices listed below to Franklyn K. Coombs, Executive Secretary. Submission of data relative to tentative classification findings is also invited. The subcommittee will review the supplemental data sheets prepared from draft forms at previous meetings.

Open committee discussion. The subcommittee will revise the generic names of the following device list to make them more compatible with recognized names: Differential air service transducer; photoelectric transilluminating transducer; reflectance transducer; bicycle ergometer; hyperbolic bicycle ergometer; treadmill ergometer; oxygen nasal cannula; oxygen nasal catheter; swivel trach tracheostomy tube connector; rebreathing device; sterile specimen trap; flexible aspirating tube; flexible breathing tube; oxygen connecting tube; cuirass ventilator; two-stage inhalation therapy regulating apparatus; positive pressure attachment; bronchial brush; heat and moisture condenser; oxygen controller; oxygen monitor controller; volumetric ventilation controller; tee drain; accessory unit aerosol kit; nonconductive mask; oxygen mask; low concentration oxygen mask; disposable mouthpiece; nondisposable mouthpiece; oxygen therapy connecting set; intermittent positive pressure breathing (IPPB) set; oxygen supply tubing.

After reviewing the device list the subcommittee will prepare draft supplemental data sheets for the devices listed above.

Committee name	Date, time, and place	Type of meeting and contact person
21. Anesthesiology Device Classification Panel.	Nov. 30, room 6821, FB-8, 200 C St. SW., Washington, DC.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 4:30 p.m.; Franklyn K. Coombs, (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to devices listed below to Franklyn K. Coombs, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The panel will review the supplemental data sheets prepared from draft forms at previous meetings. It will also review the supplemental data sheets forwarded by the subcommittee. The devices are as follows: Flow totalizer; gas pressure gauge; direct ultrasonic blood flowmeter; transcutaneous ultrasonic blood flowmeter; blood loss monitor; automatic nonultrasonic blood pressure monitor; manual nonultrasonic blood pressure monitor; ultrasonic blood pressure monitor; automatic ultrasonic blood pressure monitor; carbon dioxide with noninvasive electrode monitor; infusion rate monitor; oxygen monitor; oxygen with noninvasive electrode monitor; pH with invasive electrode monitor; pH with noninvasive electrode monitor; spinal fluid pressure monitor; spinal fluid pressure AC-powered monitor; invasive blood pressure transducer; invasive blood-flow transducer; noninvasive blood-flow transducer; line isolation monitor; floor conductivity tester; instrument conductivity tester; needle electrode; transcutaneous electrode; electrocardiographic monitor; electroencephalographic monitor; electromyographic monitor; eye-movement monitor; pulse-rate monitor; skin resistance monitor; temperature monitor; oxygen-uptake computer; invasive gas detector; noninvasive detector; airway pressure monitor; gas flow monitor; powered gas flow monitor; humidity monitor; lung volume monitor; minute ventilation monitor; electrical impedance respiration monitor; electronic transducer respiratory frequency monitor; mechanical transducer respiratory frequency monitor; carbon dioxide respiratory monitor; oxygen analyzer w/wo alarm respiratory monitor; pneumotachometer. A draft supplemental data sheet will be prepared for these devices.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of maters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of interval views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or

information that is not exempt from public disclosure.

Dated: October 12, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-30403 Filed 10-14-76;8:45 am]

Office of the Assistant Secretary for Health

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Meeting

Notice is hereby given, pursuant to Pub.L. 92-463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act. as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Thursday, November 4 at 9:30 a.m. and Friday, November 5, 1976 at 9:30 a.m. in the Fifth Floor Conference Room (529A) of the Department of Health, Education, and Welfare's South Portal Building, 200 Independence Avenue, SW., Washington, D.C. Principal consideration and discussion will include general policy issues and options regarding cost-containment and program reform, including the PHS Forward Plan for Health: FY 1978-82. These meetings are open for public observation and participation.

Further information on the Council may be obtained by contacting Ronald M. Klar, M.D., M.P.H., Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A-40, 5600 Fishers Lane, Rockville, Maryland 20852, telephone (301) 443-1185.

Dated: September 30, 1976.

RONALD M. KLAR,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.76-30198 Filed 10-15-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Correction

In FR Doc. 76-29266 appearing at page 44063 in the issue for Wednesday, October 6, 1976, two paragraphs should have been italicized to indicate new material. On page 44064, the middle column, the fourth complete paragraph should have appeared as follows:

State audit agencies utilize this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

On page 44065, the third column, the paragraph designated cc. should have appeared as follows:

cc. State audit agencies for verifying proper expenditures of Federal funds by the State in support of the Disability Determination Service (DDS).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-76-463]

CERTAIN HUD EMPLOYEES IN REGION I (BOSTON)

Redelegation of Authority To Administer Oaths

Section A. Redelegation of Authority to administer oaths under Title VIII (Fair Housing) of the Civil Rights Act of 1968.

Each of the following incumbent employees and their successors in the Department of Housing and Urban Development, Region I Boston, is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968 (42 U.S.C. 3611(a)):

1. Directors, Equal Opportunity Divisions, Area Offices
2. Equal Opportunity Specialists, Area Offices
3. Equal Opportunity Specialists, Insuring Offices.

(Redelegation of Authority by Regional Administrator, Region I, Boston, effective July 7, 1976 (41 FR 27861, July 7, 1976).)

Section B. *Supersedure.* This redelegation of authority supersedes the redelegation published at 38 FR 20287, July 30, 1973.

Effective date: This redelegation of authority is effective on the date of publication in the FEDERAL REGISTER.

EDWARD T. POLLACK,
Assistant Regional Administrator for Equal Opportunity, Region I, Boston.

[FR Doc.76-30248 Filed 10-14-76;8:45 am]

[Docket No. D-76-462]

DIRECTOR, EQUAL OPPORTUNITY COMPLIANCE AND ENFORCEMENT; AND SENIOR EQUAL OPPORTUNITY SPECIALISTS REGION I (BOSTON)

Redelegation of Authority With Respect to Fair Housing

Section A. *Authority with respect to fair housing.* The Director of Equal Opportunity Compliance and Enforcement, Regional Office, and the Senior Equal Opportunity Specialists, Regional Office, in the Department of Housing and Urban Development, Region I (Boston), are hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601-3619), except the authority to:

1. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).
2. Issue rules and regulations.
3. Issue a subpeona or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

(Redelegation of Authority by Regional Administrator, Region I, Boston, effective July 7, 1976, 41 FR 27861, July 7, 1976.)

Effective date: This redelegation of authority is effective on publication in the FEDERAL REGISTER.

EDWARD T. POLLACK,
Assistant Regional Administrator for Equal Opportunity, Region I, Boston.

[FR Doc.76-30247 Filed 10-14-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463); (5 U.S.C. App. I) notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held October 28, 1976, at 10:00 a.m. until 5:00 p.m. at the Department of Transportation, 400 7th Street SW., Room 10214, Washington, D.C. 20590. The agenda for this meeting is as follows:

(a) Welcome and opening statement by Department of Transportation Officials
(b) Selection of Chairman of Advisory Committee
(c) Background Briefing by Executive Director of the Minority Business Resource Center
(d) Reaction and Input from the Advisory Committee

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from Mr. Kenneth E. Bolton, Executive Director, Minority Business Resource Center, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, Telephone: 202-426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on October 7, 1976.

KENNETH E. BOLTON,
Executive Secretary.

[FR Doc.76-30429 Filed 10-14-76;3:05 pm]

[Docket 27573 Agreement C.A.B. 26119 R-1 through R-4; Order 76-10-30]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSO.

Order Relating to Commodity Rates

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers,

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foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated September 13, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
26119:		
R-1	1400	Floral and nursery stock.[1] 161 ¢/kg, minimum weight 100 kg. From New York to Brussels.
R-2	9512	Handicrafts.[1] 320 ¢/kg, minimum weight 100 kg. From Johannesburg to New York.
R-3	9993	Household goods and personal effects.[1] 185 ¢/kg, minimum weight 500 kg. 185 ¢/kg, minimum weight 1,000 kg. From Kinshasa to New York.
R-4	9993	Household goods and personal effects.[1] 220 ¢/kg, minimum weight 1,000 kg. From Johannesburg to New York.

[1] See applicable tariff for complete specific commodity description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It Is Ordered That:*

Agreement C.A.B. 26119, R–1 through R–4, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-30286 Filed 10-14-76;8:45 am]

[Docket 29860; Order 76-10-48]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September 1976.

By a tariff [1] marked to become effective on October 1, 1976, Trans World Airlines, Inc. (TWA), proposes to provide for the transportation of Department of Defense sponsored persons between New York, New York, on the one hand, and Madrid, Spain, and Rome and Milan, Italy, on the other, on scheduled flights at fares which are equivalent to the minimum Military Airlift Command (MAC) Category B round-trip charter rate. Designated "Category Y" by the carrier, the tariff closely resembles the Category Y tariffs of Pan American World Airways, Inc. (Pan Am), and Northwest Airlines, Inc. (Northwest), which are under investigation in the Category Y Fare Investigation, Docket 28096.

Pan Am and Northwest provide Category Y transportation over the North/Central Pacific and the North Atlantic on scheduled service as a substitute for Category B charter transportation previously contracted for pursuant to their annual MAC "fixed buy" awards. Although TWA had no previous contracts with MAC for Category B service, its justification indicates that a contract award was received for fiscal year 1977. However, no Category B charter flights will be operated, and all of the Category B passengers will be carried on scheduled flights as "Category Y" traffic. TWA argues that the "elimination" of Category B flights will save 1.5 million gallons of fuel, at a time when fuel conservation is in the national interest. The carrier's economic analysis of the profitability of Category Y service, which assumes that no additional capacity costs will be incurred, and that only incremental costs are assignable to this traffic, results in a forecast profit for fiscal year 1977 of $1.8 million. Finally, TWA argues that Category Y service benefits the Department of Defense by providing increased scheduling flexibility and by allowing more efficient use of military personnel.

Member carriers of the National Air Carrier Association (NACA) [2] filed a complaint against the tariff requesting the Board to institute an investigation of the proposed tariff and to suspend the tariff pending such investigation. The complaint was not filed within the time limit established by the Board's regulations. Good cause has not been shown for the late filing, and accordingly, it will be dismissed insofar as it requests suspension of the tariff.[3]

Upon consideration of all relevant factors, the matters contained in the tariff justification, and the character of the service involved, the Board has concluded that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the fares should be suspended pending investigation.

In Order 75–7–104, dated July 22, 1975, we allowed the Category Y fares of Pan Am and Northwest to remain in effect pending investigation. However, TWA's Category Y proposal raises new issues relating to the economic reasonableness of transporting Category B passengers on scheduled service.[4] It is apparent from TWA's justification that, unlike Pan Am or Northwest, TWA is not committed, and it does not intend, to move any of this traffic in charter operations. Indeed, the record in Docket 28096 indicates that TWA has no aircraft configured to operate as Category B military charters. It was implicit in the justifications of Pan Am and Northwest that their Category Y services would be true substitution for Category B. Since the Category Y fares are approximately 33 percent of the normal fare level, the carriers argued that the service should not be evaluated on a fully allocated cost basis, but that the Category Y traffic should be regarded as "fill-up." In peak travel periods or on flights which the carriers predicted would be oversold, the carriers would divert the Category Y passengers to charter flights. In this manner, inconvenience to normal traffic would be avoided, and revenues from this traffic would not be reduced. TWA, however, does not have this capability of diverting its Category Y passengers to charter operations. Since Category Y service is furnished on a confirmed reservation basis, there is a possibility that regular passengers would be displaced from TWA flights during peak travel periods.

There is also a problem regarding self-diversion of the Category A and Z traffic that TWA currently carries over these routes. The rates for these services are approximately twice the Category Y fare per mile. Since Category A and Z service is similar to Category Y, there is a possibility that the Category A and Z traffic would move on exactly the same flights, but at the Category Y rate, resulting in a 45% reduction in revenues to TWA.

[1] Local Military Passenger Fares Tariff No. MAC–1, C.A.B. No. 308.

[2] By power of attorney duly executed by Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[3] The Department of Defense has filed a late answer to NACA's complaint, requesting that the complaint be dismissed. Since the answer was also untimely, we have decided to dismiss it. Furthermore, DOD has raised no arguments that have not already been considered.

The tariff justification takes no account of this serious potential for diversion.[5]

In view of the substantial questions raised as to the adverse impact of TWA's Category Y services upon the general traveling public, we have determined that its tariff should be suspended pending investigation. We are aware that the Department of Defense requires a substantial amount of lead-in time to procure civilian airlift, and we have been informed that Category Y service on TWA flights has already been arranged for the months of October and November. In order to avoid any disruption of the movement of military personnel, we have decided to postpone the beginning of the suspension period until December 1, 1976.

We have decided not to consolidate the investigation of TWA's Category Y proposal into the Category Y Fare Investigation. The significant differences between TWA's fare and the fares under investigation in that proceeding raise new factual issues which may not have been explored in the Investigation. Inclusion of this proposed fare in the Investigation could cause further delay, and in the interests of regulatory efficiency we have decided not to erect a procedural obstacle in the path of a timely resolution of that case.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Except to the extent granted herein, the complaint of the member carriers of the National Air Carrier Association in Docket 29787 be and it hereby is dismissed;

2. The motion of The Department of Defense filed herein be and it hereby is denied;

3. An investigation be instituted to determine whether the fares and provisions in Tariff C.A.B. No. 308, issued by Trans World Airlines, Inc., including revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe what action may be taken to cancel such tariffs, and to prevent the use of such fares, rates, or charges, or such classifications, rules, regulations, or practices;

4. Pending hearing and decision by the Board, Tariff C.A.B. No. 308, filed by Trans World Airlines, Inc., is suspended and its use deferred from December 1, 1976, to and including November 30, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

5. This order shall be submitted to the President [6] and shall become effective on October 11, 1976;

6. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

7. Copies of this order be filed in the aforesaid tariffs and be served upon Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS KAYLOR,
Secretary.

Minetti and West, Members, FILED CONCURRENCE.

[FR Doc.76-30287 Filed 10-14-76;8:45 am]

[4] Since TWA's Category Y fares apply to different markets than those of Pan Am and Northwest, its filing cannot be justified on the basis of meeting competition.

[5] While the potential for diversion also exists in the case of the Pan Am and Northwest tariffs, the TWA proposal raises this issue more acutely. Thus, the justification accompanying the Pan Am and Northwest Category Y tariffs indicated exactly how many of their preexisting Category B missions would be converted to Category Y service. TWA, on the other hand, does not have a prior commitment for Category B operations. Its tariff justification does not provide any derivation of the 7,920 round-trip passengers to be carried in Category Y, and it does not indicate how many, if any, of the passengers would constitute new traffic.

[6] This order was submitted to the President on October 1, 1976.

[7] The concurring opinion of members Minetti and West is filed as a part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Director Telecommunications and Command and Control Systems, Office of the Director, Telecommunications and Command and Control Systems, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-30102 Filed 10-14-76;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of Defense (Comptroller), Immediate Office, OASD (Comptroller), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-30101 Filed 10-14-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Title Change in Noncareer Executive Assignment

By notice of May 13, 1972, FR Doc. 72–7310, the Civil Service Commission authorized the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Assistant to the Secretary for Programs for the Elderly and the Handicapped, Office of the Secretary. This is notice that the title of this position is now being changed to Departmental Advisor and Director, Elderly and Handicapped Policy Staff, Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-30100 Filed 10-14-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–82; 85 Stat. 77 of the proposed deletion of the following service from Procurement List 1976, November 25, 1975 (40 FR 54742).

SIC 7349

JANITORIAL/CUSTODIAL
Homestead Air Force Base, Florida
Dental Clinic (Building 686)
Hospital (Building 990)

Comments and views regarding the proposed deletion may be filed with the Committee on or before November 15, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-30254 Filed 10-14-76;8:45 am]

V41N201 OCT 15 76 UM

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the commodities listed below were published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30380) and July 16, 1976 (41 FR 29473).

After consideration of all the relevant data presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under Pub. L. 92–28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Class 7510

Binder, Award Certificate, 7510–00–115–3250 (for 60% of Government's requirements), 7510–00–482–2994

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–30255 Filed 10–14–76;8:45 am]

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92–28; 85 Stat. 77, of the proposed addition of the following commodity and service to Procurement List 1976, November 25. 1975 (40 FR 54742).

Seedling Harvesting
USDA Forest Service
Humboldt Nursery
McKinleyville, California

Class 7520

Barrel, Ball Point, Pen 7520–00–782–6269

If the Committee approves the proposed additions, all entities of the Government will be required to procure the above service and commodity from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before November 15, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–30256 Filed 10–14–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL630–6; OPP–42023A]

MARYLAND

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a) (2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On July 20, 1976, notice was published in the FEDERAL REGISTER of the intent of the Regional Administrator, EPA Region III, to approve, on a contingency basis, the Maryland State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Maryland State Plan). Contingency approval was requested by the State of Maryland pending promulgation of regulations pursuant to the "Maryland Pesticide Applicators Law". Complete copies of the Maryland State plan were made available for public inspection at the Agency's Region III office in Philadelphia, Pennsylvania, at the Maryland Department of Agriculture, Annapolis, Maryland, and at the Agency's Technical Services Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period.

The Maryland State Plan will remain available for public inspection at the Parole Plaza Office Building, Annapolis, Maryland.

It has been determined that the Maryland State Plan will satisfy the requirements of section 4(a) (2) of the amended FIFRA and of 40 CFR Part 171 if proposed regulations implementing the Maryland Pesticide Applicators Law are promulgated by the Maryland Department of Agriculture. Accordingly, the Maryland State Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the Maryland State Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Maryland State Plan as a result thereof.

Effective date: Pursuant to Section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the Maryland State Plan shall be effective immediately. Neither the Maryland State Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the State of Maryland. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Date: September 15, 1976.

DANIEL J. SNYDER, III,
Regional Administrator,
Region III.

[FR Doc.76–30319 Filed 10–14–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Office of the Secretary

[Report No. 1008]

RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration of Actions

OCTOBER 12, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20316	Sec. 73.202(b)	Amendment of sec. 73.202(b), Table of Assignments, FM Broadcast Stations (Forest Lake, Brainerd, and Morris, Minnesota). Filed by Samuel Miller and Mark E. Fields, attorneys for Brainerd Broadcasting Co. (KLIZ–FM).	Sept. 29, 1976
20683	Pt. 83	Amendment of pt. 83 of the rules to relax the channel 16 (156.8 MHz) listening watch requirements for certain tug boats. Filed by John L. Bartlett, attorney for the American Waterway Operators, Inc.	Sept. 1, 1976

NOTE.—Oppositions to petition for reconsideration must be filed on or before Nov. 1, 1976. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–30279 Filed 10–14–76;8:45 am]

[Report No. I–278]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

OCTOBER 12, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations or its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. § 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

1–DSE–P–77 Racine Telecable Corp., Racine, Wisconsin. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this loctaion. Lat. 42°40'07'' Long. 87°49'52''. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

2–DSE–ML–76 Micro-Cable Communications Corp. d/b/a Columbia Television Co. (KB78) Kennewick, Washington. Modification of license for authority to permit Teleprompter, an unaffiliated company, to use signals received at the earth station, and that general provision 6(d), which prohibits service to non-affiliated cable systems, be deleted or modified to permit Teleprompter to receive earth station service.

3–DSE–ML–76 First Television Corp. (KB83) Maple Lake, Minnesota, Modification of license for authority to receive signals of Station WTCG–TV, Atlanta, Georgia.

5–DSE–P/L–76 Newton Cable TV, Inc., Newton, Kansas. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 38°04'16'' Long. 97°-22'06''. Rec. freq: 3700–4200 GHz. Emission 36000F9. With a 10 meter antenna.

6–DSE–P–76 Television Cable Service, Inc., d/b/a Tyler Cable Television, Tyler, Texas. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 32°21'12'' Long. 95°19'11''. Rec. freq: 3700–4200 GHz. Emission 34000F9. With a 10 meter antenna.

261–CSG–P–77 Communications Satellite Corp., Gaithersburg, Maryland. Application for construction permit in order to conduct a developmental program which would investigate the feasibility of very highspeed communications via satellite between widely separated data processing systems, using small aperture antennas. The program would employ the Symphonie Satellite. Other participants in the proposed program are IBM Systems Communications Division, and the French Postal Telephone and Telegraph Authority. Lat. 39°09'11'' Long. 77°12'59''. Trans. freqs: 5970.0–6090.0 and 6260.0–6880.0 GHz, Emission 6000F9 (1.544 Mbaud QPSK) (rate ½ Coding). With a 15 foot antenna.

23–CSS–P–(2)–76 Comsat General Corp. Application for authority to participate in the establishment, construction and operation of an aeronautical satellite system. Two satellites to be placed into orbit over the Atlantic are proposed with operations within the 131.425–131.975, 1542.5–1578.5, 1622.5–1660.0 and 5000–5250 MHz bands. T T & C operations proposed in the 136–138 and 148–150 MHz or 4 and 6 GHz bands.

[FR Doc.76–30267 Filed 10–14–76;8:45 am]

[FCC 76–935]

CABLE TELEVISION

Statement of Commission Policy on Channel Identification

OCTOBER 8, 1976.

The Commission has completed its review of the comments submitted in response to the Notice of Proposed Rule-making and the Further Notice of Proposed Rulemaking in Docket 19334, FCC 71–1084, ---- FCC 2d -------- (1971) and FCC 74–667, 47 FCC 2d 670 (1974), respectively, wherein comment was elicited on the advisability of prescribing a method of identifying cablecast channels and programming and of prohibiting the use of call letters for this purpose. By separate action taken today, the Commission has concluded that the record in this proceeding fails to demonstrate that pervasive or significant problems have arisen either from the failure to identify cablecast channels or programming or from identifying them in any particular way. The Commission accordingly declined to adopt a rule of general applicability and terminated the proceeding.

The disposition of the rulemaking proceeding should not be taken to signify that the Commission is no longer concerned that in some situations cablecast programming might be confused with broadcast programming. The Commission is aware that the possibility of confusion still exists, and we expect cable television system operators to avoid using any inherently confusing method of channel identification. Additionally, cablecast programming should be identified where such identification is necessary to avoid viewer confusion.

The Commission believes that the use of call letter-type identifiers similar to those used by local broadcasters is especially prone to confuse viewers. For this reason the Commission would strongly advise against the use of such call letters to identify cablecast channels. Similarly, where broadcast programming and cablecast programming that closely resembles it are presented together on one channel, we believe it advisable to distinguish between the two types of programming.

In general, the Commission expects system operators to adopt whatever measures are appropriate to assure that confusion between broadcast and cablecast programming does not occur, and to act promptly to remedy such problems if they do occur. Indications that system operators are deliberately employing methods of channel identification shown to be confusing to viewers or that operators are persisting in failing to indentify cablecast programming in a manner that distinguishes it from broadcast programming will require that the Commission reconsider its decision not to adopt rules in this area. Any specific problems of viewer confusion should be promptly brought to the Commission's attention.

Action by the Commission October 7, 1976.[1]

[1] Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn, and Fogarty with Commissioner White not participating.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–30278 Filed 10–14–76;8:45 am]

[Report No. 827]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

OCTOBER 12, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwies noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22907–CD–P–(2)–76, Valley Rural Telephone Co-op (New). C.P. for a new station to operate on 152.69 & 152.72 MHz. to be located Eleven (11) miles north-northeast of Glasgow, Near Rose Hill Trailer Court, Montana.

22908–CD–TC–(2)–76, Anserfone of St. Lucie County, Inc. Consent to Transfer of Control from Edna S. Higgs, TRANSFEROR to Michael S. McCarty & Edna S. Higgs, TRANSFEREES, Stations: KIG838 & KUC 847, Fort Pierce, Florida.

22909—CD–P–76, Radio Relay Corp.—Missouri (KAA893). C.P. to relocate facilities operating on 35.22 MHz at Loc. No. 1: 1 Mercantile Center, St. Louis, Missouri.

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22910-CD-P-76, Airsignal of Nevada, Inc. (KWT989). C.P. for additional Control facilities to operate on 454.350 MHz at new site described as Loc. No. 4: 1111 Las Vegas Blvd., Las Vegas, Nevada.

22911-CD-P-76, Radio Contact Corp. (KRH 648). C.P. for additional facilities to operate on 454.200 MHz at new site described as Loc. No. 2: Lookout Mountain, Golden, Colorado.

22912-CD-TC-(2)-76, Eastern Oregon Telephone Co. Consent to Transfer of Control from Walter A. Karnopp & Ann Margaret Karnopp, TRANSFERORS to Telephone Utilities, Inc., TRANSFEREE. Station: KFL 944, Pilot Rock, Oregon & KRH637, Boardman, Oregon.

22913-CD-AL-(2)-76, Chalfont Communications Consent to Assignment of License from Chalfont Communications, ASSIGNOR to Hendrix Electronics, Inc. d b/a Cal-Comm Radio Telephone Service. ASSIGNEE. Stations: KMA251 & KLF520, El Centro, California.

20001-CD-R-77, Baxley Radio-Telephone, Inc. (KLF581). Renewal of License expiring November 7, 1976. TERM: November 7, 1976 to April 1, 1979.

20002-CD-MP-77, Message Center, Inc. (KWU281). C.P. for additional Control facilities to operate on 454.325 MHz at Loc. No. 2: Mt. Mansfield near Underhill, Vermont.

20003-CD-ML-77, Inland Telephone Company (KUC955). Mod of license to change frequency from 152.75 MHz to 152.81 MHz located On Bald Butte, 2 miles East of Johnson, Washington.

20004-CD-MP-(2)-77, Mobilfone of Leotl, Inc. (KWT933). C.P. for additional Repeater facilities to operate on 459.125 MHz at existing Loc. No. 1: Electric Co-op radio tower, south of State Highway 96, Scott City; and for Control facilities operating on 454.125 MHz at new site described as Loc. No. 2: 1.5 miles east of intersection of Highway 25 & 96, Leotl, Kansas.

20005-CD-P-77, Answer Iowa, Inc. (KWU 201). C.P. for additional facilities operating on 152.18 MHz located on 5th Avenue West at 12th Street, Duluth, Minnesota.

20006-CD-P-(2)-77, Intrastate Radio Telephone, Inc., of San Francisco (KMA833). C.P. for additional facilities to operate on 454.125 & 454.175 MHz at a new site described as Loc. No. 7: Sunol Ridge, 4.3 miles NE of Niles, California.

20007-CD-P-(8)-77, Cal-Autofone (KMA252). C.P. to relocate facilities operating on 152.03 MHz, Base, 75.98, 75.42, 75.48, 75.52, 454.050 & 454.350 MHz, Control; additional Test facilities operating on 158.64 MHz; and change frequency from 72.74 MHz to 75.48 MHz, Control and from 74.26 MHz to 75.52 MHz, Control at Loc. No. 1: 1615 Highland Avenue, Eureka, California.

20008-CD-P-77, Bobier Electronics, Inc. (KWU250). C.P. to change antenna system and replace transmitter operating on 158.70 MHz located at Summit Ridge, 3.5 miles NE of Parkersburg, West Virginia.

20009-CD-P-77, Bobier Electronics, Inc. (KWU233). C.P. to change antenna system and replace transmitter operating on 152.06 MHz located at Summit Ridge, 3.5 miles NE of Parkersburg, West Virginia.

20010-CD-P-77, Neil E. Stone d/b/a Stone's Mobile Radio and Dial-A-page (New) C.P. for a new 1-way station to operate on 152.24 MHz located at 511 Atlantic Avenue North, Thief River Falls, Minnesota.

Correction

22833-CD-P-76, CFR Corporation dba Mobilfone of Baton Rouge. Correct Call Sign to read (new). All other particulars to remain as reported on PN No. 825 dated September 27, 1976.

RURAL RADIO

60001-CR-P L-77, Continental Telephone Company of California (New). C.P. for a new Rural Subscriber station to operate on 157.89 & 158.01 MHz to be located 7 miles east of Mojave Road on Peterson Road, near Poston, Arizona.

60002-CR-P-77, Pacific Northwest Bell Telephone Company (New). C.P. for a new Rural Subscriber station to operate on 157.86 MHz to be located 2.5 miles North of Granite, Oregon.

60003-CR-P-77, Pacific Northwest Bell Telephone Company (New). C.P. for a new Rural Subscriber station to operate on 157.89 MHz to be located 9 miles East of Astoria, Miller Sands Island, Oregon.

POINT TO POINT MICROWAVE RADIO SERVICES

3799-CF-ML-76, American Telephone and Telegraph Company (KKX58). 2 miles NNE of Rincon, New Mexico. C.P. to correct coordinates Lat. 32 41 44N. Long. 107 03 51 W.

3401-CF-ML-76, Same (KYN79). 8.9 miles East of Newell, South Dakota. C.P. to change coordinates from Lat. 44 42 16 N.–Long. 103 13 33 W. to Lat. 44 42 47 N.–Long. 103 14 13 W. and change path distance and azimuth to Castle Rock and Hereford; these are record change only, no change in actual location.

3400-CF-ML-76, Same (KAA95). 3 miles W of Eartham, Indiana. C.P. to change coordinates from Lat. 41 29 50 N.–Long. 94 10 18 W. to Lat. 41 29 50 N.–Long. 94 10 06 W. change path distance and azimuth to Des Moines. These are record change only, change in actual location.

3917-CF-ML-76, New York Telephone Company (WJM70). 94 South Street, Troy, New York. Mod of License to change license from Development to regular service.

3916-CF-ML-76, Same (WJM69). 158 State Street, Albany, New York. Mod of License to change license from Development to regular service.

4079-CF-ML-76, American Telephone and Telegraph Company (KMC63). Cisco Butte 6 miles ENE of Emigrant, Georgia. Mod of License to change coordinates from Lat. 39 18 22 N.–Long. 120 33 45 W. to Lat. 39 18 25 N.–Long. 120 33 44 W.

4160-CF-ML-76, Same (KSH88). 122 W. Main Street, Madison, Wisconsin. Mod of license to correct polarization from horizontal to vertical on frequency 4070 toward Madison Jct., Wisconsin.

4173-CF-ML-76, Pacific Northwest Bell Telephone Company (KOJ87). 1.6 miles SE of Blyn, Washington. Mod of license to correct polarization from vertical to horizontal on frequencies 3730 and 3810 toward Angeles Point, Washington.

4190-CF-ML-76, American Telephone and Telegraph Company (KAA95). 3.0 miles West of Eartham, Indiana. Mod of license to correct frequency 4198H transmitting to Des Moines, Indiana to read 4198V record change only.

4191-CF-ML-76, Same (KAA70) ADJ. T/Lot W. of 909 High Street, Des Moines, Indiana. Mod of license to correct polarization from horizontal to vertical on frequency 4190 MHz toward Eartham, Indiana.

4156-CF-ML-76, Same (KAJ66) BLK Forest 7.5 miles SW. of Eastonville, Colorado. Mod of license to correct polarization from horizontal and vertical on frequencies 3710, 3790, 3950 MHz toward Colorado Springs, Colorado.

8174-CF-P-76, United States Transmission Systems, Inc. (WAH 499). 2.5 miles NW. of Delta, Pennsylvania. (Lat. 39°44'40" N., Long. 76°81'32" W.): Construction permit to add 6286.2H MHz toward Oxford, Pennsylvania and Jacksonville, Maryland on azimuths 79.1 and 214.1 degrees respectively.

8213-CF-P-76, Tower Communication Systems Corporation (KQA 36). Ball Knob, 9.0 miles SW. of Chillicothe, Ohio. (Lat. 39° 13'15" N., Long. 83°04'40" W.): Construction permit to add 11385.0H MHz toward S. Portsmouth, Kentucky on azimuth 172.9°.

8214-CF-P-76, Tower Communications Systems Corporation (KQA 33). 1.25 miles South of S. Portsmouth, Kentucky. (Lat. 38°42'59" N., Long. 82°59'54" W.): Construction permit to add 11055.0H MHz toward Ironton, Ohio on azimuth 123.9°.

8215-CF-P-76, Tower Communication Systems Corporation (WQR 58). 0.9 mile North of Ironton, Ohio. (Lat. 38°32'51" N., Long. 82°40'48" W.): Construction permit to add 11225.0V MHz toward Huntington, West Virginia on azimuth 136.5 degrees.

8240-CF-P-76, Eastern Microwave, Inc. (WQR 73). 2550 Berthoud St., Pittsburgh, Pennsylvania. (Lat. 40°26'46" N., Long. 79°57' 51" W.): Construction permit to change frequency to 11545.0H MHz toward Bethel Park (WQR 74) and Etna No. 1, both in Pennsylvania, on azimuths 203.6° and 18.6° respectively.

3692-CF-ML-76, South Central Bell Telephone Company (KIB85). Trickem 6.5 miles WNW. of Ranburne, Alabama: Mod of license to correct coordinates Lat. 33°33'22" N., Long. 85°27'39" W. to Lat. 33°33'18" N., Long. 85°27'25" W.

8206-CF-P/ML-76, Volcano Telephone Company (WJM25), Rt. 88 and Volcan Rd. Pine Grove, California. Lat. 38°24'46" N., Long. 120°39'20" W. C.P. Mod of license to reinstate expired license on frequency 2128H MHz toward Leek Spring, California on azimuth 54°.

8207-CF-P/ML-76, Same (WJM26) Leek Spring, 25.7 miles NE. of Pine Grove, California. Lat. 38°37'43" N., Long. 120°16'34" W. C.P. and Mod of license on frequencies 2170H MHz toward Schneider RF, California, on azimuth 58.0° and 2178H MHz toward Pine Grove, California on azimuth 234.2°.

8208-CF-P-76, Same (WJW87) Kirkwood 48M. East on Hwy 88 Pine Grove, California. Lat. 38°41'30" N., Long. 120°04'14" W. C.P. and Mod of license to reinstate expired license on frequency 2120H MHz toward Schneider is RF, California on azimuth 357.6°.

8235-CF-P-76, American Telephone and Telegraph Company (WHB40). 221 West 4th Street, Pueblo, Colorado. Lat. 38°16'15" N., Long. 104°36'31" W. C.P. to add frequency 3970.0H MHz toward Cedarwood, Colorado.

Amendments

378-CF-P-76, All American Cables and Radio, Inc. (WMZ34). Cerro Marguesa, Puerto Rico. Lat. 18°16'51" N., Long. 66°06'38" W. Public Notice August 25, 1975 Amended by changing the frequency toward Cerro Las Pinas, Puerto Rico from 10715.0H MHz to 11115.0H and changing the azimuth toward San Juan, Puerto Rico from 90°28' to 11°55'.

379-CF-P-76, Same (WWZ36), Cerro Las Pinas, Puerto Rico. Lat. 18°09'16" N., Long. 66°04'51" W. Public Notice August 25, 1976 Amended by changing the frequency toward Cerro Marquesa, Puerto Rico from 11645.0H MHz to 11565.0H MHz and changing the azimuth toward Monte Llano, Puerto Rico from 206°41' to 246°41'.

380-CF-P-76, Same (WWZ33), San Juan, Puerto Rico. Lat. 18°27'25" N., Long. 66°04'52" W. Public Notice August 25, 1976 Amended by changing azimuth to Cerro Marguesa, Puerto Rico from 189°28' to 83°09'.

Corrections

4951-CF-P-76, Eastern Microwave, Inc. (WAU 205). Manchester, 3.7 miles WSW. of Pinradsville, New Hampshire. This entry appearing in Public Notice dated September 7, 1976 is corrected to show file number as listed above. All other particulars remain the same.

8174-CF-P-76, United States Transmission Systems, Inc. (WAM 500). Jarrestville, AKE South, Jacksonville, Maryland. This entry appearing in Public Notice dated October 4, 1976 is corrected to show file number as 8175-CF-P-76. All other particulars remain the same.

LOCAL TELEVISION TRANSMISSION RADIO SERVICE

8244-CF-P/L-76, Southwestern Bell Telephone Company (New) Temporary fixed locations within territory of Grantee. Construction permit and license for new station—3700–4200 MHz frequency band.

MULTIPOINT DISTRIBUTION RADIO SERVICE

8149-CM-P-76, Microband Corporation of America (WJL 36). Black Mtn., Monte Bello Rd., Palo Alto, California. (Lat. 37° 19'13" N., Long. 122°08'33" W.): Construction permit to (a) change transmit station name and location, (b) change antenna system and polarization on existing frequency path and (c) add hot standby transmitter—2154.75V and 2150.-25V MHz. Primary service area: Palo Alto/San Jose, California and vicinity.

8151-CM-P-76, Microband/MTC West Coast, Inc. (KFF 81). Vollmer Peak, Grizzly Peak Blvd., Orinda, California. (Lat. 37°52'58" N., Long. 122°13'11" W.): Construction permit to (a) change transmit station name and location, (b) change antenna system and polarization on existing frequency path and (c) add hot standby transmitter—2154.75H and 2150.25H MHz. Primary service area: San Francisco and Oakland, California and vicinity.

8181-CM-P-76, Hydra Communications (New). Mt. Diablo, Summit Rd., Clayton, California. (Lat. 37°52'54" N., Long. 121° 55'05" W.): Construction permit for new station—2154.75H and 2150.25H MHz (Horizontal Lobe) and 2154.75V and 2150.25V MHz (Vertical Lobe). Primary service area: Contra Costa County, California, California.

8220-CM-P-76, Mid-South Communications, Inc. (New). Rte 2, Hardyville, Kentucky (Lat. 37°14'40" N., Long. 85°46'42" W.): Construction permit for new station—2154.75V and 2150.25V MHz. Primary Service area: Hardyville, Kentucky.

8254-CM-P-76, Mid-South Communications, Inc. (New). Hwy 77, Dozier, Alabama. (Lat. 37°14'40" N., Long. 85°46'42" W.): Construction permit for new station—2154.75V and 2150.25V MHz. Primary Service area: Dozier, Alabama.

8255-CM-P-76, Mid-South Communications, Inc. (New). Rte 1, Mt. Vernon, Kentucky (Lat. 37°14'43" N., Long. 84°17'20" W.): Construction permit for new station—2154.75V and 2150.25V MHz. Primary Service area: Mt. Vernon, Kentucky.

8256-CM-P-76, Mid-South Communications, Inc. (New). Rte 2, Gresham, South Carolina. (Lat. 33°56'02" N., Long. 79°25'49" W.): Construction premit for new station—2154.75V and 2150.25V MHz. Primary Service area: Gresham, South Carolina.

8257-CM-P-76, Mid-South Communications, Inc. (New). Rte 2, Milton, Pennsylvania. (Lat. 41°02'09" N., Long. 76°49'34" W.): Construction permit for new station—2154.75V and 2150.25V MHz. Primary Service Area: Milton, Pennsylvania.

POINT TO POINT MICROWAVE RADIO SERVICE

Informative

The Commission has received a request from Canada for coordination of an earth station at Notre Dame, Quebec (Lat. 46 09 09 N.—Long. 74 01 45 W.) which will operate to the Intel sat IV, IV A, and V satellites carrying telephone, video, and digital signals. Transmission will begin approximately in late 1978 or early 1979 with the following parameters:

Frequency bands: 5925 to 6425 MHz; 3700 to 4200 MHz.

Maximum power into antenna: +13dBW/4kHz.

Antenna characteristics

Type: Cass egrain.
Size: 95 ft.
Gain: 6 GHz–62.8dB, 4 GHz–59.7dB.
Beamwidth (3dB): 0.17°.
AGL: 60'.
Site elevation: 1400'.
Orbital locations: Nominal 34.5°W, 29.5°W, 24.5°W and 19.5°W.
Orbital arc: Coordinating range 18°W, 35°W.

Accordingly, should any terrestrial carriers feel that their facilities would receive any harmful interference contact the Commission's Common Carrier Bureau; Attention: Mr. Charles Gratch. Area Code 202—Extension 632-6920.

[FR Doc.76-30281 Filed 10-14-76;8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE; WORKING GROUP V BROADCAST SERVICES SUBCOMMITTEE

Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of Working Group V, Broadcast Services Subcommittee of the National Industry Advisory Committee to be held Thursday, November 4, 1976. The Working Group will meet at the Federal Communications Commission Annex Building, 1229 20th Street, NW., Training Room (A-110), at 10:00 a.m.

Purpose. To redesign NIAC Order 2 which is used in conjunction with the Emergency Broadcast System (EBS) and to consider additional refinements to the EBS.

AGENDA

1. Chairman's Opening Remarks.
2. Revision of NIAC Order 2 to provide for feed of ABC, CBS and NBC affiliates on the West Coast through the use of NPR interconnecting facilities during Closed Circuit Tests or actual activation of the Emergency Broadcast System.
3. Discussion on the possible entry of additional communications common carriers into the Emergency Broadcast System.
4. Discussion of the feasibility of seeking entry of radio station WWV into the Emergency Broadcast System.
5. New Business.
6. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the Working Group either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Executive Secretary, National Industry Advisory Committee prior to the date of the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-30277 Filed 10-14-76;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE, COORDINATING COMMITTEE AND CERTAIN ADVISORY COMMITTEES AND TASK FORCES

Renewal Determination and Certification

The Chairman of the Federal Power Commission has determined that renewal of the terms of the National Gas Survey's Executive Advisory Committee, Coordinating Committee, Supply—Technical Advisory Task Force—Nonconventional Natural Gas Resources, Supply—Technical Advisory Task Force—Synthesized Gaseous Hydrocarbon Fuels, Supply—Technical Advisory Task Force—Regulatory Aspects of Substitute Gas, Transmission, Distribution and Storage—Technical Advisory Task Force—Rate Design, Transmission, Distribution and Storage—Technical Advisory Task Force—Impact of Gas Shortage on Consumers, Conservation—Technical Advisory Task Force—Efficiency in Use of Gas, Finance—Technical Advisory Committee and Curtailment Strategies—Technical Advisory Committee, to and including a date not later than September 15, 1978, is necessary in the public interest in connection with the performance of duties imposed by law upon the Commission.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, 38 FR 1083, as amended by Commission General Order No. 464-A, issued August 2, 1974, and authorities referred to therein, 39 FR 28929. See also Office of Management and Budget, Advisory Committee Management, Circular A-63 Revised, March 27, 1974, 30 FR 12389, as amended July 19, 1974.

The Executive Advisory Committee was established by Commission Orders issued April 16, 1971: Order Establishing National Gas Survey Executive Advisory Committee and Designating Its Membership and Chairmanship, 36 FR 6922; the Coordinating Committee was established by Commission Order issued May 10, 1971, Order Establishing National Gas Survey Coordinating Committee and Designating Its Membership and Chairmanship, 36 FR 8910; the other Committees and Task Forces to be renewed were established by Commission Order issued September 15, 1975, Order Establishing National Gas Survey Technical Advisory Committee and Technical Advisory Task Forces and Designating Initial Membership, 40 FR 43956. The aforementioned orders all referred to an earlier order of the Commission issued February 23, 1971, Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, 36 FR 2851.

The foregoing orders have been amended by subsequent Commission orders of April 25, 1972, 37 FR 8578, Order Amending National Gas Survey Orders issued February 23, 1971, and April 6, 1971; of June 27, 1972, 37 FR 13306, amending National Gas Survey Orders; and of December 19, 1972, 37 FR 28658, amending National Gas Survey Orders

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and Order Renewing National Gas Survey Technical Advisory Committees issued December 31, 1974, 40 FR 2268, and Order Renewing the National Gas Survey Executive Advisory Committee, Coordinating Committee and Coordinating Task Force, issued December 31, 1974, 40 FR 2268.

The terms of the Executive Advisory Committee and Coordinating Committee were first extended by Commission order issued December 28, 1973, Order Renewing National Gas Survey Technical Advisory Committees and Coordinating Committee 39 FR 1540, again extended by Commission order issued December 31, 1974, Order Renewing the National Gas Survey Executive Advisory Committee, Coordinating Committee and Coordinating Task Force, 40 FR 2268, and again extended by Commission order issued September 15, 1975, Order Establishing National Gas Survey Technical Advisory Committees, 40 FR 43956.

As renewed, the subject committees and task forces would funciton as set forth in the aforementioned orders for the additional period of time set forth above.

It is intended that these committees will provide a framework for completing ongoing National Gas Survey assignments.

The Office of Management and Budget, Advisory Committee Management, has ascertained that renewal of the subject committees and task forces as set forth above is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770. Renewal of these committees shall be reflected in appropriate Commission orders hereafter issued.

RICHARD L. DUNHAM,
Chairman.

[FR Doc.76-30548 Filed 10-14-76;11:49 am]

NATIONAL GAS SURVEY ADVISORY COMMITTEE

Establisment Determination and Certification

The Chairman of the Federal Power Commission has determined that the establishment of a new National Gas Survey Advisory Committee to and including a date not later than September 15, 1978, is necessary in the public interest in connection with the performance of duties imposed by law upon the Commission.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, 38 FR 1083, as amended by Commission General Order No. 464–A issued August 2, 1974, and authorities referred to therein, 39 FR 28929. See also Office of Management and Budget, Advisory Committee Management, Circular A–63 Revised, March 27, 1974, 30 FR 12389, as amended July 19, 1974.

The advisory committee will be established by Commission order and will conform to principles and details noted in an order of the Commission issued February 23, 1971, Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, 36 FR 2851.

As established, the subject committee will function for a two-year period.

It is intended that this committee will provide a framework for a continuing National Gas Survey and that from time to time task forces or other subgroups subordinate to the advisory committee shall be established to support the committee work. The persistent and critical problems facing the nation's gas industry require continuation of the Survey's work. The purpose of the proposed committee will be to determine in each segment of the gas industry (supply, transmission and distribution) the conservation and energy management options available and to analyze and evaluate the potential costs and benefits of each and to suggest strategies for implementing these options. The committee is also expected to consider the matter of environmental tradeoffs.

The Office of Management and Budget, Advisory Committee Management, has ascertained that establishment of the subject committee as set forth above is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770. Establishment of this committee shall be reflected in appropriate Commission order hereafter issued.

RICHARD L. DUNHAM,
Chairman.

[FR Doc.76-30549 Filed 10-14-76;11:49 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 8, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 2, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a new Form 409, Application for Individual Mobile Radio Telephone License in the Domestic Public Land Mobile Radio Service. Form 409 was adopted by the Commission's Order of September 22, 1976. The use of this form is prescribed by section 21.9(c) of the FCC's Rules and Regulations. Form 409 is required to be filed when applying for authority to operate a mobile radio telephone by an individual user who intends to become a subscriber to a common carrier service. Form 409 is also required when applying for renewal of or modification to an existing license. Heretofore, Forms 401, 403, and 405 were required for this purpose. These three forms will continue to be used by the Commission for fixed base station licensees. FCC estimates reporting burden to average five minutes per response. The FCC anticipates receiving approximately 5,000 applications annually.

JOHN M. LOVELADY,
Acting Assistant Director,
Regulatory Reports Review.

[FR Doc.76-30257 Filed 10-14-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

Change in Agenda

OCTOBER 14, 1976.

The agenda for the meeting previously announced for October 18–19, 1976, in the FEDERAL REGISTER of October 5, 1976, has been changed to include a status report of the *Glomar Explorer* on Tuesday, October 19. The amended agenda is as follows:

OCTOBER 18, 1976

MORNING

0900–1200 State Department activities and plans on Oceans, Environmental and Scientific Affairs— Ambassador Frederick Irving—Assistant Secretary of State for Oceans and International Environmental and Sicentific Affairs.
Marine Education—Mr. Harold L. Goodwin, Consultant — Mr. Thomas Murray, Office of Sea Grant—Mr. Logan Salada, Office of the Commissioner of Education, U.S. Office of Education.

AFTERNOON

1300–1700 Environmental Research Programs in the U.S. Department of Agriculture—Dr. Robert E. Buckman, Deputy Chief for Research, Forest Service USDA—Dr. Velmar Davis, Head, Environmental Research, Economic Research Services, USDA—Mr. A. R. Robinson, Staff Scientist for Erosion and Sedimentation, Agricultural Research Service, USDA.
NACOA work in progress—Dr. William J. Hargis, Jr. Chairman, NACOA.

OCTOBER 19, 1976

MORNING

0900–1200 Secretary's comments on NACOA 5th Annual Report.
NACOA work in progress (continued).
Status Report of *Glomar Explorer*—Chairman and Staff.

AFTERNOON

1300–1500 NACOA work in progress (continued).
Adjournment at approximately 3:00 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 76–30527 Filed 10–14–76; 10:51 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

NOTICE OF HEARINGS

The National Commission on Electronic Fund Transfers will hold public hearings between 9:00 a.m. and 6:00 p.m. on October 28, 1976, and between 9:00 a.m. and 4:00 p.m. on October 29, 1976, in Room 2128 of the Rayburn House Office Building in Washington, D.C. These hearings, authorized by Pub. L. 93–495, Title II, section 204, will explore the conditions under which terminals performing electronic funds transfers should be deployed, and will focus on a resolution set out below.

These hearings are intended to aid the Commission in developing its recommendations to Congress and the President regarding appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems.

Prior to these hearings the Commission solicits the views of knowledgeable groups and individuals interested in these issues and able to address the areas of inquiry detailed below. Those interested in submitting statements for the record, giving testimony, presenting evidence or otherwise participating in these hearings should obtain a copy of the Commission's Hearing Rules, which were published in the FEDERAL REGISTER at 41 FR 43965, October 5, 1976, and which are also available directly from the Commission.

All persons may submit written statements and ask that they be included in the hearing record. The Commission will select from among those interested in presenting oral testimony to ensure that all points of view are represented. To this end, persons giving oral testimony may be asked to be part of a panel presentation.

Written requests to testify must be received by the Executive Director of the Commission, 1000 Connecticut Avenue, NW., Suite 900, Washington, D.C. 20036, by October 20, 1976. Such requests must be accompanied by a concise description of the material the party desires to present and the reasons why the party's oral testimony would be useful to the Commission. The hearing record will remain open for twenty-one (21) days following the hearings for written statements and comments.

The specific areas concerning EFTS which the Commission intends to investigate at these hearings are those set out in a resolution which the Commission's Committee on Regulatory Issues, at its meeting on October 7, 1976 adopted for the purpose of providing a focus for these hearings. All persons interested in testifying are asked to address the resolution, both in its entirety and in its specific parts. The resolution reads as follows:

RESOLUTION REGARDING EFTS TERMINALS

The Committee on Regulatory Issues hereby rescinds its resolution of August 26, 1976, and hereby proposes as a means of focusing thinking and of making more precise the discussion at hearings and at subsequent Commission considerations of the issues, the following:

Whereas, the National Commission on Electronic Fund Transfers (the "Commission") has the statutory responsibility to conduct a thorough study and investigation and to recommend appropriate administrative action and legislation in connection with the development of electronic fund transfer systems, taking into account, among other factors, the need to preserve competition among depository institutions and other business enterprises using such a system and the need to promote competition among depository institutions and to assure that Government regulation and involvement or participation in a system competitive with the private sector be kept to a minimum; and,

Whereas, (a) where State or Federal laws require that electronic terminals be considered branches and subject to the limitations appertaining thereto, the Commission believes those limitations would be unduly restrictive on the development of electronic funds transfer systems and the provision of funds transfer services to consumers; and, (b) where individual State and Federal laws are in conflict, such conflict might create a competitive imbalance; and,

Whereas, there is a substantive difference between the character and scope of financial services provided the consumer through terminals providing electronic funds transfer services and those provided at a branch office of a depository institution; and,

Whereas, the Commission is of the opinion that the limitations on the deployment of electronic funds transfer terminals should be substantially less restrictive than those applicable to the establishment of branches of depository institutions:

Now, therefore, be it resolved: (1) That the Congress and State legislatures should provide for the timely and competitive development of electronic funds transfer services for consumers by enacting appropriate legislation to authorize the appropriate regulatory authorities to promulgate rules consistent with the thrust of this resolution for the deployment of off-premises electronic terminals, separate and distinct from and less restrictive than the set which presently governs branches.

(2) That business enterprises, by reason of permitting their customers to utilize electronic terminals to communicate with depository institutions, should not be considered to be regulated depository institutions or branches thereof.

(3) That Congress should take into consideration the amount of time it will take for the individual States to enact, implement and phase in electronic funds transfer laws.

(4) That recommendations regarding the deployment of terminals performing electronic funds transfer services be based upon the assumption, subject to continued study and analysis, that the effect of the deployment will not be to diminish competition among regulated depository institutions and other business enterprises, regardless of size or type.

(5) That the National Commission on Electronic Fund Transfers does not intend, by this resolution, to recommend any alteration in the division of powers between the individual States and the Federal Government in regard to the regulation of depository institutions.

Dated: October 12, 1976.

WILLIAM B. WIDNALL,
Chairman.

[FR Doc.76–30314 Filed 10–14–76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Federal Graphics Improvement Program Advisory Panel to the National Council on the Arts will be held on October 29, 1976, from 9:30 a.m.–4:30 p.m., in Room 1127 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on October 29 from 9:30 a.m.–12:30 p.m. and 2:30 p.m.–4:30 p.m.

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on a space available basis. Accommodations are limited.

Interested persons may submit written statements with the committee. During the open session, graphics and related materials of the Nuclear Regulatory Commission will be discussed.

The remaining sessions of this meeting on October 29 from 1:30–2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts; National Foundation on the Arts and the Humanities.

[FR Doc.76–30264 Filed 10–14–76;8:45 am]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806—15th Street NW., Washington, D.C. 20506, in Room 1130, from 9 a.m. to 5:30 p.m. on November 12, 1976.

The purpose of the meeting is to review General Research applications in the field of Social Science submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76–30192 Filed 10–14–76;8:45 am]

RESEARCH GRANTS PANEL ADVISORY COMMITTEE

Meeting

OCTOBER 5, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806–15th Street, N.W., Washington, D.C. 20506, in room 1025, from 9 am to 5:30 pm on November 12, 1976.

The purpose of the meeting is to review research tools applications to the Research Materials Program in the fields of Literature, Linguistics, and the Arts submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76–30192 Filed 10–14–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON STUDENT SCIENCE TRAINING PROGRAM

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Student Science Training Program Advisory Panel for Science Education Projects.
Dates and Times: November 3, 1976, 9 a.m. to 5 p.m.; November 4, 1976, 8:30 a.m. to 5 p.m.; November 5, 1976, 8:30 a.m. to 5 p.m.
Place: Quality Inn Downtown, Massachusetts Avenue and Thomas Circle, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Max Ward, Program Manager, Student Science Training Program, Room W–400, National Science Foundation, Washington, D.C. 20550, tel: (202) 282–7150.
Purpose of subpanel: To provide advice and recommendations concerning support in the Student Science Training Program.
Agenda: To review and evaluate specific education proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 12, 1976.

[FR Doc.76–30231 Filed 10–14–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 6, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Pretest of Nationwide Survey of Veterans, single-time, male veterans in civilian noninstitutional population, Housing, Veterans and Labor Division, Raynsford, R., 395–3532.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency:
Increased Readiness Information System, on occasion, State and local civil preparedness officials, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
ESEA Title IV Financial and Performance and State Advisory Council Reports, OE–535 1 THR, annually, ESEA's Warren Topelius, 395–5872.

DEPARTMENT OF LABOR

Employment Standards Administration:
Administrative Committee Quarterly Report, CC–41, quarterly, administrative committees of 44 hometown plans, Strasser, A., 395–5867.

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation:
Outdoor Recreation Telephone Survey 1977, BOR 8–218, single time, individuals over 18, Maria Gonzalez, 395–6132.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Application for research fellowship, FWPCA 185, on occasion, individuals applying for fellowship, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Annual Performance Report for Adult Education State Grant Programs, OE 365–1, annually, State educational agencies, Warren Topelius, 395–5872.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
Sample Refinement—FLSA Exemption Studies, BLS 3064, single time, non-farm business establishments, Caywood, D. P., 395–3443.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
Quartz Crystal, Electronic Grade, 6–1243–A, annually, producers and consumers, Cynthia Wiggins, 395–5631.
Industrial Sand and Gravel, 6–1273–A, annually, commercial producers of sand and gravel, Cynthia Wiggins, 395–5631.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Supplement Experience Statement, CSC 1170, on occasion, applicants for employment, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration:
Special Provisions Re Exporting of Commodities to Yugoslavia, EAR 375.4, on occasion, commercial exporters, Warren Topelius, 395–5872.

Bureau of Census:
Residence Verification Referral 2, DD 324, single time, residents of households within the Camden, N.J., city limits, Caywood, D. P., 395–3443.

Domestic and International Business Administration:
Clearance of U.S. Exports, EAR 386.2(D), EAR 386.3(J), on occasion, commercial exporters, Warren Topelius, 395–5872.

DEPARTMENT OF DEFENSE

Departmental and other, Contractor Crew Member (Flight Record of Expenses and Qualification), DD 1279, on occasion, contractors, Warren Topelius, 395–5872.

Departmental and other, Request for Approval of Contractor (Flight Crew Members NG Government Aircraft), 83B, on occasion, individuals, Warren Topelius, 395–5872.

Departmental and other, Request for Approval of Qualification (Training Tractors Operating Government Aircraft), 83A, on occasion, individuals, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Federal Assistance (Construction) Public Law 81–815 (SAFA), OE 355–1, on occasion, local educational agencies, Warren Topelius, 395–5872.
Instructions for Financial Status and Performance Reports, OEEOP Programs; District-Wide Advisory Committee, Final Report and Student Advisory Committee Final Report, OE–116–2, annually, LEA's, Warren Topelius, 395–5872.

Preapplication for Federal Assistance-Supplementary Instructions for Public Law 81–815 (Construction-SAFA), OE 355, on occasion, local educational agencies, Warren Topelius, 395–5872.

Application for Federal Assistance (Construction Programs)—Non-Commercial Eductaional Broadcasting Facilities Program, 323–1, annually, educational broadcasting station licenses, Warren Topelius, 395–5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Biennial Certification of Family Income and Composition-Section 221(H) or 235 (J), FHA 3161, on occasion, homeowner receiving assistance, Housing, Veterans and Labor Division, 395–3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
Wage Developments in Manufacturing, 2675D, quarterly, manufacturing establishments with less than 1,000 production workers, Strasser, A., 395–5867.

Characteristics of the Insured Unemployed, ES–203, monthly, sample of local and central office records, Strasser, A., 395–5867.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
Chromite Ores and Chromium Products (Supply and Disposition) Ores, 6–1036–M, monthly, producers and consumers, Cynthia Wiggins, 395–5631.
Mica Block and Film (Annual Report of Stocks, Receipts, Consumption, and Shipments), 6–1248–A, annually, consumers of Mica Block and film, Cynthia Wiggins, 395–5631.
Fuel Oil and Kerosine Sales and Inventories, 6–1337–A, annually, producers and dealers of fuel oil and kerosine, Hulett, D. T. 395–4730.
Metallic Abrasives, 6–1201–A, annually, producers of metallic abrasives, Cynthia Wiggins, 395–5631.
Mine and Quarry Information Supplement, 6–1017–A, annually, mining companies, Cynthia Wiggins, 395–5631.
Consumption of Copper Materials, 6–1115–MS, monthly, brass and wire mills, Cynthia Wiggins, 395–5631.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–30223 Filed 10–14–76;8:45 am]

Office of Federal Procurement Policy

RECRUITMENT FOR FEDERAL PROCUREMENT INSTITUTE

Staff Positions

Notice is given that four Assistant Director positions for the Federal Procurement Institute are in the Competitive Civil Service and prospective candidates are advised of the following recruiting procedures. Inquiries may be directed to Michael Martinez, Assistant Administrator for Procurement Personnel and Training, Office of Federal Procurement Policy, 202/395–4934.

HUGH E. WITT,
Administrator.

The Federal Procurement Institute has recently been established under the Executive Branch of the U.S. Government to serve as the focal point for coordinating the Governmentwide planning, development, implementation and evaluation of programs in the areas of procurement research, education and training and career development. The Institute will provide leadership and assistance in improving the quality, efficiency and performance of Federal procurement personnel.

Recruitment action is expected to commence in the near future to fill the following positions in the Competitive Civil Service:

1. Assistant Director for Education and Training, GS–1102–15—Responsible for procurement curriculum planning and design; teaching methodology; course content; and development of educational resources at the Institute.

2. Assistant Director for Career Management and Development, GS–1102–15—Responsible for promotion and implementation of career management and professional development of employees in the Federal procurement work force.

3. Assistant Director for Procurement Research, GS–1102–15—Responsible for conducting procurement research and developing advanced procurement and contracting techniques and methods.

4. Assistant Director for Evaluation, GS–1102–15—Responsible for evaluating the effectiveness of all Institute activities including education and training; career management and development; and procurement research.

All positions require extensive experience in or knowledge of Federal procurement. Additionally, for each Assistant Director position substantial experience in program development, execution and evaluation is required in the specialty area outlined above.

Since these positions are in the Competitive Service, prospective candidates are advised that they must currently possess Career or Career-Conditional status, Reinstatement eligibility or eligibility on the U.S. Civil Service Commission Senior Level register in order to receive consideration for appointment. Candidates who do not possess personal Career or Career-Conditional status, or Reinstatement eligibility are requested to apply by October 30 by sending two copies of Standard Form 171, Personal Qualifications Statement, available at all U.S. Civil Service Commission Offices, to:

U.S. Civil Service Commission
1900 E Street, N.W., Desk 408–A
Washington, D.C. 20415

After item "1A, Kind of Position • • •" On the SF–171, enter the Assistant Director position for which you want consideration.

If you are currently on the Senior Level register, do not reapply; simply send a letter indicating your interest in one of these posi-

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tions and provide Senior Level identification number.

This announcement concerns recruitment for the Assistant Director positions only. Announcement of the Institute Director and Deputy Director positions will be published at a later date.

[FR Doc.76-30222 Filed 10-14-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-10]

AMERICAN IRON AND STEEL INSTITUTE

Complaint

On October 6, 1976 the Chairman of the section 301 Committee received from the American Iron and Steel Institute a petition alleging unfair trade practices by the European Coal and Steel Community (ECSC) and the Ministry of International Trade and Industry of Japan (MITI) resulting from a bilateral agreement between ECSC and MITI which allegedly diverts significant quantities of Japanese steel exports to the United States.

Relief is requested pursuant to section 301 of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978; 19 U.S.C. 2411). The text of the petition is as follows:

IN THE OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

AMERICAN IRON AND STEEL INSTITUTE, COMPLAINANT

Complaint under section 301 of the Trade Act of 1974.

Complaint

To the Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations, Room 725, 1800 G Street, N.W., Washington, D.C. 20506:

1. Complainant, American Iron and Steel Institute ("AISI") is a nonprofit trade association, the membership of which includes 62 companies engaged in the manufacture and sale of iron and steel products in the United States. Approximately 95 percent of the raw steel produced in the United States (including products like or similar to those covered by the agreement described below) is made by the above mentioned companies. AISI represents a significant economic interest materially affected by the agreement which is the subject of this Complaint.

2. This complaint is filed pursuant to section 301 of the Trade Act of 1974.

3. The European Coal and Steel Community ("ECSC") and the Ministry of International Trade and Industry of Japan ("MITI") have entered into a bilateral agreement ("Agreement") whereby quantitative restrictions are imposed upon Japanese exports of certain steel products to the Common Market nations. Details of the Agreement are set forth in Section II of the supporting Brief attached hereto as Exhibit I and made a part hereof. The Agreement is unjustifiable, unreasonable and discriminatory within the meaning of section 301 of the Trade Act of 1974.

4. ECSC is an instrumentality of the governments of Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, the United Kingdom and West Germany (the "European Nations"). MITI is an instrumentality of the government of Japan. Details are set forth in Section IV of Exhibit I.

5. The Agreement is not the result of any specific or particular laws or regulations of either ECSC, the European Nations, MITI or Japan. The Agreement is oral and was deliberately attempted to be concealed from the United States. The General Agreement on Tariffs and Trade is relevant and material, as detailed on Exhibit I.

6. All iron and steel products, other than pig iron, ferralloys and stainless steel products, are covered by the Agreement.

7. ECSC (and, therefore, the European Nations) and Japan are engaged in unjustifiable and unreasonable import restrictions which impair the value of trade commitments made to the United States in that by the Agreement quantitative restrictions are imposed on exports of steel from Japan to the European Nations in violation of Article XI of GATT without similar restrictions being imposed on exports of steel to the United States as required under the most favored-nation obligations provided for in Article XIII of GATT. In addition, the Agreement contravenes the principles embodied in the Tokyo Declaration, the O.E.C.D. pledge, the Declaration of Rambouillet, and the Dorado Beach Declaration. See Section V of Exhibit I.

8. ECSC (and, therefore, the European Nations) and Japan are engaged in discriminatory acts and policies which are unjustifiable and unreasonable and which burden or restrict United States commerce in that the Agreement substantially restrains the amount of Japanese steel which may enter the European Nations and thereby diverts significant quantities of Japanese steel exports to the United States. The Agreement will reduce Japanese exports of steel to the European Nations from a minimum free market level of 4,000,000 net tons to a maximum of 1,344,000 net tons in calendar year 1976 and will result in increased exports of Japanese steel to the United States of 1,500,000 net tons or more in calendar year 1976.

9. Details of the effect of the Agreement on United States steel producers and workers are set forth in Section III of Exhibit I.

10. Complainant seeks such relief as will (a) eliminate the burden, restriction and discrimination caused by the Agreement, and (b) provide compensation for the burden, restriction and discrimination already sustained. Complainant respectfully requests the President's Special Representative for Trade Negotiations to make a report to the President so that the President may take the authorized action to provide such relief. No other forms of relief are being sought by the Complainant under the Trade Act of 1974 or any other act.

Respectfully submitted,

F. C. LANGENBERG,
President,
American Iron and Steel Institute.

OCTOBER 6, 1976.

No hearing has thus far been requested by complainant American Iron and Steel Institute.

A copy of the complaint and supporting brief are available for public inspection in Room 725, 1800 G Street, N.W., the Office of the Special Representative for Trade Negotiations.

Interested parties are invited to submit preliminary views on this matter. Such views should conform to the procedures for complaints received pursuant to section 301 of the Trade Act of 1974, specifically Part 2006.6 (40 FR 39499, Aug. 28, 1975), and should be sent to the attention of "Secretary, Section 301 Committee, Room 725, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C. 20506." It is requested that all such preliminary views be submitted by November 15, 1976.

MORTON POMERANZ,
Chairman,
Section 301 Committee.

[FR Doc.76-30290 Filed 10-14-76;8:45 am]

POSTAL RATE COMMISSION

VISITS TO POSTAL FACILITIES

OCTOBER 13, 1976.

Notice is hereby given that employees of the Postal Rate Commission will visit facilities on the dates indicated for the purpose of observing the operations of these facilities relating to use of U.S. mail service.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report of the visits will be on file in the Commission's docket room.

Place of visit	*Date of visit*
Farmingdale, N.Y., Blair Mail Marketing.	Oct. 15, 1976.
Waco, Texas Post Office__	Oct. 16, 1976.
Dallas, Texas Bulk Mail Center.	Oct. 18, 1976.
Des Moines, Iowa, The Reuben H. Donnelley Corp.	Oct. 19 to 20, 1976.

By direction of the Commission.

DAVID F. HARRIS,
Acting Secretary.

[FR Doc.76-30341 Filed 10-14-76;8:45 am]

[Docket No. MC76-5]

BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Prehearing Conference; Rescheduled

OCTOBER 12, 1976.

Notice is hereby given that the Presiding Officer has rescheduled the prehearing conference previously scheduled in the above-designated proceeding for Monday, October 18, 1976, to Wednesday, October 20, 1976, at 9:30 a.m., in the Commission's Hearing Room, Suite 500, 2000 L Street NW., Washington, D.C.

DAVID F. HARRIS,
Acting Secretary.

[FR Doc.76-30418 Filed 10-14-76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

RECORDKEEPING PRACTICES OF EDUCATIONAL INSTITUTIONS

Hearings

The Privacy Protection Study Commission will hold two additional days of hearings on the personal-data record-keeping practices of educational institutions in Washington, D.C. on November 11 and 12, 1976. The hearings will

be held in Room 2358, Rayburn House Office Building, Independence Avenue and South Capitol Street from 9:30 a.m. to 5:00 p.m. on November 11, and from 9:00 a.m. to 5:00 p.m. on November 12.

On October 7 and 8, 1976, the Commission held its first set of hearings on the record-keeping practices of educational institutions in Los Angeles, California. These hearings were announced in the FEDERAL REGISTER, Vol. 41, No. 164, dated Monday, August 23, 1976. The Los Angeles hearings concentrated on the impact of the Family Educational Rights and Privacy Act of 1974 (hereinafter FERPA) on the record-keeping policies and practices of elementary and secondary institutions. The Washington hearings will emphasize the practices of post-secondary institutions, organizations maintaining personal records related to school admissions or financial aid, the Department of Health, Education, and Welfare resources and strategies for implementing FERPA, and the development of state-wide or regional computer-based information systems for auditing, eligibility determination, or provision of special services in schools.

In Section I of its August 23 FEDERAL REGISTER notice, the Commission solicited background information on a number of questions related to both the Los Angeles and Washington hearings. Now the Commission is seeking additional written submissions and oral testimony on the following matters.

FERPA AND POST-SECONDARY INSTITUTIONS

The Definition of Education Records. With four exceptions, FERPA applies to records "which contain information directly related to a student * * * and * * * are maintained by an educational agency or institution."

This definition refers to any institutional record which contains information about an identifiable student, including records which are not maintained for the purpose of making decisions about the rights, privileges, or status of a student within an institution, such as the minutes of meetings of institutional committees on which a student sits. The Commission is interested in learning how the definition of "education records" affects the implementation of FERPA by institutions, particularly with regard to the DHEW requirement that an educational institution give students notice of the types of records it maintains on them (45 CFR 99.5(a)(2)(iv) and 99.6). Has this definition caused special problems for higher education institutions (which are more likely to have decentralized record-keeping procedures and multiple points of contact with the student from which "education records" are generated)?

The exceptions to what may be considered "education records" under FERPA appear to have ratified certain practices in educational institutions. The Commission would like to know: (1) whether the exceptions actually serve any legitimate institutional or public policy purposes and, if so, what those purposes are; (2) whether the exceptions allow the Act's intent to be circumvented and, if so, whether and how the student or parent is injured; and (3) how any adverse effects might be avoided, while still meeting any legitimate objectives of the exceptions.

In addition, the Commission would like to learn whether there are records presently classified as "education records" which should not be. Specifically, (1) what types of records might these be; (2) what legitimate institutional or public purposes would be served by excluding them from the Act's coverage; (3) why should these purposes outweigh consideration for the privacy of the student or his need to know what is recorded about him; (4) are there less drastic methods of accomplishing these purposes than by excluding the records from coverage by the Act; and (5) how will the interests of the student be protected in the absence of FERPA coverage?

Consortia and Membership in Regulatory Organizations. Many such institutions participate in consortia and other organizations for the purpose of sharing educational services, providing greater opportunities for their students, or regulating certain aspects of inter-institutional relationships and activities, such as athletics. The Commission would like to know how FERPA has affected the activities of these organizations and whether their information practices should be regulated by FERPA or similar legislation. As a first step, the Commission needs more information about these organizations—what functions they perform, what services they provide to educational institutions, and what their information practices are. Further, the Commission must determine (1) whether services or opportunities provided by such organizations are contingent upon disclosure, or consent to disclosure, by the student of personally identifiable information to the organization and, if so, how the administration of any such requirement has been treated under FERPA: (2) to whom identifiable information about students obtained by these organizations is redisclosed, including whether institution A (as a member of the organization) can obtain information (through the organization) about a student enrolled at institution B.

Applicants' Records. While not arising from the definition of "education records," several related matters affect the student's access to records. "Student" is defined by the Act so as to give an applicant for admission to an institution no right to inspect the admission file on him unless he is actually admitted. Yet it would appear that the unsuccessful applicant is the one with the greater need to inspect his admission file. The Commission would like to know what the record-keeping practices are regarding applicants' records and what legitimate purpose is served by preventing an applicant from inspecting them.

Waiver Rights. The Act also provides that a student may waive the right to inspect letters and statements of recommendation. This issue was raised in the Commission's August 23 FEDERAL REGISTER notice in Section II, Waivers of Rights. The Commission is interested in additional testimony on the issues specified in the previous notice.

Directory Information. FERPA provides that an institution which discloses "directory information" to the public must first give the student notice of its intent and an opportunity to specify that some or all of the data elements, including name, current enrollment status, or degrees received from the institution, not be disclosed. How has this procedure been set in practice? What difficulties has it caused and how may they be avoided? Specifically, can a student foreclose an institution from even acknowledging the student's existence or enrollment in the institution, Is this result appropriate, or should some data elements be specified by the Act as public information about whose disclosure the student may not object? If the public information approach were adopted, what elements should be included, and why should they be considered to be in the public domain? In addition, the Act appears to enable a student to prevent an institution from acknowledging his or her receipt or non-receipt of a degree, thus allowing the student to claim without contradiction that a certain degree was awarded when in fact it was not. In this instance, what is an appropriate balance between the student's desires for privacy and the institution's need, if any, to protect itself against such claims?

RELATED EDUCATIONAL SERVICE ORGANIZATIONS

There are several national organizations which develop and administer standardized admission tests to assist institutions in determining the qualifications of an applicant. Further, such organizations provide credential assembling and referral services wherein an applicant's credentials are submitted to a central point from which they are transmitted to designated institutions to which the applicant has applied. Finally, these organizations also offer financial aid evaluation services similar to their credential assembling and referral services.

The Commission is interested in determining whether FERPA or similar legislation should apply to these organizations. In order to make a reasoned decision, the Commission needs to learn more about the information practices of these organizations regarding the information they receive on students and/or their families, and the nature of their relationship to educational institutions, on the one hand, and applicants/students on the other. Specifically, the Commission needs to know (1) from what sources these organizations obtain their information about an applicant or a student; (2) what information is disclosed by educational institutions to these organizations; (3) whether these disclosures are with the consent of the student; (4) to whom and for what purposes information is redisclosed by these organizations without the student's knowledge

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or consent; and (5) are the data collected about students used for research purposes unrelated to administration and validation of tests administered by these organizations and, if so, for which research purposes and under what conditions and procedures are data made available to researchers?

HEW ENFORCEMENT

The Act provides that the Secretary of the Department of Health, Education and Welfare shall enforce the provisions of FERPA and deal with alleged violations. The Commission is interested in obtaining information concerning the Department's enforcement activities from the standpoint of the Department the regulated institutions, and parents and students.

Has interpretative guidance provided by the Department to institutions or parents and students been adequate? How might additional specific guidance be provided without the Department's appearing to require standardized procedures and practices among educational institutions?

The Department has elected to enforce the act through the complaint adjudication process and by provision of individual guidance upon request. Has this method been as effective as an enforcement procedure which requires submission of individual institutional implementation plans with review and approval of these plans by the Department? How might the Department's enforcement effort be improved?

STATE-WIDE OR REGIONAL COMPUTER BASED INFORMATION SYSTEMS

Many Federal and State financed special services programs for targeted populations of students, e.g., gifted, handicapped, economically deprived, etc., establish record-keeping requirements. The Commission is interested in looking at State-wide, multi-district, and district-wide computer-based systems established for reporting purposes under these types of programs. Do such systems collect and retain individually identifiable data? Do other government agencies have access to such data? Under what conditions? Do contributing agencies have access to the total file on a routine basis? On a specific request basis? Are such files maintained by educational agencies or other social service agencies and if the latter, are their records being considered as educational records?

GENERIC PROBLEMS WITH FERPA IMPLEMENTATION

The Commission is also interested in further written submissions and public testimony regarding general problems with FERPA implementation in elementary and secondary as well as post-secondary institutions.

Third-Party Disclosure. FERPA establishes the general rule that information contained in education records will not be disclosed to third parties unless the circumstances of disclosure qualify under one of the exceptions specified in the Act. Generally, the Commission is interested in the appropriateness of these exceptions. Principles of fair information practice hold that disclosure should not be made without the record subject's consent unless the disclosure is for a purpose consistent with the purpose for which the information was originally collected. Has the Act ratified disclosures which are not appropriate under this standard or which are not in the student's best interest? Which of the exceptions should be deleted and why? Which should be modified to include further specification regarding the circumstances under which a disclosure without consent may be made? What modifications should be made and why? Are there additional exceptions to the prior consent rule which should be enacted? If there are, the Commission needs to know why parental or student consent to the disclosure is inappropriate or not feasible.

Separate Treatment for Elementary and Secondary Institutions. The exceptions to the prior consent rule specified in FERPA apply equally to elementary and secondary and to post-secondary institutions. Is this consistency desirable, or are there circumstances under which a disclosure without consent would be appropriate if the student were enrolled in a secondary educational institution and inappropriate of enrolled in a post-secondary institution? For example, unlike post-secondary institutions, elementary and secondary schools are usually considered to have a socialization mission in addition to their primary educational mission. The existence of this mission suggests that there may be relationships between the school and external service agencies, such as juvenile justice or other social service agencies, to which the disclosure of information without prior consent would be appropriate. If disclosures are to be made to such agencies, should they be prohibited from disclosing it to anyone else (other than the student or parent) or from using it for any purpose other than the purpose for which it was given to them?

Moreover, are there other circumstances in which disclosure of information from student records to non-student parties would be appropriate in view of a need to provide elementary and secondary students with remedial counseling or treatment? What circumstances are these and why is it inappropriate or not feasible to obtain prior parental consent? Are these situations in elementary and secondary institutions so different that they require separate legislative treatment of elementary and secondary schools?

State Laws. FERPA permits disclosure of a student's record without consent when the disclosure is to State or local officials to whom the information is specifically required to be reported under a State statute adopted prior to November 19, 1974.

The Commission is interested in knowing the types of information reported under these statutes, as well as the provisions of the statute which are construed to "specifically require" such disclosure. By adoption of a retroactive November 19, 1974 cut-off point for enactment of State laws compelling disclosure, the Act appears simultaneously to prohibit a practice in one State when that practice is permitted in another simply because the first State provided for the disclosure prior to the cut-off date. The Commission is concerned about the apparent inconsistencies created by this provision and would like to learn about its impact in the field. The Commission would like to consider whether it is desirable or feasible for the Act only to specify the general instances in which State legislation compelling disclosure would be permissible, thereby permitting all States to decide, within a range of choices, what sorts of disclosures would be appropriate. Instances in which States might adopt legislation could include, for example, audit or enforcement of State aid programs to schools, juvenile justice, treatment and education of exceptional children, or verification of eligibility to attend (such as whether a student meets a residency requirement). In regard to this issue, the Commission is interested in learning, relative to particular disclosures which might be proposed, (1) why parental or student consent is inappropriate or not feasible; (2) the purpose for which the disclosures would be made; (3) the sorts of information that would be disclosed. Further, the Commission needs to know more about the information practices of the parties to whom information would be disclosed, including redisclosure practices, provisions protecting against unauthorized redisclosure, procedures for inspection of the record by the record subject, and procedures for verifying the accuracy of the records maintained by these third parties.

Dated: October 12, 1976.

DAVID F. LINOWES,
Chairman.
CAROLE W. PARSONS,
Executive Director.

[FR Doc.76-30225 Filed 10-14-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19708; 70-5909]

ALABAMA POWER CO.

Proposed Sale of Transmission Facility

OCTOBER 6, 1976.

Notice is hereby given that Alabama Power Company ("Alabama"), P.O. Box 2641, Birmingham, Alabama 35291, an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to sell its Opp Transmission Substation to Alabama Electric Cooperative, Inc. ("Cooperative") pursuant to the request of the Cooperative. The substation will be conveyed from Alabama to the Cooperative by deed and bill of sale for a sale price of $1,900,000; depreciated book value of the substation was $1,456,736 as of July 31, 1976. Alabama will obtain from its first mortgage bond trustee a release of the substation from the lien of Alabama's first mortgage indenture.

Alabama presently delivers power to the Cooperative pursuant to an interconnection agreement, and the Cooperative uses the Opp substation in connection with the receipt of such power. The Cooperative has paid Alabama a monthly facilities charge in connection with this substation. The charge will be eliminated upon the consummation of the proposed transaction. There is to be no substantial change in the use of the transmission substation.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,500, including legal fees of $1,000. It is stated that no State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30295 Filed 10-14-76;8:45 am]

[Release No. 12880, File No. SR-CBOE-76-13]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Changes

On July 1, 1976, the Chicago Board Options Exchange, Inc. (the "CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of proposed rule changes to amend rules relating to transfer of memberships, admission of members, and association with members and to prescribe procedures to govern such matters.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Securities Exchange Act Release No. 12625 (July 14, 1976) and by publication in the FEDERAL REGISTER (41 FR 30750, July 26, 1976). On September 28, 1976, the CBOE made certain technical amendments in the proposed rule changes.

The Commission finds that the proposed rule changes, as amended,[1] are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.[2]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes, as amended, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[1] Rule 3.4(b) provides in part that the CBOE "may deny membership to, or condition the membership of, a registered broker or dealer if (1) such broker or dealer is unable to satisfactorily demonstrate its present capacity to adhere to applicable provisions of (i) Sections 15 and 17 of the Securities Exchange Act of 1934 * * *" The CBOE does not contemplate the imposition of standards of training, experience, education, or character based in Rule 3.4. Rule 3.5(b) governs in part the extent to which a member organization or a person associated with a member organization may affiliate with another organization in the securities business. It is understood to mean that any member organization or any person associated with a member organization may associate with or have any financial interest in any other organization engaged in the securities business unless such association or financial interest has been disclosed to and disapproved by the CBOE.

[2] The Commission's approval of amendments to the rules, particularly Rules 3.1, 3.2, and 3.3, is subject, nevertheless, to the Commission's review pursuant to Section 31(b) of the Securities Acts Amendments of 1975. See, e.g., Securities Exchange Act Release No. 12157 (March 2, 1976).

[FR Doc.76-30296 Filed 10-14-76;8:45 am]

[File No. 1-6252]

COMBUSTION EQUIPMENT ASSOCIATES, INC.

Application To Withdraw From Listing and Registration

OCTOBER 12, 1976.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This security has become listed and registered on the New York Stock Exchange, and the Company has concluded that the costs and expenses of maintaining dual listings outweigh the possible benefits of both listings.

The American Stock Exchange has not objected to this application, and this security retains unlisted trading privileges on the Philadelphia Stock Exchange, Inc.

Any interested person may, on or before November 12, 1976 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30297 Filed 10-14-76;8:45 am]

[File No. 500-1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

OCTOBER 7, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from October 8, 1976 through October 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30298 Filed 10-14-76;8:45 am]

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[Release No. 33-5750]

EMPLOYEE'S STOCK OWNERSHIP PLAN, SECURITIES ISSUED

Resale

The Securities and Exchange Commission today announced that the Division of Corporation Finance issued the following letter reversing the position stated in Securities Act Release No. 5223, January 1, 1972 [1] and Securities Act Release No. 5243, April 12, 1972 [2] regarding the status of securities acquired pursuant to an Employee's Stock Ownership Plan ("ESOP").

BACKGROUND

Rule 144 (17 CFR 230.144), under the Securities Act of 1933 (the "Act") (15 U.S.C. 77a et seq.), adopted a procedure relating to the resale of "securities" acquired directly or indirectly from issuers or from affiliates of such issuers in transactions not involving any public offering.[3] Rule 144 permits resales by affiliates [4] of securities of an issuer and resales by other persons of restricted securities of an issuer to be made without such persons being deemed to be engaged in a distribution and thus be considered underwriters as defined in Section 2(11) of the Act. Rule 144(a)(3) defines "restricted securities" as securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering. Subsequent to the adoption of Rule 144 questions were raised as to the types of transactions engaged in by an issuer which would result in the issuance of "restricted securities." In this regard the Commission took the position [5] that securities acquired pursuant to stock bonus or similar plans were included within the Rule 144 definition of "restricted securities." Accordingly, the Division of Corporation Finance, in issuing interpretive and "no-action" letters, consistently took the position [6] that common stock acquired by a trustee of an ESOP, from the issuer, for allocation, distribution and subsequent sale by employees of the issuer would be "restricted securities" for purposes of Rule 144.

In the instant case, the amount of common stock of the Company contributed to the ESOP trustee in the first year would be less than 0.3 percent of the outstanding common stock and the maximum amount distributed to a single employee would be eleven shares. In addition, pursuant to the Tax Reduction Act of 1975 the trustee must hold the common stock until the earlier of seven years or termination of employment of the employee. In light of the foregoing facts and other facts set forth in the letter, the Commission does not believe it in the public interest or in the interest of the protection of investors to take the position in this situation or any similar situation that ESOP shares in the hands of non-affiliate employees are "restricted." The small number of shares which each employee could sell and the consequent limited market impact of such sales does not warrant requiring the employee to comply with the provisions of Rule 144. In addition, in many instances, because of the limited number of shares to be sold, the cost to the employee, assuming a broker would handle the transaction, would be disproportionate to the amount received from the sale. Therefore, in light of the possible burdens of compliance and the limited benefits if any, the Commission authorized the Division of Corporation Finance to issue the following letter:

"DEAR MR. X: "This is in response to your letters of July 23, 1976 and August 13, 1976 concerning the applicability of the registration requirements of the Securities Act of 1933 (the 'Act') to the Employee Stock Ownership Plan (the 'Plan') of ---------- (the 'Company').

"We understand the facts to be as follows. The Company is a publicly-owned corporation whose common stock is registered under Section 12(b) of the Securities Exchange Act of 1934 and is traded on the New York and other national securities exchanges and is quoted on the NASDAQ automated quotation system. The Plan is intended to qualify as a stock bonus plan under Section 401 of the Internal Revenue Code of 1954 and as an employee stock ownership plan under Section 301(d) of the Tax Reduction Act of 1975. The Trustee of the Plan will be an independent bank which will not be affiliated with the Company.

"The Plan calls for the Company and each of its consolidated subsidiaries to elect a specified additional amount of investment tax credit to be given to their employees. It is intended that the Company and its electing subsidiaries will issue the Company's common shares to the Plan Trustee. Plan members may not contribute to the Plan. An account will be maintained for each participant and will be administered by a Plan Committee of the Company. All employees of the Company and its participating subsidiaries who had compensation paid during the year and who performed a minimum number of service hours will be eligible to participate. A participant's interest in the shares allocated to his or her account will vest and be non-forfeitable at all times. Distribution to Plan participants will occur seven years after the shares have been credited to a participant's account or upon termination of employment, whichever occurs first. Distributions are intended to be made solely in the Company's common stock. Each Plan participant will have the right to direct the voting of the shares allocated to his or her account. You estimate that the Company's contribution for the first year would be less than 0.3 percent of the outstanding common stock of the Company. In addition, because of the seven year holding period, you estimate that less than 10 percent of the eligible number of employees would be able to sell only 22 percent of the average weekly trading volume in the Company's common stocks during the year. You opine that such aggregate sales would not have a significant impact on the market.

"You have raised questions relating to the applicability of the registration requirements of the Act to the common stock contributed to the Plan by the Company, the interests in the Plan of eligible employees, and the distributions of the Company's common stock by the Trustee. Based on the facts presented, and contingent upon a favorable ruling from the International Revenue Service concerning the qualification of the Plan under Section 401 of the Internal Revenue Code, this Division will not recommend any enforcement action to the Commission if the Plan is implemented as described, without registration under the Act, in reliance upon your opinion as counsel that the transactions are exempt therefrom.

"Because this position is based upon representations made to the Division in your letter, it should be noted that any different facts or conditions might require a different conclusion. Furthermore, this view only expresses the Division's position on enforcement action and does not purport to express any legal conclusion on the questions presented.

"In addition, you have questioned whether or not the Company's common stock distributed to Plan participants constitutes 'restricted securities' pursuant to Rule 144. The Commission has authorized the Division to inform you that, in the circumstances of this case, the Commission is of the view that Company's shares received by the Trustee from the Company would not be 'restricted securities' under Rule 144 when distributed to employees pursuant to the Plan."

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 8, 1976.

[FR Doc.76-30306 Filed 10-14-76;8:45 am]

[1] Hereinafter referred to as "Rel. No. 5223."
[2] Hereinafter referred to as "Rel. No. 5243."
[3] Supra Note 1 at page 1.
[4] Rule 144(a)(1) defines "affiliate" of an issuer as a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such issuer.
[5] Supra note 2.
[6] See Geo. A. Hormel & Co. letter (pub. avail. March 2, 1976); Fisk Electric Company letter (pub. avail. January 6, 1976); Union-american letter (pub. avail. August 25, 1975); American Appraisal Associates, Inc. letter (pub. avail. July 28, 1975).

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

OCTOBER 7, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from October 8, 1976 through October 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30299 Filed 10-14-76;8:45 am]

[Rel No. 9472; 812-4020]

FOURSQUARE FUND, INC., ET AL.

Application Pursuant to Section 17(b) of the Act for an Order Exempting a Proposed Transaction From Section 17(a) of the Act

OCTOBER 5, 1976.

Notice is hereby given that Foursquare Fund, Inc. ("Fund"), 24 Federal Street, Boston, Massachusetts 02110, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), Marvin M. Demchick ("Demchick"), President of Life of Pennsylvania Financial Corporation ("Financial"), 230 South Fifteenth Street, Philadelphia, Pennsylvania 19102, Alfred P. Coletta ("Coletta") and Raymond H. Kraftson ("Kraftson"), Vice-Presidents of Financial, and Triangle Processing Corporation ("Triangle"), 97 North Main Street, Gloversville, New York 12078, (Demchick, Coletta, Kraftson and Triangle are hereinafter collectively referred to as "Purchasers") (Purchasers and Fund are hereinafter collectively referred to as "Applicants") filed an application on August 24, 1976, pursuant to Section 17(b) of the Act, for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed purchase from the Fund by Purchasers of 50,000 shares of the common stock of Financial, an affiliated person of the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund owns 50,000 shares of the common stock of Financial, an insurance holding company, which represent approximately 7.5% of the issued and outstanding shares of Financial. These securities were acquired in 1969 in exchange for 50,000 shares of the common stock of Life Assurance Company of Pennsylvania ("Assurance"). The Assurance shares were purchased for $500,000 in 1968 as part of a private sale to two registered investment companies.

Pursuant to an agreement dated August 1, 1976 ("Agreement"), the Fund proposes to sell to Purchasers and Purchasers propose to purchase from the Fund the shares of Financial stock presently held by the Fund at a price of $.625 per share for an aggregate consideration of $31,250. No commissions or fees will be payable in connection with the proposed transaction other than legal fees incurred in connection with this application.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to purchase from or sell to such registered investment company any security or other property subject to certain exceptions. Section 17(b) of the Act provides that the Commission upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5% or more of the outstanding voting securities of such other person, any person 5% or more of whose outstanding securities are owned by such other person, and any officer of such other person. Consequently, the Fund and Financial are affiliated persons of each other. Triangle owns 9.1% of the issued and outstanding shares of Financial. Therefore, Triangle and Financial are affiliated persons of each other. Demchick, Coletta and Kraftson, as officers of Financial, are affiliated persons of Financial. Accordingly, the Purchasers, as affiliated persons of an affiliated person of the Fund, are, in the absence of an exemptive order, prohibited by Section 17(a) from purchasing shares of Financial from the Fund.

Applicants assert that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the Fund and with the general purposes of the Act. In support of this assertion, Applicants represent that the agreement between the Purchasers and the Fund is the result of arms length negotiations and that the agreed-upon purchase price of $.625 per share is equal to the mean between the bid and asked prices for Financial's common stock as quoted on the Philadelphia Stock Exchange on June 30, 1976, the date upon which informal agreement on the proposed transaction was reached. Applicants state that the Fund has been advised by Eaton & Howard, the Fund's investment adviser, that its investment in Financial is no longer within the investment criteria established by the Fund and that more favorable opportunities for investment exist elsewhere. Applicants further assert that the Fund would have difficulty in otherwise disposing of the Financial shares since the shares are restricted securities and only a limited market exists for the unrestricted shares of Financial, which have been trading on the Philadelphia Stock Exchange from 1974 to the present at an average weekly volume of fewer than 500 shares per week. Applicants believe that any disposition by the Fund of such a large block of shares could be expected to depress substantially the market for Financial's common and, thus, the price the Fund would receive for the shares.

Applicants represent that none of the Purchasers have any interest in, or agreements, understandings or affiliation with, the Fund, other than set forth in the Agreement. Applicants further represent that the Agreement is conditioned upon approval by a majority of the disinterested directors of the Fund and of Financial.

Notice is further given that any interested person may, not later than October 29, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certification) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30300 Filed 10-14-76;8:45 am]

[Rel. No. 12874; (SR-NYSE-76-17)]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

OCTOBER 7, 1976.

On March 11, 1976, the New York Stock Exchange Incorporated ("NYSE"), 20 Broad Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to authorize listed issuers to use a single denomination stock certificate. The new certificate would not be required to have corner engravings denoting or limiting the share denomination of the certificate. Instead, the denomination would, at the time of issuance, be placed upon the certificate using a combination of printing, engraving and other safety devices specified in the rule.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12452 (May 14, 1976)) and by publication in the FEDERAL REGISTER (41 FR 21257 (May 24, 1976)).

Teh Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

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It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on March 11, 1976, be, and it hereby is, approved.

For the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30301 Filed 10-14-76;8:45 am]

[Release No. 34-12877; File No. SR-NYSE-76-50]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 1, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

New Language Italicized

ARTICLE III

* * * * *

SEC. 12. Any person made, or threatened to be made, a party to any action or proceeding, whether civil or criminal, by reason of the fact that he, his testator or intestate, is or was a Director or officer of the Exchange or serves or served any other corporation, or any partnership, joint venture, trust or other enterprise, in any capacity at the request of the Exchange, shall be indemnified by the Exchange, and the Exchange may advance his related expenses, to the full extent permitted by law.

Indemnification shall be accorded by the Exchange, and related expenses may be advanced, in respect of members of any committee authorized by the Constitution or by the Board of Directors, Floor Officials, Arbitrators, *Members of the Hearing Board*, Trustees of the Gratuity Fund, Trustees of the Special Trust Fund, employees of the Exchange and directors, officers and employees of any corporation a majority of the stock of which is held by the Exchange to the same extent as provided by law in respect of Directors and officers. The foregoing right of indemnification shall not affect any rights to indemnification to which persons other than Directors and officers of the Exchange may be entitled by contract or otherwise under law.

NYSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The amendment was enacted to codify an existing interpretation of the Exchange Constitution. The Constitutional provision providing indemnification for those who act on behalf of the Exchange is very old. Members of the Hearing Board are not included in the enumeration of those to be indemnified because this Section of the Constitution was last amended prior to the creation of the Hearing Board. Prior to this amendment, the Exchange has taken the view that members of the Hearing Board may be indemnified as members of a commitee authorized by the Constitution, or as officers of the Exchange.

The amendment is based upon Section 6(b)(1).

(i) The Exchange must enforce compliance with the Act, the Constitution and Rules of the Exchange, by its members, and persons associated with its members. The enforcement proceedings of the Exchange are conducted before a Hearing Panel composed of members of the Hearing Board and an Exchange official who serves as Hearing Officer. This Panel issues decisions and may impose sanctions. Members of the Hearing Board are knowledgeable persons from the securities industry appointed by the Chairman of the Exchange and approved by the Board of Directors. The Exchange intends that the indemnification provisions of the Constitution shall apply to those who act on behalf of the Exchange. However, the absence of specific reference to the Hearing Board in that section of the Constitution which deals with indemnification, may raise doubts in the minds of some, and may cause qualified and prominent members of the securities industry who serve on the Hearing Board to consider resigning or declining to serve.

(ii) through (viii)—Not applicable.

Comments were not solicited upon the amendment.

The technical clarifying amendment in no way affects competition and imposes no burden thereupon.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW. Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 8 1976.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 8, 1976.

[FR Doc.76-30305 Filed 10-14-76;8:45 am]

[Release No. 12879; SR-OCC-76-3]

OPTIONS CLEARING CORP.

Order Approving Rule Changes Submitted by the Options Clearing Corporation Relating to Clearing Members' Financial Responsibility

OCTOBER 8, 1976.

On May 25, 1976, the Options Clearing Corporation ("OCC"), 5950 Sears Tower, 233 S. Wacker Drive, Chicago, Illinois 60606, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), proposed changes to OCC Rules 301–308.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule changes was published in the FEDERAL REGISTER (41 FR 23501, June 10, 1976) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12514, June 3, 1976. By amendments to the filing, OCC proposed further changes to Rule 305, and, with respect to both Rules 304 and 305, extended the time for Commission action on those rules. The amendments were incorporated in the OCC submission and included in the public file.

The proposed changes to OCC Rules 301–303 and 306–308 would establish net capital requirements for Clearing Members which have elected to operate under the alternative net capital requirements set forth in paragraph (f) of Rule 15c3-1 under the Act, would increase the initial net capital requirements for Clearing Member applicants which have not so elected, would make certain revisions in OCC's requirements with respect to early warning notices, and would conform to Commission usage certain terms used in OCC's net capital rules.

The Commission has reviewed the proposed changes to Rules 301–303 and Rules 306–308 and finds that they are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies. The Commission has not reviewed and makes no finding at this time regarding the proposed changes to Rules 304 and 305.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed changes to OCC Rules 301–303 and 306–308 contained in File No. SR-OCC-76-3 be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30302 Filed 10-14-76;8:45 am]

[File No. 500-1]

SANITARY CONTROLS, INC.

Suspension of Trading

OCTOBER 3, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Sanitary Controls, Incorporated being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:50 p.m. (EDT) on October 8, 1976 through October 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-30303 Filed 10-14-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1277]

NEW MEXICO

Declaration of Disaster Area

Sierra County and adjacent counties within the State of New Mexico constitute a disaster area because of damages resulting from flash flooding, rising flood waters and torrential rain on September 14, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 6, 1976, and for economic injury until the close of business on July 5, 1977, at:

Small Business Administration District Office, 5000 Marble Avenue, NE., Patio Plaza Building, Albuquerque, New Mexico 87110.

or other locally announced locations.

LOUIS F. LAUN,
Acting Administrator.

Date: OCTOBER 5, 1976.

[FR Doc.76-30219 Filed 10-14-76;8:45 am]

SBA TASK FORCE ON VENTURE AND EQUITY CAPITAL

Meeting

The Small Business Administration SBA Task Force on Venture and Equity Capital will hold a meeting on Friday, Oct. 15 at 10:00 a.m. The meeting, to discuss the means of providing venture and equity capital for small business, will be held at the Statler Hilton Hotel, Washington, D.C., Massachusetts Room.

Dated: October 10, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-30419 Filed 10-14-76;8:45 am]

LAS VEGAS DISTRICT ADVISORY COUNCIL

Cancellation of Public Meeting

The Small Business Administration Las Vegas District Advisory Council has cancelled the public meeting scheduled for October 18, 1976, in the Union Plaza Room, 2nd Floor, Union Plaza Hotel, One Main Street, Las Vegas, Nevada, until further notice. For further information write or call Robert S. Garrett, P.O. Box 7527, Las Vegas, Navada 89101. (702) 385-6611.

Dated: October 13, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-30431 Filed 10-14-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 15, 1976, at 10:00 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at 2022 Camino Del Rio North, San Diego, California 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in The Predischarge Education Program, PREP of College of the Desert, Twenty-nine Palms Marine Corps Base, Twenty-nine Palms, California 92278 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: OCTOBER 5, 1976.

HERBERT R. RAINWATER,
Director, Veterans Administration Regional Office.

[FR Doc.76-30265 Filed 10-14-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Arizona

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Arizona effective October 16, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Arizona on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Arizona has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on September 25, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Arizona for the week ending on September 25, 1976, and that the Federal Supplemental Benefit Period in that State terminates on October 16, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Arizona Department of Economic Security, of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

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Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Arizona should contact the nearest Employment Security Office of the Arizona Department of Economic Security in their locality.

Signed at Washington, D.C., on October 8, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-30180 Filed 10-14-76;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list below. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended. 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary; only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance of the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availablity of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of his notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 12th day of October 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending October 8, 1976

Name of applicant	Location of enterprise	Principal product or activity
Patriot Industries, Inc.	Winchendon, Mass.	Manufacture of furniture.
Watchguard Electronics Corp.	Flemington, N.J.	Manufacture of radio and TV communication equipment.
Erie Industries	St. Mary's, Pa.	Manufacture of sintered metals.
TRI-J, Inc.	Fairlea, W. Va.	Restaurant.
American ITV Test Systems, Inc. (tenant of Garrett County Development Corp.).	Accident, Md.	Manufacture of high voltage testing equipment.
Nantucket Public Service Co., Inc. (tenant of city of Nantucket Industrial Development Authority).	Newport, Pa.	School transportation.
Colleton Enterprises, Inc.	Walterboro, S.C.	Econo travel hotel.
Engineered Steel Products, Inc. (tenant of Gadsden County Industrial Development Authority).	Quincy, Fla.	Manufacture of fabricated structural metal.
Bakatsias Restaurant	Burlington, N.C.	Restaurant services, convention meeting, and dining services.
Cashiers Plastic Corp.	Cashiers, N.C.	Custom manufacture of structural foam plastic.
Coastal Plains Formulators	Pinckard, Ala.	Manufacture of livestock minerals and vitamins.
Mahoney Plastics Corp.	Decatur, Ala.	Manufacture of miscellaneous.
Weddington Plaza, phase II.	Pike County, Ky.	General contractor—nonresidential buildings.
Waccamaw Pottery, Inc.	Myrtle Beach, S.C.	Manufacture of pottery.
LaBounty Manufacturing, Inc.	Two Harbors, Minn.	Manufacture of contractor's grapple.
Dale's IGA Thriftway	Galena, Kans.	Grocery supermarket.
Fallston Communication, Co., Inc. (tenant of the city of Freeman).	Freeman, S. Dak.	Publisher of a trade magazine.
Pacific Marine Co.	San Francisco, Calif.	Commercial fishing.
Vermont American Corp. (tenant of Stephens County Development Authority).	Toccoa, Ga.	Manufacture of cutting tools.

[FR Doc.76-30267 Filed 10-14-76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Arkansas

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Arkansas effective October 9, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Arkansas on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Arkansas has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on September 18, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Arkansas for the week ending on September 18, 1976, and that the Federal Supplemental Benefit Period in that State terminated on October 9, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Arkansas Department of Labor of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Arkansas should contact the nearest Employment Office of the Arkansas Department of Labor in their locality.

Signed at Washington, D.C., on October 12, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-30292 Filed 10-14-76;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroups on Standards and Policy/Budget of the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet November 4 and 5, 1976 in Room N-3437, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will begin at 2 p.m. on November 4 and will last until approximately 6 p.m. The meeting will continue at 9 a.m. on November 5. The public is invited to attend. The Subgroups will continue their discussion of the Presidential Task Force's recommendations on an approach to Revising Safety Standards.

For additional information contact:

J. Goodell, Chief, Committee Management Office, National Advisory Committee on Occupational Safety and Health, Department of Labor–OSHA, Room N-3635, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, Phone (202) 523-8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroups and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairmen, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 8th day of October 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-30293 Filed 10-14-76;8:45 am]

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 3(a) of Executive Order 11612 of July 26, 1971 and continued under Executive Order 11807 of September 28, 1974 (39 FR 35559), Occupational Safety and Health Programs for Federal Employees, will meet on Wednesday, November 3, starting at 9:30 a.m., in Room S4215 ABC, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. New appointments and reappointments of Council Members.

II. Election of Vice Chairman.

III. Proposed Amendment to 29 CFR Part 1960, final review and approval of § 1960.20 Agency Safety and Health Training Guidelines.

IV. Review and approval of addition to 29 CFR Part 1960, draft of proposed new subpart G—Evaluation Criteria for Federal Agency Occupational Safety and Health Programs.

V. Reports on:

A. Committee to review House Report on Safety in the Federal Workplace—Final Report.

B. Standing Committee on Federal Safety and Health Conferences—Highlights of the 31st Annual Conference in Chicago and status of the regional conferences scheduled for 1977.

VI. Discussion on Civil Liability of Government Employees,

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions together with 20 copies thereof, received by the close of business November 1, will be provided to members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard, together with 20 copies thereof by close of business October 29. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Mr. Walter J. Mason, Executive Director, FACOSH, First Floor, Department of Labor, OSHA, 2100 M Street, N.W., Washington, D.C., 20210, telephone (202) 653-5500.

Signed at Washington, D.C., this 13th day of October 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-30402 Filed 10-14-76;8:45 am]

Office of the Secretary

[TA-W-1,031]

BERGMAN KNITTING MILLS

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1976 in response to a worker petition received on that date

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which was filed by Local 190 of the International Ladies' Garment Workers' Union on behalf of former workers producing sweaters at Bergman Knitting Mills, Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 17, 1976 (41 FR 40243). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Bergman Knitting Mills were previously certified eligible to apply for adjustment assistance on November 16, 1975 (See TA-W-166).

The existing certification will expire on November 16, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (November 16, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 1st day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc 76-30181 Filed 10-14-76;8:45 am]

[TA-W-934]

CROMPTON AND KNOWLES CORP.

Determinations Regarding E gibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-934: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 10, 1976 in response to a worker petition dated May 25, 1976 which was filed by former workers at the Grand Street, Worcester, Massachusetts Textile Machinery plant of Crompton and Knowles Corporation.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crompton and Knowles Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met by workers engaged in employment related to the production of castings and power loom parts. Furthermore, the investigation has revealed that criteria (2), (3), and (4) have not been met by workers engaged in employment related to the production of automotive parts.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production and maintenance workers at the Grand Street, Worcester, Massachusetts plant decreased 40.3 percent in 1975 compared to 1974. The first half of 1976 registered an increase of 29.0 percent in employment of all production and maintenance workers compared to the first half of 1975.

Employment of salaried workers at the Grand Street, Worcester, Massachusetts plant decreased 28.5 percent in 1975 compared to 1974 and 17.5 percent in the first half of 1976 compared to the first half of 1975. Various salaried employees were transferred to the corporation's Charlotte, North Carolina office in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of power looms manufactured by Crompton and Knowles Corporation, Textile Machinery Group, Weaving Division, decreased 66.2 percent in quantity and 58.4 percent in value from 1974 to 1975. Sales and production of power looms, in quantity, declined 0.9 percent; while sales, in value, increased 52.3 percent in the first half of 1976 compared to the first half of 1975.

Production of castings at the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles Corporation decreased 55.6 percent in quantity and 11.3 percent in value from 1974 to 1975. Production of castings increased 499.0 percent in quantity and 100.0 percent in value in the first half of 1976 compared to the first half of 1975.

Sales of power loom parts by the Weaving Division decreased 3.2 percent in 1975 compared to 1974 and increased 1.7 percent in the first half of 1976 compared to the first half of 1975.

Production of power loom parts by the Weaving Division, Textile Machinery Group of Crompton and Knowles decreased 51.1 percent in value in 1975 compared to 1974. Production of power loom parts increased 107.7 percent in value in the first half of 1976 compared to the first half of 1975.

Sales of automotive parts by the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles Corporation increased 6.2 percent in value from 1974 to 1975 and increased 34.5 percent in value in the first half of 1976 compared to the first half of 1975.

INCREASED IMPORTS

Automotive parts manufactured by the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles are unique to one automotive customer. The sole automotive customer does not import these automotive parts.

Imports of power looms increased from 1,817 units for the first half of 1975 to 2,994 units for the first half of 1976, an increase of 64.8 percent.

Average industry lead time is approximately 9 months from order receipt to shipment of completed power loom. Therefore, orders lost to foreign manufacturers after the first quarter of 1975 would result both in a production decline in 1975 and an increase in imports of completed power looms in early 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicates that imports of power looms have increased in recent months. Purchases by the Weaving Division, Crompton and Knowles Corporation of power loom parts represent a substantial quantitative portion (ninety percent) of the Grand Street, Worcester, Massachusetts plant's total production of power loom parts. Those power loom parts acquired by the Weaving Division are either assembled into finished power looms that carry the Crompton and Knowles label or are sold as repair parts for old Crompton and Knowles looms. Due to the fact that the Worcester plant participates in an integrated production process where the end product is a power loom, imports of power looms are considered to be more indicative of the influence of imports upon production and employment at the Grand Street, Worcester, Massachusetts plant, than are imports of power loom parts.

Customers of the Weaving Division, Crompton and Knowles Corporation indicated that they had increased their orders of foreign-made power looms in 1975 compared to 1974, while reducing their orders of power looms from Crompton and Knowles for the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the power loom parts produced at the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles Corporation, contributed importantly to the total or partial separations of the workers of that plant who are engaged in employment related to the production of castings and power loom parts. In accordance with the provisions of the Act, I make the following certification:

All workers at the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles Corporation engaged in the production of castings and power loom parts who became totally or partially separated from employment on or after May 25, 1975 and before January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who became separated on or after January 1, 1976 are denied adjustment assistance.

I further conclude that increases of imports of articles like or directly competitive with the automotive parts produced at the Grand Street, Worcester, Massachusetts plant of Crompton and Knowles Corporation did not contribute importantly to the total or partial separations of the workers at such plant as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of October 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for International Affairs.

[FR Doc.76-30182 Filed 10-14-76;8:45 am]

[TA-W-1,088]

DRAGGER "BRANT"

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 17, 1976 the Department of Labor received a petition dated August 10, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Dragger "Brant", Walpole, Maine (TA-W-1,088). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Dragger "Brant" or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 25, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76 30183 Filed 10-14-76;8:45 am]

[TA-W-1014]

INDIANA GENERAL ELECTRO-MECHANICAL PRODUCTS

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 6, 1976 in response to a worker petition received on that date which was filed on behalf of office and technical personnel at the Indiana General Electro Mechanical Products plant in Oglesby, Illinois.

The Notice of the investigation was published in the FEDERAL REGISTER on August 17, 1976 (41 FR 34838). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of the Oglesby plant were previously certified as eligible to apply for adjustment assistance on September 27, 1976 (See TA-W-959).

The existing certification will expire on September 27, 1978 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (June 3, 1975) and before the certification expiration date (September 27, 1978), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 1st day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.30-185;Filed 10-14-76;8:45 am]

[TA-W-989]

INTERNATIONAL FIELD DATA CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-989: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 16, 1976 in response to a worker petition dated June 26, 1976 which was filed on behalf of workers and former workers assembling data on petroleum fields for International Field Data Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31959). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Field Data Corporation, Petroconsultants, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Department has already determined that the performance of services is not included within the term "articles" as used in section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639).

The facts obtained in the investigation of this petition clearly show that International Field Data Corporation performed the service of gathering and distilling data on petroleum fields, on a contract basis, for a publisher of petroleum data.

After a careful review of the issues, I have determined that services of the kind provided by International Field Data Corporation, Houstin, Texas, are not "articles" within the meaning of section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C., this 1st day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc.76-30186 Filed 10-14-76;8:45 am]

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[TA–W–1,093]

KAISER REFRACTORIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 23, 1976 the Department of Labor received a petition dated September 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Kaiser Refractories, Natrona, Pennsylvania, a division of Kaiser Aluminum and Chemical Corp., Oakland, California (TA–W–1,093). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the production of refractories and the performance of services for Allegheny Ludlum by Kaiser Refractories or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than OCTOBER 25, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than OCTOBER 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of September 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–30187 Filed 10–14–76;8:45 am]

[TA–W–1058]

KENOSHA AUTO TRANSPORT CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1058: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 31, 1976 in response to a worker petition received on that date which was filed by the General Teamsters Union Local 654, on behalf of workers and former workers at the Springfield, Ohio terminal of Kenosha Auto Transport Corporation a subsidiary of Jupiter Corporation, Chicago, Illinois, who were engaged in providing the service of delivering new trucks to dealers.

The notice of investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38566). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kenosha Auto Transport Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in that workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied a negative determination must be made.

Kenosha Auto Transport Corporation does not produce an article within the meaning of section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA–W–153, 40 FR 54639). The only question presented in this case is whether International Harvester Company, i.e., a firm which produces an article, namely pickup trucks, and for whom the service is provided, can be considered the "workers' firm". The Department has also previously determined that an independent firm for which such services are provided cannot be considered the "workers' firm". See Notice of Determination in Nu-Car Driveaway, Inc. (TA–W–393, 41 FR 12749).

Kenosha Auto Transport Corporation is a transport business incorporated in the state of Wisconsin and licensed and regulated by the state and the Interstate Commerce Commission. Kenosha Auto Transport competed for available business with other carriers in the Springfield, Ohio area and each was free to haul for any business requesting their services.

Neither International Harvester, on the one hand, nor Kenosha Auto Transport, on the other, is financially or otherwise involved in the business of the other. Kenosha Auto Transport either owns or leases the facilities necessary to the operation of its business and owns or leases all its trucks and equipment.

The workers upon whose behalf this petition was filed were hired and are paid by Kenosha Auto Transport Corporation. They are supervised by and subject to the control of Kenosha Auto Transport personnel only. All employment benefits which they enjoy are provided and maintained by Kenosha Auto Transport.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Kenosha Auto Transport Corporation, Springfield, Ohio, are not "articles" within the meaning of section 222(3) of the Trade Act of 1974, and that International Harvester Company cannot be considered the "workers' firm." The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 1st day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76–30188 Filed 10–14–76;8:45 am]

[TA–W–969]

STRIDE RITE MANUFACTURING CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–969; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing children's footwear at the Hiatt Shoe plant, Lawrence, Massachusetts of the Stride Rite Manufacturing Corporation, Boston, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 29520) on July 16, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Stride Rite Manufacturing Corporation, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that although the second and third criteria have been met, the first and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

From 1974 to 1975, the average number of production workers at the Hiatt Shoe plant increased 0.8 percent, and average weekly hours increased 2.8 percent. In the first half of 1976 employment and weekly hours were 11.7 percent and 7.5 percent above respective levels in the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Hiatt Shoe plant declined in quantity by 3.6 percent from 1973 to 1974 and by 0.3 percent from 1974 to 1975. In the first half of 1976 plant production was 24.8 percent above that in the like period of 1975.

INCREASED IMPORTS

Imports of nonrubber footwear for infants and babies declined in volume each year from 1972 through 1974 and then increased in 1975 over 1974. Imports rose in volume in the first quarter of 1976 compared to the like period in 1975.

Imports of children's nonrubber footwear decreased in volume each year from 1972 through 1975 and increased in the first quarter of 1976 compared to the same period in 1975.

Imports of nonrubber footwear for youth and boys decreased in volume each year from 1972 through 1974 and rose in 1975 over 1974. Imports increased in volume in the first quarter of 1976 compared to the like period of 1975.

Imports of misses' nonrubber footwear declined in volume each year from 1972 through 1975 and increased in the first quarter of 1976 compared to the same period in 1975.

CONTRIBUTED IMPORTANTLY

A survey of customers who bought children's footwear from the Stride Rite Manufacturing Corporation indicated that those customers who reduced their purchases from Stride Rite did not switch to imports. Customers indicated that Stride Rite's footwear had higher quality than and was generally price competitive with imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the children's footwear produced at the Hiatt Shoe plant, Lawrence, Massachusetts of the Stride Rite Manufacturing Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 2nd day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76–30184 Filed 10–14–76;8:45 am]

[TA–W–1000]

MURPHY'S WHOLESALE TAILORS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1000: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 27, 1976 in response to a worker petition received on July 27, 1976 which was filed on behalf of workers and former workers producing men's and women's suits and uniforms at Murphy's Wholesale Tailors, New Orleans, Louisiana. The Department's investigation revealed that Murphy's Wholesale Tailor's produced only men's custom tailored suits.

The notice of investigation was published in the FEDERAL REGISTER on August 6, 1976 (41 FR 32926). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Murphy's Wholesale Tailors, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that the fourth criteria has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 4 percent from 1973 to 1974, and declined 15 percent from 1974 to 1975. In the first six months of 1976, employment declined 5 percent compared to the first six months of 1975. The average number of hours worked were not available for 1973. The average number of hours worked declined 12 percent from 1974 to 1975. In the first six months of 1976, the average number of hours worked declined 12 percent compared to the first six months of 1975. Murphy's has been operating on a part-time basis, less than 40-hour work week, for the past five years.

Salaried employment remained stable from 1973 to 1974 and then declined 33 percent from 1974 to 1975. Salaried employment did not change in the first six months of 1976 compared to the first six months of 1975. Salaried employees work a constant 35 hour week.

Labor turnover data is not maintained by the company.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales are equivalent to production, since production is based on orders received.

Production of custom made men's suit coats declined 18 percent in quantity from 1973 to 1974 and declined 28 percent in quantity from 1974 to 1975. In the first six months of 1976, the quantity of men's suit coats produced declined 20 percent compared to the first six months of 1975.

Production of men's customized suit vests declined 13 percent in quantity from 1973 to 1974, and then increased 10 percent from 1974 to 1975. In the first six months of 1976, the quantity of vests produced increased 52 percent compared to the first six months of 1975.

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INCREASED IMPORTS

Imports of men's made-to-measure tailored suits and sportcoats are not separately identified in the Tariff Schedules of the United States, but are included with the aggregate data on imports of men's tailored suits and sportcoats.

Imports of men's tailored suits increased absolutely and relatively in each year from 1971 through 1975, and then declined relatively from the first half of 1975 to the first half of 1976. The ratios of imports of men's tailored suits to domestic production and consumption declined from 24.68 percent and 19.79 percent, respectively, in the first half of 1975 to 21.39 percent and 17.62 percent, respectively, in the first half of 1976.

CONTRIBUTED IMPORTANTLY

Industry experts believe that imports of men's custom tailored apparel account for a negligible portion of total men's apparel. Imports of men's tailored suits, which are predominantly ready-to-wear suits, have not had an impact on sales of custom made clothing by Murphy's Wholesale Tailors. All of Murphy's customers are small tailor shops which sell made-to-measure men's apparel. Customers reduced orders from Murphy's in 1975 and in 1976 as a result of decreased consumer demand for such apparel associated with general economic conditions and with shifts in consumer preferences away from the tailored look. None of Murphy's customers purchase imports of made-to-measure or ready-to-wear suits.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's custom-made suits produced at Murphy's Wholesale Tailors, New Orleans, Louisiana did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C. this 1st day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-30189 Filed 10-14-76;8:45 am]

SECRETARY'S COMMITTEE ON VETERANS' AFFAIRS

Meeting

Announcement is made of the following Committee meeting:

Name: Department of Labor Secretary's Committee on Veterans' Affairs.
Date: October 19, 1976.
Place: Secretary's Conference Room S2508 (South Wing), New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.
Time: 4:00 p.m.
Proposed agenda: Report on appointment of Special Assistant to the Under Secretary for Veterans' Affairs. Overview of veterans' employment reemployment and unemployment programs. Review new veterans regulations and standards. Statistical report on veterans activities.
Purpose of meeting: The Committee will review the Secretary's order appointing a Special Assistant to the Under Secretary for Veterans' Affairs, receive reports on veterans' employment, reemployment and unemployment programs; discuss the new regulations and standards pertaining thereto; and receive a statistical report on veterans' activities.

Meeting of the Secretary's Committee on Veterans' Affairs is open to the public.

All communications regarding this Committee should be addressed to Mr. Ralph E. Hall, Special Assistant to the Under Secretary for Veterans' Affairs, Room 8400 Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 12th day of October 1976.

RALPH E. HALL,
Special Assistant to the Under Secretary for Veterans' Affairs.

[FR Doc.76-30294 Filed 10-14-76;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Application No. L-502]

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund and Griese-Ross Construction Company, Inc.

Notice is hereby given of the pendency before the Department of Labor (the Department) of a proposed exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act). The pending exemption was requested in an application filed by the Board of Trustees (Trustees) of the Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund (the Plan) for the construction of a new training center at Coloma, Wisconsin, by Griese-Ross Construction Company, Inc. (Griese-Ross), a contributing employer.

The application was filed pursuant to section 408(a) of the Act and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Representatives. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the Trustees.

The Plan provides training opportunities to apprentices and skill improvement opportunities to members of Local 139 of the International Union of Operating Engineers, whose jurisdiction covers the State of Wisconsin.

Currently the Plan conducts its training program in the Milwaukee area at a site known as the Jaeger Pit. Continued use of this site is in jeopardy because of zoning problems. There is a possibility that training and classroom activities at the Jaeger Pit site will be terminated upon short notice, causing substantial relocation expenses and loss of the training program for an indeterminate period of time. In addition, approximately two-thirds of the participants are from outside the Milwaukee metropolitan area and must travel great distances to use the Milwaukee area site for training.

To alleviate the above existing and potential problems, the Plan acquired two adjoining parcels of land for a training site near Coloma, Wisconsin, which is located in the central part of the State. The Trustees anticipate that the Coloma training site will be within a short traveling distance for approximately 75 per cent of the participants of the Plan. The proposed training center will consist of a multi-purpose structure for office, classrooms, and storage facilities for various items of machinery and equipment.

The Plan's training director and the Trustees developed the initial specifications for the training center, advertised the Plan's intent to build in several trade journals, and received expressions of interest from six construction firms. The Trustees selected Enterprise Engineering Corporation (Enterprise), of Peshtigo, Wisconsin—an architectural-engineering firm engaged principally in commercial projects—to prepare the final architectural drawings, develop the final specifications, supervise and administer the bidding process, open and evaluate the bids, and conduct an end of construction inspection to determine the contractor's compliance with all specifications. Enterprise has no present or prior business relationship with the Plan, the Trustees, or the bidders. The final specifications and bid forms were distributed by Enterprise to ten potential bidders (including the six firms that had expressed an interest) and to three builder exchange offices in Wisconsin. Enterprise estimated that the Project would cost $185,000. The plan received two bids, of $196,300 and $138,895, respectively.

Both bidders are parties in interest with respect to the Plan solely because they are contributing employers. Neither bidder employs any of the Trustees or their relatives and none of the Trustees has any financial relationship with the bidders or with any of their principals. The contract will be awarded to the lower bidder, Griese-Ross. During the course of construction, no employee of Griese-Ross will become a trustee of the Plan and no Trustee or relative of any Trustee will have any financial relationship with Griese-Ross. Griese-Ross currently employs eight operating engineers who are members of Local 139. The Plan has 6000 participants. None of the three subcontractors Griese-Ross will use for the project is a party in interest with respect to the Plan. The obligation of the Trustees to pay Griese-Ross the bid price will be conditioned upon compliance by Griese-Ross with all the specifications contained in the construction contract between the Plan and Griese-Ross.

On May 31, 1976, the Plan had total assets of $419,911.09 and total liabilities of $72,718.66. As a result of collective bargaining agreements effective June 1, 1976, employer contributions increased from 5¢ per hour to 10¢ per hour, which the Trustees anticipate will increase the annual employer contributions by a sum in excess of $125,000.00. The contribution rate was increased to enable the Trustees to improve the training program and to develop a new training facility.

Notice of this proposed exemption as published in the FEDERAL REGISTER will be given by posting copies in the office of Local 139 of the International Union of Operating Engineers, located in Milwaukee, Wisconsin, and in its District Offices located in the cities of Eau Claire, Madison, and Appleton for at least thirty (30) days beginning within five (5) days after publication of the notice in the FEDERAL REGISTER. Also, copies of the proposed exemption will be mailed to the employer associations which are parties to the trust agreement creating and governing the Plan within five (5) days after publication of the notice in the FEDERAL REGISTER.

General Information: The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interests of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) The requested exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of such Plan; and

(4) The pending exemption, if granted, is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

All interested persons are invited to submit written comments on the pending exemption contained herein. In order to receive consideration, such comments must be received by the Department on or before November 26, 1976.

All written comments (preferably six copies) should be addressed to Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. L-502. The application for exemption referred to herein and all such comments relating thereto will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Pending Exemption. Based upon the application, hereinabove described, the Department has under consideration the granting of the requested exemption, under authority of section 408(a) of the Act in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) whereby the restrictions of section 406(a) shall not apply to the construction of a new training center at Coloma, Wisconsin, by Griese-Ross pursuant to the terms, conditions, and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 13th day of October 1976.

WILLIAM J. CHADWICK,
Acting Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-30513 Filed 10-14-76;9:36 am]

ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY OF LABOR

Meeting

It is hereby announced that a meeting will be held by the Advisory Committee on Women to the Secretary of Labor, established under Sec. 9(c) of the Federal Advisory Committee Act (Public Law 92-463).

The meeting will convene at 9:00 a.m. on October 27, 1976, in Conference Room N-4437 at the New Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. It will be reconvened at 9:00 a.m. on October 28, in the same conference room.

The agenda will include presentations and discussions of Department of Labor programs; issues of concern to women workers; review of agenda; statement of purpose; committee priorities; organization and procedures; developing of work program and priorities.

Members of the public are invited to attend the discussions. Any written data or views pertaining to the agenda must be received on or before October 20, 1976 by the Committee's executive secretary. Twenty-five duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the executive secretary no later than October 20, 1976, a request to be heard, stating the nature of their intended presentation and the amount of time needed. The chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Mercedes H. Flores, Executive Secretary, Advisory Committee on Women to the Secretary of Labor, Department of Labor, Room S-3002, 200 Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of October 1976.

NOTE.—This document originally appeared at 41 FR 44904, October 13, 1976, and is republished here without change.

CARMEN R. MAYMI,
Director, Women's Bureau and Executive Chairperson, Advisory Committee on Women to the Secretary of Labor.

[FR Doc.76-30177 Filed 10-12-76;10:00 a.m.]

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INTERSTATE COMMERCE COMMISSION

[Notice No. 169]

ASSIGNMENT OF HEARINGS

OCTOBER 12, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114533 (Sub-No. 343), Bankers Dispatch Corporation, now being assigned pre-hearing conference November 15, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19157 (Sub 20), McCormack's Highway Transportation Inc., MC 126904 (Sub 15), H. C. Parrish Truck Service, Inc., MC 125433 (Sub 68), F–B Truck Line Co., MC 124947 (Sub 46), Machinery Transports, Inc., MC 119777 (Sub 326), Ligon Specialized Hauler, Inc., MC 13123 (Sub 83), Wilson Freight Co., MC 117574 (Sub 267), Daily Express, Inc., MC 116915 (Sub 25), Eck Miller Transportation Corp., MC 83539 (Sub 418), MC 115554 (Sub 14), Scott's Transportation Service, Inc., MC 114211 (Sub 256), Warren Transport, Inc., MC 113855 (Sub 337), International Transport, Inc., MC 112304 (Sub 104), Ace Doran Hauling & Rigging Co., MC 111545 (Sub 218), Home Transportation Co., Inc. now assigned November 10, 1976 at St. Louis, Missouri and will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 138926 (Sub 5), Gencom, Inc. now assigned November 2, 1976 at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 133655 (Sub 89), Trans-National Truck, Inc. now assigned November 3, 1976 at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 135197 (Sub 8), Leeser Transportation, Inc. now assigned November 4, 1976 at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 142060 (Sub 1), Nash Trucks, Inc. now assigned November 5, 1976 at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 110563 (Sub 175), Coldway Food Express, Inc. now assigned November 8, 1976 at St. Louis, Missouri and will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 119741 (Sub 59), Green Field Transport Co., Inc. now being assigned November 8, 1976 (1 day) at St. Louis, Missouri and will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 123407 (Sub 294), Sawyer Transport, Inc. now assigned November 9, 1976 at St. Louis, Missouri and will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC 109448 (Sub 20), Parker Transfer Company, MC 108341 (Sub 41), Moss Trucking Co., MC 108119 (Sub 46), E. L. Murphy Trucking Co., MC 107446 (Sub 9), Underwood Machinery Transport, Inc., MC 106497 (Sub 128), Parkhill Truck Company, MC 106644 (Sub 216), Superior Trucking Company, Inc., MC 105045 (Sub 59), R. L. Jeffries Trucking Co., Inc., MC 87103 (Sub 20), Miller Transfer and Rigging Co., MC 66886 (Sub 46), Beiger Cartage Service, Inc., MC 61592 (Sub 380), Jenkins Truck Line, Inc., MC 29886 (Sub 328), Dallas & Mavis Forwarding Co., Inc., MC 29079 (Sub 84), Brada Miller Freight System, Inc., MC 19945 (Sub 54), Behnken Truck Service, Inc., MC 138144 (Sub 8), Fred Olson Co., Inc. now assigned November 10, 1976 at St. Louis, Missouri and will be held in Courtroom 3, 5th Floor, U.S. Courthouse and Customs, 1114 Market Street.

MC–C–9128, Texas Bus Lines, Data Processing Maintenance, Inc., d/b/a Luxury Coaches, and Susan D. Charba, d/b/a Wholesale Travel and Tours—Investigation of Operations and Revocation of Certificates, now being assigned November 30, 1976 (1 day) at Dallas, Texas; in a hearing room to be later designated.

MC 121006 (Sub-No. 2), Gadsden Truck Lines, Inc., now assigned October 18, 1976, at Birmingham, Ala. is canceled and application dismissed.

MC 56640 (Sub-No. 35), Delta Lines, Inc., now assigned November 8, 1976 at San Francisco, California; hearing canceled and the application dismissed.

MC 136343 (Sub 65), Milton Transportation, Inc. now assigned November 8, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC–C 8754, Price Hill Coach Line, Inc. v. Megacity Transit Lines, Inc. now assigned November 9, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 123255 (Sub 72), B & L Motor Freight, Inc. now assigned November 10, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 107295 (Sub 812), Pre-Fab Transit Co. now assigned November 11, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 136277 (Sub 3), Priority Freight Systems, Inc. now assigned November 2, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 105566 (Sub 121), Sam Tanksley Trucking, Inc. now assigned November 12, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 141606 (Sub 1), Alert Trucking, Inc. now assigned November 4, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

FF–C 62, Rail Van, Inc., Freight Handlers, Inc., Foutty Freight, Inc., Trailer Train, Inc., Trans-Rail, Inc., Lee Lydic and Robert Marden—Investigation of Operations now assigned November 1, 1976 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 19227 (Sub-No. 227), Leonard Bros. Trucking Co., Inc., now assigned October 19, 1976, at Washington, D.C. is postponed to December 13, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 30324 Filed 10–14–76; 8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed

FSA No. 43249—*Barley, Corn, Etc., from Illinois Central Gulf Railroad Company Stations in Illinois.* Filed by Illinois Central Gulf Railroad Company, (No. 76–3), for interested rail carriers. Rates on barley, corn, grain sorghums, oats, rye, soybeans and wheat, in carloads, as described in the application, from Illinois Central Gulf Railroad Company stations in Illinois, to Chicago, Illinois, for export.

Grounds for relief—Market competition.

Tariff—Supplement 45 to Illinois Central Gulf Railroad Company tariff No. 602, I.C.C. No. 36. Rates are published to become effective on November 14, 1976.

FSA No. 43250—*Joint Water-Rail Container Rates—United Yugoslav Lines.* Filed by United Yugoslav Lines, (No. 101), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 43251—*Joint Water-Rail Container Rates—Black Sea Shipping Company.* Filed by Black Sea Shipping Company, (No. 3), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Pacific Coast ports, to ports in the Mediterranean.

Grounds for relief—Water competition.

Tariff—Black Sea Shipping Company Eastbound tariff No. 2, I.C.C. No. 2, F.M.C. No. 10. Rates are published to become effective on November 6, 1976.

FSA No. 43252—*Joint Water-Rail Container Rates—Black Sea Shipping Company.* Filed by Black Sea Shipping Company, (No. 4), for itself and interested rail carriers. Rates on general commodities, from ports in the Mediterranean, to railroad terminals at U.S. Pacific Coast ports.

Grounds for relief—Water competition.

Tariff—Black Sea Shipping Company Westbound, tariff No. 1, I.C.C. No. 1, F.M.C. No. 11. Rates are published to become effective on November 6, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–30325 Filed 10–14–76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products*, Ex Parte No. MC 85, 124 MCC 483 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before November 8, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P–25–76 (Correction) (Special Certificate—Waste Products), filed September 14, 1976, published in the FEDERAL REGISTER issue of October 5, 1976, and republished as corrected this issue. Applicant: RAY KURTZ AND LINDA FARLEY, a Partnership, doing business as PLASTIC EXPRESS, P.O. Box 5593, Orange, Calif. 92667. Applicant's representative: Linda Farley (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle over irregular routes, in the transportation of *waste and waste products which are cans, chemical solutions, cullet, glass and glass containers, iron, steel and metal products, metal scrap, paper, paper products, petroleum products, plastic, plastic articles, rags, textile products, rubber, rubber products, trash, wood,* and *wood products*, between points in the United States in and west of Alabama, Tennessee, Kentucky, Ohio, and Michigan (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Glass Container Manufacturers Institute, Inc. of Irvine, Calif., for the purpose of recycling glass containers (cullet); (2) Apollo Plastic's Inc. of Los Angeles, Calif., for the purpose of brokering waste scrap including plastic milk bottles and scrap plastics; (3) A. E. Taylor of Santa Monica, Calif., for the purpose of brokering waste scrap metals; (4) Century Enterprises of Denver, Colo., for the purpose of brokering waste scrap metals; (5) Brockway Glass Company, Inc. of Brockway, Pa., for the purpose of brokering broken glass (cullet); and (6) Alpha Recycle of Gardena, Calif., for the purpose of brokering waste paper.

NOTE.—The purpose of this republication is to indicate the correct commodity description as wood products in lieu of food products as was previously published. Applicant presently holds Waste Products Special Certificate No. P–25–73.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–30326 Filed 10–14–76;8:45 am]

Office of Proceedings

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Notice

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before November 15, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 107403 (Sub-No. 839) (Notice of filing of petition to modify restriction) filed September 27, 1976. Petitioner: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Petitioner's representative: Allen H. Knouft (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 107403 (Sub-No. 839), issued November 26, 1973, authorizing transportation over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Cargill, Incorporated, located at Dayton, Ohio, and warehouse facilities of Cargill, Incorporated, located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the above restriction to include CAR–MI, INC. as an additional origin plant site.

No. MC 124078 (Sub-No. 535) (Notice of filing of petition to modify restriction) filed September 22, 1976. Petitioner: SCHWERMAN TRUCKING CO., P.O. Box 1601, Milwaukee, Wis. 53201. Petitioner's representative: James R. Ziperski (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 124078 (Sub-No. 535), issued January 25, 1974, authorizing transportation over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated, located at Dayton, Ohio.

By the instant petition, petitioner seeks to add Car-Mi, Inc. of Dayton, Ohio as an additional origin plantsite to the above restriction.

No. MC 124579 (Sub-No. 9) (Notice of filing of petition to modify restriction) filed September 20, 1976. Petitioner: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Petitioner's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Petitioner holds a motor *common carrier* Certificate in No. MC 124579 (Sub-No. 9), issued November 26, 1973, authorizing transportation over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Cargill, Incorporated, located at Dayton, Ohio, subject to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to modify the above restriction to include CAR–MI, Inc. as an additional origin plantsite.

No. MC 140484 (Sub-No. 5) (Notice of filing of petition to add an origin point) filed September 17, 1976. Petitioner: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Ft. Myers, Fla. 33901. Petitioner's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Petitioner holds motor *common carrier* Certificate in No. MC 140484 (Sub-No. 5), issued May 13, 1976, authorizing transportation over irregular routes, of *electric motors, electric welders*, and *parts and accessories* for electric motors, electric welders, and *parts and accessories* for electric motors

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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and electric welders, welding supplies, and hand truck parts (except commodities which because of their size or weight require the use of special equipment), from the facilities of The Lincoln Electric Company located at or near Cleveland and Mintor, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Louisiana (except New Orleans, Baton Rouge, and Shreveport and points in their respective commercial zones, as defined by the Commission), Texas, North Dakota, South Dakota, and Oklahoma, subject to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to add the plant site and storage facilities of Reliance Electric Company, located in Cleveland, Ohio as an additional origin point.

No. MC 141426 (Notice of filing of petition to modify permit), filed September 20, 1976. Petitioner: WHEATON CARTAGE CO., Millville, N.J. 08332. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* Permit, in No. MC 141426, issued August 13, 1976, authorizing transportation over irregular routes, of *glass, metal, plastic, paper and wax products, foodstuffs, printer's machinery, anti-pollution and biochemical apparatus, products* used in radiological research, *organic chemistry kits, parts and accessories* for all of the above-described commodities, and *materials, equipment, and supplies* used or useful in the production, sale, and distribution, of the above-named commodities, between the facilities utilized by Wheaton Industries, located in Cumberland, Ocean, and Atlantic Counties, N.J., on the one hand, and, on the other, points in New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, West Virginia, Illinois, Wisconsin, Missouri, Minnesota, Kansas, Iowa, Nebraska, North Dakota, South Dakota, and Wyoming, restricted against the transportation of commodities in bulk, in tank vehicles, under a continuing contract, or contracts, with Wheaton Industries, of Millville, N.J. By the instant petition, petitioner seeks to modify its Permit (1) by adding Dorchester Industries, Inc., of Millville, N.J., and Decora, Inc., of Williamstown, N.J., as additional contracting shippers and adding them as additional base facilities in the territorial description; (2) by adding Gloucester, Cape May, Salem, Camden, and Mercer Counties, N.J., as additional base points; and (3) by modifying the commodity description to read as follows: "*glass, metal, plastic, paper, wax, and wood products, foodstuffs, anti-pollution and biochemical apparatus, products* used in radiological research, *organic chemistry kits, clay, talc, feldspar, clay products, feldspar products, candles, pottery, chinaware, ceramics, gift items, materials, and supplies* used in the repair and maintenance of *boats, machinery, and machine parts, presses, molders, bottle coating systems, parts* and *accessories* for all of the above-described commodities, and *materials, equipment, and supplies* used or useful in the production fabrication, sale, distribution, assembly, finishing, coating, pressing, maintenance, and molding of the above-named commodities.

No. MC 141878 (Notice of filing of petition to broaden territorial description), filed August 6, 1976. Petitioner: DIRECT COURIER, INC., 2780 S. Jefferson Davis Hwy., Arlington, Va. 22202. Petitioner's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Petitioner holds a motor *common carrier* Certificate in No. MC 141878, issued October 5, 1976, authorizing transportation, as pertinent, over irregular routes, of *live laboratory animals*, between points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

By the instant petition, the petitioner seeks to broaden the territorial description to include points in North Carolina, Georgia, and South Carolina.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 115092 (Sub-No. 4) (Republication), filed March 2, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, and republished this issue. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 10, Vernal, Utah 84078. An Order of the Commission, Review Board Number 3, dated September 14, 1976, and served September 29, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of (1) *Bentonite*, in bags, from the facilities of American Colloid Company, located at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Texas and Oklahoma; (2) *bentonite* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, or used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of petroleum pipelines, including the stringing and picking up thereof in bags, from the facilities of American Colloid Company, located at or near Upton, Wyo., to points in Utah; and (3) *lignite coal and treated lignite*, in bags, from the facilities of American Colloid Company, located at or near Belle Fourche, S. Dak., to points in Texas and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the grant of authority and applicant's amended authority sought differs from that which appeared in the previous FEDERAL REGISTER publication.

No. MC 117765 (Sub-No. 196) (Republication), filed September 2, 1975, and published in the FEDERAL REGISTER issue of October 2, 1975, and republished this this issue. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). An Order of the Commission, Review Board Number 2, dated September 8, 1976, and served September 29, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of, (1) *Malt beverages*, in containers, from San Antonio, Tex., to points in Kansas, Nebraska, and Oklahoma; (2)(a) *petroleum and petroleum products*, in containers, from Ponca City, Okla., to points in Michigan and Nebraska; and (b) *petroleum products*, in containers, from Eldorado, Kans., to points in Michigan; and (c) *empty used containers*, from points in Michigan and Nebraska, to Coffeyville and Kansas City, Kans., and Tulsa, Okla., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that applicant's grant of authority in part (c) above is not limited to the transportation of traffic having a prior movement from Continental Oil Company located at Ponca City, Okla.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATION

The following applications are governed by Special Rule 247 of the Commission's general Rules of Practice (49

CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the methods—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representatives, or applicant if no representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute tis application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 520), filed September 10, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Dodge Division Reliance Electric Co. located at or near Lawrenceburg, Ky., as an off-route point in connection with applicant's present authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 2368 (Sub-No. 60), filed September 8, 1976. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in New Jersey, New York, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Richmond, Va.

No. MC 3503 (Sub-No. 1), filed September 10, 1976. Applicant: D. F. GIAMMETTA, doing business as B. & G. TRANSFER COMPANY, 935 W. 4th Street, Davenport, Iowa 52802, Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, wheels, rims, and bands*, from the plantsite of French & Hecht Div., Kelsey Hayes Company, Subsidiary of the Fruchauf Corporation, at Walcott, Iowa, to Carbon Cliff, East Moline, Moline, Milan, Rock Island, and Silvis, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 4943 (Sub-No. 35), filed September 9, 1976. Applicant: CENTRAL EXPRESS INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), Between Victoria, Tex., and the site of the Coleta Creek Power Station of Central Power and Light Company, located near Fannin, Tex.: From Victoria, Tex., over U.S. Highway 59 to Fannin, and thence over F.M. Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light Company and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Austin or San Antonio, Tex.

No. MC 8544 (Sub-No. 27), filed September 9, 1976. Applicant: GALVESTON TRUCK LINE CORPORATION, doing business as GALVESTON TRUCK LINES, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Joe G. Fender, 1150 Pennzoil Place, South Tower, 711 Louisiana, Houston, Tex. 77001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleaching, cleaning, and scouring preparations, foodstuffs and cooking oils* in packages or other containers, and *chopped alfalfa* in bags, from the plantsite and distribution facilities of the Clorox Company, located at Houston, Tex., to points in Oklahoma (except Oklahoma City, Okla.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 16903 (Sub-No. 44), filed September 13, 1976. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47401. Applicant's representative. Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Culpepper County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 20992 (Sub-No. 37), filed September 13, 1976. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, implements and parts* thereof (except commodities in bulk), from the plant and warehouse sites of Forage King Industries, Inc. located at Ridgeland, Wis., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota and Wisconsin; and (2) *equipment, materials and supplies* used in the manufacture, production and distribution of the above named commodities (except in bulk) from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, to Ridgeland, Wis., restricted to the transportation of traffic originating at or destined to Ridgeland, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Milwaukee, Wis.

No. MC 22182 (Sub-No. 31), filed September 14, 1976. Applicant: NU-CAR CARRIERS, INC., 850 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive,

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Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Wilmington, Del., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Nevada, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 31023 (Sub-No. 4), filed September 13, 1976. Applicant: MOON CARRIER, 515 River Road, Clifton, N.J. 07014. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt and sold in retail department stores, between the facilities, consolidations, divisions and supplies of Allied department stores, located at points in the New York, N.Y. Commercial Zone, Philadelphia, Pa., Commercial Zone, Boston, Mass., Commercial Zone, Chicago, Ill., Commercial Zone, Charlotte, N.C. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 40978 (Sub-No. 27), filed September 13, 1976. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business Highway U.S. 141 South, Sheboygan, Wis. 53081. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plansite and storage facilities of Richardson Brothers Company located at or near Sheboygan Falls, Wis., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 42011 (Sub-No. 24), filed September 10, 1976. Applicant: D. Q. WISE & CO., INC. (Barbara Ann Brewer Independent Executrix), 13309 E. Apache St., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk or in bulk or in containers, from points in Big Horn County, Wyo., to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 42487 (Sub-No. 855), filed September 13, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Tucson, Ariz. and Willcox, Ariz., as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Tucson over Interstate Highway 10 to Willcox, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or San Francisco, Calif.

No. MC 52525 (Sub-No. 12), filed September 3, 1976. Applicant: K. V. YOUNG AND D. A. GOEPEL, a partnership, doing business as IOWA VAN & STORAGE CO., 541 South Iowa Avenue, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in trailers, between Ottumwa, Iowa, on the one hand, and on the other, points in Lee County, Iowa, restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 52657 (Sub-No. 737), filed September 13, 1976. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign-made motor vehicles*, in secondary movements, in truckaway service, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined in 81 M.C.C. 24 as amended, to points in Iowa, Minnesota and North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 55889 (Sub-No. 45) (Partial Correction), filed August 20, 1976, published in the FEDERAL REGISTER issue of September 30, 1976, and republished as corrected this issue. Applicant: AAA COOPER TRANSPORTATION, a Corporation, P.O. Box 2207, Dothan, Ala. 36301. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. The purpose of this partial correction is to indicate the correct territory sought in paragraph (3) to read: Between Brewton, Ala. and junction U.S. Highway 84 and U.S. Highway 31 over U.S. Highway 31, serving no intermediate points, the rest remains the same.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 61396 (Sub-No. 315), filed September 7, 1976. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from New Market, Mo. to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. MC 63417 (Sub-No. 93), filed September 1, 1976. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged, defective, refused, rejected or returned furniture*, from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, to Atlanta, Dublin and Macon, Ga.; Dillon, Mullins, Nichols and Sumter, S.C.; Johnson City, Tenn.; Appomattox, Altavista, Bedford, Danville, Galax, Kenbridge, Marion, Richmond, Roanoke, Rocky Mt., Staunton, Strasburg, Waynesboro and Winchester, Va.; those points in Henry and Pulaski Counties, Va. and points in North Carolina on or east of U.S. Highway 21.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va. or Washington, D.C.

No. MC 74321 (Sub-No. 123), filed September 9, 1976. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Suite 140 Cherry Creek Center, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete and knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation and completion of commodities named in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion of such commodities, from the plantsite of Carco, Inc. located at or near Spokane, Wash., to points in Alaska, California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Spokane, Wash.

No. MC 82841 (Sub-No. 195), filed September 13, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards—building, wall, and insulating*, from the Masonite Corporation, located at or near Grand Prairie, Tex., to points in Kansas and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 83539 (Sub-No. 436) (Correction), filed August 9, 1976, published in the FEDERAL REGISTER issue of September 16, 1976, republished as corrected this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products and millwork*, from the plantsite of Willamette Industries, Inc., and Brooks-Willamette Corporation, located at Sweet Home, Foster, Lebanon, Griggs, Springfield, Albany, Millersburg, Dallas, Wilsonville, Redmond, and Bend, Oreg., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—The purpose of this republication is to include Illinois in the territorial description as a destination point. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Washington, D.C.

No. MC 95084 (Sub-No. 113), filed September 2, 1976. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog and cattle feeding equipment and automated feed systems*, from Jamestown, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 95540 (Sub-No. 961), filed September 13, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular *routes*, transporting: *Dairy products*, from the plantsite and storage facilities of Schurman's Butter & Cheese, Inc., at Lancaster and Bloomington, Wis., to points in Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.; Washington, D.C.; or Tampa, Fla.

No. MC 97068 (Sub-No. 16), filed September 8, 1976. Applicant: H. S. ANDERSON TRUCKING COMPANY, a Corporation, P.O. Box 3656, Port Arthur, Tex. 77640. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and thier products and by-products, *machinery, matcrials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (except the stringing or picking up of pipe in connection with main pipelines), other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (b) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and, on the other, points in Oklahoma.

(2) *Heavy and cumbersome commodities* which, because of size or weight require the use of special equipment, other than machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Texas within 125 miles of Houston, Tex., including Houston, Tex., on the one hand, and, on the other, points in Louisiana.

NOTE.—Applicant states that the purpose of this application is to recover certain authority lost as a result of the Gateway Elimination regulations and to resume operations formerly conducted through the gateways of points in Texas as to part (1) and points in Orange and Jefferson Counties, Tex., as to part (2). If a hearing is deemed necessary, the applicant requests it be held at Beaumont, Tex.

No. MC 98964 (Sub-No. 13), filed September 13, 1976. Applicant: P. B. I. FREIGHT SERVICE, 960 North 1200 West, P.O. Box 37, Orem, Utah 84057. Applicant's representative: Robert Reeder, 79 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between the junction of U.S. Highways 6 and 50 with the Utah-Nevada State Line, and Ely, Nev., serving all intermediate points and the off-route points of Baker, the Fred Baker Ranch, the Lehman Caves National Monument, and the Nevada State Fish Hatchery: From the junction of U.S. Highways 6 and 50 and the Utah-Nevada State Line over combined routes 6 and 50 to Ely, and return over the same route, restricted against traffic originating at or destined to Ely, Nev., or points within five miles thereof.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 104523 (Sub-No. 64) (Correction), filed August 23, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, republished as corrected this issue. Applicant: HOUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite, processed clay and foundry molding sand treating compound* (restricted to the transportation of commodities in bulk, in other than pneumatic tank vehicles), from Belle Fourche, S. Dak., and Upton, Wyo., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Texas; and (2) *bentonite, processed clay and lignite*, from Lovell, Wyo., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma and Texas.

NOTE.—The purpose of this republication is to correct the commodity description in part (1) of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 105566 (Sub-No. 127) filed September 7, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 22152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Waseca, Minn., to points in Arizona, California, Nevada and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 106398 (Sub-No. 755) filed September 13, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525

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South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hard board and particle board*, from Deposit, N.Y., (except the plantsite of Celotex Corporation), to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 107295 (Sub-No. 827) filed August 25, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, (1) from St. Louis County, Mo., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (2) from Solon, Ohio, to points in the United States in and east of Arkansas, Iowa, Minnesota, Louisiana and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 1047) filed September 13, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement block*, from St. Croix Falls, Wis., to points in Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Des Moines, Iowa.

No. MC 107541 (Sub-No. 44), filed September 10, 1976. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 2000 East Columbia Way, Building 54, Vancouver, Wash. 98661. Applicant's representative: J. H. Gulseth, 125 University Avenue, Berkeley, Calif. 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone, crushed rock and crushed limestone*, from points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington, to ports of entry on the International Boundary line between the United States and Canada located at points in Idaho, Montana and Washington, restricted to the transportation of shipments destined to Vancouver, British Columbia and points within 30 miles thereof, points on Vancouver Island, B.C., and Calgary, Alberta Metropolitan area, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 107993 (Sub-No. 48), filed August 30, 1976. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, 2608 Electronic Lane, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled tractors*, from Wharton, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture of the items in (1) above, from points in the United States (except Alaska and Hawaii), to Wharton, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 108460 (Sub-No. 51), filed September 9, 1976. Applicant: PETROLEUM CARRIERS COMPANY, P.O. Box 762, 5104 West 14th St., Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Huron, S. Dak., to points in North Dakota, restricted to the transportation of traffic originating at the plantsites and storage facilities of Farmland Industries, Inc. located at Huron, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Sioux Falls, S. Dak.

No. MC 109478 (Sub-No. 147), filed September 14, 1976. Applicant: WORSTER MOTOR LINES, INC., R.D. No. 1—Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods, Co., located in Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia and the District of Columbia, restricted to traffic originating at the above named origins and destined to the above named destinations; and (2) from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to traffic originating at the above named origins and destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record at Washington, D.C.

No. MC 109540 (Sub-No. 34) (Amendment) filed March 1, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, and republished as amended this issue. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Rd., Lexington, Ky. 40501. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., 15th & H St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the marketing, packing, storing, processing or handling of unmanufactured tobacco (except commodities in bulk, in tank vehicles, and commodities which because of their size or weight require the use of special equipment or handling), and *unmanufactured tobacco, or empty tobacco containers*, when moving in the same vehicle and at the same time with the above described commodities, between points in Georgia, Kentucky, Maryland, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 109708 (Sub-No. 67) filed August 30, 1976. Applicant: INDIAN RIVER TRANSPORT CO., doing business as, INDIAN RIVER TRANSPORT, INC., P.O. Box 966, 908 North N.W. Part Street, Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, 100 South Orange Avenue, Suite 811, Metcalf Building, Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, nonalcoholic drink bases and fruit juice concentrate*, in bulk, in tank vehicles, from points in Florida, to points in Alabama, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Minnesota, North Dakota, South Dakota, Nebraska, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Orlando, Tampa or Jacksonville, Fla.

No. MC 111045 (Sub-No. 134) filed September 16, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J.V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, in tank vehicles, between LeMoyne, Ala. and Portsmouth, Va., restricted to traffic originating at, or destined to the plantsites and/or storage facilities of Virginia Chemicals, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Mobile, Ala. or Washington, D.C.

No. MC 111231 (Sub-No. 203) filed August 18, 1976. Applicant: JONES TRUCK LINES, INC., 610 East Emma, Springdale, Ark. 72764. Applicant's representative: Michael H. Mashburn, 111 Holcomb, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal articles and metal products*, from Northbrook, Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kentucky, Louisiana, Missouri, Tennessee, Texas and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark. or Kansas City or St. Louis, Mo.

No. MC 111302 (Sub-No. 94) filed August 25, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37949. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Farwell, Mich., to points in Indiana, Kentucky, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 68?), filed September 14, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory samples and specimens, and related business papers*, between Albuquerque International Airport, located in Albuquerque, N. Mex., on the one hand, and, on the other Alamogordo, Artesia, Belen, Carlsbad, Clovis, Cuba, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Los Alamos, Lovington, Portales, Ruidoso, Roswell, Santa Fe, Socorro, Taos, and Tucumcari, N. Mex., restricted to traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 320), filed September 13, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, processed clay and clay and water mixed*, in bulk, in tank vehicles, from Decatur County, Ga., to points in Colorado, Delaware, Indiana, Iowa, Maryland, Missouri, Nebraska, New Mexico, Oklahoma, Pennsylvania, Utah and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 113267 (Sub-No. 338), filed September 13, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and bagging*, from Nashville, Tenn., to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 113267 (Sub-No. 339) filed September 13, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Kitchens of Sara Lee, located at or near Deerfield, Ill., to points in Arkansas, Louisiana, Mississippi, and Tennessee, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Memphis, Tenn.

No. MC 113325 (Sub-No. 145) (amendment) filed July 1, 1976, published in the FEDERAL REGISTER issues of July 29, 1976 and September 9, 1976 and republished as amended this issue. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Blytheville, Ark.; Depue, Marseilles, and Wood River, Ill.; Flint, Grand Rapids, Kalamazoo, Mt. Clemens, Port Huron, and Warren, Mich.; and Louisiana, Mo.; and points within 5 miles of each of the named points, to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin.

NOTE.—The purpose of this republication is to amend territorial description. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 113678 (Sub-No. 637) filed September 8, 1976. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, (1) from the facilities of ABC-Trans National Transport, Inc., located at New York, N.Y., Newark, N.J., and points in their Commerical Zones, to Chicago, Ill., (2) from the facilities of ABC-Trans National Transport, Inc. located at Chicago, Ill. and points in its Commercial Zone, to Los Angeles, San Diego, and San Francisco, Calif., Portland, Oreg., Seattle, Wash., and points in Nevada; and (3) from the facilities of ABC-Trans National Transport, Inc. located at Los Angeles, Calif. and its Commercial Zone, to Portland, Oreg. and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 113855 (Sub-No. 358) filed September 13, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment and lift trucks*, from Minneapolis and St. Paul, Minn., and points within 15 miles thereof, to points in Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Missouri, Montana, Nebraska, New Mexico, North Dakota, Minnesota, New Jersey, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, and points on the International Boundary line between the United States and Canada, located in Idaho, North Dakota, Minnesota, Montana, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 113908 (Sub-No. 383) filed August 20, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock and vinegar stock concentrate*, in bulk, from Delta and Denver, Colo., to points in the United States in and west of Arkansas, Illinois, Indiana, Louisiana, Michigan, Missouri and Tennessee, restricted against the transportation of vinegar from Denver, Colo., to Wichita and Hutchison, Kans., and against the transportation of vinegar

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stock from Delta, Colo., to Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.; Chicago, Ill.; or Washington, D.C.

No. MC 114045 (Sub-No. 449), filed September 10, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, vinyl sheet goods and adhesives* (except in bulk), in vehicles equipped with mechanical refrigeration, from Salem, N.J., to points in Arizona, California, New Mexico, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 271), filed September 1, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Company, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Beatrice, Nebr., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 115311 (Sub-No. 196), filed September 7, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniel, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*Malt beverages and related advertising matter*, from points in the United States in and east of Arkansas, Illinois, Michigan, Missouri, Texas, and Wisconsin, to points in Georgia and points in Aiken County, S.C., and Leon County, Fla.; and (2) *empty malt beverage containers, malt beverage pallets and dunnage, damaged, refused* and *rejected shipments* on return, from the destination territory in (1) above to the origin points in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115904 (Sub-No. 61), filed September 2, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fiber, mineral fiber products and insulating materials*, from the facilities of Rockwool Industries Inc., located at or near Pueblo, Colo., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Salt Lake City, Utah.

No. MC 115904 (Sub-No. 62), filed September 2, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum and gypsum products* and *products* used in the manufacturing and distribution thereof, from Richmond, Calif., to points in Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Salt Lake City, Utah.

No. MC 117765 (Sub-No. 212), filed September 16, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from Oklahoma City, Okla., to points in Kentucky, Mississippi, Ohio, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118142 (Sub-No. 132), filed September 1, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, from the plant site of Farmland Foods, Inc., located at Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 118989 (Sub-No. 146), filed September 9, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle St., Chicago, Ill. 60001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, and container closures, container components* and *materials and supplies* used in the manufacture or distribution of plastic containers, from the plant and warehouse sites of the Continental Group Inc. located at Burlington, Wis., Lenexa, Kans., Elk Grove Village, Ill., Cleveland, Lima, and Cincinnati, Ohio, Piscataway and Milltown, N.J., and Baltimore, Md., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Massachusetts, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, West Virginia and Wisconson.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 119789 (Sub-No. 301), filed September 13, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dixon, Calif., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Dallas, Tex.

No. MC 119789 (Sub-No. 302), filed September 13, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), between points in California, on the one hand, and, on the other, points in Alabama, Mississippi, New Mexico, North Carolina, South Carolina, Virginia, West Virginia, and points in Georgia north of U.S. Highway 80.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 120761 (Sub-No. 16), filed September 13, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in connection with the stringing or tensing of hi-line wire, from points in Tarrant County, Tex., to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 123407 (Sub-No. 326), filed September 7, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and zinc die castings, plastic injection moldings*, and *door and window hardware*, from St. Paul, Minn., and Rice Lake and Turtle Lake, Wis., to points in Illinois, Iowa, Missouri and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 123540 (Sub-No. 3), filed September 13, 1976. Applicant: WERLIN CORP., 3415 Southside Avenue, Cincinnati, Ohio 45204. Applicant's representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, Ohio. 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Kingston, Ohio, to points in Illinois, and Indiana, under a continuing contract, or contracts, with Swift Agricultural Chemical Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Cincinnati, Ohio.

No. MC 124004 (Sub-No. 34) (partial correction), filed August 5, 1976, published in the FR issue of September 9, 1976, republished as corrected this issue. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal poultry and pet feed ingredients and cracklings*, (4) from Siler City, N.C., Zanesville, Ohio, and Atlanta, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—The purpose of this partial republication is to indicate the origin as Siler City, N.C. in lieu of Silver City, N.C. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 124004 (Sub-No. 35), filed August 5, 1976. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products, terrazzo strips, supplies and equipment* used or useful in the manufacture or sale of the foregoing commodities, between the manufacturing facilities and warehouses of General Stone & Material Corp., and its subsidiaries and divisions, and Clifford W. Estates Co., Inc., located at Staley, N.C., on the one hand, and, on the other, points east of the Mississippi River including Arkansas, Kansas, Iowa, Minnesota, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 124211 (Sub-No. 279), filed September 13, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, other than frozen and (except in bulk, when moving in mixed loads with alcoholic beverages presently authorized); and (2) *advertising matter, bottle and can openers*, between points in Pottawattamie County, Iowa, and points in Dodge, Douglas, Sarpy, Saunders, and Washington Counties, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124813 (Sub-No. 155), filed September 10, 1976. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Terre Haute, Ind., to points in Arkansas, Iowa, Minnesota, and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126930 (Sub-No. 14), filed August 25, 1976. Applicant: BRAZOS TRANSPORT CO., a corporation, 339 East 34th Street, P.O. Box 2746, Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, 1607 Broadway, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement products and gypsum products*, from New Orleans and Westwego, La., to points in Arkansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lubbock or Dallas, Tex.

No. MC 127834 (Sub-No. 114), filed September 9, 1976. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite and facilities of Masonite Corporation, located in Pulaski County, Ark., to St. Louis, Mo., and points in Alabama, Illinois, Indiana, Kentucky, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn.; or Birmingham, Ala.

No. MC 128639 (Sub-No. 10), filed September 13, 1976. Applicant: CURRIER TRUCKING CORPORATION, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Wesley S. Chused, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, (1) between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in New York and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Concord, N.H. or Boston, Mass.

No. MC 128698 (Sub-No. 12), filed September 13, 1976. Applicant: ERDNER BROTHERS, INC., Davidson Road, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods, Co., located at Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origins and destined to the above named destinations; and (2) from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to traffic originating at the above named origins and destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record at Washington, D.C.

No. MC 128762 (Sub-No. 15), filed September 2, 1976. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Scrap aluminum*, from Bloomsburg, Pa., to Decatur, Ala., and Morris, Ill.; (2) *aluminum gutter and accessories* therefor,

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from Ocala, Fla., to Peachtree City, Ga.; Reidsville, N.C.; and Bloomsburg, Pa.; (3) *aluminum coil and sheet*, (a) from Decatur, Ala., to Reidsville, N.C., and Bloomsburg, Pa.; (b) from Morris, Ill., to Bloomsburg, Pa.; and (4) *aluminum building products*, from Bristol, Ind., to Bloomsburg, Pa., restricted to a transportation service to be performed under a continuing contract, or contracts, with Alumax Mill Products, Inc., subsidiary of Alumax, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129631 (Sub-No. 50) filed September 1, 1976. Applicant: PACK TRANSPORT, INC., 3975 So. 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings and materials and supplies* used in the construction, installation, and erection thereof, from points in Laramie County, Wyo., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cheyenne, Wyo.

No. MC 133095 (Sub-No. 111), filed September 7, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and brass stampings*, from Naugatuck, Conn., to Minneapolis, Minn., and Los Angeles, Calif.; and (2) *carbon tracing paper*, from Ennis, Tex., to Waterbury, Conn.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 133095 (Sub-No. 112), filed September 7, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., a corporation, P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air conditioners, air conditioning equipment, heaters*, and *heating equipment;* (2) *related parts, accessories, materials, and supplies;* and (3) *materials and supplies* used in the manufacture, production, and distribution of commodities named in (1) and (2) above (except commodities in bulk and those which because of size or weight require the use of special equipment), between Edison, N.J., and points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 133408 (Sub-No. 1), filed September 3, 1976. Applicant: SCOTT MOTOR TRANSPORT COMPANY, 33 High Street, Belfast, Maine 04915. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from South Portland, Maine, to points in Carroll, Coos, and Grafton Counties, N.H., and points in Caledonia, Essex, Franklin, Lamoille, Orange, Orleans, and Washington Counties, Vt., under a continuing contract, or contracts, with Dead River Company of Bangor, Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bangor or Portland, Maine, or Boston, Mass.

No. MC 133566 (Sub-No. 58), filed August 30, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from the plantsite and storage facilities utilized by Nabisco Confections, Inc., located at or near Cambridge, Mass., and Ashton, R.I., and Merchens Chocolate, Inc., at or near Mansfield, Mass., to points in Michigan, Ohio, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Tennessee, Texas, Oklahoma, Georgia, Florida, and St. Louis and Kansas City, Mo., and Kansas City, Kans., restricted to traffic originating at and destined to the above points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 133655 (Sub-No. 95), filed September 13, 1976. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter* (except commodities in bulk), from the plantsite of R. R. Donnelley & Sons, Inc., located at or near Old Saybrook, Conn., to points in the United States (except Alaska, Connecticut, Delaware, Hawaii, Maine, Maryland, New Hampshire, New Jersey, New York, Massachusetts, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133666 (Sub-No. 17), filed September 8, 1976. Applicant: JABCOBSON TRANSPORT, INC., a Minnesota corporation, 1112 Second Avenue South, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of N-Ren Corp., located at or near Dilworth, Minn., to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133965 (Sub-No. 7), filed September 9, 1976. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H St., N.W., No. 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Contra Costa and Los Angeles Counties, Calif., to points in Texas; and (2) *graphite*, liquid, in bulk, from Buckeye, Ariz., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Phoenix, Ariz.

No. MC 134282 (Sub-No. 17), filed September 13, 1976. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement products and gypsum products*, from New Orleans and Westwago, La., to points in Arkansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex.; New Orleans, La.; or Washington, D.C.

No. MC 134319 (Sub-No. 7), filed September 13, 1976. Applicant: BRAAFLADT TRANSPORT COMPANY, 301 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: Richard Hubbert, P. O. Box 2976, 1607 Broadway, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Farmland Industries located at or near Farnsworth, Tex., to points in Colorado, Kansas, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lubbock or Amarillo, Tex.

No. MC 134328 (Sub-No. 3), filed September 2, 1976. Applicant: D & G TRUCKING CO., INC., 1450 Hamilton Ave., P.O. Box 1004, Wynne, Ark. 72396. Applicant's representative: James N. Clay III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming and wading pools*, and *parts*

attachments and accessories therefor, from the plantsite of Doughboy Recreational, Inc., located at Helena, Ark., to points in Arizona, California, Nevada, New Mexico, Ohio, and Washington, under a continuing contract, or contracts, with Doughboy Recreational, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 134375 (Sub-No. 11) (Correction), filed May 14, 1976, published in the FEDERAL REGISTER issues of June 24, 1976, and republished September 2, 1976, as MC 134735 (Sub-No. 11), and republished as corrected this issue. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, P.O. Box 3044, Union Gap, Wash. 98903. Applicant's representative: Philip G. Skofstad, 18448 S.E. Pine Street, Portland, Oreg. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal or poultry feed, feed ingredients, and feed supplements* (except liquids in bulk, in tank vehicles), (1) from points in Oregon and Washington, to points in California; and (2) from points in California south of San Luis Obispo, Kern, and Inyo Counties, to points in Oregon and Washington.

NOTE.—The purpose of this republication is to change docket number MC 134375 (Sub-No. 11) in lieu of MC 134735 (Sub-No. 11), which was published in error. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 134387 (Sub-No. 34), filed July 12, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Bldg., 606 South Olive St., Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, between points in Arizona, California, Oregon, and Washington, restricted against the transportation of shipments moving between points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 119), filed September 16, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except commodities in bulk), from Los Angeles, Calif., and Denver, Colo., to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Brookings, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 120), filed September 16, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Edgar, Wis., to New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134922 (Sub-No. 194), September 2, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing articles and compounds* (except in bulk), between Altoona, Geraldine, and Hamilton, Ala., on the one hand, and, on the other, points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Alabama, Georgia, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Little Rock, Ark.

No. MC 134922 (Sub–No. 196), filed September 13, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display units for carpet samples, store displays, and display racks and stands*, from Little Rock, Ark., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 134922 (Sub–No. 197) filed September 10, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber articles and materials* (except in bulk, and those which because of size or weight require the use of special equipment), from Chillicothe, Ohio, to points in Arizona, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Columbus, Ohio.

No. MC 135241 (Sub-No. 2), filed September 13, 1976. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 9221 S.W. Barbur Blvd., Portland, Oreg. 97219. Applicant's representative: Donald E. Murray, 1039 Georgia-Pacific Blvd., 900 S.W. Fifth Avenue, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Oregon City, and Newberg, Oreg., to Los Angeles, Calif. and Salt Lake City, Utah, under a continuing contract or contracts with Publishers Paper Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 135486 (Sub-No. 16), filed September 13, 1976. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Terrence D. Jones, Suite 300, 2033 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, jewelry, and such other merchandise, equipment, and supplies* sold, used, or distributed by Avon Products, Inc., from the facilities of Avon Products, Inc., located at or near Springdale, Ohio, to the facilities of Avon Products, Inc., located at or near Monrovia and Pasadena, Calif., restricted to traffic transported under a continuing contract, or contracts, with Avon Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135633 (Sub-No. 10), filed September 10, 1976. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 2175 LeMoine Avenue, Fort Lee, N.J. 07024. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movement, in driveaway service, between points in Arizona, Nevada, Oregon, and Vermont, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135797 (Sub-No. 59), filed August 30, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Petrolcum sorbents, padding, and cushioning materials;* (b) *wallboard, insulation, and insulating materials;* (c) *mulch;* and (d) *equipment, materials, and accessories*, used in installation or application of commodities named in (b) and (c), from Cloquet, Minn., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont,

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Virginia, West Virginia, and the District of Columbia; and (2) *machinery, materials, equipment, and supplies*, used in or in connection with the manufacture, distribution, application, or use of the commodities named in (1) above, from points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to Cloquet, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Duluth, Minn.

No. MC 135833 (Sub-No. 14), filed August 30, 1976. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, Ind. 46219. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete*, from the facilities of Span-Deck of Indiana, Inc., a subsidiary of American Precast Concrete, Inc., located near Westfield, Ind., to points in Illinois, Kentucky, Michigan, Missouri, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 136155 (Sub-No. 4), filed September 7, 1976. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Savannah, Ga., to points in Florida, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Atlanta, Ga.

No. MC 136166 (Sub-No. 25), filed September 7, 1976. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Longview, Wash., to points in Idaho and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 136166 (Sub-No. 26), filed September 7, 1976. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., located at or near Pine Bend, Minn., to points in North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or St. Paul, Minn.

No. MC 136168 (Sub-No. 11), filed September 7, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packginhouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Wilson & Co., Inc., located at Cedar Rapids, Cherokee, and Des Moines, Iowa, and Monmouth, Ill., to points in Indiana, Michigan, and Ohio, restricted to traffic originating at the named plantsite; and (2) *returned shipments*, and *materials, supplies, and equipment* utilized in the manufacture, sale, and distribution of the commodities named in (1) above (except hides, commodities in bulk, and those requiring special equipment), on return, restricted to traffic destined to the named plantsite, under a continuing contract, or contracts, in (1) and (2) above with Wilson & Co., Inc.

NOTE.—Applicant has common carrier authority pending in No. MC 141641 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Oklahoma City, Okla.

No. MC 136273 (Sub-No. 6) (Correction), filed August 13, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, republished, as corrected this issue. Applicant: CORONADO TRUCKING COMPANY, INC., 307 Old County Road, Edgewater, Fla. 32032. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, frozen and meat and poultry products, and by-products, frozen;* and (2) *commodities*, the transportation of which is exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with the commodities described in (1) above, from points in the United States in and east of points in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas (except Connecticut, Maine, New Hampshire, Rhode Island, and Vermont), to points in California, under a continuing contract or contracts with Richmond Wholesale Meat Co.

NOTE.—The purpose of this republication is to indicate California as being the destination point in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 136343 (Sub-No. 92), filed September 1, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail department stores and *equipment, materials, and supplies* used in conduct of such business (except commodities in bulk), from the facilities of J. C. Penney Company, Inc., located at or near Ridgefield, N.J., to Atlanta and Forest Park, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York or Washington, D.C.

No. MC 136446 (Sub-No. 8), filed September 1, 1976. Applicant: PRINCETON MESSENGER SERVICE, INC., U.S. Route 1 and Farber Road, Princeton, N.J. 08540. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media, computer data, computer records, and computer materials, video tapes, film and printed matter, and materials, equipment, and supplies* used or useful in the manufacture and distribution of video tapes, film, and printed matter (except commodities in bulk), *parts, and inter-office communications*, in specialized delivery service, between points in Montgomery and South Brunswick Townships, N.J., and Plainsboro, N.J., points in Burlington and Mercer Counties, N.J., and Philadelphia, Pa., restricted against shipments having a prior or subsequent movement by air. NOTE.—Applicant states that it intends to tack the requested authority above with its existing irregular route authority, (1) in Sub No. 7 at points in Burlington County, N.J., to provide service on the requested commodities between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and its Commercial Zone, and (2) in Sub No. 1 at points in Mercer County, N.J., to transport office memoranda, office records, and computer data, between New York, N.Y., and Philadelphia, Pa.; and (3) in Sub No. 7 at points in Burlington County, N.J., to provide service on the requested commodities between points in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y., and its Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Trenton, N.J.

No. MC 138126 (Sub-No. 6), filed September 13, 1976. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street, N.W., Washington, D.C. 20005. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origins and destined to the above named destinations; and (2) from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to traffic originating at the above named origins and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record at Washington, D.C.

No. MC 138274 (Sub-No. 33), filed August 4, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distribution by meat packinghouses*, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Salt Lake City, Utah, to points in Arizona, California, Colorado, Nebraska, Nevada, Oregon, Texas, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC-138056 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 138415 (Sub-No. 14), filed September 9, 1976. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder, Box 321, Topeka, Ind. 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers*, from the plantsite of The Coleman Company, Inc., located in Somerset, Pa., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with The Coleman Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C.; Chicago, Ill. or Indianapolis, Ind.

No. MC 138469 (Sub-No. 28), filed September 9, 1976. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75254, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, flat not bent, and glass, glazing units*, from the facilities of or utilized by Guardian Industries Corporation, located at or near Carleton, Mich., to points in the United States (except the Lower Peninsula of Michigan, Alaska and Hawaii), restricted to the transportation traffic originating at the above named origin.

NOTE.—Applicant holds contract carrier authority in MC 136375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich.; Toledo, Ohio or Chicago, Ill.

No. MC 138898 (Sub-No. 2), filed September 1, 1976. Applicant: GEORGE A. PAYNE, INC., Box 161, Canandaigua, N.Y. 14424. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Piano parts*, from East Rochester, N.Y., to Oregon, Ill.; (2) *piano plates, iron and steel*, from Randolph, N.Y., to Oregon, Ill.; and (3) *veneers and lumber*, used in the manufacture of pianos, from points in Wisconsin, Illinois, and Michigan, to East Rochester, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Buffalo, or Rochester, N.Y.

No. MC 139084 (Sub-No. 11), filed August 17, 1976. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., 8516 40th Street, S.E., P.O. Box 8100, Station F, Calgary, Alberta, Canada T2J 2V2. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from points in Alberta, Canada through ports of entry on the International Boundary line between the United States and Canada located in Idaho, Minnesota, Montana, North Dakota, and Washington, to points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, restricted to traffic originating at points in the Province of Alberta, Canada.

NOTE.—Applicant holds contract carrier authority in MC 133599 and (Sub-No. 3), therefore dual authority may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Billings, Mont.

No. MC 140581 (Sub-No. 5), filed September 7, 1976. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Route No. 1, P.O. Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, between Los Angeles, Calif., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, South Carolina, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140829 (Sub-No. 23), filed September 13, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite or storage facilities utilized by Maverick Beef Packers, at or near Eagle Pass, Tex., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder.

No. MC 140829 (Sub-No. 24), filed September 13, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat by-products, and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsites and warehouse facilities utilized by Midstates Industries, Inc., at Sioux City, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, and Washington, D.C. restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

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NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140850 (Sub-No. 2) filed September 13, 1976. Applicant: JERRY STEWARD TRUCKING, INC., 2512 State Street, Cedar Falls, Iowa 50613. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feedstuffs, health aids, and feed ingredients*, (1) between Waterloo, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, restricted to traffic originating at or destined to the facilities of Geerlings Feed Mills, Inc. located at Waterloo, Iowa, (2) from the facilities of Kent Feeds, Inc. and Grain Processing Corporation located at Muscatine, Iowa, to Marshall, Mo., (3) from Kansas City, Mo., to the facilities of Kent Feeds, Inc. located in Muscatine, Iowa, (4) between Marshall, Mo., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Nebraska, and Oklahoma, (5) between Altoona and Des Moines, Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (6) between Waterloo, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 140869 (Sub-No. 6) filed September 3, 1976. Applicant: KERRI TRUCKING, INC., 162 Closter Dock Road, Closter, N.J. 07624. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic yarns*, from Dayton, Tenn., to Philadelphia, Pa.; and (2) *rugs, carpets and carpet padding*, from Philadelphia, Pa. and Trenton, N.J., to points in Alabama, Georgia, Kentucky, Tennessee and West Virginia; (1) and (2) above are under a continuing contract, or contracts, with General Felt Industries, Inc. of Saddlebrook, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141613 (Sub-No. 2) filed September 9, 1976. Applicant: CLIFFORD WILSON, doing business as C. W. TRANSPORTATION COMPANY, 6628 Priam Drive, Bell Gardens, Calif. 90201. Applicant's representative: Clifford Wilson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, wood and wire combined, knocked down, nested, and materials and supplies* used in the manufacturing thereof, between White City, Oreg., on the one hand, and, on the other, points in California, under a continuing contract, or contracts, with Martin Bros. Container & Timber Products Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 141641 (Sub-No. 2) filed August 30, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, M o. 65340. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail department stores (except foodstuffs and commodities in bulk), from points in Connecticut, Georgia, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Tennessee, to Akron, Canton and Mansfield, Ohio, restricted to traffic destined to the facilities and/or warehouses of, or utilized by, O'Neil's located at the above named destination points.

NOTE.—Applicant holds contract carrier authority in No. MC 136168 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 141764 (Sub-No. 2) filed August 27, 1976. Applicant: BLACKHAWK ENTERPRISES, INC., 853 Hancock Street, Hayward, Calif. 94544. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, food supplements, vitamins, cosmetics, plastic articles, printed materials and merchandise*, from Hayward, Calif., to Lyndhurst, N.J.; and (2) *empty bottles or jars*, from Baltimore, Md., and Millville, N.J., to Hayward, Calif., under a continuing contract, or contracts, with Shaklee Industrial Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held an San Francisco, Calif.

No. MC 141804 (Sub-No. 22), filed September 13, 1976. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass or plastic bottles and/or containers and articles* used in the closure thereof, in packages, from the plant sites of Carr-Lowrey Glass Co., located at Baltimore, Md., Wheaton Glass Co., located at Millville, N.J., Tech Industries, Inc., located at Woonsocket, R.I., and Sterling Seal Division of Ethyl Corp., located at Erie, Pa., to points in California and Phoenix, Ariz., restricted to traffic originating at the above locations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 25), filed September 13, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products*, from the plantsite and storage facilities utilized by Lorillard, located at or near Greensboro, N.C. and Louisville, Ky., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming and El Paso, Tex., restricted to shipments originating at the above named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif. or Nashville, Tenn.

No. MC 141979 (Sub-No. 2) (Correction), filed August 9, 1976, published in the FEDERAL REGISTER issue of September 16, 1976, republished as corrected this issue. Applicant: JOHN M. HARRIS, JR., Box 116, Buckingham, Va. 23921. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite, kyanite ore, mulite, and materials, supplies and equipment* used in the manufacture, distribution and sales of kyanite, kyanite ore, and mulite (except commodities in bulk in tank vehicles), between the plantsites of Kyanite Mining Corporation located at Appomattox, Buckingham and Prince Edward Counties, Va., on the one hand, and, on the other, points in California, Colorado, Illinois, Indiana, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Oregon, Kansas, Georgia, South Carolina, New Jersey, Pennsylvania, Texas, Utah and Wisconsin.

NOTE.—The purpose of this republication is to include Utah in the territorial description as being a destination point. If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 142008 (Sub-No. 2), filed September 13, 1976. Applicant: WILLIAM C. THOMAS, Route 1, Box 189, Trappe, Md. 21673. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic garden hose, and rolls of plastic*, from shipper's plants located in Brooklyn, N.Y., and Belleville, N.J., to points in Georgia, Illinois, Massachusetts, Missouri, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *scrap plastics*, from points in Georgia, Illinois, Massachusetts, Missouri, North Carolina, South Carolina, Tennessee and Virginia, to shipper's plants located in Brooklyn, N.Y., and Believille, N.J., under a continuing contract, or contracts, with Plymouth Apex Company, Inc., and its subsidiary, Flexon Industries Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or New York, N.Y.

No. MC 142108 (Sub-No. 1) filed September 2, 1976. Applicant: AVON CORRUGATED CORP., Campanelli Circle, Canton, Mass. 02021. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *bulk crackers* which consist of flour, shortening, malt, and salt, from Macon, Ga. to Canton, Mass., under a continuing contract or contracts with Handy Pak Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 142136 (Sub-No. 1) filed September 13, 1976. Applicant: DONALD M. FOSTER, doing business as D & E TRAILER TRANSPORT, 777 Temescal Street, Space 120, Corona, Calif. 91720. Applicant's representative: William J. Monheim, 15942 Whittier Boulevard, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, not exceeding eight (8) feet in width, in truckaway service, from points in Orange and San Bernardino Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141804 (Sub-No. 24) filed September 13, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or dealt in by retail donut stores, from the plantsite and storage facilities of Winchell's Donut House, Inc., located at or near La Mirada, Calif., to points in the United States on and east of U.S. Highway 85 (except Franklin Park, Ill.), restricted to traffic originating at the above named plantsite.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 14237 (Sub-No. 2) filed September 13, 1976. Applicant: PERMIT HAULERS, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Forth Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in hydraulic dump vehicles, from points in Oklahoma, to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 142289 (Sub-No. 2) filed September 2, 1976. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Rd., Toms River, N.J. 08753. Applicant's representative: Rita Tripodi (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass, formica panels, prefab woodwork, architectural trim, plastic and wooden trim, prefab shutters, plastic shutters, prehung doors and prehung windows, hardware, and materials and supplies* used in connection therewith (except crated commodities), from Lakewood, N.J., to the warehouse site of Level Line Inc. located at or near Allentown, Pa.; and (2) *returned and rejected materials*, from the warehouse site of Level Line, Inc. located at or near Allentown, Pa., to Lakewood, N.J., under a continuing contract, or contracts, with The Level Line, Inc. located at Lakewood, N.J.

NOTE.—Applicant holds contract carrier authority in No. MC 59570 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or New York City, N.Y.

No. MC 142353 (Sub-No. 1) filed September 14, 1976. Applicant: ADAMS SAND COMPANY, INC., Highway 90, General Delivery, Mossy Head, Fla. 32434. Applicant's representative: Edward Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hicalcium lime and dolomite lime*, from Marianna and Mossy Head, Fla., to points in Georgia and Alabama bounded on the east by Interstate Highway 75, on the south by U.S. Highway 98 and on the west by Interstate Highway 65; and (2) *fertilizer*, from Cottondale and Pensacola, Fla., to the destination points named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tallahassee, Jacksonville or Dothan, Fla.

No. MC 142381 (Sub-No. 1) filed August 31, 1976. Applicant: WAYNE E. BELL, an Individual, doing business as, WAYNE BELL, Box 34, Colusa, Ill. 63229. Applicant's representative: Edward G. Pree, 904–5 Myers Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, in open top vehicles, from points in Iowa on and south of U.S. Highway 30 ad on or east of U.S. Highway 69; from Hannibal, Mexico, Montgomery City, Marshall and Smithton, Mo.; and Kansas City, Kans., to the facilities of Cargill, Inc. located at or near Carthage, Ill., under a continuing contract, or contracts, with Cargill, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 142399 filed August 18, 1976. Applicant: ELLERBROCK TRUCKING INC., Highway 20 East, P.O. Box 6, Sac City, Iowa 50583. Applicant's representative: Paul Ellerbrock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, and parts, materials and supplies* used in the manufacture thereof, between points in the territory bounded by a line beginning at Omaha, Nebr., thence over Interstate Highway 29 to Sioux City, Iowa, thence over U.S. Highway 75 to junction Iowa Highway 60, thence along Iowa Highway 60 to Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 71, thence along U.S. Highway 71 to Jackson, Iowa, thence over U.S. Highway 71 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to Parkersburg, Iowa, thence over Iowa Highway 14 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 65, thence over U.S. Highway 65 to Des Moines, Iowa, thence over Interstate Highway 235 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., including service to points in all cities named, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., Des Moines, or Sioux City, Iowa.

No. MC 142401 filed August 18, 1976. Applicant: OCEAN TERMINALS, INC., 322 Grosvenor House, Seattle, Wash. 98121. Applicant's representative: Joseph Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value and Classes A and B explosives), (1) between points in the Port of Tacoma, Wash.; and (2) between points in the Port of Tacoma, Wash., on the one hand, and, on the other points in the City of Tacoma, Wash., restricted to traffic having a prior or subsequent movement by water to or from Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142411 filed September 8, 1976. Applicant: LARRY DEAN FRIESE, doing business as FRIESE CONSTRUCTION COMPANY, Route No. 2, P.O. Box 190B, Daphne, Ala. 36526. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, asphalt and road base materials*, in bulk, in dump vehicles, from points in Baldwin, Mobile, Escambia, Monroe, Conecuh, Clark, and Washington Counties, Ala., to points in Florida on and west of U.S. Highway 231 and points in Mississippi on and south of U.S. Highway 80.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Mobile, Ala. or Atlanta, Ga.

No. MC 142426, filed August 25, 1976. Applicant: C. T. DYKES, doing business as DYKES GARAGE, 2200 W. Vickery, Fort Worth, Tex. 76102. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked, disabled or repossessed motor vehicles, trailers or semi-trailers;* and (b) *replacement vehicles to replace wrecked or disabled motor vehicles, trailers or semi-trailers*, between points in Texas on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 142429, filed September 7, 1976. Applicant: HORACE G. STROUD, doing business as STROUD TRUCK SERVICE. 11030 Weaver Street, South El Monte, Calif. 91733. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in mechanically refrigerated equipment, (1) from points in Franklin and St. Lawrence Counties, N.Y., and points in Minnesota and Wisconsin, to points in California; and (2) from points in Wisconsin, to points in Cache County, Utah, under a continuing contract, or contracts, with F. L. Bolzern Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142439, filed September 1, 1976. Applicant: TRUCKING SERVICES, INC., 26400 Van Born Road, Dearborn Heights, Mich. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, between Livonia and Grand Rapids, Mich., and Michigan City, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin, under a continuing contract, or contracts, with Erb Lumber Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich. or Chicago, Ill.

No. MC 142440, filed August 23, 1976. Applicant: SPURLING AVIATION, INC., 8403 Perimeter Road South, Seattle, Wash. 98188. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Building, 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Pierce, King, Snohomish, Skagit, and Whatcom Counties, Wash., restricted to traffic having an immediately prior or subsequent movement by air, and further restricted to individual shipments weighing 500 pounds or less.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bellingham, Everett, or Seattle, Wash.

No. MC 142434, filed August 30, 1976. Applicant: STEINWAY TRUCKING, INC., 41–06 Nineteenth Avenue, Astoria, N.Y. 11105. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building glass*, from points within the New York, N.Y. Commercial Zone, as defined by the Commission in the fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which local operations may be conducted under the the exemption provided in Sections 203(b)(8) of the Act (the exempt zone), to points in Connecticut, New Jersey, Massachusetts, Rhode Island, and that part of Pennsylvania on and east of U.S. Highway 15, and that part of New York within 100 miles of New York, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 36629, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142443, filed September 8, 1976. Applicant: HOLSTON BROTHERS, INC., 13711 Travilah Road, Rockville, Md. 20850. Applicant's representative: Barry Roberts, 888 17th Street, NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potting soils, top soil, marble chips, limestone and chemical fertilizers*, and (2) *peat moss and manure*, otherwise except from economic regulations when moving in mixed loads with the commodities named in (1) above, (except commodities in bulk), from Sussex and Newton, N.J., Toughkenamon, Pa., and points in Montgomery County, Md., to points in Maryland and Virginia, under a continuing contract or contracts, with Continental Peat Company and Leafco.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142448, filed August 30, 1976. Applicant: W & T TRUCKING, 95 McKinley Avenue, Lodi, N.J. 07644. Applicant's representative: Walter Woods, 103 McKinley Avenue, Lodi, N.J. 07644. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, from South Hackensack, N.J., to New York City and Long Island, N.Y., under a continuing contract, or contracts, with Tension Envelopes located at South Hackensack, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 142450, filed August 25, 1976. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1119, San Jose, Calif. 95113. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and mail order houses (except commodities in bulk and commodities requiring special equipment), between warehouses and distribution terminals of Montgomery Ward, located at San Leandro, Sacramento, Fresno, San Diego, Los Angeles and Garden Grove, Calif., on the one hand, and, on the other, points in California, under contract with Montgomery Ward.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 142450 (Sub-No. 1), filed August 25, 1976. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1119, San Jose, Calif. 95113. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and mail order houses (except commodities in bulk and commodities requiring special equipment), between Los Angeles, Calif., on the one hand, and, on the other, points in California, restricted to services to be performed under a continuing contract or contracts with Sears Roebuck and Company. Note: If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 142451, filed September 2, 1976. Applicant: JAMES L. SMITH AND JERRY ATTKISSON, a partnership, doing business as SMITH AND ATTKISSON TRUCKING COMPANY, Route 2, Columbia, Tenn. 38401. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gravel*, in bulk, in dump vehicles, from Franklin County, Ala., to Maury County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 142483, filed September 7, 1976. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 28601, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. 28601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Communications cable* (except commodities in bulk and those which because of size or weight require special equipment), from the plantsite and manufacturing facilities of COMM/SCOPE Company, located at or near Sherrills Ford, N.C., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *materials and supplies*, used in the manufacture of the commodity named in (1) above (except commodities in bulk and those which because of size or weight require special equipment), from Arkansas, Illinois, Indiana, Kansas, Louisiana, Missouri, Ohio, Texas and Wisconsin, to the origin point named in (1) above, under a continuing contract, or contracts, with COMM/SCOPE Company, Inc.

NOTE.—Applicant holds common carrier authority in MC–123872 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Washington, D.C.

No. MC 142468, filed September 13, 1976. Applicant: TRANS-CON, INC., P.O. Box 1828, Anchorage, Alaska 99510. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, and machinery, equipment, materials and supplies* used in or in connection with the exploration, discovery, drilling, development and production of natural gas and petroleum and their products and by-products, between points in Alaska, restricted to a transportation service to be performed under a continuing contract or contracts with Dowell, a Division of Dow Chemical Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Anchorage, Alaska.

No. MC 142469, filed September 9, 1976. Applicant: JERRY LEE BULLOCK, doing business as, BULLOCK TOWING, 101 Foothills Road, Lake Oswego, Oreg. 97034. Applicant's representative: Jerry R. Woods, 200 Market Bldg., Suite 1440, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and replacement vehicles* for wrecked and disabled vehicles, between points in Multnomah, Clackmas and Washington Counties, Oreg., on the one hand, and, on the other, points in California, Idaho and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

PASSENGER APPLICATIONS

No. MC 59717 (Sub-No. 8) (clarification), filed August 4, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, republished as clarified this issue. Applicant: JACKSONVILLE BUS LINE COMPANY, a corporation, 2106 East Cornell Street, Springfield, Ill. 62703. Applicant's representative: Melvin Routman, 300 Reish Building, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in charter and special operations, in all expense sightseeing and pleasure tours, between points in Hancock, McDonough, Fulton, Peoria, Tazewell, Mason, Menard, Sangamon, Cass, Brown, Schuyler, Adams, Morgan, Calhoun, Pike, Scott, Macoupin, Greene, Jersey, Montgomery, Madison, St. Clair, Logan, McLean, and Dewitt Counties, Ill., Marion, Lewis, and St. Louis Counties, Mo., including the St. Louis-East St. Louis, Mo.-Ill. Commercial Zone and Lee County, Iowa, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to clarify the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Springfield, Ill. The application is filed with applicant's initial verified statements.

No. MC 124370 (Sub-No. 6), filed September 9, 1976. Applicant: ACE TRANSPORTATION CO., INC., P.O. Box 328, 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers; and (2) *baggage* of passengers in a separate vehicle, in charter operations, beginning and ending at points in Cerror Gordo, Emmet, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth, and Wright Counties, Iowa, and extending to points in Colorado, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, South Dakota, Wisconsin, and Wyoming, and points on the International Boundary line between the United States and the Republic of Mexico, restricted in (1) and (2) above to a transportation in school bus type vehicles.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 142373, filed August 2, 1976. Applicant: QUINTON NUNN, doing business as LUXURY CRUISE TO O'HARA, 2035 W. 15th Avenue, Gary, Ind. 46407. Applicant's representative: Thomas V. Barnes, 526 Washington, Street, Gary, Ind. 46402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in individual and group operations, between Gary, Ind., and O'Hara International Airport, located at Chicago, Ill. serving no intermediate points: From Gary over Interstate Highways 94 (also Interstate Highway 80), to the O'Hara International Airport, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Gary, Ind. or Chicago, Ill.

No. MC 142430, filed September 7, 1976. Applicant: WESTERN BUS LINES (PORT ALBERNI) LTD., 4521 10th Avenue North, Port Alberni, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle with passengers, in round trip charter operations, beginning and ending with respect to those points located in the United States, at or near Port Angeles, Blaine, and Sumas, Wash., and the International Boundary line between the United States and Canada located at Port Angeles, Blaine, and Sumas, Wash., and extending to points in California, Nevada, Oregon, and Washington, restricted to traffic originating at and destined to Vancouver Island, B C, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

BROKER APPLICATIONS

No. MC 130408, filed August 25, 1976. Applicant: NORTH CENTRAL OHIO AAA, 377 West Liberty St., Wooster, Ohio 44691. Applicant's representative: Gerald P. Wadkowski, 85 East Gay St., Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Wooster, Orrville, Lodi, and Medina, Ohio, to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operations, in all expense tours, by motor, rail, and air, beginning and ending at points in Medina County, Ohio, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wooster, Medina, or Columbus, Ohio.

No. MC 130409, filed September 9, 1976. Applicant: CHARLOTTE VISI-TOURS, INC., 719 Madras Lane, Charlotte, N.C. 28211. Applicant's representative: Mary R. Brock (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Charlotte, N.C., to sell or offer to sell the transportation of individual passengers and groups of *passengers and their baggage*, in special and charter operations, in all expense tours, by motor carrier, beginning and ending at points in Mecklenburg County, N.C., and extending to points in Georgia, South Carolina, and Virginia, restricted to a maximum of two nights and 3 days per trip.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 130410, filed August 30, 1976. Applicant: CORPORATE TRAVEL SERVICE, INCORPORATED, Suite 1202W, One Parklane Blvd., Dearborn, Mich. 48126. Applicant's representative: Joseph O. DiFranco (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Dearborn, Mich., to sell or offer to sell the transportation of *passengers and their baggage*, both as individuals and in groups by motor carriers, from points in the counties of Wayne, Oakland, Macomb, Genesee, Shiawassee, Livingston, Jackson, Washtenaw, Monroe, Lenawee, and Hillsdale, to points in the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 130411, filed September 7, 1976. Applicant: B. J. MARSH, doing business as MARSH TRAVEL, 320–A South Kimbrough, Springfield, Mo. 65806. Applicant's representative: Christopher J. Stark, 1722–RR South Glenstone, Springfield, Mo. 65804. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Springfield and Nixa, Mo., to sell or offer to sell the transportation of *passengers*, as individuals and in groups, *and their baggage* in the same vehicle with passengers, in special and charter operations, by motor carrier, between points in Christian and Greene Counties, Mo., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield or Kansas City, Mo.

WATER CARRIER APPLICATION

No. W–1306 (Sub-No. 1), filed August 27, 1976. Applicant: PORT OF CASCADE LOCKS, P.O. Box 307, Cascade Locks, Oreg. 97014. Applicant's representative: R. L. Rombalski (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *passengers*, in charter and special sight-seeing operations, by self-propelled tour boat, (1) between ports and points along the Columbia River from Astoria, Oreg., to Priest Rapids Dam in Washington; (2) between ports and points along the Willamette River from Salem, Oreg., to its confluence with the Columbia River at Portland, Oreg.; (3) between ports and points along the Snake River from its confluence with the Columbia River in Washington to the Hellsgate Marina four miles up the Snake River from its confluence with the Clearwater River in Idaho; and (4) between ports and points along the Clearwater River from its confluence with the Snake River to river mile one.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–11874 (Correction to notice published in the May 23, 1976, issue of the FEDERAL REGISTER). The order of Division 3 served August 13, 1976, as modified by the order of Division 3 served September 24, 1976, requires republication in the FEDERAL REGISTER of notice of the application. Notice should read as follows: Authority sought for control and merger by MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050, of CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, CA 94025, for acquisition by ROLLINS INTERNATIONAL INC., One Rollins Plaza, Wilmington, DE 19899, of control of CF TANK LINES, INC., through the acquisition by MATLACK, INC. Applicants' attorney and representatives: Harry C. Ames, Jr., Suite 805, 666 11th St., N.W., Washington, DC 20001, Allen H. Knouft, 10 W. Baltimore Ave., Lansdowne, PA 19050, and John C. Peet, Jr., P.O. Box 1791, Wilmington, DE 19899. Operating rights sought to be controlled and merged: *Commodities*, in bulk, in tank or hopper-type vehicles; compressed gas (other than liquified petroleum gas) in shipper-owned or government-owned compressed gas trailers; grain or feed, in bulk, in tank or hopper-type vehicle; acids and chemicals in bulk, in tank vehicles; petroleum products, in bulk, in tank or hopper vehicles; anhydrous ammonia, in bulk, in tank vehicles; animal feed, in tank or hopper vehicles; asphalt, asphalt emulsion and road oil in bulk, in tank vehicles; aviation gasoline, in bulk, in tank vehicles; cherries, in bulk, in brine, in tank vehicles; coconut oil fatty acids, in bulk, in tank vehicles; liquid sugar, in bulk, in tank vehicles, with certain specified exceptions, *and numerous other specified bulk commodities*, as a *common carrier*, over regular and irregular routes, including certain alternate routes for operating convenience only, from, to, and between specified points in all States in the United States (excluding Alaska, Hawaii, Maine, New Hampshire, South Carolina, and Vermont), including the District of Columbia, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 136166 and subnumbers thereunder, and as held by CF TANK LINES, INC., pursuant to the Commission's report and order in No. MC–FC–72111, CF TANK LINES, Transferee, and Consolidated, Transferor, 109 M.C.C. 688 (1971). MATLACK, INC., is authorized to operate as a *common carrier* in all points of the United States (except Alaska and Hawaii). This notice does not purport to be a complete description of all of the operating rights of the carrier involved. If questions arise with respect to the specific authorities of applicants, inquiries should be made to the Commission in Washington, D.C., or at its field offices. The aforegoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of CF TANK LINES, INC.'s Operating rights, without stating, in full, the entirety, thereof.

No. MC–F–12951. (Correction) B AND P MOTOR LINES, INC.—purchase—(B) Forest Dale Motors, Inc. and for—Control and Merger—with (BB) Shelby Motor Lines, Inc., published in the September 9, 1976 FEDERAL REGISTER. Notice should exclude the transaction involving B AND P Motor Lines Inc., request to purchase Forest Dale Motors Inc. Proceeding should be titled authority sought by B and P Motor Lines, Inc. to control and merge with Shelby Motor Lines, Inc.

No. MC–F–12953. (Correction) (RED BALL MOTOR FREIGHT, INC.—Purchase (portion)—Thunderbird Freight Lines, Inc. and Thunderbird Southwest Corporation), published in the September 16, 1976 FEDERAL REGISTER. Notice should read as follows: *between junction Arizona Highway 264 (formerly unnumbered highway) and unnumbered highway near St. Michaels, Ariz., and Fort Defiance, Ariz., serving all intermediate points* instead of * * * between junction Arizona Highway 264 (formerly unnumbered highway) and unnumbered highway over unnumbered highway via Window Rock, Ariz., to Fort Defiance, and return over the same route.

No. MC–F–12974. Authority sought for purchase by TAKIN BROS. FREIGHT LINES, INC., 2126 Commercial Street, Waterloo, Iowa, 50702, of a portion of the operating rights of Chi-Fli, Inc., 3611 South Normal Street, Chicago, IL., 60605, and for acquisition by Allen E. Kroblin, Thomas E. Kroblin, Loyal H. Frisch, and Kenneth L. Schadle, all of 2125 Commercial St., Waterloo, IA., 50702, of control of such rights through the purchase. Applicants' attorney and representatives: Allen E. Kroblin, President, 2125 Commercial St., Waterloo, IA., 50702, John P. Rhodes, Registered Practitioner, 2125 Commercial St., Waterloo, IA., 50702, and H. Neil Garson, Attorney, 1400 North Uhle St., Arlington, VA., 22201. Operating rights sought to be transferred: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over irregular routes between Whiting, Ind. (except those points in the Whiting, Ind. Comerical Zone), on the one hand, and, on the other, Louisville, Ky., and points in Indiana. Vendee is authorized to operate as a *common carrier* in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Nebraska, New Jersey, New York, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12985. Authority sought for purchase by B and P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C., 28043 of the operating rights of Forest Dale Motors, Inc., Route 4, Box 374, Forest City, N.C. 28043, and for acquisition by R. D. Workman, Coy Lambert and Alma Mooree Workman, all of the Forest City, N.C., 28043, address of control of such rights through the purchase. Applicant's attorney: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, GA., 30342. Operating rights sought to be transferred: *New Furniture, crated and uncrated*, and *furniture parts*, as a *common carrier* over irrigular routes from points in McDowell County, North Carolina to points in Rutherford County, North Carolina with no transportation for compensation on return except as otherwise authorized; from Forest City, Rutherford County, North Carolina to points in that part of North Carolina west of U.S. Highway 220, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in all the States in the United States including District of Columbia but excluding Alaska and Hawaii. Application has been filed for temporary authority under Section 210a(b).

NOTE.—No. MC–106074 (Sub–Nos. 26 and 27) is a directly related matter.

No. MC–F–12887. Authority sought for control by JOHN L. ANTHONY AND CHARLES H. MCCANTA, (both noncarriers), as individuals, 5050 First Avenue South, Seattle, Washington, 98134 of (B) Western Cartage, Inc., and (BB) Amac Trucking Incorporated, dba ATI, both located at 5050 First Avenue South, Seattle, Washington, 98134, and for acquisition by Charles H. McCanta and John L. Anthony, both of 5050 1st Ave., So., Seattle, WA., 98134, of control of (B) Western Cartage, Inc., and (BB) Amac Trucking Incorporated, dba ATI, by the acquisition by Charles H. McCanta and John L. Anthony. Applicants' attorney: George H. Hart, 1100 IBM Building, Seattle, WA., 98101. Operating rights sought to be controlled: (B) *General commodities*, except household goods as defined by the Commission and commodities in bulk, as a *common carrier* over irregular routes from Seattle, Wash., to points in King, Pierce, and Snohomish Counties, Wash., with no transportation for compensation or return except as otherwise authorized, with restrictions. On September 17, 1976 the applicants filed a petition to eliminate the dual operation problem between Western Cartage, Inc. and Amac Trucking Incorporated by imposing the following restriction on Western's Sub-No. 2 authority: restriction: Restricted against the transportation of traffic which either originates at or is destined to premises owned, or operated by Sears Roebuck & Co. (BB) *Such merchandise as is dealt in by mail order houses and retail stores, and equipment, materials, and supplies* used in the conduct of such business as a *contract carrier* over irregular routes between Seattle, Wash., on the one hand, and, on the other, Arlington, Bellingham, Bremerton, Chehalis, Cle Elum, Ellensburg, Enumelaw, Ephrata, Everett, Grandview, Lakewood, Longview, Marysville, Monroe, Moses Lake, Mount Vernon, Olympia, Pasco, Prosser, Puyallup, Richland, Snohomish, Spokane, Summer, Sunnyside, Tacoma, Union Gap, and Walla Walla, Wash.; Albany, Baker, Corvallis, Eugene, Hermiston, La Grande, Ontario, Pendleton, Portland, Salem, and Woodburn, Oreg.; and American Falls, Blackfoot, Boise, Burley, Caldwell, Coeur d' Alene, Idaho Falls, Mountain Home, Nampa, Pocatello, and Twin Falls, Idaho, John L. Anthony and Charles H. McCanta hold no authority from this Commission. However, applicants jointly own, in equal shares all of the capital stock in Western Cartage, Inc., and are also controlling stockholders of Amac Trucking Incorporated. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12988. Authority sought for merger by SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA., 24401 with Brady Motorfrate, Inc., 2150 Grand Avenue, Des Moines, IA., 50312, and for acquisition by R.R. Smith, P.O. Box 1000, Staunton, VA., 24401, of control of such rights through the merger. Applicants' attorney: Francis W. McInerny, Suite 502, Solar Building, 1000 16th Street, NW., Washington, D.C., 20036. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Missouri, Illinois, Nebraska, Iowa, Minnesota, Ohio, South Dakota, Kansas, Kentucky, Indiana, Michigan, Kansas, Wisconsin, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Delaware, Connecticut, Massachusetts, Rhode Island, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over three alternate routes for operating convenience only, and more specifically described in Docket No. MC 52110 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, The District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

Application has not been filed for temporary authority under section 210a(b).

NOTE.—In MC–F–11851, a decision and order was served on December 11, 1974 granting Smith's Transfer Corporation control of Brady Motorfrate, Inc.

NOTICE

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, 114 Sansome Street, San Francisco, California 94104, represented by Mr. Frederick G. Pfrommer, General Attorney, The Atchison, Topeka and Santa Fe Railway Company, 114 Sansome Street, San Francisco, California 94104 hereby give notice that on the 23rd day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over a line of railroad of the Southern Pacific Transportation Company between Richmond, Contra Costa County, and Oakland, Alameda County, California, a distance of approximately 8.5 miles. The application has been assigned Finance Docket No. 28300. In Docket No. AB–52 (Sub-No. 8), applicant filed a directly related application for authority to abandon a line of railroad between Richmond, Contra Costa County, and Oakland, Alameda County, California.

Approval of the application will be consistent with the public interest in that it will enable applicant to remove a line located in significant part in residential areas and transfer operations currently conducted on that line to a line of Southern Pacific which is better located and better suited for the purpose. The consummation of the related trackage rights and abandonment proposals will result in a minimal loss of traffic and a minimal increase in the use of alternate transportation modes. It will eliminate safety hazards attendant with 59 street crossings at grade, transferring the operation to a line with only 15 crossings at grade. It will also allow removal of rails located in part within the streets of the City of Berkeley, long considered by the residents of that city as a safety hazard and a psychological barrier dividing residential areas within the community.

In the opinion of the applicant, the authority sought by these applications will have no significant effect upon the quality of the human environment within

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the meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the Federal Register; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 4491 (Sub-No. 17), filed August 25, 1976. Applicant: GREAT COASTAL EXPRESS, INC., 501 South 14th Street, Richmond, Va. 23219. Applicant's representative: David G. Macdonald, 10000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). (1) Between Charlottesville, Va. and Roanoke, Va.: From Charlottesville, Va. over U.S. Highway 250 to junction Interstate Highway 81, thence over Interstate Highway 81 to Roanoke, Va., and return over the same route; (2) Between State Road, Del. and Norfolk, Va.: (a) From State Road, Del. over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., thence over Interstate Highway 64 to Norfolk, Va., and return over the same route; and (b) From State Road, Del. over connecting Highway to junction Interstate Highway 95, thence over Interstate Highway 95 to Richmond, Va., thence over Interstate Highway 64 to Norfolk, Va., and return over the same route; (3) Between Washington, D.C. and Charlottesville, Va.: From Washington, D.C. over Interstate Highway 95 to Richmond, Va., thence over Interstate Highway 64 to Charlottesville, Va., and return over the same route; and (4) Between Washington, D.C. and Lynchburg, Va.: From Washington, D.C. over Interstate Highway 95 to junction U.S. Highway 360, thence over U.S. Highway 360 to junction U.S. Highway 460, thence over U.S. Highway 460, to Lynchburg, Va., and return over the same route.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12942 published in the FEDERAL REGISTER issue of September 2, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 391), filed August 13, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Houston, Tex., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Hope, Ark., points in Arkansas or Louisiana along the Mississippi and Tennessee Rivers.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12877, published in the FEDERAL REGISTER issue of July 22, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Birmingham, Ala.

No. MC 119914 (Sub-No. 21), filed June 28, 1976. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between the Minneapolis-St. Paul, Minn., Commercial Zone, and Moose Lake, Minn., serving the intermediate point of Rutledge and the off-route points of Rush City, Rock Creek, Pine City, Beroun, Hinckley, Friesland, Sandstone, Willow River, Sturgeon Lake, Duxbury, St. Croix State Forest, and St. Croix Park, Minn.: (a) From Minneapolis-St. Paul over U.S. Highway 61 to Moose Lake, and return over the same route; and (b) From Minneapolis-St. Paul over Interstate Highway 35 to Moose Lake, and return over the same route; and (2) Between Rush City, Minn., and Duluth, Minn., serving the off-route points of Rock Creek, Pine City, Beroun, and Hinckley, Minn.: (a) From Rush City to Duluth over U.S. Highway 61, and return over the same route; and (b) From Rush City over Interstate Highway 35 to Duluth, and return over the same route, restricted in (1) and (2) against the transportation of traffic originating at, destined to, or interlined at Duluth, Minn., and points in its commercial zone, as defined by the Commission, on the one hand, and, on the other, originating at, destined to, or interlined at St. Paul, Minn., and points in its commercial zone, as defined by the Commission.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in MC-F-12856, published in the FEDERAL REGISTER issue of June 17, 1976. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 129287 (Sub-No. 1), filed August 26, 1976. Applicant: EUGENE TRIPP, Route 4, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Bldg., Missoula, Mont. 59801. Authority sought to operate as a *commin carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising materials* when travelling in the same vehicle with malt beverages, (a) from Seattle and Tacoma, Wash., to points in California, Idaho, Montana, and Wyoming; and (b) from Azusa and San Francisco, Calif., St. Paul, Minn., and Milwaukee, Wis., to Great Falls, Billings, Butte and Helena, Mont.; and (2) *empty containers*, from points in California, Idaho, Montana, and Wyoming to Seattle and Tacoma, Wash.; Azusa and San Francisco, Calif.; St. Paul, Minn.; and Milwaukee, Wis.

NOTE.—The purpose of this application is to convert a Permit to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12958 published in the FEDERAL REGISTER issue of September 23, 1976. If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-6 (Sub-No. 37)]

BURLINGTON NORTHERN, INC. ABANDONMENT BETWEEN CARLTON AND WEST DULUTH IN CARLTON AND ST. LOUIS COUNTIES, MINNESOTA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on August 19, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 ICC 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of its line of railroad, a distance of approximately 14.59 miles, between milepost 130.82 near Carlton, Minnesota, and milepost 145.41 near West Duluth, Minnesota, on the north end of the line located in Carlton and St. Louis Counties, Minnesota. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad. If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-9 (Sub-No. 5)]

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY—ABANDONMENT BETWEEN MULBERRY AND PITTSBURG, KANS., SERVING MINDENMINES, BARTON COUNTY, MO.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on August 10, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q.R. Co., Abandonment, 257 ICC 700, the present and future public convenience and necessity permit the abandonment by the St. Louis-San Francisco Railway Company County, Missouri, to Pittsburg, Crawford County, Kansas, and Barton County, Missouri, running in a southerly direction from milepost M-124.0 at Mulberry, Kansas, through Mindenmines, Barton County, Missouri, to Pittsburg, Crawford County, Kansas, at milepost M-136.7 a distance of approximately 14 miles. A certificate of abandonment will be issued to the St. Louis-San Francisco Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad. If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 22)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT IN THE CITY OF CLAREMONT, LOS ANGELES COUNTY, CALIFORNIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on August 31, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 ICC 700, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of a portion of its line from milepost 514.37 to milepost 515.42, a distance of 1.05 miles in the City of Claremont, Los Angeles County, California. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to

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enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-28]

CENTRAL OF GEORGIA RAILROAD COMPANY—ABANDONMENT BETWEEN LAFAYETTE AND ROANOKE, ALABAMA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 19, 1976, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Central of Georgia Railroad Company of operations of that portion of its line of railroad beginning at milepost T-339.66, near the northern edge of Lafayette, Alabama, to the end of the line at milepost T-358.42, at Roanoke, Alabama, a distance of 18.76 miles. A certificate of abandonment will be issued to the Central of Georgia Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-59206 (Deviation No. 5), HOLLAND MOTOR EXPRESS, INC., 750 E. 40th St., Holland, Mich. 49423, filed September 14, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kalamazoo, Mich., over Interstate Highway 94 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 127, thence over U.S. Highway 127 to Eaton, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent, service route as follows: From Kalamazoo, Mich., over U.S. Highway 131 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Michigan Highway 78, thence over Michigan Highway 78 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Indiana Highway 6, thence over Indiana Highway 6 to junction Indiana Highway 3, thence over Indiana Highway 3 to Fort Wayne, Ind., thence over U.S. Highway 27 to Richmond, Ind., thence over U.S. Highway 35 to Eaton, Ohio, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seeks concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

South Carolina Docket No. 76-534-T filed September 24, 1976. Applicant: G. & P. TRUCKING COMPANY, INC., P.O. Drawer 338, Greenwood, S.C. 29646. Applicant's representative: Howard L. Burns, P.O. Drawer 1207, Greenwood, S.C. 29646. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Commodities in general* over irregular routes (except petroleum products in bulk in tank trucks, high explosives and other dangerous commodities and household goods as defined in motor freight tariff 8-A, S.C.P.S.C.—MF 26), between points and places in Charleston County, S.C. and between points and places in Charleston County and points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the South Carolina Public Service Commission, P.O. Box 11649, Columbus, S.C.

29211 and should not be directed to the Interstate Commerce Commission. Note: Applicant is presently serving as a motor vehicle carrier in intrastate commerce, together with the extent to which applicant is seeking authority in connection with such intrastate operations to engage in transportation in interstate and foreign commerce under Certificate of Registration No. MC 60709 (Sub-No. 7), pursuant to the following provision, among others: Commodities in general, over irregular routes (except petroleum products in bulk in tank trucks, high explosives and other dangerous commodities and household goods as defined in motor freight tariff 8-A S.C.P.S.C.—MF 26), from points and places in Charleston County, S.C., to points and places in Anderson, Cherokee, Greenville, Greenwood, Oconee, Pickens and Spartanburg Counties, S.C.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30160 Filed 10-14-76;8:45 am]

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FRIDAY, OCTOBER 15, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

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EMERGENCY SCHOOL AID CRITERIA AND PROCEDURES

V41 I201 OCT 15 76 UM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 185]

EMERGENCY SCHOOL AID

Proposed Criteria and Procedures

Pursuant to the authority contained in the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92–318, as amended by Pub. L. 93–380; 20 U.S.C. 1601–1619), the Assistant Secretary for Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 185 of the Code of Federal Regulations as set forth below.

1. *Purpose of amendments.* The purpose of the proposed amendments is to establish, as a part of the codified regulations governing programs of assistance under sections 706(a), 706(b), 708(b), and 708(c) of the ESAA, standards for the minimum acceptable merit of applications for such assistance, and procedures for evaluating such applications. The standards and procedures in the proposed amendments are similar to those used in fiscal years 1975 and 1976 pursuant to a notice published at 40 FR 20660 on May 12, 1975. They differ from the approach used in fiscal years 1975 and 1976 in two principal respects. First, standards and procedures are established for the program authorized by section 708(c) of the ESAA (bilingual projects). Second, a larger portion of funds appropriated for each program is reserved for competition among applicants whose initial applications are not approved.

2. *Public participation.* Public comments on these procedures were invited in fiscal year 1975 (40 FR 20660, May 12, 1975). The procedures, establishment of minimum cut-off scores and establishment of a reservation of funds for resubmitted applications, have been the practice since fiscal year 1974. Section 710 (d)(2) of Pub. L. 92–318 requires that funds shall not all be obligated during the first review and funding of applications in order that applicants shall have appropriate opportunity to modify and resubmit their applications. No public comments on these procedures have been received.

3. *Citations to legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)), a citation to the legal authority for each substantive provision of the proposed amendments has been placed in parentheses on the line immediately following the text of such provisions. Each citation applies to the text of the regulations between that citation and the next preceding citation.

4. *Comments invited.* Pursuant to section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232 (b)(2)(A)), written comments and recommendations concerning the proposed amendments are invited from interested parties. Comments may be sent to Dr. Herman R. Goldberg, Associate Commissioner, Equal Educational Opportunity Programs, Room 2001, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

All comments must be received not later than November 29, 1976. Comments will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week.

(It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflation Impact Evaluation.)

(Catalog of Federal Domestic Assistance Numbers 13.525 Emergency School Aid—Basic Grants, 13.526 Emergency School Aid—Pilot Projects, 13.528 Emergency School Aid—Bilingual projects, 13.529 Emergency School Aid—Nonprofit Organizations.)

Dated: August 31, 1976.

PHILIP AUSTIN,
Assistant Secretary for Education.

Approved: October 7, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

1. In § 185.14, paragraph (c) is revised to read as follows:

§ 185.14 Criteria for assistance.

* * * * *

(c) *Funding criteria and procedures.* (1) In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall consider:

(i) The additional cost to such applicants (as such cost is defined in § 185.13 (a) of effectively carrying out its proposed program, project, or activity; and

(ii) The amount of funds available for assistance under this subpart within the State in relation to other applications from the State pending before the Assistant Secretary.

(2) An application for assistance under this subpart will be considered to set forth a program, project, or activity of such insufficient promise for achieving the purpose of the Act that its approval is not warranted, and shall not be approved for funding, if such application has been awarded:

(i) fewer than 40 points on the basis of the criteria in paragraphs (a) and (b) of this section; or

(ii) fewer than 28 points on the basis of the criteria in paragraph (b) of this section.

(3) An application determined on the basis of the standards in paragraph (c)(2) of this section to be unapprovable will be returned to the applicant. The Assistant Secretary shall notify the applicant of the specific reasons for such determination, and shall afford the applicant an appropriate opportunity to modify and resubmit its application.

(4) Except as provided in paragraph (c)(5) of this section, the Assistant Secretary shall award funds to applicants for assistance under this subpart from a State (whose applications meet the requirements of the Act and are approvable on the basis of the standards in paragraph (c)(2) of this section) in the order of their ranking on the basis of the criteria set out in paragraphs (a) and (b) of this section until the funds apportioned to the State for the purpose of this subpart have been exhausted.

(5)(i) Not less than one-third of the funds apportioned to a State for the purpose of this subpart shall be reserved until applicants whose initial applications were determined to be unapprovable on the basis of the standards in paragraph (c)(2) of this section have been afforded an appropriate opportunity to modify and resubmit their applications. From the funds not so reserved, the Assistant Secretary shall award funds to applicants whose applications are approvable in the order of the ranking of their initial applications (on the basis of the criteria set out in paragraphs (a) and (b) of this section) until unreserved funds are insufficient to support the next ranking approvable application at the level determined by the Assistant Secretary to be necessary to carry out effectively the proposed program, project or activity.

(ii) Where unreserved funds are insufficient to support the next ranking approvable application at the level determined by the Assistant Secretary to be necessary to carry out effectively the proposed program, project or activity, the Assistant Secretary shall notify the applicant of the specific reasons for its ranking, and shall afford the applicant an appropriate opportunity to modify and resubmit its application to compete for reserved funds. If such an applicant chooses to modify and resubmit its application, its ranking shall be determined on the basis of the criteria set out in paragraphs (a) and (b) of this section as applied to its resubmitted application.

(Public Law 92–318, sections 702; 705(a)(1), (b)(3); 706(a); 710(c), (d)(2).)

2. In § 185.24, paragraph (c) is revised to read as follows:

§ 185.24 Criteria for assistance.

* * * * *

(c) *Funding criteria and procedures.* The provisions of § 185.14(c) shall apply to awards of assistance under this subpart, except that:

(1) References in § 185.14(c) to "this subpart" shall be understood to refer to Subpart C—Pilot Projects;

(2) References in § 185.14(c) to "this section" shall be understood to refer to § 185.24; and

(3) The minimum points referred to in paragraph (c)(2) of § 185.14 shall, for the purpose of this subpart, be 45 on the basis of the criteria in paragraphs (a) and (b) of this section and 33 on the basis of the criteria in paragraph (b).

(Public Law 92–318, sections 702; 705(a)(2), (b)(3); 706(b); 710(c), (d)(2).)

3. In § 185.54, paragraph (c) is revised to read as follows:

§ 185.54 Criteria for assistance.

* * * * *

(c) *Funding criteria and procedures.* The provisions of § 185.14(c) shall apply to awards of assistance under this subpart, except that:

(1) References in § 185.14(c) to "this subpart" shall be understood to refer to Subpart F—Bilingual Projects;

(2) References in § 185.14(c) to "this section" shall be understood to refer to § 185.54;

(3) References in § 185.14(c) to a "State" shall be understood to refer to the 50 States and the District of Columbia, taken together; and

(4) The minimum points referred to in subparagraph (2) of § 185.14(c) shall, for the purpose of this subpart, be 45 on the basis of the criteria in paragraphs (a) and (b) of this section, and 33 on the basis of the criteria in § 185.54(b).

(20 U.S.C. 1601; 1603(b)(A); 1607(c); 1609 (d)(2).)

4. In § 185.64, paragraph (c) is revised to read as follows:

§ 185.64 Criteria for assistance.

* * * * *

(c) *Funding criteria and procedures.* The provisions of § 185.14(c) shall apply to awards of assistance under this subpart, except that:

(1) References in § 185.14(c) to "this subpart" shall be understood to refer to Subpart G—Public or Nonprofit Private Organizations; and

(2) References in § 185.14(c) to "this section" shall be understood to refer to § 185.64.

(Public Law 92–318, sections 702; 705(a)(3), (b)(3); 708(b).)

[FR Doc.76–30232 Filed 10–14–76;8:45 am]

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FRIDAY, OCTOBER 15, 1976



PART III:

COMMODITY FUTURES TRADING COMMISSION

FUTURES COMMISSION MERCHANTS

Financial and Reporting Requirements

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COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1, 145]

FUTURES COMMISSION MERCHANTS

Financial and Reporting Requirements

The Commodity Futures Trading Commission ("Commission") is currently engaged in a comprehensive study of the financial and reporting requirements imposed upon futures commission merchants to determine whether the requirements can be amended to afford commodity customers a greater degree of protection while at the same time increasing the regulatory efficiency of these requirements. As a result of this study, the Commission has determined that substantial revisions in its existing regulations under the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 1–22, are necessary. The Commission is at this time proposing, as the first of these revisions, amendments to §§ 1.10, 1.17 and 1.18 of the regulations (17 CFR 1.10, 1.17, and 1.18) and new regulations, §§ 1.10a and 1.16. The effect of these proposals would be (1) to require that financial reports submitted by futures commission merchants be audited annually be independent public accountants, (2) to increase the frequency of financial reports, (3) to expand the content of such reports, (4) to require that copies of these annual reports be sent to customers, (5) to require that futures commission merchants compute their minimum capital requirements on a monthly basis, and (6) to make these requirements uniform throughout the industry. Only futures commission merchants who are members of a contract market and conform to minimum financial and related reporting requirements set by the contract market and approved by the Commission pursuant to section 4f(2) of the Act subsequent to (the effective date of these revisions) would be exempt from these requirements.

The Commission will shortly consider proposing the adoption of rule amendments to provide for uniform capital requirements for all futures commission merchants ("FCM's") and an improved early warning system based upon those requirements. The uniform capital requirements would contain improved computational criteria with respect to the computation of the minimum capital requirements imposed upon FCM's and the computation of an FCM's adjusted net capital. The Commission has become increasingly concerned with an FCM's ability to finance its operations almost exclusively with non-subordinated, long-term debt. The new minimum capital rule would prevent this use of long-term debt. The new early warning system would, for the first time, be integrated with the Commission's minimum capital rule and would give warning of approaching financial problems as well as of existing ones. In addition, it would (1) require notice of the noncurrent status of an FCM's books and records and of any other problems uncovered by the audit of an independent public accountant; and (2) require the filing of financial statements when an FCM is expelled from any contract market.

The Commission wishes to stress at the outset that it is Commission policy to encourage contract market self-regulation. In this regard, the Commission anticipates requiring all contract markets to adopt and to enforce uniform minimum financial and related reporting requirements. Such requirements would be subject to the same active oversight regulation as are the other rule enforcement programs of the contract markets. However, because of the common interest of the contract markets in the financial integrity of their member FCM's and because of the uniform applicability of the minimum financial and related reporting requirements envisioned by the Commission, it may be advantageous for the contract markets to engage in a joint enforcement or audit program to monitor compliance with such uniform minimum financial and related reporting requirements. Such a joint program or an alternative program through a national futures association, as provided for in Title III of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 21, could meet the anticipated Commission requirements. The Commission requests comments on the anticipated requirement that the contract markets adopt uniform minimum financial and related reporting requirements.

SUMMARY OF PROPOSED REVISION OF REGULATION 1.10

The proposed revision of regulation 1.10 would increase the frequency of financial reports FCM's are required to file with the Commission, expand the content of such reports, require that such reports be audited annually by independent public accountants and certified by them, require that copies of such certified annual reports be sent to customers, and make the financial reporting requirements uniform throughout the industry. In addition, any reports which are required to be filed with the Commission would also have to be filed with the exchanges of which the FCM is a member. The rule is divided into eight subparagraphs. A discussion of these follows.

Application for registration. As proposed, paragraph (a) of rule 1.10 would have three parts which are substantially the same as paragraphs (a), (b) and (c) of the present rule 1.10. The proposed rule would continue the requirement that application for registration as an FCM be made on Form 1–R and that a financial report, on Form 1–FR, be concurrently filed, as of a date not more than 45 days prior to the date on which such report is filed. As with the current rule, an exemption is recognized for persons succeeding to and continuing the business of another futures commission merchant.

As discussed below, the most significant departure from the current rule is the requirement, in paragraph (a)(2) of the proposed rule, that the Form 1–FR be certified by an independent public accountant. However, the proposed rule would no longer require an applicant to submit an estimate of his income and expenses for his first year of operations. The Commission's experience has shown this to be of very little value either as a basis for denying registration or for subsequent regulatory purposes.[1]

Independent public accountants. Paragraphs (a)(2) and (b)(2) of proposed rule 1.10 would require that the initial Form 1–FR filed by an applicant futures commission merchant and the Form 1–FR filed at the end of each fiscal year thereafter be certified by an independent public accountant. The present Form 1–FR requires that such reports be attested to only by a corporate officer, partner or sole proprietor of the applicant or registrant.

Accurate information which can be evaluated according to standardized criteria is essential to the effective protection of customers' funds and to the overall regulation of FCM's. In order to insure such accurate information on the Forms 1–FR filed pursuant to regulation 1.10, the Commission believes independent verification of such information is imperative. Generally, there are three alternative methods of obtaining such independent verification: (1) The Commission itself can conduct yearly general audits of all FCM's, (2) It can require contract markets to audit all their members yearly with the Commission auditing those few FCM's which are not members of any exchange, or (3) It can require that the financial reports filed by FCM's be certified annually by independent public accountants.

The Commission believes that the use of independent public accountants is the most efficient regulatory method of obtaining independent verification of the information provided on financial reports. In addition, the Commission's Advisory Committee on Commodity Futures Trading Professionals[2] has recommended that the Commission "require that the year-end financial statements submitted by FCM's be certified by independent public accountants."[3] While the Comptroller General's *"Report to Congress on Improvements Needed in Regulation of Commodity Futures Trading"* ("GAO Report") recommended that the exchanges be delegated the primary responsibility for audits of FCM's, that report also recommended that the Commission "require FCM's to engage independent public accountants to make the required audits and to furnish reports on the results of these audits to the cognizant exchanges and to the Commission."[4] Similarly, the Commission's Advisory Committee on Definition and Regulation of Market Instruments[5] has recommended that any financial reports required of persons dealing in commodity option transactions and leverage transactions in gold or silver be certified annually by independent public accountants.[6] The use of independent public accountants would relieve the Commission's staff of the burden of conducting general audits of FCM's. There are approximately 270 FCM's registered with the Commission. In fiscal year 1976 the Commission's staff conducted 133 general audits of such FCM's. By eliminating the need for such audits, the Commission would have greater flexibility (1) to conduct more frequent audits of FCM's which the Commission believes are experiencing financial difficulties and (2) to expand its audit program to include other persons subject to Commission regulation.

Good general business practices would appear to necessitate the use of yearly certified audits as part of a firm's internal control procedures. For example, independent accountants review internal control systems to determine if the controls are sufficient to provide timely information concerning a firm's financial status and adequate protection for customers' funds pursuant to the Act and Commission regulations. Moreover, certain checks which a public accountant would make (such as verifying inventory and sending statements to customers to verify their credit or debt balances) might be unacceptably costly for a government or exchange authority to do.

The Commission does not believe that this independent audit requirement will significantly increase costs to the industry. At least 240 FCM's, or approximately 90 percent of all FCM's, are currently using public accountants either voluntarily in their normal course of business or to comply with exchange or governmental requirements. In those instances where an FCM is not currently employing an independent auditor, the Commission believes the necessity for independent verification of the information contained in the Forms 1–FR filed by such FCM's is especially acute.

Filing of Financial Reports. Paragraph (b) of proposed rule 1.10 has four parts. Paragraph (b)(1), which is a revision of paragraph (d) of the present rule, would require reports on Form 1–FR to be filed quarterly instead of semi-annually. Such reports would have to be filed no later than 30 days after the date for which the report is made, with the exception of the certified annual reports which would have to be filed no later than 60 days after the close of each registrant's fiscal year.

Timely information is essential to the effective monitoring of the financial condition of any business; it is even more vital in the rapidly fluctuating commodity futures industry. While the Commission believes that monthly reporting is desirable from an informational point of view, the Commission also believes that the economic burden placed upon registrants by a monthly reporting requirement may outweigh its benefits. Accordingly, the Commission's proposal provides for quarterly reporting as a compromise between the necessity of timely information and the costs of such reporting.

The information which would be required in the new Form 1–FR is essentially that which would ordinarily be prepared in the normal course of business to facilitate management of the firm. Such reports are probably prepared monthly by most firms, though perhaps in a less formal manner than that required on the Form 1XFR. Although the quarterly reporting requirements may increase the costs of some FCM's, the Commission does not believe it will significantly increase costs in the industry as a whole. Quarterly reporting is a general business practice. Approximately fifty FCM's are registered as broker-dealers with the Securities and Exchange Commission and are accordingly required to file quarterly reports with that agency. For the most part, these are among the largest FCM's where the costs would be expected to be greatest. In addition, the Chicago Mercantile Exchange is now requiring quarterly financial reports from most of its members. Since there are approximately 55 CME members who are not registered broker-dealers, approximately 110, or 40 percent of the FCM population, are already filing quarterly statements.

As mentioned above, paragraph (b)(2) of the proposed rule would require that the Form 1–FR filed as of the close of a registrant's fiscal year be certified by an independent public accountant. Paragraph (b)(3) is the present rule 1.10(e) redesignated. It provides an exemption from the financial reporting requirements for members of contract markets whose financial regulations have been approved by the Commission pursuant to section 4f(2) of the Act. At present, only the Chicago Board of Trade and the Chicago Mercantile Exchange have received this type of approval. However, the exemption provided by this paragraph would apply only to members of contract markets whose financial regulations have been approved by the Commission subsequent to the effective date of this regulation. Consequently, contract markets wishing to exempt their members from the Commission's financial reporting requirements would have to submit and obtain Commission approval of their rules after regulation 1.10, as revised, is placed into effect. Commission approval of contract market financial requirements pursuant to section 4f(2) of the Act would be forthcoming only if such requirements are consistent with those of the Commission. At a minimum, contract market rules for which such approval is sought would have to require: (i) That the members of the contract market submit quarterly financial statements; (ii) That such members submit annual financial statements certified to by an independent public accountant; (iii) That the qualifications and responsibilities of the independent public accountants so certifying these annual financial statements include those set forth in regulation 1.16; (iv) That the contents of the financial statements filed by members contain, at a minimum, the financial information which would be required by proposed regulation 1.10(d); (v) That such statements be filed with all contract markets of which the FCM is a member; (vi) That certain portions of a member's financial statements be sent to and/or made available to the member's customers; (vii) That members comply with a minimum capital requirement which is at least as stringent as that set forth in the Commission's regulations; (viii) That the computational formula used to determine compliance with this minimum capital requirement be substantially the same as that set forth in the Commission's regulations; and (ix) That each member formerly compute his financial status and his compute his financial status and his minimum financial requirements monthly.

Paragraph (b)(4) of the proposed rule contains a new provision which requires an FCM to furnish more frequent reports on Form 1–FR or to supply additional information upon the written request of a contract market or the Commission. This enables the contract markets and the Commission to obtain more timely information than is supplied by the quarterly report and is expected to be used on a case-by-case basis, normally where an FCM is thought to be in a questionable financial condition.

Where to file reports. Proposed regulation 1.10(c) requires that all reports provided for in regulation 1.10 be filed with the nearest regional office of the Commission and with all contract markets of which the registrant is a member. The present practice is for an FCM to submit his financial reports only to the nearest regional office of the Commission. The requirement of regulation 1.10(c) that such reports be furnished to the contract markets is in furtherance of the Commission's policy of promoting contract market self-regulation.[7] The sole exception

[1] Present rule 1.10(a) also refers to floor brokers. Since this reference will be eliminated, the Commission proposes to add new Rule 1.10a to provide for application for registration by floor brokers. The procedure for such applications would not be changed by the Commission's present proposal.

[2] 40 FR 50553 (October 30, 1975).

[3] See *Report of the Commodity Futures Trading Commission Advisory Committee on Commodity Futures Trading Professionals* 14 (August 5, 1976).

[4] *Report of the Comptroller General of United States to Congress on Improvements Needed in Regulation of Commodity Futures Trading* 46 (June 24, 1975).

[5] 40 FR 50557 (October 30, 1975).

[6] *Report of the Advisory Committee on Definition and Regulation of Market Instruments to the Commodity Futures Trading Commission: Recommended Policies on Commodity Option Transactions* 49 (July 6, 1976)—*Report of the Advisory Committee on Definition and Regulation of Market Instruments to the Commodity Futures Trading Commission: Recommended Policies on Futures, Forward and Leverage Contracts and Transactions* 40 (July 16, 1976).

[7] The Commission is aware that a number of commodity exchanges are considering the establishment of a joint audit program to avoid duplication of effort where an FCM is a member of more than one commodity exchange. In that event, it might be sufficient for an FCM to file his reports with one exchange rather than with each exchange of which the FCM is a member. However, until the exchanges develop such a program, the Commission can see no other alternative which adequately facilitates self-regulation than the requirement that each exchange of which an FCM is a member receive a copy of each report.

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to this requirement is the information required by the Commission or a contract market pursuant to paragraph (b)(4); such information need be furnished only to the Commission and the contract market requiring the information.

Contents of financial reports. Paragraph (d) of proposed regulation 1.10 describes the required contents of a Form 1–FR. Under current requirements, each Form 1–FR must contain a Statement of Financial Condition, a Statement of the Computation of the Minimum Capital Requirements Pursuant to Regulation 1.17, and a Schedule of Segregation Requirements and Funds on Deposit in Segregation. To these, the Commission proposes to add Statements of Income (Loss), Changes in Financial Position (and comparative Statements of Income (Loss) and Changes in Financial Position for the corresponding period of the prior year), Changes in Ownership Equity, and Changes in Liabilities Subordinated to the Claims of General Creditors. The first two statements are considered basic financial statements and serve as indicators of the present and future status of a firm's financial condition. The later two statements are relatively simple to prepare and provide important information with respect to changes in an FCM's capital structure which may be unobtainable from the other financial statements in the Form 1–FR. The Commission points out that the Statement of Changes in Ownership Equity would not require the disclosure of changes in the individual ownership positions of an FCM's stockholders or partners, but would instead provide important information with respect to changes in an FCM's general capital structure by requiring the disclosure of such things as: additional sales of stock or partnership units, retirements or repurchases of stock or partnership units, cash or stock dividends, prior period adjustments, and recapitalizations.[1]

All the above statements must be certified annually, including the comparative Statements of Income (Loss) and Changes in Financial Position for the corresponding period of the prior year. The comparative Statements of Income (Loss) and Changes in Financial Position for the corresponding period of the prior year need not be certified, if such certification would require an audit of a period prior to the effective date of proposed rule 1.10. The Statements of Income (Loss) and Changes in Financial Position must be for the period between the date of the most recent certified Statement of Financial Condition filed with the Commission and the date for which the report is made. For example, if the prior certified statement was as of December 31, 1977, and the report was made as of March 31, 1978, the income statement would be for the three months ending March 31, 1978, with a comparative income statement for three months ending March 31, 1977. If the report was for the period ending September 30, 1978, the income statement would be for the nine months ending September 30, 1978, the comparative income statement would be for the nine-month period ending September 30, 1977. The Commission does not intend to require income statements, certified or otherwise, which include periods prior to effective date of regulation 1.10.

In addition to the above statements and schedules, the Commission's proposal would require that the Form 1–FR be completed in accordance with the instructions thereto; that appropriate footnote disclosure be added; and that, in addition to the information expressly required, such further material information be added, if any, as may be necessary to prevent the required statements and schedules from being misleading.

The Statement of Financial Condition and the Statements of Income (Loss), Changes in Financial Position, Changes in Ownership Equity, and Changes in Liabilities Subordinated to Claims of General Creditors filed in connection with the certified reports required by proposed regulations 1.10(a)(2) and 1.10(b)(2) need not be filed in Form 1–FR format if the independent public accountant determines such format would be inconsistent with generally accepted accounting principles for the financial statements of the applicant or registrant. If such a determination is made, the Statement of Financial Condition must be presented in a format which is as consistent as possible with Form 1–FR and a reconciliation must be provided which reconciles the Statement of Financial Condition to the Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17 of the Commission's regulations.

Election of fiscal year. Paragraph (e)(1) of proposed regulation 1.10 provides that each applicant or registrant may establish a fiscal year other than the calendar year. Paragraph (e)(2) concerns the election by an FCM to file its financial reports as of calendar quarters in lieu of fiscal quarters. Each applicant or registrant may establish a fiscal year other than a calendar year and may elect to file its financial reports as of calendar quarters in lieu of fiscal quarters by notifying the Commission and all contract markets of which it is a member, if any, of its election of such fiscal year or of its intent to file as of calendar quarters, in writing, concurrently with the filing of a Form 1–FR pursuant to paragraph (a)(2) of regulation 1.10 or within 90 days after the effective date of the regulation. An FCM may not change such elections or make such elections after such dates unless it makes written application and receives approval from the Commission.

Extension of time for filing reports. In the event any applicant or registrant finds that he cannot file one of the unaudited reports without substantial undue hardship, he may file with the Commission an application for extension of time to a specified date not more than 90 days after the date as of which the financial condition is reported. The application must state the reasons for the requested extension and must contain an agreement to file the report on or before the date specified in the application. Notice of such application must also be given to all contract markets of which the FCM is a member. The application will be deemed denied unless the Commission, within 10 days after the receipt thereof, notifies the applicant or registrant of the grant of an extension. The Commission anticipates that it will grant such extensions only in those rare situations where the applicant or registrant is able to demonstrate to the satisfaction of the Commission that substantial undue hardships will be incurred as a result of timely filing. The Commission will notify all contract markets of which the applicant or registrant is a member, if any, of the grant of any such extension. (Requests for extensions of time for filing certified financial statements are covered separately in the discussion of proposed regulation 1.16(f).)

DISCLOSURE OF FINANCIAL INFORMATION

Paragraph (g) of proposed rule 1.10 provides that all Forms 1–FR filed pursuant to the rule will be public, except that, if the Statement of Financial Condition, the Computation of Minimum Capital Requirements Pursuant to Section 1.17 and the Schedule of Segregation Requirements and Funds on Deposit in Segregation are bound separately from the other financial statements and schedules of the Form 1–FR, certain information on such other statements and schedules will be deemed privileged or confidential. The report of the independent public accountant will be deemed public information. The Freedom of Information Act, 5 U.S.C. 552, requires that the Commission make its records available upon request to members of the public, unless such records fall within certain exemptions. Included among those exemptions are "trade secrets and commercial or financial information obtained from a person and privileged or confidential." The Commission has taken the position in Part 145 of its regulations, 17 CFR Part 145, that an FCM's Statement of Financial Condition and its Schedule of Segregation Requirements and Funds on Deposit in Segregation are not within this exemption. If paragraph (g) of proposed rule 1.10 is adopted as proposed, that portion of the Commission's regulations implementing the Freedom of Information Act, 17 CFR Part 145, will be amended so as to classify an FCM's Computation of Minimum Capital Requirements and the report of the independent public accountant as public records as well.

Paragraph (h) of proposed rule 1.10 would require that each certified Statement of Financial Condition, Computation of the Minimum Capital Requirements Pursuant to § 1.17, and the opinion of the independent public accountant, with appropriate footnote disclosures, be sent to all customers of the registrant

[1] The Commission also notes that the approximately fifty FCM's currently registered with the Securities and Exchange Commission as broker-dealers are required to prepare this statement under the rules of that agency.

with open contracts or credit balances and be available for examination upon request at all offices of the registrant where customer business is transacted. In addition, each uncertified Statement of Financial Condition and Computation of the Minimum Capital Requirements Pursuant to § 1.17, with appropriate footnotes, filed pursuant to regulation 1.10 must be made available for examination upon request at all offices of the registrant where customer business is transacted.

The Commission's present rules do not require that FCM's make any financial disclosures to their customers. However, the Commission believes that customers have a right to know the financial condition of the FCM's with whom they entrust their funds. Accordingly, the Commission proposes to require the financial disclosures to customers as set forth above. Such requirements would serve as a form of customer protection by providing customers with a readily available source of information upon which to make informed judgments in selecting a commodity broker. In so doing, these requirements may also act as an incentive for FCM's to maintain strong financial positions if they believe customers may take their financial reports into consideration in choosing an FCM. The Commission points out that neither its proposed position on public access to FCM financial statements nor its proposed disclosure to customers requirement is a new concept. The approximately fifty FCM's who are currently registered as broker-dealers with the Securities and Exchange Commission, and who account for approximately half of all customer business in the futures industry, are presently subject to similar provisions under the rules of that agency.

SUMMARY OF PROPOSED REGULATION 1.16: QUALIFICATIONS AND REPORTS OF ACCOUNTS

Proposed regulation 1.10 would require that the initial Form 1–FR filed by an applicant for registration as an FCM and the Form 1–FR filed each fiscal year thereafter be certified by an independent public accountant. Proposed regulation 1.16 details qualifications required of such independent public accountants and sets certain guidelines which must be followed in the conduct of the examination of an FCM's Form 1–FR.

Accountants who certify financial statements which are to be filed with the Commission must adhere to the standards the Commission promulgates for such filings. Failure to do so can lead to wtihdrawal of the accountant's right to practice before the Commission pursuant to 17 CFR Part 14. Any accountant who has been barred from practicing before the Commission pursuant to 17 CFR Part 14 for this or any other reason will not be considered a qualified accountant for purposes of regulation 1.16.

Definitions. Paragraph (a) of proposed regulation 1.16 defines certain terms used in proposed regulations 1.16 and 1.10.

The term "accountant's report" is defined as a document in which an independent licensed or certified public accountant indicates the scope of the audit (or examination) and sets forth his opinion regarding the financial statements. When an unqualified opinion can not be expressed, the reasons therefore must be stated.

The term "audit" is defined as an examination of the financial statements by an accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon.

The term "certified" is defined to mean audited and reported upon with an opinion expressed by an independent certified public accountant or independent licensed public accountant.

Qualifications of accountants. The Commission will recognize only certified public accountants who are duly registered and in good standing under laws of their place of residence or principal office and licensed public accountants who are duly licensed on or before December 31, 1970, and in good standing under the laws of their place of residence or principal office.

The accountant must be independent in fact and in form. Examples of situations in which the accountant would not be considered independent are set forth in paragraph (b)(2) of proposed regulation 1.16. The Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and the registrant or applicant and any affiliate thereof, and will not confine itself to any relationship existing in connection with the reports filed with the Commission, in determining whether an accountant is in fact independent. This provision is similar to Regulation S–X of the Securities and Exchange Commission. The Commission proposes the use of this provision because the accounting profession is familiar with it and has found it to be a satisfactory, workable concept, and the Securities and Exchange Commission's experience with it generally has been good.

Accountant's reports. Regulation 1.16(c) describes the technical requirements of the accountant's reports, the representations as to the audit that the accountant must make, and the statement of opinion to be expressed by the accountant. It also sets forth what is to be included in the accountant's report if the accountant takes exception to any matters related to the financial statements. It should be noted that the accountant must review the procedures of the FCM for safeguarding customer and firm assets and must so state in that paragraph of the opinion setting forth the scope of the audit.

Audit objectives. The audit must be made in accordance with generally accepted auditing standards and must include a review of the accounting system, the internal accounting control, and the procedures for safeguarding customer and firm assets, including appropriate tests thereof, since the prior examination date. For those firms having initial certified audits because of the promulgation of proposed regulation 1.10 and for those persons applying for registration under proposed regulation 1.10(a)(2), the tests would be confined to the period being reported on. The audit must include all procedures necessary under the circumstances to enable the independent public accountant to express an opinion on the financial statements and schedules as well as on the adequacies of the internal control procedures. The scope of the audit and review must be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination will be discovered.

Accountants should be aware that in order to conduct a proper audit under these rules, they must be familiar with the rules and regulations of the Commission and in particular with the segregation requirements of section 4d(2) of the Act and the regulations thereunder. The accountant must assure himself that the daily computations of the segregation requirements are being computed in accordance with such requirements. In addition, the accountant must ascertain that the periodic computations of the minimum capital requirements are being made in accordance with regulation 1.17 and are being computed monthly in accordance with proposed regulation 1.18. The Commission anticipates that it will selectively review the FCM audits conducted by independent public accountants to monitor compliance with the auditing standards set forth in proposed regulation 1.16.

Extent and timing of audit procedures. If, during the course of an audit or interim work, the accountant determines that any material inadequacies exist (as described in the audit objectives of paragraph (d)(1) of proposed rule 1.16), he must call it to the attention of the FCM, who has the responsibility to inform the Commission and all contract markets of which the FCM is a member, if any, of such inadequacies by written notice within 24 hours given thereafter. The FCM must also furnish the accountant with a copy of the notice to the Commission within the same 24 hour period. If the accountant fails to receive such notice from the firm within the 24 hour period, or if he disagrees with the statements contained in the notice, the accountant must notify the Commission and all contract markets of which the FCM is a member, of the material inadequacy within the next 24 hour period.

The Commission believes it is the responsibility of the independent auditors to determine the extent and timing of their audit procedures. The audits must, at a minimum, be made in accordance with generally accepted auditing standards and the audit objectives set forth in paragraph (d) of proposed regulation 1.16. In determining the extent of testing, consideration must be given to the materiality of an area and the possible affect on the financial statements and schedules of a material misstatement in a related account.

Extension of time for filing audit reports. Paragraph (f) of proposed regulation 1.16 describes the procedures that must be followed in requesting an exten-

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sion of time on a report which is required to be certified in accordance with proposed regulation 1.10. An application for extension of time to a specified date, which may not be more than 90 days after the date as of which the financial condition is reported, must be filed with the principal office of the Commission in Washington, D.C. Notice of such application must be sent to all contract markets of which the FCM is a member. The application must be made by the FCM and must (1) state the reasons for the request of the extension; (2) indicate that the inability to make a timely filing is due to circumstances beyond the control of the FCM, if such is the case; (3) be accompanied by the latest available formal computations of his adjusted working capital and of his minimum financial requirements; (4) be accompanied by the latest available computation of required segregation and by a computation of the funds actually in segregation as of the date of the required segregation computation; (5) contain an agreement to file the report on or before the date specified in the application; (6) be received by the Commission and all contract markets of which the applicant or registrant is a member, prior to the date on which the report is due; and (7) be accompanied by a letter from the independent public accountant which answers certain questions which are specified in paragraph (f) of proposed regulation 1.16.

An application for extension of time will be deemed denied unless the Commission, within ten days of the receipt thereof, notifies the FCM of the grant of an extension or that additional time is required to analyze the application satisfactorily, in which case the time needed shall be specified.

Replacement of an accountant. Pursuant to paragraph (g) of proposed regulation 1.16, an FCM would be required to file notice with the Commission and all appropriate contract market when the principal accountant of the FCM, or the principal account of a material subsidiary of the FCM, is replaced. The notice must describe any disagreements with the former accountant on any matter of accounting principles or practices, financial statements disclosure, auditing scope or procedures, or compliance with the applicable rules of the Commission, which disagreements, if not resolved to the satisfaction of the former accountant, would have caused him to make reference in his report to the subject matter of the disagreements. The FCM must also request the former accountant to furnish a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the applicant or registrant and, if not, stating in which respects he does not agree.

If (1) within 24 months prior to the date of the most recent certified financial statements, a notice was filed pursuant to paragraph (g) (1) of regulation 1.16, (2) included in such filing there is a reported disagreement, (3) during the fiscal year in which the change in accountants took place or during the subsequent fiscal year, there have been any transactions or events similar to those which involved a reported disagreement, and (4) such transactions or events are material and were accounted for or disclosed in a manner different from that which the former accountant apparently concluded was required, the existence and nature of the disagreements and the effect of such disagreements on the financial statements must be disclosed in a written notice to the Commission and all contracts markets of which the applicant or registrant is a member.

SUMMARY OF PROPOSED REVISIONS TO REGULATION 1.17—MINIMUM FINANCIAL REQUIREMENTS

Paragraph (b) of regulation 1.17 currently provides an exemption from the Commission's minimum financial requirements if the applicant or registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements of the contract market approved by the Commission pursuant to section 4f(2) of the Act. The proposed amendment to regulation 1.17 would provide a similar exemption, provided the financial standards of the appropriate contract market have been approved by the Commission subsequent to the effective date of these regulations. Previously approved contract market financial standards would have to be resubmitted for Commission review to determine if they meet with the Commission's new standards in order to enable the contract market's members to take advantage of the revised exemption.

The Commission anticipates that it will shortly propose a comprehensive revision of regulation 1.17. Under this anticipated revision, a contract market's financial standards would be approved by the Commission only if the contract market employed the same uniform computational formula as the Commission to determine compliance with its financial requirements. The Commission's financial requirements would then represent a minimum which the contracts markets could increase as deemed appropriate, but not decrease.

SUMMARY OF PROPOSED REVISION TO REGULATION 1.18: RECORDS FOR AND RELATING TO FINANCIAL REPORTING AND MONTHLY COMPUTATIONS

Paragraphs (a) and (c) of regulation 1.18 would remain unchanged. Paragraph (b) would be deleted in its entirety and a new paragraph (b) added. The present paragraph (b) requires a trial balance as of the end of each month.

Proposed paragraph (b) of regulation 1.18 would require each registrant to make, and to keep a record of, formal computations of his adjusted working capital and of his minimum capital requirements pursuant to regulation 1.17 as of the close of business each month. Such computation must be completed and made available for inspection by any representative of the Commission or any contract market of which the registrant is a member, if any, by the close of the tenth business day after the date for which the computations are made.

Such formal computations will admittedly place an additional burden on FCM's; however, without such computations the Commission believes it may not receive adequate notice of significant adverse changes in an FCM's capital structure. Without adequate notice of such changes, the Commission may be unable to take action to insure the protection of customer funds.[*]

Ideally, a registrant should compute its minimum capital requirements formally before the firm opens for business each day. However, it has been suggested that only a handful of firms with the most sophisticated accounting systems may be able to comply with a daily computation requirement. Moreover, while it is undoubtedly possible for an FCM with reasonable controls to make these computations weekly, such a requirement may be overly burdensome. In order to balance these conflicting factors, the Commission is proposing a monthly computation requirement.

FORM 1–FR

The Form 1–FR remains the same except that the title of Schedule I has been changed from "Determination of Adequacy of Capital Positions in Meeting Minimum Capital Requirements" to "Statement of the Computation of the Minimum Capital Requirements Pursuant to 1.17," and a "Statement of Income," a "Statement of Changes in Financial Position," a "Statement of Changes in Liabilities Subordinated to the Claims of General Creditors," and a "Statement of Changes in Ownership Equity" have been added. The format of the new statements is contained in Appendix A.

AUTHORITY

The following amendments of 17 CFR Part 1 are proposed under the authority of sections 4f, 4g and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6f, 6g and 12a).

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Part 1 as follows:

1. By revising § 1.10 to read as follows:

§ 1.10 Application for registration and financial reports of Futures Commission Merchants.

(a) *Application for registration.* (1) Application for registration as a futures commission merchant must be made on Form 1–R. Each application must be executed and filed in accordance with the instructions accompanying the form.

(2) Except as provided in paragraph (a) (3) of this section, each person who files an application for registration as a futures commission merchant, and who

[*] The Commisison is presently developing a comprehensive early warning system based in part on compliance with this minimum capital requirements computation. If such an early warning system is adopted, the current regulation 1.18(c) would be replaced by this system.

is not so registered at the time of such filing, must, concurrently with the filing of such application, file a Form 1–FR as of a date not more than 45 days prior to the date on which such report is filed. Each such person must include with such financial report a statement describing the source of his current assets and representing that his capital has been contributed for the purpose of operating his business and will continue to be used for such purpose. Such Form 1–FR must be certified by an independent public accountant in accordance with § 1.16.

(3) The provisions of paragraph (a) (2) of this section do not apply to any person succeeding to and continuing the business of another futures commission merchant. Each such person who files an application for registration as a futures commission merchant and who is not so registered at the time of such filing must file a Form 1–FR as of the first month-end following the date on which his registration is approved. Such report must be filed with the Commission and all contract markets of which the applicant is a member, if any, not more than 30 days after the date for which the report is made.

(b) *Filing of financial reports.* (1) Except as provided in paragraph (b) (3) of this section, each person registered as a futures commission merchant must file a Form 1–FR for each fiscal quarter of each fiscal year: *Provided, however,* If a registrant so elects pursuant to paragraph (e) (2) of this section, a registrant may file a Form 1–FR for each calendar quarter of each calendar year. Each such Form 1–FR must be filed no later than 30 days after the date for which the report is made: *Provided, however,* That any Form 1–FR which must be certified by an independent public accountant pursuant to paragraph (b) (2) of this section must be filed no later than 60 days after the close of each registrant's fiscal year. Paragraph (b) (1) of this section will be applicable to all fiscal quarters beginning after (the effective date of this section) but in no event more than 90 days after (such effective date).

(2) The Form 1–FR filed pursuant to paragraph (b) (1) of this section as of the close of the registrant's fiscal year must be certified by an independent public accountant in accordance with § 1.16. A registrant who has elected to file its Forms 1–FR for each calendar quarter of each calendar year pursuant to paragraph (e) (2) of this section, must nonetheless file a form Form 1–FR as of the close of such registrant's fiscal year.

(3) The provisions of paragraphs (b) (1) and (b) (2) of this section shall not apply to any person registered as a futures commission merchant who is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations or resolutions and approved after (the effective date of these regulations) by the Commission pursuant to section 4f(2) of the Act: *Provided, however,* That each such registrant shall promptly file with the Commission a true and exact copy of each financial report which it files with such contract market.

(4) Upon receiving written notice from any representative of the Commission or any contract market of which it is a member, an applicant or registrant must, monthly or at such times as specified, furnish the Commission and the contract market requesting such information, if any, with a Form 1–FR and/or such other financial information as requested by the representative of the Commission or the contract market. Each such Form 1–FR or such other information must be furnished within the time period specified in the written notice.

(c) *Where to file reports.* The reports provided for in this § 1.10 will be considered filed when received by the regional office of the Commission where the applicant or registrant has its principal place of business and by all contract markets of which the applicant or registrant is a member, if any; *Provided, however,* That information required of an applicant pursuant to paragraph (b) (4) of this section need be furnished only to the Commission and the contract market requesting such information.

(d) *Contents of financial reports.* (1) Each Form 1–FR filed pursuant to this § 1.10 must be completed in accordance with the instructions to the form. Each Form 1–FR must contain: (i) A Statement of Financial Condition as of the date for which the report is made; (ii) Statements of Income (Loss), Changes in Financial Position, Changes in Ownership Equity, and Changes in Liabilities Subordinated to Claims of General Creditors, for the period between the date of the most recent certified Statement of Financial Condition filed with the Commission (or the beginning of the fiscal quarter immediately following the (effective date of this rule) but in no event more than 90 days after (such effective date)) and the date for which the report is made, together with Statements of Income (Loss) and Changes in Financial Position for the corresponding period of the previous year: *Provided,* That if such statements are filed as part of the certified statements required by paragraphs (a) (2) or (b) (2) of this section, such statements must be for the entire fiscal year; (iii) a Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17, and a Schedule of Segregation Requirements and Funds on Deposit in Segregation, all as of the date for which the report is made; (iv) appropriate footnote disclosures; and (v) in addition to the information expressly required, such further material information, if any, as may be necessary to make the required statements and schedules not misleading.

(2) The statements required by paragraphs (d) (1) (i) and (d) (1) (ii) of this section may be presented in accordance with generally accepted accounting principles in the certified reports filed as of the close of the registrant's fiscal year pursuant to paragraph (b) (2) of this section or accompanying the application for registration pursuant to paragraph (a) (2) of this section, rather than in the format specifically prescribed by these regulations: *Provided,* The Statement of Financial Condition is presented in a format as consistent as possible with the Form 1–FR and a reconciliation is provided reconciling such Statement of Financial Condition to the Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17. Such reconciliation must be certified by an independent public accountant in accordance with § 1.16.

(3) Attached to each Form 1–FR filed pursuant to this § 1.10 must be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the Form 1–FR is true and correct. If the applicant or registrant is a sole proprietorship, then the oath or affirmation must be made by the proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer and chief financial officer.

(e) *Election of fiscal year.* (1) Any applicant or registrant wishing to establish a fiscal year other than the calendar year may do so by notifying the Commission and all contract markets of which it is a member, if any, of its election of such fiscal year in writing, concurrently with the filing of the Form 1–FR pursuant to paragraph (a) (2) of this section or within 90 days of (the effective date of this section), but in no event may such fiscal year end more than one year from the date of the Form 1–FR filed pursuant to paragraph (a) (2) of this section or more than one year from (the effective date of this regulation). An applicant or registrant which does not so notify the Commission and all contract markets of which it is a member will be deemed to have elected the calendar year as its fiscal year. A registrant must continue to use its elected fiscal year, calendar or otherwise, unless a change in such fiscal year is approved upon written application to the principal office of the Commission in Washington, D.C., and written notice of such change is given to all contract markets of which the registrant is a member.

(2) Any applicant or registrant may elect to file its Forms 1–FR for each calendar quarter in lieu of each fiscal quarter by notifying the Commission and all contract markets of which it is a member, if any, of its election, in writing, concurrently with the filing of the Form 1–FR pursuant to paragraph (a) (2) of this section or within 90 days after (the effective date of this section). Any registrant wishing to change such election or to make such election other than concurrently with the filing of the Form 1–FR pursuant to paragraph (a) (2) of this section or within 90 days of (the effective date of this section) may do so only if such change or election is approved by the Commission upon written application to the principal office of the Commission in Washington, D.C., and written notice of such change is given to all contract markets of which the registrant is a member.

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(f) *Extension of time for filing reports.* In the event any applicant or registrant finds that it cannot file its report for any period within the time specified in paragraphs (a)(3), (b)(1), or (b)(4) of this section without substantial undue hardship, it may file with the principal office of the Commission in Washington, D.C., an application for an extension of time to a specified date which may not be more than 90 days after the date as of which its financial condition is reported. The application must state the reasons for the requested extension and must contain an agreement to file the report on or before the specified date. The application must be received by the Commission on or before the time specified in paragraphs (a)(3), (b)(1), or (b)(4) of this section for filing the report. Notice of such application must be given to all contract markets of which the applicant or registrant is a member, if any, concurrently with the filing of such application with the Commission. An application for extension of time will be deemed denied unless the Commission, within ten days after receipt of the application, notifies the applicant or registrant of the grant of an extension. (See § 1.16(f) for extension of the time for filing certified financial statements.)

(g) *Confidentiality of reports.* All of the Forms 1-FR filed pursuant to this section will be public; provided, however, that if the Statement of Financial Condition, the Computation of the Minimum Capital Requirements Pursuant to § 1.17, and the Schedule of Segregation Requirements and Funds on Deposit in Segregation are bound separately from the other financial statements and schedules of Form 1-FR, trade secrets and certain other commercial or financial information on such other statements and schedules will be deemed privileged or confidential. All information on such other statements and schedules will, however, be available for official use by any official or employee of the United States or any state, by any contract market of which the person filing such report is a member, and by any other person to whom the Commission believes disclosure of such information is in the public interest. Nothing in this paragraph (g) will limit the authority of any contract market to request or receive any information relative to its members' financial condition. The independent accountant's opinion filed pursuant to this § 1.10 will be deemed public information.

(h) *Financial reports to be sent to customers and made available for public inspection.* Each certified Statement of Financial Condition, Computation of the Minimum Capital Requirements Pursuant to § 1.17, and each opinion of the independent public accountant, with appropriate footnotes, filed pursuant to paragraph (b)(2) of this section, must be sent to all customers of the registrant with open contracts or credit balances and must be available for examination upon request at all offices of the registrant where customer business is transacted. Each such statement and opinion must be sent to customers and made available for examination no later than 45 days after the date that such statements are required to be filed pursuant to paragraph (b)(1) of this section. In addition, each Statement of Financial Condition and each Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17, with appropriate footnotes, filed pursuant to this § 1.10 must be made available for examination upon request at all offices of the registrant where customer business is transacted.

2. By adding a new § 1.10a as follows:

§ 1.10a Application for Registration of Floor Brokers.

Application for registration as a floor broker shall be made on Form 2-R. Each application shall be executed and filed in accordance with the instructions accompanying the form.

3. By adding a new § 1.16 as follows:

§ 1.16 Qualifications and Reports of Accountants.

(a) *Definitions*—(1) *Accountant's report.* The term "accountant's report," when used in regard to financial statements, means a document in which an independent licensed or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a whole or an assertion to the fact that an overall opinion can not be expressed. When an overall opinion can not be expressed, the reasons therefore must be stated.

(2) *Audit or Examination.* The terms "audit" and "examination," when used in regard to financial statements, mean an examination of the statements by an accountant in accordance with generally accepted auditing standards for the purposes of expressing an opinion thereon.

(3) *Certified.* The term "certified," when used in regard to financial statements, means audited and reported upon with an opinion expressed by an independent certified public accountant or independent licensed public accountant.

(b) *Qualifications of Accountants.* (1) The Commission will recognize any person as a certified public accountant who is duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will recognize any person as a licensed public accountant who was duly licensed on or before December 31, 1970, and is in good standing as such under the laws of the place of his residence or principal office.

(2) The Commission will not recognize any certified public accountant or licensed public accountant as independent who is not in fact independent. For example, an accountant will not be considered independent with respect to any applicant or registrant or any parent, subsidiary, or other affiliate of such applicant or registrant (i) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (ii) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will be deemed independent with respect to an applicant or registrant and its affiliates if a former employee or officer of such applicant or registrant or any such affiliate is employed by the firm and such individual has completely disassociated himself from the applicant or registrant and its affiliates and does not participate in auditing financial statements of the applicant or registrant or its affiliates covering any period of his employment by the applicant or registrant or its affiliate. An accountant will not be considered independent if he or his firm or a member thereof performs manual or automated bookkeeping services or assumes responsibility for maintenance of the accounting records, including accounting classification decisions, of such applicant or registrant or any of its affiliates. For the purposes of this § 1.16(b), the term "member" means all partners in the firm and all professional employees participating in the audit or located in the office of the firm participating in a significant portion of the audit.

(3) In determining whether an accountant may in fact not be independent with respect to a particular applicant or registrant, the Commission will give appropriate consideration of all relevant circumstances, including evidence bearing on all relationships between the accountant and that applicant or registrant or any affiliate thereof, and will not confine itself to the relationship existing in connection with the filing of reports with the Commission.

(c) *Accountant's Reports*—(1) *Technical requirements.* The accountant's report (i) must be dated, (ii) must be signed manually, (iii) must indicate the city and state where issued and (iv) must identify without detailed enumeration the financial statements covered by the report.

(2) *Representations as to the audit.* The accountant's report (i) must state whether the audit was made in accordance with generally accepted auditing standards, (ii) must state whether the accountant reviewed the procedures followed for safeguarding customer and firm assets in accordance with the provisions of the Act and the regulations thereunder, and (iii) must designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted and the reasons for their omission. However, nothing in this paragraph (c)(2) shall be construed to imply authority for the omission of any procedure

which independent accountants would ordinarily employ in the course of an audit made for the purposes of expressing the opinions required by paragraph (c)(3) of this section.

(3) *Opinions to be expressed.* The accountant's report must state clearly: (i) The opinion of the accountant with respect to financial statements covered by the report and the accounting principles and practices reflected therein and (ii) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have material effect on the financial statements.

(4) *Exceptions.* Any matters to which the accountant takes exception must be clearly identified, the exceptions thereto specifically and clearly stated, and to the extent practicable, the effect of each such exception on related financial statements given.

(d) *Audit objectives.* (1) The audit must be made in accordance with generally accepted auditing standards and must include a review of the accounting system, the internal accounting control, and the procedures for safeguarding customer and firm assets in accordance with the provisions of the Act and the regulations thereunder, including appropriate tests thereof, since the prior examination date. The audit must include all procedures necessary under the circumstances to enable the independent licensed or certified public accountant to express an opinion on the financial statements and schedule. The scope of the audit and review of the accounting system, the internal controls, and procedures for safeguarding customer and firm assets must be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination in (i) the accounting system, (ii) the internal accounting controls, and (iii) the procedures for safeguarding customer and firm assets (including the segregation requirements of section 4d(2) of the Act and the regulations thereunder) will be discovered. Additionally, as specified objectives the audit must include reviews of the practices and procedures followed by the registrant in making (a) periodic computations of the minimum capital requirements pursuant to § 1.17 and (b) daily computations of the segregation requirements of section 4d(2) of the Act and the regulations thereunder.

(2) A material inadequacy in the accounting system, the internal accounting controls, the procedures for safeguarding customer and firm assets, and the practices and procedures referred to in paragraph (d)(1) of this section which is to be reported in accordance with paragraph (e)(2) of this section includes any conditions which contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to (i) inhibit an applicant or registrant from promptly completing transactions or promptly discharging his responsibilities to customers and other creditors, (ii) result in material financial loss, (iii) result in material misstatement of the applicant's or registrant's financial statements, or (iv) result in violations of the Commission's segregation, recordkeeping or financial reporting requirements.

(e) *Extent and timing of audit procedures.* (1) The extent and timing of audit procedures are matters for the independent public accountant to determine on the basis of his review and evaluation of existing internal controls and other audit procedures performed in accordance with generally accepted auditing standards and the audit objectives set forth in paragraph (d) of this section. In determining the extent of testing, consideration must be given to the materiality of an area and to the possible effect on the financial statements and schedules of a material misstatement in a related account.

(2) If during the course of an audit or interim work, the independent public accountant determines that any material inadequacies exist in the accounting system, in the internal accounting control, in the procedures for safeguarding customer or firm assets, or as otherwise defined in paragraph (d) of this section, he must call it to the attention of the applicant or registrant, who has the responsibility to inform the Commission and all contract markets of which the applicant or registrant is a member, if any, of such inadequacies by written notice to be received by the Commission at its principal office in Washington, D.C., within 24 hours thereafter. The applicant or registrant must also furnish the accountant with a copy of said notice to the Commission within such 24 hour period. If the accountant fails to receive such notice from the applicant or registrant within said 24 hour period or if he disagrees with the statements contained in the notice of the applicant or registrant, the accountant must inform the Commission and all contract markets of which the applicant or registrant is a member, if any, by reporting the material inadequacy within 24 hours thereafter. Such report from the accountant must if the applicant or registrant failed to file a notice, describe the material inadequacies found to exist. If the applicant or registrant filed a notice, the accountant must file a report detailing the aspects, if any, of the applicant's or registrant's notice with which the accountant does not agree.

(f) *Extension of time for filing audited reports.* (1) In the event any applicant or registrant finds that it cannot file its audited reports for any year within the time specified in § 1.10 without substantial undue hardship, it may file with the principal office of the Commission in Washington, D.C., an application for extension of time to a specified date not more than 90 days after the date as of which the financial condition must be reported. Notice of such application must be sent to all contract markets of which the applicant or registrant is a member. The application must be made by the applicant or registrant and must: (i) State the reasons for the requested extension; (ii) indicate that the inability to make a timely filing is due to circumstances beyond the control of the applicant or registrant, if such is the case, and describe briefly the nature of such circumstances; (iii) be accompanied by the latest available formal computations of his adjusted working capital and of his minimum financial requirements pursuant to § 1.18 (b); (iv) be accompanied by the latest available computation of required segregation pursuant to regulation 1.32 and by a computation of the amount of money, securities, and property segregated on behalf of customers as of the date of the latest available computation under regulation 1.32; (v) contain an agreement to file the report on or before the date specified by the applicant or registrant in the application; (vi) be received by the principal office of the Commission in Washington, D.C., and by all contract markets of which the applicant or registrant is a member, if any, prior to the date on which the report is due; and (vii) be accompanied by a letter from the independent public accountant answering the following questions:

(A) What specifically are the reasons for the extension request?

(B) On the basis of that part of your audit to date, do you have any indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting controls or procedures for safeguarding customer or firm assets?

(C) Do you have any indication from the part of your audit completed to date that would lead you to believe that the firm was or is not meeting the minimum capital requirements specified in § 1.17 or the segregation requirements of section 4d(2) of the Act and the regulations thereunder, or has any significant financial or recordkeeping problems?

(2) An application for extension of time will be deemed denied unless the Commission, within ten days of the receipt of the application, notifies the applicant or registrant (i) of the grant of an extension, or (ii) that additional time is required to conduct an adequate review of the application, in which case the time needed shall be specified.

(3) On the written request of any contract market or an applicant or registrant, or on its own motion, the Commission may grant an extension of time or an exemption from any of the certified financial reporting requirements of this chapter either unconditionally or on specified terms and conditions.

(g) *Replacement of Accountant.* (1) In the event (i) the independent public accountant who was previously engaged as the principal accountant to audit an applicant's or registrant's financial statements resigns (or indicates he declines to stand for re-election after the completion of the current audit) or is dismissed as the applicant's or registrant's principal accountant, (ii) another independent accountant is engaged as principal accountant, or (iii) an independent accountant on whom the principal accountant expresses reliance in his report regarding a material subsidiary resigns (or formally indicates he declines to stand for re-election after completion

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of the current audit) or is dismissed or another independent public accountant is engaged to audit that subsidiary, the applicant or registrant shall file written notice of such occurrence with the Commission at its principal office in Washington, D.C., and with all contract markets of which the applicant or registrant is a member, if any, not more than 15 days after such occurrence.

(2) Such notice must state (i) the date of such resignation (or declination to stand for re-election, dismissal or engagement) and (ii) whether, in connection with the audits of the two most recent fiscal years and any subsequent interim period preceding such resignation, dismissal or engagement, there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statements disclosure, auditing scope or procedures, or compliance with the applicable rules of the Commission, which, if not resolved to the satisfaction of the former accountant, would have caused him to make reference in connection with his report to the subject matter of the disagreements (if so, describe such disagreements). The disagreements required to be reported in this paragraph (g) (2) include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this paragraph (g) (2) are those which occur at the decision making level, i.e., between personnel of the registrant responsible for presentation of its financial statement and personnel of the accounting firm responsible for rendering its report. The notice must also state whether the accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainties, audit scope, or accounting principles (if so, describe the nature of each such adverse opinion, disclaimer of opinion, or qualification). The applicant or registrant must also request the former accountant to furnish the applicant or registrant with a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the applicant or registrant and, if not, stating the respects in which he does not agree. Each copy of the notice and accountant's letter must be manually signed by the sole proprietor or a general partner or a duly authorized corporate officer of the applicant or registrant, as appropriate, and by the accountant.

(3) If (i) within the 24 months prior to the date of the most recent audited financial statement, a notice has been filed pursuant to paragraph (g) (1) of this section reporting a change of accountants, (ii) included in such filing there is a reported disagreement on any matters of accounting principles or practices, financial statements disclosure, auditing scope, or noncompliance with the applicable rules of the Commission, (iii) during the fiscal year in which the change in accountants took place or during the subsequent fiscal year, there have been any transactions or events similar to those which involved a reported disagreement, and (iv) such transactions or events are material and were accounted for or disclosed in a manner different from that which the former accountant apparently would have concluded was required, the existence and nature of the disagreements and also the effect on the financial statements must be stated in a written notice to the Commission at its principal office in Washington, D.C., and all contract markets of which the applicant or registrant is a member, if any, if the method which the former accountant apparently would have concluded was required had been followed. These disclosures need not be made if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued. The notice required by this paragraph (g) (3) must be filed by the applicant or registrant concurrently with the financial statements to which it pertains.

§ 1.17 [Amended]

4. By revising § 1.17(b) to read as follows:

* * * * *

(b) The requirements of paragraph (a) of this section shall not be applicable if the applicant for registration or the registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations or resolutions approved by the Commission pursuant to section 4f(2) of the Act after the effective date of this regulation.

* * * * *

§ 1.18 [Amended]

5. By revising § 1.18(b) to read as follows:

* * * * *

(b) Each applicant or registrant must make and keep as a record in accordance with § 1.31, formal computations of his adjusted working capital and of its minimum financial requirements pursuant to § 1.17 as of the close of business each month. Such computations must be completed and made available for inspection by any representative of the Commission or any contract market of which the applicant or registrant is a member, if any, by the close of the tenth business day after the date for which the computations are made, commencing the first month end after the date his application for registration is filed or the first month end after (the effective date of this section).

* * * * *

APPENDIX A

Form 1–FR remains the same except for the following:

1. The title of Schedule 1 has been changed from "Determination of Adequacy of Capital Position in Meeting Minimum Capital Requirements" to "Statement of the Computation of the Minimum Capital Requirements Pursuant to Section 1.17."

2. A "Statement of Income (Loss)" has been added.

3. A "Statement of Changes in Financial Position" has been added.

4. A "Statement of Changes in Liabilities Subordinated to the Claims of General Creditors" has been added.

5. A "Statement of Changes in Ownership Equity" has been added.

The format for the new statements follows.

Statement of income (loss)

	Current period	Corresponding prior period
REVENUE		
1. Net sales cash commodities less		
Cost of goods sold		
Gross income from sales		
2. Commissions:		
(a) Commodity futures transactions		
(b) Security transactions		
3. Interest and dividends		
4. Firm trading accounts:		
(a) Realized gain (loss)		
(b) Unrealized gain (loss)		
5. Other income (itemize here or on a separate page)		
6. Total revenue		
EXPENSES		
7. Commissions and floor brokerage		
8. Employee compensation and benefits		
9. Occupancy and equipment rental		
10. Interest		
11. Communications		
12. Taxes other than income taxes		
13. Bad debt expense		
14. Other operating expenses		
15. Total expenses		
16. Income (loss) before income tax expense and appropriate items below		
17. Income tax expense		
18. Minority interest in income of consolidated subsidiaries		
19. Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons		
20. Income or loss before extraordinary items		
21. Extraordinary items, less applicable tax		
22. Cumulative effects of changes in accounting principles, less applicable tax		
23. Net income or loss		

STATEMENT OF CHANGES IN FINANCIAL POSITION

The statement may be in any format which is relevant, but must be in accordance with generally accepted accounting principles.

STATEMENT OF CHANGES IN LIABILITIES SUBORDINATED TO CLAIMS OF GENERAL CREDITORS

Subordinated borrowings as previously reported	$------
Increases (itemize here or on a separate page)	------
Decreases (itemize here or on a separate page)	------
Subordinated borrowings currently reported	------

STATEMENT OF CHANGES IN OWNERSHIP EQUITY

Ownership equity as previously reported	$------
Net income (loss)	------
Additions (itemize here or on a separate page)	------
Deductions (itemize here or on a separate page)	------
Ownership equity currently reported	------

* * * * *

Interested persons are invited to submit written comments on the proposed regulations to the Commodity Futures Trading Commission, 2033 "K" Street, N.W., Washington, D.C. 20581, Attention: Secretariat Comments received on or before November 30, 1976, will be considered by the Commission before taking action on the proposed regulations. Copies of all comments received will be available for inspection at the Commission's office in Washington, D.C.

Issued in Washington, D.C., on October 6, 1976, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-29911 Filed 10-14-76;8:45 am]

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federal register

FRIDAY, OCTOBER 15, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
LIBERTY DOMINION MARKET
1934

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

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DESIGNATION OF MEDICALLY UNDERSERVED AREAS

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

MEDICALLY UNDERSERVED AREAS AND POPULATION GROUPS

Designation

The purpose of this notice is to publish the current list of medically under served areas as designated by the Secretary of Health, Education, and Welfare. The notice describes how the index of medical underservice is used to produce the list of medically underserved areas, and sets forth the procedure for ongoing revision of the list.

The Secretary's first designation of medically underserved areas, under the provisions of the Health Maintenance Organization Act of 1973 (Pub. L. 93-222), appeared as a notice in the FEDERAL REGISTER on September 2, 1975 (40 FR 40315-451). The notice contained a full description of the methodology for determining medical underservice. Single copies can be obtained from the appropriate DHEW Regional Office.

Sections 1302(7) and 330(b)(3) of the Public Health Service Act state that the term "medically underserved population" means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

Under the provisions of the Health Maintenance Organization Act, projects that will draw not less than 30 percent of their membership from medically underserved populations may receive priority funding.

Section 330 of the Public Health Service Act, established by Pub. L. 94-63, provides that grants may be made to public and nonprofit private entities for projects to plan, develop, or operate community health centers which serve medically underserved populations.

Section 1611(d)(2) under Title XVI of the PHS Act, established by Pub. L. 93-641, requires that in any fiscal year not less than 25 percent of the amount of a State's allotment under Part B of title XVI available for obligation in that fiscal year shall be obligated for projects for outpatient facilities which will serve medically underserved populations. The legislative history of title XVI makes clear that the Secretary is expected to utilize the same operational definition of a medically underserved population for title XVI purposes as is used elsewhere in the PHS Act. (See S. Rept. No. 93-1285 at 59.)

Health maintenance organization, community health center, and health facility applicants who wish to apply for funding under the above sections should consult this list to determine which areas in their localities are medically underserved. To learn if there have been changes subsequent to the publication of this list, applicants should contact their local planning agencies.

APPLICATION OF THE INDEX OF MEDICAL UNDERSERVICE

The basis for identifying medically underserved areas and populations is the index of medical underservice (IMU). The IMU is obtained by applying weights to data on the following indicators:

(1) Ratio of primary care physicians to population;

(2) Infant mortality rate;

(3) Percentage of the population which is age 65 or over; and

(4) Percentage of the population with family income below the poverty level.

County-level data are used for two of the indicators: the physician-to-population ratio and the infant mortality rate. For the two census indicators (percentage of the population below the poverty level and percentage of the population age 65 or over), county, minor civil division (MCD), or census county division (CCD) data are used in non-metropolitan areas, and census tract data are used in metropolitan areas. A weighted value is determined for each indicator and the sum of these values forms the IMU score.

In the development of the current MUA list, the 1975 median IMU score of all U.S. counties, 62.0, was used as the cut-off point between underserved and adequately served areas. Index values were computed for each non-metropolitan county, and those counties with scores of 62.0 or below are listed as medically underserved. Index values were then computed for all MCD/CCDs in non-metropolitan counties with scores greater than 62.0, and those MCD/CCDs with scores of 62.0 or below are on the list. In metropolitan areas, defined here as census tracts which lie within standard metropolitan statistical areas (SMSA), the IMU was computed for each census tract and all census tracts with scores of 62.0 or below are on the list. Areas with a population of fewer than 500 (whether counties, MCD/CCDs, or census tracts) were excluded from consideration as underserved to eliminate listing such places as parks and airports.

The list of areas resulting from application of the IMU was then revised based on approved deletions and additions recommended by the comprehensive health planning (CHP)[1] agencies.

ONGOING REVISION OF THE MUA LIST

The MUA list will be revised and published periodically, based on the most recent data available nationally. The updates will be based on changes in the actual values of the indicators or adjustments in the cut-off level. Health systems agencies (HSA)[2] or CHP agencies may at any time recommend changes in the list to reflect local knowledge of medical underservice. As current local data are not available nationally and some areas may be included or excluded inappropriately, HSAs are urged to review the list and to recommend deletions and additions.

All health systems agency recommendations will be reviewed to determine acceptability. If the recommended deletion of an area is accepted, that deletion will be considered permanent until the HSA requests reinstatement of the area. If the recommended addition of an area is accepted, the addition will be subject to periodic review to determine the validity of its retention based on the latest available data, i.e., data for years more recent than those urged to support the recommendation for addition.

PROCEDURE FOR SUBMISSION OF RECOMMENDATIONS

A recommendation for deletion or addition of an area must be accompanied by the agency's reason for the recommendation. All computations, as well as data sources and dates, must be submitted with a recommendation for addition of an area except when the area has a population of fewer than 500 and an IMU of 62.0 or less. If there has been public involvement in the recommendations, the material submitted should include a description of such involvement, e.g., documentation of relevant public meetings, copies of the agency's published notice of intent to review its area to identify pockets of medical underservice, or satisfactory demonstration that the agency governing or advisory board as representative of the community has had adequate review opportunity and has approved the recommendations of the HSA.

Health systems agencies and official CHP agencies are to send their recommendations to:

Division of Monitoring and Analysis, Bureau of Community Health Services, DHEW, 5600 Fishers Lane, Rockville, Maryland 20852.

Also, a copy of the recommendations is to be sent to the appropriate DHEW Regional Office (for address, see 45 CFR 5.31(b)).

Deletions. Recommendation for deletion of an area must be accompanied by identification of the area as it appears on the MUA list and the reasons for the recommendation.

Additions. Recommendation for addition of an area to the MUA list must be based on computation of an IMU score of 62.0 or less, using locally available data or data more recent than that used for this list. (See data sources under the heading, "The List of Medically Underserved Areas.") Before computing an IMU for an area with fewer than 500 population, the HSA should check with the Bureau of Community Health Services (address above) to determine whether or not the IMU for that area is 62.0 or less.

The following information must accompany a recommendation for addition of an area:

(a) Geographic identification of the area (names, census codes, or a map outlining the area proposed).

An area proposed for designation as medically underserved must be or approximate either:

(1) A county (in non-metropolitan areas),

(2) A minor civil division (MCD) or census county division (CCD) (in non-metropolitan areas),

(3) A census tract (in metropolitan areas), or

(4) A group of census tracts, MCDs, or CCDs which constitute a "natural neighborhood" for MUA designation. These groups can be listed as underserved if the IMU for the combined area is 62.0 or below. Because of the homogeneity of a neighborhood, such groupings may constitute more natural areas for designation as medically underserved than units such as individual census tracts, MCDs, and CCDs.

(b) Data on the four indicators and computations of the index of medical underservice.

(1) Percentage of population with incomes below the poverty level. (The definition of poverty used is the 1964 Social Security Administration version adopted by the Federal Interagency Committee in 1969.)

This percentage must be computed from 1970 Census of Population data or more recent update thereof, if any, as follows: The number of persons in families with incomes below the poverty level in the identified area is added to the number of unrelated individuals with incomes below the poverty level; this total is divided by the resident population minus members of the Armed Forces living in barracks, students in dormitories, and inmates of institutions; and the result multiplied by 100.

The figures used to compute this percentage (the resident population, inmates of institutions, Armed Forces living in barracks, students in dormitories, and the number of persons with incomes below the poverty level) must be stated. The data can be obtained from the 1970 U.S. Census Bureau publications or tapes. If the data are obtained from more recent sources, both data and sources must be identified.

Compute the percentage of population with incomes below the poverty level for the appropriate area: census tracts or combinations of census tracts in metropolitan counties; MCD/CCD or combinations of MCD/CCDs in non-metropolitan counties; or the whole non-metropolitan county. Convert the computed percentage to the weighted value V_1 using Table V_1.

TABLE V_1

PERCENTAGE OF POPULATION BELOW POVERTY LEVEL

In the left column find the range which includes the percentage of population below poverty level for the area being examined. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Percent Below Poverty	Weighted Value V_1
0	25.1
.1- 2.0	24.6
2.1- 4.0	23.7
4.1- 6.0	22.8
6.1- 8.0	21.9
8.1-10.0	21.0
10.1-12.0	20.0
12.1-14.0	18.7
14.1-16.0	17.4
16.1-18.0	16.2
18.1-20.0	14.9
20.1-22.0	13.6
22.1-24.0	12.2
24.1-26.0	10.9
26.1-28.0	9.3
28.1-30.0	7.8
30.1-32.0	6.6
32.1-34.0	5.6
34.1-36.0	4.7
36.1-38.0	3.4
38.1-40.0	2.1
40.1-42.0	1.3
42.1-44.0	1.0
44.1-46.0	.7
46.1-48.0	.4
48.1-50.0	.1
50+	0

(3) Percentage of population age 65 or over.

This percentage must be computed from 1970 U.S. Census of Population data or more recent update thereof, if any, as follows: the number of persons age 65 or over in the identified area is divided by the resident population of that area, and the result multiplied by 100.

The figures used to compute this percentage (number of persons age 65 or over, and the resident population) must be stated. These data can be obtained from U.S. Census Bureau publications or tapes. If data are obtained from other more recent sources, data and sources must be identified.

Compute the percentage of population age 65 or over for the appropriate area: census tract or combination of census tracts in metropolitan counties; MCD/CCD or combination of MCD/CCDs in nonmetropolitan counties; or the whole non-metropolitan county. Convert the computed percentage to the weighted value, V_2 using Table V_2.

[1] Prior to the implementation of Pub. L. 93-641, recommendations were made by the areawide CHP agencies under the authority of Section 314(b) of the PHS Act, and by State CHP agencies under Section 314(a) of the Act (Pub. L. 89-749). In April 1976, with the designation of the first health systems agencies under Section 1515 of the PHS Act (Pub. L. 93-641), phase-out of the 314(b) CHP agencies began. The CHP phase-out process is expected to be completed by early 1977 when all of the over-200 health systems are operational and the transfer of areawide health planning functions has been realized. For the 314(a) CHP agencies, a corresponding substitution of State health planning and development agencies (under the authority of Section 1521 of the PHS Act) began on July 1, 1976. Until the phase-out is completed, federally funded CHP agencies will continue to make recommendations for the MUA list.

[2] In Hawaii, Rhode Island, the District of Columbia, the Virgin Islands, Guam, the Trust Territories in the Pacific Islands, and American Samoa, the State health planning and development agencies (SHPDA) carry out the functions of health systems agencies (see Section 1536 of the PHS Act).

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TABLE V_2

PERCENTAGE OF POPULATION AGE 65 AND OVER

In the left column find the range which includes the percentage of population age 65 and over for the area being examined. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Percent Age 65 and Over	Weighted Value V_2
0- 7.0	20.2
7.1- 8.0	20.1
8.1- 9.0	19.9
9.1-10.0	19.8
10.1-11.0	19.6
11.1-12.0	19.4
12.1-13.0	19.1
13.1-14.0	18.9
14.1-15.0	18.7
15.1-16.0	17.8
16.1-17.0	16.1
17.1-18.0	14.4
18.1-19.0	12.8
19.1-20.0	11.1
20.1-21.0	9.8
21.1-22.0	8.9
22.1-23.0	8.0
23.1-24.0	7.0
24.1-25.0	6.1
25.1-26.0	5.1
26.1-27.0	4.0
27.1-28.0	2.8
28.1-29.0	1.7
29.1-30.0	.6
30+	0

(3) Infant mortality rate.

This rate must be computed as an aggregate rate for the 5-year period 1969 through 1973, or more recent period of 5 consecutive years, as follows: the total number of deaths of infant residents (deaths between birth and age 1 year) during the 5-year period in the county containing the identified area is divided by the total number of live births to residents of the county during the same period and the result multiplied by 1,000. For counties with fewer than 100 live births over the 5-year period, the IMU may be computed using the State infant mortality rate instead of the county rate. The infant mortality rate for a subcounty area which includes the identified area and has had at least 4,000 births over the 5-year period will be accepted in lieu of the county rate. The number of infant deaths and live births for the subcounty area and the sources of data used must be stated, together with the infant mortality rate computed from them. Data on infant deaths and live births may be obtained from official State agencies or the annual editions of the U.S. Public Health Service publication entitled "Vital Statistics of the United States."

Compute the infant mortality rate for the county and convert it to the weighted value V_3 using Table V_3.

TABLE V_3

INFANT MORTALITY RATE

In the left column find the range which includes the infant mortality rate for the area being examined or the area in which it lies. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Infant Mortality Rate	Weighted Value V_3
0-10.0	26.0
10.1-11.0	25.6
11.1-12.0	24.8
12.1-13.0	24.0
13.1-14.0	23.2
14.1-15.0	22.4
15.1-16.0	21.5
16.1-17.0	20.5
17.1-18.0	19.5
18.1-19.0	18.5
19.1-20.0	17.5
20.1-21.0	16.4
21.1-22.0	15.3
22.1-23.0	14.2
23.1-24.0	13.1
24.1-25.0	11.9
25.1-26.0	10.8
26.1-27.0	9.6
27.1-28.0	8.5
28.1-29.0	7.3
29.1-30.0	6.1
30.1-31.0	5.4
31.1-32.0	5.0
32.1-33.0	4.7
33.1-34.0	4.3

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Infant Mortality Rate	Weighted Value V_3
34.1-35.0	4.0
35.1-36.0	3.6
36.1-37.0	3.3
37.1-38.0	3.0
38.1-39.0	2.6
39.1-40.0	2.3
40.1-41.0	2.0
41.1-42.0	1.8
42.1-43.0	1.6
43.1-44.0	1.4
44.1-45.0	1.2
45.1-46.0	1.0
46.1-47.0	.8
47.1-48.0	.6
48.1-49.0	.3
49.1-50.0	.1
50+	0

(4) Ratio of primary care physicians to population.

This ratio should be computed by dividing the number of primary care physicians in the county which contains the identified area by the civilian non-institutional population, and multiplying the result by 1,000. Figures used for the number of primary care physicians and the civilian non-institutional population (resident population minus the resident members of the Armed Forces and inmates of institutions) and their sources must be stated. For the purpose of these computations, primary care physicians are defined to include the total number of active doctors of medicine (M.D.) and doctors of osteopathy (D.O.) who spend at least 50 percent of their time engaged in direct patient care in the fields of general or family practice, internal medicine, pediatrics, or obstetrics and gynecology. The computations must include all non-Federal physicians meeting the above definition.

Compute the physician ratio for the county and convert to weighted value V_4 using Table V_4.

TABLE V_4

PRIMARY CARE PHYSICIANS
PER 1,000 POPULATION

In the left column find the range which includes the ratio of primary care physicians per 1,000 population for the county being examined, or the county in which the area being examined lies. The corresponding weighted value, found opposite in the right column, should be used in the formula for determining the IMU.

Primary Care Physicians Per 1,000 Population	Weighted Value V_4
0	0
.001-.050	.5
.051-.100	1.5
.101-.150	2.8
.151-.200	4.1
.201-.250	5.7
.251-.300	7.3
.301-.350	9.0
.351-.400	10.7
.401-.450	12.6
.451-.500	14.8
.501-.550	16.9
.551-.600	19.1
.601-.650	20.7
.651-.700	21.9
.701-.750	23.1
.751-.800	24.3
.801-.850	25.3
.851-.900	25.9
.901-.950	26.6
.951-1.000	27.2
1.001-1.050	27.7
1.051-1.100	28.0
1.101-1.150	28.3
1.151-1.200	28.6
Over 1.200	28.7

(5) Computation of the index of medical underservice. The IMU is computed by using the formula: $IMU = V_1 + V_2 + V_3 + V_4$.

If the IMU score for an area is 62.0 or below, the area may be recommended for additiodn to the MUA list. If the IMU score is greater than 62.0, the area may be recommended for deletion.

POSSIBLE EXCEPTIONS

The Secretary recognizes that there may be certain areas which do not qualify for the MUA list solely on the basis of the computed IMU. An area can have unusual conditions which reduce the availability or accessibility of primary medical care but which are not reflected in the area's overall IMU score. If there are mitigating circumstances which would bear on the value of a particular indicator, there can be in-depth review of the additional information affecting the factors involved in computing the IMU.

Conditions that reduce the availability of medical services by increasing demand could be, for example, an area that has a large influx of migrant farmworkers which substantially alters the physician-to-population ratio during the growing season; or an area that has had a significant increase since the 1970 census in the number of persons age 65 or over, or in the number of persons living in poverty. Also, accessibility factors, such as physical barriers, lack of all-weather roads, severe weather a major portion of the year, distance to or time spent to reach sources of primary care, or relevant socio-economic factors may help to qualify an area for consideration. To the extent possible, the information describing unusual conditions should be quantified and verified by the recommending HSA. Areas designated as Critical Health Manpower Shortage Areas (as authorized by Section 329(b) of the PHS Act) are designatable as medically underserved.

Recommendations for designation as a medically underserved area based on unusual conditions should (a) be prepared by the health systems agency, (b) state the primary cause of the medical underservice, (c) describe all factors causing the underservice, (d) be supported by all relevant data, sources, and dates, and (e) be submitted through the Regional Office to:

Director, Bureau of Community Health Services, DHEW, 5600 Fishers Lane, Rockville, Maryland 20852.

Alternatively, the Regional Office, with the concurrence of the health systems agency, can directly supply such information to the Bureau of Community Health Services.

THE LIST OF MEDICALLY UNDERSERVED AREAS

The index of medical underservice on which the list is based was computed using data from the following sources:

Center for Health Services Research and Development, 1973 Physician County Summary File. Chicago. American Medical Association, 1974.

Master File of Osteopathic Physicians, December 31, 1974. Chicago. American Osteopathic Association, 1975.

U.S. Bureau of the Census, 1970 Census of Population, 2d and 4th Count Files.

Maternal and Child Health Studies Project, 1969–1973 Infant Mortality County Summary File, Washington. Information Sciences Research Institute, 1976.

The list is structured with the States in alphabetical order. There are four headings which identify total counties, minor civil divisions/census county divisions within counties, census tracts within counties, and groups of census tracts. The MCD/CCDs are identified by name; the census tracts are identified by number. Areas in each of the sections are listed alphabetically by county.

Groups of census tracts are listed only when the HSA or CHP agency has certified that particular groupings form natural areas for designation. Census tracts which individually qualify for designation but have been combined with other tracts in groups have been marked with double asterisks in the group listings.

The following areas are designated by the Secretary as medically underserved.

Dated: October 4, 1976.

THEODORE COPPER, M.D.,
Assistant Secretary for Health.

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LIST OF MEDICALLY UNDERSERVED AREAS

ALABAMA

COUNTY NAME	COUNTIES
AUTAUGA	
BARBOUR	
BIBB	
BLOUNT	
BULLOCK	
BUTLER	
CALHOUN	
CHAMBERS	
CHEROKEE	
CHILTON	
CHOCTAW	
CLARKE	
CLAY	
CLEBURNE	
COFFEE	
COLBERT	
CONECUH	
COOSA	
COVINGTON	
CRENSHAW	
CULLMAN	
DALE	
DALLAS	
DE KALB	
ESCAMBIA	
FAYETTE	
FRANKLIN	
GENEVA	
GREENE	
HALE	
HENRY	
HOUSTON	
JACKSON	
LAMAR	
LAWRENCE	
LEE	
LOWNDES	
MACON	
MARENGO	
MARION	
MARSHALL	
MONROE	
PERRY	
PICKENS	
PIKE	

LIST OF MEDICALLY UNDERSERVED AREAS

ALABAMA

COUNTY NAME	COUNTIES (CONTINUED)
RANDOLPH	
ST CLAIR	
SUMTER	
TALLADEGA	
TALLAPOOSA	
WASHINGTON	
WILCOX	
WINSTON	

	MCD/CCD* WITHIN COUNTY			
LAUDERDALE	CLOVERDALE DIV	OAKLAND DIV		
	ROGERSVILLE DIV	WATERLOO DIV		
MORGAN	DANVILLE DIV	FALKVILLE DIV		

	CENSUS TRACTS WITHIN COUNTY					
BALDWIN	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0107.00	0108.00	0109.00	0110.00	0111.00	0112.00
	0113.00	0114.00	0115.00	0116.00		
ELMORE	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0107.00					
ETOWAH	0001.00	0002.00	0003.00	0005.00	0006.00	0007.00
	0008.00	0009.00	0010.00	0012.00	0014.00	0015.00
	0016.00	0017.00	0101.00	0102.00	0103.00	0104.00
	0106.00	0107.00	0108.00	0109.00	0110.00	0111.00
JEFFERSON	0005.00	0006.00	0007.00	0008.00	0009.00	0011.00
	0012.00	0013.00	0014.00	0015.00	0017.00	0018.00
	0023.01	0024.00	0026.00	0027.00	0028.01	0028.02
	0029.00	0030.00	0032.00	0033.00	0039.00	0041.00
	0042.00	0043.00	0044.00	0045.00	0046.00	0048.01
	0048.02	0049.01	0051.00	0055.00	0101.00	0102.00
	0103.00	0104.00	0114.00	0119.00	0123.02	0131.00
	0133.00	0136.00	0138.00	0141.02		
LIMESTONE	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00
	0207.00	0208.00	0210.00	0211.00	0212.00	

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

ALABAMA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
MADISON	0011.00	0012.00	0016.00	0021.00	0101.00	0102.00
	0105.00	0107.00	0112.00	0113.00		
MOBILE	0002.00	0003.00	0004.01	0004.02	0005.00	0006.00
	0007.01	0007.02	0008.00	0009.01	0009.02	0009.03
	0010.01	0010.02	0011.00	0012.01	0012.02	0013.01
	0013.02	0014.00	0015.01	0015.02	0023.02	0025.01
	0025.02	0026.00	0027.00	0036.02	0038.01	0039.01
	0039.02	0040.00	0041.00	0042.00	0043.00	0044.00
	0046.00	0048.00	0049.00	0057.00	0058.00	0059.00
	0062.00	0064.00	0067.00	0071.00	0072.00	
MONTGOMERY	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0007.00	0010.00	0011.00	0012.00	0013.00	0014.00
	0015.00	0016.00	0024.00	0030.00	0051.00	0054.00
	0055.00	0056.00	0057.00	0058.00	0059.00	0060.00
RUSSELL	0301.00	0302.00	0303.00	0304.00	0305.00	0306.00
	0307.00	0308.00	0309.00	0310.00	0311.00	0312.00
SHELBY	0301.00	0302.00	0303.00	0304.00	0305.00	0306.00
	0307.00	0308.00				
TUSCALOOSA	0101.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0112.00	0113.00	0114.00	0116.00	0117.00	0118.00
	0119.00	0125.00				
WALKER	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00
	0207.00	0208.00	0209.00	0210.00	0211.00	0212.00
	0213.00	0214.00	0215.00	0216.00	0217.00	0218.00
	0219.00					

ALASKA

COUNTIES
ANGOON DIVISION
BETHEL DIVISION
BRISTOL BAY DIVISION
KOBUK DIVISION
KUSKOKWIM DIVISION

LIST OF MEDICALLY UNDERSERVED AREAS

ALASKA

COUNTY NAME	COUNTIES (CONTINUED)
NOME DIVISION	
OUTER KETCHIKAN DIVISION	
UPPER YUKON DIVISION	
WADE HAMPTON DIVISION	
YUKON-KOYUKUK DIVISION	

	MCD/CCD* WITHIN COUNTY
SKAGWAY-YAKUTAT DIVI	YAKUTAT PORTION

ARIZONA

COUNTIES
APACHE
GILA
NAVAJO

	MCD/CCD* WITHIN COUNTY	
COCHISE	FLORIDA DIV	
COCONINO	KAIBAB DIV	RESERVATION DIV
GRAHAM	SAN CARLOS DIV	
GREENLEE	DUNCAN DIV	
MOHAVE	MOHAVE NORTH DIV	
PINAL	FLOY DIV	MARICOPA-STANFIELD DIV
	SACATON DIV	
SANTA CRUZ	PATAGONIA DIV	
YAVAPAI	CONGRESS DIV	
YUMA	SOMERTON DIV	

	CENSUS TRACTS WITHIN COUNTY			
MARICOPA	0716.00	1128.00	1131.00	1140.00

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

ARIZONA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)	
PIMA	0004.00	0009.00

ARKANSAS

COUNTIES

ARKANSAS
ASHLEY
BAXTER
BOONE
BRADLEY
CALHOUN
CARROLL
CHICOT
CLARK
CLAY
CLEVELAND
COLUMBIA
CONWAY
CROSS
DALLAS
DESHA
DREW
FRANKLIN
FULTON
GREENE
HEMPSTEAD
HOT SPRING
HOWARD
INDEPENDENCE
IZARD
JACKSON
JOHNSON
LAFAYETTE
LAWRENCE
LEE
LINCOLN
LITTLE RIVER
LOGAN
LONOKE
MADISON

LIST OF MEDICALLY UNDERSERVED AREAS

ARKANSAS

COUNTIES (CONTINUED)

MARION
MISSISSIPPI
MONROE
MONTGOMERY
NEVADA
NEWTON
OUACHITA
PERRY
PHILLIPS
PIKE
POINSETT
POLK
PRAIRIE
RANDOLPH
ST FRANCIS
SCOTT
SEARCY
SHARP
STONE
VAN BUREN
WOODRUFF

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
BENTON	BRIGHTWATER TWP	DECATUR TWP
	GARLAND TWP	GENTRY TWP
	MOUNT VERNON TWP	OSAGE TWP
	SULPHUR SPRINGS TWP	WALLACE TWP
CLEBURNE	CADRON TWP	
CRAIGHEAD	BIG CREEK TWP	BLACK OAK TWP
	BUFFALO TWP	LAKE CITY TWP
	LESTER TWP	MAUMELLE TWP
FAULKNER	CALIFORNIA TWP	CLIFTON TWP
	EAGLE TWP	PINE MOUNTAIN TWP
	WALKER TWP	
GARLAND	HOT SPRINGS TWP	LEE TWP
	MAZARN TWP	VALLEY TWP

LIST OF MEDICALLY UNDERSERVED AREAS

ARKANSAS

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
POPE	CONVENIENCE TWP	DOVER TWP
	GRIFFIN TWP	JACKSON TWP
	MARTIN TWP	WILSON TWP
SEVIER	MINERAL TWP	RED COLONY TWP
UNION	BOONE TWP	HENDERSON TWP
	VAN BUREN TWP	WILMINGTON TWP
WASHINGTON	BRUSH CREEK TWP	LITTERAL TWP
	PRAIRIE GROVE TWP	STARR HILL TWP
	WINSLOW TWP	
WHITE	BALD KNOB TWP	BIG CREEK TWP
	HARRISON TWP	HIGGINSON TWP
	KENSETT TWP	LIBERTY TWP
	RC BAE TWP	RED RIVER TWP
	RUSSELL TWP	UNION TWP
	VELVET RIDGE TWP	
YELL	RILEY TWP	WARD TWP

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
CRAWFORD	0201.00	0202.00	0204.00	0205.00		
CRITTENDEN	0301.00	0302.00	0303.00	0304.00	0305.00	0306.00
	0307.00	0308.00	0309.00	0310.00	0311.00	
JEFFERSON	0001.00	0002.00	0003.00	0005.00	0006.00	0007.00
	0008.00	0010.00	0011.00	0012.00	0013.00	0014.00
	0017.00	0019.00	0020.00	0021.00		
MILLER	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00
	0207.00	0209.00	0210.00			
PULASKI	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0007.00	0008.00	0009.00	0010.00	0011.00	0012.00
	0013.00	0018.00	0025.00	0026.00	0028.00	0038.00
	0039.00	0040.01				
SALINE	0102.00	0105.00				

LIST OF MEDICALLY UNDERSERVED AREAS

CALIFORNIA

COUNTIES

MADERA
MODOC

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
GLENN	ORLAND DIV	
IMPERIAL	CALEXICO DIV	CALIPATRIA DIV
	EAST IMPERIAL DIV	WEST IMPERIAL DIV
	WESTMORLAND DIV	WINTERHAVEN-BARD DIV
MERCED	LOS BALOS DIV	LIVINGSTON-DELHI DIV
	PLANADA-LE GRAND DIV	
SAN BENITO	BOLSA-PACHECO DIV	
SIERRA	EAST SIERRA DIV	WEST SIERRA DIV
TULARE	EARLIMART DIV	PIXLEY DIV
	TERRA BELLA DIV	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
ALAMEDA	4013.00	4018.00	4026.00	4028.00	4029.00	4034.00
	4037.00					
FRESNO	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0007.00	0008.00	0009.00	0010.00	0011.00	0014.01
	0015.00	0022.00	0068.00	0071.00	0084.02	
KERN	0004.00	0014.00	0015.00	0016.00	0020.00	0021.00
	0022.00	0023.01	0023.02	0024.00	0025.00	0028.04
	0032.01	0039.00	0040.00	0042.00	0045.00	0048.00
	0052.00	0064.00				

LIST OF MEDICALLY UNDERSERVED AREAS

CALIFORNIA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
LOS ANGELES	1916.01	1923.00	2031.00	2034.00	2045.01	2061.00
	2062.00	2063.00	2073.00	2077.00	2078.00	2079.00
	2088.00	2089.00	2092.00	2093.00	2094.00	2095.00
	2098.00	2113.00	2118.00	2148.00	2146.00	2151.00
	2164.00	2218.02	2264.00	2281.00	2282.00	2283.00
	2288.00	2289.00	2291.00	2421.00	2426.00	2431.00
	4024.04	4088.00	4636.00	5404.00	5716.00	5725.00
	5746.01	5758.00	5759.00	5760.00	5761.00	5762.00
	5763.00	5765.00	5766.00	5767.00	7014.00	7019.00
MONTEREY	0013.00	0118.00	0129.00			
NAPA	2013.00	2020.00				
RIVERSIDE	0303.00	0422.02	0427.02	0430.00	0431.00	0434.00
	0435.00	0437.00	0438.01	0438.02	0440.00	0447.00
	0445.00	0448.01				
SACRAMENTO	0005.00	0006.00	0007.00	0009.00	0010.00	0011.00
	0014.00					
SAN BERNARDINO	0014.00	0049.00	0054.00	0055.00	0056.00	0057.00
	0058.00	0059.00	0060.00	0068.00	0081.00	0087.00
	0088.00	0104.03	0104.04			
SAN DIEGO	0013.00	0052.00	0053.00	0059.00		
SAN FRANCISCO	0115.00	0125.00				
SAN JOAQUIN	0001.00	0006.00	0022.00			
SOLANO	2509.00	2527.00	2529.02			
SONOMA	1520.00					
VENTURA	0032.00	0043.02				

LIST OF MEDICALLY UNDERSERVED AREAS

COLORADO

COUNTY NAME	COUNTIES		
ARCHULETA			
BENT			
CHEYENNE			
CONEJOS			
COSTILLA			
CROWLEY			
CUSTER			
ELBERT			
HUERFANO			
JACKSON			
KIOWA			
LAKE			
LAS ANIMAS			
MONTEZUMA			
OTERO			
RIO GRANDE			
SAGUACHE			
YUMA			

COUNTY NAME	MCD/CCD* WITHIN COUNTY		
BACA	CAMPO DIV		
FREMONT	CANON CITY DIV		COTOPAXI DIV
LINCOLN	HUGO DIV		KARVAL DIV
LOGAN	CROOK DIV		FLEMING DIV
MORGAN	WELDONA DIV		WIGGINS DIV
PHILLIPS	HAXTUN DIV		
PROWERS	GRANADA DIV		HOLLY DIV
	TWO BUTTE CREEK DIV		
PUEBLO	OAK CREEK DIV		
TELLER	CRIPPLE CREEK DIV		

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY	
ADAMS	0084.00	0089.52

LIST OF MEDICALLY UNDERSERVED AREAS

COLORADO

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
DENVER	0017.02	0024.02	0025.00	0026.01		
EL PASO	0023.00					
PUEBLO	0006.00	0007.00	0008.00	0011.00	0012.00	0013.00
	0014.00	0015.00	0019.00	0020.00	0021.00	0026.00
	0028.02	0029.01	0030.02	0032.00		

CONNECTICUT

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
FAIRFIELD	0742.00					
HARTFORD	5005.00	5009.00	5010.00	5017.00	5020.00	5086.00
NEW HAVEN	1408.00	3501.00				
NEW LONDON	6902.00	6905.00	6906.00	6907.00	6968.00	6969.00
	7022.00	7023.00				

DELAWARE

COUNTY NAME	MCD/CCD* WITHIN COUNTY
SUSSEX	MILTON DIV

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
NEW CASTLE	0001.00	0008.00	0007.00	0009.00	0011.00	0016.00
	0019.00	0021.00				

LIST OF MEDICALLY UNDERSERVED AREAS

DIST OF COLUMB

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
DIST OF COLUMB	0005.00	0013.00	0018.00	0030.00	0033.01	0034.00
	0036.00	0038.00	0041.00	0043.00	0044.00	0045.00
	0046.00	0047.00	0048.01	0048.02	0049.01	0049.02
	0050.00	0051.00	0058.00	0059.00	0060.02	0064.00
	0067.00	0069.00	0071.00	0072.00	0074.01	0074.04
	0078.01	0078.04	0083.01	0097.00		

FLORIDA

COUNTY NAME	COUNTIES		
BAKER			
BAY			
BRADFORD			
CALHOUN			
CHARLOTTE			
CITRUS			
COLUMBIA			
DE SOTO			
DIXIE			
FLAGLER			
FRANKLIN			
GADSDEN			
GILCHRIST			
GLADES			
GULF			
HAMILTON			
HARDEE			
HENDRY			
HERNANDO			
HIGHLANDS			
HOLMES			
JACKSON			
JEFFERSON			
LAFAYETTE			
LAKE			
LEVY			
LIBERTY			
MADISON			
MANATEE			
MARION			

LIST OF MEDICALLY UNDERSERVED AREAS

FLORIDA

COUNTIES (CONTINUED)

COUNTY NAME
NASSAU
OKEECHOBEE
OSCEOLA
PASCO
PUTNAM
ST JOHNS
ST LUCIE
SUMTER
SUWANNEE
TAYLOR
UNION
VOLUSIA
WAKULLA
WALTON
WASHINGTON

MCD/CCD* WITHIN COUNTY

CLAY	PENNEY FARMS DIV	
COLLIER	IMMOKALEE DIV	
MARTIN	STUART DIV	
OKALOOSA	BAKER DIV	CRESTVIEW DIV
	LAUREL HILL DIV	
POLK	DAVENPORT DIV	HAINES CITY DIV
	LAKE WALES SOUTH-BABSON P	

CENSUS TRACTS WITHIN COUNTY

ALACHUA	0002.00					
BROWARD	0302.00	0805.00	0818.00	0819.00	0821.00	0505.00
	0901.00	0903.00	0919.00	1001.00	1002.00	1005.00
DADE	0002.08					

LIST OF MEDICALLY UNDERSERVED AREAS

FLORIDA

CENSUS TRACTS WITHIN COUNTY (CONTINUED)

COUNTY NAME						
DUVAL	0002.00	0004.00	0005.00	0007.00	0008.00	0010.00
	0011.00	0012.00	0013.00	0015.00	0016.00	0017.00
	0018.00	0019.00	0020.00	0021.00	0022.00	0023.00
	0026.00	0027.00	0028.00	0029.00	0107.00	0113.00
	0115.00	0116.00	0138.00	0139.00	0142.00	0155.00
	0163.00					
ESCAMBIA	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00
	0008.00	0014.00	0015.00	0016.00	0017.00	0018.00
	0019.00	0020.00	0021.00	0022.00	0024.00	0025.00
	0026.00	0027.00	0032.00	0034.00	0037.00	0038.00
	0039.00	0040.00				
HILLSBOROUGH	0006.00	0007.00	0012.00	0015.00	0016.00	0018.00
	0019.00	0022.00	0029.00	0030.00	0031.00	0032.00
	0033.00	0034.00	0035.00	0037.00	0038.00	0039.00
	0040.00	0041.00	0042.00	0043.00	0044.00	0049.00
	0050.00	0055.00	0056.00	0061.00	0109.00	0126.00
	0127.00	0129.00	0140.00			
LEON	0001.00	0005.00	0006.00	0011.00	0012.00	0013.00
	0014.00					
ORANGE	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0109.00	0114.00	0159.00	0176.00	0179.00	
PALM BEACH	0012.00	0015.00	0017.00	0022.00	0023.00	0024.00
	0026.00	0027.00	0034.00	0035.00	0044.00	0045.00
	0051.00	0052.00	0053.00	0054.00	0055.00	0056.00
	0060.00	0062.00	0064.00	0071.00	0074.00	0075.00
	0077.00	0082.00	0083.00			
PINELLAS	0201.01	0203.00	0204.00	0205.00	0208.00	0209.00
	0210.00	0211.00	0213.00	0214.00	0215.00	0216.00
	0217.00	0218.00	0219.00	0220.00	0221.00	0222.00
	0223.00	0226.01	0227.00	0228.01	0228.02	0229.00
	0230.00	0231.00	0232.00	0233.00	0234.00	0235.00
	0236.00	0237.00	0238.00	0239.00	0240.02	0241.00
	0242.00	0244.01	0246.00	0247.00	0248.00	0250.01
	0251.01	0251.02	0251.03	0258.02	0256.00	0259.00
	0260.00	0261.00	0262.00	0268.00	0269.01	0269.02
	0270.00	0271.01	0271.02	0276.00	0277.00	0278.00
	0280.01	0280.02	0281.00	0283.00	0284.00	0285.00

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

FLORIDA

CENSUS TRACTS WITHIN COUNTY (CONTINUED)

COUNTY NAME						
SANTA ROSA	0101.00	0102.00	0104.00	0105.00	0106.00	0107.00
	0108.00					
SEMINOLE	0201.00	0202.00	0204.00	0205.00	0207.00	0210.00
	0211.00	0212.00	0213.00	0219.00		

GROUPS OF CENSUS TRACTS

DADE	AREA 1	0042.00** 0043.00** 0044.00** 0045.00**
DADE	AREA 2	0113.00 0114.00

GEORGIA

COUNTIES

COUNTY NAME
APPLING
ATKINSON
BAKER
BANKS
BARTOW
BEN HILL
BERRIEN
BLECKLEY
BRANTLEY
BROOKS
BRYAN
BULLOCH
BURKE
BUTTS
CALHOUN
CAMDEN
CANDLER
CARROLL
CHARLTON
CHATTOOGA
CLAY
CLINCH
COFFEE
COLQUITT
COOK

LIST OF MEDICALLY UNDERSERVED AREAS

GEORGIA

COUNTIES (CONTINUED)

COUNTY NAME
CRAWFORD
CRISP
DADE
DAWSON
DECATUR
DODGE
DOOLY
EARLY
ECHOLS
EFFINGHAM
ELBERT
EMANUEL
EVANS
FANNIN
FLOYD
FORSYTH
GILMER
GLASCOCK
GLYNN
GRADY
GREENE
HANCOCK
HARRIS
HART
HEARD
HENRY
IRWIN
JASPER
JEFF DAVIS
JEFFERSON
JENKINS
JOHNSON
JONES
LANIER
LAURENS
LEE
LIBERTY
LINCOLN
LONG
LUMPKIN
MCDUFFIE
MCINTOSH
MACON
MADISON
MARION

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

GEORGIA

COUNTIES (CONTINUED)

COUNTY NAME
MERIWETHER
MILLER
MITCHELL
MONROE
MONTGOMERY
MORGAN
MURRAY
NEWTON
OCONEE
OGLETHORPE
PEACH
PICKENS
PIERCE
PIKE
POLK
PULASKI
PUTNAM
QUITMAN
RANDOLPH
SCHLEY
SCREVEN
STEWART
SUMTER
TALBOT
TALIAFERRO
TATTNALL
TAYLOR
TELFAIR
TERRELL
THOMAS
TOOMBS
TREUTLEN
TROUP
TURNER
TWIGGS
UNION
UPSON
WALTON
WARREN
WASHINGTON
WAYNE
WEBSTER
WHEELER
WILCOX
WILKES
WILKINSON
WORTH

LIST OF MEDICALLY UNDERSERVED AREAS

GEORGIA

COUNTIES (CONTINUED)

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
BALDWIN	MIDWAY-HARDWICK DIV	
BARROW	BETHLEHEM DIV	
CATOOSA	CATOOSA SPRINGS DIV	RINGGOLD DIV
CHEROKEE	BALL GROUND DIV	LATHEMTOWN DIV
COLUMBIA	APPLING DIV	
COWETA	NEWNAN DIV	SENOIA DIV
DOUGLAS	DOUGLASVILLE DIV	FAIRPLAY DIV
FRANKLIN	SANDY CROSS DIV	
GORDON	FAIRMOUNT DIV	
HANALSON	BUCHANAN DIV	
JACKSON	HAYSVILLE DIV	
LAMAR	MILNER DIV	
LOWNDES	NAHIRA DIV	
PAULDING	YORKVILLE DIV	
RABUN	CLAYTON DIV	
ROCKDALE	NORTH ROCKDALE DIV	
STEPHENS	TOCCOA CREEK DIV	
TIFT	PHILLIPSBURG-UNIONVILLE D	TY TY DIV
TOWNS	MACEDONIA DIV	
WARE	DIXIE UNION DIV	MANOR DIV

LIST OF MEDICALLY UNDERSERVED AREAS

GEORGIA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
BIBB	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0108.00	0109.00	0111.00	0112.00	0114.00	0115.00
	0116.00	0127.00	0130.00	0133.00		
CHATHAM	0001.00	0002.00	0003.00	0005.00	0006.00	0007.00
	0008.00	0009.00	0010.00	0011.00	0012.00	0013.00
	0015.00	0017.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0023.00	0024.00	0025.00	0026.00	0027.00
	0028.00	0029.00	0030.00	0032.00	0033.00	0036.01
	0044.00	0045.00	0102.00	0106.02		
CHATTAHOOCHEE	0201.00					
DE KALB	0206.00					
DOUGHERTY	0002.00	0008.00	0012.00	0014.00	0015.00	0101.00
	0102.00	0104.00	0106.00			
FULTON	0008.00	0017.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0027.00	0029.00	0032.00	0033.00	0035.00
	0037.00	0039.00	0042.00	0043.00	0044.00	0045.00
	0046.00	0047.00	0048.00	0055.01	0055.02	0086.02
	0087.01					
HOUSTON	0201.00	0212.00	0213.00	0215.00		
RICHMOND	0004.00	0006.00	0007.00	0008.00	0009.00	0014.00
	0015.00					
WALKER	0207.00	0208.00				
COLUMBUS CONSO	0001.00	0003.00	0005.00	0006.00	0007.00	0012.00
	0013.00	0014.00	0015.00	0016.00	0018.00	0019.00
	0023.00	0024.00	0025.00	0026.00	0027.00	0028.00
	0030.00	0032.00	0034.00	0106.01		

HAWAII

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY
HONOLULU	0052.00

LIST OF MEDICALLY UNDERSERVED AREAS

IDAHO

COUNTIES

COUNTY NAME
BINGHAM
BOISE
BOUNDARY
CLEARWATER
CUSTER
LINCOLN
NEZPERCE
OWYHEE
WASHINGTON

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
BANNOCK	LAVA HOT SPRINGS DIV	
BENEWAH	TENSED DIV	
BONNER	CLARKS FORK DIV	
GEM	SWEET DIV	
JEFFERSON	HAMER DIV	ROBERTS DIV
PAYETTE	NEW PLYMOUTH DIV	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY
ADA	0001.00

ILLINOIS

COUNTIES

COUNTY NAME
ALEXANDER
BROWN
CALHOUN
CLARK
CLAY
DE WITT
EDWARDS

LIST OF MEDICALLY UNDERSERVED AREAS

ILLINOIS

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
FAYETTE		
FRANKLIN		
GREENE		
HARDIN		
JOHNSON		
LAWRENCE		
MASSAC		
MORGAN		
PIKE		
POPE		
PULASKI		
PUTNAM		
SALINE		
SCHUYLER		
SCOTT		
UNION		
WARREN		
WASHINGTON		
ADAMS	CARP POINT TWP	CLAYTON TWP
	HONEY CREEK TWP	KEENE TWP
	NORTHEAST TWP	
BOND	TAMALCO TWP	
CHRISTIAN	PANA TWP	RICKS TWP
CLINTON	IRISHTOWN TWP	MERIDIAN TWP
	ST ROSE TWP	
COLES	ASHMORE TWP	CHARLESTON TWP
	EAST OAKLAND TWP	HUMBOLDT TWP
	NORTH OKAW TWP	PLEASANT GROVE TWP
CUMBERLAND	GREENUP TWP	SUMPTER TWP
EDGAR	EDGAR TWP	KANSAS TWP
EFFINGHAM	JACKSON TWP	LIBERTY TWP
	LUCAS TWP	

LIST OF MEDICALLY UNDERSERVED AREAS

ILLINOIS

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
FULTON	ASTORIA TWP	BUCKHEART TWP
	CASS TWP	HARRIS TWP
	LEWISTOWN TWP	VERMONT TWP
GALLATIN	GOLD HILL TWP	NEW HAVEN TWP
	NORTH FORK TWP	OMAHA TWP
HAMILTON	CROUCH TWP	DAHLGREN TWP
	MC LEANSBORO TWP	HAYBERRY TWP
	TWIGG TWP	
HANCOCK	AUGUSTA TWP	CHILI TWP
	LA HARPE TWP	
HENDERSON	BIGGSVILLE TWP	LOMAX TWP
IROQUOIS	MARTINTON TWP	PIGEON GROVE TWP
	RIDGELAND TWP	STOCKLAND TWP
JASPER	CROOKED CREEK TWP	FOX TWP
	STE MARIE TWP	WADE TWP
JEFFERSON	BALD HILL TWP	CASNER TWP
JERSEY	RICHWOOD TWP	
JO DAVIESS	APPLE RIVER TWP	ELIZABETH TWP
	WARREN TWP	WEST GALENA TWP
KANKAKEE	MANTENO TWP	PEMBROKE TWP
KNOX	COPLEY TWP	KNOX TWP
	VICTORIA TWP	
LA SALLE	FREEDOM TWP	HOPE TWP
LEE	CHINA TWP	
LIVINGSTON	NEBRASKA TWP	
LOGAN	EMINENCE TWP	
MACOUPIN	SOUTH PALMYRA TWP	
MARION	ALMA TWP	STEVENSON TWP

LIST OF MEDICALLY UNDERSERVED AREAS

ILLINOIS

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
MASON	FOREST CITY TWP	QUIVER TWP
MERCER	ABINGTON TWP	KEITHSBURG TWP
	MERCER TWP	NEW BOSTON TWP
	PERRYTON TWP	
MONROE	MITCHIE PREC	
MONTGOMERY	AUDUBON TWP	BOIS D'ARC TWP
	HILLSBORO TWP	IRVING TWP
	NOKOMIS TWP	SOUTH LITCHFIELD TWP
	WITT TWP	
OGLE	WHITE ROCK TWP	
PERRY	BEAUCOUP PREC	CUTLER PREC
SHELBY	DRY POINT TWP	HERRICK TWP
	PRAIRIE TWP	RICHLAND TWP
	RIDGE TWP	SHELBYVILLE TWP
	WINDSOR TWP	
STEPHENSON	WINSLOW TWP	
VERMILION	SIDELL TWP	
WAYNE	ARRINGTON TWP	BEDFORD TWP
	BIG MOUND TWP	INDIAN PRAIRIE TWP
	LEECH TWP	OREL TWP
WHITE	MILL SHOALS TWP	
WHITESIDE	CLYDE TWP	
WILLIAMSON	BLAIRSVILLE PREC	CARTERVILLE PREC
	CORINTH PREC	CREAL SPRINGS PREC
	EAST MARION PREC	LAKE CREEK PREC
	STONEFORT PREC	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
CHAMPAIGN	0001.00	0002.00	0003.00	0004.00	0018.00	0059.00

LIST OF MEDICALLY UNDERSERVED AREAS

ILLINOIS

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
COOK	0306.00	0307.00	0310.00	0312.00	0313.00	0315.00
	0316.00	0317.00	0320.00	0321.00	0518.00	0605.00
	0608.00	0609.00	0621.00	0633.00	0708.00	0714.00
	0719.00	0720.00	0803.00	0804.00	0805.00	0808.00
	0809.00	0810.00	0812.00	0813.00	0815.00	0817.00
	0818.00	0819.00	1603.00	2308.00	2316.00	2405.00
	2409.00	2410.00	2411.00	2412.00	2413.00	2414.00
	2417.00	2418.00	2420.00	2426.00	2434.00	2435.00
	2523.00	2524.00	2601.00	2602.00	2607.00	2608.00
	2609.00	2703.00	2704.00	2705.00	2708.00	2709.00
	2711.00	2712.00	2713.00	2714.00	2715.00	2716.00
	2717.00	2718.00	2719.00	2803.00	2804.00	2805.00
	2807.00	2808.00	2809.00	2812.00	2813.00	2814.00
	2815.00	2816.00	2817.00	2818.00	2819.00	2826.00
	2829.00	2830.00	2832.00	2837.00	2838.00	2839.00
	2840.00	2841.00	2842.00	2902.00	2903.00	2904.00
	2905.00	2907.00	2908.00	2909.00	2910.00	2911.00
	2912.00	2913.00	2914.00	2915.00	2917.00	2918.00
	2921.00	2922.00	3004.00	3005.00	3014.00	3107.00
	3201.00	3205.00	3301.00	3302.00	3303.00	3405.00
	3406.00	3504.00	3506.00	3507.00	3508.00	3511.00
	3512.00	3513.00	3515.00	3601.00	3602.00	3603.00
	3604.00	3605.00	3702.00	3703.00	3801.00	3802.00
	3803.00	3804.00	3805.00	3806.00	3807.00	3808.00
	3809.00	3810.00	3811.00	3812.00	3813.00	3814.00
	3815.00	3816.00	3817.00	3818.00	3819.00	3820.00
	3901.00	3902.00	3903.00	3904.00	3907.00	4001.00
	4002.00	4003.00	4004.00	4006.00	4007.00	4008.00
	4109.00	4110.00	4113.00	4201.00	4202.00	4203.00
	4204.00	4208.00	4209.00	4210.00	4211.00	4212.00
	4307.00	4314.00	4608.00	4914.00	5401.00	6603.00
	6606.00	6609.00	6801.00	6802.00	6803.00	6805.00
	6806.00	6808.00	6809.00	6811.00	6812.00	6902.00
	7101.00	7105.00	7207.00	8094.00	8095.00	8123.00
	8126.00	8128.00	8148.00	8149.00	8150.00	8151.00
	8160.00	8178.00	8290.00			
HENRY	0308.00	0309.00	0311.00			
KANE	8512.00					
MCLEAN	0016.00					
MACON	0001.00	0002.00	0005.00	0007.00	0008.00	

UNIVERSITY OF FLORIDA

LIST OF MEDICALLY UNDERSERVED AREAS

ILLINOIS

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
MADISON	4004.00	4007.00	4021.00	4024.00		
PEORIA	0001.00	0002.00	0004.00	0009.00	0010.00	0011.00
	0012.00	0013.00	0017.00			
ROCK ISLAND	0206.00	0223.00	0224.00	0234.00	0236.00	
ST CLAIR	5001.00	5003.00	5004.00	5005.00	5006.00	5008.00
	5009.00	5010.00	5011.00	5012.00	5013.00	5014.00
	5015.01	5015.02	5016.01	5016.02	5016.03	5017.00
	5018.00	5019.00	5021.00	5022.00	5024.01	5024.02
	5025.00	5026.03	5026.04	5027.00	5028.00	5029.00
	5030.00	5031.01	5031.02	5032.02	5032.03	5033.01
	5033.02	5035.00	5036.00	5037.01	5037.02	5039.00
	5040.01	5040.02				
SANGAMON	0008.00	0014.00	0015.00			
WILL	8812.00	8819.00	8820.00			
WINNEBAGO	0010.00	0026.00	0029.00			

INDIANA

COUNTIES

BROWN
CRAWFORD
DAVIESS
FAYETTE
FRANKLIN
OHIO
ORANGE
PIKE
STARKE
SWITZERLAND

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ADAMS	ST MARYS TWP	UNION TWP
	WABASH TWP	

LIST OF MEDICALLY UNDERSERVED AREAS

INDIANA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
BENTON	HICKORY GROVE TWP	
CASS	ADAMS TWP	CLINTON TWP
CLINTON	ROSS TWP	WARREN TWP
DECATUR	SALT CREEK TWP	
GIBSON	MONTGOMERY TWP	WHITE RIVER TWP
GREENE	WASHINGTON TWP	WRIGHT TWP
HUNTINGTON	SALAMONIE TWP	
JAY	PENN TWP	
JEFFERSON	MILTON TWP	SALUDA TWP
	SHELBY TWP	SMYRNA TWP
JENNINGS	LOVETT TWP	MARION TWP
KNOX	VIGO TWP	
MARTIN	HALBERT TWP	LOST RIVER TWP
	MITCHELTREE TWP	
MIAMI	PERRY TWP	
OWEN	JEFFERSON TWP	MARION TWP
	MORGAN TWP	WAYNE TWP
PARKE	PENN TWP	
PERRY	CLARK TWP	OIL TWP
POSEY	HARMONY TWP	LYNN TWP
RIPLEY	BROWN TWP	CENTER TWP
	DELAWARE TWP	
ROSE	ORANGE TWP	
SPENCER	HARRISON TWP	JACKSON TWP

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

INDIANA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
STEUBEN	CLEAR LAKE TWP	FREMONT TWP
	STEUBEN TWP	
UNION	UNION TWP	
WASHINGTON	BROWN TWP	FRANKLIN TWP
	GIBSON TWP	JEFFERSON TWP
	MADISON TWP	PIERCE TWP
	POSEY TWP	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
CLARK	0501.00					
CLAY	0401.00	0402.00	0403.00	0404.00	0405.00	0406.00
DEARBORN	0803.00	0805.00				
DELAWARE	0001.00	0003.00	0007.00			
FLOYD	0705.00					
JOHNSON	6112.00					
LAKE	0108.00	0111.00	0116.00	0118.00	0120.00	0122.00
	0123.00	0124.00	0125.00	0126.00	0127.00	0128.00
	0129.00	0301.00	0302.00	0303.00	0310.00	0412.00
MADISON	0001.00	0002.00				
MARION	3415.00	3416.00	3508.00	3510.00	3512.00	3513.00
	3514.00	3516.00	3517.00	3518.00	3525.00	3528.00
	3529.00	3532.00	3533.00	3534.00	3535.00	3538.00
	3539.00	3540.00	3541.00	3542.00	3543.00	3544.00
	3552.00	3563.00	3564.00	3567.00		
ST JOSEPH	0020.00	0112.00				
SULLIVAN	0503.00	0504.00	0505.00			
TIPPECANOE	0006.00	0108.00				
VANDERBURGH	0016.00	0017.00	0018.00	0019.00		

LIST OF MEDICALLY UNDERSERVED AREAS

INDIANA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)				
VIGO	0001.00	0002.00	0003.00	0007.00	0105.00

IOWA

COUNTIES

ADAMS
APPANOOSE
AUDUBON
CHICKASAW
DELAWARE
FREMONT
LUCAS
TAMA
TAYLOR
WAYNE

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ADAIR	ADAIR TWP	GREENFIELD TWP
	ORIENT TWP	
ALLAMAKEE	JEFFERSON TWP	HAKEE TWP
	POST TWP	
BENTON	BELLE PLAINE TWP	
BOONE	JACKSON TWP	
BREMER	SUMNER TWP	
BUCHANAN	CONO TWP	FAIRBANK TWP
BUENA VISTA	NEWELL TWP	SIOUX RAPIDS TWP
BUTLER	BEAVER TWP	BUTLER TWP
	MONROE TWP	PITTSFORD TWP
CARROLL	WARREN TWP	

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

IOWA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
CASS	PLEASANT TWP	
CHEROKEE	PITCHER TWP	
CLARKE	OSCEOLA CITY TWP	TROY TWP
CLAY	PETERSON TWP	
CLAYTON	BOARDMAN TWP GARNAVILLO TWP MENDON TWP WAGNER TWP	CASS TWP GIARD TWP SPERRY TWP
CLINTON	CENTER TWP	ORANGE TWP
DECATUR	GARDEN GROVE TWP	LEON TWP
FAYETTE	WESTFIELD TWP	
FRANKLIN	CLINTON TWP	
GREENE	JEFFERSON TWP	
GUTHRIE	THOMPSON TWP	
HAMILTON	WILLIAMS TWP	
HARDIN	ETNA TWP	
HARRISON	BOYER TWP	LITTLE SIOUX TWP
HOWARD	FOREST CITY TWP	VERNON SPRINGS TWP
JONES	OXFORD TWP	
KEOKUK	ADAMS TWP PRAIRIE TWP WASHINGTON TWP	LAFAYETTE TWP WARREN TWP
KOSSUTH	BUFFALO TWP LEDYARD TWP PRAIRIE TWP	IRVINGTON TWP LOTHENE TWP

LIST OF MEDICALLY UNDERSERVED AREAS

IOWA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
LOUISA	COLUMBUS CITY TWP MORNING SUN TWP WAPELLO TWP	ELIOT TWP PORT LOUISA TWP
LYON	ELGIN TWP	WHEELER TWP
MAHASKA	RICHLAND TWP	WHITE OAK TWP
MILLS	MALVERN TWP	
MONONA	COOPER TWP ST CLAIR TWP	ONAWA TWP
MONTGOMERY	JACKSON TWP	
O BRIEN	HARTLEY TWP UNION TWP	SUMMIT TWP WATERMAN TWP
OSCEOLA	GILMAN TWP	OCHEYEDAN TWP
PALO ALTO	HIGHLAND TWP WALNUT TWP	RUSH LAKE TWP WEST BEND TWP
PLYMOUTH	PORTLAND TWP	REMSEN TWP
POCAHONTAS	CEDAR TWP	CLINTON TWP
RINGGOLD	ATHENS TWP WASHINGTON TWP	MOUNT AYR TWP
SAC	LEVEY TWP	RICHLAND TWP
SHELBY	CLAY TWP	
SIOUX	CAPEL TWP	EAST ORANGE TWP
UNION	NEW HOPE TWP	UNION TWP
VAN BUREN	BONAPARTE TWP	JACKSON TWP
WAPELLO	RICHLAND TWP	
WEBSTER	GOWRIE TWP	
WINNESHIEK	CANOE TWP	

LIST OF MEDICALLY UNDERSERVED AREAS

IOWA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
BLACK HAWK	0001.00 0018.00	0002.00	0005.00	0006.00	0007.00	0009.00
DUBUQUE	0001.00	0002.00	0010.00			
LINN	0020.00					
POLK	0013.00 0033.00	0014.00 0034.00	0016.00	0024.00	0025.00	0029.00
POTTAWATTAMIE	0215.00	0307.00	0308.00	0309.00	0313.00	
SCOTT	0105.00					
WOODBURY	0013.00	0015.00	0016.00	0031.00		

KANSAS

COUNTIES

BOURBON
CHASE
CHEROKEE
CHEYENNE
COWLEY
CRAWFORD
ELK
GRAY
GREENWOOD
HARPER
HODGEMAN
JEWELL
KEARNY
LINN
MARSHALL
MONTGOMERY
MORRIS
NEMAHA
OSAGE
RAWLINS
RUSH

LIST OF MEDICALLY UNDERSERVED AREAS

KANSAS

COUNTIES (CONTINUED)

STANTON
STEVENS
SUMNER
WABAUNSEE
WASHINGTON
WILSON
WOODSON

	MCD/CCD* WITHIN COUNTY	
ALLEN	LA HARPE CITY	
ATCHISON	CENTER TWP	
BARBER	KIOWA TWP	
BROWN	HORTON CITY	POWHATTAN TWP
CHAUTAUQUA	BELLEVILLE TWP SEDAN TWP	JEFFERSON TWP
COFFEY	LE ROY TWP	ROCK CREEK TWP
DECATUR	OBERLIN TWP	
DONIPHAN	IOWA TWP	
ELLIS	ELLIS CITY	
ELLSWORTH	WILSON TWP	
FORD	BUCKLIN TWP	GRANDVIEW TWP
FRANKLIN	POMONA TWP	
HAMILTON	SYRACUSE TWP	
JACKSON	HOLTON CITY	LINCOLN TWP
JEFFERSON	DELAWARE TWP NORTON TWP ROCK CREEK TWP	JEFFERSON TWP OSKALOOSA TWP UNION TWP
KINGMAN	BENNETT TWP	

UMI

LIST OF MEDICALLY UNDERSERVED AREAS

KANSAS

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
LABETTE	CHETOPA CITY	ELM GROVE TWP
	OSWEGO CITY	
LEAVENWORTH	ALEXANDRIA TWP	DELAWARE TWP
	EASTON TWP	
LINCOLN	PLEASANT TWP	
MCPHERSON	MARQUETTE TWP	
MARION	FLORENCE CITY	
MEADE	FOWLER TWP	
MIAMI	OSAGE TWP	OSAWATOMIE CITY
	PAOLA CITY	
MITCHELL	GLEN ELDER TWP	
MORTON	ROLLA TWP	
NEOSHO	CHETOPA TWP	
NESS	NEVADA TWP	
NORTON	ALMENA TWP	
OSBORNE	NATOMA TWP	ROSS TWP
PHILLIPS	LOGAN TWP	
RENO	MIAMI TWP	SILVIA TWP
REPUBLIC	RICHLAND TWP	SCANDIA TWP
RICE	FARMER TWP	STERLING CITY
	UNION TWP	VICTORIA TWP
RILEY	BALA TWP	
ROOKS	STOCKTON TWP	
RUSSELL	FAIRVIEW TWP	
SALINE	SMOKY HILL TWP	SMOLAN TWP

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
SMITH	CEDAR TWP		OAK TWP			
	CENSUS TRACTS WITHIN COUNTY					
BUTLER	0204.00	0206.00				
SEDGWICK	0004.00	0005.00	0006.00	0008.00	0012.00	0013.00
	0016.00	0017.00	0025.00	0026.00	0027.00	0078.00
SHAWNEE	0001.00	0002.00	0003.00	0004.00	0018.00	
WYANDOTTE	0403.00	0407.00	0408.00	0409.01	0409.02	0410.00
	0411.02	0412.01	0412.02	0416.00	0417.00	0418.00
	0420.01	0420.02	0425.02	0426.00	0427.00	0430.00
	0431.02					

KENTUCKY

COUNTIES
ADAIR
ALLEN
BALLARD
BARREN
BATH
BELL
BRACKEN
BREATHITT
BRECKINRIDGE
BUTLER
CALDWELL
CARLISLE
CARROLL
CARTER
CASEY
CHRISTIAN
CLAY
CLINTON
CRITTENDEN
CUMBERLAND

LIST OF MEDICALLY UNDERSERVED AREAS

KENTUCKY

COUNTIES (CONTINUED)
EDMONSON
ELLIOTT
ESTILL
FLEMING
FLOYD
FULTON
GARRARD
GRAVES
GRAYSON
GREENUP
HANCOCK
HARLAN
HART
HICKMAN
JACKSON
JOHNSON
KNOTT
KNOX
LAUREL
LEE
LESLIE
LETCHER
LEWIS
LINCOLN
LOGAN
LYON
MCCREARY
MCLEAN
MADISON
MAGOFFIN
MARION
MARSHALL
MARTIN
MEADE
MENIFEE
MERCER
METCALFE
MONROE
MONTGOMERY
MORGAN
MUHLENBERG
NELSON
NICHOLAS
OHIO
OWEN

LIST OF MEDICALLY UNDERSERVED AREAS

KENTUCKY

COUNTIES (CONTINUED)
OWSLEY
PENDLETON
PERRY
PIKE
POWELL
PULASKI
ROBERTSON
ROCKCASTLE
RUSSELL
SCOTT
SHELBY
SPENCER
TODD
TRIGG
TRIMBLE
WASHINGTON
WAYNE
WEBSTER
WHITLEY
WOLFE

COUNTY NAME	MCD/CCD* WITHIN COUNTY		
BOYLE	JUNCTION CITY DIV	PERRYVILLE DIV	
BULLITT	LEBANON JUNCTION DIV	SHEPHERDSVILLE SOUTHEAST	
HARDIN	CECILIA DIV	SONORA DIV	
	SUMMIT DIV		
HARRISON	BERRY EAST DIV		
HOPKINS	DAWSON SPRINGS DIV	MORTONS GAP DIV	
JESSAMINE	WILMORE DIV		
LARUE	MAGNOLIA-UPTON DIV		
MASON	MAYS LICK DIV	MAYSVILLE DIV	
TAYLOR	MANNSVILLE DIV	SALOMA DIV	
UNION	STURGIS WEST DIV	UNIONTOWN DIV	

LIST OF MEDICALLY UNDERSERVED AREAS

KENTUCKY

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
WARREN	SMITHS GROVE DIV					
WOODFORD	VERSAILLES NORTH DIV					
	CENSUS TRACTS WITHIN COUNTY					
BOYD	0302.00					
CAMPBELL	0501.00	0502.00				
FAYETTE	0001.00					
HENDERSON	0204.00					
JEFFERSON	0002.00	0006.00	0014.00	0018.00	0019.00	0020.00
	0022.00	0023.00	0024.00	0025.00	0026.00	0027.00
	0030.00	0032.00	0033.00	0034.00	0035.00	0049.00
	0050.00	0051.00	0057.00	0059.00	0060.00	0061.00
	0062.00	0078.00				
KENTON	0601.00	0604.00	0605.00			

LOUISIANA

COUNTIES

ACADIA
ALLEN
ASCENSION
ASSUMPTION
AVOYELLES
BEAUREGARD
BIENVILLE
CALDWELL
CATAHOULA
CLAIBORNE
CONCORDIA
DE SOTO
EAST CARROL
EAST FELICIANA

LIST OF MEDICALLY UNDERSERVED AREAS

LOUISIANA

COUNTIES (CONTINUED)

EVANGELINE
FRANKLIN
GRANT
IBERIA
IBERVILLE
JACKSON
JEFFERSON DAVIS
LASALLE
LINCOLN
LIVINGSTON
MADISON
MOREHOUSE
NATCHITOCHES
PLAQUEMINES
POINTE COUPEE
RAPIDES
RED RIVER
RICHLAND
SABINE
ST CHARLES
ST HELENA
ST JAMES
ST JOHN THE BAPTIST
ST LANDRY
ST MARTIN
ST MARY
TANGIPAHOA
TENSAS
TERREBONNE
UNION
VERMILION
VERNON
WASHINGTON
WEBSTER
WEST BATON ROUGE
WEST CARROLL
WEST FELICIANA
WINN

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
CAMERON	WARD 1 COW ISLAND	WARD 6 HACKBERRY

LIST OF MEDICALLY UNDERSERVED AREAS

LOUISIANA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
LAFOURCHE	WARD 5		WARD 6			
	WARD 7		WARD 9			
	CENSUS TRACTS WITHIN COUNTY					
BOSSIER	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00
	0108.01	0108.02	0109.00	0110.00	0111.00	0112.00
CADDO	0202.00	0203.00	0204.00	0206.00	0207.00	0208.00
	0209.00	0210.00	0211.00	0213.00	0216.00	0217.00
	0218.00	0219.00	0220.00	0233.00	0235.00	0236.00
	0238.00	0240.00	0242.00	0246.00	0248.00	0249.00
	0251.00					
CALCASIEU	0001.00	0002.00	0003.00	0004.00	0005.00	0007.00
	0008.00	0014.00	0015.00	0018.00	0020.00	0021.00
	0023.00	0024.00	0027.00	0028.00	0029.00	0035.00
	0036.00					
EAST BATON ROU	0010.00	0013.00	0014.00	0016.00	0021.00	0022.00
	0025.00	0027.00	0028.00	0030.00		
JEFFERSON	0208.00	0209.00	0237.00	0246.00	0257.00	0259.00
	0269.00	0273.00	0279.00			
LAFAYETTE	0001.00	0002.00	0003.00	0004.00	0007.00	0008.00
	0009.00	0013.00	0020.00	0021.00		
ORLEANS	0002.00	0003.00	0004.00	0006.01	0006.09	0007.01
	0007.02	0009.01	0009.02	0009.03	0009.04	0012.00
	0013.01	0014.01	0014.02	0015.00	0016.00	0017.03
	0017.04	0017.05	0018.00	0019.00	0021.00	0024.02
	0025.03	0026.00	0027.00	0028.00	0029.00	0031.00
	0033.06	0034.00	0036.00	0037.02	0039.00	0040.00
	0043.00	0044.00	0045.00	0046.00	0048.00	0049.00
	0050.00	0054.00	0058.00	0059.00	0060.00	0064.00
	0067.00	0068.00	0069.00	0070.00	0071.00	0072.00
	0075.01	0077.00	0078.00	0079.00	0080.00	0081.00
	0082.00	0084.00	0085.00	0086.00	0087.00	0088.00
	0091.00	0092.00	0093.00	0094.00	0096.00	0097.00
	0099.00	0100.00	0102.00	0105.00	0106.00	0107.00
	0125.00	0129.00	0131.00			

LIST OF MEDICALLY UNDERSERVED AREAS

LOUISIANA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
OUACHITA	0003.00	0006.00	0007.00	0008.00	0009.00	0011.00
	0012.00	0013.00	0014.00	0015.00	0054.00	0055.00
	0056.00	0057.00	0101.00	0104.00	0106.00	
ST BERNARD	0301.00	0303.00	0307.00			
ST TAMMANY	0401.00	0402.00	0403.00	0405.00	0406.00	0407.00
	0409.00	0412.00	0413.00			

MAINE

COUNTIES

SOMERSET
WALDO
WASHINGTON

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
AROOSTOOK	CASWELL PLANTATION	EAGLE LAKE TOWN
	GRAND ISLE TOWN	HODGDON TOWN
	ISLAND FALLS TOWN	MONTICELLO TOWN
	ST AGATHA TOWN	WALLAGRASS PLANTATION
	WOODLAND TOWN	UNORG TERR OF CONNOR
	UNORG TERR OF NORTH AROOS	
HANCOCK	BROOKSVILLE TOWN	
KENNEBEC	CLINTON TOWN	
KNOX	APPLETON TOWN	
LINCOLN	BRISTOL TOWN	DAMARISCOTTA TOWN
	DRESDEN TOWN	EDGECOMB TOWN
	SOUTH BRISTOL TOWN	
PENOBSCOT	BRADFORD TOWN	GARLAND TOWN
	GREENBUSH TOWN	KENDUSKEAG TOWN
	WINN TOWN	

LIST OF MEDICALLY UNDERSERVED AREAS

MAINE

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)
PISCATAQUIS	BROWNVILLE TOWN

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY		
ANDROSCOGGIN	0101.00	0201.00	0203.00
CUMBERLAND	0006.00	0007.00	

MARYLAND

COUNTIES
CALVERT
CAROLINE
DORCHESTER
GARRETT
ST MARYS
SOMERSET
WORCESTER

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ALLEGANY	DIST 2 OLDTOWN DIST 31 MC COOLE	DIST 18
CHARLES	DIST 3 WANJEMOI DIST 5 THOMPKINSVILLE DIST 10 HARPORY	DIST 8 ALLENS FRESH DIST 9 HUGHESVILLE
KENT	DIST 1 MASSEYS DIST 5 EDESVILLE	DIST 2 KENNEDYVILLE
QUEEN ANNES	DIST 1 DIXON DIST 6 RUTHSBURG	DIST 5 QUEENSTOWN
WASHINGTON	DIST 8 BOONSBORO	DIST 19 KEEDISVILLE
WICOMICO	DIST 3 TYASKIN DIST 12 WANTICOKE	DIST 7 TRAPPE

LIST OF MEDICALLY UNDERSERVED AREAS

MARYLAND

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
ANNE ARUNDEL	7028.00					
PRINCE GEORGES	8009.00	8026.00	8072.00			
BALTIMORE CITY	0301.00	0302.00	0402.00	0501.00	0603.00	0604.00
	0605.00	0704.00	0807.00	0808.00	0909.00	1001.00
	1002.00	1004.00	1102.00	1205.00	1206.00	1303.00
	1402.00	1403.00	1501.00	1502.00	1601.00	1602.00
	1603.00	1701.00	1702.00	1703.00	1801.00	1802.00
	1803.00	1901.00	2004.00	2101.00	2201.00	2502.04
	2503.02	2506.00	2606.01			

MASSACHUSETTS

COUNTY NAME	MCD/CCD* WITHIN COUNTY
WORCESTER	ROYALSTON TOWN

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
BRISTOL	6821.00	6509.00	6513.00	6518.00	6519.00	6526.00
ESSEX	2068.00	2501.00	2512.00	2602.00		
HAMPDEN	8007.00	8008.00	8009.00	8011.02	8012.00	8018.00
	8019.00	8020.00	8114.00	8115.00	8116.00	8117.00
MIDDLESEX	3101.00	3110.00				
PLYMOUTH	5253.00					
SUFFOLK	0005.00	0101.00	0103.00	0105.00	0607.00	0611.00
	0702.00	0706.00	0708.00	0710.00	0711.00	0712.00
	0801.00	0804.00	0805.00	0806.00	0808.00	0812.00
	0905.00	0906.00	0909.00	0914.00		
WORCESTER	7093.00	7107.00	7109.00	7314.00	7316.00	7317.00
	7320.01					

LIST OF MEDICALLY UNDERSERVED AREAS

MICHIGAN

COUNTIES
ALCONA
GOGEBIC
HOUGHTON
IRON
KALKASKA
KEWEENAW
LAKE
MISSAUKEE
MONTMORENCY
OGEMAW
OSCODA
PRESQUE ISLE

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ALLEGAN	LEE TWP	
ARENAC	AU GRES TWP LINCOLN TWP WHITNEY TWP	CLAYTON TWP TURNER TWP
BERRIEN	BENTON HARBOR CITY	CHIKANING TWP
CASS	CALVIN TWP PENN TWP	NEWBERG TWP
CHEBOIGAN	MULLET TWP	
CHIPPEWA	DAFTER TWP SUPERIOR TWP	PICKFORD TWP
CLARE	GARFIELD TWP HARRISON CITY LINCOLN TWP	HAMILTON TWP HAYES TWP
DELTA	BALDWIN TWP GARDEN TWP	BRAMPTON TWP
GLADWIN	HAY TWP	
HURON	DWIGHT TWP	LAKE TWP
IOSCO	BALDWIN TWP	PLAINFIELD TWP

LIST OF MEDICALLY UNDERSERVED AREAS

MICHIGAN

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
LUCE	LAKEFIELD TWP	
MACKINAC	PONTAGE TWP	
MANISTEE	MAPLE GROVE TWP	NORMAN TWP
MARQUETTE	SKANDIA TWP	
MECOSTA	FORK TWP	SHERIDAN TWP
MENOMINEE	DAGGETT TWP INGALLSTON TWP MEYER TWP SPALDING TWP	HARRIS TWP LAKE TWP WAGEAU TWP
NEWAYGO	BIG PRAIRIE TWP CROTON TWP EVERETT TWP	BRIDGETON TWP DENVER TWP
OCEANA	HART TWP WEARE TWP	PENTWATER TWP
OSCEOLA	BURDELL TWP	
OTSEGO	CHARLTON TWP	CORWITH TWP
ROSCOMMON	LAKE TWP	RICHFIELD TWP
ST CLAIR	YALE CITY	
SANILAC	ARGYLE TWP FORESTER TWP SANILAC TWP	EVERGREEN TWP HINDEN TWP
VAN BUREN	COLUMBIA TWP HAMILTON TWP	COVERT TWP
WEXFORD	HANTON CITY	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY	
CLINTON	0107.00	
GENESEE	0008.00	0028.00

LIST OF MEDICALLY UNDERSERVED AREAS

MICHIGAN

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
INGHAM	0041.00	0042.00	0044.01			
JACKSON	0002.00	0006.00	0011.00			
KENT	0020.00	0021.00	0028.00	0029.00		
MONROE	0318.00					
MUSKEGON	0002.00	0011.00	0013.00			
SAGINAW	0001.00	0003.00	0005.00			
WAYNE	0002.00	0003.00	0004.00	0005.00	0009.00	0010.00
	0012.00	0015.00	0016.00	0018.00	0019.00	0020.00
	0021.00	0022.00	0024.00	0027.00	0028.00	0029.00
	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00
	0036.00	0038.00	0039.00	0040.00	0041.00	0043.00
	0052.00	0053.00	0054.00	0066.00	0115.00	0118.00
	0119.00	0120.00	0121.00	0122.00	0123.00	0151.00
	0153.00	0174.00	0187.00	0188.00	0190.00	0255.00
	0301.01	0357.01	0411.00	0501.00	0502.00	0503.00
	0512.00	0518.00	0517.00	0518.00	0519.00	0521.00
	0523.00	0524.00	0525.00	0526.00	0527.00	0529.00
	0530.00	0531.00	0533.00	0537.00	0539.00	0540.00
	0541.00	0544.00	0545.00	0546.00	0549.00	0550.00
	0551.00	0552.00	0553.00	0554.00	0555.00	0556.00
	0557.00	0558.00	0559.00	0569.00	0570.00	0758.00
	0755.00	0756.00	0757.00	0758.00	0759.00	0760.00
	0766.00	0767.00	0774.00	0775.00	0776.00	0777.00
	0788.00	0794.00	0795.00	0829.02	0837.00	0838.00
	0904.00	0913.00	0925.09	0955.00		

MINNESOTA

COUNTIES

AITKIN
BELTRAMI
CASS
CLEARWATER
HOUSTON

LIST OF MEDICALLY UNDERSERVED AREAS

MINNESOTA

COUNTIES (CONTINUED)

LAC QUI PARLE
LAKE OF THE WOODS
LINCOLN
MAHNOMEN
MARSHALL
NORMAN
POPE
RED LAKE
ROSEAU
TODD
TRAVERSE
WASECA
WILKIN

	MCD/CCD* WITHIN COUNTY	
BECKER	DETROIT LAKES CITY	ERIE TWP
	WHITE EARTH TWP	
BENTON	ALBERTA TWP	GRAHAM TWP
	GRANITE LEDGE TWP	MAYHEW LAKE TWP
BIG STONE	CLINTON VILLAGE	GRACEVILLE VILLAGE
BROWN	COMFREY VILLAGE (PART)	LEAVENWORTH TWP
CARLTON	CARLTON VILLAGE	MOOSE LAKE VILLAGE
CHISAGO	LINDSTROM VILLAGE	RUSH CITY VILLAGE
COTTONWOOD	MOUNTAIN LAKE VILLAGE	WESTBROOK VILLAGE
CROW WING	CROSBY VILLAGE	
DODGE	CANISTEO TWP	CONCORD TWP
	HAYFIELD VILLAGE	HILTON TWP
	VERNON TWP	WASIOJA TWP
	WEST CONCORD VILLAGE	
FARIBAULT	BARBER TWP	FOSTER TWP

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

MINNESOTA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
FILLMORE	FILLMORE TWP	HARMONY VILLAGE
	LANESBORO VILLAGE	MABEL VILLAGE
	PRESTON VILLAGE	RUSHFORD CITY
	SPRING VALLEY TWP	
GOODHUE	KENYON VILLAGE	
GRANT	HOFFMAN VILLAGE	
HUBBARD	PARK RAPIDS VILLAGE	TODD TWP
ITASCA	DEER RIVER VILLAGE	UNORG TERR OF BOW STRING
	UNORG TERR OF NORTHEAST I	
JACKSON	HERON LAKE VILLAGE	JACKSON CITY
	LAKEFIELD VILLAGE	
KANABEC	BRUNSWICK TWP	COMFORT TWP
	GRASS LAKE TWP	MORA VILLAGE
KOOCHICHING	BIG FALLS VILLAGE	UNORG TERR OF SOUTH KOOCH
LYON	BALATON VILLAGE	COTTONWOOD VILLAGE
	MINNEOTA VILLAGE	TRACY CITY
MCLEOD	BROWNTON VILLAGE	SILVER LAKE VILLAGE
MARTIN	SHERBURN VILLAGE	TRIMONT VILLAGE
	TRUMAN VILLAGE	WELCOME VILLAGE
MEEKER	FOREST CITY TWP	
MILLE LACS	EAST SIDE TWP	ISLE VILLAGE
	MILACA VILLAGE	ONAMIA VILLAGE
MORRISON	BELLEVUE TWP	BUCKMAN TWP
	BUH TWP	GRANITE TWP
	LITTLE FALLS CITY	MORRILL TWP
	PIERZ TWP	PIERZ VILLAGE
	PIKE CREEK TWP	RANDALL VILLAGE
	ROYALTON VILLAGE	SCANDIA VALLEY TWP
	SWAN RIVER TWP	
MOWER	ADAMS VILLAGE	GRAND MEADOW VILLAGE

LIST OF MEDICALLY UNDERSERVED AREAS

MINNESOTA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
MURRAY	FULDA VILLAGE	SLAYTON VILLAGE
NICOLLET	OSHAWA TWP	
NOBLES	ELLSWORTH VILLAGE	
OTTER TAIL	BATTLE LAKE VILLAGE	HENNING VILLAGE
	NEW YORK MILLS VILLAGE	PARKERS PRAIRIE VILLAGE
	PELICAN RAPIDS VILLAGE	PERHAM VILLAGE
PINE	HINCKLEY VILLAGE	KETTLE RIVER TWP
	PINE CITY VILLAGE	ROYALTON TWP
PIPESTONE	EDGERTON VILLAGE	JASPER VILLAGE (PART)
POLK	CROOKSTON TWP	ERSKINE VILLAGE
	FERTILE VILLAGE	FOSSTON VILLAGE
	MC INTOSH VILLAGE	
REDWOOD	LAMBERTON VILLAGE	MORGAN VILLAGE
	WABASSO VILLAGE	WALNUT GROVE VILLAGE
RENVILLE	BIRD ISLAND VILLAGE	BUFFALO LAKE VILLAGE
	FAIRFAX VILLAGE	HECTOR VILLAGE
	MORTON VILLAGE	RENVILLE CITY
	SACRED HEART VILLAGE	
RICE	ERIN TWP	LONSDALE VILLAGE
SHERBURNE	PALMER TWP	
SIBLEY	ALFSBORG TWP	ARLINGTON CITY
	GAYLORD CITY	GIBBON VILLAGE
	HENDERSON CITY	WASHINGTON LAKE TWP
	WINTHROP CITY	
STEARNS	ALBANY TWP	BROCKWAY TWP
	BROOTEN VILLAGE	FARMING TWP
	FREEPORT VILLAGE	GETTY TWP
	HOLDING TWP	LAKE HENRY TWP
	MELROSE TWP	MILLWOOD TWP
	ZION TWP	
SWIFT	APPLETON VILLAGE	

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

MINNESOTA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
WABASHA	ELGIN VILLAGE	LAKE CITY CITY
	PLAINVIEW VILLAGE	WABASHA CITY
WADENA	WENANGA VILLAGE	
WATONWAN	BUTTERFIELD VILLAGE	MADELIA VILLAGE
	RIVERDALE TWP	ST JAMES CITY
WINONA	NEW HARTFORD TWP	UTICA TWP
WRIGHT	FRENCH LAKE TWP	
YELLOW MEDICINE	CANBY CITY	CLARKFIELD VILLAGE

	CENSUS TRACTS WITHIN COUNTY					
HENNEPIN	0029.00	0033.00	0034.00	0042.00	0043.00	0044.00
	0046.02	0047.00	0052.00	0053.00	0057.00	0058.00
	0059.00	0060.00	0061.00	0069.00	0071.00	
RAMSEY	0328.00	0329.00	0336.00	0337.00	0340.00	0342.00
	0355.00					
ST LOUIS	0016.00	0017.00	0019.00	0025.00	0122.00	0131.00

MISSISSIPPI

COUNTIES

ADAMS
ALCORN
AMITE
ATTALA
BENTON
BOLIVAR
CALHOUN
CARROLL
CHICKASAW
CHOCTAW
CLAIBORNE

LIST OF MEDICALLY UNDERSERVED AREAS

MISSISSIPPI

COUNTIES (CONTINUED)

CLARKE
CLAY
COAHOMA
COPIAH
COVINGTON
DE SOTO
FRANKLIN
GEORGE
GREENE
GRENADA
HANCOCK
HOLMES
HUMPHREYS
ISSAQUENA
ITAWAMBA
JASPER
JEFFERSON
JEFFERSON DAVIS
JONES
KEMPER
LAFAYETTE
LAMAR
LAUDERDALE
LAWRENCE
LEAKE
LEE
LEFLORE
LINCOLN
LOWNDES
MADISON
MARION
MARSHALL
MONROE
MONTGOMERY
NESHOBA
NEWTON
NOXUBEE
OKTIBBEHA
PANOLA
PEARL RIVER
PERRY
PIKE
PONTOTOC
PRENTISS
QUITMAN

LIST OF MEDICALLY UNDERSERVED AREAS

MISSISSIPPI

COUNTIES (CONTINUED)

SCOTT
SHARKEY
SIMPSON
SMITH
STONE
SUNFLOWER
TALLAHATCHIE
TATE
TIPPAH
TUNICA
UNION
WALTHALL
WARREN
WASHINGTON
WAYNE
WEBSTER
WILKINSON
WINSTON
YALOBUSHA
YAZOO

	MCD/CCD*, WITHIN COUNTY	
FORREST	DIST 3	DIST 5
JACKSON	DIST 5	
TISHOMINGO	DIST 2	DIST 3
	DIST 4	

	CENSUS TRACTS WITHIN COUNTY					
HARRISON	0001.00	0002.00	0003.00	0004.00	0005.00	0007.00
	0018.00	0020.00	0023.00	0024.00	0026.00	0030.00
	0031.00					
HINDS	0006.00	0009.00	0010.00	0011.00	0012.00	0017.00
	0018.00	0019.00	0020.00	0026.00	0027.00	0028.00
	0029.00	0031.00	0032.00	0105.00	0106.00	0107.00
	0112.00	0113.00				
RANKIN	0201.00	0202.00	0203.00	0204.00	0206.00	0208.00
	0209.00	0210.00				

LIST OF MEDICALLY UNDERSERVED AREAS

MISSOURI

COUNTY NAME	COUNTIES
BARRY	
BENTON	
BOLLINGER	
CARTER	
CEDAR	
CHARITON	
CHRISTIAN	
CRAWFORD	
DADE	
DALLAS	
DE KALB	
DOUGLAS	
DUNKLIN	
GENTRY	
GRUNDY	
HARRISON	
HICKORY	
HOWARD	
HOWELL	
IRON	
LAWRENCE	
MCDONALD	
MADISON	
MARIES	
MERCER	
MISSISSIPPI	
MONROE	
NEW MADRID	
NEWTON	
OREGON	
OZARK	
PEMISCOT	
PULASKI	
PUTNAM	
RALLS	
RAY	
REYNOLDS	
RIPLEY	
ST CLAIR	
SALINE	
SCHUYLER	
SCOTLAND	
SHANNON	
SHELBY	
STODDARD	

LIST OF MEDICALLY UNDERSERVED AREAS

MISSOURI

COUNTY NAME	COUNTIES (CONTINUED)
SULLIVAN	
TEXAS	
WASHINGTON	
WAYNE	
WEBSTER	
WORTH	

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ADAIR	WINEVER TWP	
ANDREW	BENTON TWP ROCHESTER TWP	JACKSON TWP
AUDRAIN	SALING TWP	
BARTON	GOLDEN CITY TWP	OZARK TWP
BATES	HOWARD TWP	OSAGE TWP
BUTLER	ASH HILL TWP NEELY TWP	BEAVER DAM TWP ST FRANCOIS TWP
CALDWELL	BRECKENRIDGE TWP	
CALLAWAY	ADVASSE TWP JACKSON TWP	CALWOOD TWP WEST FULTON TWP
CAMDEN	ADAIR TWP	JASPER TWP
CARROLL	HORRICANE TWP	
CLARK	LINCOLN TWP	WYACONDA TWP
COOPER	CLEAR CREEK TWP PILOT GROVE TWP	KELLY TWP
DAVIESS	JAMESPORT TWP	
DENT	WATKINS TWP	
GASCONADE	BOULWARE TWP	
HENRY	FAIRVIEW TWP	

LIST OF MEDICALLY UNDERSERVED AREAS

MISSOURI

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
HOLT	UNION TWP	
JASPER	JASPER TWP SARCOXIE TWP	PRESTON TWP
JOHNSON	MADISON TWP	ROSE HILL TWP
LACLEDE	FRANKLIN TWP SPRING HOLLOW TWP	GASCONADE TWP UNION TWP
LEWIS	LA BELLE TWP	
LINN	BENTON TWP LOCUST CREEK TWP PARSON CREEK TWP	BUCKLIN TWP MARCELINE TWP
MACON	CALLAO TWP LYDA TWP	LA PLATA TWP
MARION	MASON TWP	
MONTGOMERY	DANVILLE TWP	
MODAWAY	ATCHISON TWP HOPKINS TWP INDEPENDENCE TWP MONROE TWP UNION TWP	GRANT TWP HUGHES TWP JEFFERSON TWP MODAWAY TWP WHITE CLOUD TWP
OSAGE	BENTON TWP	JEFFERSON TWP
PERRY	BOIS BRULE TWP ST MARYS TWP	BRAZEAU TWP UNION TWP
PHELPS	ARLINGTON TWP SPRING CREEK TWP	ST JAMES TWP
POLK	JOHNSON TWP	MADISON TWP
ST FRANCOIS	IRON TWP	PENDLETON TWP
SCOTT	MORLEY TWP SYLVANIA TWP	SANDYWOODS TWP
STONE	PIERCE TWP	WASHINGTON TWP

LIST OF MEDICALLY UNDERSERVED AREAS

MISSOURI

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
VERNON	BACON TWP WASHINGTON TWP		DRYWOOD TWP			
WRIGHT	HART TWP		MOUNTAIN GROVE TWP			

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
BOONE	0001.00	0005.00	0008.00			
BUCHANAN	0004.00 0014.00	0009.00 0015.00	0010.00 0020.00	0011.00	0012.00	0013.00
GREENE	0001.00	0005.00	0006.00			
JACKSON	0011.00 0028.00 0048.00	0012.00 0032.00 0049.00	0013.00 0037.00 0050.00	0015.00 0039.00 0073.00	0016.00 0041.00	0017.00 0043.00
JEFFERSON	7012.00					
ST LOUIS	2123.00 2164.00	2128.00 2165.00	2139.00	2140.00	2158.00	2161.00
ST LOUIS CITY	1021.00 1114.00 1183.00 1201.00 1224.00	1061.00 1115.00 1184.00 1203.00 1251.00	1082.00 1121.00 1185.00 1212.00 1252.00	1094.00 1128.00 1191.00 1213.00 1253.00	1111.00 1141.00 1192.00 1214.00 1261.00	1113.00 1156.00 1193.00 1221.00

MONTANA

COUNTIES
BIG HORN
BLAINE
CHOUTEAU
FALLON
GLACIER
GOLDEN VALLEY
JEFFERSON

LIST OF MEDICALLY UNDERSERVED AREAS

MONTANA

COUNTIES (CONTINUED)
JUDITH BASIN
LAKE
MEAGHER
MINERAL
MUSSELSHELL
PETROLEUM
PHILLIPS
PONDERA
POWDER RIVER
PRAIRIE
ROOSEVELT
ROSEBUD
SILVER BOW
SWEET GRASS
TREASURE
VALLEY
WHEATLAND

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
BEAVERHEAD	BIG HOLE BASIN DIV	LIMA-CENTENNIAL VALLEY DI
MADISON	SHERIDAN DIV	
POWELL	AVON-ELLISTON DIV	COTTONWOOD DIV
RAVALLI	HAMILTON DIV VICTOR DIV	SULA-EDWARDS DIV
WIBAUX	WIBAUX DIV	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY	
CASCADE	0006.00	
YELLOWSTONE	0001.00	0003.00

LIST OF MEDICALLY UNDERSERVED AREAS

NEBRASKA

COUNTY NAME	COUNTIES
ANTELOPE	
BANNER	
BLAINE	
BOONE	
BOYD	
BROWN	
BUTLER	
CEDAR	
CHERRY	
CLAY	
CUSTER	
DEUEL	
DIXON	
DUNDY	
FILLMORE	
FRONTIER	
GARDEN	
GARFIELD	
GOSPER	
GREELEY	
HARLAN	
HAYES	
HITCHCOCK	
HOLT	
KEYA PAHA	
KIMBALL	
KNOX	
LOUP	
MCPHERSON	
NUCKOLLS	
PAWNEE	
POLK	
RICHARDSON	
ROCK	
SALINE	
SHERMAN	
SIOUX	
STANTON	
THURSTON	
VALLEY	
WEBSTER	
WHEELER	

COUNTY NAME	MCD/CCD* WITHIN COUNTY
BOX BUTTE	DORSEY PREC

LIST OF MEDICALLY UNDERSERVED AREAS

NEBRASKA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
BUFFALO	COLLINS TWP SHELTON TWP	RAVENNA CITY
BURT	EVERETT TWP TEKAMAH CITY	OAKLAND CITY
CASS	LIBERTY PREC WEEPING WATER CITY	STOVE CREEK PREC
CHASE	IMPERIAL PREC	WAUNETA PREC
COLFAX	ADAMS PREC SCHUYLER CITY	LINCOLN PREC
CUMING	WISNER CITY	
DODGE	HOOPER TWP WEBSTER TWP	SCRIBNER CITY
FRANKLIN	FRANKLIN CITY	
GAGE	WYMORE TWP	
HALL	DONIPHAN TWP	SOUTH LOUP TWP
HOWARD	ST LIBORY PREC	ST PAUL CITY
JEFFERSON	FAIRBURY CITY	PLEASANT PREC
JOHNSON	SPRING CREEK PREC TECUMSEH CITY	STERLING PREC
KEITH	PAXTON PREC	
LINCOLN	EAST HINMAN PREC	
MADISON	MADISON CITY TILDEN CITY (PART)	NEWMAN GROVE CITY (PART)
MERRICK	CLARKSVILLE TWP LOUP TWP	LONE TREE TWP
MORRILL	BRIDGEPORT CITY	CAMP CLARK PREC
NANCE	GENOA TWP	

LIST OF MEDICALLY UNDERSERVED AREAS

NEBRASKA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
NEMAHA	AUBURN CITY			WASHINGTON PREC		
OTOE	NORTH SYRACUSE PREC					
PERKINS	LIBERTY PREC					
PIERCE	PIERCE CITY					
PLATTE	ST BERNARD TWP					
SAUNDERS	CHESTER TWP WAHOO CITY			OAK CREEK TWP		
SHERIDAN	RUSHVILLE CITY					
THAYER	BROWNE PREC HIGHLAND-ALEXANDRIA PREC			DAVENPORT PREC		
WAYNE	CHAPIN PREC					
	CENSUS TRACTS WITHIN COUNTY					
DAKOTA	0101.00	0104.00				
DOUGLAS	0010.00 0016.00 0041.00	0011.00 0017.00 0052.00	0012.00 0018.00	0013.02 0019.00	0014.00 0022.00	0015.00 0040.00
LANCASTER	0006.00	0018.00	0019.00	0020.00		
SARPY	0102.00					

NEVADA

COUNTY NAME	COUNTIES
ESMERALDA	
EUREKA	
LANDER	
LINCOLN	

LIST OF MEDICALLY UNDERSERVED AREAS

NEVADA

COUNTY NAME	COUNTIES (CONTINUED)
LYON	
NYE	
STOREY	

	MCD/CCD* WITHIN COUNTY
MINERAL	MINA TWP

	CENSUS TRACTS WITHIN COUNTY				
CLARK	0007.00	0009.00	0021.00	0035.00	0039.00
WASHOE	0001.00				

NEW HAMPSHIRE

	CENSUS TRACTS WITHIN COUNTY			
HILLSBORO	0004.00	0005.00	0013.00	0018.00

NEW JERSEY

	MCD/CCD* WITHIN COUNTY
OCEAN	MANCHESTER TWP

	CENSUS TRACTS WITHIN COUNTY					
ATLANTIC	0002.00 0009.00 0019.00	0003.00 0010.00 0020.00	0004.00 0011.00 0021.00	0006.00 0015.00 0129.00	0007.00 0016.00 0132.00	0008.00 0018.00
CAMDEN	6005.00					

LIST OF MEDICALLY UNDERSERVED AREAS

NEW JERSEY

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
CUMBERLAND	0102.00	0103.00	0205.00	0401.00	0402.00	
ESSEX	0002.00	0003.00	0013.00	0018.00	0026.00	0027.00
	0028.00	0029.00	0031.00	0032.00	0034.00	0038.00
	0039.00	0040.00	0048.02	0055.00	0056.00	0057.00
	0058.00	0060.00	0062.00	0063.00	0064.00	0065.00
	0066.00	0067.00	0082.00	0083.00	0084.00	0085.00
	0086.00	0088.00	0089.00	0090.00	0092.00	0096.00
	0105.00	0111.00	0113.00	0119.00	0124.00	0130.00
	0154.00	0168.00	0170.00	0185.00		
HUDSON	0015.00	0016.00	0017.00	0020.00	0025.00	0031.00
	0033.00	0038.00	0035.00	0036.00	0043.00	0044.00
	0050.00	0058.02	0109.00	0154.00	0155.00	0167.00
	0169.00	0184.00	0190.00	0191.00	0192.00	0193.00
	0194.00	0197.00				
PASSAIC	1759.00	1805.00	1816.01	1817.01	1817.02	1828.01
	1829.00					
SALEM	0213.00	0218.00				

NEW MEXICO

COUNTIES

CHAVES
COLFAX
CURRY
EDDY
GUADALUPE
HARDING
HIDALGO
LEA
MCKINLEY
MORA
OTERO
QUAY
RIO ARRIBA
ROOSEVELT
SANDOVAL

LIST OF MEDICALLY UNDERSERVED AREAS

NEW MEXICO

COUNTY NAME	COUNTIES (CONTINUED)
SAN JUAN	
SAN MIGUEL	
SIERRA	
SOCORRO	
TAOS	
TORRANCE	
UNION	
VALENCIA	

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
DE BACA	WEST DE BACA DIV	
DONA ANA	ANTHONY DIV	FAIRACRES DIV
	HATCH DIV	LA MESA DIV
	LA UNION DIV	
LINCOLN	RONDO DIV	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
BERNALILLO	0013.00	0014.00	0015.00	0020.00	0021.00	0042.00
	0048.00					

NEW YORK

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ALLEGANY	GROVE TOWN	NEW HUDSON TOWN
	WEST ALLMOND TOWN	
CATTARAUGUS	HUMPHREY TOWN	
CAYUGA	CONQUEST TOWN	
CHEMUNG	ELMIRA CITY	VAN ETTEN TOWN
	VETERAN TOWN	

LIST OF MEDICALLY UNDERSERVED AREAS

NEW YORK

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
CHENANGO	COVENTRY TOWN	GUILFORD TOWN
	MC DONOUGH TOWN	OTSELIC TOWN
	OXFORD TOWN	PRESTON TOWN
	SHERBURNE TOWN	
COLUMBIA	AUSTERLITZ TOWN	
CORTLAND	SOLON TOWN	
DELAWARE	COLCHESTER TOWN	MIDDLETOWN TOWN
	TOMPKINS TOWN	
FULTON	OPPENHEIM TOWN	
GREENE	DURHAM TOWN	GREENVILLE TOWN
	LEXINGTON TOWN	PRATTSVILLE TOWN
	WINDHAM TOWN	
JEFFERSON	CAPE VINCENT TOWN	
OTSEGO	PLAINFIELD TOWN	
ST LAWRENCE	HERMON TOWN	PITCAIRN TOWN
	ROSSIE TOWN	WADDINGTON TOWN
SENECA	OVID TOWN	
STEUBEN	WAYNE TOWN	WOODHULL TOWN

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
ALBANY	0011.00	0014.00	0024.00			

LIST OF MEDICALLY UNDERSERVED AREAS

NEW YORK

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
BRONX	0017.00	0023.00	0025.00	0027.01	0027.02	0031.00
	0033.00	0035.00	0039.00	0041.00	0043.00	0044.00
	0047.00	0049.00	0052.00	0056.00	0057.00	0059.01
	0059.02	0062.00	0065.00	0067.00	0069.00	0071.00
	0073.00	0075.00	0077.00	0079.00	0083.00	0085.00
	0087.00	0089.00	0094.00	0099.00	0115.01	0115.02
	0119.00	0121.01	0121.02	0123.00	0125.00	0127.01
	0127.02	0129.01	0129.02	0131.00	0133.00	0135.00
	0137.00	0139.00	0141.00	0143.00	0145.00	0147.00
	0149.00	0151.00	0153.00	0154.00	0155.00	0157.00
	0161.00	0165.00	0167.00	0169.00	0173.00	0175.00
	0177.00	0181.00	0183.00	0195.00	0197.00	0206.02
	0208.00	0210.00	0211.00	0212.00	0213.01	0218.00
	0216.02	0217.02	0219.00	0220.00	0223.00	0224.01
	0224.02	0225.00	0227.02	0227.03	0228.00	0230.00
	0233.01	0235.01	0235.02	0237.01	0239.00	0243.00
	0251.00	0255.00	0261.00	0263.00	0265.00	0267.00
	0281.00	0297.00	0301.00	0319.00	0330.00	0332.00
	0336.00	0338.00	0340.00	0354.00	0359.00	0361.00
	0363.00	0365.01	0365.02	0367.00	0369.01	0369.02
	0371.00	0373.00	0375.01	0375.02	0375.03	0377.00
	0379.00	0381.00	0385.00	0391.00	0393.00	0399.01
	0399.02	0401.00	0403.01	0403.02	0406.00	0407.01
	0407.02	0411.00	0413.00	0415.00	0419.00	0421.00
	0423.00	0425.00	0429.01	0429.02	0431.00	0432.00
	0449.02	0451.01				
BROOME	0011.00	0012.00				
ERIE	0032.01	0032.02	0042.00	0046.02	0065.02	0066.02
	0067.01	0067.02	0121.00			
HERKIMER	0106.00	0108.00	0110.01			

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LIST OF MEDICALLY UNDERSERVED AREAS

NEW YORK

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
KINGS	0002.00	0020.00	0022.00	0023.00	0025.00	0027.00
	0029.01	0033.00	0036.00	0039.00	0043.00	0050.00
	0054.00	0055.00	0056.01	0056.02	0058.00	0059.00
	0062.00	0064.00	0071.00	0076.00	0084.00	0085.00
	0088.00	0092.00	0121.00	0123.00	0127.00	0128.01
	0129.01	0129.02	0131.00	0133.00	0141.00	0142.00
	0143.00	0151.00	0160.00	0161.00	0165.00	0179.00
	0181.00	0183.00	0185.01	0185.02	0187.00	0191.00
	0197.00	0203.00	0217.00	0223.00	0225.00	0226.00
	0227.00	0228.00	0229.00	0235.00	0239.00	0241.00
	0243.00	0249.00	0251.00	0253.00	0255.00	0257.00
	0259.01	0261.00	0263.00	0265.00	0271.01	0273.00
	0275.00	0277.00	0279.00	0281.00	0283.00	0285.02
	0287.00	0289.00	0290.00	0291.00	0292.00	0293.00
	0294.00	0296.00	0299.00	0301.00	0303.00	0307.00
	0309.00	0311.00	0326.00	0328.00	0330.00	0336.00
	0340.00	0341.00	0342.00	0343.00	0348.02	0352.00
	0356.00	0357.00	0359.00	0360.01	0360.02	0361.00
	0362.00	0363.00	0364.00	0366.00	0369.00	0371.00
	0373.00	0375.00	0379.00	0385.00	0387.00	0389.00
	0391.00	0393.00	0397.00	0399.00	0401.00	0403.00
	0405.00	0409.00	0411.00	0413.00	0414.02	0415.00
	0417.00	0419.00	0421.00	0423.00	0425.00	0433.00
	0435.00	0436.00	0437.00	0453.00	0456.00	0483.00
	0487.00	0493.00	0505.00	0507.00	0508.00	0509.00
	0510.00	0511.00	0512.00	0513.00	0514.00	0518.00
	0523.00	0527.00	0529.00	0531.00	0533.00	0534.00
	0535.00	0537.00	0538.00	0539.00	0546.00	0547.00
	0549.00	0550.00	0551.00	0552.00	0555.00	0560.00
	0563.00	0579.00	0592.00	0610.01	0610.02	0612.00
	0762.00	0774.00	0796.00	0798.00	0822.00	0878.00
	0892.00	0894.00	0896.00	0898.00	0900.00	0902.00
	0904.00	0906.00	0908.00	0910.00	0912.00	0914.00
	0916.00	0918.00	0920.00	0982.00	1100.00	1114.00
	1118.00	1128.00	1126.00	1128.00	1130.00	1132.00
	1134.00	1136.00	1138.00	1140.00	1148.00	1150.00
	1152.00	1154.00	1156.00	1158.00	1160.00	1162.00
	1164.00	1166.00	1168.00	1194.00	1210.00	1214.00
LIVINGSTON	0305.00					
MONROE	0009.00	0038.02	0090.00	0153.01		
NASSAU	4166.00					

LIST OF MEDICALLY UNDERSERVED AREAS

NEW YORK

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
NEW YORK	0022.02	0030.01	0056.00	0062.00	0076.00	0112.02
	0137.00	0172.02	0174.02	0190.00	0239.00	
NIAGARA	0202.00	0205.00	0211.00	0215.00	0216.00	
ONEIDA	0202.01	0203.00	0204.00	0206.00	0207.01	0210.00
	0211.01	0211.02	0213.01	0218.00		
ONONDAGA	0030.00	0031.00	0033.00	0040.00	0041.00	0042.00
	0043.00	0053.00	0159.00			
QUEENS	0938.00	0942.01				
RENSSELAER	0406.00	0407.00	0408.00			
SCHENECTADY	0210.01	0210.02				
WESTCHESTER	0025.00					

GROUPS OF CENSUS TRACTS

ERIE AREA 1	0012.00**	0013.01	0013.02**	0014.01	0014.02**	0015.00**
	0025.01	0025.02**	0026.00**	0027.01	0031.00**	
ERIE AREA 2	0068.00**	0071.01**	0071.02**	0072.01**	0072.02**	

NORTH CAROLINA

COUNTIES

ALEXANDER
ALLEGHANY
ANSON
ASHE
BEAUFORT
BERTIE
BLADEN
CALDWELL
CAMDEN
CARTERET
CASWELL

LIST OF MEDICALLY UNDERSERVED AREAS

NORTH CAROLINA

COUNTIES (CONTINUED)

CHATHAM
CHEROKEE
CLAY
CLEVELAND
COLUMBUS
CRAVEN
CURRITUCK
DAVIDSON
DUPLIN
EDGECOMBE
FRANKLIN
GATES
GRANVILLE
GREENE
HALIFAX
HARNETT
HERTFORD
HOKE
HYDE
JACKSON
JOHNSTON
JONES
LENOIR
MCDOWELL
MACON
MADISON
MARTIN
MITCHELL
MONTGOMERY
MOORE
NASH
NORTHAMPTON
ONSLOW
PAMLICO
PENDER
PERQUIMANS
PERSON
PITT
POLK
RICHMOND
ROBESON
ROCKINGHAM
RUTHERFORD
SAMPSON
SCOTLAND

LIST OF MEDICALLY UNDERSERVED AREAS

NORTH CAROLINA

COUNTIES (CONTINUED)

STOKES
SURRY
TRANSYLVANIA
TYRRELL
VANCE
WARREN
WASHINGTON
WATAUGA
WAYNE
WILKES
WILSON
YANCEY

COUNTY NAME	MCD/CCD* WITHIN COUNTY		
ALAMANCE	TWP 11 PLEASANT GROVE		
AVERY	BEECH MOUNTAIN TWP		
BURKE	UPPER CREEK TWP		
DARE	CROATAN TWP		
GASTON	CROWDER MOUNTAIN TWP		
GRAHAM	CHEOAH TWP		
HAYWOOD	CRABTREE TWP	PINES CREEK TWP	
	IRON DUFF TWP	IVY HILL TWP	
	JONATHANS CREEK TWP		
HENDERSON	HOOPERS CREEK TWP		
IREDELL	BETHANY TWP	EAGLE MILLS TWP	
	NEW HOPE TWP	OLIN TWP	
	SHARPESBURG TWP	STATESVILLE TWP	
	TURNERSBURG TWP	UNION GROVE TWP	
LINCOLN	HOWARDS CREEK TWP	NORTH BROOK TWP	
PASQUOTANK	SALEM TWP		
ROWAN	STEELE TWP		

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LIST OF MEDICALLY UNDERSERVED AREAS

NORTH CAROLINA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
STANLY	HARRIS TWP					
SURRY	BRYAN TWP FRANKLIN TWP SHOALS TWP SOUTH WESTFIELD TWP			DOBSON TWP MARSH TWP SILOAM TWP		
	CENSUS TRACTS WITHIN COUNTY					
BRUNSWICK	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00
BUNCOMBE	0002.00 0010.00	0003.00 0029.00	0005.00	0006.00	0007.00	0009.00
CUMBERLAND	0001.00 0010.00 0017.00 0026.00 0032.00	0002.00 0011.00 0019.00 0027.00 0033.00	0003.00 0012.00 0020.00 0028.00 0035.00	0004.00 0013.00 0022.00 0029.00 0036.00	0005.00 0014.00 0023.00 0030.00 0037.00	0008.00 0016.00 0024.00 0031.00
DURHAM	0009.00	0011.00	0012.01	0012.02		
FORSYTH	0002.00	0003.01	0005.00	0005.01	0006.00	0008.02
GUILFORD	0108.02 0139.00	0110.00 0141.00	0111.01 0142.00	0112.00 0146.00	0114.01	0114.02
MECKLENBURG	0001.00 0008.00 0045.00	0003.00 0023.00 0049.00	0004.00 0025.00 0050.00	0005.00 0026.00 0052.00	0006.00 0035.00	0007.00 0037.00
NEW HANOVER	0101.00	0111.00	0112.00	0113.00	0114.00	
RANDOLPH	0307.00					
UNION	0201.00 0207.00	0202.00 0208.00	0203.00 0209.00	0204.00 0210.00	0205.00	0206.00
WAKE	0001.00 0009.00	0002.00 0011.00	0004.00 0032.00	0006.00 0033.00	0007.00 0043.00	0008.00
YADKIN	0501.00	0502.00	0503.00	0504.00	0505.00	

LIST OF MEDICALLY UNDERSERVED AREAS

NORTH DAKOTA

COUNTY NAME	COUNTIES
BENSON	
BILLINGS	
CAVALIER	
DUNN	
FOSTER	
GRANT	
HETTINGER	
KIDDER	
LA MOURE	
MCINTOSH	
MCKENZIE	
MERCER	
MORTON	
NELSON	
OLIVER	
PENVILLE	
SARGENT	
SHERIDAN	
SIOUX	
SLOPE	

	MCD/CCD* WITHIN COUNTY	
BARNES	SOUTHEAST BARNES DIV	
BOTTINEAU	BOTTINEAU DIV TURTLE MOUNTAINS DIV	BOTTINEAU SOUTH DIV
BURKE	POWERS LAKE DIV	
EDDY	EAST EDDY DIV	NEW ROCKFORD DIV
EMMONS	STRASBURG DIV	WEST EMMONS DIV
GRIGGS	COOPERSTOWN DIV	EAST GRIGGS DIV
LOGAN	NAPOLEON DIV	
MCHENRY	DRAKE DIV TOWNER RURAL DIV	GRANVILLE DIV
MCLEAN	GARRISON DIV	WEST MC LEAN DIV
MOUNTRAIL	SOUTH MOUNTRAIL DIV	STANLEY WEST DIV

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

NORTH DAKOTA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)		
PENBINA	CAVALIER DIV WALHALLA DIV	CAVALIER SOUTH DIV	
RANSOM	LISBON DIV	SAND HILLS DIV	
RICHLAND	HANKINSON DIV NORTHEAST RICHLAND DIV	LIDGERWOOD DIV	
ROLETTE	BELCOURT DIV	DUNSEITH RURAL DIV	
STARK	WEST STARK DIV		
STEELE	HOPE DIV		
STUTSMAN	KENSAL DIV	STREETER-MEDINA DIV	
TOWNER	CANDO DIV		
WALSH	PARK RIVER RURAL DIV		
WILLIAMS	RAY DIV WILLISTON EAST DIV	WILLISTON DIV WILLISTON WEST DIV	
	CENSUS TRACTS WITHIN COUNTY		
CASS	0007.00		

OHIO

COUNTIES
ADAMS
BROWN
JACKSON
MEIGS
MONROE
MORGAN
PIKE
SCIOTO
VINTON

LIST OF MEDICALLY UNDERSERVED AREAS

OHIO

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ATHENS	TRIMBLE TWP	WATERLOO TWP
CARROLL	EAST TWP PERRY TWP	FOX TWP WASHINGTON TWP
CLINTON	WILSON TWP	
COSHOCTON	ADAMS TWP CRAWFORD TWP VIRGINIA TWP	CLARK TWP FRANKLIN TWP WHITE EYES TWP
DARKE	JACKSON TWP	VAN BUREN TWP
GUERNSEY	LIBERTY TWP MADISON TWP RICHLAND TWP WILLS TWP	LONDONDERRY TWP MILLWOOD TWP SPENCER TWP
HARDIN	DUDLEY TWP LYNN TWP	HALE TWP ROUNDHEAD TWP
HARRISON	MONROE TWP	
HENRY	MONROE TWP	
HIGHLAND	BRUSH CREEK TWP	JACKSON TWP
HOCKING	LAUREL TWP WARD TWP	MARION TWP
HOLMES	PAINT TWP	
LICKING	BOWLING GREEN TWP	
MORROW	FRANKLIN TWP	WESTFIELD TWP
MUSKINGUM	SALEM TWP	
NOBLE	MARION TWP	
PAULDING	BENTON TWP EMERALD TWP WASHINGTON TWP	CRANE TWP LATTY TWP

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

OHIO

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
PERRY	COAL TWP	MONROE TWP
	SALT LICK TWP	
ROSS	COLERAIN TWP	DEERFIELD TWP
	FRANKLIN TWP	HARRISON TWP
	PAINT TWP	PAINT TWP
SHELBY	CYNTHIAN TWP	TURTLE CREEK TWP
	WASHINGTON TWP	
WASHINGTON	AURELIUS TWP	FAIRFIELD TWP
	INDEPPENDENCE TWP	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
ALLEN	0125.00	0128.00	0135.00			
BELMONT	0121.00					
BUTLER	0003.00	0007.01	0128.00	0129.00	0140.00	
CLARK	0001.00	0002.00	0003.00	0021.00		
CLERMONT	0416.00	0418.00				
CUYAHOGA	1033.00	1037.00	1043.00	1079.00	1087.00	1088.00
	1089.00	1093.00	1098.00	1121.00	1123.00	1124.00
	1125.00	1126.00	1127.00	1128.00	1131.00	1133.00
	1134.00	1135.00	1136.00	1137.00	1138.00	1141.00
	1142.00	1143.00	1147.00	1148.00	1161.00	1186.00
	1187.00	1189.00	1192.00	1195.00		
FRANKLIN	0011.20	0013.00	0017.00	0018.10	0028.00	0029.00
	0030.00	0035.00	0036.00	0038.00	0039.00	0040.00
	0041.00	0048.00	0053.00	0078.10		
GREENE	2406.00					
HAMILTON	0003.01	0003.02	0008.00	0006.00	0007.00	0008.00
	0009.00	0010.00	0011.00	0015.00	0016.00	0017.00
	0018.00	0019.00	0021.00	0023.00	0037.00	0077.00
	0080.00	0086.01	0086.02			
JEFFERSON	0001.00	0002.00	0003.00	0009.00		

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
LAWRENCE	0501.00	0502.00	0503.00	0504.00	0505.00	0506.00
	0507.00	0508.00	0509.00	0510.00	0511.00	0512.00
	0513.00	0514.00				
LORAIN	0223.00	0231.00	0603.00	0710.00		
LUCAS	0023.00	0027.00	0028.00	0034.00	0037.00	0038.00
MAHONING	8008.00	8019.00	8035.00	8036.00	8037.00	8038.00
MONTGOMERY	0018.00	0024.00	0030.00	0038.00	0040.00	0053.00
	0065.00					
PUTNAM	0301.00	0302.00	0304.00	0305.00	0307.00	0308.00
RICHLAND	0001.00	0002.00				
STARK	7001.00	7016.00	7017.00	7019.00	7023.00	7104.00
	7138.00					
SUMMIT	5013.01	5015.00				
TRUMBULL	9205.00					
WARREN	0318.00					
WOOD	0217.00					

OKLAHOMA

COUNTIES

ADAIR
ALFALFA
ATOKA
BECKHAM
BLAINE
BRYAN
CADDO
CHEROKEE
CHOCTAW

LIST OF MEDICALLY UNDERSERVED AREAS

OKLAHOMA

COUNTIES (CONTINUED)

COAL
COTTON
DELAWARE
DEWEY
ELLIS
GARVIN
GRANT
GREER
HARMON
HASKELL
HUGHES
JACKSON
JEFFERSON
JOHNSTON
KIOWA
LATIMER
LOGAN
MCCLAIN
MCCURTAIN
MARSHALL
MUSKOGEE
NOBLE
OKFUSKEE
OKMULGEE
OTTAWA
PAWNEE
POTTAWATOMIE
PUSHMATAHA
ROGER MILLS
SEMINOLE
TILLMAN
WASHITA
WOODS

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
GARFIELD	COVINGTON DIV	GARBER DIV
LINCOLN	PRAGUE DIV	
MAYES	EAST MAYES DIV	
MURRAY	EAST MURRAY DIV	

LIST OF MEDICALLY UNDERSERVED AREAS

OKLAHOMA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)		
NOWATA	NOWATA DIV		
PAYNE	YALE DIV		
PITTSBURG	QUINTON DIV	TWIN CITIES DIV	
POTTOTOC	NORTHEAST POTTOTOC DIV	SOUTHEAST POTTOTOC DIV	
	SOUTHWEST POTTOTOC DIV		
ROGERS	CHELSEA DIV		
STEPHENS	MARLOW DIV		
WAGONER	SOUTH WAGONER DIV	WAGONER DIV	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
CANADIAN	3001.00	3004.00				
CLEVELAND	2001.00	2002.00	2026.00			
COMANCHE	0002.00	0008.00	0010.00	0011.00	0012.00	0013.00
	0014.00	0015.00	0016.00	0017.00	0018.00	0019.00
	0021.00	0022.00	0023.00			
CREEK	0202.00	0203.00	0208.00	0210.00	0211.00	
LE FLORE	0401.00	0402.00	0403.00	0404.00	0405.00	0406.00
	0407.00					
OKLAHOMA	1004.00	1006.00	1011.00	1012.00	1014.00	1016.00
	1017.00	1018.00	1019.00	1020.00	1021.00	1023.00
	1024.00	1025.00	1026.00	1027.00	1028.00	1029.00
	1030.00	1032.00	1033.00	1035.00	1037.00	1038.00
	1039.00	1040.00	1041.00	1046.00	1047.00	1057.00
	1058.00	1088.03	1088.04			
SEQUOYAH	0301.00	0302.00	0303.00	0304.00		
TULSA	0002.00	0006.00	0010.00	0011.00	0012.00	0022.00
	0025.00	0046.00				

COUNTY NAME	GROUPS OF CENSUS TRACTS					
OSAGE	AREA 1 0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0107.00	0108.00				

LIST OF MEDICALLY UNDERSERVED AREAS

OREGON -

COUNTY NAME	COUNTIES
BAKER	
GRANT	
SHERMAN	

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
CLATSOP	SEASIDE DIV	SVENSEN DIV
COLUMBIA	VERNONIA DIV	
CURRY	AGNESS DIVISION	
HARNEY	DREWSEY DIV	
KLAMATH	LANGELL DIV	

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
CLACKAMAS	0212.00					
LANE	0038.00	0040.00				
MARION	0001.00					
MULTNOMAH	0048.00	0049.00	0051.00	0052.00	0053.00	0054.00
	0056.00					
POLK	0051.00					
WASHINGTON	0334.00					

PENNSYLVANIA

COUNTY NAME	COUNTIES
CAMERON	
CLEARFIELD	
FAYETTE	
FULTON	

LIST OF MEDICALLY UNDERSERVED AREAS

PENNSYLVANIA

COUNTY NAME	COUNTIES (CONTINUED)
GREENE	
SNYDER	
SULLIVAN	
WAYNE	

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
ARMSTRONG	APOLLO BOROUGH	BOGGS TWP
	CADOGAN TWP	COWANSHANNOCK TWP
	DAYTON BOROUGH	KITTANNING BOROUGH
	KITTANNING TWP	LEECHBURG BOROUGH
	MADISON TWP	NORTH APOLLO BOROUGH
	PARKER CITY CITY	PINE TWP
	RAYBURN TWP	REDBANK TWP
	SUGARCREEK TWP	WAYNE TWP
	WEST FRANKLIN TWP	
BEDFORD	BLOOMFIELD TWP	BROAD TOP TWP
	COLERAIN TWP	HARRISON TWP
	KING TWP	LONDONDERRY TWP
	MONROE TWP	SOUTHAMPTON TWP
	WEST ST CLAIR TWP	WOODBURY TWP
BRADFORD	ROME TWP	
BUTLER	MARS BOROUGH	
CENTRE	MILLHEIM BOROUGH	SNOW SHOE BOROUGH
	STATE COLLEGE BOROUGH	UNION TWP
CLARION	PERRY TWP	STRATTANVILLE BOROUGH
CLINTON	GREENE TWP	RENOVO BOROUGH
COLUMBIA	BENTON BOROUGH	CENTRALIA BOROUGH
	CONYNGHAM TWP	
CRAWFORD	NORTH SHENANGO TWP	
FRANKLIN	QUINCY TWP	
HUNTINGDON	BRADY TWP	CROMWELL TWP
	WOOD TWP	

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

PENNSYLVANIA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
INDIANA	BANKS TWP	CANOE TWP
	GRANT TWP	MONTGOMERY TWP
	NORTH MAHONING TWP	WEST MAHONING TWP
JEFFERSON	BEAVER TWP	BIG RUN BOROUGH
	BROOKVILLE BOROUGH	ELDRED TWP
	HENDERSON TWP	MC CALMONT TWP
	PINECREEK TWP	PUNXSUTAWNEY BOROUGH
	RINGGOLD TWP	SUMMERVILLE BOROUGH
	UNION TWP	
LYCOMING	COGAN HOUSE TWP	JORDAN TWP
	LEWIS TWP	MC INTYRE TWP
	MOREland TWP	PICTURE ROCKS BOROUGH
MCKEAN	ARNIN TWP	LIBERTY TWP
	NORWICH TWP	
MERCER	LAKE TWP	
NORTHUMBERLAND	SHAMOKIN CITY	
PIKE	GREENE TWP	LACKAWAXEN TWP
	MILFORD BOROUGH	
POTTER	HARRISON TWP	
SCHUYLKILL	FRAILEY TWP	GILBERTON BOROUGH
	MAHANOY TWP	SHENANDOAH BOROUGH
TIOGA	CHARLESTON TWP	CHATHAM TWP
	DERRFIELD TWP	MORRIS TWP
	SULLIVAN TWP	TIOGA TWP
	WESTFIELD BOROUGH	
UNION	HARTLEY TWP	LEWISBURG BOROUGH
	LIMESTONE TWP	
VENANGO	CLINTON TWP	PINEGROVE TWP
	PLUM TWP	
WYOMING	NICHOLSON TWP	

LIST OF MEDICALLY UNDERSERVED AREAS

PENNSYLVANIA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
ALLEGHENY	0101.00	0102.00	0301.00	0303.00	0304.00	0401.00
	0404.00	0501.00	0502.00	0503.00	0504.00	0507.00
	0508.00	0509.00	0702.00	0704.00	0707.00	0708.00
	0801.00	0803.00	0807.00	0808.00	1006.00	1108.00
	1205.00	1206.00	1207.00	1308.00	1410.00	1503.00
	1504.00	1601.00	1604.00	1605.00	2101.00	2103.00
	2105.00	2201.00	2202.00	2203.00	2301.00	2302.00
	2503.00	2609.00	4031.00	4501.00	4631.00	4633.00
	4703.00	4831.00	4832.00	4865.00	4923.00	5082.00
	5101.00	5124.00	5133.00	5134.00	5141.00	5143.00
	5503.00	5504.00	5505.00	5508.00	5604.00	5606.00
	5607.00					
BEAVER	6012.00	6013.00	6015.00	6021.00	6022.00	6028.00
	6041.00	6045.00				
BERKS	0001.00	0019.00	0028.00			
BLAIR	0001.00	0015.00	0019.00			
CAMBRIA	0001.00	0002.00	0010.00			
DAUPHIN	0201.00	0202.00				
ERIE	0001.00	0003.00	0009.00	0012.00	0013.00	0014.00
	0015.00	0018.00	0019.00	0122.00		
LACKAWANNA	0001.00	0002.00				
LANCASTER	0001.00					
LUZERNE	0001.00	0009.00	0174.00	0175.00		
NORTHAMPTON	0148.00					

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

PENNSYLVANIA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
PHILADELPHIA	0002.00	0004.00	0007.00	0008.00	0009.00	0013.00
	0014.00	0015.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0025.00	0031.00	0036.00	0046.00	0069.00
	0076.00	0077.00	0078.00	0087.00	0088.00	0089.00
	0091.00	0092.00	0093.00	0094.00	0095.00	0105.00
	0106.00	0107.00	0108.00	0109.00	0110.00	0121.00
	0122.00	0125.00	0126.00	0127.00	0129.00	0130.00
	0132.00	0133.00	0134.00	0135.00	0138.00	0139.00
	0140.00	0141.00	0144.00	0145.00	0147.00	0148.00
	0149.00	0151.00	0152.00	0153.00	0154.00	0155.00
	0156.00	0157.00	0162.00	0163.00	0164.00	0165.00
	0166.00	0167.00	0168.00	0174.00	0200.00	0206.00
	0207.00	0208.00	0228.00	0232.00	0238.00	0239.00
	0240.00	0241.00	0246.00	0282.00	0283.00	0301.00
	0307.00					
SOMERSET	0211.00	0214.00	0215.00	0216.00	0217.00	0218.00
WASHINGTON	7210.00	7512.00	7537.00	7541.00	7543.00	7544.00
	7546.00	7751.00	7753.00	7831.00	7921.00	7957.00
WESTMORELAND	8001.00	8007.01	8016.00	8041.00		
YORK	0001.00					

RHODE ISLAND

	CENSUS TRACTS WITHIN COUNTY				
BRISTOL	0305.00	0307.00			
PROVIDENCE	0026.00	0027.00	0036.00	0172.00	0180.00

	GROUPS OF CENSUS TRACTS				
PROVIDENCE AREA 1	0004.00	0005.00	0006.00	0007.00**	
PROVIDENCE AREA 2	0003.00**	0008.00**	0009.00**	0011.00	0012.00**
PROVIDENCE AREA 3	0149.00	0152.00**	0160.00**		

LIST OF MEDICALLY UNDERSERVED AREAS

SOUTH CAROLINA

COUNTY NAME	COUNTIES
ABBEVILLE	
ALLENDALE	
BAMBERG	
BARNWELL	
BEAUFORT	
CALHOUN	
CHEROKEE	
CHESTER	
CHESTERFIELD	
CLARENDON	
COLLETON	
DARLINGTON	
DILLON	
DORCHESTER	
EDGEFIELD	
FAIRFIELD	
FLORENCE	
GEORGETOWN	
HAMPTON	
HORRY	
JASPER	
KERSHAW	
LANCASTER	
LAURENS	
LEE	
MCCORMICK	
MARION	
MARLBORO	
NEWBERRY	
ORANGEBURG	
SALUDA	
SUMTER	
UNION	
WILLIAMSBURG	
YORK	

	MCD/CCD* WITHIN COUNTY	
ANDERSON	BELTON EAST DIV	PORK DIV
	STARR DIV	
GREENWOOD	TROY DIV	
OCONEE	LONG CREEK DIV	

LIST OF MEDICALLY UNDERSERVED AREAS

SOUTH CAROLINA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)			
SPARTANBURG	CHESNEE DIV		FINGERVILLE DIV	
	GRABLING DIV		LANDRUM DIV	
	SPARTANBURG DIV		WOODS CHAPEL DIV	

	CENSUS TRACTS WITHIN COUNTY					
AIKEN	0201.00	0202.00	0203.00	0204.00	0205.00	0209.00
	0210.00	0211.00	0214.00	0216.00	0217.00	0218.00
	0219.00	0220.00				
BERKELEY	0201.00	0202.00	0203.00	0204.00	0205.00	0206.00
	0207.00	0208.00				
CHARLESTON	0001.00	0004.00	0005.00	0006.00	0007.00	0008.00
	0009.00	0010.00	0011.00	0013.00	0014.00	0021.02
	0022.00	0023.00	0024.00	0025.00	0037.00	0044.00
	0045.00	0046.01	0050.00			
GREENVILLE	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00
	0010.00					
LEXINGTON	0207.00	0208.00	0209.00	0211.02	0212.00	0213.00
	0214.00					
PICKENS	0101.00	0102.00	0103.00	0105.00	0106.00	0108.00
	0112.00					
RICHLAND	0005.00	0007.00	0009.00	0010.00	0013.00	0014.00
	0015.00	0016.00	0019.00	0020.01	0021.00	0028.00
	0105.02	0107.01	0107.02	0117.01	0117.02	0118.00
	0119.02	0120.00				

SOUTH DAKOTA

COUNTIES
AURORA
BENNETT
BON HOMME
BRULE

LIST OF MEDICALLY UNDERSERVED AREAS

SOUTH DAKOTA

COUNTY NAME	COUNTIES (CONTINUED)
BUFFALO	
CAMPBELL	
CHARLES MIX	
CLARK	
CORSON	
CUSTER	
DAY	
DEUEL	
DEWEY	
DOUGLAS	
FALL RIVER	
FAULK	
GREGORY	
HAMLIN	
HAND	
HANSON	
HARDING	
HYDE	
JACKSON	
JERAULD	
JONES	
MCCOOK	
MCPHERSON	
MARSHALL	
MEADE	
MELLETTE	
MINER	
MOODY	
ROBERTS	
SANBORN	
SHANNON	
STANLEY	
SULLY	
TODD	
TRIPP	
UNION	
WALWORTH	
WASHABAUGH	
ZIEBACH	

	MCD/CCD* WITHIN COUNTY	
BROOKINGS	ELKTON CITY	VOLGA CITY

UMI

LIST OF MEDICALLY UNDERSERVED AREAS

SOUTH DAKOTA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
BROWN	GROTON CITY	
BUTTE	UNORG TERR OF EAST BUTTE	
EDMUNDS	BOWDLE CITY	
GRANT	MILBANK CITY	
KINGSBURY	ARLINGTON CITY	
LAWRENCE	DEADWOOD CITY	SPEARFISH CITY
	UNORG TERR OF SOUTH LAWRE	
LINCOLN	CANTON CITY	LENNOX CITY
LYMAN	UNORG TERR OF NORTHEAST L	
TURNER	CENTERVILLE CITY	MARION CITY
	PARKER CITY	VIBORG CITY

CENSUS TRACTS WITHIN COUNTY

MINNEHAHA	0007.00

TENNESSEE

COUNTIES

BEDFORD
BENTON
BLEDSOE
BRADLEY
CAMPBELL
CANNON
CARROLL
CARTER
CHEATHAM
CHESTER
CLAIBORNE
CLAY

LIST OF MEDICALLY UNDERSERVED AREAS

TENNESSEE

COUNTIES (CONTINUED)

COCKE
COFFEE
CROCKETT
CUMBERLAND
DECATUR
DE KALB
DICKSON
FAYETTE
FENTRESS
FRANKLIN
GIBSON
GILES
GRAINGER
GRUNDY
HANCOCK
HARDEMAN
HARDIN
HAWKINS
HAYWOOD
HENDERSON
HICKMAN
HOUSTON
JACKSON
JOHNSON
LAKE
LAUDERDALE
LAWRENCE
LEWIS
LINCOLN
LOUDON
MCMINN
MCNAIRY
MACON
MARION
MARSHALL
MEIGS
MONROE
MONTGOMERY
MOORE
MORGAN
OBION
OVERTON
PERRY
PICKETT
RHEA

LIST OF MEDICALLY UNDERSERVED AREAS

TENNESSEE

COUNTY NAME	COUNTIES (CONTINUED)
ROANE	
ROBERTSON	
SCOTT	
SEQUATCHIE	
SEVIER	
STEWART	
TIPTON	
TROUSDALE	
UNICOI	
UNION	
VAN BUREN	
WARREN	
WASHINGTON	
WAYNE	
WEAKLEY	
WHITE	
WILLIAMSON	

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
DYER	MISSISSIPPI-OBION DIV	NEWBERN DIV
GREENE	BAILEYTON DIV	JEAROLDSTOWN DIV
	MOHAWK DIV	REATOWN-CHUCKY DIV
	SOUTHEAST HOLICHUCKY DIV	SOUTHWEST HOLICHUCKY DIV
HAMBLEN	RUSSELLVILLE DIV	
HENRY	HENRY DIV	PORTEAR DIV
	SPRINGVILLE DIV	
HUMPHREYS	BAKERVILLE DIV	BOLD SPRING DIV
JEFFERSON	CHESTNUT HILL DIV	
MAURY	CULLEOKA DIV	LOWER RUTHERFORD CREEK DI
	POPLAR TOP DIV	SANTE FE DIV
	SPRING HILL DIV	UPPER BIG BIGBY DIV
POLK	TURTLETOWN DIV	
PUTNAM	BUFFALO VALLEY DIV	MONTEREY DIV

LIST OF MEDICALLY UNDERSERVED AREAS

TENNESSEE

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
RUTHERFORD	CHRISTIANA DIV	EAGLEVILLE DIV
	KITTRELL DIV	
SMITH	FORKS OF THE RIVER DIV	

CENSUS TRACTS WITHIN COUNTY

ANDERSON	0207.00	0208.00	0212.00			
BLOUNT	0101.00	0105.00	0112.00	0113.00	0114.00	0115.00
	0116.00					
DAVIDSON	0118.00	0120.00	0124.00	0136.00	0137.00	0139.00
	0140.00	0141.00	0142.00	0143.00	0144.00	0145.00
	0147.00	0148.00	0160.00	0161.00	0162.00	0163.00
HAMILTON	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0008.00	0010.00	0011.00	0013.00	0014.00	0015.00
	0016.00	0019.00	0020.00	0021.00	0023.00	0024.00
	0027.00					
KNOX	0001.00	0002.00	0003.00	0006.00	0007.00	0009.00
	0010.00	0012.00	0013.00	0014.00	0028.00	
SHELBY	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0007.00	0008.00	0009.00	0010.00	0014.00	0015.00
	0016.00	0018.00	0019.00	0020.00	0021.00	0022.00
	0023.00	0028.00	0032.00	0040.00	0041.00	0042.00
	0044.00	0045.00	0046.00	0047.00	0048.00	0049.00
	0050.00	0051.00	0053.00	0054.00	0055.00	0056.00
	0057.00	0058.00	0060.00	0061.00	0062.00	0063.00
	0066.00	0067.00	0069.00	0073.00	0075.00	0078.00
	0090.00	0105.00	0201.00	0202.00	0207.00	0208.00
	0210.00	0211.00	0215.00	0216.00	0222.00	0224.00
SUMNER	0201.00	0202.00	0203.00	0204.00	0206.00	0207.00
	0208.00					
WILSON	0301.00	0302.00	0303.00	0304.00	0305.00	0306.00
	0307.00	0308.00	0309.00	0310.00		

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	COUNTIES
ANDERSON	
ARMSTRONG	
ATASCOSA	
AUSTIN	
BAILEY	
BANDERA	
BASTROP	
BAYLOR	
BEE	
BLANCO	
BORDEN	
BOSQUE	
BREWSTER	
BRISCOE	
BROOKS	
BROWN	
BURLESON	
CALDWELL	
CALHOUN	
CALLAHAN	
CAMP	
CASTRO	
CHAMBERS	
CHEROKEE	
CHILDRESS	
COCHRAN	
COKE	
COLEMAN	
COLLINGSWORTH	
COLORADO	
COMANCHE	
CONCHO	
COOKE	
CORYELL	
COTTLE	
CRANE	
CROSBY	
CULBERSON	
DALLAM	
DAWSON	
DEAF SMITH	
DELTA	
DE WITT	
DICKENS	
DIMMIT	

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	COUNTIES (CONTINUED)
DONLEY	
DUVAL	
EASTLAND	
EDWARDS	
ERATH	
FALLS	
FANNIN	
FAYETTE	
FISHER	
FLOYD	
FOARD	
FRANKLIN	
FREESTONE	
FRIO	
GAINES	
GLASSCOCK	
GOLIAD	
GONZALES	
GRIMES	
HALE	
HALL	
HAMILTON	
HARDEMAN	
HARDIN	
HARRISON	
HARTLEY	
HASKELL	
HAYS	
HENDERSON	
HILL	
HOCKLEY	
HOPKINS	
HOUSTON	
HUDSPETH	
HUNT	
HUTCHINSON	
IRION	
JACK	
JACKSON	
JEFF DAVIS	
JIM HOGG	
JIM WELLS	
KARNES	
KENDALL	
KENEDY	

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	COUNTIES (CONTINUED)
KENT	
KERR	
KIMBLE	
KINNEY	
KLEBERG	
LAMAR	
LAMB	
LAMPASAS	
LA SALLE	
LAVACA	
LEE	
LEON	
LIMESTONE	
LIVE OAK	
LLANO	
LOVING	
LYNN	
MCCULLOCH	
MCMULLEN	
MADISON	
MARION	
MASON	
MATAGORDA	
MAVERICK	
MEDINA	
MENARD	
MILAM	
MILLS	
MITCHELL	
MONTAGUE	
MOTLEY	
NAVARRO	
NEWTON	
NOLAN	
OCHILTREE	
OLDHAM	
PANOLA	
PARMER	
PECOS	
POLK	
PRAIRIE	
RED RIVER	
REEVES	
REFUGIO	
ROBERTSON	

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	COUNTIES (CONTINUED)
RUNNELS	
RUSK	
SABINE	
SAN AUGUSTINE	
SAN JACINTO	
SAN SABA	
SCHLEICHER	
SHACKELFORD	
SHELBY	
STARR	
STEPHENS	
STONEWALL	
SUTTON	
SWISHER	
TERRELL	
TERRY	
THROCKMORTON	
TRINITY	
TYLER	
UPSHUR	
UVALDE	
VAL VERDE	
VAN ZANDT	
WALKER	
WALLER	
WARD	
WASHINGTON	
WHARTON	
WILBARGER	
WILLACY	
WILLIAMSON	
WILSON	
WOOD	
ZAPATA	
ZAVALA	

	MCD/CCD*	WITHIN COUNTY
ANGELINA	HUNTINGTON DIV	ZAVALLA DIV
BELL	HOLLAND DIV	
BURNET	BERTRAM DIV	BRIGGS DIV

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
CASS	BIVINS-MC LEOD DIV	LINDEN DIV
	MARIETTA-DOUGLASSVILLE DI	
CLAY	BELLEVUE-JOY DIV	
GRAY	MC LEAN DIV	
KNOX	GOREE DIV	MUNDAY DIV
LIPSCOMB	FOLLETT DIV	
MARTIN	STANTON DIV	
MORRIS	NAPLES DIV	
NACOGDOCHES	CHIRENO-MARTINSVILLE DIV	CUSHING-DOUGLASS DIV
PALO PINTO	PALO PINTO-SANTO DIV	STRAWN-GORDON DIV
PARKER	WEATHERFORD DIV	
REAL	CAMP WOOD DIV	
TITUS	COOKVILLE DIV	TALCO DIV
	WINFIELD DIV	
WISE	ALVORD DIV	DECATUR DIV
YOAKUM	PLAINS DIV	
YOUNG	JEAN-LOVING DIV	NEWCASTLE DIV

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY
ARCHER	0202.00 0203.00

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
BEXAR	1101.00	1102.00	1103.00	1104.00	1105.00	1106.00
	1107.00	1108.00	1109.00	1110.00	1203.00	1301.00
	1302.00	1303.00	1304.00	1305.00	1306.00	1307.00
	1311.00	1314.00	1401.00	1403.00	1404.00	1405.00
	1406.00	1418.00	1501.00	1504.00	1505.00	1507.00
	1508.00	1510.00	1518.00	1519.00	1601.00	1605.00
	1606.00	1609.00	1610.00	1611.00	1612.00	1619.00
	1620.00	1701.00	1702.00	1703.00	1708.00	1707.00
	1708.00	1709.00	1710.00	1711.00	1712.00	1715.00
	1716.00	1901.00	1902.00	1903.00	1907.00	
BOWIE	0102.00	0103.00	0105.00	0106.00		
BRAZORIA	0608.00	0614.00	0616.00	0617.00	0621.00	
BRAZOS	0002.00	0004.00	0005.00	0012.00	0014.00	0015.00
CAMERON	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0107.00	0109.00	0110.00	0111.00	0114.00	0115.00
	0116.00	0117.00	0118.00	0119.00	0120.00	0121.00
	0122.00	0123.00	0124.00	0125.00	0126.00	0127.00
	0128.00	0132.00	0133.00	0134.00	0136.00	0137.00
	0138.00	0139.00	0140.00	0141.00		
COLLIN	0301.00	0304.00	0307.00	0309.00	0311.00	0312.00
DALLAS	0002.01	0003.00	0011.01	0011.02	0012.00	0016.00
	0017.02	0019.00	0022.01	0022.02	0023.00	0024.00
	0025.00	0027.01	0028.00	0029.00	0030.00	0033.00
	0036.00	0037.00	0039.02	0041.00	0050.00	0101.00
	0102.00	0103.00	0104.00	0105.00	0114.02	0115.00
	0181.04					
ECTOR	0011.00	0012.00	0014.00	0015.00	0018.00	0019.00
	0020.00					
ELLIS	0601.00	0602.00	0603.00	0604.00	0605.00	0609.00
	0610.00	0611.00	0612.00	0614.00	0615.00	0616.00
	0617.00					
EL PASO	0010.00	0014.00	0016.00	0017.00	0018.00	0019.00
	0020.00	0021.00	0022.00	0026.00	0027.00	0028.00
	0029.00	0030.00	0032.00	0039.00	0040.00	0042.01
	0102.00	0103.00	0104.00	0105.00		

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
FORT BEND	0704.00	0705.00	0706.00	0707.00	0711.00	0712.00
	0713.00	0714.00				
GALVESTON	1225.00	1232.00	1234.00	1237.00	1238.00	1240.00
	1249.00					
GRAYSON	0001.00	0005.00	0011.00	0019.00		
GUADALUPE	2101.00	2102.00	2103.00	2104.00	2105.00	2106.00
	2108.00	2109.00				
HARRIS	0122.00	0124.00	0125.00	0126.00	0201.00	0204.00
	0205.00	0303.00	0304.00	0305.00	0502.00	0504.00
	0510.00	0524.00				
HIDALGO	0201.00	0202.00	0204.00	0205.00	0206.00	0207.00
	0210.00	0211.00	0212.00	0213.00	0214.00	0215.00
	0216.00	0217.00	0218.00	0219.00	0220.00	0221.00
	0222.00	0223.00	0224.00	0225.00	0226.00	0227.00
	0228.00	0229.00	0230.00	0231.00	0232.00	0233.00
	0234.00	0235.00	0236.00	0237.00	0238.00	0240.00
	0241.00	0242.00	0243.00			
JEFFERSON	0007.00	0008.00	0009.00	0010.00	0015.00	0017.00
	0018.00	0023.00	0053.00	0054.00	0057.00	0058.00
	0059.00	0060.00	0061.00			
JOHNSON	0301.00	0305.00	0308.00	0309.00	0311.00	
JONES	0201.00	0202.00	0203.00	0204.00	0205.00	
KAUFMAN	0501.00	0502.00	0504.00	0505.00	0506.00	0508.00
	0509.00	0510.00	0512.00	0513.00		
LIBERTY	1001.00	1002.00	1003.00	1004.00	1005.00	1006.00
	1007.00	1008.00	1009.00	1010.00	1011.00	1012.00
LUBBOCK	0002.01	0002.02	0003.00	0005.00	0006.01	0006.02
	0007.00	0008.00	0010.00	0011.00	0012.02	0101.00
	0106.00	0107.00				

LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
MCLENNAN	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0007.00	0008.00	0009.00	0010.00	0011.00	0012.00
	0013.00	0014.00	0015.00	0019.00	0034.00	0035.00
	0036.00	0037.01	0038.00	0039.00	0040.00	0041.00
	0042.00					
MIDLAND	0007.00	0008.00	0014.00	0015.00		
MONTGOMERY	0904.00	0905.00	0909.00	0910.00	0911.00	0912.00
NUECES	0004.00	0005.00	0009.00	0010.00	0011.00	0015.00
	0017.00	0057.00	0059.00			
ORANGE	0202.00	0203.00	0208.00			
POTTER	0106.00	0111.00	0112.00	0113.00	0114.00	0120.00
	0121.00					
RANDALL	0205.00					
ROCKWALL	0403.00	0404.00				
SAN PATRICIO	0102.00	0104.00	0105.00	0107.00	0108.00	0109.00
	0110.00	0111.00	0112.00	0113.00		
SMITH	0002.02	0005.00	0006.00	0007.00	0015.00	0017.00
	0021.00					
TARRANT	0010.00	0011.00	0016.00	0017.00	0018.00	0019.00
	0025.00	0029.00	0030.00	0031.00	0032.00	0033.00
	0034.00	0036.01	0038.00	0040.00	0044.00	0063.00
	0110.01					
TAYLOR	0102.00	0108.00	0108.00	0110.00	0111.00	0117.00
	0118.00	0119.00	0135.00	0136.00		
TOM GREEN	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00
	0009.00	0010.00	0014.00	0016.00		
TRAVIS	0006.00	0008.00	0010.00	0011.00		
WEBB	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00
	0007.00	0008.00	0009.00	0010.00	0012.00	0013.00
	0014.00	0015.00	0017.02	0018.00		

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LIST OF MEDICALLY UNDERSERVED AREAS

TEXAS

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
WICHITA	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
	0107.00	0108.00	0110.00	0111.00	0112.00	0116.00
	0137.00					

UTAH

COUNTIES

DAGGETT
EMERY
GARFIELD
SAN JUAN
UINTAH
WAYNE

COUNTY NAME	MCD/CCD* WITHIN COUNTY	CENSUS TRACTS WITHIN COUNTY				
WASHINGTON	ENTERPRISE DIV					
DAVIS		0256.00				
SALT LAKE		0008.00	0019.00	0021.00	0022.00	0023.00	0024.00
		0025.00				
UTAH		0016.00				
WEBER		0011.00				

VERMONT

COUNTIES

ESSEX

LIST OF MEDICALLY UNDERSERVED AREAS

VERMONT

COUNTY NAME	COUNTIES (CONTINUED)
GRAND ISLE	
ORLEANS	

COUNTY NAME	MCD/CCD* WITHIN COUNTY
FRANKLIN	ENOSBURG TOWN
ORANGE	TUNBRIDGE TOWN

VIRGINIA

COUNTIES

ACCOMACK
AMELIA
APPOMATTOX
BLAND
BOTETOURT
BRUNSWICK
BUCHANAN
BUCKINGHAM
CAROLINE
CARROLL
CHARLOTTE
CHARLES CITY
CLARKE
CRAIG
CULPEPER
CUMBERLAND
DICKENSON
ESSEX
FAUQUIER
FLOYD
FLUVANNA
FRANKLIN
GILES
GOOCHLAND
GRAYSON
GREENE
GREENSVILLE

LIST OF MEDICALLY UNDERSERVED AREAS

VIRGINIA

COUNTIES (CONTINUED)

HALIFAX
ISLE OF WIGHT
JAMES CITY
KING AND QUEEN
KING GEORGE
KING WILLIAM
LEE
LOUISA
LUNENBURG
MADISON
MATHEWS
MECKLENBURG
MIDDLESEX
NELSON
NEW KENT
NORTHAMPTON
NORTHUMBERLAND
NOTTOWAY
ORANGE
PAGE
PATRICK
PITTSYLVANIA
POWHATAN
PRINCE EDWARD
RAPPAHANNOCK
RICHMOND
RUSSELL
SCOTT
SMITH
SOUTHAMPTON
STAFFORD
SURRY
SUSSEX
TAZEWELL
WASHINGTON
WESTMORELAND
WISE
BRISTOL CITY
DANVILLE CITY
EMPORIA CITY
FRANKLIN CITY
GALAX CITY
SOUTH BOSTON CITY
SUFFOLK CITY

COUNTY NAME	MCD/CCD* WITHIN COUNTY
ALLEGHANY	BOILING SPRING DIST

LIST OF MEDICALLY UNDERSERVED AREAS

VIRGINIA

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)					
HIGHLAND	BLUE GRASS DIST			STONEWALL DIST		
PULASKI	DRAPER DIST					
ROCKBRIDGE	BUFFALO DIST			KERRS CREEK DIST		
SPOTSYLVANIA	LIVINGSTON DIST					
WISE	GLADEVILLE DIST			LIPPS DIST		

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
AMHERST	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00
CHESTERFIELD	1010.00					
LOUDOUN	6004.00					
YORK	0504.00	0505.00	0508.00			
CHESAPEAKE CIT	0200.01	0200.02	0200.03	0201.00	0202.00	0203.00
	0204.00	0205.02	0206.00	0207.00	0208.01	0208.02
	0209.01	0209.02	0210.01	0210.02	0211.00	0212.00
	0213.01	0213.02	0214.01	0214.02	0214.03	0214.04
	0215.01	0215.02	0216.00			
HAMPTON CITY	0106.00	0109.00	0113.00	0114.00	0117.00	
LYNCHBURG CITY	0005.00	0006.00				
NEWPORT NEWS C	0302.00	0304.00	0306.00			
NORFOLK CITY	0009.00	0025.00	0026.00	0027.00	0028.00	0029.00
	0034.00	0035.01	0035.02	0036.00	0037.00	0039.00
	0040.01	0040.02	0041.00	0042.00	0043.00	0044.00
	0046.00	0047.00	0048.00	0049.00	0050.00	0052.00
	0053.00	0065.02				
PORTSMOUTH CIT	0102.00	0104.00	0106.00	0107.00	0109.00	0110.00
	0111.00	0112.00	0113.00	0114.00	0118.00	0119.00
	0120.00	0121.00				

LIST OF MEDICALLY UNDERSERVED AREAS

VIRGINIA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY (CONTINUED)					
RICHMOND CITY	0102.00	0104.00	0201.00	0202.00	0204.00	0205.00
	0207.00	0301.00	0302.00	0303.00	0305.00	0402.00
	0404.00	0405.00	0408.00	0409.00	0410.00	0503.00
	0601.00	0603.00				
ROANOKE CITY	0007.00	0011.00	0012.00	0013.00		
VIRGINIA BEACH	0482.00	0486.00				

WASHINGTON

COUNTIES

COLUMBIA
DOUGLAS
FERRY
GRAYS HARBOR
PACIFIC
PEND OREILLE
SAN JUAN

	MCD/CCD* WITHIN COUNTY	
ADAMS	DIV 2	DIV 8
ASOTIN	CLARKSTON DIV	
GARFIELD	DIV 1	
GRANT	DIV 11	DIV 15
	DIV 16	
STEVENS	DIV 4	DIV 5
	DIV 6	DIV 7

LIST OF MEDICALLY UNDERSERVED AREAS

WASHINGTON

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
YAKIMA	DIV 11	DIV 17
	DIV 19	DIV 22
	DIV 24	DIV 25
	DIV 31	DIV 32
	DIV 33	DIV 34
	DIV 35	DIV 38
	DIV 39	TOPPENISH DIV

	CENSUS TRACTS WITHIN COUNTY					
CLARK	0423.00	0424.00	0425.00			
KING	0071.00	0072.00	0073.00	0080.00	0081.00	0082.00
	0083.00	0084.00	0085.00	0091.00	0092.00	
PIERCE	0602.00	0614.00	0615.00	0616.01	0616.02	0617.00
	0619.00	0622.00				
SNOHOMISH	0407.00					
SPOKANE	0018.00	0020.00	0024.00	0027.00	0028.00	0032.00
	0033.00	0034.00	0035.00	0036.00		

WEST VIRGINIA

COUNTIES

BARBOUR
BOONE
BRAXTON
CALHOUN
CLAY
DODDRIDGE
FAYETTE
GILMER
GREENBRIER
HAMPSHIRE
HANDY
HARRISON
JACKSON

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

WEST VIRGINIA

COUNTY NAME	COUNTIES (CONTINUED)
JEFFERSON	
LEWIS	
LINCOLN	
LOGAN	
MCDOWELL	
MASON	
MINGO	
MONROE	
MORGAN	
NICHOLAS	
PENDLETON	
POCAHONTAS	
PRESTON	
PUTNAM	
RITCHIE	
ROANE	
SUMMERS	
TAYLOR	
TUCKER	
UPSHUR	
WEBSTER	
WETZEL	
WIRT	
WYOMING	

	MCD/CCD* WITHIN COUNTY	
GRANT	GRANT DIST	
MARION	MANNINGTON DIST	
MERCER	JUMPING BRANCH DIST	ROCK DIST
MINERAL	ELK DIST	PIEDMONT DIST
RALEIGH	CLEAR FORK DIST	MARSH FORK DIST
	SLAB FORK DIST	
RANDOLPH	DRY FORK DIST	NEW INTEREST DIST
TYLER	MC ELROY DIST	
WOOD	HARRIS DIST	

LIST OF MEDICALLY UNDERSERVED AREAS

WEST VIRGINIA

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
CABELL	0005.00	0006.00	0007.00	0008.00	0014.00	0015.00
	0016.00					
KANAWHA	0002.00	0008.00	0009.00	0010.00	0012.00	0013.00
	0109.00	0112.00	0120.00	0121.00	0122.00	0123.00
	0132.00					
OHIO	0001.00	0004.00	0007.00	0009.00	0010.00	
WAYNE	0051.00	0052.00	0201.00	0202.00	0203.00	0208.00
	0205.00	0206.00	0207.00	0208.00	0209.00	0210.00

WISCONSIN

COUNTIES

ADAMS
BAYFIELD
BURNETT
FLORENCE
FOREST
IRON
LAFAYETTE
MARQUETTE
MENOMINEE
PRICE
SAWYER
TAYLOR

	MCD/CCD* WITHIN COUNTY	
BUFFALO	ALMA CITY	ALMA TOWN
	BELVIDERE TOWN	COCHRAN VILLAGE
	FOUNTAIN CITY	MAXVILLE TOWN
	MODENA TOWN	MONDOVI CITY
	NELSON TOWN	WAUMANDEE TOWN
CHIPPEWA	BOYD VILLAGE	COLBURN TOWN
	LAKE HOLCOMBE TOWN	STANLEY CITY

NOTICES

LIST OF MEDICALLY UNDERSERVED AREAS

WISCONSIN

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
CLARK	ABBOTSFORD CITY (PART)	COLBY CITY (PART)
	EATON TOWN	GREENWOOD CITY
	HOARD TOWN	LOYAL CITY
	MENTOR TOWN	NEILLSVILLE CITY
	WORDEN TOWN	YORK TOWN
COLUMBIA	WYOCENA VILLAGE	
CRAWFORD	CLAYTON TOWN	EASTMAN VILLAGE
	FERRYVILLE VILLAGE	FREEMAN TOWN
	GAYS MILLS VILLAGE	HANEY TOWN
	LYNXVILLE VILLAGE	MT STERLING VILLAGE
	SENECA TOWN	SOLDIERS GROVE VILLAGE
	STUREEN VILLAGE	WAUZEKA TOWN
	WAUZEKA VILLAGE	
DUNN	COLFAX VILLAGE	EAU GALLE TOWN
	NEW HAVEN TOWN	
EAU CLAIRE	AUGUSTA CITY	FAIRCHILD VILLAGE
FOND DU LAC	CAMPBELLSPORT VILLAGE	MOUNT CALVARY VILLAGE
GRANT	BAGLEY VILLAGE	MT HOPE VILLAGE
	MUSCODA VILLAGE	WOODMAN TOWN
IOWA	ARENA TOWN	ARENA VILLAGE
	AVOCA VILLAGE	HIGHLAND TOWN
	HIGHLAND VILLAGE	LINDEN TOWN
	MIFFLIN TOWN	REMEY VILLAGE
JACKSON	BLACK RIVER FALLS CITY	BROCKWAY TOWN
	CITY POINT TOWN	MINTON VILLAGE
	KNAPP TOWN	MELROSE VILLAGE
	MERRILLAN VILLAGE	MILLSTON TOWN
	NORTHFIELD TOWN	TAYLOR VILLAGE
JUNEAU	CAMP DOUGLAS VILLAGE	ELROY CITY
	FOUNTAIN TOWN	LYNDON STATION VILLAGE
	NECEDAH VILLAGE	
LANGLADE	WOLF RIVER TOWN	
MARATHON	MALSEY TOWN	

LIST OF MEDICALLY UNDERSERVED AREAS

WISCONSIN

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
MARINETTE	PEMBINE TOWN	WAUSAUKEE VILLAGE
MONROE	CASHTON VILLAGE	GRANT TOWN
	KENDALL VILLAGE	NEW LYME TOWN
	NORWALK VILLAGE	SCOTT TOWN
	WILTON VILLAGE	
OCONTO	ABRAMS TOWN	ARMSTRONG TOWN
	CHASE TOWN	GILLETT CITY
	LITTLE RIVER TOWN	MORGAN TOWN
	OCONTO FALLS TOWN	OCONTO TOWN
PEPIN	DURAND CITY	PEPIN TOWN
	PEPIN VILLAGE	
PIERCE	ELMWOOD VILLAGE	UNION TOWN
POLK	CENTURIA VILLAGE	
PORTAGE	LANARK TOWN	
RUSK	BRUCE VILLAGE	
SHAWANO	WITTENBERG VILLAGE	
TREMPEALEAU	ARCADIA CITY	BLAIR CITY
	CALEDONIA TOWN	ETTRICK TOWN
	ETTRICK VILLAGE	GALESVILLE CITY
	INDEPENDENCE CITY	OSSEO CITY
	PIGEON FALLS	PRESTON TOWN
	STRUM VILLAGE	UNITY TOWN
	WHITEHALL CITY	
VERNON	CLINTON TOWN	FOREST TOWN
	HARMONY TOWN	HILLSBORO CITY
	LAFARGE VILLAGE	ONTARIO VILLAGE
	READSTOWN VILLAGE	STARK TOWN
	STERLING TOWN	VIOLA VILLAGE
	VIROQUA CITY	VIROQUA TOWN
	WEBSTER TOWN	WESTBY CITY
	WHEATLAND TOWN	
VILAS	CONOVER TOWN	EAGLE RIVER CITY
	FLAMBEAU TOWN	MANITOWISH WATERS TOWN
	WASHINGTON TOWN	

LIST OF MEDICALLY UNDERSERVED AREAS

WISCONSIN

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
WALWORTH	BLOOMFIELD TOWN	FONTANA ON GENEVA LAKE VI
	GENEVA TOWN	SHARON TOWN
	WILLIAMS BAY VILLAGE	
WASHBURN	BASHAW TOWN	SHELL LAKE CITY
WAUPACA	FARMINGTON TOWN	IOLA VILLAGE
WAUSHARA	PLAINFIELD VILLAGE	WAUTOMA CITY

COUNTY NAME	CENSUS TRACTS WITHIN COUNTY					
BROWN	0010.00					
DOUGLAS	0201.00	0202.00				
KENOSHA	0010.00					
MILWAUKEE	0040.00	0083.00	0101.00	0102.00	0103.00	0105.00
	0109.00	0111.00	0113.00	0114.00	0115.00	0116.00
	0117.00	0120.00	0121.00	0131.00	0135.00	0136.00
	0138.00	0139.00	0140.00	0141.00	0142.00	0143.00
	0145.00	0146.00	0147.00	0148.00	0150.00	0152.00
RACINE	0001.00					

WYOMING

COUNTIES

CAMPBELL
CONVERSE
HOT SPRINGS
JOHNSON
LARAMIE
NIOBRARA
WASHAKIE

COUNTY NAME	MCD/CCD* WITHIN COUNTY	
CROOK	HULETT DIV	SUNDANCE DIV

LIST OF MEDICALLY UNDERSERVED AREAS

WYOMING

COUNTY NAME	MCD/CCD* WITHIN COUNTY (CONTINUED)	
FREMONT	SHOSHONI DIV	WIND RIVER DIV
GOSHEN	GOSHEN HOLE DIV	
SHERIDAN	SHERIDAN DIV	

OUTLYING AREAS

AMERICAN SAMOA
GUAM
PUERTO RICO
TRUST TER OF PAC ISL
VIRGIN ISLANDS

*MINOR CIVIL DIVISIONS OR CENSUS COUNTY DIVISIONS.

**TRACTS WITHIN AREA CENSUS TRACT GROUPS WHICH HAVE INDEX SCORES OF 62 OR BELOW.

[FR Doc.76-29942 Filed 10-14-76;8:45 am]

federal register

FRIDAY, OCTOBER 15, 1976



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V41 N201 OCT 15 76 UM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931. as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Missouri	MO76–4176

MODIFICATIONS TO GENERAL WAGE DETERMANATIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:		
AK76–5095		Sept. 24, 1976.
Arkansas:		
AR76–4119		July 16, 1976.
AR76–4132		July 23, 1976.
California:		
CA76–5058;	CA76–5059	July 2, 1976.
CA76–5061;	CA76–5062	June 25, 1976.
Georgia:		
GA76–1069		Aug. 27, 1976.
Hawaii:		
HI76–5092		Sept. 24, 1976.
Idaho:		
ID76–5088		Do.
Kentucky:		
KY76–1028		Feb. 20, 1976.
KY76–1038		Mar. 12, 1976.
KY76–1058		May 12, 1976.
KY76–1077; KY 76–1079.	KY76–1078;	July 23, 1976.
KY76–1086		Aug. 27, 1976.
Louisiana:		
LA76–4143		Aug. 20, 1976.
Maryland:		
MD76–3218		July 30, 1976.
Massachusetts:		
MA76–2095; MA76–2097.	MA76–2096;	Aug. 13, 1976.
Montana:		
MT76–5027		Apr. 9, 1976.
Nevada:		
NV76–5083		Sept. 10, 1976.
NV76–5089;	NV76–5091	Sept. 24, 1976.
New Mexico:		
NM76–4144		Sept. 3, 1976.
Pennsylvania:		
PA76–3158		Apr. 9, 1976.
PA76–3163		May 7, 1976.
PA76–3169		May 21, 1976.
PA76–3180		June 11, 1976.
PA76–3181		June 18, 1976.
Texas:		
TX76–4125;	TX76–4128	June 23, 1976.
TX76–4140		Aug. 6, 1976.
TX76–4151;	TX76–4152	Sept. 24, 1976.
TX76–4155;	TX76–4157	Oct. 1, 1976.
Utah:		
UT76–5082		Sept. 10, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Georgia:		
GA76–1039	(GA76–1119)	Sept. 3, 1976.
Kentucky:		
KY76–1106	(KY76–1118)	Sept. 17, 1976.
Iowa:		
IA76–4065	(IA76–4172)	Mar. 5, 1976.
IA76–4062 76–4063 76–4064	(IA76–4173); IA (IA76–4174); IA (IA76–4175).	Feb. 27, 1976.
Nebraska:		
NE75–4157	(NE76–4178)	Sept. 12, 1975.
Texas:		
TX76–4113	(TX76–4161)	July 16, 1976.

Signed at Washington, D.C., this 8th day of October 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION NO. MO76-4176 Page 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	$10.09	.38	12%+.15		3%
Heavy equipment operators	9.62	.38	12%+.15		3%
Groundman	6.48	.38	12%+.15		3%
Groundman 1st year	4.93	.38	12%+.15		3%
Groundman, powderman	7.01	.38	12%+.15		3%
PAINTERS:					
Brush, roller, tapers, floor tile & carpet layers, paperhangers	7.92		.30		
Spray	8.295		.30		
PLASTERERS	7.30				
PLUMBERS	7.50	.35	.40		.02
POWER EQUIPMENT OPERATORS:					
Group 1	9.13	.50	.25		
Group 2	8.93	.50	.25		
Group 3	8.78	.50	.25		
Group 4	8.43	.50	.25		

CLASSIFICATION DEFINITIONS

Power Equipment Operators:
Group 1 - Asphalt paver and mixer, crane, derrick, dragline, drum or tower hoist-2 drum, power shovel, backhoe, trenching machine, piledriver, sideboom cat operator, tractor swing crane (cherry picker)

Group 2 - Bulldozer, barber greene loader or similar type, dirt scoop or pan, drum or tower hoist-1 drum, forklift, front end loader, elevating grader, hydrohammer, mechanic (heavy duty), power blade, motor patrol, pump (concrete), tractor pusher, roller (hot asphalt)

Group 3 - Pump (other than concrete), roller (other than asphalt), tractor (compaction roller or pull blade), distributor (bituminous surface), finishing machine (concrete paving), concrete saw operator (self-propelled)

Group 4 - Air compressor, oiler, small machine operator

ROOFERS	6.70	.36	.10		.03
SHEET METAL WORKERS	8.33	.35	.50		.08
SPRINKLER FITTERS	11.40	.60	.90		

NEW DECISION

STATE: Missouri COUNTIES: Jasper, McDonald and Newton

DECISION NO: MO76-4176 DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.85	.25	.62		.02
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	7.85		.20		
CARPENTERS:					
Carpenters	8.12	.33	.30		
Millwrights & pliedrivermen	8.37	.33	.30		
CEMENT MASONS	7.40				
ELECTRICIANS:					
Electricians	9.15	.35	1%		.01
Cable splicers	9.50	.35	1%		.01
ELEVATOR CONSTRUCTORS:					
Elevator constructors	10.56	.445	.29	3%+4%	.02
Helpers	70%JR	.445	.29	3%+4%	.02
Helpers probationary	50%JR				

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as vacation Pay Credit. b-1st 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

CLASSIFICATION DEFINITIONS

GLAZIERS	8.05			.25	.10
IRONWORKERS	8.90	.45	.50		
LABORERS:					
Group 1	5.50	.40	.40		.10
Group 2	5.75	.40	.40		.10
Group 3	5.85	.40	.40		.10
Group 4	5.85	.40	.40		.10

LABORERS:
Group 1 - Common labor, carpenter tenders, trackmen, wreckers handling and carrying of reinforced steel

Group 2 - Pipelayers, air tool operators, pier hole diggers, vibrators, jackhammer, chipping hammer operators, asphalt rakers mastic kettlemen, sandblasting, gunnite, nozzlemen and barco operator

Group 3 - Plasterers and mason tenders, stone mason tenders

Group 4 - Powdermen, cutting torch and welders

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DECISION NO. HO76-4176 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Pickup or station wagon	$5.90	.25			
Dump and under 5 tons, flat-bed, warehousemen	6.00	.25			
Transit mix	6.23	.25			
Tandem dump over 5 tons, winch, semi-trailer, lowboy, euclids or other similar equipment	6.27	.25			

MODIFICATIONS P. 1

DECISION NO. AK76-5095 - Mod. #2
(41 FR 42060 - September 24, 1976)
Statewide, Alaska

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Area II	$16.80	.73	1.40		.15

DECISION NO, AR76-4119 - MOd. #3
(41 FR 29617 - July 16, 1976)
Pulaski County, Arkansas

CHANGE:					
BRICKLAYERS-Stonemasons	$ 8.55	.40	.35		.04
LINE CONSTRUCTION					
Lineman	10.35		1%		3/8%
Cable splicers	10.475		1%		3/8%
Operator	10.35		1%		3/8%

DECISION NO. AR76-4132 - Mod. #1
(41 FR 30511 - July 23, 1976)
Sebastian & Crawford Counties, Arkansas

CHANGE:					
LINE CONSTRUCTION:					
Linemen; operator	$9.15	.35	1%		1/4%
Cable splicers	9.30	.35	1%		1/4%
BRICKLAYERS-Stonemasons	8.55	.40	.35		.04

MODIFICATIONS P. 2

DECISION #CA76-5058 - Mod. #3
(41 FR 27549 - July 2, 1976) - Imparial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brick Tenders	$ 8.255	$ .95	$1.95	$ .55	
Electricians:					
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	14.06	.70	1%+1.39		.15
Cable Splicers	15.47	.70	1%+1.39		.15
Kern (Remainder of County)					
Electricians; Technicians	11.56	.70	1%+1.39		.15
Cable Splicers	12.72	.70	1%+1.39		.15
Riverside County					
Electricians	11.51	.60	1%+1.25		.04
Cable Splicers	11.81	.60	1%+1.25		.04
Line Construction:					
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Groundmen	11.17	.70	1%+1.39		.15
Linemen	14.06	.70	1%+1.39		.15
Cable Splicers	15.47	.70	1%+1.39		.15
Kern (Remainder of County)					
Groundmen	8.67	.70	1%+1.39		.15
Linemen	11.56	.70	1%+1.39		.15
Cable Splicers	12.72	.70	1%+1.39		.15
Riverside County					
Groundmen	8.65	.60	1%+1.25		.04
Linemen; Line Equipment Op.	11.53	.60	1%+1.25		.04
Cable Splicers	11.83	.60	1%+1.25		.04

DECISION NO. CA76-5058 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Kern (Remainder of County)					
Brush	$ 9.87	$ .45	$ .61		.03
Brush or Roller (Swing Stage); Paperhanger; Taping Joint Sheet Rock	10.12	.45	.61		.03
Spray; Sandblasters	10.37	.45	.61		.03
Steeplejack	11.37	.45	.61		
Plasterer Tenders:					
Imperial, Inyo, Mono, Riverside and San Bernardino Cos.	10.18	.95	1.95	.50	
Los Angeles and Orange Cos.	10.175	.95	1.95	.80	
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)	11.725	.95	1.95	.55	
Kern (Remainder of County)	9.10	.95	1.95	.55	
San Luis Obispo County	8.35	.95	1.95	.50	
Santa Barbara County (except Santa Maria)	9.53	.95	1.95	.55	
Santa Barbara (Santa Maria)	9.73	.95	1.95	.55	
Ventura County	9.88	.95	1.95	1.05	

DECISION #CA76-5059 - Mod. #3
(41 FR 27559 - July 2, 1976)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Brick Tenders	$ 8.255	$ .95	$1.95	$ .55	
Electricians:					
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	14.06	.70	17+1.39		.15
Cable Splicers	15.47	.70	17+1.39		.15
Kern (Remainder of County)					
Electricians; Technicians	11.56	.70	17+1.39		.15
Cable Splicers	12.72	.70	17+1.39		.15
Riverside County					
Electricians	11.51	.60	17+1.25		.04
Cable Splicers	11.81	.60	17+1.25		.04
Painters:					
Kern (Remainder of County)					
Brush	9.87	.45	.61		.03
Brush or Roller (Swing Stage); Paperhanger; Taping Joint Sheet Rock	10.12	.45	.61		.03
Spray; Sandblaster	10.37	.45	.61		.03
Plasterer Tenders:					
Imperial, Riverside and San Bernardino Counties	10.18	.95	1.95	.50	
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)	11.725	.95	1.95	.55	
Kern (Remainder of County)	9.10	.95	1.95	.55	
Los Angeles and Orange Cos.	10.175	.95	1.95	.80	
San Luis Obispo County	8.35	.95	1.95	.50	
Santa Barbara County (except Santa Maria)	9.53	.95	1.95	.55	
Santa Barbara (Santa Maria)	9.73	.95	1.95	.55	
Ventura County	9.88	.95	1.95	1.05	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #CA76-5061 - Mod. #3 (41 FR 26429 - June 25, 1976) San Diego County, California					
Change:					
Marble Setters' Helpers	$ 9.17		$1.00	$1.00	
Plasterers	10.81	.65	1.50	1.00	.07
DECISION #CA76-5062 - Mod. #3 (41 FR 26436 - June 25, 1976) San Diego County, California					
Change:					
Marble Setters' Helpers	$ 9.17		$1.00	$1.00	
Plasterers	10.81	.65	1.50	1.00	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA76-1089 - Mod. #2 (41 FR-36378 - August 27, 1976) Clayton, Cobb, Fulton, & DeKalb Counties, Georgia					
Change:					
Glaziere	9.00	.55	.38		.105
Terrazzo workers' helpers:					
Helpers	5.80				
Terrazzo floor machine operator	5.90				
Terrazzo base machine operator	6.00				
DECISION #HI76-5092 - Mod. #1 (41 FR 42099 - September 24, 1976) Statewide Hawaii					
Change:					
Laborers:					
Group 1	$7.21	.64	.76	.33	.13
Group 1-a	7.71	.64	.76	.33	.13
Group 1-b	7.71	.64	.76	.33	.13
Group 1-c	7.96	.64	.76	.33	.13
Group 1-d	8.16	.64	.76	.33	.13
Group 1-e	6.00	.64	.10	.33	
Group 2	7.46	.64	.76	.33	.13
Group 3	7.66	.64	.76	.33	.13
Sheet Metal Workers	10.05	.76	1.82+.40	.88	.30+.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #ID76-5088 - Mod. #1 (41 FR 42103 - September 24, 1976) Statewide Idaho					
Change:					
Boilermakers	$11.45	.75	$1.00	.50	.02
Bricklayers; Stonemasons: Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	10.50				
Ironworkers: Ornamental; Reinforcing; Structural: Those portions of Adams, Idaho, Valley, Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville Line	10.90	.58	1.00	.25	.05
Line Construction Workers: (AREA 1): Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Cable splicers; Leadman pole sprayer	11.95	.35	1%	.10	½%
Lineman; Pole sprayer; Heavy line equipment man; Certified lineman welder	10.79	.35	1%	.10	½%
Tree trimmer	9.74	.35	1%	.10	½%
Line equipment man	9.30	.35	1%	.10	½%
Head groundman (chipper); Head groundman; Powderman; Jackhammer man	8.12	.35	1%	.10	½%
Groundman; Tree trimmer helper	7.65	.35	1%	.10	½%
Plasterers: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	10.53	.50			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY76-1028 - Mod. #6 (41 FR-7905 - February 20,1976) Franklin County, Kentucky					
Change:					
Asbestos wprkers	11.06	.45	.65		
Bricklayers	9.40	.35	.50		
Add:					
Soft floor layers	9.75	.30	.30		.02
Stonemasons	9.40	.35	.50		
DECISION #KY76-1038 - Mod. #6 (41 FR-10828 - March 12, 1976) Hardin, Jefferson, and Meade Counties, Kentucky					
Change:					
Asbestos workers	$11.06	.45	.65		
Soft floor layers	9.65	.30	.30		
DECISION #KY76-1058 - Mod. #2 (41 FR-21082 - May 21, 1976) McCracken County, Kentucky					
Change:					
Bricklayers	8.65				
Marble masons	8.65				
Stone masons	8.65				
Terrazzo workers	8.65				
Tile setters	8.65				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY76-1077 - Mod. #2 (41 FR-30525 - July 23, 1976) Warren County, Kentucky					
Change:					
Carpenters	9.65	.30	.30		
Piledrivermen	9.65	.30	.30		
Soft floor layers	9.65	.30	.30		
DECISION #KY76-1078 - Mod. #2 (41 FR-30527 - July 23, 1976) Henderson County, Kentucky					
Change:					
Asbestos workers	10.70	.45	.40		.03
Cement masons	9.00	.65	.55		
Glaziers	9.305	.48	.50	.25	
Plasterers	10.58				
DECISION #KY76-1079 - Mod. #3 (41 FR-30529 - July 23, 1976) Fayette County, Kentucky					
Change:					
Asbestos workers	11.06	.45	.65		
Bricklayers	9.40	.35	.50		
Soft floor layers	9.75	.30	.30		.02
Stonemasons	9.40	.35	.50		
DECISION #KY76-1086 - Mod. #1 (41 FR-36384 - August 27, 1976) Boone, Campbell, Kenton and Pendleton Counties, Kentucky					
Change:					
Bricklayers	11.145	.55	.35		.02
Electricians	11.30	.70	1%+.40		½ of 1%
Linemen	11.30	.70	1%+.40		½ of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA76-4143 - Mod. #4 (41 FR 35349 - August 20, 1976) Statewide Louisiana					
Change:					
Bricklayers & stonemasons:					
Zone 1	$ 8.95	.30	.25		.06
Zone 9	8.75		.25		
Carpenters:					
Zone 10	8.10	.35	.20		.05
Cement masons (Building Construction):					
Zone 8	7.47		.25		
Marble setters:					
Zone 4	7.72		.25		
Millwrights:					
Zone 8	9.00	.35	.20		.05
Piledrivermen:					
Zone 8	8.60	.35	.20		.05
Soft floor layers:					
Zone 8	8.10	.35	.20		.05
Terrazzo workers:					
Zone 4	7.72		.25		
Tile setters:					
Zone 4	7.72		.25		
DECISION NO. 76MD-3218-Mod #2 (41 FR 32136-July 30, 1976) Baltimore, Harford, Howard Counties and the City of Baltimore, Maryland					
Change:					
Sheet Metal Workers	$10.12	.75	.70		.05

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MODIFICATIONS P. 11

DECISION NO. MA76-2095- Mod #1 (41 FR 34501- August 13, 1976) Barnstable County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Repair, jobbing, and commercial remodel, and rewiring job, with electrical contracts under $25,000	$7.85	.55	1%+.70		a
All other commercial	10.00	.55	1%+.70		a
Laborers (building):					
Laborers, carpent tenders, and wrecking laborers	7.50	.60	.70		.10
Jackhammer ops, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco-type jumping tampers, laser beam, concrete pump ops, mason tenders, mortar mixers, ride-on motorized buggy, fence and bean rail erectors, & plasterers' tenders	7.75	.60	.70		.10
Air track, block pavers, tampers, curb setters	8.00	.60	.70		.10
Blasters, powdermen	8.25	.60	.70		.10
Open air caisson, cylindrical work and boring crew:					
Laborer, top man	7.50	.60	.70		.10
Helper	7.62	.60	.70		.10
Bottom man	8.25	.60	.70		.10
Driller	8.37	.60	.70		.10
Painters:					
Brush, roller, taper, steel on ground	8.30	.60	.20		
Structural steel	11.55	.60	.20		
Spray	9.30	.60	.20		
Sheet Metal Workers	9.48	.95	.45		

MODIFICATIONS P. 12

DECISION NO. MA76-2096- Mod #1 (41 FR 34505- August 13, 1976) Berkshire County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers (building):					
Laborers, carpent tenders, and wrecking laborers	7.50	.60	.70		.10
Jackhammer ops, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco-type jumping tampers, laser beam, concrete pump ops, mason tenders, mortar mixers, ride-on motorized buggy, fence and bean rail erectors, & plasterers' tenders	7.75	.60	.70		.10
Air track, block pavers, tampers, curb setters	8.00	.60	.70		.10
Blasters, powdermen	8.25	.60	.70		.10
Open air caisson, cylindrical work and boring crew:					
Laborer, top man	7.50	.60	.70		.10
Helper	7.62	.60	.70		.10
Bottom man	8.25	.60	.70		.10
Driller	8.37	.60	.70		.10
Marble setters' & tile setters' helpers	8.95				
Painters:					
Brush and Roller	8.92	.60	.35		.03
Spray	11.8933	.66	.80		.04
Swing stage under 40' & steel	9.107	.60	.35		.03
Swing state over 40' & steel	9.42	.60	.35		.03
Plumber and Steamfitters:					
Adams, Clerkburg, Florida, N. Adams, Savoy, Williamstown, & northern half of Cheshire, New Ashford	9.97	.65	.50		.02
Becket, Otis, Sandisfield (Plumbers only)	9.85	.96	1.00	g	.10
Becket, Otis, Sandisfield, and New Boston (Steamfitters)	10.58	.57	.70	.08	.02

MODIFICATIONS P. 13

DECISION NO. MA76-2097- Mod #1 (41 FR 34509- August 13, 1976) Bristol County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters, Soft floor layers:					
Attleboro, N. Attleboro, and S. Attleboro	10.00	.60	1.00		.07
Electricians:					
Attleboro, N. Attleboro & Seekonk	9.40	.48	1%+1.40		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth:					
Repair, jobbing, commercial, remodel, rewiring jobs with electr. contract under $25,000	7.85	.55	1%+.70		a
All other comertial	10.00	.55	1%+.70		a
Fall River, Freetown, Somerset, Swansea, and Westport	9.70	4%	1%+.80	4%	½%
Laborers (building):					
Laborers, carpent tenders, and wrecking laborers	7.50	.60	.70		.10
Jackhammer ops, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco-type jumping tampers, laser beam, concrete pump ops, mason tenders, mortar mixers, ride-on motorized buggy, fence and bean rail erectors, & plasterers' tenders	7.75	.60	.70		.10
Air track, block pavers, tampers, curb setters	8.00	.60	.70		.10
Blasters, powdermen	8.25	.60	.70		.10
Open air caisson, cylindrical work and boring crew:					
Laborer, top man	7.50	.60	.70		.10
Helper	7.62	.60	.70		.10
Bottom man	8.25	.60	.70		.10
Driller	8.37	.60	.70		.10
Painters:					
Asushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, and S. Dartmouth:					
Brush, Roller	8.30	.60	.20		
Spray	9.30	.60	.20		
Steel	11.55	.60	.20		
Remainder of County:					
Brush, Taper	9.76	.72	1.05		.04
Steel (New and repaint steel)	11.88	.72	1.05		.04
Spray, sandblasting	10.76	.72	1.05		.04
All other repaint and alterations	8.61	.72	1.05		.04
Plasterers' tenders	7.25	.60	.70		.10
Sheet metal workers	10.31	1.16	1.10		.06

MODIFICATIONS P. 14

DECISION NO. MT76-5027 - Mod. #2 (41 FR 15250 - April 9, 1976) Cascade, Deerlodge, Gallatin, Glacier, Hill, Missoula, Silver-Bow and Valley Counties, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ELECTRICIANS:					
Missoula County:					
Electricians	$9.68	.42	1%		4%
Cable Splicers	10.18	.42	1%		4%
Gallatin County:					
Electricians	9.55	.30	1%		4%
Hill County:					
Electriciana	9.85		1%		4%
Valley County:					
Electricians	10.07	.30	1%+.50		4%
IRONWORKERS:					
Structural, Ornamental and Reinforcing:					
Glacier and Missoula Counties	11.15	.58	1.00		.05
Remaining Counties	10.11	.55	1.00		.05
PAINTERS:					
Cascade, Glacier and Valley Counties:					
Brush	7.79	.49	.30		4%
Paperhanger, Brush on steel	8.29	.49	.30		4%
Spray and sandblasting	10.04	.49	.30		4%
ROOFERS:					
Cascade, Glacier, Hill and Valley Counties	8.50				
Missoula County	7.60				
SHEET METAL WORKERS:					
Cascade, Glacier and Hill Cos.	9.56	.37	.25		.07
Deerlodge and Silver Bow Cos.	9.15	.37	.40	1.00	.02
Missoula County	9.73	.57	.25		.10
Gallatin County	8.91	.37	3%+.25		.02
SPRINKLER FITTERS	9.82	.60	.90		.08
TERRAZZO AND TILE SETTERS:					
Cascade and Glacier counties	7.65	.50	.55		

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DECISION #NV76-5083 - Mod. #3 (41 FR 38725 - September 10, 1976)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada					
Change:					
Boilermakers	$12.80	.75	$1.00	.50	.02
Carpenters:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 4: Area over 40 miles from the communities described above (see definition of Zone 1 in Supersedeas):					
Carpenters	12.46	.55	.90	1.00	.10
Floor layers; Patent scaffold erectors;					
Power saw operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further					

DECISION #NV76-5083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Carpenters (Cont'd):					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties (Cont'd):					
Zone 1 (Cont'd): than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenter	$9.55	.65	$1.01	$1.00	.05
Floor layer; Patent scaffold erector;					
Power saw operator	9.70	.65	1.01	1.00	.05
Piledrivermen	9.75	.65	1.01	1.00	.05
Millwrights	10.15	.65	1.01	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Carpenter	10.15	.65	1.01	1.00	.05
Floor layer; Patent scaffold erector;					
Power saw operator	10.30	.65	1.01	1.00	.05
Piledrivermen	10.35	.65	1.01	1.00	.05
Millwrights	10.75	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Carpenter	10.35	.65	1.01	1.00	.05
Floor layer; Patent scaffold erector;					
Power saw operator	10.50	.65	1.01	1.00	.05
Piledrivermen	10.55	.65	1.01	1.00	.05
Millwrights	10.95	.65	1.01	1.00	.05

DECISION #NV76-5083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Carpenters (Cont'd):					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties (Cont'd):					
Zone 4: Area over 40 road miles from the above communities:					
Carpenter	$11.05	.65	$1.01	$1.00	.05
Floor layer; Patent scaffold erector;					
Power saw operator	11.20	.65	1.01	1.00	.05
Piledrivermen	11.25	.65	1.01	1.00	.05
Millwrights	11.65	.65	1.01	1.00	.05
Drywall Installers:					
Statewide except the Counties of Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base	9.80	.65	1.01	1.00	.05

DECISION #NV76-5083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Drywall Installers (Cont'd):					
Statewide except the Counties of Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6) (Cont'd):					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	$10.40	.65	$1.01	$1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.60	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.30	.65	1.01	1.00	.05

MODIFICATIONS P. 19

DECISION #NV76-5089 - Mod. #2
(41 FR 42116 - September 24, 1976)
Washoe County, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.80	.75	$1.00	.50	.02
Carpenters:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Residential carpenter	7.64	.65	1.01	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Residential carpenter	8.24	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Residential carpenter	8.44	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities:					
Residential carpenter	9.14	.65	1.01	1.00	.05

MODIFICATIONS P. 20

DECISION #NV76-5091 - Mod. #2
(41 FR 42124 - September 24, 1976)
Clark County (excluding the Nevada Test Site), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.80	.75	$1.00	.50	.02
Carpenters:					
Zone 4: Area over 40 miles from the communities described above (see definition of Zone 1 in Supersedeas):					
Carpenters	12.46	.55	.90	1.00	.10
Floor layers; Patent scaffold erectors; Power saw operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10

NOTICES

MODIFICATIONS P. 21

DECISION NO: NM76-4144 - Mod. #3
(41 FR 37495 - September 3, 1976)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS-Stonemasons:					
Zone I-A	$9.11	.57	.40		.10
Zone I-B	10.11	.57	.40		.10
Zone I-C	10.61	.57	.40		.10
CEMENT MASONS:					
Area I	8.02	.57	.45		
Area II					
Zone 1	8.02	.57	.45		
Zone 2	8.77	.57	.45		
Zone 3	9.02	.57	.45		
CEMENT MASONS:					
Composition & Machine Operators:					
Area I	8.27	.57	.45		
Area II					
Zone 1	8.27	.57	.45		
Zone 2	8.92	.57	.45		
Zone 3	9.27	.57	.45		
ELECTRICIANS - ZONE V					
5-A	9.45	.40	1%		.01
5-B	9.80	.40	1%		.01
5-C	9.95	.40	1%		.01
5-D	10.20	.40	1%		.01
CABLE SPLICERS - ZONE IV					
4-A	9.80	.40	1%		.01
4-B	10.15	.40	1%		.01
4-C	10.30	.40	1%		.01
4-D	10.55	.40	1%		.01
LABORERS (GENERAL BUILDING, HEAVY ENGINEERING CONSTRUCTION)					
Group I	6.11	.43	.50		.05
Group II	6.41	.43	.50		.05
Group III	6.41	.43	.50		.05
Group IV	6.71	.43	.50		.05
LABORERS (RESIDENTIAL CONSTRUCTION)					
Group I	5.57	.43	.50		.05
Group II	5.87	.43	.50		.05
Group III	5.87	.43	.50		.05
Group IV	6.17	.43	.50		.05

MODIFICATIONS P. 22

DECISION NO. NM76-4144 Mod. #3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PAINTERS - ZONE III					
Zone 3-A	$7.31	.30			.02
Zone 3-B	7.73	.30			.02
Zone 3-C	7.455	.30			.02
Zone 3-D	7.73	.30			.02
Zone 3-E	8.16	.30			.02
PAINTERS - ZONE I					
Zone 1-A	7.62	.35	.20		.05
Zone 1-B	8.12	.35	.20		.05
Zone 1-C	7.87	.35	.20		.05
Zone 1-D	8.20	.35	.20		.05
Zone 1-E	7.95	.35	.20		.05
PAINTERS (INDUSTRIAL WORK) ZONE I					
Brush, roller, sandblast and grinder operators	8.82	.35	.20		.05
Spray	8.82	.35	.20		.05
Pot tender	9.32	.35	.20		.05
PLUMBERS-PIPEFITTERS:	7.82	.35	.20		.05
Area I	10.40	.63	1.36		.12
Area II	10.90	.63	1.36		.12
Area III	12.15	.63	1.36		.12
Specific Area	11.03	.63	1.36		.12
SOFT FLOOR LAYERS:					
Zone 2	7.50	.35	.20		.02
SHEET METAL WORKERS:					
Zone 1	10.37	.53	.95		.12
Zone 4	11.37	.53	.95		.12
MARBLE, TILE & TERRAZZO WORKERS	7.645	.48			
MARBLE, TILE & TERRAZZO HELPERS	6.07	.48			
POWER EQUIPMENT OPERATORS AREA I (RESIDENTIAL & GENERAL BUILDING CONSTRUCTION) ZONE I					
Group 1	7.33	.45	.50		.10
Group 2	7.87	.45	.50		.10
Group 3	7.95	.45	.50		.10
Group 4	8.01	.45	.50		.10
Group 5	8.07	.45	.50		.10
Group 6	8.17	.45	.50		.10
Group 7	8.27	.45	.50		.10

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
AREA I -(RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)(CONT'D)					
ZONE I (cont'd)					
Group 8	$ 8.45	.45	.50		.10
Group 9	9.25	.45	.50		.10
ZONE II					
Group 1	8.58	.45	.50		.10
Group 2	9.12	.45	.50		.10
Group 3	9.20	.45	.50		.10
Group 4	9.26	.45	.50		.10
Group 5	9.32	.45	.50		.10
Group 6	9.42	.45	.50		.10
Group 7	9.52	.45	.50		.10
Group 8	9.70	.45	.50		.10
Group 9	10.50	.45	.50		
ZONE III					
Group 1	8.83	.45	.50		.10
Group 2	9.37	.45	.50		.10
Group 3	9.45	.45	.50		.10
Group 4	9.51	.45	.50		.10
Group 5	9.57	.45	.50		.10
Group 6	9.67	.45	.50		.10
Group 7	9.77	.45	.50		.10
Group 8	9.95	.45	.50		.10
Group 9	10.75	.45	.50		
AREA II (RESIDENTIAL & GENERAL BUILDING CONSTRUCTION)					
Group 1	7.33	.45	.50		.10
Group 2	7.87	.45	.50		.10
Group 3	7.95	.45	.50		.10
Group 4	8.01	.45	.50		.10
Group 6	8.17	.45	.50		.10
Group 7	8.27	.45	.50		.10
Group 8	8.45	.45	.50		.10
Group 9	9.25	.45	.50		

HEAVY ENGINEERING CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS)

AREA I - Statewide, except San Juan County
Basing points for zone pay shall be determined from the Center of the following cities - Albuquerque, Carlsbad, Gallup, Raton and Las Cruces.
Zone I - 0 to 50 miles
Zone II - Over 50 miles

AREA II - Farmington, San Juan County
Zone I - 0 to 15 miles from Farmington City Hall
Zone II - 15 to 35 miles from Farmington City Hall
Zone III - Over 35 miles from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION (AREA I)					
GROUP I					
Zone 1	$ 7.28	.45	.50		.10
Zone 2	8.28	.45	.50		.10
GROUP II					
Zone 1	7.82	.45	.50		.10
Zone 2	8.82	.45	.50		.10
GROUP III					
Zone 1	7.90	.45	.50		.10
Zone 2	8.90	.45	.50		.10
GROUP IV					
Zone 1	7.96	.45	.50		.10
Zone 2	8.96	.45	.50		.10
GROUP V					
Zone 1	8.02	.45	.50		.10
Zone 2	9.02	.45	.50		.10
GROUP VI					
Zone 1	8.12	.45	.50		.10
Zone 2	9.12	.45	.50		.10
GROUP VII					
Zone 1	8.22	.45	.50		.10
Zone 2	9.22	.45	.50		.10
GROUP VIII					
Zone 1	8.40	.45	.50		.10
Zone 2	9.40	.45	.50		.10
GROUP IX					
Zone 1	9.20	.45	.50		.10
Zone 2	10.20	.45	.50		.10
HEAVY CONSTRUCTION (AREA II)					
GROUP I					
Zone 1	7.28	.45	.50		.10
Zone 2	8.03	.45	.50		.10
Zone 3	8.28	.45	.50		.10
GROUP II					
Zone 1	7.82	.45	.50		.10
Zone 2	8.57	.45	.50		.10
Zone 3	8.82	.45	.50		.10
GROUP III					
Zone 1	7.90	.45	.50		.10
Zone 2	8.65	.45	.50		.10
Zone 3	8.90	.45	.50		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION (AREA II)(cont'd)					
GROUP IV					
Zone 1	$ 7.96	.45	.50		.10
Zone 2	8.71	.45	.50		.10
Zone 3	8.96	.45	.50		.10
GROUP V					
Zone 1	8.02	.45	.50		.10
Zone 2	8.77	.45	.50		.10
Zone 3	9.02	.45	.50		.10
GROUP VI					
Zone 1	8.12	.45	.50		.10
Zone 2	8.87	.45	.50		.10
Zone 3	9.12	.45	.50		.10
GROUP VII					
Zone 1	8.22	.45	.50		.10
Zone 2	8.97	.45	.50		.10
Zone 3	9.22	.45	.50		.10
GROUP VIII					
Zone 1	8.40	.45	.50		.10
Zone 2	9.15	.45	.50		.10
Zone 3	9.40	.45	.50		.10
GROUP IX					
Zone 1	9.20	.45	.50		.10
Zone 2	9.95	.45	.50		.10
Zone 3	10.20	.45	.50		.10
GENERAL BUILDING CONSTRUCTION					
TRUCK DRIVERS					
Group 1	6.21	.57	.50		
Group 2	6.33	.57	.50		
Group 3	6.41	.57	.50		
Group 4	6.53	.57	.50		
Group 5	6.68	.57	.50		
Group 6	6.78	.57	.50		
Group 7	6.92	.57	.50		
Group 9	7.07	.57	.50		
RESIDENTIAL CONSTRUCTION					
TRUCK DRIVERS					
Group 1	5.91	.57	.50		
Group 2	6.03	.57	.50		
Group 3	6.11	.57	.50		
Group 4	6.23	.57	.50		
Group 5	6.28	.57	.50		
Group 6	6.38	.57	.50		
Group 7	6.48	.57	.50		
Group 8	6.62	.57	.50		
Group 9	6.77	.57	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
SOUND INSTALLERS:					
Zone I - Bernalillo County					
Zone II - Valencia, Sandoval, Santa Fe, Torrance & Socorro Counties					
Zone III - Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Chaves, Roosevelt, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.					
ADD:					
LABORERS (GENERAL BUILDING, HEAVY ENGINEERING CONSTRUCTION)					
Group	$ 6.86	.43	.50		.05

SOUND INSTALLERS ZONE DEFINITIONS

ZONE I
Thirty mile radius of main post office of Albuquerque

ZONE II
Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased by twelve and one-half (12½) percent of journeyman rate of pay for Zone I.

ZONE III
Chavez, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties, the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I.

CHANGE:					
SOUNDMAN:					
Zone I	9.10	.40	1%		1/4%
Zone II	9.225	.40	1%		1/4%
Zone III	9.475	.40	1%		1/4%
TECHNICIAN					
Zone 1	7.28	.40	1%		1/4%
Zone 2	7.405	.40	1%		1/4%
Zone 3	7.555	.40	1%		1/4%

DECISION NO. NM76-4144 - Mod. #3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE					
SOUND INSTALLERS					
Zone 1	$5.92	.40	1%		1/4%
Zone 2	6.045	.40	1%		1/4%
Zone 3	6.295	.40	1%		1/4%

DECISION #PA76-3158 - Mod. # 2
(41 FR 15315 - April 9, 1976)
Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmore--land, Lawrence, Somerset, Beaver, Allegheny, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin & Potter Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Line Construction;					
For the following Counties: Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Cos., Pa.					
Journeyman Lineman	$11.32	.30	.113		.056
Experienced Winch Truck Op.	7.92	.30	.079		.039
2nd 1000 Hrs.	7.73	.30	.077		.038
1st 1000 Hrs.	7.55	.30	.075		.037
Experienced Truck Driver	7.36	.30	.074		.036
2nd 1000 Hrs.	7.17	.30	.072		.035
1st 1000 Hrs.	6.98	.30	.071		.034

DECISION #PA76-3163 - Mod. # 1
(41 FR 19020 - May 7, 1976)
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northamption, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Adams, Cumberland, Dauphin, Franklin, Juniata, Mifflin, Perry & York Counties, Pennsylvania					
Journeyman Lineman	$10.28	.30	.102		.051
Experienced Winch Truck	7.20	.30	.072		.036
2nd 1000 Hrs.	7.02	.30	.070		.035
1st 1000 Hrs.	6.85	.30	.068		.034
Experienced Truck Driver	6.68	.30	.066		.033
2nd 1000 Hrs.	6.51	.30	.065		.032
1st 1000 Hrs.	6.34	.30	.063		.031
Experienced Groundman	6.17	.30	.061		.030
2nd 1000 Hrs.	6.00	.30	.060		.030
1st 1000 Hrs.	5.82	.30	.058		.028
Easton, Northampton County, Pa.					
Line Construction:					
Journeyman Lineman	11.64	.30	.116		.058
Winch Truck Experienced	8.15	.30	.081		.040
2nd 1000 Hours	7.95	.30	.079		.039
1st 1000 Hours	7.76	.30	.077		.038
Truck Driver Experienced	7.57	.30	.075		.037
2nd 1000 Hours	7.37	.30	.073		.036
1st 1000 Hours	7.18	.30	.071		.035
Groundman Experienced	6.98	.30	.069		.034
2nd 1000 Hrs.	6.79	.30	.067		.033
1st 1000 Hrs.	6.60	.30	.066		.033

DECISION # PA76-3163 - Mod. # 1, Cont'd.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (Cont'd.)					
Journeyman Lineman	$10.93	.30	.109		.054
Experienced Winch Truck	7.65	.30	.076		.038
2nd 1000 Hrs.	7.47	.30	.074		.037
1st 1000 Hrs.	7.29	.30	.072		.036
Experienced Truck Driver	7.10	.30	.071		.035
2nd 1000 Hrs.	6.92	.30	.069		.034
1st 1000 Hrs.	6.74	.30	.067		.033
Experienced Groundman	6.56	.30	.065		.032
2nd 1000 Hrs.	6.38	.30	.063		.031
1st 1000 Hrs.	6.19	.30	.061		.030

DECISION #PA76-3169 - Mod. # 2
(41 FR 21133 - May 21, 1976)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Line Construction:					
Journeyman Lineman	$13.09	.30	.130		.065
Experienced Winch Truck	9.16	.30	.091		.045
2nd 1000 Hrs.	8.94	.30	.089		.044
Experienced Truck Driver	8.51	.30	.085		.042
2nd 1000 Hrs.	8.29	.30	.082		.041
1st 1000 Hrs.	8.07	.30	.080		.040
Groundman	7.85	.30	.078		.039
2nd 1000 Hrs.	7.64	.30	.076		.038
1st 1000 Hrs.	7.42	.30	.074		.037

DECISION #PA76-3180 - Mod. # 5
(41 FR 23922 - June 11, 1976)
Luzerne County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.15	.65	1.00		.02
Elevator Constructors	10.595	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	7.42	.545	.35	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.30				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA76-3181 - Mod. #4 (41 FR 24858 - June 18, 1976) Schuylkill County, Pennsylvania					
Change:					
Asbestos Workers	$10.31	.52	.50		.01
Boilermakers	12.15	.65	1.00		.02
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps.	10.69	.53	1%		.03
Add:					
Electricians Twps. of North Union, East Union, West Mahony, (excluding Frackville Borough), Mahony, Delano, Kline, Rush, Ryan, Blythe, Schuylkill, Walker Rahn, East Brunswick and West Penn. Twps.	10.57	.35	1%+.25	g	h

Footnote:
g. Paid Holidays: July 4th, Labor Day, Thanksgiving Day and Good Friday.
h. Employer shall contribute .12 per day per employee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4125 - Mod. #3 (41 FR 30563 - July 23, 1976) Bee, Kleberg & Nueces Counties, Texas					
Change:					
Carpenters:					
Carpenters	$ 7.49	.27	.30		.03
Cement masons	8.05				
Ironworkers	6.84	.55	.80		.04
Soft floor layers	7.49	.27	.30		.03
DECISION #TX76-4178 - Mod. #4 (41 FR 30566 - July 23, 1976) Wichita County, Texas					
Change:					
Laborers:					
Group 1	4.775	.275	.20		
Group 2	4.90	.275	.20		
Group 3	5.025	.275	.20		
Group 4	5.275	.275	.20		
DECISION #TX76-4140 - Mod. #2 (41 FR 33184 - August 6, 1976) Bexar County, Texas					
Change:					
Asbestos workers	9.88	.42	.60		.08
Ironworkers	7.60	.55	.80	.50	.07
Power Equipment Operators:					
Group 1	8.32	.35	.75		
Group 2	7.44	.35	.75		
Group 3	6.27	.35	.75		
Group 4	6.03	.35	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4151 - Mod. #2 (41 FR 42149 - September 24, 1976) Galveston & Harris Cos., Texas					
Change:					
Pipefitters:					
Harris County & that part of Galveston County west of the Trinity River	$10.35	.45	.60		.045
That part of Galveston County east of the Trinity River:					
Commercial work up to $50,000	10.12	.445	.50		.03
Commercial work $50,000 & over	10.55	.445	.50		.03
Plumbers:					
Galveston County:					
Commercial work up to $50,000	10.12	.445	.50		.03
Commercial work $50,000 & over	10.55	.445	.50		.03
DECISION #TX76-4152 - Mod. #2 (41 FR 42152 - September 24, 1976) Travis County, Texas					
Change:					
Bricklayers & stonemasons	9.29	.45	.30		.04
Cement masons	8.69	.40	.30		
Ironworkers	9.00	.55	.80		.12
Laborers:					
Group 1	5.355	.275	.30		.02
Group 2	5.505	.275	.30		.02
Group 3	5.68	.275	.30		.02
Group 4	5.755	.275	.30		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4155 - Mod. #1 (41 FR 43645 - October 1, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Electricians	$ 9.48	.40	1%		1/2%
DECISION #TX76-4157 - Mod. #1 (41 FR 43649 - October 1, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Cement masons	8.69	.40	.30		.12
Ironworkers	9.00	.55	.80		
DECISION #UT76-5082 - Mod. #4 (41 FR 38740 - September 10, 1976) Statewide Utah					
Change:					
Boilermakers	$11.45	.75	$1.00	.50	.02
Plasterers	9.40	.50	.60		.01

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Richmond
DECISION NUMBER: GA76-1119 DATE: Date of Publication
Supersedes Decision No.: GA76-1039 dated September 3, 1976 in 41 FR-37474
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.05	.35			.02
Bricklayers	7.75				
Carpenters:					
Carpenters	7.90				.01
Millwrights	8.20				.01
Cement masons	7.35				
Electricians	8.71	.30	1%+.20		¼ of 1%
Elevator Constructors	7.06	.395	.26	2%+a+b	.005
Elevator Constructors' helpers	4.94	.395	.26	2%+a+b	.005
Elevator Constructors' helpers (prob.)	3.53				
Glaziers	6.15	.30	.15		
Ironworkers:					
Structural, Ornamental, & Reinforcing	8.85	.45	.60		.03
Laborers:					
Unskilled	4.10	.15			
Air tool (jackhammer, vibrator)	4.25	.15			
Mason tenders	4.25	.15			
Mortar mixers	4.25	.15			
Pipelayers (concrete, clay)	4.25	.15			
Plasterers' tenders	4.25	.15			
Lathers	3.00				
Painters:					
Brush & roller	6.85	.30	.15		
Steel & spray	7.85	.30	15		
Piledrivermen	8.20				.01
Plasterers	7.75				
Plumbers & steamfitters	8.73	.50	.45		c
Roofers	4.00				
Sheet metal workers	8.10				.04
Soft floor layers	6.05				.01
Sprinkler fitters	10.10	.60	.90		.08
Stonemasons	7.75				
Terrazzo workers	7.75				
Tile setters	7.75				
Truck drivers	3.70				
Welders - rate for craft.					

GA76-1119 - (Cont'd)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	8.93	.45	.50		.02
GROUP II	7.66	.45	.50		.02
GROUP III	7.04	.45	.50		.02
GROUP IV	5.41	.45	.50		.02

GROUP I: Cranes, derricks, draglines, sidebooms, cherry pickers, mechanics, Pile-drivers, crawlers, backhoe, (3/4 cy. & up), concrete pumps, clam shell, drill operators, concrete mixers plant locomotive, two drum hoist, shovels, generators, (250 KW & up), and hydraulic cranes over 10 tons.

GROUP II: Bulldozers, hydraulic boom truck 10 tons and under, scrapers, endloaders, fork tractors, one drum hoist, air compressor 600 FM & over, motor graders, tuggers, rollers, plain tractors, firemen, rubber tired backhoe less than 3/4 cy, push dozer, trenching machine.

GROUP III: Oiler, pump operator (over 4" dia.), small backhoe, air compressors under 600 CFM

GROUP IV: Mechanics helpers, serving welding machines, pumps up to 4" in Dia.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor, E-Thanksgiving Day, F-Christmas Day,

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yeats.

c. Employer contributes $2.00 per month for each employee to App. TR. fund not to exceed $50.00.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: *See below
DECISION NUMBER: KY76-1118 DATE: Date of Publication
Supersedes Decision No.: KY76-1106 dated September 17, 1976 in 41 FR-40367
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Caldwell, Christian, Crittenden, Livingston, Logan, Lyon, Todd and Trigg Counties.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanics	4.53				
Bricklayers	6.09				
Carpenters	4.11				
Cement masons	4.21				
Drywall finishers & hangers	4.00				
Electricians	4.39				
Insulation installer	3.79				
Laborers:					
Laborers	2.89				
Hod carriers	3.43				
Painters	3.99				
Plumbers & pipefitters	4.33				
Roofers	4.07				
Sheet metal workers	4.30				
Soft floor layers	4.00				
Tile setters	4.89				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.50				
Bulldozer	5.92				

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO.: IA76-4172 DATE: Date of Publication
Supersedes Decision No. IA76-4065, dated March 5, 1976, in 41 FR 9790.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.60	.35	.60		.10
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.40	.35	.50		.03
CARPENTERS:					
Carpenters	9.71	.45	.60		.04
Piledrivermen	9.96	.45	.60		.04
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	9.52	.50	.60		
ELECTRICIANS:					
Electricians	10.05	.45	5.5%		.03
Cable splicers	10.30	.45	5.5%		.03
ELEVATOR CONSTRUCTORS	9.66	.495	.32	1&6+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	1&6+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.75	.55	1.00		.07
IRONWORKERS	11.22	.50	.375		
LABORERS:					
GROUP 1 - Carpenter tenders; Common laborers; mason tenders	8.42	.40	.60		.035
GROUP 2 - Concrete saw; Pipesetters; Plumber-laborer; Power tools (barco-vibrator-mortar mixers-dynamite handlers-burner on dismantling work to be junked); Prime movers; Sand points	8.67	.40	.60		.035
GROUP 3 - Caissons, after 6' depth; Dynamite men; Tunnel miners	8.92	.40	.60		.035
MARBLE SETTERS	9.20		.50		
PAINTERS:					
Brush, rollers	8.77	.45	.60		.12
Spray; structural steel	9.02	.45	.60		.12
PLASTERERS	10.90				
PLUMBERS & STEAMFITTERS	10.31	.60	.60		.10
ROOFERS	11.20		.40		
SHEET METAL WORKERS	9.25	.45	.40		.10
SOFT FLOOR LAYERS	9.71	.45	.60		.04
SPRINKLER FITTERS	11.23	.60	.90		.08

DECISION NO. IA76-4172

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 9.20		.50		
TILE SETTERS	9.20		.50		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. IA76-4172

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plane, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Traw-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Hanna Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing 1 Paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Grosser, LeTourneaupull & similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used on conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machines, Slusher, Forklift (over 6000 lbs. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Roaster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachments, Dope Pot agitating motor), Hope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO. IA76-4172

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
GROUP 1	$ 6.35	.35	10.00p/w		
GROUP 2	6.55	.35	10.00p/w		
GROUP 3	6.75	.35	10.00p/w		
GROUP 4	6.95	.35	10.00p/w		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pallet type fork lift operator and driver on pilot trucks

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4-34E batches

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournatrailers, tournarockers, tractor-trailers, tandem A-frames, Tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics

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DECISION NO. IA76-4172

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.83	.45	.60		.04
CEMENT MASONS	8.77	.40	.60		
LABORERS:					
GROUP 1	8.42	.40	.60		.035
GROUP 2	8.67	.40	.60		.035
GROUP 3	8.92	.40	.60		.035

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Common laborers; Carpenter tenders; Rod and Chain Man; Flagman; Gravel Box Men, Dumpmen and spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber Material Checkers; Dispatchers; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets, Scalemen, Permanent, Portable or Temporary Plant; Deck Hand

GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer Operator; Mechanical tamper and air spade; Wagon and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when cleaning timber); Center strip; Reinforcing in concrete; Wire mesh; Concrete Saw; Mortar Mixer; Prime mover or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Men; Pipe setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line, Handling of materials treated with oil, creosote asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; The unloading and Laborers with steel workers and re-bars; Tunnel Helpers in free air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on sewer and water main; Gunnite Nozzleman; Welders, Cutters, Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coving Machine Operator; Head Grade Man

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Story (City of Ames and abutting municipalities

DECISION NO.: IA76-4173

DATE: Date of Publication

Supersedes Decision No. IA76-4062, dated February 27, 1976, in 41 FR 8691

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.20	.63	.685		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.04		.20		
CARPENTERS:					
Carpenters; Piledrivermen	9.20		.15		
Millwrights	9.55		.15		
CEMENT MASONS	9.93				
ELECTRICIANS	11.02	.40	1%+.60		1%
ELEVATOR CONSTR ~S	10.31	.545	.35	1&+a	.02
ELEVATOR CONSTRU ~S' HELPERS	70%JR	.545	.35	1&+a	.02
ELEVATOR CONSTRU ~S' HELPERS (PROB.)	50%JR				
GLAZIERS	8.81	.45	.25	4.35%	.005
IRONWORKERS	9.525	.40	.745		.025
LABORERS:					
GROUP 1 - Common laborers	7.21	.30	.05		
GROUP 2 - Mortar, plaster & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete	7.36	.30	.05		
GROUP 3 - Plasterers' tenders	7.41	.30	.05		
GROUP 4 - Concrete saw man	7.46	.30	.05		
GROUP 5 - Sandblaster	7.56	.30	.05		
GROUP 6 - Digging of or work within a shaft entering into natural underground cavities or caverns and work within the said shaft or caverns	7.71	.30	.05		
LATHERS	9.975				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Linemen; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	b	1/2%

DECISION NO. IA76-4173

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
GROUP 3 - Groundman; Truck driver (with winch)	$ 5.86	.35	1%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.00	.35	1%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	b	1/2%
PAINTERS:					
GROUP 1 - Brush; Roller; Dry-wall finisher	9.61		.20		.03
GROUP 2 - Paperhangers	9.86		.20		.03
GROUP 3 - Spray; Structural steel; Sandblasting	10.11		.20		.03
GROUP 4 - Work over 100 ft.; Stack	10.71		.20		.03
PLASTERERS	9.975				
PLUMBERS & STEAMFITTERS	10.65	.55	.75		.10
ROOFERS	8.93		.35		
SHEET METAL WORKERS	10.33	.50	.60		.07
SOFT FLOOR LAYERS	9.035	.30	.50		.04
SPRINKLER FITTERS	11.23	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE

a - Employer contributes 4% of the basic hourly rate for 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Six Paid Holidays A thru F

b - Seven Paid Holidays A thru G

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO. IA76-4173

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Econombiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ tons); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chipoers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

DECISION NO. IA76-4173

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzlemen; Diamond and core drills, powered by air; All work performed by Laborers working from a bos'n chair, swing stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Box tenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade checkers and cutting torches on demolition work

GROUP 3 - Powder buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser of stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammers, paving breakers, spaders, tampers, electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodman; Tending to carpenters; Hot asphalt labor

DECISION NO. IA76-4173

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paving or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc; Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Webster (City of Fort Dodge)
DECISION NO.: IA76-4174 DATE: Date of Publication
Supersedes Decision No. IA76-4063, dated February 27, 1976, in 41 FR 8694
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.20	.63	.685		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	8.97		.20		.01
CARPENTERS:					
Carpenters; Piledrivermen	8.50				
Millwrights	8.75				
CEMENT MASONS	6.50				
ELECTRICIANS	9.80	.40	1%		1%
ELEVATOR CONSTRUCTORS	10.31	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	9.525	.40	.745		.025
LABORERS:					
GROUP 1 - Common laborers	4.85				
GROUP 2 - Machine & air tool operators	5.10				
GROUP 3 - Mortar mixers	5.05				
LATHERS	9.975				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	5.86	.35	1%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.00	.35	1%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	b	1/2%

DECISION NO. IA76-4174

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush; Drywall finishers; Rollers	$ 5.45				
GROUP 2 - Paperhangers	5.70				
GROUP 3 - Spray	5.95				
PLUMBERS & STEAMFITTERS	10.65	.55	.75		.10
ROOFERS	6.05				
SPRINKLER FITTERS	11.23	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE
a - Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Six Paid Holidays A thru F

b - Seven Paid Holidays A thru G

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

NOTICES

DECISION NO. IA76-4174

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.56	.50	.50		.05
GROUP 2	9.435	.50	.50		.05
GROUP 3	8.59	.50	.50		.05
GROUP 4	8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)
GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant Mixers; Farm type Tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard & over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)
GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloader (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machines under 8"
GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

DECISION NO. IA76-4174

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN	$ 6.25	.31			
CEMENT MASONS	6.90				
LABORERS:					
Group 1	5.15	.30	.10		
Group 2	4.90	.30	.10		
Group 3	4.65	.30	.10		
Group 4	4.50	.30	.10		
Group 5	4.40	.30	.10		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powderman and blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; All work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block and tackle; Drill operators of air track, wagon drills and similar drills
GROUP 2 - Tree climber; Form setters; Rakers; Roxtenders; Asphalt curb machines; Formen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12 ft.; Grade checker and cutting torches on demolition work
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouter; Automatic concrete power curbing machines; Stressor or stretcherman on post-tension or pre-stressed concrete on or off the job; Powdermen helpers
GROUP 4 - Form tamper; Air, gas and electric tool operators; vibrator, berco hammer, paving breaker, spader, tamper, electric drills, hammer and jack hammer; Tree groundman; Chuck tender; Drill helpers, tool room man and checker; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work
GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

NOTICES

DECISION NO. IA76-4174

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	5.84	.35			

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-propelled Curb Machine

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Heiss Loader or similar machine; Tractor pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-propelled Vibrator Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper;or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pump on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury (City of Sioux City and abutting municipalities)

DECISION NO.: IA76-4175 DATE: Date of Publication

Supersedes Decision No. IA76-4064, dated February 27, 1976, in 41 FR 8697

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.84	.50	.75		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.06		.20		.01
CARPENTERS:					
Carpenters; Piledrivermen	7.00	.30	.25		.01
Millwrights	7.30	.30	.25		.01
CEMENT MASONS	8.255				
ELECTRICIANS	10.56	.40	1%		1%
ELEVATOR CONSTRUCTORS	8.84	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.95				
IRONWORKERS	9.31	.50	.30		.045
LABORERS:					
GROUP 1 - Common laborers	6.835	.62	.275	.25	
GROUP 2 - Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concrete saw; Gunnite nozzle; Chain saw; Wrecking torch; Sandpot and blasting	6.985	.62	.275	.25	
LATHERS	8.50				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.75	.35	1%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	5.69	.35	1%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	5.86	.35	1%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machine, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	7.00	.35	1%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	4.81	.35	1%	b	1/2%
MARBLE SETTERS	10.06		.20		.01

DECISION NO. IA76-4175

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:	$ 8.25	.65	.45		
GROUP 1 - Brush					
GROUP 2 - Spray; All swing work; All work higher than 40 ft. - scaffolds, jacks, ladders, etc.; Pressure roller, sandblasting; Structural steel over 25 ft.	8.75	.65	.45		
PLASTERERS	8.50				
PLUMBERS & STEAMFITTERS	9.32	.74	.55		.10
ROOFERS:					
Roofers	8.06				
Kettlemen	7.82				
SHEET METAL WORKERS	8.62	.35	.25		
SPRINKLER FITTERS	11.23	.60	.90		.08
TERRAZZO WORKERS	10.06		.20		.01
TILE SETTERS	7.20				
TRUCK DRIVERS	5.49	.37	.20		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE

a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit; Six Paid Holidays A thru F

b - Seven Paid Holidays A thru G

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

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DECISION NO. IA76-4175

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.085	.50	.50		.05
GROUP 2	8.955	.50	.50		.05
GROUP 3	8.115	.50	.50		.05
GROUP 4	7.79	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)
GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixer; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomsco, C-450 or equal)
GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8'
GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster

DECISION NUMBER: NE76-4178 DATE: Date of Publication

Supersedes Decision No. NE75-4157 dated September 12, 1975 in 41 FR 42502
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$6.50				
CARPENTERS	5.59				
CEMENT MASONS	6.18				
DRYWALL FINISHERS	5.20				
ELECTRICIANS	6.80				
IRONWORKERS, Structural	5.00				
LABORERS:					
Common Laborers	4.15				
LATHERS	5.45				
PAINTERS, Brush	5.30				
PLUMBERS	8.45				
ROOFERS	5.00				
SHEET METAL WORKERS	6.25				
TRUCK DRIVERS	3.75				
POWER EQUIPMENT OPERATORS:					
Air Compressor	4.75				
Bulldozers	6.00				
Backhoe Operators	4.75				
Motor Graders	4.88				
Rollers	4.25				
Scrapers	5.00				
Tractors	4.75				
Trenching Machine Operators	4.75				

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SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bosque, Freestone, Hill, Limestone, McLennan & Navarro

DECISION NO.: TX76-4161

DATE: Date of Publication

Supersedes Decision No. TX76-4113, dated July 16, 1976, in 41 FR 29597.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.50				
CARPENTERS	5.75				
CEMENT MASONS	5.63				
ELECTRICIANS	4.31				
IRONWORKERS	5.515	.15	.30		.02
LABORERS	3.00				
PAINTERS, BRUSH	4.50				
PLUMBERS & PIPEFITTERS	6.00				
ROOFERS	4.00				
SHEET METAL WORKERS	4.25				
TILE SETTERS	5.00				
TRUCK DRIVERS	2.88				
POWER EQUIPMENT OPERATORS:					
Front end loaders	3.95				
Motor graders	3.95				

DECISION NO. TX76-4161

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.00				
Asphalt Heaterman	3.25				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.15				
Carpenter	4.10				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.30				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.35				
Form Setter (Paving and Curb)	3.85				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.45				
Mechanic Helper	3.65				
Oiler	3.65				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer	3.50				
Pipelayer Helper	3.25				
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	2.75				
Sign Erector	3.25				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.85				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.15				
Bulldozer, 150 HP and Less	3.75				

DECISION NO. TX76-4161

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Bulldozer, over 150 HP	$ 4.00				
Concrete Paving Curing Machine	3.50				
Concrete Paving Saw	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over	4.25				
Crusher or Screening Plant Op.	4.00				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	5.35				
Foundation Drill Operator Helper	3.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Op., Fine Grade	5.00				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25				
Roller, Pneumatic (Self-Propelled)	3.20				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP & Less	2.75				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.60				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60				
Truck Drivers:					
Single Axle, Light	3.15				
Lowboy-Float	3.35				
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Welder	4.35				
Welder Helper	3.25				

[FR Doc.76-30085 Filed 10-14-76;8:45 am]

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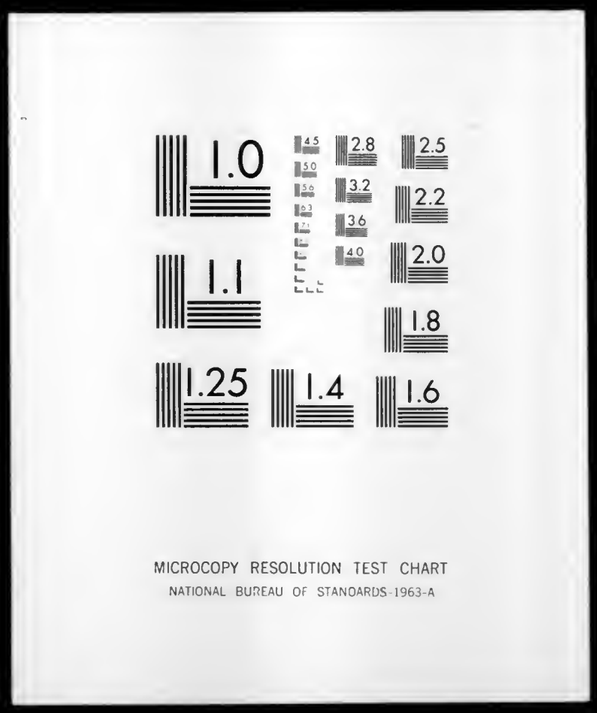
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RESOLUTION CHART



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.